

IN BOARD OF SELECTMEN
MONDAY, MARCH 21, 1977

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

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

Minutes

It was on motion by Selectman Potell unanimously

VOTED: To approve the minutes of the regular and executive sessions of March 14, 1977.

Utility Petition #77-75

The Board considered the below-named utility petition:

UP#77-75 - Petition of Boston Edison Company and New England Telephone and Telegraph Co. for

OLD LANCASTER ROAD, northerly side from a point approximately 150 feet east of Gerry Drive - removal of two poles and abandonment of locations.

Executive Secretary Richard E. Thompson reported that the Wiring Inspector had verified the fact that the above-named utility poles had been removed and their locations abandoned.

It was on motion by Selectman Potell unanimously

VOTED: To approve the above-referenced petition dated February 3, 1977, as shown on the plan drawn by C. B. Damrell, dated January 25, 1977.

Lincoln-Sudbury Regional High School Basketball Team Day--March 17, 1977

It was on motion by Selectman Potell unanimously

VOTED: To confirm the Board's vote of March 17, 1977 declaring March 19, 1977 as "Lincoln-Sudbury Regional High School Basketball Team Day" and authorizing that a telegram of congratulations and good luck wishes be sent to the coaches and team members of the Lincoln-Sudbury Varsity Basketball Team.

Transfer of Licenses--Storage of Inflammables--Sudbury Highway Surveyor

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

VOTED: To transfer the following licenses for the storage of inflammables issued to the Town of Sudbury Highway Commission to Robert A. Noyes, Sudbury Highway Surveyor, or his successor in office:

- 1) 3000 gallons gasoline, Document #74015, issued August 7, 1972;
- 2) 2000 gallons diesel fuel, Document #74014, issued October 15, 1973.

Selectmen's Meeting Dates--Special and Annual Town Meeting

Executive Secretary Richard E. Thompson reported that the Board had previously agreed to meet with the Personnel Board and the Finance Committee on April 4 at 7:00 p.m. in the Library of the Lincoln-Sudbury Regional High School in advance of the Special Town Meeting to further discuss warrant articles.

Mr. Thompson stated that he would recommend scheduling meetings to precede each session of the Town Meetings.

After discussion, it was on motion by Selectman Potell unanimously

VOTED: To cancel the regular meetings of April 4 and April 11, 1977 at the Town Hall and schedule meetings in the Library of the Lincoln-Sudbury Regional High School on April 4, 1977 at 7:00 p.m. and on

April 5, 6, 11, 12, and 13 at 7:30 p.m.

(Chairman Toomey arrived during the above discussion.)

Public Hearing--Elsbeth Road and Bowen Circle Layouts

Present: James Merloni, Town Engineer; William D. Mafera, 24 Elsbeth Road

Chairman Toomey convened a public hearing relative to the layout of the following ways: Elsbeth Road and Bowen Circle.

Executive Secretary Richard E. Thompson read the Notice of Intention to Lay Out Town Ways, and he commented that tonight's hearing was part of the schedule of required actions by the Board for laying out of these streets, which had been set forth in a report from Town Counsel dated January 14, 1977.

Mr. Thompson further reported that the Board had received two letters dated March 7, 1977 from the Planning Board, reporting that Board's February 28, 1977 unanimous vote to recommend approval of the layout and acceptance by the Annual Town Meeting of these ways.

Mr. William D. Mafera, 24 Elsbeth Road, requested the Board's continued support in the matter of the layout of Elsbeth Road.

The plans were reviewed by the Board.

In response to Selectman Powers' questions as to whether there had been any change in the boundaries or land takings involved, Town Engineer James V. Merloni stated that no such changes had been made.

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

VOTED: To accept and lay out as a Town way, Elsbeth Road, as shown on a plan entitled: "Plan of Elsbeth Road, Sudbury, Massachusetts, as laid out by the Town of Sudbury", dated January 27, 1977, by its Engineering Department; and it was further

VOTED: To accept and lay out as a Town way, Bowen Circle, as shown on a plan entitled: "Plan of Bowen Circle, Sudbury, Massachusetts, as laid out by the Town of Sudbury", dated January 26, 1977, by its Engineering Department.

Town Ambulance Service

Executive Secretary Richard E. Thompson reported that the Board had received a legislative information alert dated March 18, 1977 from the Joint Legislative Office of the Massachusetts Municipal Associations, notifying that House Bill 3345, which would extend the implementation date of the emergency ambulance service law for one year, is being held by the leadership, that the bill had come out of the Health Care Committee with an adverse report which was overturned on the floor by efforts made by the Joint Legislative Office and others. The notice requested that all legislative liaison in towns and cities which are facing serious problems in meeting the deadline supply the above office with all problems by March 30, so that they, in turn, can forward this information to the leadership.

Chairman Toomey requested that the Executive Secretary prepare a list of items in this regard.

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

VOTED: That the Board continue its position voted at its meeting on March 14, 1977 in favor of H.3345 and to instruct the Executive Secretary to forward any list that may be necessary.

Vandalism

Present: Hans Lopater, citizen

Mr. Hans Lopater, 43 Winsor Road, came before the Board, requesting that he be allowed to speak with the Board, although not on the agenda, on the matter of vandalism in the Town.

Mr. Lopater reported that he had become increasingly concerned about vandalism after reading local publications and hearing a report of a home owner's windows being smashed by rocks and the Police Department's response to this call taking 25 minutes. Mr. Lopater expressed his opinion that the issue of vandalism should concern the Town more than it possibly has.

Mr. Lopater stated that, in his opinion, it would be appropriate to request the Police Chief to attend a future meeting to report on the vandalism situation and on the Department's response rate to calls, as he was of the opinion that 25 minutes is longer than should be necessary. Mr. Lopater also questioned whether the Town had enough patrol cars at night, and he asked that this subject

also be discussed.

Chairman Toomey stated that the Police Chief makes monthly reports to the Board, and that the Board is aware that the problem of vandalism is a severe one. Chairman Toomey stated that there are on duty, at any one time, three police officers and one sergeant, who, if tied up with a major accident or crime, would be unable to respond quickly to a second call. Chairman Toomey also stated that the Police Chief is restricted by his budget.

Mr. Lopater suggested that it might be worthwhile to increase the police budget enough to supply an additional patrol car.

Selectman Powers stated that the State had recently issued a report which stated that the problem of vandalism costs the country \$4 billion per year. Selectman Powers reported that the Selectmen, two years ago, had met with the justice of the courts and urged them to be a little tougher in their courts-- that youngsters involved were not getting the attention that it might be hoped.

Selectman Powers stated that the Board had recently agreed on a plan with the Police, with vandalism in mind, to upgrade the Auxiliaires, and he further commented that this problem is almost impossible to deal with unless those involved can be caught at the time.

Executive Secretary reported that the Selectmen had agreed, two weeks ago, in a meeting with the Conservation Commission, the Park and Recreation Commission, and the Police Chief, to keep one police vehicle, at the time it would usually be traded in, for use by the Police Auxiliaires for patrolling.

Chairman Toomey stated that this matter could be further discussed on the Town Meeting floor during consideration of the budget.

Personnel Board--Collective Bargaining Negotiations

Executive Secretary Richard E. Thompson reported that he and Town Counsel had been directed by the Board, at its meeting on February 28, to meet with the Personnel Board to discuss their proposed amendment to the Personnel Administration Plan (ATM, Article 4, Section 8), so that that Board would be involved in contract negotiations with the Town's union employees. Mr. Thompson reported that he and Town Counsel Paul Kenny had met with the Personnel Board on March 16 and that that Board had voted to request a letter from the Selectmen advising the Personnel Board that the Selectmen will inform and seek the opinion of the Personnel Board concerning collective bargaining and, in particular, prior to the point of closing final demands and that, upon receipt of this communication, the Personnel Board would delete Article 4, Section 8 from the warrant.

Mr. Thompson stated that he would recommend that the Board so direct him, as the Personnel Board's request only enforces past practices.

After discussion, it was on motion by Selectman Powers unanimously

VOTED: To sent the requisite letter to the Personnel Board.

Landham Road Widening

Present: Town Engineer James V. Merloni; Highway Surveyor Robert A. Noyes; Assistant Highway Surveyor John Lindgren; Town Accountant John H. Wilson; former Highway Commissioners Philip Felleman and Frederick Welch; Peter and Susan Anderson; Robert Wild, Peter Zuk, Philip Sheehan; David L. Sargent, Sally Piken, and approximately eight other residents of Landham Road

Town officials and area residents met with the Board in a public information meeting on the subject of the proposed widening of Landham Road.

Chairman Toomey reported the following facts which have led to the proposed reconstruction:

1. Petition by the Highway Commission on August 16, 1971
2. Public Hearings on Chapter 90 construction funds - November 19, 1971 and December 2, 1972
3. Survey and Engineering work by County Engineers
4. Public Hearing with plan - January 8, 1975
5. March 5, 1975 - Public Hearing with plan (prior notice sent to all land owners involved in land takings)
6. July 27, 1975: Order of Taking filed
7. August 20, 1975: Pay Day for damages

Chairman Toomey stated that the Board had received a report dated March 4, 1977 from Town Accountant John H. Wilson, which presented the financial situation with regard to current cost estimates, signed contract costs and reimbursements, and available funds.

Mr. Peter H. Anderson, 113 Landham Road, submitted to the Board and to those present a list of questions for which he and the abutters would like answers, and he apologized for not having made his questions available to the Selectmen earlier.

Mr. Anderson stated that it was the feeling of the residents of Landham Road that the proposed reconstruction was a project which was being forced on them, that they appreciated the fact that Chapter 90 construction funds had been made available, but they were here to ask what the cost to the environment would be.

Mr. Anderson stated that a 55-foot swath of land-taking had been made down Landham Road in which many home owners had lost land, and he commented that, in his opinion, when State funds become involved in construction, there appears to be more severe cutting of trees-that more pavement will result in the loss of one of the Town's valuable resources. Mr. Anderson further stated that, in his opinion, Sudbury taxpayers were being asked to change a road which would benefit the Town of Framingham.

Mr. Anderson stated that, in his opinion, Sudbury is losing its image as a country town and that it was unfortunate that Chapter 90 funds were used several years ago in the reconstruction of the bridge at the northern end of the Road, as, in his opinion, it would have been preferable to have the wooden bridge repaired rather than replaced.

Mr. Anderson stated that the plan available at the recent meeting with the Tree Warden was not an actual layout of the road, but indicated the 55-foot right-of-way, with the 30-foot road shown centered in the right-of-way, which would cause more trees to be removed.

Discussion followed concerning the procedure by which the reconstruction had been approved, and former Highway Commissioner Philip Felleman stated that the only approval, in a legislative sense, is of the layout of the road, which was given by the County Commissioners. Mr. Felleman stated that the Town can give input to the County Commissioners, but that they and the State Engineer have the final say. Mr. Felleman stated that the Highway Commission had turned down the County's reconstruction plan on the basis that the pavement should be moved from the center line, that the County had agreed to change the alignment so that there would be less impact on the trees, but had never come back with a revised plan. Mr. Felleman stated that it was his recollection that the County had stated that it would try to abide by the Highway Commission's request, but the final 55-foot layout was approved.

Executive Secretary Richard E. Thompson stated that the plan would go from the County Commissioners to the State District 4 Engineer who designs the roadway.

Mr. Peter Zuk, 2 Wagonwheel Road, questioned why the road had to be widened if the speed limit was going to stay the same.

Mr. Anderson's questions were reviewed and the following information was supplied by the Town Engineer, the Highway Surveyor, the Executive Secretary, the Town Accountant, and former Highway Commissioners Philip Felleman and Frederick Welch.

- Eminent domain land-takings were made by the County, not the Town.
- Layout of takings was approved by the Highway Commission.
- Selectmen and the Highway Surveyor have the authority to declare the plan final.
- Plan calls for 30-foot paved width plus a one-foot berm and a four-foot loamed shoulder on either side. Elm Street at the Framingham line is 40-foot pavement with seven-foot sidewalks on either side.
- Factors determining whether trees remain or will be removed is determined by the location of pavement and also of the walkway. State wants the walkway constructed within the 55-foot right-of-way. If walkway can be constructed outside of the 55-foot right-of-way, considerably less trees will be removed.
- Specifications for tree removal call for removal of all trees within six feet of pavement on State highway construction.

- No trees will be removed for the convenience of the contractor for purposes of maneuvering heavy equipment.

- Filing of an environment impact statement is not required for State construction unless federal funds are used.

- \$39,300 request under line item 420-63 is for Landham Road reconstruction costs.

- Funds appropriated to the Chapter 90 account for a specific purpose cannot be redesignated without another vote of a Town Meeting.

- Chapter 825 funds are issued to the Town in a series of mass transit and highway aid appropriations by the State.

- Use of Chapter 825 funds must be designated by Town Meeting.

- Authorization for use of \$248,796 available in the Chapter 90 account came by way of a series of appropriations by the Town for the last few years.

- There are not, at present, sufficient funds available to complete the entire length of Landham Road. The State is estimating \$315,000 to complete the layout of Landham Road.

- \$315,000 is for everything except the final coat, which is estimated at \$40,000.

Town Accountant John Wilson stated that he will recommend to the Finance Committee that the Selectmen and the Highway Surveyor increase line item 420-63, Chapter 90 Construction Funds, to \$66,203 to bring the total amount up to \$315,000 if the project is to continue. Mr. Wilson stated that, if this increase is made, the total will be offset by the Chapter 825 money (\$93,942) and the balance (\$27,739) applied to Account 420-20-4, Street Seal.

Town Counsel reported that there is an eminent domain taking suit relative to the proposed reconstruction pending and that any damages that may be awarded are not ascertainable and would be in addition to the present figures.

Highway Surveyor Robert A. Noyes expressed his opinion that the State would not begin construction without sufficient funds for completion of the entire length of the road, excluding the funds for the top coat which is estimated at \$40,000.

Mr. Thompson reported that there will be a measure of Conservation Commission control in this area, as they will have to approve a segment of the design which requires a Wetland Protection Act hearing. Mr. Thompson stated that this hearing would give the Landham Road residents another opportunity for input, and he further stated that the Conservation Commission and the District 4 Engineer would have authority, in this instance, to affect the reconstruction plans on the basis on potential environmental dangers.

Mr. Zuk asked what would happen if the Town did not vote the money for Chapter 90 construction funds.

Mr. Thompson and Mr. Noyes expressed their opinions that the County would not proceed without sufficient funds.

Mr. Zuk asked why the road could not be repaved only.

Mr. Noyes stated that the present road does not have a proper foundation and that no drainage exists and that to repave only would be throwing money away.

David L. Sargent, 211 Landham Road, expressed his opinion that the proposed design makes the curve in front of his home more severe and that the general design is poor.

Mr. Robert Wild, 121 Landham Road, stated that, in his opinion, overloaded heavy trucking has caused the road to be ruined and he asked if there was some way a limit on heavy trucking could be imposed.

Chairman Toomey stated that, in his opinion, as Landham Road is a County road, imposing a limit would be a problem.

Mr. Philip Sheehan, 56 Landham Road, stated that Landham Road has carried very heavy traffic and all kinds of tractor trailers ever since the reconstruction of the bridge and the urban renewal in Saxonville.

Selectman Powers stated that in cases of limiting traffic, alternate routes must be provided.

Town Engineer James Merloni stated that Sudbury has only two north/south roads south of Route 20 (Landham and Nobscot Roads) and that a TOPICS report several years ago had indicated that the traffic was almost equally divided.

Mrs. Sally Piken, 55 Landham Road, asked, if the Town Meeting did not vote the balance of the construction funds and the County won't start construction without full funding, what the Town would do about the present condition of the road.

Town Counsel stated that the Town would have to re-petition the County to retain the road in its present condition, or seek alternative reconstruction plans.

Selectman Powers stated that, if this were to be done, the Town would lose \$233,000 in reimbursement construction funds.

Chairman Toomey stated that, if this money is not appropriated, there will be no action taken.

Mr. Felleman stated that, in his opinion, the Town would have to petition the County to abandon the road before the Town could do any work on the road.

Mr. Thompson concurred, stating that such a petition would, in his opinion, take two years.

Mr. Sargent asked whether there might be a chance that the abutters and the County could reach a compromise on the design.

Mr. Merloni stated that minor changes could probably be made, but there was not much chance, in his opinion, that any major, costly changes would be made.

Selectman Powers commented that the County now owns the land and the trees on the land, so that there is little that can be done about the situation, but that the District 4 Engineer and the Chairman of the Department of Public Works could be petitioned.

Mr. Anderson asked whether the residents could expect any support from the Town officials in this regard.

The Highway Surveyor and the Town Engineer responded in the affirmative.

Chairman Toomey stated that the Town officials attending the County hearings represent the Town following Town Meeting votes, rather than the Town departments.

Chairman Toomey expressed his opinion that the department heads had done an excellent job in answering Mr. Anderson's questions, and he advised the Landham Road residents that the Town offices would be open to them for any information they might wish.

Selectman Powers stated that, if the residents wished to make a motion at Town Meeting, the office of Town Counsel would be available to them for any assistance he might give.

Article 5, Special Town Meeting--Purchase Sudbury Skating & Tennis Club/R.A.D.I.N. Property

Present: John Murray, Chairman, Robert Grant, Pasquale Piscitelli, and John Carter of the Park and Recreation Committee; Robert Hotch, Chairman Alan Grathwohl, and Philip Felleman of the Finance Committee; Town Accountant John H. Wilson; Jean Allen, Manager, Mrs. Justin Wyner and Sharon Davis, representing the Sudbury Skating and Tennis Club, Inc., Frank J. McGourty, spokesman for petitioners

Members of the Park and Recreation Commission and the Finance Committee and representatives of the Sudbury Skating and Tennis Club, and a spokesman for the petitioners met with the Board to discuss Article 5, Special Town Meeting, Purchase Sudbury Skating and Tennis Club/R.A.D.I.N. Property.

Mr. Frank McGourty, 4 Meadowbrook Circle, stated that he did not represent the Club and has no official position in the Town, but that he had been chosen as the spokesman for the petitioners. Mr. McGourty stated that he had received late this afternoon some figures and had asked that a representative of the Club also attend tonight's meeting to answer questions.

Selectman Powers asked Mr. McGourty whether, when the petition had been signed, the petitioners had seen the purchase and sale agreement.

Mr. McGourty stated that one of the petitioners had seen the agreement before signing, but that, since that time, the others had seen it.

Chairman Toomey stated that, if the article is passed, the Town will have to accept the purchase and sale agreement as presented in the article, that there is no room for negotiations, and that the boards have not had an opportunity to analyze the figures.

Chairman Toomey stated that the cost of this article is a vital and serious concern to the Town, especially with the decreased Cherry Sheet figures.

Selectman Potell commented on the fact that 200 people had signed this petition which incorporated an agreement that they had not seen.

Mr. McGourty stated that the price was made known to the petitioners.

Selectman Powers asked whether the petitioners had a vote of support from the Sudbury Youth Hockey group.

Mr. McGourty stated that they did have a unanimous vote of support from the Board of Directors of Sudbury Youth Hockey which was taken on March 13, 1977, and that he was of the opinion that all members were present.

Selectman Powers asked whether the petitioners had a vote of support from the Park and Recreation Commission.

Mr. McGourty responded in the negative, and he stated that his figures indicated that the cost of the purchase of the Club would increase the tax rate by \$1.25.

Selectman Powers asked whether the petitioners had the support of any other known sponsoring group.

Mr. McGourty answered in the negative.

Selectman Powers requested that Mr. McGourty supply the Board with a copy of the Sudbury Youth Hockey Board of Directors' vote.

Mr. McGourty was in agreement.

Skating Instructor Sharon Davis reported that 600 youngsters have been taking figure skating lessons at the Club and have enjoyed them and that in some communities the Golden Agers had also utilized the skating rinks.

Selectman Powers asked Miss Davis if she had met with the Council on Aging on this subject.

Miss Davis responded that she had not.

Selectman Potell asked what hours the facility would be kept open.

Mrs. Jean Allen, manager of the Club, responded that it would be open from 6 a.m. to midnight.

Selectman Potell commented that staffing would require three shifts of people.

In response to Selectman Powers' questions, Mrs. Allen reported that the Club presently employs 34 part-time people and that its payroll was \$53,095, excluding tennis and skating instructors, which would be approximately an additional \$18,000.

Finance Committee Chairman Robert Hotch reported that the Finance Committee had spoken with this group and had unanimously voted not to support the article, as the Committee was concerned with the operating costs and had no information in this regard. Mr. Hotch stated that the Finance Committee is trying to keep the tax rate down and hopes that the Town will not support the article.

Finance Committee member Philip Felleman expressed his opinion that, if the facility could be bought and operated by a private concern, the Town should not be in competition with that concern.

Park and Recreation Commission Chairman John Murray reported that the Commission had unanimously voted against supporting the article for reasons not only concerned with the initial cost, but the ongoing cost which was unknown.

Chairman Toomey stated that he would ask, if the Park and Recreation Commission were to be put into a position to manage such a program, whether a full-time director would be needed.

Mr. Murray stated that a full-time director and staff would be needed.

Chairman Toomey stated that, if 34 people were possibly involved in contract negotiations with the Town, it would be a very different situation than with the facility in private hands.

Town Accountant John Wilson reported that, based on available general information, personnel and other operating costs would range between \$300,000-\$325,000 per year.

Mr. Clifford Hughes, 27 Concord Road, reported that he had calculated personnel costs in nearly the same range--that his figure was \$340,000.

Chairman Toomey reported that, in addition to the original purchase price, a new department would have to be created which would probably be larger than the Highway Department and that other employment problems, such as the need of an increased staff in the Town Accountant's office would also be created.

Mrs. Allen stated that the Club, as a Town facility would not offer every program that is now available, and that, in her opinion, the staff would not need to be as large.

Selectman Powers commented that legislation rules municipalities much differently than private enterprises.

In response to Selectman Powers' question, Mrs. Allen stated that none of their employees were union members.

Finance Committee member Philip Felleman expressed the Committee's further concern with the yearly loss of tax revenue in the amount of \$45,000, as well as the cost of insurance on the buildings.

In response to Selectman Powers' question, Mrs. Allen stated that last year's utility bills amounted to \$41,531 for electricity and \$14,574 for gas.

Chairman Toomey stated that the Town has no information about costs, and that he would want certification of all books and income tax returns for the last several years to be given to the Town by the seller.

Mrs. Allen stated that Mr. Wyner had entered into negotiations with another group when he was approached by the petitioners.

Selectman Powers stated that it has been known that Mr. Wyner wanted to sell his facility for some time, and he asked how many offers had been received to this time and what figures had been discussed.

Mrs. Allen stated that Mr. Wyner was working with the figures that the Town has and that he had been in negotiation with one firm and one other in the background and that these negotiations concerned uses other than recreation.

Chairman Toomey commented that the Club now operates on a variance for tennis and hockey and that a variance would have to be requested for any other use, although, in his opinion, there would be no problem in this regard.

Selectman Potell asked whether Mr. Wyner's tennis negotiations had been completed.

Mrs. Allen replied that they had.

Selectman Potell asked whether there was any restriction on the use of the tennis courts.

Mrs. Allen replied that there is a restriction on Mr. Wyner's use of the courts.

Selectman Potell asked about the status of various conditions imposed on this property by the Town which have not been met.

Mrs. Allen stated that the lawyers are presently working on this matter and that she had not been involved.

Selectman Potell asked Mr. McGourty where he had obtained his figure of a \$1.25 increase on the tax rate.

Mr. McGourty stated that he had used much lower personnel cost figures and that he would hope that the tennis and skating instructors would not be Town employees. Mr. McGourty also stated that some revenue would be received by the Town for use of the Club.

The Board reviewed financing cost estimates which were submitted by Mrs. Allen.

In response to Selectman Powers' question, Mrs. Allen stated that there were eight tennis courts in the facility and that they had put a "hold" on selling \$25,000 worth of equipment in one building until after April 4.

Selectman Powers stated that, if the tennis equipment was removed, the building would be empty.

Mrs. Allen stated that this was true.

Selectman Powers asked what rights the Club had over the privately-owned roadway from Union Avenue.

Mrs. Allen stated that the Club pays a rental fee to Coatings Engineering Corporation for use of the roadway and that it was her opinion that the owner of the roadway would be responsible for damages concerning the railroad crossing.

In response to Selectman Powers' further questions, Mrs. Allen responded that their personal liability insurance had cost \$9,600 for last year and that their profit had been \$10,054.

Chairman Toomey stated that, based upon what the Town Accountant estimates for operational costs, the Club's small profit and the costs of bonded indebtedness and a new department, the Board could find no justification for the Townspeople to buy the facility.

Mrs. Allen commented that the justification would be a recreational facility for the Town's use.

Selectman Powers stated that on this particular property there is a conglomeration of spin-offs and that special precautions would have to be taken because it could not be told what had been written off laterally.

Mrs. Allen stated the Club's books for 1974 had been audited.

Mr. McGourty stated that the petitioners were just as interested as the Town officials and, if they feel that the numbers do not justify the cost, they would not be heard from at Town Meeting.

Chairman Toomey advised Mr. McGourty that the petitioners would have fifteen minutes for a presentation and that the Townspeople needed the whole story presented to them.

Selectman Powers stated that the Board had compiled a long list of documents which would be necessary relating to the purchase and sale agreement alone and that the Selectmen had not appropriated funds for a title search on the property which would cost \$750 - \$1,000. Selectman Powers stated that to take this kind of a package to the Town Meeting with so little time is an horrendous task and that this is not the way an item of this magnitude should have been prepared.

Mr. McGourty stated that the question is whether this type of facility is important to the Town--whether it is justifiable.

Chairman Toomey thanked the participants for their attendance tonight and for the information given.

Fire Chief--Operating Policy for Use of Town Ambulance--Annual Town Meeting
Article 24, Area Dispatch Center

Present: Fire Chief Josiah F. Frost

Fire Chief Josiah F. Frost met with the Board to discuss 1) operating policy for the use of the Town ambulance and 2) Annual Town Meeting Article 24, Area Dispatch Center.

Chief Frost was informed of the Board's earlier discussion relative to House Bill 3345, which would extend the implementation date of the emergency ambulance service law to July 1, 1978, that the Board had voted to support the one-year extension, and that, in this regard, the Executive Secretary had been requested to supply a list of all hindrances to the Town's compliance with the July 1, 1977 date for forwarding to the Joint Legislative Office of the Massachusetts Municipal Associations.

The Board reviewed Chief Frost's "Operating Policy for Use of Ambulance (Car A-6)", dated March 10, 1977, and discussion followed.

In response to Selectman Potell's concern, the Board requested that Item 17 include a reference to the appropriate form number.

Selectman Powers commented to the Fire Chief on the importance that special diplomacy be used by those requesting information from persons under stress in accident or emergency treatment situations.

The Fire Chief was in agreement.

Chief Frost commented that his suggested procedure followed the format of several surrounding towns and had been accepted by the State.

Executive Secretary Richard E. Thompson stated that the Board had a previous agreement with the Fire Chief that he would submit his recommendations for policy guidelines to the Board for approval.

Chief Frost stated that he had not understood that the Board's approval was necessary, but that he was agreeable to this procedure.

Mr. Thompson stated that the understanding had been that the Fire Chief would draft the operating guidelines for Town Counsel's review and the Board's approval.

Chairman Toomey stated that he was in agreement that the guidelines should be turned over to Town Counsel's office for his review and report, and he commented that, when settlement is reached with the Firefighters' union, the policy should be reviewed again to be sure it is in concert with the contract.

Selectman Powers expressed his concern that the ambulance be very closely monitored and accurate records be kept to determine future changes in operation policy and procedures.

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

VOTED: To refer the Fire Chief's recommended "Operating Policy for Use of Ambulance (Car A-6)" to Town Counsel for his review and comment.

On the subject of Article 24 of the Annual Town Meeting, Area Dispatch Center, the Board, at meetings on December 27, 1976 and January 24, 1977, had discussed an article for Annual Town Meeting to authorize negotiation of an agreement with certain other towns in Middlesex County to provide for a joint communications and dispatch center for fire and ambulance services.

Fire Chief Frost now commented that of the towns discussed earlier for possible regionalization with regard to the area dispatch center, the Town of Acton had withdrawn and had been replaced by the Town of Boxboro.

Chairman Toomey stated that, in his opinion, the Board had voted and agreed to support Article 24 only on the basis that all the towns originally proposed for inclusion in the center remain the same, as projected assessments had been made on this basis and would change if the member towns changed.

Chief Frost stated that, while there had been some discussion in this regard, it had not been his impression that this had been a consensus of the Board.

Selectman Powers concurred with Chief Frost's recollection.

Chairman Toomey stated that it was also understood earlier, in his opinion, that, if the individual towns voted against similar articles in their respective town meetings, the plan would then become unacceptable to the Selectmen because of the resulting increased assessment.

Finance Committee member, Alan Grathwohl, commented that the Finance Committee's position was to support Article 24 and that negotiations should proceed, based on the Fire Chief's presentation for an assessment of \$22,887.98, but that he did not know what the Committee's position would be if the figures were increased.

In responding to a question from Mr. Grathwohl, Chairman Toomey stated that it was still the Board's intention to support Article 24, Area Dispatch Center, at the 1977 Annual Town Meeting.

Renewal of Earth Removal Permits--Opinion from Town Counsel

Executive Secretary Richard E. Thompson reported that, as earlier requested, the Board had received an opinion dated March 17, 1977 from Town Counsel Paul L. Kenny which stated that Earth Removal Permits may not be renewed by a single member of the Earth Removal Board and cannot be acted upon unless by a quorum of four.

Mr. Thompson requested guidelines from the Board, and he suggested that he forward Town Counsel's opinion to the Earth Removal Board with the request that the Earth Removal Board take corrective action.

The Board was in agreement and requested Town Counsel's Office to follow up on this matter.

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

VOTED: To adjourn the meeting at 10:40 p.m.

Attest:



Richard E. Thompson
Executive Secretary-Clerk