

IN BOARD OF SELECTMEN
MONDAY, SEPTEMBER 13, 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.

Cemetery Rules and Regulations

Present: Robert A. Noyes, Highway Surveyor/Superintendent of Cemeteries; Rabbi Lawrence Kushner, Congregation Beth El; Father Burke, St. Anselms; James Hodder, representing St. Elizabeth's; Reverend Shephard Johnson, Methodist Church; Reverend Homer Goddard, First Parish Church; Norman Pollock, M. D. representing Congregation B'Nai Torah; Alvin Noyes, former Highway Surveyor; Nancy Blecher, Roger Davis, Frank Sherman, Philip Felleman, Robert and Marilyn Hotch, and approximately fifteen other interested citizens; Reverend Stanley Russell, Memorial Congregational Church

Chairman Toomey reported that the Board, at its meeting on September 7, 1976, had voted to request members of the local clergy, or their designees, to meet with the Selectmen and the Highway Surveyor/Superintendent of Cemeteries tonight to discuss the possible creation of a study committee to review and recommend rules and regulations which would be acceptable to the Town relative to the use of its cemeteries.

Chairman Toomey stated that also under consideration is the request of Congregation Beth El that a portion of the Town cemetery be set aside for use by the Sudbury members of its congregation.

In response to Chairman Toomey's question, Highway Surveyor/Superintendent of Cemeteries Robert Noyes responded that there presently exists 1,020 developed, available lots in various Town cemeteries.

Roger Davis questioned whether Chapter 114 of the General Laws, an act which would enable the Selectmen to adopt regulations rather than the necessity of their adoption by Town Meeting, could not apply in this instance.

Town Counsel David Turner stated that it was his opinion that such adoption should be done by the Town.

In response to Mr. Davis' further question as to the need for any future amendments to also be adopted by town meetings, Town Counsel expressed his opinion that he did not anticipate that regular amendments to the cemetery regulations would occur.

Chairman Toomey asked that the members of the clergy express their thoughts at this time.

At the request of Reverend Russell, Rabbi Kushner and Mrs. Blecher explained the needs of Congregation Beth El that land be set aside as consecrated ground for burial.

Selectman Powers expressed his opinion that the problem is complicated in that the Board is dealing with a public cemetery, and he suggested that both the alienability of the recently sold grave sites and good public policy be considered.

Reverend Johnson expressed his support for the formation of a committee for this purpose and his hope that the committee would not be clergy dominated. Reverend Johnson also stated that, in the interim, the Jewish community should continue to be accommodated.

Selectman Potell reported that a local newspaper, in reporting the Board's September 7 discussion on the subject, had printed an erroneous statement to the effect that no large lots of grave sites would be sold, and he requested that this statement be corrected.

Dr. Pollock stated that of the two hundred Jewish families in this community only fifteen are presently provided for in this matter and that, if these lots are not transferable, by deed, then the other families might have a problem. Dr. Pollock asked what would happen if one of these other families had need of a grave site.

Discussion followed, and it was agreed that the deeds for the fifteen cemetery plots, each containing four grave sites, which had been purchased by families from Congregation Beth El would be transferable until committee and Town Meeting action.

Chairman Toomey reported that the Board had received a draft of cemetery regulations from the Highway Surveyor and that Selectman Powers had spent many hours reviewing the subject and has submitted his recommendation for items to be included in the regulations. Chairman Toomey stated that this material will be given to the Committee, and he suggested that the committee be made up, in addition to members of the clergy or their designees, of the Highway Surveyor, at least one member Selectmen, and possibly one member of the Finance Committee.

Selectman Powers commented that there are cemetery associations still in existence in the Town who should also be represented.

Reverend Goddard and Reverend Russell expressed their concern that the people of Jewish faith not be in any way caused pain or obstructed to a point where their religious practices and sensitivities were not retained, and Reverend Russell requested assurance from the Selectmen that this would not be the case.

Chairman Toomey assured those present that there would be no problem in transferring the deeds in the lots recently sold to Jewish families.

Selectman Powers stated that it was the intent of the Selectmen, by establishing cemetery policies, to prevent further problems of this nature.

Chairman Toomey stressed the importance of the fact that members of the committee attend all the meetings concerned with the establishment of rules and regulations, and he requested that each member of the clergy communicate, as soon as possible, to the Executive Secretary whether he or his designee could serve on the committee, as the article to adopt the regulations for the Annual Town Meeting must be submitted before the end of this year.

Town Hall Rental Regulations

Present: Francis E. White, Building Inspector; Ronald Adolph, President, John Snyder, and Ann Zamzow of the Sudbury Players; Alan Grathwohl, interested citizen

The Board, at its meeting of May 16, 1976 voted to establish a committee, to consist of the Executive Secretary, at least three members of the Board of Directors of the Sudbury Players, the Building/Wiring Inspector, and the Fire Chief, for the purpose of reviewing and possibly revising the existing rules concerning the rental of the Town Hall. The Executive Secretary was requested, at that time, to report back with an established procedure for such rental.

The Executive Secretary reported that he had earlier submitted to the Board a report dated August 3, and he reviewed with the Board his general and specific comments and recommendations relative to proposed revisions to the Selectmen's present policies and procedures for the use of Town Hall.

Mr. Thompson reported that both the Fire Chief and the Building Inspector had stated emphatically that, in their opinion, the use of the Town Hall by the Sudbury Players is not an appropriate use of the facility from the standpoint of its present age, heavy use, and other related safety factors.

Selectman Potell questioned whether the proposed revision would put an end to the present bickering concerning the use of the Upper Town Hall.

Chairman Toomey stated that, in his opinion, the Sudbury Players' use of the Upper Town Hall conflicts with use of the Lower Town Hall. Chairman Toomey stated that the Town Hall is old and that all the current working records of the Town Departments located there have very limited fire security. Chairman Toomey stated that, if the Players are to stay, the rental rules must be strict enough to ensure proper protection of the building.

Chairman Toomey stated that a problem with the Town Hall septic system causes it to be pumped out every week or two, and Mr. Snyder suggested that costs for additional pumping related to the Players could be worked out in the rental rates.

Mrs. Zamzow stated that the Committee had delegated additional responsibility to the Players in their revised rules and that they were willing to designate, for every use of the building, a person to check on the things which have caused past aggravation.

Mr. Snyder expressed his opinion that the bickering would never end because the Fire Chief and the Building Inspector were of the opinion that the Players' use is an inappropriate one.

Chairman Toomey stated that it was the duty of the Building Inspector and the Fire Chief to provide the Board with their professional input on the appropriate use of the Town Hall.

Selectman Potell questioned whether the Board should consider closing the use of the Town Hall to all non-profit organizations and limit it to Town functions. Selectman Powers responded that, if it is decided that its rental should continue, the proposed rules and regulations should be discussed and adopted.

The proposed revisions included as part of the Executive Secretary's August 3 report were individually discussed, and general agreements reached.

Selectman Potell stated that he was not prepared to exclude all non-profit organizations at this time, as, in his opinion, the Town Hall is for the use of the Town, but that Town Boards and long-term renters should not assume to have proprietorship of the building.

Mr. White stated that, in his opinion, the only rental problem occurs with long-term rentals.

Chairman Toomey suggested that the Board accept the recommendation of the study committee as revised by the Executive Secretary, and that the Players should proceed with their next production, working out any differences which might occur, and that a critique be held after the production, keeping in mind the particular problems with fire danger and the septic systems.

The Executive Secretary was requested to finalize the language of the proposed revisions discussed at tonight's meeting and to reschedule the subject on the miscellaneous agenda for the Board's September 20 meeting.

Mr. Grathwohl stated that the Sudbury Art Association has scheduled its Christmas Craft Fair to be held in the Upper Town Hall in December, and he questioned whether the commitment to the Association would be allowed if the Board, after its critique of the Players' rental, determined that the Players and other organizations could no longer use those facilities.

The Board responded that all groups should consider themselves on notice that for the preservation of the building, pending further work, it is reaching a point where its use for rental purposes may have to be stopped.

Mr. Snyder asked for the Board's assurance that the final rules which will be endorsed by the Selectmen will be reviewed and signed by all the Selectmen.

The Board was in agreement.

Sign Review Board - Community Message Board

Present: Burton Mullen, Chairman, Leon Zola, Dorothy Emmons, and Malcolm Beers of the Sign Review Board.

Members of the Sign Review Board met with the Selectmen relative to the construction and display of a Community Message Board.

Minutes of the Sign Review Board's July 6, 1976 meeting were reviewed at which specifications for construction and use of the Community Message Board were discussed.

The priority of applications was discussed, and it was agreed that consideration should be first given to Town functions such as elections and Town Meetings, that non-profit organizations should follow, and then organizations for profit.

Chairman Toomey questioned whether it was necessary to obtain a variance to erect the sign at the Police Station.

Mr. Mullen stated that, in his opinion, sufficient authority was accorded the Sign Review Board by the Town Bylaws so that a variance would not be necessary.

After further discussion, the Sign Review Board was requested to submit to the Executive Secretary a design layout for the sign and a cost estimate, after which further action by the Selectmen would be taken.

It was agreed that application procedure would be the subject of future discussion between the Selectmen and the Sign Review Board.

Utility Petition #76-53 - Brimstone Lane

Present: Building/Wiring Inspector Francis E. White

In conformity with the requirements of General Laws Chapter 166, Sections 21 and 22, Chairman Toomey convened a hearing on the below-named utility petition:

UP#76-53 - Brimstone Lane - Petition of Boston Edison Company and New England Telephone and Telegraph Company for joint or identical locations for the erection or construction of poles to be owned and used in common by them and for such other fixtures including anchors and guys as may be necessary to sustain or protect the wires of the line upon, along, and across the following public way:

BRIMSTONE LANE, northeasterly side, approximately 1,030 feet southeast of Boston Post Road -- One (1) pole

BRIMSTONE LANE, northwesterly side, approximately 1,820 feet southwest of Boston Post Road -- One (1) pole

After a brief discussion, the Board agreed to make a site inspection at the location of the proposed poles in conjunction with their inspection of a nearby area which is scheduled for Saturday, September 18, at 9:00 a.m., and it was on motion unanimously

VOTED: To defer further consideration of the above-referenced utility petition until the Board's regular meeting on September 20, 1976.

Minutes

It was on motion

VOTED: To approve the minutes of the regular meeting of September 7, 1976 and the special meeting of September 9, 1976.

(Chairman Toomey and Selectman Potell voted in favor of September 7, 1976 minutes; Selectman Powers abstained as he was not in attendance. Selectmen Powers and Potell voted in favor of September 9, 1976 minutes; Chairman Toomey abstained as he was not in attendance.)

Utility Petitions #76-59, -60, -61, and -62 -- Woodmere Drive, Arborwood Road, Wake Robin Road, and Lakewood Drive

The Executive Secretary reported that the existence of Boston Edison Company and New England Telephone and Telegraph Company poles listed on Utility Petitions #76-59, -60, -61, and -62 at the locations described in petitions, all dated August 3, 1976, had been confirmed by the Wiring Inspector in this report dated August 31, 1976.

It was on motion by Selectman Powers unanimously

VOTED: To confirm the existence, upon property accepted as public ways, of Boston Edison and New England Telephone and Telegraph poles in the following locations:

- UP76-59 - WOODMERE DRIVE - ten (10) poles
- UP76-60 - ARBORWOOD ROAD - one (1) pole
- UP76-61 - WAKE ROBIN ROAD - eleven (11) poles
- UP76-62 - LAKEWOOD DRIVE - twelve (12) poles

Bids Received - Fuel Oil and Burner Service for Town Buildings

The Executive Secretary reported that bids to provide fuel oil and burner and boiler service for the Town buildings had been received and opened on September 8, 1976, and that a memorandum listing the bids had been distributed to the members of the Board.

Mr. Thompson further reported that the Board had also received related correspondence on the matter dated August 18, 1976 and September 9, 1976 from the Fire Chief and from the Building Inspector, dated August 19, 1976, setting forth their recommendations relative to fuel and burner service.

Mr. Thompson stated that he had today spoken with Thomas French, Assistant to Town Counsel concerning the alternatives available to the Board and that Mr. French was of the opinion that it was not imperative that the Selectmen award the bid to the lowest bidder in this instance because of the particular specifications of this bid.

After a brief discussion of the differences between the projected year's total cost of fuel from each bidder, it was agreed to delay the award until the Board's special meeting on September 14, 1976 to allow the Executive Secretary to obtain further cost figures for the Selectmen's information.

Sudbury Police Officer - Medical Expenses

The Board, at its meeting on September 7, 1976, voted to table further consideration of whether it is appropriate to indemnify, in accordance with General Laws Chapter 41, Section 100, a police officer for medical expenses incurred due to an injury sustained while on duty, until receipt of a report on the matter from the Police Chief.

The Executive Secretary reported that the Police Chief's report would be available for tomorrow night's meeting and that the Police Chief would be in attendance.

It was on motion by Selectman Powers, unanimously

VOTED: To table further discussion of the subject until the Board's special meeting on September 14, 1976.

Petition - New Bridge Road Residents

Present: Marilyn MacLean

The Board received a petition dated August 31, 1976 from area residents to relocate utility poles along an easterly section of New Bridge Road because of existing narrow and hazardous road conditions.

The Board directed the Executive Secretary to refer the petition to Frederick Roth, District Manager for Boston Edison Co., with the request for his response as soon as possible.

Dog Hearing - Garfield/Peters

Present: Dog Officer Francis E. White; Assistant Dog Officer Betsy DeWallace; Mr. and Mrs. Arthur Peters, dog owners; Henry Garfield, complainant

In accordance with General Laws, Chapter 140, Section 157, Chairman Toomey convened a hearing on the complaint filed by Henry Garfield on July 20, 1976, against the dog "Arnold", a German Shepherd, owned or harbored by Mr. and Mrs. Arthur Peters, 53 Easy Street, which stated that the dog was a nuisance by reason of a vicious disposition.

The Executive Secretary stated that the following reports had been received: from the Assistant Dog Officer, dated August 12, 1976, citing three complaints against the dog in 1975 and from the Dog Officer, dated August 13, 1976, recommending that the dog be penned indefinitely and taken out only on a leash.

The Executive Secretary reported that a previous hearing on this dog had been held by the Board on April 22, 1974, but that the case had been dismissed for lack of evidence at that time, as the former complainant had not appeared.

Mr. Garfield stated that the dog against whom the complaint had been made was vicious, that he chases children, and has attacked several children on his property and on his side of the street. Mr. Garfield stated that the dog had bitten a boy on July 6, 1976 on his (Mr. Garfield's) property and is, in his opinion, not under the control of the Peters family.

Mr. Garfield cited an instance a year ago when the dog had gone after him while Mr. and Mrs. Peters were in their yard and that they had not attempted to call their dog back. Mr. Garfield stated that the dog is tied to a chain approximately 30 feet in length most of the time, but that, in his opinion, the dog should not be loose at any time.

Mrs. Peters stated that the dog is chained on her property every day and she reported that Mr. Garfield throws rocks at the dog.

In response to Chairman Toomey's question as to whether the dog had ever been picked up in violation of the dog control law, Mrs. DeWallace stated that she has never seen him loose or received any report of his running loose.

The three 1975 complaints set forth in the Assistant Dog Officer's August 12, 1976 report were reviewed, and it was determined that these incidents took place during the hours of dog control.

Mr. Peters stated that the dog is loose at night and that he had not been aware of these three complaints until now.

Mrs. DeWallace stated that she had called Mrs. Peters in regard to these past complaints, but that she would not discuss them with her. Mrs. DeWallace further reported that she was not aware that a child had been bitten in July and that no report of the incident had been made.

Mr. Peters stated that he had, on several occasions, observed that the dog had broken away from his chain.

After further discussion, Chairman Toomey suggested that the Board have Mr. and Mrs. Peters' assurance that their dog would not be in a position where it could get off their property to molest anyone and that, if that happened, it would have to be permanently restrained.

Mr. Peters assured the Board that the dog would not go on the Garfield property.

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

VOTED: To advise the owners of the dog that, due to the number of complaints that they must keep very close control of the dog and to request that the Dog Officer monitor the situation and immediately bring any additional incidents to the attention of the Board for further action, if that should become necessary.

Dog Hearing - Cunic/Harvey

Present: Dog Officer Francis White; Assistant Dog Officer Betsy DeWallace; James Harvey, dog owner; Richard Cunic, complainant

In accordance with General Laws, Chapter 140, Section 157, Chairman Toomey convened a hearing on the complaint filed by Richard Cunic on July 20, 1976, against the dog "Pepper", a German Shepherd, owned or harbored by James Harvey, 9 Old Lancaster Road, which stated that the dog was a nuisance by reason of being unrestrained and attacking him while riding a motorcycle.

The Executive Secretary stated that the following reports had been received: from the Assistant Dog Officer, dated August 12, 1976, which listed the following complaints -- in August 1975 for running after cars and cats; being picked up in violation of the Dog Control Law on February 17, 1976, and from Mr. Cunic relating to the dog's running after his motorcycle in the late afternoon about three times a week during May and June, with little response from the owners--and from the Dog Officer, dated August 12, 1976, which recommended that the dog be penned indefinitely and taken out only on a leash.

Mr. Cunic reported that he had nearly been bitten by the dog on numerous occasions and that he had nearly run into cars, trees, or rocks, in an attempt to evade the dog while it was running after him. Mr. Cunic expressed his opinion that if corrective measures were not taken to prevent the dog's running, he is likely to be seriously injured.

Mr. Harvey stated that the dog has in the past chased cars and motorcycles on several occasions. Mr. Harvey stated that he had received Mr. Cunic's complaint and his family has attempted to restrain the dog and have tied him between 4:30 p.m. - 6:00 p.m., the time that Mr. Cunic would be passing his home.

Mr. Harvey stated that it was possible that the dog could have been untied on occasion, but that he doubted that he could have chased Mr. Cunic more than once or twice.

After further discussion, it was on motion unanimously

VOTED: That the dog should be tied during dog control hours unless under direct control of the owners and that, if any further instances occur, they be brought to the attention of the Dog Officer and to the Board for further action, if that should become necessary.

Chapter 198 Account - Bicentennial and July Fourth Activities

Present: Patricia Hersey, secretary, Revolutionary War Bicentennial Committee

The Board received a report dated September 3, 1976 from the Town Accountant relative to final accounting of the Chapter 198 Account for expenses involving Bicentennial and July Fourth activities.

After a brief discussion, it was on motion by Selectman Powers

VOTED: To defer further consideration of the Town Accountant's September 3, 1976 report until after the next meeting of the Revolutionary War Bicentennial Committee. (Chairman Toomey and Selectman Powers in favor; Selectman Potell in opposition. as he was opposed to further delay of payment of invoices.)

Wines and Malt Beverages License Fee -- First Parish Church, July 3, 1976

Present: Marilyn MacLean, Chairman, Bicentennial Ball Committee

After discussion, it was on motion unanimously

VOTED: To reconsider the Board's vote of July 26, 1976, which set a fee of \$50 for the First Parish Church's July 3, 1976 License for the Sale of Wines and Malt Beverages; and it was further

VOTED: To reduce the fee from \$50 to \$10.

Outdoor Advertising Board's Decision -- Matter of Town of Sudbury vs. John Donnelly & Sons

The Board noted receipt of the decision dated August 31, 1976 of the Massachusetts Outdoor Advertising Board in the matter of the Town of Sudbury vs. John Donnelly & Sons, which denied the renewal of Billboard Permits 28318, 28319, and 24239.

Military Reservation Land

The Executive Secretary reported receipt of a communication dated September 1, 1976 from Congressman Robert F. Drinan, which announced that more than 388 acres of Federal land (Military Reservation), 249 acres in Sudbury and 139 acres in Stow, have been released for passive recreational purposes to the Massachusetts Department of Natural Resources. Mr. Thompson explained that passive recreation would ensure that the majority of the land would remain in a state of conservation.

Selectman Powers stated that Chairman Toomey should be commended for his efforts during the past four years toward the release of this land. Selectman Powers commented that this decision was an important one to the Town and to the region in defining its future character, and he expressed his appreciation to the Town of Stow, which had changed its original intent to apply for the land for purposes other than passive recreation and had joined with the other involved towns, making, in his opinion, a positive factor in the Federal Government's decision for transfer of this land.

Town Report Preparation Committee - Alternative

It was on motion unanimously

VOTED: To defer, until the Board's regular meeting on September 20, 1976, consideration of a communication dated August 19, 1976 from Selectman Powers relative to a proposal for an alternative to appointment of a Town Report Preparation Committee.

Personnel Board Policy -- Job Vacancies

The Board, at its meeting on September 7, 1976, discussed a communication dated August 25, 1976 from the Personnel Board relative to that Board's policy on posting job vacancies and requested additional information on the matter and that the subject be rescheduled for further discussion at tonight's meeting.

The Board now reviewed the requested material and a related opinion dated September 10, 1976 from Town Counsel, in which he stated that the Personnel Board may establish reasonable policy concerning the posting of job vacancies. It was noted that the Personnel Board's policy on job vacancies had been issued on July 14, 1976, which was two weeks before a record of its establishment appeared in their minutes.

Selectman Powers expressed his hope that the Personnel Board would properly file a copy of its vote relative to the above-referenced policy, signed by a majority of that Board, with the Town Clerk's office and that they would correct their minutes in the appropriate manner.

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

VOTED: To accept Town Counsel's opinion dated September 10, 1976 on the subject of the posting of job vacancies;

and it was further

VOTED: To note Selectman Powers' remarks, which are set forth above, and to submit them to the Personnel Board, with the hope that they will take appropriate action.

House Bill 3023 -- Distribution of Food Stamps by Town Treasurers

The Executive Secretary reported that the Town Treasurer had received a communication dated September 8, 1976 from the Town of Holliston, expressing its opposition and alerting other area towns to House Bill 3023, which pertains to distribution of food stamps by Town Treasurers.

The Executive Secretary reported that he had spoken to the Massachusetts League of Cities and Towns in reference to the bill, and it was his recommendation that the Board authorize him to contact the Town's local representatives to express the Board's strong opposition to the bill.

It was on motion unanimously

VOTED: To support the above-stated recommendation of the Executive Secretary.

Columbus Day, October 11, and Veterans Day, October 25

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

VOTED: To reschedule the Board's regular meeting on Monday, October 11 (Columbus Day), to Tuesday, October 12, 1976 and its regular meeting on Monday, October 25 (Veterans Day), to Tuesday, October 26.

Wayland Regional Refuse Disposal Planning Committee

The Executive Secretary advised the Board of a meeting of the Wayland Refuse Disposal Planning Committee scheduled for September 16, 1976 at 8:00 p.m. in the Wayland Town Building, which he and the Town Engineer will attend for the purpose of discussing possibilities of a joint landfill operation.

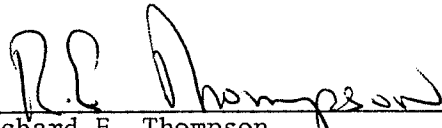
Appellate Tax Board

Town Counsel reported that four cases were recently tried by the Appellate Tax Board, in which decisions were made in favor of the Town. Mr. Turner expressed his appreciation to the Assessors for their fine cooperation and attendance at the hearings.

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

VOTED: To adjourn the meeting at 10:55 p.m.

Attest:


Richard E. Thompson
Executive Secretary-Clerk