

IN BOARD OF SELECTMEN  
MONDAY, JANUARY 10, 1994

Present: Chairman Judith A. Cope, Lawrence L. Blacker, and John C. Drobinski.

The statutory requirements as to notice having been met, the meeting was convened by Chairman Cope at 7:30 p.m. in the Fairbank Senior Center.

Sudbury Housing Authority - Appointment

Present: Sudbury Housing Authority Executive Director Jo-Ann Howe; Chairman Steven J. Swanger; Members Jeanne L. Rowlands (State Appointee), Sidney Wittenberg, Virginia L. Howard; candidate for appointment, Bettie H. Kornegay.

The Board met jointly with the Sudbury Housing Authority to interview candidate and appoint by roll call vote a member to serve on the Sudbury Housing Authority until the effective date of the next Annual Town Election, to fill the vacancy occasioned by the resignation of Renee Reiner, dated October 1, 1993.

The Board appointed Executive Secretary Richard E. Thompson to act as Clerk for the purpose of this meeting. Secretary Thompson acknowledged receipt of an application from Bettie H. Kornegay.

Sudbury Housing Authority Chairman Steven J. Swanger remarked that the Authority is lucky that Ms. Kornegay is interested in serving and they are anxious to have her join the Authority. The Board concurred that Ms. Kornegay will be an excellent addition to the Authority.

Chairman Cope opened the floor to nominations. Steven J. Swanger's nomination of Bettie Kornegay received a second.

It was moved to close nominations; and nominations were so closed.

The Executive Secretary asked for a roll call vote, which was called as follows:

Judith A. Cope	VOTED TO ELECT	Bettie Kornegay
Lawrence L. Blacker		Bettie Kornegay
John C. Drobinski		Bettie Kornegay
Virginia L. Howard		Bettie Kornegay
Steven J. Swanger		Bettie Kornegay
Sidney Wittenberg		Bettie Kornegay
Jeanne L. Rowlands		Bettie Kornegay

Executive Secretary Thompson notified Chairman Cope that Bettie Kornegay of 35 Hickory Road had been elected to serve on the Sudbury Housing Authority, until the effective date of the next Town Election, and noted that she must win the election at that time to continue serving on the Housing Authority.

Executive Secretary Thompson swore Ms. Kornegay in, and asked that all who voted sign the appointment form.

Loring School Property - Sudbury Housing Authority

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Because disposal of the Loring School is imminent, the Sudbury Housing Authority wanted to discuss reserving a parcel of land now a part of the entire Loring School parcel for possible affordable housing. While no funding or plan is in place at the present time, Mr. Swanger pointed out that this is a site that has been explored in the past and was favorably reviewed during a site selection process several years ago. In the Authority's opinion, it makes sense to reserve the back portion of this parcel because it does not seem that this parcel would necessarily go with the school building, although this is still unsure.

Secretary Thompson explained that the area in question consists of 1.89 acres and he asked the Board to support reserving this piece of land for the future. He continued that a new map will need to be filed with the article to be presented at Town Meeting by the Selectmen.

Chairman Cope asked if this would need Town Meeting approval. Mr. Thompson responded that Town Meeting approval is needed to transfer property, but for now the Board's efforts would be to reserve the land. Mrs. Cope reviewed discussions with the Finance Committee concerning the bidding of Loring School and the ultimate sale. Two ways for bidding are: 1) Bid on the parcel including all the property, and 2) Bid on the building only. The article may need to be adjusted depending on what is decided.

Selectman Blacker questioned why the Town would not retain the playground area. With regard to what the figures might be relative to what is offered for bidding, Mr. Blacker stated it will depend on the size and number of buildable lots. Chairman Cope asked that further discussion with the Finance Committee be done before a final decision is made. Mr. Drobinski noted that the Planning Board is in the final stages of approving the Cutler subdivision plan to include an easement to the Loring School area.

It was the consensus of the Board to reserve a portion of the Loring School property, 1.89 acres located at the rear of the entire parcel which includes a paved area and basketball court, for future development by the Sudbury Housing Authority for affordable housing, shown on "Plan of Land in Sudbury, Massachusetts known as the Loring School Property", Town of Sudbury Engineering Department, dated December 28, 1993, as Parcel 2.

The Board had a brief discussion with the Sudbury Housing Authority regarding the housing possibilities that might become available with the opening of the Ft. Devens Annex. Selectman Blacker stated that the Board and Town Engineer I. William Place have reviewed a plan of the area and concluded that because of the geography including wetlands, etc., conventional house lots will not be in abundance, rather, sites for non-traditional housing might be more appropriate. Mr. Swanger remarked the Authority believes it will be a potential parcel for a mixed neighborhood.

#### Utility Petitions

Present: Sheila Burke, Boston Edison Company.

The Board convened a public hearing to consider the following Utility Petitions. Executive Secretary Thompson informed that all abutters have been properly notified and a letter recommending approval has been received from Building Inspector John B. Hepting and Wiring Inspector Warren E. Boyce dated December 23, 1993.

#### **Utility Petition 93-20 - Hudson Road**

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The Board acknowledged receipt of a communication dated November 29, 1993, from Richard F. Gosselin, Supervisor, Rights, Permits & Survey, Boston Edison Company, and a communication dated December 6, 1993 from Patrick J. Lovett, Manager, Rights of Way NET, requesting permission to provide underground/overhead electric service to a new home.

On motion by Chairman Cope, it was unanimously

VOTED: To approve Utility Petition 93-20 of Boston Edison Company and New England Telephone Company for permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, indicated on Boston Edison Company Plan of Hudson Rd. Sudbury, dated November 19, 1993, and New England Telephone and Telegraph Company Plan for Conduit, dated December 6, 1993, under the following public way of the Town:

Hudson Road - southerly approximately 25 feet west of Intervale Road,  
a distance of about 10 feet - conduit.

**Utility Petition 93-21 - Victoria Road**

The Board acknowledged receipt of a communication dated December 16, 1993, from Richard F. Gosselin, Supervisor, Rights, Permits & Survey, Boston Edison Company, and a communication dated January 7, 1994, from Patrick J. Lovett, Manager, Rights of Way NET, requesting permission to provide underground/overhead electric service to a new home.

On motion by Chairman cope, it was unanimously

VOTED: To approve Utility Petition 93-21 of Boston Edison Company and New England Telephone Company for permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, indicated on Boston Edison Company Plan of Victoria Rd.- Sudbury, dated November 29, 1993, and New England Telephone and Telegraph Company Plan for Conduit, dated January 6, 1994, under the following public way of the Town:

Victoria Road - easterly approximately 1045 feet northwest of Stock Farm Road  
a distance of about 5 feet - conduit.

Minutes

It was on motion unanimously

VOTED: To approve the regular session minutes of December 13, 1993, as amended, and to approve the executive session minutes of December 13, 1993, and to approve the emergency session minutes of December 21, 1993.

Council on Aging - Van Donation

It was on motion unanimously

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VOTED: To accept \$183.42 in miscellaneous donations for deposit into the Council on Aging Van Donation Account and to authorize the Council on Aging to expend the same for purposes of operating and maintaining the Council on Aging vans.

Memorial Day Committee - Appointment

On the recommendation of the Memorial Day Committee in a communication dated December 13, 1993, and on receipt of an application for appointment to the Memorial Day Committee from Fred H. Hitchcock Jr., dated December 17, 1993, it was on motion unanimously

VOTED: To appoint Frederick H. Hitchcock, Jr., 29 Blueberry Hill Lane, to the Memorial Day Committee, for a term to expire April 30, 1994, filling the position formerly held by Donald Barbour.

Long Range Planning Committee - Appointment

On the recommendation of the Long Range Planning Committee, and on receipt of an application for appointment to the Long Range Committee from John W. Burns, it was on motion unanimously

VOTED: To appoint John W. Burns, 36 Virginia Ridge Road, to the Long Range Planning Committee, for a term to expire April 30, 1995, filling the position formerly held by Philip Ferrara.

Hosmer Fund Expenditures

It was on motion unanimously

VOTED: To approve an expenditure in the amount of \$1,388.00 from the Edwin Barrett Hosmer Memorial Fund, indicated on a voucher dated December 27, 1993, for printing expenses for a Hosmer House Brochure, and for the purchase of 50 Amberina cup plates.

Sudbury Foundation - Grant Award - Model Support and Empowerment Group

In response to a communication dated December 20, 1993, from Derry Tanner, Executive Director of The Sudbury Foundation, it was on motion unanimously

VOTED: To accept on behalf of the Town a grant in the amount of \$2,000 from the Sudbury Foundation, to be deposited into a separate account to be used for a Model Support and Empowerment Group, and to authorize the Community Social Work Martha Lynn to expend said funds for this purpose.

Election Officers - Resignations

In response to a communication dated December 30, 1993, from William and June E. Koss, it was on motion unanimously

VOTED: To accept the resignations of June E. Koss and William Koss as Election Officers and to send a letter of thanks for their service to the Town.

Site Plan Special Permit #92-316 - Dunkin Donuts, 378 Boston Post Road

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Present: Attorney for the Applicant Myron J. Fox; Town Engineer I. William Place, and approximately six abutters.

The Board acknowledged a communication dated December 23, 1993 from Attorney Fox which is his response to the December 21, 1993 meeting held with Town Counsel Paul Kenny, Mr. Place and Selectman Drobinski and includes a redraft of the last 4 pages of the proposed Selectmen's Site Plan Special Permit.

Selectman Drobinski explained that he has had conversation with several parties regarding all the aspects of the Dunkin Donuts lawsuit, pursuant to the Board's agreement to enter into discussions with the applicant to determine if they could establish some common ground to avoid litigation. In the meeting held on December 21, 1993, all of the issues relative to the Dunkin Donuts site were explored and the key components important to the Town were discussed. Mr. Drobinski asked Mr. Place if all the traffic issues have been resolved to his satisfaction. Mr. Place responded that they have.

One outstanding issue of concern that needs to be discussed with the Conservation Commission is obtaining the necessary easement for the construction of a walkway along Hop Brook. In conversation with the Conversation Coordinator, Mr. Drobinski learned that she did not believe a filing would be necessary and that a walkway could be constructed within the initial filing.

Mr. Drobinski summarized that the applicant has agreed to:

- 1) Withdraw the drive-through window
- 2) Specific landscaping
- 3) Pedestrian easement and access to the property
- 4) Access to Rte. 20 and Goodnow Library property in the rear
- 5) Construction of a walkway along Hop Brook providing it does not require an additional filing with the Conservation Commission

With regard to the ingress and egress, Mr. Drobinski stated that the way it is designed is the only way it can be. There was some question regarding a new entrance and exit design by engineer Bruce Thomas, but Mr. Fox mentioned this change would mean having to remove the large beech tree which they did not want to do.

Another issue that concerned Mr. Drobinski was the final layout for the traffic movement on the site--a loop layout had been mentioned. This issue and the Conservation issue of the question of needing an additional filing in order to have it included in the decision that the applicant construct a walkway along Hop Brook, were his biggest concerns.

Mr. Fox suggested wording the walkway issue as Mr. Drobinski stated--that the applicant shall construct the walkway if such construction does not require an additional filing.

Chairman Cope asked Mr. Place to explain how the traffic problems would be resolved. Mr. Place stated there would be an a.m. peak period. Mr. Place explained why a left turn lane would not work which resulted in eliminating #22 of the conditions subject to approval.

Chairman Cope proposed the following change to the vote to read as follows:

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"VOTED: To revoke the Board's decision on this matter dated March 15, 1993 and to grant a Site Plan Special Permit to Constantine Scrivanos in accordance with Application No. 92-316, for construction of a 26-seat retail Dunkin Donut shop at 378 Boston Post Road, with the understanding that a drive-through window never be permitted at this location with this proposal (or any other one) and that the 26 seating capacity be similarly limited and subject to compliance with all governmental laws and regulations including but not limited to, zoning, building and health laws and regulations, and further subject to the following conditions:"

Selectman Drobinski proposed that condition #4 read as follows:

"4. Extension of Sudbury Water District Lines to the site by the owner; no drinking water wells to be installed on the site;"

Mr. Drobinski also suggested that condition #21 is the appropriate place to include Mr. Fox's proposed language for the construction of the walkway along Hop Brook. Both Chairman Cope and Selectman Drobinski stated they would like to review the final plan and architectural rendering before signing the permit. Mr. Drobinski pointed out that he believes the Town and the applicant have probably given all they can to come to a resolution. He continued that the Town has had the opportunity to work with the applicant, and in another instance this may not be true.

Safety Officer Ronald Conrado mentioned that the traffic at this particular section of Rte. 20 is never traveling very fast. Town Engineer Mr. Place added that there is going to be an upgrade of the traffic light at Concord Road and Rte. 20.

Mr. David Ader, an abutter, expressed that he would prefer to see a Dunkin Donuts locate in another part of Town and added that despite comments made regarding diminished traffic hazards as a result of altering the site plan, he believes that the traffic hazards will remain high. Mr. Drobinski responded that the Board shares his concerns and that is why there have been several discussions with the applicant.

Chairman Cope responded that she is not prepared to vote tonight and would like to see the final plan. Selectman Drobinski stated that the Board needs to let the applicant know that he will not be spending a lot of money to finalize the plan only to be turned down again by the Board. He added that the Board can spell out clearly what the conditions are and then feel comfortable about approving the site plan if the applicant meets the conditions.

Mr. Fox added also that this is not the final step because the final plan is always subject to the Board's approval. In addition, Mr. Fox stated that the Building Inspector will not issue a building permit unless the plan is approved--the Planning Board may suggest further changes. It is not unusual for a site plan to change once it has left the Board's jurisdiction and then come back with those changes, added Mr. Fox. Mr. Drobinski explained that the Board of Selectmen is negotiating for the Town now in this litigation without Town Counsel present and the other Town Boards are on the sidelines right now.

There was some discussion relative to other possible accesses for entering and exiting this site. Station Road was mentioned but it would mean crossing over Hop Brook. Mr. Drobinski explained that these other options have been examined thoroughly and that there is also the issue of accessing from one zone to another.

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Dr. Marinescue, who owns the professional building adjacent to this site asked how the change to the site plan eliminating the drive-through will affect the access to his building. Mr. Blacker reminded that Dr. Marinescue has been granted an easement for the ingress and egress to his building. Dr. Marinescue commented that he is concerned that the landscaping being proposed may interfere with the entrance to his building. Selectman Drobinski pointed out that the Design Review Board has to approve the landscape plan with a final approval from the Board of Selectmen and that this issue would be covered under condition #9.

In an effort to come to closure, Chairman Cope stated that the Board has addressed several issues and if they can all be resolved, they will have no choice but to sign the special permit. Mr. Fox suggested adding a clause to the final vote that says the Board will approve of the plan subject to submittal of a final site plan showing whatever the Board wants it to show. Mr. Drobinski stated he thinks the Board should discuss the issues further since the other two members have not had a chance to do so.

Selectman Blacker reminded the Board of the meeting where Selectmen Cope and Drobinski said they would be comfortable signing the site plan if certain conditions were satisfied and urged the Board to resolve this case. Mr. Drobinski agreed that the Board needs to give some direction now that they will approve.

Chairman Cope stated she would like to be assured that Dr. Marinescue's issues will be resolved with regard to ingress and egress to his building on the side of this site; the architecture is in keeping with the Town of Sudbury's wishes; and that Selectman Drobinski's restrictions are included with hers.

The inclusion of an additional condition and numbering it #26 was discussed which would include the submission of a site specific architectural rendering at the request of Chairman Cope. She mentioned other Dunkin Donuts located in Connecticut which were attractive and would like to see something along those same lines at this location.

Mr. Fox responded that typically the inclusion of an architectural rendering is sufficient and suggested meeting with the engineers to determine what changes should be included.

On the recommendation of Executive Secretary Thompson and on motion by Selectman Blacker, it was unanimously

VOTED: To revoke the Board's decision on this matter dated March 15, 1993 and to grant a Site Plan Special Permit to Constantine Scrivanos in accordance with Application No. 92-316, subject to approval by the Selectmen of a final plan amending plan submitted November 20, 1992, with this application entitled, "Site Plan of Land in Sudbury, Mass. prepared for: Dunkin Donuts Scale 1" = 20' Date: November 12, 1992", drawn by Schofield Brothers, Inc., for construction of a 26-seat retail Dunkin Donut shop at 378 Boston Post Road with the understanding that a drive-through window never be permitted at this location with this proposal (or any other one) and that the 26 seating capacity be similarly limited; the site plan is subject to compliance with all governmental laws and regulations including but not limited to, zoning, building and health laws and regulations, and further subject to the following conditions:

1. Compliance with the Conservation Commission Order of Conditions under the Wetlands Protection Act.

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2. Installation of the drainage system and detention basin, including traps, catch basins, and periodic maintenance and monitoring as required by the Town Engineer, including written report to Town Engineer.
3. Placement of all utilities underground;
4. Extension of Sudbury Water District Lines to the site by the owner; no drinking water wells to be installed on the site;
5. The grant of an earth removal permit by the Earth Removal Board, if applicable;
6. Approval of signs or advertising devices under applicable provisions of the Zoning Bylaw;
7. No storage or use of chemicals on site except in conformity with guidelines and requirements of the Board of Health and the Fire Chief and Conservation Commission's Order of Conditions; the owner or operator of the site shall comply with the Massachusetts Oil and Hazardous Materials Release Prevention and Response Act, M.G.L. Chapter 21E, as amended, and all regulations issued thereunder;
8. Final approval by the Selectmen of an accurate architectural rendering of the proposed building, showing the front, rear and side features as they will appear from the public way or private access;
9. Approval of the final landscaping plan by the Board of Selectmen after review by Design Review Board;
10. Exterior lighting to be directed away from adjacent residence and have shields;
11. No use of salt or chemical de-icers on site; no herbicides or pesticides in excess of quantities allowed by statute;
12. The grant by the owner to the Town of a restrictive covenant to run with the land, governing, restricting or prohibiting the following, which shall conform to requirements of the Board of Health, Town Engineer and/or Conservation Commission as appropriate:
  - (a) the disposal or removal of effluent and wastes generated on the site;
  - (b) the use of salt or chemical de-icers on site;
  - (c) the maintenance by the owner of one or more monitor wells on the site, including the Town's right of access for periodic testing and monitoring thereof, or another protective device, as may be required by the Board of Selectmen;
13. Submission of an "as built" site plan. Any change in the physical condition of the site, including changes in the location or design of structures or systems, following prior approval of the site plan, will require approval of the Board of Selectmen;
14. The drive-through window shown on the submitted plan will be eliminated;
15. No occupancy permit shall be issued until items 1 through 10 and 12 through 14 noted above are complied with;



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16. This Special Permit shall lapse if construction and a substantial use thereof have not commenced except for good cause within one (1) year from the effective date of said Permit;

17. Petitioner shall construct a paved walkway from the boundary with the Goodnow Library parking lot in the northeast corner of the property for about 100 feet to the parking lot shown on the aforementioned plan and provide access to the Goodnow Library by means of a gate in the fence;

18. Petitioner shall construct a separate walkway from Route 20 to the entrance of the Dunkin Donuts building;

19. Petitioner shall improve the existing walkway on the north side of Route 20 along the frontage of the property;

20. Petitioner shall give the Town a highway easement for the proposed Village Center in the specific location shown on the attached plan as "Proposed Rt. 20 By-Pass", if such Village Center comes into existence provided that the Town indemnifies petitioner and his successors from liability concerning the construction and use of same;

21. Petitioner shall give the Town an easement along Hop Brook for pedestrian purposes and build therein a six foot wide gravel walkway trail along said Brook from Route 20 to the rear of the property provided that the Town indemnifies petitioner and his successors from liability concerning the construction and use of same, and provided such construction does not require an additional filing with the Conservation Commission;

22. Petitioner shall plant evergreen hedges to block the easterly end of the parking lot from Route 20;

23. The residential zone in the rear of the property shall remain open space, with the exception of the future repair or replacement of the existing septic system, as long as that portion of the property remains residentially zoned;

24. Petitioner shall designate snow removal and storage area so snow will not end up being pushed directly into Hop Brook, the detention basin or melt onto Route 20;

25. Petitioner shall maintain the premises so as to eliminate litter from the premises and surrounding areas on a daily basis.

Goodman's Hill Road - Traffic Issues - Installation of Stop Signs

Present: Town Engineer I. William Place; Safety Officer Ronald B. Conrado; Police Chief Peter B. Lembo; Highway Surveyor Robert A. Noyes; approximately 20 Goodman's Hill area residents; Goodman's Hill spokesperson Pamela Anderson, and Concord resident Robert Costigan.

The Board acknowledged the following communications:

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1. Communication dated November 18, 1993, from Town Engineer I. William Place submitting and discussing the plan to improve the intersection at Concord Road and Goodman's Hill Road and commenting negatively on the placement of stop signs on Goodman's Hill Road at Brewster Road.

2. Communication dated December 2, 1993, from Pamela Skewes-Cox Anderson requesting an opportunity for the residents of the Goodman's Hill Road area to speak with the Board of Selectmen about their concerns of traffic safety.

3. Communication dated December 9, 1993, from Pamela Skewes-Cox Anderson outlining some major concerns that she and other residents share and would like the Selectmen to review.

4. Communication dated December 9, 1993, from Safety Officer Ronald B. Conrado stating that in consideration of all safety concerns, and in discussions with the Police Chief, he is strongly against putting stop signs on Goodman's Hill Road.

5. Communication dated January 10, 1994, from Fire Chief Michael C. Dunne expressing concerns regarding the response time of a fire engine or ambulance if forced to make several stops along Goodman's Hill Road. He particularly is not in favor of the stop sign proposed at Old Lancaster Road.

Ms. Anderson informed that she and other Goodman's Hill area residents are present tonight to discuss the issue of stop signs and asked whether the Board of Selectmen would be voting on whether or not to approve placement of the stop signs being proposed.

Selectman Drobinski responded that the Board would most likely make a decision one way or another.

Ms. Anderson began her remarks by stating that recent data from the Town Engineer indicated that site distances were failed at the intersection of Brewster Road at Goodman's Hill Road at speeds of 37 1/2 mph or greater. She explained that this means that any car traveling at distances of 37 1/2 mph or greater down Goodman's Hill Road toward Concord Road poses a risk to the cars turning out of Brewster Road onto Goodman's Hill Road.

The placement of a stop sign in the middle of Conant Road in Concord without an intersecting street was pointed out by Ms. Anderson. This is an example of an "unusual circumstance" which she believes exists at the Brewster Road and Nashoba Road intersections. She claimed that the use of this stop sign in Concord successfully cleared up the problems with speeding and unsafe conditions.

Numerous safety issues were noted by Ms. Anderson: 1) Safety of drivers at intersections and at certain points along the road; 2) Safety of walkers both crossing the road and alongside of it; 3) Safety of cyclists, and 4) Safety of children. It is the belief of the area residents that stop signs make roads safer, thus their petition with 135 names of individuals who have verified that the road is unsafe at the present time. Eighty petitioners have requested stop signs, not just at one location, but three. With regard to the opposition saying stop signs are inconvenient, Ms. Anderson remarked that it is a small price to pay for safety.

In response to those who may believe that stop signs cause accidents, Ms. Anderson cited locations in Newton and West Concord where three-way stop signs exist and reported that no accidents have occurred, specifically rear-enders. To the extent that the arguments stating that the intersections of Brewster Road and

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Nashoba Road do not meet the criteria of warrants, Ms. Anderson stated that this is not true because they both fall well within the boundary of the Manual of Uniform Traffic Control Devices (M.U.T.C.D.) jargon-- "restricted view, high speed, where safety considerations may justify stopping vs. greater flow of traffic, etc." The realistic speed must be considered and not the posted speed, added Ms. Anderson.

The potential for an accident to happen is very great, noted Ms. Anderson, who pointed out that most citations given out are for 40 mph or over. She added that this is not an overblown or over-stated problem because of the number of petitioners and the number of homes on Goodman's Hill Road. She explained that this is the second major petition to be brought before the Board. The previous one, in the 1970's, proposed speed bumps to reduce the speed. She asked the Board to use the same set of criteria that they used in approving the stop signs at Peakham and Old Lancaster and Horse Pond, and Marlboro and Morse Roads--all safety issues, and one particularly for walking school children.

If the Board should postpone making a decision, if they accept only one location, or if they reject stop signs at both locations, Ms. Anderson stated that the residents would like a written response from the Board stating specific reasons for the delay and/or denying the stop signs and to receive it within the next two weeks so that the residents can respond at the next Selectmen's meeting on January 24, 1994.

If the Board approves one or both stop signs, the residents request the Highway Department to proceed immediately with the placement of a large visible temporary sign at each end of Goodman's Hill Road stating that stop signs will be put in place, and keep these temporary signs in place for a minimum of three months.

Mr. Robert Costigan from Concord who had accompanied the residents to the meeting tonight because of his strong belief that stop signs can and do help to slow traffic down and create safer conditions, told the Board of his successful efforts in working with Concord Town officials and organizing his neighborhood to realize the installation of a stop sign on Conant Road--a through street with very heavy traffic.

Mr. Farouk Baxter, 23 Pilgrims Path, opposed the stop signs being proposed because he does not think there is a strong rationale for doing it. Placing stop signs everywhere will not make the roads safer, he added. He believes they should not be installed based on emotional reasons.

Town Engineer I. William Place responded that with regard to safety at the different intersections on Goodman's Hill Road, Brewster Road, northbound, was the only one in question because it failed the site distance at speeds of 37 1/2 mph or better. Mr. Place reviewed the reasons and the approvals of other intersections in Town where stop signs have been recently installed.

Robert Gottberg, 89 Mossman Road, remarked that placing the stop signs where proposed could start a very dangerous precedent in Town, and added that stop signs should not be used to regulate speed.

Patricia LeBlanc, 238 Goodman's Hill Road, mentioned the skid marks that exist on the curbing, which suggests cars traveling too fast for such a narrow road.

Safety Officer Ronald Conrado opposed placement of the stop signs for the following reasons:

- 1) No accident data
- 2) Different reasons for different streets in the placement of stop signs

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- 3) Police enforcement is good
- 4) Stop signs here will create a dangerous precedent

Mark C. Molitor, 284 Concord Road, commented that the prevailing speed is much faster than the posted speed, and the volume of traffic is very heavy because it is a cut-through street. He believes the only options left are the stop signs.

Selectman Blacker asked, if the residents of Goodman's Hill Road think this street is so dangerous, why in 26 years has there not been an accident, and no data. Selectman Drobinski informed that a few years ago, the residents came to the Planning Board requesting walkways, which were constructed in 1985. Some portions of the walkway are very close to the road because residents did not grant greater easements. Goodman's Hill Road has always been patrolled, added Mr. Drobinski, who said he made some test runs and stops at the proposed sites. He concluded that people will slow down at the stop sign areas proposed, but enforcement will still be needed for other areas. Mr. Drobinski questioned what exactly the residents were most concerned about--the speed limit, narrowness of the road, safety of the pedestrians, or the walkway. Ms. Anderson responded that safety is the issue.

Chairman Cope asked if Highway Surveyor Robert Noyes had plans to correct the icing conditions that frequently occur at the intersection of Old Lancaster and Goodman's Hill Road. He responded he had no immediate plans to upgrade this area, and that the water table changes every year which makes it difficult to correct. With regard to the stop signs, Mr. Noyes stated that the Board would have to reserve more time on their agenda for other proposed stop signs on other roads, and that they are a big expense.

Chairman Cope stated she would be in favor of trying a three-way stop sign at Brewster Road for a period of time. Mr. Blacker commented that putting a stop sign at Brewster Road does not pass the common sense test because of a short distance that exists between Concord Road and Brewster Road; and then a long open expansive distance to Nashoba Road. He does not understand how a stop sign will slow traffic down along the majority of Goodman's Hill Road.

Selectman Drobinski remarked that he was originally going to agree to a stop sign at Brewster Road for a temporary period, but concluded after driving the area for several hours that he does not think it is a good place for a stop sign.

Chairman Cope made a motion to try a three-way stop sign at Brewster Road and Goodman's Hill Road for a period of six months. Chairman Cope's motion did not receive a second.

Based on recommendations received from the Safety Officer and the Town Engineer and discussion this evening, the Board decided to take no action to approve any stop signs at the proposed locations. Chairman Cope thanked all for attending and promised a copy of the minutes to Ms. Anderson.

Joint Meeting with Town Treasurer and Collector - Annual Report and Audit of Town Trust Funds

Present: Town Treasurer and Collector Mary Ellen Normen Dunn; Goodnow Library Trustees Ivan H. Lubash, Kenneth L. Ritchie, Hans J. Lopater, Howard N. Goldsmith; Library Director William R. Talentino; Investment Advisory Committee members Kenneth L. Ritchie and David S. Pettit, and Finance Committee member Karen Palmer.

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Mary Ellen Normen Dunn reported that the Town auditor, Asadoorian, Barbo, & Company, is in the process of finishing with the Trust Funds and will be signing the audit. She noted that, in 1992, the Trust Funds had a number of non-performing stocks and an amount of Trust Fund money was placed in the general cash account, primarily the perpetual care fund, and income has been accruing over the years. The Investment Advisory Committee (IAC) was formed to help the Town with divestment of stocks and review of what was there. Independently, Ms. Dunn hired an investment manager in November, 1992 due to perpetual care money in the Town Trust funds, high volume of cash that was idle and because of the drop in interest rates.

She met with the IAC in June to brief them, but has not met with them since because she thought it would be better to meet with everyone after the audit had been completed.

Mr. David Pettit explained that the IAC had agreed to meet at least quarterly to review performance of investments and provide suggestions. According to Mr. Pettit, it was unclear as to what the original purpose of the Committee was. At this time, the Committee would like to know if their services will be needed.

Ms. Dunn responded that she would like to discuss the history, the accounting changes that have been made, investment performance and then the future of Trust investments which relates directly to the IAC. With regard to accounting changes, Ms. Dunn stated that, in the past, most all income went into a trust fund account with some going into the Town's general cash account as well. The income was not always reinvested into a higher grade instrument, and charges against the trust funds were made directly against the trust funds.

The separation of the Trust Funds from the Town funds is one of the changes being made and will allow for funds to be transferred monthly. In addition, the Trustees of Town Donations will make an authorization annually to reinvest the income received in the funds for the year. On the recommendation of the Town auditor, the Trust Funds will be pooled. Each fund will represent a certain percentage of the whole, thus receiving that percentage of income from the pooled investments. Ms. Dunn added that this action reduces the risk because it is spread among the different trust funds.

In reference to Ms. Dunn's report and her investment performance figures noted, Selectman Blacker asked that she include both the book value as well as the market value in order to show the return on investments. He asked if the Library Trust Fund has enough funds to justify a separate fund. Mr. Pettit responded that the amount of money is sufficient, but administratively it is probably not justified. Mr. Lubash noted that the high school established their own fund some years ago. He asked since the Goodnow Library now has its own Foundation for long-term investment, could they use the precedent of the high school's actions to accomplish setting up their own fund. Secretary Thompson advised the Library Trustees to ask Library Director, William Talantino, to meet with Town Counsel to discuss this possibility.

Selectman Blacker reviewed with Ms. Dunn the updated Investment Performance sheet that she presented to the Board tonight. It was clarified that capital gains were treated as principal and income from investments was treated as income.

With regard to the Town Trust Funds FY93 Investment Portfolio, Selectman Blacker commented that the information included on the sheet should be expanded to include: 1) cost of investment, 2) estimated income, and 3) value to date. He offered that this may very well become a function of the IAC.

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Ms. Dunn responded by saying that she believes everyone is in agreement with regard to the expertise such a committee can offer the Town and suggested the following two options:

1. Continue with the manager hired by her or have one chosen by the IAC;
2. Declare a self-management situation whereby the members of the IAC take on more responsibilities, and she will have to depend on them much more.

She added that she can see the IAC interactive in either option--and now needs some direction as to which way to go.

David Pettit mentioned that a professional manager will cost the Town money that could otherwise be invested. He believes there is an ample supply of professional people in Town to be able to perform these services. Town residents would have more interest in what is best for the Town and would be more responsive to the needs of the Town and the wishes of those in Town. Ms. Dunn stated that if the decision is for the IAC to perform this service, they would have to meet more frequently than quarterly--most likely monthly.

Finance Committee member Karen Palmer concurred with Mr. Pettit's remarks that the Town will benefit more from managing its own funds, and believes there are excellent people in Town who can do this.

Ms. Dunn noted that there are confirmed balances in each trust fund account. She added that two votes will have to be taken to allow the Trustees to vote on authorizations for FY94 and FY95. Secretary Thompson asked that Ms. Dunn write separate memos for the votes needed to accomplish this change for the agenda of January 24, 1994. Ms. Dunn agreed.

Town Management Study Steering Committee - Joint Meeting

Present: L. William Katz, Kathleen C. Precourt, and Finance Committee member Karen Palmer.

The Board met jointly with the Management Study Steering Committee to discuss several issues relative to Town Meeting action. Chairman Cope asked if the Committee had discussed the issue of increasing the number of Selectmen to five. She stated that the sentiment in Town seems to be to leave it at three.

Mr. Katz responded that the Committee plans to call the several towns that have five Selectmen to determine if this might be a good direction to go in Sudbury. Selectman Blacker stated he is in favor of moving along with the process of implementing parts of the report. He does not believe there is a chance to get consensus of what was in the MMA report before town meeting. The only way to make it happen is through an education process. Mr. Blacker added that he does not believe the issues can be debated at town meeting, in particular the issues relating to the change of currently elected officials to appointed officials. In addition, in order to bring about the changes reflected in the report, many issues have to be implemented at the same time--not in pieces, and Mr. Blacker does not believe it can wait another year for fear that it will become history.

Mr. Katz commented that the issues involved are very difficult to deal with in such a short period of time, and his recommendation is that all issues be put on the ballot. The Committee discussed forming a rather large "Blue Ribbon" Committee to accomplish getting the issues on the ballot. The committee might

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consist of different corporation executives, and of people who speak at town meeting often. In any case, it should consist of both people who have and have not been involved in town meeting, added Mr. Katz. The committee will then be educated and publicized that their function will be to educate the residents in Town in the months of February and March.

Karen Palmer, speaking for herself and Michael Fitzgerald as members of the Finance Committee, made the following remarks: (1) With good strong leadership behind this effort, much can be accomplished with information sharing; (2) From the financial perspective, the Finance Committee is very concerned about the ever-escalating operating budget. To adopt this form of government proposed in the MMA Study should result in substantial savings for the Town; and (3) There is always the possibility of a special town meeting in the fall, should some of the objectives in accomplishing the educating, etc. not become realized.

Mr. Patrick Delaney, member of the Board of Appeals, commented that there may be a difficult time for the proposed committee to come to consensus because of their differences in perspectives relative to how town government is run vs. a corporate atmosphere.

Mr. Katz remarked that the process for adopting a new form of government will most likely take around two years because of the time needed for the legislature to approve it and his understanding that the elected officials will be allowed to serve their terms. He has no desire for a referendum, but does not know what needs to be done from a legal point of view. He noted that Town Counsel was going to research the issues and report back to him. Mr. Thompson said the Selectmen have asked Town Counsel to draft a referendum.

With regard to organizing the committee, Mr. Katz stated the Steering Committee is reviewing several persons to ask to serve on this committee, and added that it should include some Town officials, even one or two Selectmen.

Chairman Cope expressed the need to make copies of the MMA study report available and to publicize the fact that it is available for review.

Mr. Katz mentioned that the MMA study report includes several recommendations, all of which will not need to be voted on at town meeting, but will need to be implemented by those responsible and be asked to report on progress. Ms. Precourt suggested that perhaps a mechanism needs to be put in place to implement them.

Selectman Drobinski remarked that throughout the process, the need to focus on residents' feelings and thoughts relative to weighing all the options is important.

In conclusion, the cost for publicizing this action was mentioned, and the possibility of obtaining some funds from The Sudbury Foundation was suggested by Secretary Thompson. In determining how to begin recruiting people for this special committee, it was suggested that it begin with a personal invitation, with the hope that the names can be presented to the Board of Selectmen at their next meeting scheduled for January 24, 1994.

Concerning the discussion on how to proceed and what needs to be done from a legal point of view, it was later learned by the Board from Town Counsel Paul Kenny that a referendum question will be necessary as it is required by the legislature.

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Massachusetts Municipal Association - Annual Business Meeting

The Board acknowledged a communication dated December 13, 1993 from the Massachusetts Municipal Association announcing that their Annual Business Meeting will be taking place during the MMA Annual Meeting and Trade Show on January 29, 1994 at the Boston Marriott-Copley Place.

Selectman Drobinski offered to attend the meeting since his Company will be represented at the Trade Show.

It was on motion unanimously

VOTED: To designate Selectman John C. Drobinski as the official voting representative at the MMA Annual Business Meeting of January 29, 1994.

Curtis Middle School - Fund Raiser - Can and Bottle Drive

The Board acknowledged a communication dated December 28, 1993, from Christine Thompson on behalf of the Walker/Walsh/Eppling sixth grade class at Curtis Middle School to Landfill Agent Robert A. Noyes, requesting permission to conduct a can and bottle drive to raise funds to attend Nature's Classroom located on Cape Cod this May, with one collection site located at the Landfill.

In response, Landfill Agent Robert Noyes stated in a communication dated December 29, 1993, the can and bottle drive would be in conflict with the Landfill's operation as an enterprise fund, and asked the Selectmen to formulate a policy on such requests.

An additional communication was received from Christine Thompson, dated January 7, 1993, as a follow-up, requesting the Board's permission to allow a pick-up truck in the parking lot beside Town Hall for the collection of the bottles and cans, as a substitute to the landfill location.

On motion by Chairman Cope, it was unanimously

VOTED: To grant the request of the Walker/Walsh/Eppling sixth grade team at Curtis Middle School to conduct a fund-raising event for the collection of cans and bottles, with the placement of one pick-up truck (owned by one of the participating families) in the parking lot beside the Town Hall on the following proposed dates: January 22 or (29), February 12, March 5 and 19, and April 9 and 30 between the hours of 10:00 a.m. and 12:00 p.m.

Annual Town Meeting - Street Acceptances

Secretary Thompson reported that additional information was received which the Selectmen have not had time to review. On the recommendation of Secretary Thompson, it was on motion unanimously

VOTED: To table discussion of Street Acceptances for 1994 Annual Town Meeting until the Board of Selectmen's meeting scheduled for January 24, 1994.

Dudley Road - Traffic Issues



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The Board acknowledged receipt of a communication dated December 15, 1993, from Valerie Papas, on behalf of the Friends of Dudley Road, suggesting an alternative to the No Right Turn from Rt. 20. The alternative proposed is the installation of a sign on Rt. 20 facing east and west stating that there would be no access to Nobscot Road from Dudley Road and another sign at the end of Dudley Road prohibiting right turns onto Nobscot.

The Board acknowledged receipt of two responses to Ms. Papas's suggestion. The first one from Town Engineer I. William Place reviews the Massachusetts Law, the legal enforcement procedures, and points out the fact that there are no one-way streets in Sudbury. The second response from Safety Officer Ronald Conrado, dated January 3, 1994, suggests that the alternative proposed will have minimal effect on the speed of the vehicles and opines the proposal would create more safety problems than it solves.

On motion by Chairman Cope, it was unanimously

VOTED: To concur with Town Engineer I. William Place and Safety Officer Ronald B. Conrado, that the suggested alternative stated above is not a viable alternative to solving the traffic issues stated by The Friends of Dudley Road.

Annual Town Meeting - Articles

On the recommendation of Executive Secretary Thompson, it was on motion unanimously  
VOTED: To approve the following two articles sponsored by the Board of Selectmen:

- 1) Voting Equipment Purchase
- 2) Special Act: Establish Board of Selectmen-Town Manager Administration

And it was further

VOTED: To accept articles (62) received under the January 3, 1994, deadline for the 1993 Annual Town Meeting Warrant, with the stipulation that before signing the warrant the Selectmen could withdraw one or more of its articles, and it was further

VOTED: To refer all zoning amendment articles to the Planning Board for its hearings and reports in accordance with M.G.L. ch.40A, s.5.

Secretary Thompson informed that two petition articles may be added to the Warrant relative to 1) early retirement for the Town and school administration, and 2) Flynn Building renovations.

Highway Department - Deficit Spending

In response to a communication dated January 10, 1994, from Highway Surveyor Robert A. Noyes, it was on motion unanimously

VOTED: To approve deficit spending for snow and ice materials, and snow and ice contract plowing and snow materials.

Fire Department - Annual Report

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The Board acknowledged receipt of a report dated January 5, 1994, from Fire Chief Michael C. Dunne, outlining the activities of the Fire Department in FY 1993, and the costs incurred for keeping Firefighter James Jackson on the payroll from his accident date of March 6, 1992 until his retirement on September 3, 1993.

Unisys

Selectman Drobinski said he had questions about the latest Unisys Escrow Account payment, and would follow up with Town Counsel.

There being no further business, the meeting was adjourned at 11:30 p.m.

Attest: \_\_\_\_\_  
Richard E. Thompson  
Executive Secretary-Clerk