

IN BOARD OF SELECTMEN
MONDAY, MARCH 13, 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.

Sudbury Housing Authority -- Application for a Reservation of Funds -- Under the Public Housing Act of 1937

Present: Robert B. Williams, Chairman, Dorothy A. Cabral, Executive Director, Thomas Blanchette and Dallas T. Hayes, Sudbury Housing Authority.

Executive Secretary Richard E. Thompson stated that the Sudbury Housing Authority has filed an application for a reservation of funds under the Public Housing Act of 1937, through the U. S. Department of Housing & Urban Development, for construction of up to 15 units of congregate housing for the physically disabled, and is requesting the Board's endorsement relative to the same, as set forth in a communication dated March 6, 1978, to the Board from Mr. Robert B. Williams, Chairman of Sudbury Housing Authority (SHA).

Mr. Thompson further stated that this application will not overlap or affect any of our existing programs.

Mr. Robert B. Williams, Chairman, stated that the Executive Secretary had informed SHA of the possibility of applying for Section 8 funds, and that SHA then forwarded a letter to the area director, dated January 5, 1978, stating their intention to apply to U. S. Department of Housing & Urban Development (HUD) for available programs compatible to the Town's Housing Policy. Mr. Williams said that after receiving notification on January 10th as to the availability of funds under the Public Housing Act of 1937 (through HUD), the SHA applied for 15 units of congregate housing for the physically disabled.

Mr. Williams further stated that the guidelines for making an application under this program require that the Governing Body (Selectmen) meet and concur with the proposal and endorse the same with a letter of cooperation to support the proposal.

Mr. Williams said that the HUD legal office does question the April, 1971 legislation under which the SHA was formed by Town Meeting by vote specifying housing for the elderly. Mr. Williams explained that SHA, however, was formed under Chapter 121B which includes housing for the elderly and the handicapped. Mr. Williams said that SHA will consult Town Counsel on this matter and also appear before Town Meeting once funds are in hand and the congregate housing is in the final planning stages.

Mr. Thompson recommended that the Board endorse the application and authorize him to sign a statement of cooperation and agreement, subject to any corrections or reservations on the part of Town Counsel.

Selectman Toomey asked if the housing would be for Sudbury residents exclusively.

Mr. Williams stated that since the program is designed to meet the shelter and program needs of seriously physically disabled persons, it would be an area-wide housing program, and that there may not be sufficient population within Sudbury to whom this type of housing could be applied.

Mr. Thomas Blanchette, member, SHA, stated that the SHA has adopted a recent policy whereby new local resident applications will be given priority.

Mr. Williams stated, in answer to Selectman Potell's question, that this SHA program is designed specifically not to conflict with what the Housing Study Group and the Sudbury Non-Profit Housing are attempting to do.

Following further discussion it was on motion unanimously

VOTED: To approve and endorse and support the application by the Sudbury Housing Authority for a reservation of funds under the Public Housing Act of 1937, through the U. S. Department of Housing & Urban Development, for up to fifteen (15) units of congregate housing for the seriously physically disabled, and authorized the Executive Secretary to sign and execute all contracts and documents related thereto.

And it was further agreed by the Board that the above vote is subject to any corrections or reservations by Town Counsel of documents and/or contracts the Executive Secretary must execute.

Granting Permission to Wayland for use of Minuteman Road for Access to Their Landfill

Executive Secretary Richard E. Thompson stated that the Board met with the Wayland Board of Selectmen on February 28, 1978, to discuss the use of that portion of Minuteman Road, which is in Sudbury, by the Town of Wayland, for purposes of access to its landfill, (the minutes of that meeting are before the Board tonight for approval), at which time the Sudbury Board of Selectmen expressed their concerns as follows: 1) that the portion of Minuteman Road in Sudbury for use by Wayland be one-way from Route 20 to River Road; and 2) as to the maintenance of the road and the liability involved if Minuteman Road were to become a public way. Mr. Thompson further stated that the Board received a communication dated March 2, 1978, from Edward N. Perry, Executive Secretary of Wayland, requesting something in writing regarding the Board's permission for Wayland to use that portion of Minuteman Road lying in Sudbury, with the understanding that the road would be one-way from Route 20 to River Road (also know as Old County Road).

Mr. Thompson suggested that Town Counsel draft a proposed motion for approval by the Board in response to the above-mentioned request.

Chairman Powers concurred with Selectman Toomey regarding a formal motion being premature at this time, and stated further concerns regarding the traffic situation on Route 20 at the access point.

Selectman Toomey stated that the one-way portion of Minuteman Road from Route 20 to River Road (Old County Road) would interfere with businesses located in that area, and also mentioned possible conflict regarding storm drains under the jurisdiction of the Sudbury Water District in that area. Mr. Toomey further stated that until there is a final plan regarding Wayland's access to their landfill, he does not recommend approval of granting permission for Wayland to use

the portion of Minuteman Road which is in Sudbury for purposes of access to its landfill, and that the understanding that the road would be one-way from Route 20 to River Road (Old County Road) was merely a suggestion on the part of the Board.

Selectman Potell stated that Wayland can actually do as they please since Minuteman Road is a private road, but is attempting to settle the matter with the Town of Sudbury for the purpose of a congenial relationship.

Following discussion it was on motion unanimously

VOTED: To table the issue of granting permission for Wayland to use the portion of Minuteman Road which is in Sudbury for purposes of access to its landfill, with the understanding that the road would be one-way from Routh 20 to River Road, as requested in a communication dated March 2, 1978, from Edward N. Perry, Executive Secretary of Wayland, in order that the Board may hear from the Town of Wayland relative to the outcome of their conversations at the meeting tonight with representatives of the existing businesses in the Waters complex in the Minuteman Road area.

Transfer Request

Present: Francis E. White, Wiring Inspector.

The Board considered a Request for Transfer from Reserve Fund (#0765) in the amount of \$850, for Account 340-35, Police Station Maintenance, needed to overhaul the generator.

Executive Secretary Richard E. Thompson read from the transfer the following information: "The generator at the Police Department is the only emergency source of power and supply to the heat, radios (fire, police, C.B., regional), ventilation, teletype and telephones. The generator was installed 18 years ago. It has now reached the point that it needs a major overhaul immediately to the tune of \$850." Mr. Thompson further stated that according to Mr. White, the indication to this problem was not evident until about three weeks ago, and that is the reason for its not being included in this year's budget.

In answer to Chairman Powers' question, Mr. White stated that the generator broke down about two months ago for minor repairs, but that there had been some trouble with it since last year. He further stated that after it was confirmed by the generator company that extensive repairs must be made, he requested this transfer of funds. Mr. White further stated that a new generator would cost approximately \$2,000.

Following discussion it was on motion unanimously

VOTED: To table for one week the Request for Transfer from Reserve Fund #0765 in the amount of \$850, for Account 340-35, Police Station Maintenance, for the purpose of having Mr. Francis E. White obtain some figures on the cost and the availability of a new generator.

Todd-Wagoner Corporation, d/b/a Ephraim's Restaurant

Present: Donald Wagoner, President, Todd-Wagoner Corp., Francis E. White, Building Inspector, and LaMonte Griswold, abutter.

Chairman John C. Powers stated that the Board will consider the applications of Todd-Wagoner Corporation, d/b/a Ephraim's Restaurant, 8 Village Green, Hudson Road, for a Common Victualer License and Weekday Entertainment License.

Executive Secretary Richard E. Thompson reported that all appropriate abutters and Town Officials have been notified, and that reports have been received as follows: 1) from Fire Chief Josiah F. Frost dated February 2, 1978, stating conditional approval; 2) from the Board of Health, dated March 8, 1978; 3) from Francis E. White, Building Inspector, dated February 2, 1978, and March 9, 1978, recommending approval.

The Board noted receipt of a letter dated January 25, 1978, from Mr. and Mrs. Terry E. Carlson, 78 Cedar Creek Road, supporting the applications under consideration.

Mr. Thompson stated that it is the policy of the Board of Health not to issue any final approvals until a couple of days before the actual opening.

Mr. Francis E. White, Building Inspector and Zoning Enforcement Agent, stated that there are many minor things to be completed before a Certificate of Occupancy can be issued.

