

IN BOARD OF SELECTMEN
MONDAY, AUGUST 22, 1977

Present: Chairman John C. Powers, Ira M. Potell, 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.

Minutes

It was on motion by Selectman Potell unanimously

VOTED: To approve the minutes of August 16, 1977.

Acceptance of Bequest--Annie L. Thorpe, Jr., Trust 1534

The Board received a communication dated July 29, 1977 from Philip F. Curtin, Trust Officer, State Street Bank and Trust Company, advising the Board that the Bank was Acting Trustee of the Annie L. Thorpe, Jr., Trust 1534 as Amended, that Annie L. Thorpe, the creator of this trust had died on February 26, 1977, and that, by the terms of the trust, a cash distribution in the amount of \$5,000 was to be paid to the Town for furthering the work of the District Nurse or other health work.

Chairman Powers stated that Miss Thorpe had been a Sudbury resident for a number of years, living on Water Row.

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

VOTED: To authorize the Chairman to execute the necessary acceptance of the above-referenced trust as set forth in the July 29, 1977 letter of Philip F. Curtin, Trust Officer, State Street Bank and Trust Company.

Resignation - Planning Board - Richard F. Brooks

Executive Secretary Richard E. Thompson reported that the Board had received a communication dated August 8, 1977 from Edward W. Connors, Jr., Chairman of the Planning Board, which conveyed a letter of resignation submitted to that Board by Richard F. Brooks (received by Town Clerk on July 26, 1977). The Planning Board's letter requested that a joint meeting be held early in September to interview prospective candidates and to vote to fill the vacancy.

Mr. Thompson suggested that the meeting be scheduled for the Board's next meeting, September 1977.

After discussion, it was on motion by Selectman Toomey unanimously

VOTED: To accept the resignation, effective July 25, 1977, of Richard F. Brooks and to thank him for his past and continuing activity in service to the Town;

and it was further unanimously

VOTED: To tentatively schedule the joint meeting for interview and election of prospective candidates for September 12, 1977.

Mr. Thompson reported that Mr. Brooks had sponsored a recent advertisement relative to the vacancy on the Planning Board soliciting response from interested citizens, which had resulted in an indication of interest from Paul McNally, 23 Evergreen Road, William Dunn, Jr., 9 Kendall Road, and L. Mike Meixsell, 34 Barton Drive. Mr. Thompson stated that John Cutting, 381 Maynard Road, had earlier expressed interest in the vacancy.

The Board requested that any additional interested citizens contact the Planning Board or the Selectmen in advance of the September 12 date.

Town Meeting Article - Proposed Zoning Bylaw Change

The Board received a letter dated August 8, 1977 from the Planning Board which proposed a Town Meeting article relative to revision of a portion of Article IX of the Sudbury Bylaws to bring it into compliance with the revised Chapter 40A, Zoning Enabling Act of the General Laws. Also received was a related letter dated August 19, 1977 from Assistant Town Counsel Thomas M. French, which suggested that the Planning Board's current review of the Zoning Bylaw be completed so that all recommended changes to bring Sudbury's Bylaws in compliance with Chapter 808 may be reviewed as a whole and submitted to the 1978 Annual Town Meeting for approval as a total package.

After discussion, it was on motion unanimously

VOTED: To accept Town Counsel's recommendation set forth in his letter dated August 19, 1977 and to advise the Planning Board of the same.

Award Bids - No. 2 Fuel Oil and Service for Burners and Boilers for Town Buildings, 1977-78 Heating Season

Executive Secretary Richard E. Thompson stated that bids had recently been advertised for supplying No. 2 fuel oil and for servicing and cleaning the burners and boilers for Town buildings for the 1977-78 heating season.

Mr. Thompson reported that bids had been opened on August 17, 1977 and that, subsequently, Building Inspector Francis E. White had recommended that both the fuel and service bids be awarded to Interstate Gas & Oil Corporation due to their nearby location and availability of service.

Mr. Thompson stated that it was his recommendation that the fuel oil bid be awarded to Concord Oil Co., Inc., 147 Lowell Road, Concord, and that the service bid be awarded to Interstate Gas & Oil Corporation, 239 Nobscot Road, Sudbury.

After discussion, it was on Selectman Toomey's motion unanimously

VOTED: To award the bid for supplying No. 2 fuel oil for Town buildings during the 1977-78 heating season, to expire September 1, 1978, to Concord Oil Co., Inc., 147 Lowell Road, Concord, MA, for the net delivered price of \$.3875 per gallon, including a constant increment of \$.0175 per gallon, in accordance with their proposal dated August 17, 1977;

and it was further

VOTED: To award the bid for servicing and cleaning burners and boilers of Town buildings during the 1977-78 season, to expire September 1, 1978, to Interstate Gas & Oil Corporation, 239 Nobscot Road, Sudbury, for \$10 per hour from 8 a.m. to 5 p.m. on weekdays and \$15 per hour on nights, weekends, and holidays, in accordance with their proposal dated August 15, 1977.

Selectman Potell requested that future bid proposals include a request for an estimate of the travel time charge. Selectman Potell further requested that a member of the Town's legal staff, the Town Accountant, or the Executive Secretary attend future bid openings.

Chairman Powers and Selectman Toomey were in agreement.

Regional Dispatch Association

Present: Fire Chief Josiah F. Frost

The Board met with Fire Chief Josiah Frost relative to discussion of an article entitled, "Officials debate regional dispatch board", which appeared in the South Middlesex News on August 11, 1977, and Chief Frost's comments in response to the article, as set forth in his letter dated August 18, 1977.

Chairman Powers read Chief Frost's above-referenced letter in which he advised the Board that he did not agree with the proposal that removed the Fire Chiefs from the Board of Directors; that he had not discussed the pros and cons of the Selectmen's being on the Board of Directors; that, if the Board of Selectmen wished to appoint one of its members to the Board of Directors as the civilian appointee called for by the agreement, he would have no objection; that a Board of Directors with no Fire Chief members would mean that the operating committee would be working for a policy-making group who would have no expertise in the operation of a center such as proposed; and that his comment with regard to hiring, firing, and being the controlling factor in the Fire Department had been made during discussion concerning the responsibility and authority of a Fire Chief operating under the town manager form of government versus Chapter 48, Section 42 of the General Laws. Chief Frost's letter stated that this discussion had been used as a parallel between a strong chief's law and a weak chief's law as applied to a Board of Directors with chiefs as members versus a Board of Directors with no chiefs as members.

Attached to Chief Frost's letter was a copy of the minutes for the August 10 meeting and a list of those present at the meeting (Fire Chiefs and/or other town officials from the member towns). Chairman Powers read the list of those attending the meeting and then the newspaper article.

Referring to the newspaper article, Chairman Powers stated that the Board had been upset by the statement attributed to Chief Frost that to exclude Fire Chiefs from the Regional Dispatch Center's Board of Directors would create a condition where the Chiefs would be operating under the direction of a group of people who wouldn't know what they were dealing with. Chairman Powers stated that the Town Meeting had authorized the Selectmen to try to develop an agreement in conjunction with other towns with the understanding that the agreement would come back to a later Town Meeting, and that, in the course of this development, the Review Committee has been having "shirtsleeve meetings" trying to put together an agreement. Chairman Powers stated that the Executive Secretary had recommended that the August 10 meeting also be attended by the Assistant Town Counsel as legal concerns were to be discussed at that time.

Chairman Powers reported that he had been very upset upon reading the newspaper article which indicated that the above idea had been expressed and that he had been glad to see Chief Frost's letter in response, and he expressed his opinion that the Selectmen could serve as capably as members of the Board of Directors as could any department head however capable he might be.

Selectman Toomey, referring to the newspaper article, asked Chief Frost if he had made a statement objecting to a proposal to have Selectmen from participating towns serve on the Board of Directors.

Chief Frost stated that he had not made such a statement.

In response to Selectman Toomey's question as to whether Chief Frost had made a second statement, as quoted in the newspaper, that the Regional Dispatch Center with Selectmen as members of the Board of Directors "...would be operating under the direction of a group of people who wouldn't know what they were dealing with", Chief Frost stated, "No, not in those words."

With regard to a third statement attributed to Chief Frost concerning the fact that the Center should be directed by those with expertise in the area and that he was the controlling factor in the Sudbury Fire Department, that he hired and fired, but by courtesy let the Selectmen know what was going on, Chief Frost responded that he had made that statement, but that it had been taken out of context from a discussion concerning the responsibility and authority of a Fire Chief operating under the town manager form of government versus GL c48 §42.

Selectman Potell stated that he had the same concerns and disappointments as his fellow Selectmen, but was also bothered by the fact that the Town Meeting had authorized the Selectmen to negotiate the agreement, that the Board had never designated anyone to represent it in this matter, and that the statements had been made by a Town official who had not been so designated.

Executive Secretary Richard E. Thompson reported that Janis Potts, EMS Coordinator of Area 24, had earlier recommended that the Dispatch Center Committee be composed of Fire Chiefs and had, by letter dated June 22, 1977, conveyed an invitation from that Committee, of which Chief Frost is a member, to the Town to send a representative of the Board of Selectmen to their July 13, 1977 meeting so that the Committee could begin the process of dealing with legal and organizational issues. Mr. Thompson reported that he had, at that time, requested that Assistant Town Counsel Thomas French represent the Board and that, since that time, Mr. French has kept the Board up-to-date on the matter.

Chairman Powers recommended that the Chairman of the Board or the Executive Secretary be designated to represent the Town at the preliminary meetings.

Selectman Toomey stated that he would accept Chairman Powers' recommendation, and it was on his motion unanimously

VOTED: To designate the Chairman of the Board of Selectmen to represent the Town in the matter of preliminary meetings relative to formulation of an agreement for a joint communications and dispatch center for fire and ambulance service.

It was noted that the next meeting would be held on Wednesday, September 14, 1977.

Chairman Powers cautioned the members of the press present and their co-workers to be very careful to report accurately and not to take statements out of context, and he thanked Chief Frost for his attendance tonight.

Burroughs Accounting Machine Contract

Present: Town Accountant John H. Wilson; Sudbury Schools Business Manager Bernard Hennessy

Town Accountant John H. Wilson and Sudbury Schools Business Manager Bernard Hennessy met with the Board for discussion of the contract prepared by them for the purchase/lease of a Burroughs accounting machine.

Mr. Wilson reported that a copy of the contract has been reviewed by both Assistant Town Counsel and Town Counsel. Mr. Wilson further reported that the maintenance portion of the contract is still being discussed with Burroughs, that some minor adjustments have been made to the contract, and that the contract is not sufficiently verified at this time, but will be ready in approximately ten days.

Selectman Toomey asked Mr. Hennessy if the machine under consideration would be compatible with the School Department's needs.

Mr. Hennessy replied that the School Department is buying a small piece of equipment which will make it very compatible to their needs.

Selectman Potell expressed his concern with bid specification and contract dates not being met and this condition's having an adverse effect on Burrough's commitment date.

Mr. Wilson stated that all contract dates would be updated, and Town Counsel stated that the dates in the final contract would be controlling.

After further discussion, it was on motion unanimously

VOTED: To table the matter of reviewing and signing a contract for the purchase/ lease of a Burroughs accounting machine until the Board's meeting on September 12, 1977.

Reserve Fund Transfer Request - Selectmen's Equipment Purchase

After discussion and consideration of Request No. 0737 dated August 19, 1977 from the Selectmen for a transfer from the Reserve Fund to Account 501-51, Selectmen's Equipment Purchase, it was on motion unanimously

VOTED: To approve Request No. 0737 for a transfer from the Reserve Fund to Account 501-51, Selectmen's Equipment Purchase, in the amount of \$144 for the purpose of providing the balance of funds required for the purchase of a new typewriter.

Town Hall Sewerage System--Bid Specifications

Present: Town Engineer James V. Merloni; Board of Health Director John Sullivan; Building Inspector Francis E. White; and William Cooper and Lawrence Gogolin, members, Board of Health

Town Engineer James V. Merloni, Board of Health Director John Sullivan, Board of Health members William Cooper and Lawrence Gogolin, and Building Inspector Francis E. White met with the Board for the purpose of reviewing bid specifications for the Town Hall sewerage system.

Executive Secretary Richard E. Thompson reported that the Board, at its meeting on August 8, 1977, had rejected the single bid received for the installation of the sewerage system for the Town Hall, as it was far in excess of the 1977 Annual Town Meeting appropriation and had discussed Mr. Merloni's July 28, 1977 letter, which recommended that provision be made to rebid the project at the earliest possible date with a clause to safeguard the bidders if ledge were to be encountered, which, in his opinion, would lead to additional and reduced bids.

Mr. Merloni stated that it was also his recommendation that the project be split, in the interest of time, as the installation of the leaching system, in his opinion, could be done for less than \$2,000 and would, therefore, not have to be publicly bid.

Chairman Powers stated that the Board was not in favor of splitting the project into two parts, especially as such a split would bring one part of the project below the level of \$2,000, which would be dangerous practice.

In discussion of the hope of receiving a bid within the Town Meeting appropriation, Mr. Merloni stated that it was hoped that a variance could be received from the Board of Health with regard to the type of pipes used in construction, which would further reduce the cost.

Mr. Merloni stated that the Sudbury Board of Health has adopted a more stringent code than that of the State and that the pipe they hope to use, which is allowed by the State, would cost approximately one-quarter of the amount of the pipe specified in the Town's code.

Mr. Sullivan stated that, as the Board of Health had only learned of this request tonight, it had not had an opportunity to discuss the matter.

In further discussion of the Board's concern with removing the construction of the leach field from the bid, Town Counsel stated that, in his opinion, such action would clearly give the impression of bid splitting and that he would recommend that it not be removed as serious penalties might be involved.

Mr. Gogolin stated that he would like to see something done as soon as possible, and he asked whether, if the bid comes in above the Town Meeting appropriation, a Reserve Fund transfer could be granted.

Finance Committee member Linda Glass, that Committee's liaison to the Selectmen, stated that there was no way she could anticipate the Finance Committee's action in this matter.

Selectman Toomey suggested that this item be a top priority with the Board of Health, the Building Inspector, and the Town Engineer, and he suggested that the matter might be pushed along quickly, as the only change is piping which is approved within the State code.

In response to the Board's question, Mr. Merloni estimated that construction should take less than thirty days and that the earliest the project could be bid would be mid-October.

In response to Selectman Toomey's question concerning the cost of maintenance of the present septic system, Mr. White stated that the system is being pumped anywhere from seven to fifteen days, depending upon the weather, at a cost of \$30 each time.

Chairman Powers asked Town Counsel whether the job could be bid subject to approval regarding the pipes.

Mr. Kenny expressed his opinion that it might be possible as the pipe is already State approved.

Mr. White stated that, in his opinion, the School Committee is concerned with regard to where and when the digging could be done.

Mr. Thompson stated that only about one-quarter of the playground area would be interrupted for a period of two or three days, and it was agreed that crossing plates could be used to allow the school busses to drive over the paved area.

The Board agreed that a safeguard clause should be included in the bid specifications and requested that the Board of Health quickly resolve the question of the pipe and that all involved department heads work together expeditiously to enable completion of the leaching field within the 1977 construction season.

Appointments

It was on motion unanimously

VOTED: To table consideration of the Board's remaining 1977 appointment.

Horse Pond School Lease

Present: Town Accountant John H. Wilson; Sudbury Schools Business Manager Bernard Hennessy; Sudbury School Committeemen Jon Sirota and Cornell Gray

The Board, at its meeting on July 25, 1977, met with Sudbury School Committeeman Jon Sirota relative to the proposed leasing of the Horse Pond School by the Massachusetts Firefighting Academy (State Department of Education), at which time the Board requested additional information relative to the number of people who would use the facility, the number of vehicles involved with such use, whether the usage would be on a five or seven-day basis, responsibility for payment of utilities, possibility of setting up a revolving fund for payment of utilities, posting of a bond to cover restoration costs in the event the lease is terminated, and the addition of an expansion clause to compensate for legislative delay in acting upon appropriations for the proposed lease agreement.

Town Accountant John H. Wilson, Sudbury Schools Business Manager Bernard Hennessy, and Sudbury School Committeemen Jon Sirota and Cornell Gray now met with the Board for further discussion of the above subjects.

On the subject of method for payment of utilities and other maintenance charges, Executive Secretary Richard E. Thompson reported that the Town Accountant had received, in response to his request dated August 2, 1977, a letter dated August 10, 1977 from Edward G. McCann, Jr., Director of Accounts, which stated that there was no statutory authority for establishing a revolving account into which receipts would be credited and subsequent expenditures charged, but which concurred with Mr. Wilson's suggestions that, under the provisions of Section 53, Chapter 44 of the General Laws, the receipts from a lease could be set up in an account reserved for appropriation and appropriated at a Town Meeting for major repairs which might become necessary during the lease period, or that all such rental payments could be deposited directly to an Estimated Receipts account as they were received.

Mr. Wilson stated that, in his opinion, there will be some major maintenance necessary during the five-year period and that, for this reason, he would recommend that the appropriation reserve account method be used.

Selectman Potell asked under what authority such an account could be set up.

Mr. Wilson responded that it could be set up on the basis of the August 10, 1977 letter from the Director of Accounts.

After a brief discussion of the fact that the funding for the proposed lease depended on appropriations by the State Legislature, at 9:00 p.m., after a motion by Selectman Toomey and a unanimous roll call, it was

VOTED: To enter into executive session to discuss transactions in real property where open discussion may have a detrimental effect on such transactions.

Chairman Powers announced that the public session would resume following the executive session.

At 9:45 p.m. the public session resumed.

CETA Advisory Group - Review

Present: John Murray, member, Conservation Commission; Michael Lochiatto, CETA Supervisor

Conservation Commissioner John Murray and CETA Supervisor Michael Lochiatto met with the Board for a review of the CETA work program.

Executive Secretary Richard E. Thompson reported that Mr. Michael Lochiatto is doing an excellent job as CETA Supervisor, and he updated the Board on the following CETA programs:

Park and Recreation Department - Work on the school grounds, principally the Curtis Junior High, was expected to be completed by September 7.

Conservation - Work will start on the Nobscot land in September, to be followed by work in Lincoln Meadows, the Davis Land and Hop Brook next Spring.

Highway - Street brushing back will start in September, to be followed by stream clearing.

Regional High School - Work on an outdoor classroom will begin in September.

Mr. Murray stated that an old carpenter shop had been converted for their use and that they had also been allowed the use of some of the equipment and supervision to make up all signs and picnic benches for all Town departments in return for their help on the outdoor classroom, which will be constructed in memory of a former student of the School.

Heritage Park - Work completed with the exception of minor clean-up.

Selectman Toomey asked whether CETA employees could be used for work such as scraping or painting Town buildings in need.

Mr. Lochiatto stated that they could be used with no problems with regard to unions for a period of thirty days on each project.

Mr. Thompson reported that provision was being made for work for the CETA crew on rainy days and through the winter months.

Sudbury Schools Business Manager Bernard Hennessy, who had been present for the earlier meeting, commented that the CETA crews have done an excellent job around the school buildings in the Town, and he invited the Board to inspect the school grounds, which had not been touched for three years because of the regular work load of the school custodians.

Selectman Potell suggested that an additional CETA program with regard to the webworm problem throughout the Town might be considered.

Mr. Murray commented that there were certain things that could not be done to get rid of the webworms and that a directive from the State would be necessary in this regard.

Chairman Powers stated that the Board had made inquiry of the Tree Warden on this matter, and Mr. Thompson reported that the Board is on record with the Board of Health to do something about the webworms as soon as possible.

In further discussion, Mr. Murray reported that he had held conversation with the Conservation Commission on the subject of fire roads into conservation land as a subject for a CETA program.

Chairman Powers thanked those present for their reports and attendance tonight.

Parkinson Land

It was agreed to schedule discussion relative to the Parkinson Land at the Board's September 12, 1977 meeting.

Police Department Vehicles

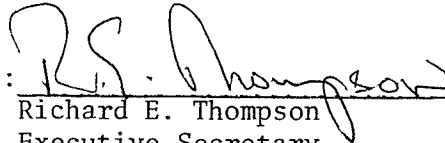
The Executive Secretary asked the Board for confirmation of its position in earlier discussion in connection with bidding for vehicles for the Police Department to the effect that the Department would revert to sedans rather than cruisers, when bidding for new vehicles, with the exception of one cruiser which would be used as a Class V backup for the Town ambulance.

The Board confirmed its earlier position.

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

VOTED: To adjourn the meeting at 10:10 p.m.

Attest:


Richard E. Thompson
Executive Secretary