

IN BOARD OF SELECTMEN
MONDAY, DECEMBER 19, 1983

Present: Chairman John E. Murray, Anne W. Donald and Myron J. Fox.

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

West Way Hills Easements/Restriction

Present: Atty. Robert Allison and Malcom MacNeill.

With Town Counsel's concurrence, conveyed by the Executive Secretary, it was on motion by Chairman Murray unanimously

VOTED: To accept and sign a slope easement and a drainage easement, and to approve and sign a conservation restriction, all granted by Arden B. MacNeill, relative to a subdivision known as West Way Hills located off Boston Post Road and Bowditch Road, all as shown on a plan entitled, "West Way Hills, Definitive Subdivision of Land in Sudbury, Mass., Surveyed for Arden B. MacNeill", dated November, 1982.

Marrone's Bake Shop/Restaurant Alcoholic License

It was on motion by Selectman Donald unanimously

VOTED: To acknowledge receipt of a letter, dated December 15, 1983, from Mary V. Marrone, Owner, Marrone's Bake Shop, withdrawing her application for a Restaurant All Alcoholic Beverages License at this time.

Master Plan

The Board was in receipt of an announcement, dated December 6, 1983, from the Executive Office of Communities and Development, that funds are available to assist cities and towns in updating comprehensive community "Master Plans" upon application by the Planning Board and the Board of Selectmen, which must be received by the EOCD by January 6, 1984.

During discussion it was on motion by Selectman Fox unanimously

VOTED: To endorse the filing of an application with the EOCD for funding to update the community's "Master Plan"; to authorize the Chairman to sign said application on behalf of the Board, subject to Planning Board approval of submission of said application; and upon Planning Board approval, to direct that the Planning Board complete said application and file the same under the January 6, 1984, deadline.

Sanitary Landfill

The Board acknowledged receipt of a communication dated December 6, 1983, from Anthony Marques, Wayland Highway Superintendent, furnishing a report with financial data on the current operation of Wayland's landfill in comparison to preceding years.

Executive Secretary Richard E. Thompson stated that it will be helpful to refer to said report when the Board meets in January with the Town Engineer and the Highway Surveyor to discuss the operations and corresponding costs of the Sanitary Landfill.

The Board directed the Executive Secretary to convey its appreciation to Mr. Marques for his thorough report and the time and effort he expended in its preparation.

Transfer Request - Accounting #521-22

It was on motion by Selectman Donald unanimously

VOTED: To approve Request for Transfer No. 18 from the Reserve Fund, dated December 8, 1983, to Accounting Department Computer, Account No. 521-22, in the amount of \$276.17, to cover service costs for the Burroughs printer.

Minuteman Library Network

Present: Wilma Lepore, Library Director.

Executive Secretary Richard E. Thompson stated that there had been some communication between Town Counsel's office and the Library Director relative to the legalities of the Goodnow Library participating in the Minuteman Library Network, a consolidation of fourteen public libraries to automate library circulation and all related files through a computer system.

Mr. Thompson explained to the Board that the question before the Board tonight is whether it wishes to authorize an expenditure of \$5,200 from the Goodnow Library Income Account (which is an appropriate use of money in said fund) by the Goodnow Library Trustees for entering and for the first six months' (January 1 - June 30, 1984) cost of preparation in the Minuteman Library Network.

Mr. Thompson added that this is a long-term program which must be presented to the Finance Committee and go before the 84ATM for further funding. Mr. Thompson further stated that Town Counsel has determined the Library Trustees can enter the program on their own motion; authorization for executing the agreement does not require Town Meeting action. Mr. Thompson added that, if the Board does approve the expenditure tonight, there is a July 1 termination clause subject to Town Meeting appropriation written into the agreement.

Library Director Wilma LePore stated, that, as noted in the report submitted with the communication dated December 9, 1983, from the Chairman of the Board of Library Trustees, they plan to appeal to the 84ATM for an appropriation of approximately \$4,000; their major funding would be an application for a national challenge grant - One Dollar would be matched for every Three Dollars raised locally.

Mrs. Lepore stated she had spoken to Washington, and that they are very eager to help the Library Trustees prepare a grant that will be funded. Mrs. Lepore stated that Swampscott had recently raised \$200,000 in this way, and that the Town of Marshfield also received a challenge grant.

Mrs. Lepore stated that the major cost will come from a fund, consisting of grant monies and local fundraising, a portion of monies from said fund will be invested to set up an endowment trust fund and income from that trust will be used for on-going annual expenses.

Chairman Murray asked if the Library Trustees felt confident that \$4,000 would be the only additional money needed.

Mrs. Lepore stated that that was the amount they would be asking for at the 84ATM - adding that this year on the Cherry Sheet there is an additional supplementary aid to the library (passed as a one-time appropriation) of \$4,067 and the Library Trustees felt that they would ask for that in addition to their regular budget instead of having it used as an offset as State aid usually is used. This would show Town support for the project, she said, and could be used as a matching fund toward the grant since it would not be part of the budget.

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

VOTED: To approve, as Co-Trustees of Town Donations, under the provisions of Chapter 180 of the Acts of 1911, an expenditure to \$5,200 from the Goodnow Library Income Account by the Goodnow Library Trustees, for the first six months' cost of participating in the Minuteman Library Network, in accordance with a request, dated December 16, 1983.

House Bill 3375

Executive Secretary Richard E. Thompson stated that the Governor had made a strong commitment to sign House Bill #3375, explained in a communication, dated December 9, 1983, from the Massachusetts Municipal Association - an Act further regulating the assessment of taxes, which covers six items relative to Proposition two and a half, increasing local flexibility, which has been passed by the legislature.

Focussing on one point, Mr. Thompson stated that last year the Town under-appropriated by approximately \$45,000; this year (FY84), based on circumstances and events, we are under-appropriated by \$85,000. This bill, he said, will allow cities and towns an opportunity to make up those under-estimated amounts of money in upcoming years by increasing appropriations accordingly.

Responding to Selectman Fox, Mr. Thompson stated that Sudubry has been under 2½ but not because of any penalizing - but on our own initiative.

The largest amount the Town has been under is this current fiscal year, and Mr. Thompson explained that the main reason is that the Assessors did not know what the actual valuation was for new construction.

Budgets

Following review and discussion relative to the four budgets addressed in a communication from the Executive Secretary, dated December 12, 1983, it was on motion by Selectman Fox unanimously

VOTED: To accept the recommendations set forth in the above-noted communication which applies to the Fire, Police, Engineering and Dog Officer's budgets, and accordingly to approve said budgets for submission to the Finance Committee.

During review of the Fire budget, the Board acknowledged receipt of the Fire Chief's report, dated December 16, 1983, indicating a bottom line budget decrease of \$4,671 and itemizing how the change came about. The Selectmen's support of the fire budget included four new lieutenant positions within the Fire Department, which, as suggested by the Executive Secretary, the Selectmen may want to reconsider at a later date prior to Town Meeting.

During review of the Police budget, there was a lengthy discussion relative to whether more than one lieutenant position should go forward. The Selectmen concurred with the Executive Secretary's recommendation to approve one Lieutenant/Deputy Chief position, which, as Mr. Thompson stated, would resolve one of the serious existing problems; more than one new position, he felt, would be premature. There was also some discussion regarding budgeting for radios, during which Sergeant Nix commented that the cruiser radios are in very bad condition. Mr. Thompson expressed his opinion that some radio replacements are needed and suggested, if money is available, that those could be approved later prior to Town Meeting.

Input on Budgets under Selectmen's Jurisdiction

Mr. Thompson brought to the Board's attention the Conservation Commission budget and pointed out that the Commission has put in money for an Administrative Assistant position plus \$12,500 for the Conservation Fund. Regarding the new position, Mr. Thompson recommended that the Board continue to try and relate this requirement to the planning position since it has a direct relationship with the Conservation Commission, and that some of the functions of the Commission will be filled by this position to at least a minor extent - about 20%.

Chairman Murray pointed out that by statute the Conservation Commission is obliged to do certain things and they are finding that they do not have the time to perform these tasks now.

Selectman Fox agreed that there needed to be more coordination between the Planning Board, Zoning, Conservation and the Board of Selectmen, but he stated he was not sure if the Planning Administrator fills that role since 13-20 hours of administrative work are required by the Conservation Commission per week. He further commented that the Commission is about to be down by two members and that they have expressed trouble filling positions in the past. The problem is partly because there are more working people in Town and not enough people to work numerous hours without pay.

Mr. Thompson added that the increased complexity of local government in the past 5-10 years adds to this problem.

Selectman Donald commented that the land remaining to be developed is becoming more marginal. She continued to say she agrees that the Commission may need more help, but what bothers her is that this request, added to the request for the planner, may be too much to ask.

Selectman Fox stated that he agreed the Conservation Commission has a need and the Selectmen should support it, but there is a very fine line and that it will be up to the Commission to justify it before the FinCom. It was a consensus of the Selectmen to support the Administrative Assistant position for the Conservation Commission with the understanding that the Commission would continue to support the concept of a Town Planner.

Site Plan 80-227 Vana Property, 435 Boston Post Road

In accordance with a communication, dated December 15, from Schofield Brothers, Inc., it was on motion by Chairman Murray unanimously

VOTED: To approve and sign Site Plan 80-227 of Filomena Vana Trust for property located at 435 Boston Post Road, as amended in accordance with the Board's vote of November 7, 1983, and with a new revision to increase the width of sidewalks from six feet to ten feet, decrease traffic-aisle width on the easterly and westerly aisles from 34 feet to 30 feet, eliminate the small islands at the south ends of the parking aisles, and add landscape boxes along sections of the walkway.

Executive Secretary Richard E. Thompson showed the plans and stated the Town Engineer concurred with the revisions.

Papa Gino's - Wines and Malt License

Present: Susan Cleary, President Ralph J. Guarino, and Manager Hank Kulick, representing Papa Gino's of America, Inc.

Chairman Murray convened a public hearing on the application of Papa Gino's of America, Inc., James Gemma, Manager, for a Restaurant Wine and Malt Beverages License, for property located at 104 Boston Post Road.

Executive Secretary Richard E. Thompson stated that the following documents have been submitted in proper form, as follows:

- a corporate vote signed by the President authorizing the Assistant Secretary of the Corporation to execute, in the name of the Corporation, any applications for the licensing of said Corporation;
- five-page application form with floor plan;
- a listing of the present officers and directors of the Corporation attested to by the Assistant Secretary, and a copy of a corporate vote appointing James Gemma as manager and principal representative;
- birth records and probation records report for said officers, directors, and principal manager of the Corporation (two remaining probation records were submitted by Ms. Cleary at the hearing);
- issue and distribution of stock of the Corporation;

- a February 1, 1983, certificate of incorporation from the Department of the State Secretary; and
- a statement of filing of taxes.

Mr. Thompson noted receipt of the following approvals:

- from the Board of Health, dated December 16, 1983;
- from the Fire Chief, dated December 12, 1983;
- from the Building Inspector, dated December 15, 1983; and
- from the Chief of Police, dated December 12, 1983.

Representing Papa Gino's, Ms. Cleary stated that Manager James Gemma could not be present and introduced Manager Hank Kulick. She went on to say that they had received several customer requests for beer and wine. She said that 95 of their 102 establishments have Restaurant Wines and Malt Beverages Licenses simply because they feel beer and wine complement the menu. Ms. Cleary stated that it is a company policy that beer and wine can only be served with an order of food and served from the counter. Responding to the Selectmen, Ms. Cleary stated that there are two management people on duty at all times and there is always one person policing the diningroom - that all precautions would be taken not to have any minors served.

Responding to Selectman Fox, Ms. Cleary stated that only 5-8% of the gross income is attributed to alcohol; that people dining at Papa Ginos' usually do not linger - they usually have one drink with their meal. She said that Papa Gino's is the type of restaurant which usually attracts families because of the type of menu and low prices.

Responding to the Selectmen, Ms. Cleary stated that most of the people using the diningroom are adult type, over the drinking age; employees under eighteen will not be allowed to clear the beer and wine glasses off the tables.

Selectman Fox questioned the needs of the community; Mr. Thompson stated he would check how many Restaurant Wines and Malt Beverages licenses are allowed and are still available in Town and put that information in the Board's packages for the next meeting.

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

VOTED: To grant a Restaurant Wines and Malt Beverages License to James Gemma, Manager of Papa Gino's of America, Inc., for property located at 104 Boston Post Road, subject to the following:

- no individual is to be served beer or wine unless he is also ordering food; and
- all liquor (beer and wine) must be dispensed and served from the food counter.

Intensity Regulations Bylaw Amendment Article

The Board reviewed and concurred with a response, dated December 16, 1983, from the Executive Secretary to a request from the Planning Board, dated December 9, 1983, for assistance from the Building Inspector and the Town Engineer to prepare statistical data relative to its Intensity Regulations Bylaw Amendment article.

As a follow-up to a brief discussion on the matter at the Board's December 12, 1983 meeting, Mr. Thompson stated he had contacted both the Town Engineer and the Building Inspector who both indicated they could not accomplish the task requested before April 1984, because of the amount of work requiring on-site visits to each property.

The Board agreed that the Planning Board should address the four areas suggested by Mr. Thompson in conjunction with said article, i.e., two undeveloped commercial lots - Route 20 at Horse Pond Road and at Dudley Road; two developed commercial lots - Dingley property and Sudbury House, both on Route 20; Sudbury Motel; and Mill Village if possible.

Unpaid Septage Disposal Bills/Liens against Properties

The Board was in receipt of a draft article submitted by the Operational Review/Building Committee of the Wayland/Sudbury Septage Disposal Facility and expressed support of the same, subject to the wording to be worked out by Town Counsel for submission under the January 3rd deadline.

Chapter 70 Aid/MMVTS

It was on motion by Selectman Fox unanimously

VOTED: To acknowledge receipt of, and endorse, a communication dated December 9, 1983, from Ron Fitzgerald, Superintendent-Director, Minuteman Regional Vocational Technical School District, requesting the Town's support in obtaining increased Chapter 70 aid and full funding of Regional School and Transportation Aid for MMVTS, and to so inform Senator Atkins and Representative Hicks.

Sudbury Housing Authority/State Appointment

The Board tabled taking any action on the request by Sudbury Housing Authority Executive Director Jo-ann Howe to send a letter of endorsement to the Executive Office of Communities and Development concerning the State's appointment from Sudbury to the Sudbury Housing Authority, for the next one-year term commencing July 22, 1984, until a January, 1984, Selectmen's meeting.

Civil Service/Police

Present: Police Sergeants George J. Anelons, Jr., Ronald Nix and Peter G. Sullivan; Patrolmen George T. Burney, Union President John F. Harris, Peter S. Langmaid, John A. Longo and Neil McGilvray.

Chairman Murray convened a meeting with representatives of Police Union Local 315 to discuss submission of two articles for the 84ATM to exempt the Police Department and the Police Chief from Civil Service laws and rules.

Patrolman John A. Longo asked the reason why the Selectmen want to exempt the Police Department from Civil Service and, speaking as union representative, questioned why the union had not been officially notified.

Chairman Murray stated that this subject came up for discussion two years ago, and that his reasons have not changed. Selectman Murray felt that there are problems filling vacancies through Civil Service and those problems are going to become increasingly more difficult, he stated, because of more difficult entry requirements.

Selectman Murray went on to say that taking the Department out of Civil Service would not mean that those men already in Civil Service would have to be removed. Also, Selectman Murray stated that the men would still have the protection of benefits under their union contract.

Selectman Murray also stated that Civil Service promotional exams would be eliminated, and Patrolman Longo expressed his opinion that this would be a problem. Later in the evening Officer Langmaid commented on this issue, agreeing with Officer Longo.

Responding to Sergeant Nix, Selectman Fox stated that the Selectmen have not made up their minds to submit these articles and that they are interested in discussing the merits of the same. Sergeant Nix wanted some documentation from the Board to replace what would be taken away by the removal of the Department from Civil Service. Later in discussion, Mr. Longo strongly agreed with Sergeant Nix. Sergeant Nix added he felt the Police Department should not be compared to the Fire Department which is not in Civil Service.

Sergeant Nix asked why the Selectmen had until now completely forgotten about the article to exempt the Police Department from Civil Service when it was discussed two years ago. Selectman Donald stated that the Selectmen withdrew the article at that time because it was their intention at the time to submit it only if the Police went along with it and they did not. Sergeant Nix commented that what the Selectmen had proposed at that time obviously was not satisfactory to the Department.

Chairman Murray commented further and reiterated that the idea of withdrawing from Civil Service is to make the job of hiring easier. Selectman Donald commented that the last Civil Service list available to Sudbury had four or five names on it and only one of the police officers was even willing to schedule an interview in Sudbury.

Mr. Thompson commented on the difficulty the Town had in getting Officer McGilvray transferred. Mr. Longo expressed his opinion that it was because Mr. Thompson wanted to bypass the list in order to get a transferee. Mr. Thompson stated that Civil Service helped him by explaining the procedure for getting someone transferred. (If a Civil Service list is requisitioned but not received, a Town can hire a police officer who is willing to transfer from another city/town.)

Officer Peter Langmaid expressed his concern that those men remaining in Civil Service would no longer have protection for job promotion if part of the Department went out of Civil Service. Also, he felt people did not want to transfer from departments which are in Civil Service to a Department which are not in Civil Service, so Sudbury would have this added problem. Later, John Harris agreed with that statement.

Mr. Thompson felt that the Town is operating under a disadvantage by being under Civil Service; he agreed with Officer Langmaid that the promotion issue is a valid one, and reiterated the frustrations of processing Civil Service files.

Regarding the structure of the Police Department, Chairman Murray stated that the Board had supported the Police FY85 budget with the inclusion of a new lieutenant position, an opportunity for advancement within the Department. He said he would like to see the Department reorganized and become more structured. Selectman Donald added that the Selectmen also would like to see the Department at full complement.

Officer Nix pointed out that Civil Service allows the men an external appeals process which the men would lose with the exemption of Civil Service. Officer Langmaid later pointed out that the Department no longer has binding arbitration and does not want to lose the appeals process available to them under Civil Service. Sergeant Nix agreed with the concern regarding loss of promotion protection with a partial Civil Service Department.

Chairman Murray agreed that there are concerns and issues to be addressed. He referred to files in the Selectmen's office from previous discussion on the subject and agreed with Mr. Thompson, who suggested that he meet with a few police representatives to thoroughly discuss the pros and cons of submitting such an article.

John Longo, speaking on behalf of the Local, stated that they are not too happy about the idea of withdrawing from Civil Service.

Selectman Fox stated that the Selectmen had not made up their minds but it appears to him that the Police have made up their minds. He explained that, because of time constraints, an article had to be submitted but can be withdrawn later after discussion, and this is the procedure with most articles submitted by the Selectmen, he stated. Selectman Fox agreed with Mr. Thompson that he should meet with police representatives and discuss some of the concerns raised by both the Selectmen and the Police Officers present.

Selectman Donald suggested that they talk to their counterparts in Weston (that department recently withdrew from Civil Service) and find out how it is working there. Selectman Fox later expressed his agreement with this suggestion.

After further discussion, Officer McGilvray commented that the Police Department had received no notification from the Selectmen regarding this article which made the men more concerned and is the reason why they came in force tonight. He stated he had received nothing from the Selectmen which would assuage his feelings.

Mr. Thompson stated this is an attempt to help the Police Department now and to benefit it in the future. Chairman Murray reiterated the Selectmen handled this no differently than any other article, and that they would not finally submit any article affecting any department without first discussing it with that department.

Responding to Officer Langmaid, who commented that a similar article had been indefinitely postponed at Town Meeting 2½ years ago, Selectman Murray commented that, like a lot of things that are placed on the back burner, this article was forgotten for a while, and the Selectmen are not bringing it up for any other reason than what has already been stated.

Sergeant Nix personally felt that there are viable alternatives and suggested that the subject be explored more thoroughly, and agreed with Officer Langmaid on the timing.

Officer Harris commented and stated that the articles should go before the 85ATM since he did not feel three months was enough time to discuss it. Selectman Murray expressed his disagreement because it is not necessary to start from scratch, there is a lot of information on file. Officer Harris asked that all the information be sent to him since he is the union president.

Selectman Fox commented that if he had suspected the Police Officers' motivations as they had suspected the Board's, the conversation would not have lasted 30 seconds! He stated he is willing to talk about this subject, that some good points have been raised, but they should be discussed intelligently. He apologized for any lack of communication, stating that there was no intention of pushing this issue on the Board's part.

Officer Longo excused himself for sounding bitter, stating it bothered him not to have been notified officially.

Selectman Fox asked for trust between the Selectmen and the Police Department and suggested there was common ground between them.

There was agreement to proceed with a small group to work together consisting of the Executive Secretary and a member/members of the IBPO to further discuss and attempt to arrive at some consensus to proceed or not to proceed on the two articles in question and the president of IBPO, John Harris, agreed to give the names of the participants to the Executive Secretary at the collective bargaining session scheduled for Tuesday of next week.

Responding to one patrolman, Chairman Murray stated there are no openings right now. Also, that there is no intention, nor has there been any discussion, regarding reducing the police force, only the addition of the position of lieutenant had been discussed and placed in the budget.

Relative to the article to exempt the position of police chief from Civil Service, Chairman Murray stated that can be discussed at the same time as the other article. He gave his opinion that the Selectmen might have made a mistake in having a State-wide search for police chief, that there are 4-5 men within the Department who are capable of becoming police chief, and in fairness to the Department, he stated, he felt the incentive should be there for the men and that a promotion to chief should come from within.

Responding to Officer Langmaid, Selectman Murray stated that the Selectmen did not apply for the State test coming up in February because to date there is no opening for the position of police chief. There was more discussion regarding filling the position of police chief once Chief Lombardi retires and methods of testing for that position.

Sergeant Sullivan stated that he would like to express his opinion regarding the reorganization of the Department since he had been the administrative assistant for 8½ years. He suggested that all personnel in the supervisory capacity in the Department be asked for their input.

Selectman Donald asked that Sergeant Sullivan put his opinion in writing to the Selectmen.

At the conclusion of discussion, Chairman Murray thanked the police officers for their attendance this evening and directed the Executive Secretary to schedule a meeting as discussed above.

Provisional License - Cable Television

Present: William Henchy, Adams-Russell.

Relative to the question of approving a provisional license for cable television to be issued to Adams-Russell Company of Waltham, Selectman Fox suggested that the Board take a couple of weeks to review the draft document and asked the Executive Secretary to schedule the matter for discussion on the Board's future agenda.

Executive Secretary Richard E. Thompson stated that he would do so and asked if the Board would allow Mr. Henchy to present them with a rate change schedule he is proposing, which Mr. Thompson stated, may be the only major discussion point in the provisional license.

As suggested, Mr. Henchy explained that Adams-Russell proposes to change the basic service (and extended basic service) from \$5.50 (\$9.95) to \$12 and level off all pay stations to \$8 from the \$9-10 rate; this will keep the total within the twenty dollar range originally proposed.

(Selectman Fox asked Mr. Henchy to send the Board a copy of the rate schedule.)

Relative to the installation of the service, Mr. Henchy stated that Adams-Russell planned to have the majority of the installation completed by the first of September and the entire Town completed by the end of November.

The cost to people in more remote areas would be approximately a \$200 premium per household and, with notification to Adams-Russell that they want the service, Mr. Henchy stated, that service will also be installed within the scheduled one-year deadline. Mr. Henchy responded to Selectman Fox that Adams-Russell would make sure that those people living in more remote areas are aware of the options available to them.

Selectman Fox suggested that a cable television committee be reorganized, that it may be helpful to have the input of professionals in the field on costs and other items. Selectman Murray stated that Town Counsel should have some input on this since a contract has already been awarded. Selectman Donald expressed her opinion that there was not enough time to implement what Selectman Fox is suggesting. Mr. Henchy commented that Adams-Russell has contracts in about twelve towns, and that in some of those towns there are cable committees which do not work out very well, especially because these are well-intending people who are to perform a duty, and in most cases, not really knowing what those duties are. Mr. Henchy commented that if Sudbury decides to have a cable committee it should be very clear on what its charges are.

Responding to Selectman Fox, Town Counsel Paul L. Kenny stated that the provisional license is the ground work for everything that will follow.

Mr. Henchy stated that the provisional license reflects the proposal; this provisional license is converted within 3-4 months to a final license (the terms of which are identical), and construction begins only after a final license has been negotiated.

During further discussion regarding the reorganization of a cable committee and whether any recommendations coming from that committee could be incorporated in the provisional license, i.e., some mechanical improvement, Mr. Henchy stated his opinion that things not bid could be misconstrued as unfair to a person who bid and lost. Responding to Selectman Fox, Mr. Henchy stated that changes in the rates so that they add up to the same dollar amount would not be outside the four corners of the proposal.

Selectman Fox strongly stated that if there is an offer and an acceptance and both people want to change some terms in that offer, "it is a new ballgame"! Mr. Henchy commented that if a change in the contract were agreed to, Framingham Cablevision could appeal.

Mr. Thompson stated he did not feel it was appropriate to appoint a cable television committee now since the contract has been awarded. Its only purpose at this time would be to inform the public of what the Selectmen have accepted in the proposal. Mr. Thompson added that the provisional license reflecting this proposal needs to be reviewed by Town Counsel so that a final license can be drawn up, and recommended that the Board review the document and give further consideration to the change in rates proposed by Mr. Henchy.

Following further discussion, Chairman Murray directed Mr. Henchy to get back to the Selectmen in writing regarding the proposed rate change, and responded to Mr. Henchy that the Selectmen would work out a schedule for getting the provisional, and consequently the final, license in order.

Resignation - Town Report Preparation Committee

It was on motion by Selectman Donald unanimously

VOTED: To accept with regret the resignation of Patricia Dröbinski from the Town Report Preparation Committee, dated December 12, 1983, effective immediately, and to direct the Executive Secretary to forward a letter of appreciation to Mrs. Drobinski for her service to the Town.

Hunt Road, Lot 14/Gift to Town

Executive Secretary Richard E. Thompson stated he had spoken to Chairman Richard Bell of the Conservation Commission relative to the Town accepting gifts of land from a Conservation Commissioner's viewpoint. Selectman Fox suggested that in every instance in which the Town is offered a gift, it should be investigated by the appropriate municipal department/board/committee and the Selectmen advised accordingly.

Mr. Thompson stated that it is his opinion that a map of all properties gifted to the Town should be on file and a policy for acceptance of such properties be established.

After further discussion and in accordance with the December 16 communication from the Conservation Commission recommending approval, it was on motion by Selectman Fox unanimously

VOTED: To approve receipt of a gift from Judith E. Nichols of approximately 1.18 acres of land, known as Lot 14, Hunt Road, to be conveyed to the Town under the provisions of G.L.c.40, s.8C, to be managed and controlled by the Conservation Commission.

The Selectmen noted that the above vote is with the understanding that the Conservation Commission will continue to work on a map identifying lands under its control and establish a future policy for such acceptances.

Beckwith Estates II Easement/Restriction

It was on motion by Selectman Fox unanimously

VOTED: To accept a drainage easement and approve a conservation restriction granted by Murray Hills, Inc., for property located off Guzzle Brook Drive, as shown on "Beckwith Estates II" definitive plan, dated January 10, 1983, revised March 18, 1983, by Joseph W. Moore Company.

Extend Serving Hours

It was on motion by Selectman Donald unanimously

VOTED: To grant permission to extend the serving hours on December 31, 1983, New Year's Eve, to 2:00 a.m. on January 1, 1984, to holders of alcoholic beverages pouring licenses in Sudbury.

Hosmer House Transfer

It was on motion by Selectman Murray

VOTED: To confirm its majority telephone vote of December 14, 1983, to approve a transfer in the amount of approximately \$7,000 from the Reserve Fund to cover the low bid of December 14, 1983, for renovation/restoration of the Hosmer House, with the understanding that approximately \$8,000 will be taken from the Hosmer Fund to make up the balance needed of \$15,000, and that the Sudbury Historical Commission will only request the appropriation of approximately \$13,000 of the \$20,000 Massachusetts Historical Commission grant at the 1984ATM, the intention being to offset the \$7,000 used from the Reserve Fund.

(Selectman Fox abstained from voting due to unfamiliarity of the subject and lack of material.)

Articles - January 3 Deadline

It was on motion unanimously

VOTED: To approve articles for submission by the Board under the January 3rd deadline for the 1984ATM, as follows:

Hear Reports
Temporary Borrowing
Special Act - Civil Service, Police Chief
Special Act - Civil Service, Police Force
Resurface Rt. 20 RR Crossing at Nobscot Road
Hosmer House Grant Appropriation
Regional Resource Recovery
Stabilization Fund
Retirement Pension Fund
Accept Ch. 597 of the Acts of 1982 - POW Auto Excise Tax Exemption
Hydrogeological Study - Landfill Site
Sudbury 350th Anniversary Celebration Fund
Amend Bylaws, Art. XV - Building Permit Fees
Change Term of Planning Board Members
Change Term and Number of Appeals Board Members*

*NOTE: The Board acknowledged receipt of a communication, dated December 16, 1983, from Town Counsel's office concerning this article.

Planning Administrator - Draft Job Description

During discussion, it was on motion by Selectman Donald unanimously

VOTED: To accept the draft job description for the position of Planning Administrator, with minor revisions by the Selectmen.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular Session of December 12, 1983, as amended, and the Executive Session of that date, as drafted.

Capital Outlay Budget

Chairman Murray stated that when he was at the State House recently he spoke to Senator Atkins' office which informed him that the capital outlay budget would be acted upon before the first of January.

Water Transfer Bill

Executive Secretary Richard E. Thompson informed the Board that he had a message from Senator Atkins' office that the Interbasin Transfer Bill will be signed Friday, December 23, at 9:15 a.m. at Elbanobscot, and the Selectmen are welcome to attend.

Tax Bills

Selectman Fox stated that, according to Assessor D. Randolph Berry, apparently there are still some problems in getting materials together before the tax bills can be mailed out. Some may go out by the end of this week; the remaining bills may not go out until the 27th or 28th of December. Selectman Fox suggested that the Tax Collector's hours be extended on the 29th and 30th to accommodate those people (especially those working 9-5) who are trying to pay these tax bills before the end of the calendar year. Also, Selectman Fox added that people can pay estimated amounts if they desire. Selectman Fox directed the Executive Secretary to keep the press updated on a day-to-day basis, and asked that the press keep the public informed as well.

Land Management Assignments

Selectman Donald directed the Executive Secretary to co-ordinate the land management assignments to the Park and Recreation Commissioners and the Conservation Commission so that the yearly renewals all coincide.

Landfill/Wells Article

Executive Secretary Richard E. Thompson brought to the Board's attention an article in the Middlesex News, Sunday, December 18, "Landfills, lagoons threaten water", citing three landfill sites which "threaten" wells in Sudbury, according to the D.E.Q.E. Mr. Thompson expressed his opinion that the D.E.Q.E. had overstated the seriousness of some of its explanations, specifically when talking about the Dutton Road surface impoundment.

Walkways/Longfellow Glen

At the direction of Selectman Fox, Mr. Thompson stated he spoke with Mr. Roop at Longfellow Glen relative to walkways along Route 20 (a state highway) at Longfellow Glen, and inquiry initiated by Mrs. Sokoloff of 3 Washington Drive. Mr. Roop indicated to Mr. Thompson during that conversation that he would be contacting the state by letter requesting State assumption of the work and would forward copies to the Board. Mr. Thompson stated he would continue to follow up and would also inform Mrs. Sokoloff that she has available to her the option of submitting a petition warrant article.

Sudbury Fort Devens Annex

Executive Secretary Richard E. Thompson updated the Board that it has been confirmed with the real estate section of Fort Devens that 289 acres of military land is being excessed; all acreage located south of Hudson Road. Fort Devens will provide maps delineating the same.

Executive Session

At midnight 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.

(Roll call vote: Chairman Murray, in favor; Selectman Donald, in favor; Selectman Fox, in favor.)

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

There being no further business to come before the Board, the meeting was adjourned at 12:30 a.m.

Attest: _____

Richard E. Thompson
Executive Secretary-Clerk