

IN BOARD OF SELECTMEN
MONDAY, SEPTEMBER 11, 1978

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

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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.

Jurors

Present: Betsey M. Powers, Town Clerk.

The Board drew the name of Ronald M. Cowin, 28 Drum Lane, to serve as juror at Lowell Court commencing October 2, 1978, and the names of Teresa L. Ainsworth, 44 Maple Avenue, and Richard G. McCarthy, 4 Blacksmith Drive, to serve as jurors at Cambridge Court commencing October 2, 1978.

Executive Session

At 7:40 p.m. it was on motion by roll call unanimously

VOTED: To enter into Executive Session for the purpose of discussing the reputation and character, physical condition or mental health rather than the professional competence of a single individual (s).

(Roll call vote: Chairman Toomey in favor and Selectman Murray in favor.)

The members of the Board of Health who were present, John V. Sullivan, Health Director, William W. Cooper and E. Lawrence Gogolin, concurred with the above vote to go into Executive Session.

Chairman Toomey announced that public session would reconvene following the Executive Session.

Award Bids - No. 2 Fuel Oil and Service for Burners and Boilers for Town Buildings, 1978-79 Heating Season

Present: Francis E. White, Building Inspector.

Executive Secretary Richard E. Thompson stated that at the Board's meeting on August 21st the Selectmen concurred to table the matter of the recently advertised bids, opened on August 16, 1978, for supplying No. 2 fuel oil and for servicing and cleaning the burners and boilers for Town buildings for the 1978-79 heating season until the Board's next meeting (September 11, 1978) so that the Executive Secretary could obtain the requested data to substantiate the recommendation of the Building Inspector in his letter dated August 17, 1978, and the recommendation of the Fire Chief of the same date, to award the bid to Interstate Gas & Oil Corporation, the second lowest bidder.

The Board reviewed communications from the Fire Chief and Building Inspector dated August 23rd and August 24th respectively, which set forth several reasons for their recommending the firm of Interstate Gas & Oil Corporation.

Chairman Toomey suggested that the bids be awarded to the low bidder. The Building Inspector stated that the bids of the low bidder, Concord Oil Co., Inc., and Interstate Gas & Oil Corporation were so close, and based on the past experience of the town regarding the prompt service of Interstate Gas & Oil Corporation, that he again recommended that the Board consider awarding the bid to Interstate.

Frank Grinnell commented that Interstate Gas & Oil Corporation will go out of their way to give service to the Town.

The Executive Secretary stated that the difference between the low bidder and the second lowest bidder is approximately eight to nine hundred dollars, based on the volume of the Town's usage.

Mr. Thompson further stated that, although Selectman Robert J. Hotch is not present tonight, (he is in England), they did review the agenda together before he left, at which time Selectman Hotch indicated he would be in favor of awarding the bids to the low bidder.

In answer to Selectman John E. Murray, Mr. Thompson stated that it has been the past practice of the Board to split the bid and suggested that the fuel oil bid be awarded to Concord Oil Co., Inc., 147 Lowell Road, Concord, and that the service bid be awarded to Interstate Gas & Oil Corporation, 239 Nobscot Road, Sudbury.

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

VOTED: To award the bid for supplying No. 2 fuel oil for Town Buildings during the 1978-79 heating season, to expire September 1, 1979, to Concord Oil Co., Inc., 147 Lowell Road, Concord, Massachusetts, for the net delivered price of \$.3920 per gallon, including a constant increment of \$.0175 per gallon, in accordance with their proposal dated August 17, 1978;

and it was further

VOTED: To award the bid for servicing and cleaning burners and boilers of Town buildings during the 1978-79 season, to expire September 1, 1979, to Interstate Gas & Oil Corporation, 239 Nobscot Road, Sudbury, for \$10 per hour from 8 a.m. to 5 p.m. on weekdays and \$15 per hour on nights, weekends, and holidays, in accordance with their proposal dated August 10, 1978.

Site Plan #78-192 - Studio of Ballet Arts, Sylvia Silverman

In accordance with Article IX, Section V, Paragraph A of the Sudbury Bylaws, the Board considered site plan renewal application #78-192 of Sylvia Silverman, Studio of Ballet Arts, for property located at 717 Boston Post Road, owned by Richard Babineau.

The Executive Secretary reported that all appropriate abutters and Town officials have been notified, and that the following communications have been received regarding the same: 1) a report from the Building Inspector/Zoning Enforcement Agent dated September 1, 1978, recommending approval; 2) a report from the Board of Health dated September 8, 1978, recommending approval; 3) a communication from the Conservation Commission dated September 6, 1978, indicating that the above-mentioned site plan does not concern the Commission; and 4) a report from the Planning Board dated August 25, 1978, recommending approval with the following conditions: a) parking be limited to designated areas as per plan; b) garage and

parking area in northeast area of site be limited to residential related use; and c) Studio of Ballet Arts be the only use permitted.

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

VOTED: To approve and sign site plan #78-192 (renewal) dated August 11, 1976, of Sylvia Silverman, Studio of Ballet Arts, for property located at 717 Boston Post Road, owned by Richard Babineau, subject to the conditions set forth in the Planning Board's letter of August 25, 1978.

Base Radio Station Replacement Request

The Board reviewed a communication from the Fire Chief dated August 30, 1978, relative to the need and a proposal for replacing the Base Radio Station for the Fire Department, and indicating the intention to use funds from the 1978-79 budget, Equipment Account #310-51 in the amount of \$1,890, which had been allocated for other purchases that now must be postponed.

The Board accepted and concurred with the Chief's communication dated August 30, 1978, subject to review and approval of the Town Accountant.

Temporary License for the Sale of Wines and Malt Beverages - Our Lady of Fatima Parish

It was on motion unanimously

VOTED: To grant a Temporary License for the Sale of Wines and Malt Beverages Only, to be drunk on the premises, to N. R. Finamore, Our Lady of Fatima Parish, for their annual picnic at the Parish grounds on Concord Road on September 24, 1978, from 1:00 - 6:00 p.m.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular and executive sessions on August 21, 1978, as drafted.

Resignations

The Board acknowledged the resignations of Carlton W. Ellms, Jr., dated August 21, 1978, from the Historic Districts Commission and of Frederick R. Garrity dated September 5, 1978, from the Personnel Board, both effective immediately, and directed the Executive Secretary to acknowledge their letters of resignation and express the Board's appreciation for their services on the Historic Districts Commission and the Personnel Board, respectively.

Appointment - Temporary Patrolman 9/11/78 - 12/4/78

Following a brief discussion it was on motion unanimously

VOTED: To authorize the Executive Secretary to appoint one Temporary Patrolman for the period 9/11/78 - 12/4/78 for the temporary replacement of a Permanent Patrolman who will attend the Police Training Academy, and further, to authorize the Executive Secretary to file and sign the appropriate forms and documents with

the Division of Personnel Administration for their approval.

Appointments - Special Constables, Raytheon

It was on motion by Selectman John E. Murray unanimously

VOTED: To appoint two Special Constables (non-paid), one being Joseph A. DiPietro, Jr., 66 Grant Avenue, Belmont, to replace Ronald Souci, and the other being Eric Montgomery, 645 Worcester Road, Wellesley Hills, both for traffic duty only at Raytheon Company, for terms to expire April 30, 1979.

Election Officers Appointments

It was on motion by Selectman John E. Murray unanimously

VOTED: To make the following appointments:

Jane C. Carroll, 155 Moore Road, as Democratic Election Officer-Emergency Inspector, to replace Linda Glass, for the year commencing August 15, 1978.

William T. Maloney, 119 Willis Road, as Democratic Election Officer-Teller, to replace Joan Felleman, for the year commencing August 15, 1978.

Massachusetts Municipal Associations Questionnaire

The Board acknowledged receipt of responses from the local candidates to the questionnaire prepared by the Massachusetts Municipal Associations and directed the Executive Secretary to forward the same to the Massachusetts Municipal Associations.

Department of Public Utilities, Telephone Case #18153

The Board discussed a report presented by the Executive Secretary dated August 31, 1978, detailing the present and projected costs related to Sudbury's Telephone Case #18153 before the Department of Public Utilities for extended local calling (E.L.S.).

The Board concurred that Town Counsel should continue with the necessary hearings, which can be covered by the projected costs presented by the Executive Secretary, and to discuss the subject once again if Town Counsel feels that there will be additional costs due to an increase in the number of hearings than currently projected.

The Executive Secretary was requested to contact Massachusetts towns which would benefit by the suit to ask if they would be willing to contribute toward the cost of expenses.

Appointment-Personnel Board

Present: Daniel P. McLean, Chairman; Alan P. Carpenter and Frederick R. Garrity, Personnel Board; Donald R. Oasis, Frederick W. Welch and Sahag R. Dakesian, candidates.

Following an interview of the candidates, the Board agreed to table the appointments (to fill two vacancies) to the Personnel Board until such time as there is a full Board present. Chairman William F. Toomey thanked the candidates for coming tonight, and stated that the appointments would be made as soon as possible.

Police Department Emergency Telephone Recording System

Present: Edward L. Glazer, Finance Committee.

The Board reviewed communications dated August 30, 1978, and September 8, 1978, from John H. Wilson, Town Accountant, in consideration of a proposal dated July 26, 1978, from Dictaphone Corporation for the purchase of an emergency telephone recording system for the Police Department, and following discussion, the Board concurred to have the Executive Secretary meet with the Finance Committee for further discussion at that Committee's regularly scheduled meeting of September 21st on the matter of funding said system.

Communication from Department of Housing and Urban Development

The Board acknowledged receipt of a communication dated August 16, 1978, from the Department of Housing and Urban Development (HUD) informing the Town that its pre-application for Small Cities Funds for fiscal year 1978 (housing rehabilitation and street resurfacing and drainage - Pine Lakes and Pine Rest) was not approved.

Communication from the Massachusetts Historical Commission

The Board acknowledged receipt of a communication dated July 24, 1978, from the Massachusetts Historical Commission informing the Town that its pre-application for Fiscal Year 1979 Acquisition & Development Grant funds (Hosmer House restoration) has not been approved.

Reward for Information Leading to Arrest of Vandals

At the Board's last meeting on August 21st, the Executive Secretary reported that extensive damage had been done in the Mount Pleasant Cemetery and North Cemetery over the weekend and recommended a reward be posted for information leading to the apprehension of the juveniles allegedly involved in the vandalism, which resulted in the Selectmen requesting Town Counsel to look into the matter and report back to the Board.

The Board reviewed a communication dated August 23, 1978, from Town Counsel indicating that the General Laws, Chapter 276, section 10 provides that Selectmen may offer a reward, not to exceed \$500, for the apprehension of persons who have committed a felony (a crime punishable by death or imprisonment), such as the destruction of a monument or gravestone.

Chairmen William F. Toomey requested that the press publicize that the office of the Board of Selectmen would be accepting donations to constitute a "reward" fund.

Tax Anticipation Notes

It was on motion unanimously

VOTED: To authorize the borrowing of \$1,000,000 in Tax Anticipation Notes as requested by the Town Treasurer in a communication dated September 7, 1978.

Appraisal of Furnishings - Hosmer House

It was on motion unanimously

VOTED: To accept an Appraisal of Furnishings of the Hosmer Houser by Carl W. Stinson, Inc., completed in August, 1978.

Change in Board of Selectmen's Meetings Schedule

It was on motion by Chairman William F. Toomey unanimously

VOTED: To accept the recommendation of the Executive Secretary to change the regularly scheduled meeting of September 25th to September 27, 1978.

Chairman Toomey recessed the meeting at 9:05 p.m. for a ten-minute break; the meeting was called back to order at 9:15 p.m.

Appointment

Present: Lynne H. Remington, Chairman, Joan C. Irish, Conservation Commission.

On the recommendation of the Conservation Commission in their communication dated September 6, 1978, it was on motion unanimously

VOTED: To appoint Teresa N. Lukas, 18 Briar Patch Lane, to the Conservation Commission to fill the unexpired three-year term of W. James Hodder to expire April 30, 1981.

Interview - Permanent Building Committee

Present: Michael E. Melnick, Candidate.

Following an interview of the candidate, the Board agreed to table the appointment to the Permanent Building Committee until such time as there is a full Board present, and following the interview of another interested candidate, the appointment would be made. Chairman Toomey thanked Mr. Melnick for attending tonight's meeting.

Cluster Zoning Bylaw Proposed by the Planning Board

Present: William R. Firth, Olga P. Reed, John C. Cutting and Robert F. Dionisi, Planning Board; Lynne H. Remington, Chairman, and Joan C. Irish, Conservation Commission; Edward L. Glazer, Finance Committee.

Chairman William F. Toomey announced a joint meeting with the Planning Board relative to cluster housing and the Planning Board's draft of a proposed Cluster Zoning Bylaw and stated that Mr. William R. Firth of the Planning Board would be giving a slide presentation.

Mr. Firth's presentation included a series of slides showing a cluster development in Concord which illustrated the developer's concern for the preservation of streams, open meadows and vegetation by siting houses accordingly and by working along with the Planning Board in determining where the road system should go, how to avoid taking down mature trees and how to avoid destroying or cutting up hill-sides, all of which leads to a much more sensitive approach to sub-division.

Mr. Firth explained, for instance, that siting houses on condensed lots (1/2 to 3/4 acre) is more sensible, since it is a means to preserve the aspects of the site, which would ordinarily be lost in the traditional 1 to 1½ acre building lot where open space is lost.

Mr. Firth further stated that cluster zoning is a desirable approach for the Planning Board in looking for new methods of sub-division, and allows working with

the developers in preserving environmental aesthetics of larger land parcels.

Mr. John Cutting of the Planning Board spoke on the principle of cluster zoning particularly as it relates to the long-term protection of the quality of Sudbury's ground water supply, as referred to in the MAPC 208 Water Quality Study and the Motts' Hydrology Study.

In answer to Chairman Toomey, Mr. Cutting stated that the Planning Board is presently consulting the various boards in Town, and that they plan to go before the next Annual Town Meeting with a proposed Cluster Zoning Bylaw. Mr. Cutting said that the Board of Health has reviewed the Cluster Zoning Article draft from a technical point of view.

Also in answer to Chairman Toomey, Lynne H. Remington, Chairman of the Conservation Commission, stated that the Conservation Commission has been in continual communication with the Planning Board relative to the preparation of the cluster zoning bylaw amendment.

Chairman Toomey suggested that the Planning Board hold public meetings in the schools for the various districts within the Town in order to fully explain the proposed zoning change to the townspeople before presenting the same at the Annual Town Meeting, and suggested advertising the same. Mr. Firth expressed his agreement with this suggestion.

The Selectmen commended the Planning Board for their work on the proposed Cluster Zoning By-Law, to date, and encouraged them to continue to work with various Boards and Commissions, and obtain public input, before finalizing the wording for the same. Chairman Toomey expressed his general support of the Cluster Zoning By-Law as drafted and presented this evening.

There being no further discussion or questions, Chairman Toomey thanked everyone for coming.

There being no further business to come before the Board, the meeting was adjourned at 9:35 p.m.

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk