

IN BOARD OF SELECTMEN  
MONDAY, FEBRUARY 27, 1978

Present: Chairman John C. Powers, Ira M. Potell 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.

Minutes

It was on motion by Selectman Potell unanimously

VOTED: To accept the minutes of the emergency meeting of February 16, 1978, as submitted.

Site Plan #78-187 for Raytheon Company, 528 Boston Post Road

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

Executive Secretary Richard E. Thompson stated that the Board will continue consideration tonight of Site Plan #78-187 for Raytheon Company, 528 Boston Post Road, for addition to existing building and parking lot, in order to allow 1) an explanation of the revised parking to comply with the Planning Board's recommendations in their communication of February 16, 1978, and 2) a presentation of data relative to the septic system, and how it will be shown on the site plan.

Mr. E. T. Giatas stated that the site plan had been modified to allow for the maneuvering of cars within the parking lot without having to back out and to allow for wider passage around the proposed addition. Mr. Giatas further stated that he reviewed the site plan with Mr. William R. Firth of the Planning Board, and that he believes it is now in accordance with the Planning Board's recommendations. Mr. Firth concurred.

In regard to the septic system, Mr. William Dougherty of Raytheon Company stated that he met with Mr. John V. Sullivan, Director of the Board of Health, along with representatives of Metcalf & Eddy, Inc., and now has additional data for Mr. Sullivan regarding the same. Mr. Dougherty further stated that Metcalf & Eddy, Inc. will have more extensive studies completed as soon as possible.

Selectman Toomey asked what Mr. Dougherty's plan was with relation to the Board of Health's concerns in dealing with the septage system and relocating the sanitary lift station.

Mr. Dougherty replied that the table right now indicates that the sewage treatment processing plant itself will probably be adequate, but that they do not have specific engineering data at this time. Mr. Dougherty said relative to the question of upgrading the leaching area to handle an additional 400 employees, that there is a question now in the filter area, which is marginal, and in the storage and lift area, but that funds have been reserved to compensate for this problem.

Selectman Toomey said that he recalled past problems with the septage system

and questioned whether or not there are any problems regarding the leach field at this time.

Mr. Dougherty explained that the sewage flow accumulates over an eight-hour period but is pumped over a twenty-four hour period to allow equal flow over a twenty-four hour period rather than over an eight-hour period.

Mr. Thompson stated that the Town Engineer had verified the site plan regarding the side-line setback. Mr. Thompson further stated that he confirmed with Mr. Francis E. White, Building Inspector, who is present tonight, that there is a side-line setback of 50' 5", which nullifies concerns stated in a communication from Town Counsel dated February 13, 1978.

Mr. Giatas further stated that 1) the Sign Review Board has no objections; 2) Chief Frost has no objections; and 3) the concerns expressed in Mr. White's letter of January 30, 1978, have also been corrected relative to parking and the residential area.

Selectman Toomey asked for the results of the traffic studies relative to the access road on Route 20.

Mr. Giatas said that he has a report on the traffic studies but expects to have a secondary report regarding the access road soon. He mentioned that he had a copy of the preliminary report available tonight if the Selectmen would like to see it.

Mr. Giatas wanted to know if it would be necessary for Raytheon Company to contact the Board of Appeals relative to the "non-conforming" building concern noted in Mr. White's letter of January 30, 1978.

Mr. Thompson said that according to Town Counsel's interpretation of a "non-conforming" building, it would not be necessary for Raytheon Company to obtain approval from the Board of Appeals regarding this matter.

Mr. Neal Minahan, Esq., Raytheon Company, stated that he wanted to be sure of what would be required of Raytheon Company in order to get the site plan approved as soon as possible.

Following discussion it was on motion by Selectman Potell unanimously

VOTED: To approve Site Plan #78-187 for Raytheon Company, 528 Boston Post Road as shown on plans entitled "Office and Laboratory Addition Equipment Division Raytheon Co., Sudbury, Massachusetts," Sheets 1 & 2, and "Master Site Plan, Raytheon Company", all drawn by Symmes, Maini & McKee, Inc., dated January 26, 1978; subject to the completion of requirements listed in a communication dated February 14, 1978, from the Board of Health, and any other approvals required by the Board of Health; subject to a filing under the Wetlands Protection Act with the Conservation Commission; and subject to granting by the Board of Appeals of any and all variances required.

#### Sudbury Fire Department Rules and Regulations

It was on motion unanimously

VOTED: To table consideration of the Sudbury Fire Department Rules and Regulations submitted by Chief Frost February 16, 1978, for discussion during the Executive Session.

Wording of the Selectmen's Minutes of January 23, 1978--Conservation Commission

Following discussion it was on motion unanimously

VOTED: To acknowledge receipt of a communication dated February 16, 1978, from Kathleen Brown, Chairman, Conservation Commission, relative to the wording of the Selectmen's minutes of January 23, 1978.

Sale of Poppies -- Sudbury American Legion Post No. 191

Following discussion it was on motion unanimously

VOTED: To grant permission to Guy L. Dietrich, Chaplain, Sudbury American Legion Post No. 191, to solicit donations by sale of poppies at Star Market, First National, Wayside Plaza, MacKinnon's Package Store and Mill Village shopping areas, as requested in his communication dated February 13, 1978, on May 25, 26 and 27, 1978, subject to receiving authorization from the Chief of Police, and subject to receiving authorization from the proprietors of the areas where he is requesting to sell.

Employing Juveniles for Maintenance Work by the Fire Department

Present: Fire Chief Josiah F. Frost.

The Board received a communication dated February 17, 1978, from Chief Frost relative to the question of employing juveniles for maintenance work by the Fire Department.

Mr. Thompson also referred to a letter to Fire Chief Josiah F. Frost dated February 14, 1978, from Town Counsel, in which Town Counsel states that concerning certain circumstances, the Town could be liable for injury or damage caused by a Sudbury juvenile assigned to work for the Town pursuant to Court Order or parental approval after committing a misdemeanor. Mr. Thompson further stated that he discussed the matter today with the Juvenile Officer, William Carroll, and Mr. Carroll concurs with the program but is also concerned about the liability to the Town of Sudbury.

Mr. Thompson suggested that the Board indicate to Chief Frost whether or not they wish to accept the responsibility of participating in this program.

Chief Frost indicated that the work done by the juveniles would be unpaid services performed to the extent of their liability in accordance with a Court Order or parental approval.

Both Selectmen Toomey and Potell agreed that this is a great program, but that they have many concerns regarding the liability of the Town due to injury or damages on the part of the juvenile.

Selectman Toomey stated that the letter of Chief Frost dated February 17, 1978, mentions the Fire Department only, as taking part in the program, and he questioned the participation of the other departments in Town.

Chairman Powers said that he assumes that the program will be for all departments, and that more information is needed on the program.

Following discussion it was on motion by Selectman Potell unanimously

VOTED: To table further discussion so that Town Counsel can obtain the following information on the program, which is necessary before the Board can take any action on the question of employing juveniles as requested in a communication dated February 17, 1978, from Chief Josiah F. Frost:

- 1) whether or not the Court has some authority to exempt liability on the part of the Town for the juveniles;
- 2) whether or not the juveniles would be covered by Workmen's Compensation;
- 3) whether or not the program would include all Town departments, not just the Fire Department as indicated in Fire Chief Frost's letter dated February 17, 1978; and
- 4) whether or not parental approval is necessary if the juvenile is sentenced by the Court.

Case of Jean E. Morth

The Board acknowledged receipt of a recent settlement in the case of Jean E. Morth in the amount of \$2,500.00.

Water District Annual Meeting

It was on motion unanimously

VOTED: To adjourn the meeting at 8:15 p.m. to attend the Water District Annual Meeting in the upper Town Hall.

Chairman Powers reconvened the meeting at 8:30 p.m.

Park and Recreation Commission Article 31, Swim Facility

Present: Pasquale Piscitelli, Chairman, and Nancy D. Lewis, Park and Recreation Commission.

Chairman Powers stated that the Board had received a request dated February 16, 1978, from the Park and Recreation Commission to delete the words "Haskell Land" from their Swim Facility Article and include the words "suitable town-owned land."

The article reads as follows: "To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$6,000, or any other sum, to be expended under the jurisdiction of the Permanent Building Committee for the purpose of planning the construction of a swim facility on the Haskell Land, or act on anything relative thereto."

Ms. Nancy D. Lewis, Park and Recreation Commission, stated that the Swim Committee made this decision for the following reason: If Bureau of Outdoor Recreation (BOR) funds are available for the construction of a swimming facility in the Town of Sudbury, the Swim Committee would plan to use the Haskell Land (Federally funded), as originally planned; however, if BOR funds are not available, by having the words "suitable town-owned land" inserted in the Article, the Swim Committee could have the flexibility to determine if there is another parcel of

town-owned land which would be more centralized for the Town's use. Ms. Lewis said that if Featherland Park were used, for example, the High School would be able to use the swim facility regularly in their Physical Education program.

Selectman Toomey stated that, in his opinion, the wording, as stated in the Swim Facility article, for construction of the swim facility, should not be changed at this time.

Selectman Potell added that it would be more advantageous to the Park and Recreation Commission to have the article approved at the Annual Town Meeting if the specific location was stated in the article.

Chairman Powers suggested that the wording remain the same in the article, and if desired, the wording can be changed in the form of a motion under the original article, i.e., a motion to expand the wording of the article to say "Haskell Land or any other land available." Mr. Powers further expressed his opinion, that this would be a way to handle the situation and allow flexibility in determining what land will be used.

Mr. Pasquale Piscitelli, Chairman, and Mr. Nancy D. Lewis, both of the Park and Recreation Commission, stated that they were in agreement to leave the wording of the article unchanged, (keeping the words "Haskell Land") following the discussion and the comments of the Selectmen this evening.

#### Town Fathers Forum

At 8:40 p.m. Chairman Powers convened the 121st Session of the Town Fathers Forum, a summary of which is attached and is a part of these minutes.

#### Jurors

Present: Betsey M. Powers, Town Clerk.

The Board drew the names of William R. Edmonds, 9 Minuteman Lane and Tony L. Drake, 12 Willard Grant Road, to serve as jurors at Cambridge Court commencing April 3, 1978, and the name of Mary Jane Hillery, 66 Willow Road, to serve as juror at Lowell Court commencing April 3, 1978.

#### Wayside Package Store, Inc.

Present: John F. Canty, Jr., attorney for the McManuses; John H. Wilson, Town Accountant.

Chairman Powers asked for a definitive report from Town Counsel and the Town Accountant relative to Wayside Package Store, Inc., in accordance with the Board's vote of December 27, 1977.

Town Accountant John H. Wilson stated that there is no evidence that Wayside Package Store, Inc., is being operated by any one other than the McManus family determined on the basis of a review of the records of the Wayside Package Store, Inc., from January 1, 1977, to the present. Mr. Wilson stated that there was some difficulty in verifying the records from the period of October 1, 1977, to December 23, 1977, because of a change in the bookkeeping system; mainly, that during this period, Wayside Package Store, Inc. was operating on a cash basis and, therefore, there were no bank statements available. Mr. Wilson said, however, that

there was evidence that utility costs associated with Wayside Package Store, Inc., had been paid by check during that period by the McManus family.

Town Counsel Paul L. Kenny reinforced Mr. Wilson's statements, and added that he and Mr. Wilson have reviewed the purchase and sale agreement between the Wayside Package Store, Inc., and Sudbury Liquors, Inc., dated October 1, 1977, which provides that the seller is liable for all risk of loss from the time of signing (October 1, 1977) to the date that the property is actually sold.

Selectman Potell suggested that the matter be retired at this point, due to the conclusive report from Town Counsel and the Town Accountant.

It was on motion by Selectman Toomey unanimously

VOTED: To accept the definitive report from Town Counsel and the Town Accountant relative to Wayside Package Store, Inc., dated February 23, 1978.

Request for Transfer from Reserve Fund -- February Snow Emergency

Present: Josiah F. Frost, Civil Defense Director, and Robert A. Noyes, Highway Surveyor.

Executive Secretary Richard E. Thompson stated that before the Board tonight were two requests for transfer of funds to meet the extraordinary costs of the February blizzard, one in the Fire Department, and the other in the Highway Department, submitted together only for the purpose of continuity of the record. Mr. Thompson further stated that in regard to the Highway Department transfer, he recommends that the Board urge Finance Committee approval; and likewise, further recommended the transfer of funds regarding the Fire Department request be approved.

Following discussion it was on motion unanimously

VOTED: To recommend Finance Committee approval for transfer #0767 from the Reserve Fund to Highway accounts #430-20, Fuels & Lubricants, #430-30, Parts & Repairs, #460-12, Snow & Ice OT, #460-30, Snow & Ice Mat., #460-50, Snow & Ice Contr., in the total amount of \$14,318.00; and

it was further on motion unanimously

VOTED: To approve request #0768 for a transfer from the Reserve Fund to account #310-31, Fire Department Maintenance in the amount of \$1,433 and to account #310-12, Fire Department Overtime in the amount of \$5,277, for a total amount of \$6,710, to provide funds to meet the extraordinary and unforeseen expenses of the February blizzard, as set forth in a communication dated February 21, 1978, from the Fire Chief and the Highway Surveyor.

Mr. Thompson also brought to the attention of the Board a communication dated February 27, 1978, from Josiah F. Frost, Civil Defense Director, in which Mr. Frost states that it will be necessary for the Town of Sudbury to be represented on Thursday, March 2, 1978, at 11:30 a.m. in the Concord District Court relative to a meeting with the Department of Community Affairs, for the purpose of processing the Town's application for reimbursement of certain expenses incurred by the February blizzard, and suggested that he be authorized by the Board to represent the Town of Sudbury for this purpose as Civil Defense Director.

Mr. Thompson noted that Town Counsel had reviewed the material to be filed by the representative of the Town of Sudbury, which basically consists of various applications and Representative's Certification pertaining to the Town in relation to the blizzard, and indicated that he has no objections.

Following discussion it was on motion unanimously

VOTED: That Josiah F. Frost be authorized to represent the Town of Sudbury and to do all acts and things necessary or appropriate in connection with a project application for reimbursement of certain expenses incurred during the February, 1978, Declared Emergency, including the filing of a Community Representatives Certification with the Department of Community Affairs and the providing of such additional information as may from time to time be required to secure such reimbursement; and that it be acknowledged that the said Josiah F. Frost was the representative of the Town of Sudbury during said emergency, as Civil Defense Director, under provisions of the Emergency Operations Plan dated December, 1976.

Executive Session

At 10:00 p.m. it was on motion following a unanimous roll call

VOTED: To enter into Executive Session for the purpose of discussing collective bargaining or litigation where open discussion of the same 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 10:35 p.m..

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

Richard E. Thompson  
Executive Secretary-Clerk