

IN BOARD OF SELECTMEN
MONDAY, NOVEMBER 26, 1984

Present: Acting Chairman 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.

Joint Meeting/Sign Bylaw

Present: Lawrence L. Blacker, Chairman/Board of Appeals; Chairman Robert Verville and Harold Jacobi, III, Sign Review Board; Building Inspector Joseph E. Scammon; and Frank M. Vana and G. Burton Mullen, Sudbury Chamber of Commerce.

Acting Chairman Myron J. Fox convened a meeting with the Board of Appeals, the Sign Review Board and the Building Inspector to discuss the question of amending the Sign Bylaw.

Chairman of the Board of Appeals, Lawrence L. Blacker expressed his concurrence to the Building Inspector's suggested recommendations to the Sign Bylaw, received under date of November 23. Later in the evening, Executive Secretary Richard E. Thompson stated that Chairman Donald, who could not be present this evening, had expressed her agreement with Items #1, 2, 5, 6 and 7; felt #3, question of increasing area of standing sign identifying shopping complex should be addressed by the Board of Appeals; and regarding #4, agreed if temporary signs were allowed they should be limited to thirty days.

The Board was also in receipt of a November 15 communication from Mr. Blacker.

Mr. Blacker stated the following concerns regarding the Sign Bylaw as it currently exists:

- He felt a public hearing should be held but that standards and/or guidelines are needed in order for the Board of Appeals to adequately address sign applications. These guidelines should include size, color, etc.

- The application process/procedure needs to be reviewed to determine, as Mr. Verville pointed out, the proper channel of approval. There was a question of how the Sign Review Board should be more actively involved and a suggestion that it should receive the application first.

- He felt the Sign Review Board also needs standards set, i.e., location criteria, design criteria - material, color, configuration.

- There was a serious question regarding the restriction in the current bylaw with regard to illuminated signs; there appeared to be agreement that anyone doing business during nighttime hours needed to have an illuminated sign, not neon, to do business.

There was some discussion regarding the authority of the Sign Review Board in the past which allowed that Board to issue variances on behalf of

applicants requesting signs which did not comply with the existing Sign Bylaw, and the later determination that it was not legal for that Board to do so; the issuing authority, under G.L.c.40A is the Board of Selectmen, the Board of Appeals and conceivably the Planning Board. The question was raised as to how the Sign Review Board could issue special permits instead of the Board of Appeals, which is the current procedure, and it was noted that State legislation would be required. The Board directed that Town Counsel give an opinion on this issue. The Building Inspector suggested that, if the Sign Bylaw were removed from the Town's Zoning Bylaws, it would not come under the M.G.L.c.40A (the Zoning Act) and it might resolve this issue, as is the case with the Earth Removal Board. This could also result in a reduction of advertising time, allowing the same to be at the discretion of the respective boards.

Mr. Mullen expressed the opinion that, because the process for gaining approval for signs is so cumbersome, it has become a common occurrence for signs to go up without the required authorization, and agreed that the process needed to be speeded up.

Mr. Verville commented on the large reduction in applications reviewed by the Sign Review Board since last September and, therefore, questioned how so many signs had been approved and installed.

Selectman Fox recommended that the Planning Administrator and Town Counsel draft a Sign Bylaw with all of the input from the Sign Review Board, the Board of Appeals, the Building Inspector, and the Chamber of Commerce (as requested by those members present), now that it has been determined what some of those mutual concerns seem to be, incorporating the above-noted recommendations from the Building Inspector, to be followed by a meeting arranged by the Executive Secretary of all of the above so that a revised (new) Sign Bylaw, which can be easily interpreted, can be presented to the 85ATM for implementation.

Mr. Verville expressed some concern regarding consequences of a delay by the Sign Review Board in acting on a sign application in terms of the authority of the applicant to install the sign with no approval. The Selectmen agreed this would not be the case.

Responding to questioning by the Building Inspector, Selectman Fox stated his opinion that he should always act upon the recommendation of the Sign Review Board based on aesthetics whether or not the sign is in compliance dimensionally.

In conclusion, Selectman Fox stated he felt, now that there has been some attempt to re-distribute many of the tasks placed upon the Building Department, Mr. Scammon will be able to devote more time to this important task of enforcing compliance to the Sign Bylaw.

Town Fathers Forum

At 8:00 p.m. Acting Chairman Fox convened the 158th session of the Town Fathers Forum, a copy of which is attached and is made a part of these minutes.

Joint Meeting SHA/Interview Candidates

Present: Chairman Linda S. Gregory, Vice-Chairman Cheryl A. Rogers, Charlotte E. Goss, Myrna C. Goldstein and Richard M. Passalacqua, Sudbury Housing Authority; candidates Clifford Askinazi and Michelle R. Koetke.

Acting Chairman Fox convened a joint meeting with the Sudbury Housing Authority (SHA) for the purpose of interviewing candidates for appointment to the Sudbury Housing Authority, in accordance with G.L.c.41, s.11; he then excused himself from the room due to possible conflict of interest as attorney for the SHA.

Executive Secretary Richard E. Thompson recommended that, although a vacancy does not officially exist until January 1 (later in the meeting the Board noted receipt of a second letter of resignation submitted this evening from Mrs. Goss indicating a January 1, 1985 effective date of her resignation) the interviews take place as scheduled as a courtesy to the candidates and that there be a motion to reconvene the joint meeting at the Selectmen's meeting of January 7 for the purpose of making the appointment by roll call vote to elect a fifth member to the SHA to fill the position held by Mrs. Goss.

Candidate Michele R. Koetke questioned why applications had been requested and interviews scheduled now rather than when the vacancy became effective in January.

Mr. Thompson pointed out that the initial letter of resignation from Mrs. Goss, dated October 14, 1984, indicated termination in January or earlier depending on how quickly the Selectmen could fill the position. He stated he had notified the SHA that a letter of resignation effective prior to tonight's hearing from Mrs. Goss would be needed in order to make the appointment tonight (however, Mrs. Goss submitted a letter of resignation tonight which is effective January 1, 1985); therefore, plans went forward to solicit applications and to schedule the statutory joint meeting (at the convenience of the candidates). Mr. Thompson reiterated his suggestion that the interviews take place as scheduled and that appointment be made after January 1st.

Also responding to Ms. Koetke, Mr. Thompson stated that the meeting would be recorded and minutes taken so that Selectman Donald (and anyone else), who is not present this evening and would most likely be present on January 7, would have a thorough account of tonight's meeting.

Responding to SHA members, Town Counsel confirmed that appointment could not take place tonight as a vacancy will not officially exist until next January.

Speaking on behalf of the SHA, Mr. Passalacqua stated his agreement with Mr. Thompson that the interviews should proceed this evening.

Mrs. Goss stated that her original letter of resignation stated an effective date of January 1985 or as soon as the Selectmen could fill the position, and that she would be attending the December meeting of the SHA either as Treasurer or an interested citizen. She said she was not aware that the Selectmen could not make an appointment until the effective date of her resignation, that her letter was submitted in good faith and that she was submitting another letter tonight which clarified the effective date of her resignation - January 1, 1985. Mrs. Goss stated her disapproval of "dirty politics" which appeared to be taking place in conjunction with her resignation, and that she has been associated with the SHA since she moved to Sudbury in 1971. On question from Mr. Thompson, Mrs. Goss clarified that the reference to "dirty politics" did not involve the Selectmen, but only the SHA.

Responding to Selectmen Frost's request the two candidates spoke - Ms. Koetke referenced her November 15 statement of commitment to the Board, which she paraphrased in part; Mr. Askinazi noted his background as included on his resume and stressed the importance of housing to accommodate long-time residents who can no longer continue to be a one-family homeowner and that SHA housing should reflect the opinions of the majority of the people in Sudbury.

Mr. Passalacqua felt Mr. Askinazi would be sensitive to the effects of public housing on the community and has the framework and background to deal with the long-term needs of the elderly.

After questioning the candidate regarding his support of public housing, Ms. Cheryl Rogers felt Mr. Askinazi was anti-public housing and for that reason expressed her opposition to him being appointed.

Mr. Askinazi responded that he believes in public housing but that it needs to have a guided philosophy; in terms of Sudbury, the SHA has to consider public housing with a sensitivity to preserving cherished features and the rural residential nature of the Town - he felt they could co-exist.

Ms. Koetke stated her willingness to give her time to serving on the SHA.

Mrs. Goss stated that the mandate to the SHA was to provide low-income housing for elderly residents; that 2-3 year later, under "705", the SHA was to provide low income housing for families; and that no where does it say anything about "public housing" per se.

It was on motion

VOTED: To continue the joint meeting with the SHA for the purpose of appointing by roll call vote a member to fill the vacancy occasioned by the resignation of Charlotte Goss to January 7, 1985.

(Selectman Frost, in favor; Linda S. Gregory, in favor; Richard M. Passalacqua, in favor; Cheryl A. Rogers, opposed; Charlotte E. Goss, abstained; Myrna C. Goldstein, left before vote.)

Responding to Mr. Passalacqua, Town Counsel Paul L. Kenny stated that a majority of the active membership of the Selectmen and the SHA voting on a roll call vote would be necessary for the appointment on January 7.

Selectman Frost thanked the candidates for the completeness of the resumes submitted, their time and attendance this evening.

Annual License Renewals

The Board reviewed a list of yearly license renewals and related communications, as follows:

1. from the Fire Chief dated November 26, 1984, stating that, following inspections of all businesses listed for license renewal, all but two were in compliance with fire regulations.

2. verbal communications today from both the Board of Health and the Building Inspector indicating inspections will be completed and reports will be submitted to the Selectmen accordingly by mid-December.

Following a brief discussion, it was on motion unanimously

VOTED: To renew the following licenses, and to forward the appropriate renewal forms to the Alcoholic Beverages Control Commission, where applicable; said licenses shall be held until payment of required fees and there is compliance relative to any/all outstanding health, safety or zoning violations prior to December 31st; the issuance of all licenses is subject to all previous restrictions and to final approval by the Fire Chief and approval in writing from the Building Inspector and the Board of Health:

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| Colonial Spirits | Package Store All-Alcoholic Beverages |
| MacKinnon's Liquors | Package Store All-Alcoholic Beverages |
| Sudbury Variety | Package Store Wine & Malt Beverages Automatic Amusement Devices (2) |
| Sudbury Farms | Package Store Wine & Malt Beverages |
| Ephraim's Restaurant | Restaurant All-Alcoholic Beverages Common Victualler Weekday Entertainment |
| Winchester & Company | Restaurant All-Alcoholic Beverages Common Victualler Weekday Entertainment |
| Tom Shea's | Restaurant All-Alcoholic Beverages Common Victualler Weekday Entertainment |
| 99 West, Inc. | Restaurant All-Alcoholic Beverages Common Victualler Weekday Entertainment |
| Philip's Pizza | Restaurant All-Alcoholic Beverages Common Victualler Weekday Entertainment |

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| Wayside Inn | Restaurant All-Alcoholic Beverages Common Victualler/Innkeeper Weekday Entertainment |
| Ye Olde 117 House | Restaurant All-Alcoholic Beverages Common Victualler Weekday Entertainment |
| Bullfinch's, Inc. | Restaurant All-Alcoholic Beverages Common Victualler Weekday Entertainment |
| Something Simple | Restaurant Wine & Malt Beverages Common Victualler Weekday Entertainment |
| Papa Gino's | Restaurant Wine & Malt Beverages Common Victualler Weekday Entertainment |
| American Legion #191 | Club All-Alcoholic Beverages Common Victualler Weekday Entertainment Automatic Amusement Devices (1) |
| Friendly's | Common Victualler Weekday Entertainment |
| Marrone's Bake Shop | Common Victualler |
| Sudbury Pizza | Common Victualler |
| Sudbury Bowladrome | Automatic Amusement Devices (6) |
| Colonial Auto Body of Sudbury | Used Car Class II |
| Steve's Auto Body | Used Car Class II |
| Automotive Diagnostic Center | Used Car Class II |
| Mark J. McCall | Used Car Class II |
| Mosher Auto Body | Used Car Class III |
| Robert E. Lohnes | Used Car Class III |

The Executive Secretary was directed to inquire of the Chief of Police as to whether or not there have been any violations involving the Police Department over the past year at any of the above-listed licensed establishments.

Selectman Fox suggested that the Selectmen review and possibly implement an annual/semi-annual inflation increase of 4-5% on license fees.

Selectmen's Articles (Reports) - December 3 Deadline

Following review and discussion, it was on motion by Selectman Frost unanimously

VOTED: To approve submission of the following Warrant Articles under the December 3 deadline for inclusion in the Warrant for the 85ATM:

1. Street Acceptance(s)
2. Amend Bylaws, Art.V(A) - Removal of Earth
3. Amend Zoning Bylaws, Art. IX,III,C,2 - Technical Correction
4. Amend Zoning Bylaws, Art. IX,V,A - Site Plan Approval, Design Standards
5. Accept General Law - Liens: Septage Faciltiy Billings

Accept Gasoline Bid

On recommendation from the Highway Surveyor and the Fire Chief, dated November 20 and 19, respectively, it was on motion by Selectman Frost unanimously

VOTED: To award the contract for supplying the Town of Sudbury with gasoline for the calendar year 1985 (January 1, 1985, through December 31, 1985) to the low bidder and current supplier, Bursaw Gas & Oil, Inc., 94 Great Road, Acton, Massachusetts, in accordance with Town of Sudbury specifications and Bursaw's bid dated October 22, 1984, as follows:

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| Tank Car base price per gallon | - regular gasoline | .7905 |
| | unleaded gasoline | .8505 |
| Increment .0100 and Massachusetts Tax .1100 for both | | |
| Total base price per gallon | - regular gasoline | .9105 |
| | unleaded gasoline | .9705 |

1985 State Census

It was on motion by Selectman Frost unanimously

VOTED: To accept the resignation of Town Clerk Jean M. MacKenzie as Census Supervisor for the 1985 State Census in Sudbury, in accordance with her letter of resignation dated November 14, 1984;

and it was further

VOTED: To request the Sudbury Board of Registrars to conduct the State census at the same time as they do the Town census and use the State Census forms for both the State and the Town Census, and to request the Board of Registrars, in accordance with Massachusetts General Laws, chapter 9, section 7, to make available to the Selectmen the services and facilities of the Registrars of Voters in conducting and compiling the State census for 1985.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular Sessions of November 15 and 19, both as corrected, subject to any corrections/comment from Chairman Donald.

Regional Planner

On the subject of the meeting being held tomorrow evening at the Natick Town Hall concerning support from area MetroWest communities for a regional planner(s) and a recommendation on the same to the Governor at the conference to be held November 28 in Framingham, it was on motion by Selectman Fox unanimously

VOTED: To support request for funds for a regional planner(s), in accordance with a communication from the Chairman of the Natick Board of Selectmen and to direct the Executive Secretary to so notify the Natick Selectmen's office.

Ribbon-Cutting Ceremony/Framingham Trust

The Board noted receipt of a communication, dated November 20, 1984, from the Framingham Trust inviting its participation in the opening day ceremonies of their new banking office in the Sudbury Plaza Shopping Center, Saturday, December 1, at 9:15 a.m. The Selectmen directed the Executive Secretary to express their regrets since they will be conducting budget hearings at that time.

MMA Alert/H-6262

The Board was noted receipt of a November 20, 1984, alert regarding H-6262, Public Education bill, from the Massachusetts Municipal Association.

Historic Districts Commission

Responding to Selectman Frost's concern that the Historic Districts Commission is not receiving any cooperation from authorities relative to a violation involving the chimneys at the Village Green and a privately-owned stone wall on property within the Historic District, Executive Secretary Richard E. Thompson stated he would call Mr. Quirk (Village Green) and the new owner of the home regarding his non-conforming (to the Historic District) stone wall.

Conservation Commission Submission/84ATM Land Bank Tax Article

The Board was in receipt of a November 26, 1984, communication from the Chairman of the Conservation Commission, Gordon Henley, requesting a one-month extension of the filing deadline for its article dealing with a Land Bank Tax.

The Board agreed to allow submission of a finalized article by December 31, as it has already agreed to a similar request from the Planning Board, and directed the Executive Secretary to so inform Mr. Henley

reiterating the board's opposition to such an article and recommending a public advisory question at the Annual Election in March.

There being no further business to come before the Board, the meeting was adjourned at 10:30 p.m.

Attest: _____

Richard E. Thompson
Executive Secretary-Clerk