

IN BOARD OF SELECTMEN
MONDAY, NOVEMBER 13, 1978

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

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

Jurors

Present: Betsey M. Powers, Town Clerk.

The Board drew the names of Robert C. Williamson, 610 Boston Post Road, and Irene Mason, 35 Wagonwheel Road, to serve as jurors at Cambridge Court commencing December 4, 1978, and the name of Dorothy G. Blanchard, 14 Pennymeadow Road, to serve as juror at Lowell Court commencing December 4, 1978.

Village Green Site Plan - Compliance to Historic Districts Commission's (HDC) Requirements

Executive Secretary Richard E. Thompson brought the Board's attention to a communication dated October 27, 1978, from Bulent Kastarlak, Architect, to the President of the Coolidge Bank and Trust Company relative to his recent meeting with the HDC on October 24th and an itemization of plans to comply with HDC concerns on the Village Green site.

Mr. Thompson stated that site plan compliance to the HDC requirements should have been completed by August 30, 1978, the expiration date of the Village Green site plan, and recommended that the Board communicate to the President of the Coolidge Bank and Trust Company and the Chairman of the HDC indicating that site plan compliance should be completed as soon as possible.

Following further discussion the Board directed the Executive Secretary to request the President of the Coolidge Bank and Trust Company and the Chairman of the HDC to notify the Board of Selectmen as to a scheduled "completion date" of those HDC requirements necessary for compliance to the Village Green site plan; and at a future meeting, to further discuss and to make a decision as to whether or not it will be necessary to schedule another meeting with all parties concerned with the Village Green site plan approval, depending on the deadline date received as being a reasonable one for compliance to the already expired site plan (August 30, 1978).

Final Review and Approval of Personnel Administration Plan

Executive Secretary Richard E. Thompson stated that a joint meeting of the Board of Selectmen, the Finance Committee and the Personnel Board was held on November 4, 1978, to discuss and arrive at some joint consensus on 1) the new proposed Personnel Administration Plan for the 1979 Annual Town Meeting; 2) job descriptions and maximums for individually-rated positions; and 3) proposed salaries for non-union personnel for fiscal 1979-80, and that a copy of the minutes of said meeting had been drafted by the Executive Secretary and sent to each member of the Finance Committee and the Personnel Board.

The Board approved the minutes of said joint meeting of Nov. 4, 1978, confirming agreement with the changes to the Personnel Administration Plan, and salary increases for individually-rated positions and non-union personnel contained therein, and directed the Executive Secretary, to send copies of said minutes to the various board, committee and department heads, and copies of the proposed new Personnel Administration Plan and salary schedule to those boards, committees and departments directly affected by the same.

Signing Ballot Certificates - November 7, 1978 State Election

Present: Betsey M. Powers, Town Clerk.

The Board signed ballot certificates of the November 7, 1978, State Election to be filed with the Secretary of State.

Selectmen's Proposed Capital Improvement Project Report

The Board reviewed the Schedule of Proposed Projects - Form B - of the Selectmen's Proposed Capital Improvement Project Report for 1979-84, as prepared by the Executive Secretary, for submission to the Long Range Capital Expenditures Committee by November 17th; said schedule summarizes past articles dealing with Police/Fire Headquarters and Town Hall Renovations and shows the 1979-84 estimated costs for Police/Fire Headquarters, Town Hall Renovations and Hosmer House Preservation.

Executive Secretary Richard E. Thompson suggested that the Board send a copy of the Capital Improvement Program 1979-84 relative to Hosmer House Preservation to the Historical Commission for their comments and plan to meet with them in early December relative to their comments of the same and to discuss the role of the Historical Commission in relation to the Town's plans for the Hosmer House.

Selectman Robert J. Hotch suggested that this meeting could also be a means of clarifying apparent public misunderstanding of matters surrounding the Hosmer House.

Mr. Thompson stated that he received a copy of a report to the Permanent Building Committee from Hughes & McCarthy Architects in the mail today regarding the proposed Police/Fire Headquarters building, and stated that he would provide the Selectmen with copies of the report as soon as possible.

Following further discussion it was on motion by Selectman Robert J. Hotch unanimously

VOTED: To authorize the Executive Secretary to submit the Selectmen's Proposed Capital Improvement Project Report for 1979-84, as prepared by the Executive Secretary, to the Long Range Capital Expenditures Committee, and to send a copy of that portion of said project report pertaining to Hosmer House Preservation to Historical Commission for their comments on the same.

New Town Cemetery Grave Repurchase

It was on motion unanimously

VOTED: To repurchase Grave #1, Lot 37A, Section 3A, of the New Town Cemetery from Ira Potell under authority provided by Section IX, paragraph 3, of the Town of

Sudbury Cemetery Rules and Regulations at the price of fifty dollars, said sum to be taken from the appropriate Cemetery accounts in the same amounts as the original purchase.

Marlborough's Proposed Bill for State Assumption of Educational Operating Costs

Executive Secretary Richard E. Thompson stated that at the Board's meeting on October 23, 1978, the Board reviewed a communication dated October 11, 1978, from Joseph A. Ferrecchia, Mayor of Marlborough, soliciting support in the sponsoring of a bill to be filed with the General Court calling for total state take-over of local and regional educational operating costs.

Mr. Thompson stated that he was directed by the Board at that time to solicit comments from the various school committees; Mr. Thompson brought the Board's attention to a communication dated November 6, 1978, from the Sudbury School Committee in opposition to support of said legislation.

The Board requested the Executive Secretary to forward the School Committee's letter of November 6, 1978 to the Mayor of Marlborough, and express the Board of Selectmen's own opposition to the proposed legislation.

Landham Road Reconstruction Project Report from Town Engineer

Present: James V. Merloni, Town Engineer; Susan M. Anderson, Ross A. Piken, abutters; and Harold R. Cutler, abutter and Chairman of the former Landham Road Advisory Committee.

Executive Secretary Richard E. Thompson stated that the Board received a report dated November 3, 1978, from the Town Engineer relative to the status of the Landham Road reconstruction project; said report indicates construction to take place during the summer months. Mr. Thompson further stated that the Selectmen's office had previously received correspondence from the Cutler and Lettery florist businesses on Landham Road regarding the effect of the reconstruction project on their businesses during their busy months, May and June. Mr. Thompson said that the Selectmen responded that every effort would be made to see that their businesses are not jeopardized by the reconstruction project and Mr. Merloni added that the road would remain open at all times during the reconstruction.

Mr. Thompson reported that, according to said report received from Town Engineer James V. Merloni, the land survey portion of the Landham Road project has been completed as well as an evaluation of the trees completed in conjunction with Harold R. Cutler, Chairman of the former Landham Road Advisory Committee, and Dr. Gordon P. DeWolf of the Permanent Landscape Committee; Mr. Thompson suggested that Mr. Cutler continue to work along with the Town Engineer in the various phases of the reconstruction project, and Mr. Cutler agreed to do so and expressed his interest in following the project.

Mr. Merloni reviewed the various estimated time frames for the reconstruction project stating that the actual design plans should be completed in twelve to thirteen weeks or by the middle of January; the preparation of the contract documents should take approximately one month, including review and approval by Town Counsel;

the bidding process should take about one month or be completed by the middle of March; and the construction should begin around June first with completion by the end of the summer.

In answer to Selectman John E. Murray, Mr. Merloni stated that his Department could complete the final phase, design and contract plans, without much interruption to the Department's planned work load and is willing to do so resulting in a large savings to the Town. Mr. Merloni said that his office will be supervising the reconstruction project as much as possible.

Mr. Ross A. Piken, abutter, questioned Town Counsel on the status of his report concerning the Town liability question.

Town Counsel stated that he will submit a final report to the Selectmen by December 1st, and that it probably will indicate that a 24-foot road width will not subject the Town to liability, because the construction of a 24-foot width is not considered to be a street defect; and therefore, the Town would not be subject to the State statute relative to a \$5,000 maximum liability limitation.

Mr. Thompson stated that although design plans will be completed in house, some of the money appropriated for engineering plans will still be used.

Mr. Merloni stated that \$50,000 had been allocated for the engineering work, of which approximately \$4,000 has been expended to date.

The Executive Secretary stated that any money expended under the article is done under the direction of the Highway Surveyor as stated in the words of the Town meeting vote.

There being no further discussion it was on motion by Selectman John E. Murray unanimously

VOTED: To instruct the Town Engineer, James V. Merloni, to proceed with design and contract plans for the Landham Road reconstruction project, in accordance with his communication dated November 3, 1978.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular and executive sessions of November 6, 1978, and the Town Fathers Forum transcript of October 23, 1978, as drafted.

Reserve Police Officer

The Executive Secretary reported that subsequent to the Board's appointment of John R. Mahoney on November 7, 1978, to the Police Department Reserve Patrolmen's List, Mr. Mahoney accepted his appointment and was interviewed by Police Chief Nicholas Lombardi, at which time it was discovered that Mr. Mahoney was previously a long-time resident of the Town of Sudbury and expressed sincere interest in becoming a full-time patrolman in the Town.

Rescheduling the Board's Meeting of November 20th

It was on motion unanimously

VOTED: To reschedule the Board's regularly scheduled meeting of November 20th to Tuesday, November 21, 1978, at 7:30 p.m. in the lower Town Hall.

State Aid - Minuteman Regional Vocational Technical School District

The Board reviewed a communication dated November 7, 1978, from the Superintendent-Director of the Minuteman School Committee, explaining a possible shortfall in the State's local aid to Minuteman and soliciting the Board's support in letter to Dr. Gregory Anrig, Commissioner of Education and to Governor Michael Dukakis requesting that Minuteman be fully funded in accordance with the Statute.

Following a brief discussion it was on motion unanimously

VOTED: To direct the Executive Secretary to communicate to Dr. Gregory Anrig, Commissioner of Education, Governor Michael Dukakis, Representative Ann Gannett, and Senator Chester G. Atkins, requesting, on behalf of the Board of Selectmen, their support in insuring that the Minuteman Regional Vocational Technical School District receives its proper entitlement under the local aid formula for fiscal year 1978-79.

Willow Hill School - Use of Town Hall Theater

The Executive Secretary brought to the Board's attention a communication dated November 8, 1978, from the Willow Hill School requesting the use of the upper Town Hall theater for rehearsals and a production for a period of approximately three weeks from November 27 through December 17th. Following a review of two schedules provided by the Willow School, one being an "Ideal Schedule" and the other an "Adequate Schedule", it was the consensus of opinion that the Executive Secretary approve the request from Willow Hill School, using the "Adequate Schedule" provided by them, for use of the theater in the upper Town Hall for the period of November 27 through December 17th.

Joint Meeting with Committee on Town Administration - Positions of Tax Collector and Town Treasurer

Present: Chairman, Floyd Stiles, Jr., Charlotte E. Goss, Anne D. Bigelow and Douglas H. Zanzot, Committee on Town Administration, Ed Glazer and Philip Felleman of the Finance Committee.

Executive Secretary Richard E. Thompson stated that at the request of the Committee on Town Administration (CTA), tonight's joint meeting with the Selectman was scheduled to discuss the Committee's research relative to the question of combining the positions of Tax Collector and Town Treasurer.

CTA Chairman Floyd Stiles, Jr. stated that at their public meeting held recently relative to the same, those in attendance included Selectman John E. Murray, the Tax Collector and members from her office, the Town Treasurer and member from

his office and members of the League of Women Voters, but expressed the Committee's disappointment in the lack of interest shown on the part of residents by their non-attendance.

CTA Sub-committee Chairman Douglas H. Zanzot distributed to the Board a three-page summary of Annual Town Meeting votes pertaining to the positions of Tax Collector and Town Treasurer and the combination of the two.

Mr. Zanzot also reviewed a survey of Town Treasurer/Tax Collector combinations in Massachusetts towns (excludes cities) and concluded by saying that most of the abutting towns have at least one appointed person to fill the position of Town Treasurer and Tax Collector.

Mr. Zanzot stated that the Sub-committee is looking into various alternatives concerning the positions of Town Treasurer and Tax Collector such as: having one elected office (combination Treasurer/Collector); having two offices appointed or one office appointed (combination position); and stated that the appointed office would come under the Board of Selectmen.

Mr. Zanzot continued to say that if an article is submitted in the 1979 Annual Town Meeting outlining a change in the present structure of the positions, if voted by Town Meeting there will be time for state legislative action on the same, and is timely because the term for Town Treasurer and Tax Collector expires in 1980.

Selectman John E. Murray stated his opinion that the job of Town Treasurer has been very well done by Mr. Downing, and should it be necessary to replace him, it would be difficult to do so with an individual as qualified as he at his present salary; but believed that when a change is made, it should be an appointed position. Selectman Murray stated that the Town of Sudbury is in a very unique position with the two people presently holding the positions of Tax Collector and Town Treasurer, and that they are two very distinct offices; he did not disagree that in the not too distant future further consideration should be given to the appointment status of the positions, but not the combining of them.

Mr. Stiles expressed his opinion that the two positions should be combined to a single, appointed position (by the Board of Selectmen), rather than an elected position, to be sure that a qualified person is handling the financial affairs of the Town. Mr. Stiles said that the best time to be able to make a change is when the term of Town Treasurer and Tax Collector expires, which is 1980.

Selectman Robert J. Hotch stated that it is difficult to discuss changes in the positions of Town Treasurer and Tax Collector which may affect the people now holding the positions; and added that in order to make the job financially appealing, the positions might have to be combined. Mr. Hotch indicated his strong support that both positions should be appointed.

Finance Committee member Philip G. Felleman stated that as a member of the Finance Committee he asked the CTA to look into the possibilities of combining positions of Town Treasurer and Tax Collector and he now addressed the issue by making the following comments: that the office of Town Treasurer is a responsible position requiring the management of large amounts of money, some involving major

decisions and others being straight-forward handling of funds on a day-to-day basis, and stated his opinion that decisions made by the Town Treasurer are not overseen by anyone; that some towns employ part-time qualified employees for these positions therefore not requiring large salaries as an attraction; and that presently, for the positions of part-time Town Treasurer and part-time Assistant Town Treasurer, the Town is paying well over \$20,000 on a yearly basis.

Mr. Felleman went on to say that the Town presently has no control over who runs for the office of Treasurer (other than the fact that he must be a Town resident, which he did not necessarily agree with), and that if it were an appointed position there would be control as to the qualifications of the individual, and there would be more candidates since most people do not like running for office in a Town election.

The Executive Secretary responded to a comment made by Mr. Felleman in reference to decisions made solely by the Town Treasurer. Mr. Thompson stated that the Board of Selectmen authorizes borrowings by the Town Treasurer, and that the Selectmen are co-trustees of all Town trusts that are analyzed on a monthly basis.

Mr. Stiles supported Mr. Felleman's comments and added that a combined position would better assure immediate bank deposits, and consequently an increase in interest accumulated, rather than "delayed" deposits caused by a transfer from the Tax Collector's depository account to the Town Treasurer.

Selectman Hotch stated his opinion that since the office of Tax Collector and Town Treasurer are both considered part-time positions, the job could probably be handled by one person; and again agreed that the person be appointed by the Board of Selectmen.

Mr. Felleman said that he did not think that the two positions are necessarily related and said that he had no strong feelings about the combination. He indicated that the important issue is that the positions of Tax Collector and Town Treasurer be carried out in the most economical, efficient manner in the future by appointed, well-qualified people.

It was the concensus of those present that it would be preferable for the positions of Tax Collector and Treasurer, whether separate or combined, to be appointive positions.

There being no further discussion, Mr. Stiles thanked Acting Chairman John E. Murray for allowing the CTA to meet jointly with the Board of Selectmen in order to discuss the Treasurer/Collector positions.

Meeting with Highway Surveyor - Sanitary Landfill and Drainage

Present: Robert A. Noyes, Highway Surveyor; James V. Merloni, Town Engineer.

The Executive Secretary stated that tonight's meeting with the Highway Surveyor was being held in accordance with past practice of the Board to obtain a better understanding of the Highway Department budget submission and workload, so that the Board can offer its support at the upcoming Annual Town Meeting.

Sanitary Landfill

The Board reviewed the most recent communication dated October 30, 1978, from James V. Merloni, Town Engineer, to the Regional Sanitary Engineer, enclosing a monthly inspection report (#13) of the Sudbury Solid Wastes, Boston Post Road Disposal Area. The Board also reviewed a communication dated June 19, 1978, from Highway Surveyor Robert A. Noyes updating the Board at that time on the activity at the Sudbury landfill site and a program for the next fiscal year, and the latest approved map of the Sudbury landfill site.

Mr. Noyes addressed the question of operating the landfill on Saturdays and stated that he had completed a traffic count on one Saturday which showed that 850 cars used the landfill on that particular day - the highest volume being between the hours of 10 a.m. and 12 noon. Mr. Noyes suggested the possibility of remaining open longer on Saturdays and closing the dump to residents on Mondays (some work could still be done at the dump), although workers are paid time-and-a half on Saturdays.

Another suggestion made by Mr. Noyes was to change the design of the dump stickers (which residents should display on their car window in order to use the dump) by making them smaller and the possibility of having them mailed out with the tax bills, corresponding with the tax bill number. A family having two cars, would have to pick up a second sticker at the Town Hall.

Mr. Thompson stressed, in his opinion, the importance of the adjoining Wayland landfill being in operation during the same hours as Sudbury's landfill.

In answer to a concern raised relative to the effect on the landfill with the possibility of additional restaurants in the area, Mr. Merloni confirmed the 20-year life span of the Sudbury landfill site regardless of additional restaurants.

Mr. Noyes pointed out the "yellow" area on the map and explained that this "pond" area is gradually being filled in by clean fill for future landfill use. Mr. Noyes suggested estimating receipts for recycling of metal, paper, glass, etc., and buying the equivalent in clean fill for the final cover material required by the State.

At the conclusion of the discussion, it was agreed that Mr. Noyes would submit additional data to the Board relative to traffic counts regarding use of the Sudbury landfill site and his recommendations for operating hours based on the same.

Drainage

Mr. Noyes stated that the drainage project is in the process of being completed in accordance with Article 15 of the 1978 Annual Town Meeting. Mr. Noyes updated the Board on the specific areas in which drainage has been completed and other problem drainage areas requiring future attention.

Mr. Noyes informed the Board that the new drainage for the upper end of Union Avenue/Concord Road will be completed in two/three weeks and that the Peakham/Old Lancaster Road area drainage project is completed...the Alta/Warren Road drainage

project will be completed next spring. Mr. Noyes suggested that any funds remaining under Article 15, with Town Accountant approval, will be used to extend new drainage, north, in Concord Road from Union Avenue.

Mr. Noyes also informed the Board that another drainage article would be submitted at the 1979 Annual Town Meeting to correct drainage problems at the southerly end of Union Avenue, which the Town Engineer is in the process of designing.

The Board concurred with the Executive Secretary's recommendation that the Board of Selectmen continue to support drainage articles submitted by the Highway Surveyor prepared in conjunction with the Town Engineer.

1979 Annual Town Meeting Non-Monied Articles - Board of Selectmen

During a review of the non-monied articles to be submitted by the Board of Selectmen, the Board agreed to accept recommendations made by the Highway Surveyor relative to the Street Acceptance article.

Following discussion, it was on motion unanimously

VOTED: To authorize the Executive Secretary to submit the following as articles for the 1979 Annual Town Meeting, on behalf of the Board of Selectmen:

- 1) Hear Reports;
- 2) Temporary Borrowing;
- 3) Personnel Administration Plan, Art. XI (jointly with Personnel Board);
- 4) Transfer Tax Possession Property - Conservation;
- 5) Amend Bylaws, Art. XII, 1 - Town Property; and
- 6) Street Acceptances.

There being no further business to come before the Board, the meeting was adjourned at 9:50 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk