

IN BOARD OF SELECTMEN
MONDAY, OCTOBER 6, 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 5:00 p.m. by Chairman Murray.

Relocation of Two Utility Poles on Mossman Road

Following a brief review in accordance with a communication dated October 2, 1980, and accompanying plan from Highway Surveyor Robert A. Noyes, and on the recommendation of the Executive Secretary, it was on motion by Chairman Murray unanimously

VOTED: To authorize the Boston Edison Company and the New England Telephone and Telegraph Company to proceed immediately with the relocation of two jointly-owned utility poles, with wires and such other fixtures as may be necessary to sustain or protect the wires of the line, along Mossman Road, in advance of receipt of petitions and public hearing, as an emergency measure to enable walkway construction to go forward.

Agreement - International Brotherhood of Police Officers, Local 315

Present: John A. Longo, President Local 315, International Brotherhood of Police Officers, and Officer Vincent J. Patruno.

It was on motion unanimously

VOTED: To sign an agreement with the International Brotherhood of Police Officers, Local 315, for the period July 1, 1980, through June 30, 1982.

Sudbury's Traffic Rules and Orders

Following a brief discussion with Town Counsel, it was on motion by Selectman Cossart unanimously

VOTED: To update the Town of Sudbury Traffic Rules and Orders, in accordance with recommendations in a communication dated September 17, 1980, from the Administrative Secretary.

Executive Secretary Richard E. Thompson commented that these changes would not become effective until such time as votes are signed, approved by the Department of Public Works, and advertised.

Abatement - Unpaid Real Estate Taxes

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

VOTED: To authorize the Executive Secretary to request, on behalf of the Board of Selectmen, an abatement of unpaid real estate taxes on the property purchased by the Town from Lee A. Young, under Article 26 of the 1980 Annual Town Meeting.

1981-85 Transportation Improvement Program

Following reference to that portion of the draft 1981-85 Transportation Improvement Program (TIP) showing funding amounts for the Town of Sudbury, and a brief explanation of funding commitments to the Town, specifically for the widening of Route 20 and the reconstruction of four intersections, the Executive Secretary commented on the Board's past endorsement of TIP.

On the Executive Secretary's recommendation, it was on motion by Selectman Donald unanimously

VOTED: To direct the Executive Secretary to forward a communication to the Central Transportation Planning Staff (CTPS) notifying that agency of the Board of Selectmen's endorsement of the Boston Region Transportation Improvement Program, 1981-85, dated September 1980, received from the CTPS under cover letter dated September 19, 1980.

Contract Agreement - Public Employees Local #1156 of the Laborers' International Union of North America, AFL-CIO

Present: Louis W. Pourier, Massachusetts Laborers' District Council; Robert P. Subick and Kenneth D. Anderson, Local #1156.

It was on motion by Selectman Doanld unanimously

VOTED: To confirm the Board's telephone vote of October 2, 1980, approving the following change in vacation entitlement in the 1980-82 contract between the Public Employees Local #1156 of the Laborers' International Union of North America, AFL-CIO, and the Town, it being an oversight that this item was omitted from the Memorandum of Agreement dated February 28, 1980:

After the first year of employment, vacation entitlement shall be based on the years of continuous Town service completed during that calendar year as follows:

<u>Calendar Years of Continuous Service</u>	<u>Calendar Year Paid Vacation Entitlement</u>
1 through 5 years	2 weeks
After 5 years of continuous service	3 weeks
After 10 years of continuous service	4 weeks

Executive Secretary Richard E. Thompson commented that the Board's action is not a re-opening of the contract but required due to an oversight in the vacation policy so it will be uniform throughout the Town departments.

It was on motion by Selectman Cossart unanimously

VOTED: To sign an agreement with the Public Employees Local #1156 of the Laborers' International Union of North America, AFL-CIO, for the period July 1, 1980, through June 30, 1982.

Before signing the contract two corrections were approved: one on page 5 (Paragraph 1, line 2), to delete the word "new" involving the agency fee; and the other on page 14 (last paragraph, line 3), to change the number "12" to "10" years of continuous service involving the vacation period.

Application for Agricultural Preservation Restriction

Present: Rebecca Ritchie, Conservation Commission.

The Board discussed the question of the Board commenting on an application for Agricultural Preservation Restriction, under Chapter 780 of the Acts of 1977, as amended, for approximately 38.7 acres owned by Hyman Shick of 6 Moore Road, Wayland, now assessed under Chapter 61A.

The Board discussed those commitments required of the Board of Selectmen, on behalf of the Town, listed in the application, such as: extent of participation, contributions in the area of services of Town Counsel and/or monetary, and negotiating with the Committee regarding the municipality's share in the project.

Mr. Thompson referenced the Planning Board minutes of September 11, 1980, approving Mr. Shick's application. Ms. Ritchie commented that the Planning Board saw no complications/conflicts with long-range planning or zoning.

During discussion, Ms. Ritchie stated her intention, on behalf of the Conservation Commission, to solicit Town support for the Shick application.

Ms. Ritchie explained the location and description of the parcel of land in question on Lincoln Road and its agricultural potential, indicating her desire to proceed with this application.

Ms. Ritchie explained certain criteria for selection, stating that one is the municipality's willingness to work with the appropriate State agency. The first step if the application is approved would be for the State to purchase the development rights either singularly or in conjunction with the Town.

Town Counsel explained how a restriction of this kind can be released in order to sell the property under Chapter 61A by stating that the release would have to be purchased from the State at the then current market value in order to have the restriction removed.

Selectman Donald expressed her opinion that the Selectmen should not negotiate finances at this time, since she feels financial contributions from the municipality would require the vote of Town Meeting, and suggested that the Board so indicate on the application to the State. Selectman Donald later stated that the only negotiable item at this time would be Town Counsel's services.

Mr. Thompson recommended a vote of endorsement and signing after the Conservation Commission has done so. Selectman Cossart stated that he would be willing to sign it now.

Following further discussion, Ms. Ritchie proposed that the Selectmen endorse the application for Agricultural Preservation Restriction, under Chapter 780 of the Acts of 1977, as amended, for approximately 38.7 acres owned by Hyman Shick, now assessed under Chapter 61A, with comments from the Conservation

Commission requesting further clarification as to the extent of negotiations, on behalf of the Selectmen. The Selectmen concurred.

Ms. Ritchie asked if the Selectmen would like to attach any comments; Mr. Thompson suggested that she refer to the minutes of this meeting for that purpose. The Selectmen requested a copy of the final document submitted to the State on this application by the Conservation Commission. Ms. Ritchie replied she would do so.

Proclamation - Emergency Medical Services Week

It was on motion by Selectman Cossart unanimously

VOTED: To sign a proclamation designating the week of November 9-15 as Emergency Medical Services Week, in response to a request dated September 29, 1980, from the Department of Health Office of Emergency Medical Services.

Metropolitan Area Planning Council (MAPC) Inter-Community Groundwater Planning Program

The Board noted receipt of a communication dated September 24, 1980, from the Metropolitan Area Planning Council relative to its inter-community groundwater planning program and scheduled workshops for the same.

November 4, 1980 Presidential Election

It was on motion unanimously

VOTED: To set the time and place of the polls for all four precincts at the Peter Noyes School, from 5:45 a.m. to 8:00 p.m., and to designate the office of the Town Clerk as the place where those persons qualified under Chapter 51, section 1F shall cast their ballot;

and it was further

VOTED: To allow the sale of alcoholic beverages by common victuallers and retail package stores during the polling hours of the national election on November 4, 1980, in accordance with the amendment to G.L.C. 138 s. 33.

Resignations:

Personnel Board

The Selectmen accepted with regret a letter of resignation dated September 26, 1980, from Alan B. Reichard of the Personnel Board. The Board directed the Executive Secretary to send a letter of appreciation to Mr. Reichard.

Sudbury Housing Authority

Executive Secretary Richard E. Thompson referenced a letter of resignation dated September 29, 1980, from James E. Huston from the Sudbury Housing Authority.

Since this is a State appointment, the letter was written to Secretary Byron Matthews of the Executive Office of Communities and Development. Mr. Thompson stated that the Sudbury Housing Authority is in the process of conducting interviews to fill the vacancy and will forward a letter of recommendation to the Selectmen. Mr. Thompson also commented that Mr. Huston's letter states some interesting comments about housing in the Commonwealth.

Appointment - Personnel Board

It was on motion by Selectman Cossart unanimously

VOTED: To appoint Cornelius S. Hickey of 188 New Bridge Road to the Personnel Board, for a term to expire April 30, 1981, replacing John R. Williams.

It was noted that there is a remaining position open due to the resignation of Alan Reichard.

Minutes

It was on motion by Selectman Donald unamiously

VOTED: To approve the minutes of the meetings of September 29 and September 30, 1980, both as drafted.

Contract - Alterations and Additions - Sudbury Police Station

Present: Michael E. Melnick, James F. Goodman, Franklin B. Davis; and D. Bruce Langmuir, Chairman, and Dan A. Woolley, who came in later, all of the Permanent Building Committee.

Executive Secretary Richard E. Thompson stated that the Board of Selectmen is required to sign for the Town the contract for the alterations and additions to the Sudbury Police Station on Route 20 as owners of that property, and that the contract also requires signatures of the majority of the Permanent Building Committee (PBC) members.

It was on motion unanimously

VOTED: To sign a contract for the alterations and additions to the Sudbury Police Station on Route 20, understanding Town Counsel's prior confirmation that all appropriate requirements dealing with performance bonds and insurance certifications are on file.

Mr. Thompson announced that Ground Breaking Ceremonies would be at 8:00 a.m. on October 8th.

Mr. Melnick asked what the procedure would be in the event of any extra work orders. Mr. Thompson stated that the PBC is authorized to issue extra work orders, subject to the Board signing the warrant for the same. Town Counsel concurred.

Chairman Murray recessed the meeting at 6:05 p.m. for a dinner break; the meeting was called back to order at 6:25 p.m.

Current Items of Interest

Use of Energy Conservation Signs

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

VOTED: To approve and refer to the Sign Review Board a request from the Sudbury Historical Commission to use the two energy conservation signs from October 10-20, 1980, for publicizing the Hosmer Festival.

Selectman Cossart strongly urged that in the near future these two energy conservation signs be used as an alert to keep speeding down in Sudbury.

Transfer Request by Board of Assessors

Chairman Murray stated that he attended the last Finance Committee meeting where, by a 6 to 3 vote, the transfer request made by the Board of Assessors to cover costs associated with the revaluation meeting scheduled for October 9, 1980, had been turned down. The Selectmen had previously expressed support of this transfer request.

Roadway Obstructions

Chairman Murray stated that he met with Highway Surveyor Robert A. Noyes regarding concerns expressed by the Police Chief about various roadway obstructions. Mr. Noyes is cooperating with the Police Chief in correcting these problem areas.

Town Bounds

At the direction of Selectman Cossart, the Executive Secretary stated that he would request the Town Engineer, James V. Merloni, to coordinate the re-installation of three missing Town bounds with the towns involved.

Reserve Police Officers

Selectman Cossart brought up the subject of the recent fulltime appointments of five Reserve Police Officers. Mr. Thompson stated that this brings the police force up to 28 men with one vacancy due to the disability of one police officer.

Petition from Taxpayers

Mr. Thompson stated today Mrs. Janet Wilson of Woodmere Drive had submitted to the Selectmen's office a copy of a petition which is being circulated throughout the Town expressing concern about the revaluation process and requesting the Board of Assessors and the Board of Selectmen to appoint an Ad-Hoc committee to review property values recently set by the firm of McGee and Magane before submission of the same to the State for final certification, and further requesting a discussion period with the Citizens for Fair and Equal Revaluation - and presentation of their petition - at the October 9th special Assessor's meeting.

The Selectmen concurred with Chairman Murray that an ad hoc committee should not be formed since the three-member Board of Selectmen is directly involved with the Assessors, who are in the process of overseeing/reviewing the work which has been done by the firm of McGee and Magane. Also, Selectman Cossart added that the Selectmen have made it clear that they do want a period of review before the final certification takes place, and that it should be communicated back to Mrs. Wilson that: 1) the Selectmen are disappointed that this material had not been prepared ahead of time and in Mr. Peirce's hands so that he could intelligently address it at their October 9th meeting, as requested by Selectman Cossart to Mrs. Wilson and that the Selectmen have already discussed with the Assessors the desire to have a review period before the final certification; 2) also, that the Selectmen see themselves as the committee to review the revaluation.

Chairman Murray added that there will be a question and answer period handled through the Moderator, and that the hall will be available for that Assessors' meeting until 11:00 p.m. for any further discussion.

Letters from Mrs. Coe

Selectman Cossart referenced two letters received from Mrs. Martha Coe (dated October 1 & 2, 1980) and following some discussion Mr. Thompson stated that he will discuss some of Mrs. Coe's statements with Mrs. Todd and get back to the Board and place this on a future agenda.

Traffic Study/Longfellow Glen

Selectman Cossart stated that the July 24, 1980, traffic study from Planning Engineering & Development (prepared in conjunction with the Longfellow Glen project for Mr. William R. Roop of McNeil & Associates) has been once again sent to the Board in an attempt to satisfy its concerns about traffic and is terribly inadequate.

Release of School by School Committee

The Board was in receipt of a communication from Town Counsel dated September 23, 1980, responding to a request for an opinion from Joseph D. LoPresti dated September 18, 1980, as to procedure for the release of a school. Town Counsel confirmed, as stated in his letter, that once it is determined by the School Committee that a school building is no longer needed for its intended purpose, the School Committee should notify the Board of Selectmen, who, at any time, may place this on a warrant for Town Meeting action. Town Meeting must by 2/3 vote determine use and control of the building.

Lincoln-Sudbury Regional High School Long Range Planning Report

The Board acknowledged receipt of the Lincoln-Sudbury Regional High School Long Range Planning Report dated September 24, 1980.

Fire Department Testing

Mr. Thompson reported that he spoke with the Fire Chief, at the request of the Board, relative to the necessity of future testing for firefighters within

the Fire Department due to the amount of money and time involved, and stated that it was the Chief's feeling that this is a helpful procedure especially enabling him to fill vacancies on short notice; also the total cost is approximately \$300, and the Chief plans to begin in Fiscal 1981.

Item #4 of Constitutional Convention Calendar

Mr. Thompson informed the Board that Item #4 of the Constitutional Convention Calendar, which the Board had supported, had passed.

Bullfinch's, Inc. - Change in Premises Request

Present: Thomas S. Richardson, Applicant, and Edward A. Sokoloff, Atty., representing Bullfinch's, Inc.

In accordance with the provision of Chapter 138 of the General Laws, as amended, to provide for a change in the description of the premises by a holder of a Common Victualler All Alcoholic Beverages License, Chairman Murray convened a Public Hearing on the application dated September 11, 1980, of Thomas S. Richardson, Manager, Bullfinch's, Inc., for property located at 730 Boston Post Road, for approval of a change in the premises involving the interior layout, seating and exits.

Executive Secretary Richard E. Thompson stated that all appropriate Town officials and abutters had been notified, none of whom were present, and that the necessary certificates of record are on file. Mr. Thompson noted receipt of the following communications:

- from the Board of Health, dated September 29, 1980, which he read, and which stated the restaurant was in compliance and approved according to Article X, Minimum Sanitation Standards for Food Service Establishments, and approved the seating capacity of 102 (78, dining and 24, lounge);
- from the Fire Chief, dated August 25, 1980, approving the changes in the original plan; and
- from the Building Inspector/Zoning Enforcement Agent, dated October 1, 1980, approving the changes.

Atty. Sokoloff stated that he had reviewed with the Building Inspector the layout of Bullfinch's, and that they had mutually agreed on the following basic changes: for a more sensible physical layout, it was determined that it was not necessary to have two entrances in the front; therefore, one front door had been eliminated. The kitchen was moved out two feet for expansion purposes, which necessitated the elimination of one door in the kitchen and the relocation of the bar area as shown on the new plan dated September 5, 1980.

Following Atty Sokoloff's explanation, it was on motion by Chairman Murray unanimously

VOTED: To approve the application of Thomas S. Richardson, Manager, Bullfinch's, Inc., d.b.a Bullfinch's, for a change in the premises involving interior layout,

seating, and exits at 730 Boston Post Road, Sudbury, Massachusetts; said premises to be described as follows: one floor, three rooms: Kitchen, dining-room/lounge, and office/storage; one entrance on south side, and one emergency exit and one delivery entrance on north side.

Executive Session

At 7:12 p.m. it was on motion by roll call

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

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

There being no further business to come before the Board the meeting was adjourned at 7:25 p.m.

Attest: _____

Richard E. Thompson
Executive Secretary-Clerk