

IN BOARD OF SELECTMEN
MONDAY, NOVEMBER 1, 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.

Fort Devens Sudbury Annex

Executive Secretary Richard E. Thompson stated that the office had received several telephone calls from people living near the Sudbury Annex of Fort Devens regarding the increased activities there, especially nighttime gunfire.

Mr. Thompson referenced a personal letter from Congressman Barney Frank, dated October 25, 1982, responding to several area residents, basically informing them that Fort Devens plans to continue to train soldiers at night which includes gunfire (no live ammunition).

Selectman Murray stated that he had personally spoken to Congressman Frank on this matter, and that Congressman Shannon had also been alerted to the problem.

Mr. Thompson stated that since Col. Kattar had retired that perhaps the Board would want to meet with the new commander.

On the Executive Secretary's recommendation, it was on motion by Selectman Murray unanimously

VOTED: To direct the Executive Secretary to schedule a meeting with the new commander at the Fort Devens Sudbury Annex and with Representative Shannon to discuss the issue.

Fire Chief Josiah F. Frost was present and informed the Board that Fort Devens is asking for 11 additional (total 17) men to staff the fire station there, full-time for 24-hour coverage. There are already six or seven employed there now. The Chief commented that he feels much better now about the security at Fort Devens. Since the last time he met with the Board, the Chief stated he has had an opportunity to talk with Devens' Fire Marshall about some of the safety concerns he had.

Town Hall Office Space Renovations

The Board was in receipt of a communication, dated October 27, 1982, from Town Accountant James Vanar, listing the reasons for his recommendation that the Treasurer's Office and the Accounting Office be moved to the second floor of the Town Hall rather than moved to the Flynn Building, on the basis of short-term solutions to the over-crowding at Town Hall.

During discussion the Board agreed that Mr. Vanar had some very valid reasons and directed the Executive Secretary to meet with the Town Engineer to discuss possible layouts for the same, and report back to the Board.

Mr. Thompson distributed a list of organizations which use the halls at Town Hall on a yearly basis, pointing out that the Sudbury Players will be the most affected by the loss of the halls since they use the facility approximately 6 months of the year, and have done so for about 10-15 years.

The Board directed the Executive Secretary to schedule a meeting with the Sudbury Players to discuss the situation. Selectman Donald suggested it be sometime in December which is after their upcoming production.

Articles - Massachusetts Selectmen's Association

Following review of the Massachusetts Selectmen's Association (MSA) Annual Statewide Town Meeting Warrant, received under cover letter dated October 15, 1982, it was on motion unanimously

VOTED: To take the following action on the Warrant for the MSA Annual Statewide Town Meeting of November 13, 1982:

- To approve articles 5-8 and 10-24;
- To hold taking a position on article 9; and
- To approve the resolves.

Massachusetts Municipal Association - Compulsory and Binding Arbitration

It was on motion by Selectman Donald unanimously

VOTED: To contact local legislators relative to the issue of compulsory and binding arbitration, asking that they oppose mandatory reinstatement of the same, as urged by the Massachusetts Municipal Association in a communication dated October 14, 1982.

House Bill 3240

Present: Fire Chief Josiah F. Frost.

On the question of reviewing House Bill 3240, an act amending Chapter 41 of the General Laws to prohibit injury leave for police officers and firefighters if they are capable of performing certain duties on a part-time basis, Executive Secretary Richard E. Thompson informed the Board that this was an attempt to clarify s.111F of c.41 of the G.L.

Fire Chief Josiah F. Frost stated that there is another House Bill, No. 6283, in which he is more interested, and it, combined with House Bill 3240, would be the best solution to the problem. For this reason, the Chief stated, the Fire Chief's Association is not supporting either bill at this time, but intends to support a combination of the two upon receipt of the Legislature's Study Committee's findings.

Town Counsel confirmed that H.3240 allows the Selectmen in their discretion to determine whether or not someone should be allowed to perform light duty or not if there is a physician's certification stating that he is capable.

Upon question by Chairman Cossart, Chief Frost stated he had no objection to the Board supporting House Bill 3240 in its present language.

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

VOTED: To support House Bill 3240, as presently written, and to so notify Sudbury's legislators.

Preliminary List of Articles for Annual Town Meeting

The Board reviewed a preliminary list of articles for the 1983 Annual Town Meeting, submitted under date of November 1, 1982, and approved the same with one exception, that being item "k" - Accept G.L.c.41, s.108L - Career Incentive, Police, which was defeated at the October 7, 1982, STM. In the opinion of the Board, this subject was appropriately and satisfactorily addressed in accordance with collective bargaining negotiations.

Tax Anticipation Notes

Present: Town Treasurer Chester Hamilton.

As requested in a communication, dated October 27, 1982, from Town Treasurer, Chester Hamilton, it was on motion by Selectman Donald unanimously

VOTED: To authorize Town Treasurer Chester Hamilton to borrow \$500,000 in Tax Anticipation Notes, effective November 16, with repayment scheduled for December 28, 1982.

NOTE: Mr. Hamilton informed the Board that estimated tax bills would be going out around the 10th or 12th of November; also, responding to Chairman Cossart, Mr. Hamilton stated that this year's borrowing is less than it was two years ago but more than last year.

Bonding

Present: Town Treasurer Chester Hamilton.

At the request of, and following an explanation by, Town Treasurer Chester Hamilton, it was on motion by Selectman Murray unanimously

VOTED: To authorize Town Treasurer Chester Hamilton to bond a maximum of \$119,000, in accordance with Article 9 of the October Special Town Meeting, for street resurfacing.

