

IN BOARD OF SELECTMEN
MONDAY, JANUARY 17, 1977

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

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

Minuteman Regional Vocational Technical School District Committee -- 1977-78
Operating Budget

Present: Ronald Fitzgerald, Superintendent-Director of the Minuteman Regional Vocational Technical School District; Lawrence Oviaan, MRVTSD Committee, and Lawrence Bussey, member of the Finance Committee

Ronald Fitzgerald, Superintendent-Director of the Minuteman Regional Vocational Technical School District (MRVTSD), Lawrence Oviaan, member of the MRVTSD Committee, and Lawrence Bussey, Finance Committee member met with the Board to discuss the Minuteman Operating Budget for 1977-78.

Mr. Oviaan presented the Board with newly revised budget figures.

Acting Chairman Powers reported that the Selectmen had reviewed the material previously made available to them and were still in a state of deep shock over the proposed 1977-78 budget figures. Acting Chairman Powers stated that what the Selectmen have seen in incoming departmental budgets this year would indicate one of the most serious impacts to the Town in its history. Acting Chairman Powers stated that the subject of these departmental budgets will be discussed next Monday night at the Town Fathers Forum in an effort to find out the reasons for these massive increases at a time when the economic health of the Town is not good and when things in the Commonwealth are in such a state that the Governor has sent to the counties a letter indicating that he will not sign a budget which shows a nickel increase over last year and further indicating that any increase in general revenue sharing or reimbursements for the county must show a corresponding decrease in county expenditures.

Acting Chairman Powers also referred to a recent statement by Senate President Kevin Harrington in which he mentioned the Governor's proposal that the State take over control of the budgets of the cities and towns of the Commonwealth, setting limits on local spending, as local taxes were already at maximum levels. Acting Chairman Powers stressed the need for all cities and towns to assume fiscal responsibility, and he stated that he wished to point out to Mr. Oviaan and Mr. Fitzgerald, in advance of the discussion of the Minuteman budget, that what all Town departments and committees have done is simply not good for the fiscal health of the community.

Mr. Oviaan reported that one of the problems in this year's budget, which was not reflected in those of previous years, is that next fall's incoming freshmen, which will represent roughly a 32% increase in enrollment, will complete the four-year program which, to be put into effect properly, will require additional courses to be added.

Mr. Ovian reported that the Committee had voted the new budget format to indicate how and where the dollars will be spent, and he stated that the revised summary sheet presented to the Board this evening reflected a miscalculation in State aid.

Mr. Ovian stated that the budget procedure begins with the receipt of recommendation from the Superintendent, receipt of input from parent organizations, student organizations, individual cluster chairmen, and other administrators, and is then reviewed by the Minuteman Finance Committee. Mr. Ovian stated that it was expected that the final vote on the budget would be taken on January 18.

Finance Committee member Lawrence Bussey presented the Board with a copy of his informational report, dated January 16, 1977, to the Finance Committee on the subject of the Minuteman budget.

In response to questions from Acting Chairman Powers, Mr. Ovian and Mr. Fitzgerald made the following statements:

- Sudbury's proposed 1977-78 assessment is \$363,601 (a \$5,000 reduction to this figure is expected), an increase of \$92,410 over last year's assessment of \$271,191, which represents a 34% assessment increase for a 43.3% Sudbury enrollment increase.

- There are presently 96 Sudbury students enrolled, with next year's figure expected to be 120-125. The assessment percentage is predicated on present enrollment figures rather than projected figures.

- Chapter 766 cost figures this year are \$255,000.

- 26% - 30% of the students at MRVTS are categorized as having special education needs. In response to Acting Chairman Powers' further question as to why, Mr. Ovian stated that until this time many special needs children had been sent to Minuteman, but that the procedure has now been changed so that it is necessary that each child so designated receive a core evaluation.

After discussion of the Chapter 766 Sudbury expenditure in 1975-76 of \$549,530 and in 1976-77 of \$693,873, Acting Chairman Powers commented that this program was absolutely running wild in the three school systems with which the Town is involved.

Mr. Ovian stated that the Sudbury School Committee had written to the Commissioner of Education to object to, not the program itself, but to the way in which it is being implemented and the fact that the cities and towns do not know what the costs will be. Mr. Ovian stated that, in his opinion, the Town has yet to see the bottom of the iceberg with respect to this program. Mr. Ovian reported that the Minuteman is now able to appraise the type of students coming into the school, that any student who is identified as having special needs must have a full core evaluation by their former school and the Minuteman and that the District will not accept students whose core educational plan cannot be fulfilled at Minuteman. Mr. Ovian commented that a positive step has been taken in this matter, as past open enrollment no longer exists, and he further commented that the State legislature must face the fact that it cannot legislate programs that cost the cities and towns.

Chairman Toomey arrived at this point in the proceedings.

Selectman Powers expressed his concern with the notes on the proposed 1977-78 budget management plan relative to use of any Federal grants or un-anticipated aid, and he questioned whether current funds were being used for purposes other than those specified in the grant as well as the legality of their use in excess and deficiency account from which the Minuteman School Committee could appropriate for special projects or emergencies. Selectman Powers also questioned the legality of the Minuteman's policy related to use of fees collected for use of the pool.

Mr. Fitzgerald responded that the funds referred to were those derived from the use of the pool by outside groups for which a charge is made to cover any additional operation and maintenance costs resulting from the outside use.

In further discussion, in response to Selectman Powers' question, Mr. Fitzgerald reported that \$850,000 in bonding authority has not been exercised.

Mr. Bussey commented that interest earned by Federal grants can sometimes be used for purposes other than those specified in the grant.

Mr. Fitzgerald stated that the budget increase also covers increases in teacher contracts, new transportation contracts, and utility costs as well as the addition of courses to complete the four-year program. Mr. Fitzgerald further stated that their Federal aid comes in a year late so that next year's aid will be based on a three-year program only. Mr. Fitzgerald stated that the salaries paid to their teachers were less than those paid to Sudbury's teachers and that, in his opinion, the present budget would be the toughest to be faced due to the completion of the four-year program.

Chairman Toomey stated that the Board's position with regard to budgets is that they should not be increased at all, and he stated that the Board is asking for some compassion for the tax rate from all three schools and insisting upon it with the Town's department heads.

Mr. Fitzgerald stated that the Minuteman was asking a \$.58 increase to Sudbury's tax rate to cover the \$92,410 (34.1%) increase in the Town's assessment for the 43.3% increase in Sudbury students (32.4% increase in total assessment to all member towns over 1976-77).

Selectman Powers reported that today's average tax bill is \$1,600 and he stated that, in his opinion, any increase above this figure would mean that some people will lose their homes. Selectman Powers stated that an endless barrel of money is not available.

Mr. Ovian again stated that the one unyielding factor was budgeting for the incoming fourth class which would complete their four-year program and that he would ask that the Board consider this fact as well as the unusually large increase in Sudbury students.

Chairman Toomey stated that the assessments of regional schools and binding arbitration with the School Committee are a great source of anguish to explain to Town Meetings.

Selectman Powers cautioned Mr. Ovian that the voting of Town budgets would be a very emotional issue this year.

Chairman Toomey thanked Mr. Ovian and Mr. Fitzgerald for their attendance tonight.

Cemetery Rules and Regulations - Fee Schedule

Present: Robert A. Noyes; Highway Surveyor/Superintendent of Cemeteries

The Board, at its meeting on December 27, 1976, reviewed a communication dated December 15, 1976 from Reverend Homer A. Goddard, Chairman, Cemetery Study Committee, which set forth a suggested schedule of fees previously discussed with and approved by Highway Surveyor/Superintendent of Cemeteries and unanimously approved by the seven members of the Committee who were present at their December 6, 1976 meeting. The Board, at that time, voted to table consideration of the matter until such time as Highway Surveyor/Superintendent of Cemeteries Robert A. Noyes was able to meet with the Board.

Mr. Noyes now submitted to the Board a report of the Cemetery Department dated January 1977, which listed developed and undeveloped lots per cemetery and current costs for lot development, grave openings, and associated expenses.

A review of the report indicated that at the present time 75% of the four-grave lot purchase price is applied to perpetual care costs with the remaining 25% applied to the purchase price.

Mr. Noyes recommended that the percentages be changed to application of 65% of the purchase price to perpetual care costs and 35% toward lot purchase.

Selectman Potell suggested that the cost of perpetual care not be reduced, as these costs would continue to rise.

After discussion, it was on motion unanimously

VOTED: To accept Superintendent of Cemeteries Robert A. Noyes' report of the Cemetery Department dated January 1977 and to thank the Cemetery Study Committee for its work in connection with the fee schedule.

The Board requested that recommendations for increased lot prices be obtained by the Executive Secretary for further discussion at the Board's January 24 meeting.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular and executive sessions of January 3, 1977.

January 10-11, 1977 State of Emergency

It was on motion by Selectman Powers unanimously

VOTED: To confirm the votes of the Board declaring and discontinuing the State of Emergency due to heavy snow and rain conditions on January 10-11, 1977.

Also, in this regard, following the Board's review, it was on motion by Selectman Powers, unanimously

VOTED: To accept the report dated January 11, 1977 from Josiah F. Frost, Civil Defense and Preparedness Director, on the subject of the aforementioned State of Emergency.

Appointment - Two Temporary Patrolmen

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

VOTED: To authorize the Executive Secretary to appoint two Temporary Patrolmen for the period of January 23 - April 16, 1977 for temporary replacement of two Permanent Patrolmen who will attend the Police Training Academy, and, further, to authorize the Executive Secretary to file the appropriate forms and documents with the Division of Personnel Administration for their approval.

Resignation - Benjamin R. Walker - Surveyor of Lumber and Measurer of Wood

The Board received a copy of a communication from Benjamin R. Walker, who tendered his resignation as Surveyor of Lumber and Wood, effective, January 4, 1977, as he has moved from Sudbury.

After discussion, it was on motion unanimously

VOTED: To accept the resignation, effective January 4, 1977, of Benjamin R. Walker, with deep regret, and to direct the Executive Secretary to acknowledge Mr. Walker's communication with a letter wrapped around a piece of wood, expressing the Board's appreciation for his service to the Town.

The Executive Secretary was directed to obtain a list of candidates for the Board's consideration for appointment to this office.

Application for Common Victualler License - Marrone's Bake Shop

In response to an application dated December 30, 1976 from Rudolph V. Marrone, following the Board's review of inspection reports from the Building Inspector, dated January 4, 1977, the Director of the Board of Health, dated January 6, 1977, and the Fire Chief, dated January 6, 1977, it was on motion unanimously

VOTED: To issue a Common Victualler License for Marrone's Bake Shop, to be held until payment of fees as required.

Mandatory Unemployment Insurance for Municipal Employees

Executive Secretary Richard E. Thompson reported that the Board received on January 5, 1977, a communication from the Massachusetts Division of Employment Security, advising that the Massachusetts Legislature may enact legislation during the 1977 legislative session to permanently extend unemployment insurance coverage to most State and municipal employees on and after January 1, 1978,

and further advising that the legislation to be enacted in Massachusetts in 1977 may be written to extend coverage to service performed in 1977 and, in that event, benefit costs for weeks beginning before July 1, 1978 would be borne by the federal government. Mr. Thompson stated that it would not be necessary to include funds in the 1977-78 fiscal year budget to cover these costs and that it was his recommendation that the Board so advise all school committees so that such funds could be deleted from their budgets.

After discussion, it was on motion by Selectman Powers, unanimously

VOTED: To table further consideration of the above-referenced communication for one week for the purpose of receiving a more detailed report on the matter from the Executive Secretary and the Town Accountant and to instruct the Executive Secretary to advise all appropriate committees and departments for the purpose of budget reductions.

Annual Town Election and Meeting - Special Registration Sessions

At the request of the Town Clerk in a communication dated January 5, 1977, it was on motion by Selectman Powers unanimously

VOTED: To set the 1977 Town Election for the four (4) precincts in Sudbury for Monday, March 28, 1977 from 7:00 a.m. to 8:00 p.m. in the Peter Noyes School.

It was further

VOTED: To set the opening session of the 1977 Annual Town Meeting on Monday, April 4, 1977 at 8:00 p.m. in the auditorium of the Lincoln-Sudbury Regional High School.

It was further

VOTED: To establish that the Annual Regional School District Election shall be combined with and held as part of the Annual Town Election of Sudbury; that the ballot for the Annual Regional School District Election shall be included with and prepared as part of the ballot for the Annual Town Election.

It was further

VOTED: To establish that the listing of the offices shall be the same as set forth in the Warrant for the Lincoln-Sudbury Regional School Committee election and shall be printed as the last office on the ballot; and it was further

VOTED: To approve allowing the Board of Registrars to hold special registration sessions prior to the Annual Town Election and Town Meeting at the Town Hall, in accordance with Chapter 51, Section 30 of the General Laws.

Selectmen's Annual Report

It was on motion unanimously

VOTED: To approve the Selectmen's Annual Report, as prepared by the Executive Secretary, for publication in the 1976 Annual Town Report.

1975 Executive Session Minutes

On the recommendation of the Executive Secretary and Assistant to Town Counsel, it was on motion unanimously

VOTED: To declassify certain executive session minutes of the Selectmen's 1975 meetings, as listed in a report dated January 17, 1977 from the Executive Secretary.

Application - Sale of Wines and Malt Beverages - Northern Farms Farmstand,
15 Union Avenue

Executive Secretary Richard E. Thompson advised the Board that an application dated December 20, 1976, had been received by his office on January 13, 1977 from Joseph R. and Charles Calareso, d/b/a Northern Farms Farmstand and Country Store, 15 Union Avenue, for a Package Goods Store License for the Sale of Wines and Malt Beverages.

Mr. Thompson reported that action on the above application must be taken by the Board within thirty days and that he would schedule a hearing in this regard.

Auxiliary Police - Consideration of Patrol of Conservation Lands - Vehicle

Present: Police Chief Nicholas Lombardi; William Bonwitt, Roger Davis, and three other members of the Sudbury Auxiliary Police; John Cutting, Chairman, Conservation Commission

Executive Secretary Richard E. Thompson reported that the Board had earlier received a letter dated December 18, 1976 from Lynne Remington, Land Management Chairman for the Conservation Commission, which expressed the Conservation Commission's unanimous support of the purchase of a cruiser for the Sudbury Auxiliary Police and their hope that Police Chief Lombardi would be willing to authorize the members of the Auxiliary to help the Conservation Commission patrol their major pieces of conservation land.

Mr. Thompson reported that this letter had been forwarded to the Police Chief who had responded by letter dated December 28, 1976, indicating his support but not specifying in what manner.

Mr. Thompson further reported that a member of the Auxiliary had come into his office a year ago asking for the transfer of a vehicle to the Auxiliary, but that he (Mr. Thompson) had, at that time, recommended that this request go back to the Police Chief for his report and recommendations. Mr. Thompson commented that the Police Chief, in his letter, had also commented on a lack of support given the Auxiliaries by the Selectmen, but that he could find no indication that this was the case. Mr. Thompson stated that the Selectmen, at a recent Finance Committee meeting, had requested that Committee's support for the Auxiliary's budget, that the Finance Committee did not agree with the Board of Selectmen and would recommend \$500 rather than \$1500 for the figure in the upcoming budget, but that the Selectmen have indicated that they will again try to restore the figure to \$1500.

Chairman Toomey stated that he had supported every Auxiliary Police budget as well as the proposal for its members to bear arms, and that it was his intention to support their budget as submitted this year whether as a Selectman or a citizen. Chairman Toomey further stated that department budgets for FY78 have already been submitted and that he did not know where money for the proposed vehicle would come from. Chairman Toomey stated that the Selectmen had, in the past, discussed at length with the Conservation Commission, the Board's opinion that the Commission has money available which could be used for the preservation of conservation land. Chairman Toomey stated that he could ask the Chairman of the Finance Committee for vehicle money or the Police Chief if he still has a vehicle which could be supplied to the Auxiliary.

Chief Lombardi stated that he had had no correspondence on the subject from the Conservation Commission.

Mr. Cutting reported that Mrs. Remington was unable to be present this evening, but that, in his opinion, the Conservation Commission had hoped to first get authorization from the Police Chief for the Auxiliary Police to patrol conservation land and then to arrange for a vehicle to provide transportation for this service. Mr. Cutting stated that he understood that the budgets were limited and that it was his opinion that what the Commission wanted at this time was authority for the Auxiliary to patrol and that the question of a vehicle could be pursued after authority was granted.

Selectman Potell stated that the patrol would have to be done on foot, and he asked Mr. Cutting what the Conservation Commission would want the Auxiliaries to do while on patrol.

Mr. Cutting stated that the Commission would wish to establish a presence on various properties and advise the citizens that anyone in violation would be subject to a fine so that such illegal use would be decreased.

Chairman Toomey asked if it would be necessary that the Auxiliaries have radio communication, and he asked how proper backup could be provided.

Mr. Bonwitt stated that the Auxiliary would send two or three men, and he commented that the car would have the ability to call the police and fire departments. Mr. Bonwitt further commented that the Auxiliary has also bought a certain amount of radio equipment.

Selectman Potell asked what would be done if a member of the Auxiliary came upon a person illegally operating a minibike or motorcycle.

Mr. Bonwitt stated that he felt in control of a particular situation, he would do his best to handle it and, in his opinion, a discussion should be held concerning anticipated problems during patrol. Mr. Bonwitt further stated that the Auxiliaries would need more knowledge with regard to the statute concerning minibikes in order to know what to do.

Selectman Potell stated that, in his opinion, the Auxiliaries have no power of arrest and, further, that this point has not been adequately addressed; especially in regard to the Town's liability if an improper arrest occurred.

It was agreed that these subjects should be further discussed among the members of the Conservation Commission, the Auxiliaries, and the Police Chief.

Chairman Toomey asked for a commitment from the Conservation Commission as to an expenditure from their budget to provide some type of maintenance for a patrol program.

Mr. Cutting stated that he could not speak without discussing the matter with the Commission. Mr. Cutting did express his opinion that the Town should be responsible for the operation of a patrol program.

Chief Lombardi suggested that he, the Auxiliaries, and the Conservation Commission meet to draw up guidelines which would then be submitted to the Selectmen.

Chairman Toomey requested that the guidelines be worked out as soon as possible before the Annual Town Meeting and possibly before a Special Town Meeting.

The Police Chief and Mr. Cutting were in agreement.

Appointment - Sudbury Police Auxiliary

On the recommendation of Police Chief Nicholas Lombardi and Civil Defense Director Josiah F. Frost, it was on motion unanimously

VOTED: To appoint Linda McLellan, 157 Horse Pond Road, as a member of the Sudbury Auxiliary Police.

Finance Committee's Budget Hearings

The Executive Secretary reported that the Finance Committee would be meeting on January 20 to review the Selectmen's, the Legal, and the Unclassified budgets and he stated that he would represent the Board at that meeting.

South Middlesex Area Selectmen's Meeting

The Executive Secretary stated that he had scheduled the South Middlesex Area Selectmen's meeting for Wednesday, February 16, 1977, at the Wayside Inn, and he announced that the area senators and representatives would be present that evening and that the subjects under discussion at the meeting included collective bargaining.

113th Session of the Town Fathers Forum - January 24, 1977

The Executive Secretary announced that one topic of the January 24 Town Fathers Forum would be the financial status of the Town and that he had asked the Town Accountant to make a fifteen-minute presentation relating to the data and charts which they had prepared.

Tax Anticipation Notes

Following a review of a request dated January 17, 1977 from Treasurer William E. Downing, it was on motion unanimously

VOTED: To authorize the borrowing of \$1,000,000.00 on Tax Anticipation Notes due on May 20, 1977.

At 9:00 p.m., Chairman Toomey called for a five-minute recess in the proceedings.

Public Hearing - Application of Robert P. Winterhalter, President, Big W. Trans, Inc., Ashland - License to Operate Motor Vehicles for Carriage of Passengers for Hire Over Certain Sudbury Roads

Present: Robert P. Winterhalter, President, Big W Trans, Inc., Ashland

The Board held a public hearing on the application of Robert P. Winterhalter, President, Big W Trans, Inc., of Ashland, Massachusetts, for a license, in accordance with the provisions of Chapter 159A of the General Laws, to operate motor vehicles for the carriage of passengers for hire over the following routes in the Town of Sudbury:

- a. on Nobscot Road from the Framingham town line to Boston Post Road
- b. on Landham Road from the Framingham town line to Boston Post Road
- c. on Boston Post Road from the Wayland town line to Horse Pond Road
- d. on Horse Pond Road from Boston Post Road to Peakham Road
- e. on Peakham Road from Horse Pond Road to Hudson Road
- f. on Hudson Road from Peakham Road to Concord Road
- g. on Concord Road from Lincoln Road to Boston Post Road
- h. on Lincoln Road from Concord Road to the Wayland town line
- i. on Old Sudbury Road from Concord to the Wayland town line

Executive Secretary Richard E. Thompson reported that following receipt of the application dated November 29, 1976, the Board had directed him to request additional information from Mr. Winterhalter relative to proposed fees, schedule of runs, and type of equipment. Mr. Thompson reported that Mr. Winterhalter had responded by letter dated December 13, 1976. Mr. Thompson reported that he had also been directed to request from Town Counsel an answer as to whether routes, once granted to Big W Trans, would be exclusive or could also be granted to others, and that a response, dated December 15, 1976, to this question had been received from Assistant to Town Counsel, which stated that the granted routes, once confirmed by a Department of Public Utilities certificate of public convenience are essentially exclusive with the exception of some possible overlapping of other routes.

Mr. Thompson reported that a license form had been drafted and that there was a time limit of sixty days for action on this application.

Mr. Thompson reported that this matter had been advertised for hearing on January 10, but, due to the severe snow and rain storm on that date, the Selectmen's meeting had been canceled, the petitioner advised, and the hearing readvertised the following day for tonight's meeting.

Mr. Thompson further reported that he had read in the press that an application had been approved in the Town of Natick for routes connecting with those applied for in Sudbury and that a similar application in the Town of Framingham for connecting routes had been approved on December 20, 1976. Mr. Thompson also stated that he had noted in reading the minutes of the MBTA that Mr. Winterhalter was a representative to the MBTA.

Mr. Winterhalter stated that he was the Ashland Board of Selectmen's representative to the MBTA Advisory Board.

Chairman Toomey, referring to Mr. Winterhalter's December 13, 1976 letter, stated that he was upset with Mr. Winterhalter's statement that he, "Knowing the unwillingness of the Board of Selectmen to act with dispatch on his request and their ability to procrastinate, fully intended to invoke the provisions of Chapter 740 of the Acts of 1976 should its conditions prevail" (action with a sixty-day time limit). Chairman Toomey requested that Mr. Winterhalter begin his presentation with an explanation of his statement, as, in the Board's opinion, it was incorrect.

Mr. Winterhalter stated that he had been before the Town of Sudbury on three or four occasions, requesting a license to operate between Sudbury and Framingham, and that, in his opinion, none of his applications had been acted upon or considered in a timely manner. Mr. Winterhalter reported that there is a new statute which now allows recourse to an applicant, in such a situation, through the DPU.

Mr. Winterhalter stated that from the days of SudbuS he had realized that there was a demand for service between Sudbury and Framingham to enable Sudbury residents to get to the Route 9 shopping centers, that when the SudbuS system died, he had come back in with a proposal for inter-town service, but that proposal had also died. Mr. Winterhalter expressed his belief that there is an even larger demand now due to the new elderly housing development, and he stated that he had again returned with a reduced plan because it was his understanding that the 1975 application was more than would be recommended.

Chairman Toomey stated that the Board had denied Mr. Winterhalter's earlier application because it had been of the opinion that to grant a permit to one individual without a bid of some type was not in the best interests of the Town.

Mr. Winterhalter stated that he would like the Board to act on the merits of his new proposal.

Town Counsel Paul L. Kenny stated that the provisions of Chapter 740 provide, if the local authority does not act upon an application within sixty days, for the applicant to apply directly to the DPU, who, if it is found that disapproval or failure to act was unreasonable, may take it upon themselves to act as a local licensing authority.

The Executive Secretary stated that in 1975 there was only one active application for a license to operate a common carrier for the transportation of passengers on certain Sudbury streets to provide service on a regular basis from Sudbury to the Route 9 shopping centers; that being an application dated June 10, 1975, from Big W Trans. Mr. Thompson reported that the Board, at its June 30 meeting, referred the aforementioned application to the Sudbury Bus Transportation Committee and the Planning Board for their advice and counsel, and that a subsequent recommendation was received from the Bus Transportation Committee, dated July 18, 1975, that the Board consider granting a license restricted to a direct route from the Boston Post Road southward to the Framingham line. Mr. Thompson reported that this request was discussed in a joint meeting

on September 15, 1975 with the Bus Transportation Committee, at which time the June 10, 1975 application was denied, although the routes were scheduled for further discussion in conjunction with a proposal for a State transportation grant application system on September 22, 1975.

Selectman Powers asked Mr. Winterhalter on what basis he had determined that there existed a public need to be served.

Mr. Winterhalter responded that he had made his determination from the history of his operation of SudbuS and the information given him in 1974-75 by the Bus Transportation Committee. Mr. Winterhalter stated that he had also communicated with the Planning Board and the Sudbury Housing Authority, asking for their input and suggestions, but had received none.

Selectman Powers stated that the Board had no data before it to indicate what the basis of the public need to be served is, that, in the Board's opinion, this need had not been communicated by Mr. Winterhalter, and that this was a matter of concern. Selectman Powers asked why the particular routes listed in his application had been chosen.

Mr. Winterhalter responded that he had determined his route request using the figures indicating heaviest ridership of the SudbuS routes, which had been those routes serving the areas of the Lincoln-Sudbury Regional High School and the Curtis Junior High School and that he had also included the area of the Elderly Housing development.

Selectman Powers stated that the Board had seen no data from the Sudbury Bux Transportation Committee dealing with the Framingham line and, in his opinion, the High School and Junior High students were only interested in getting to Route 20. Selectman Powers stated that the elderly citizens have weekly bus service to Shoppers World and the First National and Star Market shopping plazas, and he asked Mr. Winterhalter if he had any data to indicate that an additional bus would be required.

Selectman Powers also asked whether Mr. Winterhalter had petitioned Wayland for interconnecting routes from Lincoln Road and Old Sudbury Road, and he commented that his proposal did not tie into Digital's operations in Maynard so that the commuter would not be helped, as the Sudbury work force does not commute to Framingham.

Mr. Winterhalter stated that the commuter is the person who gives success to a bus service, but that all the information he had seen did not indicate a need for a service north from the Town, but in a southerly route.

Selectman Powers stated that the road from the Curtis Junior High to Hudson Road (Peakham Road) is one of the most dangerous stretches of road in the Town and that his proposed operation would impact on the school bus traffic, and he asked what consideration had been given to the safety factors along this and other heavily traveled and dangerous streets specified in this application.

Mr. Winterhalter responded that he had operated successfully and accident-free during his SudbuS operation.

Selectman Potell asked whether, if a license were to be granted to any bus company and the routes approved by the DPU, in the event of failure of the operation, those routes would be tied up.

Mr. Kenny stated that the right to operate can be dissolved by the DPU.

In response to a question from Selectman Potell, Mr. Winterhalter stated that his proposed bus service would not be in operation before 6:00 a.m. nor later than 7:00 p.m., as data have shown that operation within these hours is a key ingredient to the success of a profitable operation, and that he is not talking about a subsidized operation.

Chairman Toomey stated that the Ritchie Bus Lines, Inc., operates along Route 20 and that, in his opinion, this company should be included in this discussion. Chairman Toomey expressed the Town's need for those four busses in and out each day, and he stated that they could not afford to lose one customer for that line by possibly transporting a potential Ritchie rider to Shoppers World where an express bus to Boston could be picked up. Chairman Toomey further stated that, in his opinion, such a proposal should be a biddable operation and not one for which application is made.

Mr. Winterhalter expressed his opinion that his proposed \$.75 fare each way to Framingham would prevent a loss of ridership to the Ritchie operation for Boston commuters.

Chairman Toomey stated that the Board did not have sufficient information on the proposal tonight, that the Selectmen want service to Framingham, but do not want to hurt the Ritchie Bus Lines. Chairman Toomey stated that the Board would also like to see service to the Lincoln train station.

Selectman Powers stated that he could see no demonstration of public need and, in his opinion, the safety factor must also be considered. Selectman Powers stated that, in his opinion, the present application is far too general, and that he would like to see a much more specific application as well as a justification of ridership. Selectman Powers stated that the Board would also wish to know that Mr. Winterhalter would not want to apply for a subsidy to the MBTA at some future time, and he asked Mr. Winterhalter if he was prepared to make such a statement.

Mr. Winterhalter replied that there is no provision under the law for a private citizen to apply to the MBTA for a subsidy, but that, if that were the only way to make a profit, he would so apply, if possible.

It was the consensus of the Board that, while a north/south route was of interest, the requested routes were too vague in that no specifics of service and scheduling had been proposed, that a further study of routes connecting with Wayland and Lincoln could be studied, and that more information was needed as well as the demonstration of public need.

Mr. Winterhalter responded that, in his opinion, the type of study in which the Board was interested would cost more than the value of the study, and he stated that he did not have available to him the kind of resources which had been available to the Bus Transportation Committee.

Chairman Toomey stated that he would entertain a motion to deny the application because of a lack of information, which would give Mr. Winterhalter a right to go to the Department of Public Utilities, or Mr. Winterhalter could withdraw his application at this time and return with a more specific proposal which would be more in the best interests of the Town.

Mr. Winterhalter again stated that he was not in a position to obtain the extensive information which the Board felt was necessary. Mr. Winterhalter stated that the initiative for public transportation between Framingham and Sudbury would have to be taken by somebody other than himself, that he was still interested, but would not initiate any service, either through the Board of Selectmen or the Department of Public Utilities.

After further discussion, it was on motion unanimously

VOTED: To deny, without prejudice, the application, dated November 29, 1976 of Robert P. Winterhalter, President, Big W Trans, Inc., of Ashland, Massachusetts, to operate motor vehicles for the carriage of passengers for hire over certain routes in the Town of Sudbury, due to a lack of sufficient data and information supporting a demonstrated need for such service or its being in the best interest of the Town to do so; as well as for the other reasons for denial expressed in the above discussion on the subject.

Performance Review - Assistant to Town Counsel

Present: Thomas French, Assistant to Town Counsel

In accordance with the Selectmen's Policies and Procedures, the Board met with Assistant to Town Counsel Thomas French to review his annual report dated May 24, 1976 and to evaluate his performance during the past year.

The Selectmen agreed to submit to Mr. French 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.

Sperry Research Center - Proposed Excess of Land

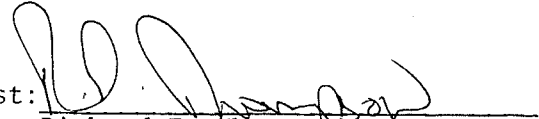
The Executive Secretary informed the Board that a communication dated January 6, 1977 had been received from Sperry Rand Corporation located at 100 North Road, which advised that the Sperry Corporation has determined that approximately 12 acres of land located south of Route 117, opposite the Sperry Research Center, is excess to its current or future needs and will be sold. The purpose of the letter was to inquire whether the Town might be interested in possible purchase of the land, as it is adjacent to recently acquired Town land.

The Executive Secretary was requested to forward copies of the above-referenced letter to the Park and Recreation Commission and to the Conservation Commission for their recommendations.

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

VOTED: To adjourn the meeting at 10:25 p.m.

Attest:


Richard E. Thompson
Executive Secretary-Clerk