

IN BOARD OF SELECTMEN
MONDAY, MAY 7, 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 7:00 P.M. by Chairman Murray.

Site Plan Application #79-203, The Wendworth Corp., 103-119 Boston Post Road

Present: Francis E. White, Building Inspector; Frank H. Grinnell, Assessor; Barbara F. Pryor, Chairman, Dorothy M. Emmons and Leon Zola, Sign Review Board; Joan C. Irish and Judith A. Cope, Conservation Commission; Edward L. Glazer, Chairman, Robert A. Norling and Carol McKinley, Finance Committee; Patrick J. Mallowney and Thomas R. Saltsman, The Wendworth Corp.; D. Barry Hill, Attorney for The Wendworth Corp.; Joseph R. Sullivan, MacCarthy & Sullivan Engineering, Inc., for The Wendworth Corp.; George Bezkozovainy, Tippetts-Abbett-McCarthy-Stratton Engineers and Architects; and approximately 15 interested residents.

On April 30, 1979, the Board considered the above-referenced site plan and voted to continue the same (by mutual consent) until this evening.

Executive Secretary Richard E. Thompson stated that in the interim a communication dated May 4, 1979, had been received from the Board of Health recommending approval conditioned upon the adjacent Wayside Package Store's existing well being capped and sealed and Town water installed before issuance of a Board of Health permit for the disposal of sanitary sewage for Wendy's.

Attorney for The Wendworth Corp., D. Barry Hill, gave the Board a copy of the State's curb cut permit for The Wendworth Corp., dated June 13, 1978, which the Building Inspector had requested for the record at the last meeting.

Selectman Hotch asked about the outcome of the traffic study on Route 20 which he thought would have been completed last Saturday following the Board's discussion last week regarding the need for this additional information.

Atty. Hill expressed his opinion that there was a misunderstanding regarding the Board's direction to have a Saturday traffic study completed, although he stated he did remember a discussion about it. He introduced Mr. Mallowney and Mr. Saltsman, both of The Wendworth Corp., and indicated that Mr. Bezkozovainy of Tippetts-Abbett-McCarthy-Stratton Engineers and Architects would like to make a brief presentation on the previous traffic impact analysis which he did on Route 20.

Selectman Cossart interrupted Mr. Bezkozovainy's presentation and pointed out that last week it was clearly understood by both parties that the Board and the applicants would be getting together for a final disposition of this matter, and stated any deviation now should be mutually agreed upon; also, Selectman Cossart pointed out that there was a unanimous concern of those present last week regarding the absence of a Saturday traffic study, which has not yet been completed.

Everyone agreed that there was clearly a misunderstanding regarding the Board's request to have a Saturday traffic study done in conjunction with the traffic analysis already completed.

Mr. Bezkozovainy pointed out that, based on his personal experience, although a fast food restaurant such as Wendy's generates more business on Saturdays, the traffic is spread out throughout the entire day so there would be less traffic (on Route 20), as compared to weekday rush hours - it would be lower per hour than the highest one-hour on a weekday.

Chairman Murray stated that the Board had pointed out last week, on any given Saturday on that stretch of road, there is a continual flow of traffic, especially because of the Saturday use of the dump, and repeated that this traffic congestion was the Board's initial concern. Selectmen Cossart and Hotch concurred with Chairman Murray that their concern is not to contribute to the already existing inconveniences of traffic tieups on Route 20.

Responding to Atty. Hill's request for a continuance of the site plan hearing in order to have the Saturday traffic study completed, Selectman Cossart stated that the approval of the site plan for Wendy's is not solely contingent on the outcome of the study; he stated that the whole traffic issue is the major issue.

Selectman Hotch stated that, as a Selectman, he would base his decision on the fact that the insertion of a Wendy's on Route 20 would increase the traffic and the inconveniences to the Town's residents.

Att. Hill stated that the owner is paying taxes on the property based on the fact that it is an industrial piece of land, and he should be allowed to use it for a restaurant as an "allowable use" under the zoning bylaw.

Selectman Cossart reminded Att. Hill that he had pointed out last week that a restaurant with a drive-in window or for take-out food is not allowed in an Industrial Zone under the present bylaw and would have to go before the Board of Appeals for approval.

