

IN BOARD OF SELECTMEN  
MONDAY, SEPTEMBER 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. by Chairman William J. Cossart.

Utility Petitions - #82-18, North Road (opposite Puffer Lane), and #82-19, North Road (northwest of Puffer Lane)

Present: Carole Clinton, Boston Edison Company.

In conformity with General Laws, Chapter 166, Sections 21 and 22, the Board considered the following Utility Petitions:

- UP82-18 of Boston Edison Company for permission to lay and maintain, and a location for, such a line of direct buried cable with the necessary wires and cables therein, under the following way of the Town:

North Road, northerly, opposite Puffer Lane, a distance of about 10 feet  
- Direct Buried Cable.

- UP82-19 of Boston Edison Company and the New England Telephone and Telegraph Company for permission to lay and maintain, and a location for, such a line of direct buried cable with the necessary wires and cables therein, under the following way of the Town:

North Road, northeasterly, approximately 605 feet northwest of Puffer Lane, a distance of about 10 feet - Direct Buried Cable.

Executive Secretary Richard E. Thompson reported that all appropriate Town officials and abutters had been notified and that a joint favorable report had been received for the petitions from the Building and Wiring Inspectors, dated September 7, 1982.

Mrs. Clinton, responding to Chairman Cossart, stated that it had not been necessary after all for Boston Edison to take advantage of the advance consideration/authorization on UP #82-18 and #82-19 given by the Selectmen on September 2, 1982.

It was on motion by Selectman Donald unanimously

VOTED: To approve Utility Petition 82-18, as described above, and as shown on a plan entitled, "Plan of North Rd. - Sudbury, Showing Proposed Conduit Location", dated July 30, 1982.

And it was further on motion by Selectman Donald unanimously

VOTED: To approve Utility Petition 82-19, as described above, and as shown on a plan entitled, "Plan of North Rd. - Sudbury, Showing Proposed Conduit Location", dated July 7, 1982.

Signing of Warrant - Special Town Meeting

Executive Secretary Richard E. Thompson called the Board's attention to a few amendments to the Warrant articles/reports, following which it was on motion by Selectman Donald unanimously

VOTED: To sign the Warrant for the October 7 Special Town Meeting.

Mr. Thompson stated that within the week he would discuss individually with the Selectmen the updated budget worksheets.

Accept Bid - Police Vehicle

In accordance with a recommendation, dated September 13, 1982, from Peter B. Lembo, acting on behalf of the Police Chief, it was on motion by Selectman Donald unanimously

VOTED: To award a bid for a 1983 Ford LTDS Crown Victoria Police Cruiser, to the low bidder, Natick Auto Sales, Inc., 157 W. Central Street, Natick, at the net cost of \$7,500 including the trade-in allowance for one 1981 Ford LTDS, as set forth on their bid dated September 8, 1982, and in accordance with the specifications set forth by the Police Department.

Temporary License - Sale of Wines and Malt (Fyfe and Drum)

It was on motion by Selectman Murray unanimously

VOTED: To issue a temporary license for the sale of wines and malt beverages only, to Joseph D. Bausk, Sudbury Ancient Fyfe and Drum Company and the Sudbury Companies of Militia and Minute, for one day only, September 25, 1982, from 9:00 a.m. to 6:00 p.m. for their annual fair and muster on the grounds of the Wayside Inn, subject to the provision of sanitary facilities for attendees, obtaining required building and wiring permits, and approval by the Fire and Police Chiefs.

Appointments

a. Board of Registrars

On the recommendation of the Sudbury Democratic Town Committee, dated August 31, 1982, it was on motion by Selectman Donald unanimously

VOTED: To re-appoint Maurice J. Fitzgerald to the Board of Registrars, for a term to expire April 30, 1985.

b. Sign Review Board

It was on motion unanimously

VOTED: To appoint Joseph R. Atwood, 114 Mossman Road, to the Sign Review Board, replacing Dorothy Emmons, for a term to expire April 30, 1985.

Minutes

It was on motion by Selectman Murray unanimously

VOTED: To approve the minutes of the Regular Session of September 2, 1982, as amended, and the Executive Session of that date, as drafted.

Town Insurance

Present: Town Accountant Janes Vanar; Chairman William P. Reed and Barry M. Karas, Insurance Advisory Committee; and Gail F. Clougherty, District Representative, Blue Cross/Blue Shield.

Chairman Cossart convened a meeting with Gail F. Clougherty, District Representative of Blue Cross/Blue Shield, the Town Accountant, and the Insurance Advisory Committee (IAC) to discuss an alternative to the Town's present Blue Cross/Blue Shield Master Medical Plan for possible financial savings.

At the request of the Town Accountant, Blue Cross/Blue Shield had submitted a proposal, dated June 23, 1982, for a reinsured cost reimbursement financial arrangement.

IAC member Barry M. Karas stated that he had compared the proposal and the present coverage, and that the Town has very good monthly rates for master medical - \$58.66 for a single person and \$151.80 for a family. He, therefore, recommended that Sudbury stay on a fully-insured basis where rates are guaranteed, and the Town is assuming essentially no risk.

Ms. Gail F. Clougherty, District Representative for Blue Cross/Blue Shield, agreed and stated that the only advantage of a cost plus or cost reimbursement plan would be a first year cash flow savings, which she explained - instead of having to wait until your experience is accumulated to receive a refund, you would realize an immediate cash flow advantage, if your losses are lower than anticipated.

Ms. Clougherty went on to say that Sudbury had a good experience rating - that the average community rating within the territory for the current calendar quarter is \$84 for a single person and \$216 for a family unit.

After commenting briefly, Town Accountant James Vanar stated his opinion that Sudbury should continue with its present coverage.

Mr. Karas reiterated that Sudbury should stay with a fully-insured plan, adding his opinion that a periodic review should be done on an on-going basis at each renewal to determine the feasibility of self-insurance.

At the conclusion of discussion, the Board accepted the recommendation of the Insurance Advisory Committee and comments from the Town Accountant, and expressed its intention to review this subject on an annual basis.

On the subject of public bidding, Mr. Thompson stated that the Board had asked to have the subject addressed, and further stated that it would not be that difficult to review it on an annual basis also. Mr. Karas commented that he felt it is very unwise to bid group medical insurance coverage.

Chairman Cossart asked that the IAC be present to report at the October 7 Special Town Meeting on Article 7 - Budget Adjustments (Casualty Insurance). They agreed.

At the conclusion of discussion, Chairman Cossart thanked the Town Accountant, the IAC and Ms. Clougherty for their attendance tonight.

Interviews - Board of Assessors

Present: Chairman Donald P. Peirce, David M. Collins, Board of Assessors; Domic Cerasuolo, Leonard Gerzon, Thomas A. Landry, Edward B. McNamara, Corine R. Nichols and Stefanie W. Reponen, candidates.

Chairman Cossart convened a joint meeting with the Board of Assessors for the purpose of interviewing candidates for appointment to that Board to fill the vacancy occasioned by the resignation of E. McClure. (Interviews had also been held at the Selectmen's meeting with Assessor Donald Peirce present of August 25.

Executive Secretary Richard E. Thompson stated for the record that the Selectmen had notified the candidates of tonight's meeting under date of September 3, 1982.

The Selectmen accepted the withdrawal of Edward B. McNamara, who stated that he would like to see certain changes in the current assessing practices, and that he would consider re-applying after he retires from the real estate business and there is no possibility of an appearance of conflict of interest.

Mr. Peirce asked, and the candidates responded to, the following eight questions (the first three had been asked at the previous interviews):

- 1) What basically is your idea of the requirements of the law relating to the assessment of property both real, personal and excise?
- 2) Are you capable of conducting hearings as an Assessor including those in which testimony taken under the penalties of perjury will be required?
- 3) Are you in a position within your employment to be able to appear at the Massachusetts Appellate Tax Board to defend Sudbury's values on realty in contest with the taxpayer, in addition to the regular Assessors' meetings and the field work which is required of an Assessor?
- 4) The present state law requires all property to be valued at the full and fair market value as of January 1st of each year. How in your mind is full and fair market value arrived at?
- 5) The present state law requires commercial and industrial property to be viewed by assessors using three approaches to value. Sudbury is a town which is classified by property. Which of the three approaches to value would you as an assessor give the greatest weight?
- 6) Under classification, how would you view property that might qualify as open space as opposed to those that would not?

- 7) Can you explain the income approach in valuing commercial or industrial property?
- 8) Have you ever given testimony before the Massachusetts Appellate Tax Board as an expert on real or personal property, and if so, how would that property be classified today?

Mr. Peirce stated that, following tonight's interviews, he would like to make the appointment (by joint election with the Selectmen), since the next course at the University of Massachusetts begins the end of September. (This course is required to become a certified assessor.)

The Selectmen asked each candidate his opinion of the Town hiring a full-time assessor, and they all responded in the affirmative with the exception of Stefanie Reponen, who stated that she would have to see what the duties of the full-time assessor would be before she could make an opinion of the need.

