

IN BOARD OF SELECTMEN  
MONDAY, FEBRUARY 23, 1976

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

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

Jurors

The Board drew the names of James W. House, 558 North Road, and Fred N. Huffman, 25 Colonial Road, to serve as jurors at Cambridge Court, and Benjamin G. Walker, 36 Maple Avenue, to serve as juror at Lowell Court, all to commence April 5, 1976.

Utility Petition #76-41 - Middle Road

Present: Robert Blake of Boston Edison Company

In conformity with the requirements of General Laws, Chapter 166, Sections 21 and 22, Chairman Taft convened a hearing on the below-named utility petition:

UP#76-41 - Middle Road - Petition of Boston Edison Company for permission to erect, and a location for, poles along and across the following public way:

MIDDLE ROAD, northeasterly side, from a point  
approximately 890 feet southeast of  
Firecut Lane, --  
Two (2) poles.

Chairman Taft reported that this petition is follow-up to #UP75-36, which was heard by the Board on December 1, 1975, at which time the Board voted that an on-site meeting be held to decide the location for the poles.

The Executive Secretary reported that the location, as shown on the plan dated January 14, 1976, was in accordance with the agreement reached at the on-site meeting. The Executive Secretary also reported that a report dated February 14, 1976 had been received from the Wiring Inspector, who recommended approval of the petition.

After discussion, it was on motion unanimously

VOTED: To approve the above-referenced petition dated January 23, 1976.

Application for Common Victualler License - Todd-Wagoner Corporation, Village Green Shopping Center

Present: Robert Quirk, owner, Village Green Shopping Center; J. Owen Todd, attorney for Mr. Quirk; Patrick Todd and Donald Wagoner, applicants

The Executive Secretary reported that the subject of the receipt of an application from Todd-Wagoner Corporation, d/b/a Ephraim's, for a Common Victualler License at premises located at Building #8, Village Green, Hudson Road, had been scheduled on the agenda for the purpose of setting a hearing date for consideration of the same. The Executive Secretary stated that the application had been received by his office on February 19. Mr. Thompson further reported that his office had, today, received a letter dated February 23, 1976 from the Todd-Wagoner Corporation, which requested withdrawal of their previous application, but which expressed their intent to resubmit an application after their re-evaluation of the present situation.

For the benefit of Messrs. Todd and Wagoner, Chairman Taft summarized the usual procedure for application, approval, and issuance of such a license, and described the information which must accompany the application.

Mr. Owen Todd requested that he and Mr. Quirk be allowed time on tonight's agenda for discussion of the cease and desist order issued against the Village Green Shopping Center, dated February 20, 1976.

It was the Board's suggestion that they first discuss the matter with the Executive Secretary and the Building Inspector/Zoning Enforcement Agent, and Chairman Taft suggested that they might wish to schedule a meeting through the Executive Secretary with the Board for a further agenda.

#### Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular meeting of February 9, the special meeting of February 12, and the executive session of February 17, 1976.

Selectman Powers requested that the minutes of the regular meeting of February 17 be held, pending Town Counsel's review and approval of the section relative to the Village Green Shopping Center, and Chairman Taft and Selectmen Toomey were in agreement.

Later in the evening, it was on motion unanimously

VOTED: To approve the minutes of the regular meeting of February 17, 1976 as corrected, with the exception of the section relative to the Village Green Shopping Center.

#### Special Town Meeting - April 7, 1976

After discussion, it was on motion unanimously

VOTED: To call a Special Town Meeting for Wednesday, April 7, 1976, at 8:00 p.m., in the Lincoln-Sudbury Regional High School Auditorium to provide increases for Town employees as a result of collective bargaining (fire) negotiations.

It was further

VOTED: To close the warrant for the April 7, 1976, Special Town Meeting on Thursday, March 4, 1976, at 5:00 p.m.

Chairman Taft expressed the Board's hope that the warrant be limited only to the articles necessary to provide the Fire classification amendments to the Salary Schedule and operating budget adjustment resulting from collective bargaining.

After further discussion, it was on motion unanimously

VOTED: To insert articles on the following subjects in the warrant for the Special Town Meeting:

1. Personnel Bylaw: Salary Plan Article XI, an amendment to Schedule B, Classification Plan and Salary Schedule; and

2. Budget Adjustment for Collective Bargaining in the following amounts:  
Fire Salaries -- \$26,227; Fire Overtime -- \$2,580.

Growth Policy Committee

Chairman Taft reported that Paul McNally had stepped down as Chairman of the Planning Board, and that Mr. Robert Cooper had subsequently been elected, Chairman Taft stated that it was necessary to appoint Mr. Cooper to the Growth Policy Committee, as the Planning Board Chairman serves on that Committee by virtue of his office.

It was on motion unanimously

VOTED: To appoint Robert E. Cooper, Chairman, Planning Board, to the Growth Policy Committee.

Sudbury Historical Society - Request for Use of Town Seal

Present: Forrest D. Bradshaw, Trustee, Sudbury Historical Society

The Board received a letter dated February 17, 1976, from Forrest D. Bradshaw, Trustee, Sudbury Historical Society, requesting the use of the Town Seal on the cover of their forthcoming publication, which is to be an index of Hudson's History of Sudbury.

Selectman Powers reported that at the time of the original printing of Hudson's History, the present Town Seal had not been adopted by the Town. Selectman Powers expressed his hope that the seal would not be used by a non-profit, private group and stated that, in his opinion, the Seal should be used only on Town publications.

Selectman Toomey asked that the above request be resubmitted, with a statement that the request was an official action of the Trustees following a vote on the matter.

Mr. Bradshaw was in agreement.

Chairman Taft stated that he would like a more complete description of the publication.

Mr. Bradshaw described the project as a detailed index composed of 120 pages, listing every subject and every person's name appearing in Hudson's History. Mr. Bradshaw stated that the Historical Society might also include the Annals of Wayland.

Selectman Powers asked whether Mr. Bradshaw was proposing to put the Town Seal on the Annals of Wayland and commented that this matter would be discussed when their next request is received.

Town Fathers Forum - 105th Session

At 8:00 p.m., Chairman Taft convened the 105th session of the Town Fathers Forum, a summary of which is attached hereto and is a part of these minutes.

Appointment - Personnel Board

The Executive Secretary reported that the Board had, at its September 8, 1975 meeting, interviewed Daniel McLean as to his interest in serving on the Personnel Board and had, at that time, advised him that the Selectmen would keep his resume before them while considering future Personnel Board appointments.

The Board now considered Mr. McLean as a candidate to fill the vacancy created by the recent resignation of Helen P. Deck.

After discussion, it was on motion unanimously

VOTED: To appoint Daniel P. McLean, 32 Reeves Street, to the Personnel Board for a term to expire on April 30, 1978.

Wayland - Sudbury Septage Disposal Agreement

Present: William Cooper of the Wayland-Sudbury Septage Disposal Planning Committee

Selectman Powers reported that he had recently spoken with Dr. Cooper, a co-member of the Wayland-Sudbury Septage Disposal Planning Committee, and that it had been agreed that that Committee would again have to meet concerning construction cost estimates to the proposed Septage Disposal Facility, and that, at that time, the contents or language of the agreement could be discussed and resolved.

Dr. Cooper summarized the past history of the agreement, and he commented that the outlook for State funding for this project would appear to be favorable at this time.

The changes proposed in Wayland Road Commissioner Virginia Casale's February 12, 1976 letter were then discussed.

Selectman Toomey reported that he had been contacted by one of the Wayland Selectmen, who had been unaware of Mrs. Casale's letter referenced above.

Town Counsel reported that he was of the opinion that Wayland's Town Counsel had approved the agreement, but that he had not seen the proposed changes.

Selectman Taft quoted from the abstract of the Wayland Town Meeting's vote relative to the facility, which would indicate that the change proposed under Section IV, B of the Agreement was not consistent with the vote of that Town Meeting, and he suggested that the matter could be resolved by a ruling to this effect by the Wayland Town Counsel. Selectman Powers suggested that Sudbury's Town Counsel contact Wayland's Town Counsel, requesting that he advise the Wayland Road Commissioners of the Wayland Town Meeting vote.

After further discussion, it was on motion

VOTED: To table the question of reviewing and approving amendments to the Septage Disposal Agreement between Wayland and Sudbury, as recommended by Wayland Road Commissioner Virginia Casale, pending a report from Town Counsel and the Wayland-Sudbury Septage Disposal Planning Committee.

Selectmen's Reports - 1976 Annual Town Meeting

The Board approved, with several modifications suggested by Chairman Taft and Selectman Powers, the Selectmen's reports, as prepared by the Executive Secretary, for printing in the warrant for the 1976 Annual Town Meeting.

1976 Annual Town Meeting - Warrant Articles

Article 22 - Data Processing Facility - This article was discussed by the Board, and it was agreed that it should be submitted by the Board of Selectmen. It was also agreed to designate the Executive Secretary and the Chairman of the Board to redraft the report on Article 22. Selectman Powers suggested that the references to the School Department not be included in the report until the Town Meeting or such time as their thoughts on the matter have been expressed.

Article 35 - Continue SudbuS - The Executive Secretary reported that he had, today, received a proposed revision of Article 35 from the Sudbury Bus Transportation Committee.

Town Counsel reported that the change, as proposed by the revised article, could be made on the floor of Town Meeting within the scope of Article 35, as originally submitted; the Board directed that the original article should be printed.

Status of Implementation of the Sudbury Revaluation Decision - Assessors

Present: Arthur Babigian, Chairman, and Frank Grinnell of the Board of Assessors

Messrs. Babigian and Grinnell of the Board of Assessors met with the Board to discuss the status of the implementation of the Sudbury Revaluation Decision.

Mr. Babigian reported that the Board of Assessors had responded to the State Department of Corporations and Taxation's request to the cities and towns of the Commonwealth for their plans relative to compliance with the courts ruling for implementing full and fair valuation. Mr. Babigian stated that the Assessors had since received a letter from the Department, stating that Sudbury's plan was not acceptable, but had received no response to the Assessors' subsequent requests by mail and telephone to that Department, requesting clarification as to what was wrong with Sudbury's plan. Mr. Babigian stated that because no response has been received, the Assessors have no immediate plans to update all assessed valuation of the Town.

Chairman Taft stated that the Town had appropriated \$6,000 for the purpose of updating the assessed valuation of the Town, which was last completed in 1971, and he and Selectman Toomey expressed their concern that, as Sudbury initiated the Sudbury Revaluation case, it was important that the Town be in the forefront in responding to the Department of Corporations and Taxation, even though our original proposal was rejected and the Assessors have received no reply to their requests for guidelines.

Mr. Babigian asked whether the towns' plans would be uniform throughout the Commonwealth.

Town Counsel responded that they would not be uniform and that a report on the matter was due on February 27. Town Counsel further stated that no standards have been established or uniform assessing practices set up statewide.

Selectman Powers commented that the State has not done its duty as the Declaratory Judgment indicated it should.

Town Counsel stated that the assumption is that the State will proceed in the proper manner, but in any event, Sudbury is prepared to proceed. Town Counsel referred to his use of a working draft report by a workshop at Harvard University, entitled "The Application of the Multiple Regression Technique for the Assessment of Residential Properties in Massachusetts", copies of which he had previously distributed to the Selectmen and the Board of Assessors. Town Counsel again stated that the Town could proceed if the State does not come up with appropriate action.

Selectman Powers commented that the persons responsible for the report had not addressed the subject of commercial property.

After further discussion, it was agreed that the Assessors would again request of the Department of Corporations and Taxation clarification and guidelines for Sudbury's plan for implementing full and fair valuation.

Selectman Powers reported that the new equalized valuation was due to be released in 1976 and expressed his concern that the Board of Assessors should be cognizant of this fact and should not jeopardize their limited appeals period if they were of the opinion that an appeal was warranted.

Selectman Powers asked for a report from Town Counsel on Sudbury's petition to the Supreme Judicial Court, requesting a review of the decision of the Appellate Tax Board in reducing Boston's equalized valuation from \$4.6 to \$2.6 billion dollars.

Town Counsel reported that court action on this matter was expected within three weeks.

Vincent Zarrilli vs. Francis E. White, Et Al.

The Executive Secretary reported that the Board had received a letter dated February 23, 1976 from the Building Inspector, in which he inquired as to the Town's position relative to his defense in the matter of the law suit brought against him, Town Counsel, and the Town by Vincent Zarrilli.

Following discussion, on the recommendation of the Executive Secretary, it was on motion unanimously

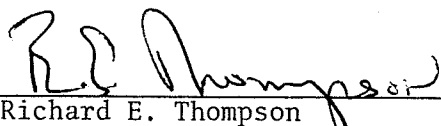
VOTED: To appoint Peter Gossels, Town Counsel for the Town of Wayland, as Special Counsel in the matter of Vincent Zarrilli vs. Francis E. White, David L. Turner, and the Town of Sudbury.

The Executive Secretary was requested to advise the Building Inspector of the above vote.

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

VOTED: To adjourn the meeting at 10:30 p.m.

Attest:

  
Richard E. Thompson  
Executive Secretary-Clerk