

IN BOARD OF SELECTMEN
NOVEMBER 25, 1991

Present: Chairman David A. Wallace, John C. Drobinski, and Judith A. Cope.

The statutory requirements as to notice having been met, the meeting was convened at 7:30 p.m. by Chairman Wallace at the Fairbank Senior Center.

Public Hearing - Transfer of Shares of Stock and Change in Officers and Directors - Matt Garrett's of Sudbury, Inc.

Chairman Wallace convened a public hearing, in accordance with General Laws Chapter 138, to consider the application of Matt Garrett's of Sudbury, Inc., d/b/a Matt Garrett's, 120 Boston Post Road, holder of a Restaurant License for the Sale of All Alcoholic Beverages, for approval of the transfer of all shares (100 shares) of stock owned by Matthew P. Renaghan to Robert H. Doe, Jr., present stockholder of 30 shares; and further for approval, subject to receipt of Form CD-53 as required by the Alcoholic Beverages Control Commission, of a change in officers and directors.

With regard to the Public Hearing for approval of the transfer of all shares (100 shares) of stock owned by Matthew P. Renaghan to Robert H. Doe, Jr., present stockholder of 30 shares, the Board is in receipt from Robert Jaffe, Treasurer of Matt Garrett's of Sudbury, Inc., of a communication dated November 6, 1991 accompanied by (a) stock transfer application, dated November 6, 1991, (b) five-page application for change of stockholders, dated November 6, 1991, (c) copy of vote by the Board of Directors on November 5, 1991, to apply for Change of Stockholders of the Corporation and (d) signed copy of consent by all the stockholders and directors, pursuant to the provisions of Chapter 156B, Sections 43 and 59 of the General Laws of the Commonwealth of Massachusetts, relative to the stock transfer.

It was on motion unanimously

VOTED: To approve the transfer of all shares (100 shares) of Matt Garrett's of Sudbury, Inc. stock owned by Matthew P. Renaghan to Robert H. Doe, Jr., present stockholder of 30 shares.

With regard to a change in officers and directors of Matt Garrett's of Sudbury, Inc., the Board is in receipt of (a) application, (b) a copy of the vote, dated March 15, 1991, by the Directors to elect Robert H. Doe, Jr., to serve as a member of its Board of Directors to fill the vacancy caused by the resignation of Michael E. Sweeney and to serve as Vice President of the Corporation, and (c) a copy of the previous vote, dated October 20, 1989, by the Directors to elect Michael E. Sweeney to serve as a member of its Board of Directors to fill the vacancy caused by the resignation of Matthew P. Renaghan on April 15, 1989.

It was on motion unanimously,

VOTED: To approve, subject to receipt of Form CD-53 as required by the Alcoholic Beverages Control Commission, a change in officers and directors to the following:

Charles J. Jaffe	President/Clerk/Director
Robert Jaffe	Treasurer/Director
Robert H. Doe, Jr.	Vice President/Director/Manager
Michael E. Sweeney	Stockholder only

Minutes

It was on motion unanimously

VOTED: To approve the regular session minutes of November 18, 1991, as drafted.

Landfill Rules and Regulations

At the request of the Highway Department and the Engineering Department, to research alternatives for disposing of tires, the Resource Recovery Committee outlined their findings in a communication to Robert Noyes, Highway Surveyor, dated November 14, 1991.

The Town Engineer, I. William Place, in a communication to the Board of Selectmen, dated November 19, 1991, stated that the Commonwealth of Massachusetts Regulation 310 C.M.R. 19.00, Solid Waste Management Facility, Section 19.017 (3) restricts the disposal of unshredded tires, white goods and leaves in a landfill, effective December 31, 1991. He further stated that he agrees with the fee structure recommended for disposal of tires, and feels this privilege should be restricted to household residences only.

At the request of the Highway Surveyor, Robert A. Noyes, in a communication to the Board of Selectmen, dated November 15, 1991, and concurrence by the Town Engineer of the recommendation of the Resource Recovery Committee, it was on motion unanimously,

VOTED: To amend the Rules and Regulations for the Recycling and Disposal of Solid Wastes at the Sanitary Landfill to prohibit landfilling of tires and yard waste, but to allow unlimited deposit of tires in a designated recycling area with a \$2 fee for each automobile tire and a \$5 fee for each truck tire (truck tires must be off the rim), from residences only, effective January 1, 1992.

NOTE: White goods are already prohibited in the Regulations from being put in the Landfill; however white goods are accepted in the Recycling area, as are leaves for composting.

Inflammable Storage Licenses - Fire Department

In accordance with a communication to the Board of Selectmen from Fire Chief Michael Dunne, dated November 12, 1991, with regard to surrendering two inflammable storage licenses formerly exercised at the Rt. 20 Fire Station, it was on motion unanimously

VOTED: To acknowledge the removal of tanks and cancellation of the following underground inflammable storage licenses at 550 Boston Post Road: Doc. #71085, 5,000 gallons gasoline, storage tank removed two years ago, and Doc. #75100, 3,000 gallons unleaded gasoline, storage tank removed November 7, 1991.

Metropolitan Area Planning Council

With regard to a communication to the Board of Selectmen, dated November 12, 1991 from Franklin G. Ching, President of the Metropolitan Area Planning Council (MAPC), relative to a new Capital Investment Program (CIP), which will consist of projects listed in the Transportation Improvement Program (TIP), it was noted that the accompanying Project List, #3 Highway, Page 3, shows the three Sudbury intersection locations: Rte. 117 at Haynes Rd., Union Ave. at Concord Rd., and Rte. 20 at Peakham Rd., previously listed as eligible for funds to increase roadway capacity, now requiring more information/study about the project before analysis/determination is possible. Further, on Page 4 of the Project List, the Rte. 20 project has been listed under Undetermined Funding.

With regard to the Board's May 2, 1991 letter asking MAPC to delete funding on the intersection projects and add it to the Rt. 20 project, Executive Secretary Thompson stated that transfer of funds from one project to another has never been done before; and to pursue this request would jeopardize all funding for the Town.

In view of this latest communication, Executive Secretary Thompson recommended the Board communicate back to the MAPC and request that their projects be reinstated in the categories as they originally existed. His feeling is that it will be better to still be counted in order not to lose funding altogether.

Because further clarification of funding and understanding of how to proceed was requested by all Board members, it was decided that Executive Secretary Thompson contact Mr. David C. Soule, Executive Director of MAPC, for guidance on these issues. It was agreed Secretary Thompson would compose an appropriate response following direction from Mr. Soule for the Board's submission. It was further decided to table further conversation until the meeting on December 2.

Unspent Funds - Board of Selectmen

In response to the communication, dated November 19, 1991, from Roy T. Sanford, Chairman, Finance Committee, relative to unspent funds from Town Meeting Articles, Executive Secretary Thompson made the following recommendations:

(1) Regional Waste Disposal - These funds have been held because the Board was participating in a study three or four years ago. The Board cannot justify keeping these funds any longer.

(2) Aquifer - The \$10,000 was originally appropriated by the Town to verify aquifer zones for the Rt. 117 district (Pantry Brook Watershed). The purpose of the study was to determine if another zone needed to be added to the Water Resource Protection Districts for North Sudbury. The study was never completed because the Town got involved with Unisys. Selectman Cope suggested that Secretary Thompson check with the Water District to determine what their

long range plans are with regard to delineation, etc. and report his findings to the Board. It was decided to ask the Finance Committee to leave the funds where they are for at least another year.

(3) MDC Sudbury River Diversion - The money allocated for this project was to pay Dr. Chiang, the professional advisor on this project. The Board cannot justify holding the remaining \$1202, as the project has been inactive for some time.

It was on motion unanimously

VOTED: To present a case to the Finance Committee to keep \$10,000 for the Aquifer Project (STM88/Art.18) for at least another year, and it was further

VOTED: To release \$2,000 targeted for Regional Waste Disposal (ATM86/Art.14) and \$1,202, targeted for MDC River Diversion (ATM81/Art.26).

Long Range Planning Committee - Space Plans

With regard to a communication dated November 22, 1991, from the Long Range Planning Committee, recommending that a joint townwide committee be formed by the Selectmen to further evaluate and make specific recommendations relative to the use of town buildings with the goal of consolidating town and school administrative offices, and also for consideration of consolidating services and equipment between towns or within the local regional area, it was decided to have Executive Secretary Thompson draft a letter to all town agencies listed in the Long Range Planning Committee's report to determine their interest, and if positive, to name a designee to the proposed committee. It was agreed to delete the Credit Union and add Lincoln-Sudbury Regional High School to the list.

Executive Secretary Thompson recommended that the representative from the Board of Selectmen chair the committee and the Executive Secretary coordinate it, and it was so agreed.

197th Town Forum

At 8:00 p.m., Chairman Wallace convened the 197th Session of the Town Forum. Various representatives of the Town's boards and departments updated the Town on their activities, following which Town Forum was adjourned and refreshments and conversation was enjoyed by those present.

This Town Forum was televised over the local Cable network, and a copy of the videotape is available by contacting the Selectmen's office.

General Automobile Policy

Present: Lt. Ronald Nix, President, Sudbury Supervisory Association.

With regard to the report received from the Long Range Planning Committee, dated September 19, 1991, relative to draft policies and procedures for the use of Town vehicles outside of normal working hours, and use of personal vehicles for Town business, Executive Secretary Thompson recommended three steps to

consider; (1) Establishment of a General Auto Policy for the Town, (2) Eligibility, which is more complicated because it involves dealing with unions, not just supervisors, and (3) Accountability, which has already been partially implemented.

The Board is in receipt of a communication, dated November 20, 1991, from Lt. Ronald Nix, President of the Sudbury Supervisory Association, which proposes changes to certain policies and procedures as set forth by the Long Range Planning Committee for the use of Town Vehicles, as follows (reference letters and numbers relate to LRPC draft policy):

A. Administration of Policy

2. With regard to use of vehicles outside of normal working hours relative to the number of miles from home to place of work, a change proposed by the Supervisory Association eliminates the distance restriction of residence and allows the Board of Selectmen to determine who qualifies for the use of a vehicle outside of normal working hours; the distance an employee lives from his work place will be a consideration only.

Lt. Nix stated that the Supervisory Association felt the way it was worded by the Long Range Planning Committee placed unfair and unreasonable limitations on the Board of Selectmen and the Supervisors. He further stated the Board of Selectmen should have the right to determine what is fair and reasonable.

3. With regard to eligibility for use of a vehicle to attend a conference, the change proposed by the Supervisory Association permits an employee not eligible fulltime for a vehicle, use of a vehicle to attend a conference in duration of three (3) days or less with approval by the Department Head only, and approval by the Board of Selectmen if employee attends a conference longer than three (3) days.

Executive Secretary Thompson noted that if an employee uses his own transportation, he is reimbursed at a higher rate.

C. Specific Guidelines

1. In response to the Long Range Planning Committee's guidelines relative to limiting travel, outside of normal work hours to between residence and place of work, in which they state the vehicle shall be driven over the most direct route and not utilized for trips which are out of the primary route or for personal business; the Supervisory Association responded by changing the second sentence to read, "Consideration should be taken to use the most direct route and vehicles should not be used for personal business."

Lt. Nix stated that the wording by the Long Range Planning Committee was a little too unreasonable, because one may not always take the most direct route home, and it would not necessarily be an abuse to stop somewhere on the way home if it was a little off the direct route. Chairman Wallace stated he understood that the wording by the LRPC seemed to be very emphatic and there may be occasions when you would use the vehicle for personal business if it is incidental.

Selectman Cope noted that if the wording were changed in the second sentence from should to may, it would solve the problem of interpretation. Lt. Nix stated that may is more emphatic than should, and if someone abuses the privilege of use of a vehicle by using it for personal business other than incidentally, the person should have the opportunity to come before the Board as opposed to not being able to because of such a rigid set of rules.

Selectman Drobinski noted that the words personal business really need to be defined. His opinion of abuse would be to take the Town vehicle to Boston. Selectman Cope stated it might be a good idea to get a wording from Town Counsel, because she does not want to get nebulous with the words.

Executive Secretary Thompson noted that it is pretty obvious what is out of the realm of personal business, and thinks "use of a vehicle for personal business" should remain in the wording. Chairman Wallace stated there are limits within which reasonable people operate and he thinks that is what Lt. Nix is defending. The Board agreed to accept the rewording by the Association, with the exception of changing the word should in the second sentence to may.

4. The Association's recommendation to change the wording relative to personal items permitted in a Town vehicle allows the operator to carry personal property in the Town vehicle if it does not interfere with performance of the employee's duties without listing it with the Town, and only those items properly listed and on file with the Town Accountant shall be covered under the Town's insurance policy and only to the limits of such coverage.

7. With the exception of two word changes, this guideline remained as worded by the Long Range Planning Committee and there was no discussion on this guideline. The change eliminated the restriction that only Town employees, committee and board members, and individuals associated with a Town work activity shall be passengers.

8. With regard to family members traveling in a Town vehicle, the Supervisory Association changed the wording from "family members shall not be allowed in the vehicle," which was felt to be too restrictive, to "unnecessary travel with family members is prohibited."

Selectman Cope was concerned about insurance coverage and Chairman Wallace stated that all insurance covers passengers with the permissive use of owner or operator and extends to household members.

6. With regard to alcoholic beverages and controlled substances transported in Town vehicles, the Supervisory Association felt that it was already addressed by State statutes and recommended substituting the following wording: "State statutes regarding alcoholic beverages and controlled substances will be strictly adhered to." Chairman Wallace reviewed the State statutes with the Board which say (1) cannot drive under the influence, (2) cannot drive with an open container or container unsealed in any way, and (3) no one under the age of 21 shall possess alcohol in the vehicle - open or closed containers.

Lt. Nix stated that he did not feel that it was abusive to carry an unsealed container of alcohol in a vehicle. The Long Range Planning Committee states in the guideline that no alcoholic beverages are permitted to be carried in the car.

Selectman Cope stated she preferred to leave the guideline as written by the LRPC. She feels, as a representative for the Town and voting for the Town, the Townspeople would not want to allow the operators of Town vehicles to carry liquor in their cars.

Lt. Nix responded by saying the Supervisory Association, as well as himself, have the best intentions for the Town in mind and no one would abuse the policy. He further stated that if any abuse occurs, it could be taken up by the Board immediately.

Chairman Wallace noted that the Board has had no instance of abuse, at least not reported, and believed the people driving these cars are very responsible. Mr. Wallace stated he does not understand why the operators of these vehicles should be held to a higher standard than the level required by State law.

Selectman Cope stated that the wording by the Supervisory Association sends the message that operators of Town vehicles can clearly carry alcoholic beverages in their vehicles, and she feels this is a bad message to send.

Chairman Wallace suggested the Board approve all recommendations by the Supervisory Association as presented and amended by the Board with the exception of Guideline #6.

It was on motion by Chairman Wallace unanimously

VOTED: To adopt the Long Range Planning Committee's recommended Policies and Procedures for the Use of Town Vehicles, (Pages 1-3 only) with the following amendments as recommended by the Sudbury Supervisory Associations (SSA) and discussed above with the exception of Guideline #6:

A. Administration of Policy

2. As proposed by SSA.

3. As proposed by SSA.

C. Specific Guidelines

1. As proposed by SSA. except change should to may in the second sentence.

4. As proposed by SSA.

7. As proposed by SSA.

8. As proposed by SSA, except change the word by to with.

Chairman Wallace moved to approve Guideline #6 as amended by the SSA, but add the words "any violation of this section will result in immediate suspension of loss of use of vehicle." Before the Board voted, Executive Secretary Thompson stated, because of the publicity that may result, he preferred the Board not have a split vote. Secretary Thompson further stated the LRPC is trying to implement a policy that is reasonable and fair and would rather leave the wording as written by the LRPC than have a split vote by the Board.

Lt. Nix responded by saying he felt it has already been reasonably and realistically addressed in the State statutes, but would agree to Chairman Wallace's motion to add that there would be immediate suspension of privileges if there is a violation.

Chairman Wallace stated the vote on #6 could be postponed until further review. Executive Secretary Thompson stated he preferred the Board vote on it tonight.

In amendment to his motion, Chairman Wallace moved to approve Guideline #6 keeping the wording as drafted by the Supervisory Association, but adding "State statutes shall be strictly adhered to and any violation of this section of any kind will result in immediate loss of vehicle", and it was

VOTED: Chairman Wallace, in favor; Selectman Drobinski, opposed; Selectman Cope, opposed.

After further discussion, it was on motion unanimously

VOTED: To approve Guideline #6 for inclusion in the Policies, as proposed by the Long Range Planning Committee, as follows:

"No alcoholic beverages, or controlled substances shall ever be transported in a Town vehicle. Police vehicles carrying evidence are the only exception.";

and it was further

VOTED: To direct Executive Secretary Thompson to meet with the Long Range Planning Committee, Town Counsel, and the Supervisory Association to work out possible amended wording on #6 under Specific Guidelines and report back to the Board.

On the recommendation of Executive Secretary Thompson, it was further unanimously

VOTED: To make the general policies approved above effective immediately, November 26, 1991.

Hop Brook Vandalism

With regard to a communication, dated November 13, 1991, to Deborah Montemerlo, Conservation Coordinator, from Steve Stutman, Sudbury citizen, Selectman Cope expressed concerns about the destruction of property at the Hop Brook site. Ms. Cope stated that neighbors in the area have been alerted to look out for strange cars and people who might be abusing the property. She asked that the Executive Secretary stay on top of the matter and do anything possible to help abate the problem.

There being no further business to come before the Board, the meeting was adjourned at 10:30 p.m.

Attest: _____

Richard E. Thompson
Executive Secretary-Clerk