Mr. Hamilton stated that he will submit the proper documentation to the State agreements stating the Town will be reimbursed, and borrow when he has been advised by Highway Surveyor Robert A. Noyes exactly what amount is needed for the resurfacing of Great Road, Nobscot Road, Fairbank Road, a portion of North Road, and Old Sudbury Road. Mr. Hamilton stated that the Town can expect reimbursement within 8-10 weeks after filing.

Appointment - Fire Chief

Present: Fire Chief Josiah F. Frost.

On behalf of the Board, Selectman Murray commented that the three captains interviewed for the position of Fire Chief were all well qualified and stated that this fact was a direct reflection on Chief Frost. Selectman Murray stated that choosing from these three men is a very hard decision to make. Selectmen Cossart and Donald agreed.

Chairman Cossart stated that the office had conducted a survey of salaries paid to fire and police chiefs in surrounding towns and gave a copy of that information to Chief Frost.

Executive Secretary Richard E. Thompson explained that the Chief's recommendation is that the Selectmen appoint a new Chief whose appointment will be effective February 1. The Chief also recommends that the new Chief be appointed as Acting Assistant Chief in the interim between November 1 and assumption of command on February 1, and that he be paid a stipend during this period reflecting a 10% increase over his present base salary.

Following discussion, it was on motion by Selectman Murray unanimously

VOTED: To appoint Captain Michael Dunne as Fire Chief, effective February 1, 1983, and as Acting Assistant Fire Chief, effective immediately.

It was further on motion by Selectman Donald unanimously

VOTED: To authorize an increase of 10% of his current base salary as a stipend to newly appointed Acting Assistant Chief Dunne for the period between November 1 and February 1, for a total bi-weekly base salary of \$936.61, as recommended by Chief Frost.

Position on Application of Melone Trust

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

VOTED: To oppose the application of Joseph and Maria Melone Trust for a permit to remove approximately 1,250,000 c.y. of earth from Parcels 1, 2, and 100, North Road, and to direct the Executive Secretary to prepare a letter for the Board's signature to be forwarded to the Earth Removal Board stating the Board's position.

Questionnaire - Lincoln League of Women Voters

At the suggestion of Chairman Cossart, the Board agreed to fill out a questionnaire relative to a study of Finance Committees from the Lincoln League of Women Voters and give them to the Executive Secretary who will then prepare a composite of those for the Board's review, and forward the same to the Lincoln League of Women Voters.

Appointments - Special Police

In accordance with communications dated October 26 and November 1, 1982, from Police Administrative Assistant Peter B. Lembo, it was on motion unanimously

VOTED: To appoint Gary O. Bardsley, 24 Allene Avenue, and to re-instate Jeffrey Nix, 48 Landham Road, as Special Police Officers, effective immediately, for a term to expire April 30, 1983;

and it was further

VOTED: To appoint Frank Vana, 245 Raymond Road, as a Special Police Officer for a term to expire April 30, 1983.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular Session of October 25, 1982, as amended; and to approve the Executive Session minutes of October 25 and October 26, 1982, as drafted.

Medical Prognosis - Police Officer Vincent J. Patruno

On the recommendation of Town Counsel it was on motion by Selectman Donald unanimously

VOTED: To continue for one week consideration of the medical prognosis relative to Police Officer Vincent J. Patruno's ability to return to fulltime police duty hoping to get a response from Mr. Patruno's personal physician; otherwise, the Executive Secretary is to schedule an examination with the Town Physician so that a determination can be made.

The Executive Secretary was directed to so inform Mr. Patruno.

Fort Devens

Selectman Donald reported that she had attended the "Change of Command" ceremony at Fort Devens.

Sudbury River Diversion

Selectman Donald reported that she and Dr. Chiang had attended a meeting relative to the Sudbury River Diversion; she reported on that meeting and on an earlier meeting which Dr. Chiang had attended and concluded by stating that the final draft of the Environmental Impact Statement is due in January of 1983. Selectman Cossart indicated an interest in receiving a copy of Dr. Chiang's report.

Water Extension - Powder Mill Road

Mr. Thompson informed the Board that the Water District has received two bids relative to the work to be done for the water extension on Powder Mill Road, and that he would be in touch with the Water Commissioners and try to expedite the process.

Project Management

Executive Secretary Richard E. Thompson distributed to the Board a copy of a communication to the Building Inspector from Atty. John C. Thomson for Project Management, dated October 28, 1982, relative to verification from the building department as to whether the building permits are still valid or are revoked by the Board's action to deny their renewal application on Lots 3 and 4.

Recruiting Station at Town Hall

The Executive Secretary asked the Board if they would favor authorizing use in the lower Town Hall by the U.S. Army as a recruiting station for as much as two hours per week. The Board asked that Mr. Thompson get more details in terms of specific plans, period of time, overall duration, how much space needed, etc., before the Board can make a decision on the same.

Civil Service Test - Police Chief

The Board acknowledged receipt of a communication from Police Sergeants Lembo, Anelons, Woodward and Nix, dated October 28, 1982, inquiring as to the Board's process and decision in requisitioning for a State-wide examination for the position of Police Chief.

Traffic Study-Papa Gino's

The Board discussed the one-day traffic study given to them by representatives of Papa Gino's at an October 25th public hearing on its site plan application for the Dairy Queen site on Boston Post Road, continued to November 8.

On the basis that the traffic study was inconclusive, the Executive Secretary was directed to send a communication to their attorney, Robert Dionisi, informing him prior to the continued hearing scheduled for November 8, of the Board's concern, as it has been indicated in the past, regarding the traffic impact on Route 20 by any future development.

Mr. Thompson informed the Board that he had received late this afternoon a revised landscaping plan.

There being no further business to come before the Board, the meeting was adjourned at 9:30 p.m.

Attest: _____

Richard E. Thompson
Executive Secretary-Clerk