

IN BOARD OF SELECTMEN
MONDAY, SEPTEMBER 18, 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.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular and executive sessions of September 11, 1978, as drafted.

Temporary Licenses - Wine and Malt Beverages

In response to his request dated September 11, 1978, 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 Russell P. Kirby, Sudbury Ancient Fyfe and Drum Companie, for their Eighth Annual Muster on the grounds of Longfellow's Wayside Inn on September 30, 1978, from 10 a.m. to 5 p.m. This license shall be subject to the provisions that sanitary facilities shall be provided for the people in attendance, that any required building and wiring permits be obtained, and the approval of the Fire and Police Chiefs;

and it was further

VOTED: To extend the above-referenced license to a rain date of October 1, 1978, if necessary.

In response to his request dated September 8, 1978, 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 Victor G. Walsh, Treasurer, Friends of the Library, for October 14, 1978, from 8 p.m. to 12 Midnight, at Our Lady of Fatima Parish Hall, Concord Road, for the purpose of a square dance to raise funds to purchase tables for the Library.

Resignation

The Board acknowledged the resignation of Teresa N. Lukas from the Town Report Preparation Committee, effective immediately, and directed the Executive Secretary to acknowledge her letter of resignation dated September 12, 1978, and express the Board's appreciation for her service on the Town Report Preparation Committee.

Occupancy of Hosmer House

Executive Secretary Richard E. Thompson stated that the Sudbury Historical Commission met on August 22, 1978, and (by letter of the same date) informed the Board of Selectmen of its unanimous vote recommending that the Selectmen consider requesting Mrs. Linda White (the late Miss Hosmer's companion) and her friend, Miss Josephine Welch (former post mistress at Sudbury Centre Post Office) to occupy the

Hosmer House for security reasons and to act as general custodians of the contents; and further suggesting that the Selectmen consider a rent free and utilities accommodation.

The Board concurred, on the recommendation of the Executive Secretary, to allow him to meet with Town Counsel in order to review from a legal standpoint those recommendations made by the Sudbury Historical Commission, and to report back to the Board with a joint recommended course of action.

Raytheon Company Donation

It was on motion by Selectman John E. Murray unanimously

VOTED: To accept a donation of \$170 from Raytheon Company to be used for the purchase of a Resusci-Baby for Town CPR courses.

The Board expressed its gratitude on behalf of the townspeople to Raytheon Company for this donation.

Tax Anticipation Notes

It was on motion by Selectmen John E. Murray unanimously

VOTED: To confirm action of the Board of signing Tax Anticipation Notes in the amount of \$1,000,000 dated September 20, 1978, and due November 20, 1978, in accordance with a communication from the Town Treasurer, dated September 13, 1978, as follows:

Guaranty First Trust Co.	3.60%	100M
Shawmut Community Bank, N.A.	3.68%	100M
Bay Bank Newton Waltham Trust Co.	3.70%	250M
Shawmut Community Bank, N.A.	3.73%	100M
Guaranty First Trust Co.	3.75%	150M
The First National Bank of Boston	3.79%	250M
Shawmut Bank of Boston, N.A.	3.85%	50M

Historic Districts Commission's Requirements - Village Green, Hudson Road

Executive Secretary Richard E. Thompson stated that he sent a letter to the President of the Coolidge Bank and Trust Co., Raymond Johnson, on August 21, 1978, informing Mr. Johnson that he had met with Burge Warren, a member of the local Historic Districts Commission (HDC) and reviewed the Village Green Site Plan as it specifically relates to a continued hearing held on March 27, 1978, before the Board of Selectmen; and that Mr. Warren expressed his concerns that several items regarding the site plan which needed the approval of the Historic Districts Commission have not yet been totally completed to their satisfaction. Mr. Thompson further stated that he advised the Bank to contact the HDC to get these matters resolved since the records show that all votes and approvals relating to the Village Green site plan are contingent upon obtaining HDC approval of the items listed in the minutes of the March 27th hearing.

Mr. Thompson referenced a communication dated September 13, 1978, from the Chairman of the HDC which stated the Commission's concerns regarding the apparent lack of cooperation on the part of the Coolidge Bank & Trust Co. regarding the need

for a Certificate of Appropriateness and several other unfinished items.

Mr. Thompson said that the Bank has not responded to his letter of August 21st, which listed those items needing HDC approval (see also minutes of March 27, 1978), and, therefore, recommended that the Board request Town Counsel's office to contact the attorney for the Coolidge Bank & Trust Co. immediately and authorize Town Counsel, at the same time, to represent the HDC, if necessary, to proceed with some form of action. The Board expressed its concurrence with the foregoing recommendation.

Town Counsel addressed some concerns of the Board relative to the issuance of an Occupancy Permit, and explained that the Building Inspector could not issue an Occupancy Permit until the site plan has been complied with.

Community Cablevision of Framingham

The Board reviewed a communication dated September 7, 1978, from Town Counsel's office relative to the recommended course of action for processing the application of Community Cablevision of Framingham, which was last discussed at the Board's meeting on June 12, 1978, to string cable along approximately three miles of Sudbury roads.

Town Counsel stated that, if Community Cablevision of Framingham desires to string cable along Sudbury roads, it would be necessary for Community Cablevision of Framingham and the owners of the poles (Boston Edison and/or New England Telephone) to enter into a pole attachment agreement following which a public hearing of the petitioner, Community Cablevision of Framingham, is required before the Board of Selectmen. If the petition is granted at this time, the Board must then act on a joint petition by Community Cablevision of Framingham and the owners of the poles, which petition would request authorization for Community Cablevision of Framingham to "attach its wires and fixtures to existing poles. . . of the other" petitioner. (This does not require a public hearing, and both petitions may be acted upon consecutively.)

Executive Secretary Richard E. Thompson stated that, as requested by the Board, he was in touch with the Framingham Board of Selectmen and the Executive Secretary and as a result noted receipt of excerpts of the Framingham Board's minutes of May 30, 1978, and June 19, 1978, on the subject of Community Cablevision of Framingham. Mr. Thompson also reviewed a South Middlesex News article (June 20, 1978) which reported that as a result of Framingham Selectmen's meetings, a permanent license for Community Cablevision of Framingham has been granted for half the town of Framingham, and a provisional license for Community Cablevision of Framingham has been issued for the rest of the Town.

Following discussion, the Board concurred, on the recommendation of the Executive Secretary, to authorize him to forward a copy of Town Counsel's communication dated September 7, 1978, to Community Cablevision of Framingham for their information.

Public Hearing - Dog Complaint

Present: Betsy M. DeWallace, Assistant Dog Officer; Francis J. Darcy, owner; Mr. and Mrs. John J. DiPalma, complainants; and Judith F. Thompson, neighbor.

Chairman William F. Toomey convened a Public Hearing under G.L. Chapter 140, s.157 on the Dog Complaint dated August 24, 1978, of Mrs. Jane M. DiPalma, 23 Brooks Road, against a dog owned by Francis J. Darcy, 64 Ames Road, (1978 License No. 1298, "Heidi"); said complaint states that the Darcy dog attacks small female dogs and cats.

Executive Secretary Richard E. Thompson stated that the complaint was filed in the Town Clerk's office on August 24, 1978, that both parties were notified of the public hearing by certified mail, and that the following reports relative to the same have been received: 1) from the Dog Officer dated September 18, 1978, stating no prior record of complaints against the Darcy dog; and 2) from the Assistant Dog Officer dated September 14, 1978, stating that no complaints have been filed against the dog owned by Mr. Darcy.

Mrs. Jane M. DiPalma stated that her dog was attacked by the Darcy dog and that when she called Mrs. Darcy to ask her to restrain her dog, Mrs. Darcy responded that she would not restrain her dog when Mrs. DiPalmer's dog is out.

Mr. DiPalma said that upon returning from the veterinarian with his dog, he spoke to Mr. Darcy regarding reimbursement for medical expenses and received a negative response. Mr. DiPalma said that he then told Mr. Darcy that he planned to file a complaint against his dog, Heidi; and his wife filed a complaint the next day.

Mr. Darcy stated that he did not witness the incident, but questioned a neighbor, who said that the dogs were in her yard.

In answer to Chairman Toomey, the Assistant Dog Officer explained that the Dog Control Law requires that a dog be under the control of the owner during the hours of 7 a.m. to 8 p.m. seven days a week.

Mrs. Judith F. Thompson introduced herself and stated that Heidi had attacked her dog also on three different occasions, and that Mr. Darcy had verbally offered to do something about it, but never responded again.

Mr. Darcy said that he received one telephone complaint from Mrs. Thompson, at which time she had stated that her dog had been attacked by his dog once before.

Mr. Darcy submitted his personal receipts of doctor's bills for various incidences where his son and his dog had been bitten and attacked by other neighborhood dogs, making a point that others involved in similar incidences had not offered to share the expenses incurred.

In response to Chairman Toomey's question, the Assistant Dog Officer responded that she has not seen the Darcy dog, Heidi.

It was the consensus of opinion, on the recommendation of Selectman John E. Murray, to table making a decision until September 27th, and to request a report from the Assistant Dog Officer, after visiting the dog, to determine if the dog owned by Mr. Darcy should be permanently restrained; in the meantime, the dog is to be restricted according to the Dog Control Law, which means that the dog shall be under the owner's control during the hours of 7 a.m. to 8 p.m. daily.

Digital Equipment Corporation Seminar

Executive Secretary Richard E. Thompson reminded the Board that the Digital Equipment Corporation's seminar entitled "Symphony of Solutions" will be held tomorrow, September 19th, at the Copley Plaza Hotel.

Finance Committee Meeting

The Executive Secretary stated that he will be attending the Finance Committee meeting on Thursday evening, September 21st, in accordance with the Board's vote of September 11, 1978, requesting that the Executive Secretary meet with the Finance Committee relative to a proposal dated July 26, 1978, from Dictaphone Corporation for the purchase of an emergency telephone recording system for the Police Department and the matter of funding said system.

Mr. Thompson said that the 1979 Personnel Administration Plan and clerical study will also be discussed at Thursday night's meeting.

Massachusetts League of Cities & Towns

Executive Secretary Richard E. Thompson stated that he received, as designated representative within the community, a copy of the official ballot of the Massachusetts League of Cities & Towns listing nominations to the Executive Board.

Mr. Thompson read the ballot, and following a brief discussion, the Selectmen authorized the Executive Secretary to forward the ballot to the Massachusetts League of Cities and Towns by September 30th, as requested in the cover letter from the Massachusetts League of Cities and Towns dated September 8, 1978.

House No. 6109 - "King Amendment"

Executive Secretary Richard E. Thompson brought the Board's attention to a communication dated September 7, 1978, from the Legislative Research Council, Legislative Research Bureau, Commonwealth of Massachusetts, relative to House No. 6109 - "King Amendment", proposed to amend the Constitution, and it was mutually agreed by the Board of Selectmen to postpone discussion and response to the same due to the upcoming State Primary Election.

Human Relations Advisory Committee

The Executive Secretary called the Board's attention to a communication dated September 15, 1978, from Oscar W. Harrell, advising the Board of a newly developed Human Relations Advisory Committee at the Lincoln-Sudbury Regional High School, of which Mr. Harrell is Chairman, and requesting representation from the Board of Selectmen at its meeting of September 28.

Mr. Thompson stated that this issue is scheduled for discussion at the next Board of Selectmen meeting on September 27, 1978.

Out-of-State Travel

The Board concurred with the Executive Secretary's recommendation, which remains the same as in previous years, regarding plans for use of the 1978-79 out-of-state travel account as previously approved by the Selectmen, Finance Committee, and appropriated by Town Meeting action.

There being no further business to come before the Board, the meeting was adjourned at 8:30 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk

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