

IN BOARD OF SELECTMEN  
MONDAY, JANUARY 29, 1979

Present: Chairman John E. Murray, Robert J. Hotch and William J. Cossart.

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

Organization of the Board

Executive Secretary Richard E. Thompson recommended that the Board consider the customary reorganization of the Board of Selectmen following an election for a new Selectman (William J. Cossart elected on January 22, 1979), which involves the following:

- 1) election of a Chairman (John E. Murray elected Chairman on November 21, 1978);
- 2) election of a Clerk to the Board of Selectmen; and
- 3) setting the time and place of the meetings.

Following a brief discussion regarding the time and place of the meetings, it was on motion unanimously

VOTED: To re-elect John E. Murray Chairman of the Board of Selectmen until the next reorganization of the Board of Selectmen;

and it was further

VOTED: To reaffirm that Richard E. Thompson continue to serve as Clerk to the Board of Selectmen;

and it was further

VOTED: To reaffirm the place and the day of the meetings (lower Town Hall - Monday evenings), but to change the beginning meeting time from 7:30 P.M. to 7:00 P.M.

Selectmen's Liaison Assignments for 1978-79

The Board reviewed a breakdown of liaison assignments for 1978-79 to be distributed to all departments, boards, committees and commissions. Following a discussion of the same, the Board directed the Executive Secretary to amend the list in accordance with their recommendations and comments, and in addition, requested that he draft a letter which would be sent to all departments, boards, committees and commissions asking that they provide the Selectmen's office with copies of the minutes of their meetings.

It was agreed to continue further discussion at the Board's next meeting on February 5th.

Intention to Lay Out Streets - Articles 9 & 10, 1979 Annual Town Meeting

Present: William R. Firth, Olga P. Reed and John C. Cutting, Planning Board; James V. Merloni, Town Engineer; Josiah F. Frost, Fire Chief; Bradley Reed, Historic Districts Commission; Harold R. Cutler.

Executive Secretary Richard E. Thompson read a schedule concerning the Board's required action relative to the laying out of certain streets for possible street acceptances at the 1979 Annual Town Meeting.

The Board reviewed the Newbridge Road layout with James V. Merloni, the Town Engineer. Mr. Merloni explained that this was not the final plan to be recorded, but that he expected the final plan, at any time, from the County engineering office. Mr. Merloni emphasized the appropriation amount of the "Street Acceptance - Newbridge Road" article, stating that approximately \$10,000 would be for the land takings; the remainder of approximately \$5-6,000 would be used for construction purposes.

Selectman William J. Cossart questioned the total release of the bonds prior to acceptance as a Public Way when reviewing the Darvell Drive street acceptance.

William R. Firth of the Planning Board confirmed the Executive Secretary's comment that the Planning Board only releases bonds upon the recommendation of the Town Engineer, who is the Planning Board agent, as well as the Selectmen's agent.

Following further discussion it was on motion by Selectman Robert J. Hotch unanimously

VOTED: That the Board lay out Paddock Way from Dakin Road to a dead end, Deacon Lane from Pantry Road to a dead end, Witherell Drive from Willis Road to Belcher Drive, Cakebread Drive from Witherell Drive to a dead end, Taintor Drive from Witherell Drive to a dead end, Darvell Drive from Witherell Drive to Belcher Drive, Belcher Drive from Willis Road to Bowker V, Robert Best Road from Peakham Road to Peakham Road, Colburn Circle from Robert Best Road to a dead end, Curtiss Circle from Robert Best Road to a dead end, and Newbridge Road from Clark Road to Water Row, at its regular meeting on March 19; that proper notice of the Board's intention to lay out those ways be given to the owners of the property in question not less than seven days before such date; and that the proposed layouts be referred to the Planning Board for their report thereon.

Viewing Dog Pound Site

Selectman Robert J. Hotch suggested that the Board meet with the Dog Officer, Francis E. White, to view the proposed dog pound site - the "Parkinson Land".

In answer to Selectman William J. Cossart, Chairman Murray explained that the Board has considered several different sites for the proposed dog pound but has not made a final decision, and that they will consider any other possibilities brought to their attention.

Selectman William J. Cossart suggested that the Board consider looking into the area where the trailer is located at the Sudbury Landfill as another possible site for the dog pound.

Selectman Cossart continued to say that there is presently a Warrant article for the 1979 Annual Town Meeting to bring electricity to the trailer; he pointed out that this may also be a good consideration due to the fact that there are no neighbors who would object, it is easily accessible, and the area is not on filled land.

Executive Secretary Richard E. Thompson pointed out that the Board had tentatively agreed on the Parkinson Land; he explained that other areas looked into by the Board had been discounted, mainly because of Board of Health requirements. Mr. Thompson said that Mr. White was concerned about the lack of space at the landfill when the Board had originally considered a location there next to Route 20.

It was agreed that the Board would meet at the Loring Parsonage at 9:00 a.m. on February 10th with the Dog Officer to view the Parkinson Land and the suggested area at the landfill for the proposed dog pound.

Site Plan #R78-190 - Coolidge Bank & Trust Company, Village Green

The Board voted on November 27, 1978, to grant an extension of site plan #R78-190 to the Coolidge Bank & Trust Company (Village Green) to January 15, 1979, so that the requirements of the Historic Districts Commission could be complied with, in accordance with a letter dated October 27, 1978, from Bulent Kastarlak, who was the architect for the Village Green shopping center representing the Coolidge Bank & Trust Company.

Executive Secretary Richard E. Thompson called the Board's attention to a letter dated January 29, 1979, from the Building Inspector, Francis E. White, explaining that he had inspected the property on January 24th, and that certain items had not been completed in compliance with the Historic Districts Commission (HDC) requirements.

Mr. Thompson said that he received verification of the same from Mrs. Donnilea S. Marshall, Chairman of the HDC, and recommended the Board request that a member of the Coolidge Bank & Trust Company and a representative from the HDC meet with the Board as soon as possible to settle the matter.

The Executive Secretary reviewed the HDC requirements and the Village Green site plan with the Board.

Selectman Cossart asked if an extension was issued by the Sign Review Board for the temporary sign for Ephraim's Restaurant, and after looking through his material stated to the Board that it had been approved (for extension) until February 27th.

Following further discussion the Board directed the Executive Secretary to arrange a time to meet with the President or his representative of the Coolidge Bank & Trust Company and a representative of the HDC in an effort to settle the matter of noncompliance to site plan #R78-190.

Massachusetts Bay Transportation Authority (MBTA)

Present: Clifford J. Hughes, Designee, MBTA.

The Board acknowledged receipt of a communication dated January 19, 1979, from James E. Smith of the MBTA, dealing with the new Director, Mr. Foster; the Board reviewed the proposed MBTA budget with Clifford J. Hughes, MBTA Designee, copies of which Mr. Hughes distributed to the Board and other interested persons.

State of Emergency - Town of Sudbury

Present: Josiah F. Frost, Fire Chief.

Selectman John E. Murray stated he believes the Federal Government will shortly be officially declaring several areas in the State of Massachusetts "disaster areas" as a result of the recent heavy storms and accompanying floods.

Selectman Robert J. Hotch officially thanked and commended the Fire Chief for the "super-fantastic" job he did and stated that the Town should be very proud and appreciate the Fire Chief's role (and the other departmental roles under the Chief and the Selectmen); Selectman Murray added acknowledgement for their continuing effort, as well.

Fire Chief Josiah F. Frost expressed his appreciation to his assistant Robert A. Noyes and his radio operator, Marvis Fickett.

Chief Frost detailed the "State of Emergency" in the Town of Sudbury as follows:

At 1:00 a.m. on January 25th the Fire Department received its first of several calls reporting water problems; as of January 29th, the Fire Department had pumped 145 cellars; and in addition, investigated 55 other water-related problems.

The costs involved for Fire Department overtime amounted to \$2,783; for equipment rental costs, \$200; for overtime due the Highway Department, \$1,900; and for estimated material costs, \$2,900 (subject to change). Chief Frost stated that he did not expect the Fire or Highway Departments' budgets to be able to absorb these costs but that he would review them; he said that the emergency was handled as economically as possible for the citizens of the Town under the circumstances.

The State Civil Defense Agency is requesting from the Civil Defense Director the total cost of damages to the Town as it affects Federal and/or State aid. Chief Frost said that the Department is going to have a hard time trying to determine total personal damages; however, it will be easier to obtain estimates from the businesses in Town.

The Chief requested the Selectmen send a letter of "thanks" to Boston Edison indicating that on the two instances when the Fire Department needed their services they were prompt to respond and very accommodating. The Board concurred with the Chief's recommendation.

The Chief talked about the six "marooned" families in Town: the Harmons, on Lincoln Lane, have two pumps going, no oil burner or water heater; they have an electric heater and use a canoe daily for gathering wood and getting food; they informed the Fire Department today that the water in their cellar has gone down 3" and that now there is only 40" of water; they are determined to "stick it out"!

There are several families on Concord Road (near the golf course) who are comfortable but who cannot get out to work.

The Stone brothers and Hannah Dwyer, on Concord Road, are really isolated. The Chief stated that the Department is staying in touch with these six families to be sure they have the daily necessities.

On the recommendation of the Executive Secretary, Chief Frost said he would check with Civil Defense for some guidelines in preparing an estimate of the total damages from the Town to qualify for State or Federal funds.

Executive Secretary Richard E. Thompson called the Board's attention to a letter dated January 26, 1979, from Mr. Noyes (received in the office today) stating that he and the Civil Defense Director were not in agreement with the Board's decision to lift the declaration of emergency on January 25th at 9:00 a.m.

Chief Frost explained his position was misunderstood by Mr. Noyes as expressed in his letter of January 26th; that he did not agree with Mr. Noyes that the declaration of emergency should be extended for another 12-24 hours; he agreed with the Selectmen's decision.

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

VOTED: To confirm action taken by the Board, during the recent heavy rains and accompanying floods, declaring a State of Emergency in the Town of Sudbury on January 25, 1979, at 9:00 a.m., and lifting said State of Emergency on January 26, 1979 at 9:00 a.m.

Chief Frost thanked the Board for their prompt action in declaring the State of Emergency which was necessary in order that the Fire Department could carry out its tasks.

In answer to Selectman William J. Cossart, Chief Frost explained that research and implementation of further flood prevention plans with use of dam control methods by organizations such as SuAsCo, Sudbury Valley Trustees or the Corps of Army Engineers would strengthen the whole basin, which is made up of the Sudbury River Valley, for future prevention of flooding on Route 20 at the Sudbury River.

In answer to Selectman Hotch, the Chief stated that the Town Engineer, James V. Merloni, has inspected the Sherman Bridge (Lincoln Road) which appears to be holding firm and noted that the Bridge is half in Wayland and maintenance is a cooperative effort.

There being no further discussion, Chairman Murray thanked Chief Frost for his report.

CODE Hot Line - Joint Meeting with June Grace, Director of Sudbury  
Public Health Nursing Association (SPHNA)

Present: June Grace, Director, SPHNA.

Executive Secretary Richard E. Thompson stated that an inquiry dated November 16, 1978, had been received from CODE (of Acton) for Sudbury to explore the possibilities of joining CODE; following discussion relative to the same, the Selectmen sent a communication (dated November 29, 1978) to the Lincoln-Sudbury School Department, the Director of SPHNA, and the Board of Health asking for their comments, and their replies suggested accepting the advice of the Director of SPHNA; in addition, the Board received a communication dated January 11, 1979, from Frances Rosenberg, President, Framingham Hot Line, explaining the functions of that Hot Line.

Mr. Thompson brought the Board's attention to a communication received January 26, 1979, from Mrs. June Grace, Director of SPHNA, dealing with an overview of the CODE (of Acton) program, and her recommendations relative to Sudbury's involvement in the program as follows: that the various services offered by CODE can be found in the Town of Sudbury or surrounding Towns; for this reason, Mrs. Grace recommends that the Town not formally get involved with CODE until further documentation of the need arises; and that the Board consider whether there is an overlapping of local services between the Concord/Sudbury area and the Middlesex County area.

Mrs. Grace added that the Board might want to consider focusing some attention in the area of mental health services as a long-range plan for the Town of Sudbury, as this is one area which is not available in the Town.

Chairman John E. Murray asked Mrs. Grace her opinion of the need for a Hot Line, stating that there seems to be many services available to the Townspeople that they are not aware of.

Mrs. Grace commented that 24-hour hot line services are diminishing; she commended CODE (of Acton) for their 24-hour service, however, and for their well-qualified staff.

Chairman Murray suggested that a small committee be formed to assist Mrs. Grace, if she agreed to the necessity for it, to further assess the need for a central-type information center to make known the services available to the Townspeople.

Mrs. Grace agreed with the idea of assembling the information; however, she commented that it is difficult keeping it up-to-date.

Selectman Hotch suggested approaching Town Meeting as a means of obtaining town-wide opinion on the subject.

On the recommendation of the Executive Secretary, the Board agreed that a copy of Mrs. Grace's communication/report be forwarded to the Lincoln-Sudbury School Committee and the Board of Health for additional feedback from them and, if necessary, a follow-up meeting could be arranged with Mrs. Grace to decide whether or not to pursue the matter.

The Board thanked Mrs. Grace for her attendance.

### Easements

The Board considered signing and accepting on behalf of the Town the following easements: a) Drainage Easement dated September 13, 1978, from Webster Cutting, Jr., et al, for Union Avenue; and b) Walkway Easement dated January 5, 1979, from S. F. Doyle and Company, Inc., for Morse Road.

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

VOTED: To sign and accept on behalf of the Town of Sudbury, the following drainage and walkway easements for recording at the Registry of Deeds in Cambridge:

- a. Drainage easement dated September 13, 1978, from Webster Cutting, Jr., et al, as shown on a plan entitled, "Plan of Land in Sudbury, Massachusetts showing Drainage Easement, Union Avenue", dated April 25, 1978;
- b. Walkway easement dated January 5, 1979, from S. F. Doyle and Company, Inc., as shown on a plan entitled, "Plan of Land in Sudbury, Massachusetts showing Walkway Easement Morse Road", dated August 28, 1978.

### Massachusetts Municipal Association Joint Dues

Chairman John E. Murray stated that he attended the annual Massachusetts Selectmen's Association meeting at Hyannis last fall at which time the joint dues matter was brought to a vote. Selectman Murray said that he voted against it, but that it carried in the affirmative by a large majority. He, therefore, recommended, since the total organization has agreed to such a venture of joint dues and the umbrella Massachusetts Municipal Association, and since it is one of our main channels for lobbying efforts on behalf of the cities and towns, that the Board proceed to support it.

On the recommendation of the Executive Secretary, it was on motion by Selectman Robert J. Hotch unanimously

VOTED: To designate Chairman John E. Murray as Voting Member on behalf of the Board of Selectmen.

Chairman Murray read the "Ballot Sheet" and following a brief discussion relative to the amount of joint dues, it was on motion by Selectman John E. Murray unanimously VOTED: To vote "yes" on question #I on the "Ballot Sheet" from the Massachusetts League of Cities and Towns; and to vote "approved" on question #II on said "Ballot Sheet"; and directed the Executive Secretary to mail the ballot sheet to the Massachusetts League of Cities and Towns.

### Printing Capital Improvement Program Booklets

Executive Secretary Richard E. Thompson explained that the Long Range Capital Expenditures Committee (LRCEC) requested 4500 copies of their 1979-84 Capital Improvement Program booklet be printed and delivered along with the Town Report, rather than the usual 1000 printed copies made available at the Annual Town Meeting.

The Board agreed that it would not be economical or worthwhile to have the Capital Improvement Program delivered door-to-door with the Town Report, but Selectman Robert J. Hotch questioned inserting the same as a supplement to the Town Warrant.

Mr. Thompson said that it would be too expensive to do it this way, due to printing and postage fees and further stated that possibly a summary of the LRCEC's report would be appropriate for insertion in the Town Warrant but not the entire report.

Selectman Hotch mentioned the "newsletter" which the Board is considering circulating to the Townspeople from the Selectmen, and suggested this type of procedure of communication between other boards and departments and the Townspeople.

Following further discussion, it was on motion unanimously

VOTED: To approve an expenditure from account 501-81, Surveys & Studies, for the printing of 1000 copies of the Capital Improvements Program booklets for distribution at the 1979 Annual Town Meeting.

#### Appraisal by Vose Galleries - Hosmer House Paintings

The Board received and reviewed the appraisal of all the paintings, which are a part of the Florence Hosmer Estate, from Vose Galleries of Boston and approved payment of the bill issued by them, dated January 16, 1978.

#### Air Quality Project - Metropolitan Area Planning Council (MAPC)

The Executive Secretary, Richard E. Thompson, reviewed that he had been directed by the Board to communicate with the State Department of Public Works (DPW) to officially request that the Route 20 widening project be re-established as a priority matter following receipt of a December 5, 1978, letter from the State DPW.

The Board reviewed a Preliminary Air Quality Project entitled "Route 20 Widening - Sudbury, Mass." prepared by the Executive Secretary to be submitted to the MAPC, identifying the project in anticipation of the availability of planning funds pursuant to Section 175 of the Clean Air Act in conjunction with the Route 20 Widening Project.

Mr. Thompson stated that the above-mentioned project falls within the acceptable set of projects established by the Federal Environmental Protection Agency (EPA).

Selectman William J. Cossart suggested the two following minor corrections/changes:

- 1) that the title of the project be changed to include the words "Control of Idling Time"; and
- 2) that section 6 include the words "The Town is attempting to comply with all aspects of Item 19 shown on the 'Preliminary List of Transportation Control Measures for the Boston Region'".

Selectman Cossart stated that, in his opinion, these changes would give more credence to the application from the point of view of meeting the guidelines in the

project dealing with air quality.

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

VOTED: To approve a response prepared by the Executive Secretary to the Metropolitan Area Planning Council identifying a Preliminary Air Quality Project in anticipation of the availability of planning funds pursuant to Section 175 of the Clean Air Act, as amended,

License for Automatic Amusement Device - JT's Restuarant

Present: Wolfgang Bursch, Forbes Enterprises, Inc.

The Board reviewed a license application dated January 19, 1979, for the operation of an automatic amusement device to be located at JT's Restaurant, 120 Boston Post Road, Sudbury, to expire December 31, 1979.

The Selectmen agreed that the device would encourage gambling and that they would like to have the Police Chief's comments regarding the same.

Mr. Wolfgang Bursch was present and stated that he manufacutred this automatic amusement device and named several restaurants/establishments scattered around Massachusetts that already have these automatic amusement devices installed. Mr. Bursch went on to explain the procedure for the use of these machines and stressed that in no way did the establishment become involved in gambling connected with the operation of the device.

Executive Secretary Richard E. Thompson pointed out that if the above-mentioned license is approved by the Selectmen, it would be a limited license meaning the license would not include use of the automatic amusement device on Sundays.

Following further discussion it was on motion by Selectman Robert J. Hotch unanimously

VOTED: To table further discussion regarding the license application for the operation of an automatic amusement device to be located at JT's Restaurant, 120 Boston Post Road, Sudbury, to expire December 31, 1979, until the Board's next meeting on February 5, 1979, because of the Board's concerns regarding the encouragement of gambling associated with the use of the machine, and their consensus to request comments from the Chief of Police regarding the same.

The Board also directed the Executive Secretary to check with the Police Chief to see if he is available on Friday to meet with Mr. Bursch for a demonstration of the device.

Mr. Bursch commented that he would also like to locate these devices in two other areas in Sudbury, and that he would also mention this to the Police Chief.

Minutes

It was on motion by Selectman Robert J. Hotch unanimously

VOTED: To approve the minutes of the regular sessions of January 16, 1979, and

January 22, 1979, as amended; and the Town Fathers Forum transcript of January 22, 1979, as drafted.

Current Items of Interest

Announcement

Chairman Murray announced a telephone confirmation approval of grant funds in the amount of \$70,000 from the Federal Environmental Protection Agency (EPA) for design of a joint Wayland/Sudbury Septage Disposal Facility, meaning a possible future grant for the total project construction costs amounting to approximately \$850,000 - \$900,000.

Committee on Town Administration (CTA)

Selectman William J. Cossart stated he suggested three possible study areas to the CTA, as follows:

- 1) a provision in the Town Bylaws for recall of Town elected officials.
- 2) the use of some guidelines dealing with non-binding public advisory opinion questions on the local ballot; and
- 3) extending the Highway Surveyor's term of office.

The Selectmen discussed the three considerations and following discussion it was on motion by Selectman William J. Cossart unanimously

VOTED: To bring to the attention of the CTA the topic of "a provision in the Town Bylaws for recall of Town-elected officials" for consideration by the CTA as a subject of study; it being understood that the local League of Women Voters is currently studying the issue.

Department of Public Utilities (DPU) - Telephone Case 18153

The Board acknowledged receipt of a summary of the DPU Telephone Case 18153 expenses dated January 23, 1979.

Sick Leave Bank - Local 315 I.B.P.O.

In accordance with Article XXI "B", Section 1, Sick Leave Bank, of the Town of Sudbury and Local 315 I.B.P.O. contract for 1978-80, it was on motion by Selectman Robert J. Hotch unanimously

VOTED: To designate the Executive Secretary, or in his absence the Town Accountant, as the Town representative to the Police Sick Leave Bank Joint Committee, in accordance with a request from John A. Longo, President of Local 315 I.B.P.O., dated January 20, 1979.

Executive Session

At 11:30 P.M. it was on motion following unanimous roll call

VOTED: To enter into Executive Session for the purpose of discussing the strategy

for collective bargaining or litigation where open discussion of the same may have a detrimental effect.

(Roll call vote: Chairman Murray in favor; Selectman Hotch in favor; and Selectman Cossart in favor.)

Chairman John E. Murray announced that public session would not reconvene following the Executive Session.

There being no further business to come before the Board, the meeting was adjourned at 12:00 Midnight.

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

Richard E. Thompson  
Executive Secretary-Clerk