

IN BOARD OF SELECTMEN
MONDAY, SEPTEMBER 27, 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 7:15 p.m. by Chairman William F. Toomey

Appointment - Police Patrolman Charles J. Vincuilla

Present: Police Chief Nicholas Lombardi and Charles J. Vincuilla, Jr.,
candidate for appointment to the Sudbury Police Department

Police Chief Lombardi and Charles J. Vincuilla, Jr., met with the Board relative to Mr. Vincuilla's appointment to the Sudbury Police Department.

Chief Lombardi stated that Mr. Vincuilla had lived in Sudbury for ten years, had graduated from the Lincoln-Sudbury Regional High School, had, through a Civil Service error two years ago, not received a card making him eligible for appointment to the Sudbury Police Department, and had served for the last two years as a patrolman in the Town of Oak Bluffs, Massachusetts. Chief Lombardi stated that Mr. Vincuilla had attended the Police Academy and had received EMT training.

Chief Lombardi reported that Mr. Vincuilla had accepted his appointment in Oak Bluffs with the understanding that it was to be temporary and that he would apply for appointment in Sudbury when a vacancy occurred. Chief Lombardi further reported that Mr. Vincuilla now lives in Maynard.

Chairman Toomey stated that Mr. Vincuilla, in accepting an appointment in Sudbury would be low man in the Department with no choice of schedule, and he asked Mr. Vincuilla whether this would be of concern to him or his family. Chairman Toomey also asked for his opinion concerning the practice of riding one man to a patrol car.

Mr. Vincuilla responded that both conditions were acceptable to him.

After further discussion, on the recommendation of the Police Chief, it was on motion unanimously

VOTED: To appoint Charles J. Vincuilla, Jr., to the position of Patrolman in the Sudbury Police Department, effective October 4, 1976, subject to the approval of the Division of Personnel Administration and the Sudbury Personnel Board;

and it was further

VOTED: To approve the Request for Reinstatement or Re-employment dated July 29, 1976 of Charles J. Vincuilla, Jr., as a Patrolman.

Community Message Board

Present: Police Chief Nicholas Lombardi

Referring to his letter to the Board dated September 22, 1976, Police Chief Lombardi expressed his strong objection to the placement of a Community Message Board at the Police Station.

After discussion, it was agreed to refer the Chief's above-referenced letter to the Sign Review Board and that further discussion of the matter should be held among the members of the Sign Review Board, the Police Chief, and Chairman Toomey as soon as possible.

One-Day License for the Sale of Wines and Malt Beverages - Sudbury Ancient Fyfe and Drum Companie, Russell P. Kirby

Present: Russell P. Kirby, Business Manager, Sudbury Ancient Fyfe and Drum Companie

In response to his request, it was on motion unanimously

VOTED: To issue a one-day license for the Sales of Wines and Malt Beverages to Russell P. Kirby on behalf of the Sudbury Ancient Fyfe and Drum Companie to be exercised at Longfellow's Wayside Inn on Saturday, October 2, 1976, from 10:00 a.m. to 5:00 p.m., to accommodate the Sixth Annual Sudbury Colonial Fair and Ancient Fyfe and Drum Muster. This license shall be subject to the provisions that sanitary facilities shall be provided for the people in attendance, that any required building and wiring permits be obtained, and the approval of the Fire and Police Chiefs.

1977 Annual Town Meeting Warrant Schedule

The 1977 Annual Town Meeting Warrant Schedule, dated September 22, 1976, as prepared by the Executive Secretary, was reviewed by the Board.

Selectman Potell questioned the January 5 date for articles requesting funds to be submitted to the Finance Committee as being in conflict with Article IV, Section 5 of the Town Bylaws.

Following discussion on this subject and the completion of the review, it was on motion unanimously

VOTED: To approve the 1977 Annual Town Meeting Warrant Schedule dated September 22, 1976, as prepared by the Executive Secretary, with an additional note that all committee and department budgets must be in the hands of the Finance Committee by December 31.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular meeting of September 20, 1976.

Chairman Toomey left the meeting at this time for a brief period.

UP76-63, Musket Lane - Pole Confirmation

Acting Chairman Powers reported that the existence of Boston Edison Company poles listed on Utility Petition #76-63 had been confirmed by the Wiring Inspector in his report dated September 23, 1976.

It was on motion by Selectman Potell unanimously

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

MUSKET LANE, northeasterly side, from a point
approximately 5 feet southeast of
Starview Drive --
Five (5) poles

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

The Board received an application dated September 8, 1976 for a License for Public Entertainment on the Lord's Day from the Sudbury Skating & Tennis Club, Inc., 31 Union Avenue for the period May 2, 1976 to April 24, 1977, from 1:00 p.m. - 12:00 p.m.

Acting Chairman Powers reported that the following inspection reports had been received: from the Building Inspector, dated September 23, 1976, and from the Board of Health Director, dated September 24, 1976, each of whom indicated the Club's compliance with his respective code; and from the Fire Chief, dated September 21, 1976, indicating that several major fire safety violations had been found on the premises and suggesting that the renewal of the license be delayed until correction of the violations.

Janet Silva, secretary to the Selectmen, relayed to the Board Chief Frost's verbal report earlier today in which he indicated his willingness that the license be renewed subject to correction of the violations.

Selectman Potell expressed his opinion that, if the violations were not sufficient to warrant the closing of the Club and, as stated in the Fire Chief's above-referenced report, the violations did not pertain to the license itself, the license be signed subject to the corrections.

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

VOTED: To lay the matter on the table until later in the evening.

Later in the evening, when Chairman Toomey had returned to the meeting, the matter was again discussed, and it was on motion by Selectman Powers unanimously

VOTED: To defer further consideration of renewing the aforementioned license until the Board's meeting on October 4, 1976 to allow receipt of further explanation from the Fire Chief relative to the serious safety violations at the Sudbury Skating and Tennis Club which were referenced in his September 21, 1976 report.

Presidential Election

In response to a request dated September 20, 1976 from the Town Clerk, it was on motion by Selectman Potell unanimously

VOTED: That the National and State Election be held between the hours of 5:45 a.m. and 8:00 p.m., on Tuesday, November 2, 1976, in the Peter Noyes School, for all four Sudbury precincts.

Chairman Toomey returned to the meeting at this time.

Cemetery Study Committee

The Board, at its meeting on September 20, 1976, during discussion of the Cemetery Study Committee to establish rules and regulations for the use of the Town cemeteries, directed the Executive Secretary to contact those members of the clergy who had not previously contacted the Board as to their willingness to serve on the Committee and to report back at tonight's meeting.

Mrs. Silva, secretary to the Board, reported that the remaining clergymen did not wish to be represented on the Committee.

Chairman Toomey stated that several other names had been submitted for the Board's consideration for appointment to the Committee, and he reported that he had earlier requested Selectman Potell to represent the Selectmen in this matter and that he contact the remaining candidates as to their willingness to serve and to report back to the Board.

Selectman Potell stated that he would make his report to the Board on October 12, as he would be unable to attend the Board's October 4 meeting.

110th Town Fathers Forum

A summary of the 110th session of the Town Fathers Forum is attached hereto and is a part of these minutes.

Jurors

Present: Betsey M. Powers, Town Clerk

The Board drew the names of Larry J. Colby, 8 Eddy Street, and Henry J. Guindon, 20 Hermitage Street, to serve as jurors for Cambridge Court and Mary L. Pierce, 268 Hudson Road, to serve as juror for Lowell Court, all commencing November 1, 1976.

Site Plan Application #76-168 Gibbs Tire Depot, Inc., 465 Boston Post Road

Present: Francis E. White, Zoning Enforcement Agent/Building Inspector; James V. Merloni, Town Engineer; Frank Kilburn, attorney, and Jose Reis, Construction Manager, both representing Gibbs Tire Depot, Inc.

The site plan application of Gibbs Tire Depot, Inc., 465 Boston Post Road, had previously been considered by the Board at its meeting on April 26, 1976, at which time it was denied by the Board, without prejudice, to enable the applicant to submit a more inclusive plan coordinating the disposal of the site's surface water

with the State's reconstruction plan for drainage and widening of Boston Post Road in that area. The revised site plan was again considered by the Board on July 26, 1976, and the applicants reported that they had requested a hearing before the Board of Appeals for insufficient front and rear yard setbacks, but that no hearing date had been set. The Board, at that meeting, agreed to schedule further consideration and final action on the plan within thirty days of the published decision of the Board of Appeals.

Mrs. Silva, secretary to the Board, stated that all abutters and appropriate Town departments had been notified of tonight's hearing.

Town Counsel stated that all was in order and that the Board was ready to proceed with the hearing.

Chairman Toomey reported that the Board of Appeals had acted favorably on the Gibbs' application, and he read that Board's decision dated September 20, 1976.

In response to Selectman Potell's question, Mr. Kilburn stated that the State had not yet taken any property for their proposed widening of the Boston Post Road in that area.

Selectman Potell questioned the granting of the variance by the Board of Appeals, as, in his opinion, no hardship had been demonstrated by the applicant, and he stated that he would like to suggest, as the thirty-day appeal period following that Board's decision had not expired, that the Selectmen appeal the decision.

Mr. Kilburn stated that at the request of the Selectmen, Gibbs had gone to great trouble to revise their site plan so that when the State's plans for widening Route 20 went into effect, the building would not be located as close to the road as it would otherwise, and he further stated that he did not now understand Selectmen Potell's suggestion that the Board appeal the decision.

Selectman Powers expressed his disagreement with Selectman Potell's suggestion, and he stated that the Board of Appeals had ruled on the matter. Selectman Powers asked whether anyone had appeared at the hearing to oppose the granting of the variance.

Mr. Kilburn replied that no one had appeared in opposition and that only the representatives of Gibbs Tire Depot, Inc., had been present.

Chairman Toomey asked Mr. White if, in his opinion, the site plan was in compliance with the requirements for site plans and the terms of the variance.

Mr. White responded that, in his opinion, the plan was in full compliance.

Chairman Toomey asked the Town Engineer if he had been asked to review the plan.

Mr. Merloni stated that he had not.

Selectman Powers stated that the taking does not require legislation.

Chairman Toomey asked Town Counsel if he had anything to add.

Town Counsel stated that the variance would not be effective until the appeal period expires, and if there is no appeal, Gibbs could then proceed.

After further discussion, it was on motion by Selectman Powers

VOTED: To approve Site Plan #76-168 of Gibbs Tire Depot, Inc., dated February 13, 1976, revised June 8, 1976, for property located at 465 Boston Post Road, in accordance with the decision of the Sudbury Board of Appeals dated August 31, 1976, subject to the statutory appeal period of the Board of Appeals.

(Chairman Toomey and Selectman Powers in favor; Selectman Potell in opposition.)

Chairman Toomey commented that a great deal of concern had been indicated regarding this structure on the Boston Post Road, that Gibbs had abided by State and local laws, and had the right to build their proposed structure on their property. Chairman Toomey expressed his hope that the construction was well done, and he extended his best wishes to Mr. Kilburn and Mr. Reis.

Performance Review - James Merloni, Town Engineer

Present: James Merloni, Town Engineer

In accordance with the Selectmen's Policies and Procedures, the Board met with Town Engineer James V. Merloni to review his annual report and to evaluate his performance during the past year.

After the review, the Selectmen agreed to submit to Mr. Merloni 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.

In response to the Board's request for Mr. Merloni's input relative to future plans for this department, Mr. Merloni stated that he wished to upgrade the Engineering classifications. Mr. Merloni also stated that he might recommend the purchase of an electronic measuring device at a cost of \$5,000 - \$6,000. Mr. Merloni stated that he now rents this piece of equipment from time to time at the rate of \$50 per day.

Mr. Merloni reported that he and the Executive Secretary had met with the Wayland Refuse Disposal Committee recently and that he and the Highway Surveyor and their Wayland counterparts are to obtain figures by October 27 to see if a joint landfill operation would be a viable possibility. The Board requested Mr. Merloni to act as the Board's representative in this matter and to give it his close attention in the coming year.

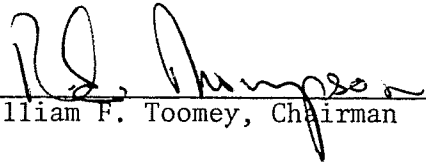
In response to Chairman Toomey's questions concerning the Town's readiness if a new valuation is requested, Mr. Merloni responded that the aerial maps and the Assessors plates have been completed and all tax map and parcels converted to the new aerial map numbering system.

Chairman Toomey thanked the Town Engineer for meeting with the Selectmen tonight, and he stated that the Board has been pleased with Mr. Merloni's performance.

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

VOTED: To adjourn the meeting at 10:40 p.m.

Attest:



William F. Toomey, Chairman