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

VOTED: To appoint Executive Secretary Richard E. Thompson to serve as Clerk for the Joint session of the Board of Selectmen and the Board of Assessors for the purpose of electing a third member to the Board of Assessors, to serve until the next Annual Town Election, in accordance with General Laws, Chapter 41, section 11, as amended.

Selectman Murray nominated Stefanie W. Reponen; Selectman Cossart seconded the nomination.

Selectman Donald nominated Leonard Gerzon; Assessor Collins seconded the nomination.

Assessor Collins nominated Thomas A. Landry; Assessor Chairman Peirce seconded the nomination.

There being no further nominations, Chairman Cossart announced that nominations be closed and requested the Clerk to proceed with the roll call vote.

Mr. Thompson read the roll call alphabetically, and the following votes were cast:

- Assessor Collins voted for Thomas A. Landry.
- Chairman Cossart voted for Stefanie W. Reponen.
- Selectman Donald voted for Thomas A. Landry.
- Selectman Murray voted for Stefanie W. Reponen.
- Assessor Chairman Peirce voted for Stefanie W. Reponen.

At the completion of the roll call vote, the Clerk declared that Stefanie W. Reponen, having received the majority vote of the officers present and entitled to vote, was elected to fill the vacancy on the Board of Assessors, occasioned by the resignation of Elizabeth McClure, until the next Annual Town Election.

Chairman Cossart adjourned the joint session and thanked the members of the Board of Assessors and the candidates for their attendance tonight.

Joint Meeting - Permanent Building Committee (Articles 1 & 2 STM)

Present: Chairman Michael E. Melnick, D. Bruce Langmuir and Eugene M. Bard,  
Permanent Building Committee (PBC).

Chairman Cossart convened a joint meeting with the PBC to discuss the following two articles for the October 7 Special Town Meeting:

Article 1 - Fairbank School Disposition

Mr. Thompson explained to the PBC that \$10,000 of the total \$60,000 appropriation requested is to do work requiring immediate attention; namely, minimum roof and furnace repairs and security; \$50,000 will be used to bring the facility up to code standard - roof work, plumbing changes, possible minor demolition, replacement of doors and hardware, painting, landscaping and general fix up.

Looking at a plan entitled, "Floor Plan Fairbank Road Elementary School, Sudbury, Mass.", dated April 18, 1958, the Board discussed the possible demolition of four classrooms, one conference room, and two rest rooms. The teachers' lounge and gymnasium would be used for the teen center, Art Association, Fyfe and Drum, etc., and the back wing for Lincoln-Sudbury West. Mr. Thompson told the PBC that the Board's intention is to have the work done in house and they could use the PBC's help, as Mr. Langmuir pointed out, in reviewing the estimated costs, reviewing bids and specifications, and in taking a position on the article by next week. Mr. Langmuir stated that the PBC will notify the Board of its official positions on both articles before September 20.

Article 2 - General Government Office Facilities

Mr. Thompson stated that the \$10,000 requested appropriation for this article is to be spent under the direction of the Selectmen for plans, specifications, renovations and/or moving several general Town government office facilities.

During discussion with the PBC, Chairman Cossart stated that the Selectmen will present the article at the Special Town Meeting and, at the suggestion of Mr. Langmuir, state that the PBC is willing to assist with the plans.

At the conclusion of discussion, Chairman Cossart thanked the PBC members for their attendance, and again requested their position on both articles by the Board's September 20th meeting.

Executive Session

At 10:40 p.m. it was on motion by roll call

VOTED: To enter into Executive Session for the purpose of discussing the reputation and character, physical condition or mental health rather than the professional competence of a single individual, and strategy for 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 Public Session would reconvene following the Executive Session.

Chairman Cossart apologized to the press for the Board's vagueness in stating the purpose of the Executive Session, and confirmed that the individual implied above had been notified.

At 11:30 p.m. it was on motion by Selectman Murray unanimously

VOTED: To return to Public Session.

FY83 Salaries - Individually-rated Positions

The Board reviewed with the Executive Secretary his communication dated September 10, 1982, requesting that the Board of Selectmen approve an agreement, in accordance with newly enacted General Laws Chapter 41, Section 108N, to provide certain conditions of employment, salary and fringe benefits for the Executive Secretary.

Following discussion the Selectmen agreed to take no action at this time and to discuss the subject at the Board's convenience after the October 7 Special Town Meeting. This decision was arrived at following a lengthy discussion during which Selectman Murray made a motion, and later withdrew the same, to increase the Executive Secretary's salary to \$41,376, and so amend the Salary Plan in the Warrant for the Special Town Meeting, which would have required Personnel Board and Finance Committee approval and which would have been impossible to obtain before the final printing of the Warrant this week. (Chairman Cossart was especially concerned that the Selectmen not ignore the Town bylaw as it pertains to individually-rated positions under the jurisdiction of the Selectmen, specifically the Executive Secretary, and accept the conditions of employment under Chapter 41, section 108N, which would have the effect of over-riding any current Town personnel bylaw.) Future discussion will include the merits of removing Executive Secretary Richard E. Thompson from the Town Salary and Classification Plan, and, instead, enter into an employment contract based on, and which may or may not include, the ten items listed in the above-mentioned communication.

The Board was in receipt of a communication dated September 1, 1982, from the Executive Secretary on the subject of non-union individually-rated salaries with an attachment showing management/staff salaries within the Town of Sudbury.

During review and discussion of that communication, it was on motion unanimously

VOTED: To set the FY83 salaries, retroactive to July 1, 1982, for the individually-rated positions under the Board of Selectmen, as follows:

- Town Accountant James Vanar, \$28,080;
- Fire Chief Josiah F. Frost, \$35,363;
- Town Counsel Paul L. Kenny, retainer \$16,178\*
- Assistant Town Counsel Thomas M. French, \$12,630; and

- Custodian/Security Guard Douglas R. Lewis, Jr., \$15,120.

\*The hourly rate will be set following a survey of surrounding Towns, to be conducted by the Executive Secretary.

And it was further on motion by Selectman Donald

VOTED: To set the FY83 salary, retroactive to July 1, 1982, for the individually-rated position of Police Chief Nicholas Lombardi at \$34,000.

(Selectman Murray, in favor; Selectman Donald, in favor; Chairman Cossart, opposed on the basis that the Police Chief should receive the statutory increase of 1.8 X the highest-paid patrolman salary - the salary voted shows a slightly higher increase.)

Lincoln-Sudbury Regional School District Committee (LSRSDC) Meeting

Executive Secretary Richard E. Thompson distributed an agenda for the September 14 LSRSDC meeting to be held in the faculty dining room at 7:30 p.m. The Selectmen plan to attend.

Middlesex County Selectmen's Association (MCSA) Meeting

Mr. Thompson stated that Selectmen Cossart and Donald had attended the MCSA meeting last Friday, September 3, and had later questioned some of the pending legislation discussed including a municipal liens bill.

Property Tax Classification

Mr. Thompson gave the Board a brief explanation and distributed a package of information from the State Department of Revenue, dated August 30, 1982, regarding the Property Tax Classification - Chapter 369 of the Acts of 1982.

Sudbury Variety - Criminal Complaint

Relative to a communication and report, dated September 10 and 13, respectively, from Detective Peter S. Langmaid, the Board directed the Executive Secretary to proceed with scheduling a hearing on September 27 with the owners of Sudbury Variety.

Memorandum of Agreement - State Reimbursement (Highway)

The Board was in receipt of a September 10, 1982, communication from Highway Surveyor Robert A. Noyes relative to his request for State aid reimbursement for paving and informing the Selectmen that it is necessary for them to communicate to the Department of Public Works, District Highway Engineer requesting certain streets in Sudbury be added to the Town's Chapter 90 Memoranda of Agreement.

Accordingly, it was on motion unanimously

VOTED: To request the addition of streets to signed Sudbury Memoranda of Agreement, as follows:

Old Sudbury Road  
North Road

Agreement No. 29899  
Agreement No. 29899 and 30592



Great Road  
Nobscot Road

Agreement No. 30592  
Agreement No. 30821

And it was further on motion unanimously

VOTED: To approve and sign Project Requests relative to Chapter 90 Memoranda of Agreement as follows:

Old Sudbury Road  
North Road  
Great Road  
Nobscot Road  
Union Avenue

Agreement No. 29899 and 30592  
Agreement No. 30592 and 30821  
Agreement No. 30821  
Agreement No. 30592  
Agreement No. 29640 and 29899.

Shick Land - Agricultural Preservation Restriction

On the advice of Town Counsel, it was on motion unanimously

VOTED: To sign and date (September 13, 1982) a revised Agricultural Preservation Restriction on the Shick Land, off Lincoln Road, with a new provision to allow the farmer to construct a seasonal dwelling for security purposes on the premises with the necessary permits and approvals.

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

Attest:

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Richard E. Thompson  
Executive Secretary-Clerk