

IN BOARD OF SELECTMEN
WEDNESDAY, OCTOBER 13, 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. at the Loring Parsonage by Chairman Cossart.

Contaminated Wells - Powder Mill Road

Present: Robert F. Boyle and Milton D. Bartlett, Water District Commissioners; Superintendent Bradley W. Mattsen; Health Director John V. Sullivan; Michael W. Guernsey and Richard L. Stevens, Board of Health; Sandra Bell, 34 Powder Mill Road.

Chairman Cossart convened a meeting with local health and water officials to discuss collectively the problem resulting from the contamination of private wells on Powder Mill Road. Selectman Cossart stated that soil borings done at the old landfill on Powder Mill Road have shown amounts of arsenic and lead beyond the acceptable levels and testing of three private wells in the area have produced lead concentrations which are above the maximum acceptable.

Health Director John V. Sullivan stated that as part of the Health Department's routine water quality control program, they have been monitoring streams and water supplies for many years. He stated that composite soil samples had been taken at the old landfills on Powder Mill and Dakin Roads and Codjer Lane, to check for priority pollutants, and those results showed certain levels of the nine heavy metals - arsenic, barium, cadmium, chromium, lead, nickel, mercury, selenium and silver - in each of the landfills. Consequently, the Board of Health decided to test three private wells on Powder Mill Road for lead and arsenic as a precautionary measure. The analysis of the water samples taken at these three homes showed no problem with the arsenic level, but the level of lead was over the 0.05 maximum allowed by the U. S. Public Health Service. The Board of Health then notified the residents on Powder Mill Road, recommending that they discontinue use of their drinking water, and contacted the Water District suggesting that an emergency exists and that Town water should be extended to the area as soon as possible.

Responding to questioning by Chairman Cossart, Mr. Sullivan explained the test results at the three landfills and the individual composite samples (soil and water) of the three wells. Mr. Richard Stevens of the Board of Health stated that at the landfills the lead level was 4-5 times the maximum level allowed, and that the level of selenium was 10-15 times higher. At the three homes, the level of lead in the wells was 50% higher in one case; one was two times over; and the other was three times over the maximum level. Mr. Sullivan added that another sample was taken from a fourth home on Powers Road (behind Hawes home), but that those results have not come back yet.

Chairman Cossart asked the Water District Commissioners to comment on the subject of bringing in Town water to that area.

Water Commissioner Robert Boyle stated that they expect it to cost approximately \$20,000 to bring the water (lay the main) to the three homes, adding that it is a question of who is going to pay for the installation of approximately 650' of 10" pipe, as is necessary. Responding to Chairman Cossart, Mr. Boyle stated that the

same sized pipe would be put in if the main were being laid for a residential development; also, that a 10" pipe is in consideration of good fire protection. Mr. Boyle stated the cost of the pipe is not the main expense; the main expense is in the cost of labor. There is also a \$1,200-1,400 individual cost to the homeowner to hook up to the line.

Chairman Cossart asked if there were any provisions in the Water District's budget to do this work on an emergency basis and approach their next Annual Meeting for reimbursement.

Mr. Bartlett stated that usually people approach the Water District if and when they want Town water. He pointed out that Town water had been planned for Powder Mill Road in conjunction with the Project Management site plan, and that they have no further plans for extension within this year's budget.

Selectman Cossart commented that he felt, since the problem may be a result of the Town's old landfills, that the Town should collectively stand the cost of remedying the situation.

Mr. Bartlett pointed out that there is a Town well in that North Sudbury area, and that the last time it was tested it showed a high level of iron. He raised certain questions regarding the flow of underground water in that area. Mr. Bartlett speculated that the drinking water is the same now as when the private wells were located, pointing out that it is because of the new higher standards set by the Federal Government that the level of lead now exceeds the maximum allowed (0.05). Mr. Sullivan stated that State regulations provide the same level on lead in drinking water as the Federal.

Mr. Bartlett went on to say that the Water District has an emergency account, but that there is not enough money in that account to cover the installation. He stated that the District normally asks the person(s) requesting service to put up 40% of the cost, adding that an extension of this size would normally go before the next Annual Meeting of the Water District.

Mr. Bartlett pointed out that the Highway Department would be involved financially with this extension. They would have to close the road, and there is the cost of repaving.

Mr. Bradley Mattsen, Superintendent of the Water Department, stated that there is a \$7,000 material cost and indicated that pipes are available to do the work.

Mr. Bartlett questioned whether the situation could be called an emergency, based on people having to carry water, and implied that he did not believe it could.

Relative to advertised bids, Mr. Bartlett questioned where the money would be coming from and who would be responsible, the Water District or the Town officials.

Chairman Cossart expressed his opinion that, technically, it is the Water District who must put the water in, but that the Selectmen are prepared to offer support, financial or otherwise. He asked whether the Commissioners would be willing to support in their next Warrant any reimbursement, if the Selectmen were to approach the Finance Committee for an emergency transfer at this time.

Mr. Boyle expressed his opinion that this is the Town's problem, not the Water District's, and both he and Mr. Bartlett reiterated that opinion again later in the meeting.

Responding to Selectman Murray relative to spending restraints, Town Counsel Paul L. Kenny stated that the work would have to go out for bid advertised one week in advance of bid opening in a local newspaper, as this is a public works project. He stated that specifications are fairly standard. In the meantime, there are other means for getting water for drinking and cooking. Mr. Kenny stated his opinion that the Selectmen probably could not avoid the public bidding laws on the basis of it being a Town emergency - that the carrying of water for drinking purposes is not so unusual that it would constitute an emergency situation.

Mr. Bartlett reiterated that they do not have the money behind them at this time; they do not consider it an emergency since the families in these three homes have been drinking this water for approximately thirty years.

Chairman Cossart suggested the Selectmen request a transfer from the Finance Committee to have the water extended under the supervision of the Water District.

Responding to Mr. Bartlett, the Board confirmed its unanimous position that the water main be put in. The two members of the Board of Health who were present, Mr. Guernsey and Mr. Stevens, confirmed their support of the same based on the water being unsatisfactory for drinking.

Mr. Bartlett suggested that maybe the work could be done by the Highway Department, and expressed his opinion that the work should, therefore, be acceptable to Highway Surveyor Robert A. Noyes. Mr. Bartlett added his opinion that the work could not be done by November 1.

Executive Secretary Richard E. Thompson stated that he had contacted the Highway Department, and they are now reviewing whether or not they might assist in the project.

Mr. Mattsen stated that the District has the money for the installation of a water hydrant on Powder Mill Road.

Mr. Bartlett continued to explain that the District generally puts up the remaining 60% of the water main extension costs (40%, as stated earlier, would be put up by the taker(s)); the individual property owner would pay the cost of the hookup to the main. (Mr. Bartlett pointed out that Project Management had planned to contribute \$100,000 for the extension, and the District, the remaining \$5,000.)

Chairman Cossart asked the District if they would be willing to stand behind their traditional arrangement of 60% - in this case, a total of \$12,000.

Following further discussion, the Commissioners who were present agreed to expend \$5,000 now from their emergency account and to support a Warrant Article for their next Annual District Meeting to reimburse to the Town up to 60% of the cost of the project.

It was on motion by Selectman Murray unanimously

VOTED: To support a Town-wide sharing of the expense to install Town water on Powder Mill Road in the amount of \$8,000 which is 40% of the total \$20,000 cost; 60% to be paid by the Water District Commission in accordance with their normal extension practices; the three homes on Powder Mill Road to pay their cost of hooking up to the water main - approximately \$1,200-1,400.

And it was further

VOTED: To approach the Finance Committee for a transfer in the amount of \$15,000 which includes the Town's share of \$8,000 and a portion of the Commission's share, \$7,000 which is anticipated to be reimbursed to the Town by them following their next Annual District Meeting.

Note: The Commission is expending \$5,000 immediately from their emergency fund to be contributed to the total \$20,000 estimated cost to lay the water main.

The Board stated they would submit their position in writing to the Board prior to next Monday's meeting.

Mr. Sullivan stated that he had cleared with Emerson Hospital the testing of all the Powder Mill Road residents for lead.

Mrs. Bell stated that her personal doctor had suggested a toxicology screen. Mr. Sullivan said there is an extensive test which could be done on each well, which costs approximately \$250 per well. Selectman Cossart stated it was a good point, and that he would stand behind any additional testing.

At the conclusion of discussion, it was on motion unanimously

VOTED: To request with support of the Board of Health an additional transfer from the Finance Committee in the amount of \$750.00, to be expended on further testing of the three private wells on Powder Mill Road.

Reimbursement Anticipation Note - Reconstruction Union Avenue

Present: Town Treasurer Chester Hamilton; and Town Clerk Betsey M. Powers.

As outlined in a communication dated October 6, 1982, from the Town Treasurer, and on his recommendation, it was on motion unanimously

VOTED: To sign a \$50,000 Reimbursement Anticipation Note, dated October 20, 1982, and due January 10, 1983, in conjunction with reconstruction of Union Avenue, authorized by the 1980 Annual Town Meeting under Article 19.

Application for Storage of Inflammables, Class 5 & 6 "Electronic Gases" - Union Carbide Corp., 141 Boston Post Road

Present: Arthur C. Morgello, Plant Manager, Gary J. Wimmer, Eastern Region Technical Representative, and two others, all of Union Carbide; Michael W. Guernsey and Richard L. Stevens, Board of Health; Health Director James V. Sullivan; Fire Chief Josiah F. Frost; Chester Hamilton, Treasurer of Buddy Dog Humane Society; and James and Jennifer Himmelman, 73 Goodman's Hill Road.

Chairman Cossart convened a meeting with members of Union Carbide for the purpose of addressing concerns raised by the Board at a hearing held on September 27, 1982, continued from September 20.

Mr. Morgello apologized for not being present at the last meeting; he introduced Mr. Wimmer of the Georgetown office and two other Union Carbide members who, he stated, did not plan to participate in the meeting.

Chairman Cossart asked for Mr. Wimmer's credentials as far as his technical competence to speak on the subject. Mr. Wimmer stated he worked at Union Carbide for 6 1/2 years, 4 1/2 of which he worked with the gases being discussed tonight. He has a BS in biology.

Chairman Cossart commented on the serious nature of the request, referring to the storage as having the potential of creating a dangerous situation, and stated that the purpose of tonight's meeting is for Union Carbide to "comfort" feelings and to convince the Board that this is a logical and safe thing to do.

For Chairman Cossart's benefit, Mr. Morgello reviewed some of the information which he had presented to the Board on September 20, which was the initial Public Hearing that Chairman Cossart was unable to attend. One of the questions which came up at that time, he said, was the amount of gas proposed to be stored on site. Mr. Morgello stated they are requesting storage for only 29 cylinders. The cylinders will contain a mix of electronic gas with an inert gas; i.e., a small percentage of arsine mixed with argon. The cylinders will never be opened at their plant; they will be mixed prior to storage and will be stored for distribution purposes only.

Mr. Morgello went on to say that he felt Union Carbide is an expert in this field, that they can handle an emergency should one arise, and expressed his opinion that, although the gases are dangerous, they are not dangerous to the extent that they will damage anyone's life - it is not their intention to jeopardize anyone's life, and that includes animals.

Mr. Morgello added that the semi-conductor industry is one that is growing in Massachusetts, and that Union Carbide would like to become involved and utilize their Sudbury facility for that purpose.

Chairman Cossart commented that Union Carbide has been an excellent neighbor, and that he understands their good intentions; however, he stated, it was a question of whether the Town wants these lethal gases stored here. Mr. Morgello stated that these gases are already in Town but to what extent he was not sure. He said that Sperry Research and Raytheon use these gases but that he was not completely sure that their Sudbury operations did. Mr. Wimmer later stated that they were almost positively sure they did.

Responding to Selectman Murray regarding security, Mr. Morgello stated their gates are always locked during off hours; that it is their further intention to enclose with a chain link fence the length of the building the area containing the storage pad and use an additional lock. Mr. Morgello further stated that they have had no breaks in security since the initial fencing went up, adding that they check the plant on the weekend, and that the police are aware of their need for security. Additionally, Mr. Morgello stated that they keep a rigid count on the cylinders.

Also responding to Selectman Murray, Mr. Wimmer stated they have identified seventy locations in the State using these gases, and their request is a projection of the average monthly volume for Union Carbide to deal with a portion of that business.

Chairman Cossart stated that he had no reason to believe that either Sperry Research or Raytheon was using these gases since they were not listed, to his best recollection, in the individual inventory audits of chemicals, requested and received by the Board, from these companies. Mr. Stevens of the Board of Health stated that he would check into that.

Mr. Morgello showed photographs of the cylinders. Mr. Wimmer explained how the cylinders were sealed, the valving system, and how they were tested.

Mr. Wimmer also explained briefly the by-products of silane, dichlorosilane, arsine and phosphine, and the instantaneous exposure limitations. During that explanation, Mr. Long (Operations Supervisor at Union Carbide) responded to Mr. Stevens of the Board of Health that a leak from one of these cylinders cannot be compared to the emission of gases he spoke of from Coatings Engineering, because that was a pure product and a cylinder leak would be a minute part of the total mix.

Mr. Stevens expressed his opposition for the reasons stated at the first hearing (September 20, 1982).

Board of Health member Michael W. Guernsey expressed his personal viewpoint in favor of the application based on the fact that there are potentially dangerous ingredients in many household products, that Union Carbide has been very honest, and that they have an excellent safety record.

Mr. Chester Hamilton, on behalf of Buddy Dog Humane Society, went on record as being unalterably opposed to the application request.

Ms. Jennifer Himmelman, 73 Goodman's Hill Road, spoke on behalf of herself and her father, suggesting that to allow this storage would be setting a difficult precedent. Chairman Cossart responded that the Board handles each application on its own merits.

Selectman Donald expressed her personal opinion that she would rather see Union Carbide handle the gases based on their safety record; that the semi-conductor industry is here to stay, that the Fire Chief has indicated no problem after meeting with Mr. Morgello and/or other Union Carbide representatives; and that perhaps allowing this license would cut down on the common carrier transporting electronic gases through Town.

It was on motion by Selectman Donald

VOTED: To grant a license to store inflammables to Union Carbide Corporation on property located at 141 Boston Post Road, as follows:

Aboveground, 29 cylinders (4208 cu.ft.) of "electronic gases", including Silane, Dichlorosilane, Arsine and Phosphine, as set forth in their application dated August 3, 1982, in addition to present licensed storage of inflammables.

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

Responding to Selectman Murray, Town Counsel stated that the license is renewed annually by the Town Clerk (Mr. Thompson added that, if there were any change in the license, it would be rejected.); and that the Fire Chief would monitor the number of cylinders.

The Chief stated that usually the Department inspects Union Carbide approximately four times a year.

Responding to Mr. Himmelman regarding conditioning the license on liability, Chairman Cossart stated that liability is unlimited and built into the granting of the license. Town Counsel added that this could be a case of strict liability because there is danger inherent in the storage of inflammables.

Grievance Local 2023 - Shawn Kelley

Present: Fire Chief Josiah F. Frost; Firefighter Shawn Kelley; his attorney, Francis C. Burke, Jr.; President Michael Callahan, Secretary Peter Devoll, and Atty. Kenneth Grace, International Association of Fire Fighters, Local 2023.