Chairman Powers questioned Town Counsel as to: the effect of the non-complying site plan for the entire complex on Ephraim's Restaurant, it being a building within the entire complex; the headwall which has not been relocated because of the snow (Mr. Griswold confirmed this tonight); and the condition of the time limit under which the site plan was approved.

Town Counsel stated that the Board is always justified in withholding licenses until full compliance of the site plan--it is a matter of the Board's discretion.

Mr. Wagoner said that, after listening to the Board's comments tonight, it is his interpretation that his licenses under consideration will not be issued until June 30, 1978, or complete compliance with the site plan is verified. Chairman Powers responded that because of past experience with this project, Mr. Wagoner's interpretation was correct and that would be his recommendation.

In answer to Selectman Toomey's question, Mr. Wagoner stated that he had hoped to open the restaurant in six weeks.

Selectman Toomey asked the Building Inspector about the possibility of completing the septic system with regard to the scheduled opening.

Mr. White stated that the septic system requires the final approval of the Board of Health, and until that time, he would not anticipate the scheduled opening, but it could be accomplished within six weeks. Mr. Wagoner stated that the septic system has been inspected and approved by the State Board of Health and the Board of Health in town, and that the system is complete with the exception of a final top soil and testing of pumps.

Chairman Powers stated that, in addition to the incompleted septic system, Mr. White has not made a final inspection of the wiring and the plumbing.

Selectman Potell again asked Mr. White if he felt all of these requirements can be completed within six weeks.

Mr. White stated that it is possible that within six weeks everything could be completed and an occupancy permit issued.

Selectman Potell expressed his desire to approve the license with conditions, as before, but conceded to Selectmen Toomey and Powers to hold such approval until such time that all town by-laws and state rules and regulations are complied with; this also includes complete compliance with the Village Green Site Plan.

Following further discussion it was on motion unanimously

VOTED: To deny without prejudice the applications of Todd-Wagoner Corporation, d/b/a Ephraim's Restaurant, located at Buildings 7 and 8 Village Green, Hudson Road, for a Common Victualer License and Weekday Entertainment License until such time that all site plan requirements of the Board of Health, Planning Board, Fire Chief, Wiring Inspector, Zoning Enforcement Agent and the Building Inspector are complied with, and the Building Inspector is prepared to state to the Board of Selectmen that he is ready to issue a Certificate of Occupancy.

Special Speed Regulation No. 4027 for Warren Road -- Department of Public Works

On December 19, 1977, the Board adopted a 20-mile per hour speed regulation for a portion of Warren Road and submitted the same for approval to the Department of Public Works (DPW). In response to this request, the Board received a letter from V. J. Cantone, Traffic Engineer, DPW, advising the Board that a study of the area would be undertaken by their department and the Registry of Motor Vehicles.

Mr. Thompson informed the Board that a communication dated March 1, 1978, from the DPW, which forwarded a new Special Speed Regulation No. 4027 for the Board's approval and adoption, was the State's official response to the Board's action of December 19, 1977. He further reported that Town Counsel had reviewed the regulation in accordance with the Board's previous vote and had reported in his letter of March 8, 1978, that the new speed regulation differs from that originally requested by the Board in that it sets limits for all of Warren Road, and further defined the regulation as setting limits of 25 miles per hour on Warren Road from Raymond Road to approximately Lands End Lane, and 20 miles per hour from approximately Lands End Lane to Woodside Road.

It was noted that the three stop signs, also requested on December 19, 1977, and which included one on Rambling Road at the entrance of Warren Road, had been approved by the DPW.

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

VOTED: To adopt the following special speed regulation in accordance with the provisions of Chapter 90, section 18, of the General Laws (Ter.Ed.) as amended: The following speed limits are established at which motor vehicles may operate on Warren Road:

Eastbound, beginning at Raymond Road, thence easterly on Warren Road 0.22 miles at 25 miles per hour, 0.36 miles at 20 miles per hour ending at Woodside Road; the total distance being 0.58 miles.

Westbound, beginning at Woodside Road, thence westerly on Warren Road 0.36 miles at 20 miles per hour, 0.22 miles at 25 miles per hour ending at Raymond Road; the total distance being 0.58 miles.

Ambulance Billings -- Report from the Town Accountant

Chairman John C. Powers stated that the Board will review a report dated March 2, 1978, from the Town Accountant relative to ambulance billings.

Selectman Toomey called the Board's attention to the confusion in the report, stating that during the billing period of January 1, 1978, through March 2, 1978, 10 people were billed, and also stating that no bills were sent since December 30, 1977, due to a problem in the ordering of more billing forms.

Following discussion it was on motion unanimously

VOTED: To table the review of the report dated March 2, 1978, from the Town Accountant relative to ambulance billings, for one week until such time that the Town Accountant can be present.

Nobscot Hill/Tippling Rocks Conservation/Recreation Project -- Metropolitan Area Planning Council

Present: Edward Lapal, Town Planner; Kathleen M. Brown, Chairman, Judith Cope, Joan Irish and W. James Hodder, Conservation Commission; Arthur A. Walker, Park and Recreation Commission; Anne Donald and Philip Felleman, Finance Committee; Thomas Blanchette, Dallas T. Hayes and Robert B. Williams, Sudbury Housing Authority; Judy Mack, Sudbury Non-Profit Housing Corp.; Nathan Newbury, III, President, Sudbury Valley Trustees; and Representative Barbara Gray, Framingham.

Chairman John C. Powers stated that Edward Lapal, who is the Town Planner and Representative to the Metropolitan Area Planning Council (MAPC), attended a recent MAPC meeting, one of several meetings attended by the Framingham Conservation Commission, Representative Barbara Gray of Framingham, and the Sudbury Conservation Commission. Mr. Powers further stated that, as a result of his attendance at the meeting, Mr. Lapal became aware of a proposed plan, pending for several years, by which a major portion of Nobscot Mountain could be preserved for passive recreation (hiking, picnicking, cross-country skiing, etc.), of which the MAPC appears to have made a pilot planning project as an approach to this topic. Mr. Powers said that Mr. Lapal brought back to us the proposal (February - 1978) entitled "Nobscot Hill and Surroundings -- A Synopsis of Alternatives."

Executive Secretary Richard E. Thompson stated that the Board is in receipt of a letter dated March 9, 1978, from John W. Connery, MAPC Staff, which stresses that the Synopsis should be considered a vehicle to initiate discussion.

Chairman Powers displayed a map of the area under discussion indicating ownership of various parcels.

Chairman Powers asked the Town Planner to explain the proposals as set forth in the planning project.

Mr. Lapal explained the four alternatives, as set forth in the planning project as follows;

- Alternative #1: Includes land which is publicly owned--that area in Sudbury is owned by the Conservation Commission, and that area in Framingham is owned by the State; therefore, there is no new acquisition, just a question of management.
- Alternative #2: Involves acquiring a sizeable portion of land with frontage on Route 20 (Boston Post Road), which is owned by Mr. McNeil.
- Alternative #3: Involves acquiring that land, as mentioned in Alternative #2, plus acquiring an additional piece of land by Framingham. Access would be an existing road.
- Alternative #4: Involves acquiring more land in Framingham and Sudbury--that parcel of land in Sudbury is owned in part by Mr. McNeil and in part by the Hudson Family.

Mr. Lapal further stated that for the acquisition of the land, at least 75% reimbursement (50% Federal and 25% State) might be possible.

Mr. Thompson stated that at the Selectmen's meeting last week (March 6th), the Board reviewed the MAPC report and directed the Executive Secretary to invite all interested parties to the Board's next meeting (March 13th) for the purpose of further discussing their views on the matter; subsequently, he had sent a letter from the Board dated March 7, 1978, relative to the same.

Representative Barbara Gray agreed with Chairman Powers on the united interest in this project. Ms. Gray also said that timing can be important on the acquisition because some owners have been approached by private land developers.

Ms. Kathleen M. Brown, Chairman of the Conservation Commission, discussed the access situation and the improvement of it with additional land; the tremendous cost of the land and available funds; and the significance of obtaining enough additional parcels to contain the character of the mountain.

Selectman Toomey stressed the importance of including Fire and Police Protection in the overall management plan.

Chairman Powers suggested the possibility of a full-time Park Service, and inquiring as to which division of the State might provide the manpower for this service.

Mr. Lapal suggested that an advisory group be organized to sort out all possibilities of potential usage and the availability of funds for acquisition of additional parcels of land.

In response to a question from Mr. Arthur A. Walker, Park and Recreation Commission, the Executive Secretary pointed out that once State and Federal funds are used, the area cannot be restricted to use by local residents--it must be opened to the general public and not restricted for the local community.

Ms. Gray thanked Mr. Powers for arranging this meeting tonight, and complimented him on his quick response in getting all concerned groups together to discuss the project.

Mr. Thompson suggested that the various boards, commissions and individuals, respond to the Town Planner's memo of February 23, 1978, in writing, which the Town Planner will collate and forward to the Conservation Commission for preparation of a joint report or reply to the MAPC; the Board, however, suggested that the Conservation Commission meet again with the Selectmen before submission of the same.

Chairman Powers made a final suggestion: that there should be an input for the development of game management on Nobscot Hill and that the State Division of Fishery and Games and Wildlife be consulted.

Mr. Powers thanked everyone for attending tonight, and stated that the meeting would recess for 15 minutes, at 9:15 p.m.

Chairman Powers reconvened the meeting at 9:30 p.m.

Local Town Election Date--Lincoln Board of Selectmen

Present: Harold A. Levey, Chairman, and Ann F. Sutherland, Lincoln Board of Selectmen, Betsey M. Powers, Town Clerk, Philip Felleman, Chairman, and Anne Donald, Finance Committee.

Executive Secretary Richard E. Thompson stated that the Board is meeting tonight with the Lincoln Board of Selectmen to discuss the possibility of changing the local election date to sometime in May, as requested in a communication dated February 3, 1978, from Harold A. Levey, Lincoln Selectmen Chairman. Mr. Thompson further stated that the meeting tonight was confirmed by the Board's letter of March 7, 1978, to Ms. Elizabeth J. Snelling, Town Clerk of Lincoln, and that copies were also sent to the Regional and Vocational Districts and to the Town Clerks of both towns.

Mr. Thompson said that the Lincoln Selectmen would like to come to an agreement on this matter prior to their town meeting, March 25th, since an article has been submitted by petition for their Town Meeting relative to the same.

Mr. Thompson stated that we have been in communication with the Lincoln Board of Selectmen informing them as to what we have done to date on this matter; that principally being to follow through on Selectman Potell's suggestion to look into the possibility of changing the election date. Mr. Thompson said that Town Counsel had drafted a report, dated December 7, 1977, stating the technicalities as far as the statute is concerned.

Mr. Thompson further stated that when this subject came up a year or two ago, it was reviewed by the Committee on Town Administration, which resulted in a change of dates for submission of articles.

Selectman Chairman Harold A. Levey stated that the Town of Lincoln is running into a problem with their Town Meeting being just before Easter, which is looked upon as a disturbance to the Easter services by the churches in Town. Chairman Levey further stated that in order to completely avoid Easter, it becomes necessary to go into the third week of April, which is the school vacation week, and the attendance at Town Meeting is affected. Mr. Levey said that the Board then concluded to go to the first Saturday of May to commence Town Meeting, but in doing so, it is more than 30 days from the election which requires a second warrant.

Selectman Ann F. Sutherland said that the Finance Committee and the School Committee have also expressed an interest in changing the date for various other reasons.

Chairman Powers stated that in Sudbury the elections have always been before Town Meeting; one reason being to keep campaign speeches off the Town Meeting floor. Mr. Powers further stated that if the election is moved ahead to May, our Town Meeting (which on occasion has taken as long as a month) could run through the month of May. Chairman Powers said that this is not an ideal time of the year for Town Meeting because: 1) Townspeople are occupied with outdoor sport programs; and 2) the various boards and departments in town (we have over 170 organizations) are trying to clean up before summer--we have a very organized town.

The Town Clerk agreed that her preference is that Town Meeting should follow the election.

Mr. Levey stated that the motion for the present petition states that the Lincoln Town Meeting would stay where it is, except for when that conflicts with Easter, in which case it would be ruled ahead one week. Mr. Levey further stated that the Board would probably move on the floor to make it on the first Saturday in that period, and the Town will probably vote in favor of it.

Following further discussion it was agreed by the Board that we should maintain our present schedule, for the local election to be the last Monday in March and for the Town Meeting to be the first Monday in April.

Chairman Powers thanked everyone who attended tonight's meeting.

Draft of a Letter to the Planning Board

It was on motion unanimously

VOTED: To approve a draft of a letter dated February 16, 1978, to be sent to the Planning Board by the Board of Selectmen relative to the Town Planner.

City of Boston Resolution of Free Public Transportation--Federal Department of Transportation

The Board received a communication dated February 22, 1978, from the City Clerk of Boston forwarding a resolution adopted February 15, 1978, by the City Council that requests that the City of Boston and its suburbs be selected by the Federal Department of Transportation for its pilot program of free public transportation.

Chairman John C. Powers stated that he did not think that Sudbury would benefit from this transportation service. The Board concurred.

Following discussion it was on motion by Selectman Potell unanimously

VOTED: To acknowledge receipt and take no action on a communication dated February 22, 1978, from the City Clerk of Boston forwarding a resolution adopted February 15, 1978, by the City Council that requests that the City of Boston and its suburbs be selected by the Federal Department of Transportation for its pilot program of free public transportation.

Appointment -- Police Department

The Board reviewed a certification list from the Division of Personnel Administration dated February 27, 1978 for the appointment of one Permanent Patrolman.

Following discussion, on the recommendation of Police Chief Nicholas Lombardi, it was on motion unanimously

VOTED: To appoint Reserve Patrolman Richard J. Cannon, 47 Victoria Road, Sudbury, as a Permanent, Full-time Patrolman in the Sudbury Police Department, effective March 26, 1978, subject to approval by the Division of Personnel Administration.

The Executive Secretary was directed to bring to the Board's next meeting the information which will clarify the dates of resignation of Gary Ryan and Tayno Hyden.

Appointments

Chairman John C. Powers stated that the Board has received a recommendation by the Historic Districts Commission, dated February 7, 1978, that Burton H. Holmes be appointed to the Historic Districts Commission. Chairman Powers further stated that said Commission must have one member who is an architect, and that Mr. Burton H. Holmes is an architect and is a member of the American Institute of Architects.

It was on motion unanimously

VOTED: To appoint Burton H. Holmes, 29 Oak Hill Road, to the Historic Districts Commission, for a term to expire January 1, 1980, to fill the position vacated by Peter A. Thomas.

Selectman Potell suggested that a record be kept for the Board's reference of the date of resignation by various committee members.

The board considered the question of making an appointment to fill the position vacated by Joseph A. Klein from the Board of Appeals Associates and Earth Removal Board.

Selectman Potell suggested Maryann K. Clark, 118 Nobscot Road.

Following further discussion it was on motion by Selectman Potell unanimously

VOTED: To table the appointment to the Board of Appeals Associates and Earth Removal Board, a position vacated by the resignation of Joseph A. Klein, for the purpose of interviewing Maryann K. Clark, 118 Nobscot Road, as suggested by Selectman Potell.

It was further on motion unanimously

VOTED: To table the appointment vacated by the resignation of A. Douglas Dalton from the Personnel Board until consideration of annual appointments by the Board.

Historical Commission Article

Chairman Powers stated that it was reported to the Board by Town Counsel that there was not a mechanism available to the Town to rescind the action creating the Historical Commission. Chairman Powers further stated that he has found a provision of the General Laws that allows that to happen, which is Chapter 4,

section 4. Mr. Powers further stated that his recommendation would be to have Town Counsel review this matter once again, along with the Committee on Town Administration.

Following further discussion it was on motion unanimously

VOTED: To request the Committee on Town Administration and Town Counsel to review the General Laws, Chapter 4, section 4, for their comments and to submit a report to the Board, prior to Town Meeting, on the possibility of rescinding the Historical Commission.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular and executive session of February 21, 1978, the executive session of February 27, 1978, the special session of February 28, 1978, and the regular session of March 6, 1978.

Executive Session

At 10:20 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 10:50 p.m.

Attest: _____

Richard E. Thompson
Executive Secretary-Clerk