

IN BOARD OF SELECTMEN
MONDAY, SEPTEMBER 20, 1982

Present: Acting Chairman 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 Acting Chairman John E. Murray.

Memorandum of Agreement - State Reimbursement (Highway)

In accordance with a communication dated August 25, 1982, from the State Department of Public Works (DPW), it was on motion unanimously

VOTED: To sign a Memorandum of Agreement for funds assigned under Chapter 191 of the Acts of 1982 for reimbursement of documented expenditures under the provisions of General Laws, Chapter 90, Section 34, Clause 2(a), and directed the Executive Secretary to return the signed copies to DPW District Highway Engineer C. F. Mistretta.

Charitable Donation Returned

The Board acknowledged receipt of a returned check - a donation from the Town's Charitable Fund in December of 1980 - from the person to whom it was given.

Tax Anticipation Notes

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

In accordance with a letter dated September 17, 1982, from the Town Treasurer, it was on motion unanimously

VOTED: To sign Tax Anticipation Notes in the amount of \$2,000,000, effective September 29, 1982, due December 28, 1982, in accordance with the Selectmen's authorization of August 23, 1982, and the recommendation of the Town Treasurer dated August 17, 1982, as follows:

Bay Bank Middlesex	4.98%	1,000M
Guaranty First Trust Co.	5.10%	100M
Guaranty First Trust Co.	5.15%	200M
Bay Bank Middlesex	5.19%	700M

State Promotional Examinations - Police Personnel

The Board received a communication dated September 1, 1982, from the Massachusetts Department of Personnel Administration providing a schedule of promotional examinations for Police Department personnel and related requisition procedures.

Following discussion, it was on motion unanimously

VOTED: To direct the Executive Secretary to communicate to the State Department of Personnel Administration that Sudbury would like to be included in the February 5, 1982, examination for the position of Police Chief and further to authorize the Executive Secretary to sign all appropriate documents relative to this requisition.

(The deadline for submission was September 17 but the Board did not receive sufficient prior notice to address the matter and respond by the deadline.)

The Board also agreed, and so directed the Executive Secretary, to bring back the matter as it pertains to examinations for Police Lieutenants and Sergeants - semi-annual examinations in October and April requiring approximately a twenty-week lead time to meet deadlines.

Both decisions are subject to comment from Selectman Cossart who was not present.

Common Effective Date of Town Insurance Policies

The Board acknowledged receipt of a communication dated September 8, 1982, from Hall's Insurance Agency, providing the premium cost for FY83 to rewrite insurance policies all with an effective date of July 1.

The Board supported the premium cost of \$14,796.35, which revises the figure of \$27,000 included in the Warrant for the October 7 Special Town Meeting, Article #7, Casualty Insurance.

November State Election

It was on motion by Selectman Donald unanimously

VOTED: a. To set the time and place for the November 2, 1982, State Election from 6:00 a.m. to 8:00 p.m. at the Peter Noyes School for all four Sudbury precincts; and

b. To allow the sale of alcoholic beverages by common victuallers and retail package stores during the polling hours of the State election on November 2, 1982, in accordance with the amendment to G. L. Ch. 138, Section 33.

Approve 1983 ATM Warrant and Budget Schedules

It was on motion by Selectman Donald unanimously

VOTED: To approve the 1983 Annual Town Meeting Warrant and Budget Schedules, prepared by the Executive Secretary under date of October, 1982.

Appointment - Special Constable

It was on motion by Selectman Donald unanimously

VOTED: To appoint Francis J. Gonsalves, 8 Roseberry Road, Mattapan, as a Special Constable, Non-paid, for Traffic Duty Only, at Raytheon Company, for a term to expire April 30, 1983, in accordance with the request dated September 8, 1982, from P.B. Lembo, Police Administrative Assistant.

Accept Bid - Refurbish Fire Engine #2

Present: Fire Chief Josiah F. Frost,

In accordance with a recommendation, dated September 16, 1982, from Fire Chief Josiah F. Frost, it was on motion by Selectman Donald unanimously

VOTED: To accept a bid for refurbishing Fire Department Engine #2 from Farrar Company, Inc., Woodville, Massachusetts, dated September 15, 1982, for \$7,895, in accordance with Sudbury Fire Department specifications.

Chief Frost confirmed that there is \$13,000 in the Service Life Extension Program line item which will cover the cost of the refurbishing; other monies in the account will pay for other engine repairs.

Sudbury Supervisory Association Agreement

It was on motion by Selectman Donald unanimously

VOTED: To sign an agreement with the Sudbury Supervisory Association for the period July 1, 1982, through June 30, 1984.

Rescheduling Selectmen's Meetings

It was on motion by Selectman Murray unanimously

VOTED: To schedule a meeting on Thursday, October 7, 1982, at 7:00 p.m., prior to the Special Town Meeting, at the Lincoln-Sudbury Regional High School Library, and at the same time and location on Tuesday, October 12, if necessary.

and it was further on motion by Selectman Donald unanimously

VOTED: To reschedule the Board's regular meeting night of October 11, Columbus Day, to Wednesday, October 13, at 7:30 p.m., in the lower Town Hall.

Temporary Trailer Permit

At the request of Elsie A. Kalilainen, received September 10, 1982, and on the recommendation of the Executive Secretary, it was on motion by Selectman Donald unanimously

VOTED: To amend the Board's vote of August 10, 1982, concerning the authorization of the use of a camping trailer on property located at 5 Powers Road, by changing the allowed period from August 14 - September 12 to August 24 - September 22, 1982.

Minutes

It was on motion by Selectman Murray unanimously

VOTED: To approve the minutes of the Regular Session of September 13, 1982, as amended, and the Executive Session of that date, as presented.

And it was further

VOTED: To hold acting on an amendment to the minutes of April 20, 1982, in the absence of Selectman Cossart.

Survey - Hourly Rates, Area Town Counsels

It was on motion by Selectman Murray unanimously

VOTED: To table until September 27, 1982, in the absence of Chairman Cossart, addressing the question of reviewing a survey dated September 14, 1982, relative to the hourly rates paid to area Town Counsels.

Public Hearing: Application for Storage of Class 5 & 6 "Electronic" Gases - Union Carbide Corporation, 141 Boston Post Road

Present: Arthur C. Morgello, Plant Manager, and Gary J. Wimmer, Eastern Region Technical Representative, both of Union Carbide; Chairman Olga P. Reed, Ralph Ernest Hawes and Patrick M. Schrafft, Planning Board; Michael W. Guernsey and Richard L. Stevens, Board of Health; Fire Chief Josiah F. Frost; Chairman Richard O. Bell, Conservation Commission; Thomas L. McManus, Jr., Trustee, Wayside Package; Chester Hamilton, Treasurer of Buddy Dog Humane Society; James and Jennifer Himmelman, 73 Goodmans Hill Road; Roberta Brennan; and Clifford Hughes, 27 Concord Road, all abutters and/or interested residents.

Acting Chairman John E. Murray convened a public hearing on the license application of Union Carbide Corporation, Linde Division, 141 Boston Post Road, dated August 3, 1982, to store inflammables above ground, 29 cylinders (4208 cu. ft.) of "electronic" gases, including Silane, Dichlorosilane, Arsine and Phosphine, in addition to their present licensed storage of inflammables, and to address the question of approving a revision to the applicant's site plan accordingly.

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

- from the Fire Chief, dated September 13, 1982, stating no objection to the issuance of the subject license;
- from the Conservation Commission, dated September 15, 1982, expressing concern and requesting assurances regarding the effect on the environment of any accidental release of the "electronic" gases;
- from the Board of Health, dated September 16, 1982, conveying a majority vote recommending approval; and
- from the Building Inspector, dated September 17, 1982, recommending approval.

Plant Manager Arthur C. Morgello began his presentation by stating that Union Carbide has been in the industrial gases business for a long time, and has been located in Sudbury for 24-25 years. In the interest of being competitive with the

expanding semi-conductor industry, the Sudbury plant has applied for the above storage. The storage will be for distribution only; the gases will not be used on the premises.

Mr. Morgello went on to say that these gases are already being transported throughout the State by common carrier by non-professional people, and that in his opinion the professional people and truckers at Union Carbide could handle the cylinders containing these specialty gases much more safely. Mr. Morgello showed photographs of the cylinders which would be used, explaining that each would be individually valved and capped - an individual protection against accidental leakage for each cylinder. Mr. Morgello called the Board's attention to a pamphlet of data distributed by Linde, Union Carbide, on specialty gases/electronic materials.

Mr. Morgello concluded by stating that the semi-conductor industry is on its way in New England, and that Union Carbide would like to become a part of that industry by utilizing its Sudbury plant, and can do so without any hazard to the population of Sudbury.

Mr. Morgello introduced Mr. Gary J. Wimmer, the Eastern Region Technical Representative for Union Carbide.

Conservation Commission Chairman Richard O. Bell asked if the gases are volatile.

Mr. Wimmer stated that, of the four on the application, only Dichlorosilane will shift into liquid; the others will shift into gas. Mr. Wimmer stated that there would be a very small concentration of the gas(es) if there were a leak.

Mr. Bell asked if the gases are soluble in water.

Mr. Wimmer stated that, in most of the above-mentioned gases, the scrubbing solution is water - they would hydrolyze in water. Mr. Bell expressed his concern regarding gases getting into streams. Mr. Wimmer stated that, because of the small concentration of gas in the cylinders, they would dissipate into the air.

Responding to Mr. Bell, Mr. Wimmer stated that the cylinders are subject to an abuse test - the cylinders must withstand a 65-70' drop test. Mr. Wimmer explained that the cylinders are made of steel, are high pressured, and will hold approximately 205 pounds.

Responding to Mr. Thomas L. McManus of Wayside Package (abutter), Mr. Wimmer stated that there are six classifications of gases which fall under the general characteristics of hazardous gas, and that the gases on this application belong to group 5 and group 6.

Responding to Mr. Patrick M. Schrafft of the Planning Board, Mr. Wimmer stated that the largest the cylinders would be is approximately 12" in diameter and 51" high.

Ms. Roberta C. Brennan of Pokonoket Kennels (abutter) asked if any leakage from these cylinders would necessitate evacuation. Mr. Wimmer stated it would not - stating further that even a complete failure of a cylinder, which is the

remotest possibility, at 20' away, there would be no effect; the gas would not be noticeable and it would not be toxic.

Mr. Chester Hamilton, speaking as Treasurer of Buddy Dog, stated that The Middlesex News had referred to the storage application as involving deadly, poisonous gases.

Mr. Wimmer stated that these are classified as Class A poisonous. Also responding to Mr. Hamilton, Mr. Wimmer stated that if a person took an arsine cylinder and released it to the air there is a very good chance that person would not survive.

Mr. Hamilton suggested that the worst could happen - that a cylinder could explode and asked what would happen on a dry day with the wind blowing east towards Buddy Dog. Mr. Morgello stated that the cylinders do not explode and that one or two cylinders would have no effect. Mr. Morgello stated that the greater the volume of air which the gas is emitted into, the less potent the gas becomes.

Mr. Hamilton asked if Union Carbide would be willing to give Buddy Dog a written agreement in advance which stated that Buddy Dog would be reimbursed for any damages caused from leakage of one or more of the twenty-nine cylinders of toxic gas.

Both Mr. Morgello and Mr. Wimmer stated that it is beyond their responsibility to offer such an agreement.

Selectman Murray suggested that Mr. Morgello get back to Mr. Hamilton with regard to his request.

Mr. Morgello expressed his position that as a responsible person, he would not be acting on behalf of Union Carbide on this request if it jeopardized the Townspeople. Mr. Morgello stated that Union Carbide has had a good relationship with the Fire Department and that they have brought them into the plant and trained them. He invited the public to a 9:00 a.m. training session on Saturday, September 25 - a simulated rescue by the Fire Department.

Responding to questioning, Mr. Wimmer talked about the properties of Silane reiterating that Union Carbide did not plan to use the gases on site, only store them for distribution. He explained that Silane was classified in Group 5 - pyrophoric (spontaneous flame) gas.

Mr. Richard L. Stevens spoke in opposition to the application presenting a minority position of the Board of Health. Mr. Stevens stated that the gases in question are some of the most highly toxic gases known to mankind (he read Linde's description of Arsine and emergency procedures), and raised the question of whether twenty-nine tanks of these hazardous gases should be allowed in Sudbury, and if they were not, whether that would cause the company (Union Carbide) to go bankrupt. Mr. Stevens stated his opinion that it would not. Mr. Stevens pointed out that Union Carbide has had a good safety record and are the type of people who probably should distribute this type of substance, but that the transporting of gases should not be the Town's problem, but rather a problem on the State or Federal level. Mr. Stevens expressed his opinion that Sudbury should not be a warehouse for electronic gases, expressing further concern of the precedent this would be setting in Town.

Fire Chief Josiah F. Frost stated he was immediately concerned when approached on this license application, and that he and his Fire Prevention Officer had two, 3-4 hour meetings with Mr. Morgello at Union Carbide. Chief Frost stated that those meetings satisfied his concerns regarding the safety of his men, who would be the first people to deal with the problem, and evacuation procedures. The Chief went on to say that the percentage of the toxic gas in the twenty-nine cylinders is so small that, if there were a leak, the gas would dissipate so that it would not be toxic to humans or animals. The Chief stated that he has been assured that the amount of toxic chemicals in the tanks would equal only 5-7%; the remainder would be a carrier.

The Chief expressed his opinion that he would rather have Union Carbide, with their safety record, handle the cylinders than common carriers.

Chief Frost stated that cylinders of electronic gas are being delivered to Raytheon and Sperry Rand, and, responding to questioning, stated that permits for the small quantities they use are not required.

Planning Board Chairman Olga P. Reed asked where the pad containing these cylinders would be located on site. The site plan was then displayed.

Mr. Morgello stated that they have seventeen acres of land of which five are used for plant operations. The 30X30 concrete pad would be located at the south-east corner of the property approximately 150' from the corner of the nearest building. It will be surrounded by a chain link fence. There is only swamp and the remains of the B & M Railroad in the rear.

Mr. Ralph Ernest Hawes of the Planning Board asked what the maximum possible lethal range is in worst conditions.

Mr. Morgello and Mr. Wimmer agreed that was difficult to answer. Mr. Wimmer estimated no greater than 150 feet, stating that something would have to strike the cylinders with sufficient force to cause leakage.

Responding to Mrs. Reed, Mr. Wimmer stated that of the storage requested, only two of the cylinders would contain Arsine; and that there would be no more than 29 cylinders of the total gases at one time.

Responding to Jennifer Himmelman, Mr. Wimmer stated that the cylinders are presently coming from Linde facilities in Dallas and Santa Clara, California, and that there have been no incidents or related transportation problems. Mr. Wimmer reiterated that this area is becoming the next high concentration area of the semiconductor industry, and that the Sudbury plant would like to utilize their assets in that capacity.

Mrs. Reed announced, on behalf of the Planning Board, that on the basis of what they have heard tonight they feel the permit should be approved, and stated that their recommendation would be submitted to the Selectmen in writing.

Mr. McManus asked to go on record as being opposed to the application.

Mr. Clifford Hughes of 27 Concord Road expressed concern about the danger of the gases and stated opposition to the application.

Mr. Stevens commented that it is the volume of the gases that is the most disturbing part, that it is much more than the volume of hazardous gases used at Sperry Rand, Raytheon or Coatings Engineering.

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

VOTED: To take under advisement until Monday, September 27, the above-referenced application for the storage of electronic gases.

Note: Site plan reference is plan entitled, "Site Plan of Land in Sudbury, Mass., prepared for Union Carbide Corp., Linde Division", dated June 4, 1980, revised April 20, 1981. Said site plan was approved by the Board, June 4, 1980, and signed April 27, 1981.

Joint Meeting - Committee on Town Administration, Study of Commissioner of Public Safety

Present: Chairman Eric F. Menoyo and J. Bernard Bonn, III, Committee on Town Administration (CTA); and Fire Chief Josiah F. Frost.

Chairman Eric F. Menoyo updated the Selectmen on the CTA's investigation of a combined Police/Fire Public Safety Commissioner, as requested by the Selectmen following a joint session of both Boards on July 12, 1982, as follows:

- Structure: The Public Safety Commissioner would have to be a person with the same expertise as a Fire Chief and a Police Chief. Under the Commissioner would be equivalent of two chiefs - a lieutenant or captain (i.e., deputy chief) - with significantly more responsibility than the title denotes.
- Immediate Savings: None. Requires three substantial salaries, while the present structure requires only two.
- Long-term savings: Difficult to predict.
- Conclusion: After speaking with Fire Chief Josiah F. Frost and Administrative Assistant Peter B. Lembo (acting for the Chief), the CTA does not support the concept of creating the position of Public Safety Commissioner at this time. It was their conclusion that there is presently no economic incentive for the change, and noted that there is already interaction between the two departments to effect economies. The CTA also expressed its opinion that the subject would be more feasible if there were a more comprehensive plan for reorganization or if there were a joint police/fire facility.

Acting Chairman John E. Murray expressed appreciation on behalf of the Board for the time and effort put into the subject of a Public Safety Commissioner, replacing both Fire and Police Chiefs (both are retiring at virtually the same time), and stated that the information provided satisfied the Selectmen's question as to whether the same could create a possible savings for the Town.

Actuarial Study - Future Pension Costs

It was on motion by Selectman Murray unanimously

VOTED: To table tonight's meeting with Mr. Bill McDonnell of William M. Mercer, Inc., concerning its report, dated August, 1982, Actuarial Study of Future Pension Costs for the Town of Sudbury, authorized under Article 25 of the 1981ATM, and to direct the Executive Secretary to reschedule the same.

Site Plan 81-234, Lots 3 and 4 Powder Mill Road, Request for Extension

It was on motion unanimously

VOTED: To table to October 4, 1982, the question of granting an extension of one year for the completion of improvements on lots 3 and 4, Powder Mill Road, under Site Plan #81-234, approved by the Board of Selectmen on September 28, 1981, as requested by Brian Pettigrew of Project Management, Inc., dated August 20, 1982.

It was further on motion unanimously

VOTED: To extend completion date of Site Plan 81-234 of Project Management, Inc., for lots 3 and 4, Powder Mill Road, to October 4, 1982, subject to comment of Town Counsel as to the appropriateness of said action.

Abandoned Vehicles

Executive Secretary Richard E. Thompson reported that he had been told today by Police Administrative Assistant Peter B. Lembo that the abandoned cars on the Women's Federation property on Dutton Road in Sudbury, were being removed by the State Police.

House Bill 6373

The Board noted receipt of House Bill 6373. Mr. Thompson commented that it is a complicated piece of legislation and that there are 3-4 amendments to come and, therefore, recommended that the Board take no position at this time. The Board concurred.

Town Meeting Government

Mr. Thompson informed the Board of a meeting scheduled by the League of Women Voters tomorrow evening, September 21, at 7:30 p.m., at the Wayside Inn on the subject of Town Meeting Government.

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