

IN BOARD OF SELECTMEN  
MONDAY, DECEMBER 6, 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 Cossart.

Transient Vendor License

Present: Chris Hessler, Sigma Nu Fraternity, Dartmouth College.

In accordance with a request, dated December 3, 1982, from David Ellis, Sigma Nu Fraternity, Dartmouth College, for a transient vendor license to sell Christmas trees as a fund-raiser for the Fraternity, Executive Secretary Richard E. Thompson noted receipt (from Chris Hessler who was present) of the following communications:

- dated December 3, 1982, from Charles Orr and John Patti, owners of the property located at 215 Boston Post Road, authorizing use of said property for the sale of Christmas trees; and
- from Chris Hessler, received December 6, 1982, stating that he agrees to remove all trees and/or debris from the site by December 29, 1982.

Mr. Thompson stated that Town Counsel had reviewed the request; that the fee for the license is \$20. Town Counsel confirmed that this was an appropriate location (Business District) for this type of sales.

Responding to Chairman Cossart, Mr. Hessler stated that the Fraternity would like to have the option of being able to sell trees at night, subject to the installation of lights, but, responding to Selectman Murray, stated that they would not feel it a hardship if the Board restricted the sales to daytime.

Following further discussion, it was on motion by Selectman Murray unanimously

VOTED: To approve an application from David Ellis, Sigma Nu Fraternity, Dartmouth College, Hanover, N.H., dated December 3, 1982, for a Transient Vendor License to sell Christmas trees at the former Mountainview stand location at 215 Boston Post Road, Sudbury, owned by John Patti and Charles Orr, from the hours of 8:00 a.m. to 5:00 p.m., seven days a week until Christmas, effective upon payment of the license fee (\$20) and issuance of the license by the Town Clerk.

Cable Television/Amateur Radios - Possible Frequency Conflicts

Present: George E. Hitz, Jr., 37 Easy Street.

The Board acknowledged receipt of a communication with attachments, dated November 29, 1982, from George E. Hitz, Jr., of Sudbury concerning cable television and possible conflicts with frequencies used by Sudbury amateur radio operators.

Mr. Hitz was present and expanded somewhat on his communication, which was written to alert the Board of a problem with portions of CATV frequencies interfering with portions of amateur radio service, and expressed his opinion that it should be addressed before the issuance of a contract to install and operate a CATV system in the Town of Sudbury. Mr. Hitz explained that the American Radio Relay League (ARRL) has filed a petition of rulemaking with the Federal Communications Commission (FCC) to prohibit further usage of the coincident amateur/CATV frequencies by any CATV operator. Mr. Hitz stated that the FCC is in agreement with the ARRL's viewpoint. Mr. Hitz asked that the Selectmen consider prohibiting CATV usage of Channels E and K, which coincide with two amateur bands which are in daily use by Sudbury amateurs.

Responding to Chairman Cossart, Mr. Hitz stated that in California several cities have had this problem, and that recently a CATV company on the West Coast was fined a large amount and issued a cease and desist.

Responding to Selectman Donald, Town Counsel stated he could see no reason for not prohibiting CATV applicants from using Channels E and K.

At the conclusion of discussion, the Selectmen referred the matter to Town Counsel for further review and directed the Executive Secretary to send a copy of Mr. Hitz's communication to the CATV applicants (Adams-Russell and Community Cablevision of Framingham).

#### Accept Donations

It was on motion by Selectman Donald unanimously

VOTED: To accept on behalf of the Town the following donations:

- a. \$92.60 to be used by the Council on Aging for van transportation; and
- b. \$237, as part (first payment) of a \$1,000 commitment, Grant #3B-83-02-00 from Bay Path Senior Citizens Services, Inc., to the Council on Aging for van transportation.

#### Article Submissions - 1983 Annual Town Meeting

During review of a list of articles submitted for the 83ATM under the December 1 deadline there was some discussion relative to the petition article - Accept G.L.c. 41, s.108L, Career Incentive, Police.

