

IN BOARD OF SELECTMEN
TUESDAY, FEBRUARY 21, 1978

Present: Chairman John C. Powers and William F. Toomey.

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

Historical Commission/Historic Structures Commission - Article 22

Present: Floyd L. Stiles, Chairman, Committee on Town Administration.

Chairman Powers referred to a communication dated February 6, 1978, from Mr. Floyd L. Stiles, Chairman of the Committee on Town Administration (CTA), relative to its report and recommendations regarding a proposal to combine or abolish certain historic committees.

Chairman Powers stated that according to Town Counsel, without a rescission bill, there would be problems in dissolving the Historical Commission, but that the Historic Structures Commission, created by Town Meeting, and not being a provision of General Law, can be dissolved.

Chairman Powers further stated that the Historic Structures Commission is an advisory commission to the Board of Selectmen, and that the Historical Commission, although appointed by the Board, is completely independent of the Selectmen.

Mr. Floyd L. Stiles stated that the appointed members of the Historical Commission would have the expertise and be valuable in keeping the decor and maintenance repairs of historical Town structures, such as the Loring Parsonage and the Hosmer House, in keeping with the building construction of the period, but that the CTA would welcome suggestions by the Board of Selectmen as to the assumption of these duties. Mr. Stiles said that he did not expect the Board of Selectmen would want to get involved with those types of duties, such as historical preservation, which should be the responsibilities of the Historical Commission. Mr. Stiles further stated that it is the recommendation of the Committee on Town Administration to abolish the Historic Structures Commission, and that the duties and responsibilities of said Commission be absorbed by the Historical Commission.

Chairman Powers thanked Mr. Stiles for his report and the recommendations of the Committee on Town Administration, and indicated to him that the Board of Selectmen will take the matter under advisement, will notify the Committee of their decision, and will report the same at the Annual Town Meeting.

Town Election Date Change - Lincoln Board of Selectmen

Chairman Powers stated that the Board received a communication dated February 3, 1978, from the Chairman of the Lincoln Board of Selectmen requesting a meeting to discuss the feasibility of changing the town election date to the first week of May.

Executive Secretary Richard E. Thompson stated that to his knowledge the Lincoln Board of Selectmen has not included this change as an article for their 1978 Annual Town Meeting.

Selectman Toomey suggested scheduling a meeting to discuss this matter sometime after the Town Meeting.

Chairman Powers agreed, unless some unknown urgency by the Lincoln Board of Selectmen compelled them to meet earlier.

Following discussion it was on motion unanimously

VOTED: To have the Executive Secretary contact the Executive Secretary of the Lincoln Board of Selectmen to schedule a future meeting to include each town's respective Town Clerk, Finance Committee Chairman, Regional or District School Committee Clerk to discuss the feasibility of changing the town election date to the first week of May, as requested by the Lincoln Board of Selectmen in their communication dated February 3, 1978.

"Exclusion Request" - Plywood Antitrust Suit, U. S. District Court

Chairman Powers acknowledged receipt of a communication dated February 13, 1978, from Town Counsel relative to the question of authorizing the Executive Secretary to complete and return an "Exclusion Request" response concerning a Plywood Antitrust Suit now pending in the U. S. District Court, Eastern District of Louisiana, in accordance with a "Notice of Class Actions" dated January 17, 1978, received by the Town of Sudbury.

Executive Secretary Richard E. Thompson stated that inquiry was made of the Building Inspector, Highway Surveyor and Town Engineer in order to determine whether or not the Town is a member of the class of political subdivisions which has made at least one direct purchase of softwood plywood since January 1, 1963. Mr. Thompson further stated that the Town cannot show that it is a member of the class, and therefore, it was on motion by Selectman Toomey unanimously

VOTED: To authorize the Executive Secretary to complete and return an "Exclusion Request" response concerning a Plywood Antitrust Suit now pending in the U. S. District Court, Eastern District of Louisiana.

Utility Petition #78-83 Concord Road and #78-84 Lincoln Road

In conformity with General Laws Chapter 166, Sections 21 and 22, the Board considered the following petitions:

1) Utility Petition #78-83 Concord Road - petition of Boston Edison Company and the New England Telephone and Telegraph Company for alteration of pole locations on Concord Road - at the southeasterly side, from a point approximately 815 feet northeast of Newbridge Road, Three (3) poles (Guy Wire and Anchor on third pole), (Three (3) existing JO poles to be removed).

2) Utility Petition #78-84 Lincoln Road - petition of Boston Edison Company and the New England Telephone and Telegraph Company for abandonment of one pole on Lincoln Road - on the northerly side, approximately 72 feet east of Concord Road.

Executive Secretary Richard E. Thompson reported that all appropriate Town officials had been notified and that a favorable report dated February 15, 1978, recommending approval had been received from the Wiring Inspector.

It was on motion unanimously

VOTED: To approve Utility Petition #78-83, Concord Road and Utility Petition #78-84,

Lincoln Road, both as described above, and as shown on plans drawn by C. B. Damrell both dated November 23, 1977, for the Boston Edison Company and the New England Telephone and Telegraph Company.

Easements

Relative to the Morse Road walkway, Chairman Powers referred to a letter dated January 27, 1978, to Town Counsel from Robert A Noyes, Highway Surveyor, enclosing copies of the walkway easements for Morse Road, listed below, and requesting the signatures of the Selectmen for the purpose of having the easements recorded at the Registry of Deeds in Cambridge.

Following discussion it was on motion unanimously

VOTED: To sign and accept on behalf of the Town of Sudbury the walkway easements for Morse Road as follows:

- a) Drainage easement from Honora Haynes dated January 13, 1978.
- b) Walkway easement from Kent R. & Marilyn M. Shields, dated November 29, 1977.
- c) Walkway easement from Albert Jr. & Patricia H. Bothe, dated November 21, 1977.
- d) Walkway easement from John C. & Lorraine M. Thies, dated December 16, 1977.
- e) Walkway easement from Thomas J. & Dorothea E. Conheeny, dated November 29, 1977.
- f) Walkway easement from Janet R. Howe Revocable Trust, James F. Farr and David W. Fitts, Trustees, dated June 23, 1977.
- g) Walkway easement from St. Elizabeth's Church, dated August 25, 1977.
- h) Walkway easement from Robert A. & Ruth A. Keeman, dated December 20, 1977.
- i) Walkway easement from Bernard J. & Lois C. Kane, dated December 5, 1977.
- j) Walkway easement and drainage easement from A. Lucas & Louise M. Gardiner, both dated February 2, 1978.
- k) Walkway easement from Honora Haynes dated January 13, 1978.

Request for Bureau of Outdoor Recreation Funds for Swimming Facility

Chairman Powers referred to the request of the Park and Recreation Commission and the Swim Facility Committee for assistance in determining the availability of Bureau of Outdoor Recreation (BOR) funds for a swimming facility in the Town of Sudbury as indicated in their letter of January 26, 1978.

Executive Secretary Richard E. Thompson stated that he had met with the Swim Facility Committee on several occasions and had further discussed the matter with the Park and Recreation Commission. Mr. Thompson said that he indicated to both the Park and Recreation Commission and the Swim Facility Committee that their request to the BOR for assistance in determining the availability of funds for a swimming facility in the Town of Sudbury would be made with the concurrence of the Board of Selectmen, in which case, this would help expedite the process.

Chairman Powers stated that any authorization by the Board would simply be an explanation to the Park and Recreation Commission and to the Swim Facility Committee to go forward with the program to the extent of clearing the channels of information from BOR as to the availability of funds. Mr. Powers suggested that the Board receive a report on the study of the program by the Swim Facility Committee with possible recommendations to the Board on the same in the near future.

The Executive Secretary stated that the immediate priority would be funding; if this is possible, the Committee can proceed with a formal application for the swimming facility. Mr. Thompson further stated that the Haskell Land located on Hudson, Fairbank and Butler Roads has priority for said facility since the property was Federally funded with the long-term purpose of a swim facility.

Following further discussion it was on motion by Selectman Toomey unanimously

VOTED: To support the Park and Recreation Commission and the Swim Facility Committee for assistance in determining the availability of Bureau of Outdoor Recreation funds for a swimming facility in the Town of Sudbury.

Report from Fire Chief Josiah F. Frost on Ambulance Activity

Present: Fire Chief Josiah F. Frost.

The Board reviewed an updated report of February 2, 1978, from Fire Chief Josiah F. Frost on ambulance activity for the first six months of operation through December 31, 1977.

Chairman Powers asked the Executive Secretary to obtain a financial report from the accounting department relative to billing for the period from July 1, 1977, to December 31, 1977.

Executive Secretary Richard E. Thompson suggested that Fire Chief Frost update the Board again on June 30, 1978. Selectman Toomey suggested and the Board agreed however, to continue with the present three-month reporting, but to incorporate a billing update at the same time.

Following discussion it was on motion unanimously

VOTED: To accept the updated report of February 2, 1978, from Fire Chief Josiah F. Frost on ambulance activity for the first six months of operation through December 31, 1977.

Rules and Regulations for the Sudbury Fire Department

Present: Fire Chief Josiah F. Frost.

Executive Secretary Richard E. Thompson stated that the Board had requested Fire Chief Josiah F. Frost to submit new rules and regulations for the operation and conduct of the Sudbury Fire Department, similar to those recently adopted by the Sudbury Police Department.

Mr. Thompson said that the Board had received a communication dated February 16, 1978, from Chief Frost submitting said regulations for the Board's review and which stated that Town Counsel had reviewed and approved the rules and regulations as noted in a communication dated February 14, 1978, to Chief Frost from Town Counsel.

Chairman Powers suggested that the rules and regulations submitted by Chief Frost be reviewed for approval by the Labor Relations Counsel.

Following further discussion it was on motion unanimously

VOTED: To table for one week the approval of the rules and regulations for the Sudbury Fire Department submitted by Fire Chief Josiah F. Frost, dated February 16, 1978, so that Labor Relations Counsel can review them and make recommendations, during Executive Session, due to matters that may affect collective bargaining.

Site Plan Application #77-187 - Raytheon Company

Present: E. T. Giatas, D. Beauchemin, N. Minahan, J. Mason and W. Dougherty, all of Raytheon, H. Montague and A. Currie, both of Symmes, Maini & McKee Architects, and William R. Firth, Planning Board.

In accordance with Article IX, Section V, Paragraph A of the Sudbury Bylaws, the Board considered the Site Plan Application #77-187 of the Raytheon Company for property located at 528 Boston Post Road for an addition to the existing building and a parking lot.

Executive Secretary Richard E. Thompson stated the following: that the site plan is being considered by the Sign Review Board tonight; that said site plan was approved for filing by Mr. Francis E. White, Building Inspector, on January 27, 1978; that the Planning Board has reviewed the site plan as of February 3, 1978, and recommends approval; that the Planning Board letter of February 16, 1978, from Edward W. Connors, Jr. states approval, with recommendations; and that the Conservation Commission has indicated that under the Wetlands Protection Act filing will be necessary per their report dated February 1, 1978.

The Executive Secretary reported that all appropriate abutters and Town officials have been notified, and that further reports had been received as follows: 1) from the Board of Health dated February 14, 1978, with recommendations; 2) from Francis E. White, Building Inspector, dated January 27, 1978, stating approval, and a further report dated January 30, 1978, with recommendations; and 3) from Town Counsel dated February 13, 1978, with recommendations.

Chairman Powers stated that he would like to clarify the comments set forth in the Building Inspector's letter of January 30, 1978, stating that the Raytheon Site Plan will require Board of Appeals' actions to bring the property into conformity before a building permit can be issued, referencing Mr. White's letter as follows: "1) The parking in front of the building of thirty cars by variance dated June 16, 1969, has been expanded to over sixty, which causes a violation of the by-laws. 2) The use of residential land for industrial use and industrial parking is in violation of our basic by-law IX [III, A. 1. e. (2)]. 3) The proposed addition to a pre-existing building will be required to file with the Sudbury Board of Appeals before a building permit can be issued (By-law IX, I, C.3.)."

Town Counsel Paul L. Kenny stated that he is in disagreement with items 2 and 3 of the Building Inspector's letter of January 30, 1978, and further gave his opinion that the site plan displayed by the Raytheon representatives appears to show that the proposed addition is less than the fifty-foot sideline distance required in this Limited Industrial District and, unless changed, will require a variance from the Board of Appeals, as stated in his letter of February 13, 1978, on the subject site plan.

Town Counsel continued by stating that the increased new parking density to the Northeast of the Boresite Building within the Residential area will require Board of Appeals' action; however, the other parking spaces questioned by the Building Inspector

in item 2 of his letter of January 30, 1978, are protected by the statute of limitations.

In response to item 3 in the Building Inspector's letter of January 30th, Town Counsel stated that in his opinion the construction of a building under a variance does not make the building "non-conforming" within the meaning of the Zoning Bylaw and, if the addition to the building satisfies the setback required, further action by the Board of Appeals is not required.

Mr. E. T. Giatas, Project Manager of Raytheon Company, displayed the proposed site plan, and with the help of his associates, clarified the points raised in the Building Inspector and Town Counsel's letters as follows:

1) The present site plan does not change the parking spaces in front of the main building which have been used in excess of permitted use for some time now by vendors, visitors, etc. -- a situation inadvertently in violation of the current site plan. This matter will be corrected and treated as a separate issue by Raytheon at an early date, if the Board concurs.

2) The six spaces pertaining to the Boresite Building exist as approved on a 1967 site plan - - nothing has changed.

3) The lot sideline on the site plan of the proposed addition has a 50' setback now; therefore, it will not require a variance. (The Executive Secretary was directed to confirm the foregoing prior to February 27th.)

4) Relative to adding to the pre-existing building - - as stated, the new building has a 50' sideline whereas the other two buildings do not, by several inches.

Mr. William R. Firth, Planning Board, demonstrated on the displayed site plan, the concerns of the Planning Board; mainly, 1) a suggested road within proposed additional parking spaces in order to allow the maneuvering of cars within the parking lot without have to back out; and 2) a suggestion that the acute angle parking lot, newly designed, should be slightly re-arranged to allow for wider passage around the proposed addition - - especially for fire apparatus, which as Chief Frost mentioned, uses the Raytheon access road to get to the railroad track and fields behind the parking lot.

Mr. Giatas stated that he is in agreement with the Planning Board's suggestions, and that being aware of those particular problems, he will continue to work with his architects in revising the site plan to accommodate the same.

In response to a question from Selectman Toomey, Mr. W. Dougherty of Raytheon stated that he has discussed the problems as listed in a communication dated February 14, 1978, from the Board of Health, with Mr. John V. Sullivan, Director of the Board of Health, and will have significant data on these problems to report to the Board of Selectmen next week.

Following further discussion it was on motion unanimously

VOTED: To table further discussion relative to Site Plan Application #78-187 of the Raytheon Company for property located at 528 Boston Post Road, until February 27, 1978, in order to adjust the site plan in relation to the comments of tonight and the concerns of the Building Inspector, the Board of Health and Town Counsel as set forth in their communications dated January 30, 1978, February 14, 1978, and February 13, 1978, respectively.

Meeting with School Committee Members - Horse Pond School Lease

Present: N. Cornell Gray, Chairman; Jonathan J. Sirota, Paul Langner, Mary H. D'Andrea, members of the School Committee.

Chairman John C. Powers stated that the one basic, critical problem concerning the Board of Selectmen relative to the lease of the Firefighting Academy for the Horse Pond School property is the authority of Commissioner Gregory R. Anrig to sign the lease, since, as Chairman Powers further stated, in dealing with state contracts there are many channels through which such a contract must pass, as follows: approval of a particular Board of Commissioners, approval of the Comptroller as to a certification of available funds, approval of the Administration and Finance Office, approval of the Attorney General and then the contract forwarded to the Governor and Council for a final signature of approval.

Mr. Jonathan J. Sirota referred to a letter dated December 22, 1977, signed by George A. Luciano, State Superintendent of Buildings, Executive Office for Administration and Finance, stating that Governor Dukakis approved the request for the leasing of the Horse Pond School by the Firefighting Academy commencing October 1, 1977, and not to exceed September 30, 1982. Mr. Sirota stated that the contract had "touched lots of bases, but the difficulty is finding the documentation that traces it through".

Executive Secretary Richard E. Thompson stated that following the School's last discussion of the lease agreement with Town Counsel, some of Town Counsel's recommendations were included by Mr. Sirota and Mr. Gray as part of the document. Mr. Thompson stated that it was his understanding, at that time, that Town Counsel's main concern, except for some minor technical corrections, was to have something attached to the document, signed by the Attorney General, authorizing Commissioner Gregory R. Anrig's signature, and that subject to that, Paul L. Kenny, Town Counsel, would have no reservations recommending the Board of Selectmen to sign the lease. Town Counsel indicated concurrence.

Chairman Powers summarized by saying that the Board wants to join in signing a lease agreement that is approved under the regular state contract approval procedures which includes, at the minimum, the Commissioner of Administration and Finance's written statement that shows authorization for Commissioner Anrig to enter into such a lease.

Mr. N. Cornell Gray said that the document went through the above-stated channels, to his knowledge, but whether or not it accumulated the necessary signatures, he is not sure.

Following further discussion it was on motion unanimously

VOTED: To allow Town Counsel Paul L. Kenny, with the assistance of Jonathan J. Sirota, School Committee member, the necessary time to acquire in writing from the Attorney General and/or Commissioner of Administration and Finance authorization for the Commissioner, Gregory R. Anrig, to sign the contract allowing the lease between the Firefighting Academy and the School Committee for the Horse Pond School property belonging to the Town of Sudbury.

Annual Town Meeting Article 9 - Tree Planting Program

Chairman Powers acknowledged receipt of a communication, received February 13, 1978, from Vic Mangini, President of P.R.I.D.E., indicating their endorsement and

their desire to participate in the Tree Planting Program.

Following discussion it was on motion unanimously

VOTED: To direct the Executive Secretary to thank Mr. Vic Mangini, President of P.R.I.D.E., for his letter of endorsement relative to the proposed Tree Planting Program for fiscal year 1977-78.

Resignation

The Board received a letter dated February 6, 1978, from A. Douglas Dalton, who tendered his resignation from the Personnel Board, effective immediately.

The Board accepted A. Douglas Dalton's resignation with deep regret and directed the Executive Secretary to acknowledge Mr. Dalton's letter and to express the Board's appreciation for his service on the Personnel Board.

Following discussion it was on motion unanimously

VOTED: To table the appointment to the Personnel Board as it has been the policy of the Board of Selectmen not to vote unless a full Board is present. (Mr. Potell is absent tonight.)

Resolution Relative to the Public Service of John R. Carter

Chairman Powers stated that Mr. John R. Carter has served the Town of Sudbury in many areas in his seventeen years as a resident, and that Mr. Carter's occupation requires him and his family to move out of state in 1978.

Following discussion it was on motion unanimously

VOTED: To sign a Resolution dated February 21, 1978, relative to the public service of John R. Carter.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular Session of February 13, 1978, as corrected.

CETA Contract Modification

Executive Secretary Richard E. Thompson stated that the Town of Sudbury is requesting an extension of time and additional funding for the federal CETA Conservation Project #7145-220, originally funded for \$151,229 for the period 7/1/77 to 6/30/78.

Following discussion, it was on motion unanimously

VOTED: To approve the request for an extension of time to December 31, 1978, and additional \$36,500 funding for the federal CETA Conservation Project #7145-220, originally funded for \$151,229 for the period 7/1/77 to 6/30/78.

Metropolitan Area Planning Council 208 Water Quality Program

Executive Secretary Richard E. Thompson stated that tomorrow evening, February 22, 1978, from 7-9 P.M., a meeting of the Metropolitan Area Planning Council (MAPC) will be held relative to the management aspect of the 208 Water Quality Program and a final report.

Following discussion it was on motion unanimously

VOTED: To authorize Town Planner to represent the Board at the Metropolitan Area Planning Council meeting on February 22, 1978, from 7-9 P.M.

Wayland and Sudbury Boards of Selectmen Meeting Relative to Access Road

Executive Secretary Richard E. Thompson suggested that a meeting be re-scheduled relative to the Wayland access road to the Town of Wayland's proposed landfill on the Boston Post Road in accordance with the Board's vote of January 3, 1978, to meet with the Wayland Board of Selectmen, the Wayland Road Commissioners and the Police Chiefs of both towns to discuss and consolidate recommendations for the proposed access road to the Wayland Sanitary Landfill.

Following discussion it was on motion unanimously

VOTED: To schedule a meeting for February 28, 1978 at 8:00 P.M. at the lower Town Hall to include the Boards of both the Town of Wayland and the Town of Sudbury, together with the Town Engineer, Highway Surveyor, the Police Chiefs of both Towns and the Wayland Road Commissioners.

Executive Session

At 9:30 p.m. it was on motion following a unanimous roll call

VOTED: To enter into Executive Session for the purpose of discussing collective bargaining and possible litigation, where open discussion may have a detrimental effect.

Chairman Powers announced that public session would not reconvene following the Executive Session.

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

VOTED: To adjourn the meeting at 10:45 p.m.

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk