

IN BOARD OF SELECTMEN
MONDAY, AUGUST 21, 1995

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

The statutory requirements as to notice having been met, the meeting was convened at 7:33 p.m. in the Lower Town Hall.

Utility Petitions of Boston Edison Co. and New England Telephone and Telegraph Company

The Board convened a public hearing to consider Utility Petitions #95-22 through #95-29 of Boston Edison Company and New England Telephone and Telegraph Company.

Executive Secretary Thompson noted that all appropriate abutters had been notified and approval had been recommended by the Inspector of Buildings and Wiring Inspector under date of Aug. 11, 1995.

Chairman Drobinski noted that there were no abutters present and assumed that the first seven petitions are necessary for the Southwestern Estates subdivision.

It was on Chairman Drobinski's recommendation, unanimously

VOTED: To approve Utility Petition #95-22 from Boston Edison Company and New England Telephone and Telegraph Company for permission to install approximately 10 feet of conduit, shown on Boston Edison Company "Plan of Peakham Rd. - Sudbury", dated April 24, 1995, and New England Telephone and Telegraph Co. Plan No. 95-14A (of A-F), under the following public way of the Town: Peakham Road - southeasterly approximately 450 feet north of Boston Post Road, a distance of about 10 feet - conduit.

And unanimously

VOTED: To approve Utility Petition #95-23 from Boston Edison Company and New England Telephone and Telegraph Company for permission to relocate pole #1/133, as shown on Boston Edison Company "Plan of Peakham Rd., Sudbury", dated April 24, 1995, showing proposed pole relocation, along and across the following public way or ways of the Town: Peakham Road - easterly side approximately 811 feet north of Boston Post Rd.; One (1) Pole; One (1) existing pole to be removed.

And unanimously

VOTED: To approve Utility Petition #95-24 from Boston Edison Company and New England Telephone and Telegraph Company for permission to install approximately 71 feet of conduit, shown on Boston Edison Company "Plan of Peakham Rd. - Sudbury", dated April 24, 1995, and New England Telephone and Telegraph Co. Plan No. 95-14F (of A-F), under the following public way of the Town: Peakham Road - northerly approximately 674 feet north of Boston Post Road, a distance of about 71 feet - conduit.

And unanimously

VOTED: To approve Utility Petition #95-25 from Boston Edison Company and New England Telephone and Telegraph Company for permission to install 30 feet of conduit, shown on Boston Edison Company

"Plan of Peakham Rd. - Sudbury", dated April 19, 1995, and New England Telephone and Telegraph Co. Plan No. 95-14E (of A-F), under the following public way of the Town: Peakham Road - westerly approximately 577 feet north of Boston Post Road, a distance of about 30 feet - conduit.

And unanimously

VOTED: To approve Utility Petition #95-26 from Boston Edison Company and New England Telephone and Telegraph Company for permission to install approximately 34 feet of conduit, shown on Boston Edison Company "Plan of Peakham Rd. - Sudbury", dated April 24, 1995, and New England Telephone and Telegraph Co. Plan No. 95-14D (of A-F), under the following public way of the Town: Peakham Road - northwesterly approximately 988 feet north of Boston Post Road, a distance of about 34 feet - conduit.

And unanimously

VOTED: To approve Utility Petition #95-27 from Boston Edison Company and New England Telephone and Telegraph Company for permission to install approximately 25 feet of conduit, shown on Boston Edison Company "Plan of Peakham Rd. - Sudbury", dated April 25, 1995, and New England Telephone and Telegraph Co. Plan No. 95-14C (of A-F), under the following public way or ways of the Town: Peakham Road - southerly approximately 1235 feet north of Boston Post Road, a distance of about 25 feet - conduit.

And unanimously

VOTED: To approve Utility Petition #95-28 from Boston Edison Company and New England Telephone and Telegraph Company for permission to install approximately 49 feet of conduit, shown on Boston Edison Company, "Plan of Peakham Rd. - Sudbury", dated April 25, 1995, and New England Telephone and Telegraph Co. Plan No. 95-14B (of A-F), under the following public way of the Town: Peakham Road - northwesterly approximately 85 feet southwest of Splitrock Road, a distance of about 49 feet - conduit.

And unanimously

VOTED: To approve Utility Petition #95-29 from Boston Edison Company and New England Telephone and Telegraph Company for permission to install approximately 62 feet of conduit, shown on Boston Edison Company "Plan of Maynard Rd. - Sudbury", dated July 7, 1995, and New England Telephone and Telegraph Co. Plan No. 95-15, under the following public way of the Town: Maynard Road - northeasterly approximately 782 feet north of Fairbank Road, a distance of about 62 feet - conduit.

Minutes

It was on motion unanimously

VOTED: To approve the regular session minutes of August 7, 1995, as amended.

Council on Aging - Van Donation

It was on motion unanimously

VOTED: To accept \$84.11 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.

Sunday Entertainment License Renewals - Chiswick Park Theatre and Bullfinch's Restaurant

The Board was in receipt of an Application for License for Public Entertainment on Sunday, dated August 8, 1995, from Ted Pasquarello of the Chiswick Park Theater.

It was on motion unanimously

VOTED: To renew the Sunday Entertainment License of the Chiswick Park Theater, 490 Boston Post Rd. for the operation of a live professional theatre on Sundays between the hours of 2 p.m. and 11 p.m. , from September 10, 1995 through September 1, 1996.

The Board also was in receipt of an Application for License for Public Entertainment on Sunday, dated August 10, 1995, from Margaret Richardson of Bullfinch's Restaurant.

Selectman Clark questioned the wording "noon" on the application, since the agenda stated 11 a.m., and suggested approval be 12 p.m.

Upon recommendation of Chairman Drobinski and upon acceptance of the change in wording from "noon" to "12 p.m.", it was unanimously

VOTED: To renew the Sunday entertainment license of Bullfinch's Restaurant, 730 Boston Post Rd., for the operation of live music entertainment, indoors only, on Sundays between the hours of 12 p.m. to 10 p.m.

Signalization/Reconstruction of the Route 20/Nobscot Rd. Intersection

The Board acknowledged receipt of a copy of a letter, dated June 15, 1995, to Mr. I. William Place, Town Engineer, from Peter J. Donohue, District #3 Highway Director of the Massachusetts Highway Department, following a field review of the location, concurring with signalization and reconstruction of the Route 20/Nobscot Road intersection. The District set forth nine recommendations for the design process.

Upon recommendation by Selectman Clark, the Board agreed with the conditions set forth in the District 3 letter, except for Condition #5. The Board's concern with a force account agreement with the railroad, to install conduit beneath the railroad tracks, is the unreasonable delay this will cause; from past experience, the Board has found the railroad to be unduly dilatory. In lieu of underground hard wire, the Board agreed to request an overhead installation, the facilities of which are already in existence, which would move this project along. In addition, the Board will request that a raised traffic island with granite curbing be installed at Nobscot Rd., to channel traffic.

It was on motion unanimously

VOTED: To issue a formal request to the Massachusetts Highway Department for a traffic signal installation on Route 20 at its intersection with Nobscot Road, in accordance with the conditions outlined by the Massachusetts Highway Department, with the exceptions noted above.

Formation of Fort Devens Sudbury Annex Task Force

The Board acknowledged receipt of a communication from Interim Manager Thompson, dated Aug. 16, 1995, regarding his recommendations as to the Task Force membership as follows: Amy E. Lepak, Jo-Ann Howe, Jody Kablack (or designee from the Planning Board), Deborah Montemerlo/Steve Meyer, Larry Blacker, Pat Savage (or designee from Park & Recreation) and Juliet Gibbs. Mr. Thompson included in this communication a copy of a press release to the Town Crier, the Tab and Cablevision Local Bulletin Board which solicited names of persons interested in serving on the Task Force.

The Board also acknowledged receipt of a letter from Jo-Ann Howe of the Sudbury Housing Authority, dated Aug. 15, 1995, stating the Housing Authority's issues with respect to the formation of the Task Force and how they relate to the issues of the Conservation Commission.

The Board also acknowledged receipt of a memorandum from Stephen Meyer of the Conservation Commission, dated Aug. 16, 1995, recommending that the Board express support for the U.S. Fish and Wildlife acquisition of the Annex.

The Board also received communications from several persons interested in serving on the Task Force: Jody Kablack (Planning Board), letter of Aug. 1, 1995; Amy E. Lepak, 54 Jarman Rd., application of Aug. 3, 1995; Jo-Ann Howe (Sudbury Housing Authority), application of July 25, 1995; John Castoldi, 7 Lake Shore Drive, letter of Aug. 6, 1995; and Carol Moehrke, 249 Dutton Rd., application of July 28, 1995.

Selectman Clark stated that she would prefer the Task Force deal exclusively with the Fort Devens Annex parcel; to begin a Growth Management Committee now during the summer vacation time would not be advisable. Chairman Drobinski wondered whether it would be wiser to appoint a full-fledged committee now. Selectman Clark felt that the Annex is an issue now--growth management overall is a separate issue. Selectman Blacker agreed with Ms. Clark to limit the Task Force to a discussion of the Fort Devens Annex land.

Interim Town Manager Thompson stated he recommends that the committee be small, but include people from the major town committees: Planning, Conservation, Housing, Park & Recreation. He did not recommend Board of Health because Bob Leupold already serves on the Fort Devens Annex Technical Review Committee. Chairman Drobinski asked about having a member of the Finance Committee serve on the Task Force. Selectman Clark noted that out of seven appointed, perhaps only four or five will regularly come to meetings.

Selectman Blacker believed that this Task Force would only be necessary if the land becomes available to the Town, but Chairman Drobinski said the Task Force will be necessary even if the Town

does not get the land; the Task Force could interact with the Federal government to represent the Town's interests. Mr. Drobinski further envisioned the mission of the Task Force to be this: if given the 250 acres, how could the Town satisfy the various competing interests within Sudbury?

Selectman Blacker stated he would like to see another name added to those proposed by Interim Manager Thompson, that of Carol Moehrke. Although not a direct abutter, her property is somewhat adjacent.

Upon recommendation of Chairman Drobinski, it was unanimously

VOTED: To establish a Fort Devens Sudbury Annex Task Force, to be chaired by Selectman Blacker, and whose charge shall be to develop a master plan for the various uses to which the 245 or so acres could or should be put, discussion limited to property within Sudbury; and to appoint the following persons thereto: Amy E. Lepak, 54 Jarman Rd., Jo-Ann Howe (Sudbury Housing Authority), Deborah Montemerlo (Sudbury Conservation Commission), Patricia Savage (Sudbury Park and Recreation), Juliet Gibbs, 15 Firecut Lane, and Carol Moehrke, 249 Dutton Rd., Robert Leupold, Health Director, Ex-officio member.

Public Meeting: Goodman's Hill Road - Speed Humps/Traffic Control

Present: Pamela Anderson and Reed Lowry and approximately 30 residents of the Goodman's Hill Rd. and other Town residents interested in the issue.

At 8:00 p.m. Chairman Drobinski convened a public meeting to discuss the feasibility of installing speed humps or taking other traffic control measures on Goodman's Hill Road. This meeting was called in response to a letter from the Committee for the Improvement of Goodman's Hill Road (c/o Pamela Anderson, 316 Goodman's Hill Road), dated May 26, 1995, requesting that traffic controls be immediately put into place which will improve the ongoing and serious conditions of speeding along Goodman's Hill Road.

The Board acknowledged receipt of a letter from William Place, Town Engineer, dated July 18, 1995; a letter from Paul Kenny, Town Counsel, dated June 12, 1995; a letter from Robert Noyes, Highway Surveyor, dated June 9, 1995, which included many copies of notices of the City of Newton's experiences with speed humps; and another letter from Robert Noyes, Highway Surveyor, dated Aug. 18, 1995 with a copy of a memo to him, dated July 5, 1995, from the Massachusetts Highway Department.

Pamela Anderson of 316 Goodman's Hill Rd., representing the Committee for the Improvement of Goodman's Hill Road, made a presentation on the history of her group's efforts to slow down speeders on Goodman's Hill Rd. Her presentation included an overhead projector display and a videotape of speed humps in two other states. The video was narrated by Professor Robert Twiss of the U. of Berkeley, CA and demonstrated the difference between speed humps which are 12 feet long and 4 or 5 inches high and humps which are 22 feet long and 3 inches high. Ms. Anderson gave a copy of her video and report to the Board. Reed Lowry of 25 Dudley Rd. made a presentation using visual aids which proposed 5 or 6 speed humps on Goodman's Hill Rd. Ms. Anderson's report detailed the history of the residents' efforts at traffic control and stated the ineffectiveness of police ticketing in slowing down the speed of drivers on the road. She stated that when designed and spaced properly, speed humps will slow traffic with no danger to driver or vehicle. Mr. Lowry stated that for placement of stop signs, adjoining streets are needed and those are unevenly spaced along Goodman's Hill Rd., leaving a long stretch of road where no stop sign could be placed. He opined that speed humps are self-enforcing; police presence could be freed up for placement in other necessary areas of town. Mr. Lowry mentioned a Supreme Court decision which stated no liability issue for speed humps which are installed in good faith. Mr. Lowry also stated that if the humps are 22 feet long and 3 inches high, they will not bother snow plows. Further, he opined that handicapped people will not be jarred if going over the bumps at the right speed.

In response to a question as to the composition of the humps, Ms. Anderson stated that they are asphalt painted.

Robert Noyes answered a resident's question as to the ease of removal by saying that humps can be removed by heat or excavation, with differing amounts of damage to the road.

Bob Gottberg of 89 Mossman Rd. inquired as to cost as there are 50 or 60 other roads in town which also could use traffic slowing devices. Mr. Noyes estimated a cost of \$1700 each hump, with granite curbs to prevent cars from going around the hump. Chairman Drobinski asked if the cost of removal would be the same as for installation. Mr. Noyes replied that it would be less, but in having to get rid of hot top, a hazardous waste disposal fee would have to be paid. Mr. Lowry stated that he estimates the cost of each hump to be between \$900 and \$1500--five humps at \$1400 per would be \$7000, but some residents have offered to contribute to the cost.

Selectman Blacker stated that where the speed limit is 30 mph, humps should be 250 feet apart; Goodman's Hill Rd. is approximately 6000 feet, one and one-half miles--how much spacing should be between each hump? Ms. Anderson answered that Mr. William Place, quoting the ITE document, states 250 feet to 750 feet, depending upon the speed being sought between each hump. In one city on the video shown they were 650 feet apart for a speed of 32 mph between humps. The majority of Goodman's Hill Rd. has a posted speed of 30 mph.

Joseph Proud of 15 Brewster Rd. spoke against the installation of humps, citing difficulty caused for disabled people, undesired traffic diversion, negative effect on aesthetic appearance of the road, noise level of cars going over the humps, damage to snowplows and the road, slowed response of emergency vehicles, liability issues for the Town, and inadequate funding for installation and maintenance of the humps.

Mr. Noyes stated that Mr. Donohue of the Massachusetts Highway District wrote to him that the Department of Highways does not approve of speed humps on public ways.

Mr. Proud stated that the Finance Committee on which he serves has reviewed this proposal and it does not want to fund such a project given other projects that need funds in Town, e.g. nineteen accidents at the intersection of Peakham Rd. and Route 20 call for funding for remedial measures and the Finance Committee has only just found a way to fund this.

Hans Lopater of 43 Winsor Rd. stated he has an open mind but does not agree with speed humps. The road shown in the video was wider than Goodman's Hill Rd., which is very slippery in the winter and a car could slip off a hump into oncoming traffic. Emergency vehicles from Emerson have an advanced life support system for heart attack and stroke victims which consists of a 60-lead EKG which can be radioed to Emerson Hospital--speed humps could affect such a reading.

Steven Schwartz of 332 Goodman's Hill Rd. stated that he is a cardiologist and that any such life support system is sophisticated enough to differentiate between physical condition and the movement of the vehicle over the hump. He stated that something must be done before someone is killed; he is in favor of humps.

In answer to a query about actual traffic patterns on the road, Chairman Drobinski stated that the only traffic studies are of Route 20 and these are out of date. Mr. Noyes said that the Town hired a consultant in the early 1980's but that computer model is a "dinosaur" right now. Chairman Drobinski stated that we have no hard, scientific data, but cursory data is available from the police department and residents. A 30-year resident of Goodman's Hill Rd. said he knows there are occasional speeders, but denied a regular pattern of speeding. Russ Green of 149 Goodman's Hill Rd. opined that perhaps 10-15% speed. He asked

how the proposed new Roche Bros. store will affect traffic, and also the new nursing home going in at the end of the road. Mr. Drobinski said that a traffic analysis will be done by the new builders. Michael Fitzgerald of 34 Goodman's Hill Rd. stated that cars going by his home near the Rte. 20 end of the road regularly go 50 mph. Also, every mailbox on the road is on the right side, so there is no room for residents to get their mail without endangering themselves. He is also on the Finance Committee and there is not a lot of money to support a project such as speed humps. Perhaps the Town could put in one hump, for which residents pay, and then watch and see what happens in perhaps a year's time. Jonathan Baker of 232 Goodman's Hill Rd. said that individuals should not have to pay for the humps and he is against them. Lincoln Anderson of 316 Goodman's Hill Rd. said that two and one-half years ago a ticketing pattern was established and there were more tickets issued on Goodman's Hill Rd. than on all other Town roads combined; he did not buy into this problem when he bought his home. Mr. Fitzgerald said he did not buy into it either; the posted speed limits are 25 to 30 mph and yet cars regularly go 40 to 50 mph by his home. Selectman Blacker stated that speed limits haven't changed. Mr. Baker stated a number of 3600 cars per day used the road in 1982. Selectman Clark said that volume cannot be controlled; speed can be.

A resident, Irina Petsch-Schmid, questioned whether speed humps are the answer; anyone can look in the Selectmen's office material on the hazards of humps--physical discomfort for the disabled, etc. She remarked that there is no assurance that they will work, and questioned how many are needed (5 or 6 or 15?). She expressed concern about proliferation of humps throughout Town and that there are other busy streets in town and this would set a precedent. She opined the Town cannot afford it. She concluded by saying that there are 135 residents and 64 homes on Goodman's Hill Rd., and we must keep looking for solutions, but this is not the answer.

Selectman Blacker read from the ITE guidelines: humps should be used only on streets with an average of 3000 or less vehicles per day and should only be used on streets classified as "local." Goodman's Hill Rd. is a "collection" street.

Mr. Noyes said that information from the City of Newton, MA stated that when a car drove over a hump at 15 mph, a jarring was felt, but when at 35 mph, the shocks absorbed the jarring!

Graham Taylor, 221 Goodman's Hill Rd. stated opposition to the humps. At the 1993 Annual Town Meeting it was decided to re-configure the north entrance to the road so that at least cars cannot enter the road at the speed of 50 mph. That intervention was enough, he concluded.

Lisa Battaglia of 332 Goodman's Hill Rd. said she was brushed by a car last Fall while getting her mail, and asked if there is any more important issue in Sudbury than safety?

Another resident said that recently the road has lost one or two police details; if there is an increase in traffic there should be an increase in police presence. Selectman Clark said that last year Sudbury received \$120,000 in speeding fine revenue; only Framingham, at \$130,000 with a much greater population, was ahead of Sudbury. Selectman Blacker said that out of about 3000 cars per day approximately 20% speed. There are two different issues--police enforcement or do something environmentally.

Mr. Gottberg stated that it is also quite an experience to drive on his road, Mossman Rd. He also spoke for a 50-year resident of Goodman's Hill Rd.--Helene Sherman--who has been affected by the upgrade at the Concord Road end of the road and is vehemently opposed to humps. Mr. Gottberg stated that Goodman's Hill Rd. is far from the worst road in town; Mossman is worse, but he doesn't want humps there either.

Barbara Clurman of 160 Goodman's Hill Rd. said there are no ideal solutions but one solution must be embraced. She was concerned the road would become a driveway to a shopping center when Roche Bros. comes in?

Ilevina Priede of 215 Goodman's Hill Rd. embraced she does not like the idea of humps and suggested making certain stretches of the road one-way.

Dennis Millner-Hanley of 267 Goodman's Hill Rd. said that a stop sign must be enforced but humps are self-enforcing--why not put in humps? Pamela Rosen of 245 Goodman's Hill Rd. also supported speed humps.

Another resident suggested using money the Town has for sidewalks to fund the humps. Chairman Drobinski said that the Town has approximately \$100,000 per year for use on sidewalks; but there is a priority list for these.

A resident asked about a sign stating, "No entering between the hours of 7 to 9 a.m."

Another resident asked why the Post Office will not entertain the idea of mailboxes on both sides of the road.

Mr. Anderson stated the diversion issue is another problem; he is not interested in sticking other residents in Town with the problem, which is why he supports speed humps.

Mr. Noyes stated that he called a meteorologist for the area shown in the video. A basic difference in snow there and here in Sudbury is that theirs is a dry snow and an average of 20 feet per season; ours is at an average of 60-70 feet and wet. This makes it difficult for plows to remove snow from humps.

Selectman Clark said that 20 to 30 years ago Superintendent David Levington went against fears and had bumps installed on the "speedway" at Lincoln/Sudbury. In retrospect, it was the right thing to do; no liability issue has surfaced and all problems foreseen evaporated, she said. Also she opined that real problems need real solutions; if nothing is tried, no progress is made. She stated she is in favor of installing the humps on Goodman's Hill Rd. and using this as test run. A resident countered that the speed bumps in front of Lincoln/Sudbury are in the driveway/parking lot, not a road. Selectman Blacker stated that he is against speed humps because Goodman's Hill Rd. is not a local road but a collection road.

Ms. Anderson asked that if the Board will not decide the issue tonight, could it give assurances that a decision will be made within a month, given all the time residents have spent on this issue. Selectman Blacker stated that he is ready to vote tonight. He does not have a solution, but stated again that he is adverse to the speed humps since Goodman's Hill Rd. is not a local street. He stated that perhaps when Roche Bros. comes in there will be more of a consensus among residents--the new market might force the issue and cause different factions to agree on solutions.

Selectman Clark stated that even one-way streets still require policing; speed humps are a silent policeman, self-enforcing.

Selectman Blacker said that a one-way sign might make the number of cars using the road decrease back to the numbers in 1982. However, he moved that the Board not approve speed humps.

Chairman Drobinski said that before a vote is taken, he wants residents to know that the Board is very concerned about safety and tonight's meeting is evidence of that. He said that police visibility is important, but the problem is a town-wide one; many speed through their own and other neighborhoods. He stressed that the Board is willing to work with Goodman's Hill Rd. residents and with the community - sidewalks help; more policing helps. Safety is a priority; however, Mr. Drobinski supported Mr. Blacker's motion.

Ms. Anderson said she is saddened that for over two years her group has been trying to convince the Board to address safety on Goodman's Hill Rd. She questioned whether the Board was waiting for something to happen before doing something. She said that in January of 1994 the Board asked their committee to come up with an answer--after a tremendous amount of work, the answer they came up with is speed humps, but now the Board will not approve that solution. She asked that within one month, the Board please address the problem. Chairman Drobinski answered that any solution the Board offers has to be with the resources available. Ms. Anderson reiterated that in a test month this year not one ticket was given for speed under 40 mph.

Selectman Blacker asked Interim Town Manager Thompson to put the weight of the Town behind a request to the Post Office for a change in location of residents' mailboxes.

It was on motion by Selectman Blacker

VOTED: To reject the proposal of installing speed humps on Goodman's Hill Road.

(Chairman Drobinski: aye; Selectman Blacker: aye; Selectman Clark: opposed)

Neusner Property and Surrey Lane Parcel

Present: Chairman Stephen Meyer and Coordinator Deborah Montemerlo of the Conservation Commission.

The Board acknowledged receipt of a communication dated July 31, 1995 from Coordinator Deborah Montemerlo, which states that the Conservation Commission has been offered a gift of approximately one acre of land at 64 Hunt Rd. Accompanying the communication is a plot plan and a copy of a letter dated June 12, 1995 from Milton and Constance Neusner to Ms. Montemerlo stating their intent to donate the land.

The Board also acknowledged receipt of a second communication from Ms. Montemerlo asking that the Board act on a 1994 Land Management Report request to transfer a parcel at the end of Surrey Lane to the Conservation Commission. Accompanying this request was a copy of the Dec. 16, 1994 communication, a map of the Hop Brook Marsh Conservation Reservation, a letter to the Board of Selectmen from Whitney Beals, of the Sudbury Valley Trustees, Inc., dated Aug. 15, 1995, arguing for the transfer of the Surrey Lane Parcel to the Conservation Commission, and finally, a copy of a memo, dated May 12, 1981, to the Board from the Town Treasurer, stating that Parcel 28 on Surrey Lane has been deeded to the Town of Sudbury by the land court on March 31, 1981.

Selectman Clark stated that she has no problems with the Neusner parcel, but that she feels that this is an inopportune time for the Conservation Commission to request the transfer of the Surrey Lane parcel. Ms. Montemerlo stated that both parcels are all wet and unbuildable. Mr. Meyer stated that there is dumping going on and since the land doesn't belong to the Conservation Commission, their policing power is

limited. Chairman Drobinski asked what the Town might do with the parcel, but Selectmen Clark and Blacker answered that the Town can't give the parcel up now; once given up, we couldn't get it back if we need it. Selectman Clark would be uneasy giving up the parcel now, not knowing what will be decided on the neighboring Ft. Devens Annex issue. Ms. Montemerlo stated that since the Commission has limited funds, they would need to seek reimbursement from the Town for bridge repairs that they have done on the property.

It was on motion unanimously

VOTED: To approve acceptance by the Town of the gift of approximately one acre of land from Milton M. and Constance Neusner, a portion of Parcel 215 on Town Property Map F09, 64 Hunt Road; said land to be designated as conservation land, subject to Chapter 40, Section 8C; the deed to be executed by the Board of Selectmen when finalized.

Further, it was on motion unanimously

VOTED: To refuse to authorize the transfer of the one and one-half acre parcel at the end of Surrey Lane from the Board of Selectmen to the Conservation Commission, for the reasons discussed above.

Request of School Committee for Special Fall Town Meeting

Present: Chairman Joseph Proud and Michael Fitzgerald of the Finance Committee.

The Board acknowledged receipt of a letter from William J. Hurley, Superintendent of Schools, dated Aug. 14, 1995, asking for a Special Fall Town Meeting for the purpose of voting a warrant article requesting the transfer to the schools of the additional Chapter 70 Aid Funds in the amount of \$50 per student.

Interim Town Manager Thompson referred to a recent letter from the State Department of Revenue which allows communities to reserve for appropriation without a Special Town Meeting the additional monies for per pupil cost. Mr. Thompson recommended that the Selectmen agree to this meeting as a courtesy to the School Committee. Mr. Proud stated that there is no compelling reason to spend the money for a Special Town Meeting. Selectman Blacker agreed. Mr. Thompson said he would retract his recommendation if the Selectmen do not see the need for the meeting. Selectman Blacker mentioned other areas that also could use the money and Mr. Thompson said that since there was no one present to speak for the School Committee, further discussion should be tabled until a meeting with them. Mr. Proud stated that the schools do have a point in that the State intended the money to go to the schools. After further discussion, it was agreed upon that the Board will meet with the Superintendent and a representative of the School Committee on Sept. 11, 1995.

Transfer Request - Town Hall Oil Spill

Present: Chairman Joseph Proud and Michael Fitzgerald of the Finance Committee.

The Board reviewed a transfer request, dated Aug. 16, 1995, to the Finance Committee, requesting \$925 from a Reserve Fund Balance of \$100,000 to pay the balance due Woodard & Curran for work associated with the Town Hall oil leak which occurred in 1980, to complete Phase I, Initial Site Assessment Report and Tier Classification.

After a brief discussion, it was decided that since parts of the full report will be redone and resubmitted to the Town, the consultant fee will held and paid when the final report is completed.

It was on motion unanimously

VOTED: To approve Transfer Request No. 96-01, dated August 16, 1995, for \$925 be transferred from the Reserve Fund to the Selectman's Contracted Services Line Item for payment of Woodard & Curran professional services for completion of the Phase I Initial Site Investigation relative to the Town Hall oil spill; such transfer approved subject to the Consultant incorporating in the final work papers comments given by Chairman Drobinski to Health Director Robert Leupold.

Request from Finance Committee for Joint Meeting Re: Town Manager Search

Present: Chairman Joseph Proud and Michael Fitzgerald of the Finance Committee.

The Board acknowledged receipt of a communication from Joseph Proud, Chairman of the Finance Committee, dated Aug. 15, 1995, listing some financial concerns the Committee has about the transfer of funds for paid consultants for the Town Manager Search and requesting a meeting on Aug. 29, 1995 with the Board.

The Board also acknowledged receipt of a communication from Interim Town Manager Thompson, dated Aug. 16, 1995, relative to this issue, requesting that the Board take a strong leadership role in requesting the transfer of funds either at this meeting tonight or in a meeting with the Finance Committee on Aug. 29, 1995, and that the Selectmen in a memo to the Finance Committee answer its questions as to projected time length for the search, salary level and qualifications for the position to be advertised.

Joseph Proud voiced some concerns of the Finance Committee about the process of hiring professional firms. Chairman Drobinski noted that three proposals have been received and that the services range from a cost of \$6000 to \$11,000. Interim Manager Thompson asked if he should continue to proceed getting information from the private consultants and all three Selectmen concurred, as some of the questions of the Finance Committee cannot be answered without doing so. The Board will meet on Aug. 28, 1995 to evaluate proposals from two consultants (MMA Consulting Group and Municipal Resources, Inc.) and on Aug. 29, 1995 with the Finance Committee, as they request. Mr. Fitzgerald asked if the Selectmen would reconsider Mr. Thompson for Town Manager and Selectmen Blacker and Clark responded negatively. Chairman Drobinski stated that he is personally in favor of appointing Mr. Thompson, but it is a Board position not to do so. Mr. Thompson reiterated to the Board that he would not accept the position. Selectman Blacker stated that the Board of Selectmen has been empowered to find a new Town Manager and if the Finance Committee thwarts this venture by balking at funding, what will be the result to the Town. Mr. Fitzgerald stated that the issue is will this money be well-spent--will something come out of the search this time. Selectman Blacker responded that the problem was how to come to closure--this time a consulting firm will help the Board with that issue. Chairman Drobinski stated that both the Selectmen and Finance Committee have a role here and hopefully, they can work together; Jane Evans has stated that she will help with information from the past work of the Screening Committee; Roy Sanford has a large folder of helpful material as well. Selectman Blacker asked if Jane Evans could be present at the meeting on Aug. 28, 1995 and Mr. Thompson will ask her to be.

New Bedford - Mandate on Illegal Guns

The Board acknowledged receipt of a letter, dated August 7, 1995, from the City Council of New Bedford, MA, asking that all cities and towns in the Commonwealth of Massachusetts join New Bedford in requesting state legislators to make it a mandatory two-year sentence for anyone carrying an illegal gun in the Commonwealth.

Chairman Drobinski and Selectman Blacker expressed that they were not in favor of such a mandate as anyone who will not be deterred by a one-year sentence will also not respond to a two-year sentence. Selectman Clark had no opinion on this request. After a short discussion, it was decided that the Board would acknowledge receipt of the letter from the City of New Bedford, but take no position on this issue at this time. The matter will be taken under advisement.

Consideration of Extending the Sudbury Wastewater Disposal Options Study

The Board acknowledged receipt of a letter, dated August 7, 1995, from Jody Kablack, Town Planner, asking that the study by Woodard & Curran be extended to project reasonable expansion and change of use (build-out) in the business districts of the Town.

Selectman Clark felt that since the final report is not completed yet, it is too soon to begin discussion of a follow-up to the report. She said there is a propensity in town not to accept the results of reports. Selectman Blacker agreed that the report should speak for itself. However, if at some point in the future the Town decides that it cannot keep putting the tax burden preponderantly on the homeowner, then the question should be asked as to how we can enlarge our commercial base. Selectman Clark noted that business owners are on edge and need peace of mind--the report's conclusions should bring them this peace of mind.

Wayland-Sudbury Septage Treatment Facility Agreement Extension

In accordance with the vote of the Sudbury 1995 Annual Town Meeting, under Article 42, it was on motion unanimously

VOTED: To extend, beyond the expiration date of March 12, 1996, the existing agreement with the Town of Wayland for the joint operation of the Wayland-Sudbury Septage Treatment Facility for a period of four years.

Personnel Board Request for Information from Town Auditors

The Board acknowledged receipt of a letter from William Clarke, Chairman of the Personnel Board, dated Aug. 2, 1995, requesting that the Board obtain an opinion from the firm of Powers & Sullivan, who conducts the Town's annual independent audit, concerning the distinction between employees and independent contractors, as to whether the Town is in compliance with IRS regulations with regard to the Plumbing Inspector and Town Counsel.

Interim Town Manager Thompson recommended that the Board comply with Mr. Clarke's request and ask Powers & Sullivan for an opinion to clear up the issue for all future reference. The Board concurred.

Decision Regarding Unexpected Surplus Amount of State Aid

The Board acknowledged receipt of a copy of a memo from Terri Ackerman of the Budget and Personnel Department, dated July 28, 1995, to the Finance Committee, regarding options for spending the \$77,000 windfall received in State Aid.

Interim Town Manager Thompson recommended that the Board support Item 4 of the Ackerman memo, that the Town decide to spend the funds in FY97 by voting \$77,000 into the Stabilization Fund during the Annual Town Meeting in April and then at that same meeting, vote to apply \$77,000 of the Stabilization Fund toward the FY97 budget. The Board will consider such a position after meeting with the School Committee on September 11, 1995.

ORC Meeting Scheduled

The Board acknowledged receipt of a notice from Chris Woodcock of the Operational Review Committee giving a date of August 23, 1995 for a joint meeting of the ORC, the Sudbury Board of Selectmen, the Wayland Board of Selectmen and the Board of Road Commissioners of Wayland. The Board also acknowledged receipt of a communication from John Shaw, Chair of the Board of Road Commissioners of Wayland summarizing actions and decisions pending on several issues regarding the Septage Facility. Selectman Blacker will attend the meeting.

R. E. Thompson - Severance Request and Extension of Interim Appointment

Present: Myron Fox, Attorney for Mr. Thompson.

The Board entered into discussion with Interim Town Manager Thompson concerning his communication dated Aug. 21, 1995, on the subject of Massachusetts General Laws, Ch. 41, s108N., "Severance Pay", setting forth a detailed request for a severance package for his service of almost 23 years to the Town.

Selectman Blacker stated that he would like to make the process of appointing Mr. Thompson as Interim Town Manager from month to month a simpler one by wording the appointment to state, "until Dec. 31, 1995 and from month to month thereafter until a permanent Town Manager is appointed," with Mr. Thompson's temporary appointment to be at his current salary rate.

Representing Mr. Thompson, Attorney Fox spoke to the Board in respect to Mr. Thompson's service to the Town and on the unique position in which Mr. Thompson finds himself as a result of the Board's actions and explained the thinking behind the proposed twelve months severance package. Mr. Fox mentioned other towns (Lincoln, Amesbury and Winchester) that gave one month's severance pay for each year of service, and that Mr. Thompson's request is for well short of such a figure. Mr. Fox stated that Mr. Thompson does not present this proposal as a basis for negotiation, but as a firm, fair proposal.

Selectman Clark presented alternative opinions on situations at Raytheon as to the figuring of severance options and felt that one month per year of service to be on the generous side. Mr. Fox responded

that the only comparative situation in private industry to this one would be to look at the severance package and pay scale of a CEO of a \$30 Million corporation.

After discussion of several other retirement circumstances in the area, Selectman Blacker stated that it is almost impossible to compare or to find a situation which is exactly like this one. He questioned why Mr. Thompson had eliminated his six-month termination clause in his last contract. Selectman Blacker had no problem with the twelve months of insurance or even extending it (on the present 75%/25% contribution basis); the vacation and sick-leave issues are not a problem either, just the issue of more than six months of severance pay.

Chairman Drobinski asked if Mr. Thompson would give his proposal in writing to the Board and Mr. Thompson concurred by distributing to all three Selectmen his formal proposal. Chairman Drobinski stated he had no problem with the proposal.

Selectman Clark said that precedent has been set by the contract for a six-month notice which was withdrawn by Mr. Thompson. Mr. Thompson clarified this by saying he mistakenly took out the clause in the interests of the Town, because the Town Manager search was in process and he believed himself to be a serious candidate.

Mr. Fox asked for feedback from the Board on the proposal as distributed. Selectman Blacker stated that he supports six months of severance pay, and possibly twelve, but he is not sure now. Chairman Drobinski stated that his two colleagues have questions that can perhaps be answered with additional data and perhaps this can then be settled without taking a further step. Mr. Fox reiterated that the twelve months is not stated as a bargaining chip. Mr. Fox stated that Mr. Thompson has the option of litigating, but does not desire to do so.

Mr. Thompson suggested that in regard to his appointment as Interim Town Manager, the contract be extended to October 31, 1995. Selectman Clark agreed, still keeping in mind an objective of Dec. 31, 1995 for the search process to be completed.

A brief discussion was held regarding Mr. Thompson's implementing Chapter 131; the Board agreed to make its decision on this issue after the meeting with the private consultants (MMA Consulting Group, Inc. and Municipal Resources, Inc.) on Aug. 28, 1995.

It was on motion unanimously

VOTED: To extend the appointment and contract as amended on June 26, 1995 of Richard E. Thompson as Interim Town Manager for the Town of Sudbury, to serve only until a new Town Manager is appointed and such appointment becomes effective, but not later than October 31, 1995.

There being no further business, the meeting was adjourned at 10:55 p.m.

Attest: _____
Richard E. Thompson
Interim Town Manager-Clerk