Town Counsel Paul L. Kenny pointed out that the 82STM turned down this article, exactly as it is written and submitted now, and questioned why one would want to resubmit exactly the same article. Mr. Kenny expressed his opinion that the article is really asking for a "fringe benefit" outside of the union contract and essentially is a way of "re-opening" the contract. Mr. Kenny further stated that it is not necessary at this time for the Selectmen to pursue or accept the article - that a petition article must be put before Town Meeting, which is the only avenue for its acceptance. Mr. Kenny went on to say that there may be some legalities involved in terms of the union requesting such an article after collective bargaining negotiations have been completed and the contract executed.

Chairman Cossart commented and suggested that the petitioners be requested to voluntarily withdraw the article on the basis of wording and directed to Town Counsel for advice.

Town Counsel agreed that the wording should be changed from the standpoint of conflict with completed collective bargaining negotiations and in terms of the original intent of the article, which was acceptance by the Town of a statute which would not involve any cost to the Town. Selectmen Cossart and Murray commented as the wording of the article is now, it implies that career incentive becomes part of the base salary; also, the Town is always susceptible to accepting a statute which the State does not fund, and be required by law to fund it anyway.

Selectman Murray further commented that he opposed any direct discussion of the petition article with the Police Association because in his opinion that would constitute opening contract negotiations all over again.

Following further discussion, it was on motion by Selectman Murray unanimously VOTED: To direct Town Counsel to meet with the petitioners of the article, Accept G.L.c. 41, s.108L, to review wording and legalities.

The subject was temporarily tabled at this point in the discussion and then resumed as follows:

It was on motion by Selectman Murray unanimously

VOTED: To accept for filing the following articles, submitted under the December 1 deadline for inclusion in the Warrant the 1983 Annual Town Meeting:

Town Office Facilities - Study/Plans	Selectmen
Classification and Salary Plans	Personnel
Personnel Administration Plan	Personnel
Amend Bylaws, Art. IX, V, B&C - Offstreet Parking	Engineer
Amend Bylaws, Art. IX, I - Basic Requirements; Environmental Impact	Planning
Amend Bylaws, Art. IX, II, C - Rezone areas to Residential	Planning
Amend Bylaws, Art. IX, II, C - Rezone LID#2	Planning
Create Historic District - Concord and Boston Post Roads	Planning
Amend Bylaws, Art. IX, IV - Intensity Regulations	Planning
Amend Bylaws, Art. IX, V, B - Offstreet Parking (Surface)	Planning

And it was further

VOTED: To note receipt of the following petition articles:

Accept G.L.c. 41, s.108L - Career Incentive, Police

Amend Bylaws, Art. IX, II, C - Rezone LID#2 (same as Planning Board article)

Discontinue portion of Powder Mill Road

And it was further

VOTED: To refer the above-mentioned zoning articles to the Planning Board, in accordance with G.L. c. 40A, s.5.

Executive Secretary Richard E. Thompson stated that acceptance of the above articles by the Board in no way indicates the Board's final position or support, articles can be later withdrawn, and specific wording can be changed before the scheduled February 28, 1983, warrant signing deadline.

Revocation/Suspension of Wine and Malt Package License and Annual License Renewal - Sudbury Variety

Present: Richard J. Rogers, Sudbury Variety; and Building Inspector Joseph E. Scammon.

Suspension

At its meeting of November 29, 1982, the Board voted to hold the Wine and Malt Package Store License renewal request by Sudbury Variety pending the outcome of the appeal of the Selectmen's decision to revoke the 1982 license due to a violation of the same.

Executive Secretary Richard E. Thompson referenced the State Alcoholic Beverages Control Commission's (ABCC) decision, under date of November 16, 1982, on the appeal which stated that the firm disciplinary action by the Board was too harsh a penalty and remanding the matter back to the Board with the recommendation that it impose a fifteen-day suspension.

Town Counsel confirmed that the revocation by the Board of Selectmen on September 27, 1982, had been in effect for eleven days before the appeal, and that, if a fifteen-day suspension is imposed by the Board, only four days remain to fulfill the same.

Mr. Thompson referenced for the record notification to Mr. Rogers of tonight's meeting to address the November 16th communication from the ABCC sent under date of December 2, 1982.

Following discussion, on recommendation by the Alcoholic Beverages Control Commission, it was on motion by Selectman Donald unanimously

VOTED: To amend the Board's vote of September 27, 1982, which revoked the Wine and Malt Beverages Package Store License issued on November 30, 1981, to Richard J. Rogers, d/b/a Sudbury Variety, 621C Boston Post Road, Sudbury, by imposing instead a penalty of a fifteen-day suspension of said license, effective the day after receipt of written notification for four consecutive days, as noted above by Town Counsel.

Annual License Renewal

In view of the above action, and following a brief discussion, it was on motion by Selectman Murray unanimously

VOTED: To renew the Wine and Malt Package Store License for Sudbury Variety and to forward the appropriate renewal forms to the ABCC; said license shall be held until payment of fees and until compliance with the Town's Sign Bylaw.

Budget Review - Building Department

Present: Building Inspector Joseph E. Scammon; and Marjorie Wallace, Finance Committee.

The Board reviewed with Building Inspector Joseph E. Scammon his budget submission for FY84.

Mr. Scammon stated that in general his Town Building maintenance account budget does not take into account any movement of Town offices from their present locations.

Mr. Scammon discussed his budget showing increases in the following areas over last year's appropriations:

- 340-21, general expense, reflects purchases of a file cabinet for plans;
- 340-31, vehicle maintenance (van repairs);
- 340-32 gas, general expense and repair;
- personal services.

At the conclusion of discussion, Mr. Scammon responded to the Selectmen that he would work on his budget forecast, as requested by the Finance Committee.

It was on motion unanimously

VOTED: To accept the Building Department FY84 budget as submitted for submission to the Finance Committee following completion.

Status of 1982 Dog Licenses

Present: Dog Officer Betsy M. DeWallace.

On the question of reviewing the status of dog licensing for 1982, Executive Secretary Richard E. Thompson distributed to the Board a list of delinquent dog owners for a period including up to four years ago.

Following discussion, it was on motion by Selectman Donald unanimously

VOTED: To direct the Dog Officer to proceed with court action against owners of dogs which have been unlicensed for a period of over one year and to further request Mrs. DeWallace to contact the remaining owners of unlicensed dogs to verify residency and ownership and to direct licensing, as necessary, following which the matter will again be reviewed by the Board.

Budget Review - Dog Officer

Present: Betsy M. DeWallace, Dog Officer; and David A. Wallace, Finance Committee.

Following a brief review of the Dog Officer's budget submission for FY84 and discussion, it was on motion unanimously

VOTED: To accept the Dog Officer's FY84 budget as submitted for submission to the Finance Committee.

Budget Review - Town Accountant

Present: James Vanar, Town Accountant; and David A. Wallace, Finance Committee.

The Board reviewed with Town Accountant James Vanar, his budget submission for FY84.

Mr. Vanar discussed his budget showing increases in the following areas over last year's appropriation:

- Personal Services - upgrading two people in his department, which requires Personnel Board approval; one reclassification requires a new job description. The Selectmen supported reclassification of the two Accounting Department personnel, subject to a final review of job descriptions. The Selectmen suggested that they review the new job descriptions before the Town Accountant presents the same to the Personnel Board.
- 521-31 Maintenance. Six Hundred Dollars requested for postage machine - last year, Three Hundred Twenty-five Dollars appropriated. The increase is for maintenance on new machine and scale.
- 521-22 Computer. Up 18% - for contract service maintenance costs. The Selectmen recommended canceling the service contract and eliminating for this year the \$2,000 for a program in conjunction with the Town of Acton to put the Town on a new uniform municipal accounting system.

It was on motion unanimously

VOTED: To table the Town Accountant's FY84 budget as submitted and to request that he try to revise and review items noted above with the Selectmen before submission on December 15 to the Finance Committee.

Minutes

It was on motion unanimously

VOTED: To accept the minutes of the Regular Session of November 29, 1982, as amended, and the Town Fathers Forum of November 22, 1982, as drafted.

Use of Fairbank School

It was on motion by Selectman Donald unanimously

VOTED: To confirm the Board's vote of December 2 approving use of the Fairbank School by the Park and Recreation Commission for a program for pre-schoolers on Friday mornings during January and February, 1983, to be conducted in conjunction with the Framingham YMCA, as requested in a communication dated November 29, 1982, from Robert Myers, Chairman.

Police Chief's Salary

It was on motion by Selectman Murray

VOTED: To amend the Board's vote of October 4, 1982, authorizing a FY83 base salary of \$34,960 for Police Chief Nicholas Lombardi, by decreasing the same to \$33,413 (Ratio 1.8) and by approving the additional sum of \$1,400 in holiday pay.

(Chairman Cossart, opposed; Selectman Murray, in favor; Selectman Donald, in favor.)

Executive Secretary Richard E. Thompson stated that this vote should proceed to the Personnel Board, since, in essence, the Selectmen are voting a salary over the maximum recently voted by the Personnel Board on October 26, 1982.

Minuteman Energy Alliance

Selectman Donald referred to the agenda of topics to be discussed at the next Minuteman Energy Alliance meeting, April 20, 1983, and suggested the Executive Secretary forward a copy of the same to appropriate Town Officials/Boards, i.e., Housing Authority, Building Inspector, Permanent Building Committee. Additionally, Selectman Donald asked whether the PBC had considered appointing a liaison from that Board to attend meetings of the Minuteman Energy Alliance. Mr. Thompson stated he would check into it and get back to the Board.

Salary - Fire Chief Michael Dunne

Following a lengthy discussion regarding establishing the salary for Michael Dunne when his appointment to Fire Chief becomes effective in February of 1983, and review of pertinent information submitted by the Executive Secretary, it was a consensus of the Board to direct the Executive Secretary to schedule a meeting with Michael Dunne for his input on the subject. The Board suggested next Monday, December 14 at 7:00 p.m.

Water District's Water Analysis

Chairman Cossart asked if there are any other Town water analysis reports forthcoming from the Water District other than the last quarterly report dated October 5, 1982. Mr. Thompson reported in the negative. Chairman Cossart again expressed his concern that the Water District should be periodically testing for hard metals, etc., and directed Mr. Thompson to follow up on the same and report back to the Board.

On the question of the Powder Mill Road water main extension, Mr. Thompson stated that, once the bills have been paid, he would write a letter confirming everything and remind the Commissioners to submit an article for the next Annual Water District meeting for an appropriation to reimburse the Town as previously agreed to.

Concord Road Pothole

Chairman Cossart suggested that Mr. Thompson telephone Mrs. Ciesla of 7 Pennymeadow Road relative to her concerns about the pothole in her neighborhood which is apparently distressing her family because of the noise and explain, as Mr. Thompson stated to the Board, that the Highway Department has done everything possible to alleviate the aggravation to her.

Medical Report - Vincent J. Patruno

The Board acknowledged receipt of a report from Dr. Melvyn W. Kramer relative to his review of medical records of Police Officer Vincent J. Patruno and directed the Executive Secretary to schedule a meeting with Officer Patruno next Monday, December 13.

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 use of the Discretionary Fund.

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

There being no further business to come before the Board, the meeting was adjourned at 10:45 p.m.

Attest:

Richard E. Thompson  
Executive Secretary-Clerk