

IN BOARD OF SELECTMEN
MONDAY, OCTOBER 24, 1994

Present: Chairman Lawrence L. Blacker, Selectmen John C. Drobinski and Maryann K. Clark.

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.

"Wild and Scenic Rivers" Designation

Present: H. Alexander Porter, Sudbury representative to the federal Wild and Scenic Rivers Study Committee, and Cassie Thomas, National Park Service.

The Board acknowledged a communication dated October 4, 1994, from Mr. Porter explaining the purpose of meeting with the Board of Selectmen is to determine if the Town of Sudbury is in favor of designating the Sudbury River along with the Concord and Assabet Rivers under the federal "Wild and Scenic Rivers" program.

Mr. Porter informed that he is the Sudbury representative to the Wild and Scenic Rivers Committee which began meeting about three years ago and has been meeting on a regular basis to study this segment of the three rivers proposed for designation. He explained the geographic locations of the Sudbury and Assabet Rivers noting that when the two meet it becomes the Concord River and that the total length proposed for the "Wild and Scenic River" is around 29 miles and is abutted by eight towns.

He added that there are representatives from each of the eight towns on the Committee in addition to a representative from Sudbury Valley Trustees, Edward Moses of Great Meadows Refuge, and two representatives from the Governor's Council on rivers. Mr. Porter also noted that the founding fathers have done a good job preserving the existing landscape surrounding the rivers and believes that the designation will be extra protection in keeping these rivers in their natural state.

Chairman Blacker asked what the effect of designating the rivers would be. Ms. Cassie Thomas explained that the "Wild and Scenic Rivers" program was initially set up by Congress for environmental protection to ensure that all rivers were not harnessed to man's use. They have come to include rivers which are close to where people live. The point of designation is to insure that all federal action that could affect the river is consistent with protecting the outstanding resources that make it worthy of being designated a "Wild and Scenic River". An assessment was taken of the resources of the rivers to determine what resources make it nationally significant. Five aspects were identified that need to be protected for it to be designated: recreation, wildlife habitats, literary, scenery and archeological significance.

She continued that if the river is designated all federal agency actions i.e. permits, highways, etc. are subject to review to make sure it is consistent. The designation does not add a new layer of beaurocracy, rather it adds a fail-safe and ensures that federal agencies cannot be doing things in a vacuum. She pointed out that it is not always possible to stop a federal project, but what is being proposed is a long-term permanent council of the eight towns under the designation that will provide input for the review of any federal action to prevent any acts of sabotage.

The river would not become a unit of the national park system, added Ms. Thomas, and all existing laws would continue unaffected but any actions on or near the rivers would be subject to strict review.

IN BOARD OF SELECTMEN
MONDAY, OCTOBER 24, 1994

Selectman Clark asked if there are any negatives to the designation and how clean up would be affected. Ms. Thomas assured that there would not be a clash; in fact, the Federal designation emphasizes the need for protection and would encourage funding for any cleanup.

Selectman Drobinski noted that the Federal Statute overrides the Mass. Wetlands Protection Act. Also, he noted that this is part of Senator Robert Durand's Rivers Act. He added that he does not believe there are any negative aspects to this action. Ms. Thomas stated that there is a misconception by many that this is just another big government project, when it is not.

Mr. Blacker asked what impact the designation would have on any existing businesses located on the river that use the river. Ms. Thomas said that after review the existing river uses are not detrimental, and all that would be asked is that the towns keep up the good work and maintain their existing zoning and land use. She further explained that if there is a business using the river, and if they requested additional discharge into the river, the situation would need to be reviewed. She commented that the river is used very little industrially.

Secretary Thompson thanked Mr. Porter on behalf of the Town for his time and efforts working on the study committee.

On motion by Selectman Drobinski, it was unanimously

VOTED: To agree to sponsor a 1995 Annual Town Meeting article for designation of the Sudbury, Assabet and Concord Rivers as a federal "Wild and Scenic Rivers".

It was noted that the Wild and Scenic Rivers Study Committee with the National Park Service and the abutting towns will forward a draft article to the Town for review.

Minutes

It was on motion unanimously

VOTED: To approve the regular and executive session minutes of October 11, 1994, and the minutes of October 17, 1994, as drafted.

Council on Aging Donation

It was on motion unanimously

VOTED: To accept \$82.05 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.

Sudbury Cultural Council - Appointment

Upon receipt of an application dated October 17, 1994, and on recommendation from the Sudbury Cultural Council, it was on motion unanimously

IN BOARD OF SELECTMEN
MONDAY, OCTOBER 24, 1994

VOTED: To appoint Joan Foisy, 15 Linden Road, to the Sudbury Cultural Council for a term to expire October 24, 1997.

Fire Chief - FY95 Salary

Present: Fire Chief Michael C. Dunne.

Secretary Thompson stated that the Board of Selectmen previously reviewed correspondence concerning the disparity of compensation for the Fire Chief versus the Police Chief and had arrived at a consensus. He added that the purpose of this item on the agenda is to confirm the Board's previous consensus for additional compensation for the Fire Chief.

The Board reviewed a communication from Fire Chief Michael Dunne concerning the gap between the Police Chief and Fire Chief salaries and benefits.

Chairman Blacker confirmed that the proposed Career Incentive increase would come out of the existing FY95 budget.

After a brief discussion about career incentives and how they are determined and funded, i.e. the Quinn Bill for the Police Department, it was on motion unanimously

VOTED: To approve the FY95 compensation package for Fire Chief Michael C. Dunne as follows: Basic salary at Grade 15, Step 7, in the amount of \$64,944, a 5% Career Incentive in the amount of \$3,247, 4% Longevity of \$2,598, plus EMT stipend of \$1,616, for a total annual salary of \$72,405.

"Adult" Stores - Ordinance to Regulate

Upon review of a communication dated October 5, 1994, from Valerie Papas, 78 Dudley Road, and enclosed copy of an amendment to the Watertown Zoning Ordinance concerning Adult Entertainment from the Watertown Planning Board dated August 22, 1994, it was on motion unanimously

VOTED: To refer the above mentioned communications to Town Counsel Paul L. Kenny for review and comment.

214th Annual Town Forum

At 8:00 p.m. Chairman Blacker convened the 214th session of the Town Forum.

Resource Recovery Committee

Present: Craig Blake and Mark A. Kablack, Resource Recovery Committee, and Don Leistikow, Executive Director, CONCEWM.

The Board reviewed a report received at the request of Highway Surveyor Robert A. Noyes from the Coalition for North Central Waste Management (CONCEWM) dated October 11, 1994 which shows what CONCEWM has done over the past year to increase recycling revenues and decrease expenditure for the Town of Sudbury.

IN BOARD OF SELECTMEN
MONDAY, OCTOBER 24, 1994

Mr. Mark Kablack reminded that the Town joined CONCEWM (a regional recycling Co-op) to help with the marketing of the Town's recyclable goods. CONCEWM has helped the Town realize savings through their assistance. He introduced Mr. Don Leistikow, Executive Director of CONCEWM, who informed that Sudbury has been involved with CONCEWM since December, 1993 at which time they talked about assisting in the marketing of paper and products for Sudbury, and said they could save the Town at least \$1500 per month.

Mr. Leistikow reported the initial savings that CONCEWM quoted to the Town of Sudbury has increased to double the amount through their marketing efforts and the fact that several towns are included in the paper program. He stated that they have begun to talk about adding the glass program to realize better returns. Additional support is needed by Sudbury, which is outlined in a communication dated October 24, 1994, from Mr. Leistikow. One item is to address a letter of support on behalf of CONCEWM regarding a proposal, submitted to DEP and the Executive Office of Environmental Affairs for funding of a regional staff.

CONCEWM started as a way to promote recycling, noted Mr. Leistikow, who said the current program is doing very well, but there are some additional things that could be done. They did obtain non-profit status from the IRS retroactive to their incorporation, and will need to increase their current 18 towns to 30 - 40 towns in order to be viable and self-sustaining.

In addition, Mr. Leistikow reported that CONCEWM is trying to facilitate the market by marketing in a block, which is several tons a week and combines the same products from several towns. This enables them to operate with a low-cost structure and offer \$20/ton lower than anywhere in the State.

Mr. Kablack encouraged the Board to approve renewal of the Town's membership in CONCEWM. Mr. Leistikow presented a membership renewal invoice in the amount of \$2153.70. Mr. Kablack stated that the initial advantage for the Town in joining CONCEWM was to reduce recycling costs. Not only have costs been reduced, but funds are now being generated for the Town.

On the recommendation of Executive Secretary Thompson, it was on motion unanimously

VOTED: To renew membership in CONCEWM by payment of FY95 dues in the amount of \$2153.70, and to address a letter of support on behalf of CONCEWM to the DEP and the Executive Office of Environmental Affairs to help fund a regional staff.

Following reports by the various Boards and Departments, Town Forum was adjourned, and refreshments and conversation were enjoyed by those present. This Town Forum was televised over the local Cable network and a copy of the video tape is available by contacting the Selectmen's office.

EOCD Grant #SP-019-95A - Wastewater Disposal Options

Present: Town Planner Jody A. Kablack.

The Board tabled discussion of the above mentioned grant on October 11, 1994, in order to allow additional time for further review of materials and completion of revisions to the Scope of Services by Selectman Clark. The Board acknowledged a revised draft of the grant scope of services and additional terms and conditions which was received by Town Planner Jody Kablack after her inquiry to the EOCD on the award contract language. Ms. Kablack noted in a memo dated October 19, 1994, that there are no significant changes to the general language throughout the contract.

IN BOARD OF SELECTMEN
MONDAY, OCTOBER 24, 1994

With regard to the revisions prepared by Selectman Clark and presented on a previous draft of the contract, Selectman Clark changed the Project Title because it is not worded to really determine the impact of the private septic systems on the Town's major wells on Raymond Road and their water aquifers and how to mitigate it.

Selectman Drobinski stated he has no problems with the revisions presented by Ms. Clark.

Mr. Thompson commented that upon review and inquiry, the "Scope of Services and Additional Terms and Conditions" is the bulk of the contract except for forthcoming "boiler plate" language. Ms. Clark noticed that there is no provision for signatures. Ms. Kablack stated that she learned that no award contract will be received until the Town agrees on the scope.

The Board continued to review the revisions made by Selectman Clark under *CONDUCT NEEDS ASSESSMENT: TASK 1*. Chairman Blacker opined that, in his opinion, he would not omit the wording "development potential" in reference to Task 1, which is "Review, assemble and summarize existing information regarding studies, conditions, land uses, development potential.....Prepare a technical memo with site specific data for the Task Force to determine if conditions support and warrant continuing this study." He explained that the use of the wording in this instance is not for the purpose of maximizing development potential but to analyze the impact of septic vs sewerage in this area, given the existing zoning bylaws, to its developmental potential. He added that what might be allowed in one zone could affect another zone. Chairman Blacker recommended that the words "development potential" be followed by "within or under current zoning."

Upon review of the "Scope of Work/Schedule of Completion", 3. "Data Collection:", Selectman Clark revised same to include the Board of Health and added under 3.1 "Survey existing conditions" "*Water Aquifer Contribution Zone II Analysis*", including the impact of no contribution by and recharge from individual business systems on the Town's primary wells." Ms. Clark referenced the Mott Study, Page 100, concerning runoffs and recharging.

Ms. Kablack noted she did not agree with the Project Title as revised by Selectman Clark because it is only asking to determine the impact of septic systems in the Zone II well field which has been done. She reminded that a Nitrogen Loading Analysis was done six months ago for every Zone II in Town. She added that the Planning Board is interested in learning what this study would determine in terms of economic development for the Town and what flexibility and options might be available. Originally, the grant also included tying into economic development and not specifically just wastewater effects, added Ms. Kablack.

Chairman Blacker opined that perhaps what the Town wants is a study to determine if the use of sewerage vs septic will cause less potential harm to Town wells, and what is the feasibility of sewerage to determine flexibility in the business district.

The Sudbury Village Project has been all but abandoned, noted Ms. Kablack, who believes the Town needs to look at economic development related to wastewater limitations.

Selectman Clark commented that the first request she read was a study to mitigate wastewater problems because of the assumption that the location was in the immediacy of primary well heads. She explained that she was unaware of the nitrogen loading study.

IN BOARD OF SELECTMEN
MONDAY, OCTOBER 24, 1994

Mr. Thompson informed that there have been prior septic failures in Town and the cleanup is very expensive. The introduction of Title 5 and its provisions will restrict further what is allowed. He added that the Selectmen's office will be working to gather all this information for placement in one document.

Selectman Clark informed that there is a new law concerning wastewater systems and homeowners which allows the homeowners to repair faulty systems by borrowing money from the Towns (betterments) and paying it back in installments. She noted that in the future this may be made available to businesses.

Mr. Blacker commented that the Town has no idea what the impact of off-site wastewater disposal systems will be on the Route 20 business district. Ms. Clark stated that the Town needs to deal with the current facts; and that the Town does not know if there are other contaminants aside from what the nitrogen loading analysis revealed. Mr. Drobinski noted that an extensive study to determine other contaminants would cost around \$100,000. At this point, Mr. Blacker suggested spending \$10,000 to determine if sewerage will eliminate all contaminant problems--at least gather necessary data to come to some conclusion.

Ms. Kablack stated she would like to broaden the scope to include all of the Route 20 business district. The question arose as to what was being impacted by the wastewater--was it the water? After a brief discussion, the Board concluded that Ms. Kablack would contact the Executive Office of Communities and Development for assistance in the rewording of the Project Title to reflect what the Town wishes to have accomplished through the grant.

It was on motion unanimously

VOTED: To approve a revised draft Scope of Services and Additional Terms and Conditions relative to Executive Office of Communities and Development Grant #SP-019-95A to study Wastewater Disposal Options for the Route 20 business area, subject to consensus on the rewording of the Project Title, and it was further

VOTED: To appoint Selectman Maryann K. Clark as a member of the Task Force for the Grant.

At the request of the Planning Board, Ms. Kablack reported that the Planning Board's long range planning includes \$50,000 for a wastewater disposal project on Route 20. This is a deferred item and was previously targeted for the so-called Sudbury Village Project. Ms. Kablack agreed to supply more detailed information.

Town Reorganization Blue Ribbon Committee - Town Manager Selection Procedures

Present: Kathleen Precourt, Finance Committee member.

The Board acknowledged a communication dated October 14, 1994 from the Blue Ribbon Committee regarding the Suggested Screening/Selection Process for Town Manager. Upon review and discussion, the Board agreed to solicit names through advertising, of persons to serve on a Screening Committee for selection of a Town Manager, should this ballot question pass on November 8, 1994. Chairman Blacker asked that preparations be made by the Selectmen's Office to proceed with the Blue Ribbon Committee's recommendations immediately after November 8, if the Town Manager Act passes.

Mrs. Precourt commented that this is the process that other towns have used and she thinks it is important to advertise and let people in Town know the process.

IN BOARD OF SELECTMEN
MONDAY, OCTOBER 24, 1994

The Board concurred in general with the proposed Town Manager screening/selection process and thanked the Committee for its efforts.

Library Trust Funds - FY95 Distribution

In response to a communication dated October 18, 1994, from Library Director William R. Talentino, it was on motion unanimously

VOTED: To approve, as Co-Trustees of Town Donations, the FY95 request of the Goodnow Library Trustees for allocations for distribution of income from Library Trust Funds, as follows:

From: Bradshaw	\$198.63	for library materials
Raymond	152.65	for library materials
Rhoades	146.88	for library materials
Goodnow Library	\$10,294.63	for materials, staff development and capital items
Total	\$10,792.79	

Dudley Road - Traffic Mitigation

Present: Robert L.White, 63 Barton Drive.

Mr. Robert White stated he has been a Sudbury resident for 35 years, and during his occasional trips to Framingham he travels Dudley Road. Since learning he will be unable to use this road going in one direction, he expressed that he believes this to be an infringement on his rights as a resident and taxpayer of Sudbury. He said he thinks other roads may follow down this path of restrictions. He remarked that he does not think the Town has the right to restrict this road, which is practically the same as making it a private road.

Chairman Blacker told Mr. White that his comments are well taken and that there is nothing unreasonable about what he has said.

The Board reviewed a communication dated September 26, 1994, from Town Counsel Paul Kenny regarding the "No Left Turn - Residents Only" sign at Dudley Road, which pointed out that the sign as presently set forth may be defective on the grounds that it lets residents only make a left-hand turn for which he cited a court case, American Motorcyclist Association vs. City of Brockton. He suggested that a consideration of no left turns during specific hours, or residents only during specific hours might be a reasonable regulation.

The Board also reviewed a communication dated October 13, 1994, from Town Engineer I. William Place, and Safety Officer Ronald Conrado, which states that the "No Left Turn - Residents Only" sign was not being obeyed and was difficult to enforce, and further resulted in a backup at the intersection of Route 20 and Nobscot Road. The communication noted that there was a proposal to install "No Thru Traffic" signs at each end of Dudley Road, and the Police and Engineering Department recommend removal of the "Resident's Only" sign, thus prohibiting all motor vehicles from turning left.

Chairman Blacker expressed, in his opinion, the only solution is to make Dudley Road a one-way street. Mr. Thompson suggested sending a questionnaire to the residents asking them to respond, but Mr. Blacker did not think that would solve the problem as everyone would have a different opinion.

IN BOARD OF SELECTMEN
MONDAY, OCTOBER 24, 1994

After much discussion, it was on motion

VOTED: That the Traffic Rules and Orders of the Town of Sudbury, adopted by the Board of Selectmen on September 12, 1941, and subsequent amendments thereto, be and are hereby amended as follows:

By amending Section 15. USE RESTRICTIONS ON CERTAIN STREETS, as follows:

By amending paragraph 1B to read:

"1B. In accordance with the authorization in Chapter 90, Section 18 of the General Laws, through traffic traveling in a northwesterly direction is prohibited on Dudley Road, 24 hours per day, and shall be designated by placement of a NO THRU TRAFFIC sign and appropriate universal regulatory sign depicting no left turn."

(Selectmen Clark and Drobinski in favor, and Selectman Blacker opposed.)

Engineering Department - Design Station

In response to a request dated October 19, 1994, from Town Engineer I. William Place concerning an Engineering Design Station, it was on motion unanimously

VOTED: To accept a bid dated October 5, 1994, from Computersmith, Inc., 141 Kimball Hill Road, Hudson, N.H., for the purchase of components of an Engineering Design Station in accordance with Town of Sudbury specifications, to include the following:

H.P. 650 c Plotter	\$7,699.00
36" x 48" Digitizer	\$1,785.00
Installation, Service & Maintenance	\$ 500.00
Survey Software (Auto CAD based)	\$3,136.00
Survey Software w/data collector interface	\$ 349.00
Supplies	\$ 148.00
Total	\$13,617.00

Loring School Lease Agreements

Following several meetings, and with Selectman Clark's help and guidance on behalf of the Town, it was on motion

VOTED: To approve lease agreements for the Loring School, Woodside Road: 1) between the Town of Sudbury and Congregation B'nai Torah, and 2) between the Town of Sudbury and Sudbury Nonprofit Collaborative, Inc., both for the period October 1, 1994 through September 30, 1999, with rent comprised of three parts:

1. Monthly rental based on \$2.16 per sq. ft.;

IN BOARD OF SELECTMEN
MONDAY, OCTOBER 24, 1994

2. Tenants pay utilities and custodial costs, the total of which in 1993 was between \$1.57 and \$1.74 per sq. ft. totaling \$3.73 to \$3.90 per sq. ft. at this part two; and
3. Tenants, subject to approval of the Selectmen, will make major repairs and replacements, restoring the building, outside the realm of the costly bidding process, with offset to the monthly rental in part one.

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

Note: Because Chairman Blacker is a member of Congregation B'nai Torah, he did not participate in the discussion, vote or signing of this lease agreement.

Sudbury Historical Commission - Grant for Historic Property Survey

In response to a communication dated September 30, 1994, from The Sudbury Foundation Executive Director Derry Tanner, regarding a grant awarded to the Sudbury Historical Commission, it was on motion unanimously

VOTED: To accept, on behalf of the Town, a grant in the amount of \$7,500 to help enable the Sudbury Historical Commission to conduct an historic property survey for the Town.

Election Warrant - November 8, 1994

It was on motion unanimously

VOTED: To sign the Commonwealth of Massachusetts Warrant for State Election to be held at Fairbank Community Center, 40 Fairbank Road, Sudbury, for Precincts 1 and 2, and Israel Loring School, 80 Woodside Road, Sudbury, for Precincts 3 and 4, on Tuesday, the eighth day of November, 1994.

Legal Affairs

The Board acknowledged receipt of Article VII, section 5 concerning the selection of Town Counsel and a communication dated November, 1991 outlining the general scope of services for Town Counsel.

Mr. Thompson reminded that the close of the 36-month period is approaching and it will be time to go through the selection process for Town Counsel. Since the timing falls during the Annual Town Meeting, Mr. Thompson asked that proposals to solicit Town Counsel services be postponed to May and June. He added that the bylaw allows a 120 day time delay in completing the process. The Board agreed.

D.A.R.E. - Donation

In response to a communication dated October 19, 1994, from D.A.R.E. Officer, Ronald B. Conrado, it was on motion unanimously

VOTED: To accept on behalf of the Town a donation in the amount of \$801.59 from Tobin Food Service, 24 Main Street, Maynard, representing Dunkin Donuts, to be deposited in the D.A.R.E. Account for use in the D.A.R.E. Program with the Police Chief's approval.

Certification for Mary Ellen Normen Dunn

IN BOARD OF SELECTMEN
MONDAY, OCTOBER 24, 1994

The Board acknowledged receipt of a communication dated October 11, 1994, from the Massachusetts Collectors and Treasurers Association advising Town Treasurer and Collector, Mary Ellen Normen Dunn, that she is now a Certified Massachusetts Municipal Collector.

Sudbury Supervisory Association

Regarding a possible omission in the Supervisory Union Contract related to Highway Department employees, as explained by Sudbury Supervisory Association President Mary Ellen Normen Dunn in a communication dated October 18, 1994, it was on motion unanimously

VOTED: To refer the above mentioned communication to Labor Relations Counsel Richard W. Murphy for guidance.

City of Marlborough - Meeting - Hop Brook Study Committee

The Board acknowledged a communication from Marlborough Mayor J. Michael McGorty, dated October 12, 1994, regarding a meeting to be held at the Wayside Inn on November 1, 1994, at 10:00 a.m. concerning various issues that affect Hager Pond.

Capital Projects - Flynn Building/Highway Garage

The Board reviewed a memorandum dated October 20, 1994, from the Executive Secretary requesting that the Board support asking the Permanent Building Committee to explore the feasibility of relocating so-called "Line" departments (Building, Conservation, Engineering, Health and Planning) at the Flynn Building to a possible new D.P.W. administrative office and facility. After brief discussion, it was the consensus of the Board to support the same.

There being no further business, the meeting was adjourned at 10:50 p.m.

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk