

IN BOARD OF SELECTMEN  
MONDAY, DECEMBER 4, 1978

Present: Chairman John E. Murray and Robert J. Hotch

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

Warrant for Special Town Election - January 22, 1979

It was on motion unanimously

VOTED: To sign the Warrant for the Special Town Election of January 22, 1979, to be posted in accordance with the Town Bylaws.

Public Notice - Jurors

Executive Secretary Richard E. Thompson stated that there is a new procedure in Middlesex County only for selecting jurors, instituted in accordance with Chapter 415 of the Acts of 1977 (Massachusetts General Laws, Chapter 234A), which, if successful, will be adopted state-wide. Mr. Thompson explained some of the changes of the new system, and recommended that the Board consider posting a public notice, as a paid advertisement in the Town Crier or the Bentley Calendar, since the office of the Board of Selectmen has received many inquiries from residents regarding this new procedure.

Mr. Thompson read a public notice which he had prepared, and it was the consensus of opinion of the Board that said public notice be submitted for publication as read.

Minuteman Regional Vocational Technical School District Entitlement

The Board received a communication dated November 24, 1978, from Gregory R. Anrig, Massachusetts Commissioner of Education, responding to its request that the Minuteman Regional Vocational Technical School District (MRVTSD) receive its proper entitlement for 1978-79 under the local aid formula.

Executive Secretary Richard E. Thompson pointed out that the above-mentioned communication was addressed to Chairman John E. Murray, and that no other Town officials had received a copy; and that the communication mentions an upcoming meeting and hearing concerning the Chapter 70 regulations to determine adjustments of State aid.

The Board agreed to send a copy of Mr. Anrig's communication of November 24, 1978, to Ronald J. Fitzgerald, Superintendent of MRVTSD, Superintendent David Levington, LSRHS, and to Sudbury School Superintendent John O'Neill; and to follow the outcome of the meeting and the hearing by the Massachusetts Board of Education to be sure that MRVTSD receives its correct entitlement.

Standard Metropolitan Statistical Area

The Board received a communication dated November 22, 1978, from Director Joseph W. Duncan, U. S. Department of Commerce, responding to its request for a

separate "Framingham-Natick-Marlborough" Standard Metropolitan Statistical Area (SMSA) and furnishing a copy of the proposed criteria for defining metropolitan statistical areas for the Board's review and comment.

Executive Secretary Richard E. Thompson commented that the proposed Framingham/Marlborough SMSA does not qualify under the new regulations due to a very minor technicality, and recommended that the Board continue to support Framingham, as they have in the past, in their endeavor for a separate "Framingham-Natick-Marlborough" Standard Metropolitan Statistical Area.

The Board concurred with the recommendation of the Executive Secretary; Selectman Robert J. Hotch requested a copy of the proposed criteria for defining metropolitan statistical areas, furnished by the United States Department of Commerce.

#### Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular sessions of November 21, 1978, and November 27, 1978, as amended.

#### Town Historians

The Board acknowledged receipt of a communication dated November 21, 1978, from George D. Max and Forrest D. Bradshaw relative to their appointment status as Town Historians.

Selectman John E. Murray indicated that the appointments of Town Historians, as well as several other annual Town appointments, have been held by the Selectmen in an effort to pursue other recommendations and expressed interest for those various positions; the Executive Secretary noted that Town Counsel had advised the Board that the duties/functions of those annual appointments not yet made (such as Town Historians) are continued by the person(s) currently holding the position.

#### Gasoline Bid for Town Vehicles

It was on motion unanimously

VOTED: To table the matter of awarding a bid for furnishing gasoline for Town vehicles until Town Counsel can submit his recommendation to the Board of Selectmen relative to the same.

#### Accepting Gift - Council on Aging

It was on motion by Selectman Robert J. Hotch unanimously

VOTED: To accept a gift in the amount of Five Hundred Dollars (\$500) from the Sudbury Foundation to be used to partially fund a Council on Aging Christmas party for the elderly on December 13, 1978.

#### Current Items of Interest

The Executive Secretary announced a scheduled meeting with the Permanent Building Committee, the Long Range Capital Expenditures Committee, the Finance

Committee liaisons, the Police and Fire Chiefs and the Selectmen to tour the Police and Fire Stations on December 16th from 9:00 a.m. to approximately noontime.

The Board directed the Executive Secretary to invite the candidates running for the office of Selectman in the Special Town Election of January 22nd to join the tour; the Selectmen also requested that the Executive Secretary send agenda and any requested material to these candidates each week until the Election.

The Board asked the Executive Secretary to send a letter of thanks to Janice L. Donahue, 111 Old Lancaster Road, and to Jack Braim, Park and Recreation Commission maintenance foreman, for the beautiful Christmas tree Mrs. Donahue donated from her property and Mr. Braim cut down and transported to the Sudbury Center Common for decorating.

Chairman John E. Murray recessed the meeting for a five-minute coffee break at 8:05 p.m.; the meeting was called back to order at 8:10 p.m.

#### Will of Harry Clinton Rice

Chairman John E. Murray announced that the Town of Sudbury has recently learned of its inheritance under the terms of the will of the late Harry Clinton Rice.

Executive Secretary Richard E. Thompson read Article VII of said will, which bequeathed a sum of money for the establishment of a "Rice Museum Fund" to be used by the Town of Sudbury for a museum of American history, including American Indian history, and in particular the history of New England and Sudbury, with the provision that the Selectmen shall act as Trustees of the Fund and the museum.

Executor of the will, Attorney John C. Powers, stated that the sum of money will exceed \$100,000, and is the largest donation to the Town in the Town's history.

#### Joint Meeting with Historical Commission

Present: Chairman Patricia F. Hersey, John C. Powers, Richard C. Hill and Donald B. Devoe, Historical Commission.

Chairman John E. Murray welcomed the members of the Historical Commission for a joint general meeting with the Board of Selectmen relative to joint involvement regarding plans for restoration of the Hosmer House.

Executive Secretary Richard E. Thompson explained the initial appraisal and inventory work has been completed by the Selectmen's office in anticipation of probate of the will of the late Florence A. Hosmer. Mr. Thompson also explained that the Long Range Capital Expenditures Committee has been notified that there will be a required future expenditure dealing with the Hosmer House and that through them the public may be made aware that at some point in the near future it will be necessary to expend funds for this restoration. Mr. Thompson stated that the Selectmen submitted a figure to the Long Range Capital Expenditures Committee (LRCEC), itemizing those cost figures to make the building (Hosmer House) a structurally sound facility. Mr. Thompson recommended that the Board officially designate and give instructions to the Historical Commission to prepare an immediate and long-range plan for community use of the Hosmer House.

Historical Commission member John Powers cautioned the Selectmen on using dollar figures for restoration of the Hosmer House as done in its recent submission to the LRCEC without careful cost analyses, especially in this era of "Proposition 13" fever. Mr. Thompson replied that the Selectmen's submission to the LRCEC was in the same form and dollar amounts as the grant application submitted to the State Historical Commission this year but subsequently not funded.

Mr. John C. Powers stated that it is the intention of the Commission to make a recommendation to the Board of Selectmen relative to the Hosmer House in the near future, hopefully within the next two to three weeks. Mr. Powers further stated that the Commission is interested in a "total plan package" for the Hosmer House and suggested obtaining the services of an architectural historian to perform a study and prepare the plans for the Historical Commission and the Board of Selectmen, so that it will be a knowledgeable plan, possibly read for submission to the 1980 Annual Town Meeting.

Selectman Murray suggested that in the meantime the Historical Commission could gather data surrounding the history of the Hosmer House in preparation for their meeting with whomever is selected as the architectural historian. Selectman Murray also suggested that consideration be given to a public subscription of funds by means of some public affair.

Following further discussion it was on motion by Selectman John E. Murray unanimously

VOTED: To officially designate the Historical Commission as the Board's agent to prepare immediate and long-range plans and recommendations for future use of the Hosmer House and to report back to the Board of Selectmen as soon as is practical, taking into consideration the comments made tonight.

Committee Chairman Patricia F. Hersey submitted the Historical Commission's Fiscal Year 1979-80 budget to the Selectmen for their review and support.

Legal Expenses Report - Department of Public Utilities Case 18153

The Board reviewed a report from Town Counsel dated November 29, 1978, updating the legal expenses involved in the Department of Public Utilities (DPU) case 18153 relative to Extended Local Calling.

Executive Secretary Richard E. Thompson reviewed Town Counsel's memo dated November 29 on the subject and noted the amount necessary to complete the active legal participation in said case to be projected at \$3,500.

Selectman Murray expressed his opinion the case should proceed on the advice and recommendation of Town Counsel.

In answer to Selectman Robert J. Hotch, Mr. Thompson stated that Sudbury has received verbal support only from surrounding towns, no financial support. Also in answer to Selectman Hotch's concerns regarding expending additional funds on the telephone case and the depleting legal budget, Mr. Thompson stated that the estimated savings to residents by the experimental Extended Community Calling Service has exceeded the money spent to date by the Town on legal fees; and further indicated the amount of \$3,500 could be taken from the Labor Relations portion of the Law Account which remains intact due to a two-year labor relations contract settlement.

Selectman Hotch expressed reservations about proceeding with the DPU case, inherited from past Selectmen's actions, and further questioned the wisdom of using funds earmarked in the Law budget for Labor Relations work, even though it might be a legitimate expenditure. Selectman Hotch concluded by saying the case has probably proceeded too far to stop now.

Chairman Murray reiterated that we should proceed and added that a favorable decision would be a great cost benefit to the townspeople. In addition, Mr. Murray stated the use of the funds from the legal account are proper because they are voted as a lump sum item by Town Meeting..."It's too late to stop now!"

Following further discussion it was on motion unanimously

VOTED: To acknowledge Town Counsel's report dated November 29, 1978, relative to an update of the legal expenses involved in the Department of Public Utilities Case 18153 (Extended Local Calling), with the Board's concurrence to proceed with the final participation in said case in accordance with Town Counsel's above-mentioned report.

The Executive Secretary was so directed to inform the Finance Committee.

Public Hearing - 99 Restaurant, 698 Boston Post Road

Chairman John E. Murray convened a Public Hearing under G.L. Chapter 138 on the application of Francis V. Strachan, Manager, 99 West, Inc., d/b/a "99", 694-698 Boston Post Road, for approval to change the described premises relative to its Common Victualler All Alcoholic Beverages License by eliminating the bar in the function room; and, further, for approval of a change in the officers of 99 West, Inc., involving the elimination of Theodore S. Hatch as Assistant Treasurer, which office is not presently filled.

Executive Secretary Richard E. Thompson reported that all appropriate abutters and Town officials had been notified, and that reports had been received as follows: 1) a report from the Board of Health dated December 1, 1978, stating no objection to the elimination of the bar in the function room providing there is no increase in seating over the capacity of 178; 2) a report from the Building Inspector dated November 30, 1978, stating that the bar in the function room has been removed and a screen wall installed, and the seating remains the same at 178; and 3) a report from the Fire Chief dated November 27, 1978, stating no objection to the removal of the bar in the function room.

Due to non-attendance of the applicant, it was on motion by Selectman Robert J. Hotch unanimously

VOTED: To continue and reschedule to December 18, 1978, at 9:00 p.m. the Public Hearing on the application of Francis V. Strachan, Manager, 99 West, Inc., d/b/a "99", 694-698 Boston Post Road, for approval to change the described premises relative to its Common Victualler All Alcoholic Beverages License; and further, for approval of a change in the officers of 99 West, Inc., at which time, if said applicant/parties concerned do not appear, said application will be denied.

Town Meeting Articles - Non-monied

Executive Secretary Richard E. Thompson distributed a list of the 1979 Annual Town Meeting non-monied articles, and following a review of the same, it was on motion unanimously

VOTED: To accept the twenty-two articles listed below submitted for the 1979 Annual Town Meeting under the December 1st deadline; and to accept the recommendation made by the Executive Secretary relative to the Street Acceptance article to isolate Newbridge Road from the other listed streets, therefore creating two Street Acceptance articles:

Hear Reports  
Temporary Borrowing  
Amend Bylaws, Art. XII, 1 - Town Property  
Amend Bylaws, Art. V(A) - Removal of Earth  
Transfer Tax Possession Parcel 164 to Conservation  
Special Act - Special Police  
Amend G.L. Chap. 111, Sec. 31D - Septage Facility, Billing and User Fees  
Street Acceptances  
Street Acceptance - Newbridge Road  
Personnel Administration Plan  
Classification and Salary Plan  
Lincoln-Sudbury Contingency Fund  
Lincoln-Sudbury Roof Repairs  
Special Act - Five-member Board of Selectmen  
Special Act - Appoint Town Treasurer  
Special Act - Appoint Tax Collector  
Amend Bylaws, Art. XI, Sec. 7 - Personnel Administration Plan  
Amend Bylaws, Art. V - Public Safety  
Amend Wayland/Sudbury Septage Disposal Agreement  
Scenic Roads Designation  
Abolish Committee on Town Administration  
Amend Bylaws, Art. IX, Sec. IV - Cluster Development Provision

Selectmen's Town Meeting Articles - Monied

Following discussion the Board tentatively approved an article for the 1979 Annual Town Meeting Warrant to be submitted by the Selectmen for \$3,000 to update plans and specifications to obtain new construction cost estimates for a new Police/Fire Headquarters; said article to be reviewed following the tour of Police and Fire facilities on December 16th.

Continued Review of Operating Budgets under Jurisdiction of Selectmen

Law Budget

Executive Secretary Richard E. Thompson stated that the Board met December 2nd to review those budgets which are under the jurisdiction of the Selectmen, and that tonight's meeting is a continuance of last Saturday's meeting in order to have Town Counsel present for further discussion of the Law Budget which was prepared in conjunction with him.

Mr. Thompson said that the total Law Budget represents a decrease from \$37,751 to \$36,029.

Following a review by the Executive Secretary of the areas where the budget had been cut, such as office supplies and Labor Relations Counsel, and where the budget had remained the same, such as Litigation and Municipal Immunity, the Board questioned Town Counsel as to his opinion.

Town Counsel stated that four areas of concern affecting the Law Budget would be the Planning Board, the Board of Appeals, the Assessors and the Conservation Commission, and discussed the difficulty in projecting special legal fees.

Mr. Thompson stated that a log is kept on the legal office activities in which all cases or requests for legal services are documented; likewise, special fee cases can be documented by time and cost. Mr. Thompson concluded that the Law Budget was prepared in an effort to keep the budget the same or less than the present budget.

Unclassified

The Executive Secretary stated that the total Unclassified Budget is \$774,000, subject to certain presently unknown increases, particularly in the areas of group insurance and retirement benefits.

Mr. Thompson informed the Board of a new line item proposed by the Town Accountant for agricultural school tuition reimbursement, said payments or amounts being required by State law.

There being no further business to come before the Board, the meeting was adjourned at 9:30 p.m.

Attest:

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Richard E. Thompson  
Executive Secretary-Clerk