

IN BOARD OF SELECTMEN
MONDAY, NOVEMBER 24, 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.

Bids for Printing 1980 Annual Town Report and 1980 Town Meeting Proceedings

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

VOTED: To accept the bid dated November 7, 1980, submitted by The Rene Press, Inc., of Fitchburg, Massachusetts, for printing the 1980 Annual Town Report, at a cost of \$29.70 per page, which includes typesetting of all pages, paste-up, and perfect binding, in accordance with the Town's specifications dated October 28, 1980;

and it was further

VOTED: To accept the bid dated November 12, 1980, submitted by G. Wesley Pippen, Jr., of Lincoln, Massachusetts, for printing the 1980 Town Meeting Proceedings at a cost of \$6.70 per page, in accordance with the Town's specifications dated October 28, 1980.

Appointments - Auxiliary Police as Special Police Officers

For the purpose of considering appointing the Auxiliary Police to the position of Special Police, the Board reviewed a list of the Auxiliary Policemen, provided by the Auxiliary Police Officer Anthony J. Sorrenti. On the recommendation of Chairman Murray to appoint the original four Auxiliary Police Officers with the most experience, it was on motion unanimously

VOTED: To appoint the following Auxiliary Police Officers to the position of Special Police Officer, all for terms to expire April 30, 1981:

- Anthony J. Sorrenti, 47 Butler Road
- John S. Sklenak, 93 Robbins Road
- Edward J. Murphy, 26 Hollow Oak Road
- Bruce R. MacGilvra, 19 Colonial Road

Executive Secretary Richard E. Thompson called the Board's attention to a communication dated November 21, 1980, from former Police Officer Allan Houghton, requesting reinstatement to the position of police officer for the Town of Sudbury, since his original plans to move out-of-state had been changed. On the recommendation of Mr. Thompson, it was on motion by Chairman Murray unanimously

VOTED: To appoint Allan C. Houghton of 4 Frye Street to the position of Special Police Officer, for a term to expire April 30, 1981.

Early Payment of Taxes Prior to Issuance of Tax Bills

The Board acknowledged receipt of a communication from the Massachusetts Department of Revenue, Property Tax Bureau Information Guideline Release No. 80-224, regarding the method under G.L.c.60, s.19, whereby early payment of taxes may be made prior to issuance of tax bills.

Proposed Conditional Comprehensive Permit - Longfellow Glen

On the question of reviewing and responding under a December 16 deadline to a proposed Conditional Comprehensive Permit for the Longfellow Glen housing project, as prepared by the Board of Appeals and submitted under date of November 20, 1980, and following a lengthy discussion, Executive Secretary Richard E. Thompson was directed to draft a response for the Board's signatures reiterating the Board's repeated concerns that 1) the site will have continuing drainage and sub-surface disposal problems and 2) although an adequate traffic study had never been submitted, personal observations continue to point out that traffic will be a problem. In addition, at the direction of Selectman Donald, Mr. Thompson is to request from those Department Heads under the Selectmen to submit to the Selectmen's office a copy of their response to the Board of Appeals.

Fire Chief Frost was present and referenced a section in the proposed Conditional Comprehensive Permit regarding an inside trash collection room, and stated that he would never approve this.

Sunday Entertainment License Application - Ephraim's of Sudbury, 8 Village Green

Present: Fire Chief Josiah F. Frost; and Building Inspector Joseph E. Scammon.

The Board was in receipt of an application dated November 14, 1980, of Ephraim's of Sudbury, 8 Village Green, for a Sunday Entertainment License for the year commencing November 30, 1980 . . . for a concert group with a maximum of five members.

As requested by the Board, the Board of Health, under date of November 19, 1980, reported that 200 seats have been recorded at the Restaurant, in spite of the original restriction of a 160 seating capacity based on the sub-surface sewage disposal system. Mr. Thompson noted that the Health Director indicated that the present system could possibly accommodate up to 196 seats.

Chairman Murray expressed his opinion that, based on Mr. Wagoner's lack of cooperation and mode of operations, the license should be denied. Selectman Cossart concurred and added that the Board had previously held a request for an increase in the number of entertainers on Ephraim's license pending cooperation on their part. Selectman Donald added that when Ephraim's was granted permission to put tables and chairs on the patio during the summer months, it was with the proviso that those seats would not be additional seats, but that the seats inside would be reduced by the amount brought onto the patio; it appears now that perhaps the patio seating was in addition to the restriction of 160, and that those additional seats are continuing to be used indoors. Selectman Donald also questioned the congestion in the parking lot.

Chairman Murray requested the Building Inspector and the Fire Chief to visit Ephraim's and report back to the Board on current or possible violations of site plan; i.e., parking, seating.

At the conclusion of discussion, it was on motion unanimously

VOTED: To deny an application dated November 14, 1980, of Ephraim's of Sudbury, 8 Village Green, for a Sunday Entertainment License for the year commencing November 30, 1980, for a concert group with a maximum of five members.

Annual License Renewals

Present: Fire Chief Josiah F. Frost; and Building Inspector Joseph E. Scammon.

As a result of the above discussion and the denial of the Sunday Entertainment License of Ephraim's, it was on motion unanimously

VOTED: To deny a request dated November 10, 1980, of Ephraim's of Sudbury, 8 Village Green, for an increase in the number of entertainers (1-3) on their Weekday Entertainment License.

The Board reviewed a communication dated November 20, 1980, from the Building Inspector noting certain inadequacies to be corrected before certain annual license renewals can be issued. Mr. Thompson reminded the Board that the Board of Health also had some concerns, as noted in their communication of November 17. The Fire Chief was present and stated that his Department has completed all inspections with the exception of the Wayside Inn and will submit a final report.

It was on motion unanimously

VOTED: To renew annual licenses, in accordance with the consensus of the Board taken on November 17, 1980, adding to that list of annual renewals: Ephraim's of Sudbury - Weekday Entertainment License for 1-2 entertainers only, and to forward the appropriate renewal forms to the Alcoholic Beverages Control Commission, where applicable, for approval; said licenses shall be held until final inspection approvals are received from the Fire Chief, the Board of Health and the Building Inspector, and payment of fees as required.

Selectmen's Articles - 1981 Annual Town Meeting

Following discussion it was on motion unanimously

VOTED: To confirm inclusion of the following Selectmen's articles for the 1981 Annual Town Meeting:

1. Street Acceptances
 - a. List from Town Engineer and Highway Surveyor includes:
Adams Road, Silver Hill Road, Sunset Path, Thunder Road, Wilshire Street, and a separate article for street acceptance of East Street.

- b. Thompson Drive and Bishop Lane have been tentatively added to the list due to a request dated November 28, 1980, from Stephen F. Doyle. These two streets are to be referred to the Highway Surveyor, Town Engineer, and Planning Board for recommendation.
2. Bylaw Amendment: Special Permit Guidelines, Art. IX, VI, C, 5.
 3. Bylaw Amendment(s): Add Section to Art. V, Public Safety - installation and testing of inflammables storage tanks.
 4. Amendment to Minuteman School Agreement - commencement of term of District members.
 5. Amend Zoning Bylaws - Fast Food Take-out Service.
 6. Amend Zoning Bylaws - Municipal Exemptions. (Proposed by R. F. Brooks and approved by Town Counsel)
 7. Amend Bylaws: Municipal Exemption - Building Permit Fees.
 8. Amend Zoning Bylaws: Site Plans dealing with temporary trailers.

At the request of Selectman Cossart, the Executive Secretary will request from the Town Engineer a complete list and explanation of the streets listed for acceptance, as well as plans for review prior to final approval/support of the Street Acceptance article(s) for the 1981 Annual Town Meeting Warrant. The Executive Secretary responded that the Board will be asked to act upon street acceptance hearing dates in the immediate future.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of a portion of the Regular Session of November 10 (pertaining to the MDC Sudbury River Diversion), as drafted, and the minutes of the Regular Session of November 17, 1980, as amended.

Current Items of Interest

Membership - Planning Board

Executive Secretary Richard E. Thompson referenced a communication dated November 21, 1980, from the Planning Board Chairman indicating their intention to continue with only four members until the next Town Elections rather than have someone appointed now to serve the remainder of Mr. Connors' term, which expires April 30, 1981. The Board directed Mr. Thompson to ask the Planning Board the reason for this decision.

Tax Anticipation Notes

Present: Town Treasurer Chester Hamilton.

Following a brief discussion it was on motion unanimously

VOTED: To authorize the Town Treasurer to borrow \$2,000,000 in Tax Anticipation Notes, maturing in January, as requested in a communication dated November 24, 1980, from the Town Treasurer.

At 7:55 p.m. Chairman Murray recessed the meeting for a brief coffee break; the meeting was called back to order at 8:10 p.m.

Town Fathers Forum

At 8:10 p.m. Chairman Murray convened the 137th session of the Town Fathers Forum, a summary of which is attached and is part of these minutes.

At 8:40 p.m. Chairman Murray recessed the meeting for coffee and conversation.

The meeting was called to order at 9:00 p.m.

Current Items of Interest (continued)

Massachusetts Municipal Association Meeting of November 22

Selectman Donald reported on a straw vote which was taken at the November 22 Massachusetts Municipal Association meeting, which was held at the Keefe Vocational Technical High School in Framingham, which she attended, on proposed amendments to Proposition 2 1/2 for legislative action:

- to change override, local option - did not pass.
- to hold sending out and printing excise tax bills - did pass.
- to define full and fair cash value - passed.
- to include exemption for existing debt and interest - passed by 80%.
- to clarify the effective date of FY 1982 - being July 1, 1981.
- to prohibit use of local aid funds to fund new programs - passed.
- to keep governmental units, such as the MBTA, from including prior years' under-assessments - passed.

A straw vote on the proposed tax policy:

- controlling state mandates - passed.
- appropriation limitation of 2/3 of the percentage of state personnel - passed.

On Alternative Revenue Sources, the following straw vote:

- favoring sales tax broadening - passed by 3/4.
- local option: 1% sales tax - defeated.

On the recommendation of Selectman Donald, Mr. Thompson was directed to provide a copy of a communication dated November 17, 1980, from the Board of Aldermen in Newton to the Commissioner of the Massachusetts Department of Revenue, regarding Proposition 2 1/2, for the Selectmen and Joseph Slomski of the Finance Committee, as well as to draft a letter, on behalf of the Selectmen, supporting the Newton Aldermen's views to the Massachusetts Department of Revenue.

Insurance-Police Station Alteration/Addition

Selectman Cossart questioned whether the apparent insurance deficiency for the Police Station construction had been corrected. Town Counsel responded that, to the best of his knowledge, the problem had been resolved. Selectman Cossart asked Town Counsel to confirm and report back to the Board.

Rescission

Following an inquiry by Chairman Murray regarding rescission Mr. Thompson stated that he would provide the Board with a copy of a recent publication in pamphlet form on the same.

Codjer Lane Site Plan Violation

Responding to Selectman Cossart, Mr. Thompson reported that some time ago the Town had lost the above-subject criminal complaint at a show-cause hearing, since the judge ruled that logging was an allowed use in that area - Codjer Lane.

Fire Station Roofing Contract

On the recommendation of the Executive Secretary it was on motion by Selectman Donald unanimously

VOTED: To authorize the Chairman of the Board of Selectmen to sign the roofing contract for the Fire Station, dated November 10, 1980, with Brouillette and Son, Inc. of Taunton, Massachusetts.

Massachusetts Municipal Management Association

Mr. Thompson referenced his report dated November 21, 1980, to the Board of Selectmen regarding the November 20, 1980, meeting of the Massachusetts Municipal Management Association.

Communication from Thomas Durbin

On the recommendation of Town Counsel, the Board will not plan to re-open the dog hearing on the Foisy/Durbin Dog Complaint as a result of a communication dated November 10, 1980, from Mr. Durbin questioning the decision of the Board. The Executive Secretary was directed to inform Mr. Durbin of the Board's feelings that its decision remains firm, that the area will continue to be monitored, and that the hearing will not be re-opened unless there is new evidence of disturbance(s) by the Foisy Dog.

Wine and Malt Beverages License - Something Simple

Mr. Thompson called the Board's attention to the comment regarding hours on the Massachusetts Alcoholic Beverages Control Commission license approval for Something Simple for their Wine and Malt Beverages License. The Board concurred that, even though the statute for State licenses allows serving from 11:00 a.m. to 11:00 p.m., the local licensees (Something Simple) have agreed to restrict their hours for serving in accordance with their Common Victualler License; further concurrence by the Board was that it did not feel the difference in serving hours on the local license would be a problem, since the restaurant in question closes at the evening hour specified on their license and application.

Joint Meeting with Personnel Board - Classification and Salary Plans

Present: Henry P. Sorett, Chairman, Cornelius Hickey and Robert B. Rowley, Personnel Board.

Chairman Murray welcomed members of the Personnel Board for discussion relative to the Classification and Salary Plan. It was agreed that discussion in Executive Session would continue following this matter, on another personnel matter.

Executive Secretary Richard E. Thompson updated those present by stating that the Board of Selectmen recently approved a 7% increase for non-union personnel, while at the same time, the Personnel Board approved a 7.5% increase, and that in an effort to mutually agree, this joint meeting had been arranged.

Chairman of the Personnel Board Henry P. Sorett explained the Personnel Board's reasons for setting a 7.5% increase for non-union personnel:

- the Personnel Board had spoken to the Selectmen at a point where the Selectmen felt collective bargaining would close at 7%;
- the Personnel Board felt the Town was giving non-union personnel incentive to unionize by making them wait for their raises until collective bargaining was completed;
- the Personnel Board felt that an extra .5% was compensation for non-union personnel for having to wait for their raises; and
- incentive for not unionizing; and
- non-union personnel do not have all the protections/benefits of union personnel.

Mr. Sorett stated that since the Personnel Board made its decision Proposition 2 1/2 passed; also, the Personnel Board is interested in hearing from the Selectmen on the extra half percent.

Selectman Cossart stated that it is very appropriate for the Personnel Board to want to treat the clerks fairly but expressed his opinion that increases given as an incentive not to unionize is not the proper way to deal with this. A group of people should not be rewarded for not unionizing - this would be an unfair labor practice and would create bad feelings with other groups in Town. Also, speaking on behalf of the Selectmen, Selectman Cossart stated that they have felt all along that there should be a system by which raises are granted, and that we should work within this system, not randomly administer an extra half percent.

Selectman Donald commented that a higher salary increase for non-union personnel would create a situation where collective bargaining would have to start at that higher rate next time; also, the Town's ability to pay, as a result of Proposition 2 1/2, should be considered.

There was some discussion regarding Mr. Sorett's comment that it might be better to set the non-union increase rate before collective bargaining begins each year, or every two years, as the case may be.

Mr. Sorett stated that the Personnel Board will be meeting tomorrow night and plans to make a final decision on the subject.

Chairman Murray stated that further discussion on this involving reference to collective bargaining must be continued later in Executive Session, along with other personnel matters with the Personnel Board.

Transfer Request

It was on motion by Selectman Donald unanimously

VOTED: To approve Transfer Request #0889, dated November 24, 1980, from the Reserve Fund to Police Chief Salary, Account #320-10, to accommodate the difference between the 1.8 ratio and the 2.0 ratio, effective October 1, 1980, for calculating the Police Chief's salary.

Executive Session

At 9:55 p.m. it was on motion by roll call

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

(Roll Call Vote: Chairman Murray, in favor; Selectman Donald, in favor; Selectman Cossart, in favor.)

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

There being no further business to come before the Board, the meeting was adjourned at 10:30 p.m.

Attest: _____

Richard E. Thompson
Executive Secretary-Clerk