

IN BOARD OF SELECTMEN
MONDAY, JANUARY 2, 1980

Present: Chairman Robert J. Hotch, 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 Robert J. Hotch.

Review of Selectmen's Articles and Warrant Reports for Submission
in 1980 Warrant

Following discussion and review of the Selectmen's articles and warrant reports, submitted under the December 31 closing date for inclusion in the 1980 Warrant, it was on motion unanimously

VOTED: To approve the following Selectmen's articles and warrant reports, as submitted: Hear Reports, Temporary Borrowing, Levy Limit, Appropriations Limit, Use of Free Cash and Unemployment Compensation.

And it was further

VOTED: To table further discussion until the Board's next meeting on January 7, 1980, on the following Selectmen's articles and reports: Special Act - Civil Service, Police; Special Act - Civil Service, Plumbing, Gas, Sealer; Flynn Building Grounds; Police Facility; Police Station - Land Acquisition (A) Police Station - Land Acquisition (B); Joint Police/Fire Facility; and Town Audit - FY1980.

The Board (Selectmen Hotch and Murray) agreed to meet Friday, January 4, at 2:00 p.m. with the Town Engineer to view the bussing situation as it pertains to closing the driveway next to the Flynn Building and the Haynes property. Selectman Cossart stated he would try to do so on Thursday, January 3.

The Board agreed to meet with the Long Range Capital Expenditures Committee and the Permament Building Committee on January 7 relative to the four articles dealing with Police and joint Police/Fire Facility articles.

And it was further

VOTED: To approve the following Selectmen's articles and warrant reports amended as follows:

- Dutton Road Relocation, delete the last two paragraphs beginning "Previous town projects. . .", and "The following four . . ."; and

- Water Testing Program, the shorter of the two reports submitted by the Executive Secretary, with the inclusion of the figure \$15,000, was accepted for inclusion in the 1980 Warrant; the longer report was approved to be used for a presentation in conjunction with this article.

The Executive Secretary was directed to forward a copy of the

article and report with the inclusion of the \$15,000 figure to Health Director John V. Sullivan.

Accept ATM Aricles - December 31

Following discussion it was on motion unanimously

VOTED: To accept 15 articles submitted under the December 31st deadline for inclusion in the 1980 Annual Town Meeting Warrant, as follows:

Unpaid Bills
Crystal Lake Drive Drainage
Surface Drains
Fill - Sanitary Landfill
Landham Road Walkway
Dutton Road Walkway
Summer School
School Roof Study
Fairbank School Roof
Horse Pond School Roof
Roof Repair/Energy Saving Modifications and Repairs
Landham Road
Amend Bylaws Art. IX, sIIC - Enlarge BD#6
Official Town Map
Budget

The above-listed articles were accepted, in addition to 16 Selectmen's articles accepted on December 17, 1979, submitted under the December 31st deadline.

Following further discussion the Board concurred that they will meet in the near future to reach a consensus relative to their individual and/or collective positions on articles being included in the 1980 Warrant. It was also decided that the Board would plan to meet collectively/jointly with the School Committee and the Permanent Building Committee to discuss school-related articles, and with the Highway Surveyor to discuss highway-related articles, prior to the Warrant Review. Mr. Thompson stated that the Permanent Building Committee is scheduled to meet with the Board next week.

The Executive Secretary pointed out a Finance Committee budget hearing schedule change and gave the Board a corrected copy of the summary of articles.

Reconsideration of Selectmen's Articles Submitted under December 3rd Closing and Approval of Warrant Reports for Same

Following a reconsideration of the Selectmen's articles, submitted under the December 3 closing, it was on motion unanimously

VOTED: To approve, as submitted under the December 3 closing the following articles:

Street Acceptances
Street Acceptance - Allan Avenue
Street Acceptance - Oak Street
Amend Bylaws, Art. V, 13 - Public Safety, Gas Inspector
Amend Bylaws, Art. IX, VI, C, 5 - Special Permit Guidelines.

And it was further

VOTED: To withdraw the Board's article, Amend Bylaws, Art. V, Public Safety - Gatherings in Residential Areas, to be further discussed for inclusion at some future Town Meeting.

And it was further

VOTED: To table approval of the wording of the reports on the following articles:

1. Amend Bylaws Art. III, 2 - Town Report. The Board directed the Executive Secretary to inform Midge Zola, Town Report Preparation Committee, of the Board's intention to withdraw this article, but that they would be willing to include the article in the 1980 Warrant if the Town Report Preparation Committee should decide to sponsor it;

2. Amend Bylaws, Art. IX, III, B, 2 - Drive-in Retail Establishments, BD.

3. Amend Bylaws, Art. IX, III, C, 1 - Food Refreshment Establishments, LID.

The bylaw amendment articles relative to drive-in restaurants, business and industrial zones, will be further discussed at the Board's next meeting on January 7. Selectman Hotch expressed his viewpoint that he was more interested in a clarification of the meaning of "fast food establishments", while Selectman Cossart debated that the article amendments would 1. eliminate the allowed use of a drive-in retail establishment in Business Districts; and 2. create uniformity within districts relative to food refreshment establishments, which, in his opinion, was the Board's initial intention.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular and Executive Sessions of December 17, 1979, as drafted.

Unclassified Budget - Account 950-92, Communications

Present: Fire Chief Josiah F. Frost.

The Board discussed the Police Chief's request to increase by \$1500 line item 950-92, Communications, in the Unclassified Budget, for the purpose of consolidating Police Department dispatching equipment.

Chief Frost encouraged the Selectmen to support the expenditure to consolidate the equipment because it would mean a future savings in repair costs to the present police station receiver.

Following discussion the majority of the Board agreed not to support the increase of \$1500, as requested by the Police Chief, based

on the high cost of transferring the police receiver channel to the regional dispatch console, there being no apparent savings or necessity to do so.

Bylaw Article IX, I, B and M.G.L. "Zoning Act" - Municipal Uses

The Board reviewed an opinion from Town Counsel dated December 18, 1979, on the subject of Bylaw Article IX, I, B and the M.G.L. "Zoning Act" as they relate to municipal uses.

Town Counsel stated that a municipal exemption would be applicable in the case of the Regional High School to construct a radio tower on any local governmental agency property.

Following discussion it was on motion by Selectman Cossart unanimously

VOTED: To direct the Executive Secretary to forward copies of Town Counsel's opinion, dated December 18, 1979, on the above subject matter to the Board of Appeals, the Building Inspector and Mr. Brooks; also, to send a letter of appreciation to Mr. Brooks for his attention in this important matter.

And it was further

VOTED: To place Richard F. Brook's proposed article in a holding folder for the next Special or Annual Town Meeting.

Department of Public Utilities (DPU) Case 18153

The Board acknowledged the official notification received from the DPU, dated December 17, 1979, dealing with reconsideration of its order of DPU Case 18153 and an extension of appeals time.

Camp Sewataro - Rifle Range and Site Plan Renewal

The Board reviewed a communication, dated December 3, 1979, from Alba Taylor of Camp Sewataro, dealing with two matters: 1) the rifle range at the Camp and a recent complaint about shooting; and 2) the expiration date on the site plan for the Camp requiring renewal by the Selectmen every two years. Mrs. Taylor brought to the Board's attention that she did have permission from the Selectmen granted in 1967 to conduct a rifle range on the property, resolving the first matter. Secondly, the Board reviewed a communication, dated December 19, 1979, from Town Counsel, dealing with site plan renewals every two years for Camp Sewataro, in response to Mrs. Taylor's concerns.

Executive Secretary Richard E. Thompson stated that Mrs. Taylor's concerns were precipitated by the Board's decision on March 5, 1979, to continue the practice of renewing the site plan for Camp Sewataro every two years. Mr. Thompson further stated that the question is whether or not an expiration date is required.

Town Counsel responded that he had recommended to the Building Inspector, prior to the Board's meeting on March 5, 1979, that generally speaking, it would not be necessary to place an expiration date on site plans; however, at the March 5th meeting, he had learned that an expiration date had been customarily placed on the site plan for Camp Sewataro, which expired every two years, and the Board made a decision, at that time, to continue that procedure.

Selectman Cossart added that, in addition, the Board agreed, at that time, to waive the practice of requesting new copies of the site plan for the customary distribution to the appropriate Town boards/ departments every two years if there were no changes on the site plan due to the high costs of having copies made.

The Board agreed that its decision to have the site plan renewed every two years has not changed and directed the Executive Secretary to so notify Mrs. Taylor and request her to come in and discuss the same with the Board if she so desires.

Agreement for Supplying Gasoline to Town for 1980

Present: Fire Chief Josiah F. Frost.

Chairman Hotch opened discussion concerning the question of entering into an agreement for supplying gasoline to the Town for 1980.

Executive Secretary Richard E. Thompson referenced a communication dated December 14, 1979, from Assistant Town Counsel Thomas French bringing the Board up to date in the matter of Federal gasoline allocations for the Town.

Chief Frost commented that by Federal regulations our present supplier is Atlantic-Richfield for the months of November, December, and January; therefore they are obligated to supply us with gasoline until January 31, 1980, at which time Union Oil is obligated from February through October to be our supplier. Chief Frost continued to say that our supplier can only supply the amount of gasoline allocated to us monthly under Federal regulations established in 1974, and that if, for example, our tanks are full the Town loses that month's allocation - it cannot be carried over into the next month (if it happens to be necessary that month to have more than the allocated amount). The Chief stated that presently our tanks are full. In answer to Chairman Hotch, the Chief stated that he had never considered installing larger tanks to accommodate larger quantities of gasoline at possibly lower prices.

Town Counsel confirmed that the Town had not received any bids when public bids were opened in November for a contract to supply the Town with gasoline. He went on to say that under these circumstances the Town can enter into an agreement with whomever it chooses; in any case, ARCO and Union Oil are obligated to supply the Town with gas under Federal regulations.

Chief Frost expressed his preference to entering into an agreement with Concord Oil because of past experience with them and because they are a local company. Responding to Chairman Hotch, the Chief stated

that he would contact Union Oil and get back to the Board with prices from them. It was the consensus of the Board to use Union Oil since Concord Oil prices appeared to be higher.

The Board concurred to table further discussion until Chief Frost can contact Union Oil and report to the Board.

Status of Underground Storage of Inflammables Licenses

Present: Fire Chief Josiah F. Frost.

The Board acknowledged receipt of a communication dated December 18, 1979, from Town Counsel furnishing information relative to the status of the following underground storage of inflammables licenses:

Shell Oil Company, 100 Boston Post Road - The Board acknowledged receipt of a communication dated December 6, 1979, from the Wellesley District Manager of the Shell Oil Company, informing the Board of Selectmen that the tanks formerly used for the storage of gasoline have been removed from the premises, 100 Boston Post Road. The Fire Chief confirmed that the tanks had been removed and the proper forms regarding their removal submitted to the appropriate Town departments.

Giroux Brothers Transportation, Inc. - The Fire Chief confirmed that the tanks, although no longer in use, are still in the ground on the Giroux Brothers property, and that there is no justification for requesting their removal unless it is suspected that the tanks are leaking. Town Counsel agreed and added, in concurrence with Selectman Cossart, that bonding would be the only equitable way to handle the removal of tanks in the future. Selectman Cossart expressed deep concern that the tanks be checked and at least drained, as any leakage in that area would be harmful to the surrounding ground water. The Chief reminded the Board that this subject of proper maintenance of storage tanks had come up in the past and agreed that it should probably be looked at more thoroughly. Chairman Hotch suggested that further discussion be tabled and that, at some future time, the Board consider a procedure for the removal of unused gasoline storage tanks, the proper monitoring of the maintenance of those storage tanks in use, and the possibility of bonding upon request for a license to store inflammables.

The Board directed Executive Secretary to contact the present owners of the former Giroux Brothers property on Union Avenue to solicit their cooperation in draining existing gas tanks, on said property, if necessary.

Mixed-income Housing - Sudbury Non-Profit Housing Corporation

The Board reviewed a communication dated December 21, 1979, from McNeil & Associates, Inc., updating the Board on its plans for mixed income housing in conjunction with the Sudbury Non-Profit Housing Corporation.

Following discussion, on the recommendation of Chairman Hotch, the Board directed the Executive Secretary to send a letter to the

Sudbury Housing Authority expressing the Board's firm and unanimous position that this matter should be brought before the Town Meeting and its disappointment in the apparent decision of McNeil & Associates to pursue Board of Appeals action, contrary to the Board's recommendation.

Questionnaire- Final 208 Areawide Waste Treatment Management Plan/
Environmental Impact Statement for the Metropolitan Boston Area

It was on motion by Chairman Hotch unanimously

VOTED: To support and return a questionnaire completed by both the Conservation Commission and the Board of Health to the Metropolitan Area Planning Council furnishing Sudbury's comments on the Final 208 Areawide Waste Treatment Management Plan/Environmental Impact Statement for the Metropolitan Boston Area.

Selectmen's Annual Report for 1979

The Selectmen reviewed a draft of the Selectmen's Annual Report for 1979, prepared by the Executive Secretary, and indicated that they would contact the Executive Secretary individually during the week with any additions and/or comments and address the report again at the next Board's meeting on January 7.

Selectmen's Submission for 1980-85 Capital Improvement Program

On the question of approving the Selectmen's project submissions to the Long Range Capital Expenditures Committee for the 1980-85 Capital Improvement Program, the Board agreed that the following data and information should be submitted by the Executive Secretary:

- Hosmer House. The first phase of this project, a Preservation Plan/Historic Structures Report, already funded, is to be completed in February 1980 by an already-selected architectural historian.

The second phase will be the actual renovation of the Hosmer House. Application for 50% funding from the Mass. Historical Commission and determination of project cost cannot be made until completion of Phase I.

- Town Hall Renovation - The Selectmen, in conjunction with the Long Range Capital Expenditures Committee, wishes to withdraw this project item from the Capital Improvement Program in order to reevaluate the necessity for this project, during the upcoming year, based on the fact that space may be available in other Town facilities, i.e. schools.

- Police Station - The Selectmen will seek construction funds for expanding the present Police Station at the 1980 Annual Town Meeting.

- Fire Station - The Selectmen will evaluate the need for a new central fire headquarters during 1980 and possibly seek funds for the same at the 1981 Annual Town Meeting.

Energy Conservation Month

It was on motion by Selectman Murray unanimously

VOTED: To declare the month of January as Energy Conservation Month in the Town of Sudbury.

Executive Secretary Richard E. Thompson called the Board's attention to a communication dated December 28, 1979, from Gerry Nogelo, Sudbury Conservation Campaign Member, requesting that the Selectmen act as judges for the school conservation poster contest. The Board agreed to be present at Star Market on January 16 from 3 P.M. to 4 P.M. to do so.

Spraying Program to Control Gypsy Moths in 1980

The Board received a communication dated December 17, 1979, from Robert A. Norling requesting the support of the Selectmen of a spraying program to control gypsy moths in 1980.

Executive Secretary Richard E. Thompson stated that there is no current appropriation for the spraying of gypsy moths.

Selectman Cossart stated that he met with Robert A. Noyes, Highway Surveyor, and a consensus was that money be included in his budget for the manpower, materials and equipment for small scale spraying for gypsy moths in the event something becomes available for the control of that problem. The Finance Committee will be addressing the Highway Surveyor's budget this week.

Selectman Cossart stated that, according to certain authorities, a count of five hundred egg masses per acre constitutes a serious situation, and that 15-18 out of 20-25 spots checked in the Town of Sudbury were over that amount.

In terms of control on a town-wide basis, Selectman Cossart continued to say that there is nothing completely acceptable for spraying available at this time, but the Mosquito Control Study Committee and the Highway Surveyor will continue to research methods for control, and request an appropriation in the budget in case something does become available.

Selectman Cossart stated that Mr. Norling is aware of all that we are doing and that he has been in touch with him regularly on this matter.

Changes in Classification and Assessment Administration

The Board reviewed a memorandum from Edward J. Collins, Deputy Commissioner of the Department of Revenue, dated December 18, 1979, summarizing Chapter 797 of the Acts of 1979 - Changes in Classification and Assessment Administration.

Executive Secretary Richard E. Thompson pointed out two significant changes:

- that the Selectmen will be involved with the Assessors in determining the percentages of the local assessment in each class of real estate and personal property.

- local Assessors in the future will be required to attend certain training courses in order to be certified.

Report to Massachusetts Municipal Management Association

The Board acknowledged receipt of a report to the Massachusetts Municipal Management Association from the Subcommittee on Tax and Expenditure Policy Development dated December 19, 1979.

Accepting Gifts from The Sudbury Foundation

It was on motion unanimously

VOTED: To accept, on behalf of the Town, the following gifts from The Sudbury Foundation:

- a. a check in the amount of \$500 to the Town of Sudbury Council on Aging for that organization's unrestricted use; and
- b. a check in the amount of \$5,000 to the Town of Sudbury Charity Fund for current use or as required in accordance with the purpose for which the Charity Fund was established.

The Executive Secretary was directed to return the copy of the letter, dated December 21, 1979, as requested by the Trust Officer, as verification that the check has been received in the amount of \$5,000 and to appropriately express the Selectmen's appreciation for the two donations from The Sudbury Foundation on behalf of the Town.

Resignation - Personnel Board

The Board accepted with regret the resignation dated December 24, 1979, from John R. Williams from the Personnel Board, effective December 31, 1979, and directed the Executive Secretary to send Mr. Williams an appropriate letter of appreciation for his service on that Committee, on behalf of the Board.

Current Items of Interest

Wildlife Refuge

Executive Secretary Richard E. Thompson confirmed with the Board receipt of a copy of a letter dealing with the Wildlife Refuge from H. Rebecca Ritchie to Howard L. Larson of the Department of the Interior, dated December 27, 1979, responding to a draft of the Environmental Wildlife Refuge. The Board directed the Executive Secretary to confirm that this letter was written with the endorsement of the Conservation Commission.

Ephraim's of Sudbury - sign

The Executive Secretary responded to concerns raised by the Board

last week relative to a sign installed at the Village Green shopping center by Ephraim's by reporting that Ephraim's had received verbal approval from the Sign Review Board and written approval from the Historic Districts Commission. Mr. Thompson stated that Manager, Donald Wagoner, has been informed that it is necessary for him to file a formal application with the Sign Review Board for written authorization, as well as with the Building Department, for the required building permit. The Board directed that Mr. Wagoner be so informed in writing that his sign is in violation.

Youth Restitution Program

Selectman Murray reported that a tentative meeting has been scheduled for next week with officials of the Division of Youth Services which he plans to attend and seek approval for a local youth worker on a limited trial basis.

Bay Path Donation

The Executive Secretary unofficially announced that the Council on Aging had been awarded \$3,000 from Bay Path Senior Citizen Service, Inc. for furnishings for their new drop-in center.

Drake Industrial Park

Chairman Hotch reported that he had had some inquiries relative to anticipated traffic problems in the area of the new Drake Industrial Park in North Sudbury and suggested that the Board begin to think about this as they address future development plans in the area.

At 9:50 P.M. Chairman Hotch recessed the meeting for a coffee break; the meeting was called back to order at 10:00 P.M.

Executive Session

At 10:00 P.M. it was on motion by roll call

VOTED: To enter into Executive Session for the purpose of discussing the reputation and character, physical condition or mental health rather than the professional competence of a single individual, strategy for collective bargaining or litigation where open discussion of the same may have a detrimental effect, and the charity fund.

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

Chairman Hotch announced that Public Session would not reconvene following the Executive Session.

Attest: _____

Richard E. Thompson
Executive Secretary-Clerk