

IN BOARD OF SELECTMEN
WEDNESDAY, SEPTEMBER 18, 1985

Present: Chairman Myron J. Fox, Josiah F. Frost and Anne W. Donald.

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

Sign Tax Anticipation Notes

Present: Town Clerk Jean M. MacKenzie and Town Treasurer Chester Hamilton.

In accordance with a communication dated September 11, 1985, from the Town Treasurer, it was on motion unanimously

VOTED: To sign Tax Anticipation Notes in the amount of \$2,000,000, dated September 25, 1985, and due December 4, 1985, as follows:

BayBank Middlesex	4.18%	1MM
Shawmut Bank of Boston	4.23%	250M
Essexbank	4.28%	200M
Shawmut Community Bank	4.34%	250M
Boston Safe Deposit & Trust	4.36%	300M

Utility Petitions

Present: Joseph D. Bausk, New England Telephone & Telegraph Company; and Carole McManus, Boston Edison Company.

In conformity with General Laws, Chapter 166, Sections 21 and 22, the Board considered the following Utility Petitions:

UP85-23 of Boston Edison Company and New England Telephone and Telegraph Company for permission to lay and maintain, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, under the following public way of the Town:

Brimstone Lane - northwesterly approximately 2,303 feet southwest of Boston Post Road, a distance of about 3 feet - conduit.

Following a brief explanation and review of the plan, it was on motion unanimously

VOTED: To approve UP85-23, as described above, and as shown on plan #85-12 entitled, "Plan for Proposed Conduit Location to Accompany Petition of New England Telephone and Telegraph Company", dated September 10, 1985, and Boston Edison Company Engineering and Construction Department plan entitled, "Plan of Brimstone Lane, Sudbury, Showing proposed location of customer conduit", dated July 30, 1985.

UP85-24 of Boston Edison Company for permission to lay and maintain, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, under the following public way of the Town:

Boston Post Road - northeasterly approximately 295 feet southeast of Highland Avenue a distance of about 15 feet - conduit.

Ms. Carole McManus stated that the petition is to provide additional service to Raytheon Company; it will be underground on Boston Post Road. The Executive Secretary stated that he spoke to Raytheon Facilities & Administration Manager, H. R. Sweitzer, today who indicated the purpose of the petition is for providing additional service to Raytheon Company in preparation for their new building.

Following a brief review of the plan, it was on motion by Selectman Frost unanimously

VOTED: To approve UP85-24, as described above, and as shown on Boston Edison Company Engineering and Construction Department plan entitled, "Plan of Boston Post Rd., Sudbury Showing proposed location of customer conduit", dated July 9, 1985.

Executive Secretary Richard E. Thompson noted for the record that all appropriate Town officials and abutters had been notified and that a joint, favorable report had been received from the Building and Wiring Inspectors, dated September 12, 1985.

Emergency Utility Petition Approval

Present: Joseph D. Bausk, New England Telephone & Telegraph Company; Carole McManus, Boston Edison Company; and abutter Stephen Verrill.

In accordance with a request from the Highway Department Operations Assistant, Steven Nystrom, dated September 10, 1985, it was on motion unanimously

VOTED: To grant emergency approval to Boston Edison Company and New England Telephone and Telegraph Company to proceed immediately with the relocation of four poles at the intersections of 1) Concord Road and Pantry Road (1 pole), 2) Boston Post Road and Horse Pond Road (1 pole), and 3) Peakham Road and Horse Pond Road (2 poles), to enable intersection improvements to go forward in advance of receipt of petitions and public hearing(s), as shown on the following plans:

- 1) "Town of Sudbury 'Intersection Improvement Program', Concord Road/Pantry Road", dated May 14, 1985;
- 2) "Town of Sudbury 'Intersection Improvement Program', Horse Pond Road/Boston Post Road", dated May 6, 1985; and
- 3) "Town of Sudbury 'Intersection Improvement Program', Pratt's Mill/Peakham/Horse Pond", dated May 28, 1985.

Abutter Stephen Verrill was concerned that guy wires might be placed on his property in connection with the relocation of the pole at the intersection of Concord and Pantry Roads; Mr. Bausk assured him that no guy wires would be placed on his property.

Tax Classification Hearing/Set Residential Factor, FY86

Present: Chairman Patrick J. Delaney, III, Linda Z. Buxbaum, Board of Assessors; Assistant Assessor Daniel A. Loughlin and Office Supervisor Mary Walsh; Town Accountant James Vanar; Town Treasurer Chester Hamilton; Town Clerk Jean M. MacKenzie; Finance Committee Chairman Marjorie Wallace; Burton Mullen and Frank Vana, Sudbury Chamber of Commerce; and approximately 20 residents.

Chairman Fox convened a public hearing in accordance with Chapter 369 of the Acts of 1982 for the purpose of receiving public input on the subject of determining what percentage of the local tax levy will be borne by each class of real and personal property relative to setting the Fiscal Year 1985-86 tax rate.

Chairman Fox commended the Assessors for succeeding in obtaining State certification in time for this hearing to go forward this evening, stating further that it appears now that tax bills will go out on schedule by September 30.

Executive Secretary Richard E. Thompson stated that tonight's public hearing had been published on September 12th in the Town Crier, and on September 9 in the Middlesex News, as well as posted in the Town Clerk's office. In addition, he stated, the Selectmen had asked for written comments and had received a copy of a memorandum from the Sudbury Chamber of Commerce, dated September 13, 1985, questioning the fairness of a two-rate system.

Chairman of the Board of Assessors, Patrick J. Delaney, III, stated that the Assessors will try to provide the Selectmen with all of the necessary information in order for them to set the Residential Factor and for consideration of adopting a Residential Exemption. The Assessors will then calculate the tax rate which must then be submitted to the State for approval.

During his presentation, Mr. Delaney demonstrated that, while a residential home can substantially increase in value, that increase is not reflected to the same degree on the tax bill. (He pointed out that this year, FY86, a Town-wide revaluation had been conducted.) For example, in FY85, a home valued at \$100,000, with a tax rate of \$23.06, will pay \$2,306 in taxes. In FY86, that home, now valued at \$143,000, with an estimated tax rate of \$16.69, would end up with a tax bill of \$2,386. Mr. Delaney stated that people should expect a "normal increase" in their tax bills for FY86-87 reflecting the normal increase in the Town's budget, no different than every other year.

Mr. Delaney pointed out that 92% (exactly 92.2776) is the minimum residential factor set by the State Department of Revenue (letter dated September 16, 1985). Displaying a chart showing optional residential factors with corresponding percentage change in the tax bill, Mr. Delaney stated the following: a residential factor of 92% will mean an increase of approximately 1% in residential properties while commercial properties would increase at 10%; a residential factor of approximately 94% will mean an increase of approximately 3.2% for residential properties and commercial properties alike; and a 100% residential factor will mean a residential increase of about 10%, commercial properties will decrease by 25%.

On the subject of adopting a Residential Exemption, Mr. Delaney explained that to do so would shift the tax burden to those homes with a higher value or above average valuation (the average home being \$175,000); for example, comparing two homes valued at \$100,000 and \$250,000 - without a residential exemption, tax bills for those homes would be \$1,664 and \$4160, respectively; with a residential exemption, tax bills for those homes would be \$1,546 and \$4,685, respectively.

(Later, it was confirmed by Assistant Assessor Dan Loughlin, that the latter figures should have been \$1,525 and \$4,299, respectively.)

Mr. Delaney stated that the choice for adopting a residential exemption ranges from 0 - 10% and can only be applied to owner-occupied property.

Relative to adopting an Open Space classification Mr. Delaney stated that the choice for selecting an open space discount ranges on a scale from 0 - 25%; this program would shift the tax burden (from open space) to residential. He went on to say that there is no land in Sudbury, for the purposes of taxation, with this classification.

Town Treasurer Chester Hamilton asked that the Selectmen consider a residential factor in the range of 93.2 - 93.8%, whichever would create an equal tax increase for residential and commercial properties.

On the question of adopting a Residential Exemption, and responding to Finance Committee Chairman Marjorie Wallace, Mr. Hamilton stated that, to compile all the necessary data to do so, would create a delay in mailing tax bills out by September 30 and that the interest paid on tax anticipation notes per day beyond the November 1 due date would be an additional \$300 per day.

Later in the evening, Selectman Fox referenced a communication from Assistant Assessor Daniel A. Loughlin, dated September 17, 1986, which indicated that the Board of Assessors did not have a formal recommendation on the residential exemption but indicated that it would delay tax bills for at least one month and incur clerical and data processing costs of at least five thousand dollars.

Mr. Howard Dennis expressed concern over a 60% increase in his property assessment and over the fact that he is not eligible for a State exemption in taxes for his agricultural business, which, he stated, he had been operating for a number of years from his residence at 487 Hudson Road, because he does not have the required acreage (5 acres) to be eligible for the exemption.

Assistant Assessor Daniel Loughlin clarified the circumstances of Mr. Dennis' concern by explaining that, like many other properties in Town, there is a mixed use at this property - residential and commercial (taxes paid at both the residential and commercial rates). The agricultural use falls into the commercial category and receives a higher rate. Since Mr. Dennis does not have the 5-acre minimum, he is not eligible for a reduced assessment - commercial rate exemption under M.G.L. Chapter 61A, on his real estate taxes.

(Later in the evening, Mr. Thompson suggested to the Dennis family that they contact him in the Selectmen's office regarding their individual situation,

offered the services of Town Counsel, and suggested that perhaps State Representative Lucile Hicks would be available to help them and suggested that they discuss this problem with her the next time she has office hours in Sudbury.)

As spokesperson for the Sudbury Chamber of Commerce, Mr. Frank Vana expressed strong concern about the "disparity" in the (percentage of the) tax rate for the two classifications - commercial and residential, it being his feeling that commercial properties are being taxed at approximately 60% higher than residential properties by using the residential factor. He felt that there should be more equity between the two and felt that it was an issue which deserved more exploration than in the past, i.e., is the business community receiving 60% more in services. Also, many bordering towns are not paying the percentage commercial difference which Sudbury is taxing.

Selectman Fox responded his understanding that if the Board of Selectmen of 3-4 years ago had adopted a single tax rate there would have been a tremendous decrease in the actual taxes paid by many of the commercial enterprises in Town. This situation resulted because the then Board of Assessors had been assessing the residential properties at a lower percentage of value than they were assessing the commercial enterprises, and thus residential properties received a greater increase in assessment when values were increased to 100%.

Ms. Janet W. Cares, 18 Singletary Lane, stated her opinion that it was obvious that many residents have been opposed to the "rampant" commercial development and had the understanding that the tax rate would go down on residential property as a result of this development. She indicated that any favoritism given to business property over residential property would be unacceptable.

Responding to questioning by Mr. Steven Verrill, Mr. Loughlin explained that the local Board of Assessors has no discretionary powers with regard to the classification of land; specifically, that it is the State which mandates that agricultural use properties be classified at the commercial rate.

Mr. Burton Mullen, Sudbury businessman and member of the Sudbury Chamber of Commerce, questioned "what the business community has done to bring this burden upon itself", and stressed his annoyance in that his personal (business) properties have gone up 80-90%, and stated that it was "time for the Town to gain a little conscience" and "to apply some test of fairness" in setting the tax rate.

Mr. Vana commented that equity in one's home increased approximately 37% last year, adding that all property owners would hope that equity in their property increased. He said it was the intention of the Chamber of Commerce to convey the message that industrial/commercial properties should not be paying 60% more than residential property owners and should be on a more equitable footing with surrounding towns; he felt that would help local businesses remain competitive.

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

VOTED: Not to adopt an Open Space Classification for FY86.

It was further on motion by Selectman Frost unanimously

VOTED: To adopt a zero Residential Exemption Classification for FY86 and to instruct the Assessors to prepare a Residential Exemption file to be available to the Selectmen well in advance of setting the FY87 tax rate.

Selectman Frost stated his feeling that the additional cost to fund the program should not be incurred at this time since he felt more study was needed before a final decision could be made.

Selectman Donald agreed. She pointed out that one desirable aspect of having a residential exemption is that it reduces taxes for some and could benefit long-time, older residents of this Town whose taxes are rising more quickly than they thought; a reduction in their taxes might permit them to stay in Town longer.

Chairman Fox mentioned some alternatives to taxpayers - a hardship exemption and tax deferral (minimum age limitation of 65, no income limitation, deferred amount cannot exceed 50% of the equity in the home and interest charged is 8% rather than 14% charged to delinquent taxpayers), and to Mr. Fox's suggestion, Mr. Delaney stated he would discuss with the Board of Assessors sponsoring an advertisement in the Town Crier explaining the availability of tax exemptions and how to apply for the same.

It was agreed by the Board to adopt a residential factor creating two tax rates which would result in an equal increase/decrease in taxes for both commercial/industrial/personal properties and residential properties.

It was on motion by Selectman Fox unanimously

VOTED: To adopt a residential factor of 93.2042% per thousand, which would result in approximately a \$16.67 per thousand residential tax rate, and approximately a \$25.76 per thousand commercial/industrial/personal property tax rate, for FY86.

At the conclusion of discussion, Chairman Fox thanked everyone for their interest, input and attendance this evening.

Site Plan 83-262/S. F. Doyle, 321 Boston Post Road

In accordance with a request from applicant Steven F. Doyle, dated September 18, 1985 (received 7:15 p.m.), it was on motion by Selectman Donald unanimously

VOTED: To continue by mutual consent Site Plan application dated August 13, 1985, from S. F. Doyle and Company, Inc., to extend Site Plan 83-262, Millbrook Park Phase II, for property located at 321 Boston Post Road (tentatively rescheduled to September 30, at 8:00 p.m.).

Note: Mr. Doyle's request was precipitated by a September 17 letter from Town Counsel, which responded to a concern raised by the Planning Board. Town

Counsel indicated that Mr. Doyle's site plan would be affected by the zoning amendments passed at the 85ATM, since, although a building permit had been issued, construction had not commenced to a sufficient degree prior to the issuance of an extension, that site plan would have to address the amended off-street parking bylaw with regard to the restriction that parking must be in the rear and the number of spaces based on first and second floor space.

New Precinct Boundaries/'85 State Census

Present: Census Supervisor Carole Clark.

On the question of voting to establish new precinct boundaries in the Town of Sudbury for submission for approval to the Massachusetts Local Election Districts Review Commission in conjunction with conducting the 1985 State Census, the Board reviewed a newly prepared precinct map with Census Supervisor Carole Clark.

Ms. Clark stated that the precinct boundaries do not affect Precinct 3; also, that the population is evenly distributed within the new boundaries, with each area having a potential for expansion because of potential residential growth.

Following discussion of the recommendation by Chairman Fox it was agreed to hold a public hearing September 30 for those who may have questions or objections to the revised precinct boundaries; notice of said public hearing to be published in the Town Crier.

Option to Purchase/Walker Property

Present: Conservation Coordinator Deborah Montemerlo.

The Board acknowledged receipt of a communication, dated August 27, 1985, from Marjorie A. and Elizabeth M. Walker (owners of the property), notifying the Town, in accordance with M.G.L.c.61A,s.14, of their intent to transfer for residential development approximately 17.71 acres of land, located on Goodman's Hill Road, heretofore assessed on the basis of agricultural or horticultural use.

