

IN BOARD OF SELECTMEN  
MONDAY, DECEMBER 30, 1974

Present: Chairman John C. Powers, John E. Taft, and William F. Toomey

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:30 p.m. by Chairman John C. Powers.

Ambulance Task Force Committee

Present: Police Chief Nicholas Lombardi; Fire Chief Albert St. Germain; Gloria Stoccardo, Director of the S.P.H.N.A.; John Wilson, Town Accountant; and Richard E. Thompson, Executive Secretary, of the Ambulance Task Force Committee

The Executive Secretary, in reference to his report to the Board dated December 5, 1974, relative to the progress of the Ambulance Task Force Committee, reported that the Committee had, in January of 1974, attended an all-day workshop on the ramifications of G. L. c111C, which regulates ambulances and ambulance services, that its members had attended monthly meetings of the Health Planning Council for Greater Boston and Emergency Medical Services Area 3-2 Committee meetings, and in November of 1974 had met to review data from surrounding communities pertaining to their handling of ambulance service.

Mr. Thompson also reported that the Committee had reached a consensus at its November 1974 meeting which included:

- Training of Police and Fire Department personnel to become Emergency Medical Technicians should be continued to permit compliance with the ambulance law that one-third of the personnel be trained by 1975, two-thirds by 1976, and 100% by 1977.

- When necessary the Town should proceed to purchase their own ambulance vehicle rather than to operate under a private contractual arrangement.

- Town ambulance service should be located in the center of the Town - preferably the Town Centre.

- Regionalization of ambulance services with surrounding towns at this time or in the near future seems very doubtful.

- Responsibility for primary Town ambulance service should lie with the Fire Department.

Mr. Thompson also stated that it was the recommendation of the Committee that the Town "advance slowly" in the area of purchasing an ambulance vehicle until such time as the new ambulance law and regulations have proven workable and that at the present time specifications for

the ambulance vehicle have been several times amended and modified and definite rules not yet issued. In response to a question, Mr. Thompson stated that the Committee has no recommendation in regard to ambulance service for the 1975 Annual Town Meeting.

Mr. Thompson referred to additional related information contained in an Ambulance Task Force Survey, dated October 25, 1974, which had been prepared by Town Accountant John Wilson from information gathered from the area police and fire chiefs.

On the subject of the Committee's consensus that the Fire Department operate the ambulance service, Police Chief Lombardi was asked for his opinion on this particular recommendation, as the Police Department presently acts in this capacity. Chief Lombardi responded that it was his recommendation that the service be provided by the Fire Department.

It was on motion unanimously

VOTED: To accept the December 5, 1974, interim report from the Ambulance Task Force Committee and to await its more conclusive report and recommendations which will be submitted following the issuance of firm regulations relative to the ambulance law.

#### Stephen Gray

Chairman Powers announced the death, on December 25, 1974, of Stephen Minot Weld Gray, a resident of the Town since 1923, who had served the Town as a Planning Board member between 1930-1947 and on the Board of Appeals in 1937 and from 1939-1967. Chairman Powers reported that memorial services had been held at 10:00 a.m. today in the Storey Chapel of the Mt. Auburn Cemetery.

#### Middlesex County Advisory Board

Chairman Powers reported that at the December 9, 1974, meeting of the Middlesex County Advisory Board, Mayor Theodore D. Mann of Newton, Selectman Gerald J. Lannan of Chelmsford and Selectman John F. DelPrete of Framingham had been appointed as Acting Officers of that Board and that James Sullivan, City Manager of Cambridge, Selectwoman Nancy Penhune of Carlisle, and he (Chairman Powers) had been appointed as members of the Rules Committee and would soon meet with the Acting Officers to draw up Rules of Procedure to be acted upon by the full body of the Board at the January 9, 1975 meeting.

#### Appointments

Chairman Powers announced the appointments made on December 16, 1974, in executive session, of Helen Priest Deck to the Personnel Board, Raymond P. Clark to the 1974 Town Report Preparation Committee, and Niel E. Maurer as MBTA Designee/Regional Concerns Committee.

