

IN BOARD OF SELECTMEN
MONDAY, JULY 14, 1980

Present: Chairman John E. Murray, Anne W. Donald and William J. Cossart.

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:00 p.m. by Chairman John E. Murray.

Gift for Repair and Installation of Revolutionary War Cemetery Plaque

It was on motion by Chairman Murray unanimously

VOTED: To accept, on behalf of the Town, a gift of One Hundred Dollars from Mr. and Mrs. Samuel L. Reed to be used to defray expenses incurred in the repair and installation of the Revolutionary War Cemetery plaque.

Transfer Requests

It was on motion unanimously

VOTED: To approve the following Requests for Transfer:

- a.) #0873, dated June 30, 1980, from the Reserve Fund to Account #503-21, Law General Expense, in the amount of \$10,735, to pay unforeseen arbitration expenses (\$3,875 had been approved at the Selectmen's meeting of June 30, 1980, and is included in the above figure);
- b.) #0878, dated June 30, 1980, from the Reserve Fund to Account #340-16, Plumbing and Gas Fees, in the amount of \$115.25; and
- c.) #0869, dated July 10, 1980, from the Reserve Fund to Account #310-11 Fire Department Salaries for FY79-80, in the amount of \$5,062.26; also, a transfer from Account #310-12 Fire Department Overtime in the amount of \$2,561.43, and a transfer from Account #310-13 Fire Department Clerical in the amount of \$611.08, both to Account #310-11 Fire Department Salaries for FY79-80.

Surrey Lane Stop Sign

In consideration of a request to Sudbury Safety Officer Carroll, dated March 17, 1980, and June 16, 1980, from Mary J. Thoman and area residents for the placement of a stop sign on Surrey Lane at its intersection with Moore Road, Executive Secretary Richard E. Thompson referenced a report dated June 27, 1980, from Safety/Juvenile Officer William B. Carroll.

The Selectmen concurred with the recommendation of Officer Carroll that a stop sign at said location is not warranted.

On the recommendation of Selectman Cossart, the Board directed the Executive Secretary to speak to Officer Carroll regarding the three-month lag in acknowledging the Thomans' request, as well as the question of the 30-mile-per-hour speed limit sign which was recently placed at that location - it being the concern of the petitioners that this is too great a speed for the area, and consequently, a concern of the Selectmen as to when and how the speed was set for said location.

The Selectmen concurred that, upon receipt of the above information, the Executive Secretary can respond accordingly to the Thomans, on behalf of the Board, expressing, at the same time, the Board's concurrence with the recommendation of the Safety Officer that the intersection of Surrey Lane and Moore Road does not warrant a stop sign, based on the past safety record of that intersection. A copy of Officer Carroll's report dated June 27, 1980, should be enclosed with the letter to the Thomans.

Appointments

Deputy Wiring Inspector

Present: Arthur J. Richard.

In accordance with a recommendation dated July 3, 1980, from the Wiring Inspector, Warren E. Boyce, it was on motion by Selectman Donald unanimously

VOTED: To appoint Arthur J. Richard, 296 College Farm Road, Waltham, to the position of Deputy Wiring Inspector for a term to expire April 30, 1981.

Council on Aging

In accordance with a recommendation dated July 8, 1980, from the Chairman of the Council on Aging, Col. Paul J. Leahy, it was on motion by Selectman Donald unanimously

VOTED: To appoint Leah Sheets, 128 Musketahquid Village, to the Council on Aging, effective August 1, 1980, to replace Elinor L. Bentley, for a term to expire April 30, 1982.

Conservation Commission

It was on motion by Chairman Murray unanimously

VOTED: To reappoint Richard O. Bell to the Conservation Commission for a term to expire April 30, 1983.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular Session of June 30, 1980, as amended, and the minutes of the Executive Session of June 30, 1980, as drafted.

Gibbs Tire Depot, Inc. - 465 Boston Post Road

Present: Robert Emerson, Manager of Gibbs Tire Depot, Inc.; George Koller, Engineer of Koller Associates, Inc., for Gibbs; and Richard O. Bell, Conservation Commission.

Storage of Inflammables

In accordance with Chapter 148 of the General Laws of Massachusetts, Chairman Murray convened a public hearing on the application dated March 17, 1980, of Gibbs Tire Depot, Inc., by Koller Associates, Inc., for a license to store additional inflammables - 10,000 gallons of gasoline/gasohol - at property located at 465 Boston Post Road. It was noted that this location is presently licensed for the storage of 20,000 gallons gasoline, 500 gallons of waste oil, 500 gallons of fuel oil and 500 gallons miscellaneous. The above application is for additional storage, requesting a total storage of 31,500 gallons.

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

- from the Building Inspector, dated June 18, 1980, stating no objections; and
- from the Fire Chief, dated June 19, 1980, stating no objection providing tanks and installation meet the specifications outlined in the Department of Public Safety Board of Fire Prevention Regulations.

Responding to the Board, Mr. George Koller stated that, in the past, alcohol was contained in the 500-gallon miscellaneous tank, but is no longer used; also, there is no longer any use for the 500 gallon waste oil tank. The 10,000 gallon additional storage is to be used for gasohol.

Mr. Thompson briefly reviewed the storage capacity of some nearby stations.

Site Plan Application #80-217

In accordance with Article IX, Section V, Paragraph A of the Sudbury Bylaws, the Board considered Site Plan Application #80-217, dated May 30, 1980, of Gibbs Tire Depot, Inc., by Koller Associates, Inc., for property located at 465 Boston Post Road, for the purpose of updating the plan for a new underground storage tank. (The Board had granted permission on May 27, 1980, to Gibbs Tire Depot, Inc., to submit its 1976 site plan with a variety of scales not the required 1"=20' for this purpose.)

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

- from the Building Inspector dated June 4, 1980, recommending approval;
- from the Planning Board dated June 25, 1980, recommending approval;
- from the Conservation Commission dated June 25, 1980, expressing concern that the tank may be in groundwater at the proposed site, and stating that a member of the Commission will be present.

Mr. Koller submitted the updated plan.

Following discussion, on the recommendation of Selectman Cossart, the Board requested that Mr. Koller re-submit the site plan showing only "as-built" conditions, eliminating on the plan remarks such as "demolished and removed" and instead show as-built conditions. All post-dated promises should be completed and shown on the plan accordingly. Selectman Cossart also suggested that both the Building Inspector and the Town Engineer verify the foregoing before it is re-submitted to the Board. Mr. Thompson stated that he would so inform Mr. Scammon and Mr. Merloni.

Mr. Richard O. Bell expressed on behalf of the Conservation Commission their concern that the proposed area for the tank installation will have excessive groundwater. Selectman Cossart pointed out that, in addition, the tank will be in direct line of the water flow to the drinking water well on Raymond Road and expressed strong concerns regarding possible leakage. The corrosion effect on a tank sitting in groundwater was also questioned.

Mr. Koller explained that storage tanks are now manufactured with a more resistant surface and have a 30-35 year life as compared to 15-20 formerly. Responding to Mr. Bell's question regarding knowledge of leakage, Mr. Koller stated that as little as a 10-15 gallon discrepancy can be discovered. Again responding to Selectman Cossart, Mr. Koller stated that after much research the tank he plans to install is a single-wall steel tank with an outer coating which is also grounded. Mr. Koller commented that the Fire Chief would be present during the installation of the tank, and that specifications (outlined in the Department of Public Safety Board of Fire Prevention regulations) would be adhered to accordingly.

Mr. Robert Emerson, Manager of Gibbs Tire Depot, Inc., explained that he expects to find groundwater during installation since, when the original tanks were installed, that was the situation. At that time, due to the placement of the tanks in groundwater, the tanks were stabilized/anchored with cables. Mr. Emerson stated that other area stations also had similar problems, and in one case, tanks had to be placed elsewhere to avoid placement in deep groundwater.

Selectman Cossart repeated his general concern regarding leakage from underground storage tanks, and suggested that the Selectmen aggressively pursue this matter with the Fire Chief, as this relates to all underground storage tanks in Town.

Mr. Thompson stated that an article dealing with this subject has been drafted for the next Annual Town Meeting.

Selectman Cossart suggested that a fiberglass tank may be more appropriate in this case since it may be more resistant to corrosion, than a steel tank set in groundwater. Mr. Koller responded that there have been some problems with leakage in fiberglass tanks due to the strain on them during installation. Mr. Koller stated that he would be willing to supply the Selectmen with the information he has obtained about various types of tanks, pointing out that State regulations are very stringent with manufacturers regarding the specifications for underground storage tanks. Selectman Cossart stated that he would be comfortable with the Conservation Commission's recommendation regarding the type of tank that is used.

Mr. Emerson described the STIP-3 (Steel Tank Institute P-3) tank which they are planning to install and suggested that they go one step further and have the tank fiberglassed before it is installed. The Selectmen were in agreement with this procedure.

Following further discussion it was on motion by Chairman Murray unanimously VOTED: To approve the application of Gibbs Tire Depot, Inc., by Koller Associates, Inc., dated March 17, 1980, to store underground an additional 10,000 gallons of inflammables - gasohol - on property located at 465 Boston Post Road, contingent upon receipt of an "as-built" site plan and subject to interior fiberglassing of the tank and approval by the Fire Chief on the installation on the tank; said license for storage is in addition to 20,000 gallons gasoline, 500 gallons of waste oil, 500 gallons of fuel oil and 500 gallons miscellaneous, for a total storage of 31,500 gallons.

Mr. Koller stated that he would send Mr. Bell information he has gathered on the various types of tanks for future reference.

Application for Common Victualler License - Nikolaos Ourdas, d/b/a Sudbury Pizza, 483 Boston Post Road

Present: Nilolaos Ourdas, applicant.

In consideration of an application for a Common Victualler license from Nikolaos Ourdas, new owner, d/b/a Sudbury Pizza, for property located at 483 Boston Post Road, Executive Secretary Richard E. Thompson referenced a communication from the Fire Chief, dated July 14, 1980, expressing no objection to the issuance of the same.

Following a brief discussion it was on motion by Selectman Cossart unanimously VOTED: To approve an application dated June 17, 1980, for a Common Victualler License from Nikolaos Ourdas, d/b/a Sudbury Pizza, for property located at 483 Boston Post Road.

Resignation - Sudbury Police Department, Patrolman Allan C. Houghton

The Board accepted with regret the resignation of Patrolman Allan C. Houghton, Sudbury Police Department, dated July 3, 1980, effective August 2, 1980.

- The Board directed the Executive Secretary to send a letter of appreciation to Mr. Houghton, specifically recognizing and expressing appreciation for his role in the auxiliary police and firearms qualification.

Performance Reviews:

Town Accountant

Present: John H. Wilson.

In accordance with the Selectmen's Performance Review Policy, the Board met with Town Accountant John H. Wilson and reviewed his annual report, submitted under date of June 12, 1980, and briefly discussed the following:

- Mr. Wilson responded to Chairman Murray that he feels it is to the advantage of the Finance Committee for him to attend their meetings, as a resource person from the Town;
- as ex-officio member of the Insurance Advisory Committee, Mr. Wilson stated that he is consulted by the Committee, from time to time, relative to Town-related insurance coverage questions;
- regarding the use of the High School computer by the Town, Mr. Wilson commented that it may be a possibility in the future, but that the Town computer and accounting machine combination would be sufficient for at least the next seven years;
- Mr. Wilson stated that he plans to have the schools' financial reports completed by July 31;
- responding to Selectman Cossart, Mr. Wilson stated that he would submit in writing a status report on the implementation of the Town audit recommendations;
- at the request of Selectman Cossart, Mr. Wilson stated that he would submit to the Board a schedule of internal audits to be completed by the Accounting Department;
- on the recommendation of Chairman Murray, Mr. Wilson stated that he will have an opportunity to address all boards, committees and commissions, when he speaks at the Finance Committee meeting on July 24. Mr. Wilson stated that he would request Mr. Slomski of the Finance Committee to expand the invitation to all boards for that meeting, at which time he will ask for any suggestions which they might have for the Finance Committee.

Mr. Wilson suggested that, in consideration of any Town Hall renovations in the future, excess school buildings could be a consideration for expansion of municipal offices.

At the conclusion of discussion, Chairman Murray thanked Mr. Wilson for attending.

Fire Chief

Present: Josiah F. Frost.

In accordance with the Selectmen's Performance Review Policy, the Board met with Fire Chief Josiah F. Frost and reviewed his annual report, submitted under date of May 27, 1980, and discussed the following:

- briefly reviewed the fire alarm 7-year program;
- Chief Frost suggested further consideration of a change in the Town's means of communicating to its residents and within relevant Town departments during emergencies, such as the recent water ban;

- briefly discussed the future possibility of testing underground storage tanks. On this subject Chief Frost pointed out that he had requested on several occasions that Mr. George R. Sharkey remove abandoned storage tanks on his property on Haynes Road, and had related to him the severe consequences under State statute regarding his liability as a result of any accidents resulting from said tanks. Following discussion, the Board directed the Executive Secretary to send a letter to Mr. Sharkey, on its behalf, advising him that he should remove these tanks, and enclosing a copy of the appropriate statute - G. L. Chapter 21, as amended by Chapter 546 of the Acts of 1973;

- Chief Frost commented on the EMT program, stating that it is a great, affordable service to the Town.

At the conclusion, Chairman Murray thanked Fire Chief Frost for attending.

Chairman Murray recessed the meeting at 9:25 p.m. for a coffee break; the meeting was called back to order at 9:30 p.m.

Executive Session

At 9:30 p.m. it was on motion by roll call

VOTED: To enter into Executive Session for the purpose of discussing strategy for collective bargaining or litigation where open discussion of the same may have a detrimental effect, and an expenditure from the Charity Fund.

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

Chairman Murray announced that public session would reconvene following the Executive Session.

1978/79 Chapter 90 Construction Funds - Union Avenue

In accordance with a request dated June 30, 1980, from Highway Surveyor Robert A. Noyes, it was on motion by Chairman Murray unanimously

VOTED: To send a letter to Charles Mistretta, District 4 Highway Engineer, State Department of Public Works, requesting that the project for the installation of Union Avenue Drainage and the reconstruction of a portion of Union Avenue be added to Fiscal 1978 and 1979 Chapter 90 Construction Contract #29640, dated May 16, 1979.

Sudbury Route 20 Reconstruction Project - Drainage Plans

Following a brief discussion it was on motion by Chairman Murray unanimously

VOTED: To send a letter to Charles Mistretta, District 4 Highway Engineer, State Department of Public Works, endorsing the Town Engineer's recommendation to support the State's drainage proposal to re-route a portion of the drainage on Route 20 to a discharge point in Hop Brook near Mill Village Shopping Center via a new 42-inch pipe, replacing a 24-inch pipe in Union Avenue to a discharge point adjacent to the Post Office which will be abandoned, as explained in his communication to the Selectmen of July 11, 1980.

In addition, the Board noted a communication dated July 14, 1980, from Eric Johnson, Superintendent of the Sudbury Water District, on the same subject supporting the Selectmen's position, and agreed to forward said letter to District 4 on behalf of the Sudbury Water District.

Clean Air Month - Local Clean Air Day Coordinator - MAPC Communities for Clean Air Program

The Board acknowledged receipt of a communication from the Metropolitan Area Planning Council (MAPC), dated June 24, 1980, relative to local participation in the "Communities for Clean Air" program during Clean Air Month and appointment of a local Clean Air Day coordinator. The Board directed the Executive Secretary to inform Mr. E. Lawrence Gogolin, Chairman of the Board of Health, that the Board recommends him as local Clean Air Day coordinator for the Town of Sudbury.

Metropolitan Boston Transit Authority (MBTA) Assessment

It was on motion by Chairman Murray unanimously

VOTED: To enter into legal action jointly with other MBTA area communities to contest assessments to the towns as a result of the Governor's takeover and operation of the MBTA without funds approved by the Advisory Board, as recommended in a communication dated June 27, 1980, from James E. Smith, Executive Director, MBTA Advisory Board, and to authorize the Executive Secretary to sign and transmit the above to the MBTA Advisory Board.

Executive Secretary Richard E. Thompson pointed out that the \$128 for legal expenses for the Town of Sudbury, noted in the above-mentioned communication, would be expended from the Surveys and Studies Account.

Sudbury River Regulatory Task Force

The Board noted receipt of a communication from SUASCO Watershed Association, Inc., dated June 27, 1980, relative to the designation of representatives to serve on the Sudbury River Regulatory Task Force. Following a brief discussion, the Board directed the Executive Secretary to refer the same to both Teresa N. Lukas, who is presently a member of the SUASCO Watershed Association, Inc., and the Conservation Commission, requesting a recommendation from the members.

Future Sale of Tax Possession Land

The Board approved, with one addition, a draft letter to be sent to boards and commissions, enclosing a list of Tax Possession parcels received from the Town Treasurer, to ascertain possible municipal use.

Tax Title Foreclosure

The Board noted receipt of a communication from Assistant Town Counsel Thomas M. French, dated July 9, 1980, relative to a Tax Title foreclosure (Parcel G08-014) on property located off Maynard Road and abutting the Parkinson land.

Liability During Use of Town Property

The Board reviewed a communication dated July 9, 1980, from Assistant Town Counsel Thomas M. French, relative to liability during the use of Town Property. This communication was precipitated as a result of the Board's concern, expressed at its meeting of May 27, 1980, after Chairman Murray had been confronted by a resident, whose car window had been broken by a foul baseball on Raymond Road, while passing by the ballpark in his car. Chairman Murray requested the Executive Secretary to forward a copy of the same to Mr. Floyd Stiles.

Health Care Organization Services

The Board reviewed a communication dated June 30, 1980, relative to health care organization services (M.G.L. Chapter 32B, s.16), and the scope of the Board's involvement in implementing such a plan. Selectman Donald asked the Executive Secretary to clarify, for the next meeting, section 16 of Chapter 32B that states governmental units cannot make direct payments to a health care organization.

Highway Construction, Maintenance, Policing

It was on motion by Selectman Cossart unanimously

VOTED: To authorize the Chairman of the Board of Selectmen to sign a certification of highway monies voted at the 1980 Annual Town Meeting for Fiscal Year 1981 construction, maintenance, and policing of streets and roads, in accordance with Ch. 81 s.31 (State Aid - Highways), as amended by section 14, Chapter 497 of the Acts of 1971, and to forward the same to the Massachusetts Department of Public Works.

Temporary Licenses - M.S.S. Indulgence Society

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

VOTED: To issue a temporary license to M.S.S. Indulgence Society Sanctuary of Sudbury for the sale of wines and malt beverages only, to be drunk on the premises, and a license for the sale of frozen desserts, ice cream mix, confectionery, soda water or fruit on the Lord's Day, for one day only, Sunday, July 27, 1980, from 11:00 a.m. to 10:00 p.m. at the Mossman Road Sanctuary for their annual Feast Day, and to remove the restriction on the license of no loud speaker, in accordance with a communication dated July 10, 1980, from C. Arpino, Treasurer, M.S.S. Indulgence Society.

Sample Draft Comprehensive Permit - Longfellow Glen Project

The Board of Selectmen directed the Executive Secretary to draft a letter to the Board of Appeals incorporating recommendations made during discussion, relative to a sample draft comprehensive permit for Longfellow Glen, prepared by McNeil & Associates, and forwarded to the Selectmen by the Board of Appeals under cover letter dated July 10, 1980, to include the following:

- an expression from the Board of Selectmen commending the Board of Appeals for their tireless efforts in conducting, and the quality of, hearings and meetings on the subject;

- confirmation of the Selectmen's previous positions, as stated in previous communications to the Board of Appeals of June 3 and July 3, 1980; and

- express the opinion of the Board, as the responsible chief executives of the Town, that public safety and health factors are not clearly addressed in the sample comprehensive permit.

Walkway Easement - Haynes Road

The Board tabled at the request of Town Counsel the question of signing and accepting, on behalf of the Town, a walkway easement from the Hannons on Haynes Road to replace one previously signed by the Board of May 27, 1980.

Current Items of Interest

Meeting with Board of Assessors

The Board agreed to meet with Mr. Donald P. Peirce of the Board of Assessors on Monday, July 21, at 5:00 p.m., for a determination of the method of classification of property, in accordance with Chapter 797 of the Acts of 1979.

Union Carbide Corporation - Linde Division, 141 Boston Post Road

On the recommendation of Selectman Cossart, the Board directed the Executive Secretary to set up a meeting with Union Carbide Corporation, prior to the July 28 meeting, relative to their storage application for 1500 gallons Acetone. Chairman Murray directed the Executive Secretary to obtain reports from the Conservation Commission, the Board of Health and the Town Engineer as soon as possible. The Selectmen also directed the Executive Secretary to arrange a tour of the premises.

There being no further business to come before the Board, the meeting was adjourned at 11:55 p.m.

Attest: _____

Richard E. Thompson
Executive Secretary-Clerk