

IN BOARD OF SELECTMEN
MONDAY, FEBRUARY 23, 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.

Utility Petition #83-4 - Powder Mill Road/Joint Ownership of Poles

In conformity with General Laws, Chapter 166, sections 21 and 22, the Board considered Utility Petition 83-4 of Boston Edison Company and New England Telephone and Telegraph Company for permission to change ownership of existing Edison Poles 65/19 through 65/28 on Powder Mill Road to become jointly owned and used in common by them, and for such other fixtures as may be necessary to sustain or protect the wires of the line upon, along and across the following public way or ways of the Town:

Powder Mill Road - westerly side from a point approximately 1,920 feet north of Powers Road, Six (6) poles (These are existing locations, no new poles to be set)

Powder Mill Road - southeasterly side from a point approximately 2,695 feet northeast of Powers Road, Four (4) poles (These are existing locations, no new poles to be set)

Executive Secretary Richard E. Thompson stated that a communication from the Building Inspector had been received, dated February 4, 1983, verifying locations of the poles.

It was on motion by Selectman Donald, unanimously

VOTED: To approve Utility Petition 83-4 of Boston Edison Company and the New England Telephone and Telegraph Company, as described above, and as shown on a two page plan entitled, "Plan of Powder Mill Road, Sudbury Showing proposed pole locations", dated November 16, 1982.

Police Chief Examination

The Board discussed the question of requesting the Department of Personnel Administration, when certifying the names for the eligible list established as a result of the Police Chief examination taken on February 5, 1983, to place the names of all persons who have resided in the Town of Sudbury for one year immediately prior to the date of examination ahead of the name of any person who has not so resided; said request would be made in accordance with G.L. c.31, s.58.

There was some discussion relative to Selectman Donald's reference to a newspaper article relative to the Millis appointment of Police Chief, the remoteness of two people tying on the exam (Officer Ronald Nix was present and expressed his concurrence), and did the Board want to give preference to a patrolman living in Sudbury but not on the Sudbury force.

At the conclusion of discussion the Board agreed to take no action on the subject.

Powder Mill Road

At its meeting of February 14, 1983, the Board supported in theory the petition article for the discontinuance of Powder Mill Road, as discussed, and took the matter under advisement for a report from Town Counsel.

Town Counsel Paul L. Kenny summarized as follows:

The Police and Fire Chiefs approve; the cost to the Town is minimal, since Project Management has agreed to construct and maintain the turn-around cul-de-sacs; and from the legal point of view, the road can be discontinued if it is necessary.

Selectman Murray raised the question of whether this would need State Department of Public Works (DPW) approval since the road is an access road to another town. Mr. Kenny did not see any real concern there.

Selectman Donald asked if another letter had been received from the Maynard Rod and Gun Club, since Mr. Pettigrew of Project Management had stated at the previous hearing that they would forward another letter clarifying their position.

Mr. Thompson responded that the only communication received subsequent to the last meeting was from a Mr. Matthews of Digital, expressing concern regarding the closing of the road.

Chairman Cossart suggested that the Board table the matter for one week and directed the Executive Secretary to contact Mr. Pettigrew and ask him if that letter from the Maynard Rod and Gun Club will be forthcoming.

Reserve Fund Transfer - Account 501-21 Selectmen General Expense

Following a brief discussion, it was on motion by Selectman Donald unanimously VOTED: To approve Request for Transfer No. 1076, dated February 23, 1983, from the Reserve Fund to Account #501-21 Selectmen General Expense, in the amount of \$700, for costs/expenses associated with a visit from the Ontario Centennial Foundation, Sudbury, Ontario, Canada, as set forth on the numbered transfer.

Maynard's Request for Quarterly Selectmen's Meetings

The Board acknowledged receipt of a communication dated February 15, 1983, from Maynard Administrative Assistant Michael Gianotis recommending on behalf of the Maynard Selectmen that quarterly meetings of the Maynard, Acton, Concord, Hudson, Stow, and Sudbury Selectmen be scheduled.

Executive Secretary Richard E. Thompson stated that approximately six years ago this practice had been instigated by the Sudbury Selectmen and gradually died out. He stated that it was a productive venture.

The Selectmen directed the Executive Secretary to communicate back to Maynard that they would be interested in attending the first meeting they host.

Flea Market

It was on motion by Selectman Donald unanimously

VOTED: To grant permission to Town Hall employees to conduct a flea market in the Town Hall parking lot on April 30, rain date May 7, in accordance with a request from the Tax Collector dated February 15, 1983.

Use of Community Signs

In accordance with a request from Robert J. Ogar, 11 Parmenter Road, on behalf of the Sudbury Youth Hockey Association, Inc., dated February 9, 1983, it was on motion by Selectman Donald unanimously

VOTED: To grant permission for the use of the two community signs located at the Route 117 and 20 Fire Stations by the Sudbury Youth Hockey Association, Inc., advertising an auction to be held March 19, 1983, at 7:00 p.m. at the Congregational Church, one week prior to the auction with the stipulation that the sign must be removed the following day, March 20, subject to Sign Review Board approval.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular Session of February 14, 1983, as amended.

Joint Meeting Police Department - Article 12, 83ATM

Present: Sergeant Ronald Nix and Frank W. Flynn, President, Local #315, International Brotherhood of Police Officers.

Executive Secretary Richard E. Thompson stated that an article to accept G.L.c.41, s108L - Career Incentive, Police, had been brought before the October 7, 1982, Special Town Meeting by the Selectmen, voted down, and has been submitted once again by petition for the 1983 Annual Town Meeting. The Selectmen had discussed the petition article briefly on more than one occasion, and during those discussions agreed to meet with representatives of Local #315 before Town Meeting for a resolution to several concerns; mainly, that the Board felt this was a matter of collective bargaining.

Sergeant Ronald Nix stated that the Local requests that the Selectmen endorse the petition article for the 83ATM; that there would be representation at that time to defend the article (since there was none at the 1982 Special); and that there would be a financial savings to the Town which should be incentive for the Town favoring the article.

Officers Nix and Flynn stated that they admitted the fault of not appearing at the Special Town Meeting to support the article but felt from reading the transcript that it didn't appear to them a real effort was made to attain passage on the part of the Selectmen, i.e., not being able to answer some of the questions.

The Selectmen responded that they felt they did answer all the questions through Town Counsel with the exception of the dollar breakdown of what was being appropriated for career incentive in the police budget.

Selectmen Murray and Cossart expressed their concern that even if they do incorporate the same language in the contract, it may be difficult to get Town Meeting to approve it based upon Town Counsel's comment that any officer could challenge his right to payment if the Town accepts the so-called Quinn Bill and later the State does not appropriate payment for the same.

Sergeant Nix stated that the police officers all agree to waive their rights to challenge the Town on full payment of the Quinn Bill by the Town if the State fails to appropriate its share of reimbursement.

It was on motion by Selectman Murray unanimously

VOTED: To open Collective Bargaining negotiations with representatives of Police Local #315, for the purposes of discussing career incentive only.

After discussion it was unanimously agreed to offer again and incorporate in the police contract, dated July 1, 1982 - June 30, 1984, the following under Article XIII, Career Incentive, page 8a, wording under the caption,

"Chapter 835 of the Acts of 1970":

"The Town agrees to support an article in the warrant for the 1983 Annual Town Meeting and to recommend that the Town Meeting accept the provisions of Ch. 835 of the Acts of 1970 relating to a career incentive pay program for regular full-time police officers. Administration of the program shall be in accordance with the guidelines contained in Article XIII of the collective bargaining agreement."

"In the event that Ch. 835 of the Acts of 1970 is accepted by the Town, the Town shall not pay more than presently outlined in Article XII of the collective bargaining agreement, and in the event that Ch. 835 of the Acts of 1970 is repealed or becomes ineffective, the present career incentive pay set forth in Article XIII of the collective bargaining agreement shall be reinstated."

"In the event that the application or implementation of Ch. 835 of the Acts of 1970 is changed by the State, no such change shall be applicable to the Town of Sudbury; and further, that the Town and Union specifically agree that the Town can vote to rescind its acceptance of that statute."

It was on motion unanimously

VOTED: To close the collective bargaining negotiations.

Responding to the Selectmen, Mr. Thompson stated that the article may involve a one-time amendment increase of \$32,000 in anticipation of State reimbursement.

Following further discussion, it was on motion by Selectman Murray unanimously
VOTED: To support Petition Article 12 - Accept C.L.c. 41, s108L, Career Incentive.

And it was further

VOTED: To direct that, through Sergeant Nix and Patrolman Flynn, all members of the Police Department sign a waiver of their rights to challenge the Town on full payment of the Quinn Bill by the Town if the State fails to appropriate its share of reimbursement.

Use of Federal Revenue Sharing Funds

Present: Town Treasurer Chester Hamilton.

In accordance with the Federal Revenue Sharing Act regulations, Chairman Cossart opened a Public Hearing (publicized in the February 10 issue of the Sudbury Town Crier) to consider the use of Federal Revenue Sharing (FRS) Funds as an offset to the total Town of Sudbury Budget for the Fiscal Year July 1, 1983, to June 30, 1984. As of January 31, 1983, \$26,153 is available; by June 30, 1983, there will be approximately \$60,778 of unspent FRS Funds; the Town of Sudbury expects to receive approximately \$138,500 of FRS Funds during the 1983-84 Fiscal Year.

It was on motion by Selectman Donald unanimously

VOTED: To approve use of the following offsets recommended to reduce the tax impact at the 1983 Annual Town Meeting:

| | | |
|-------------------------|------------------------|----------|
| Federal Revenue Sharing | 310-11 Fire Salaries | \$90,000 |
| Federal Revenue Sharing | 320-11 Police Salaries | \$90,000 |

There was no written citizen input and no citizen appeared for the hearing.

Revenue, Expenditures Forecast, Calling Special Town Meeting

Executive Secretary Richard E. Thompson updated the Board on the preliminary revenue and expenditures forecast and financial affairs of the Town, set forth in his report dated February 17, 1983, prepared in conjunction with the Finance Committee. Mr. Thompson stated that the Town is going into Annual Town Meeting with a shortfall of \$131,000, based on the recommendations of the Finance Committee. (They are recommending offsets to meet a levy of \$12,431,395.) The Finance Committee has voted to report in this manner in the Warrant.

Mr. Thompson pointed out that the FY84 cost of the pension retirement fund has taken a much larger jump than anticipated. There are no firm figures on Blue Cross-Blue Shield, but increases are averaging 20-35%.

Mr. Thompson pointed out the options, as follows:

- can have an override - not recommended.
- can adjust estimated receipts to bring it down - not recommended.
- can increase the tax levy by calling a Special within the Annual Town Meeting. A Special Town Meeting article will ask Town Meeting to allow the Town to increase the tax levy limit up to what is allowed under Proposition 2 1/2 by asking Town Meeting to rescind a portion of free cash voted at the 1982 ATM by the amount we are under the levy - \$166,659. Mr. Thompson explained that at the time of the October 7, 1982 Special Town Meeting, the Assessors could not give an accurate Assessed Valuation figure; shortly after, they submitted a figure of \$509,190,159. Mr. Thompson stated that it appears now no tax rate will be set by the Annual Town Meeting, and recommended that the Selectmen call a Special within the Town Meeting for the purpose of increasing the levy as noted above. If that is accomplished, our new tax levy would be \$12,166,253 instead of \$11,999,594 so that under Proposition 2 1/2 that percentage could be taken of the \$12,166,253 instead of the \$11,999,594.

Another advantage of calling the Special within the Annual is that the new construction figure, which will hopefully be available by the Annual, can be added to the levy.

Mr. Thompson expressed his opinion that it will be necessary to have a fall Town Meeting in 1983 because State figures, the Cherry Sheet, are not expected until April.

For FY85, Mr. Thompson stated, there will be a shortfall of \$708,000 if the tax levy is not adjusted.

Mr. Thompson added that the Finance Committee has indicated support to hold a Special Town Meeting within the 1983 ATM to accomplish the above.

It was on motion by Selectman Murray unanimously

VOTED: To call an Emergency Special Town Meeting, in accordance with the Town Bylaw, Art. II, sec. 1, to be coordinated with the Annual, to be held Monday, April 4, 1983, at 7:30 p.m., in the Lincoln-Sudbury Regional High School Auditorium, for the purpose of including the following articles:

- 1) to rescind a portion of free cash (\$166,659) applied to offset FY83 appropriations; and
- 2) to apply the balance (approximately \$25,000) remaining in the FY83 Retirement Fund to the FY84 retirement costs.

It was further unanimously

VOTED: To close the Warrant for the Emergency Special Town Meeting.

Mr. Thompson stated that there will still be approximately a \$18,100 shortage in the FY84 Retirement Fund account which will require amendment at Town Meeting of Line Item 950-96.

Coatings Engineering

Present: General Manager Thomas G. Craig & Consultant Tarik Pekin, for Coatings Engineering; Fire Chief Michael Dunne; abutters Mr. and Mrs. Clifford Hughes, 27 Concord Road.

At its February 14, 1983, public hearing on the application for a license to store aboveground 2,000 gallons of inflammables on property located at 33 Union Avenue, by Coatings Engineering, the Board took the matter under advisement in order to receive copies of the monthly reports which had been forwarded to the Board of Health and any other pertinent data.

The Board acknowledged receipt of material, received under date of February 22, 1983, from Consultant Tarik Pekin of Camp Dresser & McKee Inc. (CDM).

General Manager of Coatings, Thomas G. Craig, stated that, if one looks at the numbers for October, November, and January, it is very clear that there is a good deal of improvement. Mr. Craig explained that the effluent concentrations (see figures I-a, b, c) were up in November and December because of faulty equipment, which has since been replaced by the supplier. Mr. Craig stated that improvements are still being seen and they have every reason to believe that this pattern will continue.

Mr. Craig pointed out that after the carbon system was installed, there was a remarkable improvement in the effluent concentration until the mechanical breakdown, followed by marked improvement with the new equipment.

Responding to Chairman Cossart, Mr. Craig stated that the improvement of Phenol (effluent concentration, figure I-d) is due to carbon powder in the system since June, 1982.

Mr. Pekin stated that, as shown on figure I-e, Volatile Organics, which were very high in June, have been totally eliminated by eliminating their use in the plant.

Responding to Selectman Donald, Mr. Craig stated that, although similar reports are not available relative to air pollutants, he stated that a new "EFB" unit had been tested and that he had received word from their air consultant, David Gordon & Associates of Newton, this afternoon, that the unit is well within limits in every way. Gordon Associates will verify the good test results.

Responding to questioning by Selectman Cossart, Mr. Hughes stated there were no fumes today. He asked about the level of use of Toluene. Mr. Craig responded that the outside number of gallons stored of that particular inflammable would be 400-500 gallons - that most likely they would not store that amount at any one time. Mr. Pekin added that no Toluene is shown in the water discharge tests now, contrary to the June, 1982, discharge tests. Mr. Craig added that Toluene is used in the process, approximately in the same amounts as MIBK.

Mr. Pekin stated that the reports forwarded to the Selectmen had been prepared by CDM in an effort to simplify the explanation; that reports sent to the Board of Health and the DEQE have been certified by CDM laboratories.

Mr. Craig added that the Board of Health has all the information that the data for the graphs was taken from.

Responding to Chairman Cossart and during discussion, Mr. Pekin stated that some of the improvements shown on volatile organics, etc., are due to source control efforts, one of the reasons for reducing the effluent (scrubbing water) flow. Mr. Craig added that the new air filtering process will also decrease the flow. Mr. Craig further stated that by re-circulating the process, one-half as much water goes through the Waste Water Treatment. Mr. Pekin stated that they are down to discharging to the stream 25,000-30,000 gallons from 50,000-60,000 per day.

Responding to Chairman Cossart, Mr. Pekin stated that this discharge bypasses the lagoon. Mr. Craig added that it is no longer necessary to discharge to the lagoon because it is clear water, settled out before it is discharged.

Also responding to Chairman Cossart, Mr. Pekin stated that concentrated waste goes into drums and is carried out-of-state to hazardous waste disposal plants.

Responding to Chairman Cossart regarding sludge, Mr. Pekin stated that it is being generated by the treatment plant and gets de-watered and ends up in a drum and is also hauled away.

Selectman Cossart asked Mr. Craig to submit to the Selectmen a copy of their agreement with the hauler with the number of barrels and the costs involved. He expressed his concern that financial restraints at Coatings could cause them to discontinue this costly practice, and that discharge would return to the stream.

Mr. Pekin estimated those costs as follows:

- close to \$100 per barrel of waste to Hazardous Waste Treatment Plants;
- carbon waste - four drums every other month;
- waste from precipitators - four hundred gallons a week;
- about two hundred gallons per week of water; (a drum equals fifty-five gallons).

Responding to Mr. Clifford Hughes, Mr. Craig stated that with the application approval the total production would be right in line with what they are doing now, but in two shifts rather than three.

Responding to Chairman Cossart, Mr. Craig indicated that there could be a 10-15% increase in production, based more on sales, once they are allowed to use the original primer tank.

Chairman Cossart indicated that he would like to discuss the information received from Coatings with the Board of Health, and, therefore, suggested taking the matter under advisement for another week.

Mr. Pekin brought the Board's attention to the fact that some engineering data is needed in the use of the original primer tank, but that they are not allowed to prepare it until the Selectmen approve the storage license under discussion. There are three contaminants in the primer, and that primer is not supposed to be in the waste water at all. Employees are breathing this primer in the plant and in his opinion, the current operation is aggravating the situation, not helping it.

Responding to Fire Chief Dunne's concern regarding the storage of drums containing hazardous waste, Mr. Craig stated that they would designate an area for the barrels that are full; that all the barrels, (approximately ten to twelve) full and empty, are being stored both inside and outside the plant - on the outside, in a paved, fenced-in, secured area.

Responding to the Selectmen, Mr. Craig stated his willingness to forward copies of their reports to the DEQE to the Selectmen, as well as to the Board of Health on a regular basis.

Mr. Craig requested that this not be another lengthy delay; he met with the DEQE today and met with them regarding air problems last week and both times indications were that they were pleased with Coatings' progress.

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

VOTED: To take the matter under advisement for one week to February 28, in order to discuss the reports/information received from Coatings under date of February 22, 1983, with the Board of Health; a decision will be made at that time.

Positions - Annual Town Meeting Warrant Articles

The Board acknowledged receipt of a communication from Labor Relations Counsel, Murphy, Lamere and Murphy, dated February 14, 1983, relative to Town Meeting Articles proposed by the Sudbury Personnel Board.

Following review of the same and discussion, it was on motion unanimously

VOTED: To take the following action on the following articles for the 1983 Annual Town Meeting:

- To support: Article 3, Classification and Salary Plans; Article 4E, Amend Personnel Administration Plan, Art. XI,7(6) - Bereavement Time; Article 10, Retirement Pension Fund; Article 12, Accept G.L.c.41,s.108L - Career Incentive; Article 18, Disposition of Loring School; Article 19, Community Center - Fairbank School; Article 21, Nixon Roof - Engineering; and Article 22, Implement Energy Conservation.

- To oppose: Article 4A, Amend Personnel Administration Plan, Art. XI, 3 & 10 - Nepotism Definition/Policy; and Article 4F, Amend Personnel Administration Plan, Art. XI, 9 - Physical Exams.
- No Position: Article 4D, Amend Personnel Administration Plan, Art. XI, 7(3) - Vacations; Article 4G, Amend Personnel Administration Plan, Art. XI, 10 - Summer Hiring; and Article 8, Accept Ch. 345 of the Acts of 1982 - Automatic Sprinklers.
- Speak as individuals: Article 14, Amend Bylaws, Art. XI, II, C - Rezone areas to Residential; Article 16, Amend Bylaws, Art. IX, IV - Intensity Regulations; Article 20, L-S Roof Repair; Article 25, Discontinue Portion of Powder Mill Road; and Article 26, Amend Bylaws, Art. IX, II, C - Rezone LID #2.

The Board agreed that as long as they would be speaking as individuals and taking no position on certain articles, on those articles it would not designate a speaker from the Board and those previously assigned would be disregarded.

Sudbury River Citizens Advisory Committee

Selectman Donald stated that she had attended a recent meeting of the Sudbury River Citizens Advisory Committee.

Annual License Renewals

Mr. Thompson informed the Board that Ephraim's of Sudbury had paid by certified check for their annual license renewal fees; likewise, Sudbury Variety had paid in cash.

Gray Lines Bus Schedule Revision

Mr. Thompson informed the Board that he had mailed information concerning the revised Gray Lines Bus Schedule to commuter Jack Howe, having been unable to contact him by telephone.

Appointment - Sign Review Board

On recommendation by the Sign Review Board, it was on motion by Selectman Donald unanimously

VOTED: To appoint Thomas R. Patton III, 36 Old Coach Road, to the Sign Review Board, replacing Dorothy A. Emmons, for a term to expire April 30, 1985.

Signs - Sudbury Variety

The Board directed the Executive Secretary to follow up with the Building Inspector the status of the cease and desist issued to Sudbury Variety relative to the use of illegal signs.

Revenue Sharing Account #223-009-033

On the recommendation of the Executive Secretary it was on motion by Selectman Murray unanimously

VOTED: To authorize the Chairman of the Board of Selectmen to sign a communication to the Office of Revenue Sharing in Washington requesting a temporary waiver of audit requirements under the provisions of section 51.103 of the regulations, in response to a letter dated February 4, 1983, from Mr. Kent A. Peterson, Deputy Director of Administration and Operations.

Renumbering Articles

It was on motion by Selectman Donald unanimously

VOTED: To confirm the Board's telephone vote of February 18, 1983, to reverse the order of articles 25 and 26, as follows:

Article 25 - Discontinue Portion of Powder Mill Road.

Article 26 - Rezone LID #2.

The above vote is in accordance with a February 18, 1983, communication from the Safety of Our Streets Committee, requesting the renumbering.

Accidental Disability Filing

The Board acknowledged receipt of an Accidental Disability filing with the Middlesex County Retirement System, dated February 15, 1983, by Police Chief Nicholas Lombardi.

There being no further business to come before the Board, the meeting was adjourned at 9:50 p.m.

Attest: _____

Richard E. Thompson
Executive Secretary-Clerk