

IN BOARD OF SELECTMEN
MONDAY, OCTOBER 4, 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.

Jurors

Present: Town Clerk Betsey M. Powers

The Board drew the name of Richard J. Sudol, 4 Pine Street, to serve as juror at Cambridge Court commencing November 13, 1976.

Haskell Land Tennis Court Construction Bids

Executive Secretary Richard E. Thompson reported that he had been informed earlier this evening by Park and Recreation Commissioner Robert Grant that the Commission wished to meet with the Board at 10:00 p.m. relative to the bids for the Haskell Land tennis court construction.

Mr. Thompson reported that the Park and Recreation Commission had learned, upon opening the bids, that the \$30,000 Bureau of Outdoor Recreation grant was sufficient to allow construction of four courts rather than the three upon which the bid specifications had been based.

Mr. Thompson stated that it would be his recommendation that the Board reject all bids and that he be authorized to readvertise the bid for four courts. Mr. Thompson stated that he had contacted the Department of Housing and Development's area office and that that office had indicated no objection to this plan, but that it was necessary that a contract be signed by the beginning of November.

After a brief discussion, it was agreed to defer further consideration of the matter until 10:00 p.m.

Later in the evening, Commissioners Robert Grant and Pat Piscitelli arrived, and Mr. Grant reported that, during their earlier meeting just adjourned, the Commission had voted to reject the bids recently received for three courts and wished to rebid specifications for four courts.

The Executive Secretary reported that, as the contract was needed by November 1 and the asphalt plants close on November 15, there was need to proceed quickly. Mr. Thompson stated that the tennis court construction plans could be amended in two days by the Engineering Department and that the new notice could be prepared by his office tomorrow and submitted for advertising.

After further discussion, it was on motion unanimously

VOTED: To reject all bids for tennis court construction on the Haskell Land, it being deemed in the best interest of the Town to do so.

The Board authorized Mr. Thompson to readvertise the bid in accordance with his earlier recommendation.

Historic Districts Commission

The Executive Secretary reported that the candidate proposed for interview by the Board at this time for possible appointment to the Historic Districts Commission was unable to attend tonight's meeting.

First Parish - Harvest Fair - October 9, 1976

Present: Doris M. Hinlein

Mrs. Hinlein met with the Board relative to her letter dated September 29, 1976, requesting use of a small area of the Town Green as a starting point for a pony cart ride during the First Parish's Annual Harvest Fair on October 9.

The route of the ride was discussed and agreed upon, after which it was on motion unanimously

VOTED: To close off the driveway in front of the Town Hall at its entrances from Old Sudbury Road and the short road which bounds the easterly side of the Town Common on Saturday, October 9, between 10:00 a.m. - 3:00 p.m.;

and it was further

VOTED: To grant permission to the First Parish of Sudbury to use the driveway described in the vote above as the starting point for pony cart rides during its Harvest Fair on Saturday, October 9, 1976, from approximately 10:00 a.m. - 3:00 p.m., as described in Mrs. Hinlein's request dated September 29, 1976.

Transfer Request -- Fire Department Maintenance

Present: Fire Chief Josiah Frost; Alan Grathwohl, member, Finance Committee

Fire Chief Frost met with the Board relative to his request for a Reserve Fund transfer to Account 310-31, Fire Department Maintenance, to repower and repair or replace certain parts of Engine #2 which is no longer operable.

The Board reviewed Chief Frost's report dated September 21, 1976 in support of the transfer and related reports from Tuck's Truck Sales, Inc., dated September 1, 1976; Edward J. Murphy, dated September 1, 1976; Kenneth Hanson, Mechanic, Framingham Fire Department; dated September 13, 1976; and Robert G. Robinson, Firefighter-Mechanic, Concord Fire Department, dated September 14, 1976 relative to their findings as to the extent of necessary repairs and their recommendations.

A lengthy discussion followed concerning all possible alternatives for repair or replacement of the present engine, including the possibility that only minimal repair of the engine be done at the present time to allow the request for its replacement to be delayed until the Annual Town Meeting.

Chief Frost estimated that minimal repairs would cost \$5,000-\$6,000, with no guaranty as to how long repairs of this type would last.

Chairman Toomey stated that it would appear that it was necessary that the engine be repowered or repaired at this time, but stated that his decision to support the transfer was reached with anguish.

Alan Grathwohl, a member of the Finance Committee, stated that he would like to express the Finance Committee's anguish that so great a portion of the Reserve Fund has been transferred to the Fire Department during the last year and that Committee's wish that the money could be appropriated at the next Special or Annual Town Meeting.

After further discussion, it was on motion unanimously

VOTED: To approve a request (#0698) in the amount of \$11,000 from the Reserve Fund to Account 310-31, Fire Department Maintenance, to repower and repair or replace certain parts of the Fire Department's Engine #2, a 1961 750 g.p.m.F.W.D. pumper.

Transfer Request - Civil Defense

Present: Chief Josiah Frost, Civil Defense Director

Chief Frost, Civil Defense Director, met with the Board relative to his request for a transfer to Account 390-21, Civil Defense, for the purpose of acquiring radio equipment necessary to fulfill Civil Defense's obligations and effectiveness in the times of natural disaster and to enhance the office's application for Federal P and A funds.

Chairman Toomey stated that the Board had reviewed Chief Frost's September 22, 1976 letter in support of the transfer request, which stated that Sudbury was without radio communication with the State Office of Emergency Preparedness in Framingham.

Chairman Toomey asked if radio contact could be established by sending a radio-equipped car to that Office, with which the Town could then be in communication.

Chief Frost stated that communication could be established in this way, but that he, as Civil Defense Director, is unable to use Civil Defense procedures to contact Waltham and Framingham.

Selectman Powers stated that he would be happy to support a budget line item for this purpose at the Annual Town Meeting.

After further discussion, it was on motion unanimously

VOTED: To deny Reserve Fund Transfer Request #0699.

Utility Petition #76-52, Boston Post Road (Wayside Inn Area)

Present: Andrew J. Lane, Developer

The Board, at its meeting on September 20, 1976, unanimously voted to deny Utility Petition #76-52 due to the negative recommendations of the Wiring Inspector and the Power and Light Committee and the fact that the petition was found to be unacceptable for aesthetic reasons and, in the opinion of the Board, a feasible alternate was possible.

Executive Secretary Richard E. Thompson now stated that the Board had received a report dated October 1, 1976 from Francis White, Wiring Inspector, relative to the September 28, 1976 on-site meeting of representatives from Boston Edison and New England Telephone and Telegraph, Andrew J. Lane, developer, W. Burgess Warren of the Historic Districts Commission, the Town Engineer and the Wiring Inspector, at which it was suggested by Boston Edison that the Town could supply the cost of excavation and backfilling of trenches in the Boston Post Road right-of-way, in which Boston Edison would install wires, and that the developer would bear the cost of all work on his property. Mr. White's report stated that acceptance of this proposal would require a transfer of money not of an emergency nature.

Mr. Thompson stated that Boston Edison wished the consensus of the Board regarding their proposal.

Chairman Toomey stated that the Board was opposed to the suggestion.

Mr. Lane reported that he had been informed by Boston Edison that any extension of underground service would have to be at his expense. Mr. Lane further reported that a proposal to cut a swath for the poles through the wooded area had been discussed as well as the random placement of poles anywhere from five to thirty-five feet from the road into the treed area, which would require some topping of trees and clipping of branches, but no swath.

Mr. Thompson reported that Mr. White had proposed a random positioning of the poles to Mr. Roth.

Selectman Powers stated that if the poles were out of sight, there would be no problem.

Mr. Thompson reported that one pole would be visible in the area of Bowditch Road.

Selectman Powers suggest that Boston Edison devise an engineering plan to accompany their next petition, and the Executive Secretary was requested to so inform Mr. Roth.

Hearing - Application for a Motor Vehicle Junk License - Class III, Herbert J. Segien, President, Mosher Auto Body, Inc., 34 Station Road

Present: Herbert J. Segien, applicant

In accordance with the provisions of Chapter 140 of the General Laws, as amended, the Board considered the application of Herbert J. Segien for a license to buy, sell, exchange, or assemble second-hand motor vehicles or parts thereof at Mosher Auto Body, Inc., 34 Station Road.

Executive Secretary Richard E. Thompson stated that all appropriate Town departments and abutters had been notified of tonight's hearing and that the following reports had been received: from the Police Chief, dated September 22, 1976; from the Fire Chief, dated September 21, 1976; and from the Building Inspector, dated October 1, 1976, each of whom indicated no objection to the issuance of the license.

Mr. Thompson stated that the Building Inspector had, however, indicated that the applicant should be notified that site plan approval will be required because a new business will be established, and he suggested that the applicant meet with the Building Inspector and Town Counsel for further discussion on this subject.

Mr. Segien stated that he disposes of vehicles as part of his business and for this reason had applied for the license. Mr. Segien further stated that, on occasion, he buys and sells second-hand motor vehicles.

Chairman Toomey asked Mr. Segien how many vehicles he might have for sale, and Mr. Segien responded that he has no plans in this regard, but did occasionally have one to sell.

Chairman Toomey stated that he wished the applicant to understand what the license provides, and he asked Mr. Segien if he would agree to a week's delay in the issuance of this license to allow him to discuss the matter as suggested by Mr. White. Chairman Toomey stated that the subject could be scheduled on the miscellaneous agenda for October 12 and that it would not be necessary for Mr. Segien to attend.

Mr. Segien was in agreement, and after further discussion, it was on motion unanimously

VOTED: To table further consideration of the application of Herbert J. Segien, President, Mosher Auto Body, Inc., for a Motor Vehicle Junk License--Class III, until the Board's meeting on October 12.

Town Counsel stated that he was unsure whether the applicant would need the Class III license for his present operation.

Mr. Segien reported that the Registry of Motor Vehicles and the buyer of his cars have both stated that it is required.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of September 27, 1976, as corrected.

Town Legal Services - Future Status

The Board, on September 14, 1976, discussed a communication dated September 13, 1976 from the Executive Secretary pertaining to the Town legal services and Mr. Thompson's recommendations in this regard. The Board at that time voted to authorize the Executive Secretary to begin searching for a replacement for the present Town Counsel.

Mr. Thompson referred to the previous discussion concerning whether, if a change necessitated by the possible resignation of the Town Counsel were to be necessary, replacement should be on an individual or a law firm basis. Mr. Thompson stated that he had discussed the matter with two different people--one individual and one firm representative--and that he had spoken to Mr. Turner as to time phasing.

Town Counsel stated that, in his opinion, it would be helpful to place an advertisement in legal trade journals, listing a vacancy in the position of Town Counsel and requesting response from both firms and individuals.

The Executive Secretary stated that he would contact, with the concurrence of the Board, the Massachusetts Selectmen's Association, the Massachusetts League of Cities and Towns, and the "Massachusetts Lawyers' Weekly", asking them to insert a notice in the next issue of their respective publications indicating that the Town is seeking proposals from firms and/or individuals, and, if interest is expressed, he would then forward to the applicants the general scope of services.

The Board was in agreement and asked that the matter be handled as a priority item.

WBZ-TV4 - Community Project

Chairman Toomey announced that he had received a communication dated September 29, 1976 from WBZ-TV4 concerning their proposed project to devote a day to individual communities within their coverage area using hourly station identifications spots to show community scenes and scheduling public service announcements concerning a particular project in the community.

The communication asked for an indication from the Selectmen as to the feasibility of this project and whether it would receive the Board's support.

The Board agreed to send a favorable response.

Police Chief - Performance Review

Present: Police Chief Nicholas Lombardi

In accordance with the Selectmen's Policies and Procedures, the Board met with Police Chief Nicholas Lombardi to review his annual report and to evaluate his performance during the past year.

The Selectmen agreed to submit to Chief Lombardi a copy of their evaluation composite in advance of their subsequent meeting to establish his salary for the period of July 1, 1976 - June 30, 1977.

The Board reviewed and discussed Chief Lombardi's Annual Report dated July 29, 1976 and reviewed past and future objectives.

Chief Lombardi again expressed his strong feelings that Police Sergeants should not be members of the union, but part of management.

Chief Lombardi stated that he wished to begin a program of replacement for his whole communication system, and he asked the Selectmen to support him in this regard.

The Selectmen agreed that Chief Lombardi should present to them a replacement proposal.

At the conclusion of the review the Selectmen requested the Executive Secretary to obtain updated figures for police and fire personnel who have completed EMT training and the time schedule for the delivery of the ambulance from the State contract.

Subdivision Bonds

Present: Assistant to Town Counsel Thomas French; Town Engineer James Merloni; Town Treasurer William Downing; Assistant Town Treasurer Loretta Bigelow; Highway Surveyor Robert Noyes; Edward Connors and Eben Stevens of the Planning Board; and Town Planner Emmanuel Tiliakos

At the request of the Planning Board in their communication dated September 16, 1976, the Selectmen met with the Highway Surveyor, the Town Treasurer, the Planning Board, and the Town Planner relative to the establishment of special accounts for subdivision bond monies received by the Town.

Mr. Stevens stated that, as initiators of having the bond exercised, the Planning Board wished to continue its responsibility in the matter by controlling the use of the money for the purpose of subdivision completion. Mr. Stevens objected to the money's being placed in the general fund before the Planning Board was consulted, and he stated that the Planning Board wishes to make the decision as to whether money is needed for emergency repairs.

Mr. Thompson stated that he had earlier discussed this matter with Mr. Stevens and that the Planning Board had sent the Selectmen a letter dated August 4, 1976, recommending that the Selectmen concur with the Planning Board's July 26, 1976 vote to accept the bond for Phillips Road Estates.

Mr. Stevens stated that the Planning Board wished to establish procedures for exercising bonds as to control.

Mr. Thompson stated that the Selectmen had advised the Planning Board, on July 15, 1976, of its action on July 12 to accept a check for \$2,475 from the bonding company subject to the approval of such action by the Planning Board.

Selectman Powers stated that the money was put into the general fund as it was only a small percentage of the cost estimate for subdivision completion.

The Planning Board restated its position that the bond money could have been used for emergency repairs to the subdivision road.

In response to the Selectmen's question, Highway Superintendent Robert Noyes stated that an overlay on the road could be put down at a cost of \$1700, which, in his opinion, would secure the present binder, and that there was, in addition, other necessary repairs that could be completed.

In response to Selectman Powers' questions, the Town Engineer stated that expenditure of the bond money for emergency repairs would not be wasted, that a much more serious problem would occur by delaying repairs, and that work done with this money would not be duplicated and would be deducted from the total cost estimate for future construction.

In response to further questioning by Selectman Powers, Mr. Stevens stated that the Planning Board would submit an article in the 1977 Annual Town Meeting to appropriate funds for the completion of Phillips Road.

After further discussion, it was on motion unanimously

VOTED: To direct the Town Accountant to establish a special account for the bond money received from the release of Bond #91-185270 for the purpose of construction on Phillips Road.

Amended Flood Hazard Boundary Maps

Present: Town Engineer James V. Merloni

The Executive Secretary reported that the Board had received a communication dated September 21, 1976 from Town Engineer James Merloni relative to his review of the "Amended" Flood Hazard Boundary Maps. Mr. Thompson reported that Sudbury has compiled the best data in this regard of any area town and that Mr. Merloni should be commended.

Mr. Merloni's communication noted that the total number of parcels of land within the flood hazard zone had increased from 663 to 895, and Selectman Powers asked whether any public buildings were included within this increase.

Mr. Merloni responded in the negative.

Selectman Powers expressed his concern that the property owners who are now affected should be advised of their rights, and he asked whether the Board had a moral or other type of duty in this regard.

Town Counsel stated that he had participated in one public hearing on this subject and that it had given the community and the property owners a chance to review these plans. Town Counsel suggested that the Town give public notice to the individual owners of the buildings and generally disseminate the information that these maps are available in the Town Engineer's office. Town Counsel further suggested that the Board defer any action on the maps themselves until a week or ten days to give affected property owners an opportunity to file their objections with the Board.

The Executive Secretary concurred with Town Counsel, and he suggested that the Town Engineer's report be accepted, that the people be notified, and that a public hearing be held.

Mr. Merloni suggested that the Federal Insurance Office be contacted so that they could send a representative.

The Executive Secretary was directed to proceed with arrangements for a public hearing on the matter.

Sudbury Centre - Noise Pollution

The Board received a communication on September 23, 1976 from Nanci W. Reed, a resident of Concord Road near Sudbury Centre.

After discussion, the communication was referred to the Police Chief and the Town Engineer for their verbal reports.

Title I - Application for Assistance

The Board received a communication dated September 14, 1976 from Congressman Robert F. Drinan relative to project funding assistance under Title I of the Public Works Employment Act of 1976. Congressman Drinan's letter stated that Economic Development Administration (EDA) would probably begin accepting applications for assistance after October 11, 1976.

The Executive Secretary reported that he had received a related communication dated September 8, 1976 from the Town Planner, which clarified points recently made at a conference relating to the above-referenced Act, one being that EDA will seek assurance that construction of the proposed project could begin within 90 days of approval.

The Executive Secretary further reported that the Highway Surveyor had contacted the Town Planner, by letter dated September 21, 1976, listing projects presently designed by the Engineering Department, for which application for assistance could be made.

The Executive Secretary stated that it was his recommendation that the Board submit applications for two projects listed in the Highway Superintendent's aforementioned letter--resurfacing several Town roads and the reconstruction of the Lincoln/Concord Road intersection.

Mr. Thompson stated that he further recommended that the number one priority be an application for assistance for the construction of the Fire/Police Headquarters facility. Mr. Thompson stated that if this project were chosen, it would be 100% reimbursible by the Federal Government. Mr. Thompson stated that plans and specifications for this facility are complete and, if chosen, the project could be begun within the 90-day time limit set by EDA. Mr. Thompson stated that he had reviewed all Town Meeting material concerning the construction of the Fire/Police Headquarters article and had, at no time, found any objection to the need for the facility but only to the timing of its construction because of the recessive economy at that time.

Selectman Powers agreed that application should be made on all three items, commenting on the accompanying economic improvement in this area during construction if the assistance were granted.

Selectman Potell stated that it would be necessary for the Town to accept money for this project, and he questioned whether there would be obligation to the Town if it were to be chosen to receive assistance.

The Executive Secretary stated that under present regulations these funds must be accepted with the approval of Town Meeting.

After further discussion, it was on motion unanimously

VOTED: To submit an application for assistance under Title I of the Public Works Employment Act of 1976 for the following projects:

1. Construction of a new Fire/Police Headquarters building;

2. Resurfacing Maynard Road, Old Sudbury Road, Route 117, Nobscot Road, Goodman's Hill Road, Mossman Road, Morse Road, Union Avenue, Wayside Inn Road, and Concord Road (Sudbury Centre to Route 117); and

3. Reconstruction of the Lincoln/Concord Road Intersection.

Sudbury Skating & Tennis Club, Inc., - Sunday Entertainment License

The Board, at its meeting on September 27, 1976 voted to defer further consideration of the application of Sudbury Skating & Tennis Club, Inc., for a license for Public Entertainment on the Lord's Day until tonight's meeting to allow receipt of further explanation from the Fire Chief relative to the serious safety violations referenced in his September 21, 1976 report.

The Executive Secretary reported that the Board had received a report dated September 30, 1976 from the Fire Chief, which advised the Board that he had made a reinspection of the Club on that date and had found that all violations had been corrected and that he now had no objection to the renewal of the license.

It was on motion by Selectman Potell unanimously

VOTED: To renew the License for Public Entertainment on the Lord's Day for Sudbury Skating & Tennis Club, Inc., for skating and tennis activities with electrical or mechanical music or organ, effective May 2, 1976 - April 24, 1977 from 1:00 p.m. to 12:00 p.m., on premises located at 31 Union Avenue.

Utility Petition #76-64 - Starview Drive

The Executive Secretary reported that the existence of Boston Edison Company poles listed on Utility Petition # 76-64 had been verbally confirmed by the Wiring Inspector on October 1, 1976.

It was on motion unanimously

VOTED: To confirm the existence, upon property accepted as a public way, of Boston Edison Company poles in the following locations:

STARVIEW DRIVE, southeasterly side, from a point approximately
35 feet northeast of Morse Road, --
Two (2) poles
(Guy Wire and anchor on the first pole)

STARVIEW DRIVE, northwesterly side, approximately 35 feet
northeast of Flintlock Lane, --
Two (2) poles

October 18, 1976 Meeting

The Executive Secretary recommended that the Board commence its October 18, 1976 meeting at 7:00 p.m. for the purpose of holding a mediation session at that time with Firefighters Local 2023.

The Board was in agreement.

Cemetery Study Committee

Selectman Potell reported that he had contacted most of the candidates proposed for appointment to the Cemetery Study Committee and that he expected by next week's meeting to have confirmed the remaining candidates' willingness to be so appointed.

The Executive Secretary was requested to schedule the subject of appointment to this committee at the Board's October 12 meeting.

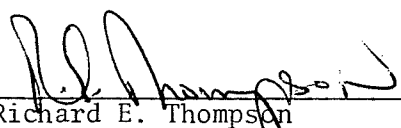
South Middlesex Area Selectmen's Meeting

It was agreed that the Selectmen would host the next session of the South Middlesex Area Selectmen's Meeting sometime after the November election.

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

VOTED: To adjourn the meeting at 11:00 p.m.

Attest:


Richard E. Thompson
Executive Secretary-Clerk