

IN BOARD OF SELECTMEN  
MONDAY, OCTOBER 1, 1984

Present: 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.

Class II Motor Vehicle License/McCall, 18 Moran Circle

Present: Applicant Mark J. McCall and father Amiel J. McCall.

Chairman Donald convened a public hearing on the application of Mark J. McCall for a Class II license to Buy, Sell, Exchange or Assemble Second Hand Motor Vehicles or Parts Thereof, to be exercised at 18 Moran Circle.

Executive Secretary Richard E. Thompson stated that all appropriate abutters and Town officials had been notified. Mr. Thompson stated that the Fire Chief and Police Administrative Assistant Peter Lembo have no objection to the issuance of said license. The Building Inspector voiced no objection subject to the applicant abiding by the Board of Appeals decision to grant a special permit to Mr. McCall, under the provisions of Section III,A,1,b of the Zoning Bylaw, to conduct a customary home occupation, specifically the sale of used motor vehicles, for property located at 18 Moran Circle, with the following conditions:

- 1) Only one unregistered automobile be on the premises;
- 2) The unregistered vehicle for sale be stored in the garage;
- 3) Any test driving shall occur on streets other than Moran Circle;
- 4) No sign shall be displayed;
- 5) This permit is non-transferable and shall expire on September 1, 1985.

Mr. McCall briefly explained his plans for the business which incorporated all of the above-noted conditions. He stated that the purpose of the business is to help defray college costs and that he hoped to get some practical business experience while completing his college education.

Responding to Chairman Donald who questioned Mr. McCall's residence which, as noted on the application, is different from that to be licensed, Mr. McCall stated that, since applying for the license, he has moved into a dormitory apartment in Framingham.

On the question of whether or not a special permit should have been issued to Mr. McCall for 18 Moran Circle if he is not living there, Town Counsel expressed his opinion that while Mr. McCall is a student his parents' home can be considered his legal residence.

Selectman Fox brought up the question of whether this is an appropriate use for a residential area, and stated that, although he is not opposed to the purpose behind the application (defray college costs), he is concerned about the precedent approval of the same could set.

Mr. McCall stated that this issue had been discussed at the Board of Appeals hearing and his understanding of the consensus was that his application should have no effect on others who apply for the same.

Responding to Selectman Frost, Mr. McCall stated he did not plan to take trade-ins. Also, Mr. McCall confirmed he did not plan to do repairs on the premises.

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

VOTED: To grant a license to Buy, Sell, Exchange or Assemble Second Hand Motor Vehicles or Parts Thereof, to Mark J. McCall, to be exercised at 18 Moran Circle, subject to the conditions set forth in the Board of Appeals approval (Case No. 84-40) for the special permit to operate said customary home occupation, and with the further condition that no repairs are to be made to these vehicles on said licensed premises.

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

Communications/Personnel Board

a. The Board acknowledged receipt of a communication dated September 25, 1984, from the Chairman of the Personnel Board concerning the creation of the position of Police Lieutenant - questioning the authority of the Selectmen to create said position and to request a civil service examination for said position without prior approval of the Personnel Board and/or approval of Town Meeting, and requesting a meeting to discuss the same.

Chairman Donald had drafted a response to the above-noted communication to the Personnel Board, a copy of which had been submitted to the other members of the Board, which spelled out the authority and the appropriateness of the Selectmen to create the position of police lieutenant and asked that the Personnel Board reconsider its position and withdraw its letter of September 25 so that the Selectmen can avail themselves of the expertise and knowledge of the Personnel Board without further disagreement.

Subject to comment by Town Counsel on the same, the Board directed Chairman Donald to send the letter she had prepared.

b. The Board acknowledged receipt of a communication dated September 25, 1984, from the Chairman of the Personnel Board, Henry P. Sorett, informing the Selectmen of the action of the Personnel Board with regard to FY85 salary increases recently set by the Selectmen for the Fire Chief and the Town Accountant. The Personnel Board objected to these salaries being increased - and retroactive to July 1, 1984 - based on the opinion that 84ATM had been misled with regard to the amounts it was asked to vote on and because the funds for the increases had been "hidden" in the Salary Adjustment account. The Personnel Board felt that because these individually-rated employees had been led to believe that these increases would be forthcoming and relied on them, the Personnel Board approved the increases but intends to prevent this situation from "recurring" by inserting language in its Warrant report for the 85ATM that salaries are subject to "substantially retroactive increases".

The Selectmen agreed that a response from the Selectmen Chairman would be in order.

Chairman Donald pointed out that the Personnel Board's Warrant report for the 84ATM stated the following: "The Salary and Classification plan regarding non-union employees is unchanged until the upgrading of union contracts has been negotiated, at which time these salaries will be increased accordingly. Union employee salaries are the same as last year pending salary negotiations."

Selectman Fox commented that the funds for the increases were only "hidden" to those who did not read the Warrant!

Selectman Fox commented further that he would have preferred to hear Mr. Sorett's concerns directly, prior to reading them in the local newspaper (see The Middlesex News article, dated September 26, 1984, page 12A), and suggested that Mr. Sorett be informed that in the future if he has a concern or would like to discuss an issue with the Selectmen that he give the Selectmen the courtesy of discussing it before he goes to the newspaper with what could be misleading and/or false information.

Mr. Thompson reminded the Selectmen that the Personnel Board is appointed by the Selectmen. Relative to the revised salary schedule, Selectman Fox stated the Selectmen have an established policy for setting salaries of individually-rated personnel and commented that it was very poor judgment on the part of the Chairman of the Personnel Board to make an issue of something which could have been discussed by the two boards. Selectman Fox suggested that a copy of Chairman Donald's letter should be forwarded to each individual member of the Personnel Board, and that, if there is a meeting scheduled with the Personnel Board, that all members be present, not just Mr. Sorett.

#### Utility Petitions

Present: Joseph D. Bausk, New England Telephone and Telegraph Co.; and Edmund F. Kelly, Boston Edison.

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

Executive Secretary Richard E. Thompson stated that all appropriate abutters and Town Officials had been notified and noted receipt of a joint favorable recommendation from the Wiring and Building Inspectors for Utility Petitions 84-34, 84-35, 84-36 and 84-37.

a) UP84-34

Present: Abutters Charles E. Kolb, 51 Woodmere Drive, and Daniel I. Hamar, 50 Woodmere Drive.

Of New England Telephone and Telegraph Company for permission to place and maintain approximately 196 feet of buried cable on the southwesterly side of Woodmere Drive, approximately 196 feet easterly of Musket Lane, running easterly from existing pedestal #4W to the new Woodmere Drive Extension, a distance of about 172 feet, as shown on a "Plan For Buried Cable Location To Accompany Petition Of New England Telephone and Telegraph Company", dated September 6, 1984.

Responding to Mr. Charles Kolb, Mr. Bausk of New England Telephone stated the utility company would be responsible for restoring Mr. Kolb's lawn and driveway after installation of the buried cable and in a timely manner, and that the work would be monitored by the Town.

Mr. Kolb stated his concerns with the Town monitoring the work of the utility company. He explained that he had called the Town on several occasions while monitoring removal of trees and fill from the Woodmere Drive Extension Subdivision and each time the Town's response had been that nothing could be done because the fill had already been removed or the trees had already been cut down. Mr. Kolb stated that his abutting property has sewer pipes and fill on it, which are being stored there by the developer, and that there are trees laying there which were cut down last May! He stated further that the developer has dumped some fill into the wetlands which the Conservation Commission requested be removed last May and it has not been done yet. Mr. Kolb concluded that apparently these are standard operational procedures since the Town feels nothing can be done about them.

Mr. Thompson stated that something can be done about it and recommended that the Selectmen order the Building Inspector not to issue any Certificates of Occupancy until the developer has corrected these problems.

Mr. Kolb stated that he wants some assurances that his property will be restored to its present condition following the installation of the cable, and that he has some recourse if it is not. Mr. Kolb added he has very little faith in the Town's capabilities to make something happen in an orderly way. Mr. Kolb stated further that this is no reflection on New England Telephone, and that he hopes New England Telephone has more concern for peoples' well-being than the developer has.

Mr. Kolb stated he would like to have some warning from New England Telephone as to when the installation will be taking place so that the interference on his property will not have an impact on any family gathering he might be planning.

Mr. Bausk responded that it would probably take place on a weekday but that he would be in touch with Mr. Kolb.

Selectman Fox told Mr. Kolb to call Mr. Bausk and if there is any problem to write a letter to the Selectmen.

Mr. Kolb explained that the grassed area, 6' back from the existing roadway is an area which is difficult to keep healthy, a direct result of snow being piled up 4-5' high with a high salt content and very little sun to melt the snow. He stated that he has worked very hard to balance the PH because of the snow sitting there through the first to second week of April! He stated that if the area is seeded before winter, the grass will probably not survive and will require reseeding in the spring.

Mr. Bausk responded that New England Telephone would not maintain the grass forever but would make sure it has a good start.

Mr. Daniel Hamar added that the neighborhood has had to put up with 18-wheelers going back and forth; he has pipes on the Town's right of way on

his property line since last May, and that, hopefully, New England Telephone will not do the same kind of thing. Mr. Hamar stated he felt skeptical about things that are happening in the neighborhood - that things are not going very well with this developer.

Selectman Fox stated that the Selectmen have not received complaints from New England Telephone customers and that he would ask the Building Inspector to look into the concerns being raised here tonight.

Mr. Kolb added that it seems to be the developer's opinion that he can do anything he wants to do on the weekends because there will be nobody there to check on him.

Mr. Thompson stated that is a correct assumption - that is how the developer feels.

Mr. Hamar pointed out that this developer has other developments around Town and he is dumping garbage - stumps, building materials - from these other developments at the cul-de-sac in Woodmere Drive Extension, which, according to the Police, he has the legal right to do. Mr. Kolb added that the end of the road is a combination sand and gravel pit and trash dump. Following further comment, he expressed the feeling of the neighborhood that the Town has not been effective in keeping this man to his promises to Town Boards and Commissions.

Selectman Fox stated he will have the Building Inspector confirm that information.

Responding to Chairman Donald, Mr. Kolb stated that on weekends when there have been problems with the developer, he has contacted Mr. Thompson, and has had extensive discussions with the Conservation Commission which is now contacting him (and other neighbors) telling how disgusted it is with the developer and his failure to keep faith with the Commission.

Mr. Kolb thanked the Selectmen for listening to his problems.

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

VOTED: To approve Utility Petition 84-34 of New England Telephone and Telegraph Company as explained and described above.

b) Utility Petition 84-35

Of Boston Edison Company for permission to lay and maintain approximately ten feet of conduit and manholes with the necessary wires and cables therein on Moore Road, southerly, approximately 257 feet west of Dutton Road, as shown on "Plan of Moore Rd., Sudbury, Showing proposed location of customer conduit", dated September 13, 1984.

Mr. Thompson referenced the Board's vote of September 24 which authorized installation of above-noted utility petition 84-35 in advance of tonight's public hearing as an emergency measure to allow service connection.

It was on motion by Selectman Frost unanimously

VOTED: To approve Utility Petition 84-35 of Boston Edison Company as explained and described above.

c) Utility Petition 84-36

Present: Richard A. Greene, 115 Plympton Road; Mary-Ann Dionisi, Plympton Road.

Of Boston Edison Company and New England Telephone and Telegraph Company for the installation of one pole, one existing JO pole to be removed, in Plympton Road, southwesterly side, approximately 107 feet northwest of Bowen Circle, as shown on a "Plan of Plympton Road - Sudbury, Showing proposed pole relocation", dated August 28, 1984.

Mr. Edmund F. Kelly of Boston Edison stated that the reason for this petition is to remove a pole which would end up in the right of way of a driveway the Dionisis plan to install out to Plympton Road and to install, therefore, another pole to the northeast edge of the proposed driveway.

Mrs. Mary-Ann Dionisi expressed some concern that the relocation of the pole was too close to the edge of the driveway and could impede the turning of vehicles in and out of the driveway, especially in inclement weather.

Abutter Richard A. Greene expressed concern about moving the pole over, since he did not want the pole in front of his house, and expressed concern about his front landscaping being disturbed and/or the tops of his trees being trimmed.

It was on motion by Chairman Donald unanimously

VOTED: To approve Utility Petition 84-36 of Boston Edison Company and New England Telephone and Telegraph Company as explained and described above, provided that installation does not take place until the above concerns raised by Mr. Greene and Mrs. Dionisi are resolved; said approval made with the understanding that the location of the pole may not be exactly as it is presently shown on the plan.

d) Utility Petition 84-37

Of Boston Edison Company for permission to lay and maintain approximately 125 feet of conduit and manholes with the necessary wires and cables therein in Maynard Road, southeasterly, approximately 1,080 feet northwest of Willis Road, as shown on "Plan of Maynard Rd., Sudbury, Showing Proposed Conduit Location", dated September 7, 1984.

It was on motion by Selectman Frost unanimously

VOTED: To approve Utility Petition 84-37 of Boston Edison Company as described and explained above.

Interviews for Police Chief

Executive Secretary Richard E. Thompson stated that he had provided the Board with copies of all material submitted by the two Sergeants who will be

interviewed this evening for the position of Police Chief, and that he had reviewed their personnel files at the Police Station and those on file in the Selectmen's office (he noted that the applicants could also review those files at any time). Mr. Thompson referenced a list of prepared questions to be used by the Board at its discretion, material he provided relative to each applicant's attendance records over the past five years, and the section from the ICMA book, "Local Government Police Management", pertaining to the hiring of a police chief.

Present: Sergeant George J. Anelons, Jr.

The following is a summary of responses given by Sergeant Anelons during his interview with the Board:

- Judging the effectiveness of the Department, he stressed the shortage of men. He said house breaks are a problem; that "people en masse are problems", and with the new shopping center (referring to Sudbury Crossing) he anticipates excessive shop lifting, stolen cars and hold-ups.

- A Police Chief can develop a good relationship with his policemen by being "fair".

- If appointed Police Chief, and it is the desire of the Selectmen, he would seriously consider living in Sudbury, although he feels a Police Chief could be more effective if living out of Town, personally detached from the residents.

- Regarding the Police Chief's role in the community, he felt the Chief should leave the station and avail himself to the public; the Chief should get out and talk to the residents.

- Relative to the "use of force", he said he has never had to use excessive force in twenty-one years; however, most patrolmen are trained in the use of force - many Sudbury police officers are currently attending training classes at the North East Regional Institute in Tewksbury.

- In terms of changes in the Department, he reiterated that the Department needs more men; he felt another radar unit is essential, and a second Juvenile Safety Officer to cover the weekends when Officer Carroll is off.

- He had no problem with women being appointed to the force.

- If a citizen complaint against a police officer were filed, he stated he would confront the officer about it, taking into consideration when making a decision the circumstances, the person making the complaint, and the police officer against whom the complaint is being made.

In conclusion, Sergeant Anelons thanked the Selectmen for the opportunity to come in and discuss the appointment.

Present: Sergeant Peter B. Lembo

The following is a summary of responses given by Sergeant Lembo during his interview with the Board:

- Judging the effectiveness of the Department, he felt changes could be made but most of those changes depended on the number of men on the force. He stated that it is more difficult in the 4/2 shift, versus the 6/2 shift, to cover the specialists' jobs - prosecution, records, etc. He stated that more specialist positions are essential, such as a crime prevention officer (which would make the Department eligible to apply for grant money - recently \$350,000 allotted in State grant money), a narcotics officer, detectives (which could be consolidated with the sergeant and lieutenant positions - does not require an additional officer), and administrative assistants; men need to be trained as others get promoted; and currently there is a lack of supervision in the Department. It was his opinion that a second Juvenile Safety Officer is not needed at this time because Officer Carroll does such a thorough job, including coming in on weekends for which he is seldom compensated.

- Relative to the Police Chief's role in the community, he felt the Chief should get out of the station a couple of days a week and become actively involved with the rest of the Police force - find out what is going on - especially the first year on the job. Later he stressed that the Chief should have an "Open Door Policy".

- He did not feel the Police Chief should be paid overtime, that it is his responsibility to be at the station or on the scene when he is needed, adding that if he were appointed Chief, he would be taking a cut in pay because of the loss of overtime.

- He stated that there is a policy for the use of force in the police manual accepted by the Board of Selectmen in 1975.

- He stated there is no policy on citizen complaints; that he usually handles them himself; that there should be a formal policy for this; and that he had the forms printed on how a citizen complaint should be handled and what an officer should do, as recommended by the Massachusetts Police Chief's Association Institute.

- Relative to warrants for arrest, he stated the Department's policy in every case is to contact the person, first by letter and then by telephone, as a courtesy; other departments act on the warrants and, by law, Sudbury probably should too. He felt, however, that everyone should be given the opportunity to take care of the situation and usually it can be done without an arrest.

- He stated there is not a policy of "automatically cuffing" when making an arrest. It is at the officer's discretion. He said he personally would not instrument a policy on that; that each officer has to use good judgment in different situations. He reiterated that the manual deals with use of force but the problem is the manual has not been updated since 1975. (Selectman Fox agreed it should be updated and stated that the more important issue is to make sure all the officers have read the manual.)



- Sergeant Lembo felt a sergeant's meeting should be held every month to discuss and resolve any problems, like the above, which arise.

- Presently there is a complement of twenty-nine men; with constraints of Proposition 2½, he felt there would be an increase in the force of about five men maximum over the next ten years. He felt it is not how many men there are but how they are utilized. He went on to say that there are more people in Town and more areas to cover now and the Department is actually operating with less men than it had in 1974!

- He had no objection to a woman or a woman chief being appointed to the force as long as she is qualified. He mentioned that Wayland has one of the best woman detectives in the area.

- Regarding regionalization, he felt it will be coming; that it could work for 2-3 towns; that Sudbury is somewhat regionalized now, except for budgeting, given the close contact Sudbury has with the towns of Wayland, Concord, and Lincoln, in many areas, i.e., regional association meetings, discussions with area chiefs regarding juveniles, etc. He felt a regional dispatcher would be the biggest problem because that person would have to know the streets/areas of every town in the region extremely well. He was against civilian dispatchers, except those with experience, and stated he was against a police officer having desk duty before 3-4 years in the Department, especially during the 4:00 p.m. to midnight shift.

- Regarding his personal views on the use of force, he stated officers should not use any force that is unnecessary or unreasonable and that is determined by the situation. He gave an example of one instance when he used his nightstick.

- Regarding training courses at the North East Regional Institute in Tewksbury, he stated all of the men will attend for forty hours every year (five, 8-hour days per year), mandated by the Legislature. This course deals with how to take a resisting prisoner, making an arrest, how to put a prisoner in a cruiser, etc. He stated he goes out to Tewksbury every Wednesday for a Board of Directors meeting to update the program.

Relative to the traffic situation on Route 20, specifically the traffic officer at the intersection of Union Avenue and Route 20, Selectman Fox asked Sergeant Lembo to inform the men that keeping the traffic flowing on Route 20 is more important than getting people in and out of the shopping center.

Sergeant Lembo commented on the traffic problems there, stating that he had received nine calls this morning. He said the traffic there will never be right - there is too much traffic!

#### Special Permit/Trailers at Wayside Inn

It was on motion by Selectman Fox unanimously

VOTED: To grant a special permit to Francis J. Koppeis, Manager, Wayside Inn Corporation, for the parking of 20-25 trailers in the East Field of the Wayside Inn on October 17 through 21, for the purpose of a private Airstream trailer rally to be conducted by Rally Chairman John C. L. Shabeck, Jr., of

the Wally Byam Caravan Club International, Inc., as requested by Mr. Koppeis and Mr. Shabeck in communications dated September 28, 1984, and September 25, 1984, respectively, subject to Board of Health approval of the facilities on-site and issuance of a building permit by the Building Inspector for a 20' X 30' tent, and notification to the Police and Fire Department.

Appointment - Town Report Preparation Committee

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

VOTED: To appoint Elaine M. Aschettino, 48 Pelham Island Road, to the Town Report Preparation Committee, for a term to expire April 30, 1985.

Minutes

It was on motion by Chairman Donald unanimously

VOTED: To approve the minutes of the Regular Session of September 24, 1984, as amended.

FY85-86 Warrant/Budget Schedule

It was on motion by Selectman Fox unanimously

VOTED: To approve the FY85-86 Warrant and Budget Schedules, as prepared by the Executive Secretary under date of October 1, 1984.

Raytheon Site Plan 84-282

Responding to Selectman Frost, who asked if representatives of Raytheon had contacted the office this past week following continuation of its Site Plan hearing to October 11th regarding any of the concerns expressed at the previous hearing on September 24th, Mr. Thompson stated that he met with the Town Engineer, the Planning Administrator and representatives of Raytheon, to try to resolve the concerns raised by the Selectmen, and that another meeting had been set for tomorrow morning at 9:30 a.m. He informed the Board that the Town Engineer would be submitting a revised report.

Master Plan Update

Relative to the Master Plan update, Selectman Fox stated he would get his comments to the Executive Secretary during the week.

Coatings Engineering

The Board approved a letter, drafted under date of September 28 for forwarding to Coatings Engineering, setting a hearing date of October 15th to consider extension of its Class A Inflammable Storage License (current license expires October 1); the request from Coatings was received too late to advertise and hold a hearing prior to the October 1st expiration.

Chamber of Commerce Scheduled Meeting

Executive Secretary Richard E. Thompson informed the Board that the

correct date for the upcoming South Middlesex Area Chamber of Commerce meeting for area Selectmen, is October 17, to be held at the Raytheon plant in Wayland, at 6:00 p.m.

Selectman Frost stated he could not attend; Selectman Donald will attend; Selectman Fox will let Mr. Thompson know whether he can attend or not.

Communication/Department of Revenue

On the suggestion of the Executive Secretary, the Board agreed to send a letter to Mr. Edward J. Collins, Jr., Deputy Commissioner, State Department of Revenue, endorsing Town Accountant James Vanar's letter of September 27 relative to the Town's appreciation for the Department's assistance in resolving several difficult issues relative to the setting of the FY85 tax rate.

Tour - Fort Devens

The Board acknowledged receipt of a communication dated September 24, 1984, from Col. Edward W. Newell, Armor Installation Commander at Fort Devens inviting the Selectmen to attend a tour of Fort Devens beginning at 2:00 p.m. - 6:00 p.m., Saturday, November 3. Selectman Frost stated he would be out of state on that day; Selectmen Donald and Fox will inform Mr. Thompson regarding their response to the invitation.

Cable TV

The Board acknowledged receipt of a September 25, 1984, communication from the State Community Antenna Television Commission, regarding Sudbury's Provisional CATV License. The State indicated that the provisions inserted by the Town concerning free underground drop installation, which vary from Adams-Russell's proposal in its amended application, must be deleted from the Provisional License. Executive Secretary Richard E. Thompson stated that it is Town Counsel's advice not to pursue this issue further.

Non-Union Employee Salaries

Executive Secretary Richard E. Thompson stated that the Personnel Board had not yet responded to the Selectmen's request for input on non-union employees' salary increase for FY85. Mr. Thompson recommended that the Selectmen set said salary increase at 5.5%, which is what the local schools gave to clerical personnel. At the suggestion of Selectman Fox, the Board agreed to give the Personnel Board one more week's time to respond. Selectman Fox directed Mr. Thompson to so inform Mr. Sorett, Chairman, asking for input from the Personnel Board by the Selectmen's next meeting, Thursday, October 11.

There being no further business to come before the Board, the meeting was adjourned at 10:15 p.m.

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