

IN BOARD OF SELECTMEN
MONDAY, SEPTEMBER 22, 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.

Hazardous Waste Management Program

Present: Fire Chief Josiah F. Frost.

Chairman Murray referenced a communication dated September 8, 1980, from the Department of Environmental Quality Engineering, Mass. Executive Office of Environmental Affairs, relative to its hazardous waste management program and a request for communities to designate a local hazardous waste coordinator.

Chairman Murray asked Selectman Cossart if he would be interested in the position, stating he was well qualified for the job.

Selectman Cossart stated that, although he had not thought of himself, he would be willing to be the coordinator, but expressed concern that perhaps the Selectmen should remain more objective in terms of representing Sudbury in the best way possible.

Chairman Murray asked Chief Frost if he would be willing to accept the position of coordinator. Chief Frost indicated his willingness but also stated that he did not feel he was best qualified - he did not have the engineering background he felt was necessary to do the best possible job. The Chief said that he would be willing to assist in any way he could.

Following further discussion, during which Selectman Cossart recommended Health Director John V. Sullivan for the position, it was a consensus of all those present that John Sullivan would be designated as local hazardous waste coordinator, subject to his acceptance, with Selectman Cossart serving as an alternate.

Acceptance and Use of Chapter 90 Funds

The Board discussed the signing of two agreements with the Massachusetts Department of Public Works (DPW) relating to the acceptance and use of Chapter 90 funds, as follows:

- a. Authorized by Section 13(c) of Chapter 329 of the Acts of 1980 involving the construction of certain approved roads with a maximum reimbursement of \$59,848
- b. Authorized by Chapter 570 of the Acts of 1980 involving the construction of certain approved roads with a maximum reimbursement of \$33,100.

Executive Secretary Richard E. Thompson read a communication dated September 22, 1980, from Highway Surveyor Robert A. Noyes to the Selectmen requesting the addition of three streets to the list for State funding, as also requested in the Highway Surveyor's letter to State and County Commissioners, dated September 21, 1979.

Mr. Thompson said that it was the recommendation of the Highway Surveyor that the Board's support of his request to the State and County Commissioners would be very helpful.

Selectman Donald asked if this would be the proper time to include any of the "unsafe" streets which the Selectmen have talked about recently, such as roads having dangerous intersections or roads needing straightening. Mr. Thompson stated that the Selectmen could recommend any road in this long range planning, however, the Highway Surveyor would make the final recommendations. Mr. Thompson stated that monies for any long range projects are pooled and projects completed according to priorities. Mr. Thompson stated, however, that the addition of Horse Pond Road, Hudson Road and Pantry Road would certainly address Selectman Donald's concern.

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

VOTED: To approve and sign the following agreements with the Massachusetts Department of Public Works (DPW), dated September 22, 1980, subject to the addition in both agreements of construction projects for "Horse Pond Road, Hudson Road, and Pantry Road":

- 1) An agreement relative to the acceptance and use of Chapter 90 funds authorized by Section 13(c) of Chapter 329 of the Acts of 1980, for a maximum reimbursement of \$59,848;
- 2) An agreement relative to the acceptance and use of Chapter 90 funds authorized by Chapter 570 of the Acts of 1980, for a maximum reimbursement of \$33,100.

Fire Chief's Association of Massachusetts Resolution - Proposition 2½

Present: Fire Chief Josiah F. Frost.

Chairman Murray read a Resolution of the Fire Chief's Association of Massachusetts relative to Proposition 2½ and read the names of the Executive Officers, including Chief Josiah F. Frost, Sudbury, First Vice-President of the Association.

Chief Frost commented that the Fire Chief's Association wishes to work in conjunction with other organizations which are going to be affected by Proposition 2½, by having their services drastically cut.

Executive Secretary Richard E. Thompson stated that he attended the September 18, 1980 meeting of the Massachusetts Municipal Management Association on the subject of Proposition 2 1/2, and explained briefly what technical knowledge had been passed along as to an interpretation of Proposition 2 1/2:

- 1) that the reduction in vehicle excise tax, if 2½ passes, means a \$3.00 increase on the Sudbury tax rate this fiscal year.
- 2) that other impacts of 2½ will take effect in fiscal 1982.

- 3) that passage of 2 1/2 means a loss state-wide of approximately twenty million dollars in general revenue sharing monies.
- 4) that the state legislature can amend the 2 1/2 referendum question if voted on the November ballot.

Mr. Thompson also referenced Question #4 of the State Legislative Constitutional Convention - an amendment to regulate the imposition of state mandates on local government's employee salaries and benefits, and requested the Board's support.

Following discussion it was on motion by Selectman Cossart unanimously

VOTED: To authorize the Executive Secretary to inform the Massachusetts Municipal Association of the Board of Selectmen's support of Item #4 of the Constitutional Convention Calendar.

Traffic Rules and Orders

The question of updating the Town of Sudbury Traffic Rules and Orders, in accordance with recommendations in a communication, dated September 17, 1980, from the Administrative Secretary, was tabled until October 6th for the purpose of allowing time for review by Town Counsel.

At 7:30 p.m. Chairman Murray recessed the meeting for a coffee break; the meeting was called back to order at 7:40 p.m.

Interview - Personnel Board

Present: Miriam L. Perritt, candidate.

Chairman Murray welcomed Miriam L. Perritt and asked her about her interest in serving on the Personnel Board. During the interview, Chairman Murray suggested that Ms. Perritt check with the Selectmen's Office about obtaining a copy of the Personnel Bylaw, as she would need to be familiar with it as a member of the Personnel Board. Ms. Perritt said she would do so. At the conclusion of the interview, Chairman Murray thanked Ms. Perritt for attending tonight's meeting.

Bids - Furnishing Heating Fuel Oil and Burner Service for Town Buildings 1980-81 Heating Season

Present: Josiah F. Frost, Fire Chief.

Executive Secretary Richard E. Thompson stated that the question of accepting bids for furnishing heating fuel oil and burner service for Town buildings for the 1980-81 heating season had been tabled by the Board last week for clarification regarding tank car indexes, the legal requirement of awarding to the lowest bidder, and for a list of companies to whom bid requests had been sent.

Mr. Thompson stated that the Chief's recommendation to award the bid to the higher of the two bidders, Interstate Gas & Oil Corp, was based on the lower increment, which is a constant cost, taking into account that different price indexes were used by the two bidders.

Town Counsel Paul L. Kenny stated that legally the Town can award this bid to the higher bidder - there is no requirement when bidding on material and supplies that states we must take the lowest bidder unless it is a public works bid of a building construction contract.

Responding to Selectman Cossart, who asked if the increment would be fixed during the entire contract, Mr. Thompson stated that as specified in the specifications Interstate's quoted increment of \$.065 is a fixed increment for the duration of the 1980-81 heating season contract.

Also responding to Selectman Cossart, Mr. Kenny stated that, if the Town had required the oil companies to use a specific basis then they would have had to do so, but in this case, we did not. Town Counsel said that an alternative would be to split the bid by giving the service contract to one bidder and the supply contract to the other. Selectman Cossart commented that it would take some incentive out of giving us better service, and expressed satisfaction with Town Counsel's explanations.

Following discussion, it was on motion by Selectman Donald unanimously

VOTED: To accept the bid for supplying No. 2 fuel oil for Town buildings during the 1980-81 heating season, commencing September 1, 1980, from Interstate Gas & Oil Corporation, 239 Nobscot Road, Sudbury, Massachusetts, for a net delivered price of \$.904 per gallon, including a constant increment through the supply period of \$.065, in accordance with their proposal dated September 4, 1980;

and it was further

VOTED: To accept the bid for servicing and cleaning burners and boilers of Town buildings during the 1980-81 season, commencing September 1, 1980, from Interstate Gas & Oil Corporation, 239 Nobscot Road, Sudbury, Massachusetts, for \$14 per hour from 8:00 a.m. to 5:00 p.m. on weekdays and \$21 per hour on nights, weekends and holidays, in accordance with their proposal dated September 4, 1980.

Selectman Cossart inquired for the Council on Aging about the inclusion of the drop-in center in this contract to keep down its operating costs. Mr. Thompson responded that, if heat is not included in the Council on Aging lease with the Congregational Church, it would be possible for this Town agency to be added to the Town's 1980-81 contract with Interstate. Town Counsel confirmed this procedure. Mr. Thompson stated that he would look into the matter and report back to the Board.

Unlicensed Dogs

Executive Secretary Richard E. Thompson briefly updated the Board on the status of the list of unlicensed dogs for fiscal 1980-81.

Following a brief discussion during which the Board decided not to take any action on signing a Warrant to the Dog Officer, it was on motion unanimously

VOTED: To forward the current list of unlicensed dogs dated September 8th to the Dog Officer and request her to personally call those owners of unlicensed dogs listed and report back to the Board for further action, if necessary, in December.

Gift - Senior Citizen Drop-In Center

On the recommendation of Town Counsel it was on motion by Chairman Murray unanimously

VOTED: To table taking any action on a check received for rent for the Drop-in Center.

Rescheduling and Re-arranging Dates and Times of Meetings

It was on motion by Selectman Cossart unanimously

VOTED: To reschedule the Board's meeting of Monday, October 13 to Tuesday, October 14, due to the Columbus Day holiday;

and it was further

VOTED: To change the time and place of the October 6th Selectmen's meeting, as follows: Time - 5:00 - 7:30 p.m.
Place - Loring Parsonage.

Chairman Murray recessed the meeting at 8:00 p.m. for a brief coffee break before the Town Fathers Forum. The meeting was called back to order at 8:10 p.m.

Town Fathers Forum

At 8:10 p.m. Chairman Murray convened the 135th Session of the Town Fathers Forum, a copy of which is attached and is a part of these minutes.

Minutes

Following discussion it was on motion unanimously

VOTED: To rescind the Board's vote of September 15 approving the September 8 minutes (excluding one section not yet drafted regarding revaluation), as amended, and to approve said minutes with further amendments on pages 12 and 15;

and it was further

VOTED: To approve one section regarding revaluation of the Regular Session of September 8 and the Special meeting of August 12, 1980, both as drafted, and the Regular and Executive Sessions of September 15, 1980, both as amended.

Donation - Council on Aging

It was on motion unanimously

VOTED: To accept a donation, on behalf of the Town, a donation in the amount of \$500 from the Star Market Company for the Council on Aging.

Interview - Personnel Board

Present: Cornelius S. Hickey, candidate.

Chairman Murray welcomed Mr. Cornelius S. Hickey, candidate for possible appointment to the Personnel Board.

Following Mr. Hickey's interview, Chairman Murray thanked him for attending tonight and stated that the Board would take action to appoint a member to fill the vacancy on the Personnel Board at its October 6th meeting.

Appointments - Board of Appeals Associates/Earth Removal Board

Executive Secretary Richard E. Thompson stated that he had spoken to Mr. Harold Jacobi regarding his preference relative to serving on the Committee on Town Administration (CTA) or the Board of Appeals Associates/Earth Removal Board, since he is presently a member of both. Mr. Jacobi expressed a desire to assist the CTA for a short time until completion of a project he is currently involved with on that committee, and his intention to resign from the CTA because his preference is to be an Associate member of the Board of Appeals.

It was on motion by Selectman Donald unanimously

VOTED: To re-appoint Harold Jacobi to the Board of Appeals Associates/Earth Removal Board, for a term for expire April 30, 1981.

Current Items of Interest

Auxiliary Police

Selectman Cossart stated that several people have approached him on the subject of the auxiliary police and feels it would be appropriate to have another discussion with the Chief of Police to try and work out some of the details such as, possible weekend use of Town Vehicles by the auxiliary and budgetary issues like funding for uniforms and/or other incentives for auxiliary policemen. Mr. Thompson stated that he would schedule such a meeting as soon as possible.

Sudbury River Diversion

Selectman Donald informed the Board that Ms. Becky Ritchie, member of the Citizen's Advisory Committee to the Metropolitan District Commission (MDC) Sudbury River Diversion Project, had received a two-week extension for filing a joint response from Town boards to the MDC regarding a draft scope of services for the Sudbury Reservoir Water Treatment Plant Environmental Impact Report.

Juvenile Issues

Chairman Murray stated that in speaking to Superintendent David Levington of the Lincoln-Sudbury Regional High School about juvenile problems and the issue of alcohol and drinking on school premises, he stressed the importance of handling this problem in conjunction with the Police Department and not

totally in-house. Selectman Murray was informed by Mr. Levington that the High School Committee is in the process of putting an alcohol awareness program together involving the teachers and invited anyone else interested in the issue to attend. Mr. Levington said that he would be in touch with Chief Lombardi about the program.

Chairman Murray continued to say that in speaking to Superintendent LoPresti of the Sudbury Schools he learned that there is an on-going program dealing with drug abuse, health care and related subjects at the High School and at the Junior High through the Health Department, and Dr. LoPresti stated that he would like to take more time to consider other areas we could approach. Mr. Murray commented on the importance of educating the public as to what is going on.

Personnel Classification & Salary Plans and Administration Plan

Chairman Murray stated that he spoke to the Park and Recreation Commission concerning the Personnel Board's problem with the Commission's process of hiring summer help. Responding to Chairman Murray's question, Mr. Thompson stated that a person can be re-hired by the Town without notification to the Personnel Board if he is hired at the same step. Following further discussion, Chairman Murray suggested that perhaps a handbook for department heads and elected officials should be offered to newly-appointed officials.

At the direction of Chairman Murray, Mr. Thompson said that he would look into Chairman Murray's suggestion.

Reserve Policemen

Mr. Thompson informed the Board that the Authorization of Employment for the nine Reserve Police Officers had been approved by the Division of Personnel Administration on September 16, 1980.

General Bids for Police Station Construction

Mr. Thompson informed the Board that general bids for the Police Station construction will be opened on September 25 - this extension was made by the State Department of Labor and Industries to give general contractors a little more time following the opening last Thursday (September 18th) for sub-contractors.

News Item

Mr. Thompson distributed two news clippings:

- 1) published in THE TAB on September 17, 1980, relative to a program in Boston on alcoholism; and
- 2) published in THE SUNDAY GLOBE on September 21, 1980, entitled "Towns Plan Joint Attack on Moth Attack" sponsored by the Natick Tree Warden.

Fire Department Testing

Selectman Cossart commented and questioned the necessity of future testing for firefighters within the Fire Department due to the amount of money and time involved and requested the Executive Secretary to discuss the matter with the Fire Chief and report back to the Board.

General Discussion with Town Counsel

Revaluation

Executive Secretary Richard E. Thompson suggested that the Board allow Town Counsel to review the minutes of the meetings with the Assessors on the subject of revaluation before discussing legalities on the same, unless there were some general questions tonight. Town Counsel Paul L. Kenny reviewed what had taken place so far concerning the Town's revaluation and stated his understanding that, in addition to individual conferences held with the assessing firm on individual concerns, there are also two areas of concern regarding incorrect assessments:

- 1) in the flood plain areas, due to the flood plain data inadvertently left off the Assessors' maps used by the revaluation firm; and
- 2) in some cases, the 60,000 square foot value had been incorrectly accorded to a 40,000+ square feet (one-acre) lot by the revaluation firm. Mr. Thompson commented that, although there had been some talk about holding a Special Town Meeting, a Special Town Meeting may not be the way to handle and/or correct the situation. Selectman Cossart stated that if this were to happen it should be with the support of the Board of Assessors. It was agreed that some progress had been made as a result of individual conferences and some questions which have been already addressed by the Assessors.

The Executive Secretary agreed to review again with Town Counsel the question relative to the elderly losing certain abatements as a result of the new revaluation.

Longfellow Glen

Mr. Thompson reviewed that the Board had requested at its September 15th meeting that the Board of Appeals allow Town Counsel to review the final Conditional Comprehensive Permit for the Longfellow Glen project before it is submitted. Mr. Thompson stated that he spoke to Chairman Myron Fox of the Board of Appeals, who had expressed his willingness and intention to take it up with the full Board. Mr. Thompson stated that he would follow up on that.

Town Counsel stated his willingness to review the entire package concerning the Longfellow Glen project, specifically the final draft of the Conditional Comprehensive Permit.

Chapter 416 of the Acts of 1980

Following discussion relative to the question on the so-called grandfather legislation acceptance - Chapter 416 of the Acts of 1980, which pertains to the qualification requirements of an assessor - the Selectmen requested Town Counsel to find out from the Department of Revenue when we can anticipate the criteria of the qualification requirements for a new assessor. (It was understood that an assessor holding office was grandfathered.) Mr. Thompson stated that nothing had been received from the Massachusetts Assessors Association.

Executive Session

At 10:30 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.

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

Chairman Murray announced that Public 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