

IN BOARD OF SELECTMEN
WEDNESDAY, APRIL 2, 1980

Present: Chairman William J. Cossart, John E. Murray and Anne W. Donald.

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:30 p.m. by Chairman William J. Cossart.

Organization of the Board

Executive Secretary Richard E. Thompson recommended that the Board consider the customary reorganization of the Board of Selectmen following the election of a new Selectman (Anne W. Donald elected March 31, 1980), which involves the following:

- 1) election of a chairman (William J. Cossart elected Chairman January 28, 1980);
- 2) election of a Clerk to the Board of Selectmen; and
- 3) setting the time and place of the meetings.

Chairman Cossart welcomed Anne W. Donald to the Board of Selectmen.

Selectman Cossart expressed his concerns regarding the rotation of the Chairmanship of the Board, such as: 1) the untimeliness of reorganizing following Annual Town Election, which is just prior to Annual Town Meeting; 2) a Selectman entering the third year of his term would have more experience - this would be the most appropriate time for him to be Chairman; and 3) with the same chairman, there would be more continuity during budget hearings and the onset of Annual Town Meeting.

Selectman Murray stated that his philosophy has not changed, that he feels 1) after the Annual Town Election is when most all boards reorganize and is a good time to do so; 2) the rotation of Chairmanship is to give every Selectman an opportunity - there is no less continuity since all Selectmen have equal knowledge of the budget; and 3) a person in his third year may not run again or be re-elected.

Selectman Donald suggested going with the traditional way instead of trying to start something new at this time.

Following further discussion it was on motion unanimously

VOTED: To elect John E. Murray Chairman of the Board of Selectmen, effective tomorrow, April 3, until the next reorganization of the Board of Selectmen;

and it was further

VOTED: To reaffirm that Richard E. Thompson continue to serve as Clerk to the Board of Selectmen;

and it was further

VOTED: To reaffirm the place and the day of the meeting - lower Town Hall, Monday evenings, 7:00 p.m.

Utility Petition #80-3 for Marlboro Road and #80-4 for Mossman Road

Present: Carol Clinton, Boston Edison Company.

In conformity with General Laws Chapter 166, Sections 21 and 22, the Board considered UP#80-3 and UP#80-4 of Boston Edison Company and New England Telephone Company to erect or construct, and a location for, guy wires and anchors to be owned and used in common by them, upon, along and across the following public ways of Town:

UP#80-3 Marlboro Road, southerly side approximately 262 feet west of Pendleton Road, One (1) guy wire and anchor.

UP#80-4 Mossman Road, southwesterly side approximately 100 feet southeast of Willis Road, One (1) guy wire and anchor.

Executive Secretary Richard E. Thompson reported that all appropriate Town officials and abutters had been notified and that the following communications had been received:

- dated March 25 from the Deputy Wiring Inspector, recommending both and stating that UP#80-4, pole 57/26 guy wire is already installed; and
- dated March 25 from the Building Inspector indicating that he inspected the locus and anticipates no problem with public safety; he also stated that UP#80-4, pole 57/26 presently had one anchor with three guy wires attached.

Mrs. Carol Clinton of the Boston Edison Company read the above-mentioned petitions and, responding to the Selectmen, stated that, regarding UP#80-4, one guy wire is presently on private property, and the request is for an additional guy wire to be installed on town property, for a total of two, which are necessary because of the additional cable going on the manifold.

At the conclusion of the discussion it was on motion unanimously

VOTED: To approve Utility Petition #80-3, Marlboro Road, and Utility Petition #80-4, Mossman Road, both as described above, and as shown on plans entitled "Plan of Marlboro Road, Sudbury, Showing proposed guy wire and anchor location", dated February 1, 1980, and "Plan of Mossman Road, Sudbury, Showing proposed location of guy wires and anchor", dated February 5, 1980, respectively.

Appointments - Insurance Advisory Committee

Present: William P. Reed, Chairman; Gerd O. Haberer and Howard C. Austen, applicants.

Executive Secretary Richard E. Thompson informed the Board that, subsequent to the two interviews conducted at its February 26th meeting, two additional applications for the Insurance Advisory Committee had been received and that both

interested persons are in attendance tonight to be interviewed by the Selectmen and Mr. Reed.

Mr. William P. Reed, Chairman of the Insurance Advisory Committee stated that his knowledge of the applicants' background indicate that they would all be qualified to serve on the Insurance Advisory Committee. Mr. Reed stated that he received the resignation of John C. Naatz of the Insurance Advisory Committee leaving only two members on the Board, himself and Town Accountant, John H. Wilson. Mr. Reed stated his opinion that a Board of three is too small to work effectively and that perhaps the membership on the Insurance Advisory Committee should be increased from three to five. The Selectmen concurred, and it was on motion by Selectman Donald unanimously

VOTED: To increase the membership on the Insurance Advisory Committee from three to five.

Selectman Murray suggested that Mr. Wilson be an ex-officio member of the Board and that the four people interested be appointed. Mr. Reed expressed agreement.

The Selectmen interviewed Mr. Howard C. Austen and Mr. Gerd O. Haberer.

In answer to Selectman Murray, Mr. Reed stated that the Committee does not meet regularly but as insurance matters arise.

Following further discussion it was on motion by Chairman Cossart unanimously

VOTED: To appoint Town Accountant John H. Wilson as Clerk of the Insurance Advisory Committee.

And it was on motion by Selectman Murray unanimously

VOTED: To appoint B. William Bigwood, 41 Old Coach Road, Barry M. Karas, 12 Normandy Drive, Howard C. Austen, 34 Haynes Road, and Gerd O. Haberer, 265 Hudson Road, to the Insurance Advisory Committee, all for a term to expire April 30, 1981.

Official Town Map

Present: Olga P. Reed, Planning Board; James V. Merloni, Town Engineer, Robert E. O'Malley, Jr., 38 East Street, Carole A. Intoccia, 26 East Street, Allan L. Newton, representing a group of abutters of Wigwam Hill Subdivision, and approximately 10 abutters of private ways.

Chairman Cossart, in accordance with the provisions of G. L. Chapter 41, section 81F, opened a public hearing for the purpose of altering the official Town map of the Town of Sudbury, as proposed in Article 34 of the 1980 Annual Town Meeting, and as shown on the map entitled "Official Map of the Town of Sudbury" dated January, 1980, prepared under the direction of the Sudbury Planning Board by James V. Merloni, Town Engineer, a copy of which was displayed.

Executive Secretary Richard E. Thompson called attention to an area on the official Town map called "Pigweed Park", which according to the Town Clerk, had

never been officially recorded as such. This, Mr. Thompson noted, was a small triangular piece of property across the street from the Hosmer House. Following a brief discussion it was on motion by Selectman Murray unanimously

VOTED: To record the name of the triangular piece of land across from the Hosmer House, now known as "Pigweed Park", as Veterans Memorial Park and to alter the official Town map accordingly.

Responding to Selectman Cossart's question as to why Featherland Park had been removed from the official Town map, Planning Board member Olga P. Reed, stated that, according to statute, it is not required that any recreational land, conservation land, cemeteries or schools be placed on an official Town map. Featherland Park, Mrs. Reed stated, does not come under the definition of a "park" but rather, recreational land. Following discussion it was agreed that, to be consistent, Featherland Park should remain off the map.

Mr. Alan Newton introduced himself and stated his attendance tonight was on behalf of his brother, Atty. Francis C. Newton, who represents the abutters of Kato Drive and Kato Summit, roads in the Wigwam Hill subdivision.

Mr. Thompson referenced a communication dated March 31, 1980, from Atty. Newton explaining the objections of certain abutters to the placement of the two above-mentioned subdivision streets, which are private ways, on the official Town map.

Town Counsel responded by stating that once streets are set forth in a subdivision, approved by the Planning Board, and recorded in the Registry of Deeds, it automatically becomes part of the official Town map.

Selectman Cossart read sections of the above-mentioned communication from Atty. Newton and asked the Conservation Commission to confirm that they have not approved said subdivision as it relates to the Wetlands Protection Act, as indicated by Atty. Newton.

Planning Board member Olga P. Reed stated her opinion that whether or not the subdivision has been approved by the Conservation Commission, as it relates to the Wetlands Protection Act, does not apply to tonight's discussion and concurred with Town Counsel that once streets are approved by the Planning Board and recorded, even though they may be unconstructed streets, it is proper to include them on the Town map.

Town Counsel responded to Mr. Newton that the purpose of tonight's hearing is to discuss alterations of the official Town map, such as the addition of private ways previously accepted by Town Meeting as public ways.

Responding to Robert O'Malley of 38 East Street, the Selectmen stated that placing private ways on the official Town map has no effect on the status of the road(s), as it might affect further construction, etc.

Selectman Cossart responded to Mrs. Carole A. Intoccia of 26 East Street that Article 34 does not deal with acceptance and/or laying out of private ways - a separate public hearing would be held for those purposes - but only with the

acceptance of the official Town map.

Airstream Trailer Rally at Wayside Inn

The question of granting a special permit to Francis J. Koppeis, Innkeeper, Wayside Inn Corporation, for the parking of trailers in the East Field of the Wayside Inn on October 17, 18 and 19, 1980, for the purpose of a private Airstream trailer rally to be conducted by Rally Chairman John C. L. Shabeck, Jr., of the Wally Byam Caravan Club International, Inc., was tabled since no recommendation had been received from either Mr. Koppeis or the Board of Health.

Massachusetts Arts Lottery

Executive Secretary Richard E. Thompson stated that at a joint meeting on March 17 for discussion with interested townspeople and local organizations relative to the formation of a Local Arts Council in accordance with the provision of H6861, some concern was expressed as to whether or not it would be worthy to proceed, after learning that the Town may only receive a small annual allocation of approximately \$25.

Mr. Thompson referenced for informational purposes a release dated December 1, 1979, relative to the Arts Lottery in Massachusetts, indicating that higher revenues to cities/towns could be anticipated (approximately \$15,000/year estimated for Sudbury) depending on such things as the number of tickets sold per week and the cost per ticket, etc.

Expenditure from Surveys & Studies Account 501-81 - Article 25 Handout

Following a brief discussion it was on motion by Selectman Murray unanimously

VOTED: To authorize the expenditure of \$120 from the Surveys & Studies Account, 501-81, for the preparation and printing of a handout for Article 25 - Police Facility - of the 1980 Annual Town Meeting.

Concord's Patriots' Day Parade

The Selectmen acknowledged receipt of an invitation dated March 12, 1980, from Harvey Wheeler, Chairman of the Public Ceremonies and Celebrations Committee of Concord, to participate in Concord's 205th Patriots' Day Parade on April 19, 1980, and directed the Executive Secretary to reply that they would make every effort to be there.

Antique Show and Sale Permit-Date Correction

It was on motion by Selectman Murray unanimously

VOTED: To correct the vote of the Board dated February 21, 1980, relative to the approving of an application of Leslie W. Hudson, Jack Built Promotions, for a one-day antique show and sale permit for Saturday, August 15, 1980; the date should be corrected to Saturday, August 16, 1980.

Bethel, Maine Patriots' Day Celebration

The Board acknowledged receipt of a communication dated March 24, 1980, from the Greater Bethel Chamber of Commerce, Bethel, Maine, relative to its celebration of Patriots' Day and its invitation to Sudbury, Massachusetts, to join them due to the early relationship between the two towns' settlers.

Following discussion the Board directed the Executive Secretary to forward a copy of said invitation to both the Sudbury Ancient Fyfe and Drum Companie and the Sudbury Militia; and further, to forward a letter of thanks to Bethel, Maine for its invitation.

Executive Secretary Richard E. Thompson informed the Board that Russell P. Kirby, Fyfe master of the Sudbury Ancient Fyfe and Drum Companie, had already responded, in a letter written in calligraphy, that it would be necessary for them to decline the invitation due to our Town's scheduled celebration on that day.

Mr. Richard F. Brooks, a member of the Lincoln-Sudbury Regional School District Committee, was present and stated that it might be possible for him to represent the Town, as he plans to be in the area of Bethel, Maine, on Patriots' Day.

It was on motion by Selectman Murray unanimously

VOTED: To officially designate Richard F. Brooks representative of the Town of Sudbury at a celebration of Patriots' Day in Bethel, Maine, in accordance with a communication dated March 24, 1980, received from the Greater Bethel Chamber of Commerce.

Bug Day in Sudbury

Selectman Cossart read portions of a communication dated March 24, 1980, received from the Regional Administrator of the United States Environmental Protection Agency commending those who participated in Bug Day in Sudbury.

Warrant Review

Present: J. Owen Todd, Moderator; Betsey M. Powers, Town Clerk; and other Town officials.

At 8:15 p.m. Chairman Cossart welcomed the Moderator, the Town Clerk and other Town officials, and he called the 1980 Annual Warrant Review to order.

There followed a review of the Warrant for the 1980 Annual Town Meeting with motions, presentations, and procedures for each article discussed and agreed upon.

It was announced that former Town Treasurer William Downing will make the honorary first motion of the 1980 Annual Town Meeting.

Current Items of Interest

State of Emergency and Reserve Fund Transfer Request to Account #340-32
Due to Oil Leak

Present: Fire Chief Josiah F. Frost.

It was on motion by Selectman Murray unanimously

VOTED: To confirm the Board's action of March 31, 1980, at 2:00 p.m. declaring a State of Emergency due to an oil spill from an underground fuel oil storage tank at the Town Hall, as recommended in a communication dated March 31, 1980, from Fire Chief Josiah F. Frost.

(Selectman Donald abstained).

Executive Secretary Richard E. Thompson recapped the above-mentioned communication from the Chief and stated that the oil leak was found to be in the return line of the tank; a 10-12' hole was dug to check the water table and a silo was put in with a pump installed; and a tank to bypass the big tank had been set up for heating the Town Hall. Mr. Thompson stated that the cost to repair the damages could be substantial.

Fire Chief Frost stated that he met Mr. Anderson of the Environmental Protection Agency (EPA) who agreed that only three test holes would be necessary at this time, contrary to the six originally requested. The Chief stated that he spoke with Mr. Zecco of the Zecco Company, accredited handlers of oil spills, and was informed by him that he could do three test holes at a minimum day's fee. The total estimated cost for total repairs by Mr. Zecco was between \$10,000 - \$20,000.

Chief Frost stated that it is his and Mr. Zecco's opinion that the tank is whole, but to determine if it is certifiable, it will need to have the Kent-Moore test (\$500) done, a procedure whereby the tank must be filled to capacity with oil (cost \$10,000+).

The Chief stated that he spoke to the EPA on the advisability of fibreglassing the tank now that it is empty and learned that there are two different processes, but only one which they will accept. Mr. Zecco indicated to the Chief that, although his company does not do this type of work, he will be glad to handle the coordination and billing. The Chief stated that the cost to fibreglass would be approximately \$4,500 versus a cost of \$10,000 to replace the tank. Chief Frost recommended fibreglassing the tank since, if the Kent-Moore test determines the tank to be leaking, it will have to be pumped again and either fibreglassed or replaced at that point. In addition, the Chief stated that he reached an agreement with the EPA that, if the tank is fibreglassed, they will not require the Kent-Moore test to be done.

Chief Frost expressed his opinion that the EPA had been very cooperative; that Mr. Anderson is a certified sanitary engineer and the Chief feels comfortable with his recommendation.

Chief Frost stated that he spoke to Mr. Zecco again to see how this would fit into his original estimate of \$10,000 - \$20,000 and learned that the fiberglass work could well be done within the scope of the original estimate, due to the conditions and the assistance of the Town Highway Department.

Chief Frost stated that, according to Mr. Zecco, the final cost cannot be determined at this time. Mr. Zecco had agreed to allow the use of the pump (on the unit to separate oil from other fluids and return oil to tank) on a lease/rental basis, saving the Town from purchasing such a piece of equipment (cost \$4500). (The Chief pointed out, however, that if it is damaged, vandalized or stolen, we would be liable for it.) Chief Frost recommended short-term insurance coverage for the pump.

Chairman Cossart asked if the cost of the rental and the three test holes would be included in the \$10,000 - \$20,000 figure. The Chief responded that he was not sure about the test holes being included but that the \$10,000 - \$20,000 figure would include the rental fee, the sump pump, truck, men's two days of work with compressors, the pump unit, rechecking the pumps, taking fuel oil out of the tank and putting it into storage drums, and time commitments.

Chairman Cossart asked if any fuel had been hauled away. The Chief stated that on Monday approximately 3300 gallons of fluid were in the tank of which approximately 1300 were determined to be water; therefore approximately 2,000 gallons of fuel oil could not be reprocessed (for which we receive no credit). The fuel in the ground, however, can be recovered, the Chief said.

Chief Frost stated that he had checked Mr. Zecco's background and could not find anyone who thought unkindly of him or his ability. The Chief recommended that we support a \$10,000 emergency transfer from the Reserve Fund, and any additional expenses incurred be taken out of the next fiscal year's budget.

Mr. Thompson asked Town Counsel to comment on whether the Board can authorize the Chief to proceed with the fibreglassing of the tank, recognizing that is an expenditure over \$2,000.

Town Counsel stated some concern over the fact that the repair would be something more than service and that an expenditure (to fiberglass) of \$4,500 would have to be by public bid. The only time an authorization of this kind would be in order without bidding would be if it were an emergency situation, such as loss of heat in a school. Money saved by the Town would not be a justification for emergency; whether or not it is in the best interest of the Town is not a concern of the Court.

Mr. Thompson stated that a notice for bidding could go out on Friday and bids could be opened seven days from then. The Chief expressed his opinion that the EPA would probably agree with that process.

Following further discussion it was on motion by Selectman Murray unanimously

VOTED: To authorize the Executive Secretary to proceed with the bidding process to secure a firm to fiberglass the 10,000 gallon underground fuel-oil storage tank adjacent to the Town Hall building;

and it was further

VOTED: To authorize a Request for an Emergency Transfer from the Reserve Fund to Building Department, Town Maintenance, Account #340-32, in the amount of \$10,000 for the purpose of fibreglassing a 10,000 gallon underground fuel-oil storage tank adjacent of the Town Hall building, and performing other necessary repairs due to the leakage of fuel oil from the heating system connected to said tank.

Senior Citizen Intern

The Executive Secretary informed the Board that Col. Paul J. Leahy had been selected by Congressman Drinan's office to serve as senior citizen intern to act as special advisor in elder affairs and will go to Washington, D. C. on May 4 for two weeks.

Installation of Signs for May Arts Festival

Executive Secretary Richard E. Thompson stated that, in addition to a request from the Cultural Affairs Office to install signs for the May Arts Festival, a telephone request had also been received for the use of signs to promote the Loring School Fair to be held from April 26 through May 3.

Selectman Donald asked about the Sign Review Board restrictions.

Mr. Thompson stated that the placement of signs on the common, or other Town property, would be under the jurisdiction of the Selectmen.

Selectman Cossart suggested consulting the Sign Review Board never-the-less.

Selectman Murray stated that he would be in favor of a community type sign, such as the ones that now exist on North & South Sudbury Fire Stations.

Selectman Cossart concurred, if the signs were well constructed, and could be hung over the existing signs maintaining the basic signs and slogan on Conserving Energy.

Following further discussion the Executive Secretary was directed to: 1) refer both requests to the Sign Review Board; and 2) inform the Sign Review Board of the Board's recommendation that the two signs located in front of the fire stations on Routes 20 and 117 remain permanently for use as community signs.

Minutes

It was on motion by Selectman Murray unanimously

VOTED: To approve the minutes of the Regular Session of March 17, 1980, as amended, subject to bringing back to the Board the portion of the minutes dealing with the Joint Meeting with the Sudbury Police Association and Local 315, International Brotherhood of Police Officers, incorporating the Board's recommendations.

(Selectman Anne W. Donald abstained from voting.)

Confirming Previous Telephone Votes of the Board

It was on motion by Selectman Murray unanimously

VOTED: To confirm the Board's previous telephone vote on March 22, 1980, authorizing the Executive Secretary to file requisitions with the Division of Personnel Administration for:

- 1) a Reserve List for the appointment of eight Reserve Patrolmen; and
- 2) a Certification List for the appointment of one full-time, Permanent Patrolman.

and it was further

VOTED: To confirm the Board's previous telephone vote on March 28, 1980, confirming its vote of October 9, 1979, authorizing the appointment of Charles R. Quinn, 8 Lake Boon Drive, Hudson, as a Permanent Patrolman in the Sudbury Police Department, in conjunction with the Certification List dated March 10, 1980.

(Selectman Donald abstained on both votes.)

Current Items of Interest Continued

Request to Exhibit the late Florence Hosmer's Paintings

The Board acknowledged receipt of a communication dated March 28, 1980, from Barry Marchette, Coordinator of the Sudbury Office of Cultural Affairs, requesting to exhibit three of the late Florence Hosmer's paintings at the upcoming Art Exhibit, May 13-22.

Pending probate and in order to look into insurance coverage of the paintings once removed for exhibition, it was the concurrence of the Selectmen to table a decision on this request until the beginning of May. The Executive Secretary was directed to forward a copy of Mr. Marchette's communication to the Historical Commission for its comment, as well as to request an opinion from Town Counsel as to whether or not any decision regarding the estate and/or property of the estate is subject to completion of probate of the Estate of Florence Hosmer.

Sperry Corporation Expansion and Invitation to Visit

The Board acknowledged receipt of a communication dated March 19, 1980, from Sperry Research Center informing the Board of its plans for expansion and inviting the Selectmen to visit the facility. The Board directed the Executive Secretary to arrange a convenient date for the Board to tour the plant.

Middlesex County Retirement Board Review of Involuntary Accidental Disability Retirement Application of Patrick J. Manzo

The Board acknowledged receipt of a communication dated March 21, 1980, from the Middlesex County Retirement System stating that a hearing will be held on Tuesday, May 13 at 2:30 p.m. in the Retirement Board Meeting Room, Superior Court-house, relative to the Involuntary Accidental Disability Retirement Application submitted by the Selectmen, on behalf of Officer Patrick J. Manzo.

Certification of Election of Town Clerk

The Chairman of the Board of Selectmen signed a Certification of the Election of the Town Clerk on March 31, 1980.

Executive Session - Collective Bargaining

It was on motion by Selectman Murray unanimously

VOTED: To table the Executive Session to discuss collective bargaining until the Board's meeting of April 4.

Joint Meeting with Conservation Commission Request

Executive Secretary Richard E. Thompson stated that Associate Member of the Conservation Commission, Lynne H. Remington, had requested a joint meeting with the Board of Selectmen for the purpose of discussing Article 40 - Wetlands Protection, Article XVII - of the 1980 Annual Town Meeting. The Board suggested meeting with the Conservation Commission Friday, April 4 at 5:00 p.m., and requested Mr. Thompson to confirm.

Communication from Estelle Simon - Telephone Case #18153

Executive Secretary Richard E. Thompson brought the Board's attention to a communication dated March 9, 1980, from Estelle Simon requesting support and cooperation in her personal appeal on telephone case #18153. Mr. Thompson stated that the Board's previous concerns (that Town Counsel or secretarial help would no longer be available) had been relayed to Mrs. Simon, and when the Board last discussed this communication, a decision had been tabled pending a recommendation from Town Counsel.

Following a lengthy discussion, the Selectmen concurred that although there has been tremendous effort on the part of Mrs. Simon, the Town can no longer be a party to the appeal in telephone case #18153. The Board requested Town Counsel to discuss with Mrs. Simon his recommendation that the Selectmen not accept donations, if any, in response to her request to surrounding towns for financial support in her appeal endeavor.

Sign Violations

Selectman Cossart directed the Executive Secretary to question the Sign Review Board why Mercury Mobil was not on the recent list of sign violations throughout the town addressed to the Building Inspector and dated March 19, 1980.

Executive Session

At 11:30 p.m. it was on motion by roll call

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

(Chairman Cossart, in favor; Selectman Murray, in favor; and Anne W. Donald, in favor.)

Chairman Cossart 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 11:40 p.m.

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk