

IN BOARD OF SELECTMEN
THURSDAY, FEBRUARY 21, 1980

Present: Chairman William J. Cossart and John E. Murray.

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

Town's Juvenile Restitution Program

Chairman Cossart referenced a communication dated February 12, 1980, from Town Counsel Paul L. Kenny indicating that he had met with Judge DiCicco and Robert B. Clifford, Chief Juvenile Probation Officer, relative to the proposed Juvenile Restitution Program in the Town of Sudbury. It was further indicated that the Court has conditionally approved the implementation of the program for restitution involving damage to public property and is now waiting to be informed by the Town that a committee has been appointed and that a step-by-step procedure has been developed for individual cases.

Selectman Murray suggested the following criteria for the selection of the panel/committee:

- committee members should be available during the day to meet on short notice, and also available in the evenings on a regular basis;

- committee members should have a sincere interest in juvenile work, as well as have a keen interest in justice for the Town itself.

Selectman Murray stated that the Board should start to compile a list of appropriate people and try to meet with them to find out their interests in the program and in working on such a committee.

Chairman Cossart suggested that the Juvenile Officer and a Town official serve ex-officio on the committee.

Selectman Murray expressed his opinion that the Juvenile Officer not serve on the panel, but be the contact between the Police Department and the committee; he further suggested that the Fire Chief serve on the committee ex-officio since he is a strong advocate of this program, and has worked with juveniles in special projects within the Fire Department in the past. Selectman Murray went on to say that, in the future, should the Town decide to expand this program to include private property, the Chief would be a good contact between the Town and its merchants. Both Selectmen agreed that the Juvenile Officer should play an active role in the program.

Chairman Cossart commented that it might be a good idea if a business person, who perhaps would have an interest in how restitution could be made, serve on this committee; he also suggested a parent, unassociated with Town Officials and/or Town employees, be involved.

Selectman Murray suggested that the group consist of 5-7 members, and that it be balanced - male and female; also that two alternates be available if the committee had only five members.

Mr. Thompson suggested that, through the press, residents be notified to contact the Selectmen's office if they have an interest in working on this committee. Mr. Thompson noted that there are presently about six names on file to be reviewed by the Selectmen.

Selectman Murray expressed his opinion that this should be a priority matter; that as soon as a committee is formed and guidelines prepared, Town Counsel can proceed back to the court.

Mr. Thompson stated that he would try to obtain some feedback from the Police Department on the size of the committee.

Department of Public Utilities Case 18153

Present: Estelle Simon, Sudbury petitioner; and Stanley Robinson, Wayland petitioner.

Chairman Cossart referenced the Second Supplemental Order, dated February 5, 1980, of the DPU, which denied motions for reconsideration of the Department's Order of November 26, 1979, relative to Case 18153.

Mrs. Simon commented that the motion for appeal was denied by the DPU on the basis that no new information was presented, and contended that new information had in fact been presented - that being the Acton hot line is only available as a long distance call.

Mrs. Simon stated that the Town can appeal this decision within ten days (by February 29), and should do so, suggesting that, in her opinion, the Town is the subject of a vast discrimination.

Mrs. Simon further stated that she spoke to the Attorney General's office and had been advised not to go to court without an attorney; that there would be an impasse, if permission were not granted by the Selectmen authorizing Town Counsel to proceed with an appeal. Mrs. Simon said she was told that initial charges for Town Counsel would be minimal to appeal and that it would be 6-7 months before it would be necessary for any further legal expenditures - the filing of briefs. Mrs. Simon said that she would be willing to assist with the required information for the briefs, and also offered to solicit financial support from Selectmen of the other towns affected by the telephone case. Mrs. Simon said that the Attorney General's office had advised her that the Town could appeal now and later withdraw from the appeal process if funds were not available to continue the case.

Chairman Cossart expressed his agreement philosophically; commented on Mrs. Simon's admirable personal energies, and her arguments to proceed; but stated that it is a case of the Town's priorities - Town Counsel's time and energies, and the question of money.

Mrs. Simon again offered her assistance to Town Counsel and stated that she hated to give up after coming this far in the case; she suggested that Town Counsel check the inclusion of the Lincoln-Sudbury Regional High School lines under ECCS.

Selectman Murray expressed agreement, on behalf of the Board, with Mrs. Simon, concerning the entire situation, but re-enforced the fact that there just are not sufficient funds in the legal budget to proceed.

Mrs. Simon stated that Mr. Robinson (Wayland petitioner) has had experience in appeal cases and has expressed his willingness to help and support the Town of Sudbury if they should decide to appeal the Second Supplemental Order by the DPU. She again suggested that Town Counsel would have a minimal amount of work to do.

Mr. Robinson responded to Selectman Murray that he lives in that part of Cochituate which has the Natick exchange, but that Wayland and Cochituate are no longer charge calls for him.

Mr. Robinson stated his intention to appeal the order, and that it would be helpful if the Town of Sudbury would also.

Selectman Murray stated that Sudbury had solicited support from surrounding communities in the past and that no financial support had been received. Mrs. Simon stated she felt there might be more support now that some results can be seen. Selectman Murray stated that he would not want to mislead the public by appealing now and not be able to follow through because of lack of funds.

Selectman Cossart suggested that Mrs. Simon could work with Town Counsel on an appeal with the full realization that "we are at the end of our rope". Mr. Cossart stated that we could try again with other communities to solicit financial aid. Mrs. Simon asked how we should proceed to contact the twenty-nine towns.

On the recommendation of the Executive Secretary, the Board took the matter under advisement until February 26; in the interim, the Executive Secretary was directed to request Town Counsel to draft an appeal in the DPU Case 18153.

Mr. Robinson stated that he is appealing the Sudbury decision of November 26 and that Town Counsel has a copy of his proceeding.

Mrs. Simon asked that Town Counsel be informed of her recommendation to file the appeal based on discrimination.

Chairman Cossart thanked Mrs. Simon and Mr. Robinson for attending tonight, and invited Mrs. Simon to attend next week's meeting, reminding her that the Board will be meeting on Tuesday, February 26.

Joint Meeting with Planning Board to Discuss Articles for Annual Town Meeting

Present: William R. Firth, Robert F. Dionisi, and Olga P. Reed, Planning Board.

Mr. William R. Firth reviewed, by reading some of the warrant reports, and reported on the Planning Board's articles (numbers 29, 30, 31, 32, 33, 34 and 41) for the 1980 Annual Town Meeting, following which the Board of Selectmen took the following positions:

It was on motion by Selectman Murray unanimously

VOTED: To support the following Planning Board's articles:

- #29 Amend Bylaws: A) Art. IX,V,B-Off-Street Parking
B) Art. IX,V,K-Screening of Open Uses
C) Art. IX,V,N-Special Regulations - Landscaping
 - #30 Amend Bylaws, Art. IX,IV,B-Schedule of Intensity Regulations
 - #31 Amend Bylaws, Art IX,III-Prohibited Uses in Non-Residential Zones
 - #34 Official Town Map
 - #41 Amend Bylaws, Art. IX-Shopping Center Districts
- and it was further

VOTED: To take no position on the following Planning Board's articles:

- #32 Dutton Road Walkway
- #33 Landham Road Walkway

The Board directed the Executive Secretary to request further information on Article 39 - Amend Bylaws, Art. IX,II,C-Limited Industrial District No. 2 - from the Planning Board and the Industrial Development Commission.

Joint Meeting with Sudbury School Committee to Discuss Articles for Annual Town Meeting

Present: N. Cornell Gray, Chairman, Paul Langner, Sudbury School Committee; Joseph LoPresti, Superintendent of Schools; and Frederic T. Hersey, Finance Committee.

Mr. Paul Langner reviewed articles 35, 36 and 37, submitted by the Sudbury School Committee dealing with a school roof study, the Fairbank School roof and the Horse Pond School roof and commented as follows:

- it appears that a school roof study is essential in determining the amount of money required for new roofs on the Fairbank and Horse Pond Schools;

- that money appropriated at the 1979 Annual Town Meeting "to repair" the Fairbank School roof cannot be used for the purpose of a new roof without Town Meeting approval; and

- later, recommended that the three articles be left in the warrant as printed, stating that he felt confident with the Permanent Building Committee's \$125,000 figures for both article 36 and 37.

Selectman Murray stressed several times during the meeting the importance of submitting the correct figure with the articles for new roofs for the Fairbank and Horse Pond Schools, and later supported bonding, if it is later determined to proceed with the same.

Mr. N. Cornell Gray explained that the Sudbury School Committee ideally should have had the money for the School Roof Study now so that articles 36 and 37 for the roofs for the two schools could be submitted with accurate figures; he suggested considering the withdrawal of those two articles, leaving in article 35 for the School Roof Study and calling a Special Town Meeting to address articles 36 and 37 when it was known exactly how much money was needed for the new roofs. Mr Gray concluded by stating that he would like more time to evaluate the situation and discuss it further in a week or two.

Selectman Cossart stated that we should evaluate whether or not the \$7,000 figure for the School Roof Study would be sufficient for all the schools contemplated for new roofing.

Mr. Frederic T. Hersey stated that the Finance Committee is unanimously against articles 36 and 37, and that they support articles 35 on the basis that it includes all schools.

Mr. LoPresti suggested that the School Roof Study be done with a complete set of specifications for bidding purposes, and stressed the importance of the necessary repairs being completed as soon as possible.

At the conclusion of the discussion, the Selectmen agreed to take no position relative to the following articles:

- #35 School Roof Study
- 36 Fairbank School Roof
- 37 Horse Pond School Roof

Petition for Transfer of Certificate of Public Convenience and Necessity from Ritchie Bus Lines, Inc., to Gray Line Post Road Commuter Corporation

Present: Douglas Galbraith, Division of Operations and Maintenance, Gray Line Post Road Commuter Corporation.

Mr. Douglas Galbraith informed the Board of a public hearing to be held on Wednesday, February 27, 1980, at 10:00 a.m. in hearingroom 1210, Leverett Saltonstall Building, 100 Cambridge Street, Boston, Massachusetts, for approval by the Department of Public Utilities upon a joint petition of Ritchie Bus Lines, Inc., (Transferor) and Gray Line Post Road Commuter Corporation (Transferee) for the transfer of Certificate of Public Convenience and Necessity Number 674 from said Transferee, pursuant to Chapter 159A, Section 7A, of the General Laws, as amended.

Mr. Galbraith stated that Gray Line would accept the same fare and schedule as now used by Ritchie Bus Lines, Inc.

Selectman Cossart asked if the rate and schedule of runs are covered in the petition being heard on the 27th of February.

Mr. Galbraith stated that under this petition, the DPU will adopt the same schedule as is now in operation. Ritchie Bus Lines had previously petitioned for a fare increase, which, if approved, will affect the future rates of the Gray Line.

Following further discussion, Chairman Cossart suggested that, upon receipt of a copy of the proposed rate and run schedule, the Executive Secretary would respond to the DPU stating the position that the Selectmen of the Town of Sudbury have no objection to this transfer and look forward to improved service by the Gray Line Post Road Commuter Corporation.

Mr. Galbraith stated that he would also forward a copy of the insurance certificate. On the recommendation of the Executive Secretary, Mr. Galbraith stated that he would furnish the requested material by Monday, February 25th.

Chairman Cossart thanked Mr. Galbraith for attending tonight.

Chairman Cossart recessed the meeting at 8:45 p.m. for a coffee break; the meeting was called back to order at 8:50 p.m.

Current Items of Interest (continued later in the evening)

Piorkow Drainage Easement

Present: Edward A. Sokoloff, Attorney for the Piorkows.

Chairman Cossart referenced Assistant Town Counsel Thomas M. French's communication dated February 19, 1980, relative to the Piorkow Drainage Easement, recommending that, in the best interest of the Town, as well as that of the Piorkows, the record be corrected and recommending that the Selectmen accept the easement.

Following a brief discussion with Attorney Sokoloff and a review of the plans, it was on motion by Selectman Murray unanimously

VOTED: To accept and sign a drainage easement dated February 9, 1980, for property on 82 Washington Drive, Sudbury, Massachusetts, as shown on a "Plan of Land in Sudbury, Mass., Property of Alfred & Gerda Piorkow", dated January 30, 1980, approved by the Planning Board on February 14, 1980, since prior recorded plans for this property (specified in paragraphs (a) and (b) on the easement) have incorrectly specified the location of the easement on the land. This easement grant, "intended to correct and clarify the true location", will be recorded by the owner's attorney together with the 1980 plan referred to in the easement.

Recycling Glass and Tin

Present: Martha Gogel of Weston.

Ms. Gogel of Weston requested that the Board consider supporting a joint endeavor of recycling glass and tin in order to receive a grant from the Metropolitan Area Planning Council (MAPC) to secure a 50,000 cubic foot receptacle to be used jointly by area towns - in Sudbury's case, the receptacle would be shared with the Town of Wayland.

Selectman Cossart stated that there are some deep ramifications of this issue which have a direct bearing on some of the things the Board has under consideration right now. Mr. Cossart complimented Ms. Gogel for her vast undertaking, especially in the area of the publicity requirement of encouraging that extra trip to recycle at a time when people are very fuel conscious.

In view of the fact that Ms. Gogel's pre-application should be filed by the February 29 deadline, the Executive Secretary suggested that she file the pre-application for Weston and Wayland, stating that it is her intention to solicit support from the Town of Sudbury.

Chairman Cossart accepted material from Ms. Gogel for comment from MAPC representative Joan Irish, and thanked Ms. Gogel for consulting with the Town of Sudbury. The Board agreed to address the subject further at its next meeting.

Increasing Fee for Late Dog Licensing

The Selectmen received and placed on file a communication dated January 17, 1980, from Assistant Town Counsel, Thomas M. French, indicating that by statute the surcharge fee for a late dog license cannot exceed one dollar. This communication was in response to an inquiry by the Selectmen, as suggested by the Dog Officer, to investigate a means of further penalizing late dog licensing.

Order of Taking - Alteration of Penn Central Railroad Crossing, Hudson Road

In the absence of a notary public, it was on motion unanimously

VOTED: To table the matter of signing an Order of Taking for the alteration of the Penn Central Railroad crossing on Hudson Road (at Peakham Road) for walkway purposes, as prepared by Town Counsel and requested in his communication dated January 24, 1980;

and it was further

VOTED: To direct the Executive Secretary to secure the necessary papers for his application as a Notary Public.

Special Permit for Trailer at 4 Frye Road

It was on motion by Selectman Murray unanimously

VOTED: To confirm the Board's telephone vote of February 13, 1980, to grant a special permit for dwelling purpose use of an automobile trailer at 4 Frye Road, for a period of six months commencing February 13, to Linda Woods, subject to the applicant obtaining a building permit for said property, and subject to Board of Health approval, if required.

Sudbury Reservoir Water Treatment Plant Project

The Board noted receipt of a communication dated February 11, 1980, from Joan C. Irish, MAPC Designee, to Secretary John A. Bewick of the Executive Office of Environmental Affairs, relative to the Sudbury Reservoir Water Treatment Plant project, and tabled discussion on the same, requesting the Executive Secretary to obtain further clarification from Mrs. Irish.

Federal Aid to Minuteman School under Public Law 90-576

Following a brief discussion, it was on motion by Selectman Murray unanimously

VOTED: To send a mailgram to Charles Grigsby, Chairman of the Massachusetts State Board of Education, in support of receiving the overdue Federal 10% construction aid under Public Law #90-567.

Antique Show and Sale Permits at Wayside Inn from Leslie W. Hudson

It was on motion by Selectman Murray unanimously

VOTED: To approve an application, dated February 12, 1980, for two one-day antique show and sale permits from Leslie W. Hudson, Jack Built Promotions, as follows:

a) for Saturday, May 17, 1980, from 8:00 a. m. to 6:00 p. m., to be held at the East Field of the Wayside Inn, sponsored by the Wayside Inn Corporation (telephone approval received from Francis J. Koppeis, Innkeeper, February 20, 1980); and

b) for Saturday, August 15, 1980, from 8:00 a. m. to 6:00 p. m., to be held at the East Field of the Wayside Inn, sponsored by the Suburban Antiques Association, (also approved by Innkeeper Koppeis on February 20); subject to approval of the Fire Chief, the Police Chief, the Building Inspector, and the Board of Health.

Warrant for Presidential Primary, March 4, 1980

It was on motion by Selectman Murray unanimously

VOTED: To sign the Warrant for the Presidential Primary of March 4, 1980, for posting on or before February 26, 1980.

State Reimbursements - Landham Road

At the request of Selectman Murray, his report relative to state reimbursements for Landham Road was tabled until March 3, 1980.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular Session of February 11, 1980, as amended, and the Executive Session of February 11, 1980, as drafted.

Town Meeting

Ordering Special Town Meeting Warrant

It was on motion unanimously

VOTED: To confirm the Board of Selectmen's vote of February 11, 1980, to order the April 9, 1980, Special Town Meeting Warrant, as follows:

- Article #1 Budget Adjustment (Fire)
- Article #2 Budget Adjustment (LSRHS)
- Article #3 Amend Bylaws, Art. IX, II, C - Enlarge LBD#6

Approving Warrant Reports, Selectmen's Articles

It was on motion unanimously

VOTED: To approve the Warrant Reports for the Selectmen's April 9, 1980, Special Town Meeting Articles (#1, 2, 3) and Article 25 of the Annual Town Meeting, as drafted; and Article 26 of the Annual Town Meeting, as amended.

Final Position Reports for Annual and Special Town Meeting Warrant

Following discussion it was on motion by Selectman Cossart to rescind the Board's vote of February 4, 1980, to support article 11 - Special Act, Civil Service, Police - for the 1980 Annual Town Meeting.

The vote was not seconded.

Following further discussion it was the consensus of the Board that no position be printed in the warrant on the following articles:

- Article # 3 Personnel Bylaw: Classification & Salary Plans, Art.XI
- 4 Personnel Administration Plan, Art XI
- 5 Budget
- 9 Amend Bylaws Art. III,2 - Town Report (revised position)
- 10 Amend Bylaws Art. IX,IIC - Enlarge BD #10
- 11 Special Act - Civil Service, Police (revised position)
- 12 Special Act - Civil Service, Plumbing, Gas, Sealer (revised position)
- 14 Street Acceptance - Allan Avenue (revised position)
- 15 Street Acceptance - Oak Street (revised position)
- 32 Dutton Road Walkway
- 33 Landham Road Walkway
- 35 School Roof Study
- 36 Fairbank School Roof
- 37 Horse Pond Road School Roof
- 39 Amend Bylaws, Art. IX,II,C - Limited Industrial District No. 2

Following discussion it was the consensus of the Board to support the following articles:

- Article #26 Police Station - Land Acquisition (a further report will be made at town meeting)
- 29 Amend Bylaws:
 - A) Art. IX,V,B - Off-Street Parking
 - B) Art. IX,V,K - Screening of Open Uses
 - C) Art. IX,V,N - Special Regulations, Landscaping
- 30 Amend Bylaws, Art. IX,IV,B -Schedule of Intensity Regulations
- 31 Amend Bylaws, Art, IX,III - Prohibited Uses in Non-Residential Zones
- 41 Amend Bylaws, Art. IX - Shopping Center Districts

Following discussion the Board approved a position report supporting Special Town Meeting Article 2, Budget Adjustment (LSRHS), and agreed that no position be printed in the Warrant for Town Meeting articles:

- Article # 1 Budget Adjustment (Fire)
- 3 Amend Bylaws, Art. IX,II,C - Enlarge LBD#6

The Board stated its support of the Finance Committee's position on Article #24 - Flynn Building Grounds Improvements.

Current Items of Interest

Round Table

The Board directed the Executive Secretary to schedule a Round Table meeting (to include all Town Boards, Committees, Departments) as soon as possible, in preparation of Town Meeting.

Bug Day Signs

The Board authorized the use of the two signs, now being used as Sudbury's energy conservation signs, one located on Route 20 Fire Station property and on the Route 117 Fire Station property to promote Bug Day in the Town of Sudbury. The signs will say, "Get the Bugs Out of Sudbury - - Bug Day, March 22", according to Joan Irish.

Later in the evening, Joan C. Irish informed the Board that Bug Day in the Town of Sudbury will be featured on Wednesday, February 27, on Channel 4 from 5:30-6:00 p.m. It was suggested that the Executive Secretary request the Superintendent of Schools to announce the same throughout the Sudbury schools.

Application to New England Foundation for the Arts

The Board endorsed an application to the New England Foundation for the Arts, Incorporated, on behalf of the Town of Sudbury Office of Cultural Affairs, Barry Marchette, Coordinator, relative to a choral concert to be held at the Lincoln-Sudbury Regional High School on April 20, 1980, at 8:00 p.m.

Fire Chief's Monthly Report

The Executive Secretary pointed out that according to the Fire Chief's monthly report, the Finance Committee reduced the Fire Department's budget by \$5,000 and the Chief is requesting that the Board support the addition of \$5,000 under line item #310-12. The Board agreed to reconsider the matter after receipt of a pending report from the Chief on the subject.

Executive Session

It was on motion by roll call

VOTED: To enter into Executive Session for the purpose of discussing collective bargaining or litigation where open discussion of the same may have a detrimental effect.

(Chairman Cossart, in favor; Selectman Murray, in favor.)

Chairman Cossart stated that Regular Session would not reconvene following the Executive Session.

It was agreed that Mr. Lawrence Faye, Chairman of the Personnel Board, would remain for the Executive Session.

There being no further business to come before the Board, the meeting was adjourned at 11:15 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk