

IN BOARD OF SELECTMEN
MONDAY, OCTOBER 25, 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 by Chairman Cossart at 7:00 p.m.

Juvenile Restitution Program

Present: District Court Juvenile Probation Officers Robert B. Clifford and Robert Durand; Juvenile Safety Officer William B. Carroll; Michael Freundlich, Bruce J. Campbell, Robert S. Rhodes, Nancy Schaffer and Frank M. Vana, Juvenile Restitution Program Committee.

Chairman Cossart convened a meeting with Robert B. Clifford and Robert Durand of the District Court Juvenile Probation Office, Juvenile Safety Officer William B. Carroll, and members of the Juvenile Restitution Program Committee to discuss Sudbury's restitution program.

Chief Juvenile Probation Officer Robert B. Clifford stated that approximately one year ago he met with Town Counsel Paul L. Kenny, Juvenile Safety Officer William B. Carroll and Judge DiCicco of the Framingham District Court to set up a Juvenile Restitution Program for Sudbury so that certain matters could be handled out of court. A Juvenile Restitution Committee was recruited and the court finds no fault in the way things are being handled in Sudbury. He went on to say that the advantages of this type of program are:

- 1) a savings to the taxpayer in terms of police court time salary;
- 2) an acceptance of responsibility by the Town for its juveniles; and
- 3) clears the court dockets somewhat and allows people to work together within their own community.

Relative to expanding the program to the private sector - it currently is set up to deal with public property only - Mr. Clifford expressed his opinion that it could be done with the approval of the court, but there could be certain constraints.

Mr. Robert Durand stated that the program has been expanded to the private sector in several towns where private businesses are involved in helping to secure jobs for the defendant so that he can earn money to pay back the victim. (He pointed out later in the discussion, that in the City of Quincy, there are over 100 plus private businesses cooperating in this program.)

Chairman Cossart expressed his opinion that at the first meeting with Judge DiCicco, the consensus regarding Sudbury's Juvenile Restitution Program was that the Town should proceed first to court for a complaint and then with all the proper approvals (police, defendant and parents, and victim) proceed through the Juvenile Restitution Program Committee. Chairman Cossart further expressed his feeling that there has been a lack of activity in the Juvenile Restitution Program, that he did not feel the Town was benefiting by the use of the Committee and the

purposes for which the program was set up, as much as it could. He concluded that perhaps the process should be re-defined in terms of how Sudbury should proceed - either through the court then to the Juvenile Restitution Program Committee, or directly through the Committee.

Mr. Clifford stated that the decision is a local one in such a diversion program involving public property.

Executive Secretary Richard E. Thompson stated that according to his information there does not seem to be any problem in Sudbury proceeding without issuing a complaint through the District Court first.

Mr. Clifford pointed out that one problem he can see with proceeding without filing a complaint through the court is that there is no recourse through the court when a situation arises that the juvenile does not carry out his responsibility under the direction of the Juvenile Restitution Committee.

Mr. Durand stated that the juvenile and the parents with the police can determine that the case will continue through the Juvenile Restitution Program and the court is not involved at all - that is the Town's prerogative.

Juvenile Safety Officer William B. Carroll stated his recollection of the Town's first meeting with Judge DiCicco was that the Juvenile Restitution Program could proceed in one of two ways: 1) go to Juvenile Restitution Committee prior to issuing complaint; or 2) bring a complaint before the court and proceed through the program.

Mr. Durand pointed out that Judge DiCicco was no longer at the Framingham District Court. He expressed his opinion that the Town of Sudbury has an excellent idea, reiterating that it is the Town's prerogative on how to proceed.

Chairman Cossart questioned how to proceed in order to expand our program to include offenses to private property/persons. Mr. Durand explained "Project Repair", involving restitution community work projects in private industry for private placement, and stated that the advisory committee (Juvenile Restitution Committee) can play an important part in this area. He indicated that, if private industry is involved, complaints should be issued at the court level rather than through a diversion program (Juvenile Restitution Program), such as the Town of Sudbury now has where it is not necessary to proceed to court first. The concerns in private areas are insurance (liability) problems and victims/defendants conflicts.

Mr. Durand noted that this type of program can be very effective, pointing out the following statistics: there is a 75% completion rate with adults paying; 86% with juveniles paying; and 92% with juveniles under project repair program.

Mr. Clifford added that last year through the Framingham District Court, \$48,000 was collected from these juveniles toward re-payment for damages.

Mr. Durand described some of the businesses in which he currently places these juveniles under the Juvenile Restitution Programs, explaining further that usually the juvenile is allowed to keep 1/3, with 2/3 of his pay going to the victim, and that, if the complaint is handled through the court first, the juvenile can be reported back to the court if he does not show up at work or follow through with his obligations to the victim. Placement can also be made out-of-town if there are not enough businesses in Town for placement.

Mr. Durand stated he would be glad to work with the Juvenile Restitution Program Committee, and following further discussion, it was agreed that Officer Carroll would set up a meeting with the Juvenile Restitution Program Committee, and Juvenile Probation Officer Durand for the purpose of discussing the merits of expanding into the private area and to confirm the procedure(s) to follow in Sudbury with the consent of the court through the Town's Juvenile Restitution Program. The Board requested that they be informed of the date of such a meeting. Mr. Durand pointed out that confidentiality is extremely important in working with juveniles and that the Town would not be able to address any individual case without a waiver from the parents and court to do so. Additionally, it is imperative that the Juvenile Restitution Committee treat all cases with the utmost confidentiality.

At the conclusion of the meeting, Selectman Murray asked Mr. Richard F. Brooks of the Lincoln-Sudbury Regional School District Committee if he would bring up the matter of its participation in the program in terms of including high school students who might be involved in vandalism at the High School. Mr. Brooks stated that the LSRSDC would be meeting tomorrow evening, and that he would bring the matter up.

Utility Petition 82-21 - Boston Post Road

Present: Carole Clinton, Boston Edison Company.

In conformity with General Laws, Chapter 166, Section 21 and 22, the Board considered UP82-21 of Boston Edison Company and New England Telephone and Telegraph Company, for permission to erect or construct one (1) guy wire and anchor to be used in common by them, upon, along, and across the following way of the Town:

Boston Post Road, northerly side approximately 340 feet east of Concord Road,
One (1) Hip guy and anchor.

Following a brief explanation by Ms. Carole Clinton of Boston Edison Company, it was on motion by Selectman Murray unanimously

VOTED: To approve Utility Petition 82-21, as described above, and as shown on a plan entitled, "Plan of Boston Post Rd., Sudbury Showing proposed location, hip guy & anchor", dated September 1, 1982.

Executive Secretary Richard E. Thompson noted for the record that all appropriate abutters and Town officials had been notified and a favorable report dated October 22, 1982, from the Building and Wiring Inspectors on the above petition had been received.

Actuarial Study

Present: Town Accountant James Vanar; and Bill McDonnell of William M. Mercer.

Chairman Cossart convened a meeting with Bill McDonnell of William M. Mercer and the Town Accountant, concerning a report from the Mercer Company, dated August, 1982, an Actuarial Study of future pension costs, authorized under Article 25 of the 1981 Annual Town Meeting.

Mr. McDonnell explained that the report was formulated to provide the Town with information showing the unfunded liability of the Town, 1) from the standpoint of having its own retirement system - projections show that it is not practical as far as expense in future years once the employee group becomes more mature; and 2) from the standpoint of remaining within the Middlesex County Retirement System (MCRS), in which unfunded liability would have a lesser impact in future years, and Mr. McDonnell explained to the Board the financial commitments of the same.

Mr. McDonnell named several towns which have their own retirement system.

Following discussion, Executive Secretary Richard E. Thompson recommended that this information be placed in the Town Meeting article holding folder for the purpose of establishing a retirement pension fund to stabilize appropriations necessary to pay MCRS, and that a copy of the actuarial study be forwarded to the Finance Committee and the Town Treasurer for their information. The Board concurred.

Town Accountant James Vanar supported the Town remaining under the MCRS and commented as follows:

- 1) Based on the Massachusetts League of Cities and Towns 1978 Task Force Report, the Town Accountant recommends a "partial funding" plan which requires a predetermination of additional funding every 3 years to ensure short-term fiscal control in 5-year increments.
- 2) The Town Accountant encouraged support of House Bill #6283 which includes a provision for amending the laws that govern the investment of the pension funds by the county so that investment returns can be maximized.
- 3) The Town Accountant suggested that the Town pursue an exclusion under the provisions of Proposition 2 1/2 similar to the debt exclusion which would allow the Town to exclude pension costs from the levy calculation.

At the conclusion of discussion, Chairman Cossart thanked both the Town Accountant and Mr. Bill McDonnell for their input on the subject and directed the Executive Secretary to forward a copy of the report to the Finance Committee and Town Treasurer.

Police Chief Examination Announcement

The Board was in receipt of an examination announcement for the position of Police Chief for the Sudbury Police Department, prepared and submitted for the Board's approval by the Division of Personnel Administration.

Executive Secretary Richard E. Thompson recommended that the weekly salary figure of \$642.56 be filled in on the announcement, which is 1.8% of the highest paid patrolman and in accordance with G. L. c. 48, s. 57G. The Board agreed.

Additionally, Mr. Thompson informed the Board that the announcement could be amended so that a portion of the exam would be oral, and following discussion, there was a consensus of the Board not to do so based on a possible delay in scores and the merits of an oral exam being factored into the total examination.

It was on motion by Selectman Donald unanimously

VOTED: To approve an open competitive examination announcement, for the position of Police Chief for the Sudbury, Police Department, as requested by the Massachusetts Division of Personnel Administration under cover letter dated October 13, 1982, with the inclusion of the salary figure of \$642.56.

Site Plan 82-248 - Papa Gino, 104 Boston Post Road

Present: Atty. Robert Dionisi, Architect Otis Hoffman, Engineer Richard Mainville, and Susan Cleary, all representing applicant; Building Inspector Joseph E. Scammon; Conservation Commission Chairman Richard O. Bell; and Planning Board member Theodore P. Theodores.

In accordance with Article IX, Section V, Paragraph A of the Sudbury Bylaws the Board considered site plan 82-248 of Papa Gino's of America, Inc., for property located at 104 Boston Post Road, Business District #1, for the addition to, and the renovations of, an existing building.

Executive Secretary Richard E. Thompson stated that all appropriate Town Officials and abutters had been notified and noted receipt of the following communications:

- dated October 25, 1982, from the Planning Board, recommending architectural design modification, implementation of the Landscape Bylaw, improving the location of curb cuts, and a revision of the parking design to improve traffic flow and drainage;
- dated October 22, 1982, from the Board of Health, stating that the Board had reviewed the plan and made several recommendations regarding compliance to the State Code Title V and Sudbury regulations; that the proposed septic disposal system was approved and will be installed according to the Schofield Bros., Inc., plan dated September 7, 1982; and that the seating capacity for the restaurant is not to exceed 96 seats;
- dated October 22, 1982, from the Building Inspector, recommending approval conditioned on the determination by the Selectmen that the Landscape shown complies with the intent of the new Landscape Bylaw;
- from the Conservation Commission stating that they are holding a Wetlands Protection Act hearing. (Mr. Bell, Chairman of the Conservation Commission, was present and indicated that the hearing had been continued to Wednesday, October 27.)
- dated October 18, 1982, from the Town Engineer recommending the following:
 - 1) for better maneuverability, that where perpendicular parking is provided, the minimum aisle width should be not less than 24';
 - 2) that current driveway openings be reduced in width to 20' and that they line up with the parking spaces to prevent abrupt jogs between aisles and parking spaces; and
 - 3) the landscape plan does not provide for the required front yard setback of not less than 20' in width between the street and either the building or parking lot, but should comply with this provision of the Landscape Bylaw. The Town Engineer prepared and submitted a sketch of his recommendations.

Atty. Dionisi, on behalf of the applicant, explained the site plan as being for the former Dairy Queen site. They propose to double the size of the existing building by adding to it and renovating the existing building. Atty. Dionisi stated that the site is within Business District #1 where a restaurant is an allowed use.

Atty. Dionisi explained that the site plan had been modified to accommodate the recommendations of the Building Inspector, the Town Engineer and the Planning Board regarding compliance to the Landscape Bylaw, parking, and curb cuts, with the one concern of the Planning Board still remaining regarding the design, which it felt should be more colonial.

Mr. Theodores of the Planning Board commented on how the appearance of the Papa Gino Restaurant would meet the Planning Board's requirements, and offered to meet with its representatives and work out the designs.

Atty. Dionisi showed an architectural rendering in color of the proposed building/restaurant; Mr. Theodores stated that the green, red and white awnings, among other things, would not be acceptable.

Responding to Selectman Cossart Atty. Dionisi stated that a purchase and sale agreement has been executed and that a closing date has been set for November 15.

Responding to Selectman Cossart also, the applicant confirmed there would be no drive-up window.

Atty. Dionisi stated that a one-day traffic study on Tuesday, October 19, had been done. He submitted it to the Board stating that during the peak hours of 11:45 a.m. to 12:45 p.m., the traffic increased by 7 cars; and during the 4:00-5:00 p.m. hour, there was a decrease of 7 cars.

Ms. Susan Cleary stated that Papa Gino's hours would be 11:00 a.m. to 10:00 p.m. Sunday through Thursday, and 11:00 a.m. to 11:00 p.m., Friday and Saturday.

In the essence of timing, Mr. Thompson suggested that the common victualler application be addressed at the same time as the continued hearing on the site plan.

Chairman Cossart suggested continuing the site plan hearing, not only to allow the applicant to work with the Planning Board on the colonial design plans for the building, but to confirm with the Building Inspector and Town Engineer that all of their concerns have been addressed by the modified site plan.

At the conclusion of discussion, it was on motion unanimously

VOTED: To continue by mutual consent consideration of Site Plan 82-248 of Papa Gino's of America, Inc., for property located at 104 Boston Post Road, to November 8, for the reasons stated above.

Coatings Engineering

Present: Board of Health member Richard L. Stevens.

Mr. Stevens of the Board of Health updated the Board on Coatings Engineering, as follows:

- over one year ago the matter was referred from DEQE to the Attorney General's Office; a \$10,000-15,000 penalty was issued against Coatings with stipulations and the Board of Health's position was that those were not fulfilled and asked for hearings during the summer with officials of Coatings and Town Counsel.

- The status is now that Coatings has made a number of proposals but have yet to sign any formal agreement as of 3:00 p.m. today.

- In talking to the Attorney General's office, learned: agreement drafted by them, sent to Coatings' attorney requesting any counter proposals within 30 days - they are now on the third draft.

- Ms. Shotwell of the Attorney General's office feels they are close, but reiterated that, as of today, no agreement has been signed. Substantial penalties are involved.

- The DEQE is concerned with 2 areas, air quality and water quality - but mostly water problems.

- Water. Coatings Engineering agreed to retain Camp Dresser & McKee, for a short-term clear-up of effluent and they did hook up some clarifier tanks. There are some questions on how they are working based on only one analysis which was unacceptable to the Board of Health. Mr. Stevens stated he spoke to State representatives who felt that Coatings was making some progress in this area. There are no plans for long-term treatment facility.

- Air quality measures are lagging much further behind - only started within the last year to deal with this problem. Spoke today with Attorney General's office who feels that Coatings has been very responsive.

- Have been waiting since July 30 for the consent decree on groundwater from the Attorney General's office to be signed as to how this will continue in the future and what the penalty is.

Mr. Stevens responded to Chairman Cossart that the Board of Health is aware that Coatings wants to proceed and hopes to have their license granted. He said the Board has not voted on how to recommend proceeding, but personally feels that the license should not be re-heard until the consent decree has been signed, and the air quality issue addressed in a more detailed manner.

Chairman Cossart asked that the Fire Chief inspect Coatings this week for compliance concerning the above-mentioned licensing matter.

Interview - Fire Chief

Present: Captain Joseph Helms.

Chairman Cossart welcomed Captain Joseph Helms, thanked him for the package he had submitted to the Selectmen in conjunction with the interview for the position of Fire Chief, and asked him to comment on his specific contributions to the Department, where he felt the Department was heading and what the general conditions are.

Captain Helms stated that he is a 20-year veteran; that he has been a member of the Massachusetts Firefighters Academy since 1969. He stressed his opinion that the Department should be heading more toward fire prevention and fire education, expressing his opinion that the general public does not have the fire awareness they should have to deal with fire problems and to recognize these problems in every day life; that we are dealing in an area where 12,000 people are killed in fires each year, over 300 people are injured, and another 50,000 are injured and are in hospitals for a period of 6 months to 2 years, with eleven billion dollars in loss. Captain Helms stated that firemen take these great losses personally.

Responding to Selectman Murray, Captain Helms stated that he wholeheartedly endorses regionalization, that there are a lot of plusses in terms of fire service and tax dollars. Regionalization creates the possibility of bulk purchasing at a lower cost, purchasing specialized equipment which will also cut costs, creates the possibility of community utilization of personnel to a better degree, for example, the "cream of the crop" would be reserved for fire training and fire communications areas. Captain Helms stated further that there is one big disadvantage to regionalization and that is home rule - you would be creating a large organization (a large unionized force). He expressed his opinion, however, that these problems could be overcome - that regionalization is a way of the future.

Responding to Selectman Cossart, Captain Helms expressed his opinion that a civilian dispatcher was a good idea, because in doing so, "we are putting the professionals back out on the road where they should be". He stressed the importance of getting the right person for that position in terms of background, and their ability to learn the language of the fire service. He replied to Selectman Cossart that he felt the right person could be hired at the rate of pay which is now being offered and that the Fire Department personnel could train the individual(s). Captain Helms stated further that he and Captain Devoll are working on a training program for the Department and communication will be a part of that program.

Responding to Selectman Donald, Captain Helms stated he plans to retire at age 55, which will be in fifteen years.

Responding to Chairman Cossart regarding the general attitude of the Department, Captain Helms stated that the firemen are a very dedicated group. Also responding to Chairman Cossart regarding a new central fire house, Captain Helms stated that the Department is thrilled with the Special Town Meeting vote to expand their quarters within the Town Hall, and that he personally did not see a need in the near future for another facility. He expressed his opinion that the location proposed for the new central fire facility was incorrect.

Captain Helms asked when the new appointment would be made. Selectman Murray responded that it would be the beginning of November and suggested that, since this is the last interview, that the Selectmen meet with the Fire Chief during the week and discuss salary, effective date of the new appointed Chief, and the issue of residency, and possibly make the appointment next week.

Captain Helms thanked the Selectmen for the interview.

Selectman Murray commented on how fortunate the Town is to have such qualified men in the Department, and that he was very impressed with the three people who were interviewed for the position of Fire Chief.

Captain Helms stated that Fire Chief Josiah F. Frost had set up some good programs that he hoped the next Chief would carry on. Responding to the Selectmen, Captain Helms replied that he is very familiar with the budgeting process, as pointed out in his resume.

At the conclusion of discussion, Chairman Cossart thanked Captain Helms for attending the meeting this evening.

Auctioneer's License

It was on motion by Selectman Murray unanimously

VOTED: To grant an annual Auctioneer's License to Eugene A. Kravitz, residing at 531 Concord Road, Sudbury, in accordance with his request dated October 11, 1982.

Cable Television Licensing

Present: LSRSDC Chairman Richard F. Brooks.

Town Counsel Paul L. Kenny recommended that the Board extend the Cable Television Licensing process by three months to April 15, 1983, based on initial unavoidable delays, such as summer vacations, appointment of advisory committee, etc., expressing his opinion that the Massachusetts Cable Television Commission (MCTC) would probably grant the extension automatically upon request.

Additionally, Town Counsel referenced his September 1, 1982, communication to all departments, boards, committees and commissions requesting input from them, in connection with the development of an issuing authority report, by October 15, 1982; he recommended that time be extended to December 1 on the assumption that the licensing process will be extended. The Board agreed.

Town Counsel also noted that the schools had verbally requested more time to complete their input.

Following discussion, it was on motion by Selectman Murray unanimously

VOTED: To direct the Executive Secretary to request Town Counsel to prepare the necessary application to the MCTC for a three-month extension in the Cable Television Licensing process for the Town of Sudbury.

LSRSDC Chairman Richard F. Brooks indicated his intention to submit a joint report from the LSRSDC and the local schools, in response to Town Counsel's communication of September 1.

The Board agreed that Selectman Donald would act on their behalf and contact PTOs, PTAs, and local service organizations, in soliciting their comments/input on the subject of CATV.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular Sessions of October 13 and 18, 1982, both as drafted.

Questionnaire

Chairman Cossart stated that he had received a questionnaire from the Lincoln League of Women Voters regarding the role of the Finance Committee under Proposition 2 1/2 restraints in the preparation and passing of Town budgets, and asked that the Executive Secretary duplicate and distribute a copy to the other Board members for completion by them for the Board's next meeting.

Chairman Cossart directed Mr. Thompson to telephone the Lincoln League of Women Voters informing them that the Board will respond to their questionnaire slightly later than the October 27 date.

Earth Removal Board Hearing

Chairman Cossart suggested that the Board attend the Earth Removal Board's public hearing continuation on November 17, 1982, on the petition of Joseph and Maria Melone Trust, and after some discussion the Board agreed that the matter should be further discussed at the Selectmen's meeting of November 1 to try to reach a unanimous position to support or oppose the same. The Board agreed to try and attend the hearing.

Sudbury River Diversion

Selectman Donald informed the Board of an upcoming meeting relative to the Sudbury River Diversion and that she would not be able to attend but that Dr. Chiang would. She also suggested that the Board might want to review whether or not the Town needs additional funding to retain the consultant, Whitman and Howard, in this matter and understood that the Executive Secretary was looking into it.

Bradshaws' 60th Anniversary

At the suggestion of Selectman Donald the Executive Secretary was directed to send an anniversary card to the Bradshaws in honor of their 60th anniversary. Mr. Bradshaw has actively served the Town for a number of years.

Halloween

Selectman Donald brought up the subject of Halloween and after some discussion there appeared to be a decision of the Board to not involve itself in the matter.

The Beacon - Legislative Update

Selectman Donald questioned whether the Board wanted to take positions on certain legislative proposals as listed in the most recent issue of The Beacon. Executive Secretary Richard E. Thompson responded that the Massachusetts Selectmen's Association would be sending a mailing recommending proposed legislation for the next session of the legislature which will be voted upon at their annual meeting on November 13 in Danvers.

Hazardous Waste Seminar

Chairman Cossart stated that Carolyn Cossart, the Alternate Hazardous Waste Coordinator for the Town, would attend the Hazardous Waste and Public Health Seminar in Waltham, on Wednesday, November 10, from 9:00 a.m. to 12:30 p.m.

Estimated Taxes

The Board noted receipt of an October 21 communication from the State Department of Revenue authorizing the Board of Assessors to issue to property owners a notice of estimated taxes to be paid for the first billing of FY83 taxes, in accordance with the provisions of Chapter 336 of the Acts of 1982.

The Executive Secretary was directed to obtain from the Board of Assessors a schedule of the same as soon as possible.

Sale of Christmas Trees

Chairman Cossart asked the Executive Secretary if notification had been sent out to all those individuals/organizations who generally sell Christmas trees in Town explaining the procedure for the 1982 Christmas season. Mr. Thompson responded in the affirmative.

Community Signs

It was on motion by Selectman Donald unanimously

VOTED: To approve the use of the two community signs on Routes 117 and 20 by the Sudbury Newcomers Club to advertise their Sudbury Sampler Arts and Crafts Fair, Saturday, November 13, 1982, from 10:00 a.m. to 4:00 p.m., at the Sudbury Methodist Church, for a 2-week period prior to the event with immediate removal of the signs (within 24 hours), subject to Sign Review Board approval.

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 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 Executive Session.

There being no further business to come before the Board, the meeting was adjourned at 11:00 p.m.

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk