

IN BOARD OF SELECTMEN
TUESDAY, OCTOBER 11, 1977

Present: Chairman 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. by Chairman John C. Powers.

Appointment - Long Range Capital Expenditures Committee

Present: James Pitts, candidate

Following an interview relative to his interest in serving on the Long Range Capital Expenditures Committee, it was on motion by Selectman Potell unanimously

VOTED: To appoint James Pitts, 6 Ruddock Road, to the Long Range Capital Expenditures Committee for a term to expire on April 30, 1980.

Sudbury Auxiliary Police - Five-Year Plan

Present: Lieutenant Edward J. Murphy, Sudbury Auxiliary Police;
Patrolman Alan Houghton

The Board, at its meeting on October 3, 1977 voted to table further discussion of the Auxiliary's request to deviate from that unit's five-year plan by the purchase of a patrol vehicle in FY1978 rather than FY1979 until receipt of additional information relative to all costs of the new proposal as well as the Auxiliary's commitment through June 30, 1978.

Executive Secretary Richard E. Thompson reported that the cost of insuring the requested vehicle would be \$220 per year and that he had found reference to patrolling in the transcript of the 1977 Annual Town Meeting, but that the final vote relative to the appropriation did not pertain to the vehicle. Mr. Thompson further reported that it was the position of the Selectmen, at their meetings prior to the sessions of the Annual Town Meeting that a departmental vehicle might become available for transfer to the Auxiliary, but as this was not the case it was now his recommendation that the Board support the Auxiliary's plan with the concurrence of the Finance Committee and subject to approval by the Town Accountant.

Mr. Thompson had earlier submitted to the Selectmen results of a survey dated October 7, 1977 relative to Auxiliary Police Forces of surrounding and nearby towns which specified the size of those forces, their budgets, and the availability of vehicles, and this survey was reviewed and discussed.

Selectman Potell expressed his concern that the cost of the vehicle at \$750 and the insurance at \$220 plus the cost for gasoline, tires, etc., would leave such a small balance in their budget for the remainder of the year.

Mr. Edward Murphy stated that maintenance of the vehicle would be provided by the Auxiliary, and he estimated that the gasoline costs for patrolling two nights per week, calculated at \$.70 per gallon, would be \$364 until June 30, 1978. Mr. Murphy stated that, in the Auxiliary's opinion, there was sufficient money for its program without the need for going back for more money.

Chairman Powers stated that he was not adverse to adopting the Executive Secretary's recommendation, but the Auxiliary should be aware that it must sell the Finance Committee on the proposal as, in his opinion, the request should have the concurrence of that Committee.

Mr. Murphy stated that the Auxiliary was totally aware that its budget will be tight.

Patrolman Houghton asked whether the Town would object to the use of gasoline at Station 2 and after discussion, it was agreed that the Auxiliary would try to make arrangements in this regard.

Selectman Potell stated that he wished to defer the matter until Selectman Toomey is present, and he expressed his concern with questions of authority, liability, and total costs.

Chairman Powers was in agreement that the matter be so deferred, and it was on motion unanimously

VOTED: To table further consideration of the above-referenced proposal until the Board's October 17, 1977 meeting.

Chairman Powers suggested that the Auxiliary, in the meantime, discuss the proposal with members of the Finance Committee.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular and executive session of October 3, 1977, as submitted.

Heritage Park Account - Dedication of Harmony Gardens Patio

After discussion, it was on motion by Selectman Potell unanimously

VOTED: To approve the expenditure of \$100 from the Heritage Park Account for expenses involved in the dedication of the Harmony Gardens patio on the occasion of Miss Florence Hosmer's 97th birthday, October 20, 1977;

and it was further

VOTED: To present to Miss Hosmer on that day The Boston Post came as she is the oldest citizen in the Town of Sudbury.

Sudbury Auxiliary Police - Request for Town Counsel's Report

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

VOTED: To refer the following matters to Town Counsel for his report on October 17:

1. What statute gives the Auxiliary Police authority to patrol Town-owned lands.
2. What is the Town's liability if any arrest, accident or any other event happens on the part of or caused by an Auxiliary Police Officer.
3. Is Auxiliary Police training, as referenced in State statute, defined as supervised training or can it be unsupervised training.

Town Counsel suggested that this matter would be affected by the proposed Special Police legislation, and he asked if the Board wanted his opinion to tie into that issue.

It was the consensus of the Board that these were separate issues and that it was not necessary that his report include the legislation.

The Executive Secretary reported that the Board has either recorded in its minutes or received in writing from the previous Town Counsel answers to parts of Selectman Potell's questions, and he stated that he would research the matter and have this material available for Town Counsel's perusal.

Mr. Kenny stated that he was of the opinion that he had also earlier submitted a report on this matter to the Board.

Reserve Fund Transfer - Selectmen's Office Equipment Maintenance

After discussion, it was on motion by Selectman Potell unanimously

VOTED: To approve Request No. 0749 for a transfer from the Reserve Fund to Account 501-31, Selectmen's Office Machines Maintenance, in the amount of \$200 for overhaul of an inoperable typewriter.

Boy Scout Troop 62

The Board received a letter of appreciation from William S. Farrell, Scoutmaster, Troop 62, thanking the Board for the donation of the wood at Heritage Park. Troop 62 received \$300 from the sale of the wood, which will be distributed among the seven scout troops in the Town.

1977 Annual Town Report - Review of Specifications and Schedule

Executive Secretary Richard E. Thompson reported that Mr. Gerry Westcott, member of the Town Report Preparation Committee, was expected to be present later tonight to review with the Board the specifications for the Proceedings and the Annual Town Report, which have been changed to correct a number of past problems.

Mr. Thompson reported that Town Counsel had reviewed the specifications and he then read Town Counsel's comments to the Board.

Mr. Thompson reported that he had confirmed with Town Clerk that the specifications and scheduling with regard to the Proceedings met with her satisfaction.

After discussion with regard to the changes, it was on motion by Selectman Potell unanimously

VOTED: To accept the specifications and schedule for the 1977 Annual Town Report as prepared by the Town Report Preparation Committee and approved by Town Counsel.

Later in the evening Mr. Westcott appeared and was informed of the Board's above action.

After discussion of the changes in the specifications, Mr. Westcott expressed his opinion that it was an ambitious undertaking to complete within the \$4,000 budget, as it must be estimated that the report will cost \$1.00 to \$1.25 per copy, and he further stated that, as he is in the printing business, he would not wish his name associated with a report of inferior quality.

Discussion also included the possibility that no bid would be received within the appropriation, in which case the Committee would have to appear before the Finance Committee.

Proposed Litigation Relative to Financing Public Education

Present: Al Vigderman, Massachusetts League of Cities & Towns' staff member; Ralph Brooks, Business Manager, Lincoln Sudbury Regional School District; N. Cornell Gray, Chairman, Sudbury School Committee; Philip Felleman, Chairman, Linda Glass, and Anne Donald of the Finance Committee

Executive Secretary Richard E. Thompson reported that the Board, at its August 16, 1977 meeting, had voted to endorse and finance a suit to challenge the present method of financing public education and, by subsequent letter, had asked the Sudbury School Committee if it wished to join the suit either verbally or financially. Mr. Thompson reported that a member of the Finance Committee was present at that meeting who, on his own initiative, stated that he would take this matter back to the Finance Committee asking for its support. Mr. Thompson further reported that the Finance Committee and the Sudbury School Committee have many questions regarding the suit and are dubious as to whether it would be of benefit to the Town and that further information had been requested by all boards.

Mr. Thompson stated that he had then contacted Mr. Al Vigderman of the staff of the Joint Legislative Offices, who had indicated his willingness to meet with the Board tonight to answer questions in this regard. Mr. Thompson reported that the Regional School District Committee was unable to be present tonight, but that Superintendent Levington had responded by sending the District's Business Manager, Mr. Ralph Brooks.

Mr. Thompson introduced Mr. Vigderman, stating that he was a retired

Foreign Service Officer and a graduate of Pennsylvania Law School and had recently joined the staff of the Joint Legislative Office.

Mr. Vigderman reported that the proposed lawsuit would challenge the way public education is paid for in Massachusetts and that the suit would follow the pattern of similar suits which had been successfully brought in several other states, particularly those in California, New Jersey, and Connecticut, and would claim that, because the amount spent on a child's education in Massachusetts depends on where he lives, the present system is unfair to the child who lives in a poorer community and that children in the less affluent communities are deprived of the equal protection of the law--a situation which could be declared unconstitutional by the courts and could result in the State Legislature's being ordered to produce a new law to correct the unfairness. Mr. Vigderman reported that there is no Federal constitutionality question raised and that the Federal courts will not become involved in this issue. Mr. Vigderman stated that the case most similar to Massachusetts' is the Connecticut case, in which the court found that the state's constitution required a change in the method of funding education.

Mr. Vigderman reported that Massachusetts had the highest property tax in the nation and that it was forty-fourth in rank for receiving State funds and that, as amounts for regular education decline, this inequity becomes more pronounced. Mr. Vigderman stated that they are trying to create a situation to require the Legislature to act to change the present method and that the kind of relief they are seeking is not to tell the Legislature specifically what must be done, but to make it realize that the existing system, supplemented by a very small amount of State aid, will not do and must be changed. Mr. Vigderman further stated that, if the court is in agreement, it will set down certain guidelines which they hope will improve the situation generally and for everybody-- that the goal of the suit is to have the money for education less dependent on the property tax.

Finance Committee Chairman Philip Felleman stated that what is being questioned is the particular percentage of educational monies which come from the property tax, which in his opinion, would create a larger region into which to pay property taxes.

Mr. Vigderman stated that they are hoping for an end result which is better than the present situation.

Sudbury School Committee Chairman Cornell Gray asked, assuming that the State would pay 80% of the school tax, what impact this would have on the present sales and/or income taxes.

Mr. Vigderman stated that the gain would be the compulsion on the Legislature to act, that this is within a speculative realm, and that it is not known whether more or less money will be spent in total.

Mr. Gray expressed his opinion that from the State's past history more money would be spent.

Selectman Potell stated that, in his opinion, one of the things that could come out of a successful suit would be the stopping of the Legislature from passing laws relative to education which would not have to be funded by the State.

Chairman Powers was in agreement.

Mr. Gray stated that it was his belief that one of the most successful pressure groups on the Legislature is the Massachusetts Teachers Association (MTA).

Chairman Powers stated that many of the special programs the MTA supports are passed because there is no repercussion on the legislators themselves, but passed on instead to local officials.

Mr. Vigderman, referring to a recent tax study, stated that in examining the State's tax structure, it is beyond debate that we are leaning very heavily on the property tax, which is something the local officials have to worry about, and that, considering the State's position as forty-fourth in rank in terms of State aid, other states have recognized that the escalating cost of education cannot continue to be placed on the property tax. Mr. Vigderman stated that it is hoped that Massachusetts can be brought more in line with other states where the property tax is not so heavily leaned on.

Chairman Powers stated that what is happening here is the degree of absorption of money that is left, which has reached almost panic proportions--how much can the property tax cover--and he stated that there are needs other than educational needs and the demand for those other dollars increases as inflation continues. Chairman Powers stated that there is not enough money to go around and as demands increase within local government, it makes for conflict among town departments, and, in his opinion, money could be sought on a general basis which would take pressure out of this situation.

Mr. Thompson reported that one of the largest attendances of State elected officials in cities and towns and representatives of the State Department of Education was the hearing endorsing the revenue sharing formula for distribution of State aid.

Mr. Gray expressed his concern, if the suit was successful, with a new mechanism for channeling money to schools, based on the State's past record of handling other centralization of State-involvement, such as welfare.

Mr. Vigderman stated that they did not anticipate that an increase in State control would accompany an increase in educational funds.

Mr. Gray stated that there are guidelines from the Department of Education which, if not followed after the suit was successful, might make a difference in how much funding was received from the State.

Chairman Powers stated that the Department of Education does have the authority to withhold funds for not following their guidelines.

Mr. Felleman asked whether, if relief from property taxes in Sudbury was received, the Town would be any better off.

Chairman Powers stated that the funding of education is limited at this time to the property tax. Mr. Powers further commented that we must not stand by idle and let the situation worsen-- to do nothing is unconscionable.

Mr. Vigderman stated that he would agree that what matters is the total tax bill and that the balance among the taxes must be rational--that one tax cannot be overworked while others remain underworked.

Chairman Powers stated that the property tax has now reached the point where it is confiscatory, that if this continues, the State will own all the property, and that he would recommend to the Finance Committee and the School Committee the reading of 1971 House Bill 5447 and House Bill 5841, April 15, 1975.

Mr. Felleman stated that last year the Town spent approximately \$8,000,000 and received approximately \$3,000,000 in State aid--approximately 35% of expenses. Mr. Felleman further stated that he was concerned that the remedy may not cure the situation, and he suggested that the suit should request the court to make specific recommendations to the Legislature.

Mr. Vigderman stated that in other jurisdiction once the Legislature has acted, the case can go back to the court so that the court can pass on the question of whether the Legislature has complied with the court's decree.

After further discussion, Chairman Powers thanked Mr. Vigderman and Town officials representing their respective committees for their attendance tonight.

Sign Review Board

Selectman Potell reported on his attendance at a recent Sign Review Board meeting. Among the items discussed were complaints relating to an unauthorized "sandwich" sign at the Shell station and a small sign attached to the original approved sign at "99" restaurant, which were referred to the Zoning Enforcement Agent for disposition.

Also discussed and agreed upon was a procedure for receiving and delivering sign applications.

Junk Car Violation

Selectman Potell reported the receipt of telephone complaints relating to unregistered, junk cars on both sides of the street at a particular location on Maynard Road.

Chairman Powers stated that the Town has a bylaw covering the removal of unlicensed vehicles, and, after discussion, it was agreed to instruct the Zoning Enforcement Agent to take appropriate action in the matter immediately

and to forward to the Board a subsequent report in this regard.

Compulsory and Binding Arbitration Petition Drive

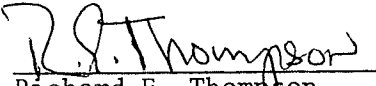
The Board received an informational memorandum dated October 11, 1977 from Chairman Powers relative to the compulsory and binding arbitration petition drive, which was briefly discussed. As this matter will be an issue at the Annual Business Meeting of the Massachusetts League of Cities and Towns held in conjunction with the Joint Annual Meeting of the League, the Massachusetts Selectmen's Association, the Mayors' Association, and the Management Association, and as Chairman Powers will be unable to attend this session of the meeting, it was on motion unanimously

VOTED: To designate Selectman Ira M. Potell as the voting delegate for the Town of Sudbury at the Massachusetts League of Cities and Towns Annual Business Meeting, commencing at 4 p.m. on October 21, 1977 in Hyannis.

Note: This vote cancels the vote of September 12 delegating Chairman Powers. There being no further business to come before the Board, it was on motion unanimously

VOTED: To adjourn the meeting at 9:30 p.m.

Attest:


Richard E. Thompson
Executive Secretary - Clerk