

IN BOARD OF SELECTMEN
MONDAY, APRIL 28, 1986

Present: Chairman Josiah F. Frost, Anne W. Donald and David A. Wallace.

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:30 p. m. by Chairman Frost.

Joint Letter to the Executive Office of Transportation

It was on motion unanimously

VOTED: To authorize Josiah F. Frost, Chairman, to sign a joint letter with the Highway Surveyor to the Executive Office of Transportation & Construction stating the intention of the Town to keep Lincoln Road at a width not to exceed 24 feet, relative to the proposed replacement of Sherman's Bridge.

Purchase and Sale Agreement, Tax Possession Parcel #189

Member Anne W. Donald asked if the parcel had been perc tested. Executive Secretary Richard E. Thompson advised that the parcel had been perc tested and the results were satisfactory. Member Anne W. Donald asked if the parcel was a non-conforming lot. Member David A. Wallace asked if the lots were legal lots and the Executive Secretary advised that the lots were included in the grandfather provision. Mr. Thompson advised that James A. Dyrek of Town Counsel's office was in the process of doing the Title search on the property and feels it may be a buildable lot, although research is not complete at this time.

It was on motion unanimously

VOTED: To authorize Josiah F. Frost, Chairman, to sign the Purchase and Sale Agreement to sell Tax Possession Parcel #189, shown as Parcel 809 on Assessors' Map F04, off Crystal Lake Drive, to Michael E. Cournyn, pursuant to the vote of the 1985 Annual Town Meeting under Article 37.

Accepting Easements and Restriction - Cranberry Meadows Subdivision

It was on motion unanimously

VOTED: To authorize Josiah F. Frost, Chairman, to sign the documents approving and accepting the following interests in land off Powder Mill Road given by Candlewood Trust and Custom Structural Homes, Inc.: Conservation Restriction and Drainage Easement as shown on "Definitive Subdivision Plan of Cranberry Meadows in Sudbury, Mass.", by Colburn Engineering, Inc., dated September 16, 1985, revised April 4, 1986, and Walkway Easements as shown on "Plan of Easement in Sudbury, Mass.," dated April 9, 1986, by Colburn Engineering, Inc.

Application of Paul M. Luciano for Transient Vendor's License

Paul M. Luciano, 604 Boston Post Road, Sudbury, Massachusetts is applying for a Transient Vendor's License to sell mostly cut flowers at 407 Boston Post

Road, Sudbury, for a period of five months commencing May 15, 1986 and ending October 15, 1986. The location is property he intends to lease from D & D Realty Trust/Dallamora Realtors. Selectman David A. Wallace expressed concern regarding parking spaces and potential traffic problems. Town Counsel Paul Kenny advised that once the License is granted, it cannot be revoked without involvement of the State as the License is a combination Municipal/State License.

After further discussion, It was on motion

VOTED: To grant a Transient Vendor's License to Mr. Paul M. Luciano of 604 Boston Post Road, Sudbury, Massachusetts to sell cut flowers, painted rocks, and horticultural products such as pumpkins, wreaths, and dried flowers, specifically excluding the sale of balloons, at 407 Boston Post Road, daily from 8:30 a.m. to 7:00 p.m., subject to acquiring a State Transient Vendor License and posting a bond as required by the Division of Standards, and payment of a \$25 fee to the Town Clerk.

(Selectmen Frost and Donald in favor; Selectman Wallace opposed.)

Note: The license will be issued by the Town Clerk upon compliance with the above conditions.

Appointment of Candidate to the Conservation Commission

Present: Cynthia Powell, Candidate, and Stephen Sandler, Conservation Commission.

The Board interviewed candidate Cynthia Powell of 82 Maynard Road, Sudbury, Massachusetts for appointment to the Conservation Commission. Ms. Powell is actively concerned and involved in conservation issues as a Subcommittee Member to the Conservation Commission .

On recommendation of the Conservation Commission, it was on motion unanimously

VOTED: To appoint Cynthia Powell to the Conservation Commission to fill the vacancy created by the resignation of Jeffrey Moore, for a term to expire April 30, 1989.

Public Hearing Relative to Coatings Engineering Corporation

Present: Albert J. Zaccone, Ross Perry, Edward J. DeAngelo and Paul Gossling, representing Coatings Engineering Corporation; Board of Health Chairman Michael Guernsey; and Fire Chief Michael Dunne.

On the Coatings Engineering issue, Chairman Frost advised he would like to have one representative from Coatings Engineering speak, and this Public Hearing would begin with a report from the Executive Secretary, Richard E. Thompson. Mr. Thompson stated that notice of this Public Hearing had been duly posted and the notice stated..."The Board of Selectmen of the Town of Sudbury, acting as the licensing authority in accordance with the provision of Chapter 148 of the Mass. General Laws, will hold a public hearing on Monday, April 28, 1986, at 8:00 p.m. in the Sudbury Town Hall, Sudbury Centre,

relative to rescission of the conditional approval granted to Coatings Engineering Corporation, 33 Union Avenue, Sudbury, on January 27, 1986, of the extension of the license to store 2,000 gallons of inflammables (Methyl Ethyl Ketone, Methyl Isobutyl Ketone, Toluene, and Isobutanol) aboveground for the period January 1, 1986 to July 27, 1986."

On the issue to rescind the conditional approval granted to Coatings Engineering Corporation to store 2,000 gallons of inflammables aboveground to July, 1986, the Board and representatives of Coatings Engineering Corporation discussed pertinent questions. Executive Secretary Richard E. Thompson recommended that the Board of Health present an update and then the Selectmen ask for a statement from Coatings Engineering Corporation. Mr. Michael Guernsey, Chairman of the Board of Health, advised that the Board of Health has sent a letter to the Selectmen dated March 21, 1986 advising that the Board of Health office contacted the Department of Environmental Quality Engineering (DEQE) to determine the status of the Consent Agreement between DEQE and Coatings Engineering. This agreement would require Coatings to cease operation on or before July 31, 1986. DEQE informed the Board of Health that Coatings refused to sign the Consent Agreement because they objected to the wording. Since Coatings Engineering did not satisfy the Selectmen's conditional approval requiring the Consent Order be signed within four weeks of the Selectmen's approval, the Board of Health urged the Selectmen to rescind the extension of the license to store 2,000 gallons of inflammables and order the immediate removal of the chemicals.

Mr. Guernsey advised that he spoke with Mr. James Belsky of DEQE who said that an actual Consent Order would not be signed today. There would be a letter of intent stating that they would sign a Consent Order by the end of this Friday. This Consent Order would state that 1) #3 flat bed would be shut down on or before April 30, 1986; 2) either #1 or #2 flat bed would be shut down on or before July 31, 1986; 3) the last flat bed would be shut down on or before August 31, 1986. If these items did not take place as scheduled, a per diem fine of \$2500 would be assessed and under no circumstances would any work at Coatings Engineering continue beyond October 31, 1986. Mr. Belsky also said that if Coatings Engineering signs this Consent Order, they waive their right to any hearings with DEQE.

Mr. Edward J. DeAngelo, of Goodwin, Procter & Hoar, spoke advising that as Attorney for Coatings his firm had signed a letter of agreement with DEQE dated April 25, 1986, which embodies the terms of a Consent Order which will be executed by the end of this week. The points indicate that Coatings Engineering will have to shut down their #3 flat bed line by April 30th. By July 31st another flat bed line will be shut down. The final flat bed line will be shut down August 31st and Coatings Engineering will cease operations in Sudbury.

The Board of Selectmen and Town Counsel Paul Kenny reviewed the letter of agreement.

Selectman Anne Donald stated that since she has been on the Board, Coatings Engineering has been making promises that they have not been keeping. Mr. DeAngelo stated that the new owner, Mr. Paul Gossling of Gilbert & Bennett, co-owner of the parent Company, Gilbert & Bennett, has tried to bring

operations into compliance and move the Company to Connecticut. Ownership was transferred in February of 1985.

It was moved and seconded to:

Rescind the conditional approval granted to Coatings Engineering Corporation, 33 Union Avenue, Sudbury, on January 27, 1986, of the extension of the license to store 2,000 gallons of inflammables (Methyl Ethyl Ketone, Methyl Isobutyl Ketone, Toluene, and Isobutanol) aboveground for the period January 1, 1986 to July 27, 1986, for its failure to comply with the requirements of the Department of Environmental Quality Engineering and the Sudbury Board of Health, and failure to correct the odor and pollution caused by its operations.

Mr. DeAngelo requested permission to allow further discussion. Chairman Frost agreed. Mr. Paul Gossling reiterated the fact that the Company was in the process of moving its operations to the state of Connecticut, but would like to continue operating on a limited basis in accordance with its schedule, and expressed concern for earlier termination of employees.

Fire Chief Michael Dunne advised the Selectmen that if the subject license is rescinded tonight, Coatings Engineering will be storing the fuel illegally as it will take about three days to pump the tanks.

After further discussion, It was on motion unanimously

VOTED: To rescind the conditional approval granted to Coatings Engineering Corporation, 33 Union Avenue, Sudbury, on January 27, 1986, of the extension of the license to store 2,000 gallons of inflammables (Methyl Ethyl Ketone, Methyl Isobutyl Ketone, Toluene and Isobutanol) aboveground for the period January 1, 1986 to July 27, 1986, for its failure to comply with the requirements of the Department of Environmental Quality Engineering and the Sudbury Board of Health, and failure to correct the odor and pollution caused by its operations, and allow three days from tonight's action for Coatings Engineering to pump the aboveground tanks.

Resident Clifford R. Hughes asked the Board how will they know if Coatings Engineering has taken the chemicals with them. Chairman Frost replied that that was a separate issue which would be monitored by the Board of Health and the Fire Chief.

Firefighter Eisner, Leave Of Absence

Present: Fire Chief Michael Dunne.

Fire Chief Michael Dunne requested the Board of Selectmen approve a request for leave of absence by firefighter Fredrick J. Eisner, Jr., to commence on April 30, 1986 and to end on June 30, 1986. Chief Dunne approved of the request.

It was on motion unanimously

VOTED: To grant to firefighter Fredrick J. Eisner, Jr. a leave of absence without pay, commencing on April 30, 1986 and ending on June 30, 1986.

Request to Appoint a Provisional Sergeant

Present: Police Chief Peter B. Lembo.

In accordance with a request, dated April 14, 1986, from the Police Chief, it was on motion unanimously

VOTED: To appoint Allan C. Houghton as Provisional Sergeant commencing May 11, 1986, and to authorize the Executive Secretary to sign and file all appropriate documents related thereto with the Division of Personnel Administration.

Endorsement of Planning Grant

Executive Secretary Richard E. Thompson advised the Board that the original amount of this grant application described below has changed from \$1,760 to \$1,895.

It was on motion unanimously

VOTED: To authorize and record the endorsement of Chairman Frost on the application for a planning grant under The Bay Circuit Program dated April 18, 1986, made by the Conservation Commission for funding in the amount of \$1,895 to revise Sudbury's Open Space & Recreation Plan to reflect the goals and objectives of the Bay Circuit Greenbelt Program.

Liaison Assignments

The Board discussed and approved liaison assignments for 1986-1987, making adjustments to the proposed list that were agreeable to all members.

Executive Session

At 9:30 p.m., with the agreement of grievants Donald E. Grenier and Robert A. Noyes, it was on motion by roll call unanimously

VOTED: To go into Executive Session for the purpose of discussing a grievance and collective bargaining negotiations pursuant to Clause (3) of M.G.L. c39 §23B.

(Chairman Frost, aye; Selectman Donald, aye; Selectman Wallace, aye.)

The Chairman advised that the Board would be returning to Regular Session following completion of the Executive Session.

Following completion of the Executive Session at 10:30 p.m., the Board resumed its Regular Session.

Minutes

Following discussion, it was on motion unanimously

VOTED: To approve the minutes of the Regular Session of April 2, 1986, as corrected, and the minutes of the Regular Sessions of April 7, 8, 9, 14 and 15, as drafted.

Route 20 Assistance

Mr. Thompson recommended that the Board send a thank you letter to The Honorable Chester Atkins for his efforts in obtaining a partial waiver on the local Route 20 widening project. The Chairman indicated that he would also like to have thank you letters go to Representative Lucile P. Hicks and Senator A. Paul Cellucci for their assistance in the same endeavor. It was agreed the Executive Secretary would send letters on behalf of the Board.

Fairbank Building Maintenance

After discussion of the maintenance of the Fairbank building and the Teen Center, Executive Secretary Thompson advised that he will draft a response to Jean Lind, Teen Center Coordinator, addressing the issues at hand. Also a letter will go to the High School on the same matter requesting compliance with its obligations under its lease.

Public Official's Liability Insurance

At the request of the Town's insurer, it was on motion unanimously

VOTED: To authorize the Chairman to sign the renewal application for public official's liability insurance.

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