

IN BOARD OF SELECTMEN  
MONDAY, MAY 12, 1980

Present: Chairman John E. Murray, Anne W. Donald, 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.

Utility Petitions #80-7, Codjer Lane and #80-8, Haynes Road

Present: Edward Kelly, Boston Edison Company.

In conformity with General Laws, Chapter 166, sections 21 and 22, the Board considered UP80-7, Codjer Lane, and UP80-8, Haynes Road, of New England Telephone and Telegraph Company and Boston Edison Company, for permission to alter the location of and for permission to erect or construct, and locations for, guy wires and anchors to be owned and used in common with them, upon, along and across the following public ways of the Town:

UP-7 Union Avenue, southeasterly side approximately 889 feet southwest of Codjer Lane. One (1) pole. (One (1) existing J.O. pole to be removed).

UP-8 Haynes Road, easterly side approximately 753 feet south of North Road. One (1) pole.

Executive Secretary Richard E. Thompson reported that all appropriate Town officials and abutters had been notified; the following communications were noted as having been received:

- from the Deputy Wiring Inspector, Warren Boyce, dated May 8, 1980, objecting to UP80-8; and dated May 8, 1980, approving UP80-7.

- from the Building Inspector/Zoning Enforcement Agent dated May 8, 1980, recommending approval, from the standpoint of public safety, of both utility petitions.

Mr. Edward Kelly of the Boston Edison Company explained that the purpose of the request for one pole on Haynes road is to replace a tree, which is being removed, and which is currently being used to hold the guy wire; the reason for the request for one pole removal on Union Avenue (at the corner of Codjer Lane) is for a proposed new driveway construction.

Following a brief discussion, it was on motion by Selectman Cossart unanimously

VOTED: To approve Utility Petition #80-7, Codjer Lane, as described above, and shown on a plan entitled "Plan of Union Avenue, Sudbury, Showing proposed pole relocation", dated February 20, 1980;

and it was further

VOTED: To approve Utility Petition #80-8, Haynes Road, as described above, and shown on a plan entitled "Plan of Haynes Road, Sudbury, Showing proposed pole location", dated March 12, 1980, subject to the concurrence of the Deputy Wiring Inspector.

Mr. Joel F. Gardiner, 204 Haynes Road, arrived later in the evening and expressed no objection to the pole location as long as it was away from his driveway.

Longfellow Glen, Boston Post Road

The Board agreed to review information compiled and submitted by the Executive Secretary relative to the communication dated April 28, 1980, from the Board of Appeals concerning the application of McNeil & Associates, Inc., for a comprehensive permit under General Laws, Chapter 40B, sections 20-23, to construct 140 units of mixed income, multi-family housing named Longfellow Glen on the Boston Post Road, including the previous record of Town Meeting and Selectmen's action on the same, and will take a position on the same at its meeting of Tuesday, May 27.

In answer to Selectman Cossart, Town Counsel responded that a conditional comprehensive permit may be a comprehensive permit with conditions placed on it. Town Counsel stated that in his opinion the terminology, "conditional comprehensive permit", in the first instance is incorrect; it can only be conditional by final action of the Board of Appeals - - in this situation under discussion.

Selectmen to Act as Fence Viewers

The Board of Selectmen, acting as Fence Viewers, took under consideration a communication dated May 1, 1980, from Charles R. Mainville of 2 Woodberry Road, and a related communication from the Town Engineer dated May 8, 1980, and set the date and time to view the fence in question for Monday, May 19 at 6:30 p.m. (meet at Loring Parsonage at 6:15 p.m.), prior to the regularly scheduled Selectmen's meeting.

Site Plans, Building Permits in Relation to Drainage Problems, Zoning Violations

Present: Judith A. Cope, Chairman of Conservation Commission.

Executive Secretary Richard E. Thompson summarized a communication dated May 2, 1980, from Judith A. Cope, Conservation Commission Chairman, concerning site plans and building permits as they relate to drainage problems and zoning violations.

Chairman Murray commented about past discussions on this subject and the suggestion and that a "warning card" be given to applicants explaining possible problem areas on the site and giving them direction in which to proceed through Town departments/boards/commissions.

Mrs. Cope stated that Town Engineer James V. Merloni has some very good ideas and suggested that he be consulted for recommendations.

Responding to Selectman Cossart, Mrs. Cope clarified her concerns, stating that she felt there was a problem with the original Building Permit application.

After a Building Permit is issued, Mrs. Cope stated, it was not clear who had jurisdiction over the placement of a new structure on a site in relation to possible wet areas, resulting, in many cases, in wet basements. The Conservation Commission does not have jurisdiction unless construction is within 100 feet of a wetland.

Mrs. Cope suggested we may want to consider requiring the submission of more definitive plans with a Building Permit application.

Following further discussion, the Selectmen directed the Executive Secretary to request, on behalf of the Board, the joint advice/recommendations of Town Engineer James V. Merloni, Building Inspector Joseph E. Scammon, and Town Counsel relative to a possible revision(s) in the submission requirement for building permits for further discussion by the Board within the next 2-3 weeks.

The Board briefly discussed zoning violations, noted in Mrs. Cope's communication of May 2, and again requested Mr. Thompson to forward the same to Mr. Merloni and Mr. Scammon for their comment and recommendation(s).

It was understood by the Board that Town Counsel will review any recommendations on the above subject to determine if any bylaw/statute revision(s) are necessary to accomplish the same.

#### Widening of Route 20 Project

Present: Alfred D. Laing, District Traffic Engineer, Joseph DeRoch, Project Section, District 4; William Pretti, Co-ordinator; Noel Bolger, Compliance Officer; Fire Chief Josiah F. Frost; Town Engineer James V. Merloni; Judith A. Cope, Chairman, and Rebecca Ritchie, Conservation Commission; John C. Cutting, Planning Board; and Frank Vana, abutter.

Chairman Murray opened a meeting with the members of District 4, Department of Public Works (D.P.W.) relative to the widening of Route 20. Following introductions, Mr. Alfred D. Laing stated that the widening of Route 20 is a project being reactivated after about 4 years. The project will include:

- 1) the widening of Route 20 (from Union Avenue to approximately 600 feet west of the #2 fire station) to a 48-foot pavement providing two lanes in each direction with no center island;
- 2) upgrading the drainage system in the area;
- 3) installing signalization at Nobscot Road and possibly at Union Avenue; and
- 4) restricting the driveway openings that lead onto Route 20. This project will be funded by 25% State funds and 75% Federal funds.

Mr. Joseph DeRoch showed and explained some of the plans for the project. He told the Selectmen that he did not have an extra copy of the plans to leave with them, but that anyone was welcome to come into District 4 office to view the plans.

In explaining the plans and answering questions, Mr. DeRoch stated the following:

- the pond area on Route 20, just east of the Fire Station, would be slightly filled - approximately 3/100 acre;

- the existing culvert, adjacent to the R.A.D.I.N. property would be replaced with something of equivalent size;
- there would not be much change in the profile or alignment of the road;
- the justification for signalization at the intersection of Union Avenue and/or Nobscot Road would be determined by a traffic count to be done by someone other than District 4;
- the project has priority, but no target date.

No major concerns were raised; Mr. Laing requested a copy of the minutes.

Chairman Murray thanked the representatives of District 4 and Town officials for attending.

#### Chapter 90, Section 20C - Parking Violations/Fines

Present: Police Chief Nicholas Lombardi; Fire Chief Josiah F. Frost and Safety Officer William Carroll.

Chairman Murray convened a joint meeting with both the Fire and Police Chiefs and Safety Officer William Carroll to consider an article for the June 24 Special Town Meeting to accept General Laws Chapter 90, section 20C, to allow for the ticketing of vehicles for parking violations and the determination of parking violation fines.

Executive Secretary Richard E. Thompson referenced a communication dated April 11, 1980, from Assistant Town Counsel Thomas M. French explaining the present procedure under G.L., Chapter 90, s20A: 1) fines cannot exceed \$2; and 2) the requirement that "notice of violation" be delivered in person or mailed; whereas, acceptance of section 20C would 1) allow the Selectmen to set higher fines; and 2) allow notice in "tag" form to be affixed to the vehicle.

Chief Lombardi stated that there are non-posted areas where notices of violation can be issued, such as: there is no all night parking on any street in Sudbury.

Chief Frost expressed great concern regarding parking violators in fire lanes and stated his only recourse under present statute to enforce the provision in the bylaw regarding fire lanes is to tow cars. With the acceptance of section 90C, the police will be able to use one warning ticket, and/or a fine before towing.

Officer Carroll, responding to Selectman Cossart, explained that the courts prefer that towns operate under section 20C in order to "tag" the vehicle, which is not the case under section 20A where a violation must be handed personally to the car owner or mailed to the owner of the vehicle who may not necessarily be the driver or violator at that time.

Officer Carroll stated that there is a high number of violators in fire lanes at the High School and one of the main reasons acceptance of section 20C should be pursued.

Chief Lombardi added that most surrounding towns using Framingham District Court have already accepted section 20C.

Following further discussion it was on motion by Selectman Donald unanimously

VOTED: To submit an article for the June 24 Special Town Meeting to see if the Town will vote to accept the provisions of section 20C of Chapter 90 of the General Laws, authorizing the Board of Selectmen to establish a schedule of fines for parking violations and allowing notices of violation to be affixed to any motor vehicle in violation of parking regulations.

The Selectmen agreed with the schedule of fines shown on a reverse side of a 20C ticket obtained by Officer Carroll from the Framingham District Court as follows:

Code # 1-6 (#6 being fire lanes) - \$10.00  
Code # 7-14 - \$5.00  
Code # 16-18 - \$3.00  
Code # 19-23 eliminate.

Chairman Murray recessed the meeting at 8:25 p.m. for a brief coffee break; the meeting was called back to order at 8:40 p.m.

#### Articles for June 24, 1980 Special Town Meeting

Present: Police Chief Nicholas Lombardi; Fire Chief Josiah F. Frost; and Safety Officer William Carroll.

#### Storage Tanks for Inflammables

Following review and discussion of a communication dated May 9, 1980, from Fire Chief Frost relative to consideration of an article for the June 24 Special Town Meeting for additional funds for clean-up of the Town Hall oil spill, and a related letter from Assistant Town Counsel Thomas M. French dated May 12, 1980, it was on motion by Chairman Murray unanimously

VOTED: To submit an article for the June 24 Special Town Meeting to see if the Town will vote to raise and appropriate, or appropriate from available funds, a sum of money to be determined later, to be expended under the direction of the Building Inspector for the clean-up of the Town Hall underground oil leak and for all costs, repairs and damages related to the leak.

The Executive Secretary called to the Board's attention a draft of an article regarding testing of tanks storing inflammables, prepared by Assistant Town Counsel Thomas M. French. On the recommendation of Chairman Murray, the Selectmen concurred not to submit any articles on this subject for the Special Town Meeting, but on the recommendation of Selectman Cossart, the Board directed that the proposed article be refined and rules and regulations be drafted to accompany the same. The Board further agreed not to submit any articles for the Special Town Meeting which had been recently defeated at the 1980 Annual Town Meeting.

Chief Frost encouraged a means to educate people to the stringent requirements under the EPA regarding storage of underground inflammables, especially the requirements and significant costs incurred in the clean-up of an oil spill/leak.

Selectman Cossart again suggested that the Fire Chief work with the Building Inspector and concentrate efforts on the procedure or rules and regulations for installation of future storage tanks for underground inflammables, in addition to, the proposed article for testing existing storage tanks. Selectman Cossart recommended, and the Board concurred, that this be a priority consideration for a 1981 Annual Town Meeting article.

#### Civil Service

Chairman Murray suggested that the Selectmen plan to submit an article dealing with the exemption of future police officers from Civil Service at the June Special Town Meeting.

Chief Lombardi commented that the acceptance of the documents relating to General Laws, Chapter 31, as part of the Police Union Contract now under consideration with the Police Association will hinder recruitment, not assist.

Selectman Cossart stated, as in the past, that he would not support such an article unless both parties (Selectmen and Police Officers) were harmonious in doing so.

Following further discussion, the Selectmen directed the Executive Secretary to schedule a meeting this week (possibly Friday morning) with Labor Relations Counsel for a final review of the matter at which time the Board will make a decision as to whether or not an article should be submitted for the Special Town Meeting regarding the elimination of future police officers from Civil Service.

#### Special Town Meeting

It was on motion by Selectman Donald unanimously

VOTED: To confirm the Board's telephone vote of May 8, 1980, calling a Special Town Meeting to be held on Tuesday, June 24, 1980, at 8:00 p.m. in the Lincoln-Sudbury Regional High School Auditorium, with a Warrant closing date of Monday, May 19, 1980, at 5:00 p.m.

#### Selectmen's Follow-up Action on 1980 Annual Town Meeting Articles

The Board briefly reviewed a letter of follow-up items dated April 23, 1980, resulting from the 1980 Annual Town Meeting, some of which require action by the Board of Selectmen.

Mr. Thompson pointed out that the Dog Officer will be meeting with the Selectmen next week on Monday, May 19, to consider plans for the Dog Pound at the Dakin Road site.

Appeals Policies and Procedures

The Board reviewed a communication dated April 27, 1980, from L. Mike Meixsell, proposing the appointment of a committee on appeals policies and procedures, and was in agreement that Mr. Meixsell must have misinterpreted Town Meeting discussion relative to dissatisfaction with current appeals procedures . . . the concern was lack of adequate future appeals if the wetlands by-law had passed. The Board directed the Executive Secretary to so inform Mr. Meixsell in a communication to him, acknowledging receipt of his letter, and state that it appears that his proposal could not be accomplished from a legal standpoint - - statutory town agencies cannot be over-ridden by another town agency unless the law so allows.

State Primary

In accordance with the request of the Town Clerk in her communication dated May 2, 1980, it was on motion by Selectman Donald unanimously

VOTED: To set the time and place of the State Primary Election for the four (4) precincts in Sudbury for September 16, 1980, from 7:00 a.m. to 8:00 p.m. in the Peter Noyes School, and to authorize the Town Clerk to group precincts for voting in the Noyes School auditorium, as allowed by General Laws, Chapter 53, section 42.

Summer Meeting Schedule

It was on motion by Selectman Cossart unanimously

VOTED: To approve a summer meeting schedule for the Board dated April 29, 1980.

Minutes

It was on motion by Selectman Donald unanimously

VOTED: To approve the minutes of the Regular Session of May 5, 1980, as amended; and the Executive Session of May 5, 1980, as drafted.

Current Items of Interest

Local Arts Council

Selectman Donald stated that she had had some inquiries regarding the appointments to the Local Arts Council and the omission of Barry Marchette, Director, Sudbury Office of Cultural Affairs. Mr. Thompson stated that he had spoken to Mr. Marchette and explained that, based on the interpretation of the legislation by Assistant Town Counsel, Thomas M. French, the Board did not appoint Barry Marchette because he was an employee of the Town. Mr. Thompson stated that when Mr. Marchette's contract with the Town under the CETA program has expired, he may be eligible to serve on this committee and can be appointed at the request of the committee members, as implied in a communication to current members upon appointment notice.

Gray Lines, Inc., Schedule and Rates

The Board directed the Executive Secretary to respond in writing, with a copy to the DPU, to a communication dated May 6, 1980, from the Gray Lines, Inc., emphatically stating that they have not answered the specific complaint listed in our previous communication to them of May 1, 1980.

School Roof/Energy Studies

The Executive Secretary was directed by Chairman Murray to inquire about the process by which the Gale Engineering firm had been selected by the Permanent Building Committee to perform the School Roof/Energy Studies; said information is to be submitted to the Board at its next meeting of Monday, May 19.

Receptacles at Grist Mill

Executive Secretary Richard E. Thompson reported that, at the request of Sudbury Housing Authority member Russell Loftus last week, he inquired about the placement of receptacles at the Grist Mill and was told by Mr. Koppeis that he is working on finding some sort of receptacle that cannot be stolen or vandalized, as has happened in the past, for the Grist Mill area, and will pursue the matter as quickly as possible.

Letter of Appreciation from Retired Town Treasurer

Mr. Thompson read a communication from William E. Downing, received today, expressing his appreciation to the Selectmen for his retirement party last week.

Rescind Vote to Appoint Joseph R. Atwood, Board of Registrars

It was on motion unanimously

VOTED: To rescind the Board's vote of April 28, 1980, appointing Joseph R. Atwood to the Board of Registrars, to allow for receipt of recommendations from the Republican Town Committee, in accordance with General Laws, Chapter 51, section 15.

Sick Leave Bank Committee - Rules and Regulations

In answer to Selectman Cossart, Mr. Thompson stated that rules and regulations are presently being drafted for the non-union employees Sick Leave Bank Committee.

Executive Session

At 9:25 p.m. it was on motion by roll call

VOTED: To enter into Executive Session for the purpose of discussing strategy for collective bargaining or litigation where open discussion of the same may have a detrimental effect.

(Chairman Murray, in favor; Selectman Donald, in favor; Selectman Cossart, in favor.)



Chairman 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 10:05 p.m.

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

Richard E. Thompson  
Executive Secretary-Clerk