

IN BOARD OF SELECTMEN
MONDAY, MAY 10, 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.

Accept Bid - Vehicle, Engineering Department

On the question of accepting a bid for furnishing the Engineering Department with a new (1982) four-wheel drive, wagon-type vehicle, Executive Secretary Richard E. Thompson stated that three bids had been received at the bid opening, May 3, 1982, at 3:00 p.m. - the high bidder being R. L. Long (\$9,670) and the low, Natick Auto Sales (\$7,777).

It was on motion by Selectman Donald unanimously

VOTED: To accept the bid for a new four-wheel drive, wagon-type vehicle (1982 Ford Bronco) of Natick Auto Sales, Inc., 157 W. Central Street, Natick, Massachusetts, for a total net price of \$7,777 with a trade-in of a 1976 Plymouth Trail Duster, as specified in their bid dated April 30, 1982, and in accordance with the Town's specifications.

Mr. Thompson stated that \$10,000 had been appropriated for this vehicle, and that the excess funding could be used to equip the vehicle with a radio or scanner, and would report back to the Board at a later date.

Transfer Requests

a. #1043 - Selectmen's Travel

Following a brief explanation by the Executive Secretary, it was on motion by Selectman Donald unanimously

VOTED: To approve Request for Transfer #1043, dated May 7, 1982, for Account No. 501-41 - Selectmen's Travel, in the amount of \$425, for travel expenses from April to the close of FY82, as indicated on the numbered transfer.

b. #1044 - Dog Officer General Expense

c. #1045 - Dog Officer Vehicle Maintenance

Present: Dog Officer Betsy M. DeWallace.

Following a brief discussion with the Dog Officer, it was on motion by Selectman Donald unanimously

VOTED: To approve Request for Transfer #1044, dated May 7, 1982, for Account No. 350-21 - Dog Officer General Expense, in the amount of \$600, for the picking up and care of dogs through the end of the fiscal year, as indicated on the numbered transfer.

And it was further on motion by Selectman Murray unanimously

VOTED: To approve Request for Transfer #1045, dated May 7, 1982, for Account No. 350-31 - Dog Officer Vehicle Maintenance, in the amount of \$150, for gasoline for the Dog Officer's vehicle through the end of the fiscal year, as indicated on the numbered transfer.

d. #1042 - Police Equipment Purchase

Following a brief explanation by the Executive Secretary, it was on motion by Selectman Donald unanimously

VOTED: To approve Request for Transfer #1042, dated May 7, 1982, for Account No. 320-51 - Police Equipment Purchase, in the amount of \$6,453.55, to replace the Detective's car which is beyond repair.

American Legion Post #191 - Sale of Poppies

It was on motion by Selectman Donald unanimously

VOTED: To approve a request, dated April 26, 1982, from Guy L. Dietrich, Chaplain, American Legion Post #191, for permission to solicit donations by sale of poppies at Star Market and Sudbury Farms shopping centers on May 27, 28 and 29, 1982.

Proclamation - Preservation Month

At the suggestion of Chairman John C. Powers of the Sudbury Historical Commission in a letter dated May 3, 1982, it was on motion by Selectman Donald unanimously

VOTED: To issue a Proclamation designating the month of May as Preservation Month in the Town of Sudbury (relative to the preservation of Historic Buildings).

Orders of Taking

It was on motion by Selectman Donald unanimously

VOTED: To sign Orders of Taking relative to street acceptance articles #8 and #9 of the 1982 Annual Town Meeting.

Appointments - Board of Appeals and Appeals Associates/Earth Removal Board

Following review of an April 21, 1982, communication from the Chairman of the Board of Appeals and discussion, it was on motion by Selectman Donald unanimously

VOTED: To appoint MaryAnn K. Clark, 118 Nobscot Road, to the Board of Appeals for a five-year term, commencing immediately and to expire April 30, 1987;

and it was further

VOTED: To appoint the following people to the Board of Appeals Associates/Earth Removal Board for one-year terms, commencing immediately and to expire April 30, 1983:

Geraldine C. Nogelo, 19 Washington Drive;
Jeremy M. Glass, 137 Barton Drive;
Lawrence Shluger, 42 Bishop Lane; and
Martha Reiss, 300 Hudson Road;

and it was further

VOTED: To re-appoint Harvey R. Peters for a one-year term to the Board of Appeals Associates/Earth Removal Board, to expire April 30, 1983.

Minutes

It was on motion by Selectman Donald unanimously

VOTED: To approve the minutes of the Regular Session of May 3, 1982, as amended.

Actuarial Study

At its meeting of May 3, 1982, the Board voted to execute a contract with William M. Mercer, Inc., to prepare an actuarial study of the Town's future pension costs but had a question as to whether or not there is a conflict since Lindalee Lawrence is an employee in the Group Health Insurance Department of that Company and is a Finance Committee member in the Town of Sudbury.

The Board was in receipt of an opinion dated May 7, 1982, from Town Counsel Paul L. Kenny indicating that under the pertinent provision of the Conflict of Interest law, Ch. 268A, s. 19, Lindalee Lawrence would not be in violation since she would not be paid as an employee in the particular matter involved (she works in a different part of the company). Town Counsel also suggests that, while it is not necessary, his opinion could be referred to the Town Moderator for a determination that the financial interest as an employee of the proposed contractor would be too remote or too inconsequential to affect the integrity of the municipal employee's service. The Town Moderator's opinion would be filed with the Town Clerk, as was Town Counsel's.

On the advice of Counsel, the Board directed the Executive Secretary to forward a copy of Town Counsel's opinion dated May 7, 1982, to the Town Moderator asking for his concurrence with Town Counsel and that he provide the Board with a determination as specified in that communication.

Utility Petitions

Present: Carole Clinton, Boston Edison Company.

In conformity with General Laws, Chapter 166, Sections 21 and 22, the Board considered the following Utility Petitions of Boston Edison Company (and New England Telephone and Telegraph Company for UP82-11):

UP#82-8 - Pantry Road

- 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:

Pantry Road, westerly approximately 260 feet north of Concord Road, a distance of about 10 feet - Conduit.

UP#82-9 - Peakham Road

Present: Robert A. Noyes, Highway Surveyor.

- for permission to erect or construct, and a location for, a pole, and such other fixtures including anchors and guys as may be necessary to sustain or protect the wires of the line, upon, along and across the following public way of the Town:

Peakham Road, southeasterly side approximately 2,990 feet northeast of Old Garrison Road, one (1) pole (one existing pole to be removed).

UP#82-10 - Haynes Road

Present: Creighton Hamill, Developer.

- 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:

Haynes Road, southeasterly, approximately 970 feet west of Pantry Road, a distance of about 10 feet - Conduit.

UP#82-11 - Dakin Road

Present: Robert A. Noyes, Highway Surveyor; David G. Hubbard, 20 Dakin Road.

- 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:

Dakin Road, at and westerly from Hawes Road a distance of about 45 feet - Conduit.

Executive Secretary Richard E. Thompson reported that all appropriate Town officials and abutters had been notified and that a favorable joint report had been received from the Wiring and Building Inspectors for each Utility Petition, all dated April 29, 1982.

Mr. Thompson noted for the record regarding UP#82-9 that the relocation for pole #92 was approved by the Board in a multi-pole hearing on December 30, 1981, subject to receipt of the petition.

Selectman Donald commented that the Telephone Company petitions for the same locations identified in Utility Petitions #82-8 and #82-10 will be coming and that the Board may want to require any street opening to be done only once. Mrs. Carole Clinton of Boston Edison replied that the two utility companies coordinate their work only when installing underground service to developments of ten or more lots.

Relative to Utility Petition #82-11, Mrs. Clinton stated that the petition was to provide underground service to seventeen new homes from an existing pole across the street.

Mr. David Hubbard, 20 Dakin Road, questioned how long it will take for Boston Edison to complete this project and whose responsibility it is to see the project through to completion. Mrs. Clinton responded that the utility companies contract the work out. Mr. Thompson stated that it would be the responsibility of the Highway Department to oversee the project in conjunction with the street opening permit.

Mr. Hubbard stated some general concerns about the entire development on Hawes Road (off Dakin Road), such as: drainage problems which exists as a result of a drainage pipe which was installed by the developer and which was not filled in properly at the end of the pipe so that wash-outs frequently occur, and that damage done to his driveway which had been used as access by the developer to the lot behind has not yet been repaired and appears now to be a question as to who is responsible - the developer or the person contracted by the developer.

The Highway Surveyor suggested that Mr. Hubbard put his concerns in writing to the Chairman of the Planning Board, with a copy to him, since certain work must be approved by them before bonds can be released for the sub-division.

The Highway Surveyor also stated that he would like to go on record that he did not intend to grant any further street opening permits involving New England Telephone until such time as the long-standing telephone problems are corrected at the Highway Garage.

At the conclusion of discussion it was on motion unanimously

VOTED: To approve Utility Petition 82-8, as described above, and as shown on a plan entitled, "Plan of Pantry Rd., Sudbury, Showing Proposed Conduit Location", dated March 24, 1982;

and it was further

VOTED: To approve Utility Petition 82-9, as described above, and as shown on a plan entitled, "Plan of Peakham Rd., Sudbury, Showing Proposed Pole Relocations", dated February 19, 1982;

and it was further

VOTED: To approve Utility Petition 82-10, as described above, and as shown on a plan entitled, "Plan of Haynes Rd., Sudbury, Showing Proposed Conduit Location", dated March 24, 1982;

and it was further

VOTED: To approve Utility Petition 82-11, as described above, and as shown on a plan entitled, "Plan for Proposed Conduit Location To Accompany Petition of New England Telephone and Telegraph Company", dated March 31, 1982.

Joint Meeting - Insurance Advisory Committee

Present: Chairman William P. Reed, Rita C. Cobb, Barry M. Karas and Gerd O. Haeberer, Insurance Advisory Committee; Town Accountant James Vanar.

Chairman Cossart opened a meeting with members of the Insurance Advisory Committee, including the Town Accountant, James Vanar, to discuss a) the question of self-funding the health insurance program; and b) the question of bidding the Town's insurance requirements.

Mr. William P. Reed, Chairman of the Insurance Advisory Committee (IAC), introduced those members who were present.

- a) Relative to group health insurance, Mr. Reed stated that the Town presently has a standard Blue Cross-Blue Shield policy and an alternative to that is to become a self-insurer. A concern to becoming a self-insurer is the risk of paying out more than you would under the standard program; on the other hand, there is the possibility of earning substantial credits. A stop-loss policy can be purchased to relieve the Town of further payments after reaching a certain level of paying out losses.

Mr. Barry M. Karas of the IAC explained that being a self-insurer is not a new concept. Some advantages are:

- cash flow - instead of paying fixed premiums every month, payments are made as claims come in (usually not for the first three months of coverage). Realized savings every year are carried forward;
- The Town would hold its own reserves and, therefore, earn interest on the same;
- Blue Cross - Blue Shield usually holds back any dividends for two years; as a self-insurer, dividends are realized immediately.

Mr. Karas went on to say that the Town can be covered for catastrophic claims under two umbrella policies: 1) advocate stop-loss insurance (if claims exceed the expected claims by 10-25% the Town would be reimbursed by this insurance); and 2) specific stop-loss insurance.

Responding to Mr. Reed, Mr. Karas stated that the Town's net cost is comprised of total premiums paid, less retention and reserves; as a self-insurer, claims are paid but reserves are usually held.

Mr. Karas recommended that the Town obtain a self-funding proposal from Blue Cross-Blue Shield. This would not commit the Town in any way or endanger our current policy. Town Accountant James Vanar supported the IAC in this regard.

Executive Secretary Richard E. Thompson stated that he would provide the IAC with a copy of Mr. Vanar's report of May 3, 1982 and apologized for not having done so prior to this meeting.

Mr. Reed referenced his report dated April 20, 1982, to the Board and stated that it represents the approval of all those members of the IAC who are present. Mr. Reed further stated that the IAC's work had been done in conjunction with direction from the Selectmen last spring.

- b) On the question of bidding the Town's insurance requirements, Mr. Reed stated that he was not in favor of doing so, contrary to the opinion of the Town Accountant.

Mr. Thompson referenced a listing of the Town's insurance coverage, which consists of fourteen policies.

Mr. Reed expressed his personal opinion that insurance rates are not that competitive since they are written according to a standard manual which sets a "judgment rate". (This rate structure does include allowances to allow insurance companies to earn a profit.) Mr. Reed pointed out that the track record of insurance companies to pay losses is very important, adding that in those lines of insurance that are subject to credit, the Town has earned well over 30% on the annual rate over the last five years.

In terms of a changing market, Mr. Gerd Haeberer expressed his opinion, from an insurance executive's point of view, that the length of time with an insurance company is a plus when it comes to future premium costs where a company must adjust premiums for expected future costs and claims.

Following further discussion, there was a consensus of the Board to: - direct the Executive Secretary to obtain a self-funding proposal from Blue Cross - Blue Shield; and - to further direct the Executive Secretary to forward a copy of the Town Accountant's report of May 3, 1982, to the Insurance Advisory Committee and to further discuss with the Town Accountant and the IAC the question of bidding the Town's insurance requirements; and report back to the Board.

Meeting with Coatings Engineering

Present: Thomas Craig and Albert J. Zaccone, Coatings Engineering; Health Director John V. Sullivan; Michael W. Guernsey and Richard L. Stevens, Board of Health; Sara E. Bysshe, Conservation Commission; and abutter Clifford J. Hughes.

Chairman Cossart opened a meeting with Coatings Engineering Corporation as requested in a communication dated April 30, 1982, from General Manager Thomas Craig relative to the Board's denial, on April 26, of its aboveground inflammables storage application.

Chairman Cossart stated that the Selectmen agreed to meet with Mr. Craig on the basis of giving Coatings every opportunity to resolve this matter.

Chairman Cossart stated that the Town has had a long, unpleasant history with Coatings - that Coatings has given the Town the single most concern of any industry in Sudbury. Selectman Cossart further stated that he has been personally involved with Coatings for several years and expressed his opinion that the progress has been slow and inconsistent in relation to the potential danger, and that he believed the Town boards have been very helpful, reasonable and lenient.....almost to the point of acting as intermediators between Coatings and the Townspeople.

Chairman Cossart stated that there is some work underway to correct the liquid discharge on the State level and believes that there should be the same enthusiasm in correcting the vapor discharge without further delay.

Mr. Thomas Craig of Coatings stated that he had some updated information on their current status which they could go into later. Referencing his letter to the Board of April 30, 1982, Mr. Craig stated that he felt it addressed some of Selectman Cossart's concerns; that he shared the Selectmen's desire to solve the air and liquid discharge problems; and that he did not agree with Selectman Cossart's comment that they are running a "dirty" business.

Mr. Craig went on to say that he is concerned with the Board's April 26 vote which, he stated, diverts his attention from the important problems of complying with the Attorney General's Agreement for Judgment. Mr. Craig stated that methyl ethyl ketone has been used at Coatings since it opened in Sudbury in 1974; that the storage for it had been inspected by the Fire Department at that time and since then. Mr. Craig also stated that they have been unable to find a substitute material and have been trying since 1962 to do so. Mr. Craig stated later that he did not feel confident in saying that in the next 30 days the situation can be reversed. He stated he did not want to close the plant and have 100 people out of work.

Responding to Selectman Cossart, Mr. Craig explained that the function of the process is to create a primer which will stick to metal.

Chairman Cossart pointed out that the Selectmen are not grabbing at a minor excuse to close Coatings and secondly that the Town would no longer try to help Coatings by redesigning their process, learning the technology and participating in the solution of it. Selectman Cossart stated that it has to be a clean process or the Selectmen cannot permit it.

Mr. Craig repeated that the issue today does not have anything to do with whether it is a clean process or not. He suggested that the Selectmen put any desired restrictions or direction on Coatings in the areas that are important (air and water) but not on the storage in question where it is not going to help anyone.

Selectman Murray commented on the involvement with Coatings of various people at both the State and local levels over the past three years with no resolution of the problem.

Selectman Donald stated that Mr. Craig's statement that the storage of chemicals involved in their process does not have anything to do with clean air and water was ridiculous because that process is causing the bad air and water pollution. Selectman Donald stated that she has been personally involved with Coatings for the past two years; that the emissions are against the Town bylaw, and that the Town has had little success in getting cooperation from them.

Mr. Richard L. Stevens of the Board of Health stated that at every meeting of the Board of Health, Coatings is discussed for at least fifteen minutes; that the Board of Health is concerned about water quality and emissions and not whether Coatings should be in business or not.

Responding to Chairman Cossart relative to the current status between Coatings and the Board of Health, Health Director John Sullivan stated that the Board of Health is still working with the Attorney General's office in regard to the Agreement for Judgment issued on Coatings; that they are still operating without a discharge permit; and that they are not complying with many of the orders from the Department of Environmental Quality Engineering (DEQE).

Mr. Stevens pointed out their serious concern, in that the Board of Health's analysis indicating the type and degree of pollution by chemicals used at Coatings differed from that done by Coatings and they were both completed by the same lab.

Mr. Sullivan informed the Board that Coatings had been cited by the DEQE two weeks ago for an air pollution problem - citation dated April 29, 1982 - giving Coatings until May 24 to correct the vapor discharge situation.

Mr. Sullivan referenced his letter to Coatings (written in 1975) explaining that chemical waste cannot be dumped at the Landfill.

At the concurrence of the Board, Mr. Sullivan will re-issue that letter to Coatings after advice from Town Counsel to do so.

Mr. Sullivan stated that he had received a call on Friday from the Operator at the Landfill regarding a strong odor from rubbish dumped by Coatings. Mr. Sullivan stated that he inspected and found empty 50-pound bags marked, "poly vinyl chloride - contains vinyl chloride - vinyl chloride is a cancer suspect agent", granular blue green material, and a liquid, white, creamy substance, all of which he took samples of and sent to the lab. Mr. Sullivan stated that Coatings has a hydraulic packer and dumps once a week at the landfill; that residue blows around in the dumping process and also may get into the ground/ground water.

Mr. Stevens stated that the State's standards are not so strict - the State allows 100 mg of phenol per liter while the Federal standard (National Institute for Occupational Safety and Health, NIOSH) is 1 mg per liter. Mr. Stevens pointed out that in November, 1981, the worst case recorded was twenty thousand times the amount in the discharge allowed by NIOSH.

Mrs. Sara E. Bysse commented on her involvement with Coatings as an associate member of the Conservation Commission three years ago.

Mr. Craig, responding to Mr. Clifford Hughes, stated that he had a copy of the Town Bylaw as it relates to smoke, fumes etc.; and that the chemicals he uses are FDA approved. Mr. Craig went on to say that he has tried to be cooperative with Mr. Hughes by meeting and speaking with him on several occasions and by requesting that Mr. Hughes call Coatings whenever the fumes are objectionable. Mr. Craig further responded that there is one machine operating at Coatings until 10:30 p.m.

Chairman Cossart responded to one abutter who was present that the Fire Chief had satisfactorily addressed the explosiveness of the chemicals/vapors at the last meeting (not a problem based on construction of the building).

Mr. Craig commented on the ineffectiveness of the Board of Health to respond communicate with Coatings and abutters and stated that he had never received any complaints from the Conservation Commission.

Selectman Murray corrected Mr. Craig indicating that the Conservation Commission had been involved at several meetings with Coatings but, out of frustration, had referred the matter to the Board of Health since they were the enforcing agency.

