

IN BOARD OF SELECTMEN
MONDAY, SEPTEMBER 10, 1979

Present: Chairman John E. Murray, Robert J. Hotch 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 Murray.

Utility Petition #79-96 - Peakham Road

Present: Albert St. Germain, Howard C. Kelley and Terrance J. Racicot, abutters; Edward Kelly, Boston Edison Company; and Fire Chief Josiah F. Frost.

In conformity with General Laws Chapter 166, Sections 21 and 22, the Board consider Utility Petition #79-96 of New England Telephone and Telegraph Company and Boston Edison Company, dated July 5, 1979, for the relocation of one pole in Peakham Road and permission to lay underground connecting laterals, cables and wires for distribution purposes.

Executive Secretary Richard E. Thompson reported that all appropriate Town officials and abutters had been notified and referenced a communication dated August 28, 1979, from Town Counsel dealing with said petition and recommending that the petition be disapproved due to the generality of a new clause concerning the placement of underground cables at unspecified locations, which the Utility Companies plan to insert as a standard procedure to all cities and towns. Mr. Thompson stated that the Wiring Inspector communicated to him that he approves the pole relocation but agrees with Town Counsel relative to the clause dealing with connecting conduit.

Boston Edison representative Edward Kelly showed a plan of the petition to the Selectmen and abutters present and explained that the plan is to move the utility pole back three feet. In answer to the abutters, Mr. Kelly stated that any expense of underground cables to private homes would be absorbed by the abutter requesting the same.

Following further discussion it was on motion by Chairman Murray unanimously

VOTED: To approve Utility Petition #79-96, dated July 5, 1979, for the relocation of one pole in Peakham Road, southeasterly side, approximately 230 feet northeast of Horse Pond Road, One (1) pole, (One (1) existing J.O. pole to be removed), as shown on a plan entitled "Plan of Peakham Road, Sudbury", dated June 13, 1979; subject to submission of a new petition deleting the last paragraph beginning with the words "Also for permission to lay and maintain underground laterals,".

Minutes

It was on motion by Selectman Hotch unanimously

VOTED: To approve the minutes of the regular session of August 20, 1979, as drafted.

Rescheduling Selectmen's Meetings Due to Holidays

It was on motion by Selectman Hotch unanimously

VOTED: To adopt the following schedule of Selectmen's meetings during the weeks of the following holidays:

<u>Holiday</u>	<u>Meeting Date</u>
1. October 1 (Monday), Yom Kippur	Tuesday, October 2
2. October 8 (Monday), Columbus Day	Tuesday, October 9
3. November 12 (Monday), Veterans Day	Tuesday, November 13
4. December 24 (Monday), Christmas Eve	Cancel meeting
5. December 31 (Monday), New Year's Eve	Wednesday, January 2
6. January 15 (Tuesday), Martin Luther King Day	Monday, January 14 as usual
7. February 18 (Monday), Washington's Birthday	Tuesday, February 19

Massachusetts Municipal Association-Raise in Local Property Tax

The Board acknowledged receipt of a communication dated August 30, 1979, from the Massachusetts Municipal Association dealing with a raise in the local property tax due to underfunding of county court rentals by the State.

The Board expressed their support of this communication and requested the Executive Secretary to relate their concerns on this issue to our representatives in the Legislature.

Boston and Maine Freight Line

The Board acknowledged receipt of a communication dated August 9, 1979, from Hugh D. Jones indicating his interest in taking over the Boston & Maine freight lines which run through Sudbury.

Sanitary Landfill Rules & Regulations

Executive Secretary Richard E. Thompson referenced Town Counsel's communication dated August 20, 1979, relative to an interpretation of the Sanitary Landfill Rules & Regulations and stated that Mr. DeFranco had been informed of Town Counsel's opinion, as it addresses Mr. DeFranco's concerns relative to the disposing of wood from building removal at his property (on 1 Union Avenue) at the Sudbury Landfill. Mr. Thompson pointed out that Town Counsel's position is that there is no provision for a waiver and that in order for the Selectmen to allow this use it would require either a change in the Rules and Regulations or a suspension of one or more of the provisions thereof.

The Board, after review and discussion of Town Counsel's August 20 communication, maintained its previous position on the matter.

Chairman Murray stated that he received a call from Mr. DeFranco's attorney, Robert Dionisi, who would like to speak to Town Counsel; the Executive Secretary stated that he would ask Town Counsel to call Atty. Dionisi.

Metropolitan Boston Hospital Council - Funding for Advanced Life Support System for Boston Region

Present: Fire Chief Josiah F. Frost.

On the recommendation of the Executive Secretary, in conjunction with the Fire Chief, it was on motion unanimously

VOTED: That the Sudbury Board of Selectmen appreciates the intent of the Metropolitan Boston Hospital Council to maintain an Integrated Regional Advanced Life Support System for the Greater Boston Region; however, in regard to endorsing the present federal grant application and plan for federal funding of an Integrated Regional Advanced Life Support System for the Greater Boston Region, the Town of Sudbury cannot endorse said grant, as plans for future funding as requested are in direct conflict with the funding aims of certain suburban towns in the 128/495 area, whose purpose is to maintain present EMS services, in contrast to a total emphasis on a grant for training paramedics.

Bay Path Senior Citizens Services, Inc. - Funding for Health Services for the Elderly

The Board acknowledged receipt of a communication dated August 31, 1979, from Bay Path Senior Citizens Services, Inc., Framingham, requesting support in its application for funding of a pilot program for the development and expansion of natural support systems and health services to assist the health impaired elderly.

Selectman Cossart expressed his discontent with the ambiguity of the August 23 letter from Bay Path. Selectman Cossart acknowledged and thanked Col. Leahy for his attempt to clarify Bay Path's intentions, but still had reservations about giving carte blanche support to a request for future program funding without better explanation and justification for the same.

The Board concurred with concerns expressed by Selectman Cossart and directed the Executive Secretary to communicate the same to Bay Path and Col. Leahy.

South Middlesex Opportunity Council

For informational purposes the Executive Secretary called the Board's attention to a communication dated August 23, 1979, from the South Middlesex Opportunity Council informing of their actions in seeking timely use of Energy Crisis Intervention Funds from the Federal Government.

General Meeting with Building Inspector

Present: Francis E. White, Building Inspector.

The Board acknowledged with regret the Building Inspector's letter of retirement dated August 29, 1979, effective October 5, 1979, and commended Mr. White for his many years of dedicated service to the Town.

Chairman Murray pointed out the many "hats" worn by Mr. White, and some discussion followed as to how the Town would fill the various positions (Building Inspector, Wiring Inspector, Zoning Enforcement Agent, Sealer of Weights and Measures, and Dog Officer), presently held by Mr. White.

Mr. White said that the Department of Public Safety will provide the Town with a Building Inspector if it becomes necessary after October 5 and that the Town would be charged for this service.

Selectman Cossart questioned Mr. White as to the possibility of his postponing his retirement to the first of the year so that the Town would have ample time to replace Mr. White.

Mr. White said that he has given 30-days notice and did not feel that he could postpone his retirement any longer due to personal commitments. He confirmed that he would be able to continue on a part-time basis for a short time.

The Board discussed the possibility of hiring more than one person to replace Mr. White; in the meantime, deputy officers will continue to carry on some of his jobs. It was noted that the Assistant Dog Officer would be willing to continue as Dog Officer with some back-up help, and that the Town Engineer is agreeable to assuming the responsibilities of the Building Inspector on a temporary basis pending Town Counsel's decision that this is legally feasible. Mr. Thompson noted that he has kept in touch with the maintenance of the four Town buildings under Mr. White's control and will continue to do so. Mr. Thompson also stated that he has spoken to Mr. White regarding the Building Services Group, and that it has been mutually agreed that a meeting will be arranged between them before October 5th so that Mr. White can attend and give his final input.

The Board accepted the recommendations of the Executive Secretary in his memorandum of September 5, 1979, on the subject of replacing Mr. White.

There being no further discussion, the Board again thanked Mr. White for his many years of service to the Town and for attending tonight's meeting.

School Bus Problem - Route 20/Raymond Road

Present: David Navisky and Frederick R. Kobrick, Moran Circle.

Mr. David Navisky of 9 Moran Circle approached the Selectmen with certain concerns relative to the elementary schools bus problems. He stated his opinion that the situation, which has been going on for a week now, is now a matter for the Selectmen, rather than the School Committee, due to the safety-related bus problems.

Mr. Navisky explained the safety hazard of the school bus route involving his neighborhood whereby children are dropped off on Route 20 (at Raymond Road) on the opposite side of Route 20 and expected to cross on their own after the bus has driven off. He and Mr. Frederick R. Kobrick, also of Moran Circle, also pointed out other areas in Town where the same type of safety problem exists. They also pointed out circumstances involving non-functional required safety equipment and non-existent safety equipment on school buses (such as back-up warning signals),

situations where school bus drivers used poor driving judgement, instances where loaded school buses have run out of gas, and suggested that they had knowledge surrounding the past record of the M & S Bus Company relative to bus break-downs and equipment problems, as well as the apparent lack of concern on the part of the Bus Company to rectify these problem areas.

Messrs. Kobrick and Navisky informed the Selectmen that there is a group of people in their neighborhood who will not use the buses until another bus company is contracted, and that the Town could become involved in a legal suit if there should be a serious accident, based on the facts regarding the reputation of the M & S Bus Company. It was also noted that these neighborhood people might reduce their tax payments, as they relate to school bus pick up, by a certain amount.

The Selectmen agreed that the school bus issues should be, and are being, handled by the School Committee, but that the Selectmen can step in when it comes to a safety-related problem. It was a consensus that the Selectmen would bring this problem to the immediate attention of the Police Chief, the Juvenile Officer, William Carroll, and the School Committee, and asked the complainants to call the office tomorrow and speak to the Executive Secretary.

Mr. Navisky and Mr. Kobrick thanked the Selectmen for taking the time to listen to their problem tonight, which had not been scheduled on the Selectmen's agenda.

General Meeting-Board of Health and Operational Review Committee

Present: John V. Sullivan, Health Director, and James J. Healy, Board of Health; William W. Cooper, Chairman, and Robert A. Gottberg, Operational Review Committee.

Dr. Cooper began a slide presentation while explaining the status of the Wayland/Sudbury Septage Disposal Facility program, preliminary plans and basic equipment. Dr. Cooper said that the project is in the phase 4 - Design Phase - and that in 1 - 1½ months it will be in the final phase, ready for construction bid.

Dr. Cooper explained that under the grant process funding has been received for steps 1 and 2, and that the EPA and DEQE are recommending a combined grant (to amend step 2 to be included with step 3) so that the project can qualify for 80% funding, 100% reimbursement from the Federal Government for repair work and a 5% assessment to the Town rather than a 10% assessment under the current approved grant.

The slides illustrated the operation of the septage facility (schematic flow) and the facade of the building suggested for the Post Road plant.

Dr. Cooper showed the Selectmen the site plan showing equipment operation, paved areas, traffic patterns and elevations (two levels, one for office space). In answer to Selectman Hotch, Dr. Cooper stated that the internal building specifications deal with the matter of corrosion, also stating that maintenance of the building would be very minimal.

Dr. Cooper stated that two public meetings have been planned, one with all licensed septic haulers (of each Town) to review the plans and to discuss the

interfacing with the Town; and a general public hearing before the plan goes to final design, engineering and bid.

In answer to Selectman Cossart, Dr. Cooper estimated one million dollars plus for construction cost. The cost to the homeowner would be \$15-20 a year user fees based on pumping every other year with no charge at the facility to the pumpers. Dr. Cooper stated that the EPA requires a user fee of some sort to support the depreciation and maintenance of the facility. It is proposed that pumpers pass in slips to monitor input as to how user fees should be assessed.

Selectman Cossart expressed his strong feeling that a charge should be levied at the site to the pumper in the first instance; controlling and monitoring "pass slips" would be a clerical nightmare.

Dr. Cooper stated that Mr. Gottberg supported Mr. Cossart's views, and that the ORC has not taken an official position on how fees will be levied or administered.

Responding to Chairman Murray, Dr. Cooper explained that the ORC has a proposal for the Town of Weston's use of the facility (if there is room for the Town); that the ORC has also heard from Lincoln pursuant to its use of the facility (although less vigorously); and that the ORC would encourage their participation, depending on capacity, as this would result in additional fixed user fees to the Town of Sudbury.

Dr. Cooper responded to Selectman Cossart that construction should be completed by the end of 1980 depending on the approval of a grant amending step 2 to include step 3, thereby receiving 1979 funds; otherwise, construction could be held up for 1 - 1½ years.

Following further discussion, in conjunction with the ORC, the Selectmen directed the Executive Secretary to send a letter to the Town of Wayland Road Commissioners supporting the idea of having the ORC act as the Building Committee for the joint Wayland/Sudbury Septage Disposal Facility.

The Selectmen thanked Dr. Cooper for his presentation tonight and the work of his committee, and thanked both the ORC and the Board of Health for attending tonight.

Health Director John V. Sullivan stated that the Board of Health had completed a report for the Selectmen relative to surface and subsurface water testing and had prepared a map denoting well and stream test areas which will be submitted to the Selectmen this week. Mr. Sullivan went on to say that the Board of Health has sent a letter to all the industries in Town asking for information regarding what chemicals are used by them and how they are disposed of, this to be followed up and monitored by the Health Department.

Massachusetts' Voluntary Gasoline Conservation Plan

The Board acknowledged receipt of a communication dated August 21, 1979, from Secretary of State Michael J. Connolly, explaining the Massachusetts' voluntary gasoline conservation plan and enlisting the Town's cooperation in its implementation, and made a copy of this communication available to the press.

Town Hall Sewerage System Completion and Final Payment

The Board reviewed a communication dated August 29, 1979, from the Town Engineer recommending that final payment be made to R. Bates & Sons, Inc., for the completion of work of the Town Hall Sewerage System.

Selectman Hotch suggested that perhaps a portion of the money should be held until we are satisfied that as-built drawings are available and a "release of liens" is provided to the Town.

Mr. Thompson responded that he believed as-built drawings were available but would confirm the same with Engineering. On the point of "release of liens" by the contractor, Mr. Thompson responded that he believed this was covered in the contract specifications and corresponds to acceptance of final payment as a "release of liens".

Mr. Hotch asked Mr. Thompson to furnish him with a sample of the "boiler plates" used in Town contracts.

Following further discussion it was on motion by Chairman Murray unanimously VOTED: To authorize the final payment of \$1,460.12 to R. Bates & Sons, Inc., for completion of the Town Hall Sewerage System in accordance with Article 34 of the 1977 Annual Town Meeting.

Maynard's Proposal - Route 117 as Scenic Route

Present: Judith A. Cope, Chairman, and Joan C. Irish, Conservation Commission,

Executive Secretary Richard E. Thompson referenced a communication dated August 28, 1979, from Robert A. Mercier, Administrative Assistant, Maynard, relative to a meeting to discuss the designation of Route 117 as a Scenic Route, and a communication dated August 24, 1979, from the Chairman of the Planning Board discouraging pursuance of this issue. Conservation Commission member Joan C. Irish read and submitted a communication from the Commission, dated September 10, 1979, recommending that the Selectmen reject this proposal.

It was a consensus that the Town of Maynard should be informed of the mutual agreement of the Sudbury Town boards that Route 117 should not be designated as a Scenic Route and the Board directed the Executive Secretary to send a communication in this regard to Maynard.

Resolution

It was on motion unanimously

VOTED: To sign a resolution honoring John E. Kroger on his attaining the rank of Eagle Scout in the Boy Scouts of America.

Temporary License - Sale of Wines and Malt Beverages Only - Our Lady of Fatima
Parish, Concord Road

It was on motion by Chairman Murray unanimously

VOTED: To approve a request from Clare Mullen, Our Lady of Fatima Parish, for a Temporary License for the Sale of Wines and Malt Beverages Only, to be drunk on the premises, for their annual picnic on the grounds of Our Lady of Fatima Parish, Concord Road, Sudbury, on Sunday, September 23, 1979, from 1:00 p.m. to 6:00 p.m.

Relocation of Fence - Bergman Property, 42 Allan Avenue

The Board acknowledged receipt of a communication dated September 1, 1979, from Mrs. Irma Bergman, 42 Allan Avenue, explaining the hardship it would be for her and her husband to have to move their fence, as requested by the Selectmen in their letter of August 20, 1979, at this time and assuring the Board that her husband will be able to do this work in the Spring. The Board agreed that this would be an acceptable situation and directed the Executive Secretary to so notify Mr. and Mrs. Bergman. The Board stressed, however, the fence must be moved off Town property in the Spring in accordance with their vote of June 18, 1979; acting in their capacity of Fence Viewers.

Appointments

Board of Appeals Associates/Earth Removal Board

Following a brief discussion it was on motion unanimously

VOTED: To table the question of making an appointment to the Board of Appeals Associates/Earth Removal Board, until receipt of further background information on the Board of Appeals' recommendation.

Special Constable-Traffic Duty Only-Loring School

In accordance with the recommendation of Bruce Campbell, Principal of the Loring School, it was on motion by Chairman Murray unanimously

VOTED: To appoint Gerry Westcott, 21 Great Lake Drive, as Special Constable for Traffic Duty Only at Loring School, for a term to expire April 30, 1980.

On the recommendation of Selectman Cossart the Board directed the Executive Secretary to request that the School Committee consider looking into the possibility of the custodian at Nixon School, or other schools, acting as Crossing Guard in the same manner as at the Loring School.

Election Officer: Republican Emergency Inspector

On the recommendation of the Chairman of the Sudbury Republican Town Committee, dated August 29, 1979, it was on motion by Chairman Murray unanimously

VOTED: To appoint Deborah M. Swenson, 112 Thunder Road, as election Officer: Republican Emergency Inspector, to replace Marlyse Schwartz, for the term commencing August 15, 1979.

Current Items of Interest

Landham Road

Responding to a recent South Middlesex News editorial, Chairman Murray expressed concern to the press regarding recent publicity of the delays in the reconstruction project on Landham Road, and corrected misconceptions by stating that delays are mostly due to problems with the utilities; and emphasized that the Selectmen have been addressing the problem of Landham Road reconstruction on a daily basis since its beginning.

Water Testing Program

Selectman Cossart reported that a drafted request for a proposal to conduct a surface and subsurface water testing program had been sent to the Conservation Commission, the Water District and the Board of Health for their comment by the Ad-hoc Group, consisting of representatives of the Conservation Commission, the Board of Health and the Board of Selectmen (Selectman Cossart). The Executive Secretary stated that, at the request of Selectman Cossart, he had checked with Federal and State agencies to determine funding availability to help us start a water testing program, but found that the chances of receiving any assistance looked doubtful and that it may require Town Meeting appropriation to accomplish.

Drake Industrial Park

Present: Judith A. Cope, Chairman, and Joan C. Irish, Conservation Commission.

Conservation Commission Chairman Judith A. Cope discussed with the Board a subdivision plan of Drake Park Construction entitled "Plan of Land in Sudbury, Concord, and Maynard, Mass.", dated March 20, 1979, and expressed the many concerns of the Commission relative to drainage problems, cutting/clearing of trees, etc.

Chairman Murray suggested, and the Conservation Commission concurred, that a meeting be arranged to discuss mutual concerns relative to the Drake Industrial Park with the Conservation Commission, the Town Engineer, the Planning Board, and Drake Park Construction and its engineer.

James Property

Selectman Cossart called the Board's attention to a communication dated September 4, 1979, from Donald R. James relative to supposedly uncompleted contractual obligations on the part of Contractor Andrew Lane.

Petition Relative to S-3 School Bus, Haynes

The Selectmen agreed to acknowledge a petition dated September 6 relative to S-3 School Bus to Haynes School by sending a letter to the petitioners and to the School Committee addressing said petition.

Touch-Tone Telephone Service in Sudbury

Selectman Cossart brought to the Board's attention a letter dated August 28, 1979, from the New England Telephone Company to Mrs. Lynn E. Distler relative to

Touch-Tone telephone service in Sudbury. The Executive Secretary stated that he had discussed the matter with Town Counsel; confirming that during the telephone hearing on the Sudbury Telephone Case, her questions and concerns had been addressed. Selectman Cossart agreed to communicate the same back to Mrs. Distler.

Forest Street

At the request of Selectman Cossart, the Executive Secretary will look into the status of acceptance of Forest Street and whether there is still a bond being held, since certain residents there are interested in it becoming an accepted public way.

Landham Road

Chairman Murray noted receipt of a communication dated September 7, 1979, from the Highway Surveyor regarding the Landham Road Reconstruction and the relocation of certain Boston Edison poles, and requested the Selectmen to expedite the process. The Selectmen directed the Executive Secretary to acknowledge receipt of Mr. Noyes' letter and communicate with Boston Edison. Mr. Thompson stated that the Board of Selectmen authorized the Boston Edison Company and the New England Telephone and Telegraph Company on June 18, 1979, to remove and install poles, wires and other fixtures along Landham Road.

Haynes Property, 276 Old Sudbury Road

The Executive Secretary called the Board's attention to a recent telephone conversation with Mr. Royal B. Haynes, 276 Old Sudbury Road, concerning nighttime noises on abutting Town property, and his desire to sell his property to the Town. Mr. Haynes said he would communicate in writing on the subject to the Selectmen.

Department Head Evaluation Sheets

Following the brief discussion it was on motion unanimously

VOTED: To approve department head evaluation sheets for the Town Accountant, the Fire Chief, the Executive Secretary, Town Engineer, the Building Inspector/Zoning Enforcement Agent and the Police Chief with one specific change to include Town department audits on the Town Accountant's evaluation sheet, and to forward the same to the Personnel Board.

Police Department

On the subject of the letter received from Dr. William M. Carlton, dated August 1, 1979, concerning former Police Sargeant Peter Sullivan, the Board directed the Executive Secretary, in conjunction with Town Counsel, to respond to the same.

Executive Session

At 10:15 P.M. it was on motion by roll call

VOTED: To enter into Executive Session for the purpose of discussing the Charity Fund.

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

Chairman 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 11:00 P.M.

Attest:

Richard E. Thompson
Executive Secretary-Clerk