

IN BOARD OF SELECTMEN  
MONDAY, AUGUST 8, 1977

Present: Chairman John C. Powers and William F. Toomey

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The statutory requirements as to notice having been complied with, the meeting was called to order at 7:30 p.m. by Chairman John C. Powers.

Jurors

Present: Town Clerk Betsey M. Powers

The Board drew the names of Robert E. Huie, 20 Possum Lane, to serve as juror at Lowell Court and Susan Abrams, 143 Victoria Road (now living at 48 Chanticleer Road), and Howard C. Austen, Jr., 33 Tanbark Road, to serve as jurors at Cambridge Court, all to commence on October 3, 1977.

Note: It was later determined that Howard C. Austen, Jr., no longer resides in Sudbury.

Appointments

Present: Town Clerk Betsey M. Powers

On the recommendation of Town Clerk Betsey M. Powers, as set forth in her communication dated August 8, 1977, it was on motion by Selectman Toomey unanimously

VOTED: To appoint the following election officers for the coming year:

ELECTION OFFICERS - 1977/1978

PRECINCT 1

WARDEN - Anne Lehr (R)  
DEPUTY WARDEN - June Atwood (R)  
  
CLERK - John Blanchette (D)  
DEPUTY CLERK - Winifred Fitzgerald (D)  
  
INSPECTORS - Benjamin Hammer (R)  
                  Helga Andrews (D)  
  
DEPUTY INSPECTORS - Shirley MacGregor (R)  
                          Mary Early (D)

PRECINCT 2

WARDEN - Richard Moore (R)  
DEPUTY WARDEN - Eugenie Mader (R)  
  
CLERK - Marjorie Davin (D)  
DEPUTY CLERK - Robert Abrams (D)

TELLERS

REPUBLICAN

Chester Hamilton  
Louis Morrison  
Forrest Bradshaw  
John P. Nixon  
Daniel Bortle  
William A. Burns  
Robert Nims  
Malcolm Beers  
Royal E. Haynes, Jr.  
H. Stewart Dickson

DEMOCRATIC

Joan Felleman  
Paul Beatty  
Pauline Walker  
Warren Boyce  
John Walsh

PRECINCT 2 (contd')

INSPECTORS - Fay Hamilton (R)  
Dorothy Sears (D)

DEPUTY INSPECTORS - Donnilea Marshall (R)  
Myron Fox (D)

DEMOCRATIC (cont'd)

Jeremy Glass  
John Hennessy  
Mary Farry  
Linda Buxbaum  
Alorie Parkhill

PRECINCT 3

WARDEN - Lois Moulton (D)  
DEPUTY WARDEN - Jeanne Maloney (D)

CLERK - Leona Johnson (R)  
DEPUTY CLERK - Alice Morrison (R)

INSPECTORS - Victor Harmon (R)  
Anita Cohen (D)

DEPUTY INSPECTORS - Joyce Rubin (R)  
Virginia Allan (D)

PRECINCT 4

WARDEN - Claire Jarvis (D)  
DEPUTY WARDEN - JoAnn Savoy (D)

CLERK - Elizabeth Newton (R)  
DEPUTY CLERK - Mildred Rothwell (R)

INSPECTORS - Marion Hriniak (R)  
Hester Lewis (D)

DEPUTY INSPECTORS - Ann Beckett (R)  
Mary Monroe (D)

ADDITIONAL INSEPECTORS AND DEPUTY INSPECTORS

PRECINCT 1

INSPECTORS - Lorraine Bauder (R)  
Margaret McQueen (D)

DEPUTY INSPECTORS - Thalia Rasmussen (R)  
Jeanne McCarthy (D)

PRECINCT 2

INSPECTORS - Louise Card (R)  
Nancy Taft (D)

DEPUTY INSPECTORS - Shirlee Burd (R)  
Maryellen Gallagher (D)

PRECINCT 3

INSPECTORS - Marian Zola (R)  
Helen Lucero (D)

DEPUTY INSPECTORS - Barbara Haynes (R)  
Thomas Blanchette (D)

PRECINCT 4

INSPECTORS - Carol Thurston (R)  
Carole Johnson (D)

DEPUTY INSPECTORS - Martha Johnson (R)  
Dorothy McCarthy (D)

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EMERGENCY INSPECTORS - DEMOCRATIC

Maureen Wiles  
Dorothy Bagley  
Linda Glass  
Cheryl Rogers  
Patricia Crocker  
Beverly Guild

EMERGENCY INSPECTORS -  
REPUBLICAN

Ruth Ross  
Mary Ganey  
Eleanor Wiedenbauer  
Bettie Lee Zeller  
Elizabeth H. Cousins  
Constance L. Bennett

Minutes

It was on motion by Selectman Toomey unanimously

VOTED: To table the question of approving the minutes of the regular and executive sessions of July 25, 1977 until the Board's next meeting, as Selectman Toomey had not attended the July 25 meeting and Selectman Potell was not in attendance tonight.

Award Bid -- Town Hall Generator

Executive Secretary Richard E. Thompson reported that bids for the purchase and installation of a natural-gas-driven standby generator at the Town Hall had been received and opened on July 19, 1977 and that a subsequent report dated July 28, 1977 from the Building Inspector had been received which recommended that the bid be awarded to the low bidder, Welders Supply of Worcester, Inc., Auburn, Massachusetts.

After a brief discussion and the approval of Town Counsel, it was on motion unanimously

VOTED: To award the bid for the purchase and installation of a natural-gas-driven standby generator at the Town Hall to Welders Supply of Worcester, Inc., 14 Technology Drive, Auburn, Massachusetts, for the price of \$5,499.75.

Installation of Sewerage System for Town Hall--Bid Received

Executive Secretary Richard E. Thompson reported that an invitation-to-bid for sewerage system construction for the Town Hall had been published in a local newspaper on July 21, 1977 and mailed to local installers. Mr. Thompson further reported that the Board had received a letter dated July 28, 1977 from Town Engineer James Merloni which reported that, on July 26, 1977, a single bid was received and opened which was priced far in excess of the sum of \$12,000 appropriated under Article 34 of the 1977 Annual Town Meeting. Mr. Merloni's letter set forth his recommendation that the bid be rejected and provision made to rebid the project at the earliest possible date.

Mr. Thompson reported that it was the Town Engineer's opinion that the reason for receipt of only one bid had been the various companies' fear upon seeing the outcropping of ledge in the adjacent area that ledge might also exist in the area of the proposed construction and, further, that it had been Mr. Merloni's suggestion that some clause to safeguard this factor be put in the bid specifications. Mr. Thompson further reported that Mr. Merloni had made several test borings in the area and was of the opinion that there was no ledge at the proposed site.

The Executive Secretary reported that Mr. Merloni had also suggested that the project be split and that proposals for the installation of the leaching system could be done for less than \$2,000 and would, therefore, not have to be publicly bid.

Chairman Powers stated that he was not in favor of splitting the project into two parts, especially as such a split would bring one part below the bid level of \$2,000 and he suggested that the Board take no further action until discussion could be held with Town Counsel, the Building Inspector, and the Town Engineer.

Chairman Toomey was in agreement, and after further discussion, it was on his motion unanimously

VOTED: To reject the bid received for the installation of the sewerage system for the Town Hall, as it was in excess of the 1977 Annual Town Meeting appropriation; and it was further

VOTED: To schedule a meeting for further discussion of the matter with Town Counsel, the Building Inspector, and the Town Engineer.

Tax Anticipation Notes

It was on motion by Selectman Toomey unanimously

VOTED: To confirm the Board's action of July 28, 1977 relative to the signing of Tax Anticipation Notes dated August 1, 1977 and due November 15, 1977, in the amount of \$2,000,000 as prepared by the Town Treasurer and set forth in his communication dated July 27, 1977, as follows:

Guaranty First Trust Co.	2.10%	100M
Worcester County National Bank	2.12%	250M
Newton Waltham Bank & Trust Co.	2.15%	500M
Boston Safe Deposit & Trust Co.	2.15%	200M
Shawmut Community Bank, N.A.	2.19%	200M
Newton Waltham Bank & Trust Co.	2.22%	500M
Guaranty First Trust Co.	2.22%	200M
Shawmut Community Bank, N.A.	2.24%	50M

1978 Middlesex County Budget -- Expression of Opposition

The Board received a communication dated July 28, 1977 from the Acton Finance Committee relative to its opposition to the Middlesex County Budget and a request that Sudbury petition the Joint Legislative Committee on Counties to recommend a reduced budget.

After discussion, it was on motion by Selectman Toomey unanimously

VOTED: To support the above-referenced request from the Acton Finance Committee and to send appropriate letters expressing the Board's opposition to the 1978 Middlesex County Budget to the Joint Legislative Committee on Counties and to the local legislators, with copies to the Acton Finance Committee.

Massachusetts Municipal Associations Joint Legislative Officer--Proposed Litigation Relative to Financing Public Education

The Board received a communication on July 27, 1977 from the Joint Legislative Office of the Massachusetts Municipal Associations which requested support of proposed litigation to challenge the constitutionality of the present method of financing public education. The communication stated that Sudbury's share of support for such litigation would be \$596.

Executive Secretary Richard E. Thompson reported that, if the Selectmen should vote to proceed with the requested support, sufficient money would be available for Sudbury's share in the Selectmen's Surveys and Studies Account.

After discussion, during which Selectman Toomey stated that the proposal was unacceptable to him at this time, it was on his motion unanimously

VOTED: To table further consideration of the above-referenced request.

Fourth Legislative Liaison Package--Occupational Safety and Health Act

The Board received a communication dated July 19, 1977 from the Massachusetts Municipal Associations Joint Legislative Office relative to a legislative proposal (House Bill 6370) to extend the provisions of the Occupational Safety and Health Act (OSHA) to public employees and a request for support in opposing the same.

After discussion, during which Selectman Toomey urged the members of the press present to take particular note of this item for purposes of press coverage, it was on his motion unanimously

VOTED: To contact Sudbury's legislators, expressing the Board's opposition to House Bill 6370.

Medical Equipment Gift

The Board received a letter dated August 1, 1977 from Fire Chief Josiah F. Frost which informed the Board that Mr. and Mrs. W. T. Jones, 21 Bent Brook Road, had donated to the Sudbury Fire Department a very complete blood pressure kit which would complete the equipping of all first-responding apparatus with the necessary emergency medical service equipment.

It was on motion by Selectman Toomey unanimously

VOTED: To accept the aforementioned donation and to express to Mr. and Mrs. Jones the Board's appreciation for the gift.

Fire Department Map Book

Executive Secretary Richard E. Thompson reported that the Board had received a communication dated August 1, 1977 from Fire Chief Josiah F. Frost which conveyed a Map Book, dated July 1977, for use by the Fire Department. Chief Frost's letter stated that the book, which includes a street index, fire alarm box index, fire alarm box locations, and hydrant locations, had been compiled by Call Firefighter Harold Cutler, Permanent Firefighter/EMT's George Place, Daniel Nardini, and Michael Quinn, with the assistance of the Engineering Department. Mr. Thompson stated that the Map Book has replaced the four notebooks which had been previously used and that the Police Department has also requested two copies of the book for its use.

Chief Frost's letter and Chairman Powers commended those members of the Fire Department and the Engineering Department who were involved in this project for their time and effort in putting together this valuable book, and the Board requested that a separate letter of appreciation be sent to each person involved.

Site Plan #77-180, Joseph and Charles Calareso, Northern Farms Farmstand and Country Store, 15 Union Avenue

Present: Charles Calareso, applicant

In accordance with Article IX, Section V, Paragraph A of the Town Bylaws, the Board considered the site plan of Joseph and Charles Calareso, Northern Farms Farmstand and Country Store, 15 Union Avenue.

Executive Secretary Richard E. Thompson reported that all abutters and appropriate Town officials had been notified of tonight's meeting and that the following reports have been received: from the Planning Board dated July 29, 1977 which recommended that the above-referenced site plan be coordinated with an earlier approved site plan filed by Peter-Cam Trust (#76-175) for a joint single exit onto Union Avenue; from the Building Inspector, who had indicated his recommendation for approval on July 1, 1977 and had sent a second report, dated August 4, 1977, which stated that two advertising signs which protruded onto Town property had been noted at the entrance to the store, and in response to the Planning Board's aforementioned question, suggested that Town Counsel be consulted concerning the question of possible joint access to Union Avenue from this and the adjacent property to the south; from the Conservation Commission, dated August 5, 1977, who indicated its approval and no concern under GLc131, §40; and from the Board of Health dated July 21, 1977, who had indicated no concern.

Mr. Thompson recommended that the Board's action in this matter be continued until the Board's next meeting at the request of Selectman Potell who could not attend tonight's meeting, and he stated that, as the next meeting would occur after the August 13, 1977 site plan expiration date, it be continued with the consent of the applicant. Mr. Thompson stated that he would also recommend that the Highway Surveyor give priority to cleaning up the tree and lawn area on the Town-owned land at that location.

Chairman Powers stated that it was his understanding that Selectman Potell would return to Sudbury on August 14, and he suggested that the Board tentatively schedule a meeting on Tuesday, August 16, at 8:00 p.m. in the Lower Town Hall.

Mr. Calareso expressed his agreement with the continuation as proposed, and it was on motion by Selectman Toomey unanimously

VOTED: To continue further consideration of Site Plan #77-180 of Joseph and Charles Calareso for property located at 15 Union Avenue until August 16 at 8:00 p.m., with the consent of the applicant.

#### Landham Road Advisory Committee

Present: Peter Anderson and Susan Anderson, Landham Road residents

Chairman Powers reported that the Board, at its meeting on July 25, 1977, had indicated that it would accept Highway Surveyor Robert Noyes' suggestion that a small advisory group be appointed to work with Town officials and Landham Road area residents, but had voted that appointments to the Committee would be made by the full Board, in accordance with policy.

Chairman Powers now suggested that this item be scheduled for the Board's special meeting on August 16 and that those citizens who had expressed interest in serving in this capacity be so informed.

Chairman Powers also stated that the Board would schedule a meeting early in September for a public hearing to discuss Landham Road reconstruction plans.

Finance Committee member Alan Grathwohl, that Committee's liaison to the Board of Selectmen, informed the Board that the Finance Committee had recently unanimously voted to request that Finance Committee member Karl Clough, who is their liaison to the Highway and Engineering Departments, be appointed as an ad hoc member of the Landham Road Advisory Committee.

Executive Secretary Richard E. Thompson stated that Ronald Adolph, 29 Old Lancaster Road, had earlier this evening requested that his name also be considered for appointment to the Committee.

Selectman Toomey stated that he would have a question as to Mr. Adolph's being appointed to the Committee as he is a member of the Board of Appeals, and he requested an opinion from Town Counsel on the matter.

Town Counsel Paul Kenny stated that, in his opinion, there would be no legal impediment to Mr. Adolph's serving, but that he would submit a further report on this question for the Board's meeting tentatively scheduled for August 16.

Peter Anderson, 113 Landham Road, requested that he be notified if the meeting were to be held at that time.

Chairman Powers stated that all candidates would be notified of the date of the meeting when verified.

It was on motion by Selectman Toomey unanimously

VOTED: To set a date for the appointment of the Landham Road Advisory Committee for 8:30 p.m., August 16, at the Lower Town Hall.

#### New Accounting Machine -- Contract, Site Preparation, and Space Plan

The Board received an updated report dated August 4, 1977 from John H. Wilson, Town Accountant, relative to the contract, site preparation, and space plan with regard to the new accounting machine, which enclosed a copy of related correspondence dated August 3, 1977 from Town Counsel to the Town Accountant.

Executive Secretary Richard E. Thompson stated that Mr. Wilson's report indicates that an adjustment has been made to the contract with regard to installation of the electrical service and will be ready for review by the Board at its August 22 meeting.

In response to Selectman Toomey's question as to whether the new negotiated contract would require a transfer, Mr. Thompson replied that a transfer would not be necessary.

#### Tax Possession Auction

Executive Secretary Richard E. Thompson reported on the Tax Possession Auction held on Saturday, August 6, 1977, and, referring to Assistant Town Counsel Thomas French's August 8, 1977 report, read the list of high bids for the seven parcels offered.

As the Board had not seen the bids prior to this time, Selectman Toomey requested that this item be deferred to the August 16 meeting and that copies of Town Counsel's August 8 report be made available to the Selectmen in advance of that date.

Chairman Powers was in agreement, and it was on motion by Selectman Toomey unanimously

VOTED: To defer further consideration of Assistant Town Counsel's August 8, 1977 report until the Board's August 16, 1977 meeting.

#### Executive Session

At 8:30 p.m., following a unanimous roll call, it was



VOTED: To enter into executive session for the purpose of discussing current litigation.

Chairman Powers announced that the regular meeting would reconvene following the executive session.

At 9:05 p.m., the regular meeting resumed.

Division of Personnel Administration Certification List

The Board reviewed a certification list, dated July 7, 1977, from the Division of Personnel Administration for the purpose of authorizing the appointment of one permanent full-time police officer. As only two applicants on the list had indicated willingness to accept an appointment to this position and as this number is, in accordance with the standard practice of the Board, an insufficient number from which to choose, it was on motion by Selectman Toomey unanimously

VOTED: To authorize the Executive Secretary to return the list to the Division of Personnel Administration for reason of insufficient candidates for appointment in accordance with GLc31, §16A.

It was further

VOTED: To authorize the Executive Secretary to request an extension of the provisional employment of Patrolman Tayno V. Hyden, Jr., until a new list is received by the Board and an appointment made;

and it was further

VOTED: To authorize the Executive Secretary to file the appropriate papers and documents for requisition of two permanent full-time police officers.

Police Department--Resignation Received--Gary E. Ryan

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

VOTED: To defer the question of accepting and acknowledging the resignation dated July 6, 1977 of Gary E. Ryan from the Sudbury Police Department, effective August 9, 1977, due to his supposedly being recalled to active duty with the U.S. Army as stated in his July 6 letter, until the Board's August 16 meeting when the full Board will be present.

Automobile Accident Report--Boston Post Road and Stone Road--Fire Chief Frost

The Board received communications from Fire Chief Josiah F. Frost, dated July 26, 1977, and Police Chief Nicholas Lombardi dated July 19, 1977, relative to an automobile accident which occurred on July 15, 1977 at Boston Post Road and Stone Road.

Following a brief discussion, the Board asked that the above-referenced communication be reviewed with the subject of ambulance procedures which is scheduled for discussion at the end of September.

DPU Hearing--Big W Trans, Inc.

Town Counsel Paul Kenny, referring to his letter dated July 18, 1977, reported to the Board on the subject of the Department of Public Utilities (DPU) hearing concerning Big W Trans, Inc.'s appeal relative to the Board's action on May 16, 1977 to grant to Big W Trans, Inc., a restricted license to operate along certain routes in the Town to provide bus transportation to CETA employees and trainees.

The hearing was held on July 11, 1977, at which time the DPU took the matter under advisement.

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

VOTED: To adjourn the meeting at 9:25 p.m.

Attest:



Richard E. Thompson  
Executive Secretary-Clerk