

IN BOARD OF SELECTMEN
TUESDAY, OCTOBER 12, 1976

Present: Chairman William F. Toomey, John C. Powers, and Ira M. Potell

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

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the October 4, 1976 meeting, as corrected.

Hearing - Application for a Motor Vehicle Junk License -- Class III, Herbert J. Segien, President, Mosher Auto Body, Inc., 34 Station Road

The Board, at its meeting on October 4, 1976, voted to table further consideration of the application of Herbert J. Segien, President, Mosher Auto Body, Inc., for a Motor Vehicle Junk License -- Class III, until the Board's meeting on October 12 to allow Mr. Segien to be advised of the provisions of such a license and the question of his need of a site plan for the operation to be discussed with Town Counsel and Building Inspector/Zoning Enforcement Agent Francis E. White.

Executive Secretary Richard E. Thompson now reported that the Board had received a report dated October 8, 1976 from Mr. White which stated that no site plan would be required.

After discussion, it was on motion unanimously

VOTED: To grant a Motor Vehicle Junk License -- Class III to Herbert J. Segien, President, Mosher Auto Body, Inc., 34 Station Road, to expire January 1, 1977.

Long Range Capital Expenditures Committee

After discussion during which it was agreed that the Chairman would review with the Executive Secretary the list of candidates proposed for possible appointment to the Long Range Expenditures Committee, with input from Selectmen Powers and Potell, it was on motion unanimously

VOTED: To defer further consideration of appointments to the Long Range Capital Expenditures Committee until October 18, 1976.

Town Report Preparation Committee -- Appointments

It was on motion by Selectman Potell

VOTED: To appoint Nancy Schwartzman, Susan Abrams, and Victor Neumeier to the Town Report Preparation Committee for terms to expire on April 30, 1977.

(Chairman Toomey and Selectman Potell in favor; Selectman Powers voted present.)

Appointment--UN Day Chairman

Upon the recommendation of the League of Women Voters in a communication dated October 4, 1976, it was on motion unanimously

VOTED: To appoint Sue Ann Thome, 218 Willis Road, as UN Day Chairman for the Town of Sudbury for 1976.

Appointments -- Sudbury Police Auxiliary

The Board reviewed the applications of several candidates for appointment to the Sudbury Police Auxiliary.

In response to the Board's question, Executive Secretary Richard E. Thompson reported on the past and present membership of the Auxiliary.

Selectman Potell stated that he would be interested in learning what the future uses and authority of the Auxiliary might be as well as its maximum membership in advance of his vote on the appointments.

Chairman Toomey commented that, as several of the applicants had already served as Auxiliaries though not as yet appointed by the Board, the Selectmen should accept the recommendations of the Police Chief and the Civil Defense Director and not further delay the appointments, and could at the same time request information relative to Auxiliary policy for their review.

After further discussion, it was on motion by Selectman Powers

VOTED: To appoint Valerie M. Keough, John A. Stearns, Carol Stearns, and David N. Helgeson as members of the Sudbury Auxiliary Police, in accordance with the recommendations of the Police Chief and the Civil Defense Director.

(Chairman Toomey and Selectman Powers in favor; Selectman Potell voted present, as he wished additional policy information).

The Executive Secretary was directed to request the Civil Defense Director and the Police Chief to in the future submit any application to the Board for approval in advance of the individual's serving in the capacity of an Auxiliary.

The Executive Secretary was requested to obtain the present Auxiliary policy for the Board's review.

Mr. Thompson suggested that he provide the Board with Town Counsel's earlier opinion on the subject and a report from the Police Chief at the same time.

The Selectmen questioned the legality and appropriateness of the application form and directed the Executive Secretary to look into the matter through the Town Counsel's Office and the State Civil Defense Office.

Selectman Powers suggested that the applicants be informed, upon making application, that they would be required to sign a loyalty oath which could be administered through the Town Clerk's office.

Appointments -- Cemetery Study Committee

Selectman Potell reported that he had contacted those candidates recommended for appointment to the Cemetery Study Committee and that all were willing to be so appointed. Selectman Potell suggested that, in addition to these appointees, the Board of Health Director, the Highway Surveyor, and a member of the Finance Committee act in an advisory capacity.

It was on motion unanimously

VOTED: To make the following appointments to the Cemetery Study Committee: Rabbi Lawrence Kushner, 309 Goodman's Hill Road, Congregation Beth El; Dr. Norman L. Pollock, 47 Balcom Road, Congregation B'Nai Torah; Reverend Homer A. Goddard, 137 Concord Road, First Parish of Sudbury; Reverend Stanley G. Russell, 6 Walkup Road, Memorial Congregational Church; Frank L. Dowling, 45 Dawson Drive, Our Lady of Fatima; W. James Hodder, 136 Hudson Road, St. Elizabeth's Episcopal Church; Reverend Shephard S. Johnson, 249 Old Sudbury Road, Sudbury United Methodist Church; Reverend Richard M. Spierling, 41 Codjer Lane, United Presbyterian Church; Algy Alexander, 250 Maynard Road, representing the Mormons; Marilyn A. MacLean, 209 Water Row, citizen; L. Rose Ellis, 61 Marlboro Road, citizen; Ralph H. Barton, 235 Marlboro Road, Cemetery Association; F. Alvin Noyes, 71 Concord Road, Cemetery Association and former Highway Surveyor.

In addition, Highway Surveyor Robert A. Noyes, Board of Health Director John Sullivan, Town Counsel, and a member of the Finance Committee will be requested to act as advisors to the Cemetery Study Committee.

Chairman Toomey requested that Selectman Potell organize the first meeting of the Committee and to offer his assistance to its members.

Selectman Powers stated that the Board of Health should be advised that it has statutory duties in this matter.

Selectman Potell stated that he will call the first meeting of the Committee for 8:00 p.m., October 20, 1976 in the White Building and will provide to the members, at that time, copies of the regulations earlier drafted by the Highway Surveyor and Town Counsel.

Accept Contribution - Sudbury Grange No. 121

Chairman Toomey announced that the Board had recently received a contribution from Sudbury Grange, No. 121, for the purpose of purchasing a piece of equipment for the Town's ambulance.

After discussion, it was on motion unanimously

VOTED: To accept a check in the amount of \$100 from Sudbury Grange, No. 121, for the purpose of purchasing a Ferno-Washington #42 Stair Chair with straps, to be utilized by the Town's ambulance service;

and it was further

VOTED: To express the Board's great appreciation for the Sudbury Grange's generous contribution to the Town and their work in connection with the Bicentennial celebration.

House Bill 3023 - Distribution of Food Stamps by Town Treasurers

The Board, at its meeting on September 13, 1976, voted to authorize the Executive Secretary to contact the Town's local representatives to express the Board's strong opposition to House Bill 3023 relative to the distribution of food stamps by town treasurers.

Executive Secretary Richard E. Thompson now reported that he had called the Massachusetts League of Cities and Towns, requesting their support in defeating this bill and had contacted the local representatives as requested.

Mr. Thompson stated that the Board had received a communication dated September 30, 1976 from State Senator Chester Atkins which expressed his intent to oppose H.3023 if it is sent to the Senate.

It was on motion by Selectman Powers unanimously

VOTED: To respond to Senator Atkins September 30, 1976 communication, expressing the Board's appreciation for his stand of opposition to House Bill 3023.

Referendum Question #6 - Bottle Bill

The Board received a communication dated October 4, 1976 from Joan C. Irish, member of the Committee for a Massachusetts Bottle Bill, which requested the Board's endorsement of an advertisement supporting a favorable vote of Referendum Question #6 in the November 2 election.

The Board requested that a copy of the specific wording of the advertisement be obtained for their review before further consideration of its endorsement.

Boston Herald American - Property Tax Problems

Executive Secretary Richard E. Thompson reported that the Board had received on August 19, 1976 a request from the Managing Editor of the Boston Herald American for the Board's opinion and suggestions concerning four specific issues relative to the property tax problem in the State.

Mr. Thompson stated that he had drafted a reply dated October 6, 1976 which addressed the four subject areas, and he read the same.

Selectman Potell questioned whether the last paragraph of the draft fully addressed the question of what should be done to spread the local tax burden more equitably among all residents of a community.

Selectman Powers stated that, in his opinion, the problem was whether it was believed that the property tax should be the only vehicle to spread the local tax burden and he stated that the more this vehicle is used for this purpose, the more the property holders are penalized. Selectman Powers suggested that a graduated income tax or the funding of its own programs by the legislature as possible supplemental vehicles to ease the property owner's tax burden.

Town Counsel stated that he had just drafted additional wording for the first subject and that he would also enlarge upon the draft's response to the request for suggestions to more equitable spread of the tax burden.

Selectman Powers suggested and the Board agreed that Town Counsel and the Executive Secretary redraft portions of the reply, that the Chairman be authorized to sign the letter, and that it be forwarded to Mr. McLean.

Sale of Alcoholic Beverages -- November 2, 1976 Election

It was on motion by Selectman Powers unanimously

VOTED: To grant permission to allow the sale of alcoholic beverages by licensees during the polling hours of the National and State Election on November 2, 1976.

Subcommittee on Housing

The Board received a communication dated October 1, 1976 from the Planning Board relative to appointment of a Planning Board Subcommittee on Housing Issues for the purpose of developing a statement of policy to be presented to the Annual Town Meeting and to decide whether specific proposals should be presented to the Annual Meeting.

Selectman Potell took exception to the Planning Board's statement that each of the six groups represented at the Planning Board meeting, one of which was the Selectman, had agreed to appoint a member or representative to the Subcommittee, and he stated that it was not his understanding that he had agreed that the Selectmen would appoint a member.

After discussion, it was on motion by Selectman Potell unanimously

VOTED: To inform the Planning Board that, at the present time, the Selectmen do not feel they are in a position to appoint a member of the aforementioned subcommittee.

Selectman Powers stated that his vote was based on the fact that the interest here seemed, in his opinion, to be more on a proposal for the Annual Town Meeting than with the presentation of a well thought out plan of how to handle the very critical program of housing in the Town and that he would not want to impair the proper success of a proper housing plan in the Town by acting prematurely, which might result in lost votes, lost credibility, and no solution.

Historic Districts Commission

Present: Edwin A. Blackey, Chairman, Historic Districts Commission

As the candidate proposed for interview by the Board earlier in the evening had not arrived, the Board, on the recommendation of Mr. Blackey directed the Executive Secretary to reschedule the interview.

Personnel Board - Selectmen's Administrative Secretary Position

Present: Town Accountant John H. Wilson; Margaret Bonarrigo, A. Douglas Dalton, Alan Carpenter, and Daniel P. McLean of the Personnel Board

Executive Secretary Richard E. Thompson reported that he had earlier informed

the Board of his August 25, 1976 meeting with the Personnel Board, at which time the Personnel Board voted to classify a secretary in the Selectmen's office as Principal Clerk-Step 4 rather than Administrative Secretary - Start, as recommended in his letter of July 2, 1976 and confirmed by the Selectmen on July 26.

Mr. Thompson stated that, in his opinion, if a person is serving in the capacity of a position within the Classification Plan and Salary Schedule, that person should be classified and paid as such, and that, if a position exists, the incumbent should expect to be promoted to it, if qualified. Mr. Thompson pointed out that Town Hall employees are not organized and have no grievance procedure, and he appealed to the Personnel Board to reconsider its earlier decision in the matter.

Chairman Toomey stated that this individual has been working in the capacity of Administrative Secretary for nearly a year and that this position is a very vital one.

Selectman Powers stated that this position has been in the Classification Plan for several years and is funded by Town Meeting and that he did not understand the reasons for the Personnel Board's stand.

Mrs. Bonarrigo stated that it was the consensus of the Personnel Board at the August 25 meeting, and now, that a review of the existing Classification Plan and Salary Schedule is essential for several reasons, one being to determine whether the responsibilities in that particular position are so unique that there should be only one Administrative Secretary in the Town Hall structure, and that, until this could be determined, the Personnel Board had decided to approve the secretary's advancement to a salary level equal to what she would receive as Administrative Secretary. Mrs. Bonarrigo stated that when the new plan was completed, the Personnel Board would be happy to reconsider the Selectmen's request.

Mr. Carpenter stated that the Personnel Board had been in agreement as to its action on the matter, and he expressed that Board's wish to have equality in job assignments.

Chairman Toomey commented that the Personnel Board's action was very bad for morale.

Selectman Powers stated that this position was established and funded by Town Meeting and that, in his opinion, the question of whether there should be more than one Administrative Secretary was immaterial. Selectman Powers further stated that he denied the Personnel Board's authority to cancel out votes of Town Meeting. Selectman Powers stated that a vacancy exists as well as the right to fill that vacancy. Selectman Powers commented that the Personnel Board had, in the past, made emergency classifications between Town Meetings and, in his opinion unless that Board could tell the Selectman in what manner the incumbent does not fill the qualifications needed for this position, they were without basis for their decision.

Selectman Potell stated that, in his opinion, as long as the secretary is receiving the salary provided for her by the Selectmen's promotion, the matter of the title was unimportant.

Selectman Powers stated that, in his opinion, the Selectmen's July 26 action indicated that they wished this position to be filled by this individual.

Chairman Toomey stated that the position of Administrative Secretary was unique because it has rapport with all Town boards and that the incumbent was doing the job and, in the opinion of the Board, should have the title.

Mr. Thompson expressed his opinion that the problem illustrates that a change in the Classification Plan and Salary Schedule is necessary and that he would hope that a consensus would be reached tonight that the Personnel Board should proceed with an article in this regard at the 1977 Annual Town Meeting. Mr. Thompson again appealed to the Personnel Board to reconsider its earlier decision relative to the Administrative Secretary.

It was agreed by both Boards that a study and review of all town clerical positions was long overdue.

Town Accountant John Wilson stated that he would soon submit a report and his recommendations relating to vacation and sick leave amendments to the bylaw.

Chairman Toomey stated that it might be helpful if Mr. Wilson could attend some of the Personnel Board meetings, and he asked Mr. Wilson if he could so attend when requested.

Mr. Wilson was in agreement.

Mr. Dalton requested that the Executive Secretary obtain for the Personnel Board an updated clerical classification survey proposal from the Federal Civil Service Commission, so that his Board would have backup data on which to present an article at the next town meeting.

The Selectmen were in agreement, and the Executive Secretary was so directed.

July Fourth and Bicentennial Expenses

Present: Marilyn MacLean and Victor Walsh, Chairmen of the 1976 and 1975 Bicentennial Ball Committees, respectively; John Wilson, Town Accountant.

Acting on the recommendations set forth in a communication dated October 8, 1976 from the Revolutionary War Bicentennial Committee, after discussion, it was on motion

VOTED: To authorize payment of \$1,842.39 in accordance with the Town Accountant's memorandum of October 8, 1976, said funds to be expended from the Chapter 198 account. (Unanimous Vote)

It was further

VOTED: To authorize payment of \$2,500 from the Chapter 198 Account to the Heritage Park account to match the Federal Grant received, to be used for bronze location plaques. (Unanimous Vote)

It was further

VOTED: To authorize an expenditure of \$200 from the Chapter 198 account to the Auxiliary Police Equipment Fund.

(Chairman Toomey and Selectman Powers in favor; Selectman Potell opposed to the principle of putting money into the Auxiliary Fund, as this organization was created and funded, within the Police budget, by Town Meeting.)

Selectman Powers stated that his affirmative vote in no way should be interpreted as an attempt to pay the Auxiliaries, but as a token of support to that organization from the Revolutionary War Bicentennial Committee.

Chairman Toomey commented that the auxiliaries equip themselves and receive no pay for their traffic, patrol, or other duties and, as the money would go into a fund which could allow them to become more active and better equipped, he was in favor of the expenditure.

Mrs. MacLean expressed her support of Chairman Toomey's and Selectman Powers' position, stating that the money is a gift and that the Auxiliaries had been asked to serve during the Bicentennial Ball as no regular police officers were available and the attendance was double that expected.

Selectman Powers reported that the Police Chief had endorsed the idea of the gift.

It was further

VOTED: To set aside or hold \$200 in the Chapter 198 account to be used to cover any expenses related to a public showing of Victor Neumeier's slides and photographs. (Unanimous Vote)

On the subject of the Revolutionary War Bicentennial Committee's and the Bicentennial Ball Committee's recommendation to use the unexpended balance of approximately \$7,900 remaining in the Chapter 198 account for the purpose of constructing a bandstand or bandstand-like area in Heritage Park, preferably as a part of and adjacent to the Hosmer House, by expanding the present small stone terrace at the eastern end of the house, the Executive Secretary stated that the Town Accountant's communication dated October 8, 1976 included a report on the liabilities and unexpended balance of the account.

This report was reviewed by the Board.

Chairman Toomey reported that, during the past few days, he had received ten telephone calls, five in support of the bandstand and five in opposition. Chairman Toomey stated that, in his opinion, he could not support the Bicentennial Ball Committee's recommendation without further information and a plan showing what was proposed. Chairman Toomey asked for a motion to table further consideration of the aforementioned recommendation until the Chairman of the Revolutionary War Bicentennial Committee could provide the Board with such plan.

A motion to that effect was made by Selectman Potell, and he stated that he did not wish to see the money go into the general fund as, in his opinion, it should be used to benefit the Townspeople, but that he was not sure that the proposed project would make the best use of this money. Selectman Potell stated that there was already a bandstand at the Noyes School which was only used once a year.

Selectman Powers explained that the project in mind would have multiple purposes and he briefly described the proposal.

Mrs. MacLean commented that a notice had recently been placed in the Town Crier for two weeks asking for suggestions for spending the Ball profits and that no replies had been received.

After further discussion, it was on Selectman Potell's earlier motion

VOTED: To table further consideration of the Bicentennial Ball Committee's recommendation to apply the unexpended balance of approximately \$7,900 remaining in Chapter 198 account to be used for the purpose of constructing a bandstand or bandstand-like area in Heritage Park until receipt of plans illustrating the proposal.

(Chairman Toomey and Selectman Potell in favor; Selectman Powers opposed.)

It was further

VOTED: Subject to the Selectmen's future action on the Bicentennial Ball Committee's recommendation relative to construction of a bandstand referenced in the vote above, or any other recommendation, that any unexpended and unencumbered balance in the Chapter 198 account remaining on December 31, 1976, be deposited into the General Fund. (Unanimous Vote).

Victor Walsh, Chairman of the 1975 Bicentennial Ball Committee, and Marilyn MacLean, Chairman of the 1976 Bicentennial Ball Committee, expressed their opinions that the construction of a bandstand might create a public fiasco and then recommended that the profits be turned over to a garden club for use in Heritage Park.

Selectman Powers stated that, in his position as Chairman of the Revolutionary War Bicentennial Committee, he could not alter the votes of the Revolutionary War Bicentennial Committee without the full committee being present.

Haynes Garrison Site -- Historic Marker

It was on motion by Selectman Potell unanimously

VOTED: To table the question of authorizing the expenditure of \$150 from the Chapter 198 account relative to a historic marker for the Haynes Garrison site until such time as the balance of the account is discussed.

Referendum Question #6

Present: Victor Walsh, citizen

Mr. Victor Walsh noted the Board's earlier agenda items relative to a request for the Selectmen's endorsement of an advertisement in support of a favorable vote on Referendum Question #6, Massachusetts Bottle Bill.

Mr. Walsh stated that he would request the Selectmen to endorse an advertisement in opposition to Referendum Question #6, and he asked whether he could submit this request in writing.

Chairman Toomey stated that the Board had not acted on the earlier item as they wished additional information and that the Board would accept any communication from Mr. Walsh.

Request for Annual Town Meeting Resolution - Alan Foster Flynn

Selectmen Powers submitted to the Board a communication dated October 12, 1976 which reported the recent death of Alan Foster Flynn, who at one time had been Principal of Sudbury's one school which housed all grades from first grade through high school. Selectman Powers suggested that the Board not only have a resolution regarding Mr. Flynn's service to the Town at the Annual Meeting, in its usual style, but that the Board also request at that time that the White Building, which was the school over which Mr. Flynn presided, be renamed the Alan F. Flynn Building in his memory.

Chairman Toomey and Selectman Potell were in agreement, and the Executive Secretary was directed to place the communication referenced above in the Annual Town Meeting file.

Performance Review - Building Inspector

Present: Building Inspector Francis E. White

In accordance with the Selectmen's Policies and Procedures, the Board met with the Building Inspector Francis E. White to review his annual report and to evaluate his performance during the past year.

The Selectmen agreed to submit to Mr. White a copy of their evaluation composite in advance of their subsequent meeting to establish his salary for the period of July 1, 1976 - June 30, 1977.

The Board reviewed and discussed Mr. White's annual report dated May 27, 1976 and reviewed past and future objectives.

The Board requested that the following subjects be added to his above-referenced report as items 15 and 16: 15) evaluate sprinkler and smoke and heat detector systems for the Town Hall; and 16) review procedure of building permits.

The Executive Secretary stated that he would recommend the Building Inspector's review, during the next year, of all local bylaws and codes to keep abreast of expiration of site plans. Mr. Thompson offered his assistance to the Building Inspector if any problem arose in this regard.

1977-78 Fiscal Year Budgets

In discussion of 1977-78 budgets, Selectman Potell asked what was planned as guideline policy for 1978 fiscal year budgets.

The Executive Secretary stated that he would distribute the usual budget letter, using as a guideline "zero" increase, with any new programs requiring justification.

Housing Assistance

The Executive Secretary reported that Sudbury had been awarded Federal housing assistance funding in the amount of \$30,000 under the Housing and Community Development Act of 1974, and that the money was to be used for housing rehabilitation.

Selectman Potell requested that the Executive Secretary inquire as to what is involved with administration of the funding.

Flood Hazard Boundary Map

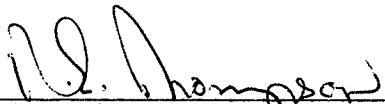
The Board, at its October 4, 1976 meeting agreed that the Town should give public notice to the individual owners of property identified as being within the amended flood hazard boundary map area of an informational meeting on the subject.

The Executive Secretary drafted a letter dated October 12, in this regard, which was reviewed by the Board and approved for appropriate distribution.

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

VOTED: To adjourn the meeting at 10:45 p.m.

Attest:


Richard E. Thompson
Executive Secretary/Clerk