

IN BOARD OF SELECTMEN
MONDAY, FEBRUARY 10, 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.

Jurors

Present: Betsey M. Powers

The Board drew the names of John J. Silva, 8 Green Hill Road, and Thomas W. Davies, 3 Intervale Road, to serve as jurors at Cambridge Court, and Kent M. Wright, 62 Wake Robin Road, to serve as juror at Lowell Court, commencing March 3, 1975.

Selectmen's Articles Review - 1975 Annual Town Meeting

Present: John Wilson, Town Accountant

The Board reviewed the following articles for inclusion in the warrant for the 1975 Annual Town Meeting:

Article 1 - To Hear Reports - The Executive Secretary was directed to contact Mr. Richard Hill, 161 Plympton Road, to request that he make the motion under Article 1.

Article 12 - Purchase Accounting Machine - John Wilson, Town Accountant, reported that following his assessment of the methods of the Accounting Department over the past years, until the Town eventually contracts with some type of small data processing center, he is proposing an intermediate measure -- the purchase of an accounting machine, which could be used for appropriations, payroll, tax, and voter registration functions.

Selectman Taft stated that as the payroll is now done for \$4200 per year and work for the Assessors and Tax Collector for \$2000, in his opinion, the lease purchase of the accounting machine for \$33,000 was not a solution. Selectman Taft suggested, instead, that possibly the present accounting machine should be replaced by a machine to do only the accounting function and that the present arrangements for the payroll and Assessors and Tax Collector continue.

Selectman Toomey stated that in order to come up with the cost benefits that the Town Accountant is talking about, a firm commitment from the Assessors and the Tax Collector would be necessary and that he is of the opinion that the Town Accountant has no such commitments at the present time.

Mr. Wilson stated that the Assessors, a year ago, were in favor of such a machine and that at that time the Tax Collector had requested that he inquire into the available machines. Mr. Wilson stated that the cost of a machine to do just the appropriations and the accounting functions would be \$8500 and that the expense for overhauling the present machine would be \$2700.

Mr. Taft suggested that Mr. Wilson contact the School Department in regard to the possibility of sharing time on their accounting machine.

The Board agreed the Town will eventually need some type of data processing service, but that we should now review the entire town needs and determine the least expensive way to proceed until that time.

In response to a question Mr. Wilson stated that a lease/purchase agreement for the proposed multi-function machine would cost \$6000 a year, and Chairman Powers suggested that perhaps with a rental machine he could demonstrate to the Tax Collector and the Assessors whether the machine could or could not perform their departmental functions.

Mr. Wilson stated that Concord has this particular multi-function machine, and he was asked to arrange for, through the Executive Secretary, a demonstration for the Tax Collector, the Assessors, the Board, and a representative from the Finance Committee.

Article 8 - Rebuild Walkways/Curbing - Town Centre - The Executive Secretary reported that he had received from the Town Engineer a cost estimate of \$12,114 for work under Article 8. Mr. Thompson reported that the Planning Board, in its walkway articles, has included funds for the reconstruction of the walkway, and deducting the Town Engineer's breakdown for this item, the cost would be reduced to \$9,335.

The Executive Secretary was directed to request the Park and Recreation Commission for assistance in the areas of loaming, fertilizing, and reseeding the Common and to report back Thursday evening at the Board's meeting with the Finance Committee.

Article 36 - Earth Removal Board - Town Counsel reported that he had met with James Malonson, Chairman of the Earth Removal Board in regard to that Board's and the Selectmen's / Moderator's articles concerning a change in the bylaws relating to the Earth Removal Board.

Town Counsel reported that he had explained the intent of the Selectmen's/ Moderator's article to appoint the members of the Board of Appeals as the Earth Removal Board and that this would avoid the legal question of whether or not the Board of Appeals or the Planning Board, acting in their present capacities, can also act as an Earth Removal Board.

Town Counsel reported that following their discussion, Mr. Malonson stated that the Earth Removal Board would withdraw their article and cosponsor that of the Selectmen and the Moderator.

Selectman Toomey requested that Town Counsel submit a memorandum on his above report to the Board.

Committee on Town Administration - Use of Executive Session

Present: Sally VonBenken, Chairman, Anne Bigelow, and Donald Katz of the Committee on Town Administration; and other interested persons

The Executive Secretary stated that on December 3, the Chairman of the Committee on Town Administration sent a communication to the Board requesting that the Selectmen meet with them relative to the Board's use of executive session. The Executive Secretary stated that the communication was received by the Selectmen's offices on December 9 and brought to the Board's attention at its meeting on December 16. Mr. Thompson stated that at this time the Board directed that he meet with the Committee as their representative and that this was found unacceptable to the Committee as he does not call executive sessions.

Mrs. VonBenken read a statement on behalf of the Committee on Town Administration, which expressed dissatisfaction that the Board did not meet with them as requested on this occasion, as well as an occasion a year ago when they requested the Board's attendance at a Committee public hearing on a proposed article for a five-man Board of Selectmen. The statement also expressed the Committee's concern with the Selectmen's use of executive session and requested that the Board initiate a more open exchange of information with the Town boards and committees.

Chairman Powers stated that, in response to the Committee's request, the Board had, on December 16, directed that they be represented at a meeting of the Committee by the Executive Secretary, who is also Clerk to the Board and, as such, is knowledgeable about all phases of the Board's work and their reasons for the use of executive session. Chairman Powers stated that he had difficulty understanding the Committee's dissatisfaction expressed in their statement.

Mrs. VonBenken stated that the Committee is concerned because the Selectmen have not been able to come to their meetings.

Chairman Powers responded that the Board had learned years ago that they cannot cover all the things that are required of them if they do not adhere to a schedule and that the Board has not been aware of the dissatisfaction of any other board or committee.

Mrs. VonBenken stated that she hoped the Board was correct in its assumption that the rapport between the Selectmen and the other boards was sound and satisfactory.

Mr. Katz stated that when the executive session minutes on the subject of the police/fire headquarters were recently released as requested by the Committee, that, in their opinion, there was no reason for the meetings to have been held in executive session and that either the Board was abusing its power of executive session or was not recording all the proceedings in the minutes. Mr. Katz stated that the Committee had then requested that the Board meet with them, thinking their meeting would be a less public forum.

Mr. Katz stated that the Committee is also concerned with the Board's interaction with committees other than theirs and stated that he has received inquiries as to how the Selectmen function and a complaint about their insufficient response.

In response Selectman Taft inquired whether the complaint had involved a Boston Post Road Zoning violation regarding enforcement of the zoning bylaws, and when told that this was the complaint, Mr. Taft informed Mr. Katz that a ruling on that matter had required a hearing before the Board of Appeals, following which a vote was

taken by the Selectmen at their February 3 meeting to deny a permit request to allow parking of vans at 470 Boston Post Road. Mr. Taft further informed Mr. Katz that the Board had also voted to authorize Town Counsel to institute action in Superior Court after February 28 if the vans have not been relocated.

Chairman Powers referred to an opinion dated May 31, 1966 from Henry Hardy, former Town Counsel, and updated on June 7, 1971, by present Town Counsel, David L. Turner, which stated the purposes for which a board may go into executive session. Mr. Powers commented that the aforementioned opinions were distributed to all boards and commissions, and after the C.T.A. mentioned they had no knowledge of the opinions, copies were given to them.

Selectman Toomey stated that, in his opinion, the Board has complied with the rulings referred to by Mr. Powers, and that he had never attended an executive session that he was ashamed or embarrassed for its being called.

Chairman Powers referred to a listing of the 51 Executive Sessions which were held in 1974, at which 93 subject matters were discussed and were broken down as follows:

- 52 dealing with employee evaluation, appointments, interviews, and collective bargaining;
- 12 dealing with highway department matters;
- 11 dealing with legal matters;
- 11 dealing with miscellaneous matters, including the Charity Fund;
- 7 dealing with the Permanent Building Committee (Police/Fire Headquarters).

The hand-out dated February 12, 1975 also noted that 38 executive sessions were scheduled during regular Selectmen's meetings, 24 executive sessions were held with another Town board, committee, or commission, 10 executive sessions were held at the request of another board, committee, or commission, 12 executive sessions lasted less than 15 minutes, votes were taken at only 24 executive sessions and subsequently made public, and other executive sessions dealt with informational exchange.

The hand-out summarized that 1974 for executive sessions was unusual to the extent that three major department heads had been hired (Police Chief, Town Engineer, and Fire Chief) and the highway investigation.

In response to a question from Selectman Taft, Mr. Craig Parkhill stated that, in his opinion, several executive sessions were held to conceal the fact that the Selectmen and the Permanent Building Committee disagreed very strongly with regard to the design of the proposed building. The Board indicated their disagreement with Mr. Parkhill's comments, noting they never concealed their differences with the Permanent Building Committee over designs, but to the contrary, were very open and public about it.

Chairman Powers concluded that it is necessary that the Board go into executive session to protect the reputation of persons and when it is believed to be in the best interests of the Town. In addition, Mr. Powers stated that we must continue to protect people's rights and, in his opinion, using Executive Sessions to do so has not presented a hardship or disruption of the affairs of the town.

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

Present: Francis E. White, Zoning Enforcement Agent

The Board, at its February 3, 1975, meeting 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, to allow a representative of the applicant be present and the receipt of additional information relating to discrepancies in the plan and possible encroachment upon the flood plain zone in this area, as brought out in communications from the Planning Board and the Conservation Commission dated January 21 and February 3, 1975, respectively.

The Board received a report dated February 10 from the Zoning Enforcement Agent, which responded to the Conservation Commission's and Planning Board's concerns with the plan.

As no representative of the applicant was present, it was on motion unanimously

VOTED: To deny the site plan #75-143, Orion Realty Trust, E. R. Schofield, 80 Union Avenue (expiration date February 23, 1975), without prejudice, and to allow them to resubmit their application without additional submission fee.

Heritage Park

Chairman Powers announced and expressed gratitude for a 90-day bank depository note in the amount of \$5,079, which had been received for Heritage Park from an anonymous donor.

Middlesex County Advisory Board

Chairman Powers stated that the Middlesex Advisory Board met on February 4 to review data dealing with the 1975-76 Middlesex County Budget, but that there had been no forwarding of the completed budget to the state or Advisory Board as required. Chairman Powers commented on a budget appropriation of \$7.5 million for the Middlesex County Tuberculosis Hospital, which represents one-fifth of the total budget and has a total of twenty-two patients and a staff of approximately eighty-five persons.

Chairman Powers reported that it is the intention of the Advisory Board to hold public hearings on the budget in the Town of Concord in the near future. Mr. Powers also stated the importance of reviewing the County Budget in light of its impact on Sudbury's tax rate which exceeded \$2.00 last year.

Advisory Committee on Local Affairs

The Board received a communication dated February 3, 1975, from Governor Michael S. Dukakis which announced the appointment of Selectman Taft to an eighteen-member advisory committee on local affairs.

Selectman Taft reported on the first committee meeting which was held on February 6 and stated that they will probably meet on a monthly basis and that the Governor is sincerely interested in establishing better local relationships throughout the State. Mr. Taft further stated that the Governor intends that the purpose of the committee will be to discuss local legislation issues as well as State activities which affect local government.

Selectman Taft stated that it was, in his opinion, a great opportunity for the communities of Massachusetts to have an ongoing relationship with the executive branch and requested that any particular problems in State relationships be brought to his attention.

Massachusetts Selectmen's Association

Selectman Taft reported on the February 8 meeting of the Massachusetts Legislative Conference at which a group of MSA resolutions concerning legislation were acted upon, including tax reform. Selectman Taft stated that the conference included an address by the Governor on the subject of good relationships, a speech by William Flynn, lunch, and a seminar at which Town Counsel, David Turner, explained the impact of the Sudbury Reevaluation Suit.

Auxiliary Police - Request to Carry Arms

Present: William Bonwitt, Lieutenant, Roger Davis, and several other members of the Sudbury Auxiliary Police

It was the consensus of the Board, at its February 3 meeting, to defer voting on the request of the Sudbury Police Auxiliary to carry arms until the Board's consideration of a motion, to be drafted by Town Counsel, which would incorporate the points raised by the Selectmen at that meeting.

Town Counsel now distributed two motions on the subject for the Board's review.

Following last week's meeting, the Board had received a communication dated February 6, 1975, from Mrs. Barbara E. Fisher, 7 Brentwood Road, and a communication, received February 10, from Mrs. Sandra DelPorto, 88 Blueberry Hill Lane, both of whom were in opposition to arming the Auxiliary Police.

Following a review and during discussion of Town Counsel's proposed motions, it was agreed that additional provisions, relating to the entering into the police log of a declaration of an emergency and a definition of hazardous duty, and the reference to proper firearms of training therefor, should be included in the motion, and it was on motion unanimously

VOTED: To table the matter until February 24, 1975 to allow Town Counsel to prepare a motion incorporating the additional above-mentioned provisions.

Mr. Bonwitt stated that, on the basis of the Selectmen's statements tonight, the Auxiliary, who have requested authorization for the full-time carrying of guns, may not exist as the Auxiliary following their February 11 meeting.

Sud-Bus

In response to the request of the Bus Transportation Committee and on recommendation of Town Counsel, it was on motion unanimously

VOTED: That the present restriction, within the Town of Sudbury Traffic Rules and Orders, Article VII, Section 12, related to weight limit of vehicles, imposed on Goodman's Hill Road be modified so that the so-called local Sud-Bus can use said way.

Bowker V Subdivision - Earth Removal

Present: Zoning Enforcement Agent/Building Inspector Francis E. White

The Board received a communication dated February 4, 1975, from the Planning Board relative to a major earth removal operation in the Bowker V subdivision.

Town Counsel reported that there has been no Earth Removal Board authorization for removal of earth at this location nor has there been a grade modification on an approved subdivision plan. Town Counsel reported that he had spoken with Mr. White regarding the matter and was told that there are five lots which have been excavated to a depth of 12-15 feet in an area approximately 50' x 200'.

Mr. White stated that he has condemned the five lots and has notified the builder that they are not buildable lots.

Following discussion, it was on motion unanimously

VOTED: To instruct Town Counsel to immediately obtain a cease and a desist order against Bowker Land Corporation to halt further excavation on five lots on Ford Road in the Bowker V subdivision.

It was further

VOTED: To seek to a court order for restoration of the lots to their as near original condition as possible; and

it was further

VOTED: To recommend to the Building Inspector to issue no building permits for the affected and abutting lots until the extent of the damage to this area can be fully ascertained.

Reserve Fund Transfer Request

Present: Fire Chief Josiah Frost

Following discussion and consideration, it was on motion unanimously

VOTED: To approve a request for a transfer (#0607) in an amount not to exceed \$8,000.00 from the Reserve Fund to Account 310-62, Fire Alarm Maintenance, with the final amount subject to receipt of bids for equipment and installation for replacement of the central office fire alarm panel in the Fire Department headquarters.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Town Fathers' Forum of January 29, 1975, and the minutes of the regular meeting of February 3, 1975, as amended.

State Census

On the subject of the March 1, 1975 State census, Selectman Taft reported that a meeting was to be held on February 11, which will be attended by Robert Hathaway, legislative counsel for the Massachusetts Selectmen's Association, and Secretary of the Commonwealth Paul Guzzi to establish guidelines for the March 1 State census. Selectman Taft stated that Mr. Hathaway has recommended that there be only one census and it is most important that individual towns hold theirs open in the event that it may be possible to use the same for the March 1 census. Selectman Taft stated that Mr. Hathaway will report back on the matter to all towns.

Appointments

It was on motion unanimously

VOTED: To appoint Josiah Frost, Fire Chief, to the Ambulance Task Force Committee for a term to expire on April 30, 1975; and

it was further

VOTED: To reappoint Paul McNally, William Cooper, Peter Scott, and John C. Powers to the Wayland-Sudbury Septage Disposal Planning Committee for terms to expire April 30, 1975.

Tax Anticipation Notes

Following a review of a request dated February 3, 1975, from Treasurer William E. Downing, it was on motion unanimously

VOTED: To authorize the borrowing of \$1,000,000.00 on Tax Anticipation Notes.

Youth Guidance Center - Greater Framingham Mental Health Association

The Board received a communication dated January 31, 1975, from the president of the Greater Framingham Mental Health Association relative to appointment of a representative from Sudbury to serve on the Board of Directors.

It was on motion unanimously

VOTED: To refer the above-referenced communication to the Board of Health, for appropriate action if they deem it advisable.

Military Reservation Land - Town of Stow

The Board received a communication from Jacob C. Diemert, Town Counsel for Stow, Massachusetts, which enclosed copies of his correspondence to the Department

of Interior and the Department of Natural Resources relative to Stow's proposal for use of a small part of the west tract of the military reservation excessed land as a sanitary landfill. The communication also informed the Board that Stow is attempting to schedule a meeting with the Department of Natural Resources for further discussion of the matter and asked whether or not Sudbury would like to be included.

The Board directed the Executive Secretary to contact Mr. Diemert or Roland N. Wright, Chairman of the Stow Board of Selectmen, stating that Sudbury wishes to be included in the proposed meeting. The Executive Secretary was also directed to request copies of Stow's application and environmental analysis, as the Board is concerned about a landfill being located in that area.

The Board restated their support of the DNR application which does not include a landfill in any designated area of the Military land being excessed in the Town of Stow.

Annual Town Warrant - 1975

The Board received a communication dated February 6, 1975, from the Administrative Secretary, which set forth cost proposals for the printing of the 1975 Annual Town Meeting Warrant.

It was on motion unanimously

VOTED: To accept the lowest cost proposal for the printing of the 1975 Annual Town Warrant, as received from Central Middlesex Printers, Inc., of Lowell, at the rate of \$13.90 per page, a total of \$1,112.00.

Traffic Rules and Orders

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

VOTED: That the Traffic Rules and Orders of the Town of Sudbury, adopted by the Board of Selectmen on September 12, 1941, and subsequent amendments thereto, be and are hereby further amended as follows:

By adding at the end of Section 8, in Article VII, OBEDIENCE TO ISOLATED STOP SIGNS, the following twelve locations:

- "Eastbound drivers on Moore Road at Dutton Road"
- "Southbound drivers on Fairbank Road at Hudson Road"
- "Northbound drivers on Pantry Road at North Road"
- "Southbound drivers on Dakin Road at North Road"
- "Westbound drivers on Lincoln Road at Concord Road"
- "Eastbound drivers on Willow Road at Pratt's Mill Road"
- "Southbound drivers on Old Garrison Road at Peakham Road"
- "Eastbound drivers on Old Garrison Road at Peakham Road"
- "Eastbound drivers on Woodside Road at Landham Road"
- "Southbound drivers on Warren Road at Woodside Road"
- "Southbound drivers on Pokonoket Avenue at King Philip Road"
- "Southbound drivers on Puffer Lane at Haynes Road"

Utility Petition #75-28a-i - Confirmation of Existing Pole Locations

It was on motion unanimously

VOTED: To confirm the existence, upon property accepted by the Town as public ways, of Boston Edison and New England Telephone Company poles at the following locations: 75-28a Old Forge Lane, 75-28b Grindstone Lane, 75-28c Firecut Lane, 75-28d Kendall Road, 75-28e Parmenter Road, 75-28f Penny Meadow Road, 75-28g Prides Crossing Road, 75-28h Metacomet Way, 75-28i Woodland Road - individual poles as specified on petitions of Boston Edison Company and New England Telephone & Telegraph Company dated January 10, 1975.

Federal Flood Insurance Program - Article 26

The Board received a communication dated February 3, 1975, from Mike Meixsell, Citizens Natural Resources Committee, relative to a petitioned article on the Flood Insurance Program.

The Board directed the Executive Secretary to schedule the Citizens Natural Resources Committee on the agenda for a future meeting and to also invite the Conservation Commission, the Business Advisory Committee, and the Planning Board to attend.

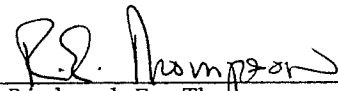
Massport

The Board noted receipt of a communication dated January 27, 1975 to Selectman Toomey from John P. King, Massachusetts Port Authority, in regard to future discussion relating to solid waste problems, and directed that a copy of the same be forwarded to the Regional Concerns Committee and the Wayland/Sudbury Septage Disposal Planning Committee for their information.

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

VOTED: To adjourn the meeting at 11:20 p.m.

Attest:



Richard E. Thompson
Executive Secretary-Clerk