

IN BOARD OF SELECTMEN  
MONDAY, SEPTEMBER 8, 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 6:30 p.m. by Chairman John E. Murray.

Joint Meeting with Assessors - Revaluation

Present: Donald P. Peirce, Assessor; Chester Hamilton, Town Treasurer; Isabelle K. Stone, Collector of Taxes; Mary Walsh, Assessor's Office; Delphis O. Roberge, President of McGee & Magane, Inc. (revaluation firm); and approximately 20 residents.

Chairman Murray opened the meeting by stating that the meeting was requested by the Selectmen because they are still getting numerous calls and questions concerning the revaluation, especially in the area of land values in flood zones, and the Selectmen would like to be updated on the same. In addition, the Treasurer and Tax Collector were invited to attend due to their concern dealing with borrowing and the mailing of tax bills. Chairman Murray began by saying that, in conversation with Mr. Wilson of McGee & Magane, he was led to believe that the total certification of values to the State was completed and approved.

Mr. Peirce responded that the first two phases were completed in that the State had approved the revaluation plan in 1977 and that McGee and Magane had been authorized by the State to proceed with hearings and adjustments on their preliminary revaluation figures. Mr. Peirce added that, prior to authorizing McGee and Magane to proceed, the State did conduct sample tests on certified property values of McGee and Magane. Also, to dispell some rumors on the credibility of McGee and Magane, Mr. Peirce stated that they were on a list approved by the State or could not have been employed.

Chairman Murray stated that he could assume then that the revaluation process was completed.

Mr. Peirce responded in the affirmative and continued that hearings had been completed, adjustments will have to be made by McGee and Magane, accepted by the Assessors, and submitted to the State. At this time the State has the option to look at any properties adjusted by McGee and Magane and, if satisfied, will certify the same and determine a residential factor in order that Ch. 797 be implemented... classification of properties, the final step, being the Assessors' recommendation to the Selectmen to classify properties. Mr. Peirce recalled the past meeting of the Selectmen where there was a consensus on classification not to choose the residential factor option and McGee and Magane was directed by the Assessors to proceed on that basis.

Chairman Murray agreed, but recalled also that the Selectmen had been informed that to change decisions and use the residential factor would only be an additional expense of \$2,000 or \$3,000, and that we should at least address the impact of doing so to determine if it is in the best interest of the Town to do so.

On a question from the Board expressing certain wetland complaints, Mr. Peirce agreed that complaints dealing with land values in apparent flood zones were bonafide complaints. In this regard, the Assessors have asked the Town Engineer to overlay on the Assessors' maps Flood Plain elevations. Mr. Peirce stated that this information was not made available to the firm of McGee and Magane, but, once received from the Town Engineer, properties may be re-evaluated and possible adjustments made to certain properties.

Selectman Donald questioned at what point would adjustments be made.

Mr. Roberge stated that it may have to be through the abatement process once the tax bills go out, but it is the intention to correct this oversight prior to final value certifications, if possible.

Chairman Murray stated that the emotion of certain people is at such a high pitch, dealing with revaluation, that there is an organized group that wants to call a Special Town Meeting to set aside the values.

Town Counsel responded that this approach may be futile because the authority to do so only resides with the Assessors.

Selectman Cossart stated that we have had our share of snags, but that it was much more than he personally expected. He added that there was still unified support of the firm's credentials and work, but several questions remained unanswered.

Mr. Peirce added that after a revaluation process it is standard to expect that 25% of the property owners will object to their values and that in Sudbury this would have numbered one thousand, but only approximately 635 have recorded protests by requesting hearings, plus approximately 100 have written letters to the firm after completion of hearings, these probably being people on vacation during the summer at the time of the hearing process.

Mr. Roberge informed the Board that most of the questions resulting from the hearings dealt with type of sales used to determine values and procedures relating to inspection of properties.

In response to specific questions raised by Selectman Cossart, Mr. Roberge and Mr. Peirce responded as follows:

- 1) approximately 1700 interior property inspections were made;
- 2) approximately 700 interior and exterior inspections were made after the formal hearings. Mr. Roberge agreed to give the Board a breakdown of exterior versus interior inspections.
- 3) Mr. Roberge agreed to identify a particular small subdivision where two different members of his firm conducted the inspections, set values, and the work had to be redone.
- 4) Mr. Roberge responded, as he had in the past, that the first 60,000 square feet of a property was considered the prime land and assessed according to several variables with remaining land assessed at a maximum of \$3,000 on a declining scale.

- 5) Mr. Roberge stated that with the amount of money appropriated, he did consider this a first class revaluation if they had been provided with the Flood Plain elevations.
- 6) Mr. Peirce responded that it is conceivable that certain property values will go up after a re-inspection and agreed, as in the past, to give the Selectmen a breakdown by classification after the approximately eighty remaining parcels are reclassified, giving the ratio of residential to commercial, etc. before and after revaluation.
- 7) Mr. Peirce responded that under G. L. Ch. 59 s. 5, Clause 41, it is possible that some elderly will lose their abatements if the value of the property exceeds \$40,000.

Selectman Cossart stated his opinion that there was an appearance that we are working for and dictated to by the State through this revaluation process. Selectman Cossart further stated that the appearance should be that the firm is working for Sudbury and not the State and that no package or final decision should go near the State until we are satisfied locally.

After revaluation is completed, Mr. Peirce responded that the ultimate authority for making adjustments is the Board of Assessors and the Appellate Tax Board.

In response to a question from Selectman Cossart, Mr. Peirce stated that the State will again look at the certification once final submission is made by the Assessors, and in response to how extensive this might be, Mrs. Walsh replied that the State examiners were previously in Sudbury for one-and-one-half days checking all the evaluation books and sales lists and checking values, especially those that were identical after revaluation.

Chairman Murray stressed that the critical areas still remaining relate to:

- 1) the land values and the change in the ratio between the residential and commercial properties. It appears, he continued, that people will have to sell their large land holdings because they can not afford to pay their taxes;
- 2) the new information on the probable loss of elderly abatements.

Mr. Peirce responded that the elderly could still use the hardship route for abatement or the deferred taxes process.

In response to Chairman Murray's question, Mr. Peirce replied that they expect to have the final values and submission to the State of the same by the end of September, possibly setting the tax rate by the first of October with the tax bills going out around October 20 and taxes being due December 1, 1980.

Selectman Cossart again emphasized that we must look at the whole picture before proceeding step by step automatically; we must evaluate what we did with the new raw land values, ratios of commercial versus residential land values, etc. We need adequate review time between these steps and should not respond

to some dictum of the State unless we feel comfortable that everything is done in the best interest of the Town and its taxpayers - case in point being omission of the Flood Plain elevations.

In response to a question from Chairman Murray, Mr. Hamilton replied that he can continue to borrow money and does not want the revaluation process to be jeopardized because of his need to borrow.

Isabelle Stone stated that her main interest in the whole process was to get the tax bills out in a timely manner and it looks like it will be December or after.

Selectman Donald stated that we appear to be between a rock and a hard place in that it appears that we have certain real estate values resulting from the revaluation process that are out of place, but we have statutory legislation that requires us to go to 100%.

Mr. Peirce responded that this is a direct result of the Sudbury Case.

The following questions and/or responses were made from the audience.

- Mr. Peirce stated final acceptance of values is the responsibility of the Assessors, not McGee and Magane.
- Mr. Schooner, Haynes Road: assessment on an acre of land went from \$8,000 to \$33,000.
- Mrs. Wilson, Woodmere Drive, wants to know criteria on entire Town assessment.
- Mr. Peirce, in reply to a question from Janet Wilson, said when Assessors have accepted the final revaluation, that a public information press release will be produced and submitted to the press showing procedures and methodology used.
- Mrs. Roos, Arborwood Road: her land re-assessed seven times more.
- Another senior citizen: her land re-assessed three to four-and-one-half times more.
- Mr. Bellows, Juniper Road, questioned the neighborhood factor "average" and "below-average" categories.
- Mr. Barton, Marlboro Road: basic values are gone; need another approach; the re-assessment did not take into consideration the income from the property.
- Mrs. Helen Stevens, Basswood Avenue: her taxes have gone up three times.
- A resident from the Maynard Farm Road area stated that their area taxes go up by 25%; 100% is not the problem.

- Mrs. Cubrilovic, formerly of 61 Maynard Farm Road, stated that she checked out comparable homes on her own street, as well as other parts of town, and found many discrepancies. She was told by McGee and Magane representative when she had her conference that they would get back to her in six weeks.
- Mr. Peirce commented that complaints by some residents of their neighbors' lower assessments caused those to go up, not theirs to go down.
- Mr. Peirce explained process/recourse for unsatisfied residents relative to re-assessment: bring case before Board of Assessors and, if successful, will rebate; otherwise, appeal to Appellate Tax Board.
- Mr. Peirce commented that only those residents whose valuations will be changed by McGee and Magane following a conference will be notified.
- Mr. Barton: moral, social problem; should be done according to people's ability to pay - "to tax people out of existance is ridiculous".

Chairman Murray thanked all those in attendance.

Site Plan Application #80-223 - Gutierrez Construction Co., Inc., Lots 3 & 4, Powder Mill Road

Present: Joseph E. Scammon, Building Inspector; James V. Merloni, Town Engineer; Bruce M. Stamski, Civil Engineer for Applicant; Dennis G. Bailey, Construction Manager of Gutierrez; and Robert Stubblebine and Earl Soper of Gutierrez.

In accordance with Article IX, Section V, Paragraph A of the Sudbury Bylaws, the Board considered Site Plan application #80-223 of Gutierrez Construction Co., Inc., for property located at Lots 3 and 4, Powder Mill Road.

Mr. Bruce M. Stamski, Civil Engineer for the Gutierrez Construction Company, gave a presentation of the 24,990 square foot one-story building, delineating a future expansion area for a 25,000 square foot one-story building and forty-four additional parking spaces. (See Site Plan entitled "Proposed Metritape Building, Powder Mill Road, Sudbury, Mass.", dated July 31, 1980.)

Executive Secretary Richard E. Thompson stated that all appropriate Town Officials and abutters had been notified and the following communications had been received:

- from the Conservation Commission, dated August 27, 1980, stating that the application will require a determination of applicability under the Wetlands Protection Act, and expressing concern regarding the nature of the operation and runoff from parking lot.
- from the Planning Board, dated September 5, 1980, recommending conditional approval (the letter was read by the Executive Secretary);
- from the Board of Health, dated September 5, 1980, recommending conditional approval; and

- from the Sign Review Board, dated August 20, 1980, with no recommendation at this time.

Mr. Thompson referenced a communication dated July 30, 1980, from Richard A. Quinn regarding the financing of the proposed Metritape building, and responding, Mr. Stubblebine stated that financing had not yet been arranged.

Mr. Stamski stated that they would be willing to pave four parking spaces in the future parking area, thereby eliminating four spaces in the proposed parking area to provide better traffic circulation, as recommended by the Planning Board, although, as Mr. Stamski pointed out, there would not be much traffic circulation required, since the spaces would most likely be assigned. Also, Mr. Stamski stated that they would be glad to seed and grade the future expansion areas, the parking lot and the building, rather than put bark mulch or wood chips as planned, in accordance with the recommendation of the Planning Board. Mr. Stamski stated that future expansion construction would take place in 2-5 years.

Responding to the Gutierrez Construction people, Chairman Murray stated that the monitor well, to be placed on the property, in accordance with the Board of Health's recommendation, would be monitored by the Board of Health. Mr. Stubblebine stated that there would be no liquid industrial waste on the site - that it is solely an assembly plant. He invited the Selectmen to visit their Concord operation.

Mr. Stamski pointed out two changes that should be made on the site plan:

- 1) the site will have 2.01 acres and 1.45 acres of impervious surface; and
- 2) coverage will be 29 1/2% versus 40%.

Responding to Selectman Cossart, Mr. Stamski stated that the utilities can be placed underground, in accordance with the Planning Board's recommendation. Also, that the Gutierrez Company has an agreement with the owners of the land to install a 10" diameter water line which will be completed before they move in. This will comply with the Board of Health's recommendation.

Chairman Murray requested that the same wording suggested by the Conservation Commission and the Board of Health on the Hy-Comp site plan be incorporated in the vote-that notification be given to the Board of Health in instances where salt is to be used by Gutierrez. Mr. Stamski stated that they will be having a hearing with the Conservation Commission shortly and will discuss the same.

Responding to Selectman Cossart, Mr. Stamski explained the expansion area for septage for both the present and future expansions, which he explained would accommodate the total area.

At the conclusion of discussion, it was on motion unanimously

VOTED: To approve Site Plan Application #80-223 of Gutierrez Construction Co., Inc., for Lots 3 and 4 Powder Mill Road, owned by Drake Park Construction Company, subject to the following conditions:

- 1) the elimination of four parking spaces in the immediate front of the proposed building for good drive-through traffic circulation; the placement of utilities underground; and the seeding and loaming of the future expansion areas, in place of bark mulch or wood chips, if construction does not take place within two years, in accordance with the Planning Board's letter of September 5, 1980;
- 2) a letter of commitment to be submitted to the Board of Health stating that the Town water supply shall be extended to the proposed lots; the placement of a monitor well on the site; and confirmation to the Board of Health that no toxic or hazardous chemicals will be used on site, in accordance with the Board of Health's letter of September 5, 1980;
- 3) determination of applicability by the Conservation Commission under the Wetlands Protection Act;
- 4) changes on the plan, as noted above by Mr. Stamski; and
- 5) no use of salt or chemicals during snow removal on the parking areas and walkways, to be written into tenant leases, unless so authorized by the Board of Health.

Mr. Stamski requested that he be notified if there is any deviation in the conditions placed on this application. The Executive Secretary stated that he would so notify him.

Performance Review - Town Engineer

Present: James V. Merloni, Town Engineer,

In accordance with the Selectmen's Performance Review Policy, the Board met with Town Engineer James V. Merloni and discussed his Evaluation Sheet, as prepared by the Executive Secretary, following performance review discussion at the Selectmen's meeting of August 25, 1980, as follows:

- Future Needs of Department - Mr. Merloni stated that it would be necessary to include a new vehicle for the Engineering Department in next year's budget as a result of the "desperate disrepair" of the van they are presently using.
- Mr. Merloni expressed his opinion that there is a very good working relationship and good communications between the Highway and Engineering Departments.
- The Town Engineer stated that, in accordance with the Town's 1974 Master Drainage Plan, the Engineering Department is right on target.
- Regarding personnel, Mr. Merloni stated that the Department is in good shape, and personnel can be re-arranged to accomplish the desires of the Board to fall into more of a planning mode rather than continue with detailed maintenance programs for the Town.

- Responding to Chairman Murray, Mr. Merloni stated that he will continue with the college co-operative program.
- Selectmen Cossart commented on behalf of the Board, that the Town Engineer and his Department are held in high esteem and urged the Town Engineer to communicate more with the Board of Selectmen on a regular basis regarding the needs of his Department, problems, accomplishments, etc. (Selectman Cossart also commented that the Zoning Board of Appeals will be looking for a response from him shortly regarding the Longfellow Glen Project drainage and asked that he allow the Board to review his report before submitting the same.)

At the conclusion of discussion, it was on motion unanimously

VOTED: To approve the Fiscal 1980-81 Evaluation Sheet for James V. Merloni, Town Engineer.

Joint Meeting with Edward L. Glazer - Proposition 2 1/2

Present: Edward L. Glazer; Joseph J. Slomski and Ronald A. Stephan, Finance Committee.

Chairman Murray welcomed Edward L. Glazer for a discussion with the Selectmen relative to a Local Property Tax Relief Committee and his agreement to take over the role of informing the public on Proposition 2 1/2, in conjunction with Town Accountant John H. Wilson.

Mr. Glazer stated that Executive Secretary Richard E. Thompson had provided him with some information, and that it is his intention to lay out a summary kind of format of precisely what we are to do and to discuss with John Wilson the monetary impact of Proposition 2 1/2 in Sudbury. Mr. Glazer said that he is struggling with the problem that the legislature may take some action prior to the referendum question which will change the analysis of Proposition 2 1/2.

Chairman Murray suggested that Mr. Glazer obtain as much information as possible on the referendum, since that is what the voters will want in order to make a sensible judgement before voting. Also, Chairman Murray said that Mr. Wilson had a considerable amount of information already and is planning to contact Mr. Glazer.

Mr. Thompson referenced a recent request by the Massachusetts Municipal Association to form a Local Property Tax Relief Committee for the whole tax issue, which the Selectmen will deal with in the future, but at this time it is their intention to give the public an opportunity to become more informed (prior to the November election) about Proposition 2 1/2. The Selectmen concurred.

Mr. Glazer stated that it is a complicated referendum because it is very broad - it covers a wide range of subjects which have to be explained.

Selectman Donald expressed concern that all the true facts are presented to the public including alternatives - the public should not accept something with pitfalls just because it is the only thing available at this time.



Chairman Murray also stated his opinion that it was important to point out what the overall effect of Proposition 2 1/2 would have on the Town.

Mr. Glazer commented on the inequities of the effect of Proposition 2 1/2 among cities and towns and the requirement of an affirmative 2/3 vote at a general election in a town to over-ride the percentage cap.

Mr. Glazer said he did not know how much editorializing he should do. Selectman Cossart said that was a very important point and mentioned that Lincoln Sudbury Regional School District Committee member Alan Grathwohl's request that Mr. Glazer coordinate with them rather than having information on Proposition 2 1/2 coming from two different sources. Selectman Cossart recommended that Mr. Glazer contact the LSRSDC.

Mr. Glazer commented that he did not plan to get into the individual budgets but plans to get into gross dollars and budgets in general.

Selectman Donald commented that the biggest problem with Proposition 2 1/2 is that it doesn't restrict State spending.

Mr. Thompson also pointed out that it makes towns like Sudbury more dependent upon the State with no sensible local option provision.

Selectman Cossart informed Mr. Glazer of a conference by the Massachusetts Educational Conference Board relative to Proposition 2 1/2 to be held on September 29 from 8:30 a.m. to 3:30 p.m. at the Park Plaza Hotel in Boston.

Chairman Murray suggested that perhaps Mr. Glazer could put the majority of the information together by the end of September. Selectman Cossart proposed that Mr. Glazer suggest a media for publication - series of meetings, etc. Mr. Slomski added that the Finance Committee is very interested in the subject and wished to be kept informed. Chairman Murray suggested that a member of the Finance Committee work with Mr. Glazer.

Mr. Murray thanked Mr. Glazer for his work to date.

#### Performance Review - Police Chief

Present: Nicholas Lombardi, Police Chief.

In accordance with the Selectmen's Performance Review Policy, the Board met with Police Chief Nicholas Lombardi to discuss his Evaluation Sheet, as prepared by the Executive Secretary, following performance review discussion at the Selectmen's meeting of August 25, 1980, as follows:

- Due to the pending Manzo case, the Police Chief explained that the Department will still be short one patrolman following the conclusion of pending appointments. Executive Secretary Richard E. Thompson stated that he had requested Town Counsel to expedite the case as soon as possible.
- Chief Lombardi said the training is necessary, but that a Canine program would be right for the Town.

- During discussion regarding speed control, the Chief informed the Board that past attempts to repair radar equipment were unsuccessful, and that the request for funds in the budget for new radar equipment had been denied in the past. (\$1,000 would have covered the cost last year, but this year, if budgeted, the amount would be approximately \$1,400-1,500.) Also, the Chief pointed out that in order to have an efficient speed control program, and for the protection of the equipment, it would be necessary for one patrolman to do this work exclusively; however, this would mean one man less in the Town's Police coverage, and the Police Chief expressed his feeling that he was not optimistic about ever having a full complement of men. Selectman Cossart expressed his opinion that Town Meeting would support new radar equipment and a patrolman used exclusively for speed control.
- Relative to bolstering the auxiliary police force, Chief Lombardi stated that if there were some incentive, such as uniforms, and money, plus recognition, it might be possible to accomplish this. The Selectmen concurred that the Chief should include these money items in his Auxiliary Budget next fiscal year.
- The Board requested that the Police Chief better translate or change the format of the Department's monthly police reports and publicize more fully.
- Chairman Murray reported that he spoke to Officer Carroll today who indicated his readiness to participate in the Juvenile Restitution Program. Also, Selectman Murray stated that he appealed to the Task Force at the Regional High School to report to Officer Carroll any acts of vandalism so that we can get the program going, and was assured that they would do so. Selectman Cossart questioned whether the group of individuals, who have been chosen because of their exceptional qualifications, to serve on the Juvenile Restitution Program Committee, could begin working, perhaps considering crime prevention. Selectman Cossart also suggested that Officer Carroll meet with this Committee periodically. Chairman Murray commented that the Chief would like to become involved with the State Crime Prevention Program.

Chairman Murray asked the Chief to relate to the Board some of his priorities for the upcoming Fiscal Year.

Chief Lombardi stated that:

- uppermost on his mind was the construction of the Police Station addition, and feels the Department will be more efficient when it is completed.
- would like to see a full complement of men.
- would like to have a lieutenant or deputy chief to cover for him in his absence, and feels the Department is large enough to have this coverage.

The Selectmen thanked the Police Chief for attending.

Later in the evening it was on motion unanimously

VOTED: To approve the Evaluation Sheet and recommended salary of \$30,225 (calculated in accordance with G. L. Chapter 48, section 57G, at a ratio of 1.8) for Nicholas Lombardi, Police Chief, effective July 1, 1980 through June 30, 1981.

Re-signing Tax Anticipation Notes

Present: Betsey M. Powers, Town Clerk.

Executive Secretary Richard E. Thompson referenced a communication dated September 2, 1980, from G. H. Goodwin, Vice President of the Shawmut Bank, explaining that two Town of Sudbury notes payable to and at the Shawmut Community Bank were among material stolen in a theft on August 28, 1980.

On the recommendation of the Town Treasurer, it was on motion unanimously

VOTED: To re-sign two Tax Anticipation Notes, originally signed by the Board on August 25, 1980, dated September 2, 1980, and due December 15, 1980 as follows:

Shawmut Community Bank, N.A. 3.89% 100M

Shawmut Community Bank, N.A. 4.09% 100M

Bullfinch's Restaurant

Present: Thomas S. Richardson, Applicant, Margaret K. Richardson, and Edward A. Sokoloff, Atty., all of Bullfinch's, Inc.

The Board was informed that in the process of remodeling the premises at 730 Boston Post Road for the new Bullfinch's restaurant, changes had been made to the interior layout and exits, differing from the floor plan and description approved by the Selectmen in connection with their alcoholic beverages restaurant license.

Town Counsel Paul L. Kenny explained that he would review cases of record and check with the Alcoholic Beverages Control Commission (ABCC) relative to the timing of a change in premises hearing for Bullfinch's, Inc., and whether this would affect the initial issuance of the license by the planned opening date of September 15.

The following changes were discussed:

- the elimination of two doors; one being a fire exit (with the approval of the Fire Chief), and the other being one front door (originally double front doors);
- the enlargement of the kitchen area; and
- an increase in the seating capacity from 94 to 102 and the re-arrangement of lounge, bar and dining areas, and the addition of an office/storage room.

Atty. Sokoloff expressed his opinion to the Board that the changes were not substantial, and requested that the license be issued, in the best interest of Mr. Richardson, contingent upon ABCC approval. If the ABCC does not approve, Mr. Sokoloff stated that he would file an amendment.

Mr. Thompson referenced Atty. Sokoloff's letter of August 20th requesting inspection and stating modifications to the premises.

Town Counsel stated again his opinion that the license cannot be issued until the plan complies.

It was a tentative consensus of the Board to come into the Selectmen's office the following day to sign and authorize issuance of the licenses for Bullfinch's, provided that Town Counsel reports his agreement with this procedure following consultation with the ABCC and review of cases of record, as mentioned above.

Fairbank/Lincoln-Sudbury Regional High School's Lease

Present: Ronald A. Stephan, Finance Committee.

The Board was in receipt of a communication dated September 4, 1980, from Joseph D. LoPresti, Superintendent of Schools, enclosing a copy of the Fairbank School Lease, as agreed to in content by both the local School Committee and the Lincoln-Sudbury Regional School District Committee.

On the question of signing this lease agreement, dated August 27, 1980, between the Town of Sudbury and the Lincoln-Sudbury Regional School District Committee (LSRSDC) for use of the Fairbank School by the Regional High School, Chairman Murray pointed out a change in one of the terms of the lease on page 2 (item #3) which reduces the "reasonable temperature in all sections of the building" to 40°, rather than the 50°, which was the figure arrived at by the engineering firm who recently completed the energy studies for the school buildings.

Town Counsel Paul L. Kenny explained that there was some question as to whether or not the Selectmen, as the leasing authority for Town buildings, should execute this particular lease with the LSRSDC for the leasing of a portion of the Fairbank School for the Regional High School; however, Mr. Kenny pointed out that the Selectmen do have this authority when a school is being leased for other than educational purposes. Mr. Kenny stated that the LSRSDC, the "Lessee", must agree with any recommended changes made by the Selectmen before the lease is actually changed, and that the Sudbury School Committee has the right to execute this lease following mutual consent/approval between the two school committees.

Finance Committee member Ronald Stephan questioned whether or not the Town of Lincoln would share the Lessor's responsibilities for utilities and heat in the amount of \$8,000, in accordance with the condition of the lease on page 1, item C.1 (and page 2, item D.4), since the School will be used by both Lincoln and Sudbury students.

Reporter John Zonderman of the South Middlesex News stated that, while attending LSRSDC meetings, he learned this figure of \$8,000 was originally in the lease as \$5,000, but when the temperature of 40° was raised to 50°, the \$5,000 figure was raised to \$8,000. He implied that the 40° temperature on Page 2, mentioned earlier by Chairman Murray, was an oversight.

Selectman Cossart referenced page 1, item C.2, and asked if "routine maintenance and repairs", which is part of the Lessor's responsibilities, included the roof disrepair. Town Counsel responded in the affirmative and Chairman Murray informed the Board that the roof had already been patched.

Selectman Cossart questioned the definition of "lessor". Should it be the Town of Sudbury or the Sudbury School Committee? Selectman Cossart also pointed out that it was questionable whether or not section E on page 2 - "Assignment and Subletting" - should be included in the lease or not. Town Counsel stated that he did not remember that condition being in the lease he agreed to.

The Board directed the Executive Secretary to forward the Selectmen's concerns and recommendations to the School Committee for their evaluation and consideration.

#### Tax Possession Parcels

Executive Secretary Richard E. Thompson brought the Board's attention to a communication dated September 5, 1980, from the Chairman of the Conservation Commission relative to their interest in available Tax Possession parcels, listed in a communication dated July 29, 1980, from the Board of Selectmen to various Town Boards and Commissions. Mr. Thompson stated that there were no other responses.

Before finalizing for sale the list of Tax Possession parcels, the Selectmen will discuss the recommendations of the Conservation Commission for their control of certain parcels with them when the Selectmen review their annual land management reports in December.

#### Item 15 of Constitutional Convention Warrant

The Board acknowledged receipt of a communication dated August 27, 1980, from the Massachusetts Municipal Association, and following a brief discussion, it was on motion by Chairman Murray unanimously

VOTED: To support affirmative action by the state legislature on Item 15 of the Constitutional Convention Warrant, a Massachusetts Municipal Association proposal to prevent imposition of state mandates on cities and towns in the area of employee hours, status or benefits.

Responding to Selectman Donald, the Executive Secretary stated that he would forward the Board's vote to the Massachusetts Municipal Association, who is preparing a list of supporting communities for the Constitutional Convention.

Gift from State Representative Ann C. Gannett

Following discussion, it was on motion by Selectman Cossart unanimously

VOTED: To accept a gift of \$600 from State Representative Ann C. Gannett for Sudbury's share of the "Halloween" pay raise, which she did not accept, to be used for transportation expenses by the Council on Aging, provided Mrs. Gannett so designates the money to be used for this purpose in writing.

Fees and Use of Town Hall Facilities

On the recommendation of the Executive Secretary, the Board tabled taking any action on revising rental fees and the Selectmen's Policy for Use of Town Hall facilities in order that the Executive Secretary could finalize a report to be submitted to the Board suggesting increases in the rental fees based on current energy costs, etc.

The Board concurred to allow temporary use of the Lower Town Hall for church school classes for approximately 10 people on Sunday mornings from 9:30-10:30 a.m. by the United Presbyterian Church, beginning September 14, 1980, subject to further consideration and the Board's future decision to revise rental fees and the Selectmen's Policy for Use of Town Hall facilities, which will be discussed at the Selectmen's meeting of September 15th.

Appointment - Special Constable

It was on motion by Selectman Cossart unanimously

VOTED: To appoint Paul D. Williamson, 106 Irving Street, Waltham, Massachusetts, as a special Constable for Traffic Duty only at the Loring School, as recommended by the Police Chief in his letter of September 2, 1980, for a term to expire April 30, 1981.

Remaining Appointments

The Board tabled taking action on remaining appointments until next week's meeting.

It was noted that the two candidates interviewed for the Conservation Commission were asked by the Chairman to confirm in writing their interest in serving following their attendance at a Wetlands Protection Act hearing and learning more about the commitments of Conservation Commission members. Selectman Cossart stated that Mrs. Woolley had called him and verbally confirmed her interest at this time.

Sudbury River Diversion

Chairman Murray referenced a communication dated September 3, 1980, from the Conservation Commission relative to the question of hiring a consultant to examine the impact of the proposed Sudbury River diversion and recommended that the Executive Secretary discuss with the Town of Wayland how they plan to become involved with this project. Executive Secretary Richard E. Thompson

suggested that perhaps he could call on Selectman Donald to work with him on this since she is liaison for the Conservation Commission. Selectman Donald indicated her willingness to do so.

Mr. Thompson also referenced a communication dated September 8, 1980, left this evening in front of his office door, from Becky Ritchie, member of the Citizen's Advisory Committee to the MDC, Sudbury River Diversion Project, and a total package of information and reports regarding the Sudbury River Diversion Project. Also enclosed was a draft letter, prepared by Mrs. Ritchie, for the Selectmen to sign indicating their interest and concerns regarding the MDC's proposed action. Mr. Thompson stated that he would prepare copies of the entire package for the Selectmen's review on September 15th.

### Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular Session of August 25, 1980, as amended and the Executive Session of that date, as drafted.

### Current Items of Interest

#### September 29th Selectmen's Meeting

On the recommendation of Chairman Murray the Executive Secretary was directed to schedule only one agenda item for the September 29th meeting - that being a joint meeting with the League of Women Voters, Officer Carroll and the Police Chief to discuss the subject of vandalism and other items of mutual interest.

#### Bowker V Subdivision

Selectman Cossart referenced a communication dated September 5 from John C. Cutting, Chairman of the Planning Board, and on his recommendation the Board directed the Executive Secretary to send a letter to Mr. Quirk stating the Board's concurrence with the Planning Board's request that he comply with the installation of signs at the Bowker V Subdivision by September 17th.

#### Wells at Perimeter of Sanitary Landfill

On the recommendation of Selectman Cossart, the Executive Secretary was directed to get a progress report from the Highway Surveyor relative to water testing for leachate parameters in three wells at the Sanitary Landfill and his plans to move the stockpile of salt from the area.

#### Civil Service - Police Contract

On the recommendation of Selectman Cossart, and following discussion, the Executive Secretary was directed to forward communications dated August 21, 1980, from the office of Murphy, Lamere and Murphy regarding Civil Service to the Sudbury Police Association for their information. Mr. Thompson informed the Board that he will be meeting with Labor Relations Counsel on Monday, September 15, at 4:00 p.m. to try to finalize the 1980-82 Police Contract.

Revaluation (later in the evening)

Executive Secretary Richard E. Thompson stated that he would respond to a communication dated September 5, 1980, from Edward F. Moynihan regarding the Town's revaluation and get back to the Board on the same.

Finalization of Performance Reviews

In accordance with the Selectmen's Performance Review Policy, the Board met with Town Counsel Paul L. Kenny for review of this past year's performance of the Assistant Town Counsel Thomas M. French, and salary recommendation.

Executive Secretary Richard E. Thompson stated that a letter of agreement with Mr. French is on file in the Selectmen's office.

Following a brief discussion, during which Mr. Thompson briefly explained the duties, working schedule and present salary of the Assistant Town Counsel and Town Counsel Kenny commented further on the congeniality of the arrangement and on Mr. French's familiarity with municipal law and the Town of Sudbury, it was on motion unanimously

VOTED: To approve a 7% increase to Assistant Town Counsel Thomas M. French's salary for Fiscal Year 1980-81.

And it was further

VOTED: To approve the Evaluation Sheet and recommended salary of \$30,045 for Josiah F. Frost, Fire Chief, effective July 1, 1980 through June 30, 1981.

And it was further

VOTED: To approve the Evaluation Sheet and recommended salary of \$25,654 with the salary range proposed - Minimum \$21,100 - Maximum \$28,280 - for John H. Wilson, Town Accountant, effective July 1, 1980 through June 30, 1981.

And it was further

VOTED: To table the Performance Review of the Executive Secretary, for further consideration and discussion relative to salary.

There being no further business to come before the Board, the meeting was adjourned at 11:45 p.m.

Attest:

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Richard E. Thompson  
Executive Secretary-Clerk