

IN BOARD OF SELECTMEN  
MONDAY, DECEMBER 16, 1974

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

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Special Selectmen's Meeting - December 18, 1974

It was on motion unanimously

VOTED: To defer Item 5 (review of Selectmen's warrant articles for 1975 Annual Town Meeting), Item 6 (final review of Selectmen's budgets), and Item 15 (granting annual gifts from the discretionary fund) until Wednesday, December 18, 1974, at 8:00 p.m.

Labor Relations Counsel

Present: Richard W. Murphy

The Executive Secretary reported that the Board had received a report dated November 25, 1974, from Mr. Richard Murphy, Labor Relations Counsel, relative to Town collective bargaining negotiations for the contract year July 1, 1974, to June 30, 1975, in which he summarized all negotiation activities.

The Executive Secretary stated that Mr. Murphy was meeting with the Selectmen tonight to discuss both last year's and this year's negotiations and that, as requested, he had obtained for the Board's review copies of all costs and charges related to 1974-75 collective bargaining.

Mr. Thompson further reported that he had, on November 12, 1974, requested department heads and bargaining units to prepare for next year's negotiations and requested that any recommendations for inclusion in the contract negotiations be forwarded to his office.

Mr. Thompson reported that he had received responses from the Fire and Police Chiefs and an indication from the Highway Commission that its recommendations would be forthcoming.

Commenting on the past year's negotiations, Mr. Murphy stated that it was not unusual this year for settlements to be prolonged with settlements on the last night of Town Meetings, and that until this year there had been no formal contract with the Police Association and that future negotiations would be only a matter of amending and modifying the present contract.

The Executive Secretary stated that in an ideal situation negotiations should be begun the first or second week in December to allow a period of approximately three months to bring the matter of collective bargaining to Town Meeting in the proper form.

In response to the Board's question, Mr. Murphy expressed his interest in representing the Town in collective bargaining for fiscal 1975-76, stating that negotiations should take less time than the past year because of the formal contract with the Police Association and that the relative positions of the Board and the bargaining units actually dictate the time required.

In discussion of improvement of rapport between the Board and the Labor Relations Counsel, Mr. Murphy stated that he would attempt to communicate more often with the Board. Mr. Murphy commented on the lull in negotiations following the unfair labor practice suit filed by the Police Association, at which time it was agreed to hold the filing of a counter unfair labor practice suit until the results of fact finding and stated that, otherwise, he had submitted status reports when negotiations were active.

In response to the Board's question for an indication of next year's settlements in view of the present economy, Mr. Murphy stated that there are presently many contracts throughout the State which have not yet been settled and that fact finding sessions are still going on. Mr. Murphy reported that compulsory arbitration has not yet been exercised in accordance with recent legislation. Mr. Murphy stated that, in his opinion, the present pattern will hold and that comparative salaries in surrounding areas still seems to be the prime criteria.

In answer to a question, Mr. Murphy stated that he had no suggestions for any change in the way negotiations were conducted last year and that he would be available to meet with department heads to hear their recommendations.

The Executive Secretary reported that last year the Board had budgeted \$2500 for collective bargaining negotiations and through June 10, 1974, had spent \$2421 of that figure. Mr. Thompson further reported that between the period of July 1, 1974 - December 7, 1974, charges for police negotiations, mediation, fact finding, and contract expenses had amounted to an additional \$1,914.

Selectman Toomey pointed out that these combined expenses were more than half of the annual legal fees budgeted for Town Counsel.

It was agreed to schedule the matter of collective bargaining negotiations for further discussion at the Board's special meeting on December 18th.

Site Plan #74-141, Frank Vana, 423 Boston Post Road

Present: Zoning Enforcement Agent Francis E. White, Frank M. Vana, applicant; Robert Huffman of the Conservation Commission Watershed Subcommittee

In accordance with Article IX, V, A, of the Sudbury Bylaws,

the Board considered the site plan of Frank M. Vana for a proposed miniature golf course and new pro shop building for location at 423 Boston Post Road.

The Executive Secretary reported that all appropriate department heads and abutters had been notified of tonight's site plan consideration and that favorable reports had been received from the Zoning Enforcement Agent and the Planning Board, dated November 13, 1974, and November 27, 1974, respectively.

The Executive Secretary stated that the Board had also received a report dated December 6, 1974, from the Director of the Board of Health, which stated that the area designated for location of the proposed leaching field is not suitable for the installation of a subsurface sewage disposal system.

The Zoning Enforcement Agent displayed the site plan and described the miniature golf course and new pro shop proposals, which would be in addition to the present golf driving range and snowmobiling activities.

Selectman Toomey, in discussing the proposed use with Mr. Vana, stated that this use differed from the use discussed at the Town Meeting rezoning request.

Mr. Vana stated that tonight's proposal is strictly a temporary use of the property which does not interfere with any project of possible property development.

The Executive Secretary stated that a report dated December 2, 1974, had been received from the Conservation Commission, which stated that a Wetland Protection Act hearing would probably be required on the new pro shop, septic tank, and leach field aspects of the proposal.

Mr. Robert Huffman, a member of the Conservation Commission's Watershed Subcommittee restated the Commission's opinion as to the probable necessity of a Wetland Protection Act hearing.

Town Counsel stated that only if the proposed building is constructed will there be a problem.

Selectman Toomey asked Mr. Vana if he could provide the miniature golf course and the present services without moving the existing pro shop, and Mr. Vana replied that this would be possible.

No one appeared in opposition to the proposal.

Following further discussion and agreement by Mr. Vana to designate on the site plan the deletion of the proposed pro shop and

leaching field, it was on motion unanimously

VOTED: To approve site plan #74-141 of Frank Vana to provide an area for miniature golf as shown on a plan dated November 1, 1974, which designates that the proposed pro shop and leaching field are to be deleted, and referred to on a previously approved site plan dated August 28, 1969.

#### Middlesex County Advisory Board

Chairman Powers announced that he and the Executive Secretary had recently attended an organizational meeting of the Middlesex County Advisory Board in Newton. Chairman Powers reported that recent legislation had made possible an advisory board to the Middlesex County Commissioners, consisting of city or town managers or their designee, mayors, and chairmen of the Boards of Selectmen, who will be able to make recommendations to the Commissioners concerning county expenditures.

#### Sudbury Housing Authority

Chairman Powers announced that the Board had learned from the press of the Sudbury Housing Authority's plan to take, by eminent domain, for Authority purposes, a portion of the land bought by the Town for Fire and Police Headquarter purposes.

Chairman Powers stated that the Board would not abandon its offer to grant an easement to cross over Town-owned land to the Authority for \$6,000, but will block their assertion of eminent domain and that the Board was asking that the Housing Authority meet in joint session at a special meeting of the Board on Thursday, December 19th.

Chairman Powers then read a statement on the subject which related the history of formation of the Authority at the 1971 Annual Town Meeting and the Authority's assertions, at subsequent Town Meetings, when seeking a municipal exemption from the zoning laws to enable its use of the Oliver site, that it would never use its power of eminent domain.

Selectman Taft expressed his appreciation for the service accorded the Town by Chairman Power's statement on the history of the Sudbury Housing Authority and stated that he was ready and willing to support any move Town Counsel might make to effectively enjoin the State from taking this land by eminent domain. Selectman Taft further stated that it was his hope that the next time the Board met with the Sudbury Housing Authority the full Authority would be present. Selectman Taft questioned whether or not the Authority had taken any action concerning the filling of the vacancy of its fifth member and stressed the importance of dealing with the full complement

of the Authority.

Selectman Toomey also thanked Chairman Powers for his research in preparation of his statement on behalf of the Board and stated his agreement with the content. Selectman Toomey further stated that the Board is ready, willing, and able to negotiate the proper access road on the Oliver land, but that it will be done in an open meeting and not through the press.

Regional Concerns Committee -- Wastewater Management Planning

Present: Ronald Campbell and Malcolm Beers of the Regional Concerns Committee

In response to a communication dated December 4, 1974, from Ronald B. Campbell and Malcolm M. Beers of the Regional Concerns Committee, Messrs. Campbell and Beers met with the Board for a discussion on the subject of wastewater management planning.

Mr. Campbell stated that, prompted by the request of the Metropolitan Area Planning Council (MAPC) that the Town adopt a "Resolution of Intent" relating to participation in a plan for wastewater management planning, the Regional Concerns Committee unanimously recommended that the Selectmen adopt the resolution. Mr. Campbell stated that the State Water Quality Task Force, using guidelines established by the Environmental Protection Agency, has indicated that Sudbury should be included in the study area and that participation by Sudbury in the planning process would allow the Town to exercise its influence upon the plan and would avoid having a plan imposed on it by an outside agency.

Chairman Powers asked Mr. Campbell whether participation in wastewater planning would delay or block the progress of the Wayland-Sudbury Septage Disposal Planning Committee as well as that of the Regional Refuse Disposal Planning Committee.

Mr. Campbell stated that there is some indication that the government will look with favor on construction plans resulting from this so-called plan and that the study would take at least a year. Mr. Campbell stated that the Towns of Maynard and Wayland have not responded to the MAPC's request, but that the City of Marlborough, and the Towns of Acton, Hudson, and Bolton have passed the resolution.

Following further discussion relative to passage of the resolution possibly jeopardizing the other two proposals, it was on motion unanimously

VOTED: To table the matter until the Selectmen's special meeting on December 18th, to enable Chairman Powers to report back to the Board following his presentation of the proposal to the Wayland-Sudbury Septage Disposal Planning Committee on December 17th.

Sudbury Bus Transportation Committee

Present: Paul Buxbaum, Robert Coe, and Paul Wishengrad of the Sudb Bus Transportation Committee; Joseph Vrabel, attorney for Mr. Winterhalter and Mr. Stephan, an associate of Mr. Winterhalter

Members of the Sudbury Bus Transportation Committee met with the Board to request Board approval of proposed bus routes.

Town Counsel stated that the signed contract with Robert P. Winterhalter d/b/a Big W Trans has been approved by him as to form and approved by Town Accountant as to funding.

Mr. Buxbaum stated that the Committee and representatives of Big W Trans were attending tonight's meeting to obtain licenses to operate a public transportation system in Sudbury and presented to the Board a list of streets to enable them to proceed.

The Executive Secretary stated that the Board did not have a listing of the routes and that, subject to correction by Town Counsel, the only action the Selectmen can take is to give approval to a particular person to use particular streets of the Town and the approval then transmitted to the Department of Public Utilities.

In response to the Board's question, Mr. Buxbaum stated that the list of streets just submitted to the Board incorporated a number of streets other than those originally designated as bus routes, approval of which could enable operation of the busses, in addition to the intra-town service, to Shoppers World and Natick Mall.

Chairman Powers stated that Sudbury Bus Transportation Committee has authorization from the Town Meeting to perform a certain task - that of establishment and operation of a system of public transportation within the Town.

Mr. Buxbaum stated that the subsidized operation will stay within the Town, but that the contractor is also interested in running service out of Town to complement the Sudbus routes.

Chairman Powers reminded Mr. Buxbaum that Sudbury is engaged in a sub-regional municipal area transportation study which is to come up with an answer to the transportation problems of this area, and Selectman Toomey stated that the Board has pledged its support in doing everything possible to keep the east-west operation of the Ritchie Bus line running and would not now wish to support anything which might jeopardize the Ritchie bus routes.

Mr. Buxbaum presented the map delineating the original seven routes approved by the Safety Officer and the School Department and a second map showing additional routes to correspond to the revised listing of streets.

Mr. Buxbaum stated that if approval for all requested streets could be granted now it would save going back to the Department of

Public Utilities at a later date and that the Committee would also like to see this extended service to Framingham. Mr. Buxbaum stated that the Committee had held some discussion with this contractor at which this possibility was mentioned and had offered the more extensive operation at a very reasonable cost.

In response to the Board's question, Mr. Buxbaum stated that there had been no discussion involving inter-town bus service prior to the time of advertising for bids and that therefore, the possibility of extended service had not been before the bidder.

Mr. Coe stated that the street approval document presently under consideration does not constitute granting of rights to operate any particular route.

Mr. Vrabel stated that the bus contractor is opening up this possibility for a potential market if the citizens are interested and establishment of such routes would in no way affect the subsidized routes.

Mr. Wishengrad stated that the Committee would like to request a certificate for both the intra-town and inter-town routes at the same time and that the inter-town operation would not cost the Town anything and would interconnect with the intra-town bus, thus offering the Town additional services at no extra cost. Mr. Wishengrad pointed out that any certificate would be limited to the six-month life of the contract agreement.

Mr. Buxbaum called the Board's attention to paragraph five of the contract agreement which states that the Certificate of Convenience and Necessity from the DPU is restricted to be valid only during the effective term of the contract or its extensions. Mr. Buxbaum also read paragraph six of the contract agreement which would allow the operation of bus service on non-subsidized routes or on subsidized routes during non-subsidized hours within any portion of the Town only with the written agreement of the Committee. Mr. Buxbaum stated that the Committee wished the submittal of the non-subsidized routes to be considered by the Board as a formal application for the Board's approval.

It was the consensus of the Board to take the request under consideration and to contact the Sudbury Bus Transportation Committee with its decision as soon as possible.

Boston Globe Editorial on Equalized Valuation - Draft Letter Response

Following discussion, it was on motion unanimously

VOTED: To table consideration of the draft letter response relative to a recent Boston Globe editorial on the subject of the equalized valuation until the Court's decision on Sudbury's revaluation suit.

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Utility Petitions #74-22 and #74-23 - Pondview Road, Raynor Road

It was on motion unanimously

VOTED: To confirm the existence, upon property accepted by the Town as public ways, of Boston Edison utility poles at the following locations: Pondview Road and Raynor Road - individual poles as specified on petitions of Boston Edison Company dated November 27, 1974.

New England Telephone and Telegraph Company - Local Calling Area

The Board at its regular meeting on November 25, 1974, voted to direct Town Counsel to proceed with a plan to increase the local calling area for the Sudbury exchange and to have Town Counsel report back to the Board on December 16, 1974 with a preliminary report.

The Board received a memorandum dated December 13, 1974, from Town Counsel on the subject, in which he set forth a plan to prepare a case to place all of Sudbury in the local exchange and to expand the non-toll calling areas.

Following discussion, it was on motion unanimously

VOTED: To accept the above-referenced report of Town Counsel and to refer it to the Executive Secretary for further action relative to the creation of a steering committee to implement the plan.

P.R.I.D.E. - Possible Zoning Violations, Boston Post Road

The Board received a communication dated December 4, 1974, from Edward A. Sokoloff, on behalf of P.R.I.D.E., which requested an opinion from Town Counsel relative to possible zoning violations on the Boston Post Road.

Town Counsel in a memorandum dated December 13, 1974, to the Board in reply to Mr. Sokoloff's communication, stated that possible violations of the Enclosure of Uses provision in the Bylaws (Article IX, V, E) is one of the many provisions in the process of review by the Planning Board advisory study committee and Town Counsel and that a complete report will be forwarded to the Selectmen as soon as it has been prepared.

On the subject of the daily parking of vans at the Sudbury Gulf Station, Town Counsel stated that a hearing to request a variance for the same has been scheduled before the Board of Appeals for January 7, 1975.

Town Counsel stated that he would communicate the above information to Mr. Sokoloff.

Revenue Sharing Program

The Board received a bulletin dated December 10, 1974, from

the Massachusetts League of Cities and Towns relative to a proposed resolution to continue the revenue sharing program, which is due to expire on December 31, 1976. The bulletin requested that every Massachusetts Board of Selectmen, Mayor, or City Council pass a resolution urging Congress to continue the program.

It was a consensus of the Board to endorse a resolution to this effect, and the Executive Secretary will communicate the same to the appropriate authorities.

Award Bid - Printing of the 1974 Annual Town Report

The Executive Secretary stated that bids for printing of the 1974 Annual Town Report had been opened at 4:30 p.m., on December 12, 1974, and that the low bid of \$9,181.25 for 5500 copies had been received by Acme Printing Co., Inc. The Executive Secretary stated that this figure is in excess of the 1974 appropriation of \$9,000, which had been approved before the rise in paper costs.

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

VOTED: To award the printing of 5500 copies of the 1974 Annual Town Report to the low bidder, Acme Printing Co., Inc., 4 Colby Street, Medford, for the sum of \$9,181.25, subject to approval of a transfer from the Finance Committee, if and when necessary.

Police - Fire Workweek and Overtime

The Board received a bulletin dated December 4, 1974, from the Massachusetts League of Cities & Towns relative to the Department of Labor's proposed regulations affecting municipal police and fire employees, to become effective on January 1, 1975, which requests that mayors, managers, and selectmen, in cooperation with departmental chiefs and personnel agencies issue an order which defines and prescribes the workweek and overtime schedule for police and fire personnel in order to avoid severe overtime penalties.

On the recommendation of the Executive Secretary it was on motion unanimously

VOTED: To issue an administrative order which defines and describes the workweek schedule and overtime for the Fire Department, as follows:

HOURS OF WORK

An employee's regular work week shall consist of an average of forty-two (42) hours, over an eight week cycle, beginning December 1, 1971. The regular day tour of duty shall consist of ten (10) hours

commencing at 8 A.M. and ending at 6 P.M. The night tour of duty shall consist of fourteen (14) hours commencing at 6 P.M. and ending at 8 A.M.

#### OVERTIME

SECTION 1: A seniority overtime list shall be maintained by the Captains for rotational procurement of employees to fill vacancies due to sickness, holidays, or any other special situation, when such coverage is required.

SECTION 2: Vacancies due to vacations and National Guard shall be covered on a station basis.

SECTION 3: In the event that all personnel are offered overtime and refuse it, the Chief or an officer in the Chief's absence may order a man within the same classification starting with the employee with the least seniority, to work said overtime.

SECTION 4: An employee held overtime by the Chief or an officer in the Chief's absence 15 minutes beyond his regular tour of duty, or off duty and responding to a call back shall be granted a minimum of two (2) hours overtime pay, and all overtime worked in excess of two hours and 15 minutes shall be compensated for the next full hours, and so on.

SECTION 5: The hourly rate of overtime pay shall be equal to time and one-half (1½) the employee's hourly base rate of pay. An employee is entitled to overtime pay when he works extra hours in excess of his normally scheduled work week.

The above vote in accordance with the Agreement between the Town of Sudbury and the Sudbury Permanent Fire-fighters Association, Local 2023, International Association of Fire-fighters, AFL-CIO, for the period July 1, 1974 - June 30, 1975;

and it was further

VOTED: To issue an administrative order which defines and describes the workweek schedule and overtime for the Police Department, as follows:

#### HOURS OF WORK AND OVERTIME

SECTION 1: The regular work week for employees shall average out to be 37 1/3 hours per week over a six (6) week period. It shall be worked as a four (4) day on and two (2) day off work schedule as is now the practice.

SECTION 2: All hours worked in excess of the regularly scheduled full shift in one (1) day or in excess of the regularly scheduled

work week (BUT NOT BOTH) shall be compensated at time and one-half the applicable hourly base rate of pay.

SECTION 3: Any employee called back to duty after the completion of a tour of duty shall be compensated at the time and one-half rate for a minimum of three (3) hours, at the applicable hourly base rate of pay.

SECTION 4: Overtime shall be distributed as fairly and equitably as possible.

SECTION 5: No person shall be utilized to do regular police work as long as there are regular police officers available to perform said work. No employee shall work two (2) consecutive eight (8) hour shifts except in cases of emergency or unless required by the Chief or his designee.

The term "police work" as referred to in this Article shall not include such duties as: Crossing Guards; Meter Maids; Maintenance; Clerks; and all other similar duties.

The above vote in accordance with the Agreement between the Town of Sudbury and the International Brotherhood of Police Officers, Local 315, for the period July 1, 1974 - June 30, 1975.

#### Board of Assessors

Present: Arthur A. Babigian, Leo Quinn, and Frank Grinnell of the Board of Assessors

The Board of Assessors met with the Selectmen for discussion relative to the Town's revaluation suit and equalized valuation as determined by the Appellate Board.

Selectman Toomey stated that if Sudbury prevails in its revaluation suit, the Town should be currently and properly assessed.

Mr. Babigian stated that in order to accomplish this, the Town could go through a complete revaluation or it could be updated on an annual basis.

Town Counsel stated that he had requested the Court to order the State Tax Commission to formulate and submit to a single justice a plan, which is designed to bring the assessments of all the cities and towns within the Commonwealth up to and to be maintained at the level of full cash value assessment as required by law.

Mr. Quinn stated that, in his opinion, the Town should have a complete revaluation and that an assessor work in the assessing office full-time.

Chairman Powers asked whether a proper figure to bring the Town's assessment into proper form could be arrived at by the time the decision in the suit is made.

Town Counsel stated that a determination in the suit would probably be made by January or February and that, in his opinion, an article should be included in the warrant for the 1975 Annual Town Meeting for \$10,000, \$15,000, or \$20,000 to provide the Board of Assessors with an updating of the present assessments.

In response to the Board's question as to whether or not the Board of Assessors has at this time any plan to update values so that they have requested funds for the same in their proposed budget for fiscal 1975-76, Mr. Babigian stated that the Assessors have not addressed that question, but could put an article in the Annual Town Meeting for this purpose.

Selectman Taft stated that, in his opinion, the Assessors should have a policy with regard to what they are going to do about full and fair valuation at the time of Town Meeting in order that they may be prepared for whatever action they wish to take at that time.

Executive Session

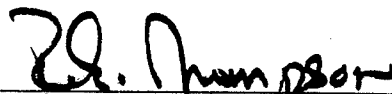
At 10:50 p.m., it was on motion unanimously

VOTED: To enter into executive session for the purpose of making appointments.

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

VOTED: To adjourn the meeting at 11:10 p.m.

Attest:



Richard E. Thompson  
Executive Secretary-Clerk