

IN BOARD OF SELECTMEN
MONDAY, SEPTEMBER 26, 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.

Jurors

Present: Town Clerk Betsey M. Powers

The Board drew the names of Richard L. Lucero, 408 Dutton Road, to serve as juror at Lowell Court and Lucille A. Quirk, 272 Willis Road, and Melina H. Francisco, 154 Nobscot Road, to serve as jurors at Cambridge Court, all commencing November 7, 1977.

Police Department Rules and Regulations - Request for Change

Present: Police Chief Nicholas Lombardi

The Board, at its meeting on September 19, 1977, voted to table consideration of a request dated August 31, 1977 from Police Chief Nicholas Lombardi for approval of a change in the Police Department Rules and Regulations as mandated in Chapter 41, Section 97A of the General Laws until the Police Chief could meet with the Board for clarification of the request.

Police Chief Lombardi now stated that it was his intent, in rewording Section E, that lost, stolen, or abandoned articles which were recovered by the Police would be transferred for safekeeping to whomever was in charge at the time rather than to him alone, as the Chief of Police, and he suggested that by capitalizing the word "office" in the third paragraph of Section E as set forth in his August 31 letter, his intent would perhaps be more clear.

After discussion, it was on motion unanimously

VOTED: To approve the above-referenced change in the Police Department Rules and Regulations (Chapter 4, Section E).

Award Bids - Police Department Vehicles

Executive Secretary Richard E. Thompson reported that the Board, at its September 19, 1977 meeting, voted to table the question of awarding bids for police vehicles until tonight's meeting to enable clarification of notations on the low bidder's summary sheet. Mr. Thompson stated that Chief Lombardi had since spoken with the low bidder and, in his subsequent letter to the Board dated September 21, 1977, had expressed some concern with the unknown quality of service from a dealer never before dealt with as well as the increased travel distance to the dealer, but had recommended that the Board accept the low bid from Silver Lake Dodge, Route 9, Wellesley.

After discussion, it was on motion by Selectman Toomey unanimously

VOTED: To accept the recommendation of the Police Chief and to award bids for three sedans (net price \$10,017, plus any options) and one station wagon (net price \$3,596, plus any options) to be used as Police cruisers, for the total cost of \$13,613, plus any options, to low bidder, Silver Lake Dodge, Route 9, Wellesley, MA.

Proclamation - Knights of Columbus Days for Handicapped Children -
October 7, 8, and 9

The Board received a request from Mr. William Griffin, 8 Barton Drive, representing the local chapter of the Knights of Columbus, asking that the Board sign a proclamation relative to that organization's interest relative to assistance for the treatment and care of the mentally and physically handicapped children.

After review of the proposed proclamation and discussion, the Board requested that the words relating to the endorsement of the Governor be deleted from the last paragraph of the Proclamation, and it was on motion unanimously

VOTED: To endorse the action of the Commonwealth of Massachusetts proclaiming October 7, 8, and 9, 1977, as KNIGHTS OF COLUMBUS DAYS FOR HANDICAPPED CHILDREN, and to urge all citizens of Sudbury to take cognizance of this event and to participate in its observance.

Temporary License for Sale of Wines and Malt Beverages - Russell P. Kirby,
Sudbury Ancient Fyfe and Drum Companie - October 1, 1977

Present: Russell P. Kirby, applicant

In response to his request dated September 19, 1977, it was on motion unanimously

VOTED: To grant a temporary license for the sale of wines and malt beverages only, to be drunk on the premises, to Russell P. Kirby, Sudbury Ancient Fyfe and Drum Companie, for their Seventh Annual Muster on grounds of Longfellow's Wayside Inn on October 1, 1977 from 10 a.m. to 5 p.m. This license shall be subject to the provisions that sanitary facilities shall be provided for the people in attendance, that any required building and wiring permits be obtained, and the approval of the Fire and Police Chiefs.

It was further

VOTED: To extend the above-referenced license to a rain date of October 2, 1977, if necessary.

Middlesex County Advisory Board - Sudbury's Assessment

Chairman Powers reported that the Board had received notification dated September 20, 1977 from the Middlesex County Advisory Board, requesting Sudbury's share of operating costs for the Middlesex County Advisory Board.

The Executive Secretary pointed out that Sudbury's share had decreased from \$112.50 last year to \$84.38 this year.

After discussion, it was on motion by Selectman Toomey unanimously

VOTED: To authorize the expenditure of \$84.38 from Account 501-81, Selectmen's Surveys and Studies, for the purpose of providing Sudbury's share of the operating costs for the Middlesex County Advisory Board.

Fall and Winter Holiday Schedule

The Board reviewed a memorandum dated September 26, 1977 relative to a Fall and Winter Holiday schedule prepared by the Executive Secretary relative to three alternative weekdays for choice by Town employees in lieu of Christmas Day, New Year's Day, and Martin Luther King Day, which fall on Sundays this year. The schedule would apply to all Town employees under the jurisdiction of the Board of Selectmen, with the exception of Police and Fire, and requested department heads to schedule employees' alternate days off so that their offices will remain open throughout these three periods.

Selectman Toomey asked that an addition be made to the proposed schedule which would restrict employees from taking both the Friday and the Monday encompassing any one of the three holidays, and, after discussion, it was on motion unanimously

VOTED: To approve the memorandum dated September 26, 1977 as prepared by the Executive Secretary with the addition of the above restriction.

Appointments

After discussion, it was on motion unanimously

VOTED: To make the following appointments:

Myron Fox to the Board of Appeals to fill the unexpired term of John McKenna (April 30, 1982).

Edward P. Rawson to the Permanent Building Committee for a term to expire on April 30, 1980.

The Executive Secretary was requested to schedule candidates Robert M. Bozeman, Jr., 165 Concord Road, and James Pitts, 6 Ruddock Road, at the Board's meeting on October 3 for the purpose of interviews relative to possible appointment to the Long Range Capital Expenditures Committee.

Minutes

It was on motion by Selectman Potell unanimously

VOTED: To approve the minutes of the regular and executive sessions of September 19, 1977, as submitted.

Orion Realty Trust, 80 Union Avenue - Sign Review Board

Present: Zoning Enforcement Agent/Building Inspector Francis E. White

Executive Secretary Richard E. Thompson reported that the Board had received from Building Inspector Francis E. White an informational copy of a letter from Mr. White to the Chairman of the Sign Review Board with regard to Site Plan Application #77-182, in which he suggested that the Board wait for an application from Orion Realty Trust, Ernest Schofield, applicant, before taking any action on this plan, as the sign indicated on the plan might differ in size or location from the final application.

Mr. Thompson recommended that the September 19, 1977 vote relative to approval of the above-referenced site plan be amended to read "subject to approval by the Sign Review Board", and it was on motion unanimously

VOTED: To amend aforementioned vote of the Board in accordance with the recommendation of the Executive Secretary.

Selectman Toomey requested that Selectman Potell, as liaison to the Sign Review Board, attend the upcoming meeting of that Board at which the plan might be reviewed.

Public Works Employment Act Application for Funds - 1977 Annual and
June 29, 1977 Special Town Meetings Article

The Board, at its September 19 meeting, had requested the Executive Secretary and Town Counsel to review the verbatim record of the last Town Meeting proceedings for the purpose of determining the need for a Special Town Meeting to authorize the expenditure of the above funds and to also recommend dates for a future Special Town Meeting if deemed necessary.

Executive Secretary Richard E. Thompson reported that the Board had received a report dated September 21, 1977 from Assistant Town Counsel Thomas M. French which stated that he had reviewed the transcript of discussion under Article 5 of the June 29, 1977 Special Town Meeting which authorized the Selectmen to make application for and to expend \$190,000 or any other sum under the Public Works Employment Act of 1977--Round II. Mr. French's letter stated that there was no indication during the discussion that the Selectmen would return to a future town meeting to authorize any work or expenditure of funds related to this article, nor was such a return discussed or requested by the voters and that, unlike the discussion under a similar article in the 1977 Annual Town Meeting, it would appear that the vote under Article 5 was intended to give the Selectmen full authority to proceed with the projects if funds were granted.

Mr. Thompson reported that he had also reviewed the verbatim transcript and was in agreement with Mr. French's report.

The Board accepted the above reports.

Town Fathers Forum - 117th Session

At 8:00 p.m., Chairman Powers opened the 117th session of the Town Fathers Forum, a summary of which is attached hereto and is a part of these minutes.

Heritage Park

Harmony Gardens Patio Plantings - Executive Secretary Richard E. Thompson reported that he had received a letter dated September 20, 1977 from Gordon DeWolf, Chairman of the Permanent Landscape Committee, which set forth a list of recommendations submitted by that Committee with regard to the plantings around the Harmony Gardens patio (Hosmer House terrace). Mr. Thompson suggested that the Town provide its own labor for some of the plantings which would result in cost savings, and the Board was in agreement.

Plaques - Harmony Gardens and Hosmer House - After discussion, it was on motion by Selectman Potell unanimously

VOTED: To authorize an expenditure not to exceed \$130 from the Heritage Park account for two plaques: Harmony Gardens and Hosmer House.

Harmony Gardens Patio - Dedication - After discussion, it was agreed to set the date of October 20, 1977 for dedication of the Harmony Gardens patio, that date being Miss Florence Hosmer's 97th birthday.

Clerical Study

Present: Town Accountant John H. Wilson

Executive Secretary Richard E. Thompson reported that the Personnel Board now has its full membership and will proceed with the clerical study which will be done by the U.S. Civil Service Commission.

Mr. Thompson reported that his related study relative to department heads is over 50% complete, that he has sent out surveys in this regard, for which he has had approximately a 90% return, and that he will meet with a representative of private industry on September 27 on this subject. Mr. Thompson stated that he could give the Selectmen a status report on this matter with their Friday package.

Mr. Thompson further reported that it is hoped that the October date for the completion of the clerical study will be met, but at the present time it does not look promising.

Town Insurance - Insurance Advisory Committee

Present: Town Accountant John Wilson; Chairman, William Reed, and John Naatz of the Insurance Advisory Committee; Charles Hall, Hall's Insurance Agency

Members of the Insurance Advisory Committee and Mr. Charles Hall from the Hall Agency met with the Board to review that Committee's recommendations relative to Town Insurance.

Selectman Potell reported that he had read the report dated September 7, 1977 from the Hall Agency, but had not fully digested it as yet and that he would request that the item be rescheduled on the agenda for October 3 to allow another week for review.

Selectman Toomey expressed his agreement that more time be given the Board to review the report, and, with regard to Ambulance Attendants Malpractice Insurance, he requested that detailed information be supplied with the Selectmen's Friday package on the subjects of the number of people and vehicles responding to medical emergency calls, the movement of police and fire vehicles, how many persons have been transported to hospitals, whether or not the person was billed, whether callback was involved, etc., since July 1, 1977.

Executive Secretary Richard E. Thompson stated that he would have that information available at that time.

Selectman Potell stated that he wished to have comparable figures for last year also available.

Mr. Thompson reported that for some time the Insurance Advisory Committee had been studying Town insurance coverage and, in response to that Committee's request, had received the report from the Hall Agency with recommendations for a reduction of both the total cost of insurance and the amount of coverage. Mr. Thompson further reported that he had since received a communication dated September 22, 1977 from Town Accountant, Chairman of the Insurance Advisory Committee, which had resulted in tonight's preliminary discussion of their interim report with the Selectmen. Mr. Thompson stated that the Committee had met earlier tonight and that its members could answer questions at this time.

Chairman Powers stated that he would agree with his fellow Selectmen with regard to the week's delay for further review of the report.

The Committee was in agreement that the matter be rescheduled.

Mr. Wilson commented on Mr. Hall's fine work in preparing the report, and he stated that he had tried to summarize Mr. Hall's recommendations in his September 22, 1977 letter. Mr. Wilson stated that the Committee is recommending that 1) the values of Town buildings included under Special Multi-Peril Coverage be reduced and the deductible increased; 2) the deductible in the Automobile Physical Damage policy be increased for all vehicles except police cars; 3) Ambulance Attendants Malpractice Insurance be purchased immediately; and 4) Indemnification of Municipal Employees Insurance be purchased immediately.

Mr. Wilson reported that the Insurance Advisory Committee has taken a formal vote with regard to his letter to Mr. Thompson relative to the adoption of the above recommendations as a measure which would bring the Town's insurance back into line with the money appropriated at Town Meeting while providing adequate insurance coverage. Mr. Wilson asked the Selectmen, on behalf of the Committee, to take a position tonight on the Ambulance Attendants Insurance, stating that the cost of \$375 would provide this insurance at \$300,000 limits, with an eventual goal of \$500,000 limits.

Selectman Potell questioned whether the Ambulance Attendants Malpractice Insurance and the Indemnification of Municipal Employees Insurance could be combined.

Mr. Hall responded that the ambulance insurance is a very specific type of insurance which only covers areas arising out of ambulance service and must be purchased as a separate policy. Mr. Hall stated that the indemnification is needed for the law passed by the 1977 Annual Town Meeting and that bodily injury insurance and property damage insurance are provided under the Town's policy to a limit of \$500,000. Mr. Hall further stated that there is presently no coverage for first aid service.

Mr. Wilson stated that the police force area is also excluded from the general coverage.

Selectman Toomey stated that, under State law, only Emergency Medical Technicians (EMT's) can treat medical emergencies, and he asked whether the police would be covered by this policy if their cruisers were used for transportation to a hospital.

Mr. Hall stated that the policy would cover an incident arising from a medical emergency, but that, unless the person is transported in the ambulance, there would be a gap in the coverage.

Selectman Toomey stated that an "umbrella" to cover those persons responding to the accident not directly involved with the ambulance was needed.

Selectman Potell asked whether the personnel involved in a mutual aid agreement with a surrounding town and, therefore, not an employee of the Town of Sudbury, would be covered.

Mr. Hall expressed his opinion that, in the case of specific service contract, coverage would be a little unclear and that he would want the opinion of Town Counsel, and he further stated that, as far as mutual aid is concerned, his judgment would be that the Town's personnel would be covered by the policy as insured when they were out of Town in such a situation and that the surrounding towns' personnel would probably also be covered for service in Sudbury.

Selectman Toomey asked about the extension of the coverage to private carriers.

Mr. Hall stated that, in his opinion, the private carriers would protect themselves.

Mr. Wilson stated that, in his opinion, the best thing for the Town is to purchase the necessary stopgap insurance and to ask the agent to research the gaps and to report back to the Board.

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

VOTED: To accept the recommendation of the Insurance Advisory Committee to
1) purchase Ambulance Attendants Malpractice Insurance and 2) purchase
Indemnification of Municipal Employees Insurance, immediately.

It was further

VOTED: To authorize an expenditure from Account 950-31, Casualty, to cover the

cost of the above insurance coverage;

and it was further

VOTED: To request that the Hall Agency further research the question of indemnifying all EMT's against malpractice in the performance of their duties as EMT's and that the Insurance Advisory Committee report back to the Board as soon as possible in this regard.

Mr. Wilson stated that the Committee would contact the Board for further discussion as soon as Mr. Hall's recommendation is recieved.

The Board then discussed the possibility of timing the expiration of policies at various times or at one time, and it was agreed that a good payment schedule should be found to coincide with available Town money.

The Board thanked Mr. Hall for his great effort that had gone into his lengthy report and also thanked him and the members of the Insurance Advisory Committee for their attendance tonight.

Office of the Town Planner

The Board received a letter dated September 14, 1977 from the Executive Secretary Richard E. Thompson in which he requested the Board's support for certain recommendations relative to the Planning Office since the resignation of Town Planner Emmanuel Tiliakos.

Mr. Thompson reported that, since Mr. Tiliakos has left, he and the newly acquired CETA employee have been working in this capacity, and he requested the Board's concurrence to request clearance from HUD to hire a part-time planner to help in that office until a full-time planner has been employed. Mr. Thompson stated that he would call the Town of Framingham and the City of Marlborough in an attempt to obtain a member of one of those staffs until the permanent position is filled, and he asked the Board for authorization of an expenditure for this purpose, the funds for which are available in the Federal Rehabilitation grant account.

Selectman Potell commented that rather than to hire someone on a part-time basis contingent upon a new Town Planner being employed, that a competent person should be retained to complete the processing of rehabilitation grants for which the Town received \$30,000, with no intended connection to a new Town Planner being hired.

After further discussion, it was on motion unanimously

VOTED: To authorize the Executive Secretary to hire a Rehabilitation Specialist on a part-time basis, subject to the availability and limitation of funds in the Federal Rehabilitation grant account.

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
Richard E. Thompson
Executive Secretary-Clerk