

IN BOARD OF SELECTMEN  
MONDAY, MAY 1, 1978

Present: Chairman William F. Toomey and John E. Murray.

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

Order of Taking

After review, it was on motion by Selectman John E. Murray unanimously

VOTED: To sign eight Orders of Taking for English Road, Hampshire Street, Hermitage Street, Canterbury Drive, Arrowhead Road, Phillips Road and Meadowbrook Circle (2), in accordance with the vote of the 1978 Annual Town Meeting under Article 7.

Granting a License for a one-day Antique Show and Sale - Wayside Inn

After review and discussion of a request dated April 21, 1978, from Leslie W. Hudson, Milford, Mass., it was on motion by Selectman Murray unanimously

VOTED: To grant to Leslie W. Hudson, Manager for Suburban Antique Dealers Association, a license to hold a one-day Antique Show and Sale on the grounds of the Wayside Inn, on Saturday, August 12, 1978, from 9 a.m. to 5 p.m., subject to approval by Innkeeper Francis Koppeis and Mr. Hudson's checking with the Fire Chief and with the Police Chief as to Police coverage required.

Reserve Fund Transfer Requests

Present: Josiah F. Frost, Fire Chief; and Francis E. White, Building Inspector.

The Board considered a Request for Transfer #0776 from the Reserve Fund in the amount of \$835 for Account 310-21, Fire Department General Expense, dated April 14, 1978, needed to pay the doctors' bills for a firefighter who was injured in the line of duty.

Fire Chief Josiah F. Frost stated that due to a change in the Town's coverage, there was insufficient monies to recover the total claim from the insurance Company.

Following discussion it was on motion unanimously

VOTED: To approve Request #0776 for a transfer from the Reserve Fund to Account 310-21, Fire Department General Expense, dated April 14, 1978, in the amount of \$835 for the purpose set forth in the numbered transfer.

The Board also considered a Request for Transfer #0777 from the Reserve Fund in the amount of \$1,625 for Account 340-36, Hosmer House Maintenance, needed to cover the increased use of oil and electricity, plus the increased cost of the same.

The Building Inspector stated that there was also extensive damage done to the roof of the Hosmer House over the rear door and shed by excessive snow compounded

by rotting of timbers which had to be corrected. These unexpected expenses made it necessary to request the above-mentioned transfer, since the money designated for utilities was used for these other expenses.

Following discussion it was on motion unanimously

VOTED: To approve Request #0777 for a transfer from the Reserve Fund to Account 340-36, Hosmer House Maintenance, dated April 24, 1978, in the amount of \$1,625 for the purpose set forth in the numbered transfer.

#### Police Chief's Report on Decreased Speed Limit Request

Chairman William F. Toomey referred to a communication dated April 11, 1978, from Frederick W. Welch requesting a decreased speed limit (35 MPH) on a portion of Hudson Road in the area of the Haskell Land. Mr. Toomey indicated that, at the board's last meeting, it was agreed to refer this communication to the Police Chief, and stated that he now has a response from the Chief, dated April 24, 1978, which he read. The letter clarified present allowed speeds on this portion of Hudson Road and stated that the present posted speeds are reasonable and proper.

Mr. Frederick W. Welch stated that the speed limit signs have been replaced since his communication to the Board, and he has noticed a difference in the traffic pattern.

Chairman Toomey requested that the Park and Recreation Commission be asked to look into the parking situation in the Haskell Land area, as there are cars parked on the road in spite of available off-street parking.

#### Massachusetts Municipal Associations

Executive Secretary Richard E. Thompson stated that he had attended a meeting of the Massachusetts Managers Association in Auburn on April 20, 1978, and received a notice from the Massachusetts Municipal Associations, Joint Legislative Office, relative to the State Local Aid Proposal.

Mr. Thompson recommended that the Board support the "Special Warning Alert" for local aid relief for rising real estate tax rates, as proposed, explaining there is some support at the State House favoring State Tax cuts rather than the Local Aid Relief. Mr. Thompson noted that the Governor's proposed local aid package provides for returning \$228 million back to the cities and towns to help offset local taxes.

Following discussion it was on motion unanimously

VOTED: To support the proposal by the Massachusetts Municipal Association, Joint Legislative Office, supporting State Local Aid detailed in the "Special Warning Alert" distributed at the Massachusetts Managers Association meeting on April 20, 1978.

#### Appointment of the Chairman of the Council on Aging to the Advisory Council

Chairman William F. Toomey stated that the Board had previously voted to ask Colonel Paul J. Leahy, Chairman of the Council on Aging, if he would like to serve on an Advisory Council to the Senior Citizens Legal Project, and the Board acknowledged

his telephone response of April 25, 1978, indicating his willingness to accept such an appointment.

Following discussion it was on motion unanimously

VOTED: To recommend that Colonel Paul J. Leahy, Chairman of the Council on Aging, be appointed to serve on an Advisory Council to the Senior Citizens Legal Project, funded through the Massachusetts Department of Elder Affairs, as requested by the South Middlesex Legal Services, Inc., in their communication dated March 20, 1978.

#### Minutes

It was on motion unanimously

VOTED: To approve the regular minutes of April 19, 1978, as submitted.

#### Dog Control Facilities and Enforcement of the Dog Control Bylaw

Executive Secretary Richard E. Thompson stated that as a result of the Board's meeting last week a motion was drafted for the Board's approval relative to the dog control facilities and enforcement of the Dog Control Bylaw.

Chairman William F. Toomey stated that the Board plans to meet next week and discuss with the families who live on the same side of Concord Road as Featherland Park, the recommended site for the proposed dog control facility, at which time the Board will make its final recommendation.

Following discussion it was on motion unanimously

VOTED: To rescind the vote of the Board of Selectmen of December 19, 1977, which read as follows: "To limit expenditures of Dog Control during the next six months (through June 30, 1978) to the amount of Three Thousand Six Hundred Twenty-five Dollars (\$3,625.00)."

#### Approving an Application to the Department of Housing and Urban Development-1978 Small City/Community Development Program

Present: Edward Lapal, Town Planner.

Executive Secretary Richard E. Thompson stated that at the Board's meeting last week, the question of approving an application to the Department of Housing and Urban Development for funding under the 1978 Small Cities/Community Development Program was thoroughly discussed, and that the Town Planner made recommendations as to the most eligible activities and funding available to the Town of Sudbury.

Mr. Thompson stated that engineering costs have been increased somewhat because of some additional engineering required and, therefore, asked Mr. Edward Lapal, Town Planner, to update the funding needed in that area.

Mr. Lapal stated that he would suggest simply increasing the amount of funding from \$255,000 to \$275,000 in Option #2; therefore, allowing an additional \$20,000 to cover the extra engineering costs which Mr. James V. Merloni, Town Engineer,

indicated to Mr. Lapal would be adequate.

After discussion, it was on motion unanimously

VOTED: To authorize the Executive Secretary to file a Pre-application to the Department of Housing and Urban Development for the 1978 Small Cities/Community Development Program in the amount of \$275,000 to be divided \$50,000 for housing rehabilitation and \$225,000 for street resurfacing and drainage improvements in the Pine Lake and Pine Rest areas; such Pre-application also to be filed with State and regional clearing-houses for A-95 review; and to sign any documents or contracts related thereto.

#### Article for Special Town Meeting

The Executive Secretary stated that Mr. Edward Glazer, Finance Committee, called the Selectmen's office last week and requested that the Board submit an Article for the Special Town Meeting to amend Article 20 of the 1978 Annual Town Meeting by incorporating a \$1000 maximum before requiring public bidding on disposition of Town property.

The Board agreed the Executive Secretary could draft such an article, but indicated they were not very receptive to the same this soon after Town Meeting.

#### CETA Environmental Aides Training Program

The Board acknowledged receipt of a letter from Larry Raskin, CETA Project Coordinator, Elbanobscot, Inc., dated April 24, 1978, thanking the Selectmen for their co-operation and assistance in the CETA Environmental Aides Training Program.

#### Earth Day

Chairman William F. Toomey reminded everyone that Saturday, May 6th is Earth Day, set aside for Annual Roadside Clean-up, and encouraged everyone to take part as they have in the past.

#### House Bills - Lincoln-Sudbury Regional High School District

Present: David L. Levington, Superintendent, LSRHS; Richard F. Brooks, Richard H. Davison and Alan Grathwohl, LSRHS Committee; Anne Donald, Finance Committee.

Chairman William F. Toomey stated that the Board has not taken a position on the two legislative bills filed by REpresentative Gannett on behalf of the Lincoln-Sudbury Regional High School (LSRHS) Committee. Mr. Toomey said that it was during Town Meeting that the Board was requested by the School Committee to comment on the bills, at which time there were no copies of the proposed legislation available to the Board. He said that since that time, the Board has reviewed the bills along with Town Counsel. Chairman Toomey referred to Town Counsel's communication of April 28, 1978, and was assured by David L. Levington, Superintendent, that the LSRHS committee received a copy of the correspondence also. He asked Mr. Levington for his comments.

Mr. Levington stated that there are two things that the School Committee would like to accomplish that cannot be accomplished without legislation:

1) A bill to provide a charge for student parking to offset the cost of hiring a parking attendant necessary because of the volume of students now driving to school, because free transportation is not provided for those students living within one and a half miles from the school. If the Board approves this, he said, the School Committee would appreciate a letter of support from the Selectmen.

2) A bill requesting a Contingency Fund for the LSRHS District, since it is the only Regional School District that does not allow for a Reserve Fund or Contingency Account.

Mr. Levington stated that over the past few years, the School Committee and the Finance Committees of both Towns have adopted a policy of including a Contingency Account in the School's budget, but have been reminded on two occasions by the State Audit Report that there is no provision for such a Fund.

Mr. Levington further stated that last year's Town Meeting voted to delete this Fund; therefore, this year's Regional School budget shows inflated accounts to compensate for the loss of the Reserve Funds available in the past; a fact, he said, that was not clear to the townspeople at the last Annual Town Meeting.

Selectman Toomey expressed his concerns that the two legislative bills are now in the third reading; have been approved by the Sudbury Finance Committee by a letter dated April 11, 1978; and further approved by the Lincoln Board of Selectmen by letter dated April 11, 1978, while the Board of Selectmen received no copies of the same and had very short notice to review the bills with the Town Counsel for a response.

Executive Secretary Richard E. Thompson referred to Town Counsel's letter dated April 28, 1978, indicating that the two bills raise questions concerning the Regional School District Agreement; that the bills would give powers to the Regional District School Committee which they did not have when the Agreement was first made; these powers devolve on the committee without amendment to the agreement; and that the grant of these powers requires Legislative action (but the question of amendments of the agreement arises). Town Counsel enclosed a copy of the Amendment of Agreement, and a copy of the Agreement.

Selectman Toomey asked if the committee had considered the agreement process in proposing this legislation.

Mr. Levington stated that both Towns have been aware of the Contingency Fund in the budget for a number of years, but because of the legality question, the School Committee decided to prepare and submit legislation to resolve the matter.

Selectman Murray stated that the Board received copies of the bills several weeks after it was filed and read statements made by Mr. Gregory R. Anrig, Commissioner of Education, relative to the same, as follows:

"It is the position of the Board of Education to oppose special interest legislation that would create an exception in the law for one school district. Also, we find this legislation to be very broad and all encompassing. If passed in its present form, the Lincoln-Sudbury school committee could essentially charge

anyone at any time for parking on the school premises."

and in regard to the Contingency Fund:

"In most instances, regional school districts are allowed to maintain a surplus account from unexpended appropriations. Such is prohibited, however, in the Lincoln-Sudbury Regional School District agreement. This prohibition guarantees them that if the proposed contingency fund is not used, it will be returned to the member towns on a proportional basis. If all the member towns agree to establishing a contingency fund, therefore, we have no objections to it. Since most regional school districts already have the privilege, a special exception is not being granted.

Selectman Murray concluded by saying that if all the member towns agree that we should have a Contingency Fund, we should have obtained the consent of Town Meeting before going to the Legislature.

Mr. Frank H. Grinnell, Assessor, strongly concurred with Selectman Murray.

Mr. Richard H. Davison, Committeeman, expressed his opinion that he has no objections in going back to the two Town Meetings to obtain their concurrence.

Chairman Toomey stated that line 6 of the Contingency Fund Bill states, "a sum not exceeding 5% of the amount of said budget", and based on this year's budget would be about \$235,000. Mr. Toomey again stated that the problem is basically a question of public relations.

Mr. Levington apologized for any inconsiderations of the School Committee, and stated that the bills would have to go to the Legislature before they go to Town Meeting, which was the recommended procedure by the School Committee's Counsel.

Selectman Murray reaffirmed his opinion that Town Meeting turned down the Contingency Fund last year, and that the proper procedure should have been to go to Town Meeting and then to the Legislature. He stated that he cannot speak on behalf of the Town, since they have not been made aware of the bills. Selectman Toomey concurred.

In answer to Anne Donald, Finance Committee, Selectman Murray stated that, once the bills are passed by the Legislature, they are laws; not negotiable amendments for Town Meeting, as she suggested.

Following further discussion it was on motion unanimously

VOTED: To take under advisement the question of taking a position relative to House Bill 5360, authorizing a Lincoln-Sudbury Regional High School District contingency fund, and House Bill 5361, authorizing LSRHS District to impose parking fees.

Chairman William F. Toomey recessed the meeting for ten minutes at 8:50 P.M.; the meeting was reconvened at 9:00 P.M.

Meeting with Permanent Landscape Committee and the Tree Warden

Present: William Waldsmith, Tree Warden; Gordon P. DeWolf, Jr., Shirlee Burd and Grace Gelpke, Permanent Landscape Committee.

The Executive Secretary stated that the Board received a policy for Roadside Tree Maintenance, dated April 14, 1978, from Gordon P. DeWolf, Jr., Permanent Landscape Committee, as requested by the Board. He further stated that at the Board's last meeting it was agreed to meet with the Tree Warden and the Permanent Landscape Committee relative to discussion of said Policy in relation to Article 9 of the 1978 Annual Town Meeting. Mr. Thompson suggested that the Policy for Roadside Tree Maintenance be reviewed by Town Counsel.

Mr. William Waldsmith, Tree Warden, stated that the policy could be a guideline for the Town's Tree Warden, and that other guidelines would be covered by the G.L. of the Commonwealth of Massachusetts.

Selectman Toomey stated that if the policy is adopted as part of the Selectmen's Policies and Procedures, it can be easily amended when and if necessary.

Mr. Waldsmith said that he has looked the policy over, along with the former Tree Warden, and finds it to be perfectly agreeable.

Executive Secretary Richard E. Thompson stated that in accordance with Article 9 of the 1978 Annual Town Meeting, the former Tree Warden did some work on the priorities of streets for planting, and suggested that the plan for planting trees and shrubs be completed prior to July 1st so that planting can begin right away.

Mr. Waldsmith said that he is preparing bids for the next fiscal year to be ready for late fall and spring planting. He said that he hopes to have at least one-half of the project completed this fall, and plans to have the project completed in the spring.

Mr. Thompson read Article 9 of the 1978 Annual Town Meeting and suggested that the Tree Warden take full responsibility for the tree planting, and work in conjunction with the Permanent Landscape Committee.

Selectman Toomey suggested that the Tree Warden determine a schedule of planting showing the names of the streets and location of the trees so that it will be clear to the Town. The Tree Warden concurred.

Mr. Thompson stated that he received a communication dated April 10, 1978, from Commissioner Richard E. Kendall, Urban and Community Forestry Program, Commonwealth of Massachusetts, stating that the State of Massachusetts has been allocated the sum of \$65,500 to be dispersed to those cities that satisfactorily demonstrate a desire to upgrade the public tree population within their boundaries on the basis of a 50% rebate.

Mr. Waldsmith expressed his interest and said that he would see the Executive Secretary regarding the application.

There being no further discussion, Chairman Toomey thanked everyone for coming.

Interview of Candidates for Appointment to the Historical Commission

Present: Emmalou Eaton, Janet H. Smith, Harriett P. Ritchie, Joyce L. Peavey, Bradley I. Reed, James E. King and Sally B. Lukesh, Candidates.

Chairman William F. Toomey welcomed the applicants attending tonight's meeting for interviews for appointment to the Historical Commission (Article 22 of the 1978 Annual Town Meeting.).

Executive Secretary Richard E. Thompson stated that the Board has received several applications, and that tonight's interviews were arranged as a result of the Board's decision to interview those people who were not known to them.

Chairman Toomey explained that Loring Parsonage and Hosmer House are under the jurisdiction of the Board of Selectmen, but that the Historical Commission will work closely with them in the restoration of these historical homes and others in Town.

He stated that the Historical Commission was a very active Board at one time, but that over the past few years, the interest in membership to this Board and the functions of the Board have been on the decline. He reminded everyone that, as a result of Town Meeting vote, the Historical Structures Commission was abolished, and the duties combined with those of the Historical Commission. Mr. Toomey expressed his hope that, in addition to appointing the Historical Commission, a sub-committee might be appointed to work along with them, especially when it is time to begin work on the Hosmer House. He said there is one present member whose term expires in 1980, and appointments will be made for 1-3 years.

In relation to the Hosmer House Mr. Toomey stated that at the present time, Town Counsel's office is in the process of completing the first phase of inventory, that precautions have been taken to secure the house, and that once the will is probated, the work of the Historical Commission can begin in that area.

Chairman Toomey further stated that it will also be the duty of the Historical Commission to submit a budget to Town Meeting for the restoration of the Hosmer House into a museum, as stated in Florence Hosmer's will.

The Executive Secretary stated that at the urging of the Historic Districts Commission, the Town Center, Old Sudbury Road (down to Water Row), the Haynes Garrison House and the Wayside Inn have been placed on the National Register of Historic Places and is an eligible area for grant programs; therefore, he would prepare a grant application to the Massachusetts Historical Commission for restoration funds for the Hosmer House for the Board's approval.

The Board interviewed the applicants and following discussion, Chairman Toomey thanked everyone for being present tonight, and stated that appointments would be made in the near future.

There being no further business to come before the Board, the meeting was adjourned at 9:55 p.m.

Attest:

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Richard E. Thompson  
Executive Secretary-Clerk