

IN BOARD OF SELECTMEN  
MONDAY, NOVEMBER 5, 1979

Present: Chairman Robert J. Hotch, William J. Cossart, and John E. Murray.

The statutory requirements as to notice having fulfilled, the meeting was called to order at 7:00 p.m. by Chairman Robert J. Hotch.

Interviews and Appointment - Board of Registrars

Executive Secretary Richard E. Thompson reported that the Board had received a communication dated October 11, 1979 from the Sudbury Republican Town Committee which recommended three enrolled Republicans for the Board's consideration for appointment to the Board of Registrars to fill the vacancy created by the resignation of Registrar Miles Robinson. Mr Thompson stated that the above-mentioned letter had been in response to his communication to that Committee dated August 24, 1979 in which he cited Massachusetts General Laws, Chapter 5, section 15, which provides, in part, that "every such appointment shall be made in a town by the Selectmen or the appointing authority from a list to be submitted to them by the town committee of the political party from the members of which the position is to be filled, containing the names of three enrolled members of such party resident in the town, selected by a majority vote at a duly called meeting, at which a quorum is present, of such committee;...".

The Board then interviewed Joseph R. Atwood, John H. Rankin, and Jack W. Swenson as to their qualifications for and interest in serving on the Board of Registrars.

At the conclusion of the interviews, after discussion, it was on motion by Selectman Cossart unanimously

VOTED: To appoint Joseph R. Atwood, 114 Mossman Road, to the Board of Registrars, to fill the vacancy created by the resignation of Miles Robinson, for a term to expire April 30, 1980.

At the conclusion of the vote, Mr. Atwood mentioned that a possible conflict of interest might arise as his wife presently serves as an election officer.

After a brief discussion with Town Counsel Paul Kenny on this matter during which Mr. Kenny stated that such a conflict could be possible and that he would review the statute in this regard, it was on motion unanimously further

VOTED: To amend the above vote by making the appointment subject to the determination of Town Counsel as to whether a conflict of interest does exist.

(NOTE: On November 13, 1979 Town Counsel informed the Board that it was his opinion no conflict of interest would exist relating to Mr. Atwood's appointment.)

Appointment - Emergency Inspector - Democratic

Executive Secretary Richard E. Thompson reported that the Board had received a communication dated October 22, 1979 from Assistant Town Clerk notifying

the Board that Patricia Crocker is unable to accept her appointment as Emergency Inspector - Democratic, and had subsequently received the recommendation of the Chairman of the Democratic Town Committee that Edward E. Adams be appointed to that position.

After discussion, it was on motion by Selectman Murray unanimously

VOTED: To appoint Edward E. Adams, 57 Marlboro Road, as an Emergency Inspector-Democratic during 1979-1980, subject to his acceptance.

Raymond Mausoleum Account - Expenditure for Maintenance Work

Executive Secretary Richard E. Thompson reported that an expenditure of \$200 from the income of the Raymond Mausoleum Account is proposed for use to repair the front gate, a portion of the wrought iron fence, and a section of protective screening on the back window of the Mausoleum, as well as general housecleaning inside and outside of the facility. Mr. Thompson stated that the matter would have to come back to the Board again as there is need of additional work involving removal of paint by vandals on the west and east sides of the building.

Selectman Murray stated that the building needs to be first sandblasted and then repainted.

Mr. Thompson stated that he would report back to the Board as to the expense involved in the additional work.

Mr. Thompson referenced the vote of the 1962 Annual Town Meeting which provided that the Town accept from the executors of the will of Lydia G. Raymond the sum of \$1,000, the income from which is to be used for the perpetual care, maintenance, preservation, and repair of the mausoleum.

After discussion, it was on motion by Selectman Murray unanimously

VOTED: To authorize expenditure of \$200 from income of the Raymond Mausoleum account to perform certain maintenance work at the Raymond Mausoleum in accordance with Article 28 of the 1962 Annual Town Meeting.

CU-70 Evidence Gathering Kit- Polaroid Corporation

Executive Secretary Richard E. Thompson reported that Police Chief Nicholas Lombardi had received a communication dated October 24, 1979 from Polaroid Corporation which expressed gratitude to Officer Vincent Patruno for his assistance in evaluating the CU-70 Evidence Gathering Kit and which stated that, in consideration of Officer Patruno's assistance, Polaroid was sending a CU-70 Kit to the Town for use by the Police Department. Mr. Thompson stated that the communication had been placed on the agenda for the purpose of the Board's vote to accept the gift.

After discussion, on motion by Selectman Cossart, it was unanimously

VOTED: To accept the CU-70 Evidence Gathering Kit from Polaroid Corporation, Cambridge, MA on behalf of the Town and to direct the Executive Secretary to send a letter of appreciation for the gift.

#### Unsolicited Advertising

Executive Secretary Richard E. Thompson reported that on the Chairman's recommendation the matter of unsolicited advertising and Article V, Section 11 of the Sudbury Bylaws, as voted by the 1976 Annual Town Meeting under Article 15, which regulates such advertising, had been placed on the agenda at Chairman Hotch's direction to bring the matter to the attention of the public. Mr. Thompson referenced the above-mentioned section of the Bylaws which makes it unlawful for any person to distribute advertising material at a home within the Town by placing such material at the home or on the property of the person owning or occupying the home if the owner or occupant of the home requests in writing that deliveries of such material be stopped until further notice. Mr. Thompson stated that if the individual wishing that such deliveries be stopped notifies the distributor in writing and the deliveries continue, that individual is asked to contact the Selectmen, and a letter will be sent from Town Counsel's office to the distributor.

Chairman Hotch reported that he has received many telephone calls with regard to the advertising and that people are not aware that this bylaw exists and, in his opinion, it should be made more public.

Selectman Murray pointed out that it is illegal to have anything other than post office mail placed in or attached to a mailbox.

#### Sudbury Juvenile Work Program

Executive Secretary Richard E. Thompson reported that Town Counsel Paul Kenny had received a communication dated October 26, 1979 from First Justice Anthony J. DeBuono, Framingham District Court, relative to the Board's request for a meeting to discuss institution of a juvenile work program in Sudbury.

Mr. Thompson reported that when Town Counsel first contacted the Framingham District Court with the request for a meeting on this subject, they were in September recess, that since that time Judge DiCicco, who hears all juvenile matters has been ill, and that they have been, as yet, unable to schedule such a meeting. Mr. Thompson stated that it was his understanding that Judge DiCicco will be back next week and that the meeting will be scheduled as soon as possible.

#### Peter G. Sullivan - Sudbury Police Department

Executive Secretary Richard E. Thompson reported that the Board had recently received communications from Richard E. Senghas, M.D., dated October 15, 1979, from Dr. William M. Carlton of the Southboro Medical Group, Inc., dated October 9, 1979, and from Peter G. Sullivan, dated October 19, 1979, all relating to the physical condition of Mr. Sullivan as it relates to his employment by the Sudbury Police Department.

After a brief discussion, on the recommendation of the Executive Secretary, on motion by Selectman Murray, it was unanimously

VOTED: To authorize the Executive Secretary to contact one of the Town Physicians for the purpose of examining Peter G. Sullivan relative to his ability to return to the Sudbury Police Department and to report back to the Board as soon as possible.

Mr. Thompson stated that he might suggest to the Town Physician that a specialist be called as a consultant.

The Board was in agreement.

Massachusetts Municipal Association Legislative Liaison - Middlesex County Advisory Board Designee

After discussion, it was on motion by Selectman Murray unanimously

VOTED: To designate Chairman Robert J. Hotch as Massachusetts Municipal Association Legislative Liaison and as the Middlesex County Advisory Board Designee.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Executive Session of October 29, 1979, as submitted.

Sudbury School Committee, Lincoln-Sudbury Regional School District Committee, Minuteman Regional Vocational Technical School District Committee - General Meeting

Present: Dr. Joseph D. LoPresti, Superintendent of Sudbury Schools, N. Cornell Gray, Chairman, Sudbury School Committee; David Levington, Superintendent, Lincoln-Sudbury Regional District, Richard H. Davison, Chairman, Alan Grathwohl, and Ronald Blecher of the Lincoln-Sudbury Regional District Committee; Dr. Ronald Fitzgerald, Superintendent, Minuteman Regional Vocational Technical District, and Donald Bishop, member of Minuteman Regional Vocational Technical District Committee.

Chairman Hotch welcomed the superintendents and committee chairman and members representing the Sudbury Schools, the Lincoln-Sudbury Regional School District (LSRSD), and the Minuteman Regional Vocational Technical School District (MRVTSD) for a joint meeting in keeping with the Board's policy to meet with each Town department, board, committee, or commission and in advance of the preparation of the upcoming fiscal year's operating budget and the Annual Town Meeting.

Chairman Hotch stated that the purpose of tonight's joint meeting was to discuss, if possible, bottom line budget figures and current projected shortfalls for this fiscal year, as outlined by the Town Accountant at the last Town Fathers Forum, and to discuss what might be expected for Fiscal 1980-81 with regard to tax caps and what possible financial impacts which certain referendum questions, proposed for the November 1980 ballot, would have on the Town. Chairman Hotch further stated that the Selectmen hope that tonight's meeting will be the beginning of a series of meetings for joint discussions of local finances and evaluation as to how the Town will cope with outside pressure and possible legislation which

will directly impact the Town's local finances, in order to provide a good public education for Sudbury children and service to Sudbury residents.

Figures for the Town's 1979-80 cash position, projected 1979-80 deficits, and 1978-79 versus 1979-80 net dollars to be raised, which had been prepared by Town Accountant John H. Wilson on October 29, 1979, as well as an outline of the tax limitation petitions were distributed to those present for their information.

Executive Secretary Richard E. Thompson stated that the idea of the general meetings was not something new, that for the last two years all concerned boards and committees, because of financial reasons, had met together to reach compromises prior to Town Meeting, that out of those meetings had come reduced budgets in some cases and, in other instances, collective agreement that no reductions should be made. Mr. Thompson stated that at the State level, general reductions are talked about, that Governor King will recommend a 0% budget increase, that the House and Senate will probably recommend a 4% increase. Mr. Thompson stated that it was his personal recommendation that the Town know as much as possible about the proposed legislation so that it can support or oppose certain proposals; for example, if an across-the-board 10% reduction in police budgets were passed, it would mean that Sudbury would not patrol a section of Town, whereas in a city such as Boston or Cambridge, it would have little impact. Mr. Thompson expressed his opinion that it was important that the Town understand these items, and he stated that tonight's meeting, while not for discussion of particular line items, was for a general discussion concerning the material prepared by the Town Accountant. LSRSD Committee Chairman Richard Davison asked if the Finance Committee had been invited to tonight's meeting.

Mr. Thompson stated that the Finance Committee has been in attendance at all recent meetings except tonight.

MRVTSD Committee member Donald Bishop, stated that the Finance Committee had been made aware of the meeting and that the chairman of that committee had mentioned to him that he was unable to be present.

Chairman Hotch asked if the Finance Committee attends the initial budget meetings of the LSRSD.

Mr. Davison responded that the Committee attends all of their meetings, formal and informal.

At the request of Mr. Davison, LSRSD Superintendent David Levington reviewed the Regional's budget process. Mr. Levington stated that the budget process begins by asking program managers in each departments, or department heads, to prepare a budget list for all non-personnel items, such as supplies, equipment, etc. Mr. Levington stated that in preparing those budgets, he had requested that each department prepare a request based on projected enrollment and what each believed would be needed to carry out his program for the next year and to identify any major change in program areas. Mr. Levington stated that this information is gathered and he reviews the programs with the departments beginning in September, that at that time he tries to inject some slight amount of reality, and that he has these requests published so that the School Committee has the input of all

departments, including maintenance. Mr. Levington stated that he was almost through that process at this time, that in October the Committee had asked him for a projection of where they stood, that he had done some approximating and had presented a preliminary look at the budget two weeks ago, and that in December there would be a review of all the various components of the Superintendent's budget.

Mr. Levington stated that the Finance Committee attends all of these meetings and that near the end of the period there is a meeting with the finance committees of both towns, that the LSRSD Committee then adopts a tentative budget, hearings are held, and the budget finalized.

Mr. Levington stated that his projected budget, at this time, has many variables, that they are in negotiations and do not have any salary increase figures, but that the budget has a major anticipation for an increase in fuel, a contingency fund, and allowances for significant investments in energy saving improvements. Mr. Levington further stated that the school's present student body is 1541, with a projection of 1476 students, so that the budget plans for reduction of approximately six professional staff members and an overall increase of approximately 4% with no salary figures included.

Chairman Hotch asked if the school anticipated renting any of its available space.

Mr. Levington stated that there was no assumption for such funds in the budget and if it were rented, the budget would not be affected, but rather the assessment.

On the subject of negotiations, Mr. Thompson stated that the Town is now bargaining with five unions and that three years ago, just as the Town was going into fact-finding, the Sudbury Schools announced their salary increase, which made things difficult. Mr. Thompson expressed his opinion that it would be productive if a representative of the schools advise the Board, if at all practical if they were going to announce salary agreements.

LSRD Committee member Alan Grathwohl suggested that the Selectmen also advise the school committees of their bargaining progress.

Mr. Davison commented that he thought this an important point, that he thought the suggestion consistent with what is proper, and that they should make it policy to keep each other informed of bargaining status.

Mr. Thompson stated that the Regional now has its own separate Cherry Sheet and asked that that information also be made available to the Selectmen as soon as possible.

Mr. Davison stated that, in his opinion, they should have their Business Manager-Treasurer meet with the Town Accountant with regard to their Cherry Sheet, and there was general agreement with this plan and to keep each other informed as to bargaining status.

Selectman Cossart asked if Sudbury's share of \$215,000 of the deficit incorporates anticipated shortfall for fuel.

Mr. Levington replied that it did not.

Mr. Grathwohl stated that there is an \$85,000 shortfall for fuel.

Mr. Davison stated that in August, the Committee had anticipated a huge energy shortfall, had been working on the problem and had determined a figure of \$85,000, and that he was of the opinion that there was no new information to indicate that that figure would be changed.

MRVTSD Superintendent Ronald Fitzgerald stated that their budget process had begun last spring, that they had gone through hearings, and that the results of those hearings were shown in a status report which he then distributed. Dr. Fitzgerald stated that they were presently in discussion of the fact that there might be a new salary schedule next year and that these discussions were somewhat complex. Dr. Fitzgerald stated that Sudbury's assessment this year is 10.47% and for next year 9.3%, a reduction of 1.17%, due to an increase in membership towns and an increase in revenue.

Dr. Fitzgerald stated that the two major issues were the salary and energy costs, which include electricity and the cost of transporting students to fifteen towns. He further stated that they do not anticipate any shortfalls. Dr. Fitzgerald further stated that the entire budget, whether or not the salary issue is settled, will be submitted on November 13 and that hearings will be held through January 8.

With regard to the non-school related activity, Dr. Fitzgerald stated that they plan to propose to the Committee a surcharge system which will cover most of the non-student use of the building.

At the request of the Selectmen, several of the programs as they relate to reimbursements, Federal subsidy, and outside use of the facility and resulting revenue were described by Dr. Fitzgerald, and he further explained that the school runs a self-supporting summer school which doubled in size this past year and is also used for non-student purposes two late afternoons and four evenings per week. Dr. Fitzgerald again stated that the surcharge for such outside use of the building will be reviewed and increased to meet new energy costs.

Sudbury School Committee Chairman N. Cornell Gray introduced Superintendent Joseph LoPresti who reported that the local schools were working to make their budget understandable and that it is broken down into accounts for salary, contracted services, and equipment. Dr. LoPresti stated that they are not negotiating with the teachers this year and that their big problem is contracted services--the busses. He expressed his opinion that this group, in the future, think about this matter and, in the long term, look at other alternatives. Dr. LoPresti stated that he has a member of his staff presently making a study looking at the plus and minus factors of owning versus leasing of busses.

With regard to the upcoming budget, Dr. LoPresti stated that they were past the stage of internal hearings with public hearings scheduled soon, and that he will be making Superintendent's recommendations and be prepared to defend them before the Committee.

Mr. Gray stated that the Sudbury School Committee's budget process has been a program budget technique for the past several years, that the Finance Committee

and Selectmen's liaison can have all of their documentation for various figures and contents of each program, and that the entire process is open with no hidden purchases. Mr. Gray stated that they have some major difficulties--fuel, transportation contracts, and that with regard to the \$120,000 shortfall in the transportation and fuel accounts, the School Committee is trying to absorb as much as it can.

Mr. Gray reported that they are in the third year of a very favorable contract which has cost the Town, with steps, 3%, 4%, and 5% on the last three years (7%, 6.9% and 6.9% on a normalized basis). Mr. Gray stated that he would expect that salary increases alone would be 2½% of their current budget (\$125,000), with some reduction of the staff because of declining enrollment--2560 students this year, 2400-2420 students projected next year; however, the rate of the decline is decreasing.

Selectman Murray asked if the Committee had been involved in discussions about the closing of any schools.

Mr. Gray reported that Dr. LoPresti has been charged with developing a plan to meet the decline in enrollment in the next 5-10 years and that he is to report with the scope and direction that he wishes that to take in February. Mr. Gray stated that they had made it clear that the closing of one or more of the schools is a very real part of that consideration, but that whether they will do that next year or not remains to be seen and that they were not going to budget for that possibility this year.

Chairman Hotch asked if the Committee had looked into the possibility of renting space from the High School.

Mr. Gray stated that they had not considered it as yet.

Mr. Levington stated that moving the eighth into the High School or taking the ninth grade out would be very logical suggestions, and he expressed his opinion that it might be the right thing to do.

Mr. Davison stated that it is probably going to be very difficult to resolve those issues and that it might require outside leadership to help mediate.

Mr. Levington stated that several years ago, Federal funds had been available for studies relating to declining enrollment, and that it had been their primary finding at that time that the schools are well run in this area and negligible savings would be realized through greater efficiency because they are so well run.

Mr. Levington further stated that he was of the opinion that the Town has to consider whether they want to see a diminution of service or not because, as a Town, we cannot continue to have the same level of service if it is decided to place a strict limitation on income.

Mr. Gray stated that it is very clear that, as heating, transportation, equipment, and equipment maintenance costs are relatively fixed, in order to substantially decrease the budget, personnel must be reduced as salaries account



for slightly over 80% of the budget, and that this means literally cutting back on some programs.

Selectman Cossart reported that the comments and input he has been receiving indicate that people do not want a reduction in service, that they are urging that we look very seriously at the educational programs and not reduce them further.

Dr. Fitzgerald suggested that ways be found to more fully utilize the school buildings as community resource buildings.

Chairman Hotch thanked those who were in attendance and again stated that there would be future joint meetings for further discussions.

#### Historic Districts Commission - General Meeting

Present: Donnilea Marshall, Chairman, Burton H. Holmes, Edwin A. Blackey, and W. Burgess Warren of the Historic Districts Commission.

Members of the Historic Districts Commission met with the Board in a general meeting to update the Board with regard to their recent activities.

Chairman Hotch stated that the Board had earlier received the Commission's letter dated August 20, 1979, relative to the Village Green shopping center, and he asked whether the Commission wished to elaborate on it at this time.

Historic Districts Commissioner Donnilea Marshall reported that she had received a call several nights ago from the contractor who had been retained by Coolidge Bank at Village Green, who expressed his concern with several items in a public area which were, in his opinion, unacceptable from the standpoint of safety. Mrs. Marshall stated that she had referred the contractor to the Board.

Executive Secretary Richard E. Thompson stated that the Board had not yet received his call.

Selectman Murray stated that the matter would seem important enough to have the Executive Secretary investigate and turn the findings over to the Town Engineer and the Fire Chief.

Chairman Hotch and Selectman Cossart were in agreement, and Chairman Hotch assured the Commission that the matter would be looked into immediately.

Mrs. Marshall reported that the Commission has only had two-thirds of the cases that would normally have been heard to date this year, that there are not many new buildings, and that people are not doing as much to their property.

Selectman Murray asked if the Commission had met with Ephraim's concerning a sign.

Mrs. Marshall stated that Mr. Wagoner had had a sign made without proper authorization, but that it does meet with their approval, and that the Certificate of Appropriateness would be awarded contingent upon the objections of other tenants

in the building and the abutters. She stated that the sign has been approved by the Sign Review Board, is 2' x 3' in size, and will be positioned at right angles to the registry sign.

Mr. Thompson informed the Commission that the Town had received approval of a grant for \$7,550 from the Massachusetts Historical Commission for Phase I of the restoration of the Hosmer House which involves the retaining of an architectural consultant to recommend the type of restoration that is needed. He further informed them that a grant application for Phase II, for the actual restoration will be filed, and, if approved, will proceed to the 1981 Annual Town Meeting for matching funds, and that the Board will solicit the Commission's involvement in Phase II.

#### Current Items of Interest

Wendworth Corporation - Executive Secretary Richard E. Thompson informed the Board that his office had received a copy of the Wendworth Corporation's appeal application to the Board of Appeals relative to the Selectmen's disapproval of their site plan.

Cutting of Trees on Town-Owned Land - Mr. Thompson reported that Chairman Hotch had read a letter from the Housing Authority dealing with a tenant at Musketahquid Village, who requested cutting down and removing several dead pine trees on the lower Town-owned Oliver land. Mr. Thompson stated that he had informed the Authority that there is no Town policy as far as the Selectmen are concerned with regard to cutting trees on Town property under their control. Mr. Thompson stated that he would hope that the Board would not develop any policy regarding trees and that he had told the Authority that unless they heard from him to the contrary, the answer was that no cutting of trees is allowed on Town-owned property.

Mr. Thompson's action in the matter was supported by the Board, and it was agreed that no policy with regard to the cutting of Town trees would be developed at this time.

Coatings Engineering Corporation - Selectman Cossart reported that the Water Resources Commission Division of Water Pollution is now accepting comments with regard to Coatings Engineering Corporation's most recent plan for wastewater treatment. He further reported that the Conservation Commission has responded on the subject by letter dated October 31, 1979 to the Division of Water Pollution Control and that he wished the Selectmen to also respond, indicating their interest in the outcome of this matter and raising again the question that there are several points which were previously specified by the Water Resources Commission to Coatings that must be resolved. He further stated that the Board has not seen any indication from Coatings or from the State indicating that such action has taken place and that, in his opinion, the Board should register a letter stating its position.

After further discussion the Board directed Mr. Thompson to draft such a letter for the Board's review on November 13.

Town Audit - Chairman Hotch reported that the audit is 99% completed and that in two weeks the auditing committee will meet with the accounting firm to review

the draft of the management letter and to set up the logistics of the remaining work, which will be completed by December 1.

Mr. Thompson stated that there will be a meeting of all concerned departments prior to the final draft, and Chairman Hotch added that the letter will be shown to the Selectmen before it is made public.

Surface Water Pollution Control - Selectman Cossart reported that the Board has received indications of interest from at least two of the thirteen companies which were requested to send proposals on the Town's surface water pollution control, and he further stated that he would keep the Board informed of future progress in the matter.

Mosquito Control Study Committee - Selectman Cossart reported that with regard to the Mosquito Control Study Committee, he had asked the Executive Secretary to help with the wording of a letter of findings and recommendations from the Committee for possibly as many as four articles for next year's Annual Town Meeting, that the letter will be ready for the Board's review next week.

Selectman Murray stated that the original charge to the Committee was to see if the Town would continue to spray for mosquitoes, and he asked Selectman Cossart if he had any ideas as to where they stood on this particular part of the question.

Mr. Cossart stated that the basic concern of the committee is mosquitoes and that that is the reason why there may be more than one article and the items separated. He further stated that at this time the Committee was considering a very intelligent and rather widesweeping revision of Sudbury's participation in the East Middlesex mosquito control program, that the members still were of the opinion that we should be involved but with a slight change in orientation in that program.

#### Executive Session

At 9:00 p.m., it was on motion by roll call unanimously

VOTED: To enter into executive session for the purpose of discussing transactions in real property where open discussion may have a detrimental effect on such transactions.

(Roll call vote: Chairman Hotch in favor; Selectman Cossart in favor; and Selectman Murray in favor.)

Chairman Hotch announced that public session would not reconvene following the executive session.

There being no further business to come before the Board, it was on motion unanimously

VOTED: To adjourn the meeting at 9:20 p.m.

Attest:

Richard E. Thompson  
Executive Secretary-Clerk