

IN BOARD OF SELECTMEN  
MONDAY, NOVEMBER 10, 1980

Present: Chairman John E. Murray, Anne W. Donald and William J. Cossart.

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

Utility Petitions #80-21 and #80-22, Powder Mill Road

Present: Carole Clinton, Boston Edison Company.

In conformity with General Laws, Chapter 166, Sections 21 and 22, the Board considered the following Utility Petitions:

UP80-21 of Boston Edison Company and New England Telephone and Telegraph Company, for permission to erect or construct one (1) guy wire and anchor to be used in common by them, upon, along, and across the following way of the Town:

Powder Mill Road, southeasterly side, approximately 645 feet northeast of Powers Road - One (1) guy wire and anchor.

UP80-22 of Boston Edison Company and New England Telephone and Telegraph Company, for permission to use joint or identical locations for said existing poles, to be owned and used in common by them, and for such other fixtures including anchors and guys as may be necessary to sustain or protect the wires of the line upon, along and across the following public way or ways of said Town:

Powder Mill Road, southeasterly side from a point approximately 515 feet northeast of Powers Road, - - Two (2) poles (These are existing location, no new poles to be set.)

Executive Secretary Richard E. Thompson reported that all appropriate Town officials and abutters had been notified and that a joint communication had been received from the Building and Wiring Inspectors, dated November 6, 1980, recommending approval of Utility Petition 80-21. (Approval for UP80-22 was not required from either the Building or Wiring Inspector because it was for existing locations to be used jointly by Boston Edison and New England Telephone.)

Following discussion it was on motion by Selectman Donald unanimously

VOTED: To approve Utility Petitions 80-21 and 80-22, both as described above and as shown on a plan entitled "Plan of Powder Mill Rd., Sudbury, Showing Proposed Pole Location", dated May 21, 1980.

Resignation - Insurance Advisory Board

The Board acknowledged with regret a letter of resignation dated October 21, 1980, from Howard C. Austen from the Insurance Advisory Board, and directed the Executive Secretary to forward a letter of appreciation to Mr. Austen.

Interview and Appointment - Insurance Advisory Committee

Present: Roland I. Capone, Jr., candidate.

Chairman Murray welcomed Mr. Roland I. Capone, Jr., on behalf of the Board, to be interviewed for possible appointment to the Insurance Advisory Committee.

Following the interview, it was on motion by Selectman Donald unanimously

VOTED: To appoint Roland I. Capone, Jr., 143 Peakham Road, to the Insurance Advisory Committee, for a term to expire April 30, 1981, replacing Mr. Austen.

Appointments - Permanent Police Officers

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

VOTED: To authorize the appointments of the following men as Permanent Patrolmen in the Sudbury Police Department, in conjunction with the Certification List, Requisition No. 79-6177, dated October 24, 1980, from the Division of Personnel Administration:

- 1) John F. Harris, 324 Hudson Road, Sudbury, Massachusetts;
- 2) Thomas S. Miller, 20 Mohawk Path, Bellingham, Massachusetts;
- 3) Francis W. Flynn, 41 Rangeley Street, Dorchester, Massachusetts;
- 4) Michael R. Shaughnessy, 94 Prescott Street, Clinton, Massachusetts; and
- 5) Robert I. Chaffee, 17 Woodland Drive, Framingham, Massachusetts; subject to approval by the Division of Personnel Administration.

1981-86 Capital Improvement Program

The Board reviewed submissions to be made to the Long Range Capital Expenditures Commission (LRCEC) for the 1981-86 Capital Improvement Program (CIP) for programs under the jurisdiction of the Board of Selectmen, and the following consensus was reached:

Board of Selectmen Submission

- Hosmer House Preservation. The CIP report including estimated costs, prepared in conjunction with the Historical Commission, was approved for submission to the LRCEC with one recommended change made by the Executive Secretary.

- Fire Station Headquarters. The Executive Secretary noted one change to be made on the CIP report - a 9% inflation increase for construction in 1983. With the recommended change, the report was approved for submission to the LRCEC.

- Town Hall Renovations. On the recommendation of the Executive Secretary, he was directed by the Board to arrange a dinner meeting for the Selectmen within the next two weeks to discuss expected excess space in various Town facilities in more detail, taking into account recent changes in the status of certain school buildings. In the meantime, the consensus was to submit the CIP report, as prepared, with the clause stating that the project is subject

to change pending future action/decision relating to excessing of schools, possibly resulting in an impact to other non-school Town facilities. It was suggested that this same clause be included in the CIP program for the Fire Station Headquarters.

Selectman Donald commented that it most likely will be necessary to re-organize municipal office space and fire station expansion in a very different manner than originally planned due to the School Committee's action throughout this past year to excess certain school buildings. Selectman Cossart agreed with her, and further added that he felt the Selectmen would be misleading the Fire Chief if they did not admit to him that they were no longer in favor of a new fire facility on the Oliver Land; however, the Chief should be made aware of the Selectmen's support of a physical expansion of some kind for the Fire Department.

Fire Chief Submission:

- Regarding the \$20,000 item for an aerial ladder, slotted for 1983 in the Fire Chief's report of October 28, 1980, the consensus was that, although there was not unanimous support on the part of the Board for this expenditure, it should be left in the report and be further discussed at that time, if necessary. The report was approved for submission to the LRCEC.

Change of Manager - 99 West, Inc.

Present: John R. Grady, Manager, 99 West.

Executive Secretary Richard E. Thompson advised the Board that the petition for change of manager to John R. Grady dated September 25, 1980, and Mr. Grady's birth certificate and citizenship papers had been received by the Selectmen's office. Mr. Grady submitted a report from the Office of Probation for the Selectmen's review.

Selectman Cossart remarked that he hoped Mr. Grady would continue in the same spirit he expressed at a joint meeting held last month with the Board and holders of All Alcoholic Beverages Licenses concerning curbing under-aged drinking in local establishments. Mr. Grady said that he would continue to cooperate in this endeavor.

It was on motion by Chairman Murray unanimously

VOTED: To approve the petition for change of manager of 99 West, Inc., d/b/a "99", 694-8 Boston Post Road, Sudbury, to John R. Grady, subject to approval of the Alcoholic Beverages Control Commission, in accordance with G.L. Chapter 138.

Memorandum of Agreement - Local 105, Association of Engineers, Architects and Draftsmen

The Board tabled taking any action to sign a Memorandum of Agreement, and addendum to the existing contract between Local 105, Association of Engineers, Architects and Draftsmen and the Town of Sudbury, until its November 17th meeting, to review material given to the Board by the Executive Secretary this evening.

Something Simple Alcoholic License and License Fee

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

VOTED: To confirm that the license to sell wine and malt beverages only as a common victualler to Deborah Ann Getrost and Tracey Lee Harrington, Partners, d/b/a Something Simple, for property located at 385 Boston Post Road, approved by the Board on November 10, is granted, in accordance with Massachusetts General Laws, Chapter 138, section 17, paragraph 3, as it relates to issuance quotas.

And it was further

VOTED: To set a license fee of \$100 for the remainder of 1980 (yearly fee is \$250) for the above-mentioned license.

New License Fees - Selectmen's Policies and Procedures

It was on motion by Selectman Cossart unanimously

VOTED: To confirm the effective date of July 1, 1981, for new license fees, approved on November 3, 1980, as applying to all applications and renewals received after July 1, 1981.

At 7:35 p.m. Chairman Murray recessed the meeting; the meeting was called back to order at 7:45 p.m.

MDC Sudbury River Water Diversion Project

Present: Milton D. Bartlett, Water District Commissioner; Chairman Joan C. Irish, H. Rebecca Ritchie, Judith A. Cope, Associate Lynne Remington, Conservation Commission; Town Engineer James V. Merloni; and Robert Dionisi, Planning Board.

Chairman Murray convened a joint meeting with Town officials and various Town boards to discuss the MDC's proposed Sudbury River Diversion project, and the necessity of hiring a professional consultant, rather than relying on information supplied by the MDC, and, consequently, the necessity of a 1981 Annual Town Meeting article dealing with an appropriation for this type of approach. Selectman Murray asked Mr. Bartlett of the Sudbury Water District if he had any indication on how this diversion would affect Sudbury.

Mr. Bartlett said that the Sudbury River Water Shed may yield one million gallons daily per square mile, and that it appears the MDC plans to divert approximately twenty million gallons a day over a 22 square mile area which would be safe yield for the water shed but does not leave much for the local wells. Mr. Bartlett said that it is not known exactly what our re-charge from the water shed is, but it is several million gallons a day. Mr. Bartlett stated he discussed with Dick Sullivan of the MDC about setting a daily skimming level to protect downstream communities; it appears the MDC intends to skim year-round and at higher levels than we may consider reasonable. Mr. Bartlett suggested, instead, that the MDC pump over a 2-3 month period when the River is at flood level. Mr. Bartlett said he discussed with the Chief Engineer of the

MDC the possibility of using a dual system, such as New York uses, where ocean water is used for fires and de-salted water for drinking. Mr. Bartlett said he would be willing to discuss this with other water districts. Mr. Bartlett stated that he did not feel we should spend any money on a professional consultant until we have a proposal from the MDC.

Ms. Ritchie commented on the behavior pattern of the MDC and expressed her opinion that Sudbury should begin to utilize the information we have on hand and begin to formulate/prepare our specific concerns and comments to what the MDC is proposing now, because the MDC does not give very much time for a response. Also, we should look into the impact of diversion on our feeder streams.

Responding to Ms. Ritchie, Mr. Bartlett stated that there are two well sites containing two wells each for a total of four wells in the Sudbury River Water Shed at the level of ground water - the Raymond Road and the Route 117 wells - which have a total daily yeild of five million gallons, if everything is pumped to full capacity. (Mr. Bartlett explained that the Beckett well had been down and attempts to re-pump it have not been approved by the state.) He concluded by saying that he did not want the MDC to take so much drinking water that it would deplete our own wells, and that he would be willing to discuss the MDC's intentions with them. He said he would like to see a definitive engineering proposal from the MDC, also.

Ms. Ritchie answered that in 1975 a preliminary engineering plan was prepared, and we are now looking at the environmental impact process, which is phase 2 and should be completed next summer; phase 3, the final engineering study will be completed in 1984.

Responding to Lynn Remington, Associate Member of the Conservation Commission, Ms. Ritchie stated that, once the definitive engineering is completed, it would be too late for our comments to reflect any changes, and again stressed the importance of preparing our comments now.

Mr. Merloni answered Chairman Murray that he could not comment on the reports being discussed tonight because he had not seen them; however, he mentioned that the MAPC Regional Report states that Sudbury is only one of nine separate studies being done by the MDC for supplementary water supply. He stated that by law there is a certain flow which the Sudbury River has to maintain per day. Ms. Ritchie responded that only 1.5 million gallons per day is required to be released down stream, which dates back to the 1920s, and stressed the insignificance of this small amount of water. Ms. Ritchie later commented on how important it is to know how much water downstream communities will need; she further commented on how the various studies being done by the MDC have definite relationships, all having to do with the State Water Supply Study.

Conservation Commission Chairman Joan Irish commented on the amount of monies being expended by the Town of Wayland (through Town Meeting article(s) and Water District budget) to deal with these water supply matters. Ms. Ritchie commented that, initially she had intended on recommending that Sudbury join with Wayland, but later felt that Sudbury's objectives may be different.

Selectman Donald expressed her opinion that a professional consultant would be helpful. Chairman Murray directed the Executive Secretary to provide the Town Engineer with all the materials/information we have received on the subject.

Responding to Conservation Commission member, Judy Cope, Mr. Merloni said that he had some flood data, compiled beginning in 1978. Ms. Ritchie said it would be helpful to have that on hand, as well as, to have Mr. Merloni aware of the MDC's engineering data. Ms. Ritchie also stressed the importance of stream monitoring.

Mr. Robert Dionisi of the Planning Board expressed his opinion that Ms. Ritchie had expressed the perceptions and the comments of the Planning Board. He further stated that he did not feel the environmental impact report will be timely enough for us to respond, nor would it be specific enough to answer our questions; also, that flood mappings and engineering data have to be updated.

Chairman Murray suggested that the Conservation Commission, the Town Engineer and the Water District get together, and, as Ms. Ritchie had suggested, compile existing information for the MDC, who in turn will evaluate/analyze what we have and incorporate the data into their proposal. Mr. Bartlett stated that he would get in touch with the MDC regarding their proposal. At the conclusion of discussion, Chairman Murray thanked everyone for attending, and stated that the Board hoped that the Conservation Commission would report back as soon as possible further consideration of an article, dealing with this subject matter, to be in the warrant for the 1981 Annual Town Meeting.

#### Revaluation Update and Classification

Present: Assessor Donald P. Peirce; Town Treasurer Chester Hamilton; and Ronald A. Stephan, Finance Committee.

Chairman Murray welcomed Assessor Donald P. Peirce for discussion on the subjects of revaluation update and classification.

Mr. Peirce informed the Board that he had notified the State today that the classification figures had been completed and that they would be forwarded to the State as soon as the Board had seen them. Mr. Peirce gave the Board a copy of the new classification breakdown. He said that the State will either approve or disapprove of the classification figures, and, if approved, will issue a residential factor.

Responding to the Selectmen regarding a breakdown of appraisals in the six classifications currently in effect, Mr. Peirce noted the following figures:

- Residential prior to 1980 appraised value established in 1970, \$149,802,300;
- Commercial and Industrial prior to 1980 approximately \$22,538,600;
- Agriculture and Horticulture prior to 1980, \$425,000;
- Personal Property, \$9,344,063;
- Exempt Property totals prior to 1980 can be obtained but figures not available tonight.

Mr. Peirce said that the total assessed valuation prior to 1980 was \$182,109,963.

Responding to Selectman Donald, Mr. Peirce stated that the Assessors have accepted the new revaluation figures, which means that tax notices with changes will be going out to taxpayers from the revaluation firm.

Town Treasurer Chester Hamilton emphasized the urgency in sending out tax bills as soon as possible so that the Town can begin to collect these tax revenues, especially to pay off our borrowing debts.

In conclusion, Mr. Peirce stated that he would be in touch with the Board as soon as he hears from the State.

List of Articles for 1981 Annual Town Meeting

Present: Fire Chief Josiah F. Frost.

The Board reviewed a list of non-monied articles to be prepared under the December 1 deadline for the 1981 Annual Town Meeting. The standard articles - Personnel Salary Plan and the Personnel Administration Plan - were noted for submission by the Personnel Board.

One 2-part and eight other possible articles were discussed; the following two articles were deleted from the list:

- 1) suggested article 1b. Dutton Road Relocation (2 areas);
- 2) suggested article 9. Amend Bylaws: Distribution of Town Report.

It was a consensus that the following suggested articles should be submitted:

- 1a. Street Acceptances.
2. Bylaw Amendment: Special Permit Guidelines, Art, IX,VI,C,5.
3. Bylaw Amendment(s): Art. V, Public Safety-storage tanks.
4. Amendment to Minuteman School Agreement.
6. Amend Zoning Bylaw - Municipal Exemptions.
7. Amend Bylaws: Municipal Exemption, Building Permit Fees.

It was a consensus that, before making a decision on the following suggested articles, more information was required:

5. Amend Zoning Bylaws: Fast Food Take-out Service.
8. Amend Zoning Bylaws: Site Plans, temporary trailers.

The Board then reviewed a list of monied articles to be prepared under the December 31 deadline for the 1981 Annual Town Meeting. The standard articles - Hear Reports, Temporary Borrowing, Unpaid Bills, Unemployment Compensation, and Budget - were noted for submission by the appropriate departments,

Eleven other possible monied articles were discussed as follows: (all subject to further discussion and approval of the Board of Selectmen)

1. Sanitary Landfill (Highway Surveyor article).
2. Civil Service, Police (update requested from the Executive Secretary).
3. Accept Public Bidding Statute (to be submitted jointly with Highway Surveyor).

4. Accept G. L. Ch.44,s.65 - Advancement of Vacation Pay (requested from Executive Secretary).
5. Actuarial Study-Retirement Pension.
6. Gypsy Moths (is questionable, but to be prepared as a "bookmark" article).
7. Study: MDC Sudbury River Diversion.
8. Personnel - Assessors' Office.
9. Proposition 2 1/2 overrides.
10. Exceed appropriation limits.
11. Exempt Free Cash.

#### Site Plan Scale - Frank M. Vana

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

VOTED: To waive provision 1.c of the Selectmen's Policies and Procedures under I. Site Plan Submission Rules and Regulations, allowing submission of a site plan with a scale of 1"=40' for property at 423 Boston Post Road, as requested by Frank M. Vana, Trustee, Filomina Vana Trust and Schofield Brothers, Inc., engineers, in communications dated November 4 and 5, 1980, respectively.

#### Touch-Tone Telephone Systems

The Board acknowledged receipt of a communication dated October 30, 1980, from Robert J. Caldwell to the Massachusetts Department of Public Utilities inquiring as to the availability prior to 1983 of Touch-Tone telephone service in Sudbury.

Executive Secretary Richard E. Thompson stated that he would like to respond to Mr. Caldwell, on behalf of the Board, that the Touch-Tone telephone service is scheduled for 1983, and that nothing Sudbury accomplished through the DPU case affects the Touch-Tone service. The Board directed the Executive Secretary to do so, and to thank Mr. Caldwell for his interest on behalf of the 15,000 residents of Sudbury.

#### Appointment - Sudbury Housing Authority

Executive Secretary Richard E. Thompson referenced a communication dated November 5, 1980, sent to Byron J. Matthews, Secretary, Executive Office of Communities and Development, by the Sudbury Housing Authority, recommending the appointment of Mrs. Myrna C. Goldstein to the Sudbury Housing Authority. Mr. Thompson stated that there had been no other applications filed through the Selectmen's office, and further commented that the Board had met Mrs. Goldstein at a joint session with the Sudbury Housing Authority in 1979, at which time Mrs. Goldstein had been the Authority's top choice.

It was on motion by Selectman Donald unanimously

VOTED: To inform Mr. Byron J. Matthews, Secretary, Executive Office of Communities and Development, of the Board's endorsement of the Sudbury Housing Authority's vote of November 3, 1980, recommending the appointment of Myrna C. Goldstein, 39 Dakin Road, to the Sudbury Housing Authority as the State's appointee.



Donations - Edwin Barrett Hosmer Memorial Fund

It was on motion by Chairman Murray unanimously

VOTED: to accept, on behalf of the Town, eleven checks totaling \$342.50, listed in a communication from the Town Treasurer, dated November 7, 1980, to be deposited to the Edwin Barrett Hosmer Memorial Fund.

Conservation Commission Resignation - Personnel Board Appointment

The Board reviewed a list of names, compiled from the Talent Search List, and recommendations from the Personnel Board and Selectman Murray, to consider further interviews for appointment to the Personnel Board. During the Board's discussion regarding filling this vacancy, Mr. David Grunebaum of the Conservation Commission submitted to the Board his letter of resignation dated November 10, 1980, effective immediately, from the Conservation Commission, due to conflict of interest - the law firm with which he is associated handles some local land management cases.

The Board accepted his resignation with regret and questioned him regarding his interest in serving on the Personnel Board.

Responding to the Board, Mr. Grunebaum stated that his background was in personnel, and that as a practicing attorney he handles personnel matters and labor relations negotiations, and that he would be willing to serve on the Personnel Board.

It was on motion by Selectman Donald unanimously

VOTED: To appoint David F. Grunebaum, 45 Normandy Drive, to the Personnel Board, for a term to expire April 30, 1982, replacing Mr. Alan Reichard.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular Session of November 3, 1980, as amended, and the minutes of the Executive Session of November 3, 1980, as drafted.

Current Items of Interest

Police Report - October 10-October 31, 1980

In response to a request from the Board of Selectmen, Chief Lombardi submitted a police report dated November 10, 1980, (with a 2-page attachment covering the period of October 10 - October 31). During discussion it was noted that this report really did not implement the Board's desire to have a change in the format of the monthly report. Selectman Cossart stated that, in addition to the Board's request last week for an overall revision on the format of reporting, the Board had asked for very specific information to cover the last four weekends for which the Board had provided additional direction to the Department for proceeding in certain areas. Chairman Murray said that the report should also include crime comparisons in Sudbury to previous years. The Executive Secretary was directed to forward the Board's comments to the Chief.

Voting Precincts

Selectman Cossart questioned the distribution of voters between precincts #1 and #4 during the last two elections. Mr. Thompson stated that he quickly checked the numbers, and it appears that there are equal numbers in each precinct, but that he would confirm those numbers and report on the numbers of people actually voting in each precinct, also.

Brimstone Lane - Flynn Property

Selectman Cossart reported that, after having spoken to the well diggers on Brimstone Lane (Flynn property) and learning that at 360' there was no water on the site (noting this is the second well dug on the site - the first one going dry after a few months), he spoke to Mr. Gogolin, Chairman of the Board of Health, and advised him to seriously consider stopping the future development of the area until a hydrology study is undertaken to determine the feasibility of the same.

Juvenile Restitution Program Committee Report (JRPC)

At the request of the Board, Officer Carroll submitted to the Selectmen's office this past week an activities report for the Juvenile Restitution Program. Selectman Cossart emphasized the need for specific data on the report, such as: ages of the individuals, and dollar amounts of damage, as well as restitution amount. And further, Selectman Cossart recommended some type of follow-up; he suggested that every time the JRPC meet, there should be a Juvenile Restitution Program activity report sent to the Selectmen and, in addition, quarterly or annual report for summary. Selectman Donald suggested that the Board be notified as to the disposition of the individual cases, as well.

Police Auxiliaries as Special Police

Selectman Cossart asked about the procedure for classifying auxiliary as Special Police officers. Mr. Thompson referenced the Police Chief's letter of November 7, 1980, recommending the appointment of his total auxiliary police force as special police. Mr. Thompson stated that the Selectmen's procedure would be to simply make an annual appointment and suggested that he request a recommendation from Auxiliary Police Officer Sorrenti. At the request of Selectman Donald, Mr. Thompson was directed to report back to the Board regarding the requirements for appointment to a special police officer.

November 5, 1980 School Committee Vote

Mr. Thompson gave the Board a copy of a November 7, 1980, communication from Superintendent Joseph D. LoPresti noting the official vote of the School Committee on November 5 determining that the Fairbank, the Horse Pond Road, and the Israel Loring Schools will not be needed for school purposes as of September, 1981.

Verification of Election Results

The Board signed the verification of the November 4th election results forwarded by the Town Clerk's office.

Change Order - Police Station Alteration/Additions

It was on motion unanimously

VOTED: To authorize the Chairman of the Board of Selectmen to sign a Change Order dated November 5, 1980, for the Police Station Alteration/Additions, Building Permit Fee, in the amount of \$885.82 (a reduction for the waived building permit fee) issued by Kubitz & Pepi Architects, Inc., and Hugo Construction Co., Inc.

Police Station Equipment Storage During Construction

Mr. Thompson stated that he had misled the Board to believe that all Police Station equipment was being stored during construction at the Horse Pond Road School, and that he had recently been informed by the Police Chief that the Police Station stove and sink are being stored in the trailer next to the Police Station.

Missing Bounds

Mr. Thompson informed the Board that the missing bounds, Stow/Sudbury, had been found according to the Town Engineer.

Lights at Featherland Park

Mr. Thompson reported that the total cost for updating the lights at Featherland Park was \$8,000 of which \$6,000 had already been expended for the four in-field lights - - the two out-field lights will cost approximately \$2,000, the latter expense to come mostly from donations.

Sign Review Board Communication

The Board noted receipt of a November 6 communication from the Sign Review Board relative to verbal permission granted to the Hosmer Festival Committee for the sign on the Hosmer House and to Hall's Insurance Agency for the same sign.

Executive Session

At 9:50 p.m. 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, and to discuss charitable matters.

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

Chairman Murray announced that Open Session would not reconvene following the Executive Session.

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

Attest;

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Richard E. Thompson  
Executive Secretary-Clerk