

IN BOARD OF SELECTMEN  
MONDAY, DECEMBER 18, 1978

Present: Chairman 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 John E. Murray.

Appointments - Town Historians

Present: Forrest D. Bradshaw, George D. Max, Town Historians; David Murphy, candidate.

Chairman John E. Murray expressed the Board's interest in beginning to involve youth in Town affairs, and with this in mind, contacted the high school relative to the possibility of appointing a student to the position of Town Historian to work along with either Mr. Forrest D. Bradshaw or Mr. George D. Max, the present Town Historians.

Chairman Murray stated that the Board received a communication from Superintendent David Levington dated December 8, 1978, recommending a senior, David Murphy, for the position of Town Historian, in accordance with a recommendation from the History Department.

Chairman Murray welcomed the Town Historians, Forrest D. Bradshaw and George D. Max, and student, David Murphy, and asked if there were any questions or comments at this time.

Town Historian George D. Max expressed his agreement with the Board's intentions. Mr. Max also referenced the communication dated November 21, 1978, to the Selectmen inquiring about the reappointments of himself and Mr. Bradshaw as Town Historians.

Town Historian Forrest D. Bradshaw also concurred with the suggestion presented by Selectman Murray on behalf of the Board of Selectmen, and suggested the possibility of appointing three Town Historians. Mr. Bradshaw stated that he has served in this capacity, as honorary Town Historian, for many years, and detailed many of the functions performed through the years by himself and the other Town Historians. Mr. Bradshaw also stated that he thought there should be some qualifications for the position of Town Historian; namely, an interest in the Town's history.

Mr. Bradshaw expressed some concern regarding personal expenses involved with the position of Town Historian, such as postage and copying charges, and suggested that perhaps a system could be organized whereby the Town Historians would be reimbursed for postage and allowed to make copies, especially when copying scrapbooks or other documents requiring 100-200 copies. He said that sometimes his personal expense has been as much as \$130 per year.

Selectman Hotch explained that it is difficult for the Selectmen to approve certain expenditures if in their judgement these expenditures will not benefit the Town or if the Town is not privy to the information; but he suggested that Mr. Bradshaw could come to the Town Hall for his postage, perhaps on a weekly basis.

Mr. Max said that it might be a good idea for the Town Historians to submit a small budget to the Finance Committee in the future.

The Selectmen asked David Murphy how he became interested in becoming a Town Historian.

David said that he had been approached by his history teacher about the possibility of his taking this position; later, he spoke to Superintendent Levington about it, and was then invited for the interview tonight. He expressed his enthusiasm for the position and said that he loves history.

Mr. Max and Mr. Bradshaw both expressed their encouragement by the student's interest.

Mr. Bradshaw suggested that David, and any other students interested in Town History, attend the Ancient Documents Committee meetings, as they are very informative, and the students can learn such things as how to preserve early records.

David expressed his interest in attending these meetings and said that he would be available to do so.

Mr. David Reed introduces himself as David's foster father.

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

VOTED: To appoint David Murphy, 9 Rolling Lane, as Town Historian for a term to expire April 30, 1979;

and it was further

VOTED: To reappoint Forrest D. Bradshaw, 10 Maple Avenue, as Town Historian for a term to expire April 30, 1979;

and it was further

VOTED: To reappoint George D. Max, 30 Magnolia Road, as Town Historian for a term to expire April 30, 1979.

Grievance - Fire Fighters Local 2023 - Sick Leave Buy-Back

Present: Peter Devoll, President, International Association of Fire Fighters and Michael Callahan, Secretary of the Association.

Executive Secretary Richard E. Thompson stated that as a result of a grievance (relative to sick leave buy-back provision) of Local 2023, International Association of Fire Fighters, dated December 10, 1978, which he read, denied by Fire Chief Josiah F. Frost on November 15, 1978, and likewise by the Personnel Board on December 8, 1978, the Selectmen received said grievance on December 11, 1978, in accordance with Article V, Section 4 of the existing contract, "Grievance Procedure", of Local 2023.

Mr. Peter Devoll, President of the International Association of Fire Fighters, amplified on the grievance filed by Local 2023.

Mr. Thompson stated that he had received a verbal recommendation on the telephone from Richard W. Murphy, Labor Relations Counsel, and on his behalf, recommended to the Board that they deny said grievance in concurrence with the communications from the Fire Chief and the Personnel Board; and also recommended that further discussion be continued in Executive Session, if necessary.

It was on motion by Selectman Robert J. Hotch unanimously

VOTED: To deny the grievance of Local 2023, International Association of Fire Fighters, dated December 10, 1978, received in the office of the Board of Selectmen December 11, 1978, relative to the sick leave buy-back provision, in accordance and in concurrence with a letter dated November 15, 1978, from the Fire Chief and a letter dated December 8, 1978, from the Personnel Board.

The Executive Secretary was directed to report back to the Board upon receipt of communication from Labor Relations Counsel relative to his verbal recommendation on the above subject.

Monied Articles by the Board of Selectmen - 1979 Annual Town Meeting Warrant

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

VOTED: To accept three monied articles entitled "Police/Fire Headquarters", "Town Audit", and "Police Telephone Log Recorder", as presented by the Executive Secretary, to be submitted by the Board of Selectmen for the 1979 Annual Town Meeting Warrant, with the option to withdraw the "Police/Fire Headquarters" monied article following a future meeting with the Permanent Building Committee and the Long Range Capital Expenditures Committee to obtain feedback from them in connection with the joint tour of police/fire headquarters last Saturday, December 16th.

Special Constables

Executive Secretary Richard E. Thompson stated that the Board had received a communication dated December 8, 1978, from Police Chief Nicholas Lombardi expressing his concern relative to the authority of special constables.

Mr. Thompson further stated that a communication dated December 12, 1978, had been received from Town Counsel explaining that special constables do have authority concerning motor vehicle involvement (G.L. C.90, s.29) including directing traffic; and further, that an amendment recently made to the law on sovereign immunity (G.L. c.258) limits liability of the Town or the Police Chief; and further, that a special constable does have the power of arrest (G.L. C.90, s.29) in connection with the enforcement of motor vehicle laws and regulations.

The Board agreed that Town Counsel's letter of December 12, 1978, was self-explanatory, a copy of which should be forwarded to the Police Chief.

Annual Town Census

It was on motion by Selectman John E. Murray unanimously

VOTED: To authorize the Police Department to assist the Town Clerk in conducting the Annual Town Census, if necessary, as requested by Town Clerk Betsey M. Powers in a communication dated December 12, 1978.

Widening of Route 20 - Area of Nobscot Road and Union Avenue

Following a review of a communication dated December 5, 1978, from C. F. Mistretta, District Highway Engineer, Massachusetts Department of Public Works (DPW), in response to an inquiry dated November 21, by the Executive Secretary as to the status of the widening of Route 20 in the area of Nobscot Road and Union Avenue, it was the consensus of the Board that the on-going project of the widening of Route 20 in said area should be pursued with the State DPW requesting priority on said project.

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

VOTED: To authorize the Executive Secretary to contact Robert T. Tierney, Chief Engineer, Department of Public Works, 100 Nashua Street, Boston, to officially request the DPW to proceed with the project of widening Route 20 in the area of Nobscot Road and Union Avenue as a priority matter.

The Board expressed its thanks to the press for their recent publicity and inquiries on the subject.

Unfunded Housing Rehabilitation Applications

Executive Secretary Richard E. Thompson stated that the Selectmen's office received a communication dated December 4, 1978, from Administrative Aide Cheryl Rogers and Housing Rehabilitation Specialist Patrick Moriarty soliciting support of a Town program to help Townspeople whose applications for housing rehabilitation were not funded due to a shortage of Federal funds. (Mr. Thompson said that there are fifty-six pending applications.)

The Executive Secretary further stated that a public hearing is scheduled for January 3, 1979, and a second hearing on January 8, 1979, to provide citizen participation in formulating an application to the Federal Department of Housing and Urban Development for funding under the 1979 Small Cities/Community Development Program.

The Board agreed to base their conclusions on the same on citizen input received at the above-mentioned public hearings.

Site Plan Application #78-199, Granco Realty Trust - 56 Union Avenue

Present: Francis E. White, Building Inspector; Stephen and Orlando Grande, applicants.

In accordance with Article IX, Section V, Paragraph A of the Sudbury Bylaws, the Board considered site plan application #78-199 of Granco Realty Trust, for property located at 56 Union Avenue, Sudbury.

The Executive Secretary reported that all appropriate abutters and Town officials had been notified, and that the following communications have been received regarding the same: 1) from Francis E. White, Zoning Enforcement Agent, dated November 21, 1978; recommending approval; 2) from the Planning Board, dated December 8, 1978, read by the Executive Secretary, listing the following conditions to approval: a. the Fire Chief's approval of an adequate fire lane behind the parking spaces on the south side of the proposed addition; b. drainage should be specified as being underground on the south side of the proposed addition to alleviate aggravation to an existing drainage problem; and c. the lighting should be reviewed; 3) from the Conservation Commission dated November 30, 1978, stating the requirement of a Wetland Protection Act Filing; and 4) from the Board of Health dated December 15, 1978, which the Executive Secretary read, requesting revision of the site plan for compliance with Title V, State Code, Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, regarding the capacity of the existing sewage system.

Zoning Enforcement Agent/Building Inspector Francis E. White presented the site plan to the Board, and it was discussed with the applicants. It was confirmed that said site plan expires December 30, 1978. Mr. Grande, applicant, said that he was not aware of any of the conditions stated here tonight; the Executive Secretary stated that the hearing could be rescheduled on agreement of both the Selectmen and the applicants can obtain the required approvals for issuance of the building permit.

The applicant stated that he has been on this site (56 Union Avenue) since 1954 and drainage has never been a problem.

Mr. White indicated that the Planning Board's concern about drainage could be referring to the network of pipes on Union Avenue, running through the various properties in that immediate area and dumping into the brook.

Selectman John E. Murray explained that the applicants would have to obtain a determination of applicability which will be reviewed and a determination made as to whether or not the site will require a Wetland Protection Act filing, in accordance with the request from the Conservation Commission.

Selectman Robert J. Hotch expressed some concern regarding the procedure for site plan approvals, and the fact that very often it becomes necessary to reschedule hearings because applicants are unaware of the required approvals by various Town boards, commissions and/or departments. The Board directed the Executive Secretary to schedule a future meeting to discuss the same.

On the advice of Town Counsel, it was on motion by Selectman John E. Murray unanimously

VOTED: To deny without prejudice and allow for future filing without fee, site plan application #78-199 of Granco Realty Trust, for property located at 56 Union Avenue, Sudbury, as shown on a plan entitled "L.H. Hewett Jr., Inc., 145 Meadow St., Framingham, Mass." dated September 23, 1974.

Common Victualler's License - Cobra Enterprises, Inc., d/b/a Soup-wich Deli,  
385 Boston Post Road

It was on motion unanimously

VOTED: To renew the Common Victualler's License for Cobra Enterprises, Inc., d/b/a Soup-wich Deli, located at 385 Boston Post Road, Mill Village, expiring December 31, 1979.

Current Items of Interest

Executive Secretary Richard E. Thompson distributed a computation of gasoline costs showing a 16% increase over last year's gas price for regular and unleaded gas for town vehicles and explained that the reason there appeared to be a larger increase in this year's bid was because the bid received last year did not include the State tax.

Mr. Thompson stated that he will continue to solicit responses from the various town boards, departments and/or commissions regarding CODE hotline, and will report back to the Board. Selectman Robert J. Hotch said that he would like some input on how other towns handle the "hotline" program relative to funding, etc. The Board suggested that the Executive Secretary contact the Town of Framingham as to the operations of their present, newly developed "hotline" services.

The Executive Secretary requested that the Board meet in Executive Session sometime during tonight's meeting to discuss the Charity Fund and Collective Bargaining.

Mr. Thompson announced his election as President of the Massachusetts Municipal Management Association which also makes him a member of the Massachusetts Governor's Local Government Advisory Committee.

The Executive Secretary stated that he is working on the finalization of the budget for the Engineering Department with the Town Engineer, James V. Merloni, which will exclude the electronic measuring device.

Mr. Thompson announced that the work on the broken water main in the driveway (next to the Flynn Building) was completed last week; Building Inspector Francis E. White commented that the cost of \$416, in his opinion was reasonable.

The Executive Secretary stated that a request was received for Selectman Hotch to attend an Eagle Scout presentation on January 8, 1979, at 6:30 p.m. at Curtis Jr. High; Selectman John E. Murray suggested that the Selectmen's meeting on that night, begin at 8:00 p.m. so that Selectman Hotch can attend the presentation. The Board concurred.

Minutes

It was on motion by Selectman John E. Murray unanimously

VOTED: To approve the minutes of the regular and executive sessions of December 11, 1978, as drafted.

Chairman John E. Murray recessed the meeting at 8:25 p.m. for a coffee break; the meeting was called back to order at 8:35 p.m.

Public Hearing - Dog Pound Facility - off Hudson Road

Present: Francis E. White, Dog Officer; approximately 25 abutters.

Chairman John E. Murray convened a public hearing relative to the location of a new dog pound facility, which is proposed to be on the so-called Parkinson Land, now

owned by the Town of Sudbury, in an approximate 100' X 130' area abutting Ti-Sales and the Penn Central Railroad, off Hudson Road.

Executive Secretary Richard E. Thompson explained that \$10,000 had been appropriated by last year's Annual Town Meeting for construction of a dog pound facility, and that he and Mr. Francis E. White, Dog Officer, had looked into various possibilities including Featherland Park, the Boston Edison Property on Route 20, and the Town's tree farm off Nobscot Road, all of which have been eliminated due to resident objection or Board of Health rejection relative to poor drainage. Mr. Thompson further explained that all abutters to the proposed location off Hudson Road had been notified of tonight's public hearing.

Mr. White displayed a map of the land and the area for the proposed dog pound, and described the construction of the facility: The building is to be approximately 24' X 24' and 8' high, made with concrete blocks with insulated floor and roof; there will be no windows, and the door will be 1 3/4" thick for soundproofing purposes; there will be no outside runs, but inside the dogs will be in cages or on inside runs; there will be no Saturday or Sunday release of dogs, and the only unscheduled time for use will be when dogs are picked up; otherwise, pickup of dogs will be during pre-determined times, i.e. 9-10 a.m. or 4-5 p.m.; the driveway will abut property on the westerly side of Ti-Sales and will go to the rear of Ti-Sales to an area of approximately 100' X 130', which will house a four-car parking lot, the dog pound building and the sewage system (located behind the building).

Mr. White concluded by saying that construction is to be done keeping within the \$10,000 appropriated by last year's Annual Town Meeting.

Chairman John E. Murray asked if there were any questions or comments.

Mr. White explained to one abutter that the building cannot be placed any further back on the property because the land dips down in the back area.

Another abutter asked about constructing the dog pound on the Town's landfill area, and Mr. White explained that there was only one area of land, 50-foot square, at the top of the road, but that an area of at least 100 square feet would be necessary for the construction project.

Mr. White said, in answer to another abutter, that Buddy Dog is not interested in the Town's dog facility joining Buddy Dog in any way. Selectman Murray confirmed this, and stated that it would not be conducive to our problem. The Executive Secretary said that Buddy Dog does not have room for expansion.

Mr. White further explained that by State law, dogs picked up must be kept ten days, and said that after that time, Buddy Dog will sometimes take the dog. Mr. White commented that the Assistant Dog Officer presently will keep the dog longer than the required ten days until Buddy Dog can take the dog from her home on Dakin Road, which is temporarily being used when stray dogs are picked up. (A court order against Buddy Dog, when it was situated on Dakin Road, prevents this location from being used as a Town dog pound.)

One abutter questioned the future guarantee that the specifications stated tonight relative to the construction of the dog facility would not be altered.

Mr. White and the Executive Secretary explained that the dog facility is being built to a capacity of keeping a maximum of sixteen dogs, and that at the present time, it has only been necessary to keep up to an average of eight dogs; they also reminded everyone that only \$10,000 had been appropriated, and that the facility described will be the largest that can be built for that amount of money.

Town Counsel responded to one concerned abutter that it would be legal for the Town to build the dog facility/municipal building in a residential area where access to the property abuts a private way. The Executive Secretary commented that there is commercial property in that area already.

Some abutters expressed concern relative to the dog facility being the beginning of other municipal buildings being built in that area and the fact that the property abuts one of the Town's Historic Districts.

Chairman Murray explained that it is not the Selectmen's intention to further develop this land; and further, that the Conservation Commission wishes to keep the town-owned land open as it abuts conservation land. Mr. Thompson also commented that the only way it can be developed further is by Annual Town Meeting vote.

Mr. William Mack stated his objection to the dog facility being built in this area, and suggested building it in one of the areas rejected due to sewage problems by the use of the Swedish manufactured portable potties. Mr. White explained that the Board of Health probably would not recognize anything other than the conventional sewage system.

Mr. John Morris stated that he would like the option to make an offer to buy the Town-owned so-called Parkinson Land, as it abuts his property, which is part of the Moore House property, with a right-of-way for the Townspeople to use the land for agricultural purposes only.

Mr. Thompson stated that the property can only be sold to an abutter by Annual Town Meeting vote.

Selectman Murray stated that the Selectmen would take the matter under advisement.

In answer to one abutter who questioned keeping a dog for ten days with no outside runs, Mr. White answered that the dog pound will be built according to SPCA specifications.

Mr. White said that the Assistant Dog Officer will go to the facility daily to wash down kennels and feed all the dogs.

In conclusion Chairman Murray said that the Selectmen have no intention of turning the Historic District into a commercial area; that all new construction and renovations done in the area are restricted to the Historic Districts Commission's regulations; that all comments made tonight will be taken under advisement, following which the Board will make a final decision regarding use of the Parkinson Land for the Town's Dog Pound Facility.



Public Hearing Continued - 99 West, Inc. - Francis V. Strachan

Present: John Siska, Assistant Manager of 99 West, Inc.

Chairman John E. Murray stated that at the Board's last meeting on December 4th, due to the non-attendance of the applicant, it was voted to continue and reschedule to December 18, 1978, at 9:00 p.m., the Public Hearing on the application of Francis V. Strachan, Manager, 99 West, Inc., d/b/a "99", 694-698 Boston Post Road, for approval to change the described premises relative to its Common Victualer All Alcoholic Beverages License; and further, for approval of a change in the officers of 99 West, Inc., at which time if said applicant/parties concerned do not appear, said application will be denied.

Mr. John Siska introduced himself as the new Assistant Manager of the 99 West, Inc.

Chairman Murray explained that the 99 Restaurant had already made the changes in question to the premises without the proper approval under state statute and suggested that in the future the proper procedure be followed. (General Laws Chapter 138 requires approval by the Board of Selectmen, the Town's Licensing Authority, and the Alcoholic Beverages Control Commission before any alterations to the described premises of an alcoholic beverages license holder are made.)

Executive Secretary Richard E. Thompson explained that a change in the officers does not require a Public Hearing, but simply a notification of the same to the Selectmen's office, and subsequent approval by the Board of Selectmen and Alcoholic Beverages Control Commission.

Mr. Siska assured the Selectmen that in the future those requirements would be carried out.

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

VOTED: To approve a change in the described premises of 99 Restaurant, for property located at 694-698 Boston Post Road, relative to its Common Victualler All Alcoholic Beverages License, which eliminates the bar in the function room;

and it was further

VOTED: To approve a change in the officers of 99 West, Inc., d/b/a "99", 694-698 Boston Post Road, involving the elimination of Theodore S. Hatch as Assistant Treasurer, which office is not presently filled; with both of the above votes subject to approval of the Alcoholic Beverages Control Commission.

Executive Session

At 9:20 P.M. it was on motion following a unanimous Roll Call

VOTED: To enter into Executive Session for the purpose of discussing the Discretionary Fund where open discussion may have a detrimental effect on the reputation and character

of an individual, and to discuss collective bargaining where open discussion of the same may have a detrimental effect.

(Roll call vote: Chairman Murray in favor; Selectman Hotch in favor.)

Chairman John E. Murray announced that public session would reconvene following the Executive Session.

#### Landham Road Reconstruction

Present: Mr. and Mrs. Peter Anderson; Mrs. Harold Cutler and Mr. Ross Piken.

Executive Secretary Richard E. Thompson stated that two petitions, each containing seventeen signatures (ten signatures required) had been submitted to the Board of Selectmen, and that the Board will consider tonight 1) receiving and placing on the next local Town Election ballot a non-binding public opinion advisory question, which reads: "Are you in favor of Landham Road being reconstructed at a width of thirty (30) feet, rather than twenty-four (24) feet as presently planned?"; and 2) receiving and accepting a petition article for the 1979 Annual Town Meeting to amend previous Town Meeting votes so that Landham Road shall be constructed at a width of 30 feet.

Mr. Thompson further explained that if the Selectmen do not accept the non-binding public opinion advisory question it will be necessary for the petitioners, based on the 17 signatures they now have, to obtain approximately 800 additional signatures or 10% of the registered voters in order to have this question placed on the ballot for the upcoming 1979 Annual Town Election, in accordance with G.L.c. 53, s.18A.

Chairman John E. Murray stated that the Board does not support these petitions, but feels that it is its obligation to receive them based on people's right to petition.

Selectman Murray further stated that it is the intention of the Board to continue to proceed with the Town Engineer's plans for construction of Landham Road at the 24' width in accordance with his time schedule which allows for construction to begin June 1st.

The abutters present were in concurrence that the Selectmen should make it more difficult for the petitioners to submit the ballot question for the 1979 Annual Town Election by denying them the right to submit their petition with the required ten signatures; and rather, to force them to obtain the 10% of registered voters signatures required under State Statute. Messrs. Piken and Anderson stressed the foregoing point because past town meetings have spoken and voted on the issue at least four different times.

The abutters requested that they be notified of any future happenings relative to the construction of Landham Road.

The Executive Secretary pointed out that the petition article for the 1979 Annual Town Meeting was in order and must be received by the Board of acceptance in the Warrant, regardless of what action the Board takes on the ballot question petition.

Assistant Town Counsel Thomas French stated that, in his opinion, petition articles can be accepted any time up to the printing of the Warrant, there being deadline.

Selectman Hotch expressed his displeasure with the submission of the two petitions and was in agreement with the abutters present, but was troubled in making a decision to accept the ballot question because of the petitioners' right to submit it; therefore, he stated he was not prepared to vote on its acceptance this evening.

Following further discussion, it was on motion by Selectman Hotch unanimously

VOTED: To accept a petition article to amend previous Town Meeting votes so that Landham Road shall be constructed at a width of thirty feet;

and it was further

VOTED: To table further discussion, relative to receiving and placing on the next local Town Election ballot, the non-binding public opinion advisory question until the Board's next meeting on January 3, 1979.

There being no further business to come before the Board, the meeting was adjourned at 10:35 P.M.

Attest: \_\_\_\_\_

Richard E. Thompson  
Executive Secretary-Clerk