

IN BOARD OF SELECTMEN
MONDAY, MARCH 22, 1982

Present: Chairman Anne W. Donald, William J. Cossart (until 8:10 p.m.), and John E. Murray.

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:30 p.m.

Meeting with Assessors

Present: Chairman Donald P. Peirce and Elizabeth M. McClure, Board of Assessors; and David Collins, candidate for office of Assessor.

Chairman Donald convened a joint meeting with the Board of Assessors for the purpose of discussion relative to general assessing practices, assessor's budget requirements for FY83, and office space.

Executive Secretary Richard E. Thompson introduced Mr. David Collins, a candidate for the office of Assessor.

Appraiser

Selectman Murray expressed his viewpoint concerning hiring a permanent, full-time appraiser to work with the Assessors. Selectman Murray stated he felt it was necessary to hire an appraiser, not to do away with the Assessors, but to relieve them of some of the heavy burdens and responsibilities associated with that position.

Both Chairman Donald and Selectman Cossart agreed.

Mrs. McClure asked Selectman Murray if he felt this appraiser would do the job that McGee and Magane are now performing for the Assessors. Selectman Murray stated that it might be necessary to have both; Selectman Cossart expressed his opinion that McGee and Magane may drop back somewhat in terms of work load but that it would probably be necessary at certain interval(s) to bring in an outside agency to certify that the system is in place - to take another objective look at it.

Mr. Thompson stated that in previous discussion with the Assessors he expressed his feeling that a part-time appraiser, perhaps 2-3 days a week was needed, and that someone of high caliber could be hired on that basis.

Mr. Peirce responded that under Chapter 797 cities' and towns' values are required to be up-dated every year by a plan approved by the state. Any firm used must be reliable, and their methodology must be approved before they can negotiate with the town - McGee and Magane is certified by the State. Mr. Peirce agreed that the Assessors have needed help in the office for a long time, especially in the area of measuring, etc., of new construction, following up on alterations and additions, and checking the degree of completion of uncompleted construction as of January 1. Mr. Peirce continued to say that, to hire someone to do part of what the Assessors and McGee and Magane are doing now, puts the Assessors in the position of competing with what few people there are who are available and qualified to do such work.

Mr. Peirce stated that the Town is certified by the state for FY82, unlike many cities and towns, and that, if for FY83 McGee and Magane is used, it follows that the Town will have to adopt their concepts for FY84 and then come up with a process of its own for FY85. Mr. Peirce added that the Assessors have not discussed in a formal sense the hiring of an appraiser, but he felt it would not be feasible at the moment.

Budget

Mr. Peirce stated that the Town has seen fit to fund their budget and that, short of extensive legal costs relating to the Appellate Tax Board costs, he did not see any problems at the moment.

Mr. Collins commented on the difficulty of hiring a person with the proper background in appraising and speculated that it would cost the Town \$30,000 to hire a full-time appraiser on a yearly basis.

Selectman Murray commented that the \$30,000 per year may be well spent because it is through the Assessor's office that the Town derives its income.

Responding to Chairman Donald, Mr. Peirce referenced a communication from the State Department of Revenue, dated March 18, 1982, concerning the Assessors' proposed updating program to meet the 1983 State certification requirements. Mr. Peirce added that McGee and Magane is working on the FY83 certification and explained the procedure as it differed from the contract work performed in conjunction with the FY81 certification.

Space

Mr. Peirce stated that the Assessors have had a need for, and have been asking for, additional office space since 1967. There was a consensus that it is difficult to move the assessing department because of its requirement to be near the Tax Collector.

Mr. Thompson stated that he would concentrate on adjusting Town Hall space and report back to the Selectmen after Town Meeting.

At the conclusion of discussion, Chairman Donald thanked the Assessors for their attendance tonight and stated that hopefully another meeting could be scheduled soon after Town Meeting.

Bullfinch's - Outdoor Dining

Present: Mr. and Mrs. Thomas S. Richardson of Bullfinch's.

Executive Secretary Richard E. Thompson referenced a proposal for outdoor dining, dated March 16, 1982, from Thomas Richardson, owner of Bullfinch's Restaurant and stated that the Building Inspector, the Fire Chief, and the Health Director had verbally approved the request. Mr. Thompson explained to Mr. and Mrs. Richardson that the Health Director had conditioned his approval on the seating capacity remaining at 102 seats, based on the capacity of the septic system.

Mr. Richardson stated that the previous owner of the restaurant (the Pancake House), John Coleman, had informed him that it was designed for up to 140 seats. Mr. Richardson further stated that the septic system for Bullfinch's is separate from the other systems within the building complex.

There was some discussion regarding the sketch of the outside dining area being proposed insofar as the wheelchair access is concerned. The Board agreed that it would approve the proposed seating arrangement provided it does not interfere with the access for the handicapped and that the Building Inspector should make the final determination.

At the conclusion of discussion, it was on motion by Selectman Murray unanimously

VOTED: To grant permission to Thomas S. Richardson, owner of Bullfinch's, 730 Boston Post Road, for outdoor dining, in accordance with his proposal dated March 16, 1982, subject to approval by the Board of Health regarding the seating capacity, and approval by the Building Inspector regarding the access for the handicapped.

Group Health Services Contracts

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

VOTED: To enter into a group health services contract with Family Health Plan of Massachusetts, Inc., a qualified health maintenance organization; to establish the initial enrollment period as commencing on April 10, 1982 and ending on May 9, 1982, and the annual enrollment periods as extending for 30 days commencing on April 10 of each year; and to offer the benefits of the contract to the employees of the Town of Sudbury;

and it was further

VOTED: To enter into a group health services contract with Bay State Health Care Foundation, Inc., a qualified health maintenance organization; to establish the initial enrollment period as commencing on April 10, 1982 and ending on May 9, 1982, and the annual enrollment periods as extending for 30 days commencing on April 10 of each year; and to offer the benefits of the contract to the employees of the Town of Sudbury;

and it was further

VOTED: To authorize the Chairman of the Board of Selectmen to sign the two above contracts;

and it was further

VOTED: To table taking any action relative to the Tufts Associated Health Maintenance Organization, Inc., d/b/a Tufts Associated Health Plan, pending recommendation from Town Counsel, who is reviewing an addendum to that contract for clarification.

Auctioneer's License

It was on motion by Chairman Donald unanimously

VOTED: To confirm the Board's vote of March 16, 1982, to issue a one-day auctioneer's license to Michael A. Nathanson, 6 Taylor Road, Sudbury, for a public auction to be held on Wednesday, March 31, 1982, from 10:00 a.m. to 4:30 p.m., at the Northern Farms Country Store, 15 Union Avenue, subject to receipt of a description and verification of ownership of goods to be sold.

Public Hearing - Street Layouts, Articles 8 and 9 '82ATM

Present: Highway Surveyor Robert A. Noyes; Town Engineer James V. Merloni; and approximately 20 Dudley Road abutters.

Chairman Donald convened a public hearing for the purpose of the Board voting and signing layouts of Town ways in conjunction with Articles 8 and 9 of the 1982 Annual Town Meeting for street acceptances.

Town Engineer James V. Merloni explained that when a private way becomes a public way (which is the purpose of Article 8) the Town takes over the maintenance of that road - plowing, sweeping, drainage, re-surfacing, etc. Additionally, the Town becomes liable for any injury incurred on that public way caused as a result of any disrepair of the road. (Presently the abutters are liable.)

Mr. Merloni referenced the plans of the layouts, which were displayed on the side walls of the hall, and addressed several of the questions/concerns raised by the abutters, as follows:

- The Selectmen's acceptance of the layouts tonight does not mean that anything will be done to the road; that requires an appropriation by Town Meeting.
- There is no contemplated widening or straightening of these roads.
- All of the streets under Article 8 are private ways. Dudley Road (Article 9) is a public way.
- An "as is" plan of Dudley Road will be recorded as showing the limits of the public way as it presently exists. (Town Counsel responded to a question regarding blocking off the road by stating that that would mean discontinuing the road and would need Board of Selectmen approval only. Any major changes such as "no trucking", speed restrictions, or "one-way" would require State approval. Additionally, accepting the "as is" plan clarifies ownership by the Town as well as by the homeowner with respect to the right of way, and enables the homeowner to have an accurate survey of their land done.)
- The pavement within the right of way varies between 17'-20' wide and the right of way varies between a width of 24.75'-33' - the pavement does not follow the right of way. (Mr. Merloni later stated that he had a plan in his office which showed the paved area within the right of way for anyone who wished to see it.)

- There are no plans on file for the widening of Dudley Road. (Later, Mr. Merloni stated that, from an engineering standpoint, there is no inexpensive way to widen Dudley Road within the right of way as shown on this plan. The Highway Surveyor added that there would have to be money made available before it could be widened!)

- There are no advantages to not accepting the "as is" plan for Dudley Road.

At the conclusion of discussion and questioning, it was on motion by Selectman Murray unanimously

VOTED: To approve and sign the street layouts for the following Town ways: Bishop Lane, Buckmaster Drive, Field Road, Munnings Drive, a portion of Philemon Whale Lane, Thompson Drive, a portion of Willow Road, and Dudley Road, as shown on the following plans, all "as laid out by the Town of Sudbury, Town of Sudbury Engineering Department":

- "Bishop Lane, Sudbury, Massachusetts", dated January 5, 1982;
- "Buckmaster Drive, Sudbury, Massachusetts", dated January 21, 1982;
- "Plan of Field Road, Sudbury, Massachusetts", dated January 25, 1982;
- "Munnings Drive, Sudbury, Massachusetts", dated January 21, 1982;
- "Plan of a Portion of Philemon Whale Lane, Sudbury, Massachusetts", dated January 25, 1982;
- "Thompson Drive, Sudbury, Massachusetts", dated December 30, 1981;
- "Plan of a Portion of Willow Road, Sudbury, Massachusetts", dated January 4, 1982; and
- "Plan of Dudley Road in the Town of Sudbury, Massachusetts", dated July 1, 1981.

Public Hearing - South Annex

Present: Richard A. and Sara P. Mayo, Robert D. McCart, C. John Bernas, and Thomas F. Jenkins, bidders; and several abutters.

Chairman Donald convened a public hearing for review and consideration of bids to purchase the South Annex School.

Executive Secretary Richard E. Thompson stated that abutters to the South Annex and bidders had been notified of this public hearing, under date of March 12, 1982. Additionally, under date of March 1, 1982, the Selectmen acknowledged receipt of all bids, in accordance with the invitation to bid - bid opening March 1 - and took the matter under advisement until March 8 to discuss the bids on an individual basis.

On March 8, the Board voted to reject the following bids and return the bid deposits:

- from Theodora and Joseph Koziol, Framingham; and
- from Mark S. and Diane C. Greenbaum, Stow.

And further voted to accept the following bids and waive the \$4,000 acceptance requirement:

- from Michael J. Quinn, Framingham;
- from Brooks A. and Patricia M. Mostue, Somerville;
- from C. John and Dianne E. Bernas, Framingham;
- from Robert D. and Rose M. McCart, Sudbury;
- from Thomas F. Jenkins, Sudbury; and
- from Richard A. and Sara P. Mayo, Sudbury.

Selectman Murray reported on behalf of the Town Facilities Committee its views that:

- The South Annex would be easier to sell than the excessed school buildings because it could be used as a residence.
- Other activities, except for non-profit, educational uses, would be zoning issues, and require Town Meeting approval.
- Existing problems with the septic system would be the responsibility of the purchaser and would have to be identified and repaired in conjunction with the Board of Health before a Certificate of Occupancy could be issued. Mr. Sullivan should be contacted for this information.

Ms. Eaton of 24 Church Street, abutter, went on record as opposed to the South Annex being used for business purposes.

Selectman Murray pointed out that some of the proposals would require a special permit or variance. Mr. Thompson added that abutters would be notified and have an opportunity to express their feelings if that were the case. It was noted that the building would have to be certified by the State in order to be used as a day care and/or school.

Town Counsel Paul L. Kenny stated that a purchase and sale agreement, would be drawn up in accordance with the bid specifications and conditions of the successful bidder's proposal. Town Counsel further stated that, in all probability, the building could be used as a residence, subject to Board of Health approval. At the time of sale, the purchaser would pay the balance of taxes to the Town (called in this case a payment in lieu of taxes), based on the value of the building. It was directed that the Executive Secretary contact the Assessor's office to obtain information regarding the value of the South Annex property (land and building).

Selectman Murray recommended that Town Meeting procedure be that the Selectmen would present a motion to Town Meeting authorizing them to negotiate a sale for not less than \$28,001, which is the lowest bid of those accepted.

Mr. Thompson asked for a commitment from the bidders regarding their willingness to remain in the bidding. All that were present responded in the affirmative. Mr. Thompson stated that he had received an affirmative response from Mr. Brooks A. Mostue, who could not be present. Mr. Thompson stated that Mr. Michael Quinn who is not present, had not contacted the Selectmen's office, and that he would try and confirm with Mr. Quinn his willingness to remain in the bidding. Mr. Thompson commented that the \$1,000 deposit submitted with the bids would be retained pending Town Meeting action.

The Selectmen did not take a position as to what to recommend to Town Meeting.

Communication from Gordon P. DeWolf, Jr.

Executive Secretary Richard E. Thompson referenced a communication from Gordon P. DeWolf, Jr., dated March 15, 1982, relative to the accumulation of burned-out and/or stripped vehicles in the vicinity of the Sudbury pipeline, on the northwest side of Town adjacent to the Marlboro, Hudson and Military Reservation boundaries, and concerning the Sudbury Police Department's inability to patrol and control activities in these areas because of lack of manpower and/or funds.

Town Engineer James V. Merloni confirmed that there were four abandoned cars on property in Sudbury owned by the Women's Federation and that there were eight cars in Marlboro on the Sudbury/Marlboro town line. Mr. Merloni stated that access to many of these large parcels of land in Sudbury was difficult and that there may be many more cars.

Following discussion the Board directed the Executive Secretary to forward a letter to the Women's Federation and to the Military Reservation asking their cooperation in removing any abandoned cars on their property in Sudbury. Additionally, the Executive Secretary was directed to forward a response to Mr. DeWolf explaining that no areas of Town have been abandoned in terms of terminating or curtailing public safety activities because of manpower and/or financial restraints.

Lease with Sudbury Nurseries, Parkinson Land

Following discussion, it was on motion by Selectman Murray unanimously

VOTED: To sign a lease with Sudbury Nurseries, Inc., for the rental of a portion of the "Parkinson Land", Assessors' Parcel G09-200, located off Route 27/Hudson Road, for agricultural use at \$60 per acre per annum, for a five-year term commencing September 1, 1982, subject to verification of acreage by the Town Engineer.

The Board was in receipt of Conservation Commission approval dated March 19, 1982, of herbicides and pesticides to be used for the nursery operation, which are listed in a communication from Sudbury Nurseries, dated February 24, 1982.

The Board agreed that the wood cut along the edge of the 2.6 acre field should be stacked and donated to the Boy Scouts and Girl Scouts.

Town Audit

The Selectmen acknowledged receipt of a communication from Laventhol & Horwath, dated March 10, 1982, relative to contracting for auditing services (Article 7 of the '82ATM, pending), and took the matter under advisement stating their intention to contact the firm of Laventhol & Horwath for services upon authorization by Town Meeting.

Proposals - Fairbank School

a. It was on motion by Chairman Donald unanimously

VOTED: To acknowledge receipt of a proposal for the purchase of the Fairbank School from Robert D. McCart, dated March 5, 1982, received in the office of the Selectmen on March 16, 1982; purchase price \$210,000 - a proposal to demolish the school building and to develop single-family homes.

b. The Board noted receipt of a proposal, received March 16, 1982, from Alphonse A. Mangaudis, to purchase 0.13 acres of the Fairbank School property abutting their property at 370 Hudson Road, and held action pending outcome of Town Meeting approval relative to the disposition of the Fairbank School.

Umbrella Insurance Policy

It was on motion by Selectman Murray unanimously

VOTED: To table taking any action on the recommendation of the Insurance Advisory Committee dated March 16, 1982, to purchase increased coverage under the Town's Umbrella Policy, issued by American Universal Insurance Co., pending recommendations from both the Town Accountant and Town Counsel.

Selectmen's Policies and Procedures - New Section

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

VOTED: To amend the Selectmen's Policies and Procedures by adding a new section "U", entitled Grievance Policy, as follows:

U. GRIEVANCE POLICY

Whenever a department head denies a grievance presented by an employee, whether by denying it affirmatively or by taking no action on it, and the employee appeals either to the Personnel Board or the Selectmen, the department head shall provide both the Personnel Board and the Selectmen with a written explanation of the basis of said denial or shall appear at any and all hearings held by the Personnel Board and/or Selectmen, if so requested, to defend said denial.

Likewise, the Personnel Board shall provide the Board of Selectmen with a written explanation concerning its action on any grievance.

In the event that arbitration is invoked, the department head shall attend all arbitration sessions where such attendance is requested by the Town official representing the Town.

Minutes

It was on motion by Selectman Murray unanimously

VOTED: To approve the minutes of the Regular and Executive Sessions of March 15, 1982, both as drafted.

Current Items of Interest

Communications

The Executive Secretary referenced the following communications, received in the Selectmen's office:

- from the Board of Health to Attorney General Francis X. Bellotti, dated March 17, 1982, relative to concern of the safety status at Coatings Engineering and its impact on the health of the community; and
- from the State Department of Revenue, dated March 18, 1982, regarding State Fiscal '83 certification and requesting submission of an Equalization Program Workplan. It was noted that "The Bureau of Local Assessment has reviewed the assessors' proposed updating program, to be undertaken with the assistance of the McGee and Magane, Inc., and has determined that it is likely, if implemented, to result in assessments as of January 1, 1982, which will meet the Commissioner's fiscal year 1983 certification requirements."

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

Attest:

Richard E. Thompson
Executive Secretary-Clerk