

IN BOARD OF SELECTMEN
TUESDAY, JUNE 14, 1977

Present: Acting Chairman 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 Acting Chairman Ira M. Potell.

Jurors

Present: Assistant Town Clerk Barbara Stevens

The Board drew the names of Genevieve E. Gedrim, 209 Maynard Road, and Arthur J. Peterson, 31 Autumn Street, to serve as jurors at Cambridge Court, commencing August 1, 1977.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular and executive sessions of June 6, 1977, as corrected, and of the special meeting of June 8, 1977.

Big W Trans--Use of Town Hall Parking Lot--Park and Recreation Commission Swimming Lessons

In response to a request dated June 7, 1977 from the Chairman of the Park and Recreation Commission, it was on motion by Selectman Toomey unanimously

VOTED: To authorize the use of the Town Hall parking lot to park two busses used to transport children in the Park and Recreation swimming program June 27 - August 19, 1977.

Sudbury Traffic Rules and Orders--Amendment Rescinded

In response to the Executive Secretary's request, for the purpose of updating the Town's Traffic Rules and Orders, after discussion, it was on motion by Selectman Toomey unanimously

VOTED: To rescind the Board of Selectmen's vote of February 10, 1975, which read: "That the present restriction, within the Town of Sudbury Traffic Rules and Orders Article VII, Section 12, related to weight limit of vehicles imposed on Goodman's Hill Road, be modified so that the so-called local SudbuS can use said way."

Ambulance Equipment Donation--William E. Downing

Acting Chairman Potell read a letter dated June 6, 1977 from Fire Chief Josiah F. Frost, which conveyed a check in the amount of \$158.25 from Mr. William E. Downing to be used for the purchase of a "Scoop Stretcher" to be carried in the Town's new ambulance.

It was on motion by Selectman Toomey unanimously

VOTED: To accept, on behalf of the Town, a check in the amount of \$158.25 from Mr. William E. Downing;

and it was further

VOTED: To direct the Executive Secretary to send a letter of appreciation to Mr. Downing for his generous gift.

Landham Road Bridge-Deed--Transfer to DPW

It was on motion by Selectman Toomey unanimously

VOTED: To sign the deed transferring the Landham Road Bridge to the Massachusetts Department of Public Works, in accordance with Article 8 of the 1977 Annual Town Meeting.

May 23, 1977 Executive Session - "South Middlesex News" Article

Acting Chairman Potell expressed his disagreement with the "South Middlesex News" June 3 article entitled "Closed-Door Session Challenged", in which the report stated that the reason for the calling of an executive session was for discussion relative to the reappointment of Fire Chief Josiah F. Frost.

Acting Chairman Potell stated that the reasons stated in the article were incorrect and that he would like to see a correction of the article. Acting Chairman Potell stated that the reason for the executive session had been to hold discussion of new policies and new employees within the Fire Department and not the reappointment of the Fire Chief.

Execution of CETA Title VI Contract Relative to Parks, Conservation, and Public Ways Project

Acting Chairman Potell reported that the Executive Secretary had received notification dated June 2, 1977 from R. M. Millett, Program Planner, CETA Program, Marlborough, that approval of the Town's application for funds in connection with a Parks, Conservation, and Public Ways Project had been confirmed by the Office of Economic Affairs.

Acting Chairman Potell read the terms which must be met by the enclosed contract, and he suggested that the Board authorize the Executive Secretary to execute the contract following Town Counsel's review and approval of the same.

After discussion, it was on motion by Selectman Toomey unanimously

VOTED: To authorize the Executive Secretary to execute CETA Title VI contract relative to Parks, Conservation, and Public Ways Project which has been approved by the Office of Economic Affairs as set forth in CETA Program Planner R.M. Millett's June 2, 1977 letter.

Public Works Employment Act Funds

On the subject of the notice recently received from the Economic Development Administration relative to Sudbury's allocation of \$190,000 for construction projects under the Public Works Employment Act, Executive Secretary Richard E. Thompson stated that the Board had indicated during discussion of Article 32 of

the 1977 Annual Town Meeting (Public Works Employment Act Funds) that it would go back to a Town Meeting for ratification of the application if federal funds were received.

The Board agreed to include an article in this regard in the Warrant of the June 29 Emergency Special Town Meeting.

Wayland Board of Selectmen -- Future Western Corridor Transportation Meeting

The Board received an invitation dated June 8, 1977 from the Wayland Board of Selectmen to attend a meeting on June 16, 1977 at 8:00 p.m. in the Wayland Senior Citizens Center on the subject of "The Future of Commuter Rail in the Eastern Corridor".

The Executive Secretary reported that Clifford Hughes, Sudbury's designee to the MBTA Advisory Board, would attend the meeting.

Acts of 1977, Chapter 232--Farmlands

Acting Chairman Potell called the Board's attention to a communication dated May 31, 1977 from Representative Genevra R. Counihan, enclosing a copy of Chapter 232 of the Acts of 1977 (legislation filed by Representative Counihan), which was signed into law by the Governor and enables cities and towns to acquire the development rights in farmland by purchase or borrowing.

Emergency Special Town Meeting--June 29, 1977

The Selectmen, at their meeting on Wednesday, June 8, 1977, after a review of the various options suggested by the Executive Secretary in a report of that date, agreed to call, at their June 20 meeting, an Emergency Special Town Meeting to be held on Wednesday, July 6, 1977.

Executive Secretary Richard E. Thompson reported that it was Town Counsel Paul Kenny's opinion that the Special Town Meeting would have to be held before July 1, 1977 in order to allow retroactivity of salaries to July 1, 1976, in accordance with Chapter 44, Section 68, and that, if held after July 1, 1977, retroactivity could only revert to July 1, 1977.

Mr. Thompson, reporting on his just-completed telephone call to Chairman Powers, stated that Chairman Powers was of the opinion that Chapter 150E of the General Laws supersedes Chapter 44, Section 68. Mr. Thompson stated that Chairman Powers also questioned how communities could bargain for periods longer than a year and still receive retroactive pay.

Acting Chairman Potell stated that, in his opinion, employees in those communities were paid by a lump sum.

Town Counsel Paul Kenny stated that it was his opinion that Chapter 150E provides exemption for certain acts of the legislature, but that Chapter 44, Section 68 was not one of those so exempted. Mr. Kenny stated that he would again review the statutes and contact the Executive Secretary early in the morning in this regard.

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

VOTED: To call an Emergency Special Town Meeting for Wednesday, June 29, 1977 at 8:00 p.m. in the Lincoln-Sudbury High School Auditorium to provide increases for Fire Department employees as a result of collective bargaining negotiations, subject to the encountering of any technical difficulties by the Executive Secretary;

and it was further

VOTED: That the warrant for the June 29, 1977 Emergency Special Town Meeting be opened at this time and that it be closed on Wednesday, June 15, 1977 at 5:00 p.m.

Giovane & Manion, Inc., d/b/a Pizza Alla Pietra, 447 Boston Post Road--Notice of Intent to Pledge Corporation and Liquor License Stock to Shawmut Community Bank N.A.

The Board, at its June 6, 1977 meeting, voted to table further consideration of the request of Michael J. Norris, attorney for Giovane & Manion, Inc., that the Board note on its records and notify the Alcoholic Beverages Control Commission that Giovane & Manion, Inc., d/b/a Pizza Alla Pietra is pledging the stock of the corporation and the liquor license as part of the collateral for a loan to the Shawmut Community Bank N.A. until June 13, 1977 to allow the Executive Secretary to inquire as to whether the license, which was granted on May 10, 1976, subject to the conditions imposed by the Board of Health in their letter of that dated and to be issued following compliance with the same, had ever been exercised.

Executive Secretary Richard E. Thompson now reported that he had, last week, met with Mr. Giovane and that he had learned that the license has not yet been exercised and that the new owner started on June 1 and intends to have full service of the license by July 1 at the latest.

In response to the Board's question as to whether the pledge of stock requires any money from the facility, Mr. Thompson responded that it did not.

In response to the Board's further question, Mr. Thompson reported that there is no mandatory length of time for the exercising of a license after its granting and that this matter would be at the discretion of the Board.

After further discussion, it was on motion unanimously

VOTED: To grant permission to the stockholders of Giovane & Manion, Inc., d/b/a Pizza Alla Pietra, 447 Boston Post Road, Sudbury, to pledge their stock in ownership of this business and all alcoholic beverages restaurant license to the Shawmut Community Bank N.A. as part of the collateral for a loan, subject to the approval of the Massachusetts Alcoholic Beverages Control Commission; and it was further

VOTED: To direct the Executive Secretary to inform the license holder that his current license must be fully activated by July 1, 1977.

Town of Sudbury Ambulance--Standard Operating Policy

Present: Fire Chief Josiah F. Frost

Fire Chief Josiah F. Frost met with the Board to discuss his proposed Standard Operating Policy for the Use of the Sudbury Fire Department Ambulance K/A Car A-6.

Acting Chairman Potell stated that the Standard Operating Policy proposed by Chief Frost had been reviewed by Town Counsel and that he had made certain suggestions concerning the regulations which, after discussion with the Fire Chief, had been incorporated into the regulations (Town Counsel's letter dated June 6, 1977 to the Board).

Executive Secretary Richard E. Thompson reported that he had reviewed the Board's minutes concerning the subject and that the questions raised by the Selectmen had been answered.

Selectman Toomey expressed his concern with the following portions of the policy:

Section 4--which provides for a written mutual-aid agreement between the Town of Sudbury and the Towns of Wayland, Concord, Maynard, and Stow. In response to Selectman Toomey's question as to who would execute the agreement, Chief Frost responded that he would.

Section 7 -- which concerns response to each medical emergency or vehicular accident and requires an on-duty Firefighter/EMT as the driver of the ambulance, the "in-district" engine or rescue company to respond with two men, one of whom shall be a Firefighter/EMT, the ambulance to transport with a minimum of two men, one of whom shall be an EMT. Selectman Toomey stated that, in his opinion, the issue of overtime (call-back to cover for one man if the ambulance leaves Town) had not yet been resolved on this item and that this issue still disturbed him.

Section 8 -- which provides that the nearest available back-up ambulance will be dispatched along with the duty officer, if available, and a Sudbury Police Department cruiser if a medical emergency is received while the ambulance is on a prior call and also provides for call-back of a cover man in certain instances. Selectman Toomey stated that, in his opinion, too much equipment was being moved.

Section 13 -- which provides for the Fire Department officer on duty and a Sudbury police cruiser to accompany the ambulance to the location of the medical emergency in separate vehicles, whenever available. Selectman Toomey questioned whether it was necessary to have all these vehicles moving.

Acting Chairman Potell stated that, in his opinion, he was unsure as to whether or not a reference to a mutual-aid agreement should be included in the regulations, and he agreed with Selectman Toomey that there were problems with Sections 7 and 8.

Chief Frost stated that the Class I, Type I vehicle back-up, which was required by the State, would be provided by the surrounding towns through the mutual-aid agreement.

On the subject of call-back coverage, Chief Frost stated that, in his opinion, agreement had been reached from the very beginning that provision would be made for one-man call-back.

In discussion of the vehicles answering an emergency call, Chief Frost stated that the ambulance, the "in-district" engine company, one police vehicle, and the captain's car, if available, would respond.

Mr. Thompson stated that, in his opinion, the Board did agree to see what happens for a year on a one-man call-back if the ambulance leaves Town and that, after that time, such coverage would be evaluated during the next budget session. Mr. Thompson further stated that one-man call-back was also recommended by the Ambulance Task Force.

Mr. Thompson further stated that, in his opinion, Section 7 of the proposed regulations would not be subject to arbitration, as it is a Fire Chief's order, and that it was his, Town Counsel's and the Fire Chief's opinion that there is no conflict between the contract and the proposed operating policy.

Acting Chairman Potell stated that the Town has provided funds (approximately \$30,000) for the Fire and Police employees to receive EMT training and that, in his opinion, the money spent on the Police Department will have been wasted with implementation of the ambulance operating procedure.

Mr. Thompson stated that the Board had previously agreed to train both forces as the training is valuable and that, in his opinion, the Police will still transport some people to the hospital on non-emergency trips.

Selectman Toomey recommended that charges should be spelled out in the rules.

Mr. Thompson expressed his opinion that the charges should be a separate vote of the Board, and he commented that the Board had previously mentioned including a waiver provision in the charge system.

Acting Chairman Potell suggested that this subject be rescheduled on the agenda for June 20, as, in his opinion, there were some major problems with Sections 7 and 8.

In response to Selectman Toomey's question as to whether the Police Chief had seen the proposed regulations, Chief Frost reported that he had sent Chief Lombardi a copy of the regulations and that he had indicated no objections.

Acting Chairman Potell again expressed his objection to the movement of four vehicles in response to an emergency call.

Chief Frost expressed his opinion that the movement of the vehicles cannot change under the provisions of the State Law.

Selectman Toomey recommended that the Police Chief submit a report to the Board relating to the proposed policy, and he expressed his opinion that call-back coverage would require a lot more money than had been discussed in the past.

It was agreed to request the Police Chief to meet with the Board on June 20.

Chief Frost stated that he would be unable to attend the June 20 meeting, and the Board responded that, as long as it had all the Chief's material on the subject, it would not be necessary for him to attend.

Appointments

Present: Conservation Commission Chairman Kathleen Brown

After discussion, it was on motion unanimously

VOTED: To appoint Marian Zola, 73 Pokonoket Avenue, to the Town Report Preparation Committee for a term to expire on April 30, 1978.

Executive Secretary Richard E. Thompson reported that Robert Grant who had been appointed by the Board, at its June 8 meeting, to the Conservation Commission for a term to expire on April 30, 1980, had advised him that he would be unable to serve.

Mr. Thompson stated that the Conservation Commission had interviewed candidates for the purpose of giving recommendations to the Board and that agreement had been reached upon a final candidate for the Board's consideration.

Selectman Toomey stated that the Board will always entertain recommendations from the various boards and committees, but that it is up to the Selectmen to provide a balance on the boards and committees which they appoint.

Conservation Commission Chairman Kathleen Brown asked if the Selectmen would kindly consider the recommendations set forth in her letter dated June 13, 1977. The Board was in agreement.

Northern Farms Farmstand and Country Store

Acting Chairman Potell stated that the Selectmen had attended a special Saturday on-site inspection and a special meeting to accommodate a local business man and that, since that time, new construction has begun on the site, but that no site plan had been received as previously requested and the existing approved site plan has expired.

Executive Secretary Richard E. Thompson reported that there was no question that the site plan should have been filed during the week following the Board's May 9 meeting with Mr. Calareso, but that he had indicated that the Board would receive it next week.

Mr. Thompson stated that he had, this morning, reviewed the situation with the Building Inspector and had requested from him a status report on this matter.

Selectman Toomey stated that the present status of the matter is not acceptable to him.

Acting Chairman Potell was in agreement, and he stated that he was almost ready to have the Building Inspector intervene and that the sign should be removed from Town property. Acting Chairman Potell further stated that it was his

understanding from the Building Inspector that the beer and wine is not being dispensed in accordance with the plan discussed and approved by the Board at its hearing on March 7, 1977 relating to Mr. Calareso's application for a Package Goods Store License for the Sale of Wines and Malt Beverages.

Selectman Toomey recommended that the Board allow Mr. Calareso until June 20 to submit a revised site plan.

Acting Chairman Potell was in agreement, and the Executive Secretary was directed to so inform Mr. Calareso.

Application -- HUD Special Revenue Sharing Discretionary Fund Grant Program

Executive Secretary Richard E. Thompson reported that the Board had received a communication dated May 11, 1977 from the Area Office of the Department of Housing and Urban Development (HUD), inviting the Town to submit a full application for funds in the amount of \$150,000 for housing rehabilitation.

After discussion, it was on motion by Selectman Toomey unanimously

VOTED: To authorize the Executive Secretary to file a full application to the Department of Housing and Urban Development and appropriate State and areawide clearing houses (A-95 Review) for funds in connection with the Special Revenue Sharing Discretionary Fund Grant Program in the amount of \$150,000 relative to housing rehabilitation in accordance with HUD's communication dated May 11, 1977;

and it was further

VOTED: To authorize the Executive Secretary to sign all appropriate forms and certifications related thereto.

Resolution

It was on motion by Selectman Toomey unanimously

VOTED: To confirm the verbal vote of the Board taken on June 13, 1977 honoring Earl W. Chubbuck, 128 Union Avenue, on the occasion of his retirement by proclaiming him to be "The Earl of Sudbury" for one day, June 13, 1977.

Executive Secretary Richard E. Thompson reported that a special article has been written concerning Mr. Chubbuck, which will soon be printed in the "South Middlesex News".

Fire Chief Review


Acting Chairman Potell stated that the Board, at its meeting on Wednesday, June 8, 1977, had agreed to hold a review with the Fire Chief on June 20 and that the Fire Chief had earlier indicated he would not be in Town on that date.

After discussion, it was agreed to reschedule the review with Fire Chief Frost from June 20 to June 27 when he would be available.

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

VOTED: To adjourn the meeting at 8:45 p.m.

Attest:


Richard E. Thompson

Executive Secretary - Clerk