

IN BOARD OF SELECTMEN
MONDAY, SEPTEMBER 12, 1977

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

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

Resignation - Board of Appeals

The Board received a communication dated August 24, 1977 from John F. McKenna, who tendered his resignation from the Board of Appeals, effective August 25, 1977.

The Board accepted Mr. McKenna's resignation with regret and directed the Executive Secretary to acknowledge Mr. McKenna's communication, expressing the Board's appreciation for his many years of service on that Board.

Appointments

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

VOTED: That the vote of May 16, 1977 relative to the appointment of Robert Hatfield, Everett Mitchell, Roland Soucy, Bernard Murphy, Ernest Russo, and Warren Wright as Special Constables be corrected to read as follows:

"VOTED: To make the following appointments:

Robert Hatfield, Everett Mitchell, Roland Soucy, Bernard Murphy, and Ernest Russo as Special Constables, Non-Paid, for traffic duty only at Loring School, for a term to expire on April 30, 1978".

Site Plan Application #77-182, Orion Realty Trust, 80 Union Avenue - Request for Waiver of Site Plan Submission Rules and Regulations Requirement

The Board received a communication dated August 23, 1977 from the Zoning Enforcement Agent, who requested that a required stamp and signature regulation, the latest change in Policy and Procedure for Site Plan Submission, be waived in the case of Site Plan Application #77-182, Orion Realty Trust, 80 Union Avenue, as he had been working with the applicant several weeks before this change became effective and because the above-referenced site plan was a modification of a previously approved site plan. The Board also received a second communication dated September 9, 1977 from the Zoning Enforcement Agent, containing additional information relative to the plan, which will be considered by the Board on September 19, 1977.

After a brief discussion, it was on motion by Selectman Toomey unanimously

VOTED: To table further discussion of the above-referenced communications until consideration of Site Plan Application #77-182 on September 19, 1977.

Award Bid - Painting of Loring Parsonage

Executive Secretary Richard E. Thompson reported that an Invitation-to-Bid with regard to painting the Loring Parsonage had been published in the local newspaper and that, following the opening of the bids, a communication dated August 30, 1977 had been received from the Building Inspector, who having checked references, recommended that the bid be awarded to the low bidder, H. M. Horton Co., Walpole, Massachusetts.

Selectman Potell stated that it was his understanding that the painting of the Loring Parsonage would not be a standard painting job, and he noted that no special provisions for proper restoration which might be necessary had been included in the specifications.

Mr. Thompson reported that it is not anticipated that any restoration will be necessary at this time, as replacement of poor clapboards had been done approximately ten years ago.

After discussion, it was on motion unanimously

VOTED: To award the bid for painting the Loring Parsonage to H. M. Horton Company, Walpole, Massachusetts, low bidder, for the sum of \$1,376.

Appointments - Town Report Preparation Committee

Present: Nadine Wallack, member, and Joan Maxwell, candidate for appointment to the Town Report Preparation Committee

The Board interviewed Mrs. Joan Maxwell relative to her interest in serving on the Town Report Preparation Committee and discussed with Committee member Nadine Wallack the qualifications of a second candidate, Mrs. Terry Lukas, who was unable to be present tonight.

After the interview, it was on motion unanimously

VOTED: To appoint Joan Maxwell, 451 Peakham Road, and Terry Lukas, 18 Briar Patch Lane, to the Town Report Preparation Committee, each for a term to expire on April 30, 1978.

Minutes

It was on motion by Selectman Potell unanimously

VOTED: To approve the minutes of the regular and executive sessions of August 22, 1977, as corrected.

Meeting Rescheduled to October 11, 1977

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

VOTED: To reschedule the Board's regular meeting from Monday, October 10 to Tuesday, October 11, due to the observance of Columbus Day.

International City Management Association Conference - Travel Approved

Executive Secretary Richard E. Thompson reported that, as earlier discussed, he and the Town Accountant planned to attend the upcoming 63rd Annual International City Management Association Conference to be held at Atlanta, Ga., during October 30 - November 3 and that it would be his recommendation that the \$1,000 appropriated by the 1977 Annual Town Meeting for out-of-state travel by the Executive Secretary, the Town Accountant, and the Fire Chief be equally divided by the three, with his and Mr. Wilson's share being used for this purpose and supplemented with their personal funds.

Selectman Potell expressed his concern that both the Executive Secretary and the Town Accountant would be gone from the Town at the same time and the appropriateness of sponsoring the Town Accountant's attendance at a managers' conference.

Chairman Powers stated that attendance at the conference was an ongoing subject which had been discussed at the time the Executive Secretary and the Town Accountant were employed.

In response to the Board's question, Mr. Thompson stated that he had attended the conference each year for the past fifteen years, the last five while he was employed by the Town of Sudbury, and that Mr. Wilson had attended for the last three years--one year at his own expense.

Selectman Toomey commented that approval of this expenditure would be a way of thanking Mr. Wilson for a job well done and, in his opinion, should supplement his salary, and it was on his motion

VOTED: To approve an expenditure of \$666.67 from Account #501-71, Selectmen's Out-of-State Travel, for use of the Executive Secretary and the Town Accountant to attend the International City Management Association Conference from October 30 - November 3, 1977.

(Chairman Powers and Selectman Toomey in favor; Selectman Potell opposed, stating that, in his opinion, it was not fair to the citizens of the Town to pay for the Town Accountant's attendance at a managers' conference.)

Temporary License for Sale of Wines and Malt Beverages - Harold A. Kraph,
Adult Social Club of St. Anselm's Parish - September 25, 1977

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

VOTED: To issue a Temporary License for the Sale of Wines and Malt Beverages only, to be drunk on the premises, to Harold A. Kraph, Adult Social Club of St. Anselm's Parish, Landham Road, for one day only on September 25, 1977, from 3:00 p.m. to 8:00 p.m. to accommodate a Parish clambake, subject to payment of fee as required.

(Note: License was not issued at request of applicant, due to cancellation of the Clambake.)

Site Plan #77-181, Mullen Realty Trust, 28 Union Avenue

Present: Thomas and David Mullen, applicants

In accordance with Article IX, Section V, Paragraph A of the Sudbury Bylaws, the Board considered the site plan of Mullen Realty Trust, 28 Union Avenue.

Executive Secretary Richard E. Thompson reported that the appropriate abutters and department heads had been notified of tonight's meeting and that the following reports had been received: from the Building Inspector/Zoning Enforcement Agent Francis E. White, dated September 9, 1977, who recommended approval but would question the parking of vehicles on the Union Avenue right-of-way, which is Town property abutting the existing Mullen parking lot and on property across Union Avenue owned by the First Federal Bank. (Mr. White's report stated that there is ample space for parking in the parking areas owned by Mullen Lumber Co.); from the Director of the Board of Health, dated September 1, 1977, who recommended approval; and from the Planning Board dated September 9, 1977, which recommended approval.

Mr. Thomas Mullen displayed and described the site plan and stated that the only change concerned a roof on posts to shelter existing outside storage.

Following review of the plan, it was on motion by Selectman Potell unanimously

VOTED: To approve Site Plan #77-181 of Mullen Realty Trust, 28 Union Avenue, subject to the applicants' compliance with restricting parking to their own lot.

Application for Incorporation

Following a review and discussion of the below-named application, it was on motion by Selectman Potell unanimously

VOTED: To send a favorable report to the Secretary of the Commonwealth on the application of the residents of Musketahquid Village, 55 Hudson Road, for incorporation under the name of Musketahquid Senior Citizens, Inc., to be located in the Town of Sudbury at 55 Hudson Road;

and it was further

VOTED: To authorize the Chairman of the Board to sign the application.

Regional Dispatch Center

The Board reviewed a communication dated August 16, 1977 from Assistant Town Counsel Thomas French, which reported on the August 10, 1977 meeting of the Regional Dispatch Review Committee and which set forth the Committee's request for input on several subjects from the Boards of Selectmen of the area towns for the Committee's next meeting on September 14.

Executive Secretary Richard E. Thompson recommended that the Board authorize its chairman to give to the Committee, at the September 14 meeting, support for a Board of Directors composed of members of the Boards of Selectmen or Councils of member towns or their designees.

In reviewing Sections 1 and 2 of Article IV of the draft agreement, the Board expressed its disagreement with the statement that, by adoption of the agreement, the Board of Directors shall have delegated to the Operations Committee (made up of area towns' fire chiefs) and the officers the powers provided for in the agreement, as, in the opinion of the Board, the Operating Committee should act under the jurisdiction of the Board of Directors.

After discussion, it was the consensus of the Board that 1) the Board of Directors should be composed of elected town officials or their designees; 2) that the Board of Directors should not include Fire Chiefs; and 3) that no authority should be delegated until the Board has an opportunity to review the entire agreement.

It was further agreed to authorize the Chairman of the Board to convey to the Regional Dispatch Review Committee the above-stated consensus at the September 14 meeting.

Massachusetts League of Cities & Towns Annual Business Meeting - October 21, 1977

It was on motion by Selectman Toomey unanimously

VOTED: To designate the Chairman of the Board to represent the Town of Sudbury at the Massachusetts League of Cities & Towns Annual Business Meeting commencing at 4 p.m. on October 21 in Hyannis.

Division of Personnel Administration - Police Department Personnel

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

VOTED: To confirm the Board's telephone vote of August 25, 1977 to transfer Patrick John Manzo from the Hudson Reserve List to the Sudbury Reserve List.

It was further

VOTED: To authorize the Executive Secretary to file a requisition for a Reserve List, subject to the approval of the Division of Personnel Administration;

and it was further

VOTED: To authorize the appointment of Patrick John Manzo as Permanent Patrolman in the Sudbury Police Department from the Sudbury Reserve List, said appointment subject to an effective date to be determined by the Division of Personnel Administration.

Appointment - Auxiliary Police

At the request of Police Chief Nicholas Lombardi in a letter dated September 8, 1977, it was on motion unanimously

VOTED: To appoint Robert Boyd, 6 Birchwood Avenue, to the Sudbury Auxiliary Police Unit.

Remaining 1977 Appointments

It was agreed to defer consideration of the Selectmen's remaining 1977 appointments until a later meeting.

Public Hearing - Application of Theodore S. Hatch, Manager, 99 West, Inc.,
d/b/a "99", 694-698 Boston Post Road - Change in Description of Premises -
Permission to Expand

Present: Theodore S. Hatch, applicant; Charles F. Doe and Mark Richards of "99"

In accordance with the provisions of Chapter 138 of the General Laws, as amended to provide for a change in the description of the premises, the Board, acting as the Licensing Authority for the Town, held a public hearing on the application of Theodore S. Hatch, Manager, 99 West, Inc., d/b/a "99", holder of a Common Victualler All Alcoholic Beverages License, for permission to expand the premises located at 694-698 Boston Post Road, Sudbury, Massachusetts, on the northeasterly side, by the addition of a function room (738 sq. ft.) with bar and emergency exit, so that said description will appear as follows:

One floor: one dining room with bar, one function room with bar, kitchen (3338 sq. ft.); cellar for storage. Two front entrances east and west sides, one delivery entrance at rear, and one emergency exit at southeasterly side of function room.

Executive Secretary Richard E. Thompson reported that the notice of public hearing had been advertised on September 2, 1977, that the appropriate abutters and department heads had been notified, and that the following reports had been received: from the Fire Chief, dated September 7, 1977, who expressed no objection; from the Building Inspector, dated September 8, 1977, who stated that the description agrees with the premises when checked on September 7, 1977, but that he had not made a final inspection as no request had been received; and from the Director of the Board of Health, dated September 9, 1977, who reported that the required additional leaching area had been approved on August 26, 1977. Mr. Thompson stated that he would recommend approval of the application subject to a Certificate of Occupancy.

Mr. Charles Doe, President, "99" Restaurants, stated that the seating capacity of the new function room would be fifty persons, and he described the changes to the premises.

Chairman Powers stated that he would hope that Mr. Doe would consult with the Fire Chief as to the safety of the position of the exits from the new room with respect to the location of the proposed bar.

After discussion, it was on motion by Selectman Toomey unanimously

VOTED: To approve an expansion to the premises located at 694-698 Boston Post Road by the addition of a function room, involving a change in the description of the premises relative to the applicant's Common Victualler All Alcoholic Beverages License as set forth above, in accordance with General Laws Chapter 138, subject to a modification to the bar as presently proposed if so requested by the Fire Chief, and further subject to the issuance of a Certificate of Occupancy from the Building Inspector.

Landham Road Advisory Committee

It was on motion unanimously

VOTED: To authorize the Executive Secretary to expend up to \$100 from Account 501-81, Selectmen's Surveys & Studies, for use by the Landham Road Advisory Committee.

Department of Public Utilities - License Request

The Board confirmed its earlier agreement, at a July meeting, to authorize Assistant Town Counsel Thomas French to provide any necessary assistance to Stephen Bankuti with regard to preparation of his application to the Department of Public Utilities for a towing license.

Resignation - Town Planner

The Executive Secretary reported that the Board had received the resignation of Town Planner Emmanuel Tiliakos who is leaving the Town's employ on September 14.

The Board requested that the Executive Secretary acknowledge Mr. Tiliakos' resignation, thanking him for his service to the Town.

Penn Central Railroad - Back Taxes

Executive Secretary Richard E. Thompson reported that Chairman Powers had brought to his attention an article in the September 5, 1977 edition of The Boston Globe which reported that checks were being mailed by Penn Central Railroad to Massachusetts communities in payment for back taxes and that he had been asked to contact the Tax Collector in this regard. Mr. Thompson reported that he had discussed the matter with the Tax Collector who reported that a check for \$4,807.86 had been received by the Town and that the Town's records show that taxes due through 1976 amount to \$4,197.75.

Chairman Powers stated that this figure does not represent interest due since 1970 and that by accepting the check, the Town, in his opinion, would wipe out receipt of any additional interest.

Mr. Thompson stated that the interest payment has not been determined as yet and that the check has not been accepted by the Town, pending a review of the matter by Town Counsel.

Chairman Powers stated that the article stated that Penn Central owes over \$450 million to Massachusetts cities and towns and that most of the 123 communities who received checks were those where the amount was under \$10,000. Chairman Powers questioned why Penn Central should be treated any differently than any other delinquent tax payer, and he commented that this property is very valuable for planning future transportation corridors. Chairman Powers asked Town Counsel to research the question of whether, if Penn Central fails to pay its taxes or interest, its rights-of-way could be seized for tax possession and to report back to the Board on the matter.

Annual Americanism Night - October 26, 1977

The Executive Secretary informed the Board that his office had received an invitation from Maynard Lodge No. 1568, B.P.O. Elks for the Selectmen to participate in their annual Americanism Night on Wednesday, October 26, 1977, at which time they will honor representatives from the Police and Fire Departments of the Towns of Acton, Maynard, Stow, and Sudbury.

Initiative Petition - Compulsory and Binding Arbitration

On the subject of the initiative petition drive relative to compulsory and binding arbitration, the Executive Secretary informed the Board of the upcoming meeting in the Stow Town Hall on Wednesday, September 14, which he planned to attend as Coordinator for the Town of Sudbury in conjunction with the Area Coordinator, Selectman John Clayton of Stow, for the South Middlesex West Area.

The Board was in concurrence and authorized the Executive Secretary to so attend.

Selectman Toomey left the meeting at this time.

Executive Session

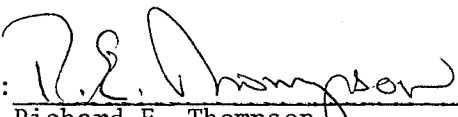
At 9:00 p.m., after a unanimous roll call, it was

VOTED: To enter into executive session for the purpose of discussing collective bargaining, legal matters, the Selectmen's Discretionary Fund, and transactions in real property where open discussion may have a detrimental effect.

Chairman Powers stated that the public session would not resume 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 10:20 p.m.

Attest: 
Richard E. Thompson
Executive Secretary-Clerk