

IN BOARD OF SELECTMEN
MONDAY, JANUARY 30, 1978

Present: Chairman John C. Powers and Ira M. Potell.

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

Assessing and Maintaining Property Valuations

The Board reviewed a communication dated January 25, 1978, from Ruth L. Kleinfeld, Associate Commissioner, Department of Corporations and Taxations, addressed to the Board of Assessors relative to their approval of the Town's plan to institute a computer-assisted system for assessing and maintaining valuations at full and fair cash value as submitted by the Board of Assessors. The communication also requested an estimate as to when the updated values will be effective.

Transfer of Obsolete Library Books

On the question of approving the transfer by sale of obsolete library books to Friends of the Goodnow Library, in accordance with a request dated December 20, 1977, from Helen Lowenthal, Director, and George D. Max, Chairman, Goodnow Library Trustees, tabled January 23, 1978, Chairman Powers suggested tabling the issue until the Board's next meeting so that proper wording and vote could be obtained from the Library Trustees.

It was on motion by Selectman Potell unanimously

VOTED: To table the above subject matter until February 6, 1978, and request the Executive Secretary to speak with the Library Director and explain what information and data was necessary before the Board could vote on the same.

Middlesex County Assessment for FY 1977-78

Chairman Powers read a letter dated January 23, 1978, from Town Accountant John H. Wilson relative to the Middlesex County Assessment, which informed the Board the total assessment to the Town for FY 1977-78 will be \$518,532.84 indicating a 20% increase over the initial Cherry Sheet estimated cost. The Town Accountant's letter stated an amount of \$57,086.54 had also been assessed and must be paid in FY 1977-78 for an underestimate of the 1976-77 assessment. Mr. Powers also referred to a summary report dated January 30, 1978, prepared by Mr. Wilson, relative to the above subject matter. Mr. Powers said that the report shows an underestimate by the County of 24% last year and 20% this year which creates substantial, additional tax money due by the Town without much warning--simply because the County has underestimated for two years in a row.

Executive Secretary Richard E. Thompson stated that he has received today a letter dated January 27, 1978, from Thomas B. Concannon, Jr., Budget Director, Office of the County Commissioners, sympathizing with the Town's burden of additional unexpected taxes, and stating the cause was due to unexpected expenses mandated by the Commonwealth, due to recent legislation and a number of uncontrolled costs, which he listed. The Board expressed displeasure with the County Budget Director's comments and excuses for higher county government costs.

Chairman Powers said that the Board should thank Mr. Wilson for his report and explanations of the Middlesex County Assessment.

Snow Removal Operations

Chairman Powers read a letter dated January 24, 1978, from David M. Collins, 50 Lands End Lane, commending the Town for its snow removal operations. Mr. Powers suggested that Executive Secretary Richard E. Thompson forward a copy of said above-mentioned letter to Robert A. Noyes, Highway Surveyor. It was on motion by Selectman Potell unanimously

VOTED: To direct Executive Secretary Richard E. Thompson to forward a copy of the letter dated January 24, 1978, from David M. Collins, 50 Lands End Lane, to Mr. Robert A. Noyes, Highway Surveyor.

Resolution -- Property Tax Reform in Massachusetts

On the question of signing a resolution dated January 30, 1978, relative to property tax reform in Massachusetts prepared by the Massachusetts Selectmen's Association -- Legislative Committee -- and the Massachusetts League of Cities and Towns Municipal Association, Executive Secretary Richard E. Thompson stated that he reviewed a package of legislative proposals prepared by the Municipal Associations which culminates in summarization expressed within the Resolution, and then read the Resolution. Chairman Powers stated that an attempt is being made by Boards of Selectmen across the State to achieve the objectives referenced in the Resolution.

It was on motion by Selectman Potell unanimously

VOTED: To endorse the Resolution dated January 30, 1978, of the Massachusetts Selectmen's Association and the Massachusetts League of Cities and Towns asking that the tax reform be a matter of first priority.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular and executive sessions of January 18, 1978, as corrected, and to approve the minutes of the regular and executive sessions of January 23, 1978.

Horse Pond School

At the request of the Board, Executive Secretary Richard E. Thompson read his letter dated January 26, 1978, to Mr. N. Cornell Gray, Chairman of the Sudbury School Committee, as directed to be written by the Selectmen's vote of January 18, 1978.

Minuteman Budget

Executive Secretary Richard E. Thompson stated that, after reading the article "Minuteman Budget Ok'd" in the January 25, 1978, issue of the South Middlesex News, it would be appropriate for the Board to send a letter to Committeeman Thomas Welch thanking him for his service and to express the Board's agreement and respect for the position he took against approving the Minuteman School budget of \$4.8 million.

Chairman Powers suggested inviting Mr. Welch to a meeting in the near future in order to thank him personally.

It was on motion by Selectman Potell unanimously

VOTED: To direct Executive Secretary Richard E. Thompson to invite Committeeman Thomas Welch to attend the Board's meeting in the immediate future for the purpose of thanking him personally for the position he took on the issue of the Minuteman Budget.

CETA Contracts

Executive Secretary Richard E. Thompson called the Board's attention to a communication dated January 17, 1978, from Town Counsel Paul L. Kenny, relative to the CETA Contract for Parks, Conservation and Public Way Project stating that the Board is operating within the guidelines of the contract, responding to questions brought up by Selectman Toomey. Mr. Thompson said that he will be sure Selectman Toomey received a copy of the letter, since he is not present tonight.

Summary of Proceedings for 1978 Annual Town Report

Executive Secretary Richard E. Thompson called the Board's attention to a Summary of Proceedings for the 1978 Annual Town Report and stated that he had submitted the report to the Town Clerk, since she is responsible for proceedings and records for the Town Meeting, and her comments have been incorporated in the copy of the Summary of Proceedings distributed to the Board. Mr. Thompson requested that the Board of Selectmen give any further recommendations to him by Wednesday, February 1, 1978.

Chairman Powers asked the Executive Secretary to check the appropriation for Account #514 - Historic Districts Commission, in the amount of \$162.00.

Easements

At the Board's meeting on January 23, 1978, a drainage easement for Old Lancaster Road from Kathryn T. Looney, Mary T. Keohane and Mary Lou Thompson had been referred to Town Counsel for review as to proper form before being signed by the Selectmen. Executive Secretary Richard E. Thompson reported that Town Counsel's opinion was that the document was legally acceptable in its present form.

Paul L. Kenny, Town Counsel, further explained that although he did not like the form, it is a recordable instrument and with one change, namely, "below named" instead of "above named", he would accept it for recording.

It was on motion unanimously

VOTED: To sign and accept on behalf of the Town, on the advice of Town Counsel Paul L. Kenny, the drainage easement from Kathryn T. Looney, Mary T. Keohane and Mary Lou Thompson, for Old Lancaster Road, as shown on a plan entitled "Plan of Land in Sudbury, Mass." by Town Engineering Department, dated April 8, 1977.

Reports From Town Counsel

Wayside Package Store, Inc.

Town Counsel Paul L. Kenny stated that he spoke to the attorney for Wayside Package Store, Inc. today and set up an appointment with him for 2:00 p.m. on February 6, 1978, along with Town Accountant John H. Wilson and representatives of Wayside Package Store, Inc.

Chairman Powers suggested that it might be helpful to have Executive Secretary Richard E. Thompson notify all interested parties that the Board will hear the results of their afternoon meeting, through Town Counsel, at the Board's meeting that night (February 6, 1978).

Selectman Potell asked if the attorney for Wayside Package Store, Inc. stipulated that their records will be available.

Town Counsel Kenny said that he had the guarantee of the attorney, John F. Canty (Wayside Package) that the records would be available. Mr. Kenny said that Attorney Canty had been informed that the purpose of the meeting is to examine the records with the Town Accountant.

Following further discussion it was on motion unanimously

VOTED: To direct Town Counsel Paul L. Kenny to advise the owners, operators and Counsel of Wayside Package Store, Inc., John F. Canty, and any other interested Counsel, that the Board expects to hear the definitive report of Town Counsel and Town Accountant on the matters in interest, on February 6, 1978, at 8:00 p.m., it being the intention of the Board of Selectman at that time to initiate whatever further procedures are necessary.

Lot 30 Sylvan Way

Town Counsel Paul L. Kenny stated that he had received a copy of the complaint -- prepared by Attorney David Turner making certain allegations with respect to the parcel of land that is known as Lot 30 Sylvan Way, which was originally set forth as a playground area on a subdivision plan. Attorney Kenny further stated that since that time, the lot has been built upon, has had numerous owners, and a vote of Town Meeting agreeing to accept the gift of that parcel of land; however, the Town records do not show receipt of a deed and, therefore, the gift has not been completed.

Mr. Kenny further stated that a search of the Registry of Deeds is now in progress in order to determine whether or not a deed conveying Lot 30 Sylvan Way to the Town of Sudbury from Philip H. Johnson has been recorded and perhaps not returned to the Town, or misplaced by the Town; and if that is the case, Mr. Kenny requested that the Board authorize him to answer this complaint, after accepting service on behalf of the Town, admitting so much as can be admitted, with respect to the fact that the land is there, the endorsement was there, it was built upon, that there was a Town Meeting vote, and that no deed has been found after a valid search.

Chairman Powers reminded Town Counsel that the time schedule is such that all necessary requirements must be completed before the first of February.

Executive Secretary Richard E. Thompson stated that the Board has previously requested that a statement in affidavit form be submitted to them stating that Mr. Philip H. Johnson never deeded the property, known as Lot 30 Sylvan Way, to the Town of Sudbury.

It was on motion unanimously

VOTED: To authorize Town Counsel Paul L. Kenny to answer to the complaint, after accepting service on behalf of the Town, and to agree to a statement of facts on which a declaratory judgment can be rendered, as quickly as possible;

and further

VOTED: To authorize Town Counsel Paul L. Kenny to enter into a Consent Decree waiving the Board's right of appeal pending agreement as stated in the above vote.

Town Meeting Articles

At the request of Town Counsel Paul L. Kenny, it was on motion unanimously

VOTED: To table the issue of his report relative to Town Meeting Articles until the Board's next meeting on February 6, 1978.

Intention to Lay Out Streets on March 20, 1978

On the question of the Board voting its intention to lay out streets on March 20, 1978, from Edward W. Connors, Jr., Planning Board, stating two reasons for the Planning Board's vote to delete Deacon Lane (formerly Olde Towne Circle) from the listed streets on the Acceptance/Discontinuance Article as follows: "1) The Water Commissioners have requested us not to release the Water Bond until they notify us; and 2) The maintenance bond still has another year to run."

Mr. Connors states in his letter that the Planning Board did vote to hold the necessary hearing for the renaming of Olde Towne Circle to Deacon Lane, Chairman Powers noted.

Based on the information set forth in the above-mentioned letter, Chairman Powers suggested deleting Deacon Lane (formerly Olde Towne Circle) from the listed streets on the Street Acceptance/Discontinuance Article for the Annual Town Meeting.

Executive Secretary Richard E. Thompson referred to a letter dated January 6, 1978, from Town Counsel Paul L. Kenny, outlining a schedule of required action to be taken by the Board of Selectmen for the laying out of those streets to be accepted at the 1978 Annual Town Meeting as follows:

- "January 30: Board of Selectmen votes its intention to lay out the streets in question on March 20 (latest date).
- March 13: Owners of property must be notified, no later than this date.
- March 20: Selectmen, having received Planning Board report, or 45 days having elapsed, vote the layouts and sign forms. Layouts must be filed with Town Clerk by March 27.
- April 3: Acceptance of layouts at Annual Town Meeting."

Following discussion, in accordance with the timetable prepared by Town Counsel dated January 6, 1978, it was on motion unanimously

VOTED: That the Board lay out English Road, Hampshire Street, Hermitage Street, Canterbury Drive, Arrowhead Road, Phillips Road and Meadowbrook Circle, at its regular meeting on March 20, 1978; that proper notice of the Board's intention to lay out those ways be given to the owners of the property in question not less than seven days before such date; and that the proposed layouts be referred to the Planning Board for their report thereon.

And it was further

VOTED: That the layout of Meadowbrook Circle, to be laid out at the regular meeting of the Board on March 20, 1978, include consideration of discontinuance of a portion of the existing public way as no longer required for common convenience and necessity, and that notice of this matter be given with notice of the Board's intention to lay out ways as voted on January 30, 1978.

Surveys and Studies of Town Positions

Chairman Powers noted receipt of a report dated January 18, 1978, from Daniel P. McLean, Chairman of the Personnel Board, indicating to Robert B. Linnehan, United States Civil Service Commission, that his report of December 27, 1977, has been received, and that the Personnel Board is pleased with the thoroughness of the work, their cooperative effort and the clarity of the report.

Chairman Powers suggested that since the Board instituted this study, Executive Secretary Richard E. Thompson should furnish a copy of the report to the Board and place it on the agenda for the Board's next meeting on February 6, 1978.

Joint Meeting Wayland/Sudbury Boards of Selectmen

Executive Secretary Richard E. Thompson confirmed a joint meeting on Wednesday, February 8, 1978, at 8:00 p.m. with the Wayland/Sudbury Boards of Selectmen relative to Wayland's access road to their proposed landfill site.

Middlesex County Selectmen's Association

Chairman Powers noted a meeting of the Middlesex County Selectmen's Association to be held at 8:30 p.m. Thursday, February 9, 1978, at the Lexington Sheraton. Invited are: 11 Senators, 54 Representatives (whose districts are in Middlesex County), Senator Tully (Chairman of the Joint Committee on Counties), and various Boards of Selectmen.

There being no further business to come before the Board it was on motion unanimously

VOTED: To adjourn the meeting at 8:30 p.m.

Attest: _____

Richard E. Thompson
Executive Secretary-Clerk