

IN BOARD OF SELECTMEN
TUESDAY, MARCH 20, 1979

Present: Acting Chairman Robert J. Hotch and William J. Cossart.

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:00 P.M. by acting Chairman Robert J. Hotch.

Short-term Borrowing and Cash Flow Management

The Board acknowledged receipt of a communication dated March 6, 1979, from John H. Wilson, Town Accountant, and William E. Downing, Town Treasurer, addressing concerns previously raised by the Board relative to short-term borrowing and cash flow/management, and commended Mr. Wilson and the Town Treasurer for their work demonstrated in the above-mentioned communication.

Selectman Willaim J. Cossart recommended pursuing the basic suggestion in their communication that something could be done to improve the cash flow within the Town (in relation to the tax rate), and stated that he would meet privately with the Town Accountant and Town Treasurer to further study this matter, and report back to the Board.

Village Green Shopping Center

Present: Josiah F. Frost, Fire Chief.

The Board reviewed a communication dated March 12, 1979, from Raymond A. Johnson, President, Coolidge Bank and Trust Company, relative to the scheduling of the completion of work at the Village Green shopping center site, received as a result of the Board's last joint meeting with the Historic Districts Commission (HDC) and the Coolidge Bank and Trust Company on February 12, 1979. As indicated in said letter, the work is scheduled for completion, with the exception of final landscaping, paving and ramps, by April 1, 1979; weather permitting, final completion is scheduled for May 1, 1979.

Executive Secretary Richard E. Thompson reported that the Health Director has confirmed that the sewage system has apparently stopped leaking and the odor problem dissipated for the time being, and that they are continuing to test the area where the sewage previously flowed. Mr. Thompson also informed the Board that a representative from the Coolidge Bank and Trust Company will be meeting with the Board of Health on Wednesday, March 21st.

Fire Chief Josiah F. Frost confirmed that he had received notification of the new manager of the site, Hamilton Realty Trust, that he was informed of people to contact on a 24-hour basis and the name of the contractor who is to finish the fire alarm system, and that his questions had been answered concerning the sprinkler system.

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

VOTED: To grant an extension of site plan #R78-190 to the Coolidge Bank & Trust Company, Village Green, 29 Hudson Road, to May 1, 1979, so that requirements of the Historic Districts Commission might be complied with, in accordance with a communication dated March 12, 1979, from Raymond A. Johnson, Coolidge Bank and Trust Company.

In answer to Selectman Cossart, Mr. Thompson stated that he would check with the Historic Districts Commission as to whether or not Donald Wagoner of Ephraim's had filed an application for sign approval.

Transfer - Fire Department Maintenance

Present: Josiah F. Frost, Fire Chief.

The Board reviewed Request No. 0811 for transfer of \$3,500 from the Reserve Fund to Account 310-31, Fire Department Maintenance, dated March 12, 1979.

Executive Secretary Richard E. Thompson referenced the Fire Chief's communication dated March 12, 1979, and pointed out that the majority of the transfer is for items of an unforeseen nature.

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

VOTED: To approve Request No. 0811 for a transfer from the Reserve Fund to Account 310-31, Fire Department Maintenance, in the amount of \$3,500 for the purposes set forth in the numbered transfer.

The Chief informed the Board that Firefighter/EMT John Young had been hospitalized, and stated that he would keep the Board up to date on his progress.

Harry C. Rice Property

Executive Secretary Richard E. Thompson stated that the Historical Commission had been approached by the Sudbury Historical Society, which is studying the possibility of preserving the Rice property, owned by the U.S. Department of Interior, and referenced Historical Commissioner John Powers' communication dated March 5, 1979, regarding the same.

Mr. Thompson reminded the Board that some time ago the Board agreed to visit the Concord site and speak personally with Mr. Beall, U. S. Department of Interior, regarding their future plans for the Rice property.

The Board directed the Executive Secretary to schedule a meeting with Mr. Beall and arrange a group visit, to include the Selectmen and representatives from the Historical Commission and Sudbury Historical Society, of their Concord facility sometime after Town Meeting.

The Board also agreed as to procedure that any matters dealing with the Rice property should be first referred to the Historical Commission for recommendation to the Board.

Sale of Alcoholic Beverages on Annual Town Election Day

It was on motion by Selectman William J. Cossart unanimously

VOTED: To allow the sale of alcoholic beverages by common victuallers and retail package stores during the polling hours of the Annual Town election on March 26, 1979, in accordance with the amendment to G. L. Chapter 138, Sec. 33.

Approval of Layouts - Article 9, Street Acceptances, and Article 10, Newbridge Road Layout/Relocation

Present: Robert A. Noyes, Highway Surveyor; James V. Merloni, Town Engineer; Shirley and Gerald Warner, Eric Blank, Christel Alden, Barbara Pryor and Wendy Jacobi, Newbridge Road residents.

Town Counsel Paul L. Kenny explained the required procedure for the voting and signing of street layouts by the Selectmen on the recommendation of the Planning Board, to be accepted by Annual Town Meeting.

Acting Chairman Robert J. Hotch read the list of roads being addressed tonight and asked abutters for any questions they might have.

Mr. Bernard Bonn, 21 Paddock Way, asked whether the cul-de-sac at the end of Paddock Way would become part of the public way, and if it would be maintained by the Town; Town Engineer James V. Merloni confirmed that it would become part of the Town Way and therefore maintained by the Town.

There being no further questions it was on motion by Selectman Robert J. Hotch unanimously

VOTED: To approve and sign the Layout for the following Town Ways: Paddock Way, Deacon Lane (formerly Olde Towne Circle), Witherell Drive, Cakebread Drive, Taintor Drive, Darvell Drive, Belcher Drive, Robert Best Road, Colburn Circle and Curtiss Circle, as shown on the following plans: "Plan of Paddock Way, Sudbury, Massachusetts, as laid out by the Town of Sudbury" dated December 19, 1978; "Plan of Deacon Lane, formerly known as Olde Towne Circle, Sudbury, Massachusetts, as laid out by the Town of Sudbury", dated December 20, 1978; "Plan of Witherell Drive, Sudbury, Massachusetts, as laid out by the Town of Sudbury", dated December 7, 1978; "Plan of Cakebread Drive, Sudbury, Massachusetts, as laid out by the Town of Sudbury", dated November 30, 1978; "Plan of Taintor Drive, Sudbury, Massachusetts, as laid out by the Town of Sudbury", dated January 22, 1979; "Plan of Darvell Drive, Sudbury, Massachusetts, as laid out by the Town of Sudbury", dated December 4, 1978; "Plan of Belcher Drive, Sudbury, Massachusetts, as laid out by the Town of Sudbury", dated December 18, 1978; "Plan of Robert Best Road, Sudbury, Massachusetts, as laid out by the Town of Sudbury", dated December 20, 1978; "Plan of Colburn Circle, Sudbury, Massachusetts, as laid out by the Town of Sudbury", dated December 1, 1978; "Plan of Curtiss Circle, Sudbury, Massachusetts, as laid out by the Town of Sudbury", dated November 28, 1978; all by the Town of Sudbury Engineering Department and as set forth in the Notice of Intention to Lay out Town Ways 1979, with the approval of the Town Engineer, Highway Surveyor, Planning Board and Town Counsel.

Highway Surveyor Robert A. Noyes and Town Engineer James V. Merloni displayed a large map of Newbridge Road in order to explain and address concerns raised by the abutters relative to the relocation and improving of a portion of Newbridge Road, in accordance with petition Article #10 - Newbridge Road - for the 1979 Annual Town Meeting.

In answer to Gerald Warner of 92 Newbridge Road, Mr. Noyes stated that the Town has no intention of moving any stone walls, that the dirt part of Newbridge Road will be paved at the existing width of 16', and that it will be a 40' layout (where sub-divisions call for a 50' layout).

In answer to Eric Blank of 81 Newbridge Road, Mr. Noyes said that some possible future sidewalks would fall within the 40' layout, but in some cases, easements may be required, and these are negotiated with abutters. He added that there have been very few objections in the past when negotiating with abutters to construct walkways.

