

IN BOARD OF SELECTMEN
MONDAY, MAY 23, 1977

Present: Chairman John C. Powers, Ira M. Potell, and William F. Toomey

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

Application--Hawkers and Peddlers License--Donald Sutton, 24 Singletary Lane

Present: Donald Sutton, applicant

The Board considered the application of Donald Sutton, 24 Singletary Lane, for the sale of ice cream, confectionery, candy, and tonic, in accordance with the Board of Selectmen's Rules and Regulations for Hawkery & Peddlery.

Executive Secretary Richard E. Thompson reported that Mr. Sutton had recently been stopped by the police and had been made aware of the rules relative to hawkery and peddlery which had been adopted by the Board on April 1, 1975.

Selectman Toomey questioned the information on the application with regard to the location and proposed hours of sale, commenting that the information was not precise enough.

After discussion, it was on motion by Selectman Toomey unanimously

VOTED: To table further consideration of the above-referenced application until receipt of a revised, more explicit application from Mr. Sutton.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular and executive sessions of May 16, 1977, the former as amended.

Petition to Massachusetts General Court--Special Act Relative to the Appointment of Special Police in Town of Sudbury--Article 18, 1977 Annual Town Meeting

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

VOTED: To sign a petition to the Massachusetts General Court for passage of a special act relative to the appointment of special police in the Town of Sudbury, in accordance with the vote taken under Article 18 of the 1977 Annual Town Meeting for submittal at the 1977 legislative session.

Fire Department--Federal Grant, Department of Public Health, Office of Emergency Medical Services

Present: Fire Chief Josiah F. Frost

The Board received a communication dated May 9, 1977 from the Fire Chief requesting the Board's continued support of federal funding through the Massachusetts Department of Public Health Office of Emergency Medical Services

and a statement of past, present, and future commitment to Emergency Medical Services (EMS) by the Board of Selectmen.

Fire Chief Josiah F. Frost reported to the Board on past funding received in connection with the Area Dispatch Center, and he stated that this grant would be used for continued training of all EMS performed by the Area 24 committee.

Chief Frost's letter enclosed a memorandum dated March 14, 1977 from the Office of Emergency Medical Services, Department of Public Health, which advised the Board that the local EMS program has been selected as one of the "priority areas" to apply for Federal monies for FY78 and that, in this regard, it would be necessary for the Town to write a statement indicating past, present, and future financial commitments to EMS, as requested by Congress (Public Law 94-573), in order to qualify for federal monies, to demonstrate the Town's intent to continue maintenance of these services after federal monies have gone.

After discussion, it was on motion by Selectman Toomey unanimously

VOTED: To adopt the proclamation suggested by the Office of Emergency Medical Services, indicating that the Town of Sudbury actively supports and participates in the delivery of high quality emergency patient care and is committed to ensuring the continued provision of such services now and in the future, after the conclusion of the grant period.

Selectman Toomey expressed his hope that Fire Chief Frost would be able to learn how the federal funds would be allocated, and Selectman Potell stated that he would be interested in learning how the monies of the previous grants had been expended.

Fire Department Personnel--Request for Reinstatement of Michael Dunne

Present: Fire Chief Josiah F. Frost and Michael Dunne

The Board met with Fire Chief Josiah F. Frost relative to his request to the Board, dated May 16, 1977, that Michael Dunne, whose medical leave of absence expired on May 10, 1977, be reinstated, effective July 1, 1977, if all conditions of health are met.

Chief Frost's request also forwarded copies of a letter from Mr. Dunne requesting said reinstatement and a letter from Marx Bowens, M.D., who, as attending physician to Mr. Dunne, indicated his permission that Mr. Dunne return to work on a full-time basis with no restrictions as of June 1, 1977.

Executive Secretary Richard E. Thompson stated that it would be his recommendation that, in the best interest of the Town, the Board arrange for an appointment for Mr. Dunne with its own physician and await his report.

After discussion, it was on motion unanimously

VOTED: To schedule an appointment for Michael Dunne with a physician of the Board's choosing to examine Mr. Dunne as to his physical capability to return to the Sudbury Fire Department as a full-time firefighter with no restriction; said appointment to be made as soon as possible, so that results would be received before July 1.

Fire Department--Overtime Coverage

The Board received a communication dated May 20, 1977 from the Fire Chief relative to additional hire vs. overtime coverage.

Selectman Toomey moved that the matter be held for discussion in executive session, as it might involve discussion relative to the reputation and character, physical condition or mental health rather than the professional competence of a single individual.

Executive Secretary Richard E. Thompson stated that he would recommend that the item be tabled until later in the evening, and it was on motion by Selectmen Potell

VOTED: To table consideration of the item until later in the evening.

(Chairman Powers and Selectman Potell in favor; Selectman Toomey opposed)

Town Fathers Forum--115th Session

At 8:00 p.m., Chairman Powers convened the 115th Session of the Town Fathers Forum, a summary of which is attached hereto.

Cherry Sheet Conference Follow-Up--May 25, 1977

The Board received a memorandum dated May 12, 1977 from Senator Chet Atkins relative to a conference in follow-up of the April 5 Cherry Sheet Conference to be held Tuesday, May 25, 1977, at the Assabet Valley Regional Vocational High School, which enclosed an agenda of items for discussion.

Selectman Potell stated that he was appalled at Senator Atkins' agenda for the meeting because, in his opinion, it reflected support for modification of the Cherry Sheet reimbursements to the benefit of the large cities and metropolitan towns and an almost utter disregard to the small cities and towns within the Commonwealth.

Executive Secretary Richard E. Thompson reported that he, as well as the members of the Board, would be unable to attend the meeting, but that he had forwarded copies of the material to Superintendents Levington and O'Neill and to the Town Accountant.

After discussion, it was on motion unanimously

VOTED: To note receipt of Senator Atkins' May 12, 1977 memorandum and to place it on file.

Sudbury Housing Authority--Musketahquid Village Dedication and Open House

The Board received a communication dated May 1, 1977 from the Sudbury Housing Authority, inviting the Board of Selectmen to the dedication and open house of Musketahquid Village, Sudbury's Housing for the Elderly, on May 30, 1977 at the conclusion of Memorial Day ceremonies.

The Board requested that the Executive Secretary respond to the Sudbury Housing Authority, accepting their invitation.

License Renewals--Sudbury Bowladrome, Inc., 136 Boston Post Road

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

VOTED: To grant to Sudbury Bowladrome, Inc., 136 Boston Post Road, renewal of the following licenses:

1) a License for Public Entertainment on the Lord's Day to operate and maintain Automatic Amusement Devices (Pinball Machines), commencing July 3, 1977 and expiring June 25, 1978, from 1:00 p.m. to 11:00 p.m. on Sundays, subject to the approval of the Commissioner of Public Safety and to payment of fees as required;

2) a License for Public Entertainment on the Lord's Day to operate and maintain six (6) pocket billiard tables for amusement, commencing May 29, 1977 and expiring May 21, 1978, from 1:00 p.m. to 11:00 p.m. on Sundays, subject to the approval of the Commissioner of Public Safety and to payment of fees as required; and

3) approval of the license of Sudbury Bowladrome, Inc., to operate twenty-four (24) bowling alleys on weekdays from 8:00 a.m. to 12:00 midnight and on Sundays from 9:00 a.m. to 11:00 p.m. and six (6) pocket billiard tables on weekdays from 8:00 a.m. to 12:00 midnight.

Site Plan Submission Rules and Regulations--Town Engineer Recommendations

The Board received a communication dated May 16, 1977 from the Town Engineer recommending that the Selectmen's Policies and Procedures, Site Plan Submission Rules and Regulations, be amended by adding a regulation requiring plans to be prepared by and show the seal and signature of a Registered Professional Engineer and/or Registered Land Surveyor.

Selectman Toomey expressed his opinion that this requirement might create a hardship on the small businessman, and he suggested that a waiver clause be added for this reason.

Chairman Powers and Selectman Potell were in agreement.

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

VOTED: To table further consideration of the Town Engineer's May 16, 1977 communication until Tuesday, May 31, to allow receipt of a report from the Zoning Enforcement Agent/Building Inspector and the Town Engineer on the subject of inclusion of a waiver provision in the aforementioned recommendation of the Town Engineer.

Site Plan Applications No. 77-177 and No. 77-178--Pitcairn Realty Trust, 50 North Road--Report from Sign Review Board

The Board received an informational report from the Sign Review Board relative to Site Plan Applications No. 77-177 and No. 77-178 from Pitcairn Realty Trust for property located at 50 North Road, which stated that the signs as they appear on the site plan are in violation of the Sign Bylaws.

Chairman Powers requested that the Executive Secretary advise Pitcairn Realty Trust of the receipt of the above-mentioned report.

Cemetery Fees

Executive Secretary Richard E. Thompson reported that, as the Board was aware, it had voted, at its January 31 meeting, to advise the 1977 Annual Town Meeting that the Selectmen intended to recommend and vote, after Town Meeting, an increase in lot prices, as follows: \$150 for one grave; \$300 for two graves; and \$500 for four graves.

Chairman Powers questioned Town Counsel Paul L. Kenny as to whether or not the Cemetery Rules and Regulations, which contain a section relative to the determination of lot prices by the Board of Selectmen, require the approval of the Attorney General before they become effective.

Mr. Kenny stated that the Board could approve the setting of cemetery fees and that approval of Article 22 by the Attorney General was not necessary for such action.

After further discussion, it was on motion by Selectman Potell unanimously VOTED: To notify Superintendent of Cemeteries Robert A. Noyes that the prices set forth below will be in effect as of May 24, 1977:

\$150 for one grave;
\$300 for two graves; and
\$500 for four graves.

Appointments

The Board agreed to table consideration of appointments for 1977 until a special meeting which will be held at the Board's earliest convenience.

Executive Session

At 9:40 p.m. Selectman Toomey moved that the Board enter executive session for discussion of Item 10, a communication dated May 20, 1977 from the Fire Chief relative to additional hire vs. overtime coverage.

Finance Committee member Alan Grathwohl stated that he had worked on this matter with Chief Frost and he could not understand why it should be discussed in executive session.

Selectman Toomey stated that this matter of additional hire vs. overtime coverage had been discussed a number of times during the past five or six years and that it was factors concerning the background of this matter rather than the recommendation for an additional man, for which he was requesting executive session.

Mr. Grathwohl stated that Chief Frost had been charged to do a study on the subject by the Selectmen.

Chairman Powers stated that it was likely that matters would be raised during discussion concerning one of the seven designated subject matters for which executive sessions may be convened.

Mr. Grathwohl requested that his protest regarding the Board's going into executive session be recorded in the minutes of the meeting.

After a unanimous roll call, it was

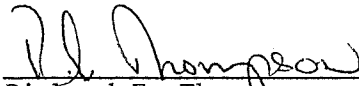
VOTED: To enter into executive session to discuss: 1) the reputation and character, physical condition or mental health rather than the professional competence of a single individual; and 2) an expenditure from the Selectmen's Discretionary Fund.

Chairman Powers requested that Mr. Grathwohl and Town Accountant John Wilson remain for the discussion in executive session, and he announced that the public meeting would not reconvene after the executive session.

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

VOTED: To adjourn the meeting at 10:15 p.m.

Attest:



Richard E. Thompson
Executive Secretary-Clerk