

IN BOARD OF SELECTMEN  
MONDAY, MAY 8, 1978

Present: Chairman William F. Toomey and John E. Murray.

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

Adams Road Subdivision

The Board acknowledged receipt of a letter dated May 5, 1978, from Edward W. Connors, Jr., Chairman, Planning Board, relative to a hearing and view of the property of the Adams Road Subdivision.

Minutes

The minutes of the regular sessions of April 24, 1978, and May 1, 1978, were approved as submitted.

Accepting Articles and Ordering Warrant for Special Town Meeting

Executive Secretary, Richard E. Thompson, stated that today the Selectmen's office received from the Board of Registrars certification of 257 signatures of registered voters for the petition article, which originally called the June 7, 1978 Special Town Meeting, regarding the reconstruction of Landham Road (Article 11 of the 1978 Annual Town Meeting).

The Executive Secretary reported that a petition article relative to modifying the Lincoln-Sudbury Regional Agreement has also been submitted for inclusion in the Warrant for the Special Town Meeting, and 105 signatures had been certified by the Board of Registrars relative to the same.

In addition, Mr. Thompson said that the Highway Surveyor, Robert A. Noyes, has submitted an article relative to the Morse Road Walkway -- Railroad Crossing. This article had been submitted late for the 1978 Annual Town Meeting; therefore, Mr. Noyes resubmitted the article on April 20, 1978, for inclusion in the Warrant for the Special Town Meeting.

The Executive Secretary recommended that the Board accept the three above-mentioned articles and order the Warrant.

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

VOTED: To accept the three articles listed above and to order the Warrant as follows: 1) Petition article relative to the Reconstruction of Landham Road; 2) Article relative to the Morse Road Walkway -- Railroad Crossing; and 3) Petition article relative to modifying the Lincoln-Sudbury Regional Agreement.

Mrs. Linda Glass, Finance Committee, requested that the petition article relative to the Lincoln-Sudbury Regional Agreement be read, following which she questioned the legality of the Town Meeting discussing and acting upon the suggested article.

Town Counsel assured her that this petition article could be enacted in its present form.

### Special Election

Mr. Thompson stated that he had spoken to the Town Clerk relative to the fact that there is now only one candidate for the office of Selectman in the June 5th Special Town Election. Mr. Thompson recommended, with the concurrence of the Town Clerk, that the Selectmen amend their vote of April 19, 1978, setting the polling hours from 7 A.M. to 8 P.M., and that the hours be set from 12 Noon to 8 P.M. -- as four hours only are required by Statute for the polls to remain open; furthermore, the expense of the Special Election would be lessened with the reduction of hours.

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

VOTED: To amend the Board's vote of April 19, 1978, setting the polling hours from 7 A.M. to 8 P.M.; and instead to set the polling hours from 12 Noon to 8 P.M., for the Special Town Election on June 5, 1978.

### Appointments - Historical Commission

Executive Secretary Richard E. Thompson submitted a list of forty-five candidates for the Board's consideration for appointment to the Historical Commission.

Chairman William F. Toomey stated that the Board has reviewed the list of candidates; has interviewed those persons who were unknown to the Selectmen; and will make four appointments tonight.

Selectman Toomey recommended, in addition to the five-member Historical Commission, that a subcommittee be appointed by the Historical Commission using the remaining names on the list.

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

VOTED: To appoint four members to the Historical Commission as follows:

- 1) Richard C. Hill, 161 Plympton Road, for a term to expire April 30, 1979;
- 2) Emmalou Eaton, 281 Goodman's Hill Road, for a term to expire April 30, 1980;
- 3) John C. Powers, 489 Peakham Road, for a term to expire April 30, 1981; and
- 4) Patricia F. Hersey, 208 Old Sudbury Road, for a term to expire April 30, 1981;

and to give the list of candidates to the new members of the Historical Commission for their use in appointing a subcommittee.

Temporary Trailer Permit to Harry C. Rice, 130 Water Row

Present: Francis E. White, Building Inspector.

The Board reviewed a communication dated May 5, 1978, from John C. Powers, Attorney for Harry C. Rice, requesting permission for Mr. Rice and his help (Mr. and Mrs. Richard Brown) to reside in mobile trailers on the Rice property until September 1, 1978.

The Building Inspector verified that the Rice home is uninhabitable due to a recent fire in which 95% of the house was burned.

Executive Secretary Richard E. Thompson stated that Mr. Rice has an agreement with the United States government, whereby the Federal Government will have full possession of the property located at 130 Water Row on September 1, 1978.

Chairman William F. Toomey expressed his concerns regarding sanitation, as well as fire, due to the excessive number of horses being kept in the barn on the Rice property.

Selectman Toomey recommended that the temporary trailer permit be granted, and that the Board of Health be notified relative to the horse situation.

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

VOTED: To grant a temporary trailer permit to Harry C. Rice to park two mobile homes on property at 130 Water Row to expire September 1, 1978, due to a recent fire on said premises; and further

VOTED: To direct the Executive Secretary to contact the Health Director, John V. Sullivan, relative to the supposedly excessive number of horses being kept in the barn on the Rice property at 130 Water Row.

Walkway Easements, Morse Road and Drainage Easement, Fairbank Road

The Board reviewed a communication dated May 2, 1978, from Robert A. Noyes, Highway Surveyor, enclosing seven walkway easements for Morse Road and one drainage easement for Fairbank Road.

The Executive Secretary stated that Town Counsel has reviewed the same and indicated that they are in proper order, and further stated that he has the plans for the easements.

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:

- 1) Walkway Easement from John P. & Phyllis C. Toomey dated April 18, 1978.
- 2) Walkway Easement from Herman P. & Mozelle P. Kooy, dated November 28, 1977.

- 3) Walkway Easement from David W. & Elizabeth P. Fitts, dated June 20, 1977.
- 4) Walkway Easement from George & Lucille Bekampis, dated June 11, 1977.
- 5) Walkway Easement from Ronald W. & Hale G. Lamont-Havers, dated May 23, 1977.
- 6) Walkway Easement from Nicholas J. & Rosalie J. Johnson, dated June 21, 1977.
- 7) Walkway Easement from Alexander W. & Mary G. Bishop, dated June 20, 1977;

and further

VOTED: To sign and accept on behalf of the Town of Sudbury the drainage easement shown on a plan entitled "Plan of Land in Sudbury, Massachusetts, Showing Drain Easement Fairbank Road", dated Arpil 15, 1977, by the Town of Sudbury Engineering Department, from Frank J. Cutting, John C. Cutting, and Louise D. Dorian, dated July 1, 1977.

Massachusetts Bay Transportation Authority - Suburban Transportation Program

Executive Secretary Richard E. Thompson stated that a letter dated May 1, 1978, from Massachusetts Bay Transportation Authority (MBTA) has been received informing of the success and proposed expansion of the experimental Suburban Transportation Program. The letter stated that three towns, Needham, Natick and Bedford, had previously participated in the Program, and are now operating on a subsidized (up to 50%) basis.

Mr. Thompson said the letter indicates that Sudbury is one of the fifty-eight towns eligible for funding of a local suburban bus system under the program, if funds from the 1978 MBTA budget are made available for two new towns as proposed.

Following discussion it was on motion unanimously

VOTED: To acknowledge receipt of a letter dated May 1, 1978, from Robert R. Kiley, Chairman, Massachusetts Bay Transportation Authority.

Street Information Book - Engineering Department

Executive Secretary Richard E. Thompson stated that the Board had indicated some interest in the past in having the status of the roads in Town clarified as to Town, State, County, Public or Private, and for the last year and a half, the Town's Engineering Department has been working on a booklet entitled "Street Information Book" which was enclosed with a letter dated May 2, 1978, from James V. Merloni, Town Engineer.

Mr. Thompson said that a book was compiled for the Police and Fire Departments, in which every fire hydrant in Town was verified, and further stated that the combination of these two documents, and the information contained within them, would probably not be available in any other town.

Mrs. Linda Glass, Finance Committee, requested that said Committee receive a copy of the booklet, "Street Information Book".

Selectman John E. Murray suggested that the Town Clerk's Office have a copy; and Selectman William F. Toomey suggested that the Conservation Commission, the Planning Board and the Highway Department should also receive copies.

Proclamation - Lincoln-Sudbury Scholarship Day in the Town of Sudbury

It was on motion unanimously

VOTED: To sign a Proclamation designating May 13, 1978, as Lincoln-Sudbury Scholarship Day in the Town of Sudbury.

Sale of Alcoholic Beverages During Town Election

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

VOTED: To allow the sale of alcoholic beverages by common victuallers and retail package stores during the polling hours of the Town Election on June 5, 1978, in accordance with the amendment to G.L.c.138, section 33.

House Bill 5360 - LSRHS Contingency Fund and House Bill 5361 - LSRHS Parking Fees

It was on motion by Selectman John E. Murray unanimously

VOTED: Not to support House Bills 5360 and 5361 filed by Representative Ann C. Gannett on behalf of the Lincoln-Sudbury Regional District School Committee, for the reasons stated in a communication dated April 11, 1978, from Gregory R. Anrig, Commissioner of Education, Commonwealth of Massachusetts, commenting in part as follows:

- (H5361) "It is the position of the Board of Education to oppose special interest legislation that would create an exception in the law for one school district. Also, we find this legislation to be very broad and all encompassing. If passed in its present form, the Lincoln-Sudbury School committee could essentially charge anyone at any time for parking on the school premises.";
- (H5360) "In most instances, regional school districts are allowed to maintain a surplus account from unexpended appropriations. Such is prohibited, however, in the Lincoln-Sudbury Regional School District agreement. This prohibition guarantees them that if the proposed contingency fund is not used, it will be returned to the member towns on a proportional basis. If all the member towns agree to establishing a contingency fund, therefore, we have no objections to it." (emphasis supplied);

and for the reason that both bills should have been presented as amendments to the Regional School District Agreement between the Towns of Lincoln and Sudbury in

accordance with Section 8 of said Agreement, and brought before the respective Town Meetings.

Filing an Acquisition and Development Pre-application with the Massachusetts Historical Commission

The Board reviewed the Massachusetts Historical Commission Acquisition & Development Pre-application for FY 1979 for preservation funds for the Hosmer House, Sudbury Centre Historic District, as prepared by the Executive Secretary.

Executive Secretary Richard E. Thompson stated that this Pre-application for funding would not conflict with the work of the Historical Commission; and further that funds would not be available until January or February of 1979.

Mr. Thompson further stated that the deadline for filing said Pre-application is May 15, 1979, and if the Historical Commission objected to this application, it could be amended.

The Executive Secretary said that he reviewed the Project Cost Estimate with Town Counsel determining a minimum amount of \$35,850 and a maximum amount of \$50,400; and stated that the maximum amount is a more realistic figure in eventual costs.

Chairman William F. Toomey commented on the appropriateness of the article "The Hosmer House" written by John C. Powers, taken from the 1962 Annual Town Report, to be submitted with the Pre-application.

Mr. Thompson said that he was also attaching some photographs of the Hosmer House to be sent to the Massachusetts Historical Commission.

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

VOTED: To authorize the Executive Secretary to file an Acquisition and Development Pre-application for Fiscal Year 1979 for preservation funds for the Hosmer House, Sudbury Center Historic District, with the Massachusetts Historical Commission, and to further authorize the Executive Secretary to sign and execute all contracts and documents related thereto.

Public Hearing - Dog Complaint

Present: Evalyn H. McCarthy, complainant; Clifford F. Reichert, owner of the dog; Betsy M. DeWallace, Assistant Dog Officer; Francis E. White, Dog Officer.

Executive Secretary Richard E. Thompson stated that at the last Public Hearing (In Board of Selectmen-April 24, 1978), it was mutually agreed to adjourn until this evening in order to give the Dog Officer a chance to visit the dog, Flame, and give an evaluation of the dog. The Board has received a communication dated May 3, 1978, from the Assistant Dog Officer which Mr. Thompson read as follows: "After visiting the Reichert Great Dane, I found him to be very aggressive, but by no means vicious. The dog has a good strong, reinforced chainlink fence, and the owners seem to have full control of him."

