

IN BOARD OF SELECTMEN
MONDAY, MAY 11, 1981

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

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

Mortgage Foreclosure - Shick Property, Lincoln Road

It was on motion by Selectman Murray unanimously

VOTED: To confirm a telephone vote of the Board of May 7, 1981, authorizing the Chairman to sign a waiver of notice requirement under M.G.L. Ch. 61A, s.14, as requested by Hale & Dorr, representing John Hancock Mutual Life Insurance Co., petitioner, relative to the mortgage foreclosure sale of Parcel III off Lincoln Road, owned by Hyman Shick, under a Town of Sudbury Agricultural or Horticultural Tax Lien.

Donations - Council on Aging

It was on motion by Chairman Donald unanimously

VOTED: To accept, on behalf of the Town, miscellaneous donations totaling \$84 for the operation of the Council on Aging van.

Minutes

It was on motion by Selectman Murray unanimously

VOTED: To approve the minutes of the Regular Session of May 4, 1981, as amended.

Auxiliary Police

Present: Police Chief Nicholas Lombardi; Fire Chief Josiah F. Frost; and Mrs. Carol Stearns, Auxiliary Police.

Selectman Murray made a motion to accept a letter dated April 27, 1981, signed by seven Auxiliary Police officers, relative to their vote to go into inactive status, as a letter of resignation, with the stipulation that they be allowed to re-apply to the Sudbury Police Department Auxiliary force in the future.

Selectman Murray stated that the Auxiliary Police had been budgeted for fiscal year 1981 (through June 30, 1981) by Annual Town Meeting vote; that the Auxiliary had every opportunity to withdraw their letter and work out any difficulties with the Police Chief and/or Selectmen, in accordance with the rules and regulations of the Sudbury Police Department, and should have done so through the Police Chief. In choosing not to do so, Selectman Murray stated, the seven-member group forwarded copies of their April 27th letter to both the Chief of Police and the Fire Chief, the Executive Secretary, the Finance Committee Chairman and both the Middlesex News and the Sudbury Town Crier, criticizing their superior and other Town officials and stating their

(unlawful) decision to go into inactive status. Said letter, he said, should now be acknowledged as a letter of resignation. Selectman Murray continued to say that, because the issue has become clouded, as a result of unpleasant newspaper publicity, in the best interest of going forward to the June session of the 1981 Annual Town Meeting, a new Auxiliary should be formed under rules and regulations set by the Sudbury Police Department. Selectman Murray further stated that this is not a dispute between the Selectmen and the present Auxiliary Police, and commended the Auxiliary Police for their past service.

In answer to the Selectmen, Executive Secretary Richard E. Thompson stated that, although the Auxiliary Police had not been specifically notified about tonight's meeting to discuss this subject, the agenda had been posted and notice was in the newspaper.

Selectman Cossart stated that he did not feel the Selectmen should expect or ask the Auxiliary Police to withdraw their letter; however, he stated he did not feel that it was within their purview to vote to go into inactive service! He suggested that we initiate a letter putting the seven Auxiliary Police members into an inactive status.

Selectman Murray commented that the Selectmen should take a leadership role and establish an Auxiliary which operates the way we would like to see it operate as we approach the June session of the 1981 Annual Town Meeting when funding for the same will be discussed.

Selectman Donald stated that, although Selectman Cossart's suggestion is good it does not address the question of what to do about the other Auxiliary members who did not sign the letter. Selectman Cossart concurred and added that to accept this letter as a letter of resignation gives the obvious appearance that there is some type of fight going on between Town departments, officials, etc. - the Selectmen did not have these feelings about the Auxiliary Police force three months ago. Selectman Cossart further commented that, although everyone agrees that the strategies that have been employed by a few Auxiliary Police officers have not been appropriate, it does not seem right to jeopardize them just because they did not follow the right protocol. Selectman Donald added her opinion that accepting their letter as a letter of resignation would most likely increase bad feelings. She further commented that an alternative might be to inform the seven Auxiliary Police officers that it was not within their purview to go into inactive status and to ask if resignation was the intent of their letter.

Auxiliary Police officer Carol A. Stearns questioned the whereabouts of the Auxiliary Police car and other supplies and equipment, and if there were any available funds for gas, etc. Selectman Donald stated that, no matter what happens with the seven Auxiliary officers in question, the car is registered to the Town for the Auxiliary Police and any active Auxiliary officers are not only free, but encouraged, to use that car and other equipment. Chairman Donald directed the Executive Secretary to see that the Auxiliary Police car was returned to the Police Headquarters.

Town Counsel responded to the Selectmen that, if the Board of Selectmen put these members of the Auxiliary Police force into inactive status, the Chief could not utilize them at that point. Additionally, the result if the Chief suspended the seven Auxiliary Police officers, would be not to be able to use them.

A vote was taken on Selectman Murray's original motion and was defeated by the other members of the Board.

The Fire Chief and Civil Defense Director, Josiah F. Frost, stated that, as Civil Defense Director, he coordinates the work of the Auxiliary Police, in conjunction with the duties recommended by the Police Chief. Chief Frost stated that, in addition to these men not following through the proper channels regarding their concerns/complaints, they have not been following through with the legal requirements to submit monthly reports and to continue their training. As Civil Defense Director, Chief Frost stated he will ask these seven members of the Auxiliary Police force to resign.

The Police Chief arrived and apologized for being late. He stated that, if the Selectmen take no action to do so, he will suspend these seven members in question tomorrow.

Following further discussion, it was on motion by Selectman Cossart

VOTED: To direct the seven members of the Sudbury Auxiliary Police Force, who signed an April 27, 1981, communication to the Board of Selectmen, to go on inactive status until further notice.

(Selectman Murray opposed.)

Sudbury Variety - Automatic Amusement Devices

Present: Building Inspector Joseph E. Scammon; Richard J. Rogers, applicant; and Wolfgang Bursh, President of New England Games, Inc.

Consideration of an application of Richard J. Rogers, Sudbury Variety, 621C Boston Post Road, for a license to operate two automatic amusement devices at said location was tabled on May 4 pending an on-site inspection by Selectman Cossart.

Executive Secretary Richard E. Thompson stated that in the interim the office had received a telephone call from Mrs. Latour, a Sudbury resident, objecting to the issuance of such a license anywhere in Town.

Selectman Cossart reported that he had visited Sudbury Variety and found that the games were in place, plugged in and illuminated, and having the appearance of being already in use. Selectman Cossart commented that the extension cord on the floor, required by the Building Inspector in his report of May 1, 1981, to be removed, as well as other wiring, had not been taken care of. There was also a barrier across the back door. Mr. Rogers replied that he had rescheduled an electrician to do this work.

Mr. Thompson stated that the Board's vote should be contingent upon compliance with the requirements specified in the Building Inspector's report(s).

Mr. Wolfgang Bursh, President of New England Games, Inc., introduced himself and stated that he would be glad to answer any questions about the games. Responding to Selectman Murray, Mr. Bursh stated that he had played the games, but to his knowledge, no-one else had.

Mr. Richard J. Rogers of Sudbury Variety stated that he will continue to go on record expressing his opinion that a crossing signal should be installed at the (dangerous) intersection in front of his store; however, he stated his opinion that this should not be an issue on his license application - many children are now crossing Route 20 to buy candy bars or other items.

Mr. Bursh suggested that if the Selectmen felt it was necessary, the license could be issued on a trial basis for a 60- or 90-day period. Mr. Bursh commented that Mr. Rogers runs a "clean" operation - that the layout of the store is such that the machines are out of the line of traffic and do not interfere with shoppers.

Mr. Rodney DeMille, a Sudbury resident who was present, spoke in favor of the application, as well the application for The Game Room, of which he is the applicant.

Following further discussion it was on motion by Selectman Murray

VOTED: To approve an application of Richard J. Rogers, Sudbury Variety, 621C Boston Post Road, for a license to operate two automatic amusement devices at said location, subject to final approval by the Building Inspector, (prior to the operating of the machines).

(Selectman Cossart opposed.)

Mr. Thompson stated that the Selectmen's office will hold the license until such time as the Building Inspector verifies final approval.

The Game Room - 416 Boston Post Road

Present: Building Inspector Joseph E. Scammon; Antonio M. Giovane and Rodney DeMille, applicants.

Consideration of an application of Antonio M. Giovane, Rodney DeMille, and Mario Giovane for a license to operate automatic amusement devices in a new establishment to be known as "The Game Room", to be located at 416 Boston Post Road, had been tabled May 4 pending a further report from the Building Inspector.

Executive Secretary Richard E. Thompson referenced a report of May 8, 1981, from the Building Inspector stating that it would be possible for him to approve the above mentioned application if the use of the building is restricted to the first floor only, according to the State Building Code, Section 206.1. Mr. Thompson stated, however, that according to the Building Inspector, it would be necessary for the applicant to receive a variance from the Board of Appeals. The Building Inspector confirmed this information.

It was on motion by Chairman Donald unanimously

VOTED: To table indefinitely an application of Antiono M. Giovane, Rodney DeMille, and Mario Giovane for a license to operate automatic amusement devices in a new establishment to be known as "The Game Room", to be located at 416 Boston Post Road, until such time as a variance is obtained from the Board of Appeals.

Use of Police Reserve Officer

Present: Police Chief Nicholas Lombardi.

In accordance with a request, dated May 7, 1981, from Police Chief Nicholas Lombardi, and following a brief discussion, during which the Executive Secretary stated that the Town Accountant had confirmed available funds to employ a Reserve Police Officer for the remainder of the fiscal year, it was on motion by Selectman Murray unanimously

VOTED: To authorize the Police Chief to hire Reserve Officer Allan C. Houghton to fill the vacancy caused by the retirement of Officer Patrick J. Manzo, effective Sunday, May 17, 1981, through June 30, 1981.

Selectman Murray directed the Executive Secretary to reconfirm with the Town Accountant that there are sufficient funds available to pay a reserve officer for the remainder of the fiscal year.

Inflammables Storage Bylaw Committee

Present: Fire Chief Josiah F. Frost.

The Executive Secretary reviewed with the Selectmen a list of persons who had been contacted by the Selectmen's office regarding the formation of a committee to study Article 13, Inflammables Storage Bylaw, of the 1981 Annual Town Meeting, and noted those who had responded in the affirmative to serve on said committee.

It was on motion by Selectman Murray unanimously

VOTED: To appoint an Inflammables Storage Bylaw Committee, as directed by vote of the 1981 Annual Town Meeting under Article 13, consisting of the following persons:

- Donald P. Peirce, 55 Maple Avenue
- Richard T. Newberg, 115 Longfellow Street
- Edward E. Kreitsek, 59 Dudley Road
- Francis J. Vanaria, 724 Boston Post Road
- Josiah F. Frost, Fire Chief, to serve as Chairman of said Committee;

the duties of this Committee to be: to study the bylaw for the storage of inflammables proposed under Article 13, preparing such an article for submission of the next special or annual town meeting.

Current Items of Interest

Pay Estimates - Landham Road Reconstruction - It was on motion by Selectman Cossart unanimously

VOTED: To authorize the Chairman of the Board of Selectmen to sign pay estimates submitted by the Highway Surveyor under cover letter dated May 6, 1981, for the period beginning June 6, 1979 - June 2, 1980, to be forwarded to Charles F. Mistretta of the State Department of Public Works, District 4.

Funding for MBTA Advisory Board - The Board briefly discussed, but no motion was made to support, funding for the MBTA Advisory Board.

Property Tax Revaluation - Selectman Cossart asked about certain revaluation figures he had previously directed the Executive Secretary to obtain from the Assessors so that he could respond to inquiries from Judy Mack. Mr. Thompson explained that a status report from the Assessors indicated that some of the properties had been referred to the Building Inspector for verification; others, Mr. Thompson stated, he had information on would try to give Selectman Cossart a complete report by Wednesday or Thursday.

Sealer of Weights and Measures - Selectman Murray asked Mr. Thompson to give him a status report from the Sealer of Weights and Measures.

1981 Sales Analysis - Mr. Thompson referenced a communication, dated May 6, 1981, from the State Department of Revenue to the Board of Assessors, responding to the Assessors' letter of April 10, 1981. It was noted that the 1981 Sales Analysis results for the Town of Sudbury would be mailed shortly.

Proposed Memorandum of Agreement - Sudbury Water District - Mr. Thompson gave the Board a summary of the meeting on March 31, 1981 with the Sudbury Water District and a draft of the proposed Memorandum of Agreement, dated May 11, 1981, between the Selectmen and the Sudbury Water District, regarding the use of Water District property as a gravel pit for the Sudbury Landfill. The Board concurred with the proposed Memorandum of Agreement and directed the Executive Secretary to so communicate to the Sudbury Water District.

Union Carbide - The Board acknowledged receipt of a communication from the Board of Health, dated May 11, 1981, expressing its concern with the Union Carbide storage license, approved by the Selectmen on April 27, 1981. The Board directed the Executive Secretary to send a copy of the communication to Union Carbide asking that they take any safeguards possible in connection with those concerns expressed by the Board of Health.

At 8:55 p.m. Chairman Donald recessed the meeting; the meeting was called back to order at 9:05 p.m.

Executive Session

At 9:05 p.m. it was on motion by roll call

VOTED: To enter into Executive Session for the purpose of discussing strategy for collective bargaining or litigation where open discussion of the same may have a detrimental deffect, and for the purpose of discussing deployment of security personnel or devices.

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

Chairman Donald announced that Open Session would not reconvene following the Executive Session.

There being no further business to come before the Board, the meeting was adjourned at 9:45 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk