

IN BOARD OF SELECTMEN  
MONDAY, NOVEMBER 15, 1976

Present: Chairman William F. Toomey, John C. Powers, and Ira M. Potell

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

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular and executive sessions of November 8, 1976, the former as amended to clarify that no separate action would be taken by the Board on the request set forth in the November 2, 1976 communication from the Cemetery Study Committee;

and it was further

VOTED: To declassify the minutes of the executive session of November 8, 1976.

One-Day License for the Sale of Wines and Malt Beverages - Joan A. Rushforth,  
The First Parish of Sudbury - December 4, 1976

In response to her request dated November 4, 1976, it was on motion unanimously

VOTED: To grant a license for the Sale of Wines and Malt Beverages to Mrs. Joan A. Rushforth, The First Parish of Sudbury, on Saturday, December 4, 1976, from 10:00 a.m. to 3:00 p.m. at the Holly Fair Luncheon to be held in the Parish Hall for the fee of \$10.00.

Resignation -- Insurance Advisory Committee

The Board received a communication dated November 1, 1976 from Earl B. Hoyle, who tendered his resignation from the Insurance Advisory Committee.

After discussion, it was on motion by Selectman Powers unanimously

VOTED: To accept the resignation of Earl B. Hoyle, effective December 31, 1976, with deep regret and to direct the Executive Secretary to acknowledge Mr. Hoyle's communication, expressing the Board's great appreciation for his years of service to the Town.

Permanent Senior Clerk - Office of the Board of Selectmen

Executive Secretary Richard E. Thompson reported that an advertisement had been placed in the "Town Crier" and the "South Middlesex News" and that notice had been posted last August relative to the availability of a position in the Office of the Board of Selectmen for a permanent full-time Senior Clerk.

Mr. Thompson reported that fourteen applications had been received and subsequent interviews held and that it was his recommendation that Mrs. Elaine Jones, who fulfills the requirements for the position of Senior Clerk and presently works part-time as recording secretary to the Conservation Commission, be hired to fill the available position.

After discussion, it was on motion by Selectman Potell unanimously

VOTED: To accept the recommendation of the Executive Secretary to hire Mrs. Elaine Jones for the position of Senior Clerk in the Office of the Selectmen; with a starting date of November 29, 1976 subject to the approval of the Personnel Board.

Patrolmen Certification List - Division of Personnel Administration

Executive Secretary Richard E. Thompson reported that he had received a Certification List of Patrolmen dated November 5, 1976 from the Division of Personnel Administration from which two applicants were to be chosen for appointment as Patrolmen with the Sudbury Police Department.

Mr. Thompson reported that it was his recommendation that Gary Ryan, 137 Dutton Road, and Allen H. Keough, Jr., 16 Pine Ridge Road, be appointed.

After discussion, during which the Board requested that the Police Chief and the applicants attend the November 22, 1976 meeting, it was on motion by Selectman Potell unanimously

VOTED: To table further consideration of the Certification List of Patrolmen until November 22, 1976.

Conservation Easements - Leader Federal Savings and Loan Association, Paddock Farms Subdivision

Present: Creighton Hamill, Builder

Executive Secretary Richard E. Thompson reported that the Board had received a communication dated November 12, 1976 from Assistant to Town Counsel Thomas French, which attached a Conservation Easement given by Leader Federal Savings and Loan Association, in accordance with G.L.c40, §8C, to the Town which could be received by the Conservation Commission subject to the approval of the Selectmen.

After discussion, on the recommendation of Town Counsel David L. Turner, it was on motion by Selectman Powers unanimously

VOTED: To approve the receipt of the deed, dated September 2, 1976, which contains a conservation easement and drainage easement, under G.L.c40, §8C and under Article XII, Section 3 of the Sudbury Bylaws, of the Leader Federal Savings and Loan Association, to be recorded in Middlesex South Registry of Deeds.

Appointment - Long Range Capital Expenditures Committee

Present: Edward J. Mulcahey, Jr., candidate

Edward J. Mulcahey, Jr., 39 Balcom Road, met with the Board for the purpose of being interviewed concerning his interest in and qualifications for serving as a member of the Long Range Capital Expenditures Committee.

Chairman Toomey explained the role of the Long Range Capital Expenditures Committee in Town government, and Mr. Mulcahey informed the Board of his background.

Later in the evening, it was on motion unanimously

VOTED: To appoint Edward J. Mulcahey, Jr., 39 Balcom Road, to the Long Range Capital Expenditures Committee to fill the unexpired term of Saul Nathan which expires on April 30, 1978.

Letter of Commendation - Firefighter/EMT Michael Quinn and Firefighter/EMT Peter Frost

Present: Fire Chief Josiah F. Frost

Executive Secretary Richard E. Thompson reported that the Board had received a report dated November 12, 1976 from the Fire Chief relative to the use of "Jaws of Life" equipment at an automobile accident in Wayland and which conveyed a related letter of commendation dated October 22, 1976 from Alan Delman, M.D., of Middlesex Plastic Surgery, Inc., regarding the work of Firefighters Quinn and Frost at the scene.

At the request of the Board, Mr. Thompson read the letter of commendation.

The Board expressed its appreciation for the work of Firefighters Quinn and Frost, and it was on motion unanimously

VOTED: To acknowledge the October 22, 1976 letter from Alan Delman, M.D., and to place the letter of commendation in the personnel files of Firefighters Michael Quinn and Peter Frost.

Fire Alarm Maintenance Truck

Present: Fire Chief Josiah F. Frost

Executive Secretary Richard E. Thompson reported that some time ago the Fire Chief had held discussion with him concerning a used 1966 G.M.C. truck with a short aerial ladder which was to be made available by the Town of Acton to one of certain surrounding towns, with the winner to be chosen by straws. Mr. Thompson stated that no value had been placed on the vehicle, but a value of \$900 had been placed on the ladder and associated apparatus.

Mr. Thompson reported that Chief Frost had been the winner, and in reviewing his budget, Chief Frost had been of the opinion that the \$900 purchase price could be expended from either Account #310-51, Equipment Purchase, or a second account in which a recent bid had been awarded at approximately \$1,000 less than anticipated and that he had proceeded with a voucher for its purchase.

Mr. Thompson reported that Town Accountant John Wilson, by letter dated November 3, 1976 had made known his objection to the proposed purchase, as the particular vehicle was not included in the list of capital equipment approved by the Selectmen, recommended by the Finance Committee, and voted by Town Meeting. Mr. Wilson's letter stated that the Town at the 1931 Annual Town Meeting had voted to accept the provisions of Chapter 48, Section 42 of the General Laws, which provides that the Fire Chief shall purchase, subject to the approval of the Selectmen, and keep in repair all property and apparatus used for and by the Fire Department, and set forth his recommendation that the Board approve the purchase.

Selectman Powers commended the Town Accountant for his above-referenced report, and he commented that, in his opinion, the Fire Chief had not followed the usual procedure for this purchase.

Referring to the Fire Department's equipment purchase account which presently has a surplus, Selectman Potell expressed his opinion that when savings were realized in a particular budget, the savings should remain in that budget.

Chief Frost stated that he had not intended to not follow usual procedures in the matter, but that he was of the opinion that this purchase was within the responsibility of the department heads and that he had not overstepped his authority. Chief Frost stated that this equipment had not been available when the budget was made up and, if otherwise purchased, would be a \$9,000-\$10,000 item. Chief Frost further stated that the Fire Department has legal title to the vehicle and that it is registered to the Town. Chief Frost assured the Board that all the items in the equipment purchase account 310-51 which were approved by the Selectmen, the Finance Committee, and the Town would be purchased, but in that particular account there would still be a surplus.

Chairman Toomey stated that his concern was the fact that the Board was not informed and, if the Town were to acquire the vehicle, the Town must spend money to insure and maintain it.

Selectman Powers stated that he would not object to acquiring the vehicle at the Annual Town Meeting, and he expressed his wish that the Fire Chief had made inquiry as to whether funds would be available for this purchase.

Chief Frost again stated that, in his opinion, the money was available and that the Department should have latitude within its budget.

The Executive Secretary recommended that the Board table the matter in order that he obtain further pertinent information.

After further discussion, it was on motion by Selectman Powers unanimously

VOTED: To table further consideration of the purchase of a used fire alarm maintenance truck until November 22, 1976 to allow receipt of further information from the Executive Secretary and the Fire Chief.

Selectman Potell commented to the Chief that if he found that there was a surplus in any of his accounts, the Selectmen and the Finance Committee might ask that he not spend it in an effort to avoid a potential transfer situation.

Conveyance of Well Site to Sudbury Water District - Raymond/Nobscot Roads Area

Present: Sudbury Water District Commissioner Milton Bartlett

The Board reviewed a draft of an agreement drawn up by the Office of Town Counsel dated November 15, 1976, to convey a well site located between Raymond Road and Nobscot Road to the Sudbury Water District, in accordance with the vote of the 1976 Annual Town Meeting.

Following discussion, during which Mr. Bartlett agreed that the Sudbury Water District would supply water to the Town Common and to Heritage Park, on the recommendation of Town Counsel, it was on motion by Selectman Potell unanimously

VOTED: That the Board execute the deed dated November 15, 1976 from the Town to the Sudbury District, as prepared by Town Counsel's office and approved by Town Counsel, with the understanding that the Sudbury Water District will provide water service in the Town Common and in Heritage Park.

On the subject of the Civil Defense Director's Emergency Operation Plan, Selectman Powers commented that, as discussed at the November 1 meeting, the Board wished to inquire of Town Counsel what rights the Selectman might have in dealing with the Sudbury Water District in an emergency situation.

1977 Annual Town Meeting - Non-Monied Articles

On the subject of the Board's review of proposed non-monied 1977 Annual Town Meeting articles to be submitted by the Board of Selectmen scheduled for November 22, 1976, Selectman Potell asked that copies of these articles, in as complete a form as possible, be made available to the Board in their Friday packages.

The Executive Secretary stated that he would make the articles available as requested.

December Town Fathers Forum

At the request of the Executive Secretary, it was on motion by Selectman Potell unanimously

VOTED: To cancel the Town Fathers Forum scheduled for the month of December.

Home Rule Legislation

Selectman Potell requested that the Board receive a copy of a ruling in a recent court case involving home rule legislation in order that they gain a better understanding of the subject.

Selectman Powers stated that he would obtain a copy for the Board.

Area Dispatch Center

The Executive Secretary stated that he had distributed to the Board copies of the Fire Chief's letter relative to the Area Dispatch Center meeting which has been rescheduled to 7:30 p.m. on December 1, 1976 in the Board Room of Emerson Hospital in Concord.

After discussion, it was agreed that Chairman Toomey and the Executive Secretary would attend the meeting.

Vandalism - Robert Best Road

The Board, at its meeting on November 1, 1976, discussed with Mr. Bernard J. Keller, 91 Robert Best Road, recent vandalism in that area. Executive Secretary Richard E. Thompson had subsequently contacted Police Chief Lombardi in this regard.

Mr. Thompson now reported that the Police Chief had responded to the Board by letter dated November 5, 1976, which recommended that the citizens in that area participate in the Police Department's "Neighborhood Watch" program.

Mr. Thompson suggested that he contact Mr. Keller relative to the Chief's recommendations and suggest that Mr. Keller meet with Chief Lombardi as soon as possible.

The Board was in agreement.

Selectman Potell stated that he would like to receive from Chief Lombardi a plan of action which could be taken by the Police Department in similar situations of vandalism.

Chairman Toomey stated that he believed the Chief did have a plan of action for such disturbances, but would again ask the citizens to remember that the Police Department, at any given time, operates with only four men on duty.

Selectman Potell stated that he would still like to see a written plan or policy statement on how the Chief of Police handles such disturbances or neighborhood problems as referred to above.

Selectman Powers agreed but stated that he believed that it would not be necessary that the plan be in writing . . . only that the Board be informed of the Chief's policy or plan of action in such cases, if any exists.

The Executive Secretary was directed to request such a plan from Chief Lombardi.

Extension of Alcoholic Beverages Serving Hours - Wayside Inn

It was on motion unanimously

VOTED: To confirm the Board's telephone vote of November 12, 1976, to grant permission to the Wayside Inn to extend the alcoholic beverage service hours on Friday, November 12, 1976, until 1:00 a.m. on Saturday, November 13, 1976, in order to accommodate the Policemen's Ball.

Executive Session


At 9:10 p.m., following a unanimous vote, it was on motion by Selectman Potell further unanimously

VOTED: To enter into executive session for discussion of the reputation and character, physical condition or mental health rather than the professional competence of a single individual.

Chairman Toomey announced that the public meeting would not reconvene following the executive session.

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

VOTED: To adjourn the meeting at 9:50 p.m.

Attest:   
Richard E. Thompson  
Executive Secretary-Clerk