

IN BOARD OF SELECTMEN  
TUESDAY, OCTOBER 9, 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 John E. Murray.

Action on Division of Personnel Administration Matters - Police  
Department Personnel

Present: Peter Lembo, Sudbury Police Department; and Charles R. Quinn, applicant.

Following a brief discussion it was on motion by Chairman Murray unanimously

VOTED: To confirm the transfer of Charles R. Quinn from the Hudson Reserve List to the Sudbury Reserve List - approved October 3, 1979, by the Division of Personnel Administration.

And it was further

VOTED: To authorize the appointment of Charles R. Quinn, 8 Lake Boon Drive, Hudson, Massachusetts, as a Permanent Patrolman in the Sudbury Police Department from the Sudbury Reserve List, said appointment subject to approval by, and effective date to be determined by, the Division of Personnel Administration.

Tax Anticipation Notes

Present: Betsey M. Powers, Town Clerk.

It was on motion unanimously

VOTED: To sign Tax Anticipation Notes, in accordance with a communication dated October 4, 1979, from the Town Treasurer, said notes to be dated October 15, 1979, and due December 14, 1979, as follows:

Shawmut Community Bank, N.A.	4.48%	100M
Old Colony Bank, Middlesex County	4.49%	100M
Shawmut Community Bank, N.A.	4.58%	100M
New England Merchants National Bank	4.79%	200M
Boston Safe Deposit & Trust Co.	4.79%	100M
State Street Bank & Trust Co.	4.79%	100M
Shawmut Bank of Boston, N.A.	4.85%	250M
Shawmut Community Bank, N.A.	4.88%	50M

Wayland-Sudbury Septage Disposal Facility

The Board acknowledged receipt of a communication dated September 26, 1979, from the Town of Wayland Road Commissioners responding in the affirmative to the Sudbury Board of Selectmen's recommendation to them that the Operational Review Committee for the Wayland/Sudbury Septage Disposal Facility act as the Facility's Building Committee as well.

Chairman Murray pointed out that the Clerk of the Works, referenced in the communication, should be a person, who is involved in the Wayland/Sudbury Facility, and who will later be involved in the operations of it.

Mr. Thompson stated that copies of the above-mentioned communication had been sent to the Operational Review Committee and the Wayland Board of Selectmen.

Assessment Apportioned to Sudbury - Lincoln-Sudbury Regional School

The Board reviewed a communication dated September 27, 1979, from Richard H. Davison, Chairman of the Lincoln-Sudbury Regional District School Committee, enclosing a new certified total assessment apportioned to Sudbury, dated September 26, 1979, in the amount of \$2,833,829.01. The Board concurred that the shortfall in the School's budget must be appropriated by some future special or annual Town Meeting and concurred that it would not be necessary to call an emergency special Town Meeting at this time. The Executive Secretary was directed to place this correspondence on file pending the next special or annual Town Meeting.

Mr. Thompson responded to the Selectmen that Lincoln to his knowledge had appropriated sufficient funds at their 1979 Annual Town Meeting, to cover their new apportionment.

Computer Purchase - Lincoln-Sudbury Regional High School

The Board concurred with a decision/vote of the Lincoln-Sudbury Regional School District to use State House Notes in the amount of \$30,000 to purchase a computer, as explained in a communication dated September 27, 1979, to the Board from Frank Heys, Secretary to the Lincoln-Sudbury Regional School Committee.

Following a brief discussion it was on motion by Chairman Murray unanimously VOTED: To direct the Executive Secretary to acknowledge receipt of, and the Board's concurrence to, the September 25, 1979, vote of the Lincoln-Sudbury Regional School District Committee to borrow \$30,000, by using State House Notes, for the purchase of a computer, in accordance with their communication dated September 27, 1979.

Site Plan Application #79-211 - The Wendworth Corporation

Present: Thomas Saltsman, Vice President and Patrick J. Mallowney, The Wendworth Corp.; John C. Powers, attorney for The Wendworth Corp.; Christopher Pappas, Attorney, and Peter Thomas, owner, both of Dairy Queen; and Frederick R. Kobrick.

Chairman Murray stated that anyone who had any new information or a question pertaining to Site Plan application #79-211 of The Wendworth Corporation, 103-119 Boston Post Road, owned by Albert E. McManus Trust, would be allowed to make a brief statement.