Following further discussion it was on motion by Selectman Cossart unanimously

VOTED: To disapprove Site Plan Application #79-203 of Albert E. McManus Trust and the The Wendworth Corporation, for property owned by Albert E. McManus Trust et al, Trustees of the Albert E. McManus Trust, located between 103-119 Boston Post Road, as shown on a plan entitled, "Site Plan of Land, Sudbury, Mass." for The Wendworth Corp., dated March 24, 1978, revised August 29, 1978, February 5, 1979 and April 30, 1979, by MacCarthy & Sullivan Engineering, Inc.

Site Plan Application #79-204, Taylor Rental Sales, 712 Boston Post Road

Present: Normand G. Martel, applicant; Francis E. White, Building Inspector.

In accordance with Article IX, Section V, Paragraph A of the Sudbury Bylaws, the Board considered site plan application #79-204 of Normand G. and Therese Martel

of Taylor Rental Sales, for property located at 712 Boston Post Road.

The Executive Secretary reported that all appropriate abutters and Town officials had been notified.

In conjunction with a request by the applicant, it was on motion unanimously VOTED: To deny without prejudice site plan application #79-204 of Normand G. and Therese Martel of Taylor Rental Sales, for property located at 712 Boston Post Road;

and it was further

VOTED: To allow the applicant to file again for site plan approval without fee.

Chairman Murray recessed the meeting at 7:35 for a coffee break; the meeting was called back to order at 7:45.

Fire Department Bid for Pick-up Truck

Present: Josiah F. Frost, Fire Chief.

The Board reviewed a communication dated April 24, 1979, from the Fire Chief recommending awarding a bid for furnishing the Fire Department with a pick-up truck, to the low bidder, R. H. Long Motor Sales Company.

The Fire Chief stated that the money for this vehicle purchase was approved in the Fire Department's 1979-80 budget under account 310-51.

The Executive Secretary added that payment of this will take place after June 30, 1979; Chief Frost stated he expects delivery during the month of July.

Following further discussion it was on motion unanimously

VOTED: To accept a bid dated April 20, 1979, from R. H. Long Motor Sales Company, Framingham, the lowest bidder, in the amount of \$8,167 (with trade-in allowance) for furnishing the Fire Department with a pick-up truck, in accordance with the "Specifications of 4 Wheel Drive Pick-up for the Sudbury Fire Department" and the recommendation dated April 24, 1979, from the Fire Chief, for delivery and payment after July 1, 1979.

Acceptance and Ordering Articles for June 11 Special Town Meeting

Present: J. Owen Todd, Town Moderator; Edward L. Glazer, Chairman, Carol McKinley and Robert A. Norling, Finance Committee.

Following discussion it was on motion unanimously

VOTED: To accept and order eleven articles for the June 11, 1979, Special Town Meeting, as filed under the warrant closing deadline of May 7, 1979, at 5:00 P.M.,

for presentation in the following order:

1. Salary and Classification Plan
2. Budget Adjustment
3. Dog Pound Facility Funds
4. Vehicle - Health Director
5. Used Vehicle - Health Director
6. Amend Minuteman Regional Vocational Technical School District Agreement
7. Levy Limit
8. Appropriations Limit
9. Use of Free Cash
10. Amend Bylaws, Art. V, Sec. 3 - Dog Fines
11. Amend Bylaws, Art. IX, I, B-Basic Requirements

On the recommendation of Town Counsel, The Board concurred to refer Article 11 "Amend Bylaws, Art. IX, I, B-Basic Requirements", which was recently defeated at the 1979 Annual Town Meeting, to the Planning Board for its affirmative recommendation, in accordance with a provision in the General Laws, Chapter 40A that restricts reconsideration of zoning amendments at subsequent Town Meeting for two years without the affirmative recommendation of the Planning Board.

Lincoln-Sudbury Regional School District (LSRSD) Contingency Fund and Septage Facility-Billing and User Fees

It was on motion unanimously

VOTED: To sign letters to the Town's State Representative and Senator endorsing special legislation approved by the 1979 Annual Town Meeting under Article 22, Lincoln-Sudbury Regional School District Contingency Fund, and Article 29, Septage Facility-Billing and User Fees.

Petition for Fence Viewers' Action - Joseph C. Peacock, 37 Allan Avenue and Peter F. Cialdea, 50 Allan Avenue

The Board acknowledged receipt of a petition dated May 1, 1979, from Joseph C. Peacock, 37 Allan Avenue, and Peter F. Cialdea, 50 Allan Avenue, requesting certain boundaries staked by the Town Engineer and possible infringement on Town Property be checked. The Board directed the Executive Secretary to request a definitive report from the Town Engineer, following which arrangements would be made with the Board petitioners and the Town Engineer to view the boundaries in question as set forth in the above-mentioned petition.

Summer Meeting Schedule

The Board approved a summer meeting schedule indicating the Town Fathers Forum to be dispensed with during the months of June, July and August and showing new meeting dates, as well as canceled dates, as prepared by the Executive Secretary, in a communication dated May 3, 1979.

Surety Bond by Jayess, Inc., d/b/a Tables 'N' Things

On the recommendation of Town Counsel's office and in compliance with the General Laws, it was on motion unanimously

VOTED: To approve the Fidelity and Deposit Company as surety on Bond No. 922-30-86, filed by Jayess, Inc., d/b/a Tables 'N' Things, and filed under Chapter 93, section 28A of the General Laws for a "going out of business" sale.

Rescheduling Meeting

It was on motion unanimously

VOTED: To reschedule the Selectmen's regular meeting and the Town Fathers Forum of May 28, 1979, due to the Memorial Day holiday, to Tuesday, May 29, 1979, to be held in the lower Town Hall at 7:00 P.M.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the emergency meeting of March 24, 1979, as drafted, and the minutes of the special meeting (regular and executive sessions) of April 24, 1979, as amended.

Interview of Candidates - Historical Commission

Present: Emmalou Eaton, Historical Commission; Royce C. Kahler and Rev. Homer A. Goddard (arrived later), candidates.

The Board interviewed Royce C. Kahler, and later in the evening, interviewed Rev. Homer A. Goddard for possible appointment to the Historical Commission.

Historical Commission member Emmalou Eaton recommended that before the Selectmen make the appointment to the Commission, her Commission should make a self-evaluation as to expertise needed in a new member and then make a recommendation to the Board of Selectmen. Mrs. Eaton stated the Historical Commission would be meeting during this month of May.

The Selectmen concurred and thanked the two candidates for attending tonight's meeting for the interviews.

Appointment-Council on Aging

On the recommendation of Col. Paul J. Leahy, Chairman, Council on Aging, dated April 2, 1979, it was on motion unanimously

VOTED: To appoint Donald R. Oasis, 325 Willis Road, to the Council on Aging, to replace Donald B. Willard, for a term to expire April 30, 1981.

Current Items of Interest

Walk for Hunger

The Executive Secretary informed the Board that Barbara Stevens did walk twenty miles in the Walk for Hunger, and reminded the Selectmen that they pledged and sponsored \$1.00 per mile. The Board commended Ms. Stevens in her efforts.

Dog Pound Facility

The Executive Secretary brought the Board's attention to a communication dated May 4, 1979, from the Town Engineer, James V. Merloni, dealing with the Dog Pound Facility.

Mr. Thompson stated that the Town has run into a difficult situation in preparing the specifications because a municipal building requires individual trade specifications.

On the recommendation of the Executive Secretary it was on motion unanimously

VOTED: To expend up to a maximum of \$500 from the Surveys and Studies Account, from the present balance in the account of \$1,068.97, to prepare specifications for the Dog Pound Facility, under the supervision of the Town Engineer, James V. Merloni.

Landham Road Reconstruction

The Executive Secretary brought to the Board's attention a communication dated May 1, 1979, from the Vice President of Northeastern Construction Co., Inc., protesting the bid of the low bidder, R. Bates and Son of Clinton, for the reconstruction of Landham Road; Mr. Thompson also informed the Board that Town Counsel has been in contact with the attorney for Northeastern Construction Co., Inc., who intends to advise Northeastern not to proceed with the protest.

Inflammables Storage License Holders Summary

Selectman Hotch thanked the Executive Secretary for the summary list of inflammables storage licenses and suggested that in the future a total list of all types of licenses issued be supplied to the Board.

Interview of Candidates - Board of Appeals Associates and Earth Removal Board

Present: Flora P. Gursky and Harvey R. Peters, Candidates.

The Board interviewed Flora P. Gursky and Harvey R. Peters for appointment to the Board of Appeals Associates and the Earth Removal Board in accordance with a communication dated April 5, 1979, from the Chairman of the Board of Appeals recommending that the Selectmen consider the appointment of Flora P. Gursky and, in the case of a future vacancy, Harvey R. Peters.

The Board thanked the candidates for attending tonight's meeting for the purpose of being interviewed, and informed the candidates that they would be notified as soon as any appointment is made.

Interview of Candidate - Sign Review Board

Present: Barbara F. Pryor, Chairman, Leon Zola and Dorothy M. Emmons, Sign Review Board; Eric F. Menoyo, candidate.

Following the interview of Eric F. Menoyo and on the recommendation dated April 20, 1979, of the Chairwoman of the Sign Review Board, it was on motion unanimously

VOTED: To appoint Eric F. Menoyo, 388 Willis Road, to the Sign Review Board, to replace Malcolm Beers, for a term to expire April 30, 1982.

Chairman Murray recessed the meeting at 9:15 P.M. for a coffee break; the meeting was called back to order at 9:30 P.M.

Annual Appointments

Following consideration, it was on motion unanimously

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

Francis E. White as Zoning Enforcement Agent for a term to expire on April 30, 1980.

Francis E. White as Inspector of Buildings for a term to expire on April 30, 1980.

Francis E. White as Wiring Inspector for a term to expire on April 30, 1980.

Earl D. Midgley as Deputy Building Inspector for a term to expire on April 30, 1980.

Josiah F. Frost as Civil Defense Director for a term to expire on April 30, 1980.

Robert A. Noyes as Assistant Civil Defense Director for a term to expire on April 30, 1980.

Marvis M. Fickett as Civil Defense Radio Operator for a term to expire on April 30, 1980.

George Ey as Deputy Plumbing/Gas Inspector for a term to expire on April 30, 1980.

Warren E. Boyce as Deputy Wiring Inspector for a term to expire on April 30, 1980.

Howard Porter as Inspector of Gas, Piping and Gas Appliance for a term to expire on April 30, 1980.

Francis E. White as Dog Officer for a term to expire on April 30, 1980.

Betsy M. DeWallace as Assistant Dog Officer for a term to expire on April 30, 1980.

Richard E. Thompson as Executive Secretary for a term to expire on April 30, 1980.

John E. Murray, Robert J. Hotch and William J. Cossart as Fence Viewers, each for a term to expire on April 30, 1980.

Josiah F. Frost as Fire Chief for a term to expire on April 30, 1980.

Fire Chief Josiah F. Frost as Forest Warden for a term to expire on April 30, 1980.

Richard E. Thompson as Town Agent, Industrial Accident Board, for a term to expire on April 30, 1980.

Richard W. Murphy, Esq., retained as Labor Relations Counsel for conducting 1979-80 fiscal year negotiations with all local bargaining units.

Nicholas Lombardi as Keeper of the Lockup for a term to expire on April 30, 1980.

Clifford J. Hughes as MBTA Designee for a term to expire on April 30, 1980.

Robert A. Gottberg as Operational Review Committee member for a term to expire on April 30, 1980.

Samuel Reed as Pound Keeper for a term to expire on April 30, 1980.

Alfred Bonazzoli as Public Weigher for a term to expire on April 30, 1980.

Robert A. Noyes as Sanitary Landfill Agent for a term to expire on April 30, 1980.

Francis E. White as Sealer of Weights and Measures for a term to expire on April 30, 1980.

Chairman John E. Murray as Representative to SPHNA for a term to expire on April 30, 1980.

Robert A. Noyes as Street Lighting Agent for a term to expire on April 30, 1980.

Ralph Stone as Surveyor of Lumber & Measurer of Wood for a term to expire on April 30, 1980.

Robert A. Noyes as Superintendent of Cemeteries for a term to expire on April 30, 1980.

John H. Wilson as Town Accountant for a term to expire on April 30, 1980.

Paul L. Kenny, Esq. as Town Counsel for a term to expire on April 30, 1980.

James V. Merloni as Town Engineer for a term to expire on April 30, 1980.

John D. Nicholson, M.D., Z. Stanley Taub, M.D., and Melvyn W. Kramer, M.D., as Town Physicians, each for a term to expire on April 30, 1980.

Frank H. Grinnell as Veterans' Agent and Director of Veterans' Services for a term to expire on April 30, 1980.

Frank H. Grinnell as Veterans Graves Inspector for a term to expire on April 30, 1980.

David D. Horn to the Board of Appeals for a term to expire April 30, 1984.

Lawrence L. Blacker, David G. Berry and MaryAnn K. Clark to the Board of Appeals - Associate Members, each for a term to expire on April 30, 1980.

Royal E. Haynes, Royce C. Kahler and George D. Max to the Archeological Advisory Committee - Haynes Garrison Site, each for a term to expire on April 30, 1980.

Joan C. Irish to the Conservation Commission for a term to expire on April 30, 1982.

Marion D. Letteney and Elinor L. Bentley to the Council on Aging each for a term to expire on April 30, 1982.

Lawrence L. Blacker and David G. Berry to the Earth Removal Board each for a term to expire on April 30, 1980.

Burton H. Holmes to the Historic Districts Commission for a term to expire on January 1, 1985.

John H. Wilson, John C. Naatz and William P. Reed to the Insurance Advisory Committee each for a term to expire on April 30, 1980.

Beverly F. Brenner to the Long Range Capital Expenditures Committee for a term to expire on April 30, 1982.

Frank H. Grinnell to the Memorial Day Committee for a term to expire on April 30, 1982.

Alan P. Carpenter to the Personnel Board for a term to expire on April 30, 1982.

Maurice J. Fitzgerald to the Board of Registrars for a term to expire on April 30, 1982.

Dorothy M. Emmons to the Sign Review Board for a term to expire on April 30, 1982.

Priscilla T. Harding to the Talent Search Committee for a term to expire on April 30, 1982.

Victor L. Neumeier, Marian Zola, Patricia Huston and Sarah Williams to the Town Report Preparation Committee, each for a term to expire on April 30, 1980.

William A. Burns, Alfred Bonazzoli, Paul J. Leahy, Thomas F. McDonough and Catherine B. Greene to the Veterans Advisory Committee, each for a term to expire on April 30, 1980;

and it was further

VOTED: To submit the name of Dallas T. Hayes to the State Department of Community Affairs for appointment to the Sudbury Housing Authority;

and it was further

VOTED: To make the following appointments subject to acceptance by appointee, on the recommendation of the Police Chief with the exception of Special Constables:

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 April 30, 1980.

Francis E. White and Josiah F. Frost as Special Constables, Non-paid, each, for a term to expire April 30, 1980.

Robert Clark and William Kleiner as Special Constables, Non-paid for Protection of Persons and Property, at Sperry Rand, each for a term to expire April 30, 1980.

Robert Hatfield, Everett Mitchell, Bernard Murphy, Ernest Russo, Robert V. Goudey, Eric Montgomery, Alfred L. Bianchi and James O. Ouellette as Special Constables, Non-paid, for Traffic Duty Only, at Raytheon, each for a term to expire on April 30, 1980.

Warren Wright as Special Constable, Non-paid, for Traffic Duty Only, at Loring School, for a term to expire April 30, 1980.

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, 1980.

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 on April 30, 1980.

Jeanne McCarthy, Irene Mele and Helen Nadeau as Policewomen, Crossing Guard, each for a term to expire on April 30, 1980.

Executive Session

It was on motion following a roll call unanimously

VOTED: To go into Executive Session dealing with personal matters concerning the reputation and character, physical condition or mental health rather than the professional competence of a single individual.

(Roll Call Vote: Chairman Murray, yes; Selectman Hotch, yes; Selectman Cossart, yes.)

Chairman Murray announced that open session would not reconvene following the Executive Session.

There being no further business to come before the Board, the meeting was adjourned at 10:15 P.M.

Attest: _____

Richard E. Thompson
Executive Secretary-Clerk