

IN BOARD OF SELECTMEN
MONDAY, AUGUST 23, 1982

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.

Utility Petition 82-17 - Powder Mill Road

Present: Robert Malis, Boston Edison Company; and Brian Pettigrew, Project Management.

In conformity with General Laws, Chapter 166, Sections 21 and 22, the Board considered Utility Petition 82-17 of Boston Edison Company and New England Telephone and Telegraph Company for permission to lay and maintain, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, under the following public way of the Town:

Powder Mill Road - southeasterly, approximately 2,690 feet northeast of Powers Road, a distance of about 5 feet - Conduit.

Executive Secretary Richard E. Thompson reported that all appropriate Town officials and abutters had been notified and that a joint favorable report had been received from the Wiring and Building Inspectors, dated August 18, 1982.

Mr. Robert Malis of Boston Edison Company stated that the purpose of this petition is to provide electric service to the office building to be built on Lots 3 and 4 Powder Mill Road by Project Management, Inc.

Mr. Brian Pettigrew of Project Management stated that the Selectmen had granted approval for the site plan submitted by them for the parcel - Lots 3 and 4 - located on Powder Mill Road, owned by Project Management. (That approval was granted for Site Plan 81-234 on September 28, 1981.)

Mr. Pettigrew further stated that a building permit had been drawn for that building for construction purposes, subject to completion of the drawings, which, he stated, are due in a couple of weeks. Mr. Pettigrew responded to Selectman Murray that there are no changes to the site plan approved by the Board last fall.

At the conclusion of discussion, it was on motion by Selectman Murray unanimously

VOTED: To approve Utility Petition 82-17, as described above, and as shown on plans entitled: "Plan of Powder Mill Rd. - Sudbury Showing Proposed Conduit Location" (for Boston Edison Company), and "Plan for Proposed Conduit Location to Accompany Petition of New England Telephone and Telegraph Company", dated May 28, 1982, and July 29, 1982, respectively.

Appointment - Police Patrolman

Relative to the patrolman vacancy on the Sudbury Police Department, the Board had interviewed Patrolman Peter Francis Fadgen at its meeting of August 10th and tabled action pending a background check on Patrolman Fadgen to be performed by the Sudbury Police Department, a physical by the Town Physician, and input by Chairman Cossart who was unable to attend the meeting/interview.

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The Board was in receipt of a background report dated August 13, 1982, from Officer William B. Carroll and a medical report dated August 18, 1982, from Dr. Melvyn W. Kramer, both indicating/recommending that Patrolman Fadgen be appointed.

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

VOTED: To appoint Peter Francis Fadgen, 14 Clamshell Road, Clinton, as a Full-time, Permanent Patrolman to the Sudbury Police Department, replacing Officer Daniel Fitzgerald, effective September 12, 1982, and to authorize the Chairman to sign a Request for Transfer form and all appropriate documents to be filed with the Division of Personnel Administration.

Oil Burner Service - Town Buildings

Present: Fire Chief Josiah F. Frost.

Following discussion and on the recommendation of Selectmen Donald, it was on motion unanimously

VOTED: To accept the following oil burner service contracts:

a. For servicing and cleaning #2 oil burners of Town buildings during the 1982-83 heating season commencing September 1, 1982, from Interstate Gas and Oil Corp., Sudbury, at the rate of \$18 per hour from 8:00 a.m. to 5:00 p.m. Monday through Friday, and \$27 per hour on holidays, nights, and weekends, in accordance with their quotation dated August 10, 1982, contingent upon information from them regarding the cost of materials (not to exceed manufacturer's list price).

NOTE: Mr. Bell of Interstate later informed the Selectmen's office that his price for materials would be below list price.

b. For servicing and cleaning #4 oil burners at Fairbank School, Loring School and Horse Pond School during the 1982-83 heating season commencing September 1, 1982, from Combustion Service Company of New England, Cambridge, at the rate of \$22 per hour from 8:00 a.m. to 4:30 p.m. Monday through Friday, and \$30 per hour on holidays, nights and weekends, in accordance with their quotation of July 30, 1982.

Communications - Massachusetts Department of Public Works (DPW)

The Board acknowledged receipt of the following communications from the State DPW:

- dated July 8, 1982, soliciting construction, reconstruction, or improvement projects, under Chapter 90, to be completed by November 30, 1982;

- dated August 16, 1982, summarizing Chapter 191, Acts of 1982, recently signed into law by Governor Edward J. King, relating to State Aid funds for highway programs, as follows: 1) \$69,863 is made available to Sudbury for construction, reconstruction and improvement including surface treatments so-called on all approved public ways which qualify under the State Aid Highway guidelines adopted by the Public Works Commission, allocated under G. L. c. 90, s.34, clause 2(a). 2) Cherry Sheet distributions itemized as "Highway Fund G. L. Ch. 81, s31" are reimbursements for constructing, maintaining and policeing public ways which will be received in December and June. 3) Any communities which receive Cherry Sheet distributions under "Highway Reconstruction and Maintenance" and "Highway & Transit Fringe MBTA Communities" will be reimbursed the same amount this year.

- dated July 30, 1982, informing the Town it is entitled to a grant of \$16,388 to be used for construction and reconstruction projects for town or county ways prior to June 30, 1986.

Executive Secretary Richard E. Thompson stated that he planned to discuss the communications in detail with the Town Accountant in order to provide the Board with a complete analysis of the whole subject.

Mr. Thompson further stated that this matter involves the Treasurer since there will be borrowing involved; he added that, at one point in time, the Selectmen had voted to amend one of the highway construction projects to include Union Avenue.

Later in the evening, during discussion with the Town Treasurer, Mr. Hamilton stated that he had been unable to verify that fact with the State DPW. The Board directed the Executive Secretary to follow that up and report back to the Board, since the Highway Department has already begun the Union Avenue project, and it will be necessary in the very near future for the Town Treasurer to borrow the cost of that project (in accordance with Article 19 of the 80ATM), which will be later reimbursed by the State.

The Board directed the Executive Secretary to proceed as intended relative to the above-listed communications, to notify the State as to where the monies have been allocated, and to file the necessary papers within the required deadline(s).

Joint Meeting Town Treasurer - Anticipated Borrowing

Present: Town Treasurer Chester Hamilton.

Town Treasurer Chester Hamilton informed the Board that in anticipation of tax receipts, it would be necessary for him to borrow a minimum of Two Million Dollars - that the exact amount is contingent upon setting the tax rate and sending out the tax bills, stressing the importance of the same.

Mr. Hamilton commented that he will be out of money by the week of September 27, and, responding to Chairman Cossart, stated that it takes approximately three weeks for the borrowing process to take place.

Mr. Hamilton recommended that the Board approve the borrowing of Two Million Dollars with no maturity date, adding that it takes approximately forty days from the issuance of tax bills before enough funds are available to pay off our obligations.

It was on motion by Selectman Murray unanimously

VOTED: To authorize the Town Treasurer to borrow Two Million Dollars, effective September 27, 1982, in anticipation of tax receipts.

Mr. Hamilton stated that he would probably go out to bid September 14, or 15.

With regard to borrowing in conjunction with Article 19 of the 1980 Annual Town Meeting, as noted above, the Executive Secretary was directed to contact the State DPW for verification of the Selectmen's vote to add the project for the installation of Union Avenue drainage and the reconstruction of a portion of Union Avenue to the Town's Chapter 90 Construction Contract.

At the conclusion of discussion, it was on motion by Selectmen Murray unanimously

VOTED: To authorize the Treasurer to borrow \$65,552 in accordance with Article 19 of the 1980ATM for the installation of Union Avenue drainage and the reconstruction of a portion of Union Avenue.

Receive Articles - October 7 Special Town Meeting

Present: James A. Pitts, Chairman, Finance Committee; Fire Chief Josiah F. Frost; and Town Treasurer Chester Hamilton.

The Board acknowledged eighteen articles for the October 7th Special Town Meeting as follows:

<u>Article</u>	<u>Submitted By</u>
Fairbank and Loring Schools Disposition	Board of Selectmen
General Government Office Facilities	Board of Selectmen
Town Boundary Change	Board of Selectmen
Accept GLc59,s5, clause 17C - Real Estate Tax Abatements	Board of Selectmen
Accept GLc41, s108L - Career Incentive - Police	Board of Selectmen
Add Bylaw to Set Sealing Fees	Board of Selectmen
Budget Adjustment, 950-31 Casualty Insurance	Board of Selectmen
Budget Adjustment, 950-101 Salary Adjustment	Board of Selectmen

Retirement Pension Fund	Board of Selectmen
Officer Patruno Medical Bills	Board of Selectmen
Free Cash Adjustment	Board of Selectmen
Stabilization Fund	Board of Selectmen
Classification and Salary Plans	Personnel Board
Street Resurfacing	Highway Surveyor
Hosmer House	Historical Commission
Wiring Fees	Board of Selectmen
LSRHS Roof	LSRHS Committee
Budget Adjustment, 310-11 and 310-12, Fire Salary and Over-time Adjustments	Board of Selectmen

The Board acknowledged receipt of the following communications:

- from Chairman James A. Pitts, Finance Committee, dated August 18, 1982, confirming the Finance Committee's unanimous recommendation for the Free Cash Adjustment and Stabilization Fund articles, and recommending a joint meeting of all Boards and Departments be held on a Saturday prior to the October 7th Special Town Meeting.

- from the Town Clerk, dated August 23, 1982, enclosing information relative to action of past town meetings regarding stabilization funds.

The Town Treasurer indicated that, according to his understanding, it is acceptable to place in the Warrant for a Special Town Meeting, an article to establish a Stabilization Fund.

Responding to Selectman Murray, the Town Treasurer stated that a Stabilization Fund can be used for anything that might otherwise be bonded by statute.

Transfer of Postage Meter

It was on motion unanimously

VOTED: To approve the transfer of the Town's old postage meter to the Sudbury School Department, as specified in a communication, dated August 19, 1982, from Town Accountant James Vanar.

Proclamation - National Cancer Day

On the recommendation of Chairman Cossart, it was on motion unanimously

VOTED: To sign a proclamation, on behalf of and provided by the United Cancer Institute, supporting early detection and treatment measures for cancer, and designating September 8, 1982, as National Cancer Day in the Town of Sudbury, after it is amended by deleting the first "whereas" paragraph.

The Executive Secretary stated that he would redraft the proclamation and asked the Selectmen to come into the office during the week to sign the same.

Appointments

Council on Aging

It was in motion by Selectman Murray unanimously

VOTED: To appoint Rev. Robert G. Trache, 451 Concord Road, to the Council on Aging, replacing Rev. Shephard S. Johnson, effective immediately, for a term to expire April 30, 1985, as recommended by the Council on Aging.

Local Arts Council

It was on motion by Selectman Donald unanimously

VOTED: To appoint D. Nadine Wallack, 455 Peakham Road, and Marcia J. Smith, 799 Boston Post Road, to the Local Arts Council, replacing Joan Y. Grathwohl and creating a sixth member position, effective immediately, both for terms to expire April 30, 1984;

and it was further

VOTED: To correct the terms of the appointments of Virginia Kirshner and E. Helene Sherman, made on May 17, 1982, to expire April 30, 1984, instead of April 30, 1983.

The Board directed the Executive Secretary to contact the Local Arts Council as to their recommendation for designating a Chairman so that the Selectmen can make the appointment, as required.

Interviews - Board of Assessors

Present: Donald P. Peirce, Chairman, Board of Assessors; Winthrop H. Fairbank, Norma Gold, Martha J. Castle, Donald R. James and Abigail Reekie, candidates.

Chairman Cossart convened a joint meeting with the Board of Assessors Chairman, Donald P. Peirce, for the purpose of interviewing candidates for appointment to that Board to fill the vacancy occasioned by the resignation of E. McClure. (Mr. Peirce stated that Assessor David Collins was in the midst of a hearing and could not attend.)

Executive Secretary Richard E. Thompson stated for the record that the Selectmen had notified the Assessors of this meeting under date of August 20, 1982, and that, because of the number of people who applied for the position, a second joint session for interviews is scheduled for September 13, at 8:30 p.m. Mr. Thompson further stated that, following the interviews, the Selectmen and Assessors will hold a joint election for the purpose of filling the vacancy until the next Annual Town Election.

Mr. Thompson informed the Board that Frederick R. Garrity withdrew his name because of a possible conflict of interest. The Selectmen accepted that withdrawal and, later in the evening, those of Donald R. James and Abigail Reekie after they learned of the time commitment involved.

Mr. Peirce asked the following three questions to each of the candidates:

- 1) What basically is your idea of the requirement of the law relating to the assessment of property both real, personal and excise?
- 2) Are you capable of conducting hearings as an Assessor including those in which testimony taken under the penalties of perjury will be required?
- 3) Are you in a position within your employment to be able to appear at the Massachusetts Appellate Tax Board to defend Sudbury's values on realty in contest with the taxpayer, in addition to the regular Assessors' meetings and the field work which is required of an Assessor?

Mr. Winthrop H. Fairbank responded in the affirmative to both questions 2 and 3. Regarding question 1 he stated he did not feel personal property should be taxed - that the tax structure should be built around real property, since it is more readily available. Responding to the Selectmen, Mr. Fairbank stated that the Town should have a full-time assessor, and that with proper remuneration he would be willing to be that person. Responding to Chairman Cossart, Mr. Fairbank stated he was familiar with the three tax categories but not involved when they were formulated.

Ms. Norma Gold could not respond to questions 1 and 2, but replied in the affirmative to number 3. Responding to Selectman Donald, she stated her willingness to attend the required course to become a credited assessor under State law. (Mr. Peirce stated that the one-week course is given in September by the University of Massachusetts. Later in the evening he explained that an assessor who does not pass this course can not qualify as an assessor in the re-election.) Responding to Chairman Cossart, Ms. Gold stated she was not familiar with the classification within Sudbury - what the objectives were and how it was approached.

Ms. Martha Castle stated she is familiar with the classification but did have some questions on how different properties were evaluated. She responded in the affirmative to question 3 and stated an understanding of values regarding real, personal and excise - that she was most familiar with real estate - and that she did not know the assessors' laws but would be willing to take the course. She replied in the affirmative to the Town having a position of full-time assessor and stated that the Town of Carlisle recently hired such a person.

Responding to Mr. James, Mr. Peirce explained the time commitment, concluding that the position of Assessor requires approximately twenty hours per week times three assessors.

Responding to Town Treasurer Chester Hamilton regarding the Assessors' time schedule as it pertains to setting the tax rate, Mr. Peirce explained the following:

The final figures from Magee and Magane relating to residential property are expected by Monday August 30th. Those figures will be reviewed by the assessors and a determination made as to how they will be updated in compliance with the law. The commercial properties are the responsibility of the assessors, and they have been working on the same for the last month and a half. A review of all commercial properties has been completed as of this past Saturday. There will be a subsequent meeting, following the Monday meeting, where the assessors will review the values of

commercial properties and correlate them to the market value of commercial property and come up with a value for commercial and industrial. Mr. Collins is working on utilities (personal property). The Assessors are hoping to make a submission to the State for certification between the 15th and 30th of September. From what the State says, it takes 6-12 weeks for them to complete the certification process to the point where the Assessors can then make the decisions that are necessary relating to classification and approach the State for approval and a tax rate. The assessors also have to conduct hearings on properties which were not 100% last year and are this year.

Responding to the Town Treasurer, Mr. Peirce stated that the Special Town Meeting has no bearing on the time constraints that are involved in the performance of their job under a program that was submitted and approved by the State way back in April or May. By the same token, the legislature made it possible for communities that do not have a tax rate set to send bills figured with an estimated tax rate.

Responding to the Executive Secretary, Mr. Peirce stated that there are a number of public hearings that must be conducted relative to the whole process involving the certification of values this year as opposed to the previous years (and other tax-related matters).

Cable Television Licensing Process

Present: William Henchy, Adams-Russell.

The Board acknowledged receipt of an August 23, 1982, communication from Town Council advising that the Selectmen develop an issuing authority report and proceed with the balance of the licensing process with Town Council's assistance, without appointing a new Cable Advisory Committee, in view of the licensing process time constraints.

Selectman Murray agreed with Town Council's recommendation, adding his opinion that the former Cable Advisory Committee had done a good job and supplied the Selectmen with good information, and suggested that perhaps there might be former members who would be willing to advise the Selectmen as they proceed. Selectman Donald agreed.

It was on motion by Selectman Murray unanimously

VOTED: To direct the Executive Secretary to request Town Council to prepare the issuing authority report on proposed system characteristics, as noted above, which will be forwarded to the cable television applicants for comment/amendment and resubmission.

Mr. Thompson suggested that a communication be sent out to all Town boards and Commissions by Town Council for any input they care to submit, especially the schools (through Dr. LoPresti and Mr. Sargent), for the Board's review, and that perhaps the former Chairman and Vice Chairman of the Cable Advisory Committee could meet with Town Council and the Executive Secretary on an informal basis for whatever assistance in this transition phase.

Temporary License - Porsche Club

Present: Fire Chief Josiah F. Frost; and Police Department Administrative Assistant Peter B. Lembo.

Following a brief discussion, during which both the Fire Chief and the Administrative Assistant to the Police Chief confirmed that there had been no problems in the past with this license in terms of under-aged drinking, it was on motion by Selectman Donald unanimously

VOTED: To grant a temporary license to Annis Porsche and Audi, Inc., of Natick and the Porsche Club of America, Northeast Region, for the sale of all alcoholic beverages, to be drunk on the premises, from 12:00 noon to 6:00 p.m., for one day only on September 12, 1982, on the grounds of the Wayside Inn during their annual Condour, conditioned upon the applicant complying with all requirements of the Building, Police, Fire and Health Departments, in accordance with the recommendation of Innkeeper Francis Koppeis, dated August 23, 1982.

Performance Review - Fire Chief

Present: Fire Chief Josiah F. Frost.

Chairman Cossart told Chief Frost, on behalf of the Selectmen, that the Town is indebted to him. He complimented the Chief for the professionalism in which he always carries his job forth in all involvements, and stated that it was beneficial to the Town to have such an active Chief, referring to the Chief's involvement on the State level, in order to be up-to-date on all aspects of fire protection.

Fire Chief Frost expressed appreciation of Chairman Cossart's comments. He stated that it is a job he looks forward to and feels he accomplished what he had set out to do through the Board's support.

Chairman Cossart complimented the Chief on the condition of the Service Life Extension Program (equipment).

Executive Secretary Richard E. Thompson suggested that before the Chief's retirement, he would like to have his assistance in reviewing responses from the four captains stating their interest in becoming the next Fire Chief; also, he suggested that the Board review the manning of station 3 with the Chief.

Mr. Thompson referenced the Fire Chief's communication of November 30, 1981, relative to his recommended procedures for his replacement.

Chief Frost distributed to the Board a report, dated August 23, 1982, on the subject of fire department manning for the years 1969 through 1983.

The report was discussed at length and on mutual agreement, it was on motion by Selectman Murray unanimously

VOTED: To direct the Executive Secretary to prepare an article for the October 7 Special Town Meeting to adjust the budget - Fire salary #310-11 (by adding \$16,000) and overtime #310-12 (by adding \$15,000), in the total amount of \$31,000 to accommodate a 90-100% manning of Station 3 by hiring two daytime civilian dispatchers for the Fire Department.

The Chief stated that these dispatchers would not be part of the union - they would be civilian employees of the Fire Department, and would not be a long-term commitment - they would be subject to performance reviews.

It was further on motion by Selectman Murray unanimously

VOTED: To direct Executive Secretary Richard E. Thompson to forward letters to the four Fire Captains, as noted above.

Minutes

It was on motion by Selectman Donald unanimously

VOTED: To approve the minutes of the Regular and Executive Sessions of August 10, 1982, as drafted.

(Chairman Cossart abstained as he was not present at the August 10th meeting.)

Signing Collective Bargaining Agreements

The Board signed collective bargaining agreements for the period of July 1, 1982 - June 30, 1984, with the following unions:

- Sudbury Permanent Fire-Fighters Association, Local 2023;
- International Brotherhood of Police Officers, Local 315; and
- Public Employees of the Laborers' International Union of North America, Local 1156

Yankee Doodle Yard Sale

Selectman Murray directed the Executive Secretary to see that whoever is responsible for the Yankee Doodle Yard Sale signs, posted at the Route 117 Fire Station, has them removed immediately.

Fort Devens - Sudbury

Chairman Cossart reported that he had been in contact with Colonel Richard J. Kattar of Fort Devens regarding noise complaints received recently from area residents to the Fort Devens property in Sudbury and was told to expect the same in the future but to be assured that the firing of ammunition would be within the confines of their property.

Chairman Cossart suggested to Chief Frost that he contact the Fire Chief at Fort Devens at this point rather than wait any longer to hear from him; all agreed it should have been the responsibility of the Fire Chief at Fort Devens to contact Chief Frost.

Signal Systems, Inc.

The Board agreed with Assistant Town Counsel's recommendation that Albert Etre d/b/a Signal Systems, Inc. be put on notice to complete the installation of school zone traffic signals under the terms of their contract with the Town within ten days

or they will be considered to be in default of the terms of that contract and their bonding company so notified.

Shawn Kelley - Return to (Fire) Work

The Board acknowledged receipt of the following communications:

- dated August 11, 1982, from Joseph Winsten, M.D. to Chief Frost stating that Shawn Kelley can return on light duty to the job of Dispatcher;
- dated August 12, 1982, from Atty. Francis C. Burke, Jr., to Chief Frost, regarding Shawn Kelley's return to duty, which he claimed was contrary to statutory law, town policy and established precedent; and
- dated August 17, 1982, from Chief Frost to Atty. Burke, informing the Atty. of Dr. Winsten's letter of August 11, and Firefighter/EMT Kelley's return to work, effective September 4.

Gold Star

Mr. Thompson informed the Board that the Board of Appeals would be hearing Gold Star Nurseries' application tomorrow evening, August 24th. (This site plan had been approved by the Board on February 11, 1982, subject to Board of Appeals approval.)

Meeting - Town Space Needs

The Executive Secretary confirmed the date of September 2 for a meeting with the appropriate Town Departments, Committees, Board, Departments relative to Town space needs. The meeting is to be held at the lower Town Hall at 8:00 p.m.

Temporary Appointment - Acting Town Accountant

It was on motion unanimously

VOTED: To appoint Richard E. Thompson Acting Town Accountant for the period of August 23 through the 25th.

Wetlands Protection Act Hearing - Drake Park, off North Road

The Executive Secretary informed the Board of a scheduled Wetlands Protection Act Hearing on Wednesday, September 8, 1982, by the Conservation Commission relative to Drake Park, off North Road.

Coatings Engineering Corporation

The Board acknowledged receipt of August 12 and August 17, 1982, communications between Ropes & Gray and the Assistant Attorney General relative to Cortese v. Coatings Engineering Corporation, Suffolk Civil Action No. 53000.

Meeting with CTA

Mr. Thompson informed the Board that he had received a report today from the Committee on Town Administration explaining their work to date relative to a joint safety commissioner and requesting the Executive Secretary to attend their September 15th scheduled meeting.

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 reputation and character, physical condition or mental health rather than the professional competence of a single individual and strategy for collective bargaining where open discussion of the same may have a detrimental effect.

(Roll call vote: Chairman Cossart, in favor; Selectman Murray, in favor; Selectman 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 11:00 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk