

IN BOARD OF SELECTMEN
MONDAY, NOVEMBER 10, 1975

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

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:30 p.m. by Chairman John E. Taft.

Sale of Landfill Materials

Present: Anthony Galeota, Chairman, Frederick Welch, Martha Coe, Ronald Griffin, and Robert Phelps of the Highway Commission, Edward J. Blaine, Highway Superintendent; Robert Noyes, Operations Assistant; James Merloni, Town Engineer; William Cooper, Chairman of the Board of Health, John Sullivan, Health Director; and Donald Bishop of the Finance Committee

Members of the Highway Commission, representatives of the Board of Health, the Town Engineer, and other Town officials met with the Board to discuss the disposition of recyclable materials at the Sanitary Landfill and obsolete equipment under the jurisdiction of the Highway Commission.

Chairman Taft summarized the proceedings on the matter to date, beginning with the Highway Commission's original request to Town Counsel, in July, for an opinion regarding the necessity for Selectmen approval for the sale of certain scrap metal in the possession of the Highway Department and the removal of glass, paper, cans, and scrap metal from the Landfill and including Town Counsel's August 4, 1975 opinion to the Highway Commission citing the applicability of Section 1 of Article XII of the Town Bylaws with regard to their request.

Chairman Taft read Article XII, Section 1, to those present, and reported that the following letters on the matter had also been received, each of which was then read: from the Highway Superintendent to the Selectmen dated October 17, 1975, which requested the Board's permission to sell Landfill materials or obsolete equipment under their jurisdiction; from the Executive Secretary to the Highway Commission dated October 24, 1975, which requested that the Highway Commission specify the particular materials they wished to sell and their proposed disposal procedure; from the Highway Superintendent to the Board, dated October 30, 1975, which informed the Selectmen of the Highway Commission's direction to the Superintendent to bury the material if the Selectmen's permission to dispose of the same was not received by November 5 (a matter discussed at the November 3 meeting); and from the Executive Secretary to the Chairman of the Highway Commission, dated November 5, 1975, requesting that they withhold action to bury the scrap metal and that they meet with the Selectmen, the Board of Health, and the Town Engineer on November 10 to try to resolve the matter.

The Board questioned the Highway Commission as to the specific material they planned to dispose of, and Mr. Galeota stated that the material included the recyclable paper, glass, and scrap metal at the Landfill and the obsolete cable backhoe which had been removed from the Landfill area when purchased and which was now located at the Highway Garage.

Chairman Taft asked what contracts were referred to in the Highway Superintendent's October 17 letter, and Mr. Galeota responded that the Commission has signed no contracts for the removal of the material under discussion. He stated that they were preparing an invitation to bid on the removal of the cable backhoe from the Highway Garage, but had not publicly advertised to date.

Mr. Galeota stated that the Highway Commission has no outstanding contracts for any of the material under discussion, that they had put out invitations to bid for the sale of scrap material at the Landfill, but that those had also come back with what the Commission considered inadequate amounts of money.

Mr. Galeota reported that in their invitations to bid the Commission had asked for a fixed price over a one-year period and that they had discussed the sale of this material for a varying bid price, as the market for these materials fluctuates.

Mr. Galeota reported that the Commission had gone through their records and had found that during fiscal 1975 at no time had any single item sold at the Landfill exceeded \$1,000, as paper had sold for \$928, glass for \$39, and light metal for \$624. It was pointed out that the Town was not actively recycling materials throughout the year.

In response to Chairman Taft's question as to what the Commission now proposed, Mr. Galeota stated that the Commission wished to discuss with the Selectmen the best way to proceed. Mr. Galeota stated that it would be approximately a month before bids could be sent out and awarded, and Chairman Taft asked for the Board of Health's opinion on a month's wait before removal of the scrap material.

Dr. Cooper stated that this procedure would meet with approval from the Board of Health.

Selectman Toomey questioned what was meant by the obsolete equipment under the jurisdiction of the Highway Commission mentioned in the Highway Superintendent's October 17 letter to the Board.

Mr. Galeota responded that the only equipment to be disposed of is the obsolete backhoe, and Selectman Toomey suggested that the wording of the October 17 letter could have been more clearly stated, which would have avoided a communication problem.

Referring to earlier discussion, Town Counsel stated that it would be possible to use a varying bid price based on an index.

Selectman Powers asked Town Counsel if there was any question that the quantities of material would amount to \$1,000, the Commission would be required to put those items out to bid.

Town Counsel answered in the affirmative and again referred to Article XII, Disposal of Town property.

Mr. Galeota expressed his opinion that the intent of this bylaw was not meant for the Landfill.

Chairman Taft stated that the bylaw had been passed to dispose of used or obsolete office equipment without waiting for a vote of a Town Meeting.

After further discussion, it was on motion by Selectman Toomey, as amended by Selectman Powers, unanimously

VOTED: To grant to the Highway Commission approval to award bids for the sale of recyclable materials to include scrap material, paper, and glass located at the Landfill and the obsolete cable-operated backhoe located at the Highway Garage, with the bid specifications for the same to be approved as to form by Town Counsel.

Selectman Powers suggested that the above procedures also be screened by the Town Accountant, and Mr. Galeota stated that it was the unanimous consensus of the Highway Commission that all checks received for such sales would be made out to the Town of Sudbury and turned over to the Town Treasurer.

Mr. Merloni, referring to the October 29 letter from the State Department of Public Health to his office, reported that the State had conditionally approved the first-and-second year plans for the operation of the Sanitary Landfill, subject to notification to the State Department of Public Health of proper preparation so that a field examination can be made prior to any refuse deposition in the second-year plan excavation, and submission to that office of required reports being made by a qualified engineer.

Mr. Merloni stated that before the State Department of Public Health can approve a complete detailed engineering plan for the entire operation, the "Smith Property" must be assigned to the Highway Commission for landfill purposes and compliance with the Wetlands Protection Act must be made if the existing pond is to be filled and used for landfill purposes.

On the matter of the State's condition that a qualified engineer must supervise and direct the landfill operation, the Executive Secretary recommended that the Town Engineer and his staff be allowed to act in this capacity.

Mr. Galeota stated that the Commission would have no objection to this proposal.

Selectman Toomey requested that the Highway Commission take a formal vote on the matter, and it was the consensus of the Board to concur with the Executive Secretary's recommendation.

Site Plan Application #75-155, D. Barry Hill, 345 Trust, 345 Boston Post Road

Present: D. Barry Hill, applicant; Francis E. White, Zoning Enforcement Agent

In accordance with the Sudbury Bylaws, Article IX, Section V, Paragraph A, the Selectmen considered the site plan application of D. Barry Hill, Trustee, 345 Trust, located at 345 Boston Post Road.

The Executive Secretary reported that all appropriate Town officials and abutters had been notified and the following reports received: from the Zoning Enforcement Agent, dated October 16, 1975; from the Board of Health, dated October 22, 1975; and from the Planning Board, dated November 7, 1975, all of which recommended approval.

Mr. White submitted the site plan and explained that the application was for the enclosure of a deck area for use as a reception room. Mr. White stated that Mr. Hill has recently received a special permit from the Board of Appeals to alter and enlarge his non-conforming building.

Following discussion, it was on motion by Selectman Toomey unanimously

VOTED: To approve the site plan dated February 3, 1972, revised October 1975, of D. Barry Hill, 345 Trust, 345 Boston Post Road.

Minutes

It was on motion unanimously

VOTED: To approve the special meeting and executive session minutes of October 29, 1975, and the regular and executive session minutes of November 3, 1975, the former as corrected.

Deed for Conveyance of Tax Possession Lots 31 and 32 - Oakwood Avenue/Great Lake Drive

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

VOTED: To execute the deed conveying Tax Possession Lots 31 and 32, located at Oakwood Avenue and Great Lake Drive, to George R. Abrahamson, in accordance with Article 3 of the June 9, 1975 Special Town Meeting.

Buddy Dog Humane Society, Inc., - Request for Waiver of Site Plan Filing

Present: Francis E. White, Zoning Enforcement Agent

The Board received a request dated October 30, 1975, from Edward E. Kreitsek, Chairman, Board of Directors of the Buddy Dog Humane Society, Inc., asking that their \$50 site plan application filing fee be waived and refunded as their organization was a tax-exempt, non-profit corporation.

In response to the Board's question, the Zoning Enforcement Agent reported that no precedent had been set for other non-profit organizations.

It was the consensus of the Board to notify Mr. Kreitsek that if, in the future, the Society has occasion to file an amended site plan, there will be no fee required for the amended site plan.

Recording of Deeds, Easements, and Other Instruments

The Executive Secretary reported that the Board had met approximately a month ago with the Planning Board and others regarding procedures for recording deeds, easements, and other instruments.

Mr. Thompson stated that since that time Town Counsel's office has again reviewed the Selectmen's Policies and Procedures with regard to the recording of deeds and had redrafted procedures incorporating suggestions made at the earlier joint meeting.

Mr. Thompson reported that a draft copy had been sent to the Planning Board to which they responded by letter dated November 4, 1975, saying that the Planning Board had voted to try the proposed procedure for a ninety-day period beginning with the first instrument that is delivered to the Selectmen.

The Executive Secretary further reported that Town Counsel had requested of appropriate boards that they search their files for old documents and that, in this regard, the Town Engineer had responded by letter dated October 27, 1975, with a long list of old documents and plans concerning drainage, walkways and street acceptances, which had never been recorded by the Engineering Department.

Selectman Toomey questioned Town Counsel as to whether he was in a position to handle the recording of deeds and easements without the services of an assistant Town Counsel, if this were to be the case, and Town Counsel responded in the affirmative.

After further discussion, it was on motion unanimously

VOTED: To adopt the newly revised Section J of the Selectmen's Policies and Procedures entitled "Proposed Deed and Easement Procedure" as prepared by Assistant Town Counsel and submitted by the Executive Secretary.

December 15, 1975 - Special Town Meeting

Chairman Taft reported that the warrant for the December 15 Special Town Meeting had closed at 5:00 p.m. this date and that twelve articles had been submitted, including three from the Selectmen on the subjects of rescinding the vote of the 1963 Annual Town Meeting establishing the Highway Commission, the appointment of a Superintendent of Streets, and the appointment of a Tree Warden, two from the Personnel Board for a Salary Plan and Employee Benefits; a supplementary budget for collective bargaining by the Finance Committee, a supplementary budget by the Sudbury School Committee, an article for unpaid bills by the Town Accountant, two by the Highway Commission for alterations to Hudson Road and for a transfer of budget line accounts, an article for professional planning services by the Planning Board, and a petition article for the preservation of the Town Report.

The Board scheduled the ordering of the warrant for the December 15 Special Town Meeting for November 17.

League of Women Voters - Selectmen's Articles

The Executive Secretary reported that the Board had been requested by the League of Women Voters to hold an informal meeting with the League on the subject of the Selectmen's articles for the December 15 Special Town Meeting on Wednesday, December 3, in the Lower Town Hall.

The Board was in agreement.

Appointments

The Board agreed to reschedule the matter of the remaining 1975 appointments as the first order of business on November 17, 1975.

Later in the evening, it was agreed to call a special meeting for 7:30 p.m. in the Loring Parsonage on November 13 to further discuss the remaining appointments, merit reviews, and the articles submitted to the Finance Committee dealing with collective bargaining.

Executive Session

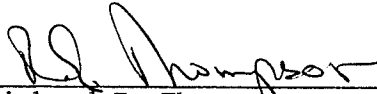
At 9:15 p.m., it was on motion unanimously

VOTED: To enter into executive session for the purpose of discussing personnel matters and merit reviews.

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