

IN BOARD OF SELECTMEN
MONDAY, AUGUST 7, 1978

Present: Chairman William F. Toomey, John E. Murray and Robert J. Hotch.

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

Abatement of Unpaid and Uncollectable Ambulance Accounts, 4-1-78 to 6-30-78

Present: John H. Wilson, Town Accountant.

Town Accountant John H. Wilson answered questions by the Board regarding the billing procedure for collection of ambulance fees and stated that the amount of money determined to be uncollectable for the period of April 1, 1978, to June 30, 1978, is two hundred and forty dollars (\$240.00) and recommended that the Board approve the abatement request (prepared by the Town Accountant) dated July 21, 1978.

Following discussion it was on motion by Selectman John E. Murray unanimously

VOTED: To close out certain unpaid and uncollectable ambulance accounts for the period of April 1, 1978, to June 30, 1978, in accordance with Town Accountant's schedule dated July 21, 1978.

Landham Road Reconstruction - Liability Report from Town Counsel

Present: Mr. and Mrs. Harold R. Cutler.

Town Counsel Paul L. Kenny indicated that he wants to review a new statute under Massachusetts General Law, Chapter 512 of the Acts of 1978, before discussing his report dated July 24, 1978, and on his recommendation it was on motion by Selectman John E. Murray unanimously

VOTED: To table until August 21 review of a report dated July 24, 1978, from Town Counsel and discussion with him relative to Landham Road reconstruction and the question of liability with regard to both a 24-foot design and the requirement of a registered engineer's seal/stamp.

The Executive Secretary stated that Mr. and Mrs. Harold R. Cutler of Landham Road are present tonight and asked them if they would like to have a copy of Town Counsel's above-mentioned report. Selectman Murray gave Mr. Cutler a copy.

Tax Anticipation Notes

It was on motion by Selectman John E. Murray

VOTED: To confirm the vote and action of the Board on July 28, 1978, of signing Tax Anticipation Notes in the amount of \$1,000,000 dated August 4, 1978, and due November 15, 1978, as follows:

New England Merchants National Bank	3.65%	200M
Guaranty First Trust Co.	3.65%	100M
Shawmut Community Bank, N.A.	3.79%	100M

Shawmut Community Bank, N.A.	3.84%	150M
Guaranty First Trust Co.	3.85%	150M
Bay Bank Newton Waltham Trust Co.	3.94%	250M
Guaranty First Trust Co.	3.95%	50M

(Chairman William F. Toomey did not vote since he was not present to sign the notes on July 28, 1978.)

Contract for Intersection Improvements under Local Public Works E.D.A. Grant #01-51-26415

On the recommendation of the Executive Secretary, it was on motion by Selectmen Robert J. Hotch unanimously

VOTED: To confirm action of the Board taken on August 3, 1978, to sign Contract #2 for Intersection Improvements under Local Public Works E.D.A. Grant #01-51-26415 with Northeastern Construction Company, Inc.

State Litter Law

Following a brief discussion, and on the recommendation of the Executive Secretary, it was on motion by Selectman John E. Murray unanimously

VOTED: To approve and publicize an informational announcement relative to the State Litter Law, Chapter 270, Section 16, and its enforcement, and to forward a copy of the same to the Police Chief asking for his aid in enforcing this law.

Porsche Club of America - Temporary License - August 27, 1978

Following a brief discussion it was on motion by Selectman John E. Murray unanimously

VOTED: To grant a temporary license to Nancy E. Gove, Secretary, Porsche Club of American, Northeast Region, for the sale of wines and malt beverages only, to be drunk on the premises, from 1:00 to 7:30 p.m., for one day only on August 27, 1978, on the grounds of the Wayside Inn during their annual Concour; said license is conditioned on the applicant complying with all requirements of the Police, Fire and Health Departments.

1978 Cherry Sheet Conference

Following a review of the invitation to the fifth annual Massachusetts Cherry Sheet Conference to be held on August 17, 1978, at the Boston Park Plaza Hotel, Selectman Robert J. Hotch indicated that he would attend and Selectman John E. Murray stated that he would also attend if possible.

The Executive Secretary stated that he is planning to attend as well as the Town Accountant and the Chairman of the Finance Committee.

Massachusetts Farm Tour Invitation from Cooperative Extension Service

Executive Secretary Richard E. Thompson brought the Board's attention to an invitation dated July 28, 1978, from the Cooperative Extension Service to attend the Massachusetts Farm Tour at the Bristol County Agricultural School, Segreganset,

on August 24th and asked the Selectmen to let him know soon if they would like to attend so that reservations can be made.

Invitation from Boy Scouts of America, Norumbega Council

The Board directed the Executive Secretary to respond in the affirmative to an invitation dated July 21st from the Norumbega Council, Inc., Boy Scouts of America, to attend a celebration in honor of the 50th anniversary of the Nobscot Scout Reservation on October 14, 1978.

Police Department Emergency Telephone and Recording Equipment

Executive Secretary Richard E. Thompson emphasized the usefulness and necessity for a town to have emergency telephone recording and retrieval equipment and recommended that the Board consider approving in the next year's fiscal budget the purchase of the Series 4000 Logging Recorder for use in the Police Department at the cost of \$11,000-12,000; and that the Board approve the purchase of the Model 1100 Call Check Instant Recall Recorder - for installation as soon as possible - in the amount of \$1,400, using monies from the Communications Account. Mr. Thompson brought the Board's attention to a communication dated July 26, 1978, from Dictaphone enclosing a proposal on the above-mentioned emergency telephone and recording equipment.

Chairman William F. Toomey stated that this recording equipment would be for the protection of the Town of Sudbury and could not be used in Court.

Town Counsel stated that only in specific instances can this equipment be used in Court proceedings.

Mr. Thompson asked that the Board allow him to approach the Finance Committee with the purchase suggestions and report back to the Board if the Finance Committee expresses any strong objections.

Selectman Robert J. Hotch suggested that money be appropriated next year in the Communications Account budget so as not to jeopardize the account at the present time.

Following further discussion it was on motion by Selectman Robert J. Hotch unanimously

VOTED: To direct the Executive Secretary to pursue the matter further relative to possible funding sources and bring it back to the Board at a later time.

Joint Meeting with Planning Board for Interviews

Present: Edward W. Connors, Jr., Chairman, William R. Firth, John C. Cutting and Susan K. Hayden, Secretary, Planning Board; Eugene Bard, Karl E. Clough, Olga P. Reed, Robert F. Dionisi, Jr., and John R. Smith, Candidates.

Executive Secretary Richard E. Thompson stated that, on August 2, 1978, he had addressed a letter to the Planning Board Chairman, Edward W. Connors, confirming a meeting for this date for a joint session of the Board of Selectmen and the remaining members of the Planning Board for the purpose of interviewing candidates and electing two members to the Planning Board in accordance with General Law, Chapter 41, Section 11, as amended, to fill the vacancies occasioned by the resignations of Albert St. Germain and Paul McNally as noted in communications from the Chairman of the Planning Board dated July 7th and July 24th respectively.

Mr. Thompson reported that application forms containing a brief resume of each candidate had been made available to each Board member for review.

It was on motion and seconded unanimously

VOTED: To appoint Richard E. Thompson, Executive Secretary, to serve as clerk for the joint session of the Board of Selectmen and the Planning Board for the purpose of electing two members to the Planning Board to fill the two existing vacancies.

For the purpose of the record, it was noted that the remaining members of the Planning Board were present tonight as were the three Selectmen and Town Counsel.

Mr. Thompson reported that all the candidates were present and following introductions were interviewed relative to their interest and qualifications in serving on the Planning Board and their intention to run at the next Annual Election and their availability to serve if elected at that time.

Following the interviews the Executive Secretary explained that two roll call votes would be taken, one for filling the vacancy created by the resignation of Albert St. Germain and the other for filling the vacancy created by the resignation of Paul McNally.

Planning Board member, John Cutting, nominated Olga P. Reed, and Selectman Robert J. Hotch seconded the nomination.

Chairman Toomey asked for other nominations and, there being none, he announced that nominations had closed and requested the Clerk to proceed with the roll call vote.

Mr. Thompson alphabetically read the roll call of the members present and the following votes were cast:

Edward W. Connors, Jr., voted for Olga P. Reed.
John C. Cutting voted for Olga P. Reed.
William R. Firth voted for Olga P. Reed.
Robert J. Hotch voted for Olga P. Reed.
John E. Murray voted for Olga P. Reed.
William F. Toomey voted for Olga P. Reed.

At the completion of the roll call vote, the Clerk declared that Olga P. Reed, 241 Goodman's Hill Road, having received the unanimous vote of the officers present and entitled to vote, was elected to fill the vacancy on the Planning Board occasioned by the resignation of Albert St. Germain, until the next Annual Election, in accordance with Chapter 41, Section 11 of the General Laws, as amended.

Selectman John E. Murray nominated Robert F. Dionisi, and Selectman Robert J. Hotch seconded the nomination.

Mr. Connors nominated John R. Smith, and Chairman Toomey seconded the nomination.

Planning Board member, William R. Firth, nominated Karl E. Clough, but there was no second.

Chairman Toomey asked for other nominations and, there being none, he announced that nominations had closed and requested the Clerk to proceed with the roll call vote.

Mr. Thompson read the roll call of the members present and the following votes were cast:

Edward W. Connors, Jr., voted for John R. Smith.
John C. Cutting voted for Robert F. Dionisi.
William R. Firth voted for Robert F. Dionisi.
Robert J. Hotch voted for Robert F. Dionisi.
John E. Murray voted for Robert F. Dionisi.
William E. Toomey voted for John R. Smith.

At the completion of the roll call vote, the Clerk declared that Robert F. Dionisi, 104 Pokonoket Avenue, having received four of the six votes cast of the officers present and entitled to vote, was elected to fill the vacancy on the Planning Board occasioned by the resignation of Paul McNally until the next Annual Election, in accordance with Chapter 41, Section 11 of the General Laws, as amended.

Chairman Toomey thanked the candidates for their interest and attendance tonight.

Chairman Toomey called a ten-minute recess at 8:50 p.m.; the meeting was called back to order at 9:00 p.m.

Utility Petition #78-86 Bowen Circle

Present: Robert L. Blake, Boston Edison Company and Michael J. Fields, 25 Singletary Lane.

In conformity with General Laws Chapter 166, section 22, the Board considered the following petition:

UP#78-86 Bowen Circle - Petition of the Boston Edison Company and the New England Telephone and Telegraph Company for the northwesterly side, approximately 240 feet northeast of Plympton Road, approximately 10 feet of conduit.

Executive Secretary Richard E. Thompson reported that all appropriate abutters and Town officials had been notified and that a report dated July 6, 1978, recommending approval, had been received from the Wiring Inspector.

Mr. Blake of the Boston Edison Company reported that the petition for 10 feet of conduit is for the purpose of supplying electric power to a new house and showed the plans to the Board.

Following discussion it was on motion by Selectman John E. Murray unanimously

VOTED: To approve Utility Petition #78-86, as described above and shown on plans drawn by C. B. Damrell dated May 25, 1978, for the Boston Edison Company and the New England Telephone and Telegraph Company.

Interview Candidate for Conservation Commission

Present: Lynne Remington, Chairman, and Joan Irish, Conservation Commission; Richard O. Bell, candidate.

Executive Secretary Richard E. Thompson stated that by letter dated July 31, 1978, the Conservation Commission unanimously recommends the appointment of Richard O. Bell, 24 Austin Road, to fill the vacancy on the Conservation Commission occasioned by the resignation of John E. Murray.

Following an interview of the candidate, Richard O. Bell, it was on motion by Selectman John E. Murray unanimously

VOTED: To appoint Richard O. Bell, 24 Austin Road to fill the two year term on the Conservation Commission left open by the resignation of John E. Murray, to expire April 30, 1980.

Resignation - Conservation Commission

Present: Lynne Remington, Chairman, and Joan Irish, Conservation Commission.

The Board accepted and acknowledged the resignation of W. James Hodder, who tendered his resignation on the Conservation Commission effective August 1, 1978, and the Board directed the Executive Secretary to acknowledge Mr. Hodder's letter dated July 27, 1978, and to express the Board's appreciation for his service on the Conservation Commission.

Minuteman School Committee Representative

It was on motion unanimously

VOTED: To appoint Karl E. Clough, 40 Winsor Road, to a planning committee of the Minuteman School Committee to explore the possibility of expanding the Minuteman District, in accordance with their five-year plan, as set forth in a communication dated July 28, 1978, from Ruth W. Wales, Chairman, Minuteman School Committee, subject to Mr. Clough's acceptance.

Election Officers Appointment

It was on motion by Selectman John E. Murray unanimously

VOTED: To appoint the Election Officers for the year commencing August 15, 1978, in accordance with the recommendations of the Republican and Democratic Town Committees and the Town Clerk, subject to a new name submission to replace Linda Glass, Finance Committee member.

Remaining Appointments

Following consideration, it was on motion unanimously

VOTED: To make the following appointments:

Richard E. Thompson as Massachusetts Municipal Associations Legislative Liaison.

Joan C. Irish, 15 Hilltop Road, as Metropolitan Area Planning Council Designee for a term to expire April 30, 1980.

Joanne Garfinkle, 33 Lands End Lane, as U. N. Day Chairman (UNICEF rep.), for a term to expire April 30, 1979. (By recommendation of the League of Women Voters.)

The Executive Secretary stated that he spoke to Walter A. Cybulski, Permanent Building Committee, and that Mr. Cybulski indicated to him that he is planning to resign from the committee and will be forwarding a letter of resignation immediately.

Chairman Toomey stated that there are five candidates from a previous list of people interested in serving on the Personnel Board, and suggested that Mr. Thompson invite these men to be interviewed by the new members of the Board at their earliest convenience.

Following further discussion it was on motion unanimously

VOTED: To table consideration of the remaining appointments.

Municipal Associations' Questionnaire

On the recommendation of the Executive Secretary, it was on motion by Selectman John E. Murray unanimously

VOTED: To direct the Executive Secretary to circulate the "candidate questionnaire" enclosed in a letter dated July 19, 1978, from the Massachusetts Municipal Associations, Joint Legislative Office, to the local candidates who are running for office in the primary elections for the make up of the new State Legislature, requesting them to return the same to the Selectman's office at which time copies will be forwarded to the Massachusetts Municipal Association.

Minutes

It was on motion by Selectman Robert J. Hotch unanimously

VOTED: To accept the minutes of the regular session of July 24, 1978, as drafted.

Massachusetts Selectmen's Association - 1978 Annual Meeting

Executive Secretary Richard E. Thompson asked the Selectmen if they planned to attend the 1978 Annual Meeting (50th) of the Massachusetts Selectmen's Association which is being held in Hyannis on October 20-22.

Selectman Toomey indicated he would not attend. Selectman Robert J. Hotch said that he would attend the daytime session on Friday. Selectman Murray said he would attend the whole conference.

Conservation Commission

The Executive Secretary asked the Board to sign a letter written to Kathleen M. Brown in appreciation of her past service on the Conservation Commission.

Village Green Common Victualer License

The Executive Secretary brought to the Board's attention the fact that an application has been received for a common victualer license and all alcoholic beverages pouring license for Ephraim's Restaurant, Village Green from Todd Wagoner Corp., and that to follow statutory requirements a meeting with them would have to be scheduled at the Board's next meeting on August 21st.

Mr. Thompson suggested and the Board agreed to view the property with the petitioners and their attorney prior to the scheduled hearing on August 21st.

South Middlesex News

The Executive Secretary announced that Amy Zuckerman is the new reporter for the South Middlesex News who will be attending future Selectmen's meetings.

Chairman Toomey called a five-minute recess at 9:25 p.m.; the meeting was called back to order at 9:30 p.m.

Site Plan #78-191 - G. Burton Mullen

Present: G. Burton Mullen, Francis E. White, Building Inspector; Lynne Remington and Joan Irish, Conservation Commission.

In accordance with Article IX, Section V, Paragraph A of the Sudbury Bylaws, the Board considered the Site Plan Application #78-191 of G. Burton Mullen, 39 Union Avenue, for additional parking space.

The Executive Secretary reported that all appropriate abutters and Town officials have been notified, and that the following communications have been received regarding the same: 1) a report dated July 5, 1978, from the Zoning Enforcement Agent recommending approval with comments that a building permit is needed for Hancock Paint Store signs and the correct number of required parking spaces should be noted on the plan as 26, not 35; 2) a report dated July 21, 1978, from an abutter, Edward Tucker, recommending approval if most of the trees are left as is; 3) a report dated July 7, 1978, from the Planning Board recommending approval provided that the permit for the Hancock Paint Store sign be granted; and 4) a report dated August 7, 1978, from the Board of Health, who indicated that they are in the process of reviewing the daily sewage flow for the building at 39 Union Avenue.

Mr. Thompson further stated that the Conservation Commission would be present tonight to report on the above-mentioned site plan.

The Building Inspector stated that the concern of the Planning Board relative to the permit for the Hancock Paint Store sign has been taken care of. He also gave a copy of the plan to the Board.

Lynne Remington, Chairman of the Conservation Commission, stated that Mr. Mullen should file a determination of applicability and requested a meeting with Mr. Mullen along with the other members of the Conservation Commission, the Town Engineer and the Highway Surveyor at the proposed site of the parking lot, at which time it will be determined by the Conservation Commission whether or not a hearing is required under the Wetlands Protection Act.

The Building Inspector, Mr. Francis E. White, stated that a dust-free surface is necessary (such as crushed stone or stone dust) and that the parking spaces do not have to be marked, but that stone markers can be used at each space. If this procedure is used, the Conservation Commission probably would not have as many concerns regarding the water in the corner of the lot. Lynne Remington concurred with Mr. White's statement.

Following further discussion it was on motion by Selectman John E. Murrary unanimously

VOTED: To approve and sign Site Plan #78-191 dated June 20, 1978, of G. Burton Mullen, 39 Union Avenue, for additional parking space, subject to the approval of the Conservation Commission in compliance with the Wetlands Protection Act, if necessary.

There being no further business to come before the Board, the meeting was adjourned at 9:50 p.m.

Attest: _____
Richard E. Thompson
Executive Secretary - Clerk