

IN BOARD OF SELECTMEN
MONDAY, NOVEMBER 7, 1977

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

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

Sewerage System Construction for Town Hall - Review of Bids

Present: Town Engineer James V. Merloni

Executive Secretary Richard E. Thompson reported that the Board had received a report dated October 27, 1977 from Town Engineer James V. Merloni which set forth bids received for the Town Hall sewerage system construction. Mr. Thompson reported that the low bid exceeded the 1977 Annual Town Meeting \$12,000 appropriation for this project and that a Reserve Fund transfer would be necessary, and he recommended that, if the Board saw fit to award the bid to the low bidder, the vote be made subject to approval of such a transfer by the Finance Committee.

Town Engineer James V. Merloni reported that the low bid was \$1,967.25 in excess of the above-referenced appropriation and that he would recommend that the transfer request be in the amount of \$3,000 to cover any unforeseen contingencies during construction.

Selectman Potell suggested that the Board defer action on the award of the bid until the Finance Committee's approval of the request.

Mr. Thompson reported that such a delay would be possible, but that he would recommend that the Board request the Town Engineer's comments as to the timing of the project and to keep in mind the earlier comments of the Board of Health relative to the health hazard that presently exists (September 22, 1977 letter to the Finance Committee).

Mr. Merloni stated that the School Department is very anxious that the playground portion of the project be completed before Spring, but that he himself had no problem with a short delay and that, if no problem with ledge is encountered, the leaching field section of the project in the school playground area could be completed in two or three weeks.

In response to Chairman Power's question as to how soon Finance Committee action could be expected, Mr. Thompson reported that that Committee would next meet on November 10, and he commented that also to be considered is the time it will take for the contractor to obtain his performance bond before work can begin.

In response to Chairman Powers' question, Town Counsel stated that a problem could arise by awarding the bid without prior approval of the necessary funds.

After further discussion, during which it was pointed out that delay until next week would result in the loss of only one work day, it was on motion by Selectman Potell unanimously

VOTED: To table the awarding of the bid for the Town Hall sewerage system construction until the Board's November 14 meeting, but to express the Board's intention to accept the low bid.

It was further

VOTED: To request a transfer (No. 0750) from the Reserve Fund to Article 34 approved at the 1977 Annual Town Meeting for a new Town Hall sewerage system, in the amount of \$3,000, to provide additional necessary funds to allow a bid award plus contingencies;

and it was further

VOTED: To contact the Chairman of the Finance Committee and to urge him to place Request No. 0750 before the Committee for action on November 10.

Litigation - Town of Sudbury vs. Commissioner of Corporations and Taxation, et al.

Town Counsel Paul L. Kenny reported that on October 19, 1977 he had appeared before the Single Justice Session of the Supreme Judicial Court to argue the Motion filed on behalf of the Town of Sudbury requesting that the Court enter an Order requiring the Commissioner of Corporations and Taxation to file a Supplementary Report in the matter of the Town of Sudbury vs. Commissioner of Corporations and Taxation, et al. Mr. Kenny stated that the Motion was allowed and the Commissioner has been ordered to file the Supplementary Report on or before February 1, 1978. (Reference Town Counsel's letter to the Board of Selectmen dated October 25, 1977.)

Capital Improvement Program - 1978-1983

Executive Secretary Richard E. Thompson submitted a proposed Capital Improvement Program for 1978-1983 for the Board's review and approval. The report included the following projects: 1) Police/Fire Headquarters for initiation in 1978 and 2) Town Hall Renovations for initiation in 1979.

Mr. Thompson reported that the proposed program is similar to that of last year, but, as the Town was unable to obtain EDA funding for the projects, the money is now being requested from Town funds.

Chairman Powers reported that the proposed program includes no new projects and is in accordance with the programs filed for the last several years.

Selectman Toomey requested that a cover letter providing a summarized history in narrative form be included with the program before its submission to the Long Range Capital Expenditures Committee.

On the subject of Town Hall renovations, Selectman Potell suggested that the date of this project be rescheduled for 1978 to offset the escalated costs of a year's delay.

Chairman Powers stated that the present plans for Town Hall renovations are based on the Fire Department's having left the building.

Selectman Potell expressed his opinion that perhaps the renovations should be begun anyway and, after further discussion, he questioned the need of maintaining the central fire station.

Chairman Powers expressed his opinion that the operation of the central fire station is necessary.

Selectman Toomey stated that the central station presently houses only the ambulance, the rescue truck, and one pumper and that the equipment presently

housed at the Route 20 and Route 117 stations are the principal pieces of equipment which protect the Town.

Chairman Powers stated that he was uncertain that only one engine was housed at the central station, and he further stated that also to be considered is the time element connected with the use of the central station.

After further discussion, during which Selectman Toomey commented on the fact that the Selectmen could later amend their program with regard to Town Hall renovations if it was thought to be in the best interests of the Town, it was on motion by Selectman Toomey unanimously

VOTED: To approve the Capital Improvement Program 1978-1983, as prepared by the Executive Secretary and amended by a summarized history as requested by the Board, for submittal to the Long Range Capital Expenditures Committee.

Further discussion concerning the question of closing the Central Fire Station will be placed on a future agenda for discussion in December.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular session and the Town Fathers Forum of October 24, 1977.

Talent Search Committee

The Board received a communication dated October 26, 1977 from the Chairman of the Talent Search Committee relative to an appointment to that Committee.

Executive Secretary Richard E. Thompson stated that the candidate had also indicated interest in serving as an Alternate to the Board of Appeals and, as that subject is on the agenda for the Board's November 14 meeting, it was on motion unanimously

VOTED: To table consideration of the above-mentioned request until November 14, 1977.

One-Day Auctioneer License - Axel Sorenson - Regional High School Auction - November 19, 1977

In response to a request dated November 2, 1977 from Sharon Stevens, Representative for the Regional Lincoln-Sudbury Regional Auction Committee, it was on motion by Selectman Toomey unanimously

VOTED: To grant a one-day auctioneer license to Axel Sorenson of Rhode Island for the purpose of conducting an auction for the Lincoln-Sudbury Regional High School Senior Class on Saturday, November 19, 1977 at the Regional High School.

Minuteman Regional Vocational Technical School District - 1978-79 Budget Proposal

Executive Secretary Richard E. Thompson reported that the Board received a communication dated November 2, 1977 from the Minuteman Regional Vocational Technical School District relative to review of the 1978-79 budget proposal for

Minuteman, which set forth a schedule of upcoming budget review meetings and requested that a person be designated as liaison for budget review questions.

At the request of Selectman Toomey, it was on motion unanimously

VOTED: To table the above matter until later in the evening because of present time commitments with regard to tonight's agenda.

Later in the evening, it was on motion by Selectman Toomey unanimously

VOTED: To take the matter of the above-referenced communication off the table.

After discussion of the Minuteman's request for a liaison person and, noting the fact that Donald Bishop was the Finance Committee's liaison to the Minuteman School, Mr. Thompson stated that he would contact Mr. Bishop for the purpose of arranging coverage for the upcoming budget review meetings either by Mr. Bishop or himself.

Metropolitan Area Planning Council 208 Water Quality SuAsCo Basin Preliminary Report

The Metropolitan Area Planning Council (MAPC) 208 Water Quality SuAsCo Basin Preliminary Report dated September 1977 had earlier been received by the Board.

Selectman Potell had attended a public meeting on the matter of the report on November 2, 1977, and he now reported that at that meeting he had expressed the Town's concerns with errors in the report and having to send back a marked-up copy which the MAPC will then proceed to correct. Selectman Potell reported that there is no way in less than thirty days for the Town to respond to the report unless correct data is received.

Selectman Potell further reported that the general tenor of that meeting appeared to be the communities requesting the MAPC to stop submitting inaccurate, misleading, and biased statements and to give the communities clear-cut objectives.

Chairman Powers asked for Selectmen Potell's and Toomey's opinion as to inviting a representative of the MAPC to attend a joint meeting of the appropriate Town boards and committees for further discussion of the report.

Selectmen Potell and Toomey were in agreement and it was further agreed to schedule a meeting for this purpose on November 21.

Growth Policy Committee Chairman Richard Brooks, who was present in advance of his later meeting with the Selectmen, stated that during reviews of the Growth Policy Statements, he had complained about inaccurate MAPC data and, upon hearing his complaint, other communities had expressed their agreement.

The Executive Secretary commented that the Town Engineer had given him a South Middlesex News article relative to Southborough's negative statements with regard to the SuAsCo report.

Selectman Potell commented that Sudbury had the largest participation by any community at the November 2 meeting and was represented in addition to the Selectmen by the Board of Health and the Conservation Commission.

Town and State Growth Policy Reports - Review

Present: Richard F. Brooks, Chairman, Growth Policy Committee

Growth Policy Committee Chairman Richard F. Brooks met with the Board for review of local and State Growth Policy reports. The Board had earlier received a copy of Sudbury's Growth Policy Committee's report dated June 22, 1976 which had been forwarded to the Office of State Planning Director.

Executive Secretary Richard E. Thompson reported that he had today received notification from the Office of State Planning which stated that that Office had completed its analysis of the local and regional Growth Policy Statements and had proposed a variety of specific recommendations in response to the problems and priorities identified by local Growth Policy Committees throughout the State which were set forth in their report entitled City and Town Centers: A Program for Growth.

Mr. Brooks stated that the Growth Policy Committee went through an intense program last year in setting their Growth Policy Statement which was very well received by the neighboring communities and the State. Mr. Brooks reported that a subsequent State publication had quoted Sudbury's Statement in thirteen instances, that, in his opinion, the Town's Statement had been taken very seriously by the people working on this program. Mr. Brooks further reported that following completion of individual town statements, a conference had been held for all communities to bring their findings to the State, that it was his opinion that Sudbury's message and those of other towns got through loud and clear, that the State had heard the cities' and towns' message that it should be the policy of the State to leave the decisions relative to planning to local towns and cities and that the State should facilitate these ideas and act as coordinator. Mr. Brooks commented that if this message can filter to the Legislature and if it can have any effect on proposed legislation, the whole exercise will have been worthwhile.

Selectman Toomey expressed his opinion that Mr. Brooks' point was well taken, that Sudbury's Growth Policy Statement was signed by 12 citizens of the Town-- either board or committee charimen or at-large members of the Growth Policy Committee--that a great deal of time and effort went into the Statement and that the Committee should be congratulated for its report.

Chairman Powers expressed his agreement, and he asked whether or not there would be any virtue in having the Committee analyze the State's report to determine its further value.

Mr. Brooks stated that the Committee would be glad to critique the report for the benefit of the Townspeople, and he requested that each Committee member receive a copy of the State's report for review.

The Board was in agreement.

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

VOTED: To accept the suggestion of the Chairman of the Growth Policy Committee and to request him to call a meeting to critique the overall Massachusetts Growth Policy Report and to report back to the Board.

Mr. Brooks recommended that once the Board reacts to the final Statement following the Committee's critique, the Selectmen disband the Committee.

Appointment-Long Range Capital Expenditures Committee

Present: Edward J. Mulcahy, Chairman, Long Range Capital Expenditures Committee, and Susan Smith, candidate for appointment

Long Range Capital Expenditures Committee Chairman Edward J. Mulcahy and Susan Smith, candidate for appointment to that Committee, met with the Board for the purpose of interviewing Mrs. Smith relative to her interest in and qualifications for serving on that Committee.

Following the interview, it was on motion unanimously

VOTED: To appoint Susan Smith, 37 Hadley Road, to the Long Range Capital Expenditures Committee, to fill the unexpired term of Gregory Malkasian to expire on April 30, 1979.

Unemployment Compensation - Review of Options for Financing

The Board received a report dated October 28, 1977 from Town Accountant John H. Wilson relative to two options--reimbursement or contributory methods--for financing unemployment compensation under new Federal and State laws which will become effective January 1, 1978.

Executive Secretary Richard E. Thompson stated that it was his and the Town Accountant's recommendation that the Board indicate its preference for the reimbursement method, at least for the two-year period in which the method of payment will be in effect. Mr. Thompson stated that the law requires every municipal employer to notify the Division of Employment Security of its selection of method of payment by December 1, 1977 and that, if the Board takes action on this matter tonight, he would consult with the School Department to see if it concurs.

Mr. Thompson stated that the Sudbury Water District and Regional School District, as separate municipal employers, would also be informed that the decision must be made, and that he would forward the Town Accountant's above-mentioned report to all independent Town boards.

Mr. Thompson stated that House Bill 6458, later amended to House Bill 6561 is the reference for this law.

Mr. Thompson stated that most people out of State government are recommending the reimbursement method and that the State is recommending the contributory method.

Selectman Toomey stated that as the Selectmen must make the decision in this matter and as they have jurisdiction over relatively few Town employees, input is needed from other departments before the decision is made.

Chairman Powers requested that the Town Accountant be asked to supply figures in terms of the number of employees affected and the claim amounts involved.

Selectman Potell commented on the potential problem with Park and Recreation

and Highway Department summer employees.

Selectman Toomey expressed his opinion that additional information relative to which governmental unit should represent the Town was also necessary before the Board could act on the matter, and it was agreed that clarification would be requested in this regard as well as consultation with all department heads for their input.

The Executive Secretary was also directed to inquire as to whether the bill had yet been acted upon by the State Legislature.

After further discussion, it was on motion unanimously

VOTED: To table further consideration of the question of deciding on the method for financing unemployment compensation under new Federal and State laws until November 21 to await further information from the Executive Secretary.

Minuteman Educational Development Corporation

Present: George Gibson, proponent of legislation for incorporation of
Minuteman School

Executive Secretary Richard E. Thompson reported that during discussion, at the Board's October 24, 1977 meeting, of proposed legislation to incorporate Minuteman Regional Vocational Technical School District as a non-profit organization (Senate Bill 1825), it was stated that no suggestions or concerns earlier indicated by the Selectmen (May 16, 1977 meeting) to the proponents of the bill had been acted upon, nor had the Board since received information which had been promised at that time. The Board's position taken on October 24 was to advise the Town's local representatives that until clarification of the Board's questions and concerns relative to the proposed legislation, the Selectmen are opposed to the bill.

Mr. Thompson reported that he had received a call from Mr. Gibson, proponent of the legislation, on October 25, who indicated that, in his opinion the Selectmen would have "pie on their faces" if they retained their position in opposition to the bill.

In response to the Board's question, Town Counsel Paul Kenny stated that he had received no response to the Board's concerns from the proponents.

Mr. Thompson stated that the Board's communication relative to its opposition to the Bill had been widely distributed and that four communications had been sent to the School and the local representatives.

With regard to the status of Senate Bill 1825, Mr. Thompson reported that it was his opinion that the Legislators are presently questioning the bill's particulars and it is being held in the Ways and Means Committee, but that he would confirm its present status.

Town Counsel - Six Month Performance Review

In preparation for Town Counsel Paul Kenny's six-month performance review, Mr. Kenny had earlier submitted to the Board a report dated October 21, 1977

which summarized his activities from January 1, 1977 to September 1, 1977.

Selectman Potell expressed the Board of Assessors' great pleasure with Mr. Kenny's availability and excellent work, both of which aid that Board in its duties.

The Selectmen also expressed their satisfaction with Mr. Kenny's services and complimented him upon the speed and effectiveness of his actions.

Mr. Kenny expressed his opinion that Assistant to Town Counsel Thomas M. French is a valuable asset to the Town Counsel's office and his further opinion that Mr. French is grossly underpaid, stating that Mr. French has now been with the Town for several years and is still underpaid, that his ability and speed have increased greatly and therefore his worth.

On the subject of the backlog of work for which Mr. French had originally been retained, Mr. Kenny and Mr. Thompson reported that the cases have nearly all been cleared up with perhaps one or two exceptions.

Mr. Kenny further commented on the increased work load for town counsels throughout the Commonwealth, and he again mentioned Mr. French's worth to the Office of Town Counsel.

Selectman Toomey suggested that the Board heartily endorse the activities of Town Counsel, and Selectman Potell stated that he would also heartily support the views of the Board of Assessors as to Mr. Kenny's excellent and highly responsible work being done in a timely fashion.

Chairman Powers agreed with the comments of his fellow Selectmen and he stated that he would expand the endorsements to cover the activities of Mr. French.

Mr. Thompson stated that both he and Mr. Kenny were of the opinion that the Board should address the problem of Mr. French's salary for this fiscal year and that they would by submitting a report and recommendation on the same in the immediate future.

CETA Contract

On the subject of the painting of school buildings being an approved project within the scope of the present CETA contract, Executive Secretary Richard E. Thompson reported that at his meeting last week with CETA officials, he had received verbal approval that the painting projects were approved, that he had another meeting this week and was waiting for written approval from CETA.

Mr. Thompson reported that he had asked that all work at the schools cease two weeks ago until written approval is received.

Selectman Toomey expressed his opinion that if painting is scheduled to be done at the schools, money for this activity should be budgeted.

Individually-Rated Personnel Salary Survey

Selectman Potell stated that the matter of a survey relating to salaries of individually-rated personnel had been discussed in the past and he commented

that the Board has received no information on the subject as yet.

The Executive Secretary reported that his completed report is scheduled for December, but that he would prepare an interim report on the subject for the Board's review next week.

Landham Road Advisory Committee

Selectman Potell commented that at an earlier meeting, the Landham Road Advisory Committee had stated that a preliminary report relative to Landham Road reconstruction would be submitted to the Selectmen in October.

The Executive Secretary reported that he would contact the Chairman of the Committee for his update, and the Board requested the Committee's final report within ten days.

Executive Session

At 9:40 p.m., after a unanimous roll call vote, it was

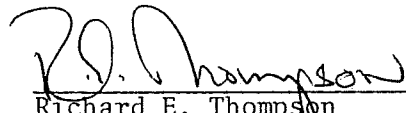
VOTED: To enter into executive session for the purpose of discussing pending litigation.

Chairman Powers reported that the public session would not resume 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 10:00 p.m.

Attest:


Richard E. Thompson
Executive Secretary-Clerk