

IN BOARD OF SELECTMEN
MONDAY, NOVEMBER 29, 1976

Present: Chairman William F. Toomey, John C. Powers, and Ira M. Potell

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:30 p.m. by Chairman William F. Toomey.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular and executive sessions of November 22, 1976.

Annual License Renewals

Present: Building Inspector Francis E. White

The Board, at its meeting on November 22, 1976, voted to defer consideration of issuing renewal licenses to the below-named establishments until receipt of additional information relative to compliance with inspection reports from the Building Inspector, dated November 9, 1976, from the Fire Chief, dated November 15, 1976, and from the Director of the Board of Health, dated November 19, 1976;

The Sudbury House
J.T. Steak House

The Package Store
Ephraim's Restaurant

Executive Secretary Richard E. Thompson now reported that G.L.c138, §16A provides for automatic renewal for the next annual license period upon application by the holder during the month of November, upon payment of fee, and that applications not renewed between November 1 and November 30 must be processed as a new license application and would require advertising and a hearing.

Mr. Thompson reported that he had today spoken with the managers of the above-referenced establishments, with the following results:

The Sudbury House - All would be in order for a reinspection within a week. Building Inspector Francis E. White stated that he would inspect the premises on Monday, December 6.

After further discussion, on the recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To renew the All Alcoholic Restaurant License, the Common Victualler License, and the Weekday Entertainment License for the Sudbury House and to forward the appropriate renewal forms to the Alcoholic Beverages Control Commission for approval; said license to be held until payment of fees as required and subject to completion of all work identified by the Building Inspector, the Fire Chief, and the Director of the Board of Health in their above-referenced communications, as confirmed by those department heads and incorporated into a report by the Executive Secretary, with actual issuance after a final Board review.

The Package Store - Mr. Thompson reported that the manager of The Package Store had informed him that that establishment had been closed since August for renovations which had not proceeded because of the costs of materials. Mr. Thompson reported that the materials should be received this week to allow the renovations to be made. Mr. Thompson further reported that the manager had indicated his wish to expand his operation at some future time if the necessary approvals were given. Mr. Thompson also reported that no package store beverages have been sold from the adjacent restaurant, and that it would be his recommendation that the license be renewed subject to the completion of renovations within a reasonable length of time and the reopening of the store to the public.

Selectman Powers spoke in support of the effort the manager has put in, but after further discussion, it was on motion unanimously

VOTED: Not to renew the Wines and Malt Beverages Package Store License for The Package Store;

and it was further

VOTED: To schedule a hearing on the above-referenced license on December 20, 1976, at which time the manager will be asked his future plans for his establishment.

J. T. Steak House - The Executive Secretary recommended that a hearing be scheduled on December 20, 1976 relative to interior changes involving the relocation of the bar now under construction at J. T. Steak House.

After discussion, it was on motion unanimously

VOTED: Not to review the All Alcoholic Restaurant License or Common Victualler License for J. T. Steak House;

and it was further

VOTED: To schedule a hearing on the above-referenced license on December 20, 1976.

Ephraim's - The Executive Secretary reported that Ephraim's, located in the Village Green Shopping Center, is still under construction and not yet ready for inspection.

After discussion, it was on motion unanimously

VOTED: To take no action on the application of Donald Wagoner, President, Todd-Wagoner Corporation for a Common Victualler's License, and Weekday Entertainment License.

The Executive Secretary suggested that spot inspections during the year might help to reduce the incidence of violations found during the annual inspections made by the Fire Chief, the Building Inspector, and the Board of Health.

Selectman Powers suggested that it might also be helpful if the yearly inspections were done in October rather than November.

1977 Used Car Licenses - Renewals

After review of inspection reports from the Building Inspector, dated November 29, 1976, and the Fire Chief, dated November 26, 1976, it was on motion unanimously

VOTED: To issue the following renewal Class II licenses, subject to payment of fees as required:

Colonial Auto of Sudbury, Inc.
Station Road Auto Body, Inc.

It was further

VOTED: To approve and issue the following renewal Class III licenses, subject to payment of fees as required:

Mosher Auto Body, Inc.
Robert E. Lohnes

1977 Non-Monied Annual Town Meeting Articles

Executive Secretary Richard E. Thompson reported that some time ago he had forwarded copies of two possible articles to the Planning Board for their consideration for inclusion in the Annual Town Meeting Warrant on the subjects of 1) a bylaw limiting the number of non-related people living in a residential building, and 2) transportation districts.

Mr. Thompson reported that the Board had received the Planning Board's response dated November 20, 1976, which stated that that Board had voted unanimously to take no action on the items.

Resignation - Personnel Board

The Board received a communication dated November 17, 1976 from George E. Distler, who tendered his resignation from the Personnel Board.

After discussion, it was on motion by Selectman Powers

VOTED: To accept the resignation, effective November 26, 1976, of George E. Distler with deep regret and to direct the Executive Secretary to acknowledge Mr. Distler's communication, expressing the Board's appreciation for his years of service to the Town.

Appointment - Special Constable

In response to a request dated November 24, 1976 from Police Chief Nicholas Lombardi, it was on motion unanimously

VOTED: To appoint Richard E. Hession, 3 Whitelock Drive, Marlboro, as Special Constable, non-paid, for a term to expire on April 30, 1976.

Anti-Recession Fiscal Assistance Payment

Executive Secretary Richard E. Thompson reported that in accordance with the provisions of Title II of the Public Works Employment Act of 1976, the Town had received from the Department of the Treasury its share of Anti-Recession Fiscal Assistance for the calendar quarters beginning July 1, in the amount of \$12,218, and October 1, in the amount of \$7,617.

Mr. Thompson reported that the payment would vary according to national and local unemployment rates and must be spent in accordance with State and local laws and procedures relating to the expenditure of the Town's tax revenues.

Chapter 198 Funds - Hosmer House Terrace

Selectman Powers, Chairman of the Revolutionary War Bicentennial Committee, reported that the Selectmen, on October 22, 1976, had authorized an expenditure up to \$500 from the Chapter 198 account to provide plan specifications and cost estimates for that Committee's proposed treatment of the terrace area of the Hosmer House for multiple purpose functions and restoration.

Selectman Powers displayed a plan of "Harmony Garden" dated November 29, 1976 drawn by Robert R. Dion Associates, Inc., which showed the proposed treatment of the terrace area and restoration of the formal gardens and their relationship to the original plan of Heritage Park, as drawn by Ron Boucher Assoc. in November 1973, which was also displayed.

Selectman Powers stated that the existing terrace would be reconstructed and a second terrace, immediately adjacent to the existing one, would be constructed approximately 6" - 12" above ground level. Selectman Powers stated that this second terrace would lead into the garden as originally conceived by Ron Boucher. Selectman Powers stated that the cost estimate for this project was \$6500.

Chairman Toomey stated that, in his opinion, the project would be considered a structure and therefore need the approval of the Historic Districts Commission, and he expressed his concern with the time factor involved in receiving the necessary Historic Districts Commission approval, the preparation of bid specifications, and a commitment of the money at the time of bid award before December 31, 1976, at which time the balance of the Chapter 198 funds would revert to the General Fund.

Selectman Potell questioned the proposed plan as being in possible conflict with the original agreement with Miss Hosmer relative to the use of the property.

Selectman Powers stated that at this time Miss Mosmer has a life agreement, that Miss Hosmer is totally in agreement with the Heritage Park plans, and that the proposed plan is, in his opinion, totally consistent with the agreement.

Selectman Powers stated that the \$6500 figure includes the reconstruction of the existing terrace and the construction of the second terrace, the replacement of the existing rotted sill area, and the installation of power ducts and light.

Chief Frost, speaking as a member of the Revolutionary War Bicentennial Committee, expressed his support of the proposal and his hope that the Selectmen would act favorably on the plan so that it could go before the Historic Districts Commission.

Mrs. Patricia Hersey, coordinator of the Bicentennial activities, commented that she would hope those present would remember the spirit of the Townspeople during the spring and summer celebrations, without which the Ball would not have been as successful or the profits realized. Mrs. Hersey stated that, in her opinion, a debt was owed to the workers and the Townspeople who participated in that success and that the proposed multi-use terrace would be a fitting use for these funds.

Mrs. Marilyn MacLean, Chairman of the 1976 Bicentennial Ball, and Mr. Frank Grinnell also spoke in support of the proposal.

Finance Committee member Alan Grathwohl, referring to that Committee's letter to the Board, dated November 19, 1976, stated that the Finance Committee was of the opinion that the proposal was not an appropriate use for the money.

Selectman Powers stated that if the terrace proposal were to be approved by the Board, subject to the approval of the Historic Districts Commission's action, any change or alteration which might be suggested by that Commission which would indicate that it would be impossible to have a contract by December 31 would be immediately reported to the Board. Selectman Powers stated that, in his opinion, the Commission can meet for a decision in sufficient time, should they approve, to allow a contract to be put out to bid and a bid accepted by December 31. Selectman Powers stated that, although he could not speak for the Commission, it did not usually disapprove of projects, but offered alternative suggestions.

After further discussion, it was on motion by Selectman Powers

VOTED: To approve the project as shown on the plan drawn by Robert R. Dion Associates for an amount not to exceed \$6500 and to authorize the plan to be presented to the Historic Districts Commission. It is understood that if any changes or alterations are suggested which would indicate that it would be impossible to have this proposal contracted by December 31, it will be immediately reported to the Board.

(Chairman Toomey and Selectman Powers in favor; Selectman Potell opposed)

Selectman Potell suggested that, in the event that the project is not approved by the Historic Districts Commission, an alternative project should be ready for which these Chapter 198 funds could be used so that they will not revert to the General Fund. Selectman Potell suggested curbing for the Town Common.

In this regard, Chairman Toomey requested the Executive Secretary to obtain from the Town Engineer cost estimates for a plaque and granite curbing for the Town Common.

Site Plan Application #76-176 - Dowitt Realty Trust, 694-698 Boston Post Road
(99 Restaurant)

Present: Francis E. White, Building Inspector/Zoning Enforcement Agent; Paul Whitney, President, 99 Restaurants, applicant

In accordance with Article IX, Section V, Paragraph A of the Town Bylaws, the Board considered the site plan application of Dowitt Realty Trust for property located at 694-698 Boston Post Road (99 Restaurant).

Executive Secretary Richard E. Thompson reported that appropriate Town officials and abutters had been notified of tonight's meeting and that the following reports had been received: from the Building Inspector/Zoning Enforcement Agent, dated November 2, 1976, who recommended approval, subject to the granting of a permit from the Board of Appeals; from the Conservation Commission dated November 10, 1976, which recommended approval; from the Planning Board, which recommended approval provided that the work indicated on the plan be completed in one year and suggested that any future site plan indicate disposal of roof water and surface run-off by underground piping and from the Board of Health, dated November 22, which recommended disapproval of the plan because the proposed forty-seat function room was not considered in the

design of the existing septic system and, in the opinion of that Board, if the seating capacity increased above the present figure of 140, the owner of the premises should be required to expand the sewage system.

Mr. Thompson stated that a hearing before the Board of Appeals has been scheduled for Tuesday, December 7, 1976.

Building Inspector/Zoning Enforcement Agent Francis E. White and Mr. Paul Whitney, applicant, presented and described the proposed plan.

After discussion, during which Mr. Whitney agreed to the conditions set forth in the Board of Health's November 22, 1976 letter, it was on motion by Selectman Potell unanimously

VOTED: To approve the site plan of Dowitt Realty Trust, dated August 10, 1976, for property located at 694-698 Boston Post Road (99 Restaurant), subject to final approval by the Board of Health, the Department of Environmental Quality Engineering, and the Board of Appeals.

At 8:30 p.m. Chairman Toomey recessed the meeting for a period of five minutes.

Cemetery Study Committee - Cemetery Rules and Regulations

Present: Reverend Homer A. Goddard, Chairman, Reverend Stanley G. Russell, Father Joseph Gough, W. James Hodder, Marilyn A. MacLean, L. Rose Ellis, Ralph Barton, Rabbi Lawrence Kushner, Norman L. Pollock, M.D., Reverend Richard Spierling, and Frank Dowling of the Cemetery Study Committee; John Cutting, Nancy Blecher, Bailey Barron, Daniel and Barbara Bortle, Frank Grinnell, Finance Committee member Alan Grathwohl, Highway Surveyor/Superintendent of Cemeteries Robert A. Noyes, and approximately 10 other interested citizens

Members of the Cemetery Study Committee and Highway Surveyor/Superintendent of Cemeteries Robert A. Noyes met with the Board to review the Committee's proposed Cemetery Rules and Regulations dated November 17, 1976, and to continue discussion of their request (set forth in communications to the Board dated November 2, 1976 and November 17, 1976), in order that the religious needs of the Jewish residents of Sudbury be met, that the Board of Selectmen give the first consideration to members of the Jewish community of Sudbury to buy land contiguous to Section 11 when that land becomes available. The Committee's November 17 letter also set forth the Committee's strong recommendation that this request not be taken to Town Meeting.

Reverend Goddard stated that last August the Jewish community had found that they could not bury people within the Town in accordance with their religious needs and had requested permission from the Selectmen, at that time, to buy undeveloped land for this purpose, and that this request had been a factor in the creation of the Cemetery Study Committee for the drafting of cemetery rules and regulations.

Selectman Powers stated that there has been no instance in which the Town has denied any person a right to burial in a Town cemetery with the tenets of his faith.

Reverend Goddard reported that it had been a unanimous vote of the Sudbury Cemetery Study Committee to submit to the Selectmen its recommendation that the Board give first consideration to members of the Jewish community of Sudbury to buy land contiguous to Section 11 when that land becomes available in order that their religious needs be met. Reverend Goddard stated that the Committee had also voted unanimously that this request not be taken to Town Meeting, but be treated apart from the cemetery rules and regulations.

Mrs. L. Rose Ellis stated that, in her opinion, she did not understand that the recommendation not to take the request to Town Meeting had been voted upon and that she had voiced her opposition to the recommendation at that time, as she felt very strongly that the Townspeople should have a voice in this decision.

In response to Selectman Potell's question, Mr. Noyes stated that his present budget allows for the development of Section 12 in the New Town Cemetery during the 1977 fiscal year, with the remaining contiguous sections to be developed at a later time.

Selectman Powers referred to Section III, Paragraph 1 of the proposed rules and regulations, which states, "The Selectmen shall from time to time designate which burial lots are available for sale in public cemeteries.", and he asked whether the Committee would object to amending that section by adding a clarifying sentence to read, "No undeveloped lot shall be sold in any part of the cemetery." Selectman Powers stated that, in his opinion, such an addition would be consistent with good cemetery management and would appear to reflect the opinion of the Committee.

Dr. Pollock expressed his opinion that such an amendment would be redundant.

Town Counsel commented that the proposed amendment might bind a future board, prohibiting it from developing its own land.

Selectman Potell stated that he had no objection in granting the Committee's request, and he suggested that the contiguous sections be delineated by number. Selectman Potell expressed his opinion that this request should not go to Town Meeting, but should be handled as a matter of good faith.

Selectman Powers stated that he was aware that the request was a sensitive matter, but, in his opinion, the Board could not act on a gentlemen's agreement, that the request was a matter reserved for Town Meeting and that the Board of Selectmen has no authority to make rules and regulations or to enter into a gentlemen's agreement dealing with rules and regulations of the cemetery. Selectman Powers stated that to enter into a gentlemen's agreement on this matter would be to develop a double standard.

Selectman Powers expressed his opinion that to propose a series of rules and regulations which would segregate a portion of the public cemetery for members of one faith only would be unconstitutional and that the first amendment to the Constitution prohibits the Congress or a state or a town or a board of selectmen

from any such action. Selectman Powers expressed his opinion that this matter is not an area in which equal rights can be given to all churches, but one in which no rights can be given to any church - an area from which government action is totally excluded. Selectman Powers stated that, in his opinion, the Town could try to persuade people not to go into a reserved area, but the minute that one person insisted on purchasing such a lot and the purchase was denied, the denial of his right to purchase, solely on the basis of his not belonging to a particular religious faith, would violate the Constitution. Selectman Powers further stated that this constitutional problem has been supported by such well-known conservatives as Earl Warren, William O. Douglas, Felix Frankfurter, James Madison, and Thomas Jefferson.

Reverend Goddard stated that the Committee did not represent any one point of view and its members in no way believed that this proposal created a double standard. Reverend Goddard expressed his opinion that it must be recognized that "fair" means that no one can be excluded, and, if this proposal is not approved, it would seem that exclusions have been made. Reverend Goddard stated that the Committee had obtained opinions from the American Civil Liberties Union and a second organization, which were in agreement that if the lots were bought by individuals rather than by a church organization, it would lessen the constitutionality question and the separation of Church and State would be retained.

Reverend Russell stated that he had raised the constitutional issue in one of the Committee's first meetings, as he was concerned about that issue and also the human need at the time of death. Reverend Russell stated that the Committee had discussed options to buy for inclusion in the regulations and that, in the Committee's opinion, if the land could be purchased at this time, even though not developed, there would be no problem because of the ability to trade lots. Reverend Russell stated that the Committee was also of the opinion that, if the option to buy were not possible, it would become necessary to have the bylaws reflect the hope for a gentlemen's agreement.

Reverend Russell suggested that either the undeveloped land itself or an option to buy the undeveloped land when it becomes available be sold at this time. Reverend Russell further stated that the Committee would not object to including in the regulations a stipulation that the undeveloped land could not be sold, even though redundant.

In response to Chairman Toomey's question, Rabbi Kushner stated that there were approximately 300 Jewish families in the Town and that four or five deaths have occurred during the last six years, with three of the people buried in cemeteries in larger communities. Rabbi Kushner commented that the Jewish community in Sudbury is very young and does not represent the normal death rate.

In response to the Board's question, Mr. Noyes stated that there were 1020 developed grave sites, 1128 undeveloped grave sites, and approximately 35 interments per year.

Chairman Toomey questioned whether to set aside these areas would be fair to the non-Jewish residents of the Town.

Dr. Pollock stated that the Committee was only asking the Board to set aside forty-eight additional lots, which in addition to the sixteen presently owned would allow them a total of 256 grave sites (sixteen lots per section, four sites per lot).

Selectman Powers again stated that, in terms of the constitutionality of this question, the Constitution precludes resolution of the question by a quota system and that the matter is an area in which government cannot recognize a particular religion or all religions.

Reverend Russell stated that, as the individual families have expressed their interest in buying lots at this time, if available, to give the Jewish community first consideration when the land does become available would not seem unfair, although he would prefer to see it accomplished through an agreement to sell, at this time, undeveloped land or options to buy undeveloped land when available. Reverend Russell further commented that in terms of fairness, except for those plots already owned, there are no places in Sudbury where the Jewish residents can be buried according to their faith.

Selectman Powers again expressed his opinion that to set aside certain sections of the cemetery to any particular group would be unconstitutional because that special privilege could only be obtained by denying another resident a right to buy a lot in that area solely because of his religion.

Selectman Potell stated that, in his opinion, a decision on this matter should not be further delayed.

Finance Committee member Alan Grathwohl suggested that Mr. Noyes be authorized to apply for a transfer for the development of the contiguous sections at this time, and he asked Mr. Noyes for a cost estimate.

Mr. Noyes responded that he could not supply a cost estimate for this project at this time.

The Board expressed its strong opinion or opposition that the reserve fund should not be used in this manner.

Selectman Powers expressed his surprise that a member of the Finance Committee would suggest a reserve fund transfer for this purpose, and he commented that the first proposal would deny the Town at Town Meeting a right to vote on the gentlemen's agreement and that the reserve fund transfer proposal would double the distortion by now denying the Town at Town Meeting a right to govern the appropriations for the development of the cemetery.

In response to the Committee's question as to what other alternative might be considered, Selectman Powers stated that he would again propose his earlier suggestion (set forth in his August 13, 1976 letter to the Board and later forwarded to the Committee after its creation) which suggested that the religious needs of the Jewish residents could also be met by the purchase of land by a particular group which could subsequently be accepted by the Town with the stipulation that it be reserved for that group, as provided by G.L. c114 §28.

Mr. Ralph Barton commented that to deny a man the right to buy a lot in any section of the cemetery would not "sit well with him". Mr. Barton expressed his opinion that not enough consideration had been given to a private cemetery for this particular need, and he suggested that there might be available land adjacent to the Town cemetery which could be bought for this purpose. Mr. Barton commented on experiences in other nearby towns, particularly in Maynard where originally private cemeteries adjoined and over the years had merged and their separateness disappeared.

Mrs. MacLean requested that the Board give the Committee further direction as to their charge.

Chairman Toomey responded that a recommendation from the Committee was needed regarding the purchase price for burial lots.

Selectman Potell moved that the Board, at the present time, allow the purchase of the four contiguous sections, with the understanding that they will not be used until the land is developed and that, if those lots are not purchased within a thirty-day period, they will be withdrawn from that status.

Selectman Powers seconded the motion for purpose of discussion and stated his objections to Selectman Potell's motion, as, in his opinion, the rules and regulations should go before the Town and no gentlemen's agreement should be made.

Chairman Toomey called for a vote on Selectman Potell's motion, and the motion failed.

It was then on motion by Chairman Toomey

VOTED: In order that the religious needs of the Jewish residents of Sudbury be met, the Board of Selectmen will give first consideration to members of the Jewish community of Sudbury to buy Sections 9, 10, 12, and 13 in the New Town Cemetery when that land becomes available.

(Chairman Toomey and Selectman Potell in favor; Selectman Powers opposed, stating that the Board of Selectmen had originally voted on this matter to put the entire matter of the rules and regulations before the Town Meeting in accordance with the law and this vote to enter into a gentlemen's agreement is a reversal of this policy, a violation of the law and a violation of the Constitution and the denial of the right of the Town Meeting.)

It was agreed that the Committee would meet with the Highway Surveyor/ Superintendent of Cemeteries to prepare a fee schedule and would again meet with the Board for its review.

The Executive Secretary stated that he had requested comments on the proposed cemetery rules and regulations from appropriate Town boards and had received a communication dated November 29, 1976 from Thomas French, Assistant to Town Counsel relative to suggested revisions.

On the recommendation of the Executive Secretary, it was on motion by Selectman Potell unanimously

VOTED: To accept the Cemetery Rules and Regulations, as presented, as a bookmark article, with the understanding that proposed revisions will be discussed with the Cemetery Study Committee before it is finalized, following review by Town Counsel, as an article in the Warrant for the 1977 Annual Town Meeting.

At 9:45 p.m., Chairman Toomey recessed the meeting for a period of five minutes.

Fire Alarm Maintenance Vehicle

Present: Fire Chief Josiah F. Frost

The Board, at its November 22, 1976 meeting, voted that the matter of the disposition of the fire alarm maintenance vehicle from the Town of Acton be referred to the Executive Secretary and the Fire Chief for a further report by November 29, 1976.

At the request of the Board, the Executive Secretary now read the Fire Chief's report dated November 24, 1976, in which he stated that the Town of Acton has transferred title of the vehicle to the Town of Sudbury, that the vehicle has been registered and insured, as of August 31, 1976, and that return of the equipment would mean the need for rental of similar equipment, at approximately \$100 per day for the cable installation which was earlier approved and funded by the Town.

The Fire Chief, in his letter, expressed his opinion relative to the absolute necessity of retaining this equipment. In this regard, he suggested that 1) the vehicle be maintained and kept in operation until a Special Town Meeting is called in which an article could be considered to request permission to use \$900 of the existing funds in Account #310-51, Equipment Purchase, for its purchase; or 2) provision be made in the 1977-78 budget for this purchase; 3) he personally purchase this equipment to lease to the Fire Department for a period of two years for the token payment of \$1.00 per year in return for its registration, insurance, and maintenance for the period of the lease and to enable his commitment regarding a mutual agreement with the Concord Fire Chief to be honored; or 4) to personally purchase the unit, registering and insuring it in his name and allow the Sudbury and Concord Fire Alarm Superintendents to borrow the vehicle as needed.

Selectman Powers stated that the Fire Chief's personal ownership of the vehicle would not be a workable solution, and Chairman Toomey and Selectman Potell were in agreement. Selectman Powers stated that he would only be interested in the Town's ownership of the vehicle through its purchase at a Special or 1977 Annual Town Meeting, and he further stated that he would not wish to see any repair bills associated with the vehicle until the Town could act on the matter.

Selectman Potell stated that he had not realized that the Town had need of rental equipment to install the fire alarm cable.

Fire Chief Frost stated that the costs of contract labor and rental equipment had been included in the budget request for the fire alarm cable.

In response to Chairman Toomey's question, the Fire Chief stated that there were sufficient funds in Account 310-51 for the purchase of this vehicle. The Fire Chief also stated that he would buy the vehicle if the Town did not.

Selectman Powers again stated that he would request that the Chief have no repair work done on the vehicle until ownership was established.

After further discussion, it was on motion by Selectman Powers unanimously

VOTED: To accept the Fire Chief's recommendation to keep the used 1966 G.M.C. fire alarm maintenance truck in operation until an article for its purchase can be placed in the warrant for a Special Town Meeting or the 1977 Annual Town Meeting, with the provision that, in the interim, any necessary work be kept to a minimum and that any charges or mutual agreements be suspended until the Town has voted on the matter.

Heritage Park - Historic Markers - Matching Funds

Selectman Powers reported that the Board had earlier received a communication dated June 29, 1976 from the Massachusetts Bicentennial Commission, announcing a matching Bicentennial grant of \$2319 under the Federally-funded Community Grants program to be used for historic markers in Heritage Park.

After discussion, it was on motion by Selectman Powers unanimously

VOTED: To approve and authorize payment from the Heritage Park account in the amount of \$500 for the services of E. Helene Sherman to design Heritage Park historic markers in accordance with the Federal Bicentennial application dated May 24, 1976.

Selectmen's Non-Monied Articles

After a review of the Selectmen's non-monied articles, it was on motion unanimously

VOTED: To include in the warrant for the 1977 Annual Town Meeting articles on the following subjects:

1. Hear Reports
2. Temporary Borrowing
3. Public Works Employment Act Funds
4. Special Act - Special Police
5. Accept General Laws, Chapter 41, §100I, Indemnification of Municipal Officers
6. Amend Bylaws, Article VI, Section 2, Enforcement
7. Amend Bylaws, Article IX, Section VI, D., Penalty
8. Amend Bylaws, Article V, Sections 11 and 12, Public Safety
9. Transfer Landham Road Bridge to DPW
10. Hudson Road Walkway - Penn Central Railroad Crossing
11. Old Lancaster Road Walkway - Penn Central Railroad Crossing
12. Amend Bylaws - Town Seal
13. Abolish Power and Light Committee
14. Establish Cemetery Rules and Regulations.

Chairman Toomey announced that reports on these articles would be reviewed and discussed at the Board's meeting on December 6, 1976.

Executive Session

At 10:20 p.m., following a unanimous vote, it was on motion further unanimously

VOTED: To enter into executive session for discussion of the reputation and character, physical condition or mental health rather than the professional competence of a single individual.

Chairman Toomey announced that the public meeting would not reconvene following the executive session.

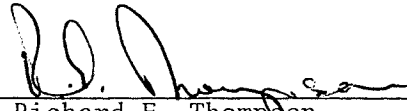
Metropolitan Area Planning Council

The Executive Secretary reported that the Board had received a Tentative Regional Report on Growth Policy from the Metropolitan Area Planning Council in response to its mandate under Chapter 807, in accordance with the Massachusetts Growth Policy Act of 1975.

There being no further business to come before the Board, it was on motion unanimously

VOTED: To adjourn the meeting at 10:45 p.m.

Attest:


Richard E. Thompson
Executive Secretary-Clerk