In accordance with Article V, Step 4, of the collective bargaining agreement for Local 2023, International Association of Fire Fighters, the Board addressed a grievance dated August 20, 1982, received on September 28, from the President of Local 2023, and filed on behalf of Shawn Kelley, relative to performing limited duty and Agreement Articles XIV and IV, section 5.

Executive Secretary Richard E. Thompson noted for the record his communication dated September 28 to all interested parties scheduling tonight's hearing three days short of the 7-day provision under Step 4 of the grievance procedure, and that the date had been agreed to by telephone from Local 2023.

Atty. Kenneth Grace presented some background and facts relating to Firefighter Shawn Kelley's grievance, as well as some case law which supports their position, as follows:

- Mr. Kelley has worked for the Sudbury Fire Department for 12 years to date;
- Mr. Kelley severely injured his hand in 1976, was put on leave with pay under G.L.c.41, s.111F, and was on and off that status; on August 9, 1982, Chief Frost re-assigned him to a limited-duty status. Mr. Kelley had not requested nor refused it at that time. The Chief requested a letter from Mr. Kelley's doctor indicating that he could perform this limited duty, and that request was complied to and the indication was that Mr. Kelley could do so with no further injury to his hand.
- The grievance was filed under:
 - 1) Article XIV, Injury Leave, which refers back to the provisions of G.L.c.41, S.11F;

- 2) Article IV, section 5, which states, "no individual agreement with any employee can be made". The Chief in his communications indicated that this was a 'special case', (communication dated August 9, 1982), and, in fact, deviated from the Selectmen's general policy of not allowing limited or light duty.
 - 3) Article II, Management Rights, which states, in part, that, "Such inherent management rights shall remain with the Town except as they may be shared with the Union by specific provisions of this Agreement."
- Regarding past practices of the Selectmen, Atty. Grace noted the following communications/circumstances:
- a. March 5, 1979, regarding Police officers, stating that, "the Selectmen would not support or condone light duty";
 - b. March 30, 1979, letter to the Fire Chief, requesting that the above position be taken under advisement by him;
 - c. situation involving Officer Vincent Patruno, injured in the line-of-duty; doctor's letter stating he could return to light duty, which Officer Patruno requested, and which the Selectmen denied.
 - d. Firefighter Michael Carroll, injured on a second job, requested to come back to light duty, denied by the Chief. (The Chief stated this took place 3-4 months ago.)
- Atty. Grace presented legal arguments under G. L. c. 41, s.111F, (which provides for leave with pay due to injury and does not allow a limited or light duty arrangement), which he quoted, in part, as follows: ". . . provided that no such leave shall be granted for any period after police officer or firefighter has been retired or pensioned in accordance with law or for any period after a physician designated by the board or officer authorized to appoint police officers or firefighters in such city, town or district determines that such incapacity no longer exists." He pointed out that a letter from Mr. Kelley's doctor had been received stating that Mr. Kelley could return to limited duty only but not perform any of the regular firefighters' duties.

Atty. Grace cited the following case laws supporting their position: Dec. 6, 1956 - Feb. 4, 1957, Votour vs City of Medford; April 6, 1977 - April 29, 1977, Anthony G. Carvalho vs City of Cambridge; November 9, 1976 - Dec. 28, 1976, David K. Jones vs Town of Wayland and others; and Quincy Retirement Board vs Contributory Retirement Appeal Board.

Atty. Grace stated that there is a bill in the House at this point seeking to change c.41 which would provide some leeway in cities and towns in assigning fire and police officers to light duty, some limited duty, on a part-time basis. It currently does not exist, as substantiated by the above case laws. It is clear that the case law supports the position of the Board of Selectmen, that the Selectmen have enforced their position in the past, and Atty. Grace urged that they do so in this case.

He concluded by stating that they are requesting additional payment for the time Mr. Kelley had had to work in this situation.

Responding to Chairman Cossart, Town Counsel Paul L. Kenny stressed the importance of knowing all the facts surrounding individual cases, before rendering a decision on allowing so-called "light duty", and that this is a management prerogative.

Responding to Selectman Murray, Mr. Kelley stated that his is a permanent injury.

Chairman Cossart asked whether the injury had prevented him from seeking other employment. Mr. Kelley stated that he has a job driving a truck.

Responding to Selectman Donald, Mr. Kelley stated that he has not yet made the determination of whether or not to file disability retirement.

Chief Frost stated he has no quarrels with the fact of Mr. Kelley's injury or with the doctor's report stating that he cannot continue as a firefighter/EMT, and that he will assist him on any endeavor that is necessary. The Chief further stated that he felt he had the right to assign him to the position of dispatcher since he had not received from Mr. Kelley or his attorney any indication as to whether they are filing for disability retirement; that he has turned over the reports to the Town Physician and that he is waiting for a response.

The Chief went on to say that, after Mr. Kelley's injury and subsequent operations, he came back and did an excellent job as dispatcher, that they had both discussed it before and after the surgeries, and that the doctor's report had indicated it would not affect the condition of his injured (right) hand.

Regarding his reference in his August 9, 1982, letter to Mr. Kelley to a "special case", the Chief stated it was because this type of light duty would not be a liability to the Town. It has been done twice previously with the same individual and the Chief stated he felt that until such time as a determination had been made by Mr. Kelley or his attorney, it would be an appropriate procedure.

The Chief stated he is waiting to hear from the Town physician as to whether or not he will require Mr. Kelley to have a physical by him, or whether he is satisfied with the reports for a determination to be made for retirement, pension, or involuntary retirement, and expressed his opinion that Mr. Kelley should continue as dispatcher until that time.

Atty. Francis C. Burke, Jr., for Shawn Kelley, commented that Mr. Kelley obtained a letter from his doctor in response to the Fire Chief's letter of August 9, making the assignment effective only upon receipt of the doctor's report; also, the reference is made in the Chief's letter that the Executive Secretary agreed that this was a "special case" prior to receipt of the doctor's letter indicating that this was a permanent condition.

Atty. Burke also pointed out that in October of 1980, Mr. Shawn Kelley had a hernia operation and approximately one week after that he would have been able to perform limited or light duty; he was not asked to do so and he was out on sick leave for approximately 14-16 days. This was after the Board's policy not to

support light duty had gone into effect, by letter of March 30, 1979. He concluded by stating that now in 1982, the Chief's policy seems to have been reversed.

Mr. Kelley pointed out that his return to work on a light duty basis was prior to the Board's expressed opinion of the same in 1979 to the Chief - after the original surgery in 1976 and in 1978, after the second surgery, and that it was known to him then that this was a permanent injury.

Mr. Kelley replied to the Selectmen that he would be willing to continue to work light duty.

Selectman Murray expressed his opinion that the Town Physician's response will help determine Mr. Kelley's capacity to function, whether he agrees with Mr. Kelley's personal physician without an examination and/or whether he will want to give him a physical. The Chief reiterated that in order to file for involuntary disability he would have to have the report from the Town Physician.

Atty. Grace stated that this information would not address the grievance. Local President Michael Callahan stated that he would like to have the 111F issue resolved in terms of whether an injured-on-duty firefighter can be ordered back to duty.

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

VOTED: To take the grievance under advisement for a period of one week in order to obtain information from Dr. Kramer, the Town Physician, and in order to meet with Town Counsel to discuss the facts as they have been presented this evening.

It was mutually agreed that the meeting would be held in Executive Session; all parties were invited to attend if they so desired.

Interview - Capt. James L. Devoll

Present: Capt. James L. Devoll.

Chairman Cossart welcomed Captain Devoll and asked him to tell the Board a little about himself.

Captain Devoll stated that his most important asset is his experience in all phases of operations of the Fire Department; that he has been a captain for about 15 years and has held high respect from the men in the department; that he has been an effective leader in the area of training and enforcing new ideas. Captain Devoll stated that the position of Fire Chief is a goal he set for himself years ago; that he has tried to keep up with the times in terms of education, and expressed his feeling that he could handle the job.

Captain Devoll admitted to having strong, as well as weak, points - that he is weak in the areas where he has not been specifically involved, such as budgeting procedures, but stated his willingness to learn with the help of the Executive Secretary and others.

Selectman Murray asked Captain Devoll what he sees as the biggest problem facing the Department over the next couple of years. Captain Devoll responded that Proposition 2 1/2 restraints will certainly have an impact; that 92% of the Department's total budget is for salaries which does not leave very much to spread around. Captain Devoll stated that the area of fire prevention has suffered but that he would like to see fire safety prevention expanded since it is a primary service of the Department. Also, the Department is in the midst of a Service Life Extension Program right now; the major phases are completed, but the program will take slightly longer than expected because of 2 1/2 cutbacks - the Department cannot put as much into it each year as originally planned. Captain Devoll went on to say that, within the next 4-5 years, the Department will be looking at a capital expenditure in terms of equipment, i.e., a new pumper.

Chairman Cossart asked Captain Devoll if he had any special concerns.

Captain Devoll stated that he was happy with the Special Town Meeting vote under Article 2, which gives the Fire Department expanded space in the Town Hall. He said the men are delighted!

Captain Devoll went on to say that he did not believe it was the total answer to their needs; that the Department does need the three stations in Sudbury in order to meet the response time; and that the upper Town Hall could be ideal for the Fire Department, in addition to the newly acquired area in the back, and would solve the needs of the Department for a long time. Captain Devoll stated he had also thought about the use of the Nixon School in terms of consolidating the three stations into two. (Central headquarters and Station 3 would be re-located to Nixon School.)

Selectman Murray stated that one of the issues that will be coming up over the next few years because of budget restraints is area fire dispatching, and asked Captain Devoll his opinion of that. Captain Devoll stated he was one hundred percent behind it from the standpoint of, not only dispatching, but in terms of receiving federal grants, regionalizing equipment, purchasing, fuel and supplies having a central maintenance facility, and eventually having everything standardized. Captain Devoll stated that at the present time they have to depend on mutual aid for any major fire in Sudbury, and explained how it works.

Chairman Cossart asked Captain Devoll what programs or training he has personally been involved in. Captain Devoll stated that he put together some fire safety programs for the schools, and with Captain Helms, is working on defining problems within the Department and how to approach those in order to have a better trained Department.

Responding to Chairman Cossart, Captain Devoll stated that the Town has been divided into four sections for fire inspections, one under each captain.

Responding to Selectman Donald, Captain Devoll stated that he intends to retire at age fifty-five.

Captain Devoll asked about the residency requirement of the new Chief. Executive Secretary Richard E. Thompson stated the Board has not made a decision on that yet.

He also asked about the salary and the Board agreed it would be discussed with the individual applicants, and that they hoped to appoint a new Fire Chief as of November 1, as requested by Chief Frost for a better transition.

Utility Petition 82-20 - Powder Mill Road

The Board was in receipt of Utility Petition 82-20 of Boston Edison Company and New England Telephone and Telegraph Company for joint or identical locations for existing poles, to be owned and used in common by them, and for 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 or ways of said Town:

Powder Mill Road, easterly side from a point approximately 890 feet north of Powers Road, Eight (8) poles (These are existing locations, no new poles to be set.); and

Powder Mill Road, westerly side from a point approximately 762 feet north of Powers Road, Two (2) poles (These are existing locations, no new poles to be set.).

In consideration of said petition, Executive Secretary Richard E. Thompson noted receipt of a communication from the Building Inspector, dated October 13, 1982, confirming the existing 10 pole locations on Powder Mill Road which, as Mr. Thompson stated, had inadvertently never been recorded, and recommending approval of the petition.

It was on motion by Selectman Donald unanimously

VOTED: To approve Utility Petition 82-20, as noted above, and as shown on a plan entitled, "Plan of Powder Mill Road, Sudbury, Showing proposed pole location", dated July 21, 1982.

Auctioneer License

It was on motion by Selectman Murray unanimously

VOTED: To grant an Auctioneer's License to Mr. Ivers S. Sawyer, 731 Main Street, Shrewsbury, Massachusetts, in accordance with G. L. c. 100, sec. 6, for the purpose of conducting a fund-raising auction on October 24, 1982, at 1:00 p.m., at 717 Boston Post Road, Sudbury, on behalf of Chapter #9 of the Order of Eastern Star, subject to the recommendations of the Police Department regarding parking and public safety.

Sign Review Board

It was on motion by Selectman Murray unanimously

VOTED: To accept a communication dated October 2, 1982, from Joseph R. Atwood, declining appointment to the Sign Review Board, since this position would be in conflict with serving on the Board of Registrars.

Employment Contract - Richard E. Thompson, Executive Secretary

The Board was in receipt of a communication dated September 10, 1982 from the Executive Secretary setting forth suggestions for "Conditions of Employment", in accordance with new G.L.c.41, sec.108N, pertaining to employment, salary and fringe benefits for the Executive Secretary.

Following a lengthy discussion, it was on motion unanimously

VOTED: In accordance with G.L.c.41, s.108N, to enter into an employment contract (agreement) with Richard E. Thompson, Executive Secretary, for FY83, with the following provisions:

- 1) an annual salary for July 1, 1982, to June 30, 1983, to be \$41,376;
- 2) in addition to an annual salary of \$41,376, an additional 3% (\$1,241), which shall be used for a deferred compensation program, in accordance with G. L. c. 44, s. 67;
- 3) annual membership in the International City Management Association and the Massachusetts Municipal Management Association;
- 4) one (1) physical examination per year by a Town physician;
- 5) one (1) month vacation per year;
- 6) the same sick leave benefits as non-union Town employees;
- 7) the same medical insurance benefits as non-union Town employees;
- 8) the same holidays as non-union Town employees;
- 9) a mileage allowance of \$100/month; and
- 10) a six-month severability notice.

And it was further on motion unanimously

VOTED: To request the Personnel Board to delete the position of Executive Secretary from Schedule A, Classification Plan, and Schedule B, Salary Plan, of Article XI of the Town Bylaws.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular Session of October 4, 1982, as drafted.

Temporary License - The Clever Hand

At the request of Sharon Borg, Representative, dated October 13, 1982 it was on motion unanimously

VOTED: To grant a temporary (one-day) license for the Sale of Wines and Malt Beverages Only, to be drunk on the premises, to be exercised at the Clever Hand, Mill Village, Boston Post Road, on Sunday, October 17, 1982, between the hours of 1:00-5:00 p.m.

Sudbury Variety

Mr. Thompson informed the Board that Sudbury Variety's liquor license had been released to them on an injunctive release; the court hearing is scheduled for Tuesday, November 16, at 9:30 a.m.; and that the Chairman of the Board may be required to attend.

Mediation - Engineering

The Board will meet in Executive Session for the purpose of discussing and participating in mediation, Engineering Association, Tuesday, October 26th at 7:00 p.m.

Civil Service Testing - Police Chief

The Board clarified its position in requisitioning a State-wide Promotional Examination for the position of Police Chief on the basis that only three, not the required four, sergeants planned to take the examination, and because they wanted to have the best possible person for the job, and not because there was a lack of competence within the Sudbury Police Department, as has been rumored.

The Board directed the Executive Secretary to convey that message to each of the individual police sergeants and inquire as to their interest in taking the examination. And, in addition, to go forward with the scheduled meeting with the police sergeants next Monday, if there is still a desire on the part of any one of the sergeants to do so.

There being no further business to come before the Board, the meeting was adjourned at 12:00 midnight.

Attest: _____

Richard E. Thompson
Executive Secretary-Clerk