Boston Revaluation - Suit

Chairman Powers reported on a suit brought by five Boston area cities to Suffolk Superior Court, which claims that recent action by the State's Appellate Tax Board lowering the Tax Commission's calculation of Boston's total valuation from \$4.6 billion to \$2.6 billion disrupts the State aid distribution ratio and unfairly re-routes State funds to Boston at the expense of other communities.

Town Counsel stated that he intends to file, on behalf of the Town, an "Amicus Memorandum of Law" with regard to the above-referenced suit.

Hearing - Svensk Kaffe Stuga, Inc., 394 Boston Post Road

Present: Clinton H. Forsberg, Harry Lundberg, applicants; Francis E. White, Zoning Enforcement Agent/Building Inspector

In accordance with the provisions of Chapter 138 of the General Laws, as amended by Chapter 260 of the Acts of 1971, the Board, acting as the licensing authority, held a public hearing on the application of Svensk Kaffe Stuga, Inc., 394 Boston Post Road, for permission to move the lounge area to a different location.

The Executive Secretary stated that appropriate Town agencies and abutters had been notified of tonight's hearing and return receipts received.

The Zoning Enforcement Agent reported that these changes have been completed and that this matter should have been before the Board in advance of the changes, but that all else is in order. Mr. White described the changes as shown on a layout sketch submitted by the applicants and stated that he had issued a building permit for the same.

The Executive Secretary stated that the description on the license will remain the same.

No one appeared in opposition to the proposal.

Following further discussion, it was on motion unanimously

VOTED: To approve the change in the description of Svensk Kaffe Stuga, Inc., 394 Boston Post Road, for permission to move the lounge area to a different location with expansion of the exterior walls as shown on a plan submitted this date.

Interview - Council on Aging

Present: Margaret E. Bennett

The Board interviewed Margaret E. Bennett in connection with her

interest in serving on the Council on Aging. Mrs. Bennett stated that her past employment experience had included two years as Activities Director at Walden Nursing Home in Concord and that she is presently doing volunteer work at Walden Nursing Home and Rivercrest Nursing Home. Mrs. Bennett stated that she also serves as a member of the Outreach Commission at the Methodist Church and that she has become interested in serving the community's elderly.

At the conclusion of the interview, it was on motion unanimously VOTED: To appoint Margaret E. Bennett, 19 Partridge Lane, to fill the unexpired term of Robert P. Rand, which will terminate on April 30, 1975.

Fire Chief Albert St. Germain - Retirement

Chairman Powers announced the retirement of Fire Chief Albert St. Germain on Tuesday, December 31st, and the testimonial dinner to be given in his honor on January 13th at 6:30 p.m. at the Powder Mill Restaurant in Maynard.

Heritage Park - Donation

Chairman Powers announced the receipt of a communication dated December 16, 1974, from Frank D. Walker, President-Treasurer, Sudbury Laboratory, Inc., which enclosed a check in the amount of \$800.00 to be used at Heritage Park as a memorial for Herbert and Esther Atkinson.

Selectman Taft, who is on the Board of Directors of the Sudbury Laboratories, Inc., explained that the money will be used for the planting next Spring of fifteen Shademaster Honey Locust trees as shown on the design plan of the Park.

It was on motion

VOTED: To accept with deep appreciation the check for \$800.00 as a living memorial to Herbert and Esther Atkinson;

and it was further

VOTED: To direct the Executive Secretary to send a letter to the Sudbury Laboratories, Inc., expressing the Board's gratitude for their gift. (Chairman Powers and Selectman Toomey voted in favor; Selectman Taft abstained as he is on the Board of Directors)

Appointment

It was on motion unanimously

VOTED: To appoint Clark Goff, 269 Concord Road, to the Historic Districts Commission, for a term to expire on January 1, 1980.

Waste Water Planning - MAPC

It was on motion unanimously

VOTED: To table consideration of the MAPC's proposal that the Town adopt a "resolution of intent" relating to participation in a plan for wastewater management planning until the Board's regular meeting on January 6th.

Annual Town Census

At the request of Betsey M. Powers, Town Clerk and Clerk to the Board of Registrars, in a communication dated December 19, 1974, it was on motion unanimously

VOTED: To authorize the Sudbury Police Department to assist the Board of Registrars in conducting the annual Town census.

Sudbury Auxiliary Police

Present: William Bonwitt, Roger Davis, Edward Murphy, John Sklenak, and Barry Real of the Sudbury Police Auxiliary; Police Chief Nicholas Lombardi

The Executive Secretary reported that the Board had received a communication dated December 9, 1974, from the Chief of Police, which enclosed a copy of correspondence dated December 5, 1974, from William Bonwitt, Lieutenant-Auxiliary Police, relative to the carrying of firearms by the members of the Auxiliary Police. The Executive Secretary stated that members of the Auxiliary were tonight meeting with the Board for discussion on the subject.

Mr. Bonwitt reported that each member of the Auxiliary has received training and has qualified in the use of Firearms. Mr. Bonwitt stated that the members have been actively involved in auxiliary work and have donated a total of 2300 hours to the community, but feel that firearms are essential when riding with the police officers in cruisers on Friday and Saturday nights, both to themselves and to the officers with whom they ride.

Police Chief Lombardi stated that, in his opinion, these auxiliary police members should be armed and that they have the right to defend themselves.

Selectman Toomey stated that he thought it important that an opinion on the matter be requested from the Police Association before any decision is made by the Board.

The Executive Secretary stated that the Board has requested an opinion from Town Counsel as to authorization for use of fire arms and a clarification of liability in this regard.

Mr. Bonwitt again stated that all members of the auxiliary feel very strongly that they should be armed, that they have a responsibility to themselves, their families, and the officers with whom they ride.

Chief Lombardi stated that he had contacted the police departments from Wayland, Framingham, and Hudson and that the auxiliaries in these towns all carry guns when on duty.

Mr. Bonwitt stated that the Chief would set specifications for guns if their request is approved and that the guns will be paid for by individual members of the auxiliary.

It was agreed to refer the matter to Town Counsel for his recommendations relative to the right to bear arms and the liability of the Town in this regard.

#### Buddy Dog Humane Society

The Board received a communication dated December 16, 1974, from Edward E. Kreitsek, Chairman, Board of Directors, Buddy Dog Humane Society, Inc., which requested the Selectmen's tolerance for a continuation of the Buddy Dog facility until March 31, 1975, at which time ground breaking for a new facility is anticipated.

Following discussion, it was on motion unanimously

VOTED: To deny the request made by Buddy Dog Humane Society, Inc., in the above-referenced communication;

and it was further

VOTED: To suggest to the Buddy Dog Humane Society that it appear before the Framingham District Court to request an extension of that Court's consent decree to allow the continued operation of the Society's shelter on Dakin Road.

Selectman Taft stated that he would like a report from the Dog Officer relative to the Town's possible alternatives for the service now being performed by the Society and to learn the reaction of the abutters to the present site with regard to the Society's continued operation on Dakin Road until completion of their proposed facility now scheduled for August 1, 1975.

#### Final Review - Warrant Articles

The Board reviewed the following articles for final inclusion in the warrant for the 1975 Annual Town Meeting:

- A. Hear Reports - Approved.
- B. Personnel Bylaw: Salary Plan - Article XI - Approved.
- C. Personnel Bylaw: Employee Benefits - Article XI - Approved.
- D. Budget - Approved.
- E. Temporary Borrowing - Approved.
- F. Unpaid Bills - Approved. To be submitted by Town Accountant.

It was on motion unanimously

VOTED: To submit Articles A - F for inclusion in the 1975 Annual Town Meeting.

G. Legislation - Fire Department - Ch. 48, Sec. 42A - It was on motion

VOTED: To submit Article G for inclusion in the 1975 Annual Town Meeting (Selectmen Taft and Toomey in favor; Chairman Powers opposed)

H. Animal Inspector - Change Appointing Authority - It was on motion unanimously

VOTED: To submit Article H for inclusion in the 1975 Annual Town Meeting in joint sponsorship with the Board of Health.

I. Rebuild Walkways/Curbing - Town Centre - Town Engineer to provide final cost figures. It was on motion unanimously

VOTED: To submit Article I for inclusion in the 1975 Annual Town Meeting.

J. Continue Sudbury Bus Transportation Committee - It was on motion unanimously

VOTED: To refer Article J to the Sudbury Bus Transportation Committee for appropriate action.

K. Assume Liability for DPW Work - Town Counsel to submit a report on Article K as soon as possible for the Board's review. It was on motion unanimously

VOTED: To submit Article K for inclusion in the warrant of the 1975 Annual Town Meeting.

L. Addition to Flood Plain Use Provisions - It was on motion unanimously

VOTED: To submit Article L in the warrant of the 1975 Annual Town Meeting on behalf of the Conservation Commission.

M. Amend Bylaw: Earth Removal Board - It was on motion unanimously

VOTED: To submit Article M for inclusion in the warrant for the 1975 Annual Town Meeting in joint sponsorship with the Earth Removal Board and the Moderator.

N-1-Joint Septage Disposal Facility Agreement and N-2 - Joint Septage Disposal Facility - To be referred to the Wayland-Sudbury Septage Disposal Planning Committee.

O. Acceptance of Ch. 40, Sec. 8G - Mutual Police Aid Program

It was on motion unanimously

VOTED: To submit Article O for inclusion in the warrant for the 1975 Annual Town Meeting.

P. Fire/Police Headquarters Planning Funds - Craig Parkhill and William Bell of the Permanent Building Committee were present to

discuss the intent of this article with the Board. Mr. Parkhill proposed that the Board establish a committee, to be made up of representatives of the Sudbury Taxpayers Association, the Selectmen, and the Permanent Building Committee, to report to the Town Meeting in regard to the appropriateness of procedure with respect to the fire/police headquarter facility.

Mr. Bell suggested that several alternative articles relating to construction plans of a common building or an entire facility also be included.

The Board responded that the Town had, at its October 22nd Special Town Meeting, expressed its position that a headquarters facility not be constructed at this time and that only an article such as the proposed Article P would be suitable.

Following further discussion, it was on motion

VOTED: To submit Article P for inclusion in the 1975 Annual Town Meeting. (Chairman Powers and Selectman Taft in favor; Selectman Toomey opposed.)

#### Town Mental Health Services

As requested by the Board on November 12, the Board had received a report, dated December 23, 1974, from the Executive Secretary relative to a clarification and investigation of Town mental health service programs.

Discussion of the contents of the report followed and the Board requested that copies be forwarded to Mr. Anthony Broderick, and Sudbury's representative to the Trinity Mental Health and to the Sudbury Board of Health.

It was on motion unanimously

VOTED: To accept the Executive Secretary's December 23, 1974, report relative to Sudbury's Mental Health Service programs.

#### Animal Inspector

The Board received a report, dated December 23, 1974, on the Inspector of Animals (Section 2 of a joint report on Town Mental Health Services and Animal Inspector), from the Executive Secretary, which reported that following his contact with Dr. Stuart Wiles relative to his possible continuation as Inspector of Animals, Dr. Wiles had, in a letter dated December 12, 1974, declined to reconsider his resignation from this position.

It was the Executive Secretary's recommendation that the Board of Health perform the functions and duties of the Animal Inspector until



such time as Dr. Wiles' replacement can be found and that the Town accept legislation which would provide for the nomination of Inspectors of Animals to be made by the Board of Health rather than the Selectmen.

On the subject of the inadvertent omission of funds for the Animal Inspector in the 1974-75 budget, the Board agreed that the Executive Secretary should proceed in conjunction with the Board of Health with payment to Dr. Wiles for that portion of the year worked, using funds from Account #800-81, Consultant Fees, and if payment from that account cannot be used, to initiate a reserve fund transfer request.

#### Police Sergeants - Job Description

The Board received a communication dated December 11, 1974, from the Personnel Board relative to a vote of that Board with regard to a job description and pay scale for Sergeants in the Sudbury Police Department.

On the recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To refer this matter to Richard W. Murphy, Sudbury's Labor Relations Counsel with the request that he report back his comments to the Selectmen.

#### Department of Public Utilities - Local Calling Area Hearing - NET&T

The Board received a notice from Joseph P. McAllister, Administrative Secretary, of the Department of Public Utilities, which announced that Department's hearing on the matter of extension of the local calling area, which will be held at 10:00 a.m. on January 10th in the lower Town Hall.

Town Counsel stated that as all necessary information will not be available by January 10th he intends to file a motion to continue the hearing at a later specified date. Town Counsel stated that he would contact Mr. McAllister in this regard.

It was on motion unanimously

VOTED: To refer the matter to Town Counsel for appropriate action with the request that Town Counsel seek a continuance of the hearing until such time as the Town is prepared to present its petition.

It was agreed to contact Mr. Robert M. Simon, 27 Surrey Lane, a petitioner for the hearing, in regard to the Board's vote.

#### Minuteman Regional Vocational Technical School District

The Board received a report dated December 18, 1974, from the

Minuteman Regional Vocational Technical School District, which enclosed a copy of a tentative operating and maintenance budget for the fiscal year July 1, 1975 - June 30, 1976, for the Board's review. The communication also reported that a public hearing on the budget will be held on Tuesday, January 14, 1975, at 8:00 p.m. in the new school facilities at 758 Marrett Road, Lexington.

Following a review of the budget which set forth a total 1975-76 appropriation of \$3,688,410 (Sudbury's assessment will be \$372,161), which includes the \$1,103,000 reimbursement State construction grant, but not the reimbursement for operations and maintenance which will also be credited.

Following further review and discussion, it was on motion unanimously

VOTED: That the Board attend the January 14th budget hearing;

and it was further

VOTED: To direct the Executive Secretary to request that Alfred Cron, the Sudbury member of the District School Committee, meet with the Board at its January 6th meeting for further discussion of the District's budget.

The Board also requested that the Executive Secretary and Town Accountant review the budget in detail and that copies of the same be distributed to each Selectman for their further review.

#### C.E.T.A. Program

The Board noted receipt of a communication dated December 20, 1974, from the Youth Services Coordinator of the Comprehensive Employment Training Act (C.E.T.A.) relative to a Youth Employment Program.

#### Fair Labor Standards Act - Fire and Police Department Employees

The Board received a communication from Labor Relations Counsel Richard W. Murphy, relative to provisions in the overtime section of the Fair Labor Standards Act which are applicable to all fire and police employees and become effective January 1, 1975.

Following discussion it was unanimously

VOTED: To issue an administrative order as follows:

Effective January 1, 1975, all fire department employees shall be on a 28 day work cycle. This administrative order is given pursuant to Section 7K of the Fair Labor Standards Act and is not intended in any way to conflict with the payroll period or the overtime sections of the collective bargaining agreements;

and it was further

VOTED: To issue the following administrative order:

Effective January 1, 1975, all police department employees shall be on a 28 day work cycle. This administrative order is given pursuant to Section 7K of the Fair Labor Standards Act and is not intended in any way to conflict with the payroll period or the overtime sections of the collective bargaining agreements.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular and executive session of December 16, 1974, the special meeting of December 18, 1974, and the special meeting of December 19, 1974, as submitted.

Executive Session


At 10:40 p.m. it was on motion unanimously

VOTED: To enter into executive session for the purpose of appointment of the Fire Chief.

There being no further business to come before the Board, it was on motion unanimously

VOTED: To adjourn the meeting at 11:30 p.m.

Attest:



Richard E. Thompson  
Executive Secretary-Clerk