

IN BOARD OF SELECTMEN
TUESDAY, MAY 27, 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.

Special Town Meeting

Present: Fire Chief Josiah F. Frost.

Warrant Reports

Fire Chief Josiah F. Frost brought the Board up-to-date on the status of the oil leak clean-up adjacent to the Town Hall. The Chief stated that he expected the clean-up (pumping of spilled oil) to be completed by June.

Following review of warrant reports, the Board approved both warrant reports for articles 1, "Oil Leak Clean-up", and 10, "Accept Ch. 90, s. 20C, Parking Fines", as amended.

Positions on Remaining Articles

Mossman Road Walkway (Article 11). Executive Secretary Richard E. Thompson reported that Town Engineer James V. Merloni had submitted, under date of May 27, 1980, the estimated figure of \$53,160 for completion of a walkway on Mossman Road, and added that he would consult with Highway Surveyor Robert A. Noyes for confirmation of the estimate.

The Board supported articles 1 and 10, noted above.

The Board confirmed its previous decision to report at Special Town Meeting on articles 6, "Fairbank School Roof", and 7, "Horse Pond School Roof".

Mr. Thompson reported that the Selectmen are scheduled to meet within the next two weeks with the Town Treasurer and the Assessors relative to article 8, "Budget Adjustment: Acct. 200-203 Debt Service, and Acct. 507-71 Bond & Note Issue Exp." and article 9, "Biennial Update of Property Values". The Board agreed to report at Special Town Meeting on these two articles.

Selectman Cossart briefly informed the Board relative to his conversation with the Town Treasurer on the bond and disclosure issues.

The Board agreed that it would be necessary to meet with Chairman of the Permanent Building Committee, D. Bruce Langmuir, to further discuss the articles submitted by the PBC.

Bay Path Senior Services Grant to Council on Aging

It was on motion by Chairman Murray unanimously

VOTED: To accept the second and final portion of a grant, on behalf of the Council

on Aging, in the amount of \$1,500, from the Bay Path Senior Services, on the application made by the Council for the purchasing of equipment and furnishings for the new drop-in center.

Gibbs Oil Company - Request to Submit 1976 Site Plan with Application for New Underground Storage Tanks

Following discussion, and in accordance with a request dated May 21, 1980, by Koller Associates, Inc., Architects and Engineers, for Gibbs Oil, it was on motion by Selectman Donald unanimously

VOTED: To grant special permission to Gibbs Oil Company to submit a site plan application using its 1976 site plan with a variety of scales not the required 1"=20', for the purpose of updating the plan for new underground storage tanks, contingent upon submission of said site plan being revised to show existing "as built" conditions.

Federal Aid for Minuteman Vocational School

In accordance with a communication dated May 12, 1980, from Ron Fitzgerald, Superintendent-Director of the Minuteman Vocational School and Chairman of the Aid Action Committee, to Thomas P. O'Neill, Speaker of the House of Representatives, it was on motion by Chairman Murray unanimously

VOTED: To send a letter to The Honorable Thomas P. O'Neill, Speaker of the House, indicating the Board's support of the above-mentioned communication and of the Minuteman Regional Vocational Technical School District in its efforts to receive its full entitlement of 10% federal construction aid in the amount of \$594,725, promised under Public Law 90-576.

Application to Store Inflammables - Sousa Oil Company, 475-477 Boston Post Road

Present: Fire Chief Josiah F. Frost; Lou Arvanites, J.R.Sousa & Sons, Inc.

In accordance with Chapter 148 of the General Laws of Massachusetts, Chairman Murray convened a public hearing on the application dated May 6, 1980, of Sousa Oil Company, for a license to store inflammables (20,000 gallons of gasahol in two 10,000 gallon underground tanks), at property located at 475-477 Boston Post Road.

Executive Secretary Richard E. Thompson stated that all appropriate Town Officials and abutters had been notified and noted receipt of the following communications:

- from the Building Inspector dated May 23, 1980, recommending approval, and
- from the Fire Chief dated May 21, 1980, stating no objection.

Mr. Thompson referenced a summary of service stations licensed for storage of inflammables as of May 26, 1980.

Chairman Murray explained the Board's earlier discussion to Mr. Lou Arvanites of Sousa Oil Company regarding its desire that site plans be submitted in the future showing existing "as built" conditions.

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

VOTED: To approve the application of Sousa Oil Company for a license to store underground 20,000 gallons of gasahol, to be stored in two 10,000-gallon underground tanks, on property located at 475-477 Boston Post Road, contingent upon receipt of an "as build" site plan, and subject to approval by the Fire Chief on the installation of the tanks, said license is for storage in addition to existing storage of 8,000 gallons diesel fuel, 18,000 gallons gasoline, and 500 gallons waste oil, making a total of 46,500 gallons.

Responding to Judy Cope of the Conservation Commission, Mr. Thompson stated that gasoline underground storage tanks are checked on a yearly basis by the Sealer of Weights and Measures as to contents; Chief Frost added that the Fire Department checks all underground storage tanks during their installation 2-3 times before use of the same. Mr. Thompson stated that, in addition, Town Counsel's office is drafting an article for next year's Annual Town Meeting which will set up rules and regulations for installation and a form of testing for all storage tanks according to some pre-determined schedule.

Selectman Cossart suggested that the Selectmen be very restrictive about allowing new gasoline station locations but less restrictive on existing gasoline stations requesting additional storage, in order that the public need be served.

Hannon Easement

In accordance with a request by the owner and the Highway Department (communication dated May 16, 1980) for a revision in the walkway easement area, it was on motion by Chairman Murray unanimously

VOTED: To sign and accept an easement, on behalf of the Town, dated May 15, 1980, from Roy O. Hannon, for the Hannon/Pratt properties on Haynes Road for walkway purposes, as shown on a plan entitled "Plan of Land in Sudbury, Massachusetts, Showing Walkway Easement, Haynes Road", dated May 6, 1980; this easement will replace one previously signed by the Board on April 15, 1980, from Roy O. Hannon and Dorothy M. Pratt (now deceased).

Second Annual Shriners' High School Football Classic

The Board took under advisement a communication dated May 12, 1980, relative to the Second Annual Shriners' High School Football Classic, being participated in by Doug Lindgren of the Lincoln-Sudbury Regional High School, and directed the Executive Secretary to 1) forward a letter of congratulations to Doug Lindgren, on behalf of the Board of Selectmen; and 2) speak with both Superintendent David Levington and Pasquale Piscitelli of Church Street as to whether they had received a copy of the above-mentioned communication and if there were any plans for contributions to the Shriners Crippled Children's Hospitals, in order to place a congratulatory note in the football game program booklet.

Chairman Murray recessed the meeting at 7:55 p.m.; the meeting was called back to order at 8:00 p.m. for the Town Fathers Forum.

Town Fathers Forum

At 8:00 p.m. Chairman Murray convened the 134th Session of the Town Fathers Forum, a summary of which is attached and is a part of these minutes.

Chairman Murray adjourned the Town Fathers Forum and recessed the meeting at 9:10 p.m. for coffee and conversation; the meeting was called back to order at 9:25 p.m.

Longfellow Glen Housing Project

Present: President Helga Andrews, John Brown, and Judy Mack, Sudbury Non-Profit Housing Corporation; Charlotte E. Goss, Sudbury Housing Authority; Judith A. Cope, Chairman of Conservation Commission; approximately twelve interested residents.

Chairman Murray opened discussion relative to the upcoming Board of Appeals hearing on Longfellow Glen, housing project of McNeil and Associates and Sudbury Non-Profit Housing Corporation, located on the Boston Post Road, by first reading an excerpt from the April 10, 1973 Annual Town Meeting Resolution supporting the formation of the Sudbury Non-Profit Housing Corporation, which emphasized that all housing proposals be voted by Town Meeting rather than to proceed under Chapter 774. Chairman Murray added that the Board has always supported this concept.

Ms. Janet Smith of 14 Nokomis Road exhibited a petition to the Board of Selectmen and the Sudbury Zoning Board of Appeals expressing opposition to approval of the petition of McNeil & Associates, Inc., for a comprehensive permit for the construction of mixed-income multi-family housing project on the Boston Post Road site based on expected problems with subsurface sewerage disposal, drainage flow and traffic safety on Route 20, and due to the anticipated burden such a project will create on the Town's school facilities, related transportation and protection services, as well as the opinion that there is a lack of need for such a development.

Responding to Assessor William Duckett, Chairman Murray stated that the "new" Board has not taken an official position but will do so prior to the Board of Appeals hearing on June 3. Chairman Murray again stressed that the Selectmen have always supported the procedure of a Town Meeting vote on housing issues rather than proceeding through the Board of Appeals.

Selectman Donald pointed out that an article for rezoning of this land for the housing project had been rejected by a past Town Meeting because specific plans were not submitted with the article. Selectman Donald questioned whether the Town would have more protection (control) by going through the Board of Appeals procedure for issuance of a special conditional permit for the housing project than by Town Meeting articles approving the project and rezoning, and whether there was any alternative action to rezone that the Town Meeting could take. Assistant Town Counsel Thomas M. French responded that if the purpose of going to Town Meeting were to get full approval for the project and construction, it would require rezoning of the land for apartments; on the other hand, if it were to request a non-binding approval of the Town Meeting for a proposed project, that

could be done but the only purpose of that might be advisory to the Board of Appeals under a 774 application.

Mr. Thompson noted a telephone conversation with Susan Boak of the Sudbury Non-Profit Housing Corporation (SNPHC) and her suggestion that the Longfellow Glen architectural plans could be addressed as part of the conditions to the proposal and that they perhaps be reviewed by a professional architect - or the Permanent Building Committee - for architectural merit.

Selectman Cossart expressed his opinion that the Selectmen have incomplete details regarding the plans to render a decision on the project's architectural merit at this time. Mr. John Brown of the SNPHC stated that he thought the Selectmen had design development drawings showing all the details of the development including elevation plans, and asked the Executive Secretary to contact him otherwise.

Appointments

Rescind Vote - Irene Mele

It was on motion by Selectman Donald unanimously

VOTED: To rescind the Board's vote of May 5, 1980, reappointing Irene Mele as Policewoman/Crossing Guard, as she no longer holds this position.

Special Police

It was on motion by Chairman Murray unanimously

VOTED: To reappoint Richard E. Hession as a Special Police Officer, for a term to expire April 30, 1981.

Remaining Appointments

Following discussion it was on motion unanimously

VOTED: To make the following appointments/reappointments:

- on the recommendation of Chairman Murray - Barbara B. Bortle of 53 Codjer Lane to the Council on Aging, for a term to expire April 30, 1983, subject to her acceptance.
- on the recommendation of William A. Burns - Roger Allan Bump of 9 Wilson Road to the Memorial Day Committee, for a term to expire April 30, 1982.
- Joseph D. Bausk, Francis J. Koppeis and William A. Burns to the Memorial Day Committee, all for terms to expire April 30, 1983.
- Selectman Anne W. Donald as Representative to the Sudbury Public Health Nursing Association for a term to expire April 30, 1981.

The Executive Secretary was directed to ask Winifred C. Grinnell if she would be interested in serving on the Memorial Day Committee; likewise, to ask

James Goodman if he would be willing to serve on the Permanent Building Committee as a replacement to John Reutlinger, if he does not accept reappointment. The Board also requested that a list of potential candidates for appointment to the Personnel Board be prepared from the Talent Search List.

Minutes

It was on motion by Selectman Donald unanimously

VOTED: To approve the minutes of the Special Meeting of May 16, 1980, as amended, and the regular and Executive Sessions of May 19, 1980, as drafted.

Current Items of Interest

Question of Liability During Use of Town Property

Referring to a recent incident whereby a passing motorist's car window was broken by a foul baseball on Raymond Road, Chairman Murray questioned the Town's liability in such an incident. Following discussion the Selectmen directed the Executive Secretary to refer this matter - whether such coverage would be available and whether it would be practical to have organizations such as Pop Warner, Park and Recreation sports programs, etc., carry the same - to the Insurance Advisory Committee and Town Counsel.

Zoning Questions

Norling/Mitchell, Pride's Crossing Road

Following a brief review and discussion relative to a communication dated May 18, 1980, from Mr. and Mrs. Robert A. Norling, 130 Pride's Crossing Road, the Selectmen agreed that it would be necessary for them to pursue and enforce the matter with the Building Inspector, as Zoning Enforcement Agent.

Coatings Engineering

Following a report from Selectman Cossart relative to his interaction with the Raytheon Company and the Board of Health on the apparent problem experienced by Raytheon due to air pollution from the Coatings Engineering Company, the Selectmen requested that Selectman Cossart continue to meet with the Board of Health, which is in touch with the DEQE, and the Building Inspector and report back to the Board.

Lease for Dakin Road Property as Town Dog Pound

Selectman Cossart reported on his discussion with the Dog Officer relative to a lease for the use of her Dakin Road property as the Town Dog Pound and stated that he would like time on the future agenda to discuss it in more detail.

Heritage Park

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

VOTED: to authorize an expenditure in the amount of \$1,200 for the hiring of two youths for one month during the summer to do work in the Park.

Responding to Selectman Donald, Mr. Thompson explained that the money in the Heritage Park account is an accumulation of donations and expended at the discretion of the Selectmen for the purpose of maintaining/improving the Park.

Juvenile Restitution Program Committee

Executive Secretary Richard E. Thompson reported that the Middlesex Chief Probation Officer had requested a meeting with the newly-formed Juvenile Restitution Program Committee and that he would schedule a meeting when Town Counsel can be present and would so inform the Board.

Plaque for Revolutionary War Cemetary

Following a brief explanation and on the recommendation of the Executive Secretary with the concurrence of the Town Accountant, it was on motion by Chairman Murray unanimously

VOTED: To authorize an expenditure up to a maximum of \$500 from the "Sale of Cemetary Lots" account, for the purpose of repairing a plaque for the Revolutionary War Cemetary and installation of the same on a stone which was once the Wayside Inn doorstep.

Bergman Fence

The Executive Secretary reported that a fence, belonging to Mr. and Mrs. Harvey H. Bergman, which the Selectmen had requested be removed from Town property by vote of June 18, 1979, has been removed.

Salary - John H. Wilson, Town Accountant

Following a brief discussion the Board directed the Executive Secretary to place in Town Accountant John H. Wilson's file a note to the effect that in their opinion the Town Accountant is entitled to the total annual salary voted by the Town Meeting regardless of his time away from the job for military training - - approximately two weeks. The Board reached this decision because of the fact that Mr. Wilson puts in additional work hours to more than compensate for the same.

Selectmen's Account 501-ATM-71 and 501-ATM-72

Selectman Cossart questioned Selectmen account 501-ATM-71, Article 37, Nobscott Drain, and 501-ATM-72, Article 39, Purchase Lord Land, both shown on 4/30/80 detailed budget report, and asked Town Counsel's office to enlighten

the Board at its next meeting as to why these accounts must be continued to be carried with the respective balances and not closed out to the general fund.

There being no further business to come before the Board, the meeting was adjourned at 10:40 p.m.

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk