

IN BOARD OF SELECTMEN
MONDAY, FEBRUARY 28, 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.

Independent Delivery Services

On the subject of the independent delivery services who distribute advertising material throughout the Town, Chairman Toomey requested that the Executive Secretary contact Mrs. Joan Irish, who had initiated an article passed by the 1976 Annual Town Meeting making it unlawful for any person to distribute advertising material at a home within the Town by placing such material at the home or on the property of the person owning or occupying the home if the owner or occupant requests, in writing, that deliveries of such material be stopped until further notice.

Chairman Toomey requested that Mrs. Irish be contacted in an effort to determine how many home owners, who have since made written requests to have the delivery of such advertising material stopped, were still receiving the same and that she report back so that the Town may proceed with court action in this regard.

Proposed Care of Dogs

Present: Dog Officer Francis E. White

Executive Secretary Richard E. Thompson reported that, as requested at the Board's February 14 meeting, following Mr. Edward Kreitsek's statement at that time that it now places a hardship on the Buddy Dog Humane Society, Inc., to receive Town dogs, Dog Officer Francis E. White submitted a report dated February 23, 1977 on the subject of alternative proposals for the care of Town dogs. The material requested was in connection with a bookmark article which was filed this date for the warrant of the April 4 Special Town Meeting.

Mr. Thompson reported that Mr. White had offered the following alternatives:

1) Have Buddy Dog take all Town dogs as they are picked up at an estimated cost of \$8,800;

2) Continue keeping the dogs at the Dakin Road Kennels for ten days, as is presently done, and then sell to Buddy Dog as they make room for them. The cost for this alternative would be in keeping with the existing budget.

3) Build a new kennel with all utilities and a keeper to clean and maintain the property, release the dogs and collect fines and fees. If built on Town property with water available, the cost estimate would be \$20,000 to build, plus an annual operating cost of \$4,000 and the services of a keeper for \$8,000 (total cost \$32,000).

Mr. Thompson stated that the Board had also received a communication dated February 22, 1977 from Mrs. George Royal, 45 Landham Road, who expressed her desire to operate a boarding kennel in Sudbury and requested details in this regard.

Selectman Powers questioned whether there was sufficient time between now and the April 4 Special Town Meeting to fully analyze Mr. White's alternatives, and he suggested that perhaps the matter could be discussed at the next Special or Annual Town Meeting so that more information could be obtained.

Chairman Toomey stated that Buddy Dog wants considerably more money from the Town to continue taking Town dogs or it will stop taking them. Chairman Toomey asked Mr. White when and how the Buddy Dog Society could terminate business with the Town.

Mr. White responded that Buddy Dog was already very reluctant to take dogs and that discussion on the matter has been held for two months.

Mr. White suggested that it might be possible to work through a private kennel.

Chairman Toomey asked whether the actual costs and proposals could be put together for an article in the Special Town Meeting.

The Executive Secretary stated that there was not much more information to consider, that the only other alternative was to go to a private kennel.

Discussion followed concerning the need for Board of Appeals' approval if the dogs were to be housed at the Dakin Road kennels and the possibility that the present Assistant Dog Officer, on whose property the kennels are located, might not wish to continue in her present position.

Selectman Powers and Potell expressed their opinions that to have the Town build a new kennel would be the most practical alternative.

Chairman Toomey stated that a quick survey of the kennels in the area could be made to see if they were willing to enter into a one-year contract with the Town to care for Town dogs.

Selectman Powers expressed his opinion that the distance involved for the people the Town wished to serve should also be considered.

After further discussion, Chairman Toomey requested the Dog Officer to work with the Executive Secretary on confirming the cost of alternatives discussed tonight which should be ready for the March 14 agenda.

Selectman Powers suggested that the Dog Officer and the Executive Secretary consider property limited to the jurisdiction of the Selectmen, such as the sanitary landfill area.

Selectman Powers also requested that the Executive Secretary make further inquiries concerning the February 22, 1977 letter from Mrs. George Royal.

Acceptance of Articles for April 4 Special Town Meeting - Ordering of the Warrant

After review and discussion, it was on motion unanimously

VOTED: To accept, in the Warrant for the April 4 Special Town Meeting, the first four articles set forth in the Executive Secretary's report dated February 28, 1977; which are listed below:

and it was further unanimously

VOTED: To order the articles for the Warrant of the April 4 Special Town Meeting in the following manner:

1. Personnel Bylaw, Salary Plan, Article XI (Personnel Board).
2. Budget Adjustment for Collective Bargaining (Selectmen).
3. Reimburse County for Landham Road Land Damages (Board of Selectmen).
4. Dog Pound Facilities (Board of Selectmen)

In response to Selectman Potell's question at the Board's February 21 meeting, the Executive Secretary reported that the money for the Landham Road (Article 3) reimbursements to the County must be appropriated and cannot be taken from Chapter 90 funds.

On the subject of the fifth article listed in the Executive Secretary's February 28 report, the petition article for the Town to purchase the Sudbury Skating and Tennis Club, the Executive Secretary reported that the article had been received late today and had not yet been sent to the Board of Registrars for certification of the signatures.

Chairman Toomey read the proposed article and discussion followed.

Selectman Powers expressed his concern as to whether the petition process had been properly used in this instance with regard to the petitioner's having been given sufficient warning and notice to give validity to the petition itself. Selectman Powers further expressed his concern with Exhibit C of the Purchase and Sales Agreement, which sets forth certain restrictions placed on this land by certain Town Boards such as the Conservation Commission, the Planning Board, and the Board of Appeals, and whether or not the Town can properly become the owner of this property. Selectman Powers further commented on the fact that there are outstanding real estate taxes on this property in the amount of \$118,000.

Selectman Potell asked Town Counsel Paul Kenny whether the Purchase and Sales Agreement could be printed in the warrant, stating that he would like to have it so printed.

Mr. Kenny responded in the affirmative, and, after further discussion, it was on motion by Selectman Powers unanimously

VOTED: To accept the article submitted by petition to purchase Sudbury Skating and Tennis Club as Article 5 in the warrant for the April 4 Special Town Meeting, subject to the verification of the petition signatures by the Board of Registrars and further subject to an opinion from Town Counsel as to whether the article complies with the requirements for articles in the Special Town Meeting;

and it was further unanimously

VOTED: To incorporate the text of the Purchase and Sales Agreement in the warrant for the April 4 Special Town Meeting as an informational service of the Board of Selectmen.

Town Counsel stated that the Selectmen have the right to publish the agreement in the warrant, but it would not be necessary as long as it is referenced and a copy made available in the Town Clerk's office.

Mr. Thompson requested, in the interest of time, that the Board consider that the agreement was photo ready and allow it to be printed from the submitted copy rather than to be retyped.

The Board was in agreement.

Town Fathers Forum - 114th Session

At 8:00 p.m., Chairman Toomey convened the 114th session of the Town Fathers Forum, a summary of which is attached hereto.

Occupancy of Building #3 - Village Green - Town Counsel's Opinion

The Board, at its meeting on February 14, 1977, referred a communication dated February 1, 1977 from the Building Inspector to the West Newton Savings Bank relative to occupancy of Building #3 in the Village Green Shopping Center to Town Counsel for his review with the Building Inspector. Town Counsel was also requested at that time, to review and report back to the Board on the subject of the file and record of the Village Green Shopping Center site plan.

Town Counsel Paul L. Kenny now stated that he had viewed the site with the Building Inspector and that it was his opinion that the Building Inspector had acted properly in the matter of issuing a conditional Certificate of Occupancy to the West Newton Savings Bank and in conformance with Section 120.4 of the State Building Code, which allows temporary occupancy permits.

Mr. Kenny further stated that, in reviewing the files, the site plan was approved on August 23, 1976, without conditions other than with reference to certification of the property lines by a registered land surveyor and location of improvements and with no apparent direction to the Building Inspector not to issue future occupancy permits.

Selectman Potell expressed his particular concern with the Village Green site plan, as its approvals were requested in a piecemeal manner and many problems had arisen and he wished to prevent further problems.

Selectman Powers reported that because of concern with the septic system on that property, the Board had requested that no permits be issued for the site until the Board had been notified.

Chairman Toomey requested that the Town Counsel's above-referenced report be made a permanent record of the meeting, and he stated that the Board wished to have everything documented from the time the cease and desist order had been issued.

Town Counsel reported that, unless the site is completed as shown on the site plan approved last August, the plan will expire in August of 1977.

Cemetery Rules and Regulations - Article 22, 1977 Annual Town Meeting

The Board, at its meeting on February 23, 1977, referred the matter of appropriate wording of the proposed Cemetery Rules and Regulations to Town Counsel for correction and his report on February 28.

After discussion, it was on motion unanimously

VOTED: To reword Section X. Representation of Burial Lot of the proposed Cemetery Rules and Regulations, as follows:

1. If, upon the death of a proprietor, two or more persons claim to be entitled to the possession, care and control of the burial lot, they shall so notify the Town Clerk, in accordance with the provisions of Chapter 114, Section 29 of the General Laws.

2. Upon receipt of notification of such a dispute, the Town Clerk shall notify the Board of Health, which, under the provisions of Chapter 114, Section 30 of the General Laws, shall hold a hearing to determine who shall represent the lot during such default.

Tax Anticipation Notes

It was on motion by Selectman Potell unanimously

VOTED: To sign Tax Anticipation Notes in the amount of \$1,000,000 dated March 3, 1977 and due May 20, 1977, as follows:

Guaranty First Trust Co.	1.79%	100M
Guaranty First Trust Co.	1.91%	150M
Shawmut Community Bank, N.A.	2.00%	250M
Guaranty First Trust Co.	2.03%	200M
New England Merchants National	2.09%	250M
Guaranty First Trust Co.	2.15%	50M

in accordance with a communication dated February 25, 1977 from William E. Downing, Town Treasurer.

Application - License for the Sale of All Alcoholic Beverages - Arthur A. Babigian - March 18, 1977

In response to a request from Arthur A. Babigian and after a review of a related communication dated February 22, 1977 from Father Joseph F. Gough, which granted permission for use of the premises accordingly, it was on motion by Selectman Potell unanimously

VOTED: To grant a Special License for the Sale of All Alcoholic Beverages, under G.L.c138, to Arthur A. Babigian, Board of Directors, Sudbury Youth Hockey Association, to be exercised on March 18, 1977 at Our Lady of Fatima Church, Concord Road, Sudbury, to accommodate their annual fund raising, subject to the fact that adults eighteen or older, only, will be in attendance.

Patrol of Town-Owned Land by Auxiliary Police

Present: John Cutting, Chairman, and Lynne Remington of the Conservation Commission; John Murray, Chairman of the Park and Recreation Commission; Police Chief Nicholas Lombardi; Roger Davis, John Sklenak, Edward Murphy and two other Sudbury Police Auxiliaries

Executive Secretary Richard E. Thompson reported that at the Board's January 17 meeting, it had been agreed that the subject of patrol of conservation land by the Sudbury Police Auxiliaries should be further discussed among the members of that Commission, the Auxiliaries, and the Police Chief.

Mr. Thompson reported that a letter dated February 14, 1977 had been received from William Bonwitt, Lieutenant, Auxiliary Police, which set forth the results of a subsequent meeting held on February 8 at which it was agreed that: 1) patrol of conservation lands by the Auxiliary Police would be beneficial to the Conservation Commission; 2) responsibility for Auxiliary Police expenses belongs in the police budget; 3) the Auxiliary Police could provide similar services to any Town agency having real property; and 4) such agencies should be contacted seeking their support for the Auxiliary Police.

Mr. Thompson reported that the Board had since received communications from the Highway Surveyor, dated February 28, 1977, and the Building Inspector, dated February 24, 1977, both of whom supported such a patrol.

Chief Lombardi reported that at the February 8 meeting, the Conservation Commission had agreed that they were not in favor of the purchase of a vehicle, but that the group had discussed retaining one of the police cruisers when it would normally be traded next year. Chief Lombardi estimated that the vehicle could be purchased for \$900 - \$1,000. Chief Lombardi stated that he had also talked with the Park and Recreation Commission and the Sudbury Water District and that he was sure that some vehicle would be available and would ask the Selectmen for approval of the proposal.

In response to Selectman Powers' question, Chief Lombardi stated that he would have surplus radio equipment available for the Auxiliaries.

Selectman Potell questioned insurance coverage and liability if a Town vehicle were to be used.

Selectman Powers expressed his opinion that the Auxiliaries, in the course of carrying out their duties, would be Special employees of the Town.

Selectman Potell requested that Selectman Powers' opinion be confirmed by Town Counsel.

Chief Lombardi expressed his opinion that the Auxiliaries would be handicapped by patrolling without a vehicle.

Conservation Commission Chairman John Cutting stated that, in his opinion, this would not be a problem--that he had encountered several vehicles while on conservation land and that, after explaining that such vehicles were unauthorized, the riders had left.

Park and Recreation Chairman John Murray stated that vandalism in Raymond and Featherland Parks was amounting to \$1,100 a year and that, in his opinion, the visibility of a patrolling officer would result in savings. Mr. Murray also stated that the Park and Recreation Department had a pickup truck which the Auxiliaries could use in the interim when it was available.

Auxiliary member Roger Davis stated that the vehicle would be used for transportation from place to place, that three officers would be carried in the vehicle, that two officers would patrol on foot, that the third would remain in the vehicle, and that contact would be maintained by CB radio. Mr. Davis expressed his opinion that the presence of a uniformed officer would act as a deterrent to the unauthorized use of the vehicles in the Town-owned lands, and he further expressed his opinion that the Auxiliaires could make do with a used vehicle, but would like to increase their budget line item back to \$1,500, as originally requested. Mr. Davis stated that the Auxiliaries could provide patrol at a very modest cost, but would request the Board's support to restore the \$1,500 originally requested.

Chairman Toomey and Selectman Powers indicated their support for the restoration of the original budget request.

Selectman Potell stated that he was uncertain of his position as yet.

Also requested was an adjustment in the Police Department's budget for equipment purchase, which would be necessary as no vehicle would be available for a trade-in.

Mr. Thompson stated that he would propose that he draft an appropriate letter requesting that the proper line item be amended upward at the proper time. Mr. Thompson stated that, in his opinion, the main reason that the Auxiliary's budget was reduced by the Finance Committee was the fact that they had not spent the \$500 previously voted.

The Board asked that the Auxiliary be prepared to defend its request for \$1,500.

After further discussion, it was on motion

VOTED: To approve the program relative to patrol of Town-owned land by the Sudbury Police Auxiliaries on the recommendation of the Chief of Police, the Highway Surveyor, the Park and Recreation Commission, and the Conservation Commission;

and it was further

VOTED: To request the Finance Committee to adjust the appropriate budget request to allow the Chief of Police to retain one vehicle when it is surplussed for its use in the above program.

Chairman Toomey and Selectman Powers in favor; Selectman Potell opposed, stating that he wished to hear from Town Counsel as to the liability involved in the Auxiliaries' use of a Town Vehicle and from the Chief of Police as to where maintenance and operating money for the vehicle would come from. In addition, Selectman Potell stated that he wanted to know all the adjustments that will be necessary for this item.

Mr. Davis stated that the Auxiliaries would do their own labor on the vehicle.

Mr. Murray stated that the Park and Recreation Commission would also help out.

Chairman Toomey suggested that the Highway Department mechanics might also be used in this regard.

After further discussion, Selectman Powers moved that the Board request the Finance Committee to restore the Auxiliary line item to \$1,500.

Selectman Potell asked Selectman Powers if he would be willing to table his motion until next week's meeting.

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

VOTED: To table further discussion of the request to the Finance Committee to restore the Sudbury Police Auxiliary budget to \$1,500 until the Board's March 7, 1977 meeting.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the meeting of February 23, 1977, as amended.

Sudbury's Fiscal Plight

Selectman Powers recommended that the Board of Selectmen have the pamphlet Sudbury's Fiscal Plight printed. The Executive Secretary recommended that the expense for the same come from the Surveys and Studies Account. The Executive Secretary also recommended that a sum not more than \$500 be used for printing 1000 copies of the pamphlet, which would be on display at public places throughout the Town and available at Town Meeting.

Selectman Potell suggested that the Board might ask the Finance Committee to underwrite a portion of this expense.

Chairman Toomey stated that he would wish to update the pamphlet before its printing by including information relating to the upcoming Cherry Sheet Conference.

The Executive Secretary stated that he would report back next week with alternatives and cost estimates for printing.

Fund Interest Income

Goodnow Library Fund - After discussion, it was on motion unanimously

VOTED: To confirm the Board's past policy by indicating its intention to reapply a portion of the interest of the Goodnow Library Trust Fund to the principle.

Cemetery Trust Fund - After discussion, it was on motion unanimously

VOTED: To apply the interest income from the Cemetery Trust Fund to offset the Highway budget.

The Package Store, 466 North Road

Executive Secretary Richard E. Thompson reported that Robert J. McCabe, Manager, The Package Store, 466 North Road, had received on January 31, 1977 an extension to March 1, 1977 as the time given him to complete the renovation of his establishment.

Mr. Thompson reported that Mr. McCabe was now requesting a further extension of time to April 1, 1977.

The Board directed the Executive Secretary to schedule a meeting with Mr. McCabe in this regard for March 14 and, after further discussion, it was on motion by Selectman Powers, unanimously

VOTED: To amend the Board's votes of December 20, 1976 and January 31, 1977 by substituting the date of March 15, 1977.

Historic Districts Commission

The Executive Secretary reported that the Historic Districts Commission had acted in the affirmative, at its hearing on January 21, 1977, on an application concerning the construction of directory signs at the Sudbury Town Hall and at the White Building and the repainting of the existing sign at the Loring Parsonage.

Finance Committee Recommendations - Non-Union Town Employees

The Executive Secretary reported that he had attended a recent Finance Committee meeting at which it was the consensus of the members that the Finance Committee would recommend to the Personnel Board that salaries for the non-union employees at the Special Town Meeting should be at the rate of a 6% increase and that funds to allow an additional 6% increase for the non-union employees should be included in the Salary Plan for the 1977-78 fiscal year. The Executive Secretary reported that the Finance Committee was also recommending a 6% increase for elected officials.

Mr. Thompson stated that the Personnel Board did not indicate that it would accept the Finance Committee's recommendations.

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: Richard E. Thompson
Richard E. Thompson
Executive Secretary-Clerk