Atty. Pappas accused Atty. Powers of having a conflict of interest based on his past official position as a Selectman. Atty. Powers strongly objected; Town Counsel responded that there is no conflict of interest in Mr. Powers' case.

Executive Secretary Richard E. Thompson referenced the following:

- the Board's vote of October 2, 1979, to table the above-mentioned site plan for the Board's further evaluation;
- a communication dated October 3, 1979, from Frederick R. Kobrick, including a cover letter and summary sheet of handouts presented to the Board at their last meeting;
- a communication dated October 4, 1979, to the Chairman and Chief Executive Officer of Wendy's International, Inc., from Frederick R. Kobrick;
- a communication dated October 5, 1979, from Atty. Powers, to the Board of Selectmen.

Mr. Kobrick asked the Selectmen whether a take-out window could later be added if Wendy's were constructed without one at this time. Town Counsel responded that this would be a question addressed by the Board of Appeals.

Following a brief discussion it was on motion

VOTED: To disapprove Site Plan application #79-211 of The Wendworth Corporation, for property located at 103-119 Boston Post Road, owned by Albert E. McManus Trust, on the grounds that

1) the facility planned on the site does not appear to comply with the existing zoning bylaw requirements;

2) the plan does not provide adequate safeguards for the convenience and safety of vehicular and pedestrian movement within the site in relation to adjacent streets and land.

(Selectmen Hotch and Cossart, in favor; Chairman Murray, opposed.)

#### Petition for Town Way - Forest Street

The Board acknowledged receipt of a petition dated September 30, 1979, from Clark E. Diehl and Anita J. Diehl, both of 68 Forest Street, requesting that Forest Street be placed on the next Town Meeting Warrant for acceptance as a town way, and directed that the Executive Secretary forward said petition to the Planning Board, Town Engineer, and the Highway Surveyor and place the same in their folder of pending articles for the Annual Town Meeting.

#### Metropolitan Area Planning Council (MAPC) - Metropolitan Planning Organization

Executive Secretary Richard E. Thompson brought to the Board's attention a communication dated September 28, 1979, from the MAPC concerning the designation of transportation Metropolitan Planning Organizations and stated that if the Board had any comments, he would forward them to the MAPC.

#### License Applications - Sudbury-Wayland Hadassah

It was on motion by Selectman Cossart unanimously

VOTED: to approve the following license applications of Nancy Levy, President, Sudbury-Wayland Hadassah;

a. A Temporary License for the Sale of Wines and Malt Beverages Only, to be drunk on the premises, to be exercised on Saturday, November 3, 1979, from 7:30 p.m. to 12 Midnight at the Memorial Congregational Church, Concord Road;

b. An Auctioneer License for a fund-raising auction to be held Saturday, November 3, 1979, from 7:30 p.m. to 12 Midnight at the Memorial Congregational Church to be held in accordance with Ms. Levy's communication of September 28, 1979.

And it was further

VOTED: To waive the fees of \$10 per license for each of the above authorized licenses.

#### Dog Pound Bids

The Board agreed to take under advisement the question of reviewing bids for the construction of a dog pound facility.

Chairman Murray referenced the Town Engineer's communication of October 9, 1979, showing a breakdown of the one General Bid and one each of the Sub-bids showing a total estimated cost of \$51,350.31; also noting the 1978 Annual Town Meeting only appropriated \$10,000 for the construction of the Dog Pound.

#### Traffic Rules and Orders of the Town of Sudbury (amendment)

The Board discussed recommendations of the Town Engineer, expressed in his communication, dated September 27, 1979, on the subject of right turns on red signals, in conjunction with a communication dated August 10, 1979, from the Commonwealth of Massachusetts, indicating that Governor King signed a bill, effective January 1, 1980, permitting right turns on red signals except where specifically prohibited by a sign. Mr. Merloni suggested prohibiting a right turn on red signals at the intersection of Concord and Old Sudbury Roads and at the corner of Concord Road, and Route 20.

Selectman Cossart commented that the sign presently located in the Town Centre, at the intersection of Concord and Old Sudbury Road, seems to have been effective in the past; Chairman Murray pointed out, however, that there are many more school children using the walkways and crosswalk at the Town Centre, and that perhaps they should consult the Police Chief as to his feelings regarding right turns after stopping on a red signal at that particular intersection.

Following a brief discussion, the Board directed the Executive Secretary to forward the above-mentioned communications to the Police Chief and the Highway Surveyor for their comments.

Chairman Murray recessed the meeting at 8:30 p.m.; the meeting was called back to order at 8:45 p.m.

General Meeting and Appointments - Long Range Capital Expenditures  
Committee (LRCEC)

Present: James A. Pitts, Chairman, and Frederick P. Armstrong, III, LRCEC; James R. Becker, Jr., and James A. Warner, Jr., candidates.

LRCEC Chairman James A. Pitts reported that the LRCEC was satisfied with the publication and distribution of the last Capital Improvement Program report (February, 1979). Mr. Pitts pointed out the changes within the publication and the affirmative comments regarding the clarification, compared to other years, received by the Committee, following distribution of the report at the 1979 Annual Town Meeting. He also talked about other possibilities for distribution of the report, which were looked into by the Committee, but disregarded mostly because of costs and time limitations. Mr. Pitts stated that the LRCEC will continue to publish and distribute their Capital Improvement Program report in the same way, concluding that it is a useful tool for the public. Mr. Pitts thanked the Selectmen for renewing the Committee's membership in the Association of Town Finance Committees. On behalf of the LRCEC, Mr. Pitts recommended that the dollar criteria for capital improvements be changed from \$10,000 to \$20,000; the Board concurred with this change.

Executive Secretary Richard E. Thompson stated that in the future, the Building Services Group would like to tie in some of their work, and publish the same, with that of the LRCEC; he later pointed out that he often passes this report out when newcomers stop into the Selectmen's office requesting information about Sudbury.

Chairman Murray expressed concern regarding the future possibility of closing certain other Town school buildings and, consequently, having to rethink the use of these facilities.

Mr. Pitts stated that the Committee is aware that use of these valuable assets may diminish as school enrollment drops and will address the same as it related to future requested space needs by individual departments, boards and commissions.

Selectman Hotch suggested that the School Committee be included in further discussions with the LRCEC relative to the same.

The Board interviewed James R. Becker, Jr. and James A. Warner, Jr., following which it was on motion by Chairman Murray unanimously

VOTED: To appoint James R. Becker, Jr., 116 Ford Road, to the Long Range Capital Expenditures Committee, to fill the unexpired term of Edward J. Mulcahy, Jr., expiring April 30, 1981.

And it was further

VOTED: To appoint James A. Warner, Jr., 343 Willis Road, to the Long Range Capital Expenditures Committee, for a term to expire April 30, 1982.

Appointments - Town Report Preparation Committee

In accordance with a verbal recommendation from the Town Report Preparation Committee, it was on motion by Selectman Hotch unanimously

VOTED: To appoint Patricia D. Drobinski, 222 Boston Post Road, and Barbara A. Meehan, 26 Clark Lane, to the Town Report Preparation Committee, both for terms to expire April 30, 1980.

Finance Committee Transfer Requests

340-10 Salaries, Building Department

It was on motion by Selectmen Hotch unanimously

VOTED: To approve Request for Transfer #0847, dated October 5, 1979, from the Reserve Fund to salaries, Building Department, Account #340-10, in the amount of \$1,993, based on an annual salary of \$22,000 for a new Building Inspector and time of hiring, December 1, 1979.

340-14 Deputy Inspector

It was on motion by Chairman Murray unanimously

VOTED: To approve Request for Transfer #0848, dated October 5, 1979, from the Reserve Fund, to Deputy Inspector, Account #340-14, in the amount of \$6,150 as follows:

1. Deputy Building Inspector, part-time - \$1,400.  
For 8 weeks at \$175/week, based on 20 hours work per week  
(or based on a yearly part-time salary of \$9,100).
2. Deputy Building Inspector, part-time - \$1,000.  
For an estimated 100 hours from 12/1/79 to 6/30/80.
3. Deputy Wiring Inspector - \$3,750.  
For the remaining 9 months in this fiscal year, (based  
on \$10/hour, based on 500 hours per year for a total  
annual estimated cost of \$5,000).

340-18 Sealer of Weights and Measures

It was on motion unananimously

VOTED: To take under advisement Request for Transfer #0849, dated October 5, 1979, from the Reserve Fund, to Sealer of Weights and Measures, Account #340-18, in the amount of \$600 for the hiring of a Sealer of Weights and Measures, starting January 1, 1980, based on 200 hours per year at \$6/hour, for the purpose of discussing the filling of this position with other communities.

340-41 Travel, Building Department

During a review of the Transfer Request, #0850, dated October 5, 1979, to 340-41 Travel, Building Department, in the amount of \$500 for mileage expenses

for a part-time Deputy Wiring Inspector, for a nine-month period of time, the Board discussed the possibility of the Deputy Wiring Inspector utilizing the Town vehicle, customarily used by the Building Department, until such time as a permanent Building Inspector is appointed.

Executive Secretary Richard E. Thompson stated that he would get back to the Board after speaking to Mr. Boyce about using the Building Inspector's car rather than charging mileage to the Town for his personal vehicle.

Appointment - Assistant Dog Officer

Present: Betsy M. DeWallace, Dog Officer; Donna C. Mahlowitz and Barbara J. Jenkins, applicants.

The Board reviewed a communication, dated September 21, 1979, from former Dog Officer Francis E. White, requesting the appointment of Donna C. Mahlowitz, and an employment application from Barbara J. Jenkins, to fill the position of Assistant Dog Officer, vacated by Betsy M. DeWallace, who was recently appointed Dog Officer (October 2, 1979).

Executive Secretary Richard E. Thompson updated the Board on his meeting last week with Mrs. DeWallace, who expressed to him at that time, her desire to actively enforce the dog control law. Mrs. DeWallace suggested that an Assistant Dog Officer could help patrol the schools, especially between 7:30-8:00 a.m. each school morning, and could patrol general areas, especially troublesome areas, routinely, giving evidence of the dog control bylaw being enforced.

The Board further discussed the necessity of an Assistant Dog Officer, and Mrs. DeWallace confirmed the necessity for assistance during certain peak hours, especially during 7:30-8:00 a.m., five days a week, when more than one problem arises at the same time, and to cover for the Dog Officer, on occasion.

Responding to Mrs. DeWallace, Mr. Thompson stated that the Attorney General's office had just approved the Town's bylaw amendment (Article 9 of the 1979 special Town Meeting), and that following one further public notification, fines of \$10-15-25, for first, second and third offenses, can go into effect.

The Board interviewed both Donna C. Mahlowitz and Barbara J. Jenkins and unanimously confirmed the qualifications of both candidates. However, based on the previous recommendation of Mrs. DeWallace it was on motion by Selectman Hotch unanimously

VOTED: To appoint Donna C. Mahlowitz, 196 L North Road, Sudbury, as Assistant Dog Officer, for a term to expire April 30, 1980.

Following discussion, it was a consensus of all present, that the dog tranquilizing guns previously in possession of the former Dog Officer, would be kept at the Police Department, subject to agreement by the Police Chief. Likewise, it was agreed the Building Inspector vehicle would be turned over to the Town Engineer until Mr. White's successor is appointed.

Chairman Murray thanked the two candidates for attending tonight.

Responding to Selectman Cossart, Mrs. DeWallace informed the Board that she is in the process of telephoning the remaining owners of delinquent (1979) unlicensed dogs.

#### Executive Session

At 9:00 P.M. it was on motion by Roll Call unanimously

VOTED: To enter into Executive Session for the purpose of discussing 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 Murray announced that public session would reconvene following the Executive Session.

#### Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular Session of October 2, 1979, as amended.

#### Current Items of Interest

##### Site Plan #79-205 - J. R. Sousa & Sons, Inc., 475-477 Boston Post Road

On the recommendation of the Town Engineer, by letter dated October 9, 1979, it was on motion unanimously

VOTED: To sign Site Plan #79-205 of J. R. Sousa & Sons, Inc., for property located at 475-477 Boston Post Road.

##### Entertainment License - Ephraim's of Sudbury

At the informal request of the Manager of Ephraim's the Executive Secretary asked the Board if they would reconsider a change in Ephraim's entertainment license to include more than one entertainer. The Board stated that its position had not changed, that their license will expire shortly and their licenses will be appropriately addressed at that time.

##### School Committee Meeting

Chairman Murray pointed out that the School Committee will meet Thursday, October 11, and will be reviewing the bussing situation.

There being no further business to come before the Board the meeting was adjourned at 10:30 P.M.

Attest:

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Richard E. Thompson  
Executive Secretary-Clerk



Chairman Murray thanked the two candidates for attending tonight.