Chairman Cossart concluded the discussion by first, stating and stressing to Mr. Craig that his comments relative to the Town Boards' and Commissions' involvement were not true and that Town documentation would prove the same.

It was on motion by Selectman Donald unanimously

VOTED: To not reconsider its vote taken on April 26 relative to Coatings Engineering Corporation's application for a license to store 2,000 gallons aboveground Class A chemicals.

Current Items of Interest

Cable Television

The Board acknowledged receipt of a communication dated May 6, 1982, from Commonwealth Cable Systems, Inc., notifying the Town of its withdrawal of its application to provide cable television service to Sudbury. The Board directed the Executive Secretary to forward a copy of said communication to Roger Bump, Chairman of the Cable Advisory Committee.

Federally-subsidized Flood Insurance

In order for the Town of Sudbury to ensure continued availability of federally-subsidized flood insurance to its inhabitants, it was on motion by Selectman Murray unanimously

VOTED: That the Building Inspector be directed to use the best available data for the basis of elevating residential structures in unnumbered A Zones on the Flood Insurance Rate Map (FIRM) for the Town of Sudbury, Community No. 250217, dated June 1, 1982, and, where such information is not provided on said Map, he shall require the applicant to provide the information with such supporting data as the Building Inspector shall require; such information shall be applied to ensure compliance with the elevation requirements of the State Building Code, section 744.1.

Sudbury River Diversion

Selectman Donald stated that she had attended a May 4 meeting of the Citizens Advisory Committee, and that Representative Lucile Hicks had reported that the House Outside Budget section included phrasing relative to forbidding diversion of the Sudbury River and that it had passed one roll call vote. The next meeting is to be held on May 18.

Monitoring Underground Water

Selectman Donald referenced the letter to the Sudbury Water Commissioners from Chairman Cossart, dated May 3, 1982, requesting an update on the status of the work approved under Article 8 of the 1980 Annual Water District Meeting, which included the construction of permanent test hole sites for monitoring local underground water contaminants, including the area around Coatings and around the old Codjer Lane landfill.

Hazardous Waste Co-ordinator, Alternate

On September 22, 1980, the Board designated Health Director John V. Sullivan as Hazardous Waste Coordinator and Selectman Cossart as an alternate. Chairman Cossart stated that he is unable to continue in that capacity and that his wife would be willing to replace him.

It was on motion unanimously

VOTED: To appoint Carolyn W. Cossart, 411 Concord Road, as the Alternate Hazardous Waste Coordinator to replace William J. Cossart.

South Annex - Deed

It was on motion by Selectman Donald unanimously

VOTED: To sign and execute a deed, prepared by Town Counsel's office, conveying a parcel of land known as the South Annex and located at 23 Massasoit Avenue, Sudbury, to Richard A. and Sara P. Mayo, as joint tenants, both of 54 King Philip Road, Sudbury.

Neelon Property

The Board was in receipt of a communication dated May 5, 1982, from Helen Neelon, 42 Victoria Road, requesting some time to meet with the Selectmen at their next meeting. Since this matter involves property partially located in Wayland, the Board suggested that an appropriate Wayland representative be notified of any meeting that is arranged, as well as the Sudbury Town Engineer. Mr. Thompson stated that he would handle it and report back to the Board.

Flood Plains/Article 22, '82ATM

The Board acknowledged receipt of a communication dated May 3, 1982, from Town Engineer James V. Merloni, enclosing a list of persons whose property has now been added to the "Flood Plain rolls", in conjunction with the passage of Article 22 of the '82ATM. Chairman Cossart directed the Executive Secretary to notify those persons by informing them of the significance of the vote which includes them in the Town's Flood Plain.

Draft Agenda for May 11 Meeting

The Board noted receipt and approval of a draft agenda for its meeting with the Lincoln-Sudbury Regional School District Committee, scheduled for tomorrow evening, May 11, 7:30 p.m.

Executive Session

At 10:30 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 effect.

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

Chairman Cossart 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 10:55 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk