

IN BOARD OF SELECTMEN
MONDAY, NOVEMBER 17, 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 Meeting-Assessors/Hotel-Motel Room Tax

Present: Chairman Linda Z. Buxbaum, Board of Assessors.

The Board of Selectmen met with Board of Assessors Chairman Linda Buxbaum to discuss the option of a Hotel/Motel Room Tax; Chapter 145 of the Acts of 1985. In a communication to the Selectmen, dated October 1, 1986, Ms. Buxbaum stated that the Board of Assessors believed that the enactment of such a tax in Sudbury should be considered as a possible source of revenue. The tax is added to the room rental rate that the hotel/motel charges and it is then collected by the Department of Revenue and distributed to the individual town along with the Cherry Sheet.

Ms. Buxbaum stated that Sudbury might realize an additional tax revenue of \$25,000-\$30,000, not paid by Sudbury property owners, that approximately sixty-five communities have enacted the tax without causing any apparent difference in occupancy rates, and room rates would likely increase \$2-\$3 with a 4% tax.

Selectman Wallace stated that he could not foresee an unfavorable impact on the two local motels, and if the Tax did prove to be negative, the Town would be able to reduce the percentage of the tax assessed.

Selectmen Donald asked about the status of Bed and Board establishments.

Ms. Buxbaum replied that Chapter 145 applies to establishments that are required to collect and remit state excise taxes, and that the law is not quite clear regarding the Bed and Board facilities.

Following discussion, it was on motion by Selectman Wallace unanimously

VOTED: That the Board of Selectmen will jointly sponsor with the Board of Assessors a warrant article for FY87 Annual Town Meeting, proposing that the Town of Sudbury accept Chapter 646, Section 3A, of the Massachusetts General Laws, providing the right to impose a 4% Hotel/Motel Room Tax.

It was noted by Mrs. Buxbaum that the percentage rate could be amended if desired before or at the Town Meeting.

Gasoline Contract

It was on motion unanimously

VOTED: To award the contract for supplying the Town of Sudbury with regular and unleaded gasoline for the calendar year 1987 to the current supplier, Bursaw Gas & Oil, Inc., 94 Great Road, Acton, Massachusetts, in accordance with

the Town of Sudbury specifications and Bursaw's bid, dated November 10, 1986, at a .0190 per gallon increment over the tank car price.

Appointments/Sudbury 350th Anniversary Celebration Committee

It was on motion unanimously

VOTED: To appoint Diana Weinburg, 79 Pine Street and David E. Jackson, Superintendent of Schools, to the Sudbury 350th Anniversary Celebration Committee.

Reactivate Sudbury Employees Group Insurance Advisory Committee

Following discussion, it was on motion unanimously

VOTED: To reactivate the Sudbury Employees Group Insurance Advisory Committee for the purpose of representing the employees and working with the Town's consultant on group insurance matters, for a term to expire April 30, 1988, subject to confirmation of willingness to serve by the individual members.

Selectman Donald inquired if Gerald Shea would be on the Committee representing the Highway Department, as he had not served during the original establishment of the Committee. Mrs. Silva suggested that we should approach the Highway Union again to see if he is willing to serve, and if not, suggest another candidate for consideration by the Board.

Resignation/John C. Powers, Sudbury Historical Commission

It was on motion unanimously

VOTED: To accept with regret the resignation of John C. Powers from the Sudbury Historical Commission, effective November 30, 1986.

The Board recognized Mr. Powers' thirty-one years of service to the Town on various boards, and felt he will be sorely missed, as he is relocating to another state.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular session of November 10, 1986, as drafted.

Appointment/Janet Silva-Executive Secretary Pro Tem

It was on motion unanimously

VOTED:

To appoint Janet Silva Executive Secretary Pro Tem for purposes of the minutes of November 10 and 17, 1986.

FY87 ATM Article

It was the consensus of the Board to discuss at the next meeting, the question of preparing an article for removing police officers from civil service regulation.

Miscellaneous Reports

Selectman Donald reported that the Sudbury 350th Anniversary Celebration Committee met and elected officers. They will be meeting again on December 2nd to estimate the funds that will be required for appropriation for FY88. The Committee has an abundance of ideas regarding the Celebration, and has also contacted other towns for estimates on the cost of and ideas for such a celebration.

Selectman Wallace reported that he attended a meeting at the Chamber of Commerce in Framingham. The theme of the meeting was the proclamation of South Middlesex Historic Week. Selectman Wallace received a book entitled South Middlesex: A New England Heritage, by Stephen W. Herring.

Chairman Frost reported that on Tuesday he will be attending the legislative hearing being held on the pool by the Local Affairs Committee.

Selectman Wallace will attend the Finance Committee meeting on Thursday, November 20th. The meeting is to consider transfer requests for salary adjustments.

Executive Session

At 8:10 p.m. it was on motion by roll call unanimously

VOTED: To go into Executive Session for the purpose of discussing litigation pursuant to Clause (3) of M.G.L.c39 §23B.

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

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

Following completion of the Executive Session at 8:25 p.m. the Board resumed its Regular Session.

Appointments/Resource Recovery Committee

Present: Linda Bolton, 161 Pantry Road, Catherine Rader, 6 Intervale Road, Theodore A. Barten, 160 Mossman Road, and Jeffrey Jacobson, 36 Maple Avenue, candidates for appointment.

The Board interviewed the above candidates for appointment to a Resource Recovery Committee. Also communications had been received from Neal M. Drawas, 15 Colonial Road, and Thomas M. White, 97 Horse Pond Road, and John C. Drobinski, 222 Boston Post Road, expressing interest to serve on the Resource Recovery Committee.

Candidate Barten suggested that the Committee research 1) whether we are currently making maximum use of the landfill; are we sufficiently excluding outside users; 2) what would be the cost to close the landfill; and 3) a comparative analysis should be done to see what alternatives are available to the town.

Selectman Donald asked Mr. Barten if there would be any conflict of interest as Mr. Barten is employed with HMM Associates, Inc., a Concord environmental consulting, engineering and planning firm. Mr. Barten replied that there would be no conflict unless the Town were to retain the services of HMM Associates, Inc. for consultation pertaining to waste disposal, in which case Mr. Barten would disassociate himself from the Committee.

Selectman Donald stressed the need to research sources for recycling.

Chairman Frost said that he hoped the study would indicate that we could enter into a contract with a transfer station/recycling plant and use our landfill for stumps and ash, etc. If we are prudent with the use of the landfill, this may double the life expectancy of the landfill to fourteen or fifteen years.

Chairman Frost reported that many towns have contracted with resource recycling plants for a certain tonnage and have found that the estimated tonnage was so much less than the actual tonnage brought to the plant, that some recycling plants are not accepting commercial users. If compactors are not used, the costs are less, if loaders and packers are used, the costs increase. Chairman Frost suggested the question of prohibiting commercial haulers should be looked into.

Following a brief discussion with each candidate, it was on motion unanimously

VOTED: To establish a new committee named the Resource Recovery Committee for the purpose of developing and implementing a Waste Management Master Plan which would assess current management and environmental conditions of the Route 20 Sanitary Landfill, assess current and projected capacity needs, assess and compare alternatives to the landfill and any combination of waste disposal methods with cost analysis and provide a proposed plan of action, and to appoint the following applicants: Neal M. Drawas, Theodore A. Barten, John C. Drobinski, Catherine A. Rader, Linda L. Bolton, Jeffrey H. Jacobson and Thomas M. White to said Committee for a term to expire April 30, 1989.

There being no further business to come before the Board, the meeting was adjourned at 8:45 p.m.

Attest: _____
Janet Silva
Executive Secretary Pro Tem

EXECUTIVE SESSION
MONDAY, NOVEMBER 17, 1986
(8:10-8:25 p.m.)

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

Suspension of Patrolman Robert Chaffee

The Board of Selectmen was in receipt of a communication dated November 13, 1986 from Police Chief Peter Lembo in which he advised he had suspended Robert I. Chaffee from his duties as a Police Officer for a period of five days commencing November 13, 1986, with a recommendation that the Board of Selectmen, the appointing authority, discharge him permanently from the Sudbury Police Department. A Departmental Administrative Report dated November 13, 1986 and supplementary reports, documents and regulations accompanied his letter.

Also received by the Board was a letter from Robert Chaffee, dated November 14, 1986, appealing the above-mentioned suspension and containing a statement that Officer Chaffee waived the requirement of holding the hearing within five working days and agreed to a hearing date of December 1, 1986, and requested the hearing be held in executive session.

The Board confirmed the scheduling of the appeal by Officer Chaffee of the five-day suspension, on December 1, 1986 at 7:30 p.m.

Executive Secretary Pro Tem Janet Silva reported to the Board that Town Counsel's opinion was that the case would be better supported if a second notice were sent to Patrolman Chaffee ordering compliance with Police Department Rules & Regulations. After speaking with Chief Lembo, Mrs. Silva stated that Chief Lembo wanted to remain with his original position to go forward with termination at this time.

Selectman Wallace expressed his opinion that Patrolman Chaffee's attorney should be put on notice to have Mr. Chaffee examined by the Town Physician, Doctor Kramer, and provide results of that examination. Mrs. Silva pointed out that Mr. Chaffee has filed a grievance and does not want to be required to go to Doctor Kramer for further examination. Selectman Wallace stated that the Town has a right to have Mr. Chaffee examined, by the doctor of its choice, and we should direct Attorney Jenkins to arrange this or Patrolman Chaffee would be in violation of the Rules and Regulations of the Sudbury Police Department.

Chairman Frost expressed concern that other doctors might not be as thorough as Doctor Kramer, as Doctor Kramer has handled this case for quite a while, and is familiar with Patrolman Chaffee's medical history.

It was the consensus of the Board to request the Executive Secretary Pro Tem to proceed with arrangements for a meeting between Police Chief Lembo and Town Counsel Kenny, and that the Board will support the decision reached at that meeting.

Also, Chairman Frost suggested that Town Counsel be very strong on the matter of which doctor Patrolman Chaffee uses, as requested by the Police Chief, and on the timing of the examination, if this approach is decided upon.

The meeting was adjourned at 8:25 p.m.

Attest: _____
Janet Silva
Executive Secretary Pro Tem