

IN BOARD OF SELECTMEN
MONDAY, JANUARY 28, 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.

Reorganization of the Board

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

VOTED: To elect William J. Cossart Chairman of the Board of Selectmen until the next reorganization of the Board of Selectmen;

and it was further

VOTED: To reaffirm that Richard E. Thompson continue to serve as Clerk to the Board of Selectmen;

and it was further

VOTED: To reaffirm the place, day and time of the meetings - Lower Town Hall, Monday evenings at 7:00 p.m.

Selectman Cossart commended Selectman Hotch for the marvelous job he did, first as Selectman and then as Chairman, and stated that there will be a "big hole to fill".

Reordering the Warrant

On the question of reordering the Warrant for the 1980 Annual Town Meeting, the following changes were made;

- The Selectmen discussed and agreed that article 20 - Gypsy Moth Control - will be presented as a petition article and not discussed at the same time as the budget for the Highway Department as previously decided.

- The Selectmen agreed that Article 24 - Town Audit (FY1980) - which had been withdrawn on January 14, 1980, but recommended to remain in the Warrant marked "withdrawn", should be deleted and the Warrant articles renumbered accordingly.

It was on motion by Selectman Murray unanimously

VOTED: To withdraw article 36 - Dutton Road Relocation, Women's Federation Area - in the amount of \$174,000.

The Warrant was reordered with the deletions of the above-mentioned articles - #24 and #36 - as well as #26A and 27A which were withdrawn 1-21-80, and the remaining Warrant articles to be renumbered accordingly, for a total of 44 articles.

Special Town Meeting Called - April 9, 1980

On the question of calling a Special Town Meeting within the 1980 Annual Town Meeting for the purpose of rezoning property located at the corner of Boston Post Road and Raymond Road adjacent to the Police Station, owned by Lee A. Young from Residential A-1 to Limited Business, the Executive Secretary stated that the Town Clerk and the Moderator have indicated their agreement with the suggested time and date for the Special Town Meeting - April 9, 1980, at 8:00 p.m.

Following a brief discussion it was on motion unanimously

VOTED: To call a Special Town Meeting within the 1980 Annual Town Meeting, in accordance with the following schedule:

Close Warrant: February 8, 1980 (Friday) 5:00 p.m.

Special Town Meeting: April 9, 1980 (Wednesday) 8:00 p.m.

and it was further

VOTED: To approve and sign an article - Amend Art. IX, II, C - Enlarge LBD #6 - for inclusion in the Warrant for the April 9, 1980, Special Town Meeting, and to forward the same to the Planning Board for its report under G.L. c. 40A.

Following further discussion, it was on motion unanimously

VOTED: To authorize the Executive Secretary to notify the Lincoln-Sudbury Regional High School Committee of the Warrant Closing date of February 8, 1980, in the event that they desire to submit an appropriation article to accommodate the \$215,000 shortfall in the School's FY 1979-80 budget.

Job Description: Building Inspector/Zoning Enforcement Agent

Executive Secretary Richard E. Thompson recommended that the Board approve a job description for the position of Building Inspector/Zoning Enforcement Agent, dated November 29, 1979, so that it could be forwarded to the Personnel Board for comment.

Selectman Murray asked about the interaction between the newly appointed Sealer of Weights and Measures and the Building Inspector. Mr. Thompson responded that the Building Inspector would coordinate those functions between them but that technically the Sealer of Weights and Measures is a Civil Service job and is under the jurisdiction of the Board of Selectmen.

Selectman Cossart stated concern with the job description in that there was no mention of the duties of the Zoning Enforcement Agent but that it gets into the details of the Massachusetts State Building Code relative to the duties of the Building Inspector.

Mr. Thompson responded that the Massachusetts State Building Code shows that

the Zoning Enforcement Agent is the Building Inspector.

Selectman Cossart stated that he would like to see a complete job description of the Zoning Enforcement Agent. Mr. Thompson stated that a new section dealing with the Zoning Enforcement Agent could be added to the job description for the Building Inspector/Zoning Enforcement Agent.

The Executive Secretary was directed to rework the job description for the Building Inspector/Zoning Enforcement Agent for the Board's approval next week.

Site Plan Renewal - Camp Sewataro

Present: Alba Taylor and Mark Taylor, Camp Sewataro.

Ms. Taylor stated that she had been told by the Board of Appeals' Secretary, when she last applied for a permit renewal for Camp Sewataro, that on such renewals it was no longer necessary to go before the Board of Selectmen unless the site plan had an expiration date; therefore, Ms. Taylor requested that the expiration date, placed on the site plan for Camp Sewataro at the Board's meeting of February 26, 1979, be removed so that it will only be necessary for her to go before the Board of Appeals for permit renewal every two years, and not necessary for her to also go before the Board of Selectmen.

Town Counsel stated that one of the conditions of the Selectmen's approval of site plans is that they can place an expiration date on a site plan which means that it will expire. Mr Thompson added that under these conditions it means that the Selectmen are approving a site plan renewal for a period of two years from the date of renewal; which in this case, would be two years from February 26, 1979. Town Counsel stated that the Selectmen have the option at the end of two years to continue this policy or agree to have the Board of Appeals handle it and remove the expiration date.

Ms. Taylor questioned why the Board of Selectmen would choose to check site plan compliance, when this is exactly what the Board of Appeals is doing.

Following further discussion it was on motion unanimously

VOTED: To rescind the Board's vote of February 26, 1979, relative to Site Plan Application #R79-201 of Liberty Ledge Trust, Camp Sewataro; and as substitution it was further

VOTED: To approve Site Plan Application #R79-201 of Liberty Ledge Trust, Camp Sewataro, Liberty Ledge, off Haynes Road.

Transfer Requests

#0850 - Building Department Travel Account #340-41

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

VOTED: To approve request for transfer from the Reserve Fund #0850, dated January 28, 1980, for Account #340-41, Building Department Travel, in the amount of \$225 to cover traveling expenses for the Deputy Wiring Inspector for the period of March 1 - June 30, 1980.

#0855 - Selectmen Equipment Maintenance - Account #501-31

Following an explanation by the Executive Secretary the Board tabled, at this time, request for transfer from the Reserve Fund #0855, dated January 28, 1980, for Account #501-31, Selectmen Equipment Maintenance.

Direct Deposit of Payroll Checks

In further consideration of a recent request for the direct deposit of payroll checks, the Board reviewed a communication, dated January 21, 1980, from Joseph LoPresti, Superintendent of Schools.

Due to the high cost of implementing such a program and a vast majority negative response of employees to use such a program, the Selectmen concurred not to give any further consideration to the matter.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular and Executive Sessions of January 21, 1980, both as amended.

Town Fathers Forum

At 8:00 p.m. Chairman Cossart convened the 131st Session of the Town Fathers Forum, a summary of which is attached and is a part of these minutes.

Joint Meeting with Planning Board - Annual Town Meeting Articles

Present: Olga P. Reed and John C. Cutting, Chairman, Planning Board.

Amend Bylaws

Mr. Cutting read and reviewed Article 29, entitled 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. Mr. Cutting stated that a zoning hearing will be held on January 31 of this week dealing with these amendments. Mr. Cutting stated that the Planning Board welcomes the Board of Selectmen's comments on this article to amend the bylaws. The Board indicated its intention to read and comment on the same but has not had an opportunity to do so to date.

In response to a question from the Board, Town Counsel stated that the statutes allow for provisions for aesthetic consideration concerning the landscaping requirements article.

Street Acceptances

Selectman Cossart referenced the Planning Board's letter of January 18, 1980, listing the proposed streets to be laid out under the 1980 Annual Town Meeting Article - Street Acceptances.

Mr. Thompson pointed out the letter indicates the Planning Board's intention to attend the Selectmen's hearing on the Oak Street and Allan Avenue street layouts and make further recommendations at that time. Mr. Cutting stated that it is the Planning Board's recommendation, at this time, not to support the acceptance of those two streets.

Cluster Zoning

Mrs. Reed responded to the Selectmen that she felt that the Town Meeting misunderstood the difference between the Cluster Zoning article and the Congregate Housing article at the 1979 Annual Town Meeting, which accounted for the disapproval of the Cluster Zoning article. Mr. Cutting said that the Planning Board has considered submitting by petition an article dealing with Cluster Zoning at the 1980 Annual Town Meeting but a majority has voted not to do so at this time.

Selectman Cossart stated that any attempts to forecast the success of this article would be difficult at this point. Selectman Hotch stated that people are generally concerned about change, but agreed with the decision not to bring it back to Town Meeting this year. Selectman Cossart reminded Mr. Cutting of the February 8th closing of the Warrant for the April 9, 1980, Special Town Meeting.

Town Dog Pound - 56 Dakin Road

Executive Secretary Richard E. Thompson called the Board's attention to a communication from Assistant Town Counsel, Thomas M. French, dated January 24, 1980, enclosing a draft of a lease for the use of facilities at 56 Dakin Road for the Town Dog Pound, and an application to the Board of Appeals for a Special Permit for the operation of the same.

Mr. Thompson commented that Dog Officer Betsy M. DeWallace felt that limiting the hours of operation (item #7 in the proposed lease) by closing the kennel on Sundays and holidays was not agreeable to her.

Selectman Murray suggested that the Board table further discussion on the draft lease until such time as Town Counsel has had time to review it, and so that Mrs. DeWallace can comment further on it.

Mr. Thompson pointed out that the Selectmen will have to have a letter of agreement with Mrs. DeWallace on her reimbursement for the care of dogs etc. Responding to the Selectmen, Mr. Thompson stated that with this proposed lease the Town would be assured of having a dog pound for at least five years even if the Dakin Road property were sold and someone else filled the position of Dog Officer.

Selectman Murray questioned going before the Board of Appeals with this proposal because of a past court order on Buddy Dog, (cease and desist) brought about by Dakin Road neighbors when Buddy Dog Humane Society was located on the same premises.

Town Counsel expressed his opinion that: 1) the Town has the option of municipal exemption even though it is the Board's position that they would rather go to the Board of Appeals for a special permit; and 2) the intensity of the use of the Dakin Road site by the Town as a Dog Pound will be less than it was by Buddy Dog, especially on weekends.

Selectman Murray asked Town Counsel how he thought the Town would stand up in court if an abutter chose to go to court to fight this, having had an outstanding court order against Buddy Dog.

Town Counsel stated that the Town could go forward and defend based on municipal exemption and would have a good chance. Mr. Kenny added that a Special Permit for Buddy Dog and a Special Permit for the Town, in this case, would be very different because of the intensity of use.

Selectman Cossart pointed out that avoiding weekend activity on the premises might avoid further neighborhood complaints. Selectman Cossart also pointed out that item #10 of the draft lease dealing with utilities should be further discussed, as it had been previously agreed that utilities for the facility on Dakin Road would be separate from the house.

Following further discussion it was on motion by Selectman Murray unanimously

VOTED: To authorize the Executive Secretary to file an application for a Special Permit with the Board of Appeals for the use of 56 Dakin Road, located in a Residential District, as a Town Dog Pound;

and it was further

VOTED: To table further discussion and action on the proposed lease for the use of the property until such time as Town Counsel has had an opportunity to review it, and the Dog Officer, and owner of the Dakin Road property, has reviewed and commented on the same.

The Executive Secretary was directed to verify the owners of the 56 Dakin Road property.

Officer John R. MacLean - Change in Position

On the question of responding to a communication dated December 27, 1979, from John R. MacLean relative to his recent service as Acting Sergeant in the Sudbury Police Department, Town Counsel Paul L. Kenny confirmed that Officer MacLean was only entitled to the position of Acting Sergeant until Officer Sullivan's reinstatement date, at which time, Officer MacLean returned to his original position. On the recommendation of Town Counsel, it was on motion by Selectman Murray unanimously

VOTED: To terminate Officer John R. MacLean's provisional appointment as acting sergeant, effective December 9, 1979, due to the return of Sergeant Peter Sullivan.

Current Items

Upcoming Meeting with Boston Edison - Selectman Cossart suggested that Boston Edison be notified so that they will be prepared to discuss the State's proposed work on the Post Road when they meet with Town of Sudbury officials on February 13 at the Wayside Inn.

Collective Bargaining - Executive Secretary Richard E. Thompson suggested that the Selectmen meet with the Finance Committee and the Personnel Board on February 7, in Executive Session, to discuss salary increases for all Town employees. Since the Board will be meeting with the Finance Committee on February 7 anyway to discuss articles, it was agreed to do so.

DPU Case #18153 - The Executive Secretary informed the Board that a letter from the New England Telephone Company is on its way to all customers offering them the new ECCS services.

Audit Selection and Review Committee - It was on motion by Selectman Murray unanimously

VOTED: To dissolve the Audit Selection and Review Committee in view of the fact that the purposes for which this committee was established have been accomplished.

Building Inspector Position - The Executive Secretary was directed to inform Earl D. Midgley that as of March 31st he will revert back to his former position and duties of Deputy Building Inspector. The newly hired Building Inspector will begin work on March 1st and the Selectmen, however, are hopeful that Mr. Midgley will work with him closely during the transition. The Executive Secretary was further directed to prepare a request for transfer of funds to pay Mr. Midgley for his extra time for this purpose and for the balance of the year.

Factfinder - Petition Local 2023, IAFF - The Board acknowledged receipt of a communication dated January 18, 1980, from Janice E. McCormack, Executive Secretary, State Department of Labor and Industries, to Paul F. Kenney, Labor Counsel, enclosing the Joint-Labor Management Committee's Petition for Mediation and Factfinding and a request to complete and return the same relative to a petition from the Town of Sudbury Firefighters, Local 2023.

There being no further business to come before the Board, the meeting was adjourned at 10:00 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk