

IN BOARD OF SELECTMEN  
MONDAY, OCTOBER 18, 1976

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

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The statutory requirements as to notice having been complied with, the meeting was called to order at 7:00 p.m.

Executive Session

At 7:00 p.m., after convening an open session, following a unanimous roll call vote, it was on motion further unanimously

VOTED: To enter into executive session for the purpose of discussing collective bargaining negotiations.

Chairman Toomey announced that the regular meeting would reconvene at 7:30 p.m. following the executive session.

Appointment - Historic Districts Commission

Present: Peter Thomas, candidate for appointment to Historic Districts Commission

The Board interviewed Mr. Peter A. Thomas as to his interest in and qualifications for serving on the Historic Districts Commission, after which, it was on motion by Selectman Powers, unanimously

VOTED: To appoint Peter A. Thomas, 224 Goodman's Hill Road, to the Historic Districts Commission for a term to expire on January 1, 1980.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular meeting of October 12, 1976, as corrected.

Utility Petition #76-65, Juniper Road, #76-66 Pinewood Avenue

Executive Secretary Richard E. Thompson reported that the existence of Boston Edison Company and New England Telephone and Telegraph Company poles listed on the below-named utility petitions had been confirmed in a verbal report by the Wiring Inspector on October 13, 1976.

It was on motion by Selectman Powers unanimously

VOTED: To confirm the existence, upon property accepted as a public way, of the poles listed on Utility Petition #76-65 in the following locations:

JUNIPER ROAD, southeasterly side, from a point approximately 23 feet  
northeast of Wake Robin Road, --  
Four (4) poles

JUNIPER ROAD, northwesterly side, from a point approximately 35 feet southwest of Wake Robin Road, --  
Three (3) poles

and it was further

VOTED: To confirm the existence, upon property accepted as a public way, of the poles listed on Utility Petition #76-66 in the following locations:

PINEWOOD AVENUE, southerly side, from a point approximately 155 feet west of Willis Lake Drive, --  
Thirteen (13) poles  
(Guy wire and anchor on the eleventh and twelfth pole)

Minuteman Regional Vocational Technical School District - Computer Use Survey and Planning Project

Executive Secretary Richard E. Thompson reported that the Board had received a communication dated October 1, 1976 from the Superintendent-Director for the Minuteman Regional Vocational Technical School District, inviting Sudbury's participation in a computer use survey and planning project for interested towns and school districts within the Minuteman regional and a related communication dated October 1, 1976 from the president of Innovative Computer Systems, Inc., which requested that the Board identify an individual or department as a contact to furnish information for their survey.

Mr. Thompson stated that he would recommend that Town Accountant John Wilson be designated as the person to be contacted on the matter.

Selectman Powers expressed his concern because of prior controversy over the installation and use of the computer during the original construction and opening of the Minuteman School and he requested that a report be received from Lawrence Ovian, Sudbury's member of the Minuteman School Committee.

After further discussion, it was on motion unanimously

VOTED: To request that the Town Accountant contact Mr. Ovian in this regard and to report back to the Board;

and it was further

VOTED: To take no further action on the above-referenced request until Mr. Ovian's report is received through the Town Accountant.

Sanitary Landfill - Inspection Report

The Board received a report dated October 8, 1976 from Town Engineer James Merloni relative to a satisfactory inspection of the Sanitary Landfill by the Massachusetts Department of Environmental Quality Engineering.

Executive Secretary Richard E. Thompson reported that Sudbury is one of the few communities in the Commonwealth with an approved sanitary landfill plan.

Chairman Toomey expressed his opinion that Sudbury's landfill is the best-run and well-covered landfill in the area.

It was on motion by Selectman Potell unanimously

VOTED: To accept the Town Engineer's October 8, 1976 report.

Federal Discretionary Funding - HUD - \$30,000

Executive Secretary Richard E. Thompson reported that he had received a communication dated October 7, 1976 from the Department of Housing and Urban Development (HUD), informing him that the Board's application for discretionary funding under the Housing and Community Development Act of 1974 had been approved in the amount of \$30,000.

Mr. Thompson reported that he had prepared a short summary of the program content, which he reviewed with the Board.

Chairman Toomey stated that Selectman Potell had earlier questioned any funding administration or other cost which might be necessitated by acceptance of the money.

Selectman Potell also questioned who would make the final property inspections, how would these inspections be funded, and if they were to be made by the Building Inspector, had he yet been made aware of it.

In answer to these and other questions from the Board, the Executive Secretary made the following statements:

- He was uncertain whether the inspections would be made by the Building Inspector or a local architect/rehabilitation specialist.

- Application of these funds to a substandard dwelling would not require that dwelling to be brought up to the standards of Town or State codes, but every effort should be made to do so.

- No administrative or other expenses would be involved other than that portion of the funds so designated.

- The statement in HUD's October 7 letter which indicated a degree of non-compliance with certain program regulations related to equal employment opportunity compliance and had, according to HUD, no effect on present programs.

After further discussion, it was on motion

VOTED: To accept Fiscal Year 1976 Discretionary Funding under the Housing and Community Development Act of 1974, in the amount of \$30,000, and to authorize the Executive Secretary to sign and execute all contracts and documents related thereto;

and it was further

VOTED: To direct the Executive Secretary to proceed in accordance with his plan for implementing the Sudbury Rehabilitation Program as set forth in his communication dated October 18, 1976.

League of Women Voters

Chairman Toomey reported that the Board received a communication dated October 1, 1976 from the League of Women Voters relative to its observer program.

Chairman Toomey welcomed Carol Shulman as one of the League's observers scheduled to attend the Selectmen's meetings and invited her questions at any time on any issue.

Site Plan Application #76-174, J. R. Sousa & Son, Leonard E. and Vera Pike, owners, 475-477 Boston Post Road

Present: Philip Wilker, Operations Manager, J. R. Sousa & Sons; Richard E. Olson, Engineer, Koller Associates, Inc., representing the applicant; Francis E. White, Building Inspector/Zoning Enforcement Agent

In accordance with Article IX, Section V, Paragraph A of the Sudbury Bylaws, the Board considered the site plan application of J. R. Sousa & Sons, for location at 475-477 Boston Post Road.

Executive Secretary Richard E. Thompson stated that all appropriate Town officials and abutters had been notified and that the following reports had been received: from the Building Inspector/Zoning Enforcement Agent, dated September 9, 1976, recommending approval; from the Conservation Commission, dated September 22, 1976, which set forth the Commission's unanimous vote that a Wetland Protection Act hearing must be held; from the Board of Health, dated October 1, 1976, which stated that the soil conditions on the property were satisfactory for the installation of a subsurface sewage disposal system; and from the Planning Board, dated October 13, 1976, which recommended approval with plan changes or conditions.

Selectman Powers questioned whether the site plan under consideration differed from the plan approved for Leonard P. Pike, owner of the property, on May 12, 1975.

Building Inspector/Zoning Enforcement Agent Francis E. White reported that the present site plan was a new one and that no work had been done on the property to reflect the plan approved on May 12, 1975.

In response to the Board's question, Mr. Wilker estimated the cost of the proposal to be \$160,000 and stated that J. R. Sousa, Inc., has an option to buy the property from Mr. Pike.

Selectman Powers asked whether any consideration had been given to access to Nobscot Road from the property and this was briefly discussed and a comparison of the driveway cuts shown on the earlier approved plan and the present plan was made and found to correspond.

In response to the Board's question, Mr. Wilker stated that, although the storage tanks were being changed, the storage amounts would remain the same. Mr. Wilker also commented that allowance had been made for an additional 10' front yard setback to accommodate the State's possible widening of Route 20 in this area.

After further discussion, Chairman Toomey suggested that Town Counsel's office, in conjunction with the Executive Secretary and the Building Inspector/Zoning Enforcement Agent, draft an appropriate motion based on the recommendations set forth in the Planning Board's letter referenced above, and by mutual agreement of both parties it was on motion unanimously

VOTED: To extend the expiration date of the site plan application of J. R. Sousa & Sons, for location at 475-477 Boston Post Road, until November 1, 1976, at which time it will be scheduled on the agenda as a miscellaneous item and acted upon by the Board.

The petitioners stated that they were in agreement with the aforementioned vote.

Referendum Question #6

Present: Joan Irish, a member of the Committee for a Massachusetts Bottle Bill

The Board, at its meeting on October 12, 1976, requested that a copy of the specific wording of the advertisement be obtained before further consideration of its endorsement as requested in a communication dated October 4, 1976 from Joan C. Irish, member of the Committee for a Massachusetts Bottle Bill.

Selectman Powers expressed his uncertainty whether the issue was one which should be voted upon by the Board as such.

Chairman Toomey and Selectman Potell concurred, and after further discussion, it was on motion unanimously

VOTED: To endorse an affirmative vote on Referendum Question #6 as individuals, only, and not as a Board of Selectmen.

Sudbury Police Officer - Medical Expenses

Present: Police Sergeant Ronald Nix

Police Sergeant Ronald Nix met with the Board for discussion in connection with the Board's determination, in accordance, with G. L. C. 41, §100, of whether it is appropriate that he be indemnified for medical expenses incurred due to an injury sustained while on duty.

Executive Secretary Richard E. Thompson reported that the Board had received a report dated September 13, 1976 on the matter from the Police Chief and had requested that Sgt. Nix meet with the Board tonight, bringing in any additional information, if available.

Sgt. Nix presented the Board with a statement dated October 16, 1976 from Officer Mark Gainer concerning the incident, and he then related what had occurred at that time.

Selectman Powers asked why no documentation of treatment at the time of the incident had been received.

Sgt. Nix stated that, at that time, the Police Chief had called the Executive Secretary, telling him of the incident, and that the Executive Secretary had requested that Sgt. Nix obtain an estimate of dental work involved. Sgt. Nix stated that the estimate was \$1,125.00, that the work had been done, that the bill had been sent to the Town, and that \$250.00, which was covered by insurance, had been paid. Sgt. Nix stated that he had spoken several times with the Town Accountant concerning the outstanding balance and had been told that there was a problem.

The Executive Secretary stated that it was his belief that no statement had ever been made by a public official, outside of the Police Chief, to the effect that the Town would or would not pay the bill.

Sgt. Nix stated that this was true.

Selectman Powers again commented that the Board does not have a report on this incident from the dentist involved.

Sgt. Nix stated that he would not object to the Town approaching his dentist and obtaining such a report or other necessary information.

Chairman Toomey stated that the next procedural step would be to provide Sgt. Nix with a copy of the Police Chief's September 13, 1976 letter, to have the Executive Secretary obtain a report and x-rays from Mr. Nix's dentist, and to request the Police Chief and the two officers on duty with Sgt. Nix during the incident to attend a meeting on the subject which will be rescheduled within two weeks.

#### Chapter 198 Account Balance - Hosmer House Terrace

Present: Bradley and Nanci Reed

The Board, at its meeting on October 12, 1976, voted to table further consideration of the Revolutionary War Bicentennial Committee's and the Bicentennial Ball Committee's recommendation to use the unexpended balance of approximately \$7,900 remaining in the Chapter 198 account for the purpose of constructing a bandstand or bandstand-like area in Heritage Park, preferably as a part of and adjacent to the Hosmer House by expanding the present small stone terrace at the eastern end of the house, until the Board could review a plan of the proposal.

Selectman Powers presented a general plan of the proposal, and it was reviewed by Chairman Toomey and Selectman Potell.

Chairman Toomey commented on the need that the plan have Historic Districts Commission approval.

Selectman Potell questioned how the proposed area could be used in the proposed manner without bothering the occupants of the house and, also, how access would be gained to the area. Selectman Potell expressed his opinion that this plan might not be the best use for the Bicentennial Ball profits.

Executive Secretary Richard E. Thompson recommended that the Board authorize up to \$500 from the Chapter 198 account to provide final plans and specifications for this area, which would take into consideration the architectural features of the house.

Selectman Potell stated that he would like to consider alternatives for the use of the money.

Chairman Toomey stated that this proposal was the recommendation of the committees who had done the work, that when an architectural plan which had the approval of the necessary boards was completed, it would not necessarily have to be implemented using this money, as it could be held until a later time.

Nanci Reed, an abutter, suggested that the money be used for renovations to the Town Hall, stating that the proposed location was too noisy for a concert.

After further discussion, it was on motion by Selectman Powers

VOTED: To authorize an expenditure up to \$500.00 from the Chapter 198 account to provide plan specifications and cost estimates for a proposed treatment of the terrace area of the Hosmer House for multiple purpose functions and restoration.

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

Chapter 198 Account - LSRHS Student Exchange Committee

The Board received a communication dated October 12, 1976 from the Student Exchange Committee of the Lincoln-Sudbury Regional High School (LSRHS), which requested an expenditure of \$1,000.00 from the Bicentennial Ball profits as seed money to sponsor the LSRHS drama department in an exchange performance in Sudbury and Lincoln, England.

Selectman Powers stated that this request did not fall within the constraints of Chapter 198 expenditures as the funds must be committed by December 31, 1976 and the trip was not scheduled until February 1977.

Chairman Toomey and Selectman Potell were in agreement, and it was on motion unanimously

VOTED: To so inform the LSRHS Student Exchange Committee.

Award Bid - Tennis Courts, Haskell Land

Present: Park and Recreation Commissioners Robert Grant and Pasquale Piscitelli

The Board, at its meeting on October 4, 1976, authorized Executive Secretary Richard E. Thompson to readvertise the bid for tennis court construction on the Haskell Land.

The Board now met with Park and Recreation Commissioners Robert Grant and Pat Piscitelli relative to the bid award.

Mr. Thompson reported that the Board had received a communication dated October 14, 1976 from Assistant to Town Counsel Thomas M. French, which set forth his opinion that the omission indicated in the E. C. Murray Construction Company bid was an oversight which could be corrected at the time of execution of the contract, if so awarded.

Town Counsel David L. Turner concurred with Mr. French, stating that, in his opinion, the bid offered by this company could be accepted as low bid, and that the issue was a waivable formality.

After further consideration and discussion, it was on motion by Selectman Potell unanimously

VOTED: To award the bid for construction of four tennis courts on the Haskell Land to the low bidder, E. C. Murray Construction Company, Inc., for the base bid price of \$24,810.00 plus the option price of \$1,000.00, a total of \$25,810.00, subject to the concurrence of the Department of Housing and Urban Development (HUD).

In response to an editorial and a letter to the editor in the Sudbury Town Crier, both of which objected to use of Federal money for the purpose of tennis court construction, Mr. Thompson reported that the Board's first priority in its application for these funds had been the acquisition of low income housing to supplement the Sudbury Housing Authority's program and that this item had been rejected by HUD.

#### New Bridge Road - Petition for Relocation of Utility Poles

The Board, at its meeting on September 13, 1976 reviewed a petition from the residents in the area of New Bridge Road relative to the relocation of utility poles to lessen the hazardous conditions that exist on the easterly end of the road.

Executive Secretary Richard E. Thompson reported that this petition had been referred to Frederick Roth, District Manager for Boston Edison Company, on September 21, 1976, and that his reply dated October 13, 1976 had been received. Mr. Roth's reply stated that, until a street layout for New Bridge Road has been completed and approved, it would be impractical to embark on a construction program which might be temporary in nature.

Mr. Thompson stated that he had spoken today with the Highway Surveyor, who had reported that, as the workload in the Town Engineer's office is such that this layout could not be undertaken in the immediate future, he had asked the County to do the project and it was hoped it would be ready for the 1977 Annual Town Meeting.

The Board expressed its opinion that a street layout was not necessary for the pole relocation to be accomplished and, at his suggestion, the Executive Secretary was authorized to write to Mr. Roth, expressing the Board's strong feelings that the poles be relocated.

Selectman Powers asked that an estimate be obtained from the Town Engineer as to how much work would be involved in the pole relocation.

#### Performance Review - Executive Secretary

It was agreed to defer the scheduled performance review for the Executive Secretary until a later date.



Democratic Town Committee Headquarters -- Trailer -- First National Shopping Plaza

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

VOTED: To confirm the Board's telephone vote of October 15, 1976 approving the temporary location of a trailer at the First National Shopping Plaza to be used by the Sudbury Democratic Town Committee until November 3, 1976; as requested in their communication dated October 13, 1976.

State and National Election Warrant

It was on motion by Selectman Powers unanimously

VOTED: To sign the Town Warrant for the National and State Election to be held in the Peter Noyes School Auditorium on Tuesday, the second day of November 1976, between the hours of 5:45 a.m. - 8:00 p.m.  
(See minutes of November 1, 1976)

Executive Session

At 10:00 p.m., following a unanimous roll call vote, it was on motion further unanimously

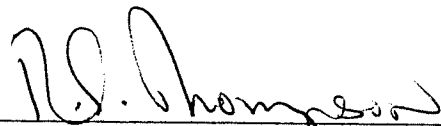
VOTED: To enter into executive session for the purpose of discussing an application for funds from the Selectmen's discretionary fund and a further discussion of collective bargaining.

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

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

VOTED: To adjourn the meeting at 10:30 p.m.

Attest:

  
Richard E. Thompson  
Executive Secretary-Clerk