

IN BOARD OF SELECTMEN  
MONDAY, OCTOBER 30, 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.

Appointment - Assistant Civil Defense Director

Present: Fire Chief Josiah F. Frost

The Board reviewed a communication from Fire Chief Josiah F. Frost dated October 19, 1978, requesting the appointment of Robert A. Noyes, 321 Peakham Rd., as Assistant Civil Defense Director.

Executive Secretary Richard E. Thompson recommended the appointment since, as indicated in Chief Frost's letter, there is a weakness in the Town's Civil Defense program due to the fact that the Chief has no official staff or assistant. Mr. Thompson further stated that this appointment in no way affects the Chief's responsibilities or authority as Civil Defense Director.

Fire Chief Josiah F. Frost stated that he and the Highway Surveyor, Robert A. Noyes, work very closely during all major storms and other Town emergencies, and that, on occasion, Mr. Noyes has attended the monthly Civil Defense meetings and other necessary seminars with the Chief. Chief Frost also mentioned that he cannot attend the Civil Defense monthly meetings regularly, and that Mr. Noyes has indicated to him his interest and willingness to attend these monthly meetings on the Chief's behalf whenever possible.

In answer to Selectman Robert J. Hotch, Chief Frost stated that he has been the Civil Preparedness Director since he became Fire Chief, and that his term expires in April 1979, at which time the Assistant Civil Defense Director's term would expire also.

Selectman Hotch asked why it was necessary at this time for the Chief to have an assistant.

Chief Frost stated that the rules for obtaining excess and surplus equipment during emergencies have tightened up, and that one of the recommendations relative to the State program is that in order for towns to apply for excess Federal equipment the Town have a proper Civil Defense program, which is reviewed and approved by the Civil Defense Director, Robert H. Cunningham (Area #1). The Chief further stated that one way to show the Town's support of the State Civil Defense program is to attend the monthly Civil Defense meetings.

The Executive Secretary added that during the last major storm, Sudbury's total snow removal cost was one of the lowest of all surrounding communities, because Sudbury applied for and received seven pieces of federal equipment as well as a 75% reimbursement from the federal government. Chief Frost added that this saved the Town approximately \$80,000.

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

VOTED: To appoint Robert A. Noyes, 321 Peakham Road, Assistant Civil Defense Director, for an annual term to expire April 30, 1979, in accordance with a communication dated October 19, 1978, from Fire Chief Josiah F. Frost.

#### Sign Bylaw Violations

Executive Secretary Richard E. Thompson stated that at the Board's last meeting Selectman Robert J. Hotch brought to the Board's attention certain frustrations and complaints of the Sign Review Board, expressed at their last meeting which Selectman Hotch attended as liaison to that Board, relative to alleged non-compliance of some local businesses to the Town's sign bylaw. Mr. Thompson stated that, as a result of the Board's last meeting, he sent a memorandum dated October 24, 1978, enclosing a copy of the Sign Review Board's letter of October 23rd, to Building Inspector/Zoning Enforcement Agent Francis E. White and to Town Counsel's office.

Mr. Thompson further stated that in response to that memorandum, the Board received the following: 1) a communication dated October 27, 1978, from the Building Inspector regarding building permits for signs; 2) a communication dated October 25, 1978, from the Building Inspector listing local businesses with possible sign bylaw violations; and 3) a report dated October 27, 1978, from Assistant Town Counsel Thomas M. French relative to legal limits ramifications of the subject.

Town Counsel Paul L. Kenny commented that the Board should consider appeal to the Superior Court rather than the District Court and explained his reasons for suggesting proceeding with civil action rather than criminal action - mainly, that more than one case can be handled at a time and the process is more speedy.

Mr. Thompson commented that since the Sign Review Board came into effect compliance with the local sign bylaw by local businesses has been very good, but in the last year or so signs have gone up without proper authorization (permits). The Executive Secretary concurred with the communication dated October 27th from Town Counsel's office and the suggestions made by Town Counsel tonight to enforce the local sign bylaw by sending notice to those businesses allegedly in violation, allowing them seven days to comply with the sign bylaw by submitting proper application to the Sign Review Board, and notifying them that non-compliance may result in civil action in the Superior Court.

There was some discussion as to whether or not the initial notification letter should be signed by Town Counsel or the Zoning Enforcement Agent, Francis E. White, and Selectman Hotch suggested that the initial complaint be from the Zoning Enforcement Agent with a follow up notification, if necessary, signed by Town Counsel. He added that he was hopeful that the problem would not end up in court.

Following further discussion the Board directed, in accordance with Selectman Hotch's above suggestion, that the Zoning Enforcement Agent proceed immediately to send letters approved by Town Counsel notifying all persons allegedly in violation of the local sign bylaw.

Francis E. White - Job Breakdown

The Board reviewed a communication dated October 23, 1978 from Francis E. White, Building Inspector, in which Mr. White shows a "typical" day's breakdown of his various jobs, stating the difficulties in determining time spent on each of his various jobs in the course of a day.

Executive Secretary Richard E. Thompson stated that this communication from Mr. White was a result of a request from the Board, following a review by them at their meeting on October 11th of Mr. White's revised job description.

Following a brief discussion, on the recommendation of Selectman John E. Murray, the Board directed the Executive Secretary to contact Mr. White for a month's percentage account of hours spent on each of his various jobs as an aid to the Selectmen for their end of the year evaluation before Annual Town Meeting.

Joint Interest Meetings as Requested by the Mayor of Marlborough

Executive Secretary Richard E. Thompson stated that perhaps the request for a joint meeting expressed in the Mayor of Marlborough's communication of October 19th is to reactivate informal meetings of South Middlesex area towns (that have not been held for six months) to discuss some common problems of the surrounding towns, such as CETA and regional collective bargaining.

Following a brief discussion, the Board asked the Executive Secretary to respond to the Mayor of Marlborough indicating that the Board would be interested in pursuing joint interests with other surrounding communities in an informal discussion meeting in the near future, and to confirm the Board's interest in helping to organize the same.

Amending the Board's Vote of July 24, 1978 - Appraisal of Hosmer House Paintings and Confirming Transfer Request

Executive Secretary Richard E. Thompson stated that, due to a lapse in time between the Board's vote of July 24, 1978, to engage the services of Vose Galleries to appraise the paintings contained in the Hosmer House in the amount of \$800 and the original quotation from Vose Galleries dated May 10, 1978, and following a subsequent viewing of the paintings by Vose Galleries, their appraisal fee has been increased to \$1,000 as indicated and confirmed by their recent communication of October 17, 1978.

The Executive Secretary concurred with the recommendation of Town Counsel, as indicated in his communication dated October 26, 1978, that the Board consider approval of the revised appraisal fee since this amount of \$1,000 still reflects a lower amount than the two other appraisals considered by the Board on July 24th.

Mr. Thompson explained the status of the Hosmer House projects, as shown on Transfer Request No. 0794, which indicates that \$200 of the remaining photography balance will offset the appraisal transfer.

After a brief discussion, it was on motion by Selectman John E. Murray unanimously

VOTED: To amend the Board's vote of July 24, 1978, by authorizing the expenditure of \$1,000 for appraisal of the Hosmer House paintings by Vose Galleries of Boston, in accordance with their revised quotation dated October 17, 1978, and in accordance with a communication dated October 26, 1978, from Town Counsel's office which states that acceptance of the revised quotation be subject to the Executive Secretary's approval of a statement from Vose Galleries of Boston as to the form of its appraisal report;

and it was further

VOTED: To confirm the Board's vote of July 24, 1978, to approve a request for Transfer No. 0794 from the Reserve Fund to Surveys and Studies Account 501-81 for appraisals of Hosmer House Paintings in the amount of \$800.

#### Minutes

It was on motion unanimously

VOTED: To accept the minutes of the regular session of October 23, 1978, as amended.

#### Police/Fire Headquarters and Town Hall Renovation

Present: Fire Chief Josiah F. Frost; Police Chief Nicholas Lombardi; Chairman John L. Reutlinger, D. Bruce Langmuir, James F. Goodman, Edward P. Rawson, Franklin B. Davis and Daniel A. Woolley, Permanent Building Committee.

Executive Secretary Richard E. Thompson stated that he scheduled tonight's joint meeting with both the Fire and Police Chiefs and the Permanent Building Committee at the request of the Selectmen, and Mr. Thompson stated that, as a result of previous Annual Town Meeting votes, there is approximately \$50,000 worth of construction plans in the Engineering Department for the new Police/Fire Headquarters facility.

The Executive Secretary stated that he met with both Chiefs this past week, and it was agreed that there remains a serious problem in the adequacy of the present Police and Fire facilities. Mr. Thompson suggested the following options: 1) a review of the situation with no immediate action; 2) a request to appropriate money by Annual Town Meeting for revised plans and construction money with estimates to be provided by the Town's Engineering Department (with the realization of a two-year construction completion date); 3) a request for a modest amount of money by Annual Town Meeting for the Selectmen to co-ordinate/re-work the present documents/plans, and bring new construction figures to a subsequent Annual Town Meeting.

Mr. Thompson further stated that an evaluation of the Town's finances was presented last year at the Annual Town Meeting indicating that the Town's debt will be zero in the next four to five years, and thus suggested bonding as a means to obtain funds for the construction of the new Police/Fire Headquarters.

Selectman Robert J. Hotch said that he would like to know the cost of updating the plans for bidding purposes.

Chief Lombardi, in answer to Selectman John E. Murray, stated that the former plans were more than adequate when they were prepared.

Selectmen Hotch asked if the Town had applied for funding through the federal and state Civil Defense agencies for the construction of a new Police/Fire Headquarters facility.

Chief Frost stated that Sudbury had applied for and was notified of an available appropriation of approximately \$50,000 for an Emergency Operations Center (EOC) within the facility from the federal Civil Defense Agency; that amount was held until the first of 1978, at which time the Town was notified that, unless concrete plans were submitted for the new facility, the Town would lose the appropriation. Chief Frost continued to say that he had received a communication from the state Director of Civil Defense, stating their willingness to help the Town gain back their appropriation for construction of the EOC at some future date.

Selectman Hotch expressed his concern over the 11-12% yearly escalation of construction costs.

Acting Chairman John E. Murray asked for comments from the Permanent Building Committee.

Permanent Building Committee member James F. Goodman asked if the Fire Department had received any new equipment over the past year, and if the former plans were adequate.

Chief Frost said that they had received one new piece of apparatus and a new ambulance, but the former plans were adequate to house the same.

During some discussion regarding the status of the population in Sudbury and the fact that it had not increased very much lately, Chief Frost stated that in 1973 the Fire Department's facilities were inadequate, and the fact that the population had not increased lately does not affect the need for a new facility at this time.

Selectman John E. Murray suggested the bonding process as a means of obtaining funding for this project and further suggested that perhaps this should be the way it is presented to the Annual Town Meeting.

Selectman Hotch stated that in his opinion the 1979-80 budget must be evaluated before the Board can recommend its decision concerning the new Police/Fire Headquarters, and that the former engineering plans must be reviewed in order to determine the costs of the new facility.

Mr. Goodman said that the next meeting of the Permanent Building Committee will be on Thursday, November 2, at which time he suggested a review by the Committee of the present construction plans and a report back to the Board of Selectmen as to their recommendation(s) of the same.

Mr. Thompson stated that plans are available, and that there are several copies of them in the Engineering Department.

Selectman Hotch questioned the ownership of the present plans and the liability to the Town if the present plans of an architectural firm are modified and construction completed.

Permanent Building Committee Chairman John L. Reutlinger said that he did not anticipate any problems in this area and that the plans are owned by the Town.

Mr. Thompson referenced a comment on page 29 of the "Town of Sudbury, Capital Improvement Program 1978-1983" pamphlet, which he stated is the latest document of the Long Range Capital Expenditures Committee, which states that, although in the past, Town Hall renovations have been contingent upon approval of a new Police/Fire Headquarters facility, the Long Range Capital Expenditures Committee now recommends high priority for this project, not contingent upon the approval of the Police/Fire facility. It was a consensus of the Board that the Town should proceed with new Police/Fire facilities first, since complete Town Hall renovation is contingent upon using occupied Fire Headquarters space.

Selectman Hotch said that he would like to see the Permanent Building Committee become more interested and involved with various maintenance/construction problems in Town; such as, the roof situation at the Regional High School and future forecasting of major renovation or repair associated with all Town public buildings. Mr. Reutlinger said his committee would address Mr. Hotch's suggestion and report back to the Board.

Richard F. Brooks, member of the Lincoln-Sudbury Regional School District Committee, concurred with Selectman Hotch's idea and suggested specification by the Selectmen of those areas they felt required the consideration of the Permanent Building Committee on a yearly basis.

There being no further discussion, Acting Chairman John E. Murray thanked everyone in attendance tonight and requested that the members of the Permanent Building Committee meet and discuss the former plans for new construction of Police/Fire Headquarters and report back to the Board of Selectmen as soon as possible. (Mr. Thompson suggested prior to January 1st.)

#### Public Hearing - Dog Complaint

Present: Francis E. White, Dog Officer; Betsy M. DeWallace, Assistant Dog Officer; Mr. and Mrs. Michael Anton, owners; Mr. and Mrs. Harry S. Furman, Complainants; Mr. and Mrs. Edward W. Warnshuis, neighbors.

Acting Chairman John E. Murray convened a Public Hearing under G.L. Chapter 140, s. 157 on the Dog Complaint dated October 3, 1978, of Mr. and Mrs. Harry S. Furman, 123 Maynard Farm Road, against a dog owned by Michael Anton, 55 Maynard Farm Road, (1978 License #443), "Gretel", a German shepherd; said complaint states that the Anton dog has a vicious disposition.

Executive Secretary Richard E. Thompson stated that the complaint was filed in the Town Clerk's office on October 3, 1978, that both parties were notified of the public hearing by certified mail, and that the following reports relative to the same have been received: 1) a report dated October 10, 1978, from Betsy M. DeWallace, Assistant Dog Officer, stating that according to a report relayed to her by the Police Department a cat belonging to Mr. and Mrs. Harry S. Furman was attacked by a German shepherd dog owned by Michael Anton, 55 Maynard Farm Road,

and another small dog owned by Dr. Babigian, 91 Maynard Farm Road; (said information was given to the Police Department by Michael Anton) and stating no further complaints against the dog; 2) a further report dated October 18, 1978, from the Assistant Dog Officer stating that she had visited the dog belonging to Michael Anton and that the German shepherd is about nine years old and showing her age, was very sweet and welcomed Mrs. DeWallace into her home; and 3) a letter dated October 12, 1978, from the Dog Officer concurring with the Assistant Dog Officer's report of October 10, 1978.

Mr. Harry S. Furman stated that in his opinion the Antons' German shepherd dog, "Gretel", is vicious and requested that the dog be restrained on the owners' property for the following reasons: 1) on October 1, 1978, Mr. Furman's seven-year-old cat was attacked and killed on his property by Gretel; 2) a signed statement dated October 2, 1978, of Mr. Scott C. Calahan, 133 Maynard Farm Road, confirming two vicious attacks on his dog, "Bridget", during February, 1978, by Gretel; 3) a letter from the former owners of the Furmans' home, the Sullivans, (resided at 123 Maynard Farm Road for 1 1/2 years prior to June 1, 1977) stating that their small dog was chased on several occasions by Gretel and relating one occasion when Mrs. Sullivan opened the door to let her son in and Gretel charged in and tried to attack their dog in their house. (This letter was in response to a request from the Furmans for information regarding the Sullivans' experience with Gretel while they lived on Maynard Farm Road.); 4) a signed statement of a witness on October 1, 1978, when the Furman's cat was killed; and 5) information that a rabbit belonging to Mary Massei, a former neighbor, had been killed by Gretel.

Mr. Michael Anton, owner of the German shepherd, "Gretel", stated that he was sorry that the Furmans' cat is dead and that he speaks not only as a dog owner but as the owner of two cats, two gerbils and a rabbit. Mr. Anton stated his regret that Mr. Furman turned this private matter into a public one and responded as follows:

Mr. Anton stated that on Sunday, October 1st, while he and his wife were visiting their next-door neighbors, the Cubrilovics, his nine-year-old daughter, Nancy, and her friend Melissa Cubrilovic, ran into the Cubrilovics' house and said that "Gretel" and "Frosty", a dog owned by Dr. Babigian, 91 Maynard Farm Road, had a fight with a cat which they thought belonged to the people in the "blue house".

Mr. Anton said that he called the Warnshuises, who live in the "blue house", 119 Maynard Farm Road, and was told by them that the cat belonged to the Furmans and that they were at the veterinarian's.

Mr. Anton stated that later that evening Mr. Furman called and spoke to Mrs. Anton in an outraged manner by threatening their dog with comments such as "Your dog is a dead dog; I'm going to get rid of your dog one way or another;" and "I'm going to blow your dog out." Mr. Anton further stated that when he called Mr. Furman later the same threats were repeated to him including, "One way or another you have a dead dog."; and furthermore, Mr. Furman said that Mr. Anton's alternative would be for him to put his dog away or Mr. Furman would see to it that the dog was put away. Mr. Anton said that both telephone conversations were terminated by Mr. Furman slamming the telephone receiver down.

Mr. Anton stated that he called the Police, who were not able to respond because there was no act of shooting; but when Mr. Furman later threatened upon visiting the Anton residence to use a 12-gauge shot gun, and the Police were again called; they did respond to Mr. Anton's call.

Mr. Anton stated that the following day, Mr. Furman called to repeat his threats and to add a list of various neighbors (and former neighbors) who would be filing complaints of a "vicious dog" along with them.

Mr. Anton said that he in turn spoke to those people named by Mr. Furman and received the following comments: 1) Mr. Edward W. Warnshuis, 119 Maynard Farm Road, related a six-year-old complaint against Gretel who bothered Mr. Warnshuis and his fourteen-year-old, 100 lb. poodle every night when they walked down Maynard Farm Road to watch the progress on their new home which was being built at the time; 2) Mr. Douglas A. Dalton, Jr., stated that he had witnessed the incident, and confirmed the children's account of the incident which was that two dogs (Gretel and Frosty) were chasing the cat in the woods, when the cat rolled over on its back and made no attempt to defend itself or climb a tree; 3) Mr. Scott C. Calahan, 133 Maynard Farm Road, stated that things have been blown out of proportion and that he was not planning to file a complaint; 4) Mrs. Mary Massei, a former resident of Maynard Farm Road, and the owner of the rabbit that was killed by Gretel, stated to Mr. Anton that the rabbit had escaped from his cage and was running through the woods when Gretel began to chase it and she expressed no further complaint; and 5) the Sullivans, who now live in Chicago, Mr. Anton recollected, had former discussions with him which were laughable associated with mutual attacks between their dogs.

Mr. Anton stated that he received in the mail a letter from the Furmans enclosing bills totaling \$558 from the Angel Memorial Animal Hospital - and he did not know why - and stated that it was interesting to note that their cat had been injured as recently as last May.

He asked the Selectmen to question the Furmans as to whether or not their cat had been declawed; they confirmed that their cat had been.

Mr. Anton quoted the SPCA's official position on declawing cats: "It's poor judgement on the part of the owner on any circumstances."

Mr. Anton concluded by saying that his family has lived on Maynard Farm Road for almost ten years with their dog, and there has never been a complaint filed against his dog. He said that it was his opinion that it was poor judgement on the part of the Furmans to allow their recently-injured, declawed cat to roam about the neighborhood.

Mr. Anton further stated that Gretel is being restrained in their fenced-in area in their yard and on a leash while being walked on the street by the children.

Mr. Edward W. Warnshuis, 119 Maynard Farm Road, related the times six years ago when he did walk on Maynard Farm Road each evening to see the progress of his new home and the fact that Gretel was a nuisance to him and his dog at the time. He added that because he seemed to have the matter under control at that time, he did not complain to the Antons, but decided that the dog should be restrained at this time due to the fact that he is a nuisance to others in the neighborhood and has killed the Furmans' pet. Mrs. Warnshuis later concurred with her husband's comments.

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

VOTED: To restrain the dog, Gretel, 1978 License #443, owned by Michael Anton, 55 Maynard Farm Road, in accordance with the Town's Dog Control Law, between the hours of 7 a.m. to 8 p.m., and that if a further complaint is received, the matter will be subject to another hearing to determine if the dog should be permanently restrained.

Joint Meeting with the Lincoln-Sudbury Regional Committee, Lincoln Board of Selectmen, Lincoln and Sudbury Finance Committees - LSRHSD Contingency Fund and Parking Fees

Present: Lincoln-Sudbury Regional High School Superintendent, David Levington; Chairman Ronald L. Blecher, Richard F. Brooks and Alan H. Grathwohl, Lincoln-Sudbury Regional School District Committee; Joseph J. Slomski and Edward L. Glazer, Finance Committee; Henry M. Morgan, Lincoln Selectman; Chairman Lawrence E. Thompson and Charlotte Friel, Lincoln Finance Committee.

Acting Chairman John E. Murray asked the Lincoln-Sudbury Regional School District Committee Chairman Ronald L. Blecher to bring the Lincoln and Sudbury Boards of Selectmen and the Finance Committees up to date on their position concerning former House Bills 5360 and 5361 dealing with the Lincoln-Sudbury Regional High School District (LSRHSD) Contingency Fund and parking fees.

Chairman Blecher stated that the Lincoln-Sudbury Regional School District Committee (LSRSDC) voted unanimously to bring the Contingency Fund request to both Town Meetings contingent upon the consent of both Boards of Selectmen and Finance Committees; and that the LSRSDC does not want to pursue the parking fee issue at this time.

Selectman Murray stated agreement, on behalf of the Board of Selectmen, that they support some form of a Contingency Fund, and that the Contingency Fund should go before the respective Town Meetings.

LSRSDC member Richard F. Brooks said that it is his opinion that the Contingency Fund should be placed in the LSRHSD's budget as a line item.

Finance Committee member Edward L. Glazer stated that the Finance Committee has supported the Contingency Fund in the past, and that they will most likely support it again, following further discussion of the same.

Lincoln Selectman Henry M. Morgan stated that his Board will favor the Contingency Fund, because it is their opinion that "reserved money" should not be "hidden" in other accounts.

Lincoln Finance Committee Chairman Lawrence E. Thompson stated his personal opinion that the amount of the Contingency Fund cannot be divorced from the issue.

LSRSDC member Alan H. Grathwohl raised the question whether the Contingency Fund should be a certain percentage of the total LSRHSD's budget or a line item fixed amount.

Selectman Murray suggested that the LSRSDC could come back and give the Lincoln and Sudbury Boards of Selectmen and Finance Committees a year-to-year evaluation concerning the amounts needed and the amounts used.

Superintendent Levington gave some history of how the committee has approached the Contingency Fund over the past five years, based on 2% of the total budget with the option to increase or decrease depending on circumstances, and that, to his understanding, there is no connection between this and the regional agreement. Mr. Levington stated that since there is no provision for a Contingency Fund in the original agreement, what is necessary is a change in the finance laws of the Commonwealth of Massachusetts to provide for the same and again clarified this cannot be accomplished by amending the regional agreement.

Executive Secretary Richard E. Thompson stated that perhaps Town Counsel could advise as to whether the original agreement of the LSRHSD could be amended or if a Contingency Fund by Special Act was needed.

Mrs. Midge Zola raised several concerns she had relative to a 5% of the total budget figure being used for the amount of the Contingency Fund and the past practices of the LSRSDC to "bury" amounts of money in other line items for use as a "Contingency Fund".

Selectman Morgan said that the percentage, before finalized, would be accurately projected on those items possible to project, and on things like fuel and utilities which cannot be projected accurately, an estimate would be made and added to the total.

Mr. Glazer said that before a maximum can be determined for the Contingency Fund, it will be necessary to differentiate between the line items - what the "reserve" should be used for, such as, salaries, requiring a larger maximum. The purpose of the line item will determine the amount of the Contingency Fund.

Mr. Brooks stated that he is not in favor of using 5% of the total budget as the amount of the Contingency Fund, and will support a much lower number than that.

Chairman Blecher stated that the LSRSDC operates on the premise that it is a responsible committee who will suggest a Contingency Fund to the Town Meeting as an important part of the LSRHSD's budget and suggested minimizing further discussion on the percentage used.

Following further discussion, Mr. Brooks recommended that the staff draft an article concerning the Contingency Fund for discussion by the joint committees and boards who are present tonight, within the next two weeks, with the hope to finalize an article for both Lincoln and Sudbury Town Meetings and to solicit support from both Boards of Selectmen and Finance Committees.

The Executive Secretary suggested that Town Counsel and Counsel for the LSRSDC meet and draft an article prior to December 1, the due date for non-monied articles.

Town Counsel expressed his agreement with Mr. Levington's earlier comments and stated that the State law reads now that both towns are required to appropriate sufficient funds necessary to maintain the schools which they do through the school committee's preparation of the school's budget - which is an estimate. Town Counsel further stated that since the State law provides for a "reserve fund" only in the Town budget, rather than a "contingency fund", some problems arose when the LSRSDC set up a "contingency fund" as a separate fund. Mr. Kenny stated that this problem does not involve the original agreement of the LSRHSD, only the finance laws of the Commonwealth of Massachusetts.

Mr. Thompson stated that the draft of the article concerning the Contingency Fund does not necessarily have to include the percentage amount, and that said amount will be included at the discretion of the LSRSDC during the preparation of their annual budget. Mr. Thompson further stated that any amount not utilized at the end of the fiscal year will come back to the Town as an offset to the following year's budget.

It was a consensus of the joint meeting that Counsels for Sudbury and the LSRSDC would prepare a draft article, relative to a special bill calling for a Contingency Fund for the LSRHS, to be presented to the next Annual Town Meeting in both Lincoln and Sudbury; it being understood that such an article must be finalized and submitted on or before December 1, 1978.

At the completion of the discussion, Acting Chairman John E. Murray thanked all those present for attending tonight's joint meeting.

#### Resignation

Present: Chairman Edward J. Mulcahy, Jr., Long Range Capital Expenditures Committee.

The Board received a letter dated October 24, 1978, from Benjamin Goodwin, Jr., who tendered his resignation from the Long Range Capital Expenditures Committee.

The Board accepted Mr. Goodwin's resignation with deep regret and directed the Executive Secretary to acknowledge Mr. Goodwin's letter and to express the Board's appreciation for his service on the Long Range Capital Expenditures Committee.

#### Appointments - Long Range Capital Expenditures Committee

Present: Chairman Edward J. Mulcahy, Jr., Long Range Capital Expenditures Committee; Beverly F. Brenner, Frederick P. Armstrong, III.

Following interviews by the Board of Selectmen of two applicants to fill the two vacancies on the Long Range Capital Expenditures Committee occasioned by the resignations of Benjamin Goodwin, Jr., and Paul J. Remington, it was on motion unanimously

VOTED: To appoint Beverly F. Brenner, 35 Forest Street, and Frederick P. Armstrong, III, 38 Grindstone Lane, to the Long Range Capital Expenditures Committee for terms to expire April 30, 1979, and April 30, 1980, respectively.

#### Appointment - Historic Districts Commission

Present: Bradley I. Reed, Elizabeth H. Warren, W. Burgess Warren, Historic Districts Commission.

Following interviews by the Board of Selectmen of the two candidates present, both recommended by the Sudbury Historical Society in communications dated October 5th and 13th, and on the recommendation of candidate Elizabeth H. Warren, it was on motion by Selectman John E. Murray unanimously

VOTED: To appoint Bradley I. Reed, 308 Concord Road, to the Historic Districts Commission for a term to expire on January 1, 1981.

Appointment - Board of Appeals

Executive Secretary Richard E. Thompson stated that due to the resignation of Alphonse J. Briand from the Board of Appeals, the Board of Appeals has recommended that Board of Appeals Associate Member David D. Horn be appointed to the Board of Appeals by telephone communication of October 25, 1978.

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

VOTED: To appoint David D. Horn, 7 Walkup Road, to the Board of Appeals, for a term to expire April 30, 1979, subject to receipt of Mr. Horn's resignation as Associate Member of the Board of Appeals and from the Earth Removal Board.

DPU Case 18153

Town Counsel Paul L. Kenny updated the Board of Selectmen on DPU Case 18153 by stating that he attended hearings all day today plus he will attend the hearing scheduled for all day tomorrow, October 31st. Mr. Kenny discussed with the Board the fact that he anticipated the hearing portion of the case to be completed within one or two weeks, with possibly one more scheduled day of hearings after the 31st. Mr. Kenny concluded that he would keep the Board abreast of any changes in the direction of the case.

There being to further business to come before the Board the meeting was adjourned at 10:30 p.m.

Attest:

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Richard E. Thompson  
Executive Secretary-Clerk