

IN BOARD OF SELECMEN
MONDAY, FEBRUARY 14, 1983

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

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

Tax Anticipation Notes

Present: Town Clerk Betsey M. Powers and Town Treasurer Chester Hamilton.

It was on motion by Selectman Murray unanimously

VOTED: To confirm an emergency telephone vote of the Board on February 7, 1983, to authorize borrowing in Tax Anticipation Notes in the amount of \$3,000,000, to be effective February 23, 1983, and due June 15, 1983, and to approve and sign this evening, notes as follows:

| | | |
|--|-------|--------|
| Guaranty First Trust Co. | 4.35% | 250M |
| Shawmut Bank of Boston (4.86% less premium \$624.00) | 4.46% | 500M |
| Bank of New England | 4.65% | 1,000M |
| First National Bank of Boston (5.72% less premium \$832) | 4.65% | 250M |
| State Street Bank and Trust Co. | 4.70% | 200M |
| Shawmut Community Bank, N.A. | 4.75% | 250M |
| Boston Safe Deposit and Trust Co. | 4.82% | 350M |
| State Street Bank and Trust Co. | 4.82% | 200M |

The above was requested in communications from the Town Treasurer, dated February 4 and 10, 1983.

Sudbury Housing Authority Vacancy

Present: Executive Director Jo-Ann Howe, Charlotte E. Goss, Myrna C. Goldstein and Cheryl A. Rogers, Sudbury Housing Authority; Linda S. Gregory and Henry L. Tischler, applicants.

Chairman Cossart convened a joint session with members of the SHA to deal with the vacancy on that Committee.

Executive Secretary Richard E. Thompson informed the Board that Mr. Pasquale T. Piscitelli had withdrawn his candidacy, and that two of the remaining candidates - Guy L. Dietrich and Linda S. Gregory - had returned papers for the Annual Town Election.

Mr. Henry L. Tischler stated he inadvertently did not return his papers within the deadline but that he was very interested in serving on the SHA. He questioned the advisability of running as a write-in candidate. The Selectmen agreed that there was a definite disadvantage in running as a write-in.

Responding to Selectman Murray, SHA Executive Director Jo-Ann Howe stated that it would not be disadvantageous for them to wait until the March Annual Town Election rather than appoint temporarily, especially in view of the fact that they have only two scheduled meetings before the Election.

It was on motion by Selectman Murray unanimously

VOTED: To appoint Richard E. Thompson, Clerk, for the purpose of conducting an election by roll call vote to fill the vacancy on the SHA.

Chairman Cossart called for nominations and there being none announced that elections were closed.

It was on motion by roll call

VOTED: To adjourn the joint session.

(Roll call vote: William J. Cossart, in favor; Anne W. Donald, in favor; Myrna C. Goldstein, in favor; Charlotte E. Goss, in favor; John E. Murray, in favor; Cheryl A. Rogers, in favor.)

Site Plan #83-251 Mobil Oil, 432-434 Boston Post Road

Present: Barnard L. Cosgrove, Senior Real Estate Representative, Thomas A. Greene, Engineer, and Atty. John C. Powers, for Mobil Oil; Building Inspector Joseph E. Scammon; and Fire Chief Michael C. Dunne.

In accordance with Article IX, Section V, Paragraph A of the Sudbury Bylaws the Board considered site plan 83-251 of Mobil Oil Corporation, for property located at 432-434 Boston Post Road, corner of Union Avenue and Boston Post Road, Business District #5, for the purpose of converting the station to self-service.

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 Conservation Commission and from the Health Director (dated January 27, 1983) both expressing no concern;
- from the Building Inspector, Joseph E. Scammon, the Town Engineer and the Planning Board, dated February 2, January 17 and February 1, respectively, all recommending approval with the stipulation that one additional parking space be shown on the plan and that the Landscape Bylaw be waived; additionally, Mr. Scammon indicated that the site plan requires Board of Appeals action because the proposed canopy does not meet the front yard setback requirement from the street line; and
- from the Fire Chief, dated February 3, recommending conditional approval.

Atty. John C. Powers for Mobil Oil Corporation showed the existing site plan and explained that the only change would be in the pump area. They propose to remove the existing two islands and pumps, replacing them with a double pump, dog bone island, covered with a canopy. There will be no changes to the building; landscape improvements will be made.

Regarding the canopy construction, Engineer Thomas A. Greene stated that the height of the canopy to the peak is seventeen feet - it is fourteen feet to the lowest position. (As indicated in the Building Inspector's February 2 report, the canopy meets the center line setback, but not the front yard distance (37.5); it is only 29.75 feet from the street line, which necessitates application to the Board of Appeals.)

Mr. Greene stated that their initial proposal was for two islands (split island), but that the final proposal is for two dog bone islands, each containing one pump, and six hoses, for a maximum of four cars filling at one time. That permit request, he stated, has been submitted to the State Fire Marshall's office and is waiting approval. Fire Chief Michael C. Dunne stated that he had spoken to the State Fire Marshall's office today and learned that they would not be addressing this particular permit for one to two more weeks due to a backlog in work.

Referencing the three stipulations for approval set forth in his communication, Chief Dunne stated it was written in conjunction with the initial proposal for the split island. However, he maintained that his site plan approval is contingent upon 1) a ground level automatic fire extinguishing system; 2) mirrors installed to make this island visible to the attendant at all times; and 3) compliance to the provisions of 527 CMR 5.04(16).

The Fire Chief further commented that people who are not capable of using self-service stations, i.e., the elderly and handicapped, are being forced to use them; he pointed out that this presently is the only station in Sudbury adjacent to shopping areas that is offering service to people. Mr. Powers stated that they have to think of the economics of business.

Chairman Cossart expressed his opinion that the Town does not need another self-service station, it will not improve the appearance of Route 20, and that from the standpoint of what it does for the Town, he cannot in any way enthusiastically support another self-service gas station and another plastic canopy along Route 20. Chairman Cossart added that, in view of the fact that there is a zoning concern requiring Board of Appeals action, in his opinion this is grounds for stopping the site plan right now. Selectman Donald stressed the inconvenience of the elderly and/or the handicapped being forced to use the self-service stations.

Selectman Murray commented that he personally favored the split island - self-service and full service.

Atty. Powers stated that the site plan is in conformance with the exception of the canopy. He added that this Mobil station has been in Town for many years and one of the nicest stations esthetically in Town, and that that track record should be considered.

Mr. Barnard L. Cosgrove stated that the canopy has been designed specifically to compliment the architecture they maintain now, it will be a steel structure with a plywood roof covered with shingles in earth tones. The island is designed to make it easier for people to use the pumps. He agreed with the Fire Chief's point regarding the elderly and handicapped using self-service pumps but implied he had no other choice, economically speaking.

Mr. Powers added that the canopy is necessary for protection against weather and will contain fire extinguishing equipment, as requested by the Fire Chief.

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

VOTED: To approve site plan 83-251 of Mobil Oil Corporation, for property located at 432-434 Boston Post Road, corner of Union Avenue and Boston Post Road, for the purpose of converting the station to self-service, subject to the addition of one parking space, the granting of a variance from the Board of Appeals, and approval from the State Fire Marshall and the Fire Chief.

(Chairman Cossart, opposed; Selectman Murray, in favor; Selectman Donald, in favor.)

It was further on motion by Selectman Donald

VOTED: To waive the provisions of the new Landscape Bylaw.

(Chairman Cossart, opposed; Selectman Murray, in favor; Selectman Donald, in favor.)

Later in the evening the Board signed the site plan which was amended by the Building Inspector in conjunction with the Board's vote.

Inflammable Storage License Application - Coatings Engineering

Present: General Manager Thomas G. Craig, Technical Manager Albert J. Zaccone, Comptroller George Maravelias, Atty. Lane McGovern and Consultant Tarik Pekin, Camp, Dresser & McKee, for Coatings Engineering; Michael W. Guernsey and Richard L. Stevens, Board of Health; and Fire Chief Michael Dunne.

Chairman Cossart convened a public hearing on the application of Coatings Engineering Corporation for a license to store aboveground two thousand gallons of inflammables - Methyl Ethyl Ketone, Methyl Isobutyl Ketone, Toluene, and Isobutanol - Class A, on property located at 33 Union Avenue.

Executive Secretary Richard E. Thompson stated that all appropriate abutters had been notified and that the following communications had been received:

- from Building Inspector Joseph E. Scammon, dated February 4, 1983, stating no objection to the issuance of the above license;
- from Fire Chief Michael C. Dunne, dated February 2, 1983, supporting the above-noted license request contingent upon Coatings agreeing to maintain the fire suppression systems they have and to submit verification to the Fire Department twice per year at six month intervals that the systems are fully operational and in good condition; and
- from Health Director John V. Sullivan, dated February 4, 1983, stating that the recent analyses showed no consistent improvement of the waste water discharge; that air emissions test results have not yet been received and

that visually there is no change; and there are still significant waste water and air pollution problems. Minutes of the January 19, 1983, Board of Health's meeting were also received, and with respect to Coatings Engineering, the Board of Health concluded that it was not happy with the results, but will not take a position on the issuance of the (above-noted) permit.

Atty. Lane McGovern reviewed the operations of Coatings Engineering, 1974-82. He stated that Coatings had been operating without the license being requested this evening because everyone (Town and Coatings) thought that this particular type of license was unnecessary. Early in 1982, there was a re-thinking of this regulation and Coatings was notified that it must apply to have these chemicals stored above ground. Atty. McGovern added that there was no significant fire risk then or now. At the April 1982 hearing of the Board of Selectmen there were complaints regarding water and air quality which led the Selectmen to deny the license without prejudice to allow Coatings time to demonstrate compliance with the Agreement for Judgement between Coatings, the Attorney General and the Department of Environmental Quality Engineering (DEQE). Coatings made a decision then not to contest but to try and cope with the problem in a practical way, and they feel they have made significant progress as follows:

- 1) They hired Camp, Dresser and McKee (CDM); a large problem was that DEQE lacked confidence in the former consultant. They have paid CDM \$50,000 for their consultant services relating to water quality.
- 2) They hired David Gordon and Associates of Newton and spent \$20,000 for their expertise in dealing with Coatings' air problems.
- 3) A new carbon treatment system for water by CDM, under the direction of DEQE, has cost Coatings \$50,000.
- 4) Coatings has cleaned up the lagoon and ditch at a cost of \$75,000.
- 5) Under the guidance of Gordon Associates and with the approval of DEQE, Coatings has installed new filter air treatment equipment at a cost of \$75,000.

Atty. McGovern stated that Coatings has expended countless hours with these problems for ten months and has arrived at an Agreement for Judgement with DEQE which spells out what the steps are to be taken in dealing with the water quality problems. On the other end of the spectrum, Coatings is being held back because of the small tank dipping process; an extra (third) shift has become necessary at an additional cost of \$10,000 a month, and, in their opinion, there was not a corresponding need for this. Atty. McGovern stated that he understood the Selectmen's concern that the Town will be protected and continued to say that, in speaking with the Board of Health, he was told that the Board is not satisfied with their monthly reports but are not concerned about the issuance of the license since they are bound by the Agreement for Judgement and able to monitor the water and air quality problems. Atty. McGovern indicated that for these reasons it is not necessary for the Town to withhold the storage license.

Selectman Murray stated that Atty. McGovern's presentation was a very good summation but that he left out the most important factor - the Town waited years but it was not until the Selectmen denied the storage license that Coatings seriously began to do something about this problem.

Chairman Cossart stated that he can see that impressive amounts of money have been spent but there is no tangible evidence that the discharges have been improved as a result of these expenditures.

With respect to water quality problems, Mr. Tarik Pekin of CDM commented in relation to the primer being used in the smaller tank. (Approval of the license application would allow them to use a larger tank.) During the process of using the primer in the smaller tank, he said, a manual operation rather than a pumping system, there is some accidental spillage - not a discharge - which is increased because of the manual operation. He stated it was a house cleaning problem. Responding to Chairman Cossart, Mr. Pekin stated that the major contaminants to the water (which end up in the ditch and ground water) are from the plasticizers used and from the washing of the air pollution control equipment.

Also responding to Chairman Cossart, Mr. Pekin stated that liquid effluents have been analyzed monthly and those reports sent to the State DEQE. He said the reports show some improvement; that a portion of the carbon absorption system has been installed; that they have identified the problems and have specified the equipment to correct the situation, and that once installation is complete there will be more improvement.

Chairman Cossart stated he had not seen any reports. Dr. Richard L. Stevens stated that the Board of Health had received reports in August, November, December and February, not monthly, and that those reports were inconsistent; he mentioned carbon and organic discharges. Dr. Stevens stated that the Board of Health will deal with the DEQE - substantial penalties will be issued to Coatings by them, and that the Board of Health prefers not to take a position regarding the license approval.

Chairman Cossart stated that when the Selectmen denied the permit it was with the idea that Coatings would then be put in a position to halt production and would, therefore, cause them to work out the air and water control. Dr. Stevens commented that forcing Coatings to alter their production makes it difficult for CDM to monitor their process and to plan out a good system of control. Dr. Stevens expressed his personal disagreement with the Fire Chief in that it was his opinion that a great amount of storage of these chemicals is a fire hazard.

Mr. Craig commented and concluded that they have cut down the use of water in their precipitators and installed a carbon system to clean the air with the net result showing steady improvements in water and air - that he did not know the percentage of efficiency as a result of the air filters but that it was visually better and there is not as much water going into the stream. Mr. Pekin stated that compared to ten months ago there is a change and reiterated that there will be more improvements as additional equipment is put in.

Abutter Clifford Hughes of 27 Concord Road noted several dates during the months of November, December and January, especially when there is a west wind, that the offensive odor from Coatings was prevalent. He stated that he was told by DEQE when he called that, "It is bad and to get out of it." Responding to the Selectmen, Mr. Hughes stated, however, that there has been some improvement.

Mr. Michael W. Guernsey stated that he and Health Director John V. Sullivan had visited Coatings today and reported that air units were functioning, there was nothing visual coming from the stack, and they observed the air inside to be a haze. He stated they have looked over the carbon systems on several occasions; the initial ones were changed because of a problem. He stated that one of the problems with the monthly reports is the timing - it is six weeks after they are analyzed that the Board of Health receives them. He reiterated what Dr. Stevens had stated earlier that the reports show no consistent improvements.

Mr. Craig stated that they are working with CDM and that DEQE is satisfied with their progress.

Dr. Stevens commented that the Board of Health has yet to receive reports regarding air quality although they were promised last summer. Dr. Stevens explained one difficulty in dealing with the DEQE being that air and water problems are handled separately by people in different divisions rather than handled as a combined problem.

Atty. McGovern stated that Coatings has installed precisely the equipment DEQE had requested, they are right on top of the situation, and this measure of protection from the DEQE is what the Selectmen can rely on. Atty. McGovern further stated that the primary issue regarding this license application is fire risk, although the Selectmen can consider other issues such as health risks. He explained that the smaller primer tank is actually more of a health risk than the larger one because of the hydraulic equipment in the larger tank versus the manual operation of the smaller tank. Also, Gordon Associates had designed the air equipment for the primer tank but cannot go forward with this until Coatings gets back into normal operation. He concluded by stating that there is a much different situation now than there was a year ago.

Chairman Cossart expressed his opinion that Atty. McGovern's knowledge of the process is not complete enough to substantiate his points, that the risks are volume related, that CDM specified the process not DEQE, and requested that he find a way of substantiating the benefits of the work that has been going on at Coatings and find a way of showing the Selectmen what the vapor and water effluents are.

Mr. Craig stated that he questioned the Board's knowledge of the process and that he didn't agree with what Chairman Cossart said. Responding to Chairman Cossart, he stated that the same amounts of plasticizers are being used, only by three shifts in the smaller tank instead of two shifts in the larger tank.

Atty. McGovern reiterated that there has been substantial improvements since one and one-half years ago and the discussion tonight seems to be focussing on the fact that the monthly tests are showing no consistency. He expressed his opinion that there have been improvements and, everybody concedes, more to be made; but there is a great penalty to operating in this manner.

Selectman Donald, speaking on behalf of the Selectmen, stated that they do not deny Coatings is working on these problems, but that they have not seen conclusive results.

Mr. Pekin stated that that statement can only be made if the Selectmen have not read the reports or compared the test results of ten months ago to date. He asked that the Selectmen have some trust in their competency and allow them to progress.

Selectman Murray stated that the Selectmen are not taking issue with what they are doing but with the fact that they have not seen any results on what the status is.

At the conclusion of discussion, it was on motion by Chairman Cossart unanimously

VOTED: To take the matter under advisement for one week to February 23 in order to receive copies of the monthly reports which had been forwarded to the Board of Health but which the Selectmen had not recieved, and any other data from ten months ago that would be pertinent today, i.e., showing water and air improvements since installation of new equipment.

Petition Article 26 - Discontinue Portion Powder Mill Road

Present: Brian Pettigrew, Project Management; Gerald B. Morse and Russ Henselman, Safety of Our Streets Committee; Fire Chief Michael C. Dunne.

The Safety of Our Streets Committee met with the Board on December 20, 1982, to discuss two petition articles, alternate ways of dealing with what they consider to be serious traffic safety problems on Powers and Powder Mill Roads which will be intensified with the proposed development of both industrial and residential land by Project Management and others along Powder Mill Road.

The Board was in receipt of two communications from land owners since that meeting relative to petition Article 26 - creating two cul-de-sac turn-arounds at a point where Project Management's industrial and residential lands meet on Powder Mill Road with a gate closing the Road to through traffic:

- 1) from Brian Pettigrew of Project Management agreeing to the following items as conditions for the granting of site plan approval on his industrial site:
 - a) Project Management will construct at its expense all cul-de-sac turn-arounds, access road and gate, etc.;
 - b) as a deed restriction on both the industrial and residential land, Project Management agrees that no road will be constructed on either parcel which will re-join the Powder Mill Road cul-de-sac; and
 - c) Project Management will provide snow plowing of Powder Mill Road on the industrial end and of the emergency access way.

Mr. Pettigrew further states in his letter that various Town agencies, including Fire, Police and Highway Departments, support the approval; additionally, that the Maynard Road and Gun Club supports the above and agrees to pledge deed restrictions not to build a similar circumventive road.

- 2) From the Maynard Road and Gun Club, dated February 14, 1983, which states that a) they prefer Powder Mill Road being kept as a through street, and b) the proposed closure and cul-de-sacs would be acceptable only if their Sudbury property were rezoned from Residential to Industrial.

Additionally, the Board was in receipt of the following reports subsequent to the December 20 meeting:

- from Town Engineer James V. Merloni, dated February 3, 1983, setting forth the following problems associated with the proposal:
 - 1) The elimination of the north-south Powder Mill Road will stress the remaining four north-south roads;
 - 2) Emergency and maintenance service via a gated service road has the potential of serious problems if said road and gate are not in perfect condition;
 - 3) One hundred acres of Sudbury property will no longer have access to the Town by way of Sudbury's streets; this includes thirty-eight acres of the Maynard Rod and Gun Club's residential land in Sudbury whose potential residents' only access to the Town would be via the Town of Maynard; and
 - 4) The existing safety problem of the narrow, winding Powder Mill Road remains, and in the case of Powers Road, will be magnified because of added traffic from the closing of Powder Mill Road.
- from Fire Chief Michael C. Dunne, dated January 17, 1983, stating approval conditioned on Fire Department through access at all times, interconnecting way to be maintained by Town standards at all times, the Town and its employees will have no liability for damage to the gate, and placement of fire hydrants, if necessary, to be at the end of each cul-de-sac.
- from Police Administrative Assistant Sergeant Peter B. Lembo, dated January 14, 1983, indicating that the cul-de-sacs would alleviate future traffic problems encountered by residents abutting the proposed industrial park.

Mr. Pettigrew reaffirmed the commitments set forth by Project Management and stated that the Maynard Rod and Gun Club's letter was not what he thought they would produce based on his conversations with the Executive Committee. He further stated his opinion that the Club would submit another letter, upon request, clarifying its position that they approve the cul-de-sac regardless of whether its land is re-zoned.

Selectman Murray expressed some concern regarding the legalities of closing that road in terms of State approval. Mr. Pettigrew responded that he had gone over the plans with the State Department of Public Works and their position is

that if it does not involve State highway funds, it does not involve the State. Additionally, he had checked with their counsel and is assured that Project Management can bind themselves to provide to the Town installation and maintenance of the facilities. Mr. Pettigrew added that his, and a small section of the Rod and Gun Club's property, are the only properties which would be isolated from the Town by the discontinuance of Powder Mill Road.

Mr. Gerald Morse, speaking on behalf of the Safety of Our Streets Committee, stated that the cul-de-sacs would be a compromise position - the best way to satisfy the SOS Committee, Project Management, and the Town, but it is not perfect.

At the conclusion of discussion, the Board supported in theory the petition article for the discontinuance of Powder Mill Road, as discussed above, and agreed to take the matter under advisement for one week to February 23, the Board's next meeting. The Board requested that Town Counsel review all aspects of the proposed discontinuance, particularly with respect to conditioning site plan approval and the procedures necessary to effect this road alteration, and report on February 23.

Mr. Pettigrew requested that the SOS Committee withdraw their alternate article - Article 25, Amend Bylaws, Art. IX,II,C -Rezone LID #2.

Offsets, ATM Appropriations

Following a brief review, it was on motion by Selectman Murray unanimously

VOTED: To approve offsets for the 83ATM appropriations, as set forth in a February 3, 1983, communication from Town Accountant James Vanar.

Shay/Griffin Dog Complaint

Subsequent to the Shay/Griffin dog hearing held and taken under advisement on January 31 the Board received a communication from the Dog Officer, dated February 11, setting forth a time schedule agreed upon by the Shays and the Griffins for allowing their dogs to run loose during appropriate dog control hours as a solution to keeping the two dogs apart.

It was on motion by Selectman Donald unanimously

VOTED: To approve on a trial basis the recommendation set forth in the Dog Officer's communication of February 11, and further directed that the Dog Officer monitor the situation, and report back to the Board any further complaints.

Fairbank School Building

Following review of a communication from the Executive Secretary, dated February 1, 1983, relative to repairs to the Fairbank School to date, authorized under Article 1 of the October 7, 1982 Special Town Meeting, it was on motion by Selectman Donald unanimously

VOTED: To authorize the expenditure of \$2,223 under the direction of the Building Inspector for the purchase and installation of one pair of double doors for the Fairbank School, as set forth in a quote dated January 26, 1983, from Brighton Lock & Door Co., and as authorized under Article 1 of the October 7, 1982, Special Town Meeting.

Printing 1983 Annual Town Meeting Warrant

The Board confirmed its telephone vote of February 7, 1983, to accept the low bid from D. Irving & Co., 16 River Street, Braintree, Massachusetts, dated January 31, 1983, at the price of \$16.28 per page, for Printing the 1983 Annual Town Meeting Warrant in Accordance with specifications dated January 18, 1983.

Due to the low bidder, D. Irving & Co., not accepting the Board's award, it was on motion by Selectman Donald unanimously

VOTED: To rescind the Board's above telephone vote of February 7, 1983.

It was on motion unanimously

VOTED: To award a contract in accordance with the bid dated January 24, 1983, to The News Printing & Publishing Company of Worcester, Inc., 24 Jolma Road, Worcester, Massachusetts, for printing the 1983 Annual Town Meeting Warrant at the price of \$21.00 per page and in accordance with Town of Sudbury specifications dated January 18, 1983.

Gray Lines Service

The Board reviewed information relative to cuts in service to Sudbury by the Gray Lines Bus Company and Chairman Cossart directed the Executive Secretary to pursue the matter further by contacting Mr. Jack Howe, Sudbury commuter, following which the Selectmen will make the determination of whether or not it is necessary for the Selectmen to meet with Mr. Scanlon, President of Gray Lines.

FY83 Real Estate and Personal Property Values Submission

The Board acknowledged receipt of a communication dated February 1, 1983, from the Board of Assessors regarding its submission of FY83 Real Estate and Personal Property values of the Town of Sudbury to the State Department of Revenue for certification.

Reports and Positions - 83ATM Articles

It was on motion by Selectman Donald unanimously

VOTED: To approve the Selectmen's reports on articles submitted for the 1983 Annual Town Meeting with amendments suggested by Selectman Donald to the Loring School Disposition warrant report.

Mr. Thompson called the Board's attention to the fact that two Personnel Board articles had been withdrawn - amendments to the Personnel Administration Plan, Art. XI, 7 (1 and 2), Holidays and Sick Leave; also, that the Finance Committee recommends \$20,000 for Article 10, Retirement Pension Fund.

The Board tabled the matter of taking positions on remaining articles to its next meeting of February 23, 1983.

Chairman Cossart commented that the Personnel Board's amendment to Article 4A concerning the Personnel Administration Plan, Art. XI, 3 and 10 - Nepotism Definition/Policy - is not adequate and indicated it would not be acceptable to him as it is presently written.

Accept Donation

It was on motion by Selectman Murray unanimously

VOTED: To accept on behalf of the Town, as Trustees of Town Donations, miscellaneous donations in the amount of \$208.75 to be used for the Council on Aging van.

Reimbursement Anticipation Note Renewal

It was on motion by Selectman Murray unanimously

VOTED: To confirm the Board's action of February 2, 1983, of signing a \$119,000 Reimbursement Anticipation Note renewal dated February 10, 1983, and due April 11, 1983, with interest at 4.75%, pursuant to the Board's authorization of January 31, 1983, acting in accordance with Article 9 of the October 7, 1982 Special Town Meeting and at the request of the Town Treasurer in a letter dated January 26, 1983.

Minutes

It was on motion by Selectman Donald unanimously

VOTED: To approve the minutes of the Regular Session of January 31, 1983, as drafted.

Issuing Authority Report - CATV

It was on motion by Selectman Donald unanimously

VOTED: To confirm the Board's vote of February 7, 1983, to approve and sign an Issuing Authority Report on the cable television system specifications to be transmitted to applicants as part of the cable licensing process.

Papa Gino's, 104 Boston Post Road - Site Plan Revision

It was on motion by Selectman Donald unanimously

VOTED: To approve a revision to Site Plan 82-248 of Papa Gino's of America, Inc., 104 Boston Post Road (approved by the Selectmen November 8, 1982), increasing the parking area by seven spaces, as requested in a communication from Schofield Brothers, Inc., Engineers, dated February 7, 1983.

Executive Secretary Richard E. Thompson noted the Building Inspector's approval of the revision and the Town Engineer's approval as indicated in a communication dated February 9, 1983. Mr. Thompson added that a new site plan would be submitted, for the Board to sign, which would show this revision.

Selectman Donald expressed concern that the additional parking spaces not be re-located in the wetland area on the site. Mr. Thompson responded that this would be checked when the revised site plan is submitted.

Sale of Chapter 61A Property

It was on motion by Selectman Murray unanimously

VOTED: To respond in the negative to an offer dated January 27, 1983, from Atty. Robert E. Dyson, for Warren L. and Arline D. Dyson, 107 Plympton Road, Sudbury, to sell to the Town approximately six acres, designated as Parcel G-10 on Assessors' Maps, made in accordance with the provisions of Chapter 61A (title reference and property description: Land Court Certificate Number 152544 recorded S. Middlesex Registry of Deeds at Book 786, Page 58).

Chairman Cossart directed the Executive Secretary to contact the Tax Collector regarding the tax status of the property.

Union Avenue Reconstruction

It was on motion by Selectman Murray unanimously

VOTED: To approve and sign a reimbursement request to the State Department of Public Works, under agreement M.A.#29640, in the amount of \$2,197.09, for Union Avenue reconstruction for the period September 27 - December 31, 1982.

Speed Humps

As a result of previous discussions on the subject of whether or not the Town should make use of speed humps to reduce speed in traffic safety problem areas in Sudbury, as suggested by the Town Engineer, the Board acknowledged receipt of a communication from the State Department of Public Works, dated January 31, 1983, responding to Assistant Town Counsel Thomas M. French's inquiry of January 19, 1983. DPW Commissioner Robert Tierney confirmed that this type of traffic control does not appear in their Manual on Uniform Traffic Control Devices, and stated that the Department has not developed a policy regarding the use of the same, pointing out, however, that liability is a serious issue and cautioned the Town regarding extensive use of speed humps or bumps.

Executive Secretary Richard E. Thompson suggested using speed humps on an experimental basis - perhaps on Dudley Road - stating that the cost for the installation of a pair would be in the neighborhood of \$500-1,000.

During discussion the Board concurred to proceed with plans for the installation of speed humps on Dudley Road, to request the Town Engineer to draw up plans for the same with the intention that they would be installed by the Highway Department but only after the Dudley Road residents have been informed and have commented back on the Town's intention on their behalf.

Sudbury Sanitary Landfill

Selectman Murray stated that he had attended a meeting in Framingham with the Sudbury and Framingham Town Engineers and the head of the Framingham DPW regarding the Sudbury Landfill operation, and that, after meeting with Town Engineer James V. Merloni again, he would be giving a written report to the Board.

Proposition 2 1/2 Override

The Board acknowledged receipt of a communication dated February 8, 1983, from Margaret and Ronald Espinola expressing their personal concern that Proposition 2 1/2-induced budget limitations may have catastrophic effects on Town services for FY83-84 and urging the Selectmen to place on the Warrant for the Town Election a majority vote override of the same to provide this option if the Town Meeting determines it necessary.

Following a brief discussion, the Board directed the Executive Secretary to respond to the Espinolas that the Board has been looking into the same, has considered it but feels it is premature to make a decision at this time and that the Board appreciates their interest and concern.

Massachusetts Municipal Association (MMA) Legislative Conference

Selectman Donald stated that she would be in touch with the Executive Secretary as to whether or not she would be able to attend the MMA Legislative Conference, scheduled for March 5. Both Selectman Cossart and Murray indicated they did not plan to attend; likewise, Mr. Thompson indicated he would not be able to attend as he plans to be out-of-Town.

DeLellis Wall at 277 Old Sudbury Road

The Selectmen acknowledged receipt of a communication dated February 8, 1983, to Town Counsel from the Historic Districts Commission relative to the DeLellis wall at 277 Old Sudbury Road.

Minuteman Energy Alliance

Selectman Donald stated that she had received a questionnaire/application from the Minuteman Energy Alliance to be filled out by the Town explaining energy conservation measures taken within the Town's municipal and school buildings, and that a meeting on the same had been scheduled for Wednesday, April 20.

Mr. Thompson was directed to forward the information to Mr. John Wilson, Schools Administrative Director and Town Energy Coordinator.

Retirement Parties

The Board discussed two different parties being held for Fire Chief Frost - one given by the Kiwanis Club to be held at the Wayside Inn, Tuesday, February 22, and the other given by the Sudbury Firefighters Association, in conjunction with the Selectmen, to be held at the Hillcrest, Waltham, Friday, March 18. The Selectmen indicated their interest in attending both parties.

Mr. Thompson informed the Board that a retirement party is also planned for retiring Town Clerk Betsey M. Powers, April 28, 1983.

Honorary Speaker - Article 1, 83ATM

At the suggestion of Chairman Cossart, the Board discussed whether it would be more appropriate for retiring Town Clerk Betsey M. Powers or retired Fire Chief Josiah F. Frost to present the first article of business, as honorary speaker, at the 83ATM rather than Selectman Chairman Cossart, designated by the Board. The Executive Secretary was directed to inquire as to whether or not Mrs. Powers planned to be in Town for Annual Town Meeting.

Returned Checks - 1983 Annual Licenses

Executive Secretary Richard E. Thompson informed the Board that checks for payment of 1983 annual licenses for Ephraim's of Sudbury and Sudbury Variety had been returned twice by the bank, the last time for no re-deposit. On the recommendation of the Executive Secretary, in accordance with G.L.c138,s.70, the Board directed that a communication be sent informing both parties that unless a certified bank check is received by the Selectmen's office within seven days of the date of receipt of the letter that they surrender their license forthwith.

Police Chief Nicholas Lombardi

The Board acknowledged receipt of a communication/report from Dr. Peter B. Brassard, Police Chief Nicholas Lombardi's physician, indicating that he did not feel Chief Lombardi will be able to return to the unrestricted activity of a police officer; that the patient is permanently impaired from performing his duties.

On the question of payment of Chief Lombardi's hospitalization and medical bills totaling \$2,057.50 to date, the Selectmen directed that the Executive Secretary forward the bills to Town Counsel for comment and report back to them. Mr. Thompson responded to Selectman Murray that injuries within the Police and Fire Departments, incurred in-the-line of duty were not covered under Blue Cross-Blue Shield but required payment by the Town, or its insurance carrier.

Police Chief's Exams

Mr. Thompson informed the Board that the Police Chief exam had been held this past Saturday and that the two Sudbury Police Officers who took the exam were, Peter B. Lembo and Wesley M. Woodward.

Mr. Thompson requested that the Board consider requesting local preference in accordance with G.L.c31, s.58, and that he would send the Board copies of the same for the next meeting.

Sudbury, Ontario, Canada

Mr. Thompson stated that he had confirmed the date and plans for the trip to Sudbury by the group from Sudbury, Ontario, Canada.

Mr. Thompson informed the Board that he will be requesting a transfer in the amount of approximately \$700 to pay for a reception for the group at the Wayside Inn and transportation between Boston and Sudbury and Red Sox tickets; the latter to be reimbursed to the Town.

Cul-de-sac Powder Mill Road

Chairman Cossart stated he had received a telephone call from Carrie Waite strongly opposing the cul-de-sac proposal for Powder Mill Road.

Invitation from Governor Dukakis

Chairman Cossart noted receipt of an invitation from Governor Dukakis to attend the annual observance of the 251st anniversary of George Washington, to be held, Monday, February 21, at the Hall of Flags at the State House, Boston. The Selectmen indicated they would not be able to attend.

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