

IN BOARD OF SELECTMEN  
MONDAY, DECEMBER 3, 1979

Present: Chairman Robert J. Hotch, William J. Cossart and John E. Murray.

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:00 P.M. by Chairman Robert J. Hotch.

Street Acceptances

Hunt and Ridge Hill Roads

The Board reviewed a letter dated November 27, 1979, from the Chairman of the Planning Board, John C. Cutting, explaining that Hunt and Ridge Hill Roads should not be included in the Warrant for the 1980 Annual Town Meeting for acceptance by the Town for the following reasons:

- Work under the bond on these streets has been defaulted and the Highway Surveyor wants to do as much work as possible using monies from the bond;
- The amount necessary to repair these streets must be determined, at which time an article can be considered for acceptance with an appropriation to cover the remaining repairs.

Town Counsel confirmed that action on the part of the Town to accept these streets at this time would be, in essence, to accept them as is; monies from the defaulted bond would no longer be available for repairs, and this is the main reason for the recommendation that the Town not accept the streets at this time.

The Board concurred with the Planning Board to postpone acceptance by the Town of Hunt and Ridge Hill Roads.

Murray Drive and Patricia Road

Present: Town Engineer, James V. Merloni (arrived later in the evening).

The Executive Secretary Richard E. Thompson explained that the Town Engineer has requested the Board to amend the Street Acceptance Article by deleting Murray Drive and including instead, Patricia Road. Both of these roads are in the same development - Murray Drive had been accepted in 1964; Patricia Road still needs to be accepted.

Later when the Town Engineer was present, he indicated that to the best of his knowledge, there were no serious drainage problems on Patricia Road, and that an appropriation would not be required for either drainage or repairs and confirmed his recommendation that Patricia Road be accepted.

Following discussion it was on motion by Selectman Hotch unanimously

VOTED: To delete Murray Drive from the Street Acceptance Article, to be included in the Warrant for the 1980 Annual Town Meeting, and include, in its place, Patricia Road.

Selectmen's Articles - 1980 Annual Town Meeting

1. Amend Bylaws, Article IX (VI, C.5) - Special Permit Guidelines

The Board approved the article amending Article IX, Section VI, sub-section C.5 of the Zoning Bylaw entitled, "Special Permit Guidelines", as drafted.

2. Amend Article III, 2 - Town Report

While the Board agreed that supporting this article expresses to the Town an awareness of the need to reconsider the increasing cost of printing the quantities of the Town Report needed to distribute the same to every household, as presently required under the Sudbury Bylaws, they also concurred that limited quantities made available to the Town, through an amendment to the present Bylaw, may discourage renewed interest in Annual Town Meeting participation. However, the Board agreed to submit the article, on behalf of the Town Report Preparation Committee, in order for the Town Meeting to express itself on the same.

3. Amend Bylaws, Article V, 13, Public Safety - Gas Inspector

Executive Secretary Richard E. Thompson pointed out that this article deals with a technical change in the Town bylaws, as a result of a change in the General Laws, whereby a Gas Inspector, previously appointed by the Selectmen, must now be appointed by the Building Inspector. The Board concurred to amend Article V, Public Safety, of the Sudbury bylaws, by deleting section 13, Inspector of Gas Piping and Gas Appliances, in its entirety.

4. Amend Bylaws, Article V, Public Safety - Gatherings in Residential Areas

Following discussion, it was a consensus to adopt a new section 25 to amend the bylaws, Article V, Public Safety, entitled "Gatherings in Residential Areas" - Town Counsel to re-word the article, in conjunction with Selectman Murray and the Police Chief, specifically, by eliminating the last sentence of the article as it now reads.

5. Amend Zoning Bylaw, Article IX, III, C, 1 (discussed later in the evening.

- a. Article IX, III, C,1 (Limited Industrial Zone)
- b. Article IX, III, B,2 (Business District)

The Board supported submitting these article but requested Town Counsel to draft an explanation and report as to their relationship with other or similar districts.

Following discussion it was on motion unanimously

VOTED: To confirm inclusion of the five listed Selectmen's articles for the 1980 Annual Town Meeting, subject to amendments mentioned above.

Articles Submitted for 1980 Annual Town Meeting

It was on motion unanimously

VOTED: To acknowledge receipt of nineteen non-monied articles which were submitted in proper form under the December 3, 1979, closing date for inclusion in the 1980 Annual Town Meeting Warrant by the Personnel Board, the Conservation Commission, the Fire Chief, the Highway Surveyor, the Industrial Development Commission, and Board of Selectmen which the Executive Secretary read, as follows:

Personnel bylaw: Classification & Salary Plans, Art. XI  
Personnel Administration Plan, Art. XI  
Amend Bylaw, Art. VII (B) - Temporary Repairs on Private Ways  
Amend Bylaw, Art. IX, II, C - Limited Industrial District No. 2  
Accept Ch. 148, Sec. 26E - Residential Smoke Detectors  
Amend Bylaws - Wetland Bylaw  
Amend Bylaws, Art. IX - Shopping Center District  
Amend Bylaws, Art. IX, IV, B - Schedule of Intensity Regulations  
Amend Bylaws: A) Art. IX, V, B - Off-street Parking  
                  B) Art. IX, V, K - Screening of Open Uses  
                  C) Art. IX, V, N - Special Regulations - Landscaping  
Amend Bylaws, Art. IX, III - Prohibited Uses in Non-Residential Zones  
Street Acceptances  
Street Acceptance - Allan Avenue  
Street Acceptance - Oak Street  
Amend Bylaws Art. III, 2 - Town Report  
Amend Bylaws, Art. V, Public Safety - Gatherings in Residential Areas  
Amend Bylaws, Art. V, 13 - Public Safety - Gas Inspector  
Amend Bylaws, Art. IX, VI, C, 5 - Special Permit Guidelines  
Amend Bylaws, Art. IX, III, B, 2 - Drive-in Retail Establishments, Business District  
Amend Bylaws, Art. IX, III, C, 1 - Food Refreshment Establishments, Limited  
Industrial District

The Executive Secretary was directed to forward the following zoning articles to the Planning Board so that the proper hearing can be scheduled:

1. Amend Bylaws, Art. IX, VI, C, 5 - Special Permit Guidelines
2. Amend Bylaws, Art. IX, III, B, 2 - Drive-in Retail Establishments, BD
3. Amend Bylaws, Art. IX, III, C, 1 - Food Refreshment Establishments, LID
4. Amend Bylaws, Art. IX, II, C - Limited Industrial District No. 2
5. Amend Bylaws, Art. IX, - Shopping Center Districts
6. Amend Bylaws: A) Art. IX, V, B - Off-street Parking  
                  B) Art. IX, V, K - Screening of Open Uses  
                  C) Art. IX, V, N, - Special Regulations - Landscaping
7. Amend Bylaws, Art. IX, III - Prohibited Uses in Non-residential Zones
8. Amend Bylaws, Art. IX, IV, 3 - Schedule of Intensity Regulations.

Haynes Property Abutting Town Property

Present: Royal E. Haynes, Jr.; James V. Merloni, Town Engineer.

Executive Secretary Richard E. Thompson stated that the Board, at its meeting of November 19, had asked Town Engineer James V. Merloni to give them a plan and cost estimate relative to drainage and landscaping to better protect the Haynes

property. The Executive Secretary noted conversations since then between Mr. Haynes, the Selectmen and himself, which included the following considerations:

1. increase the existing berm to 8" high;
2. landscaping along the fence between the Haynes property and the Flynn Building for privacy; and
3. creating a walkway on part of the driveway between the Haynes Property and the Flynn Building, thereby reducing the existing driveway to a one-way access. (Selectman Cossart pointed out that this would be an alternative to the use of a swing gate.)

Mr. Merloni commented as follows:

- that the berm would be placed on top of the existing berm for a total of 8", (he later responded to Selectman Hotch that this would be no problem to construct), and that it would be from 3-5' from the fence. Mr. Merloni later explained that for planting purposes 4-5' would be the minimum amount of space required.
- that an estimate by John C. Cutting to provide screening along the fence between the Haynes property and the Flynn Building using hemlocks was about half the cost of using yews, which would be in excess of \$14,000 for 8-10' yews.
- that creating a walkway and a one-way driveway in the existing drive between the Flynn Building and the Haynes property would be a problem for anyone trying to enter (or exit) the parking area during certain periods of the day when school buses line up in the driveway between the Flynn Building and the Parsonage, leaving only one access to the parking area; also, responding to Selectman Murray, Mr. Merloni stated that the School Department is not in favor of re-routing loading of the buses.

Mr. Haynes agreed with the 8" berm, as opposed to a more costly drainage solution, but questioned the placement of it, especially in back of his property where the biggest drainage problem exists. He later suggested purchasing smaller hemlocks (five feet) to keep the cost down, and further expressed his preference that the walkway be constructed on the easterly side of the existing driveway rather than on the westerly side.

At Mr. Haynes' request, Mr. Merloni showed him the plan showing the position of the berm. Mr. Merloni told Mr. Haynes that snow removal would not be a problem.

The Executive Secretary suggested that the berm could be constructed in-house while other work may require a Town Meeting appropriation. It was suggested that the Executive Secretary meet with the Town Engineer to finalize plans and costs for the installation of the berm and for the screening using hemlocks, as recommended by Mr. Cutting, for the lower price.

Also, on the recommendation of Mr. Merloni, the Selectmen concurred to observe the access situation between 2:00-2:30 P.M. when the school buses line up in the driveway between the Flynn Building and the Parsonage, taking into consideration that the only other access would be the driveway between the Haynes property and the Flynn Building. The Selectmen will discuss the matter further with a representative of the School Committee and meet again with Mr. Haynes with final recommendations.

1980-81 Operating Budgets

Present: Janet Silva, Administrative Secretary.

Selectmen - 501

Administrative Secretary Janet Silva requested an increase of \$500 for line item 501-12, Overtime and Extra Hire. The Selectmen responded to her request, stating it would be an area that would be considered after they have reviewed all budgets on December 10th.

The Board requested that the Executive Secretary check to be sure that the amount allocated for line item 501-21, General Expense, is adequate, particularly for dues expenses.

The Board discussed the Surveys and Studies Account, line item 501-81, and agreed that they would look at it again for possible increases.

The Board discussed the proposed appropriation of \$10,000 for Labor Relations. Mr. Thompson stated that if further research indicates a reduction (possibly in the amount of \$3,000) he would advise the Board.

Unclassified

Mr. Thompson reported that he and the Town Report Preparation Committee are recommending that \$7,000 be appropriated for line item 950-41, Print Town Report.

Plumbing Inspector Position

On the subject of reviewing the salary for the position of Plumbing Inspector, the Executive Secretary stated that initially he was going to recommend that the Board consider deleting the item of Plumbing Inspector under the Single Rated Schedule of the Classification and Salary Plans and ask that the Plumbing Inspector be paid from the budget at the rate of \$2,600 with a \$1,000 retainer.

Mr. Thompson stated that presently the Plumbing Inspector is paid 75% of the fees collected, and further explained the awkwardness of the present system. Mr. Thompson said, that Town Counsel, however, expressed reluctance, after reviewing General Laws, C.142, s. 12, in recommending the elimination of the Plumbing Inspector's salary based on percentage of fees because it would probably make him ineligible to hold the position if he performed any business in Town and receive only an annual salary from the Town.

On the recommendation of the Chairman, the Board agreed that they would further discuss this matter when discussing the reorganization of the entire Building Department. Selectman Cossart requested the Executive Secretary to obtain information in the meantime, relative to the past fee collected and salaries paid to the Plumbing Inspector.

Position of Building Inspector/Zoning Enforcement Agent - Job Description

On the recommendation of Chairman Hotch, The Board agreed that the revised job description for the position of Building Inspector/Zoning Enforcement Agent would be discussed at the same time as the reorganization of the Building Department. Selectman Murray suggested that perhaps the Board meet to discuss this independently, and Selectman Cossart requested that the Executive Secretary check the State statute relative to the qualifications of the Building Inspector/Zoning Enforcement Agent, as shown in the job description for its inclusiveness.

Civil Service - Police Department Employees

The Board reviewed an informative communication dated November 26, 1979, from Town Counsel relative to pursuing rescission of Civil Service rights for future Police Department employees.

Selectman Cossart suggested use of a ballot question; Selectman Murray and Hotch favored the Town Meeting as a means to rescind Police Civil Service.

Following discussion it was a consensus of the Board to request Town Counsel to draft an article for approval of a Special Act; it being their opinion it may be easier to explain and justify by taking the Town Meeting route.

Mosquito Control Study Committee

At the request of Selectman Cossart, discussion relative to a communication from the Mosquito Control Study Committee, dated November 23, 1979, furnishing recommendations for the 1980 Annual Town Meeting, was tabled until after December 12, when it will be discussed at the Conservation Commission's meeting.

Route 117 - Scenic Route

The Board acknowledged receipt of a communication dated November 21, 1979, from Samuel Davis, Executive Secretary, Maynard Chamber of Commerce, relative to the designation of Route 117 as a Scenic Route, and directed the Executive Secretary to send a letter on the Board's behalf to the State Commissioner of the Department of Public Works confirming the Board's position opposing the proposal, a copy of said communication to be sent to Mr. Davis.

Auctioneer's License

It was motion by Selectman Murray unanimously

VOTED: To approve an annual auctioneer's license for Mitchell Bistany, 21 Old Meadow Road, Sudbury, as requested in his communication of November 27, 1979.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Town Fathers Forum of May 29, 1979 and the Regular and Executive Sessions of November 19, 1979, as drafted; and to approve the Regular Session of November 26, 1979, as amended.

Current Items of Interest

Home Heating and Energy Conservation Lecture

Executive Secretary Richard E. Thompson announced a public informational meeting on the subject of Home Heating and Energy Conservation, to be held at 7:30 p.m. on December 12, 1979, in the Sudbury lower Town Hall.

Lincoln-Sudbury Regional High School Meeting

The Executive Secretary announced an open meeting of the Lincoln-Sudbury Regional School District Committee to discuss the recent fires and vandalism at the High School to be held on December 11th.

Simon/Russell Dog Complaint

Following discussion it was on motion unanimously

VOTED: To support and endorse the agreement dated November 28, 1979, between Donald Russell and Estelle Simon, arrived at through mediation at the First District Court of Southern Middlesex, Civil Case No. C32,582;

and it was further

VOTED: To stipulate its concurrence with the letter dated November 29, 1979, signed by Estell Simon and Donald Russell, a copy of which is attached hereto and made a part of these minutes.

Juvenile Restitution Program

A meeting at the Framingham First District Court will be held on December 10 at 3:00 p.m. dealing with Sudbury's proposed Juvenile Restitution Program.

Sudbury House

Executive Secretary Richard E. Thompson reported that Secretary Larken of the Alcoholic Beverage Control Commission, in telephone conversation today, assured approval of Sudbury House, Inc.'s Alcoholic License renewal for 1980, in spite of the fact that the Board's action took place on December 1.

Municipal Exemption

Selectman Cossart noted a written request from Mr. Thompson to Town Counsel on Municipal Exemptions asking specifically for a declaratory opinion on the same as it relates to the inclusion of certain local governmental units.

The meeting was recessed at 9:00; Chairman Hotch called the meeting to order at 9:10 p.m.

Executive Session

At 9:10 P.M. it was on motion by roll call

VOTED: To enter into Exective Session for the following reasons:

- to discuss transactions in real property where open discussion may have a detrimental effect on such transactions;
- to discuss litigation where open discussion of the same may have a detrimental effect;
- to discuss the reputation and character, physical condition or mental health rather than the professional competence of a single individual; and
- to discuss the Charity Fund. (Chairman Hotch in favor; Selectman Cossart in favor; and Selectman Murray in favor.)

Chairman Hotch stated that Public Session would not reconvene following Executive Session.

There being no further business to come before the Board, the meeting was adjourned at 11:30 P.M.

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



November 29, 1979.

Messrs. Hotch Murray and Cossart  
Board of Selectmen  
Town of Sudbury, Mass. 01776

Dear Sirs:

I have this day received instruction from Carol Bronder, case coordinator from the Framingham Mediation Project, 15 Sanger Street, Framingham, Mass. 01701 (872-9495) to write the following letter to be signed by the Town Counsel of Sudbury and the Counsel Sheldon H. Pichel for Estelle Simon. This letter to be returned promptly by Estelle Simon to Carol Bronder.

Dear Sirs:

In light of the Framingham Court Mediation agreement which was signed by Donald Fussell and Estelle Simon on Wednesday, November 28, 1979, I am requesting that the Selectmen of Sudbury Robert Hotch, John Murray and William Cossart, Jr. drop the Restraining order against my 2 dogs, Little John and Fig Boy which has been endorsed by Donald Fussell (See agreement #3).

I request that the Selectmen make an immediate decision to support this agreement to avoid the necessity of a Court appearance on December 10, 1979 and its attendant legal expense for both parties - namely the Counsel for the Town of Sudbury, defendant and the Counsel for Estelle Simon, plaintiff.

I request that this statement be signed by the following:

Counsel for the Town of Sudbury - *Based upon my complete faith that Mrs. Simon will, without need for formal restriction, minimize the impact on the neighborhood, and seeing the dog on the day, it is because of her graciousness in agreeing to a statement signed on my behalf, I hereby suggest*

Counsel for Estelle Simon  
*Sheldon H. Pichel*  
 Sheldon H. Pichel  
 367 Boston Post Rd.  
 Sudbury, Mass. 01776

*signed,*  
 Estelle Vee Simon *this request is granted.*

Estelle Vee Simon  
 27 Surrey Lane  
 Sudbury, Mass. 01776

872-9495

The matter of the Mediation between:

Complainant Donald Russell

and

Defendant Estelle Simon

AGREEMENT

the undersigned, having participated in mediation session on  
05/25, 1979 and being satisfied that the provisions of  
<sup>date</sup>  
resolution of our dispute are fair and reasonable, hereby agree

to abide by and fulfill the following:

Mrs Simon agrees to keep the two dogs in the barn during  
off time hours except in the event that Mrs Simon is ill or  
one of the dogs is ill and needs to be kept separate from  
the other dog.

Mrs Simon agrees that during daylight hours the dogs will  
be controlled in accordance with the Town Dog leash By-law.

Mr Russell agrees to endorse Mrs Simon's request to the  
selectmen to drop the restraint order against her dogs.

Both parties request the selectmen to make an immediate  
decision to support this agreement so that the hearing on  
the matter may be cancelled and it will not be necessary for either  
party to appear at the hearing.

Donald Russell  
Estelle Simon

WITNESSED

I, the undersigned mediators, having been in accordance with  
mediation agreement entered into by the above signed and dated  
05/25, 1979, and having heard these Parties resolved their  
dispute, hereby affirm and witness the above agreement.

William Sawyer  
Donald Whiting  
Charles [unclear]

In the matter of the Mediation Between

Complainant: Ronald RussellDefendant: Estate Simon <sup>AND</sup>

Mr. Russell agrees to not call Mrs. Simon on the phone or to go onto her property. He further agrees not to antagonize Mrs. Simon's dogs. If there are any problems with the dogs Mr. Russell will call the City Officer & not Mrs. Simon.

Mrs. Simon agrees to address a letter to the Sudbury policemen advising that statements presented to hearings with reference to: ① Mr. Russell attempting to run her down with his car; ② Mr. Russell taking punitive actions against her; ③ to Mr. Russell's actions contributing greatly to her heart attack, were said in anger and may have resulted from misunderstanding of Mr. Russell's actions.