Further, the Board noted receipt of the following communications recommending that the Town exercise its option to purchase this land, M.G.L., c.61A,s.14.:

- from Mr. and Mrs. James Himmelman, 73 Goodman Hill Road, stating, in part, that "the scenic value of this property would add to the character of the Town of Sudbury and would enable future residents of the Town the opportunity to see this land as it was when it was farmed";

- from the Board of Assessors, dated September 10, 1985, for the bona fide offer price of \$315,000;

- from the Planning Board, dated September 18, 1985, indicating its position that, assuming 80% funding from the State is granted under the self-help application submitted by the Conservation Commission, "the cost to

the Town for acquisition to be minimal compared to the gain Town ownership of the parcel will provide"; and

- from the Conservation Commission, dated September 4, 1985, stating that an application to the Executive Office of Environmental Affairs for self-help funds in the amount of \$340,000 had been submitted for the land in question, and stating that "the Walker Farm will be a valuable addition to the present conservation areas in Town. A good possibility exists for the Walker Farm to become a link in a new network of trails and land being preserved and protected as open space."

Conservation Coordinator Deborah Montemerlo stated that the self-help application for 80% funding reimbursement on this parcel was submitted under the August 31 deadline and that an extension to September 26 had been granted by the State to complete the application. Ms. Montemerlo indicated that the Commission expects to have a decision from the State by the beginning of December and that, hopefully, will be enough time to prepare an article within the required deadlines for the 86ATM. Town Counsel confirmed that the requirement the Town needs to fulfill at this time is a response within sixty days of notification that it intends to exercise its option to purchase and to make an offer equal to the bona fide offer of \$315,000. Since the purchase requires Town Meeting approval, it is at that time that a money transaction will be required. Ms. Montemerlo stated that the developer is offering \$315,000 for the parcel. The Commission submitted the self-help application at a purchase price of \$340,000 not knowing whether the Town would have to reimburse the Walker for engineering costs for the subdivision which they have incurred. Ms. Montemerlo stated that the price could be amended downward on the application if necessary. Chairman Fox raised the question of the Town reimbursing the Walker for the engineering costs. Town Counsel indicated that the Town should make a bona fide offer of \$315,000 for the parcel.

Ms. Montemerlo explained that the Commission had voted to expend up to \$2,500 for two appraisals, which are required to accompany self-help applications which the Commission submitted; she said a total of six applications had been submitted to the State and the total cost to the Town for the six parcels will be \$316,000 assuming the State funds 80%. Ms. Montemerlo went on to say that, since the Commission feels it cannot expend money for appraisals to accompany all the applications, it has unofficially agreed to drop three of the parcels. The Walker Farm is not one of the three.

Ms. Montemerlo stated that the Commission feels that the Walker parcel would be a great addition to the Town, that the Sudbury Valley Trustees are negotiating to purchase the abutting Borden land (and two other contiguous parcels), and the combination would make a very nice contiguous conservation area. Acquisition of the Walker property will provide for trails, provide an area for the production of hay by local farmers which, in turn, will provide rental income to the Town for the same. She indicated that, if the Town does not exercise its option to purchase, the property will be developed into residential lots in the near future. Responding to Chairman Fox, she stated that the subdivision plan had not been approved by the Planning Board to date.

Selectman Frost expressed some concern about the Town's ability to continue to submit self-help applications even on the basis that the Town's

share would only be 20% of the purchase price (and the precedent this would set), although he indicated his support, for all the reasons stated above, of the addition of the Walker Farm to the Town's conservation land.

Mr. Dennis Millner-Hanley, 267 Goodman Hill Road, expressed a strong feeling toward the Town's heritage, especially in view of the fact that the Town will be celebrating its 350th anniversary in a couple of years, and expressed his opinion that this is another aspect for the Town to make an effort to exercise its option to purchase the Walker Farm. He talked about the Indian settlement in the early 1600's on Goodman Hill, among other things, and stated that mention of the "Walker Farm" goes all the way back to the early records of the Town in 1647. He felt it would be most desirable for the Walker Farm to remain as it is today, recognizing that this was the way the area probably looked back in the 1600's.

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

VOTED: To exercise the Town's option to purchase approximately 17.71 acres of land, located on Goodman's Hill Road and owned by Elizabeth M. and Marjorie A. Walker of Sudbury, in accordance with M.G.L., c.61A, s.14, and to notify the owners of the property accordingly.

Sunday Public Entertainment License/Papa Gino's, 104 Boston Post Road

It was on motion by Selectman Frost unanimously

VOTED: To grant a License for Public Entertainment on Sunday for the operation of a jukebox, from 12:00 noon to 11:00 p.m. during the period of September 22, 1985, to September 14, 1986, to Papa Gino's of America, Inc., for property at 104 Boston Post Road.

Appointment/Council on Aging

In accordance with a verbal recommendation from Chairman Paul Leahy of the Council on Aging, it was on motion by Selectman Frost unanimously

VOTED: To appoint Karl E. Clough, 40 Winsor Road, to the Council on Aging, to fill the expired term of Janice Putnam, for a term to expire April 30, 1988.

The Board directed Mr. Thompson to send a letter of appreciation to Ms. Catherine Sharp for her expressed interest in serving on the Council and to inform her that her application will be kept on file for future consideration.

Statewide Fundraising Run/Running Against Aids

It was on motion by Selectman Donald unanimously

VOTED: To grant permission to the Sterling Institute New England Community to conduct a statewide fundraising run, "Running Against Aids", to take place Sunday, September 29, 1985, along Route 20 in Sudbury, subject to that

organization working closely with the Sudbury Police Department to insure a safe run.

School Bus Safety Week

It was on motion by Selectman Frost unanimously

VOTED: To endorse Governor Michael S. Dukakis' proclamation to join the rest of the Nation by designating the week of September 22-28, 1985, as School Bus Safety Week in the Town of Sudbury.

Emergency Medical Services Week

It was on motion by Selectman Frost unanimously

VOTED: To proclaim the week of September 29 - October 10, 1985, as Emergency Medical Services week, as requested by the Massachusetts Executive Office of Human Services in a letter dated September 6, 1985.

National Business Women's Week

It was on motion by Selectman Donald unanimously

VOTED: To proclaim the week of October 20-26, 1985, as National Business Women's Week, as requested by the Sudbury Business and Professional Women's Club in a letter dated September 7, 1985.

Suburban Coalition/Article and Resolution

The Board noted receipt of a communication dated September 10, 1985, from the Suburban Coalition, requesting endorsement of an article to be included in the warrant at the Massachusetts Municipal Association (MMA)/Massachusetts Selectmen's Association (MSA) Annual Meeting, and the same article in the form of a resolution, to be presented at the Massachusetts Association of School Committees meeting, relative to providing state aid to cities and towns at a minimum increase annually of 2½% of the preceding year's tax levy beginning in 1987.

It was on motion by Selectman Fox

VOTED: To endorse the article, as requested; however, the Board directed the Executive Secretary to inquire about the two following concerns:

- relative to the Resolution, last paragraph, the Board questioned whether reference to the "immediate preceding year's tax levy" should have stated "immediate preceding year's state aid" instead; and

- relative to the Article, the Board questioned the reference to the last words in the first paragraph "maximum at 2½%" - whether it should state "minimum at 2½%" instead.

(Chairman Fox, in favor; Selectman Frost, in favor; Selectman Donald, abstained.)

Minutes

Site Plan 85-292/Willow Hill School, 98 Haynes Road

It was on motion by Selectman Frost unanimously

VOTED: To amend the Board's vote of September 4, 1985, relative to Site Plan 85-292 of Willow Hill School, for property located at 98 Haynes Road, so that item 11 of that vote will read:

"11) no building permit shall be issued until items 1, 2, 4, and 9b are complied with, and no occupancy permit shall be issued until items 3, 6, 7, 8, 9A, 9C and 9D are complied with, all as noted above."

9/9/85 Minutes

It was on motion by Selectman Frost unanimously

VOTED: To approve the minutes of the Regular Session of September 9, 1985, as corrected.

Sign Site Plan 85-292/Willow Hill School

The Board noted receipt of a communication dated September 18, 1985, from the Willow Hill School, and Site Plan 85-292, revised under date of September 16, 1985, to comply with the vote of the Board on September 4, 1985.

The Board signed Site Plan 85-292 entitled, "Site Plan of Land in SUDBURY, MASS. prepared for Willow Hill School", dated July 19, 1985, revised September 16, 1985.

Retirement/Wilfred Spiller

The Board suggested to Mr. Thompson that some recognition be given to firefighter, Wilfred Spiller, on the occasion of his retirement, perhaps by a resolution as the Selectmen did for Firefighter Anderson.

MetroWest Update

Selectman Donald reported on the recent MetroWest Area Planning Council meeting she attended as follows: a complete analysis will be available in October relative to the Route 9 corridor traffic study; relative to the MetroWest traffic study, which includes Sudbury, the Council is asking that each town pick a coordinator to find people to survey roads included in the study; a book will be available on various ways to restrict land for conservation purposes. Selectman Donald questioned whether Planning Board Chairman Morton Brond might be able to attend the next two meetings since she will be leaving for a trip out of the country on October 9, and asked Mr. Thompson to so inquire. (The first meeting is Wednesday, October 9, in Ashland.)

Question of Salary Increase/Town Planner

Selectman Frost referenced a communication dated September 9, 1985, from the Chairman of the Planning Board, Morton L. Brond, regarding the Town Planner's salary. Selectman Frost stated he is not sure that the details Mr. Brond mentions are correct, but stated he takes exception to the last two paragraphs of the letter - "The Planning Board, and I am sure most other Boards, would be pleased to follow whatever reasonable procedures were established in writing . . ." - Selectman Frost stated his opinion that the budgeting procedures for salary increases have been well known by everybody that has anything to do with Town employees as far as Department Heads and Chairmen of boards. He did not think there was any "ineptitude in managing our administrative affairs" and felt there was a lack of understanding on the part of the Planning Board of the correct way to handle budgeting for employees. Selectman Frost stated he took exception to the fact that Mr. Brond is criticizing all the boards, and particularly the Selectmen, in writing, for inept management.

Selectman Frost directed the Executive Secretary to so inform Mr. Brond of his personal feeling regarding the above-noted communication.

Clergy Meeting Invitation

The Board was in receipt of an invitation from Rev. Stanley Russell, Congregational Church, inviting representation from the Board of Selectmen and the Planning Board to attend their meeting on Wednesday, November 13, from noon - 2:00 p.m.

(The Board asked Mr. Thompson to find out what the topic of discussion will be and who will be attending from the Planning Board.)

Selectman Donald indicated she will be able to attend.

MAPC Conference Schedule

Chairman Fox asked that someone from the Selectmen's office attend the Massachusetts Area Planning Council Conference, "Balancing Priorities", on Saturday, September 28.

MMA Workshop/Federal Fair Labor Standards Act

Chairman Fox asked that someone from the Selectmen's office attend the Massachusetts Municipal Association workshop for municipal officials, "Federal Fair Labor Standards Act", Wednesday, October 2, from 8:30 a.m. to 12:30 p.m., in Westborough.

Petition for Public Hearing/Route 20 Widening

Executive Secretary Richard E. Thompson informed the Board that Mr. Russell Kirby had submitted a petition requesting that the Selectmen contact Commissioner Tierney of the State Department of Public Works asking for a second public hearing in Sudbury on the Route 20 Widening Project on the basis that there was insufficient notification of the first hearing held on Wednesday, September 11, on that subject.

It was on motion by Chairman Fox unanimously

VOTED: To direct the Executive Secretary to contact Commissioner Robert Tierney of the State Department of Public Works requesting a second public hearing in Sudbury relative to the Route 20 Widening Project, for the reasons noted above.

Mr. Thompson informed the Board that at the hearing on September 11, relative to undergrounding utility wires along Route 20 (between Raymond/Nobscot Roads), figures quoted by the State Department of Public Works for costs to the Town were \$800,000 for Boston Edison and \$650,000 for New England Telephone and Telegraph.

At the suggestion of Mr. Thompson and following discussion, it was on motion by Selectman Donald unanimously

VOTED: To appoint John E. Murray as the Selectmen's Agent/Liaison to coordinate the undergrounding of utility wires on Route 20 between Raymond and Nobscot Roads.

With regard to the appointment of Burton Mullen as well, the Selectmen felt there was a potential for conflict of interest and directed Mr. Thompson to thank Mr. Mullen for his expressed willingness to assist the Town on this project.

The Executive Secretary was further directed to notify the appropriate Department Heads, i.e., Planning Administrator, Conservation Coordinator, Town Engineer, of the appointment and to request that all communications on this subject be handled through Mr. Murray or Mr. Thompson, who will act as coordinators for the Town.

Union Carbide/Communication from Fire Chief

The Board acknowledged receipt of a communication dated September 9, 1985, from Fire Chief Michael Dunne relative to the Union Carbide facility at 141 Boston Post Road, his (and the Health Director's) review of products stored, safety procedures and general plant conditions.

The Board asked that the Chief expand on paragraph #3 of his letter concerning poisonous gases received, shipped to and stored at this location. Executive Secretary Richard E. Thompson stated he would so notify Chief Dunne.

Emergency Approval Utility Petition/Brimstone Lane

The Board confirmed emergency approval granted to Charles Mash of Boston Edison Company on Thursday, September 12, 1985, as noted in a communication from the Executive Secretary, dated September 16, 1985, to Francis X. Martin, Boston Edison Company and Joseph D. Bausk, New England Telephone & Telegraph Company, as follows:

Due to an emergency home occupancy situation for Mr. and Mrs. Fagan, Boston Edison Company and New England Telephone and Telegraph Company are authorized to proceed immediately to provide service from Pole 369/14

underground approximately thirty feet, across Brimstone Lane to Lot 15, so that the Fagans might use their domicile.

Ratification of this petition by the Board of Selectmen will take place upon receipt of the formal petition as soon as possible.

Dudley Square/Drive-up Bank Window

Selectman Donald referenced a communication from Building Inspector Joseph E. Scammon, dated September 12, 1985, to Mr. and Mrs. David Portney, responding to their concern regarding the bank drive-up window at Dudley Square.

Selectman Donald commented that there had been no previous knowledge of a bank drive-up window going in at that location behind the building, and, had it come before the Board, the Board may not have felt it was appropriate. The Board agreed and directed Mr. Thompson to refer the communication to Town Counsel for his opinion.

Parker Academy

Responding to Selectman Donald, Town Counsel Paul L. Kenny stated that he had not received a response to his communication of September 11, 1985, to Lucy T. and Robert A. Parker, nor to his letter of June 18, 1985, to Marc Redlick, Attorney for Parker Academy, both requesting verification that Parker Academy is established as a non-profit organization providing education to justify utilizing the premises located at 248 Concord Road as Parker Academy.

Executive Session

At 10:50 p.m. it was on motion by roll call

VOTED: To enter into Executive Session for the purpose of discussing transactions in real property where open discussion may have a detrimental effect on such transactions, i.e., property off Pratt's Mill Road, Crystal Lake Drive.

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

Chairman Fox stated 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 11:00 p.m.

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk