

IN BOARD OF SELECTMEN
MONDAY, MARCH 10, 1980

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

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:00 p.m. by Chairman Cossart.

Sudbury's Electric Bills

Chairman Cossart read the first two paragraphs of a communication dated February 29, 1980, from Frederick A. Roth, District Manager, Boston Edison Company, relative to the increasing effect of the temporary closing of the Plymouth nuclear generating station on forthcoming electric bills to Sudbury customers.

Rescheduling Selectmen's Meetings During Annual Town Meeting

It was on motion by Selectman Murray unanimously

VOTED: To schedule meetings at 7:30 p.m. in the library of the Lincoln-Sudbury Regional High School prior to each night of the Annual Town Meeting, in place of the Board's regularly scheduled Monday meeting during that period.

Minutes

It was on motion by Selectman Murray unanimously

VOTED: To approve the minutes of the Regular Session of March 3, 1980, as amended.

Current Items of Interest

Senate Committee on Ways and Means Meeting - "Current Fiscal Situation"

Executive Secretary Richard E. Thompson called the Board's attention to an invitation dated March 3, 1980, from Chester G. Atkins, Chairman of the Senate Committee on Ways and Means, to attend a meeting at the Wayside Inn in Sudbury on Wednesday, March 19, at 8:30 a.m. for a presentation of the current fiscal situation and a discussion on projected state revenues and local aid. Selectman Cossart and Murray stated they would attend, along with Mr. Thompson, Mr. Wilson and Mr. Goldstein.

Property classification

Selectman Murray requested the Executive Secretary to check with the Selectmen of both Wayland and Lincoln (and any other interested person, such as assessors, treasurers and accountants) as to their interests in a joint meeting with the Town of Sudbury relative to a discussion/explanation of the recent legislation - Property Classification - as mentioned at last week's meeting.

Congressional Senior Citizen Intern Program

Chairman Cossart referenced a communication dated March 4, 1980, from Congressman Robert F. Drinan relative to the selection of an intern to represent

the Fourth Congressional District for the Congressional Senior Citizen Intern Program. Executive Secretary Richard E. Thompson stated that he has been in touch with Col. Paul J. Leahy, who has again expressed his willingness to participate in the program if the Board so desires. The Board directed the Executive Secretary to send a communication to Congressman Drinan, submitting as the Board's nomination the name of Col. Paul J. Leahy for the Senior Citizen Intern Program.

Memorial Contributions - Frank H. Grinnell

Selectman Murray reported that \$350 in donations had been collected in memory of Frank H. Grinnell, recently deceased, and will be placed in a memorial fund for the hiring of a band to march and play in the Memorial Day Parade. Further contributions can be made through the Town Accountant's or Selectmen's office, and following the Selectmen's acceptance of these gifts, on behalf of the Town, the funds will be administered by the Memorial Day Committee. Selectman Murray stated that the informal Memorial Day Parade Band Committee consists of Mary Jane Hillery, Patricia Hersey and John C. Powers.

Article 4 - Personnel Administration Plan

Chairman Cossart stated that Finance Committee Member Frederic T. Hersey had requested a clarification of the language in the bylaw dealing with "Sick Leave Accumulation", and he (Chairman Cossart) expected this might be a topic of conversation at the Finance Committee's next meeting, Thursday, March 20. Executive Secretary Richard E. Thompson stated that Town Counsel Paul L. Kenny had submitted an opinion on this subject to Mr. Hersey (March 6, 1980); Mr. Thompson further stated that Mr. Kenny is now in the process of preparing a memorandum to the Finance Committee dealing with fiscal autonomy as it relates to transportation and administration.

Gift from Bay Path

It was on motion by Selectman Murray unanimously

VOTED: To accept a grant, on behalf of the Council on Aging, in the amount of \$1500, from Bay Path Senior Services, on the application made by the Council for the purchasing of equipment and furnishings for the new drop-in center.

South Middlesex Area Chamber of Commerce 84th Annual Banquet

Executive Secretary Richard E. Thompson called the Board's attention to an invitation from the Officers and Directors of the South Middlesex Area Chamber of Commerce - 84th Annual Banquet, to be held Friday, April 11, 1980, at the Sheraton Tara. Both Chairman Cossart and Selectman Murray stated that they would not be able to attend.

Civil Service List

It was on motion by Selectman Murray unanimously

VOTED: To direct the Executive Secretary to request from the Division of Personnel Administration an unofficial list of names from the Entrance List, it being understood that this request must be in writing and that the list is unofficial.

Communication from Estelle Simon Re: DPU Telephone Case #18153

Executive Secretary Richard E. Thompson called the Board's attention to a communication dated March 9, 1980, from Estelle Vee Simon, Spokesperson for the Petitioners, prepared for distribution to other towns requesting their financial assistance relative to her personal appeal to the Supreme Judicial Court, on the DPU decision in Telephone Case #18153. Attached to Mrs. Simon's letter was a copy of a communication dated March 7, 1980, from Christopher C. Rich, Secretary of the Department of Public Utilities, indicating receipt of Mrs. Simon's letter of appeal.

Mr. Thompson stated that Mrs. Simon requested the Selectmen's cooperation on her appeal by allowing her to have access to the copying machine in the Selectmen's office, reimbursement for mailing fees and court fees, and establish and maintain a fund with receipts from area towns.

Since this request is contrary to the Board's decision not to proceed with an appeal, it was a consensus that the Board would review her communication and comment at its next meeting on March 17.

Bonding Request to Massachusetts Industrial Finance Agency by Granco Realty Trust

Executive Secretary Richard E. Thompson called the Board's attention to a notification received today by certified mail, dated March 4, 1980, from the Massachusetts Industrial Finance Agency, relative to an application from Granco for issuance of industrial revenue bonds under Chapter 40D of Mass. G.L. to finance construction of a facility at 64 Union Avenue.

Since, as noted in the communication, the application was considered at the Massachusetts Industrial Finance Agency's meeting of March 6, Selectman Murray suggested that Mr. Grande of Granco Realty Trust be contacted as to the disposition of it.

May Arts Festival

Executive Secretary Richard E. Thompson informed the Board that Mr. Barry Marchette, Coordinator, Office of Cultural Affairs, in his request of February 20, really was requesting use of the bandstand (Harmony Gardens Terrace) next to the Hosmer House, and not the bandstand near the Peter Noyes School, which the Board authorized him to use at its meeting of February 26 for a band concert and chamber music concert on May 17 and 18.

During discussion the Board concurred that the Hosmer House grounds are not ready for public use and that there was no real advantage of using that area rather than the bandstand near the School. The Executive Secretary was directed to convey the Board's concerns about the use of the Hosmer property to Mr. Marchette, reconfirming the Board's approval of the use of the bandstand in the School area on May 17 and 18 for a band concert and chamber music concert.

Article 11 - Special Act - Civil Service, Police

Town Counsel Paul L. Kenny reported that he met today with the members of the Sudbury Police Department, and that specific concerns were raised as to what the passage of warrant article 11 - Special Act - Civil Service, Police, would do.

Mr. Kenny stated that the Police Department would like to meet again with the Selectmen on an official basis at their next meeting on March 17, and would like to be notified in writing that a meeting has been scheduled. The Executive Secretary was directed to arrange the same.

Application to Store Inflammables - Hilco Supply, Inc., 378 Boston Post Road

Present: Elliot P. Putnam, Hilco Supply, Inc.; Judith A. Cope, Chairman, and Joan C. Irish, both of the Conservation Commission, arrived after the hearing.

In accordance with Chapter 148 of the General Laws of Massachusetts, Chairman Cossart convened a public hearing on the application dated February 12, 1980, of Hilco Supply, Inc., for a license to store inflammables - 12,000 gallons underground (three, 4,000 gallon tanks: one, to store diesel fuel and two, to store gasoline) - at property located at 378 Boston Post Road, owned by Pauline Fantoni.

Executive Secretary Richard E. Thompson stated that all appropriate Town Officials and abutters had been notified and noted receipt of the following communications and documents:

- from Fire Chief Josiah F. Frost, noting approval on the above-mentioned application, on February 13, 1980;
- a plot plan entitled "Plot Plan of Land in Sudbury, Massachusetts, for Pauline Fantoni", dated June 4, 1979;
- from the Building Inspector, Joseph Scammon, dated March 4, 1980, indicating that he had visited the site, reviewed the application and the plot plan and has no negative comments to make;
- from the Board of Health Director, John V. Sullivan, dated March 6, 1980, recommending approval; and
- from the Fire Chief, dated February 22, 1980, stating no objection to the storage application provided that the tanks and installation meet the specifications outlined in the Department of Public Safety Board of Fire Prevention Regulations.

Mr. Thompson stated that the Conservation Commission had been notified, but that no response had been received to date.

Chairman Cossart noted receipt of a communication dated February 28, 1980, from Pauline Fantoni confirming that Hilco Supply, Inc., is the lessee of the property located at 378 Boston Post Road, and indicating her consent for storage of inflammables on said property.

The Selectmen discussed and expressed some concern with the proximity of the storage site to wetlands within 100-125 feet.

Mr. Putnam stated that he could have it measured tomorrow.

Selectman Murray suggested that the Selectmen move approval subject to approval/comment from the Conservation Commission. Chairman Cossart concurred.

Town Counsel Paul L. Kenny stated that if the location is determined to be applicable under the Wetlands Protection Act, the Conservation Commission would have to approve the requested storage before the tanks are actually installed and also that a Wetland Protection Act hearing may be requested before a final decision is made by the Selectmen to approve the storage license.

Following further discussion it was on motion by Selectman Murray unanimously

VOTED: To approve the application of Hilco Supply, Inc., for a license to store underground 4000 gallons diesel fuel and 8000 gallons gasoline, a total of 12,000 gallons of inflammables, to be stored in three 4000-gallon tanks, on property located at 378 Boston Post Road, owned by Pauline Fantoni, subject to comment and approval by the Conservation Commission; said license is granted subject to the following condition:

- 1) the license is limited to and applies to use by Hilco Supply, Inc., and does not become a grant attached to the land;
- 2) the fuel and gasoline will be for private use only and will not be for sale to the public; and
- 3) the installation of the tanks is subject to approval by the Fire Chief.

The Board directed the Executive Secretary to notify the Conservation Commission of the Board's action tonight and request a recommendation from them as soon as possible.

Chairman Cossart recessed the meeting at 7:45 p.m. for a coffee break; the meeting was called back to order at 8:00 p.m.

Site Plan Application #80-213 of Methods, Inc. - 65 Union Avenue

Present: Robert Devlin, Engineer; Clement C. McIver, Jr. and Clement C. McIver, Sr. Owners; Joseph E. Scammon, Building Inspector/Zoning Enforcement Agent; Judith A. Cope, Chairman and Joan C. Irish, Conservation Commission.

In accordance with Article IX, Section V, Paragraph A of the Sudbury Bylaws, the Board considered Site Plan application #80-213 of Methods, Inc., for property located at 65 Union Avenue.

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

- from the Board of Health dated March 3, 1980, recommending approval;
- from the Conservation Commission dated February 28, 1980, recommending approval;
- from the Planning Board dated February 28, 1980, recommending approval;
- from the Town Engineer dated March 3, 1980, which the Executive Secretary read, recommending approval.

Mr. Thompson stated that Mr. Scammon was present and had the plan for the

proposed addition.

Mr. McIver, Sr., explained that the reason for a second story addition is to provide classroom storage space. Mr. McIver stated that Methods, Inc., deals with large sophisticated machinery, and that it is necessary to teach new customers how to use this machinery. Referring to the plan, Mr. McIver stated that the storage area in the new addition is for storage of records which must be kept for 7-10 years for tax purposes and other federal regulations.

In answer to Mr. Murray, Mr. Devlin stated that a new bar joist system will be constructed over the old. A cement floor will be used in order to keep the noise level down in the classroom, which is located above the machine shop.

Following further discussion it was on motion unanimously

VOTED: To approve Site Plan Application No. 80-213 of Methods, Incorporated, for property located at 65 Union Avenue, as shown on a plan entitled "Second Story Addition for Methods, Incorporated, Sudbury, Massachusetts", dated February 12, 1980.

Executive Session

At 8:15 p.m. it was on motion by roll call

VOTED: To enter into Executive Session for the purpose of discussing litigation and transactions in real estate where open discussion of the same may have a detrimental effect.

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

Chairman Cossart announced that Public Session would reconvene following the Executive Session.

Discussion Relative to Vacancies: Board of Assessors, Veterans' Agent and Veterans' Graves Officer Positions

Present: Town Clerk, Betsey M. Powers; David G. Hubbard and William R. Duckett, Board of Assessors; Edward L. Glazer, Finance Committee; Col. Paul J. Leahy, Thomas F. McDonough and William A. Burns, Veterans Advisory Committee.

Chairman Cossart opened a general meeting for informational purposes and discussion relative to filling positions held by recently deceased Frank H. Grinnell.

Veterans' Agent & Director of Veterans' Services and Veterans' Graves Officer

Executive Secretary reported that various parties at the State and local levels have been notified of the death of Mr. Grinnell and of tonight's meeting to discuss filling the positions of Veterans' Agent & Director of Veterans' Services, as well as, Veterans' Graves Officer with the Veterans' Advisory Committee and the Town Clerk. Mr. Thompson stated that he made inquiries to surrounding towns to see how they operate and learned the following:

- in the Town of Weston, an individual hired as Administrative Assistant handles the duties of a Veterans' Agent and Veterans' Graves Officer;

- in the Town of Wayland, the Executive Secretary is Director of Veterans Services and has an agent under him handling the case load;
- in the Town of Concord, the Town Treasurer is appointed Director of Veterans Services, and the Secretary to the Selectmen handles the case load.
- in the Town of Framingham, it is a full-time position.

Mr. Thompson referenced the statute, which the Board had received a copy of, dealing with requirements for filling said vacancy, and pointed out that once an incumbent, who is full-time (as in Mr. Grinnell's case) is not re-appointed, the Town must 1) appoint a full-time Veterans' Agent and Veterans' Graves Officer; or 2) go into a district, which is the State's recommendation. Mr. Thompson also pointed out that in the towns mentioned above, they have avoided hiring a full-time Veterans' Agent and Veterans' Graves Officer by placing those duties under the discretion of a full-time Town Employee.

To clarify the statute, as it applies to the hiring of Veterans' Agents, the Executive Secretary read a 1972 amendment of Chapter 471, Section 1.

Selectman Cossart stated his feelings that, in the past, when the Veterans' Agent had been appointed it had not been specified whether or not the position was full or part-time.

Town Counsel Paul L. Kenny stated that it would be necessary to amend the statute as it now reads in order to fill that position other than on a full-time basis. Mr. Kenny confirmed, however, that the statute does not preclude a present full-time Town employee from carrying the duties of a Veterans' Agent and Veterans' Graves Officer. The purpose of the statute, Mr. Kenny stated, was to assure that someone was available at all times.

During further discussion, the Selectmen agreed that the position should not be regional; that it should be filled by a resident and kept within the Town of Sudbury. Selectman Murray suggested appointing someone on a temporary basis until after Town Meeting, or until the annual appointments are made, usually beginning sometime in May.

Mr. Thompson stated at present the Board of Selectmen act as Veterans' Agent.

Mr. Thompson further stated that the position has to be approved by the State Division of Veterans Services at some point.

Col. Paul J. Leahy of the Veterans Advisory Committee strongly urged that the Town not go to a regional/district position. Col. Leahy stated that he worked very closely with Frank Grinnell for many years, and also through his experience with the Council on Aging, finds that people need assistance on a, sometimes, very short notice. For this reason, he feels that keeping the position in the Town will keep it on a personal basis.

Town Clerk Betsey M. Powers asked about the involvement of the Town Clerk in receiving applications, in view of the fact that the statute makes a provision for the Town Clerk to do so. Mrs. Powers stated that she had never handled applications before, because Mr. Grinnell handled the entire matter.

Town Counsel recommended that the Town Clerk accept applications and forward the same to the Selectmen's office. Following a brief discussion the Selectmen concurred that all applications would be handled through the Selectmen's office until an appointment is made.

Following further discussion, Chairman Cossart stated that the Board will continue to solicit names, and at its meeting next week will make an interim or temporary appointment.

Board of Assessors

In Accordance with Chapter 41, Section 11, the remaining members of the Board of Assessors submitted to the Board of Selectmen, notification (dated March 10, 1980) of a vacancy on the Board of Assessors, due to the death of Frank H. Grinnell, and of its intention to conduct a roll call vote of the Board of Selectmen and the Board of Assessors within one week from said notification to fill said vacancy.

Mr. Hubbard stated that the remaining members of the Board of Assessors held an emergency meeting earlier tonight and elected the following:

Chairman - David G. Hubbard

Clerk - William R. Duckett

Executive Secretary Richard E. Thompson explained that under statute the Board of Assessors have one month to announce to the Selectmen, the appointing body, the vacancy on its Board, and that the Selectmen must give one week's notice of a joint meeting of the Assessors and Selectmen to fill said vacancy.

Mr. Hubbard stated he had the privilege of serving with Frank Grinnell for two years and will miss him - the Town will miss him. Mr. Hubbard said that the intention of the Board of Assessors is to submit the name of Donald P. Peirce to fill the vacancy on the Board. Mr. Peirce had been a past member of the Board of Assessors and has only been off the Board for one year. Mr. Hubbard stated that Mr. Peirce is familiar with the work of McGee and Magane, Inc., the firm which is handling the Town's revaluation program. Mr. Peirce has expressed his willingness to serve as an assessor, under the circumstances; Mr. Hubbard stated that the Board feels that he is the best qualified to do so. It was noted that Mr. Peirce has expressed that he would be available approximately 80% of the time, that there might have to be some changes within the Board to accommodate his personal work schedule.

Following further discussion, the Selectmen expressed their unanimous support of the recommendation made by the Board of Assessors and will meet again next week, March 17, at 6:50 p.m. with them to elect by roll call vote a third member to the Board of Assessors.

Selectman Murray noted that this does not mean that other interested persons cannot apply for the vacant position of Assessor.

There being no further business to come before the Board, the meeting was adjourned at 9:15 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk