

IN BOARD OF SELECTMEN  
MONDAY, JUNE 4, 1984

Present: Chairman Anne W. Donald, Myron J. Fox, and Josiah F. Frost.

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:30 p.m. by Chairman Donald.

Interviews - Personnel Board

Present: Applicants Joseph S. Patti and Jane C. Carroll.

Following interviews and discussion with the above applicants, it was on motion unanimously

VOTED: To appoint Joseph S. Patti, 261 Marlboro Road, and Jane C. Carroll, 155 Moore Road, to the Personnel Board, replacing Stephen M. Golder and Cornelius S. Hickey, Jr., both for terms to expire April 30, 1987.

Revision - Site Plan 80-227, Vana/Sudbury Crossing, Boston Post Road

Present: Frank M. Vana, developer.

Following discussion and review of a new landscape plan with Frank M. Vana, it was on motion by Selectman Fox unanimously

VOTED: To accept the change requested in a communication dated May 31, 1984, from Richard C. Skarinka, Project Engineer, which revises the proposed landscaping for Site Plan 80-227, Filomena Vana Trust, property known as Sudbury Crossing, 435 Boston Post Road, by increasing the number of trees from 66 to 105 ranging in size from two inches to five inches and a height of five feet to eighteen feet, to increase the size of the tree islands shown in red (in north section of parking lot) from 5'X5' to 6'X6', and to eliminate the proposed tree islands and trees shown in the south parking area, as shown on a plan entitled, "Preliminary Landscape Plan, Sudbury Crossing, Sudbury, Massachusetts", dated May 10, 1984, by H. K. Dodge Associates, Inc., Sheet L-1, to be incorporated in Site Plan 80-227 by reference.

Executive Secretary Richard E. Thompson stated prior to the vote that both the Building Inspector and the Town Engineer had approved the new proposed landscaping. The Town Engineer had expressed some concern regarding larger tree islands which, in turn, reduces the size of the parking area. Following discussion of that point, all agreed that sufficient parking is provided on site and, aesthetically, the larger trees would look better.

Public Hearing - Wayside Package License

Present: Thomas L. McManus, Wayside Package; previous license applicants Vito Spadea and Joseph S. Lank and his attorney, Howard J. Wayne.

Chairman Donald reconvened a Public Hearing on the application of Wayside Package Store, Inc., for renewal of its 1983 All Alcoholic Package Store License, taken under advisement May 14, 1984, in order for the Selectmen to consult with Town Counsel.

The Selectmen reviewed the circumstances surrounding the renewal application, the previous meetings held on the subject of Mr. McManus' license, and the discussion and testimony at said meetings; namely, that the premises had been sold, and with no location, the license could not be renewed.

Relative to it being renewed as a "pocket license", Town Counsel stated this is sometimes done but that, technically, it is not legal.

Selectman Fox stated that there was some misinformation circulating, and explained that the Board never planned to issue the license held by Mr. McManus to anyone else; in fact, the Board denied two subsequent applications because it felt the Town had enough liquor stores and agreed that, sometime in the future, it would look at it again in terms of what the Town wanted.

Atty. Howard J. Wayne stated his opinion that, under c.138, s.67, Mr. McManus' license is still alive until the final hearing with the Alcoholic Beverages Control Commission is held; Town Counsel stated that this statute refers to suspension or revocation of licenses, not renewals.

After further discussion and consideration, it was on motion by Selectman Frost unanimously

VOTED: To not renew the 1983 All Alcoholic Package Store License for the Wayside Package Store, Inc., 119 Boston Post Road, for the reason that said package store no longer exists as the licensed premises were sold in July of 1983.

Responding to a comment by Atty. Wayne, Selectman Fox stated for the record that the Selectmen were considering this application anew and, speaking for himself, as well as the other members of the Board, further stated they had not made up their minds until after the May 14, 1984, hearing. The Selectmen had not discussed it amongst themselves other than in Executive Session with Town Counsel following the May 14 public hearing relative to the strategies with respect to the litigation concerning this matter.

#### Taufiq/Peters Dog Hearing

Present: Complainant Zubair Taufiq; dog owners Arthur and Odelle Peters; and Dog Officer Betsy DeWallace.

Chairman Donald convened a continued hearing, for the purpose of making a decision, on the telephone complaints of Zubair Taufiq against a German Shepherd dog, Arnold, owned by Mr. and Mrs. Arthur Peters, 53 Easy Street. Said hearing was continued on May 14, 1984, in order to allow the Dog Officer more time to observe the dog's barking and to inquire of other neighbors regarding the alleged nuisance.

Dog Officer Betsy DeWallace stated that she had spoken to four neighbors (close homes) who all indicated that they hear the dog's barking but it is not a problem to them. Mrs. DeWallace stated that one of these neighbors who lives directly across the street, Mrs. Garfield, is an eighty-year-old lady who is deathly afraid of the dog and is always afraid that the dog will get loose. (A public hearing was held in January, 1982, against the Peters' dog on a

complaint filed by Mrs. Garfield of the dog's vicious disposition, at which time the dog was ordered permanently restrained.)

Selectman Frost stated that, since this is the fifth hearing on this dog, and on the basis that the Dog Officer reports that others hear the dog's barking, it is time for Mr. and Mrs. Peters to make arrangements to find a different home for the dog other than in the Town of Sudbury.

Mrs. Peters interjected that she would take the Selectmen to court.

Selectman Fox suggested to Mrs. Peters that she is her own worst enemy in the sense that, by not cooperating with the Dog Officer, who is the Town Official responsible for reporting back to the Selectmen, she is not getting the chance to tell her side of the story.

Mrs. Peters stated that she could bring neighbors here tonight to testify, to which Selectman Fox responded that the Selectmen are not hearing any additional evidence tonight, and reiterated what Chairman Donald had stated earlier, that the purpose of tonight's continued hearing is to make a decision only, after receiving a report from the Dog Officer.

Selectman Fox stated that he drove down Easy Street Saturday (June 2), that the dog was not out and that he heard no barking. Selectman Fox expressed his opinion that Mrs. Garfield should be in the same situation as the complainant, since the distance from her house to the Peters house is about the same. The Dog Officer pointed out that Mrs. Garfield's hearing may not be as sharp because of her age.

Selectman Fox stated he is personally opposed to the suggestion that the dog be ordered out of Town, it being his opinion that there is no real evidence of substantial barking.

Chairman Donald stated she also drove down Easy Street (this past weekend), that there were two cars in the driveway so she assumed someone was home, and the dog was quiet. Chairman Donald further stated that she is inclined to agree with Selectman Frost's suggestion, but asked Mr. Peters if there was any way he could keep the dog from barking and being alone in the yard when they are not at home.

Mr. Peters answered he could not, and stated that it is the nature of a dog to bark, that he has a license to harbor the dog at his residence, and that the issue is whether the dog does bark excessively. Mr. Peters stated that the rest of his neighbors agree that his dog is not a nuisance to them - they are not complaining - that his dog is not disturbing the peace of the rest of the neighbors. Mr. Peters stated that Mrs. Garfield's house is actually closer to the side of the house where the dog barks - the west side of the house.

Mr. Peters went on to say that Mr. Taufiq should have called him - that perhaps he could have diverted the dog and stopped the barking, rather than calling the Dog Officer.

Mr. Taufiq stated that he made two or three attempts to call the Peterses but they always hung up the telephone.

During further discussion, it was noted that there have been five hearings held on complaints against this dog, and Mr. Peters objected to the reference to these hearings, stating his opinion that the Selectmen should not be bringing up past evidence which has nothing to do with this hearing. Mr. Peters added his opinion that the Selectmen have no evidence that the dog barks excessively.

Chairman Donald stated that the Selectmen have asked the Dog Officer to look into the situation, and that she has told the Selectmen at every hearing that the Peterses will not talk to her, that it is her legal duty to talk to the owners and try to make arrangements, and if the owner(s) will not cooperate with her it is her duty to bring it to the Selectmen.

It was on motion by Chairman Donald

VOTED: To banish (order) from the Town of Sudbury, within thirty days, the German Shepherd dog Arnold, owned by Mr. and Mrs. Arthur Peters, 53 Easy Street.

(Chairman Donald, in favor; Selectman Frost, in favor; Selectman Fox, opposed.)

Town Counsel Paul L. Kenny explained to Mr. and Mrs. Peters that they can appeal the Selectmen's decision to the Framingham District Court within ten days of this vote.

Utility Petitions 84-18 and 84-19

Present: Robert L. Blake, Boston Edison.

In conformity with General Laws, Chapter 166, Sections 21 and 22, the Board considered the following Utility Petitions:

a. UP84-18

Present: Kevin J. McCabe, 156 Horse Pond Road.

Of New England Telephone and Telegraph Company and Boston Edison Company, for permission to erect or construct, and a location for, poles, and such other fixtures including anchors and guys as may be necessary to sustain or protect the wires of the line, to be used in common by them, upon, along and across the following public way of the Town:

Horse Pond Road - easterly side opposite Evergreen Road One (1) pole.

Abutter Kevin J. McCabe stated, in the interest of public safety, his opinion that, the proposed pole was too close to the edge of the road; he expressed his willingness to have the pole set back 20-30 feet on his property. Mr. Blake was agreeable and stated Boston Edison would work out the details with Mr. McCabe.

It was on motion unanimously

VOTED: To deny without prejudice UP 84-18 as described above and for the reason explained above.

b. UP84-19

Of Boston Edison Company and New England Telephone and Telegraph Company for permission to erect or construct one (1) guy wire and anchor to be used in common by them, upon, along, and across the following way of the Town:

Willis Road - southeasterly side approximately 330 feet northeast of Ford Road, One (1) guy wire and anchor.

It was on motion unanimously

VOTED: To approve Utility Petition 84-19, as described above, and as shown on a plan entitled, "Plan of Willis Rd., Sudbury, Showing proposed pole relocation, guy wire & anchor", dated September 20, 1983.

Conservation Restriction/Stone Road

Present: Douglas R. Lewis.

On the recommendation of the Executive Secretary it was on motion by Selectman Fox unanimously

VOTED: To approve a Conservation Restriction given by Douglas and Adelaide Lewis, land on Stone Road shown on a plan of land entitled, "Whispering Pines, Definitive Subdivision Plan of Land in Sudbury, Mass.", by Guerard Survey Co. & Associates, dated April 20, 1984, with a format change agreed to by the grantor, labelling the permitted activities in paragraph 5. as "a" through "f".

Prior to the vote, Mr. Thompson stated that the Conservation Commission had already signed the restriction and that he would contact the Commission to explain the format change.

Transfer Requests - Building Department

Present: Finance Committee Chairman Marjorie Wallace.

Following a brief explanation by Executive Secretary Richard E. Thompson, it was on motion unanimously

VOTED: To approve the following Building Department Transfer Requests, for the reasons set forth on the numbered transfers:

a. No. 54, dated May, 1984, from the Reserve Fund to Account 340-13, Clerical, in the amount of \$1,039;

b. No. 56, dated June 4, 1984, from the Reserve Fund to Account 340-12, Overtime and Extra Hire, in the amount of \$387.58; and

c. No. 57, dated June 4, 1984, from Line Item 340-33, Excess School Buildings Maintenance, to Account 340-32, Maintenance, in the amount of \$4,000.

Draft MDC Impact Report - Sudbury River

The Board was in receipt of an update by Chairman Donald, dated May 25, 1984, relative to the MDC Draft Environmental Impact Report - Sudbury Reservoir Water Treatment Plant, and a report from the Town Engineer, dated June 1, 1984.

The Board agreed with the Town Engineer's concern regarding the alternative for disposing of the Sudbury Reservoir Water Treatment Plant sludge in the Sudbury Landfill and directed the Executive Secretary to forward a copy of the Town Engineer's report to Dr. Chiang, the Town's consultant. Additionally, the Board concurred with Chairman Donald's suggestion that she comment officially, on behalf of the Board, at the scheduled Sudbury Citizens' Advisory Committee's public meeting on June 14, the last meeting prior to the deadline for input to the MDC on the above-noted draft report.

Chairman Donald also expressed her concern about the question of sludge seepage into the adjacent Sudbury River.

At the conclusion of discussion, it was on motion by Selectman Fox unanimously

VOTED: To request Chairman Donald to report, on behalf of the Selectmen, at the Sudbury Citizens' Advisory Committee's public meeting on June 14, that Sudbury does not desire to have its landfill used for the disposal of sludge as referenced in the Draft Environmental Impact Report for the Sudbury Reservoir Water Treatment Plant, EOEA No. 03621, received under cover letter dated May 14, 1984, from the Metropolitan District Commission, after discussion and review of the Sudbury Town Engineer's letter dated June 1, 1984, specifically noting the loss of landfill life and traffic generation; and further to send a letter to that effect to the Executive Office of Environmental Affairs, the Metropolitan District Commission, and interested parties, enclosing a copy of the Town Engineer's letter of June 1, 1984.

Lease - Loring School

Present: Atty. Lawrence L. Blacker, Myra Snyder and Thomas Travers, B'nai Torah.

The Board noted receipt of two communications suggesting terms for a lease between the Town of Sudbury and the Congregation B'nai Torah, to be prepared by Town Counsel, from eleven area residents, dated May 16, and from Lawrence L. Blacker, Esq., for B'nai Torah, dated May 30.

Atty. Blacker's letter outlined provisions for said lease, following the format of the Horse Pond Road School Memorandum of Agreement (lease), and during discussion of the same, the Board agreed that the final lease would follow the format of the current Sudbury Community Arts Center (SCAC) lease, and the following decisions were made:

- The premises to be leased shall be the same as that presently leased to the SCAC plus the basketball court and adjacent paved area; also, add plan reference - "Plan of Land in Sudbury, Massachusetts Showing Israel Loring School Woodside Road", dated September 26, 1977. The basketball court and paved area next to the basketball court, which are not currently used by the

neighborhood, shall be maintained by B'nai Torah free of debris, etc.; no re-paving of the court is required. The ballfield and the parking area will not be leased since they are to be used in common with the Townspeople.

- The lease shall be for five years, beginning July 1, 1984, at \$15,000 annually in monthly installments of \$1250 payable in advance on the first of each month, with an option to renew for an additional five years.

- All sub-leases of B'nai Torah must be approved by the Selectmen.

- Horse Pond lease terms #3, #5, #6, #7 and #9 regarding structural changes, operating costs, personal property, Lessor's access and building conditions were agreed to; however, language from the SCAC lease on these provisions was preferred.

- B'nai Torah shall be responsible for plowing the driveway and cutting the grass; major repairs, with approval by the Selectmen of those repairs and related costs, shall be paid for by B'nai Torah and the amount of the same shall be deducted from the rental. (During later discussion, the Selectmen agreed that the Town would not fund handicap access to the building.)

- Lavatories with outdoor access are to be accessible to the Townspeople for the Town's summer recreation programs; Lessee is to maintain them, as well as the rest of the leased premises.

- A sign may be installed subject to approval of the Building Inspector with an advisory opinion from the Sign Review Board.

- Fuel shall be supplied under the Town's fuel contract, if possible, and paid for either by direct billing or by the Town forwarding fuel bills to B'nai Torah for payment by them directly to the fuel company.

- Parking language to be included: "During the three high holidays in the fall, when there is a heavy flow of traffic, a police officer shall be hired by B'nai Torah to handle the same. Anticipated parking needs shall be monitored by B'nai Torah at all times so that Town activities and Lessee events are not scheduled for the same time. No on-street parking along Woodside Road and neighboring streets occasioned or caused by events at Loring School sponsored by the Lessee or its sub-lessees is allowed without the supervision of the Sudbury Police Department.

The Board then discussed the May 16 communication from eleven area residents and the following agreements/decisions were made:

- agreed to the recommendations that there will be no increase in the paved surface area of the Loring School property and no changes to the exterior appearance of the building. There can be no gambling (bingo, etc.) without proper licensing.

- The Selectmen have agreed to include provisions for parking and public restroom access in the lease, but felt that items 4, 5 and 6 regarding prohibition of signs, termination of lease with notice upon Town Meeting vote to activate the building for school use, and termination of lease when B'nai Torah finds a permanent location are inappropriate to incorporate in the lease.

- use of the auditorium shall be at the discretion of the B'nai Torah, the Lessee.

Also during discussion, the Executive Secretary stated that some playground equipment from the Horse Pond School (being sold to the State Fire Academy) shall be relocated to the Loring School property for use by the Town.

Town Counsel's office was directed to include language in the lease pertaining to fire, casualty - eminent domain.

The Board directed that the Executive Secretary and Town Counsel's office prepare a draft lease for finalization between the Selectmen and B'nai Torah, possibly for the June 11 agenda. Mr. Blacker and Mrs. Snyder requested a copy of said draft for their meeting with the Congregation on Thursday, June 7; they also requested copies of the SCAC lease, which Mr. Thompson stated he would forward to them.

#### Site Plan 84-275/Gail McNeill

It was on motion unanimously

VOTED: To re-sign Site Plan 84-275 of Gail McNeill, DVM, for property located at 21 Union Avenue, owned by G. Burton Mullen, which is now in compliance with the conditions set forth by the Selectmen with site plan approval on March 5, 1984, and to approve a newly-submitted architectural rendering, dated June 4, 1984, to accompany said site plan.

#### Site Plan Draft Vote

It was on motion unanimously

VOTED: To amend the Selectmen's draft vote for site plan approval as follows:

- item 8 to read as follows: "final approval by the Selectmen of an accurate architectural rendering of the proposed building or change, showing the front and side features as they will appear from the public way or private access"; and

- create a new item 14 to read as follows: "no building permit or occupancy permit shall be issued until certain items noted above, as specified by the Board, are complied with."

#### Bay Path Grant

It was on motion unanimously

VOTED: To accept forty-six dollars, on behalf of the Council on Aging, from Bay Path Senior Citizens Services, Inc., as partial payment of Grant 3B-84-02 for van transportation.

#### Census Supervisor Appointment

On the recommendation of the Executive Secretary, on behalf of the Town Clerk, it was on motion by Selectman Fox unanimously



VOTED: To postpone discussion of a communication, dated May 29, 1984, from Jean Griffin relative to her inability to accept appointment as Census Supervisor for the 1985 State Census in Sudbury, and to reschedule discussion of the same when the Town Clerk can be present as she is requesting.

Revise May 14 Minutes

On the question of revising minutes of May 14, 1984, relative to the presentation of the November ballot question, Selectman Fox expressed his concern regarding making any changes on the minutes as recorded; however, he clarified the statement he made at the May 14th meeting, and the minutes were not changed.

The portion of the minutes in question reads as follows: "In the interest of having the broadest possible Town support, Selectman Fox suggested that Mr. Thompson contact the Planning Board, the Finance Committee, and the Conservation Commission, seeking their support to jointly sponsor an advertisement prior to the November election asking for a favorable vote on the above-noted ballot question."

Selectman Fox stated that he made that statement as a private citizen, and not as a Selectman, and that the money to pay for the advertisement would be from private and not public funds.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular and Executive Sessions of May 21, as drafted, and the minutes of the Regular Session of May 23, as corrected.

Parking Clerk

The Board acknowledged receipt of a communication dated May 31, 1984, from Thomas M. French, Temporary Parking Clerk, relative to a contract for processing parking tickets and the appointment of a permanent Parking Clerk.

There was some question relative to the (Temporary) Parking Clerk's authority to award the above-noted contract and it was, therefore, on motion by Selectman Fox unanimously

VOTED: To confirm approval of the award made by the Temporary Parking Clerk, Thomas M. French, to the Massachusetts Municipal Association (MMA), in accordance with its proposal dated May 23, 1984, at a cost of \$1.05 per ticket (plus postage for notices to violators, etc.); training by the MMA is included.

And it was further on motion unanimously

VOTED: To authorize the Chairman to sign the contract with VACS VIOLATION CONTROL SYSTEM, a Massachusetts computer hardware and software consulting and service corporation, as determined by the MMA to be an appropriate vendor to provide the collection of parking fines under M.G.L., C.90, s.20A and 20A½.

On the subject of the appointment of a permanent Parking Clerk, Mr. Thompson reported that he would get back to the Board with a recommendation.

Annual Appointments

During discussion, it was on motion unanimously

VOTED: To make the following annual appointments:

- Col. Paul J. Leahy and Dr. Donald R. Oasis to the Council on Aging for terms to expire April 30, 1987;
- George D. Max and Nancy D. Lewis (subject to her acceptance to replace Royal E. Haynes, Jr.), 20 King Philip Road, to the Archeological Advisory Committee (Haynes Garrison Site) for terms to expire April 30, 1985;
- Joseph E. Scammon as Building Inspector/Zoning Enforcement Agent for a term to expire April 30, 1985;
- Earl D. Midgley and F. Jacob Zagata as Deputy Building Inspectors for terms to expire April 30, 1985;
- Robert A. Noyes as Superintendent of Cemeteries for a term to expire April 30, 1985;
- Robert A. Noyes as Superintendent of Insect Pest Control for a term to expire April 30, 1986;
- Robert A. Noyes as Sanitary Landfill Agent for a term to expire April 30, 1985;
- Robert A. Noyes as Street Lighting Agent for a term to expire April 30, 1985;
- Michael C. Dunne as Director of Civil Defense for a term to expire April 30, 1985;
- Robert A. Noyes as Assistant Director of Civil Defense for a term to expire April 30, 1985;
- Marvis M. Fickett as Civil Defense Radio Operator for a term to expire April 30, 1985;
- Gordon D. Henley and William R. Duvall to the Conservation Commission for terms to expire April 30, 1987;
- Betsy M. DeWallace as Dog Officer for a term to expire April 30, 1985;
- Donna C. Mahlowitz as Assistant Dog Officer for a term to expire April 30, 1985;
- Richard E. Thompson as Executive Secretary for a term to expire April 30, 1985;

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- Anne W. Donald, Myron J. Fox and Josiah F. Frost as Fence Viewers for terms to expire April 30, 1985;
- Michael C. Dunne as Fire Chief and Forest Warden for a term to expire April 30, 1985;
- Winifred C. Fitzgerald and John C. Powers to the Historical Commission for terms to expire April 30, 1987;
- Burton H. Holmes to the Historic Districts Commission for a term to expire January 1, 1990;
- Richard P. Stitt, Richard H. Pettingell, Gerd O. Haeberer and Town Accountant James Vanar (ex-officio member) to the Insurance Advisory Committee for terms to expire April 30, 1985;
- Richard E. Thompson as Town Agent to the Industrial Accident Board for a term to expire April 30, 1985;
- Michael Freundlich, Rosalind R. Gurtler, Nancy Schaffer, Frank M. Vana, and Arthur A. Walker (subject to his acceptance to replace Bruce J. Campbell) to the Juvenile Restitution Program Committee for terms to expire April 30, 1985;
- N. Jane West and Rev. John E. Hartigan as alternates to the Juvenile Restitution Program Committee for terms to expire April 30, 1985;
- Richard W. Murphy, Esq., as Labor Relations Counsel for the FY84-85 bargaining year;
- Barry R. Marchette, E. Helene Sherman, Marilyn S. Goodrich, and Marcia J. Smith to the Local Arts Council for terms to expire April 30, 1986;
- Peter Lembo as Keeper of the Lockup for a term to expire April 30, 1985, or until a permanent Police Chief is hired.
- Fritz Steudel to the Long Range Capital Expenditures Committee, subject to his acceptance, for a term to expire April 30, 1987;
- Clifford J. Hughes as the Massachusetts Bay Transportation Authority Designee, subject to his acceptance, for a term to expire April 30, 1985.
- Mary Jane Hillery, Paul R. Wilson (to replace Thomas F. McDonough), 83 Hemlock Road, and Catherine F. Hall (to replace Martha J. Coe), 23 Witherell Drive, to the Memorial Day Committee for terms to expire April 30, 1987, April 30, 1985, and April 30, 1987, respectively;
- Robert A. Gottberg to the Operational Review Committee for a term to expire April 30, 1985;
- James V. Merloni as General Agent to the Planning Board for a term to expire April 30, 1985;
- Samuel L. Reed as Pound Keeper for a term to expire April 30, 1985;

- Anne W. Donald as Representative to the Sudbury Public Health Nursing Association for a term to expire April 30, 1985;
- Jean R. Griffin to the Board of Registrars for a term to expire April 30, 1987;
- James Vanar as Town Accountant for a term to expire April 30, 1985;
- Paul L. Kenny as Town Counsel for a term to expire April 30, 1985;
- Thomas M. French as Assistant Town Counsel for a term to expire April 30, 1985;
- James V. Merloni as Town Engineer for a term to expire April 30, 1985;
- John D. Nicholson, Z. Stanley Taub, Melvyn W. Kramer, and Margaret Peppercorn (subject to her acceptance), 28 Sawmill Lane, as Town Physicians for terms to expire April 30, 1985;
- Linda Krusinski and Rosemary Delaney to the Town Report Preparation Committee for terms to expire April 30, 1985;
- A. Lila Digenis as U.N. Day Chairman for a term to expire April 30, 1985;
- William A. Burns, James F. Greenawalt, and Catherine B. Greene to the Veterans Advisory Committee for terms to expire April 30, 1985;
- Col. Paul J. Leahy as Veterans Agent and Director of Veterans Services for a term to expire April 30, 1985;
- Col. Paul J. Leahy as Veterans Graves Officer for a term to expire April 30, 1985;
- Warren E. Boyce as Wiring Inspector for a term to expire April 30, 1985;
- Clinton H. Mills as Deputy Wiring Inspector for a term to expire April 30, 1985;
- Joseph D. Bausk and Joseph J. Bisson, Jr., as Special Constables (Paid) for terms to expire April 30, 1985;
- Earl Midgley, Joseph E. Scammon, Warren E. Boyce, and Michael C. Dunne as Special Constables (Non-paid) for terms to expire April 30, 1985;
- Douglas R. Lewis, Jr., Gary O. Bardsley, Jeffrey Nix, Frank M. Vana, and David P. Frost as Special Police Officers for terms to expire April 30, 1985;
- Richard E. Santella as Special Constable, Non-paid, for the Protection of Persons and Property at Lincoln-Sudbury Regional High School for a term to expire April 30, 1985;

- Robert V. Goudey, Brian Stetson, Wayne M. Howard, Samuel F. Nava, Brian O'Halloran and Francis J. Gonsalves as Special Constables, Non-paid, for Traffic Duty only at Raytheon for terms to expire April 30, 1985;

- MaryAnn Gavin, Ronald Fullen, Jr., Barbara Greenwood, and Claire Eaton as School Crossing Guards for terms to expire April 30, 1985, and

- Darlene F. Robinson, MaryAnn Gavin, Barbara A. Greenwood, and Rosemary A. Langmaid as Police Matrons for terms to expire April 30, 1985.

#### Cable Television License

Because of the length of the subject and the lateness of the evening, it was agreed to postpone the update by the Executive Secretary and Town Counsel relative to the issuance of a provisional CATV license.

#### Underground Tanks

The Board acknowledged receipt of a May 31 communication from the Fire Chief relative to the procedures to be followed when underground storage tanks are no longer being used.

During discussion and on Selectman Fox's recommendation, the Selectmen agreed that, when considering applications for the underground storage of inflammables in the future, they would include some language in the vote which would give the Town some assurances that any underground storage tanks, no longer in use, would be removed.

#### S-712 - Zoning

Selectman Frost referenced the Legislative Update in The Beacon, a Massachusetts Municipal Association publication (May, 1984); specifically, S-708 and S-712 pertaining to Zoning.

Following discussion, it was on motion by Selectman Frost unanimously

VOTED: To oppose S-712, a bill to place a three-year freeze on dimensional zoning changes similar to the freeze that now applies to use zoning, and to direct the Executive Secretary to contact Senator Chester A. Atkins and Representative Lucile Hicks expressing the Board's opposition.

#### Overdue Bills/SCAC

The Board was in receipt of a communication to Laurence F. Hammel from the Building Inspector, dated May 23, 1984, regarding current overdue bills totaling approximately \$5,211.28, owed to the Town by the Sudbury Community Arts Council (SCAC).

Executive Secretary Richard E. Thompson noted that approximately \$3,000 had been paid in the recent past; however, a balance of \$6,000 plus may be owed to the Town by June 30.

Following discussion the board directed Mr. Thompson to contact Mr. Hammel requesting payment of the remaining overdue balance of approximately \$2,100 by

July 1, and, if said deadline is impossible to comply with, the Board is requesting an explanation from Mr. Hammel as to how he proposes to comply with the Town's request for payment, also, whether he concurs with the Town's figures. The Board agreed to withhold any extension of payment on SCAC's behalf after July 1 and discussed withholding approval of a sub-lease arrangement between SCAC and B'nai Torah.

#### Question Legality of Vote Calling Emergency Special Town Meeting

The Board acknowledged receipt of and concurred with a May 31, 1984, communication from Town Counsel Paul L. Kenny to Assistant District Attorney David P. Linsky concluding that the Selectmen are not in violation of the Open Meeting Law, as alleged by The Middlesex News, in calling the May 23, 1984, Emergency Special Town Meeting, since it was voted during a validly-posted and held meeting of the Board of Selectmen on April 23, 1984.

#### Park and Recreation Commission Meeting

Selectman Fox reported on a Park and Recreation meeting he attended, as liaison to that Commission, and, as a result of that meeting, asked the Executive Secretary to consult with the Park and Recreation Department regarding some back-up assistance by way of approximately ten hours a week to the Teen Center (at Fairbank Community Center) sponsors. Selectman Fox stated that Mr. Gavin, who is associated with the Teen Center, would be calling Mr. Thompson regarding the same, at Selectman Fox's recommendation.

#### Editorial/Sudbury Town Crier

Selectman Fox brought to the Board's attention his thoughts relative to a recent editorial in the Sudbury Town Crier regarding the Selectmen's meeting in Wayland on May 30. Selectman Fox stated that, although it was a posted and legal meeting, a good point was made regarding the location, and expressed his opinion that the Selectmen should try to schedule their meetings in a place which is more accessible to the public.

#### Codjer Lane

On questioning by Selectman Fox, Mr. Thompson responded that the Town Engineer would be submitting written comment to the Selectmen relative to the issue of a portion of Codjer Lane being one-way.

#### Communications Received

The Board acknowledged receipt of the following communications:

- from Ms. Anne Thomas, dated May 25, relative to concerns on the Town's appearance, specifically, along Route 20. The Board briefly discussed some of the areas where clean-up has taken place as a result of the Board's action/direction, and directed Mr. Thompson to respond accordingly to Ms. Thomas, thanking her for her concerns.

- Wayland/Sudbury Septage Construction Budget, dated April 30, 1984;

- State Department of Revenue, 1984 Equalization Study, Composite Ratio Calculation - all property. Mr. Thompson stated he would be consulting with the Assessors and Town Counsel relative to whether the Town should appeal the new equalized valuation figure and would report back to the Board.

- from P. M. Petty, Director of Industrial Revenue Bond Financing, Massachusetts Industrial Finance Agency, dated May 30, 1984, informing the Board of an inquiry from Technology Concepts, Inc. for the issuance of industrial revenue bonds under M.G.L., c.40D.

- from the Middlesex County Selectmen's Association, received May 22, 1984, relative to its spring meeting, Wednesday, June 20, at Stouffer's Bedford Glen. Mr. Thompson stated he would make a reservation for Chairman Donald, who stated she planned to attend.

Executive Session

At 11:30 p.m. it was on motion by roll call

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 Donald, in favor; Selectman Fox, in favor; Selectman Frost, in favor.)

Chairman Donald stated 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 12:00 p.m.

Attest: \_\_\_\_\_  
Richard E. Thompson  
Executive Secretary-Clerk