

IN BOARD OF SELECTMEN
MONDAY, NOVEMBER 14, 1977

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

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

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular and executive sessions of November 7, 1977, as corrected.

Salary Surveys - Individually-Rated Positions

In response to its request last week, the Board received an interim report relative to an individually-rated personnel salary survey from Executive Secretary Richard E. Thompson.

Discussion concerned the presentation at the 1977 Annual Town Meeting which indicated that a comparison survey of individually-rated personnel in surrounding towns for the information of the Personnel Board and a second survey comparing salary figures for each individually-rated position with its equivalent position in private industry would be made in an effort to find out what each position is worth.

Mr. Thompson reported that he would obtain estimates on the latter survey information.

Chairman Powers pointed out that great care must be used in compiling this survey, and he commented on the difficult problem of determining the private industry equivalent of some of the Town's individually-rated positions not found in that sector.

Bid Award - Sewerage System Construction for Town Hall

The Board, at its meeting on November 7, 1977, voted to express its intention to award the bid for the Town Hall sewerage system construction to the low bidder, but to table the award until favorable action is taken on the Board's request for a transfer from the Reserve Fund in the amount of \$3,000 to provide additional necessary funds for the bid award and possible contingencies.

Executive Secretary Richard E. Thompson reported that the Finance Committee, at its meeting on November 10, 1977, had acted favorably on the Board's request, and after discussion, on the recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To award the bid for sewerage system construction for the Town Hall to the low bidder, R. Bates & sons, Inc., 57 Lawrence Street, Clinton, Massachusetts, for the sum of \$13,967.25.

Award Bid - Local Public Works Economic Development Administration Grant

Present: Highway Surveyor Robert A. Noyes

Executive Secretary Richard E. Thompson reported that bids for Contract No. 1, Road Resurfacing under the Local Public Works Economic Development Administration (EDA) Grant had been opened today in the presence of Assistant Town Counsel whose subsequent report, dated November 14, 1977, had been received. Mr. French's report stated that of the three bids received, only one bid had complied with the EDA's minority business utilization bid requirements and the other two bids, in his opinion, would therefore appear to be "informal" bids.

Highway Surveyor Robert A. Noyes reported that he had checked the references of the remaining bidder which were found to be satisfactory, and he recommended that, based on Assistant Town Counsel's above-referenced opinion, the bid be awarded to this bidder, but that it be awarded on a unit price basis and that the work be done under his direction. The Board was in agreement.

As the bid was in excess of estimates for the work, Mr. Thompson reported that he and Mr. Noyes had discussed some curtailing of the proposed program of road resurfacing to stay within the bounds of the grant and had planned, next spring, to notify EDA that the Town may wish to revise the project phasing approved by the Board on October 24, 1977 by bringing in the bid for Concord Road/Lincoln Road intersection as the second phase. Mr. Thompson stated that if this is to be the case, he and the Highway Surveyor would come back to the Board for approval of revised program phasing.

After further discussion, it was on motion unanimously

VOTED: To award the bid for "Road Resurfacing Maynard Road, Concord Road, North Road, and Great Road" -- Items 1-4, Contract No. 1, Road Resurfacing under Economic Development Administration Grant No. 01-51-26415, Local Public Works (Round II) to Sarao Bros., Inc., of Waltham, Massachusetts, for a sum not to exceed \$106,230.30; at a unit price of \$19.62/Ton Bituminous Concrete and \$65/Drainage Structure Adjustment, in accordance with the bid received November 14, 1977;

and it was further

VOTED: To authorize the Executive Secretary to sign and file all necessary documents in this regard with the Economic Development Administration.

Peakham Road Reconstruction

Present: Highway Surveyor Robert A. Noyes

In response to Selectman Toomey's question concerning the precautions relating to the present hazardous condition of Peakham Road between Pratt's Mill Road and Old Lancaster Road due to reconstruction, Highway Surveyor Robert A. Noyes reported that a chemical reaction between the subsurface and the final coat had produced a very slick surface when completed, that the contractor had recently peeled off part of the top coat and would probably overlay the road next spring with another type of surface.

Selectman Toomey suggested that some increased measures in addition to the posted warning signs be taken to warn motorists of the hazardous condition until the condition can be corrected.

Mr. Noyes suggested that radar be used to reduce the speed along that portion of the road which would further decrease the present danger.

Chairman Powers asked if there were something that could be done to create more of a "bite" on the road before winter conditions set in.

Mr. Noyes stated that Peakham Road is a main sanding route and that he did not anticipate any particular difficulty because of the present condition of the road.

After further discussion, the Board requested that the Police Chief be directed to increase the radar patrol of Peakham Road in an effort to lessen the speed at which the road is travelled.

Boston and Maine Railroad Taxes

Executive Secretary Richard E. Thompson reported that a communication dated November 7, 1977, had been received from Assistant Town Counsel Thomas M. French relative to the Boston and Maine Corporation's contact with Sudbury's Tax Collector with regard to its offer to settle claims for taxes from 1970 through June 30, 1977 by payment of two-thirds of the outstanding taxes, interest and penalties waived. Mr. Thompson further reported that the Assessors have indicated their willingness to abate the remaining one-third as well as the interest and penalties and that the Department of Corporations and Taxation has indicated its intent to grant the necessary authorization to communities so that they may accept the offer.

After discussion, on the recommendations of the Tax Collector and the Board of Assessors, it was on motion

VOTED: To authorize acceptance of the offer of Boston and Maine Corporation to pay two-thirds (\$100.94) of the outstanding Boston and Maine Railroad taxes, interest and penalties waived, from 1970 through June 30, 1977. (Selectmen Potell and Toomey in favor; Chairman Powers opposed.)

Illegal Automobile Registration

Executive Secretary Richard E. Thompson reported that, in response to his request, he had received a report dated September 19, 1977 from Assistant Town Counsel Thomas M. French referencing the statute requiring a person from out-of-state to obtain Massachusetts registration upon acquiring a permanent legal residence in Massachusetts (GL Ch. 90 s.90).

Mr. French reported that as soon as an owner becomes a legal resident of Massachusetts, he is required to obtain a local license and registration -- that there is no provision for a "grace period".

Mr. Thompson stated that a recent article in The Boston Sunday Globe (October 30, 1977) had commented on a crackdown by the Registry of Motor Vehicles on cars with out-of-state license plates being driven by Massachusetts drivers as to whether they are legally registered in another state or if they are registered illegally to avoid the excise tax and higher auto insurance costs in Massachusetts. Mr. Thompson commented that the improper registration is a problem to both the Board of Assessors and the Police Department and that it is the Town's intention to enforce this statute vigorously, beginning with Town employees. Mr. Thompson stated that he would send a memo to all Town departments in this regard and would request the Police Department and the Registry to investigate and prosecute all violations and that he would hope that the press would report the problem.

After discussion, it was on motion unanimously

VOTED: To authorize the Executive Secretary to direct a memorandum to all Town boards, committees, and schools, giving notice to employees of the illegality of driving vehicles with out-of-state licenses and asking that the Board be advised of all violations that come to their attention so that immediate appropriate action may be taken.

Selectman Potell suggested that the Town's agent at the Sanitary Landfill be advised that no vehicle with out-of-state license plates should be allowed to bring material to that site unless a special permit is received.

Board of Appeals Associates, Earth Removal Board - Interviews for Appointment

Present: Robert Savoy and Ronald Adolph, members, Board of Appeals; Eugene Bard, Lawrence Blacker, David Horn, Lawrence Prager, Gerald L. Warner, Patricia Glazer, candidates for appointment

Board of Appeals members Robert Savoy and Ronald Adolph met with the Board to interview Eugene Bard, Lawrence Blacker, David Horn, Lawrence Prager, Gerald Warner, and Patricia Glazer as to their interest in and qualifications for serving as Associates to the Board of Appeals and members of the Earth Removal Board.

At the conclusion of the interviews, the Board thanked the candidates for appearing tonight. The Board stated that it would not make the two appointments until next week and requested that any comments or recommendations the Board of Appeals might wish to make be made available in the interim.

Building Inspector - Survey of Site Plans

In response to its earlier request, the Board received an informational report dated October 28, 1977 from the Zoning Enforcement Agent relative to a survey of site plans on file in his office. The Board requested that the Executive Secretary acknowledge the Zoning Enforcement Agent's report and that he be thanked for it.

HUD Fiscal Year 1977 Discretionary Funding Application Approved

Executive Secretary Richard E. Thompson reported that notice dated October 19, 1977 had been received from the Department of Housing and Urban Development (HUD) that the Town's application for Fiscal Year 1977 discretionary funding under the Housing and Community Development Act of 1974 had been approved in the amount of \$150,000 and that it was his recommendation that the funding be accepted by the Board.

Selectman Potell expressed his opinion and concern that, as it is presently necessary to employ a part-time administrator for a similar smaller grant, the Town would require a full-time person to implement the program as soon as the grant is accepted.

Chairman Powers noted that funds for administration of the program were built into the program by its provision that 10% of the grant amount be set aside for this purpose.

Mr. Thompson stated that if it is to be the wish of the Town to hire a replacement for the recently resigned Town Planner, 50% of his time should be involved in this type of project as a function of his office.

Selectman Potell expressed his opposition to accepting the grant because of the need to abide by further direction from the Federal Government.

Chairman Powers stated that this money is for people who are in financial extremity for use for rehabilitation of substandard homes, and he expressed his opinion that the Town should not turn its back on this need.

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

VOTED: To accept Fiscal Year 1977 Discretionary Funding under the Housing and Community Development Act of 1974, in the amount of \$150,000, and to authorize the Executive Secretary to sign and execute all contracts and documents related thereto.

The Selectmen directed the Executive Secretary to inform them prior to seeking any modification or amendments to the program from HUD offices.

Mr. Thompson stated that this would be his policy.

Hawkers and Peddlers' License - Robert J. Perkins - November 22 and 23, 1977

In response to his application dated November 7, 1977, after discussion, it was on motion by Chairman Powers and amended by Selectman Potell

VOTED: To grant a Hawklers and Peddlers' license to Robert J. Perkins, 14 Petrell Park, Weymouth, Massachusetts, for November 22 and 23, 1977, to sell cookware, ovenware, and smoke alarms at the Wayside Package Store parking lot on November 22 and 23, 1977 between 10 a.m. - 5 p.m., subject to approval by the Police Department. This license does not extend to the requested rain dates of December 1 and 2, 1977, as the applicant's State License expires on November 23, 1977 and no renewal has been indicated. (Chairman Powers and Selectman Potell in favor; Selectman Toomey opposed.)

Legislation for Court Reform

The Board received a communication dated November 2, 1977 from Governor Michael S. Dukakis requesting support of court reform legislation.

After discussion, it was on motion by Selectman Toomey unanimously

VOTED: To send letters to the Governor and local legislators indicating the Board's support of court reform.

Goodnow Library Trustees - Library Funds

Following the Board's review and discussion of a request dated November 7, 1977 from the Goodnow Library Trustees, it was on motion by Selectman Toomey unanimously

VOTED: That the Board, under the provisions of Chapter 180 of the Acts of 1911, sitting as co-trustees of Town donations, make the sum of \$500 from the Goodnow Fund income account available to the Goodnow Library Trustees for the purpose of continuing their program for preservation of historic documents and the purchase of materials related to local history and genealogy, subject to the concurrence of the Town Treasurer, as co-trustee.

Minuteman Educational Development Corporation

The Board received a communication dated November 7, 1977 from Ronald J. Fitzgerald, Superintendent-Director, Minuteman Regional Vocational Technical School District, in response to the Board's position on Minuteman's incorporation as a non-profit organization presently before the Legislature.

The Board agreed to defer the matter until next week when Town Counsel is present.

Resignation - Earth Removal Board

The Board received a communication dated November 1, 1977 from Myron J. Fox, who tendered his resignation from the Earth Removal Board effective November 2, 1977, as he has been appointed to the Board of Appeals.

As Mr. Fox's appointment to the Earth Removal Board was concurrent with his previous appointment as an Alternate to the Board of Appeals, the Board accepted Mr. Fox's resignation and directed the Executive Secretary to acknowledge his letter and to thank him for his service on that Board.

Appointments

The Board, at its meeting of November 7, 1977, voted to table until November 14 consideration of a request dated October 26, 1977 from the Chairman of the Talent Search Committee relative to an appointment to that Committee, as the recommended candidate had also indicated interest in serving as an Alternate to the Board of Appeals and was interviewed in this regard earlier tonight.

As the decision relative to appointments to the Board of Appeals Alternates will not be made until next week, it was on motion unanimously

VOTED: To defer consideration of the above-mentioned request until November 21, 1977.

Landham Road Advisory Committee - Status Report

The Board received an information status report dated November 10, 1977 from the Chairman of the Landham Road Advisory Committee which set forth votes of the majority of that committee relative to various recommendations for road reconstruction.

Selectman Toomey stated that it was his opinion that a minority report would be forthcoming and the Executive Secretary was directed to make inquiry in this regard.

Chairman Powers stated that the matter of the "scenic roadway" designation will have to be taken up with the Town Engineer and the Highway Surveyor before any action is taken by the Selectmen and that this could be done while awaiting the minority report.

Trailer Permit - Union Carbide Corporation, Linde Division*

In reponse to a request dated November 9, 1977 from Arthur C. Morgello, Plant Manager, Union Carbide Corporation, Linde Division, after consideration, it was on motion unanimously

VOTED: To grant permission to Union Carbide Corporation, Linde Division, for the temporary use, on their property, of a 46' X 10' office trailer from November through March 1978, subject to receipt of a bond for its removal in the amount of \$1,000.

(*NOTE: Selectmen's Office informed by Mr. Morgello, by telephone on November 17, 1977, that the request for a trailer permit was withdrawn.)

Annual License Renewals

The Board reviewed a list of business establishments within the Town and the licenses (alcoholic beverages, common victualer, weekday entertainment, automatic amusement devices, and second-hand motor vehicles) currently held by each. Also received were reports from Fire Chief Frost, dated November 15, 1977, relative to his annual inspections for license renewals; the Building Inspector, dated November 10, 1977, relative to used car license renewals; his second report, dated November 10, 1977, relative to annual inspection of businesses for renewal of licenses; and a report from Administrative Secretary Janet Silva, dated November 11, 1977, indicating Board of Health Director John Sullivan's verbal report that he is presently working with each business for compliance of various matters, and will advise the Board in writing when all is in order.

After discussion, it was suggested that the question of approving annual license renewals be tabled until next week to enable receipt of the following additional information:

- 1) a report from the Tax Collector relative to any outstanding taxes on the businesses listed;
- 2) a more detailed report from the Building Inspector, Fire Chief and Health Director relative to violations observed during their annual inspections of license-holding business establishments;
- 3) a check of all applications for each business to insure that the applications are signed by the same person;
- 4) a check of those establishments licensed for weekday entertainment only, as to whether entertainment is also supplied on Sundays without a license; and
- 5) an indication of which businesses currently hold Lord's Day licenses and expiration dates of the same.

After further discussion, it was on motion unanimously

VOTED: To table further consideration of the question of approving annual license renewals until November 21.

Automatic Amusement Devices Application - Sudbury House, Inc.

After discussion, it was on motion unanimously

VOTED: To table consideration of the question of granting a weekday license for automatic amusement devices to Gerald W. Brogna, Manager, Sudbury House, Inc., 410 Boston Post Road, until November 21, 1977, at which time the question of renewal of similar licenses will be considered.

1978 Annual Town Meeting Articles

The Board reviewed 1978 Annual Town Meeting articles - non-monied and monied -

as well as proposed articles on which the Board may wish to take a position, as follows:

Non-Monied

1. Amend Bylaw Article VI, (A) - Removal of Earth - Change in appointment so that term can coincide with appointment to another board, such as Board of Appeals Associate Members. The Board agreed to proceed with the article.
2. Abolish Citizen's Task Force - The Board agreed to proceed with this article.
3. Abolish Industrial Development Financing Authority - The Board directed the Executive Secretary to schedule a meeting with members of the Industrial Development Commission for discussion of a possible article.
4. Consolidate Historical Commission with Historic Structures Commission - Board agreed to a bookmark article in this regard and will await recommendations from the Committee on Town Administration as to possible abolishment of both commissions.
5. Amend Bylaw Article III Town Affairs, Section 2 - This article would move up dates on which board and committee reports are due to the Town Accountant and, subsequently, to the Selectmen following the Town Accountant's audit of the same. The Board agreed to a bookmark article and requested further information from Town Counsel.
6. Sell Tax Possession Parcel No. 164, lots 21 and 22 on Willis Lake Drive, to Mr. and Mrs. Robert Dunne. The Board agreed to proceed with the article.
7. Create Bylaw Article to provide for elected officials to take office at the adjournment of the Annual Town Meeting instead of after Town Election. No position was taken on this article.
8. Amend Bylaws to eliminate dog control provision - The Board agreed to proceed with the article. The Executive Secretary was directed to obtain an update from the Dog Officer and the Assistant Dog Officer on the spending of the Dog Control Salary account.
9. Amend Zoning Bylaws to comply with Chapter 40A - Chapter 808 - to be reviewed by the Planning Board.
10. Amend Bylaw Article XII, Section 1 - Personal Property Bylaw - To limit and specify requirement for public bidding to dispose of obsolete property. The Board agreed to proceed with the article.

Monied Articles

1. Construct Police/Fire Headquarters - \$1,242,000 - Board agreed not to proceed - try to obtain Federal funding.
2. Use of unused loan balances for school additions:
 - a) 1970 ATM Article 54 - \$9,550.89
 - b) 1970 ATM Article 55 - \$9,756.76 - Bookmark article.

The Board requested clarification of backup material for this article and preparation of bookmark article.

3. Peakham Road/ Old Lancaster Road intersection reconstruction - \$4,500 - Board agreed to proceed.
4. Town Audit - Defer until next year.
5. Update Property Values - Bookmark article. Town is waiting for further instruction from the Department of Corporations and Taxation as to how to correct the Town's plan for implementing 100% valuation before proceeding.
6. New Dog Control Facilities - Bookmark article. Executive Secretary to have a report.
7. Caterpillar Program - either budget line item or bookmark article.
8. Tree Planting Program - either budget line item or bookmark article.

Town Litigation

On the subject of the recent court case referred to in the letter to the Board from Attorney Peter R. Gossels dated July 13, 1977 and his subsequent letter dated November 8, 1977, after discussion it was on motion by Selectman Potell unanimously

VOTED: To instruct Town Counsel to pursue reclaiming all legal fees through the Dorchester Mutual Fire Insurance Co., as referenced in the aforementioned letters.

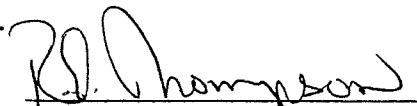
FY1878-79 Collective Bargaining Negotiations

The Board requested the Executive Secretary to schedule Labor Relations Counsel Richard W. Murphy at 6:30 p.m., November 21, 1977 for discussion of FY1978-79 collective bargaining negotiations.

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

VOTED: To adjourn the meeting at 9:45 p.m.

Attest:


Richard E. Thompson
Executive Secretary -Clerk