

IN BOARD OF SELECTMEN
MONDAY, JUNE 24, 1996

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

The statutory requirements as to notice having been met, the meeting was convened at 7:30 p.m. in the Sudbury Town Hall.

Neighborhood Preservation Coalition Petition - Central Mass Rail Line

Present: Georgette P. Heerwagen, Chairman, Neighborhood Preservation Coalition.

Georgette P. Heerwagen, Chairman of the Neighborhood Preservation Coalition, made a brief presentation informing the Board that the Coalition was formed to counter a January 1996 plan to study reactivation of the commuter rail line which once served Sudbury and which was abandoned twenty-five years ago. At the time of abandonment of the line there were two trains daily, while the proposed commuter rail service would consist of approximately thirty trains per day. Ms. Heerwagen contrasted the number of homes in proximity to the tracks then and now. She emphasized that the Coalition believes there is no need for such a service in Sudbury because of the service availability in neighboring towns, environmental concerns, traffic and safety issues, and its effect on the character of the Town. Ms. Heerwagen requested the Board of Selectmen to go on record as opposing any such reactivation even though Representative Evans has abandoned her initiative with regard to the study, and presented a petition containing 1,080 signatures to that effect.

In response to Ms. Heerwagen's urging that the Board support recreational use for the abandoned tracks, Selectman Drobinski informed Ms. Heerwagen that in the early 1980's there were various hearings on the issue of converting the tracks to bike paths, to which at that time there was much opposition expressed by the community.

The Board congratulated the Coalition for its efforts, and on motion of Chairman Blacker unanimously

VOTED: To oppose reactivation of the Central Massachusetts rail line.

The Board directed that this vote be sent to Representative Evans, Governor Weld, and the Secretary of Transportation & Construction, James J. Kerasiotes, with copies to the Sudbury Police and Fire Departments and Planning Board.

Board of Appeals - Appointment

Present: Gilbert P. Wright, Jr.

In response to a communication dated June 14, 1996, from Board of Appeals Chairman Patrick J. Delaney III, the Board interviewed Gilbert P. Wright, Jr., a current Board of Appeals Associate and Earth Removal Board member, who has been recommended by the Board of Appeals for full membership.

Mr. Wright, a resident since 1976, discussed his experience in Town government, noting that he has sat as an alternate at approximately ten Board of Appeals hearings, served on the

Route 20 Task Force for three years, and had been a member of the so-called "Blue Ribbon Committee" which worked on the formulation of the Town Manager form of government.

In response to Chairman Blacker, Mr. Wright discussed his votes on issues regarding placement of towers stating that there was no general rationale for voting noting that his vote for approval of the Route 117 tower and his voting against the Nynex towers proposed at the Landfill were based on specifics of each case.

With regard to Mr. Wright's comment on his perception of the limited economic benefit to the Town involved with the Nynex towers, Selectman Clark suggested that information on the dollar amount of the lease proposed might be of assistance in the Board's deliberations. Mr. Wright advised that dollar amounts were brought forth in the hearing process, but the impact of the information on the decision is unknown.

Mr. Wright suggested to the Selectmen that what would be helpful to the Board of Appeals is an overall coordinated approach to the number, siting, and management of towers to be located within Town bounds, citing the example set forth by the Town of Wayland in the promulgation of guidelines with respect to towers.

Chairman Blacker suggested that Mr. Wright's appointment be held until such time as membership on the Earth Removal Board is increased and a quorum would be available to enable it to function.

Mr. Wright suggested that use of the Board of Appeals membership be considered for Earth Removal Board hearings, noting that the Earth Removal Board did not see any prohibition against such use. The Selectmen concurred and suggested that the Town Manager look into that possibility.

Minutes

It was on motion, unanimously

VOTED: To approve the minutes of June 10, 1996, as drafted.

Council on Aging - Van Donations

It was on motion, unanimously

VOTED: To accept \$120.15 in miscellaneous donations for deposit in 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.