Responding to a concern of one abutter relative to the safety factor of a 16' width, Mr. Noyes explained that the road's surface is now 16' wide and will be paved on the existing surface; a paved road, he continued, would mean a safer daily ride for children riding school buses on Newbridge Road.

Selectman Robert J. Hotch apologized to an abutter who stated she did not receive notice of tonight's hearing, and to another who complained about the manner in which hers was delivered.

Mr. Blank stated his opinion that, by paving that portion of the road which is now a dirt road, all of Newbridge will be paved and there would be speeding and increased traffic, and asked if there was another way to resurface and fill in the pot holes without pavement; he suggested using another type of surface, such as gravel.

Christel Alden of 71 Newbridge Road stressed the fact, on the other hand, that the dirt road when dry is very dusty, and that her family and friends refuse to use that dirt portion of Newbridge Road due to the potholes and general bad condition.

Town Counsel stated that the dirt portion of Newbridge Road is technically a private way which makes abutters liable for damages to their cars and/or injuries on the road. Once the road is accepted as a Town Way, the Town would be liable. He later stated that if the Town accepts the road as a public way, then the Highway Surveyor must maintain it, in accordance with the statute, as all other roads in Town, at all times, and it would be the Highway Surveyor's duty by statute to maintain it in the best interest of the Town since the Town is liable.

Town Counsel indicated that, by a recent change in the statute, the Town cannot perform any work on private ways.

Mr. Noyes stated that for maintenance purposes a paved road would be better than continuously grading a graveled surface, and agreed with Mrs. Alden that plowing would be a problem with a gravel surface. Responding to another abutter, Mr. Noyes stated that accepting the layout would be a step in the right direction concerning future maintenance and drainage problems.

Mr. Blank said that, in his opinion, the original petition, signed by the abutters, was for repair of potholes and concern for children's safety, not for

paving the dirt portion of Newbridge Road. He asked how this could be presented to Town Meeting so that the meaning of the petition article is not misconstrued by Town Meeting since, as Selectman Cossart later pointed out, it does appear in the Warrant that the article was inserted due to a petition by the residents.

Executive Secretary Richard E. Thompson responded that the petition will remain on file in the Selectmen's office for anyone who would like to read it, and that the petitioners can express their feelings on Town Meeting floor as they have tonight. Further responding to Mr. Blank, Mr. Thompson said that the abutters can petition the Highway Surveyor concerning the resurfacing material to be used on the Road.

Selectman William J. Cossart stated that there might be cause for concern regarding speeding if this road was straightened out and paved at a width of 30', but that a 16' paved surface on the present dirt portion of Newbridge Road is reasonable, as suggested and recommended by the Highway Surveyor and the Town Engineer. Selectman Hotch concurred and stated he would rely on the Town Engineer and Highway Surveyor as to type of ultimate pavement.

Following further discussion it was on motion by Selectman William J. Cossart unanimously

VOTED: To approve and sign the layout/relocation of Newbridge Road, as shown on a plan entitled "Plan of the proposed relocation of New Bridge Road, Sudbury, Massachusetts," dated January, 1979, prepared by the Middlesex County Engineering Department and as set forth in the Notice of Intention to Lay out Town Ways 1979, with the approval of the Town Engineer, Highway Surveyor, Planning Board and Town Counsel.

The Board directed the Executive Secretary to follow up on the method of delivery of required notices to abutters, (perhaps they should be delivered in the future by certified mail) and report back to the Board.

Mr. Thompson pointed out that the Board had received a certified statement dated March 9, 1979, from a member of the Highway Department that all the notices had been hand-delivered to the abutters of Newbridge Road.

Annual Town Meeting Articles #24 and 25

Present: Jonathan J. Sirota, Chairman of School Committee.

Article #24

Acting Chairman Robert J. Hotch referenced Article #24 - Fairbank School - New Roof - and stated that his main concern was if the \$30,000 requested by the Article was sufficient, and if it was a firm bid or an estimate.

