

IN BOARD OF SELECTMEN
MONDAY, JANUARY 26, 1976

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 Acting Chairman William F. Toomey.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular meeting and the Town Fathers Forum of January 19, 1976, the former as corrected.

Jurors

Present: Betsey M. Powers, Town Clerk

The Board drew the names of Vincent Franco, 21 Pinewood Avenue, to serve as juror for Lowell Court and Roger Melick, 50 Pokonoket Avenue, and Donald M. Courtemanche, 261 Goodman's Hill Road, to serve as jurors for Cambridge Court, all to commence March 1, 1976.

Application for Incorporation

Following a review by the Board of the below-named application for incorporation, it was on motion unanimously

VOTED: To send a favorable report to the Secretary of the Commonwealth on the application of Peggy W. Forbes and Harold Jacobi for incorporation of Harbor Arts Foundation, Inc., to be located in the City of Boston.

Proposed Relocation of Lincoln/Concord Roads Intersection

The Executive Secretary reported that the Board, at its November 18, 1975 meeting, had reviewed a plan showing the proposed relocation of the Lincoln Road/Concord Road intersection, in response to an accompanying letter dated November 7, 1975 from the Highway Commission. The Executive Secretary reported that at that meeting the Board had voted to refer the above-referenced letter and plan to the Town Engineer for his report.

The Executive Secretary further reported that as no article for this purpose had been submitted for the 1976 Annual Town Meeting by the Highway Commission, he had scheduled this item for discussion on tonight's agenda following receipt of reports from the Town Engineer dated November 28, 1975 and from David Levington, Superintendent of the Lincoln-Sudbury Regional School District, dated December 9, 1975.

Mr. Thompson stated that the proposal had not been included in the long range highway plan and that the Town Engineer's report had indicated that there will be no actual taking in connection with the proposed relocation.

Selectman Powers suggested that as the proposal would be of interest to the area abutters, they should be invited to attend a public meeting on the subject.

It was noted that the Regional Superintendent's letter had not been signed, and Mr. Thompson was requested to have the letter confirmed and signed.

After further discussion, it was the consensus of the Board to refer Superintendent Levington's above-referenced letter to the Town Engineer for his evaluation.

Site Plan Application #76-158 - Union Carbide Corporation, Linde Division, 141 Boston Post Road

Present: Arthur C. Morgello, applicant; Francis E. White, Zoning Enforcement Agent; Richard F. Brooks, representing PRIDE

Acting Chairman Toomey stated that it had been hoped that an on-site inspection could be held prior to consideration of the site plan for Union Carbide Corporation, and he suggested that this be arranged if Mr. Morgello was in agreement.

Mr. Morgello concurred, and the inspection was scheduled for 9:00 a.m. on Saturday, January 31.

The Zoning Enforcement Agent stated that he would, by that time, receive background information on the application of Union Carbide for an underground storage permit, which is to be heard by the Board on Monday, February 2.

Mr. Brooks stated that he was present tonight to represent PRIDE and, on their behalf, would like to make some friendly suggestions to the applicant.

Selectman Toomey suggested that Mr. Brooks also attend the January 31 on-site inspection, and the Executive Secretary stated that he would notify the Board of Health, the Planning Board, and the Conservation Commission, requesting that their representatives also attend.

It was on motion unanimously

VOTED: To continue consideration of the site plan application of Union Carbide Corporation, Linde Division, 141 Boston Post Road, to 8:00 p.m., February 2, 1976, with an on-site inspection scheduled for 9:00 a.m., January 31, 1976.

Tax Anticipation Notes

In response to the request of the Town Treasurer, in a communication dated January 22, 1976, it was on motion unanimously

VOTED: To authorize the Treasurer to borrow the sum of \$1,000,000 in anticipation of tax receipts, in accordance with his above-referenced request of January 22, 1976.

Selectman Toomey requested that future similar requests be accompanied by a report from the Town Accountant verifying figures for outstanding payrolls, and estimated bills, expenses, and assessments.

Annual Beano Report - St. Anselm's Bingo Game

It was on motion unanimously

VOTED: To accept and to file, in accordance with State statute, the 1975 Annual Beano Report dated January 7, 1976, for St. Anselm's Bingo Committee.

Middlesex Advisory Board

The Selectmen received a memorandum dated January 16, 1976 from the Treasurer of the Middlesex County Advisory Board which notified the Town of its share of anticipated costs of operation of the Advisory Board.

Selectman Powers stated that he would strongly recommend that Sudbury support the Advisory Board, and on his motion, it was unanimously

VOTED: To appropriate the sum of \$112.50 out of Account 501-81, Surveys and Studies, subject to the approval of the Town Accountant, for the purpose of meeting Sudbury's share of the anticipated cost for the operation of the Middlesex County Advisory Board.

Fidelity Bonds - Treasurer, Tax Collector, and Town Clerk

It was on motion unanimously

VOTED: To authorize the Chairman of the Board to sign fidelity bonds for the positions of Treasurer, Tax Collector, and Town Clerk.

Road Guaranty Bonds

The Board had earlier received three communications dated January 6, 1976 from the Planning Board relative to taking deposit funds or bonds held by the Treasurer for completion of certain subdivision roads.

Town Counsel reported that some time ago he and the Town Engineer had reviewed outstanding road work mentioned in these communications and had suggested to the Planning Board that they contract for the work to be done and that payment be made from the available funds (passbooks and interest therefrom).

Town Counsel reported that the Planning Board had sent the Board a letter informing the Selectmen that the matter was pending and that he had been asked for a report, a copy of which had been sent to the Selectmen on January 16, as well as a second report on January 19, 1976.

As Town Counsel had to temporarily leave the meeting to attend the Finance Committee budget hearings, it was on motion unanimously

VOTED: To table further discussion of the matter until 9:30 p.m. when Mr. Turner would return and Chairman Taft would be present.

Later in the evening, the Planning Board's letters of January 6, 1976, with Planning Board members McNally, Stevens, and Connors, who were also in attendance, were discussed individually and the following statements made:

Finlay Construction Co. - Planning Board's request for the taking of the following passbooks:

#1-113205	\$3,000	#90650	\$4,075
#2-13099	2,500	#2-11235	4,000
		#2-1392	6,000

Town Counsel suggested that the necessary work be done to bring the roads up to standard, that updated costs for completion of work be determined (most recent estimates were made in 1974), and that an article for the difference between the available funds and the actual costs be put before a Town Meeting.

Mr. McNally estimated that the difference would be \$20,000 or less.

- Planning Board's request for immediate litigation to take the following bonds:

#91-185270	\$ 3,725
#S-55-32-31	13,010

Town Counsel stated that he had sent demand notices relative to the completion of work guaranteed by these bonds.

Mr. McNally expressed the Planning Board's opinion that if court action is not initiated against the developers who have not completed subdivision roads, the problem would occur repeatedly.

Town Counsel stated that he is prepared to file papers for court action relative to these bonds if no response is received from his notices.

Field Road - Bond SG23293 in the amount of \$32,000

Town Counsel stated that a Superior Court complaint has been prepared and will be filed and that a demand for completion of Field Road was sent several months ago.

The Board will await a progress report on the matter from Town Counsel.

Tudor Bowen Circle - Following receipt of an up-to-date punch list from the Engineering Department, Town Counsel will send a demand to the bonding company, which will be followed by court action, if required.

Election of Sudbury Housing Authority Member

Present: Lorraine Bauder, Chairman, Willie Hoover, Robert Williams, and Dallas Hayes of the Sudbury Housing Authority; Judith Mack, candidate

Acting Chairman Toomey announced that tonight's joint meeting was being held to interview candidates and to appoint, by roll call vote, a new member to the Sudbury Housing Authority to fill the vacancy on the Housing Authority created by the recent resignation of Douglas Miranda.

The Executive Secretary read from a memorandum dated January 5, 1976 from Town Counsel, which quoted G.L.c41§11, as it pertains to filling a vacancy on the Authority created by the resignation of an elected member.

On motion it was by both boards unanimously

VOTED: To appoint Richard E. Thompson, Executive Secretary, to serve as Clerk for the Board of Selectmen and the Sudbury Housing Authority for the purpose of the election.

The Executive Secretary reported that the Board had received an attested copy of Mr. Miranda's resignation, effective November 18, 1975.

It was agreed by those present that as Mrs. Mack was well known to them because of her past municipal work, it was not necessary to conduct an interview.

There were no other candidates present.

Mrs. Mack was nominated by Selectman Powers, and the nomination was seconded by Mr. Hoover and others.

It was on motion unanimously

VOTED: To close nominations.

On the first roll call ballot, Judith Mack was elected unanimously by the joint session to fill the existing vacancy on the Sudbury Housing Authority.

Minuteman Regional Vocational Technical High School District

Chairman Taft reported that the Minuteman Regional Vocational Technical High School District Committee had recently met with the Regional Finance Committee and that he, at that time, had made known the Town's feelings on their budget and had pointed out that the school does not have the student count they had anticipated.

Chairman Taft reported that the school's proposed \$3,400,000 budget (based on an anticipated 1200 students) had been cut by \$100,000 and that it had been agreed that \$1,647 would further be deducted for each student under the 1200 figure.

Chairman Taft stated that the reason for the lowering of the Town's assessment this year was the carrying forward of \$200,000 not used in the school's operation during 1974-75.

League of Women Voters

Present: Susan Berry and Sandy Hall of the League of Women Voters

Mrs. Berry and Mrs. Hall met with the Board regarding their communication dated January 5, 1976 relative to their existing support positions and their request that the Selectmen complete a questionnaire for the League's use.

The Executive Secretary stated that he had scheduled this item on tonight's agenda to bring it to the Board's attention, but that discussion might require a separate meeting.

After a brief review, it was agreed to schedule further discussion of the matter for 8:30 p.m. on February 9.

DPU Hearing - Sudbury Local Calling Service Area - Interim Service

Chairman Taft reported that the original filing for a hearing before the Department of Public Utilities had been to obtain for the Sudbury New England Telephone Company subscribers the same extended service that the rates are based on, a service which should include Concord, Hudson, and Marlborough. Chairman Taft

stated that instead of this subject, a plan for interim service had been discussed at the January 20 hearing, and that on February 3 a continued hearing to discuss the original petition will be held.

Chairman Taft stated that the Selectmen's position is that the Telephone Company should have a regular year-to-year program for instituting extended local service throughout the Commonwealth and, furthermore, that the Board is not convinced that additional equipment is necessary to accomplish this extension as the Telephone Company contends.

MAPC Workshop - Massachusetts Growth and Development Policy Act, Massachusetts Zoning Enabling Law

The Executive Secretary reported that the Metropolitan Area Planning Council will hold a day-long open meeting on Thursday, February 12, 1976, beginning at 9:30 a.m., at the Sheraton-Tara Motor Inn in Framingham to examine features of particular interest to local and regional officials contained in recently-enacted statutes (Massachusetts Growth and Development Policy Act and revisions to the Massachusetts Zoning Enabling Law).

Highway Commission - 1976 Annual Town Meeting Articles and Budget

The Board received a letter dated January 26, 1976 from the Chairman of the Highway Commission, requesting a joint meeting date at 9:00 p.m. on February 3 to discuss the Highway Commission's 1976 Annual Town Meeting articles and budget.

The Board directed the Executive Secretary to confirm the date with the Chairman of the Commission.

Town Counsel was requested to attend the joint meeting.

Haynes Garrison Site

After discussion, it was agreed to again view the Haynes Garrison site at 9:00 a.m. on February 14.

Board of Appeals

Present: Ronald Adolph, member, Board of Appeals

Chairman Taft reported that in a recent telephone conversation with Mr. Adolph, he had expressed the Board's concern of possible conflict between Mr. Adolph's serving as a Constable and as a member of the Board of Appeals.

Mr. Adolph stated that he had spoken with the Town Clerk and with Town Counsel, both of whom were of the opinion that no conflict exists.

Mr. Adolph assured the Board that, if reappointed to the Board of Appeals, he would disqualify himself from any case which might be in conflict with his position as Constable.

Sudbury Players

Present: Ronald Adolph, President, Sudbury Players

The Board had earlier received a letter dated January 9, 1976 from the Building Inspector relative to rental of the Town Hall to the Sudbury Players, which suggested that the matter of the fire damaged curtain be resolved before any commitment for the rental of the Town Hall to the Players is finalized.

Items included in the Building Inspector's earlier letter to Mr. Adolph were discussed and complaints noted and discussed.

Mr. Adolph was requested to have the set constructed other than in the Upper Town Hall, to which he responded that much of the set is too large to be moved and that it must be constructed there. The Board then asked that any construction that could be done outside of the premises be done elsewhere and that great care be taken of the Upper Town Hall during set construction that must be done there with prior approval of the Building Inspector.

The fire-damaged curtain (caused by the Players) was then discussed, and it was agreed that the Building Inspector would contact the Town Accountant relative to insurance coverage and, if available, to have any funds used to repair the curtain.

It was also agreed that Mr. Adolph would meet with the Building Inspector on the matter of conforming to the Building Inspector's requirements for Upper Town Hall rental.

Award Bid - 1975 Annual Town Report

The Executive Secretary reported that bids had been advertised on January 5 and mailed to the bidders list for the printing of the 1975 Annual Town Report and the Town Meeting Proceedings and had been opened on January 16.

The bids were reviewed and, after discussion, it was the consensus of the Board that the Town Report Preparation Committee should make its recommendations as to the alternates and to submit their estimate of the number of pages involved in the Report.

It was also agreed that the Committee and the Town Clerk should be invited to meet with the Board on February 2 for this purpose and for the awarding of the bid.

Fire Chief - Report on Overtime

Chairman Taft reported that the Board had received a report dated January 12, 1976 from the Fire Chief on the subject of costs of overtime for firefighters and captains versus the cost of new hire.

Chairman Taft reported Chief Frost's conclusion that the hiring of four firefighters as swing men (one per group) and the use of the Fire Prevention Officer would prove to be more expensive, at this time, than the present overtime payments.

After discussion, it was agreed to request further information from the Fire Chief relative to the actual breakdown per group and by category and as to whether or not two new men could cover more than one or two groups.

Appointments

Present: Ronald Adolph, member, Board of Appeals

After discussion, it was on motion unanimously

VOTED: To make the following appointments:

Ronald Adolph to the Board of Appeals for a term to expire on April 30, 1980;

Eben B. Stevens, Deborah L. P. Warner, Richard F. Brooks, John P. Bartlett, and William P. Reed to the Growth Policy Commission;

Robert Coe and Paul Buxbaum to the Sudbury Bus Transportation Committee, each for a term to expire April 30, 1976;

Myron Fox as an Alternate to the Board of Appeals for a term to expire April 30, 1976;

Robert Burd, Robert Savoy, John Cheney, Robert Anderson, and Robert Turner to the Earth Removal Board each for a term to expire April 30, 1978; *

Carlton Ellms, Jr., to the Historic Districts Commission for a term to expire January 1, 1981; and

Carol Hull to the Memorial Day Committee for a term to expire April 30, 1978;

Resignation

The Board received a communication dated December 28, 1975 from Helen Priest Deck, who tendered her resignation, effective January 2, 1976, from the Personnel Board.

It was on motion unanimously

VOTED: To accept the resignation of Helen P. Deck, with deep regret, and to direct the Executive Secretary to acknowledge Mrs. Deck's communication, expressing the Board's appreciation for her service on that Board.

Dissolution of Inactive Committees

It was agreed to defer consideration of the question of dissolving inactive committees until a later date.

Executive Session

At 11:05 p.m., following an unanimous affirmative roll call vote, it was on motion unanimously

VOTED: To enter into executive session for the purpose of discussing collective bargaining.

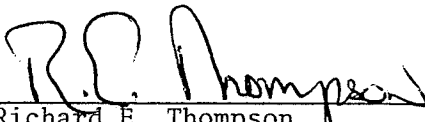
* Vote rescinded and corrected on February 9, 1976.

Chairman Taft announced that the regular meeting would not reconvene following the executive session.

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