Donations

It was on motion, unanimously

VOTED: To accept with thanks on behalf of the Town the following donations:

- \$250 from Our Lady of Fatima Parish to be deposited into the Ambulance Gift Account and expended under the direction of the Fire Chief;
- a Motorola Maxtrac Mobile radio from Voorhees communication Company for use by the Fire Department; and
- \$30 from the Fifth Grade students at the Peter Noyes School to be deposited into the Park and Recreation Programs revolving account and expended under the direction of the Park and Recreation Commission to provide scholarship assistance to a deserving camper at the Sudbury Summer Day Camp.

It was noted that the Fifth Grade students had made their donation in honor of Sudbury's D.A.R.E. Officer, Ronald Conrado.

Disposal of Town Property - Sudbury Historical Commission

In response to a June 10, 1996 communication from Historical Commission Chairman Lyn MacLean requesting permission to dispose of certain items from the Hosmer House which the Commission has deemed undesirable to keep, it was on motion unanimously

VOTED: In accordance with Town Property Bylaw Art. XII, to authorize the Sudbury Historical Commission to dispose of miscellaneous items from the Hosmer House as noted in the June 10, 1996 communication from the Chairman, either by sale or by gift.

Town Manager - Purchasing Contracts

It was on motion unanimously

VOTED: To approve purchasing contracts by the Town Manager as follows:

- For #2 fuel oil for Town buildings for FY97, under The Education Cooperative/Mass. Plan Administrators Association bid, to Global Petroleum corp. at the price of \$.0722 per gallon to be added to the lowest rack price as listed in the New York Journal of Commerce (Boston).
- For premium unleaded 92 octane gasoline for FY97, under bids opened June 20, 1996, to Coastal Refining & Marketing, Inc., at the price of \$.0275 to be added to the Platts Oilgram Price Report low posting under the South and East Terminals.

Permit - SERF Fund-raising Event

Pursuant to a June 20, 1996 request of Eileen Glovsky, Vice President, Sudbury Education Resource Fund, Inc. (SERF), it was on motion unanimously

VOTED: To grant a permit to the Sudbury Education Resource Fund, Inc., to arrange, as a fund-raising event, for the conduct of a one-ring tent circus by the Vidbel's Olde Tyme Circus on the grounds of the Peter Noyes School on August 20, 1996, subject to approval by the Sudbury School Committee, Police Chief, Fire Chief, Building Inspector, and Board of Health.

Renewal of Livery and Limousine Service Licenses

In accordance with the June 11, 1996 renewal request of Edmund R. Brown, President, AAA Limousine, Inc., it was on motion unanimously
VOTED: To grant the renewal of Livery and Limousine Service License, in accordance with the application received, for Edmund R. Brown, AAA Limousine, Inc., 39 Union Avenue, Sudbury, subject to satisfactory vehicle inspections and driver permits granted by the Police Department; and to approve revised rates as follows:

Sudbury to or from Boston and/or Logan Airport (one-way): Limousine, \$95.00; Sedan, \$75.00; Van, \$50 up to and including 4 passengers, and passengers 5 through 10, an additional \$5 each.

In accordance with the June 20, 1996 renewal request of Joanne M. Butler, Office Manager, SLS, Inc., it was on motion unanimously

VOTED: To grant the renewal of Livery and Limousine Service License, in accordance with the application received, for James E. Butler, Sudbury Limousine Service, Inc. (SLS), 75 Union Avenue, Suite 102C, Sudbury, subject to satisfactory vehicle inspections and driver permits granted by the Police Department; and to approve the following rates:

Sudbury to or from Boston and/or Logan Airport (one way) - \$50.00;

Dedicated Hourly Service (three hour minimum) -

Executive Sedan, \$35.00 per hour plus 15% gratuity;

Conversion Van, \$40.00 per hour plus 15% gratuity;

15-Passenger Van, \$95.00 per hour plus 15% gratuity;

8-Passenger Stretch Limousine, \$55.00 per hour plus 20% gratuity.

Town Forum - 223rd Session

At 8:00 p.m. Chairman Blacker convened the 223rd Session of the Town Forum, highlighted by congratulations to the Earth Decade Committee on receiving a Certificate of Merit Award for Excellence in Environmental Education from the Executive Office of Environmental Affairs and Executive Office of Education. In keeping with the environmental theme, Chairman Blacker announced the Selectmen's "Recycled Product Procurement Policy," and reports by various Boards and Departments were given.

Copies of the School Space Planning Committee's interim report were presented to the Board of Selectmen by School Committee Chairman Karen Krone who summarized salient points of the report and requested a meeting with and assistance from the Board in identifying parcels of Town-owned land which may be suitable for school sites.

This Town Forum was televised over the local Cable network, and a copy of the video tape is available during the next year by contacting the Selectmen's Office.

Conservation Land Donation, C.40, s. 8C - Neusner parcel off Hunt Road

With regard to accepting land donated for conservation purposes, Selectman Clark pointed out that the cumulative amount of tax dollars lost by virtue of accepting gifts of land in this manner is substantial and does a disservice to the taxpayers, emphasizing that the Board should not be in the business of enhancing a person's tax situation.

In response to queries posed by Ms. Clark to Stephen Meyer, Chairman of the Sudbury Conservation Commission, and Conservation Coordinator Deborah Dineen, it was established that:

- the taxes paid on the property in question amount to \$174 per year and payment is current;
- the Conservation Commission did not initiate the gift-giving concept nor provide assistance on the sub-division of property which resulted in the separation of the parcel in question;
- there was no interest on the part of the Neusners in giving a Conservation Restriction since they no longer live in Sudbury nor do they own property in Sudbury other than this parcel;
- since the parcel itself is mostly wetland, it is unlikely that it would have added significant taxable value to the original property;
- it would have no impact upon the Town's liability insurance premium since there have been no other premium impacts connected with land purchase, e.g., the Carding Mill house with dam;
- it would cost \$1500 to hire a consultant to determine the economic value of this type of parcel acquisition to the Town;
- it would cost the Town a significant amount of money for the legal and Registry requirements involved in tax-taking and tax possession procedures;
- the Conservation Commission originally brought this parcel to the attention of the Board, which approved its acceptance at the time, because of the diversity of habitat and plant species as expressed by the Conservation Commission.

At the conclusion of discussion, it was on motion

VOTED: To accept on behalf of the Town in conjunction with the Conservation Commission a Deed dated May 23, 1996, granted by Milton M. Neusner and Constance Neusner, under the provisions of M.G.L. c.40, s.8C, for a parcel of land being Lot 16 on Plan No. 32652B, and shown as a portion of Parcel 215 on Town Property Map F09.

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

Loring Lease - Capital Improvement Waiver Request

Chairman Blacker excused himself from discussion on this subject since he is a member of Congregation B'Nai Torah.

Town Manager Steven Ledoux presented the Temple B'Nai Torah's request for a one-year rent waiver which would enable the Temple to rebuild their reserves before funding the HVAC improvements proposed for the former Loring school building which are estimated to cost between \$20,000 - \$40,000. Mr. Ledoux suggested to the Board that since his meeting with Temple representatives, the School Space Needs Committee has identified the site as one of the options for expansion of the school system, which may change the Temple's position with regard to undertaking further capital expenditures. Additionally, Mr. Ledoux informed the Board that the lease terms require one-year notice to the Temple for termination of the lease arrangements.

Selectman Clark suggested that there has been no oversight on the repairs already performed, noting that she has not seen the receipts advising that the lessee is obligated to seek approval from the Selectmen with regard to major repairs and to provide the itemized bills as proof of having performed the work. It was ascertained that the file contains bills relating to the school portion of the building, but none are in the file relative to the work performed by the Temple. Selectman Clark stated that these bills should be scrutinized to ascertain whether the distinction was made between major and minor repairs which are treated differently under the terms of the lease.

Selectman Drobinski stated that the engineer's estimate and invoices reviewed by the Board's professional staff would be sufficient for this purpose and he would not need to review such items personally.

Mr. Ledoux advised that, in any case, the invoices should be reviewed to determine what funds might be owed the Temple since the Town was obligated by the lease to refund non-reimbursed moneys expended on its behalf should the lease be terminated.

Haynes/Pantry Intersection

Present: Ronald Conrado, Safety Officer, Sudbury Police Department; Highway Surveyor Robert A. Noyes; Philip Sharkey, George Sharkey, Ralph Tyler, Eric Mollo-Christianson, Janelle Landrigan, Margaret Fredrickson, area residents.

As part of the Town's program to upgrade existing intersections on a priority basis after review of safety and other considerations with the Safety Officer and the Highway Surveyor, the Town Engineer has developed an improvement plan for the Haynes/Pantry intersection. Officer Conrado informed those present that there were five accidents at that intersection last year and noted that another accident had occurred this month. The intersection has been painted and a yield sign put up to temporarily improve the situation.

Mr. George Sharkey contended that the plan infringes upon Sharkey property, although it was shown that the Town plan was based upon a 12/3/91 survey by Thomas Land Surveyors, Inc. for George R. and Mary M. Sharkey. Mr. Sharkey countered that the Thomas Land Surveyors' plan is in dispute and that there is another plan which will demonstrate that he is right. Chairman Blacker suggested that Mr. Sharkey had been asked to provide that plan in the past and had not done so.

It was ascertained that the intersection improvement will be funded through Chapter 90 monies from the State earmarked for such purposes and would cost approximately \$67,000.

The plan was reviewed by those present with many alternative suggestions provided, including the less costly placement of stop signs (\$55 each) at strategic locations as a preferable solution.

There were several opinions voiced that there is a failure of persons to stop at the existing stop sign on Haynes Road now, so that additional stop sign placement would most likely be ineffective.

Selectman Clark suggested that "stop ahead" warning signs be placed as well and that the signage should be well advertised to the public.

Officer Conrado stated his concern about the amount of traffic and bad weather creating the potential for more serious situations, including the possibility of rear-end incidents caused by sudden stopping.

Ms. Fredrickson, a resident of Haynes Road, stated that the proposed configuration appeared to create a safer situation and suggested that it be given consideration, in keeping with Town policy.

Ralph Tyler suggested that he would make certain modifications to the plan, including improving sight distances and eliminating certain changes in elevation and drainage.

Highway Surveyor Robert Noyes cautioned that the design work had to meet particular State standards which may pertain to drainage and suggested that Mr. Tyler confer with the Town Engineer as to what is mandated by the State.

It was agreed that the Board would consider the placement of stop signs on a trial basis with appropriate warnings, and that the plan should be referred back to the Town Engineer, Safety Officer, and Highway Surveyor.

Selectman Drobinski advised Mr. Sharkey that he should provide a new plan or have a new survey done to show ownership of the property which he contends is his. Mr. Sharkey advised that he could provide a copy of the original 1917 survey.

Brunjes, Inc., d/b/a The Hitchcock Store Site Plan Special Permit SP96-326

The Board acknowledged a June 14, 1996 communication from Design Review Board Chairman Frank W. Riepe and receipt of an opinion from Town Counsel advising that as a matter of law the zoning requirements with respect to the planting of shade trees in the Village District (IX.V.A.7.i.6) cannot be waived under the Site Plan approval process.

Therefore, it was on motion unanimously

VOTED: To modify the Site Plan Special Permit Decision accordingly and so inform the applicant.

Sudbury Housing Partnership Committee - Dissolution

Upon the advice of the Sudbury Housing Authority and its Executive Director, Jo-Ann Howe, expressed in a communication dated June 21, 1996, it was on motion unanimously

VOTED: To dissolve the Sudbury Housing Partnership Committee.

Strategic Planning Process

Town Manager Steven Ledoux reviewed his memo with regard to the process of strategic planning and in particular the development of a Strategic Planning Committee. Mr. Ledoux cited the Town of Arlington's experience with the process and noted that incentive aid grants through the EOCD can be explored.

Mr. Ledoux suggested that the Board might consider four main strategy categories: housing, capital improvement; economic development; and open space preservation.

There was a consensus that:

- there would be no need for a member of the Long Range Planning Committee to serve on the proposed Strategic Planning Committee since its expertise was more relevant to capital improvements to the Town's infrastructure;
- there should be a larger number of citizens-at-large on the Committee (perhaps 9) to accommodate a divergent set of viewpoints;
- the Selectmen should set an all-inclusive, broad charge;
- an "interest" form similar to that used in the appointment process of the "Blue Ribbon Committee" could be used;
- sub-committees could be formed to explore issues such as traffic and quality of life.

Selectman Clark cautioned that the advertisement for appointees would have to be very carefully drafted and indicated that she personally would like to be involved in the drafting process.

It was agreed to schedule a half-hour session at the July 8 meeting to discuss the charge and other matters concerning the process.

Star Market Expansion

Town Manager Steven Ledoux advised that he had spoken with John Cibilinski of Gravestar on June 13 concerning the status of the Star Market expansion and had been informed that he will contact the Town Manager when the decision has been made, most likely within the following two weeks, as to whether they will proceed with the project.

Zoning Articles - ATM96

Town Manager Steven Ledoux informed the Board that the Attorney General had disapproved the zoning articles which had been submitted to that office subsequent to passage by the 1996 Annual Town Meeting. The articles disapproved consisted of: Article 41 - Amend Zoning Bylaw, Art. IX, s.I & III, Assisted Care Facility (Planning Board); Article 43 - Amend Zoning Bylaw, Art. IX.V.D., Signs and Advertising Devices (Design Review Board); Article 44 - Amend zoning Bylaw Art. IX.III.C.2.a, Permitted Uses, Industrial Districts (Board of Selectmen); and Article 45 - Amend Zoning Bylaw Art. IX.III.C.2.c, Permitted Uses, Industrial Districts (Board of Selectmen). The reason given for the disapproval was the failure to allow

fourteen days between the first notice and the Planning Board hearing. It was agreed to resubmit the Board of Selectmen articles at the 1997 ATM for ratification.

Dog Order - Echouafni

Town Manager Steven Ledoux advised the Board that at the June 18 hearing, the District Court Magistrate granted Mr. Echouafni's motion to waive the 10-day appeal period finding that, due to a restraining order, notice was not adequately served. The hearing on the Selectmen's Order will be held on July 9.

Fund-raising Permit - Committee for the Restoration of the Toddler Playground on Fairbank Road

In response to a June 24 memo from Jennifer J. Coash, Co-Chairperson, The Committee for the Restoration of the Toddler Playground on Fairbank Road, requesting permission to hold a fund-raising event on the Town Common, it was on motion unanimously

VOTED: To permit The Committee for the Restoration of Toddler Playground on Fairbank Road to sell food and soft drinks during the 4th of July festivities on the Town Common, or such other place as would be appropriate along the parade route, to earn money for the restoration of the playground and publicize its efforts.

4th of July Lion's Club Flea Market

Town Manager Steven Ledoux has been advised by Lt. Nix of the Sudbury Police Department that a paid detail should be required to serve at the Lion's Club Flea Market for reasons of safety and traffic control. Mr. Ledoux will contact the Lion's Club.

Wood-Davison House Restoration Fund

Town Manager Steven Ledoux will be holding a preliminary meeting with Town Historian Curt Garfield; The Sudbury Foundation Executive Director, Derry Tanner; and Maria VonBrincken to develop a plan for use of funds no longer required for the Wood-Davison House restoration since it will not become property of the Town.

Chairman Blacker suggested that, in his legal experience with the process, the Probate Court will need to be shown like charitable intent such as preservation for a historical purpose.

Selectman Clark expressed her desire that some monies be allocated for purchase of benches for the Grinnell Memorial Park and noted that the Park itself has intrinsic historical value.

There being no further business, the meeting was adjourned at 10:35 p.m.

Attest: _____
Steven L. Ledoux, Town Manager-Clerk