Jonathan J. Sirota, Chairman of the School Committee, stated that the \$30,000 was a firm estimate from the Framingham Roofing Company - the same firm which has done work for the Town before on the Horse Pond School roof and shingling on the South Annex.

Selectman William J. Cossart stated that he visited the Fairbank School and described the overall maintenance of the School as shameful and unsanitary. Selectman Cossart recommended support of the article and further stated that the School really requires other maintenance which should be looked into in addition to the new roof.

Selectman Hotch asked Mr. Sirota if the School Committee has figured maintenance for Fairbank School into the School's budget.

Mr. Sirota stated that a yearly figure for general maintenance only has been figured into the budget, and that the schools have a maintenance staff.

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

VOTED: To support Article 24, Fairbank School - New Roof, for the 1979 Annual Town Meeting.

Article #25

On Article #25, Horse Pond School - Heating System, Selectman Hotch questioned the legalities of repairing the heating system at Horse Pond School under the present contract with the Fire Fighting Academy.

Mr. Sirota gave a brief history of the building and the fact that the heating system has been maintained only as required. He stated that the need is legitimate for the building itself, and the question is who is responsible for it. Mr. Sirota went on to say that it was the intention of the School Committee that it pick up major maintenance items through rent, and that operating maintenance was clearly the Academy's responsibility.

Selectman Cossart stated that he visited the building, and that it is in a marvelous state of maintenance; Article 25 requests \$7,000 to repair the heating system, controls and thermostats. Selectman Cossart recommended support of the article saying that, although the letter dated March 9, 1979, from John J. O'Neill, Superintendent of Schools, was a bit misleading, the price allowed for the installation of additional energy conservation controls, and the investment would be money well spent.

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

VOTED: To support Article 25 Horse Pond School - Heating System - for the 1979 Annual Town Meeting.

Executive Secretary Richard E. Thompson added that Selectman Cossart's constructive remarks should be forwarded to the new Business Manager, with Mr. Sirota's concurrence.

Selectman Hotch suggested that the new Business Manager work with the new Building Services Group to finalize plans for the heating system; Mr. Thompson pointed out that the School Committee has unanimously voted to support the Building Services Group.

Mr. Thompson informed the Board that any additional information needed by the Selectmen relative to any articles for the 1979 Annual Town Meeting is available in the Selectmen's office.

Selectman Hotch expressed his concern that the Board be well prepared to speak at Town Meeting, and that the members be aware of each other's opinions, recommendations/personal viewpoints; Selectman Cossart agreed and suggested the Selectmen meet on Sunday before Town Meeting, April 1st, to exchange views on the various articles which will be discussed the first three nights of Town Meeting.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular Session and Executive Session of March 12, 1979, as amended.

Public Records and Storage Survey by Public Records Analyst

Executive Secretary Richard E. Thompson brought the Board's attention to a communication dated March 14, 1979, from Michael H. Haire, Public Records Analyst, Massachusetts Office of the Supervisor of Public Records, relative to his survey of March 2, 1979, of the public records and related storage facilities in the Sudbury Town Hall commending the municipal officers, especially the Town Clerk, for efforts and concern in this area of Town Management.

Selectman William J. Cossart suggested that the Records Management Program, which was put together by the Ancient Documents Committee, with some outside assistance, be given official Town Statute, and on the recommendation of the Executive Secretary, agreed to discuss the same with the Town Clerk and report back to the Board.

Current Items of Interest

Theft

The Executive Secretary informed the Board of a theft at the Featherland Park maintenance building involving a vehicle and supplies. He further stated that most everything has been recovered, and in answer to Selectman Robert J. Hotch, stated that an inventory is kept at the maintenacne building.

Board of Appeals Selection Process for Appointment to Fill Vacancy

Selectman William J. Cossart referenced a communication dated March 14, 1979, from the Board of Appeals requesting approval by the Board of Selectmen of a Selectmen of a selection process for filling the vacancy on the Board of Appeals Associates and Earth Removal Board. Both Selectmen agreed with the procedure; Selectman Hotch added that it would be beneficial to a new member to be appointed before Town Meeting to be involved with the workings of Town Meeting.

Selectman Cossart stated that this leads to another subject, and he suggested that the Board of Selectmen send a letter to all departments, boards and committees to which they are liaison expressing their desire to have a closer and more active involvement with them; to meet with them on a rotating basis for this purpose; and that the Board would welcome their ideas for a more enthusiastic attendance at the Town Fathers Forum.

The Executive Secretary was directed to draft such a letter and bring it back to the Board for their approval.

Newsletter

Selectman William J. Cossart informed the Board that the Town Crier is willing to devote space for a Selectmen's column, and suggested taking advantage of the offer with perhaps each Selectman dealing with subjects/issues on a rotating basis.

The Board directed the Executive Secretary to follow through by making the necessary arrangements, and on the recommendation of the Executive Secretary, agreed to have the same idea communicated to the Editor of the Middlesex News.

Hosmer House

Selectman Robert J. Cossart suggested that the Selectmen begin to consider privately and individually the role of the Hosmer House in anticipation of assuming total authority for the administration of that property. The Board agreed to schedule a meeting to discuss the same after they have had the opportunity to read the report and recommendations of the Historical Commission.

Parade - Patriot's Day

The Executive Secretary informed the Board of its invitation from the Town of Concord to march in the Patriot's Day parade on April 16, 1979. The Board members indicated they would attempt to be represented.

Street Light

The Board authorized the Executive Secretary to respond to Mrs. David Hammond's letter of February 16, 1979 that the Highway Surveyor has been in touch with Boston Edison relative to a street light on the corner of her street and that every effort would be made to comply with her request, if possible.

Village Green

Executive Secretary Richard E. Thompson referenced a letter dated March 11, 1979, from Mr. Lamonte Griswold, abutter to the Village Green property, and was directed by the Board to respond to the concerns listed in his letter, especially in the area of pollution of his property, and screening in accordance with the original site plan.

Selectman Robert J. Hotch suggested a bylaw change if that is what is necessary to correct the situation of unsightly rubbish disposal; Building Inspector Francis E. White suggested the best approach might be site plan approval contingent upon proper containment and removal of trash. Selectman Hotch indicated he intends to pursue the matter.

Joint Meeting with Sign Review Board

Present: Francis E. White, Building Inspector; Barbara F. Pryor, Chairman, Leon Zola, and Burton G. Mullen, Sign Review Board.

Acting Chairman Robert J. Hotch opened a joint meeting with the Sign Review Board to discuss in general any concerns of the Sign Review Board, temporary signs, and litigation/strategy (to be discussed later in Executive Session).

Chairman Barbara F. Pryor, Sign Review Board, introduced Eric F. Menoyo, interested in possibly becoming a member of the Sign Review Board.

Mrs. Pryor gave some background of the work of the Sign Review Board, and expressed her opinion that since the Sign Review Board has become involved with the procedure of issuing sign permits, there has been a tremendous improvement and elimination of unsightly signs in Town. Mrs. Pryor said that the First National Shopping Center has been the major change, that the Sign Review Board has approved a 40' sign, 15' high, which will say "1776 PLAZA" which will replace the old sign.

Selectman Hotch stated that there seems to be some problem with the bylaw and the authority of the Sign Review Board and the Building Inspector regarding issuance of permits.

Executive Secretary Richard E. Thompson responded that Town Counsel is interested in drafting possible Bylaw revisions dealing with temporary signs and other provisions and referenced Town Counsel's letter dated March 12, 1979, relative to the issuance of temporary signs by the Sign Review Board, pertaining in particular to the matter of Ephraim's restaurant at Village Green.

Sign Review Board member G. Burton Mullen stated that Ephraim's has a serious visibility problem, and that there are a lot of people from out of town who have been lost while looking for the restaurant.

Mr. Mullen stated that the tenant must have a free-standing sign because he does not have any frontage, and that this is a unique situation - one not requiring a bylaw change. Mr. Mullen added that to deal with unique situations like this, the Sign Review Board needs some flexibility that the bylaw now allows.

Sign Review Board member Leon Zola stated that when the Board wrote the law for temporary signs, it was intended for a 30-day temporary sign for those people who had flyers to advertise specials for 30 days only.

Selectman William J. Cossart stated that the basic question is whether Ephraim's sign is actually a temporary sign. Selectman Cossart further stated

that Town Counsel does not take a stand in his letter, but indicated his own interpretation, after reading the Bylaw, that a temporary sign is a paper sign in the window announcing a special situation.

Francis E. White, Building Inspector, stated that he was on the committee with Mr. Zola when the temporary sign provision of the Bylaw was written, and it was their intention at that time that it be a 30-day, one-time sign.

Mrs. Pryor agreed that it is usually not renewed, but confirmed what Mr. Mullen had previously stated, that this is an exception and questioned the need for a Bylaw revision, since this is the first time the Sign Review Board has made an exception in six years.

Selectman Cossart said that the important point is that nowhere in the Bylaw is the limit or description of a temporary sign clear.

Town Counsel explained that a temporary sign is defined as any sign intended to be maintained for a continuous period of not more than 30 days; the Bylaw also refers to permits for temporary signs and does not limit them to one per year, but a permit for a temporary sign which is renewed in thirty days is not addressed. Town Counsel suggested that in the case of Ephraim's where it is a "hardship", a condition within the Bylaw could be set up as in special permits. Town Counsel went on to say that in this ambiguous situation, when Selectmen, Sign Review Board and Zoning Enforcement Agent interpretations of the Bylaw vary, uniformity of enforcement among the businesses is important since Mr. White is liable, as Zoning Enforcement Agent. He later stated that a bylaw which is too ambiguous would not stand up in court.

Mr. Zola stated that the Sign Review Board would like to avoid conflict with other Boards, including the Historic Districts Commission; on the other hand, he expressed his opinion that Mr. Wagoner (of Ephraim's) should be able to have a sign, and that the sign should eventually be in good taste and meet the approval of the Historic Districts Commission.

Selectman Cossart stated his opinion that the Sign Review Board is performing with good judgement, but that there undoubtedly are revisions which could be made to the Sign Bylaw which would make it more clear.

Mrs. Pryor reaffirmed their major concern not to lose flexibility in their Bylaw.

Mr. Thompson suggested that the Sign Review Board refer any comments to Town Counsel for his review and recommendations; Mrs. Pryor suggested that their mutual comments should be addressed to Town Counsel prior to his compiling any final draft or recommendations.

A lengthy discussion followed relative to the procedure of issuing a permit for a sign and the sequence of authority by the Sign Review Board and the Building Inspector for issuance of the same.

The Selectmen and the Sign Review Board concurred that the Sign Review Board should, in the first instance, act on all signs and forward the results of their action to the Building Inspector with specific recommendations for issuance or denial of a building permit for the sign. Mr. White would not issue any building permit without the Sign Review Board's recommendations. Town Counsel and the Building Inspector concurred with this procedure.

The Sign Review Board agreed to forward copies of the minutes of their meetings to Mr. White promptly - within ten days of their meeting.

Mr. Thompson stated that Town Counsel's office feels that Chapter 808 of 1976 has changed the procedural functioning of the local Sign Review Board, and he asked Town Counsel on behalf of the Board to expedite the matter of Sign Review Bylaw revisions for possible discussion at a later date. The Board indicated its desire to hold on any such further revisions by Town Counsel's office.

Executive Session

At 10:10 P.M. it was on motion following a unanimous roll call

VOTED: To enter into Executive Session for the purpose of discussing strategy for litigation where open discussion of the same may have a detrimental effect. (Roll call vote: Acting Chairman Hotch in favor; Selectman Cossart in favor; Leon Zola in favor; G. Burton Mullen in favor; Barbara F. Pryor, in favor, all of the Sign Review Board; and Building Inspector Francis E. White in favor.)

Acting Chairman Robert J. Hotch 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 10:35 P.M.

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk