

IN BOARD OF SELECTMEN  
TUESDAY, FEBRUARY 20, 1979

Present: Chairman John E. Murray and William J. Cossart.

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:00 P.M. by Chairman John E. Murray.

House Bill #1493 Commuter Rail Service-Boston to South Sudbury

Executive Secretary Richard E. Thompson stated that on the recommendation of Selectman William J. Cossart at the Board's meeting last week, he spoke to Clifford Hughes, Massachusetts Bay Transit Authority Designee, relative to his opinion of the House Bill #1493 entitled, "AN ACT RELATIVE TO COMMUTER RAILROAD SERVICE ON THE CENTRAL MASSACHUSETTS DIVISION" dealing with the establishing of train service between Boston and South Sudbury. Mr. Thompson further stated that Mr. Hughes' immediate opinion was not in favor of supporting this bill; however, Mr. Hughes indicated his intentions to speak with Representative Gannett for more information about the proposed legislation, specifically, the increased assessment to the Town of Sudbury if the legislation was implemented.

Mr. Thompson said that Mr. Hughes also expressed an interest in meeting with the Board at a later date to discuss his ideas regarding transportation in the Town of Sudbury.

Selectman William J. Cossart expressed his concern of the Town's present assessment of \$180,000 and said that before considering rail service in the Town, due to its effect on the assessment to the Town, he would like facts regarding the number of people who would avail themselves of the service; how much the implementation of the service would cost; and the projected assessment.

The Board agreed to table further discussion until Mr. Hughes is able to report to the Board with the requested information.

Article 4-Personnel Administration Plan

Present: Edward L. Glazer, Finance Committee.

Executive Secretary Richard E. Thompson stated that a copy of Article 4-Personnel Administration Plan, as amended by Town Counsel, was distributed to the Finance Committee at their last Thursday night meeting (which the Selectmen attended), and approved by them with the additional wording inserted by them for clarification on the vacation section of Article 4.

Following a brief discussion, the Board approved Article 4-Personnel Administration Plan, vacation section, with the recommended wording changes by Town Counsel, and the clarification adjustments made by the Finance Committee.

Police Department Personnel Matters

Present: Nicholas Lombardi, Police Chief.

The Board reviewed a communication dated February 9, 1979, from Nicholas Lombardi, Chief of Police, requesting assistance from the Board of Selectmen, as appointing authority, on personnel matters involving sick leave.

Police Chief Nicholas Lombardi explained that two members of the Department have been out on long-term sick leave. Chief Lombardi stated that Sergeant Peter Sullivan has been out of work since last August on a non-duty related injury, and that as of March 19, 1979, he will have used up all monies due him by the Town. Patrolman Patrick Manzo, the Chief went on to say, has been out of work since last September on a duty-related injury, and he will be paid until disability retirement or his return to work. Chief Lombardi expressed concern that there did not seem to be any effort, on the part of Mr. Manzo, to correct his medical problem, as he refused his doctor's advice to have an operation. Chief Lombardi said that more recently, Mr. Manzo stated that another doctor suggested he wear a brace, and Mr. Manzo requested "limited" or "light" duty in order to return to work. Chief Lombardi stated that Town Accountant John H. Wilson had requested medical records, and did receive a letter from Mr. Manzo's doctor.

The Police Chief stated that past Boards have not encouraged "limited" or "light" duty assignments, and requested something in writing regarding a set policy by the present Board of Selectmen relative to the same.

On the recommendation of the Executive Secretary, it was on motion by Selectman John E. Murray unanimously

VOTED: To direct the Executive Secretary to proceed with the arrangements for a physical examination by the Town Physician, at the expense of the Town, for both Sergeant Peter Sullivan and Patrolman Patrick Manzo, to determine a medical judgement as to whether these men will be able to return to work, and in what capacity at present and in the future.

The Board concurred with the Chief's request to establish a policy regarding "limited" or "light" work assignments, and to further discuss the same at the Board's meeting next week.

Mr. Thompson stated that he met last week with the Police Sick Leave Bank Joint Committee, which has reached agreement on some rules and regulations that should be finalized in time to address Sergeant Sullivan's problem of exhausted sick leave.

It was agreed to discuss the question of limited police duty at the Board's next meeting when Selectman Robert J. Hotch would be present.

Special Constable - Traffic Duty at Raytheon Company

Present: Police Chief Nicholas Lombardi.

It was on motion by Selectman John E. Murray unanimously

VOTED: To appoint James O. Ouellette, 5 Virginia Circle, Grafton, as Special Constable, non-paid, for traffic duty only at Raytheon Company, in accordance with Raytheon Company's request dated February 2, 1979, and the recommendation of the Police Chief dated February 8, 1979.

#### Tax Anticipation Notes

Executive Secretary Richard E. Thompson stated that on January 16, 1979, when the Board authorized the Town Treasurer to borrow \$1,000,000 in Tax Anticipation Notes, in accordance with his request dated January 10th, it was anticipated at that time that there would be a need to authorize the borrowing of another \$1,000,000 at a later date.

Mr. Thompson, therefore, recommended that the Board authorize the borrowing of \$1,000,000 in accordance with the Town Treasurer's request dated February 15, 1979.

Selectman William J. Cossart suggested consulting the Town Treasurer regarding a budget method which avoids repeated borrowing.

Mr. Thompson stated that Clifford Hughes had expressed his concern over the escalating amounts of borrowing over the past years.

Finance Committee member Edward L. Glazer pointed out that interest rates on Tax Anticipation Notes have risen substantially.

Selectman Cossart stated that this would be an added incentive to do something about the borrowing.

On the recommendation of the Executive Secretary it was agreed to table further discussion of the same until later in the evening when the Town Accountant would be present.

#### Selectmen's Policies and Procedures

Selectman William J. Cossart read an amendment to the Selectmen's Policies and Procedures - New Section "T", Accepting of Gifts, as prepared by the Executive Secretary.

Following a brief discussion the amendment was accepted, as amended by Selectman Cossart, by adding the following words at the end of said Section "T": "Any receipt of gifts must be reported to the Board of Selectmen, and a record maintained."

#### First Legislative Position Paper

Following a discussion of the First Legislative Position Paper dealing with a) tax limitation proposals, and b) County Fiscal Home Rule (H-2330), prepared by the Massachusetts Municipal Associations Joint Legislative Office, the Board expressed its support of the same to the Executive Secretary, legislative liaison to the Massachusetts Municipal Association.

Joint Meeting with Sudbury Housing Authority

Articles 27 and 28 - Petition Articles Congregate Housing Project

Present: Robert B. Williams, Chairman, Dallas T. Hayes, and Dorothy Cabral, Executive Director, Sudbury Housing Authority; and Robert Engler, Community Resources Group.

Chairman John E. Murray announced a joint meeting with the Sudbury Housing Authority to discuss a) Articles 27 and 28 - Petition articles relating to the Congregate Housing Project, and b) the present vacancies on the Sudbury Housing Authority.

Executive Secretary Richard E. Thompson referenced a communication dated January 30, 1979, from the Chairman of the Sudbury Housing Authority relative to the retaining by the Authority of the architectural firm, Community Resources Group of Cambridge (CRG), for developing plans for a 15-unit Congregate Housing Facility and stated that a representative of the CRG is also in attendance tonight.

Robert B. Williams, Chairman of the Sudbury Housing Authority (SHA), introduced himself and those in attendance with him.

Mr. Williams explained the process through which the SHA had proceeded to acquire federal funding from Housing and Urban Development (HUD) (\$570,000 awarded in June, 1978) and the application process to obtain approval of a conventional manner of development of a 15-unit congregate housing unit. Mr. Williams stated that he looked at four sites, one of which is a possibility for the housing unit, to be a single-type dwelling housing unit for 12-15 severely disabled individuals; these individuals would remain in the transitional facility, until they have acquired the skills necessary to enable them to live independently. Each would have an individual contract, Mr. Williams replied to Selectman Cossart, with the agency running the program, not to exceed a 9-12 months stay at the transitional facility. If, at the end of that period of time, it is necessary for an individual to remain, he must apply to the Department of Public Welfare for an extension. Mr. Williams pointed out that there is presently a waiting list of about twenty-five people in the greater Boston area.

Mr. Williams explained that the purpose of the proposed Article 27 - "Amend Bylaws, Art. IX, I, B - Basic Requirements" - addresses an amendment to the wording of the Zoning Bylaw entitled "Basic Requirements" to include the words "or low-income handicapped persons", and the purpose of the proposed Article 28 - "Congregate Housing Zoning Exemption" - would grant the SHA an exemption from the Zoning Bylaw to enable the SHA to deal with this specific project.

Mr. Richard F. Brooks questioned the SHA's intention to be exempt from the existing Zoning Bylaw, stating that the SHA should be seeking a re-zoning by Town Meeting vote.

Mr. Brooks further questioned Town Counsel Paul L. Kenny relative to the Planning Board's requirement to hold a public hearing within forty-five days prior to Town Meeting on the proposed site for the construction of the 15-unit congregate housing project.

At the end of the discussion the Board concurred to direct Town Counsel to prepare an opinion addressing Mr. Brooks' concerns for the 1979 Annual Town Meeting.

Present Vacancy on the Sudbury Housing Authority

Following a brief discussion, the Board agreed with the SHA members present that the vacancy left by the resignation of Anita E. Cohen, which the Board acknowledged last week, be filled by the next Annual Town Election, following which the Board of Selectmen, and the SHA will convene a joint session dealing with an appointment to the SHA replacing Thomas R. Blanchette, who tendered his resignation to the SHA by letter dated February 15, 1979, effective February 16, 1979. The Board directed the Executive Secretary to express its appreciation to Mr. Blanchette for his service on the Sudbury Housing Authority.

Remaining Articles and Operating Budget Items

The Board agreed to table discussion and taking of positions on the remaining articles and operating budget items until Selectman Robert J. Hotch can be present.

Continuation of Discussion - Tax Anticipation Notes

Present: John H. Wilson, Town Accountant.

Selectman William J. Cossart reviewed his concerns to Town Accountant John H. Wilson relative to continual borrowing and the brief duration of said borrowing, as well as the increased amount of borrowing and increased interest rates.

Mr. Wilson commented that unless a town has a different element of cash flow, other than tax monies, the vehicle of Tax Anticipation Notes means survival to a town; this is not a unique situation to the Town of Sudbury. In answer to Selectman Cossart, Mr. Wilson stated that he did not think borrowing for cash flow purposes only would be approved by the State, and that assessors' "over-lay", a method of cash flow, would also be objectionable to the State.

Executive Secretary Richard E. Thompson stated that Selectman Cossart questioned "Bills Payable" and suggested a review of the same.

Selectman Cossart suggested the Town Treasurer, the Finance Committee and the Town Accountant schedule a meeting to review the cash flow problems in the Town and report back to the Board regarding the same.

Following further discussion it was on motion by Selectman William J. Cossart unanimously

VOTED: To approve a request dated February 15, 1979, from the Town Treasurer to borrow \$1,000,000 in Tax Anticipation Notes, as concurred with by the Town Accountant in his communication dated February 16, 1979.

Annual Report - St. Anselm's Bingo Committee

As required by the Bingo Division of the Massachusetts State Lottery Commission, the Board received a communication dated February 12, 1979, from the Treasurer of St. Anselm's, Robert Kelley, which enclosed a copy of their Annual Report to the Massachusetts State Lottery Commission.

After review, it was on motion by Selectman John E. Murray unanimously

VOTED: To accept the Annual Report for 1978 of the St. Anselm's Parish and to place a copy of the same on file in the Selectmen's office.

Automatic Amusement Device - Ephraim's of Sudbury

It was on motion by Selectman William J. Cossart unanimously

VOTED: To approve a license for the operation of an Automatic Amusement Device at Ephraim's of Sudbury, 8 Village Green, weekdays, Monday through Saturday, from 11:30 a.m. to 12:00 midnight, to expire December 31, 1979.

Accepting Town Donation - Edwin Barrett Hosmer Memorial Fund

It was on motion by Selectman William J. Cossart unanimously

VOTED: To accept, on behalf of the Town of Sudbury, One Hundred Dollars (\$100.00) donated to the Edwin Barrett Hosmer Memorial Fund by the Sudbury Woman's Club, and directed the Executive Secretary to send an appropriate letter expressing their thanks.

Resignation - Sign Review Board

The Board noted receipt of a communication dated November 21, 1978, by the Sign Review Board, from Malcolm M. Beers, tendering his resignation from that Board.

The Board directed the Executive Secretary to acknowledge Mr. Beers' letter of resignation expressing the Board's appreciation for his service on the Sign Review Board.

Massachusetts Historical Commission Preservation Grant Funds

The Board agreed to refer the application for preservation grant funds under the Massachusetts Historical Commission FY1980 Acquisition and Development Grant Program to the Sudbury Historical Commission, for their review and comment by March 15th.

Minutes

It was on motion unanimously

VOTED: To accept the minutes of the regular session of February 12, 1979, as amended.

Bid Acceptance for Boiler and Hot Water Heater, Fire Department, Station #2

Present: Josiah F. Frost, Fire Chief.

On the recommendation dated February 16, 1979, of the Fire Chief, it was on motion by Selectman John E. Murray unanimously

VOTED: To award the bid for furnishing and installing a boiler and hot water heater at Station #2, to the only bidder, Sudbury Plumbing & Heating Corp., 28 Victoria Road, Sudbury, in accordance with their bid dated February 9, 1979, and the Fire Department's specifications and addendum dated February 6, 1979, relative to the requirement of a 100% performance bond.

Fiscal Autonomy

Present: Richard F. Brooks and Alan H. Grathwohl, Lincoln-Sudbury Regional School District Committee (LSRSDC).

A brief discussion relative to local fiscal autonomy concluded with a consensus that 1) fiscal autonomy is not necessary in order for appropriate Town Officials and committee members to act in a responsible manner when determining annual school budgets; and 2) without fiscal autonomy there will be no impact on the educational quality of the schools. Further discussion was tabled until such time as Selectman Robert J. Hotch could be present.

LSRHS Contingency Fund Article

LSRSDC member Richard F. Brooks stated that the LSRSDC has a proposed article, relative to the Contingency Fund, submitted for both Lincoln and Sudbury's Annual Town Meeting, and that unless the LSRSDC is notified to the contrary by the Board of Selectmen, the Committee will consider the Selectmen to be in support of said article.

Selectman William J. Cossart indicated his support of a Contingency Fund rather than hidden amounts of money in the LSRSDC's budget.

Selectman John E. Murray stated that he and Selectman Robert J. Hotch previously stated certain concerns relative to the percentage of the Contingency Fund, and since he is not present tonight, suggested further discussion to be continued at such time as Selectman Hotch can be present.

Current Items of Interest

Amend Bylaws, Art. XII, 1 - Town Property

Chairman John E. Murray referenced a revised amendment to Article 20 of the 1979 Annual Town Meeting - "Amend Bylaws, Art. XII, 1 - Town Property" - originally approved by the Board of Selectmen February 12, 1978, for further clarification of the above-mentioned article.

Finance Committee member Edward L. Glazer stated that he did not feel that the amendment would be acceptable to others involved in the process, such as the

Finance Committee, who worked with the original wording, and Mr. Forrest D. Bradshaw, who also took part in the original wording of the amendment.

It was a consensus, therefore, that a copy of the above-mentioned revised amendment be forwarded to Forrest D. Bradshaw, as soon as possible, for his review and comment on the same.

#### Joint Legislative Conference

Executive Secretary Richard E. Thompson brought to the Board's attention a copy of a communication of the Municipal Associations suggesting an invitation to the Town's legislators to attend, at the Town's expense, the next Joint Legislative Conference on March 10th. The Board was in concurrence to do so.

#### Miscellaneous

The Board agreed to table discussion of a communication, brought to their attention by the Executive Secretary, dated February 16, 1979, from Virginia Royal dealing with a proposed Town-wide questionnaire similar to one completed in the Town of Westwood, for review of the same at a later date since a similar questionnaire was done several years ago by the Planning Board in the Town of Sudbury.

Chairman John E. Murray agreed to let the Executive Secretary know if he would be attending the scheduled meeting on February 28th of the Middlesex Advisory Board, to be held at the Newton City Hall, or if he would be designating someone to attend on his behalf, in which case the Executive Secretary would send a letter to the Middlesex County Advisory Board informing them of the same.

#### Village Green Sewage Problem

Executive Secretary Richard E. Thompson addressed concerns brought up by Selectman William J. Cossart last week at the Board's meeting dealing with the sewage problem at the Village Green, and stated that the Board of Health has confirmed the existing odor situation is due to surfacing of raw sewage from a faulty system. Selectman Cossart further confirmed and verified personally that the situation exists and must be taken care of. It was noted that the Board of Health, in accordance with their communication dated February 20, 1979 to the President of Coolidge Bank, was on top of the problem, and the Selectmen directed the Executive Secretary to keep them up-to-date as to the status of the situation.

#### Inspection of Schools

Selectman William J. Cossart encouraged the Fire Chief to report to the Board on his routine inspections, as in the past, relative to the Lincoln-Sudbury Regional High School facility, especially the chained doors, which he stated he feels could be a major safety problem if neglected.

#### Progressive System of the Dog Fines

Selectman William J. Cossart requested the Executive Secretary to communicate to Town Counsel relative to the use by the Town of Sudbury of a progressive fines system to possibly help correct the situation of repeated offenders of the Town's



leash law, and the State statute relative to maximum annual fines.

Executive Session

At 10:00 P.M. it was on motion by roll call unanimously

VOTED: To enter into Executive Session for the purpose of discussing the Charity Fund and the strategy for collective bargaining or litigation where open discussion of the same may have a detrimental effect.

(Roll call vote: Chairman Murray in favor; Selectman Cossart in favor.)

Chairman John E. Murray announced that public session would not reconvene following the Executive Session.

There being no further business to come before the Board, the meeting was adjourned at 11:55 P.M.

Attest:

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Richard E. Thompson  
Executive Secretary-Clerk