

IN BOARD OF SELECTMEN
MONDAY, AUGUST 8, 1994

Present: Chairman Lawrence L. Blacker, and John C. Drobinski. Selectman Maryann K. Clark was absent due to vacation.

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

Utility Petition #94-13 - Pantry Road

Present: Joseph Bausk, New England Telephone and Telegraph Company, and George and Philip Sharkey, 16 Haynes Road.

The Board convened a public hearing to consider Utility Petition #94-13 of Boston Edison Company and New England Telephone and Telegraph Company for permission to install two hip guys and anchors on Pantry Road.

Secretary Thompson informed that all appropriate abutters had been notified. (Verbal approval was received from the Inspector of Buildings and Wiring under date of August 8, 1994.)

Mr. George Sharkey informed that their family reached an agreement with Boston Edison Company and New England Telephone and Telegraph to install sidewalk cables and also to remove the tree that had the wires on it and to grind the stump.

Mr. Sharkey asked why the transformer was located on the same side of the street as the wires on the poles since the poles are so strained as to require guy lines. Mr. Bausk stated that Mr. Sharkey will need to talk with Boston Edison to obtain an answer.

It was on motion unanimously

VOTED: To approve Utility Petition #93-14 from New England Telephone and Telegraph Company and Boston Edison Company for permission to install two hip guys and anchors, shown on Boston Edison Company "Plan of Pantry Rd. - Sudbury, dated June 30, 1994, along and across the following public way or ways of the Town:

Pantry Road - westerly side approximately 135 feet north of
Haynes Road (pole 31/8)
One (1) Hip Guy and Anchor;

Pantry Road - westerly side approximately 535 feet north of
Haynes Road (pole 31/12)
One (1) Hip Guy and Anchor.

Minutes

It was on motion unanimously

VOTED: To approve the regular session minutes of July 25, 1994, subject to concurrence by Selectman Clark.

Council on Aging Donation

It was on motion unanimously

VOTED: To accept \$109.14 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.

D.A.R.E. Donations

In response to a communication dated August 1, 1994 from D.A.R.E. Officer Ronald B. Conrado, it was on motion unanimously

VOTED: To accept with thanks two donations to be deposited into the D.A.R.E. Donation Account and expended under the direction of the Police Chief as follows:

- a. \$500 from the Curtis Parent Organization
- b. \$110 from the collection bottle at Kappy's Liquors

State Primary - September 20, 1994

At the request of Town Clerk, Jean M. MacKenzie, in a communication dated August 5, 1994, it was on motion unanimously

VOTED: To set the time and place of the polls for the State Primary Election at 7:00 AM to 8:00 PM on September 20, 1994, in the Fairbank Facility Gym for precincts 1 & 2, and in the Loring School Gym for precincts 3 & 4 in accordance with Chapter 53§42.

And it was further,

VOTED: To approve the use of the Town Hall for a special voter registration session for the September 20, 1994 State Primary (G.L. Ch. 51§28; Ch. 53§24) on August 23, 1994, from 9 AM to 10 PM; and a special voter registration session for the November 8, 1994 Biennial Election on October 11, 1994 from 9 AM to 10 PM (G.L. Ch. 51§29A).

Permanent Building Committee - Resignation

It was on motion unanimously

VOTED: To accept the resignation dated July 20, 1994, from Warren E. Boyce from the Permanent Building Committee, and to send a letter of thanks for his service on the same.

15 Union Avenue - Site Plan Amendment

The Board acknowledged receipt of the following:

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1. Communication dated July 28, 1994 from Building Inspector Jack Hepting responding to Bruce L. Ey's communication regarding the site at 15 Union Avenue, and stating his concurrence with Mr. Ey's recommendation regarding the parking striping and the suggestion of an amendment to the original site plan dated August 16, 1977.

2. Communication dated July 20, 1994, from Senior Vice President Bruce L. Ey, Schofield Brothers to Building Inspector John B. Hepting, discussing the existing plan and the parking plan which is proposed as an amendment to the existing site plan.

3. Communication dated July 25, 1994, from Senior Vice President, Bruce L. Ey, Schofield Brothers to the Board of Selectmen, explaining the proposed use and a plan that indicates adequate parking.

4. An amended site plan, revised June 30, 1994, delineating parking spaces for the mixed-use site at 15 Union Avenue.

Selectman Drobinski asked that the question of the adequacy of the landscaping under the Bylaws in relation to the number of parking spaces be looked into. (Later, upon review of the zoning bylaw requirements, it was learned from the zoning agent, John B. Hepting, that the forty (40) parking spaces would not require further landscaping; nonetheless, the Selectmen request that the applicant give consideration to additional plantings and landscaping to screen and enhance the parking area.)

It was on motion unanimously

VOTED: To accept an amendment to a site plan for 15 Union Avenue, to provide for the delineation of parking spaces, as shown on a plan entitled, "Parking Plan, Amendment to Site Plan Approved 8/16/77 by the Sudbury Selectmen", Applicant: Mr. Dan Marinelli, 861 Edgell Road, Framingham, dated June 30, 1994, drawn by Schofield Brothers of New England, Inc.

Reserve Fund Transfer Request No. 95-04

It was on motion unanimously

VOTED: To approve Reserve Fund Transfer Request No. 95-04, dated July 27, 1994, in the amount of \$1075.00 for Selectmen Contracted Services Account to add to a previous transfer to pay for environmental services relative to the Town Hall oil leak.

Police Department Mutual Aid Agreement with the Town of Lincoln

Upon review and on the recommendation of Police Chief Peter B. Lembo, it was on motion unanimously

VOTED: To approve and sign a Police Department Mutual Aid Agreement with the Town of Lincoln, as recommended by the Police Chief in a memo dated July 21, 1994.

Department of Personnel Administration - Permanent Fulltime Police Officers

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In response to a request dated August 1, 1994, from Police Chief Peter B. Lembo, it was on motion unanimously

VOTED: To authorize the Executive Secretary to file a requisition with the Commonwealth of Massachusetts Department of Personnel Administration for appointment from Sudbury's Reserve List of two Permanent Full-time Police Officers to fill the vacancies left by Allan C. Houghton and Laura J. Zacone; and to further authorize the Executive Secretary to sign all documents related thereto.

State Primary and State Election - Sale of Alcoholic Beverages

It was on motion unanimously

VOTED: To allow the sale of alcoholic beverages by common victuallers and retail package stores during the polling hours of the State Primary on September 20, 1994, and the State Election on November 8, 1994.

Special Town Meeting - Schedule

Upon review of optional schedules for a possible Special Town Meeting, drafted by the Selectmen's office, dated August 2, 1994, it was on motion unanimously

VOTED: To approve the stated schedule to hold a Special Town Meeting on October 17, 1994.

Boston Daily Bread of Sudbury, Inc., Star Market Plaza

Present: Scott A. Sobel

The Board reviewed the application of Scott A. Sobel, d/b/a Boston Daily Bread, dated August 1, 1994, for a Common Victualler License and an Entertainment License for background music.

It was noted that the Building Inspector verbally stated on August 3, 1994 that he has no problem with the application and Health Director Robert C. Leupold also verbally stated on August 5, 1994 that he had no concerns.

It was on motion unanimously

VOTED: To approve the application of Scott A. Sobel, d/b/a Boston Daily Bread, dated August 1, 1994, for a Common Victualler License and an Entertainment License for background music Monday thru Saturday, 8:00 a.m. - 7:00 p.m., for location at Star Market Plaza, Boston Post Road.

Sudbury River - Fish Contamination

Selectman Drobinski reported he attended an Environmental Protection Agency (EPA) meeting to discuss the Sudbury River. The EPA is worried that there are not adequate signs warning people that eating the fish out of the River is unhealthy, and is concerned on how to alert people of this fact.

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Mr. Drobinski commented that you cannot tell people not to fish in the River. Another meeting is being scheduled, added Mr. Drobinski, who would like to see the Board of Health and the Conservation Commission become involved with this concern.

Nixon School Construction

Mr. Drobinski reported that residents around Nixon School are concerned about the increased size of the school and the parking and how it will impact the neighborhood. It was noted that the School Committee will need to keep the neighborhood informed and be available and open to discuss their concerns.

Howell Road - Parking Ban

Present: Approximately 25 area residents.

The Board convened a meeting at 8:00 p.m. tonight with area residents of Howell Road to discuss the request by area residents that the parking ban which was passed by the Board on March 30, 1994, be rescinded.

The Board acknowledged receipt of a communication, dated July 12, 1994, from Bruce M. Cook, 12 Howell Road, representing the area residents, requesting that the Board rescind the parking restrictions from Howell Road. In addition to Mr. Cook, the communication was signed by eight area residents.

It was noted that at this time the parking ban is not being enforced by order of the Board of Selectmen's office to the Police Department on July 21, 1994.

Chairman Blacker explained the events that took place leading up to tonight's meeting, stating that the Selectmen acted on information they had received to place a parking ban in the area in March. He thanked those present for coming and expressed that he hopes the problem will be resolved tonight.

Secretary Thompson stated that the Town thought the residents had arrived at a consensus of opinion in favor of the parking ban, but has since learned, via the petition presented on July 12, 1994, that the residents oppose it. The Selectmen want to abide by the wishes of the residents and reach a solution in their best interests, he continued.

Jon Perlman, 57 Robbins Road, explained that the families in the area complained about the on-street parking by the employees and visitors to SPEC and the numerous deliveries being made by trucks at the rear of this facility. As a result, he added, the Town Engineer made the decision to resolve the problem by suggesting a parking ban and having the Selectmen pass it. He said the parking ban was not the idea of the residents. He continued that these traffic and parking problems have been a long-standing concern to the residents since the access road at the joining of Howell and Robbins Road was allowed to be paved. More and more truck deliveries by SPEC and more and more SPEC employees parking have occurred in the neighborhood. He stated he believes the easiest solution might be to seal off the access road that leads to the rear of the facility.

Mr. Blacker stated it might solve the problem of the trucks, but will not solve the parking problems.

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Mr. Douglas Siegel, 26 Howell Road, informed that not everyone wants to get rid of the parking ban and the signs; however, he said that no one asked for the parking ban in the first place. He has all the letters and the correspondence from the Town Engineer which indicated that the parking ban was not at the urging of the residents. He reiterated the concerns that cars are parked in fire lanes and delivery trucks are using residential roads, very narrow roads, to access the rear of SPEC for deliveries. He concluded that most residents would like to see the back entrance to SPEC blocked off to eliminate delivery trucks from being parked there.

Upon review of a map of the area, it was noted that a private way, Robbins Road, exists off Horse Pond Road. This road is not a paved road and only accessible in dry weather. There was some discussion on the use of this road and who might have jurisdiction over it. It was noted that half of the road would belong to SPEC and the other half to the property owners across the street. The Town would have no jurisdiction over it. Mr. Blacker commented that he is not sure the Town has the authority to do anything other than to limit the size of trucks even over a public way. He added that Town Counsel would have to advise regarding the blocking of a public way.

Patrice Cistulli, 21 Howell Road, asked if the State had authority over the roads in Sudbury. Mr. Thompson responded that the Selectmen now can approve stop signs, but speed limits and other traffic controls have to be approved by the State.

Secretary Thompson informed that the Town has met with SPEC to have all deliveries made from Rt. 20 or Horse Pond Road. The Town was informed that SPEC was going to expand the adjacent property which they acquired in order to enlarge the parking area and to improve access, but they have not yet done so.

Arthur Doty, 24 Robbins Road, remarked that often there is a back-up of delivery vehicles waiting to enter the facility in the rear. This causes congestion and develops into a safety concern, which has prevented residents from exiting their own premises.

Bruce Cook, 12 Howell Road, commented that the State sets a lot of limitations, and while commercial vehicles may not be able to be restricted, the size of the vehicle may be. Mr. Thompson responded in the affirmative and added that SPEC has some major problems to work out regarding zoning and conforming to bylaws.

David Betz, 41 Robbins Road, opined that the commercial property is adversely affecting the residential properties. He said the issue is between the residents and SPEC, and was surprised not to see a representative of SPEC present at the meeting tonight, which might indicate that SPEC is not concerned about what its neighbors think. He added he does not like the parking ban, but that it is only part of the issue.

Mr. Thompson informed that SPEC has certain rights also, and that there are commercial zoned properties in Sudbury that need to be recognized as part of the whole community.

Chairman Blacker suggested the use of parking stickers which would indicate which cars belong to residents.

Chinney Bacus, 20 Howell Road, informed that friends of her sons were ticketed within two minutes of parking on the street in front of her house, and expressed that she is not in favor of the parking ban.

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Mr. Blacker opined that it is difficult for the police to know which cars belong to whom without some sort of identification and added that the Board is open to suggestions from the residents to find an appropriate solution.

Bruce Cook, 12 Howell Road, asked about requests for permits and the restrictions attached to permits, related to expanding beyond what an original site plan allows, such as sufficient parking spaces for expanding the number of persons working at that facility. He asked if it were possible to revoke permits. Mr. Blacker responded that the permits were not issued by the Selectmen; however, parking is supposed to happen on the premises of the site.

Mr. Cook suggested that a solution may be to examine the "location" of the parking. Ms. Elizabeth Mudie, 26 Howell Road, said she sometimes cannot even get her mail because of the parked vehicles, but has not had the problem since the parking ban signs were installed. Mr. Blacker asked if the residents affected would be in favor of continuing a parking ban in front of the houses that are most affected.

Mr. Siegel stated he believes the problem is a systems problem and that it cannot be patched. He continued that SPEC has expanded to require more deliveries and more parking. The deliveries cannot now be made from Rt. 20. He asked how pressure could be put on SPEC to expand their parking facilities in front and close off the back parking area.

Barbara Wilson, 10 Wilshire Street, asked about the limitations on the access road now versus when it was first put through to access only the Day Care Center. She questioned if there are grounds now to close the road because of neighborhood concerns. Mr. Blacker stated that the Town has all of those past records and restrictions and they can be reviewed.

Mr. Cook stated he would like to see a parking ban only in certain areas. Mr. Doty stated that if you limit the ban to only certain areas, the other areas might experience parking on both sides of the road, which would mean even less space for a school bus, etc. He said he believes in some sort of restrictions.

Selectman Drobinski suggested that the signs be left alone for right now, but not enforced while the issue of blocking off the street is researched.

Patrice Cistulli commented that the trucks speed down Howell Road, and she would like to see the street monitored for speeders. Mr. Blacker stated that the Police Department will be notified and asked to monitor the area.

Barbara Cook, 12 Howell Road, asked if the Day Care Center was part of the original nursing home or if it had been grandfathered. Mr. Drobinski commented that there was probably a hearing whereby their parking requirements were met at that time. He added that people are parking in the rear of this facility because it is easier access; however, he continued that there is a ratio between square footage and the use of a facility and the number of parking spaces required. A certain number is required by law. With regard to drop off parking, the Board will have to check into that.

Mr. Douglas Siegel mentioned environmental issues that impact the area as a result of the expansion by SPEC. He said the nature of the business results in more and more people coming and going. In addition, heavy truck traffic impacts the life of the roads which were not constructed to handle it.

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It was noted by Chairman Blacker that SPEC is located in a zone where its uses are allowed. He proposed the following solutions:

1. The parking ban signs will remain for now.
2. The parking ban will not be enforced for now, and the residents will be notified when and if they will be enforced.
3. The Town will investigate the possibility of limiting trucks over a certain size in the area.
4. The Town will investigate what has to be done to enable the Town to block off SPEC's access drive at the end of the private way.
5. The Town will check on the parking requirements based on the use of the facility.
6. The Police Department will monitor the speeding traffic in the area.

Mr. Blacker expressed that he would hope to have some answers by the Board's next meeting scheduled for August 22, 1994, but to check with the office prior to that date to determine if it will be on the Board's agenda. Mr. Thompson stated that realistically the Board will most likely not be able to respond to all of these possible solutions until the middle of September.

Mr. Kenneth Berton, 24 Stone Road, requested a "No Parking" sign be moved from the middle of his front lawn further east onto a section of his property that abuts town property, placing sign in front of the telephone pole near the two mailboxes.

In order to keep the residents apprised of the Board's efforts to work out solutions to their concerns, the following two persons have been designated as spokespersons for the area residents:

Bruce Cook	12 Howell Road
Douglas Siegel	26 Howell Road

Performance Review - Budget and Personnel Officer Terri Ackerman

Present: Budget and Personnel Officer Terri Ackerman.

The Board was in receipt of a performance report, dated June 29, 1994, from Ms. Ackerman concerning her Annual Performance Review.

Chairman Blacker commented that he thinks Ms. Ackerman has a good chance of meeting her goals this year, and added that she has been most helpful.

Selectman Drobinski remarked that he is glad she is here and believes she works very hard and is very concerned about the financial well-being of the Town. Mr. Drobinski added that he believes Ms. Ackerman gives good advice in all areas.

Ms. Ackerman asked the Board to comment on her recommendations regarding health insurance. She said there were still some items to work out, such as reporting, etc. Chairman Blacker responded that he does not know enough about the issues to comment, but would be willing to attend a meeting where the issues were brought out and discussed.

Ms. Ackerman informed that she has set up monthly meetings (2nd Wednesday of each month) to meet with Art Bomengen, Mary Ellen Normen Dunn, Sue Peterson, herself and if needed Town Counsel and

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James Vanar. She explained the purpose of these meetings will be to ensure regular reporting, continued communication, evaluation of the program.

When asked by Mr. Blacker when the next meeting would take place, Ms. Ackerman informed that it would be this Wednesday, August 10, 1994 at 10:00 a.m. at the Loring Parsonage. Mr. Blacker stated that there was a very good possibility that he could attend.

Finance Committee Chairman, Karen Palmer commented that Ms. Ackerman holds a very unique matrix situation. She provides the Finance Committee with a wealth of information and gives an historic perspective on issues that are very valuable in terms of what the Committee deals with. She continued that Ms. Ackerman is very effective at coordinating with Board members, setting priorities, focusing on critical issues. She is very detail oriented yet can juggle multiple projects, and move toward a conclusion. Ms. Palmer concluded that Ms. Ackerman maintains a good working relationship and a positive approach despite conflicts and criticisms prevalent in public positions.

Secretary Thompson remarked that Ms. Ackerman is a good professional to have in the office. He added that he and Ms. Ackerman will be attending the ICMA in Chicago. In addition, Mr. Thompson reported that the financial software package mentioned in her report is in the process of being installed and will be completed soon.

It was on motion unanimously

VOTED: To accept Ms. Ackerman's annual performance review report dated June 29, 1994, as submitted.

Polling Locations Schedule & Statutory Requirements

The Board acknowledged receipt of a communication dated August 5, 1994, from Town Clerk Jean M. MacKenzie outlining the polling locations schedule and the statutory requirements.

Executive Session

At 9:15 p.m., it was on motion by roll call unanimously

VOTED: To go into Executive Session to discuss collective bargaining matters and Firefighter arbitration matters.

(Chairman Blacker, aye; Selectman Drobinski, aye).

Chairman Blacker announced that public session would not reconvene.

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk

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