

IN BOARD OF SELECTMEN  
MONDAY, FEBRUARY 14, 1977

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.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular and executive sessions of February 7, 1977 and the special meeting of February 8, 1977.

Special Town Meeting - April 4, 1977

After discussion, on the recommendation of the Executive Secretary, it was on motion by Selectman Powers unanimously

VOTED: To call a Special Town Meeting for April 4, 1977 at 7:30 p.m. in the Lincoln-Sudbury High School Auditorium to provide increases for Town employees as a result of collective bargaining negotiations;

and it was further

VOTED: To close the warrant for the April 4, 1977 Special Town Meeting on Monday, February 28, 1977, at 5:00 p.m.

Annual Report - St. Anselm's Bingo Committee

As required by the Bingo Division of the Massachusetts State Lottery Commission, the Board received a communication dated February 2, 1977 from the St. Anselm's Bingo Committee, which enclosed a copy of their Annual Report to the Massachusetts State Lottery Commission.

After review, it was on motion by Selectman Powers unanimously

VOTED: To accept the Annual Report for 1976 of the St. Anselm's Bingo Committee and to place the copy on file in the Selectmen's office.

Taxi Rate Changes - Sudbury Gulf Corporation

In response to his request dated February 7, 1977, after review, it was on motion unanimously

VOTED: To authorize Edmund R. Brown, Sudbury Gulf Corporation, 470 Boston Post Road, Sudbury, to increase his present taxi rates, as follows:

\$1.30 for first mile and \$.80 each mile thereafter;

Airport: \$18.00 -- 9 a.m. to 3 a.m.  
\$23.00 -- 3 p.m. to 9 a.m.  
\$23.00 -- Saturdays, Sundays, and Holidays.

Sudbury Engineering Department

After review of a letter dated February 7, 1977 from Town Engineer James V. Merloni, which announced that several members of the Engineering Department had received their Professional Registrations in the Commonwealth of Massachusetts: those being Richard Mainville, Registered Professional Engineer; Bruce Kankanpaa, Registered Land Surveyor; Paul Baptiste, Registered Land Surveyor-in-Training; and that he had been informed that he, in addition to being a Registered Professional Engineer, was now also a Registered Land Surveyor, it was on motion unanimously

VOTED: To send letters of commendation to the four above-named members of the Engineering Department;

and it was further

VOTED: To send a copy of the above-referenced communication to the Finance Committee.

Conservation Commission - Disagreement with Selectmen's Minutes

The Board received a communication dated February 7, 1977 from John Cutting, Chairman of the Conservation Commission, which expressed his disagreement with the minutes of the Selectmen's meeting of January 17, concerning the intent of the Conservation Commission relative to the purchase of a vehicle to transport Police Auxiliaries to conservation lands for purposes of patrol.

After discussion, it was on motion unanimously

VOTED: To change the permanent records of the Selectmen's meeting of January 17 to reflect Mr. Cutting's February 7, 1977 communication.

Board of Health - Notification of Resignation

The Board received a communication dated February 8, 1977 from James J. Healy, Chairman of the Board of Health, which advised the Selectmen of the resignation of William Cossart from that Board, effective March 1, 1977, and which expressed that Board's wish that the vacancy be filled at the Annual Town Election rather than by joint election by the two boards.

After discussion, it was agreed to request the remaining members of the Board of Health to meet with the Selectmen in a joint session, in accordance with the State statute, at which time the above suggestion will be discussed and acted upon.

Executive Secretary Richard E. Thompson recommended that the joint session be scheduled for Monday, March 7.

The Board was in agreement.

Proclamation - Coffee Day - Easter Seal Society

In response to a communication dated February 1, 1977 from the TV Weathermen of Massachusetts, Co-Chairmen, 1977 Easter Seal Campaign, it was on motion unanimously

VOTED: To sign a proclamation designating Friday, March 11, 1977, as Coffee Day in the Town of Sudbury to urge the Townspeople to support this campaign to benefit handicapped children and adults in Massachusetts.

Utility Petition #77-71 - Beechwood Drive - Confirmation of Existing Poles

After a report by Executive Secretary Richard E. Thompson that the Wiring Inspector, on February 11, 1977, had verbally confirmed the existence of the below-named poles, it was on motion unanimously

VOTED: To confirm the existence, upon property accepted by the Town as a public way, of Boston Edison Company and New England Telephone and Telegraph Company utility poles at the following location:

BEECHWOOD AVENUE, thirteen (13) poles, as shown on a plan dated January 11, 1977, drawn by C. B. Damrell.

Appointments

The Executive Secretary reported that the matter of appointments which was scheduled on tonight's agenda would be rescheduled at a later time to allow receipt of additional information.

Emergency Fuel Assistance Program

Executive Secretary Richard E. Thompson announced that he had today received a notice from the South Middlesex Opportunity Council which stated that the Council will make 6,800 gallons of fuel oil available to eligible area low-income persons facing heating crises due to the severe winter conditions. The notice stated that the fuel oil had been made available through donations to the Commonwealth by wholesale and retail oil dealers.

Selectman Powers suggested that the notice be forwarded to the Sudbury Public Health Nursing Association, as they might know of possible eligible recipients.

Chairman Toomey also brought the matter to the attention of Frank Grinnell, who was attending the meeting, as he serves as the Town's Veterans Agent and might have similar knowledge.

The Executive Secretary was requested to advise the Board of any citizens receiving the fuel oil.

Sudbury's Fiscal Plight - Town Fathers Forum - January 24, 1977

The Executive Secretary submitted to the Board a copy of Sudbury's Fiscal Plight, a report compiled from information presented at the January 24, 1977 Town Fathers Forum by the Town Accountant.

Mr. Thompson requested that the Selectmen advise him of any changes they would wish made before the end of the week, so that it may then be printed.

House Bill No. 3246

The Executive Secretary reported that he had spoken with Clifford Hughes, Sudbury's designee to the MBTA Advisory Board, concerning House Bill No. 3246, an act authorizing certain towns to withdraw from the MBTA.

After discussion, it was agreed to write to the Town's Representatives and Senator to request that Sudbury become a part of this bill and to send copies of the letters and the bill to the other member towns of the MBTA not listed in the bill, but indicated on the list dated February 10, 1977 which accompanied the bill as MBTA District cities and towns receiving no service as of December 31, 1976.

Civil Defense - Sudbury Emergency Operations Plan

The Board, at its meeting on February 7, 1977, voted to table further discussion of signing Sudbury's Emergency Operation Plan until after a review of the original plan which was approved by the Board on December 13.

The review having been completed, after discussion, on the recommendation of the Executive Secretary, it was on motion by Selectman Powers unanimously

VOTED: To sign the Emergency Operations Plan for the Town of Sudbury as prepared by Civil Defense Preparedness Director Josiah F. Frost.

Occupancy of Building #3, Village Green Shopping Center

Present: Francis E. White, Building Inspector

The Board discussed with Building Inspector Francis E. White his letter dated February 1, 1977 to the West Newton Savings Bank relative to occupancy of Building #3 Village Green Shopping Center.

Selectman Powers stated that he would again ask that the Board continue its position with regard to this shopping center--that, before any permit is issued, the matter come before the Board for discussion.

Chairman Toomey requested that Town Counsel review the above-referenced letter with the Building Inspector and report back to the Board.

Selectman Potell expressed his opinion that the shopping center site plan be in complete compliance before any occupancy certificate or permission is given.

After further discussion, it was on motion unanimously

VOTED: To refer the above-referenced letter to Town Counsel for review with the Building Inspector and to further request Town Counsel's review and report of the file and record of the Village Green Shopping Center site plan and that he report back to the Board as soon as possible.

WBZ-TV4 - Community Day Programming

Executive Secretary Richard E. Thompson announced that his office had been working with the staff of WBZ-TV4 on their scheduled community day programming. Mr. Thompson reported that Sudbury has been selected as the first community in the series and that a TV crew would be in Sudbury on February 15 and 16 to film spot announcements and particular sites to be shown at station break intervals throughout the day on February 28.

Public Hearing - Application for Discretionary Funds - 1977

Present: Emmanuel Tiliakos, Town Planner; Judith Mack and Robert Williams, members of the Sudbury Housing Authority and the Sudbury Non-Profit Housing Corporation; John Brown, member, Sudbury Non-Profit Housing Corporation

The Board, at its public hearing on January 31 on the subject of a proposed application for HUD 1977 Discretionary Funds, voted to continue the hearing until tonight to allow input by the Planning Board from its own public hearing on the subject scheduled for February 7.

Chairman Toomey now convened the continued hearing.

Executive Secretary Richard E. Thompson stated that, on January 31, the Town Planner had presented two proposals for submission to HUD for 1977 Discretionary Funds: the first, an application for \$130,000 for continuing the revolving loan fund for home rehabilitation, which was begun this year; and the second, an application for \$250,000 from the Sudbury Housing Authority for the acquisition of land for low and moderate income housing. Mr. Thompson stated that the Board had since received a communication dated February 11, 1977 from the Town Planner which stated that he had learned that only one application could be submitted for a total amount not to exceed \$250,000 and which requested that the Selectmen decide what amounts should be requested for each of the two activities.

Town Planner Emmanuel Tiliakos reported that the Planning Board hearing was mainly concerned with rehabilitation applications, but that it was also agreed that the administration costs of the application for \$130,000 for home rehabilitation should be reduced to \$5,000.

In response to Selectman Powers' questions, Mr. Tiliakos made the following statements:

- He had received thirty applications for money received under the present rehabilitation program, but, as forty-eight requests for application forms have been made, he assumed more applications would be received.
- No applications have been processed as yet.
- The applications indicated that the requests were coming from low or moderate income families.

In response to Chairman Toomey's question as to what information would be supplied to aid in the selection of applicants, Mr. Thompson responded that the applications would be reviewed by an in-house review committee composed of the Board of Health Director, the Building Inspector, the Town Planner, and himself and that interviews would be held with the applicants as to their eligibility.

Selectman Powers stated that none of the present applications related to apartments, but indicated a need for rehabilitation of one-family structures. Selectman Powers expressed his opinion that the funds should be used to rehabilitate single family units rather than to construct accessory apartments. Selectman Powers further stated that, as the funds for accessory apartments are proposed to be awarded on a matching basis, it would be difficult for persons of low and moderate income to supply the matching funds.

Mr. Thompson stated that the Town could set its own priorities in this regard.

In response to Selectman Powers' questions at their earlier hearing, Sudbury Housing Authority/Sudbury Non-Profit Housing Corporation member Judith Mack stated that individual Board responsibility would be worked out after the money is received and that the land would belong to the Selectmen unless they stipulate that the land should go to the Sudbury Non-Profit Housing Corporation (SNPHC).

Mrs. Mack stated that the SNPHC is now looking at smaller sites of 20-25 acres, but has no specific site at the moment, and has not approached any land owners.

Selectman Powers asked, in the opinion of the Corporation, what figure would be the beginning level for them to acquire some land.

SNPHC member John Brown stated that the Selectmen may decide they want to apply for funds for just one item.

Chairman Toomey stated that he was still bothered by the fact that a zoning change would be necessary for land for low and moderate income housing.

Mr. Brown stated that, if the Selectmen want a commitment, he would rather see them apply for the land acquisition funds this year, but he stated that the Corporation could get along with less money. Mr. Brown stated that, if a site could not be found or rezoned, the money would have to be returned to HUD, and he further stated that, if the Corporation did not get the money for land acquisition this year, it would find a piece of land and ask the Town to rezone it.

Selectman Powers suggested that the application request \$150,000 for rehabilitation purposes and \$100,000 for land acquisition.

Mr. Brown expressed his approval of Selectman Powers' suggestion.

Selectman Potell commented that, when the 1973 Annual Town Meeting passed the resolution supporting the formation of the SNPHC, there was no authorization, implied or otherwise, that the Corporation would participate in funding or applications for Town grants, and he expressed his opinion that the matter should go back to a Town Meeting.

SHA/SNPHC member Robert Williams questioned whether \$150,000 could be spent on rehabilitation in a year, and he suggested that a census be made of how many families would qualify and an estimate of the average need of the applicants.

Selectman Powers expressed his opinion that the need existed.

The Executive Secretary expressed his agreement with Mr. Williams, and he reported that he and the Town Planner had recommended a level of rehabilitation spending of \$115,000, of which amount \$80,000 would be for accessory apartment construction if Article 27 in the warrant for the 1977 Annual Town Meeting is approved.

Selectman Potell asked how long it took to approve and process an application.

Mr. Tiliakos stated that none had yet been processed, but he estimated that interview, inspection, and approval would take six weeks.

After further discussion, it was on motion by Selectman Powers

VOTED: To authorize the Executive Secretary to file a Fiscal Year 1977 Pre-Application for Federal assistance in the amount of \$250,000 (\$150,000 for housing rehabilitation and \$100,000 for acquisition of land for low and moderate income housing) to State and areawide clearing houses for completion of their A-95 review and to the Department of Housing and Urban Development for special revenue sharing discretionary funds, in accordance with Section 106 of the Housing and Community Development Act of 1974.

Buddy Dog Humane Society, Inc.

Present: Dog Officer Francis E. White; Edward Kreitsek, Chairman, Board of Directors, Buddy Dog Humane Society, Inc.

Edward Kreitsek, Chairman, Board of Directors, Buddy Dog Humane Society, Inc., met with the Board to inform the Selectmen that, during the past two years, with the change in the operation of the Buddy Dog Humane Society, recent proposed changes in State controls relating to animal shelters, and the growing enforcement of the leash law, admission of Town dogs is cumbersome and places a hardship on the Buddy Dog facilities. Mr. Kreitsek stated that the Society now finds it difficult to reserve spaces for dogs which may be brought in by the Assistant Dog Officer.

Mr. Kreitsek stated that he would like to ask that the Board consider the legalized use of the old Buddg Dog animal shelter facilities located on the property of the Assistant Dog Officer on Dakin Road, which, in his opinion, could better serve the Town.

Mr. Kreitsek stated that the Buddy Dog is restrained from operating an adoption center at that site as a special permit from the Board of Appeals and a Town Meeting vote to use it for municipal purposes were needed.

Mr. Kreitsek expressed his opinion that the earlier problem was concerned with the traffic connected with the Buddy Dog adoption operation.

Selectman Powers stated that, in his opinion, if it were wrong for Buddy Dog Society to use Dakin Road facilities, then it would be wrong for any individual or organization to use the same, and that he was strongly opposed to holding dogs at any Dakin Road facility.

Chairman Toomey stated that the Board could not rule on this matter tonight and that a public hearing on the matter would be necessary.

The Executive Secretary expressed his opinion that the Dog Officer would have to look into this matter for a report as to alternatives for the Town.

Selectman Powers commented that a Special Town Meeting had been called, the warrant for which closes on February 28.

Chairman Toomey requested that a report be received from the Dog Officer to include reaction to the proposal by the Assistant Dog Officer for the Board's review on February 28.

Public Hearing - License Violation - Colonial Spirits, 513 Boston Post Road

Present: Edward L. Morrill, Manager, duRobtrater, Inc., Stephen Steinberg, Treasurer, duRobtrater, Inc., Shaun McNally, Clerk, and Scott Wilson, Manager, Colonial Spirits; Police Chief Nicholas Lombardi and Officer Alan C. Houghton

Under the provisions of Chapter 138, Section 64 of the General Laws, the Board, after notice to the licensee, held a public hearing on a possible license violation of the Colonial Spirits, 513 Boston Post Road, holder of a Package Goods Store License for the Sale of All Alcoholic Beverages.

Executive Secretary Richard E. Thompson reported that the Police Chief had, by letter dated January 18, 1977, informed the Selectmen of a report dated November 27, 1976, made by Police Officer Alan C. Houghton, which noted an alleged violation at Colonial Spirits, 513 Boston Post Road.

Mr. Thompson reported that he had requested procedure on the matter from Town Counsel and that his response, dated January 21, 1977, had been received. Mr. Thompson read Town Counsel's above-referenced letter, and he stated that it was the intent of this hearing not to use the minor's name.

Mr. Thompson further reported that he had, by letter dated February 2, 1977, advised Mr. Morrill, Manager, duRobtrater, Inc., d/b/a The Colonial Spirits, of tonight's hearing.

Officer Houghton's report, dated November 27, 1976, was received by the Selectmen.

Under questioning from Town Counsel Paul L. Kenny, Officer Houghton identified himself and his position as a Police Officer in the Sudbury Police Department and made the following statements:



- While on routine patrol at approximately 9:00 p.m. on November 27, 1976, he observed three vehicles traveling south on Raymond Road and, stopping the lead vehicle, he discovered a case of 12-oz. cans of Millers Beer.

- Upon determining from the driver's license that he was a minor, as were his two passengers, the driver was arrested for being a minor and transporting an alcoholic beverage.

- Subsequent questioning showed that one of the three minors in the car had purchased the beer from Colonial Spirits.

- A detailed description of the clerk from whom the purchase had been made was given by the minor who had bought the beer and, upon subsequent investigation, there was no doubt in his (Officer Houghton's) mind that the description fit one of the two clerks then on duty.

- District Court proceedings were begun during which his witness pointed out the second clerk as the one who had sold the beer, and the charge was dismissed.

Mr. Stephen Steinberg, Treasurer, duRobtrater, Inc., stated that the matter was an unfortunate incident and had not happened to their corporation before in their three years in Sudbury or in their thirteen years in their stores in Acton and Stow, and he stated that they could only apologize and work very hard so that it would not happen again.

Mr. Steinberg submitted two statements to the Board relative to the sale of liquor to minors, which each of their store employees must sign before coming to work and renew periodically. Mr. Steinberg stated that each clerk is also reminded verbally on a regular basis.

Mr. Steinberg stated that the minor who had purchased the beer was 6'2" tall and appeared, in his opinion, to be older than he actually was, and that, since the incident, Colonial Spirit's Manager Scott Wilson had made an appointment with the Police Chief to discuss ways to prevent any such reoccurrence.

Mr. Steinberg stated that the clerk against whom the charge had been made had been found not guilty, as the wrong clerk had been identified in the court room.

Chairman Powers asked Officer Houghton that, regardless of which clerk had done the selling, there was no question as to which store had done the selling.

Officer Houghton replied in the affirmative.

Chairman Toomey stated that he had been on the Board for six years during which time there have occurred three violations and that the last action taken by the ABCC was a fourteen-day suspension for a first offense (later verified by the Executive Secretary to be 12 days). Chairman Toomey stated that the Board would take the matter under advisement tonight and make its decision, and he commented on the need for the Board to be consistent with the State statutes.

At 9:15 p.m., after a unanimous roll call vote, it was on motion by Selectman Powers further unanimously

VOTED: To enter into executive session for the purpose of considering the complaints and charges against individuals.

Chairman Toomey announced that the public session would reconvene following the executive session.

At 9:25 p.m., the public session reconvened, and it was on motion by Selectman Powers unanimously

VOTED: To adjourn the hearing concerning alleged violations at Colonial Spirits, 513 Boston Post Road.

Later in the evening, the Board, being certain that satisfactory proof exists to indicate a violation of a condition of the above-referenced Package Goods Store License by the selling of alcoholic beverages to a minor, on motion by Selectman Powers, it was unanimously

VOTED: To suspend for four days the Package Goods Store License for the Sale of All Alcoholic Beverages issued on November 22, 1976 to Edward L. Morrill, Manager, duRobtrater, Inc., d/b/a Colonial Spirits, 513 Boston Post Road, to be served on consecutive Tuesdays and Wednesdays for the next two weeks: those days being Tuesday, February 22; Wednesday, February 23; Tuesday, March 1; and Wednesday, March 2.

Town Counsel advised the license holder that he had the right to appeal the Board's decision to the ABCC. In response to Mr. Steinberg's question, Mr. Kenny stated that there was no alternative of fine.

Public Hearing - License Violation - Wayside Package Store, 119 Boston Post Road

Present: Shareholders Blanche Dickey and Thomas McManus and Leonard Piazza, Clerk, of the Wayside Package Store; Police Office Alan C. Houghton and Police Chief Nicholas Lombardi

Under the provisions of Chapter 138, Section 64 of the General Laws, the Board, after notice to the licensee, held a public hearing on a possible license violation of the Wayside Package Store, 119 Boston Post Road, holder of a Package Goods Store License for the Sale of All Alcoholic Beverages.

Executive Secretary Richard E. Thompson reported that the Police Chief had, by letter dated January 18, 1977, informed the Selectmen of a report dated November 26, 1976, made by Police Officer Alan C. Houghton, which noted an alleged violation at Wayside Package Store, 119 Boston Post Road.

Mr. Thompson reported that he had requested procedure on the matter from Town Counsel and that his response, dated January 21, 1977, had been received. Mr. Thompson read Town Counsel's above-referenced letter, and he stated that it was the intent of this hearing not to use the minor's name.

Mr. Thompson further reported that he had, by letter dated February 2, 1977, advised Ms. M. Claire McManus, Manager, Wayside Package Store, Inc., of tonight's hearing.

Thomas McManus introduced his sister, Blanche Dickey, and himself, as shareholders and Leonard Piazza, store clerk.

Officer Houghton's report of the incident, dated November 26, 1976, was received by the Selectmen.

Under questioning by Town Counsel Paul L. Kenny, Officer Houghton identified himself and his position as a Police Officer in the Sudbury Police Department and made the following statements:

- While on routine patrol in the vicinity of the Wayside Package Store at approximately 8:55 p.m. on November 26, 1976, he noticed two youths, both carrying packages, leave the Wayside Package Store, cross Route 20 on foot, and enter the J.T. Steakhouse parking lot.
- He reversed his direction as he wished to investigate the ages of the youths because they looked too young to purchase liquor.
- As he entered the J.T. Steakhouse parking lot, he observed the youths putting the packages they were carrying on the ground.
- He observed one package to be a case of 12-oz. Millers Beer and the second package to contain a bottle of Chianti and six-pack of beer.
- After inquiry, he learned that both youths were minors.
- Both youths denied ownership of the liquor, which he confiscated.
- He walked across the street and talked to the clerk on duty at the Wayside Package Store, who denied he had sold liquor to the youths.
- He subsequently charged the clerk with selling liquor to minors and a hearing was held in District Court at which the clerk was found guilty and fined \$25.00.

Mr. Piazza stated that he did not deny to Officer Houghton that he had sold liquor to one of the youths. Mr. Piazza stated that he had mistaken one of the youths for a regular customer who was familiar to him and who was twenty years old.

Officer Houghton stated that he had charged both youths and that, as one youth stated that he had bought all the liquor, the second charge was subsequently dropped.

Mr. McManus stated that, if his memory was correct, in 1966 a violation of their license had occurred, following which their license had been suspended for three days. Mr. McManus stated that in thirty-two years, this is the second violation that they had been involved in, that he realized that they had a responsibility to conduct their business in the proper manner, but would ask the indulgence in considering a warning in this instance.

Chairman Toomey stated that, if the ABCC were involved, based upon their recent actions, a suspension could be given for up to twelve days. Chairman Toomey stated that the Selectmen are put in a difficult position in these cases, that he was sure that they didn't want to sell to minors, but that the Board must be consistent with the laws of the Commonwealth.

It was on motion by Selectman Potell unanimously

VOTED: To adjourn the hearing concerning alleged violations at Wayside Package Store.

The Board, being certain that satisfactory proof exists to indicate a violation of a condition of the above-referenced Package Goods Store License by the selling of alcoholic beverages to a minor, on motion by Selectman Potell unanimously

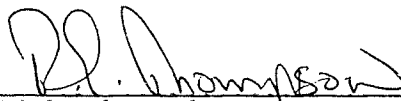
VOTED: To suspend for four days the Package Goods Store License for the sale of All Alcoholic Beverages issued on November 22, 1976 to M. Claire McManus, Manager, Wayside Package Store, Inc., 119 Boston Post Road, Sudbury, to be served on consecutive Tuesdays and Wednesdays for the next two weeks: those dates being Tuesday, February 22; Wednesday, February 23; Tuesday, March 1; and Wednesday, March 2.

Town Counsel advised the license holder that she had the right to appeal the Board's decision to the ABCC.

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

VOTED: To adjourn the meeting at 9:45 p.m.

Attest:

  
Richard E. Thompson  
Executive Secretary-Clerk