

IN BOARD OF SELECTMEN
MONDAY, NOVEMBER 21, 1977

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

The statutory requirements as to notice having been complied with, the meeting was called to order at 6:30 p.m. by Chairman John C. Powers.

Minuteman Educational Development Corporation

The Board reviewed with Town Counsel Paul Kenny a communication dated November 7, 1977 from Ronald J. Fitzgerald, Superintendent-Director, Minuteman Regional Vocational Technical School District (MRVTSD) and a related communication dated November 14, 1977 from Attorney Norman P. Cohen, representing MRVTSD, relative to the Board's concerns and questions with regard to proposed legislation to incorporate the Minuteman District--Senate Bill 1825, Minuteman Educational Development Corporation.

Attorney Cohen's November 14, 1977 letter was discussed, and Chairman Powers questioned Town Counsel concerning Mr. Cohen's comments, which, in the opinion of the Board and Town Counsel did not address the Board's concerns.

Selectman Potell also commented on the fact that the proponents of the legislation did not follow through with their statement that any expressed opposition to their proposal would result in its withdrawal.

Following review of the above-referenced letters, it was the consensus of the Board to retain its previous position (October 24, 1977) to oppose the proposed legislation.

Later in the evening, it was on motion by Selectman Potell unanimously

VOTED: To continue the Board's previous position in opposition to Senate Bill 1825, Minuteman Educational Development Corporation; and it was further

VOTED: To continue to request Sudbury's local legislators to vote against this legislation, as although response from the Minuteman District had been received, it did not address the Board's concerns and questions relative to the legislation.

Town Counsel was asked to compile a report of the issues set forth in Messrs. Fitzgerald's and Cohen's aforementioned letters in response to the questions and issues set forth in Mr. Kenny's July 11, 1977 letter and the Executive Secretary's November 2, 1977 letter and to submit a report on the same to the Board for possible distribution to the Boards of Selectmen in the other towns within the Minuteman District.

Site Plan #76-171, Village Green, 29 Hudson Road, Robert Quirk Realty Trust

The Board held a brief discussion with Town Counsel relative to the rights of the mortgagee and the mortgagor in a case of foreclosure with regard to the ownership of the site plan #76-171, Village Green, 29 Hudson Road, and associated building permits for the purpose of determining the appropriateness of possible extension of the expired site plan at the request of the mortgagee as opposed to issuance of a cease and desist order for construction of the septic system shown on the expired plan as requested by the mortgagor.

Town Counsel was asked to review documents in this regard in the brief interval available before the item would come under discussion later in the evening.

Executive Session

At 7:10 p.m., it was on motion by Selectman Potell following a unanimous roll call

VOTED: To enter into executive session for the purpose of discussing FY1978-79 collective bargaining negotiations with Labor Relations Counsel Richard W. Murphy.

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

Jurors

Present: Betsey M. Powers, Town Clerk

The Board drew the name of Barbara S. Sanford, 208 Old Sudbury Road, to serve as juror, Special Venire, Criminal, for Cambridge Court commencing December 5, 1977; Louis A. Davis, 34 Greenwood Road, Brenda B. Booma, 497 Concord Road, and Jonathan D. Pluff, 6 Ledge Road, to serve at Cambridge Court commencing January 3, 1978; Mary Ellen Babcock, 32 Longfellow Street, to serve at Lowell Court, commencing January 3, 1978; and Charles R. Mainville, 2 Woodbury Road, to serve at Cambridge Court, commencing December 5, 1977.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular meeting of November 14, 1977, as corrected.

Assistant Town Counsel Position

The Board received a communication dated November 16, 1977 relative to the position of Assistant Town Counsel.

It was on motion by Selectman Potell unanimously

VOTED: To table consideration of the above-referenced communication until December 12, 1977, so that it might receive comment by the Finance Committee liaison person to the Law Department.

Chapter 415 of the Acts of 1977 - New Procedure for Selectmen and Management of Jurors

The Board received a communication dated October 24, 1977 from Edward J. Sullivan, Clerk of Courts, County of Middlesex, relative to a questionnaire dated October 24, 1977, concerning the new procedure for selection and management of jurors under Chapter 415 of the Acts of 1977.

Town Clerk Betsey M. Powers responded to the questionnaire by letter dated November 1, 1977.

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

VOTED: To concur with the memorandum dated November 1, 1977 from the Town Clerk.

Chairman Powers suggested that the Board add its note expressing its concern about the cost factor mentioned in the Town Clerk's above-referenced letter regarding a more detailed local residents' list if this were to become necessary.

Improvements to Heritage Park - Requests for Bids

The Board received a communication dated November 10, 1977 from Town Engineer James V. Merloni which stated that no bids had been received for "Improvements to Heritage Park" and which set forth his recommendation that the lack of interest, in his opinion, would seem to be the result of the amount of work available to contractors in the area at this time because of the unusual number of construction projects being advertised due to available Federal Grants in the public works area. Mr. Merloni's report set forth his recommendation that the project be temporarily postponed as the end of the construction season is near and that it be advertised early next Spring.

After discussion, it was on motion by Selectman Toomey unanimously

VOTED: To reschedule the request for bids for the project "Improvements to Heritage Park" next March; and it was further

VOTED: To direct the Executive Secretary to schedule the item for such action at that time.

Surplus School Furniture

The Board received a communication dated November 14, 1977 from the Sudbury Schools Business Manager Bernard Hennessy seeking the Board's approval to dispose of surplus student furniture (Grades K-4) that is presently in storage at the South Annex. Mr. Hennessy's letter explained that the space occupied by the storage is needed and it has been determined that the need for this furniture will not occur for the next five years at least, because of the declining student population.

Chairman Powers commented on the estimated cost of the furniture after the five-year period if it were necessary that it be replaced, and Selectman Potell compared this request with other recent departmental requests for surplusing of material which was inoperable, whereas the School's request was made because of lack of storage space.

After discussion it was on motion unanimously

VOTED: To grant the School Department's request to dispose of surplus furniture through an advertised sale, using other disposal methods for those items not sold, in accordance with the Sudbury School's Business Manager's earlier memorandum dated October 20, 1977.

Site Plan #76-171, Village Green, 29 Hudson Road, Robert Quirk Realty Trust-
Request for Extension

Present: Attorney Peter Harrington, representing Coolidge Bank and Trust Co., Raymond Johnson, President, Coolidge Bank and Trust Co., Mr. Jack Antaramian, Building Contractor; Francis E. White, Zoning Enforcement Agent/Building Inspector

Representatives of the Coolidge Bank and Trust Co. met with the Board for

the purpose of discussion relative to extension of the Village Green Site Plan, 29 Hudson Road.

Executive Secretary Richard E. Thompson reported that the Board had received a communication dated November 17, 1977 from Mr. White, which stated that he had recently been asked to issue building permits by the contractor (Jack Antaramian) for the Coolidge Bank and Trust Co. of Watertown, as they claim to be the owner of the property located at 29 Hudson Road. Mr. White's letter enclosed notarized certification that on September 19, 1977 the President of Coolidge Bank and Trust Co., mortgagee, named in a certain mortgage given by Bruce T. Quirk, Trustee, Robert Quirk Realty Trust, made an open, peaceable and unopposed entry on the premises located at 29 Hudson Road for the purpose of foreclosing the mortgage for breach of conditions thereof. Mr. White also enclosed a copy of a communication dated November 8, 1977 to him from Robert D. Quirk, informing Mr. White that the site plan had expired, requesting that Mr. White issue a cease and desist order for work on his (Mr. Robert Quirk's) property, and stating that an updated site plan application is in preparation and will be delivered very soon, as well as a copy of a related communication dated November 7, 1977 from Bruce T. Quirk, Trustee, Robert Quirk Realty Trust, disputing the Coolidge Bank and Trust Co.'s right to initiate foreclosure proceedings on this property based on the mortgage held by them, informing Mr. White of the expiration of the site plan, and expressing his opinion that the building permit(s) issued in his name (Bruce T. Quirk) may not be used by others without his permission.

Chairman Powers stated that these above-referenced letters had been handed to Town Counsel earlier tonight with the request that he determine whether, in his opinion, the Board could extend the expired site plan in favor of a foreclosed mortgagee and whether or not the foreclosed mortgagee could avail himself of the building permits issued to the mortgagor.

Town Counsel stated that the only information on the subject he had seen this evening were those documents just referred to and read by the Executive Secretary, that it would appear that what is before him is the question of who has what right with respect to the property, that a site plan is available to the owner or lessee of the property, but that he could not, at this time, determine what rights either party has without certain other backup material. Mr. Kenny stated that if, in fact, certain ownership rights have passed to the mortgagee, and as the site plan runs with the property, the plan could, in his opinion, be extended once ownership has been established.

Mr. Kenny stated that with respect to whether or not work can progress under an expired site plan relating to the septic system, if it is deemed to be a health hazard by the Board of Health under its regulatory powers, that Board could request that the work progress. Mr. Kenny stated that it was unclear to him who the owner of the property is at this time.

Chairman Powers stated that because the Board is faced with these problems, it has concerns and is aware of the time restraints with the end of the construction season in sight. Chairman Powers stated that Town Counsel has expressed his opinion that there is insufficient material before the Board tonight to work with, and Chairman Powers suggested that the matter be deferred until November 28.

Attorney Peter Harrington, representing the interest of Coolidge Bank and Trust Co., Raymond Johnson, President of Coolidge Bank and Trust Co., and

Mr. Jack Antaramian, building contractor, were introduced.

Mr. Harrington stated that he had not had an opportunity to review the Town's Bylaws with regard to site plans, and he suggested that he might meet with Mr. Kenny during the week if the matter was deferred until November 28.

Chairman Powers asked whether the site plan for which an extension is being requested is precisely the same as that approved by the Board last August.

Mr. Harrington stated that the site plan is precisely the same.

Zoning Enforcement Agent/Building Inspector Francis E. White reported that in his discussion with Mr. Antaramian, he explained that the plan must be exactly as it was when approved by the Historic Commission, the Board of Appeals, and the Board of Selectmen, and that, if any changes were to be made, a new site plan would have to be filed.

Mr. Harrington stated that, as the Board had pointed out, there is some urgency in this matter. Mr. Harrington stated that he had visited the site and that it is the bank's position that there has been a great deal of work done in the preparation of the building which will house the restaurant and that it is now starting to deteriorate, that pigeons have entered the building, some dying in the ventilating system, and that their droppings are littering the building. Mr. Harrington stated that there is a financial problem in that the restaurant is the prime building project on the site and that it is important that the restaurant be preserved.

Chairman Powers stated that until the matter of ownership can be straightened out, the Board has no other course but to pursue the issuance of the cease and desist order, further stating that the Board meets on a weekly basis and is fully aware of the problem of delay with the end of the construction season closing in. Chairman Powers mentioned Town Counsel's comment relating to a Board of Health emergency which might exist, and he stated that the Selectmen wish to be helpful but they have a problem.

Mr. Harrington stated that the bank wishes to complete the construction in the manner specified in the plan as quickly as possible, that the bank has very serious concerns that deterioration of the restaurant will reach a point where it will not be feasible to complete the project as planned, and he again asked that the Board extend the site plan.

Chairman Powers stated that special care must be taken with this site plan as there is a long history of non-compliance and violations, that the Board would like to meet on this matter next week unless emergency health problems are such that construction of the septic system should not be interrupted. Chairman Powers stated that Mr. Kenny is present tonight, and he suggested that Mr. Kenny and those persons representing the bank adjourn to further discuss the situation after which the meeting with the Board would resume.

Selectman Toomey stated that he would first like to comment that, in his opinion, the Board could not properly address the question of the restaurant tonight as no license for such has been issued.

Mr. Harrington agreed, stating the bank's concern is the deterioration of the building in which the restaurant would be housed.

Selectman Toomey stated that Messrs. Robert and Bruce Quirk have expressed

their opinion that the bank does not have the right to assume ownership of the site plan and the building permits issued in connection with it.

Mr. Harrington stated that he would suggest that if Mr. Quirk is correct, he has a right to go before a judge for a restraining order and that he wished this issue to be discussed with Mr. Kenny.

Selectman Potell stated that the only issue before the Board tonight was the proper procedure by which the septic system could be completed.

Chairman Powers stated that if Counsel could assure the Board, the Board would make its recommendations on his advice--that before the Board tonight is an expired site plan, work being conducted without an approved site plan by a party who claims ownership, and a second party's dispute of the first party's ownership.

At this time, it was on motion by Selectman Potell unanimously

VOTED: To table further consideration of the question of granting an extension for six months for completion of Site Plan #76-171 for Village Green, 29 Hudson Road, Robert Quirk Realty Trust, until the completion of the informal meeting among Mr. Kenny and the representatives of the bank.

Later in the evening, upon the return of Town Counsel and the bank representatives, it was on motion unanimously

VOTED: To take the aforementioned item from the table.

Mr. Kenny reported that the attorney for the petitioner had agreed to provide him with certain material between now and November 28 which, in Mr. Harrington's opinion, would indicate that the Coolidge Bank and Trust Co. has the same rights as the owner; i.e., the bank is the first mortgagee which gives them legal title and, as the bank has entered that property as assignees of the property, it also has rights. Mr. Kenny stated his opinion would remain that in order for work to continue on the septic system it would be necessary that 1) the Board of Health, under State statute; declare that the work continue because of public health reasons, or 2) that the Building Inspector, under State statute, declare that the present condition is a public safety hazard.

Article IX, V, A, Site Plan Approval, of the Bylaws was reviewed, which states in part "...The Board of Selectmen may at the time of approval of any site plan, or, thereafter, upon an application, therefor, grant such extension of the time as it shall deem necessary to carry any site plan into effect;..."

Chairman Powers asked, in the instance of an expired site plan, by what authority the Board could grant an extension, even on a temporary basis, in the absence of an application for a new site plan.

Mr. Harrington stated that there is presently plumbing that is non-functioning because the septic system has not been properly completed, and Mr. Antaramian added that there is a non-functioning toilet and questionable plumbing in an occupied portion of the building under the bank (Tables 'N Things, formerly Blue Rhinoceros).

Selectman Toomey stated that it was his recollection that it had been previously agreed that the construction of the septic system as it involved the building under the bank would require that this section be unoccupied until

completion of the system. Selectman Toomey's statement was researched by the Executive Secretary and found to be correct.

Mr. Harrington suggested that the site plan is not a dead plan--only that the person doing the building did not complete the construction during the year. Mr. Harrington suggested that, in his opinion, the Selectmen have the power to amend the expiration date of the site plan whereas the construction under way is corrective rather than new construction.

In response to the Board's question, Mr. Harrington stated that the bank had foreclosed on September 5, 1977, which, in the opinion of the Board, would have allowed sufficient time for a new application for the construction under question.

Mr. Johnson commented that there are several legalities which must be followed after foreclosure which are time-consuming.

Selectman Toomey again mentioned the statutes under which the Board of Health and the Building Inspector could act until a new site plan application is received if the situation is applicable.

In response to the Board's question, Mr. Antaramian stated that the septic system could be completed within a period of two weeks--that the fact that approximately four feet of non-permeable fill must first be removed before replacement with permeable material to allow percolation would account for the extended time for completion.

In response to the Board's question as to time requirements for renewal of the site plan, Mr. Kenny stated that there is no specific requirement with respect to renewal time that is different than that for a new site plan.

Chairman Powers commented that it had been a condition of the Board's approval of the site plan that the boundary line be properly corrected and that this condition had not been lived up to.

Mr. Kenny stated that the plan is an approved site plan and that it was his opinion that the conditions could be put on the extended plan, that the change of boundary line "as soon as possible" may be an indeterminate time because the owner may not have funds to provide compliance immediately.

Selectman Potell moved to extend site plan #76-171, Village Green, 29 Hudson Road, in the name of whomever is determined to be the owner for a period of six months from the original expiration date of August 23, 1977, subject to all restraints imposed upon the original approval of the plan, subject to a determination that the applicant has the proper authority, and further subject to Town Counsel's determination as to the legality of extending said site plan.

The motion was not seconded.

Chairman Powers stated that the Board has a substantial question regarding the rights of the owner which will be solved by November 28, and after further discussion, it was on motion by Selectman Toomey unanimously

VOTED: That the question of granting an extension of six months for completion of Site Plan #76-171 for Village Green be placed on the agenda at a scheduled time for the Board's meeting on November 28, 1977 with proper notification to all parties concerned.

It was further

VOTED: To request Town Counsel in the interim to determine the rights of the petitioners present tonight relative to their request for an extension; and it was further

VOTED: To direct the Building Inspector/Zoning Enforcement Agent to issue a cease and desist order to Coolidge Bank and Trust Co. for no further construction under the site plan.

License - Underground Storage Fuel Oil - 4 Highland Avenue - John Hickey

Present: John Hickey, Jr., applicant; Francis E. White, Building Inspector/Zoning Enforcement Agent

In accordance with the provisions of Chapter 148 of the General Laws, application was made by John Hickey, Jr., d/b/a Harvest Greenhouses, Inc., for a license to store 20,000 gallons fuel oil underground at 4 Highland Avenue for agricultural purposes on property owned by Ralph E. Hawes of 27 Highland Avenue.

Executive Secretary Richard E. Thompson reported that all appropriate Town departments and abutters had been notified and return receipts received and that the application had been approved by Chief Frost on November 4, 1977 and that his subsequent report dated November 14, 1977, indicating approval, had been received as well as a report dated November 21 from the Building Inspector indicating approval.

Mr. Hickey reported that he was the lessee of the Hawes' property and that he had applied for increased storage to take advantage of reduced fuel oil prices which would result from less frequent deliveries.

After discussion, it was on motion by Selectman Toomey unanimously

VOTED: To approve the application of John Hickey, Jr., d/b/a Harvest Greenhouses, Inc., for a license to store 20,000 gallons fuel oil underground (one 10,000-gallon existing tank and one new 10,000-gallon tank), with the stipulation that installation of the new tank be in accordance with the regulations of the Building Inspector and Fire Chief.

1978 Annual Town Meeting Warrant Article - Rice Road Petition

The Board received a petition dated November 5, 1977 from residents of Rice Street, petitioning the Board to change the name of that street to Rice Road.

After discussion and review of a report dated November 16, 1977 as to suggested procedure in granting the request from Assistant Town Counsel, it was on motion unanimously

VOTED: To insert an article on the warrant for the 1978 Annual Town Meeting which would change the name of Rice Street to Rice Road.

Resignation - Sudbury Public Health Nursing Association, Inc.

The Board received a communication dated November 14, 1977 from Gloria Powaza, Director of the Sudbury Public Health Nursing Association, who tendered her resignation as Nurse Director of that Association effective November 30, 1977.

The Board expressed its very deep regret for the loss of Mrs. Powaza, commenting on the fine work she and her organization have done for the Town and directed the Executive Secretary to acknowledge her letter and to thank her for her great service to the Town.

Selectman Toomey suggested that, in addition to the letter of acknowledgement to Mrs. Powaza, the Board also send her a personal note of appreciation.

Chairman Powers suggested to the members of the press that they look into the significant and varied works of the Nursing Association for the purpose of printing a story on its value to the Town.

Resignation - Sudbury Police Department

The Board received a communication dated November 6, 1977 from Provisional Patrolman Tayno Hyden from the Sudbury Police Department, who tendered his resignation from that Department effective November 20, 1977.

The Board accepted Mr. Hyden's resignation with regret and directed the Executive Secretary to acknowledge Mr. Hyden's letter and to thank him for his service with the Police Department.

The Executive Secretary reported that the Board had previously authorized him to requisition a permanent patrolman list from the Division of Personnel Administration, for which he is still waiting.

Town Ambulance - Certification of Inspection

The Board received a communication dated November 15, 1977 from the Massachusetts Department of Public Health regarding acceptance of the final proposed plan of correction relative to a previous inspection of Sudbury's ambulance, equipment, and service and its recommendation for the issuance of an initial two-year license and certification of inspection for the ambulance. The Executive Secretary reported that the license had been received today.

SuAsCo Basin Report - 208 Water Quality Project - MAPC

Present: Kathleen Brown, Chairman and Joan Irish, member, Conservation Commission; Leon Zola, Chairman, and Joseph Brown of the Industrial Development Commission; William Cooper, member, Board of Health; Milton Bartlett, Sudbury Water District Commissioner; Lillian Morgenstern, Joseph McGinn, and Nancy Wallerson, representing the MAPC; Eben Stevens, member, Planning Board; and Lael Meixsell, member, SuAsCo Watershed Association.

Conservation Commission Chairman Kathleen Brown and member Joan Irish, SuAsCo Watershed Association member Lael Meixsell, Water District Commissioner Milton Bartlett, Industrial Development Commission Chairman Leon Zola and member Joseph Brown, Board of Health member William Cooper, and Planning Board member Eben Stevens met with the Board and representatives Lillian Morgenstern, Joseph McGinn, and Nancy Wallerson of the Metropolitan Area Planning Council (MAPC) Water Control Project to discuss the 208 Water Quality Preliminary Report and the Action Handbook on the SuAsCo Basin, in particular that section of the Action Handbook dealing with suggested alternatives for Sudbury in dealing with existing and potential problems.

Chairman Powers reported that the Board had received the above-mentioned report very shortly before the November 2 meeting on the subject, which had

been attended by Selectman Potell, and that the Board had been distressed by the short length of time in which to respond to the report. Chairman Powers reported that the Board's position, consequently, was that it would be premature to take a position on the report at that time; he commented that some of the factual data contained in the report was inaccurate, and he questioned why the Town Engineer had not been contacted to help in this regard.

Chairman Powers reported that he had sent all appropriate boards copies of the report for their review and had invited them to attend tonight to give them an opportunity to ask questions so that the Town may learn what the MAPC wishes to accomplish and to receive answers to their questions.

Selectman Potell disagreed with the Action Report's designation of several portions of Limited Industrial land, which stated that one such area included a portion of the U.S. Government Natick Lab land, as well as the location of several well sites. Selectman Potell expressed the Board's concern with inaccuracies in the report and he questioned how recommendations made on incorrect data could be valid.

Selectman Toomey and Water District Commissioner Bartlett also commented on the report's improper zoning designation for several of the well sites.

Mr. McGinn stated that McConnell-Landis maps had been used in coordination with the Town's zoning maps and that errors had perhaps occurred in the overlaying of these maps.

Mr. Stevens reported that approximately a year ago he and the Town Planner had met with the 208 people giving them all types of maps and sections of the Hydrology study and that he would assume that their scale was much smaller than the Town's and, in bunching categories, errors had been made.

Chairman Powers spoke of the MAPC's recommendation concerning the U.S. Military land (which in the MAPC's opinion was zoned for Limited Industry), that if that area were to be exsessed it might become available for recreation.

Chairman Powers reported that the military land had been exsessed to the State for the purpose of recreation last December.

Mrs. Morgenstern stated that the report had been underway for a year and a half and that the data being used by them preceded that time; she requested that any new data since that time period be forwarded to them for their use in rewriting.

Chairman Powers commented that the Town had received no request for data nor was the Town Engineer approached for any data, that the only contact with the Town had been through the Town Planner and the Planning Board.

Board of Health member William Cooper stated that he had spoken with Mr. McGinn and it was his (Dr. Cooper's) opinion that the MAPC has realized the need for sewerage as opposed to treatment plants. Dr. Cooper stated that he would like to see alternatives for disposal of septic systems and that he would have no other comment than the improper location of White's Pond which lies in Concord rather than in Sudbury as mentioned in the report. Dr. Cooper suggested that the Town boards try to catalog among themselves factual errors in the report to submit to the MAPC.

Chairman Powers was in agreement.

Selectman Potell questioned the meaning of the discharges mentioned in the report's stormwater runoff section as it pertained to their number.

Mr. McGinn stated that what was meant was the discharge pipes and that the MAPC's material did not address all systems, only the major systems.

Chairman Powers inquired whether the MAPC was aware that a drainage study had been done for the Town.

Mr. McGinn stated that they were aware of the study but had not yet seen it.

Mr. Bartlett stated that the Water District is continually concerned about subsurface draining of industrial waste. Mr. Bartlett stated that the main problem is that drains have never been installed in Route 20 so that the old drains along Union Avenue have become filled and have become a problem. Mr. Bartlett commented that had the Water District been consulted, they would have been informed of the problem, and he further commented that he was somewhat surprised that the Town had not been consulted in this major effort, and asked what the study represented in dollars.

Mr. McGinn reported that in 1975 the MAPC was selected by Governor Dukakis to conduct a \$2.3 million water quality improvement project involving 92 of its member communities and that the study represented approximately one-ninth of the \$2.3 million allocated. Mr. McGinn further reported that the project is funded by the U.S. Environmental Protection Agency which is overseeing a \$16 billion nationwide water clean-up project under the Water Pollution Control Act Amendments of 1972.

Mr. Bartlett stated that there is a flooding problem in the Route 20/Union Avenue area, that the water table in this area is at the surface and that the leaching fields are being pumped practically every day.

Mr. Zola commented that the Water District and the Board of Health have done an excellent job over the years, but that he could not conceive how any industrial sites could be developed in that wet area which could comply with Board of Health requirements.

Mr. Bartlett stated that Mr. Zola was referring to commercial use which needs intensive study, that Mr. Zola was quite right with regard to development of land in that area, that the main problem is that road drainage has never been put in by the State, that he did not know if the MAPC could be helpful in this area, but perhaps such a request for drainage could be a function of the MAPC.

Miss Morgenstern stated that their primary function is being helpful by informing the towns which departments to contact with their particular problems, as the MAPC does not interface with other departments in the State.

Mr. Bartlett asked the purpose of the 208 study.

Mr. McGinn stated that the MAPC study identifies sources of water pollution and establishes alternative actions to correct existing problems and to prevent further degradation of the region's water and that, following a public review and comment process, selected alternatives are expected to be implemented at the local, regional, and State levels to meet Federally-mandated, nationwide clean water goals.

Mrs. Brown stated that she would like to repeat her statement made at the recent meeting regarding the Marlborough Easterly Treatment Plant, that the Commission's

major concern is the effluent from the Marlborough Easterly Treatment Plant and the fact that the report has failed to mention two recent attempts by that Town to seasonally modify its phosphate and nitrate treatment and that it would hope that something might be included in the report on this subject, as the waters of Hop Brook and the associated Grist Mill, Carding Mill, and Stearns Mill Ponds continue to be offensive in color and odor during much of the year although tertiary treatment has been in effect for almost three years. Mrs. Brown expressed the Commission's opinion that this condition is largely due to the fact that for many years that treatment plant discharged inadequately treated waters into Hop Brook causing conditions which serve as a rich source for algae growth. Mrs. Brown stated that the Commission would like a statement from the MAPC that Marlborough's request for modification not be granted.

Miss Morgenstern stated that the MAPC was eager to receive written comments on which they could respond and take action, such as the Conservation Commission's request.

Chairman Powers asked what the outside time limit would be for submitting the Town's comments and suggestions to the MAPC, and, after discussion, it was agreed that all departmental reports and comments should be submitted to the Executive Secretary's office by December 8.

Miss Morgenstern commented that the preliminary report had been sent out for comments and input from cities and towns which would go into second draft.

Selectman Potell mentioned a statement that had been made at the November 2 meeting with regard to an implemental plan, and he asked who would determine the implemental plan.

Mr. McGinn stated that the cities and towns would make the determination and that the MAPC's intent was to offer alternatives for the cities and towns' recommendations.

Mrs. Brown stated that during the latter part of the Marlborough meeting it was mentioned that funding had run out, and she asked whether there was money to publish the corrected data and recommendations.

Miss Morgenstern stated that it had been mentioned that 90% of the funding had run out and that the MAPC had cut back on staffing so that the second draft of the report containing corrections and recommendations could be published.

Mrs. Brown asked whether the corrections would be a part of this report.

Miss Morgenstern stated that the corrections and recommendations will be published as an addendum.

Mr. Thompson expressed his opinion that there would be a problem in evaluating the report and the addendum.

Chairman Powers stated that as the Board disagrees with the action report as it pertains to Sudbury, it would wish these pages to be reworked.

Miss Morgenstern stated that the EPA would not be referring to the preliminary report but only to the addendum.

Chairman Powers commented on the importance of receiving input from the boards and committees by December 8 for submission to the MAPC.

Mr. McGinn stated that the Town would have at least three additional chances for comment on the MAPC's areawide plan--at its own review, a second review with the EPA, and a third at the State's review.

The Board thanked the MAPC representatives and all boards and committees for their attendance tonight.

Unemployment Insurance - Method of Financing

Present: Town Accountant John Wilson

The Board, at its meeting on November 7, 1977, tabled further consideration of the question of deciding the method for financing unemployment compensation under new Federal and State laws until November 21 to await further information from the Executive Secretary relative to similar decisions in the matter made by other Town departments.

Executive Secretary Richard E. Thompson reported that the Sudbury Water District, the Sudbury School Department, and the Board of Assessors had agreed upon the reimbursement method rather than the contributory method for financing unemployment compensation, as had been recommended by the Town Accountant in his report dated October 28, 1977, and further explained in a communication dated November 17, 1977.

After discussion, it was on motion unanimously

VOTED: In accordance with the Town Accountant's recommendation dated October 28, 1977, to select the option of the reimbursement method of financing unemployment compensation and to instruct the Executive Secretary to immediately contact John D. Crosier, Director, Division of Employment Security, to inform him of the Board's decision.

Appointments

After discussion, it was on motion unanimously

VOTED: To make the following appointments:

Lawrence Blacker, 15 Country Village Lane, and David Horn, 7 Walkup Road, as Associate Members of the Board of Appeals, each for a term to expire on April 30, 1978;

Lawrence Blacker to the Earth Removal Board to fill the unexpired term of Myron Fox which expires on April 30, 1979;

David Horn to the Earth Removal Board to fill the unexpired term of Robert Hotch, which expires on April 30, 1978; and

Patricia Glazer, 12 Hop Brook Lane, to the Talent Search Committee to fill the unexpired term of Freda Doyle, which expires on April 30, 1978.

Selectmen's Meetings Rescheduled - December 26, 1977, January 2, 1978, and
January 16, 1978

The Board reviewed a memorandum dated November 17, 1977, relative to closing Town Hall on Monday, December 26; Monday, January 2, and Monday, January 16, due to the observances of Christmas Day, New Year's Day, and Martin Luther King Day.

After discussion, it was on motion

VOTED: To distribute the above-referenced memorandum to all Town departments, boards, commissions, and committees;

and it was further

VOTED: That the regularly scheduled meetings of the Board of Selectmen on those holidays would be held on the following day, Tuesday.

(Selectmen Potell and Toomey in favor; Chairman Powers opposed, as a previous memorandum had been sent offering alternate days for these holidays.)

Annual License Renewals - 1978

Following the Board's review of inspection reports from the Board of Health dated November 21, 1977; from the Building Inspector dated November 10, November 16 and November 17, 1977; from the Fire Chief dated November 15 and November 18, 1977, it was on motion unanimously

VOTED: To renew the following licenses and to forward the appropriate renewal forms to the Alcoholic Beverages Control Commission, where applicable, for approval; said licenses shall be held until payment of fees as required and completion of all work or correction of violations identified by the Building Inspector, the Fire Chief, and the Director of the Board of Health in their above-referenced communications:

Package Store All-Alcoholic Beverages

The Colonial Spirits
MacKinnon's Package Store (Sudbury Super Market)
Wayside Package Store, Inc.

Restaurant - All-Alcoholic Beverages

Svensk Kaffe Stuga, Inc.
"99" (99 West, Inc.)
Pacific Gate Restaurant
Ye Olde 117 House, Inc.
Pizza Alla Pietra Corp.

Innholder - All-Alcoholic Beverages

Longfellow's Wayside Inn

Club - All-Alcoholic Beverages

American Legion Post #191, Inc.

It was further

VOTED: To renew the following licenses which shall be held until payment of fees as required and completion of all work or correction of violations identified by the Building Inspector, the Fire Chief, and the Board of Health in their above-referenced communications:

Common Victualler

Brigham's	Svensk Kaffe Stuga, Inc.
Colonial House of Pancakes	"99" (99 West, Inc.)
Friendly Ice Cream Shop	Sudbury Pizza
Marrone's Bake Shop	Pacific Gate Restaurant
Paul Joseph's Restaurant	Pizza Alla Pietra Corp.
Sudbury Bowladrome, Inc.	Longfellow's Wayside Inn
Sudbury Dairy Queen	Ye Olde 117 House, Inc.
Sudbury Drug Store	American Legion Post #191, Inc.

Weekday Entertainment

Svensk Kaffe Stuga	American Legion Post #191, Inc.
"99" (99 West, Inc.)	Brigham's
Pacific Gate Restaurant	Colonial House of Pancakes
Pizza Alla Pietra Corp.	Friendly Ice Cream Shop
Longfellow's Wayside Inn	Sudbury Bowladrome, Inc.
	Ye Olde 117 House, Inc.

Weekday Automatic Amusement Devices

American Legion Post #191, Inc.
Sudbury Bowladrome, Inc.

It was further

VOTED: To approve issuance by the Town Clerk of the following auctioneer annual licenses, subject to the payment of fees as required:

James L. Thelen, 11 Dudley Road
Mitchell Bistany, 21 Old Meadow Road

and it was further

VOTED: To defer consideration of issuing renewal licenses to the below-named establishments until receipt of additional information:

Sudbury House, Inc.
JT's Steak House
Northern Farms Farmstand and Country Store

1978 Used Car Licenses

After review of inspection reports from the Building Inspector dated November 10, 1977, and the Fire Chief dated November 15 and 18, 1977, it was on motion unanimously

VOTED: To issue the following renewal Class II licenses, subject to payment of fees as required:

Colonial Auto of Sudbury, Inc.
Steve's Auto Body

and it was further

VOTED: To approve and issue the following renewal Class III licenses:

Mosher Auto Body, Inc.
Robert E. Lohnes

License - Automatic Amusement Device - Sudbury House, Inc.

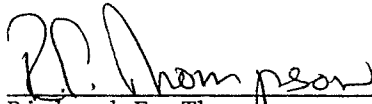
After consideration, it was on motion by Selectman Potell unanimously

VOTED: To grant an Automatic Amusement Device License to Gerald W. Brogna, Sudbury House, Inc., subject to payment of fee as required.

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

VOTED: To adjourn the meeting at 11:10 p.m.

Attest:


Richard E. Thompson
Executive Secretary-Clerk