

IN BOARD OF SELECTMEN
MONDAY, FEBRUARY 13, 1978

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.

Sudbury Non-Profit Housing Corporation - Petition Articles

Chairman Powers referred to a communication dated January 12, 1978, from the Sudbury Non-Profit Housing Corporation requesting corrections be made to the four petition articles relative to Open Space Residential District and a communication dated January 19, 1978, from Town Counsel in response to the same.

Executive Secretary Richard E. Thompson stated that the petitioners had submitted in their communication of January 12, 1978, several requested changes, and that Town Counsel indicates in his memo of January 19, 1978, that he reviewed the changes, and said that the petition articles can be substantively changed only with the consent of the petitioners, such as case of the requested changes 1 (part), 2, 3 and 5, but that typographical and transcription errors, not affecting the petition in substance, may be corrected, and he itemized permissible corrections numbered 1, 4, 6, 7 and 8.

It was on motion unanimously

VOTED: To accept the minor changes, as set forth in a communication dated January 12, 1978, from the Sudbury Non-Profit Housing Corporation relative to Open Space Residential District, listed as numbers 1 (part), 4, 6, 7 and 8, on the advice of Town Counsel, agreeing that those changes listed as numbers 1 (part), 2, 3 and 5, requesting the consent of the petitioners, would be submissable as motions under the main article.

Correcting Vote of the Board of December 27, 1977

Chairman Powers stated that there is a question of reviewing and correcting a vote of the Board of December 27, 1977, relative to the hourly fee paid Town Counsel for court litigation.

Following discussion it was on motion by Selectman Potell unanimously

VOTED: To correct the Board's vote of December 27, 1977, relative to the hourly fee paid Town Counsel for court litigation, by striking the words, "July 1, 1978" following \$35, and substituting the word, "immediately".

Middlesex County Advisory Board

Chairman Powers referred to a communication dated January 31, 1978, from the Middlesex County Advisory Board updating municipalities relative to 1) adoption of county reform package by Local Government Advisory Committee, 2) enactment of S1901 re appointment of designees to county advisory boards by all cities, 3) Middlesex County Budget, and 4) announcement of a new director of Middlesex County Hospital, Dr. George J. Karem.

Executive Secretary Richard E. Thompson stated that the Board should indicate their concurrence to continue to support these items.

Chairman Powers noted that the meeting hosted by the Middlesex County Selectmen's Association, postponed because of the storm on February 8, 1978, is rescheduled for March 2, 1978, and that a main question for the 55 representatives and 13 senators will be, "Why did they override the Governor's veto?"

Following discussion it was on motion unanimously

VOTED: To accept the county reform package adopted by the Local Government Advisory Committee that would "1) make County government wholly responsible for its own budget (home rule); 2) provide funding for professional staffing of County Advisory Boards; 3) prohibit any expenditure not reviewed by County Advisory Boards; 4) itemize separately county assessments on local tax bills; 5) create a special study committee on county government and allow any county to establish a county government charter commission to consider changes in the form of individual county governments."

Bond Renewals

Executive Secretary Richard E. Thompson stated relative to the question of authorizing the Chairman of the Board of Selectmen to sign renewal bond applications as follows: 1) Betsey M. Powers, Town Clerk, in the amount of \$5,000; 2) Isabelle K. Stone, Tax Collector, in the amount of \$126,000; 3) William E. Downing, Town Treasurer, in the amount of \$126,000; and 4) Loretta A. Bigelow, Assistant Town Treasurer, in the amount of \$31,500; that these are yearly amounts set by the State, depending on the dollar amount of Town budget, and required on these individuals.

Following discussion it was on motion by Selectman Potell unanimously

VOTED: To authorize the Chairman of the Board of Selectmen to sign renewal bond applications for the following positions: 1) Betsey M. Powers, Town Clerk, in the amount of \$5,000; 2) Isabelle K. Stone, Tax Collector, in the amount of \$126,000; 3) William E. Downing, Town Treasurer, in the amount of \$126,000; and 4) Loretta A. Bigelow, Assistant Town Treasurer, in the amount of \$31,500.

Sudbury's Housing Rehabilitation Program

In regard to the review of program and guidelines and environmental review statement relative to Sudbury's Housing Rehabilitation Program, Executive Secretary Richard E. Thompson stated that the necessary legal notice, dated January 19, 1978, had been prepared for publication, as required before the start of Sudbury's Housing Rehabilitation Program. Mr. Thompson further stated that attached to the legal notice was a "Housing Rehabilitation Program" report, dated January, 1978, for the Board's review, which states guidelines for participation by homeowners in the program. Mr. Thompson explained that this is the start of a new program, beginning on February 14, 1978, at which time the Town will be obligating funds in the amount of \$150,000. Mr. Thompson stated that eligible homeowners would be reimbursed for 75% of the improvement costs.

Selectman Potell questioned the legal notice entitled, "Notice of Finding of No Significant Effect on the Environment" and the types of improvements that homeowners would be eligible for, such as septic systems, leachate fields, landscaping, etc., and the disturbance of these improvements on the environment.

Executive Secretary Richard E. Thompson said that he will address these concerns to the HUD office for their future advertising of the program. Mr. Thompson also noted that the program had been approved by HUD, and that it is more restricted than in the past.

Following discussion it was on motion unanimously

VOTED: To approve the format of the Legal Notice - "Notice of Finding of No Significant Effect on the Environment" - dated January 19, 1978, and to accept the Housing Rehabilitation Program report dated January, 1978.

Annual Bingo Report - St. Anselm's Bingo Committee

Executive Secretary Richard E. Thompson stated that St. Anselm's Bingo Committee, St. Anselm's Parish, had filed as required an Annual Bingo Report with the Board of Selectmen.

It was on motion unanimously

VOTED: To accept the Annual Bingo Report from St. Anselm's Bingo Committee, St. Anselm's Parish, dated January 15, 1978.

Chairman Powers noted that St. Anselm's Parish had a very prosperous bingo year!

Resignation - Earth Removal Board

The Board received a letter dated January 30, 1978, from Robert J. Hotch, who tendered his resignation from the Earth Removal Board, effective immediately.

The Board accepted Robert J. Hotch's resignation and directed the Executive Secretary to acknowledge Mr. Hotch's letter and to express the Board's appreciation for his service.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Town Fathers Forum, 120th Session, January 23, 1978, and to approve the minutes of the regular session of January 30, 1978, as corrected.

Award Bid for Printing Annual Town Meeting Warrant

Executive Secretary Richard E. Thompson reported that a communication dated February 13, 1978, had been received from Janet Silva, Administrative Secretary, Office of Selectmen, relative to recommendation for awarding bid for the printing of the 1978 Annual Town Meeting Warrant. Mr. Thompson stated that due to the blizzard of last week, the bid opening advertised for Wednesday, February 8, 1978, was postponed until February 13, 1978, at which time several bids were received ranging from \$13.25 - \$34.20 per page. The Executive Secretary recommended that the Board award the contract for the printing of the Annual Town Meeting Warrant to Rene Press, Inc., because their bid is the lowest, and based on confirmation by

the Town Clerk, Betsey M. Powers, as to the quality of work recently completed on the proceedings, and due to our own experience with Rene Press through the printing of the 1977 Town Report.

It was on motion unanimously

VOTED: To award the bid for the printing of the 1978 Annual Town Meeting Warrant to Rene Press, Inc., 245 Crawford Street, Fitchburg, in accordance with their bid proposal dated January 25, 1978, of \$13.25 per page.

State of Emergency - Confirm Board's Telephone Vote

Following discussion it was on motion unanimously

VOTED: To confirm the Board's unanimous telephone vote of February 6, 1978, at 10:00 p.m. declaring that a state of emergency existed due to the blizzard in the Town of Sudbury.

Miss Florence Hosmer - State of Health

Executive Secretary Richard E. Thompson announced that Miss Florence Hosmer, who is 97 years old, is in critical condition at her home, and is not expected to live.

Public Statement - Chairman John C. Powers

Chairman John C. Powers read the following Public Statement:

"The Board of Selectmen would like to express the deep appreciation of the Town of Sudbury to all of those whose tireless efforts aided the fifteen thousand inhabitants of Sudbury during the Great Blizzard of 1978.

If this was the greatest storm of the century - we want history to record that our entire community reached into its deeper self for courage, sacrifice, limitless energy and warm and loving concern for others in equally historic proportions.

We would like to pay special tribute to Highway Surveyor Robert Noyes and the men of the Sudbury Highway Department for their outstanding performance under extreme conditions. To them, as a Department and individually, goes the major credit for rescuing the Town from the edge of disaster.

Our commendations also to Chief Josiah Frost for his overall handling of the Civil Defense emergency - as well as to Chief Nicholas Lombardi and to the Sudbury Water District.

Finally, we wish to thank our citizens for displaying the highest attributes of good neighbors and good citizenship.

SUDBURY BOARD OF SELECTMEN"

Chairman Powers extended his special thanks also to Explorer Post #2, Boy Scout Troop 60 and Boy Scout Troop 67.

It was on motion unanimously

VOTED: To accept the Public Statement of Chairman John C. Powers on behalf of the Board of Selectmen.

Chairman Powers noted that the town has nine pieces of major equipment from outside of town, being paid for by the Federal Government, and the major target is to clear the intersections and the sides of the roads to allow the passage of school buses.

Chairman Powers further noted the decision made last night at 7:00 P.M. by the Sudbury School Committees to declare this week school vacation week and to reopen school on Tuesday, February 21, 1978, (Monday being a holiday).

Wayside Package Store

Present: John F. Canty, Jr., attorney for the McManuses, Edward F. Newall, attorney for Colonial Spirits and MacKinnon's Liquors.

Town Counsel Paul L. Kenny stated that he and Mr. John H. Wilson, Town Accountant, met with Wayside Package Store representatives on February 6, 1978, for the purpose of reviewing the records of Wayside Package Store in accordance with the Board's vote of December 27, 1977. Mr. Kenny said, however, that at this time he does not have sufficient information for the Board and would like an extension of about two weeks in order to continue the investigation. Mr. Kenny said that there has been a change in the accounting procedures used by the Wayside Package Store from the approximate period of December 23, 1977, to the present. Town Counsel stated that, in his opinion, since December 23, 1977, Wayside Package Store is being operated by the McManus Family, and that there is no indication that it is being operated by anyone else.

Mr. Kenny further stated that prior to December 23, 1977, there is a lack of records, but he is hopeful that there will be additional records available for investigation for said time period.

Mr. Kenny said that Wayside Package Store did change their purchasing procedure patterns in October, 1977.

Following discussion it was on motion unanimously

VOTED: To allow Mr. Paul L. Kenny, Town Counsel, a two-week extension as he requested, for further investigation of the records of the Wayside Package Store.

Mr. John F. Canty, Jr., attorney for the McManuses, asked if Town Counsel and Town Accountant were receiving full cooperation from his clients.

Town Counsel stated that they were satisfied with the cooperation received from the McManus Family and counsel to date.

Attorney Edward F. Newall expressed his misunderstanding of the problem with the lack of records.

Town Counsel explained that some records were available for the period between October, 1977, to January, 1978, but he felt there were not sufficient records; the main reason being that there was a different method of bookkeeping being used by Wayside Package Store in that time period, and it was basically on a cash basis.

Coatings Engineering Corporation

Executive Secretary Richard E. Thompson referred to a letter dated February 2, 1978, from William W. Cooper, Secretary of the Board of Health written to Mr. James M. Knott, President of Coatings Engineering Corporation, a copy of which was forwarded to the Board of Selectman for their review. The letter stated that Coatings Engineering Corporation is in violation with Section 2.11 of Title V of the State Environmental Code and must comply no later than February 14, 1978. Town Counsel suggested that there might be an extension of time by the Board of Health due to the State of Emergency last week, the required date for Coatings Engineering to request a hearing with the Board of Health.

Library Request - Transfer of Obsolete Library Books

Executive Secretary Richard E. Thompson stated that he met with the Library Director, Helen Lowenthal, relative to her request of December 20, 1977, for permission by the Board of Selectmen to transfer by sale to the Friends of the Goodnow Library obsolete library books for a nominal sum. Mr. Thompson stated that he explained to the Library Director the procedure which must be followed as outlined in Town Counsel's letter of January 13, 1978.

Following discussion it was on motion unanimously

VOTED: To decline the request of Helen Lowenthal, Library Director, of December 20, 1977, to transfer by sale to the Friends of the Goodnow Library obsolete library books for a nominal sum, for the reasons set forth in Town Counsel's letter of January 13, 1978.

Review of 1977 Salary Survey Report for Individually-Rated Positions

Chairman Powers asked the Executive Secretary Richard E. Thompson to review the 1977 Salary Survey Report for individually-rated positions dated February 2, 1978, prepared by him.

Executive Secretary Richard E. Thompson stated that the main purpose of the Board in obtaining a 1977 Salary Survey for individually-rated positions was to determine "worth" or "value" of individual positions, a survey generally completed yearly for the Board of Selectmen.

Mr. Thompson said that he first compared salaries of the various positions with comparative towns to the Town of Sudbury, as set forth in his report dated February 2, 1978.

Mr. Thompson said that he then asked individual department heads to compile information relative to a comparison of their positions with the private sector in the Sudbury area. Mr. Thompson received the following reports: 1) communication dated September 27, 1977, from Helen Lowenthal, Director of Goodnow Library; 2) communication dated October 27, 1977, from Nicholas Lombardi, Chief of Police; 3) communication dated January 13, 1978, from James Merloni, Town Engineer; and 4) communication dated January 18, 1978, from John H. Wilson, Town Accountant. Mr. Thompson said that he has also received salary data on executive staff for the Lincoln-Sudbury Regional High School and the Sudbury Schools for the Board's information.

Mr. Thompson said that he contacted private consulting firms, and the Federal Civil Service Commission, but could not obtain comparative data from them; however, Hays Associates, which is an international company with a Boston office, does have a data bank along the lines that the Board is interested, but that it would be costly (\$7,500) to obtain the information and review analysis from them.

Mr. Thompson stated that he will keep developing the Individually-Rated Salary Survey, filling in the population of the towns, as Selectman Toomey suggested, and the number of people directly supervised under the various department heads, as Selectman Potell suggested. Mr. Thompson further stated that there will also be information of the Towns of Acton and Andover, not yet filled in on the Survey.

Review of Clerical Study Report by the Personnel Board

Present: Daniel P. McLean, Chairman, Frederick R. Garrity and Alan P. Carpenter, members of Personnel Board.

Following minor discussion on the subject, it was on motion unanimously

VOTED: To continue discussion of the Clerical Study by the Personnel Board in conjunction with consultant services of the U. S. Civil Service Commission on February 15, 1978, at 8:00 P.M. at Loring Parsonage at the Personnel Board meeting.

1978 Annual Town Meeting Warrant - Petition Article to Amend Zoning Bylaw Article IX, II, C

On the question of accepting a petition article to amend Zoning Bylaw Article IX, II, C, deleting Shopping Center District No. 1, for inclusion in the 1978 Annual Town Meeting Warrant, Chairman Powers stated that this is a matter which the Board has discussed before and agreed that it would be a Warrant Article, if the petitioners had the necessary signatures. Chairman Powers said that although the petitioners only needed 10 signatures, they now have 140 certified signatures.

It was on motion by Selectman Potell unanimously

VOTED: To accept a petition article to amend Zoning Bylaw Article IX, II, C, deleting Shopping Center District No. 1, for inclusion in the 1978 Annual Town Meeting Warrant.

Revenue Sharing Proposed Use Hearing

The Board held a Revenue Sharing Proposed Use Hearing, in accordance with the schedule dated January 17, 1978, which had been prepared by the Town Accountant, John H. Wilson. Executive Secretary Richard E. Thompson stated that legal notice as to the public hearing was advertised on February 2, 1978, in the South Middlesex News. Mr. Thompson stated that he would ask for a consensus from the Board relative to the use of the revenue sharing funds. Mr. Thompson reported that, in the past, revenue sharing funds have been used to offset the budgets for the Fire and Police salaries, and that he was recommending that these funds be used again for this purpose. Mr. Thompson further stated that by December 31, 1979, there must be an audit of the Town of Sudbury's Federal Revenue Sharing Fund accounts.

Selectman Potell stated that by June 30, 1978, there will be approximately \$50,000 of unspent Federal Revenue Sharing Funds. He questioned the unspent funds

since these funds are allocated in the preceding year's budget at the Annual Town Meeting, and suggested that estimates of receipts were wrongly estimated.

Mr. Thompson stated that since this program started approximately 3-4 years ago, the Town anticipates every year the receipt of revenues, and we use our best estimate of those receipts, and make a recommendation at the Annual Town Meeting as to a certain offset. Mr. Thompson said that the first year it was \$150,000, and that the last few years the Town has appropriated \$200,000. The Executive Secretary further stated that the Town receives its allocation based on a revenue sharing formula devised by the Federal Government. Mr. Thompson said that this year we estimate that by June 30, 1979, we will have received \$250,000 based on present amounts of quarterly payments. Mr. Thompson said that all Revenue Sharing monies have to be appropriated by the Annual Town Meeting and that usually the estimate of receipts is estimated conservatively, since it is to the Town's advantage to have funds accruing, and further Mr. Thompson stated, that the Town has been fairly close on its estimate.

Chairman Powers asked for comments or recommendations from the audience, as to the use of next year's Federal Revenue Sharing Funds, and there was no response.

It was on motion unanimously

VOTED: To approve the recommendation of the Executive Secretary and Town Accountant that the next fiscal year's Federal Revenue Sharing Funds be applied to the salary budgets of the Fire and Police Departments on an equal basis.

Ordering the 1978 Annual Town Meeting Warrant

Present: Moderator J. Owen Todd.

On the question of ordering the 1978 Annual Town Meeting Warrant, Chairman Powers stated that he had prepared a proposed ordering for review by the Board and Moderator Todd. In reviewing the list, the following articles were designated to be placed on the Consent Calendar for the 1978 Annual Town Meeting Warrant:

- Hear Reports (Selectmen)
- Temporary Borrowing (Selectmen)
- Unpaid Bills \$643.67 (Town Accountant)
- Street Acceptances/Discontinuance \$350 (Selectmen)
- Change Name of Rice Street (Selectmen)
- Tree Planting Program \$4,000 (Selectmen)
- Abolish Citizens' Task Force (Selectmen)
- Abolish Industrial Development Financing Authority (Selectmen)
- Amend Bylaws, Art. V(A) - Removal of Earth (Selectmen)
- Amend Bylaws, Art. III,2 - Town Affairs (Selectmen)
- Amend Bylaws, Art. XII,1 - Town Property (Selectmen)
- Sale of Tax Possession Parcel 164 (Selectmen)
- Increase Membership - Goodnow Library Board of Trustees (Library)
- Amend Bylaws, Art. IX, Sec. VI - Administration (Planning)
- Amend Bylaws, Art. IX, Sec. VI, C, 6 - Use Variance Guidelines (Planning)
- Amend Bylaws, Art. IX, Sec. III, B&C - Provision for Similar Uses (Planning)
- Amend Bylaws, Art. IX, Sec. III, C&D - Provision for Scientific Research
or Development (Planning)
- Amend Bylaws, Art. IX, Sec. I, C, 3 - Extension and Enlargement (Planning)

Mr. Todd, Moderator, expressed his agreement with Selectman Powers' memorandum to him dated February 9, 1978, to print the Consent Calendar in the 1978 Annual Town Meeting Warrant.

After further review and discussion, in conjunction with the Town Moderator, the Selectman ordered the 45-article warrant for the 1978 Annual Town Meeting.

Town Counsel Report on Town Meeting Articles

Town Counsel Paul L. Kenny stated that all of the articles for inclusion in the 1978 Annual Town Meeting Warrant appear to be of legal form and substance.

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