

IN BOARD OF SELECTMEN
MONDAY, FEBRUARY 3, 1975

Present: Chairman John C. Powers, John E. Taft, and William F. Toomey

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

Site Plan #75-143, Orion Realty Trust, E. R. Schofield, 80 Union Avenue

Present: Francis E. White, Zoning Enforcement Agent

In accordance with Article IX, V, A, of the Sudbury Bylaws, the Board considered the site plan of Orion Realty Trust, E. R. Schofield, for extra storage of fuel at 80 Union Avenue.

The Executive Secretary reported that all appropriate department heads and abutters had been notified of tonight's site plan consideration and that a favorable report had been received from the Zoning Enforcement Agent, dated January 14, 1975, and from the Planning Board, dated January 21, 1975, with the provision that there is no encroachment upon the flood plain in this area.

The Executive Secretary stated that he had received, at 6:00 p.m., this date, a communication from the Conservation Commission which called to the Board's attention the fact that there were discrepancies between the site plan and the actual site and which set forth recommendations for the plan relating to the flood plain zone.

On the recommendation of the Executive Secretary, it was on motion unanimously VOTED: To defer further consideration of the site plan for Orion Realty Trust, E. R. Schofield, for extra storage of fuel at 80 Union Avenue, until the Board's regular meeting on February 10.

Selectman Taft stated that there have been numerous complaints concerning the visual impact of the site from Concord Road, that the existing screening, by willow trees, is only seasonal, and that thought should be given to provision for more adequate screening from Concord Road.

The Executive Secretary requested that the Zoning Enforcement Agent obtain a site plan which is to scale for the Board's review on February 10.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular meeting of January 27, 1975, and the special meeting of January 29, 1975, the former as amended.

Annual Town Election and Meeting - Board of Registrars

On the recommendation of the Board of Registrars to avoid the necessity of holding a special registration session in each of Sudbury's four precincts, it was on motion unanimously

VOTED: To approve the request of the Town Clerk, in a communication dated January 29, 1975, to hold registration sessions for the Annual Town Election, as follows:

Thursday, February 27, 7-9 p.m.

Thursday, March 6, 7-9 p.m.

Saturday, March 8, Noon-10 p.m.

Tuesday, March 11, 9 a.m.-10 p.m. (close of registration) - all to be held at the Town Hall.

Sudbury Traffic Rules and Orders

The Board received two communications dated January 22 and January 24, 1975, from the Chief of Police and a communication dated January 22, 1975, from Safety Officer Carroll relative to an amendment concerning stop signs to the Sudbury Traffic Rules and Orders.

Selectman Taft stated that item 7 of a communication dated December 1, 1974, from Safety Officer Carroll should be amended to read "Eastbound on North Road at Great Road", and the Board agreed to include a traffic stop sign located southbound on Pokonoket Avenue at King Philip Road.

Following a review of the recommendations set forth in the above referenced communications, it was on motion unanimously

VOTED: To defer further consideration of an amendment to the Sudbury Traffic Rules and Regulations until February 10, to enable the preparation, in proper form, of a complete list of existing stop signs not presently included in the Sudbury Traffic Rules and Orders.

Utility Petitions #75-26, #75-27, Peakham Road, Middle Road

Present: Robert Blake of Boston Edison Company; Francis E. White, Wiring Inspector; Mr. and Mrs. John Stigle, abutters

In conformity with the requirements of Sections 21 and 22 of Chapter 166 of the General Laws, a hearing was held on the below-named utility petitions:

UP75-26 - Petition of Boston Edison Company and New England Telephone and Telegraph Company for joint or identical locations for existing poles and for the maintenance of said existing poles and such other fixtures as may be necessary to sustain or protect the wires of the line, said poles and fixtures to be used in common by them, upon, along and across the following public way:

PEAKHAM ROAD, southeasterly side, approximately 412 feet southwest of Old Garrison Road, --
One (1) pole

PEAKHAM ROAD, southeasterly side, approximately 640 feet southwest of Old Garrison Road, --
One (1) pole

PEAKHAM ROAD, southeasterly side, approximately 990 feet southwest of Old Garrison Road, --
One (1) pole

PEAKHAM ROAD, southeasterly side, approximately 673 feet
northeast of Boston Post Road, --
One (1) pole

(The ownership of four (4) telephone poles is being changed to joint ownership with the Boston Edison Company.)

The Executive Secretary reported that all abutters and appropriate boards had been notified and that recommendations for denial of this petition were received from the Wiring Inspector and the Power and Light Committee, dated January 24, 1975, and January 29, 1975, respectively.

In response to questions, Mr. Blake stated that the existing poles are too small to be suitable for joint use and would be replaced if the petition were to be granted and that the petition for these four poles would be followed by a second petition for five additional poles to be used in conjunction with the first four.

Following discussion, it was on motion unanimously

VOTED: To deny the petition of Boston Edison Company and New England Telephone Company for joint ownership as set forth in Utility Petition #75-26 for four locations on Peakham Road, inasmuch as the pole locations do not permit a complete electrical system, would not service any residences or other buildings in the area, and, if the poles were proposed as necessary for closing a loop, the service could be done on underground wiring power lines not requiring additional poles, and, further considering the facts brought out in the Power and Light Committee's report of January 27, 1975.

UP74-27 - Petition of Boston Edison Company for permission to erect or construct, and a location for, a line of wires, poles, and such other fixtures as may be necessary to sustain or protect the wires of the line, for the transmission of electricity upon, along, and across the following public way:

MIDDLE ROAD, northeasterly side, from a point approximately
920 feet southeast of Firecut Lane, --
Two (2) poles

The Executive Secretary reported that all abutters and appropriate boards had been notified and that a favorable report dated January 23, 1975, had been received from the Wiring Inspector. The Executive Secretary further reported that the Board had also received a communication dated January 29, 1975, from the Sudbury Power and Light Committee which recommended disapproval of the petition and that the proposed electrical service on Middle Road follow the route of the telephone service, which is underground.

Mr. Blake stated that the poles would provide electric service to a house under construction and that it would be more costly to run the lines underground.

Mr. and Mrs. John Stigle, abutters living at 36 Middle Road, spoke in opposition to the two poles proposed for this location.

Following discussion, it was on motion unanimously

VOTED: To deny Utility Petition 75-27 of the Boston Edison Company for location of two poles at the end of Middle Road for service to a single house lot with its required frontage on Moore Road, with the suggestion to the petitioners that the Board will look favorably upon a petition for direct burial cable in place of the two poles.

State Census - Participation by Sudbury Board of Registrars

Present: Town Clerk Betsey M. Powers

The Executive Secretary stated that the Board had earlier received a communication from Paul Guzzi, Secretary of the Commonwealth, relative to the State Census which will take place in March. Mr. Thompson further reported that the Board had received a second communication dated January 23, 1975, from Mr. Guzzi, which requested that a local census director, to be known as a Municipal Census Supervisor, be appointed.

Mr. Thompson stated that it is appropriate to take action on the matter and that he had requested that Town Clerk give the Board her recommendations on the subject as well as a cost estimate.

Mr. Thompson stated that it is his understanding that we will have to proceed with the present Town census and proceed in March with a State census which will be the basis of State reimbursements and the allocation of licenses such as those for liquor.

Mr. Thompson reported that the Census Bill, originally H.4420, which establishes March 1, 1975, as the Census Day, was passed by the House of Representatives on January 30 as H.5416 because of technical amendments and has gone to the Senate.

The Town Clerk reported that she is not aware of any way that the Town census can be combined with that under H.5416 and that her office had been unsuccessful in its attempts in that direction prior to the filing of the bill.

Mrs. Powers reported that the Board of Registrars had met on January 28th and had agreed to act as the local census Municipal Census Supervisors, but were of the opinion that the funds for the Census and the justification for funds should come from the Board of Selectmen. Mrs. Powers estimated that 25¢ per person, which was the reimbursement rate of the 1971 State census, should cover the cost of the State census.

Following further discussion, it was on motion unanimously

VOTED: To appoint the Board of Registrars as Municipal Census Supervisors for the purpose of proceeding with the 1975 State Decennial Census and to encourage that Board to determine the lowest cost approach to accomplish the same, requesting that they report back to the Selectmen when this determination has been made.

City of Opa-locka, Florida - Bicentennial Celebrations

The Board noted receipt of a communication dated January 21, 1975, from the Mayor of Opa-locka, Florida, relative to special bicentennial events to be held in that city, which extended, to any citizens of Sudbury who may be in the Miami area during any of these occasion, an invitation to visit Opa-locka.

Sudbury Police Auxiliary - Request to Carry Fire Arms

Present: Police Chief Nicholas Lombardi; Patrolman Vincent Patruno; William Bonwitt, Roger Davis and other members of the Auxiliary Police and their families; and interested citizens for an approximate total of 50 people

The Board, at its January 27, 1975 meeting, voted to schedule at its regular meeting on February 3, a public meeting for discussion of the request of the Sudbury Police Auxiliary to carry fire arms.

Chairman Powers explained that the Board had earlier been contacted by the Auxiliary and the Chief of Police relative to this request and had sought and received from Town Counsel an opinion relative to authorization for arming the Auxiliary. Chairman Powers stated that the Board had also sought a recommendation from the Police Association, which represents the regular members of the Sudbury Police Department, and have received an affirmative report, indicating that the Association is in favor of the Auxiliary's carrying arms.

William Bonwitt, appointed as Lieutenant of the Sudbury Auxiliary Police by the Police Chief, stated that the Auxiliary had been formed to provide backup reserve and extra help for the regular police department and are authorized by the Board of Selectmen. Mr. Bonwitt stated that the Auxiliary, who number twenty men, are in a training status until an emergency is declared by the Governor and, at that time, if the Chief so desires, automatically become full policemen.

Mr. Bonwitt stated that the members of the Auxiliary have received first aid and pulmonary resuscitation training as well as training in criminal law and have assisted in parade and church related traffic duty and on weekend patrols with the regular police officers. Mr. Bonwitt stated that all members have qualified in the use of fire arms and that if fire arms are granted, they will be purchased by the individual members.

Chief Lombardi stated that he is in complete agreement with the statements made by Mr. Bonwitt and that he would stand on his position for support made at a previous meeting (December 30, 1975), but would be glad to answer any questions.

Patrolman Vincent Patruno, speaking for the Sudbury Police Association, reported on the vote taken by the Police Association to support the request of the Auxiliary.

Roger Davis, a member of the Police Auxiliary stated that they were of the opinion that they were at a disadvantage when on patrol as they were unarmed and that they should be in a position to come to their own defense and that of the officers with whom they ride.

William Volheim, 33 Willow Road, Frederic J. Christiansen, 115 Willis Road, Donald Peirce, 55 Maple Avenue, and Norman Hecht, 59 Colonial Road, spoke in support of the Auxiliary's request to carry arms.

Ronald Blecher, 30 Cedar Creek Road, Margaret Langmuir, 9 Bent Brook Road, Sally VonBenken, 52 Puffer Lane, and Ellen McQuiston, 22 Briar Path Lane, spoke in opposition to the request, stating that the men should instead be withdrawn from hazardous duty.

Ira Potell, 148 Nobscot Road, asked that the Board state the premise upon which the Auxiliary had been authorized.

The Executive Secretary reported that a communication dated December 8, 1971, from then Acting Police Chief Lombardi had requested future discussion relating to the establishment of an auxiliary police unit whose purpose would be to assist the regular Police Department in the performance of minor or less responsible duties, such as traffic and crowd control, searches, and assistance to regular policemen during times of emergency due to adverse weather conditions. This communication also mentioned that auxiliary units in Hudson and Wayland take part in foot and cruiser patrols with a regular officer every Friday and Saturday evening. The Executive Secretary further reported that on December 13, 1972, the Board requested that funds in the amount of \$2,000 be added to the budget of the Police Department to enable the institution of an auxiliary police force to provide additional manpower at minimum cost to the Town, to be used for duties as assigned by the Chief of Police. The Executive Secretary stated that the charge of the Auxiliary Police has changed somewhat as conditions have changed and that the Selectmen have been advised of these changes.

Chairman Powers read the results of a survey of neighboring towns, which indicated that in two of the eight towns, the auxiliaries did not ride on patrol and did not carry firearms; in the remaining six towns, auxiliaries did ride on patrol and in five of those towns carried firearms and in the sixth a decision on the matter is pending.

Selectman Toomey stated that, if the Chief of Police has approved the men's appointment to the Auxiliary, has recommended that they ride in patrol cars, and has supported their request to carry arms, in his opinion, the Auxiliary should carry guns.

Selectman Taft stated that the object of the formation of the Sudbury Police Auxiliary was to provide the Town with backup for crowd control, traffic duty with a view to 1975-76 bicentennial celebrations, and for any other unforeseen emergency and, in his opinion, they should not ride "shotgun" on patrols - that instead additional paid policemen should be hired for such duty, if necessary. Selectman Taft further stated that, in his opinion, the Auxiliary should not be armed or expose themselves to situations which would require arms with the exception of emergency situations provided for in G.L. c33 App. §11, under which the Auxiliary is authorized, in the event of a declaration of an emergency, to perform all the duties of the regular policemen - circumstances under which the Auxiliary would be armed.

Chairman Powers stated that, in his opinion, the question is whether or not to authorize the Auxiliary in certain circumstances to carry deadly force and that this is a professional judgment to be made by the Chief of Police, in whose judgment the Board has faith. Chairman Powers stated that he was of the opinion that a training program leading to patrol duty should be looked at very very carefully, as well as a determination of what constitutes hazardous duty.

Chairman Powers stated that he was expressing to the Chief his strong concern that the program be looked at very carefully and that hazardous duty be assigned to the members of the Auxiliary on as limited a basis as possible and under extremely limited circumstances, but that it should be the Chief's determination.

Selectman Toomey suggested that the Board defer making a motion on the Auxiliary's request and recommended that Town Counsel incorporate the points raised by the Selectmen into a motion for the Board's consideration at its February 10 meeting. Chairman Powers and Selectman Taft were in agreement.

Mr. Bonwitt commented that, in his opinion, the simple act of putting on the uniform places a man in a hazardous position, that if there is a hazard to police officers, it is always there, and as far as the Auxiliary is concerned, they wish to continue as such and do not want specifications to be given regulating when they can and cannot carry arms.

Zoning Violation - Gulf Station, Boston Post Road

Present: Francis E. White, Zoning Enforcement Agent; Richard E. Manelis, attorney for Mr. Brown; Edmund Brown; and Dr. Norton, owner of Norton System Vans

The Board, at its meeting on September 9, 1974, voted to disapprove the site plan application of Edmund R. Brown, Gulf Oil Corporation, which showed a change of use, specifically, the parking of mini-busses and a taxi, inasmuch as the regular parking of commercial vehicles is not permitted under the Zoning Bylaws, as set forth in Town Counsel's communication of September 6, 1974, unless a permit is received from the Board of Appeals.

Attorney R. E. Manelis, appeared before the Board of Appeals on January 7, 1975, representing Edmund R. Brown to request a variance or permit under Section III, B, 2 of the Bylaws to allow the parking of commercial vehicles at 470 Boston Post Road.

The Executive Secretary read from the minutes of the Board of Appeals hearing at which the Board of Appeals agreed that the petitioner required that a variance rather than a permit would be necessary, and following discussion, the petitioner conceded that he did not have grounds for a hardship, as such would be self-imposed, and withdrew his petition.

Mr. Manelis stated that the Norton Systems vans provided a worthwhile passenger service for handicapped persons and that it is necessary that they be centrally located for regular maintenance and refueling. Mr. Manelis requested that the Board issue a permit to allow the continued parking of the vans at that location.

Selectman Taft stated that the Board had stated before that it would not grant a permit unless a variance is first granted by the Board of Appeals, and that no variance has been granted by that Board.

Mr. Manelis referred to an opinion dated September 6, 1974, from Town Counsel, which stated, in part, that if the activity falls within the classification of "incidental services", it can be allowed by permit by the Board of Selectmen.

Dr. Norton stated that when they appeared before the Board of Appeals and were told that they did not have the grounds for a variance, it had been suggested that the Selectmen could grant them a temporary permit which would allow them to make other arrangements.

Town Counsel stated that Zoning Bylaw III, B, 2, e, "Automobile filling stations... incidental services..." is the passage to which the Board of Appeals referred and that the Board of Selectmen is of the opinion that the proposed use would not be applicable under the intent of that section of the bylaws.

Mr. Manelis stated that permits can be fitted to unique circumstances and contended that their request for a permit does not derogate from the intent of the bylaw.

Selectman Toomey stated that he was of the opinion that the Board should not be put in the position of derogating from the intent of the bylaws and that the permit request was not properly before the Board.

Town Counsel stated that, in his opinion that if anything is done for Mr. Brown, it would be done through the Board of Appeals and stated that requests have been made relating to court action in regard to this zoning violation.

Following further discussion, it was on motion unanimously

VOTED: That the permit request by Edmund R. Brown, to allow parking of the Norton System vans at 470 Boston Post Road be denied and that Town Counsel be authorized to institute action in Superior Court after February 28, if the vans have not been relocated by that date.

DPU Hearing - Expanded Local Calling Area

Selectman Taft reported on the second session of the Department of Public Utilities continued hearing on February 3, relating to the Sudbury Citizens' petition to expand the toll free service to the contiguous Towns of Concord, Hudson, Marlborough, and Lincoln.

Selectman Taft reported that today's hearing had consisted of the cross examination of Mr. Walter Dowd of the New England Telephone Company by Town Counsel and a further statement by Mrs. Robert Simon, as well as her questioning of Mr. Dowd. Selectman Taft reported that Mr. Dowd stated that there are 672 toll-free contiguous routes and 167 routes which are not toll-free to contiguous towns and that the Telephone Company plans to make two (already specified and neither includes Sudbury) of the latter routes toll-free this year, but has no future plans for such changeover, having agreed in 1971 to decrease service. Mr. Dowd also stated that New England Telephone Co. claims they would lose substantial revenue by expanding service, stating that approximately 25% of toll calls from Sudbury are to the contiguous towns not yet included in its present toll-free calling area.

Middlesex County Advisory Board

Chairman Powers reported that the Middlesex County Advisory Board will hold a budget meeting tomorrow at 5:00 p.m., despite the fact that the budgets have not been made available for that Board and that they might ask that the budget be voted out of hand and request that the Board have the right to review the budget as do the legislators.

Selectmen's Warrant Articles

It was agreed to defer further discussion of the Selectmen's warrant articles until the Board's regular meeting of February 10, 1975.

Selectmen's Annual Report

The Board reviewed and approved the Selectmen's Annual Report as submitted by Chairman Powers and amended by the Board.

Massachusetts Department of Public Health - Ambulance Program Application

The Executive Secretary reported that the Board had received a communication dated January 2, 1975, from the Department of Public Health's Office of Emergency Medical Services, which enclosed an application for participation in the ambulance program through that office. Mr. Thompson stated that he had given this material to Fire Chief Frost to review.

Mr. Thompson stated that this was a first-round application relating to reimbursement which might place Sudbury on a priority list. He further stated that Chief Frost had contacted the other members of the Ambulance Task Force Committee, who are unanimously in favor of submitting the application.

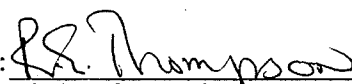
It was the opinion of the Executive Secretary and Town Counsel that the Town would not be committed to any future expenditures by submitting the application.

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

VOTED: To authorize the Executive Secretary to proceed, in conjunction with the Ambulance Task Force, to file an application to the Emergency Medical Services, Department of Public Health, for federal aid in the purchase of an ambulance. This vote is taken with the understanding from the Executive Secretary that the vote does not at the present time or at any future time obligate the Town to expend funds in this direction.

There being no further business to come before the Board, it was on motion unanimously

VOTED: To adjourn the meeting at 10:50 p.m.

Attest: 
Richard E. Thompson
Executive Secretary - Clerk