

IN BOARD OF SELECTMEN
MONDAY, NOVEMBER 25, 1974

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

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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.

Jurors

Present: Betsey M. Powers, Town Clerk

The Board drew the names of John G. Kern, Jr., 2 Noyes Lane, to serve in the Lowell Jury Pool, John W. Meachen, 115 Marlboro Road, and Louise A. Wallace, 9 Landham Road, to serve in the Cambridge Jury Pool, and Frederic Baker Mills, Jr., to serve as a Grand Juror at Cambridge Court, all commencing January 6, 1975

Appointment - Town Engineer

Present: James V. Merloni

Chairman Powers announced the appointment, on November 11, 1974, of James V. Merloni, P.E., 147 Turner Road, Holliston, as Town Engineer and, on behalf of the Board, welcomed Mr. Merloni to the Town staff.

Utility Petitions #74-11, #74-12, #74-13, and #74-14, Longfellow Street, Curry Lane, Emerson Way, and Elaine Road

Present: Robert Blake of the Boston Edison Company

It was on motion unanimously

VOTED: To confirm the existence, upon property accepted by the Town as public ways, of Boston Edison Company and New England Telephone and Telegraph Company utility poles at the following locations:

Longfellow Street, Curry Lane, Emerson Way, and Elaine Road - individual poles as specified on petitions of Boston Edison Company and New England Telephone and Telegraph Company, dated October 31, 1974.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Town Fathers' Forum, as amended, the regular session, and the executive session

of November 18, 1974.

Resignation - Council on Aging

The Board received a copy of a communication dated September 28, 1974, from Robert P. Rand to Colonel Leahy, Chairman of the Council on Aging, which tendered his resignation from the Council, effective November 21st.

It was on motion unanimously

VOTED: To accept Mr. Rand's resignation with regret and to direct the Executive Secretary to acknowledge Mr. Rand's communication, expressing the Board's appreciation for his service on the Council on Aging.

The Board also received a related communication dated November 15, 1974, from Colonel Leahy, which recommended Mrs. Margaret Bennett, 19 Partridge Lane, for the Board's consideration as Mr. Rand's replacement.

In this regard, the Board directed the Executive Secretary to invite Mrs. Bennett to the Board's regular meeting on December 9th or 16th.

County Advisory Board

The Board received a copy of correspondence to Messrs. John Danehy and S. Lester Ralph, Middlesex County Commissioners, from the Chelmsford Board of Selectmen, relative to that Board's vote as favoring the use of the County Advisory Board in recommending a new Commissioner to replace Mr. Tsongas, who was recently elected as Congressman from the Fifth Congressional District.

It was on motion unanimously

VOTED: To send a letter to the remaining County Commissioners, similar to that of the Chelmsford Board of Selectmen, suggesting that they call a meeting of the Advisory Board to seek their recommendations for a new Commissioner to replace Commissioner Tsongas.

Friday, November 29, 1974

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

VOTED: To use Friday, November 29, 1974, as an alternate holiday for Town Hall personnel who worked on October 14th,

Columbus Day, or October 28th, Veterans Day, and to keep a skeleton force at the Town Hall on this day to answer public inquiries.

Hulbert Land Acquisition

The Executive Secretary reported that notice has been received from the Department of Natural Resources that the Town's application for Self Help reimbursement for acquisition of the Hulbert land had been received, reviewed, and approved, and that the Conservation Commission has been advised that \$142,500.00 in Self Help funds have been obligated for this project.

The Executive Secretary reported that the Town Treasurer has requested guidelines for borrowing in connection with the purchase of the Hulbert land.

Following discussion, it was on motion unanimously

VOTED: To defer consideration of the Town Treasurer's request until December 2, 1974, to allow for receipt of pertinent reports from Town Counsel and the Town Treasurer;

and it was further

VOTED: To invite the Town Treasurer to attend the December 2nd meeting.

Maple Tree - Town Hall Parking Lot

On the subject of the preservation of a large maple tree at the edge of the Town Hall parking lot, the Executive Secretary reported that he had discussed the matter with the Highway Department's Tree Warden, who had recommended that the existing pavement be removed from the parking lot from the trunk to the drip line of the tree and that the roots be aerated. The Executive Secretary stated that removal of the pavement would reduce the available parking area by three or four spaces.

The Board was in agreement with the recommendation of the Tree Warden.

New England Telephone and Telegraph Company - Local Calling Area

Present: Mr. and Mrs. Robert Simon, Josiah Frost, and approximately eight Townspeople

Town Counsel, referring to his memorandum of November 15, 1974, stated that there were, in his opinion, two problems which the Selectmen should review on the subject of the New England Telephone and Telegraph Company and the local calling area - the first being the size and coverage of the Sudbury exchange, and the second, the size and coverage of the non-toll calling area for the Sudbury exchange.

Town Counsel stated that the present coverage of the Sudbury exchange does not include the northeastern-most corner of the Town - this being included in the Concord exchange.

On the subject of expansion of the size and coverage of the non-toll calling area for the Sudbury exchange, Town Counsel suggested that the Town prepare a petition to include data relating to employment, migration and family ties to the contiguous calling area.

Town Counsel suggested that the Board first meet with the proper officials of the Company in an attempt to work out a satisfactory solution to the problems, and, if that is unsuccessful, to then file complaints and petitions with the Department of Public Utilities to request appropriate orders to correct the situations referenced above, noting that the contiguous towns of Concord, Hudson, Lincoln, and Marlboro are not toll-free calls for Sudbury, and at the least, should be included in the toll-free calling area.

The Executive Secretary called attention to a communication, dated November 15, 1974, from the Fire Chief, which stated that all telephones east of the Penn Central railroad tracks on North Road (six private dwellings and the Sperry Rand and Frank Maurer Co. industries) are in the Concord telephone exchange and must make a toll call whenever calling a Sudbury telephone number, including the Fire and Police Departments.

Town Counsel stated that in preparation of the filing of complaints and petitions he would review all prior applications for hearings and model Sudbury's petition after those that had been successful.

Mr. Frost stated that he and his father had, seventeen or eighteen years ago, filed an unsuccessful petition with the DPU in an effort to have the Sudbury exchange include the northeastern corner of the Town.

Selectman Taft requested that Mr. Frost look up his old petition and suggested that specific facts, in addition

to those mentioned by Town Counsel in his above-referenced memorandum be gathered, to include commuting patterns, car pools, the Regional High School students, and the request of the doctors from the Sudbury Medical Center, who are associated with the Marlborough Hospital, for toll-free calls to Marlborough.

On the subject of the expense of the review and hearing, Town Counsel reported that he had recently been interviewing cooperative students from Northeastern University and is hopeful that one may begin assisting him in December and that if this were the case, the student would be assigned this project. Town Counsel estimated that the cost of review, petition preparation, and hearing might be \$1,000. Town Counsel also stated that some of the data gathered by the Planning Board in its survey of last year might be pertinent, and the suggestion was made that perhaps High School students and interested citizens could also be of assistance.

Following further discussion, it was on motion unanimously

VOTED: To direct Town Counsel to proceed with the plan set forth tonight and to report back to the Board by December 16th with a preliminary report and final report by January 30th with a specific plan and cost estimate for proceeding with a hearing before the Department of Public Utilities.

Federal Flood Insurance Program and Application

Present: Josiah Frost and Barry Liner of the Insurance Advisory Committee; Olga Reed, Marion Harris, and John Cutting of the Conservation Commission

The Board had earlier received a communication dated July 25, 1974, from the Conservation Commission relative to the national flood insurance program, a federally subsidized program to protect property owners who, until its authorization by Congress in 1968, were unable to get flood insurance coverage through the private insurance companies. The Conservation Commission's above-referenced communication had been referred to Town Counsel for his written report.

The Executive Secretary stated that the Town Counsel's memorandum, dated November 15, 1974, sets forth the background and a clarification of the program and that Town Counsel is requesting the Board's approval to proceed with application preparation. Mr. Thompson stated that the closing date for inclusion in the program is July 1, 1975.

Mr. Thompson reported that maps of Sudbury's flood zone areas, as designated by the Department of Housing and Urban Development, had also been received.

Mrs. Harris stated that the Conservation Commission has reviewed the flood hazard maps and that the coverage is in some cases more and in some cases less than the areas defined by the Conservation Commission. Mrs. Harris also stated that these are temporary maps which, if the Town becomes a member of the program, will be replaced by more definitive maps.

Town Counsel stated that once a determination is made by HUD relative to the more definitive maps, the Town has the right to appeal the findings if not in agreement.

In response to a question, Mrs. Reed stated that once the Town is accepted for inclusion in the national flood insurance program, the Town is obligated to take corrective steps to prevent building in these areas.

Selectman Toomey suggested that before further consideration of the application information be requested from the Engineering Department with regard to the number of individuals and businesses which would be affected.

Following further discussion, it was on motion

VOTED: To request the Engineering Department to prepare information relative to the number of homes and businesses which would be affected by a HUD designation of location in flood hazard areas, and further to request Town Counsel to ascertain all obligations to the Town once program membership is obtained, and to reschedule consideration of the application after the beginning of 1975 to enable receipt of the above information.

(Chairman Powers and Selectman Toomey in favor; Selectman Taft opposed.)

Equalized Valuation Suit

Town Counsel, referring to his memorandum of November 21, 1974, stated that the Massachusetts City Solicitors and Town Counsel Association had voted at their September meeting to file an Amicus Curiae Brief in the Sudbury Equalized Valuation Suit and that the Court, on October 2, 1974, had authorized the filing of the brief, but had limited the scope of the document to the issue of implementation of the relief.

Town counsel stated that the executive committee of the Massachusetts City Solicitors and Town Counsel Association and he had been authorized to supervise the preparation of the belief and had last week agreed on the brief which he submitted to the Board.

Town Counsel stated that the brief requests the Court to order the State Tax Commission to formulate and submit to a single justice a plan, to be implemented by the State Tax Commission, 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.

Selectman Toomey referred to an earlier request he had made relative to consideration of updating of Sudbury's assessments by the Board of Assessors and requested that the Executive Secretary schedule that Board for a joint meeting for this purpose. Selectman Toomey also requested that provision for expenses involved in a reassessment be included in the 1975-76 budget, to enable Sudbury to be correct in its assessing practice at the successful conclusion of the equalized valuation suit.

The Board suggested that the Board of Assessors be fully informed, in advance, of the purpose and subject of the joint meeting.

Easement - Sudbury Housing Authority

The Board received a rough draft, dated November 21, 1974, of an easement prepared by Town Counsel, which would grant to the Sudbury Housing Authority the right to cross over Town-owned land.

Later in the evening, it was agreed to meet briefly with Town Counsel, in executive session, shortly after the convening of the December 2nd meeting, in advance of a 10:00 p.m. joint meeting with the Sudbury Housing Authority on that date.

Military Reservation Land

The Executive Secretary presented to the Board for its approval the Town's application for acquisition of federal surplus property located at the U.S. Army Natick Laboratories Annex.

Selectman Taft suggested that a paragraph be added to the cover letter, which states that, in the event that the application of the Massachusetts Department of Natural Resources, for use of the land for park and recreation purposes only, is not acted upon favorably, the enclosed application should be considered as an independent application by the Town of Sudbury for similar uses, and if additional information is required, it will be made available upon request.

Following further discussion, it was on motion unanimously
VOTED: To sign the application, subject to the addition of
the above-mentioned paragraph to the cover letter.

The Executive Secretary reported that he had today re-
ceived from the Sudbury Non-Profit Housing Corporation, a
request that its members meet with the Selectmen in the near
future to further discuss this land.

The Board requested that copies of the letter be made
available to the individual Board members and to Town Counsel.

Budget Reviews

Selectman Toomey stated, in advance of the Board's budget
reviews, that the departmental budgets had been prepared
without the direction of the Board and that he, as a Select-
man, in view of the present economic situation, would look
for no increase in either personnel or program in the proposed
budgets. Chairman Powers and Selectman Taft were in agreement
with Selectman Toomey's statement.

The Board reviewed the following budgets for 1975-1976
fiscal year:

Fire Department
Police Department

The Executive Secretary announced that the Board would
meet on Tuesday, November 26th, at 7:30 p.m., in the Loring
Parsonage, to review the following 1975-76 budgets:

Building Department	Selectmen
Accounting Department	Law
Engineering Department	Unclassified

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

VOTED: To adjourn the meeting at 11:30 p.m.

Attest:



Richard E. Thompson
Executive Secretary-Clerk