Mrs. Betsy M. DeWallace, Assistant Dog Officer, further remarked that she could understand why people would be afraid of the dog, since he is so big and so strong, but reaffirmed that he is under control.

Following review of the previous hearing and discussion, Chairman William F. Toomey recommended that the Great Dane, Flame, be at all times restricted to the reinforced chainlink fence, and be under the control of the owner, or anyone determined in charge by the owner, while on the street; and if an additional complaint comes before the Board on the dog, the Board will take a much more drastic action.

Mrs. Evalyn McCarthy, Complainant, stated that all the complaints against the dog were made while the dog was on a leash, and she did not consider that to be under control.

Following further discussion it was on motion unanimously

VOTED: To restrict the Great Dane, Flame, owned by Clifford F. Reichert, 85 Prides Crossing Road, to a reinforced chainlink fenced area at all times; except while on the street being walked by the owner, or anyone determined in charge by the owner, at whichtime the dog must be controlled by a leash; and further, to instruct the Dog Officer to inform the Board of any other complaints made against said dog.

#### Annual Roadside Cleanup

Executive Secretary Richard E. Thompson stated that Town clean-up day was very successful, and that there was a large turnout of volunteers.

Mr. Thompson further stated that a suggestion was made by Joseph Fisher, Leader of Troop 61 (Boy Scouts) that the Town should try and solicit co-operation from the Little League and Soccer Teams not to schedule games on that day so that they too could participate in Town Clean-Up.

Mr. Hotch said that usually Little League has a day set aside at the beginning of their season when all the fields in Town are cleaned.

Chairman William F. Toomey suggested that their schedules be co-ordinated (Selectman Murray concurred); and stated that the results are very satisfying - the roads really look good!

Mr. Thompson credited Mrs. Janet Silva for co-ordinating the groups involved in the clean-up and the areas to be cleaned.

#### Edward M. Dickson et al vs. Town of Sudbury

Executive Secretary Richard E. Thompson brought to the Board's attention the complaint of Edward M. Dickson et al vs. the Town of Sudbury, which has been filed in the Superior Court, involving the Haynes Garrison Site, which the Town took by eminent domain three years ago, stating the fact that the amount offered by the Town was insufficient for the property.

Public Hearing - New Dog Pound Facility

Present: Francis E. White, Building Inspector; abutters to Featherland Park.

Chairman William F. Toomey convened a Public Hearing under G.L.c.140, section 157, to discuss the location of a new dog pound facility which is proposed to be built adjacent to the Park and Recreation Maintenance Building at Featherland Park, Concord Road, with the \$10,000 appropriation voted at the 1978 Annual Town Meeting. Selectman Toomey stated that the facility would have to be constructed on available town-owned property, to allow full use of the money for construction purposes only, and that the Board of Selectmen is suggesting Featherland Park on the recommendation of the Dog Officer, with concurrence of the Park and Recreation Commission. Selectman Toomey further stated that the Public Hearing tonight is for the purpose of hearing from those abutters in the Featherland Park area.

The Building Inspector, Francis E. White, briefly explained the proposed construction of the facility, and compared it to one exactly like it being used successfully in the center of a residential area in the Town of Monson: construction would be a 24 square foot block building with insulation inside the blocks and a 1 3/4" insulated door; the roof would have 6" insulation, with homosite on the ceiling; there is a small amount of heat provided, no air-conditioning, and ventilation by use of a fan on the inside of the building; and utilities will be connected to the Park & Recreation Maintenance Building, new septic system being required.

Mr. White further explained that the Dog Pound would be operated by appointment only - the Dog Officer and the Assistant Dog Officer would release the dogs to their owners between 4:00 - 6:00 P.M. The dogs will be fed once a day, and although the facility will be large enough to accommodate sixteen dogs, he does not anticipate more than four dogs being held at the same time.

The abutters voiced many concerns relative to having the Dog Pound at Featherland Park (in their neighborhood), some of which are as follows: 1) Noise of the dogs during hot summer nights. 2) Access to the park and the added use of the existing right-of-way off Concord Road. 3) Objections to pick up time for the dogs between 4-6 P.M. - this is when the Park is the busiest. 4) Question of noises related to the Park disturbing the dogs causing a possible accumulation of stray dogs in the area. 5) Depreciation of residential property in the area. 6) What are the alternatives?

In answer to some general questions regarding the alternatives, Chairman Toomey stated the following:

- 1) The Sanitary Landfill on the Boston Post Road and Feeley Park on Raymond Road do not have available utilities, and are not centrally located.
- 2) Buddy Dog has expressed on several occasions that it has no room for Town dogs because of a fairly new dog spaying program.
- 3) Dakin Road is being used now for emergency dogs, but is in a residentially-zoned area.



The abutters also mutually agreed that they had not been up-to-date on the 1978 Annual Town Meeting Articles and had not realized, although it was printed in the Warrant, that the vote including the appropriation of \$10,000 was to build a dog pound facility at Featherland Park. They had all assumed that the appropriation would build a dog pound at the Sanitary Landfill, which was the designated place turned down last year at Town Meeting because the vote would have included an appropriation of \$25,000 - - an amount the Town objected to.

In answer to the abutters' question, Selectman Toomey stated that they would need 200 signatures for a petition article to call a special town meeting.

Mr. Clay Allen, 515 Concord Road, submitted a petition dated May 8, 1978, to the Board of Selectmen, containing 39 signatures in opposition to the Dog Pound Facility being constructed at Featherland Park. Mr. Allen stated that he could probably get the necessary 200 signatures to call a Special Town Meeting.

Chairman Toomey said that the Board would be reluctant to calling a special town meeting after school is out, but if the petition was submitted, the Board would have no choice.

Annual Appointments

Following consideration, it was on motion unanimously

VOTED: To make the following appointments, subject to acceptance by appointee:

Francis E. White as Inspector of Buildings for a term to expire on April 30, 1979.

Francis E. White as Zoning Enforcement Agent for a term to expire on April 30, 1979.

Francis E. White as Wiring Inspector for a term to expire on April 30, 1979.

Earl D. Midgely as Deputy Building Inspector for a term to expire on April 30, 1979.

Josiah F. Frost as Civil Defense Director for a term to expire on April 30, 1979.

Howard C. Kelley as Civil Defense Radio Operator for a term to expire on April 30, 1979.

Rexford Moss as Deputy Building/Zoning Inspector for a term to expire on April 30, 1979.

George Ey as Deputy Plumbing/Gas Inspector for a term to expire on April 30, 1979.

Warren E. Boyce as Deputy Wiring Inspector for a term to expire on April 30, 1979.

Richard E. Thompson as Executive Secretary for a term to expire on April 30, 1979.

Selectmen William F. Toomey and John E. Murray as Fence Viewers, each for a term to expire on April 30, 1979.

Josiah F. Frost as Fire Chief for a term to expire on April 30, 1979.

Josiah F. Frost as Forest Warden for a term to expire on April 30, 1979.

Howard Porter as Inspector of Gas, Piping, and Gas Appliance for a term to expire on April 30, 1979.

Richard E. Thompson as Town Agent, Industrial Accident Board for a term to expire on April 30, 1979.

Richard W. Murphy retained as Labor Relations Counsel for conducting 1978-79 fiscal year negotiations with all local bargaining units.

Nicholas Lombardi as Keeper of the Lockup for a term to expire on April 30, 1979.

Clifford J. Hughes as MBTA Designee for a term to expire on April 30, 1979.

Samuel Reed as Pound Keeper for a term to expire on April 30, 1979.

Alfred Bonazzoli as Public Weigher for a term to expire on April 30, 1979.

Robert A. Noyes as Sanitary Landfill Agent for a term to expire on April 30, 1979.

William F. Toomey as Representative to SPHNA for a term to expire on April 30, 1979.

Robert A. Noyes as Street Lighting Agent for a term to expire on April 30, 1979.

Robert A. Noyes as Superintendent of Cemeteries for a term to expire on April 30, 1979.

Ralph Stone as Surveyor of Lumber & Measurer of Wood for a term to expire on April 30, 1979.

John H. Wilson as Town Accountant for a term to expire on April 30, 1979.

Paul L. Kenny as Town Counsel for a term to expire on April 30, 1979.

James V. Merloni as Town Engineer for a term to expire on April 30, 1979.

Edith Creter as U. N. Day Chairman for a term to expire on April 30, 1979.

Frank Grinnell as Veterans' Agent and Director of Veterans' Services for a term to expire on April 30, 1979.

Frank Grinnell as Veterans' Graves Inspector for a term to expire on April 30, 1979.

Joseph A. Klein to the Board of Appeals for a term to expire on April 30, 1983.

Robert D. Burd, Lawrence L. Blacker, David D. Horn and David G. Berry as Associate Members to the Board of Appeals, each for a term to expire April 30, 1979.

Royal E. Haynes, Royce C. Kahler and George D. Max to the Archeological Advisory Committee-Haynes Garrison Site for a term to expire April 30, 1979.

Kathleen M. Brown, Judith A. Cope and W. James Hodder to the Conservation Commission, each for a term to expire April 30, 1981.

Paul J. Leahy and Donald B. Willard to the Council on Aging, each for a term to expire on April 30, 1981.

Donnilea S. Marshall to the Historic Districts Commission for a term to expire on January 1, 1984.

John H. Wilson, John C. Naatz and William P. Reed to the Insurance Advisory Committee, each for a term to expire on April 30, 1979.

Edward J. Mulcahy and Paul J. Remington to the Long Range Capital Expenditures Committee for terms to expire on April 30, 1981 and on April 30, 1980, respectively.

Mary Jane Hillery and Carol A. Hull to the Memorial Day Committee, each for a term to expire on April 30, 1981.

Daniel P. McLean to the Personnel Board for a term to expire on April 30, 1981.

Louise Babigian as Registrar for a term to expire on April 30, 1981.

G. Burton Mullen and Barbara F. Pryor to the Sign Review Board, each for a term to expire on April 30, 1981.

Patricia M. Glazer and Nora R. Hall to the Talent Search Committee, each for a term to expire on April 30, 1981.

Victor L. Neumeier, Michele Singer, Marian Zola, Robert J. Westcott, Jr., D. Nadine Wallack, Teresa N. Lukas and Joan S. Maxwell to the Town Report Preparation Committee, each for a term to expire on April 30, 1979.

Ronald Laasanen, John R. McLean, Sr., Joseph Bausk, Joseph Bisson, Armando Troisi, Robert Hall, Raymond J. Spinelli, Sr., and Richard E. Hession as Special Constables, Paid Detail, each for a term to expire on April 30, 1979.

Francis E. White and Josiah F. Frost as Special Constables, Non-Paid, each for a term to expire on April 30, 1979.

Robert Clark and William Kleiner as Special Constables, Non-Paid, for Protection of Persons and Property at Sperry Rand, both for a term to expire on April 30, 1979.

Robert Hatfield, Everett Mitchell, Roland Soucy, Bernard Murphy, Ernest Russo and Robert V. Goudey as Special Constables, Non-Paid, for traffic duty only, at

Raytheon, each for a term to expire on April 30, 1979.

Warren Wright as Special Constable, Non-Paid, for traffic duty only at Loring School, for a term to expire on April 30, 1979.

William Long, Chester Rafus and Richard E. Santella as Special Constables, Non-Paid, for Protection of Persons and Property at the Regional High School, each for a term to expire on April 30, 1979.

David E. Finan as Special Constable, Non-Paid, for Protection of Persons and Property, to work with Juvenile Officer at the Regional High School for a term to expire April 30, 1979.

Jeanne McCarthy, Irene Mele, Helen Nadeau and Darlene Robinson as Policewomen (Crossing Guards) each for a term to expire April 30, 1979.

There being no further business to come before the Board, the meeting was adjourned at 10:00 P.M.

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

Richard E. Thompson  
Executive Secretary-Clerk