

IN BOARD OF SELECTMEN
MONDAY, MARCH 24, 1975

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

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

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular meeting and executive session of March 17, 1975, as corrected.

Use of Training Field by Sudbury Minute Companys

The Board received a request, dated March 20, 1975, from Spencer Amesbury, Captain, Fourth Company, to use the West Side Training Field for the purpose of a general muster by the Sudbury Minute Companys on Sunday, April 6, 1975.

It was on motion unanimously

VOTED: To grant to the Sudbury Minute Companys permission to use the West Side Training Field on Sunday, April 6, 1975, for the purpose of a general muster.

Eagle Scout Project - Display Case for Old Training Field

The Executive Secretary reported upon the receipt of a request from David Gottberg for authorization to construct and place a glass display case on the Old Training Field, as a gift to the Town. This is a proposed Eagle Scout project, demonstrating individual initiative and community service, under the supervision of Mike Wyatt. A diagram of the proposed display case was shown to the Board.

It was on motion unanimously

VOTED: To authorize the construction and placement of a display case on the Old Training Field, as a gift to the Town, as proposed by Eagle Scout David Gottberg, with the stipulation that its location be determined by the Town Engineer.

City of Melrose - MBTA Resolution

The Board noted receipt of a resolution by the Board of Aldermen of the City of Melrose, dated March 3, 1975, relative to support of the MBTA Advisory Board and action to improve the management and financial control and to increase state and federal funding of the MBTA operations.

It was the consensus of the Board to direct the Executive Secretary to extend its thanks to the Melrose Board of Aldermen for receipt of the above-mentioned resolution, and to request that copies of the House Bills referred to in the above-mentioned communication from the City of Melrose be made available to the Board for study and further consideration before adopting a resolution on the same.

PRIDE - Zoning Bylaw/Outside Use Provisions

Present: Mr. and Mrs. Edward Sokoloff, Richard Heimann, and Barbara Pryor of PRIDE;
Francis E. White, Zoning Enforcement Agent, and David L. Turner, Town Counsel.

The Executive Secretary opened the discussion by stating that this meeting was being held as a result of a request in a letter dated March 6, 1975, from Edward A. Sokoloff of PRIDE to discuss possible violations of the Zoning Bylaw relative to the Screening of Open Uses and Enclosure of Uses. The Executive Secretary further reported that a copy of Town Counsel's memorandum dated March 21, 1975, had been forwarded to Mr. Sokoloff. This memorandum, as stated by Town Counsel, is not a definitive opinion, but is intended as reference, interpretation and clarification of the Bylaws in question.

Mr. Sokoloff stated that he was speaking on behalf of PRIDE, at the request of its President, Victor Mangini, and also in his own capacity as attorney and citizen of Sudbury. Mr. Sokoloff expressed his feelings that questions raised at the previous meeting on August 12, 1974, had not been answered and requested that a determination be made as to whether or not the following businesses were operating in violation to the outside use provisions of the Zoning Bylaw:

1. Taylor Rental Center - relative to the magnitude of outside storage, display and use, specifically the 10% use provision under Part V, Section E.
2. Dingley Contracting Company - relative to the parking of plows and trucks on premises.
3. West Sport Ski Shop.
4. Others.

In response to the above, the following comments and information were offered by the Board:

1. Taylor Rental Center - Town Counsel, David Turner, stated that he has discussed the matter of the extent of outside storage and use with the Building Inspector, whose opinion it is that Taylor Rental is not in violation of the Zoning Bylaw. Mr. White confirmed this statement, explaining that, as brought up at the time of site plan approval, approximately half of the storage area is used as a parking lot.
2. Dingley Contracting Company - Town Counsel stated that litigation is pending and hopefully will resolve the matter.
3. West's - Town Counsel stated that he had no factual information regarding any possible violations. (West's is no longer in business at 424 Boston Post Road.)

The matter of the parking of Norton Systems vans at the Gulf Service Station was reviewed. Mr. Sokoloff was informed that the Board had taken action which has effected the removal of the vans from the Gulf Station. Mr. Taft explained the Selectmen's position of endeavoring to act fairly and not hastily, as this matter affected the livelihoods of two parties, and that the vans had been removed after being ordered by the Board to do so.

To avoid any future misunderstanding, the Board explained its policy that any opinion requested of Town Counsel be submitted in writing through the office of the Executive Secretary. It was further noted by the Executive Secretary that, subsequent to its previous meeting with PRIDE, the Board had directed Town Counsel to review the Zoning Bylaw. Mr. Turner stated that at that time, after discussion with the Planning Board, he expressed his plans to have his new staff assistants, when they commenced employment, help with this review. Later, Town Counsel reported that much work had been done to date on this subject, and he hoped to have the Zoning Bylaw review completed by the end of May.

On the recommendation of Selectman Toomey, it was on motion unanimously

VOTED: To request Town Counsel to render an opinion as to whether or not Taylor Rental Center is operating in violation to the Zoning Bylaw, which opinion is to be submitted to the Board within two weeks.

In reply to Mr. Sokoloff's request that Town Counsel's opinion be general enough to cover all businesses within the Town relative to outside uses, it was the consensus of the Board that Town Counsel's opinions should be specific in nature as voted above.

1975 Annual Town Meeting - Wayland/Sudbury Septage Disposal Planning Committee

Present: Dr. William Cooper and Peter Scott of the Wayland/Sudbury Septage Disposal Planning Committee.

The Board met with the Wayland/Sudbury Septage Disposal Planning Committee for discussion of Articles 28 and 29 in the 1975 Annual Town Meeting Warrant.

Dr. Cooper reported that a proposed agreement between Sudbury and Wayland for the operation of a joint septage disposal facility had been drafted with the aid of Town Counsel, copies of which were this evening provided for the Board.

Dr. Cooper followed with a lengthy report, which included the need for immediate construction of this facility, (stressing his belief that if the Town does not take action, a regional system would be forced upon the Town at a greater cost and very little Town control), and the alternatives which the Committee considered before choosing the proposed facility.

Dr. Cooper informed the Board that the MDC (Metropolitan District Commission) would not accept Sudbury's septage in its system, but if it did, the yearly cost to the Town, based on 1974 figures, would be \$8 per head (\$120,000) plus the cost of using a receiving station.

Dr. Cooper described the operation of the proposed facility - a septic sludge treatment plant - as designed by the firm of Roy F. Weston, and pointed out that the cost of building a plant for Sudbury alone would be almost equal to that planned for both Sudbury and Wayland. He also noted that the operation was based on a 40-hour week concept, which would allow for future increased Town usage, and in the beginning the Town could obtain fees by allowing other towns to use the facility.

Dr. Cooper continued by highlighting the terms of the contract agreement as follows:

1. The initial period for bonding is ten years, coinciding with agreement termination. (The Board suggested latitude for the agreement to continue for a longer period of time.)
2. Annual review by an Operational Review Committee.
3. Operation of the facility by the Wayland Road Commissioners.
4. Control system: a) use of forms issued by the Boards of Health, b) monitoring of truck loads.
5. The budget would be prepared by the Wayland Road Commissioners. (The Board expressed its consensus that ARTICLE SECOND of the Agreement should specify the bodies of the Highway and Road Commissioners of Sudbury and Wayland, respectively, be responsible for requesting funds from Town Meeting, instead of the Sudbury and Wayland Boards of Health presently designated.)

In answer to a question by Selectman Taft, Dr. Cooper stated that a member of his Committee had contacted Marlborough relative to the possibility of Sudbury using its sewerage treatment facilities and had been informed that Marlborough does not want to allow Sudbury to use its facilities for septic sludge dumping. In order to be fully prepared for any questions raised at Town Meeting, the Board directed the Executive Secretary to contact Mayor Gadbois of Marlborough for an answer in writing regarding the possibility of Sudbury using its sewerage treatment facilities for local septic sludge dumping.

Replying to a question by Selectman Taft, Dr. Cooper stated that his Committee is actively pursuing with the Director of the Division of Water and Pollution Control the possibility of obtaining federal funds for the septage facility, but to date has been informed that Sudbury is very low on the priority list. The Executive Secretary also commented that he has been working on this same matter and that Representative Gannett was informed by the Environmental Protection Agency that funds have all been committed.

1975 Annual Town Meeting - Highway Commission Articles

Present: Chairman Frederick Welch, Highway Commission

The Board met with Chairman Frederick Welch of the Highway Commission relative to discussion of 1975 Annual Town Meeting Articles.

Article 30 - Alteration and Relocation of a Portion of Union Avenue - Mr. Welch explained that this article has been resubmitted, in the exact form as last year, because the plan had not been properly recorded with the Registry of Deeds after the 1974 Annual Town Meeting. Funds previously appropriated are still available.

Article 31 - Street Acceptances - The Board had no questions.

Article 32 - Acceptance of Washington Drive - Chairman Welch stated that it was the Highway Commission's intention to "divide the question" as follows: 1) the acceptance of the layout of Washington Drive, and 2) the appropriation of funds for repair work, which will include replacing the existing 24" drainage pipe with two 36" concrete culverts as recommended in the Master Drainage program.

In response to the Board's inquiry, Mr. Welch stated that the question of the street being built without the customary bond would be addressed by the Commission at Town Meeting.

Following discussion, the Board directed the Executive Secretary to request from the Planning Board a report on the history of the construction and drainage of Washington Drive.

Article 33 - Discontinuance of Codjer Lane as a Public Way- Mr. Welch stated that the official position of the Highway Commission will be to present their information relative to this article, and simply let the Town Meeting make its decision.

Article 34 - Drainage Construction - Various areas - Mr. Welch stated that the purpose of this article is to accomplish immediate action drainage items, such as repairing culverts. This article requesting \$33,700 was inserted in the warrant because of the Finance Committee's approval of only \$25,000 to cover materials for immediate action problems, cutting the original budget request (line item 420-20-7) of \$50,100 in materials and \$17,000 for labor.

Article 35 - Construction and Reconstruction of Surface Drains - Mr. Welch reported that this article is to provide funds to correct problems in the Pine Lakes area, including the MacInnis property and the chronic flooding of homes in the Beechwood Avenue area.

Selectman Taft suggested that slides to show the proposed drainage system be provided for the Town Meeting, and Mr. Welch agreed that this was a good idea. Selectman Taft also questioned the number of catch basins proposed in the Master Drainage Plan for this project, and in reply, Mr. Welch stated that they had planned some reduction in catch basins, which reduction has already been taken into consideration in the requested appropriation of \$83,000. Mr. Welch further noted that the Highway Commission, using Engineering data, had refigured the cost of the complete drainage program in the Pine Lakes area presently to be \$326,000, compared to last year's Town Meeting request of \$250,000.

It was the opinion of the Board that Articles 34 and 35 were capital expenditures, and it was inquired as to their inclusion in the 5-year Capital Improvement Plan. Mr. Welch informed the Board that he had submitted a 5-year capital plan to the Highway Commission, but that they had not yet acted upon it. Mr. Welch further stated that approximately \$100,000 per year was planned for articles relative to drainage construction.

Following discussion, it was on motion unanimously

VOTED: To request the Highway Commission to provide the Board with a set of plans which relate to Article 35, in order that they may be compared with the original Master Drainage Plan and be reviewed by the Town Engineer,

and it was further

VOTED: To request the Highway Commission to forward the Board a copy of its long-range drainage plan, listing priorities for the next five years.

1975 Annual Town Meeting - Board of Assessors

Present: Chairman Arthur Babigian and Leo Quinn, Board of Assessors; Mary Walsh, Clerk, Board of Assessors; and Russell Robar, President, Municipal Computer Services, Inc.

At the request of the Board of Selectmen, members of the Board of Assessors attended tonight's meeting for the purpose of discussing Article 13 - Update Property Values, submitted for the 1975 Annual Town Meeting warrant by the Board of Assessors.

Board of Assessors Chairman Arthur Babigian began the discussion by stating that, by taking an average of 1975 sales transactions, Mrs. Walsh had calculated that Sudbury property assessments presently stand at approximately 70% valuation.

In describing the Board's efforts to plan its program to update Town property assessments to 100% valuation to comply with a recent ruling of the State Supreme Judicial Court, Mr. Babigian stated that he is presently investigating the use of automated appraising. Mr. Babigian introduced Mr. Russell Robar, President of Municipal Computer Services of Hingham, a data processing firm. Mr. Robar's firm is presently working on an automated appraisal system in conjunction with the firm of Calspan of New York for the Town of Lynnfield.

Responding to a question from the Board regarding the amount of money requested in Article 13, Mr. Babigian stated that he could not presently provide a figure, but that the requested appropriation of \$60,000 for a total revaluation appears now to be on the low side. He added that a proposal for subsequent automated updating might cost \$1 per parcel, in addition to the cost of the initial updating.

In response to the request of Mr. Babigian, the Board of Selectmen requested Town Counsel to assist the Board of Assessors in drawing up and filing its plan to update property assessments with the State, which plan is due April 1, 1975. Town Counsel agreed that he could do so without conflict with his position relative to the Revaluation Suit.

Mr. Babigian reported that Assessor Frank Grinnell has attended and taped many state-sponsored revaluation seminars and indicated that a set of procedures to follow was not available from the State Department of Corporation and Taxation. It was the recommendation of the Selectmen that the Board of Assessors should prepare its plans in readiness for Town Meeting, but that any appropriation of the Town Meeting under Article 13 should not be spent until the state has confirmed an approved uniform plan for cities and towns to follow.

Reserve Fund Transfer Request No. 0608 - Personnel Board

The question of considering a Personnel Board Reserve Fund Transfer Request #0608, in the amount of \$150 to cover medical examinations, was brought before the Board by the Executive Secretary, who explained the current accounting procedure for charging the cost of medical examinations.

Following discussion, the Board directed the Executive Secretary to contact the Personnel Board relative to withdrawing the above-mentioned transfer request and to charging future medical examination bills to the Selectmen's General Expense Account (501-21).

Reserve Fund Transfer Requests #0622 and 0623 - Fire Department

It was on motion unanimously

VOTED: To table consideration of Reserve Fund Transfer Requests #0622 and #0623 of the Fire Department, until such time the Fire Chief can appear for discussion on the same.

Military Reservation Land - Stow Application for Sanitary Landfill

In response to its request of March 12, 1975, the Board received from Stow Town Counsel Jacob C. Diemert a copy of the Town of Stow's environmental analysis and application to the Department of Health, Education, and Welfare relative to the acquisition and development of an Ecological Study Area and a Sanitary Landfill Site in a portion of the West Tract of military reservation excessed land.

Following discussion, the Board directed the Executive Secretary to establish a meeting, after the completion of Town Meeting, with the Town of Stow and a representative from the Department of Natural Resources, (D.N.R.) relative to discussion of Stow's proposed sanitary landfill on excessed military reservation land and Sudbury's wish to support the original plan as submitted aligned with the D.N.R. land acquisition plan application, which the Board has approved.

Town Reports

On the request of Betsey M. Powers, Town Clerk, dated March 25, 1975, the Executive Secretary opened the discussion regarding the question of charging a price for the 1974 Town Report.

Following discussion, it was on motion unanimously

VOTED: To establish the price to be charged for the 1974 Sudbury Town Report at \$2.50 each, and to set the following guidelines for distribution of copies:

Present residents: One per household without charge; charge for additional copies.

New residents: No charge.

People who plan to move to area: Charge.

Libraries: No charge.

Other towns, state agencies, and federal agencies: Without charge, upon request.

Real Estate Agencies: Charge.

Newspapers - local: Two copies without charge; charge thereafter.

All churches: Two copies without charge; charge thereafter.

Tourists: Charge.

Banks: Charge.

Schools: No charge.

Hospitals: One copy without charge, upon request.

State Senator Chester G. Atkins

The Board noted receipt of a communication from Senator Atkins relative to his opening a District Office in Marlborough and his request for a list of Sudbury's high priority projects and problems.

It was on motion unanimously

VOTED: To direct the Executive Secretary to forward to major boards and committees a copy of the Senator's letter, and request each board to submit to the Selectmen's office its priority list of projects and problems as soon as possible, which the Executive Secretary will send to Senator Atkins.

Selectman Taft requested that the subject of automobile excise tax bills be included as one of the problems on the list to be prepared by the Executive Secretary's office.

April 19th Celebration

Following discussion, Selectman Toomey requested the Executive Secretary to set up a meeting if necessary with the Selectmen of Concord, at the first appropriate time, to settle any questions prior and relative to the upcoming April 19th Celebration.

1975 Annual Town Meeting Walkways - Lincoln-Sudbury Regional High School

In response to questions posed in a letter from the Executive Secretary, dated March 13, 1975, the Board received a communication dated March 17, 1975, from William T. Maloney, Chairman, Lincoln-Sudbury Regional School Committee. Mr. Maloney's letter stated that walkway construction has had no impact on the Regional School's bus transportation costs, and his Committee does not plan to take a position on any of the walkways proposed in the 1975 Annual Town Meeting warrant. The Executive Secretary was requested to forward a copy of Mr. Maloney's letter to the Planning Board.

Postpone Selectmen's Meeting

Due to Town Elections being held Monday, March 31, 1975, it was on motion unanimously

VOTED: To reschedule the Selectmen's meeting of March 31, 1975 to the following night of Tuesday, April 1, 1975.

Education Committee Hearing - School Committee Autonomy

Chairman Powers reported that he and Selectman Taft had attended that day a hearing at the State House relative to House and Senate bills proposing to control school budgets and limit the fiscal autonomy of school committees.

Resignation of Louise Babigian, Deputy Election Clerk

For information of the Board, the Executive Secretary read a letter from Town Clerk Betsey M. Powers, dated March 24, 1975, which enclosed a copy of the resignation of Louise Babigian as Deputy Election Clerk of Precinct 4 and stated Ann Beckett had been reassigned to perform the duties of Deputy Inspector of Precinct 4 for the election of March 31, 1975, only.

Bicentennial Directional Signs

Following discussion, it was on motion unanimously

VOTED: To authorize the placement of ten directional signs, their location to be determined by the Executive Secretary, directing tourists to the Concord Minuteman Park and Wayside Inn areas, to be installed adjacent to public ways from the Wayside Inn area along Route 20 to Union Avenue, along Union Avenue, thence following Concord Road to the Sudbury/Concord Town Line.

Executive Session

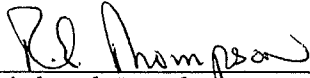
It was on motion unanimously

VOTED: To enter into executive session for the purpose of discussion relative to collective bargaining matters.

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

VOTED: To adjourn the meeting at 10:40 p.m.

Attest:



Richard E. Thompson
Executive Secretary-Clerk