

IN BOARD OF SELECTMEN
TUESDAY, OCTOBER 15, 1996

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

The statutory requirements as to notice having been complied with, the meeting was convened by Chairman Blacker at 7:31 p.m. in the Sudbury Town Hall.

Citizen Petitions

Present: Wilhelmina Dole, Longfellow Glen

Mrs. Wilhelmina Dole said that during the last meeting she had presented a petition regarding concerns she had about other tenants at Longfellow Glen. She stated that other tenants are creating disturbances. She said that there are noise problems and the use of vulgar language. She said that it is a serious problem and the petition had been signed by some 45 other individuals. She said that she was displeased that such matter had not been reported in the press.

Selectman Drobinski noted that the Board had no control over what the press reports and suggested that Mrs. Dole raise issues that the Board had the authority to address. He suggested that Mrs. Dole notify the management at Longfellow Glen of her concerns regarding tenant disturbances.

Appointment to Board of Assessors

Present: William J. Keller, Jr., and Joseph Nugent, Jr., Board of Assessors; David G. Berry and Thomas H. Hillary, applicants for Board of Assessors.

At 7:45 p.m., Chairman Blacker convened a joint meeting with the Board of Assessors for the purpose of interviewing applicants and making an appointment to the Board of Assessors to serve until the effective date of the 1997 Annual Town Election as a result of the vacancy created by the resignation of David Tucker.

The Board was in receipt of the following:

1. An application from David G. Berry, 50 Blacksmith Drive, indicating that he had been a Sudbury resident for some 20 years. He also noted that he had previously served as an Associate and Member of the Board of Appeals and on the Earth Removal Board.
2. An application from Thomas H. Hillery, 66 Willow Road, noting that he had resided in Sudbury for 33 years. He also noted that he had served on the Board of Assessors from April 1987 to April 1996. He noted that he is a stated accredited assessor.

Selectman Drobinski asked each of the applicants why he wished to serve on the Board of Assessors.

Mr. Hillery stated that he is an accredited assessor and had served previously on the Board. He stated that the Town is in a period of transition with the new Town Manager form of government. He said that he wished to serve so that a greater level of cooperation between the Board of Assessors and the Town Manager might be achieved. He said that under the new system, the Town Manager is able to hire and fire Board of Assessor's staff and that he would like to establish a guarantee that such staff might not be hired or

fired without the approval of the Board of Assessors. He stated that the Board of Assessors relied to a great extent on its staff and would know best whom to hire or fire. He also noted that the staff needs to be assured of continued employment.

Mr. Berry stated that he had lived in Sudbury for 20 years and had served on the Board of Appeals for eight years. He said that he could offer business experience to the Board. He said that he was also aware of the newly established form of government and was looking forward to working with the new Town Manager.

Selectman Drobinski asked if the candidates were willing to remain on the Board after this term expires. Both candidates indicated a willingness to continue their service.

Selectman Clark asked Mr. Berry if he had any experience in property assessment.

Mr. Berry responded that he had some experience in the area from his employment with Ford Motor Company.

The floor was opened for nominations.

Chairman Blacker nominated Mr. Berry. The motion was duly seconded.

Selectman Drobinski nominated Mr. Hillery. The motion was duly seconded.

Selectman Clark noted that this is an "interim" appointment with elections coming up in the spring. She asked if it were important for the person to be experienced with property assessments in order to commence the job without delay.

Mr. Keller responded that a new person could come up to speed very quickly. He said the Board's staff is very knowledgeable and is available to assist new members on the Board. He also noted that he did not share Mr. Hillery's concerns regarding the transition with the recently established Town Manager form of government. He expressed his belief that it is important for members of the community to serve on various Town Boards and that "new blood" should be welcomed.

A roll call vote was recorded as follows:

Chairman Blacker, in favor of Berry; Selectman Drobinski, in favor of Berry; Board of Assessor member Keller, in favor of Berry; Board of Assessor member Nugent, in favor of Berry; and Selectman Clark, in favor of Hillery.

Chairman Blacker announced that David G. Berry, 50 Blacksmith Drive, had been appointed to serve on the Board of Assessors, until the effective date of the next Town Election.

Site Plan Special Permit Application SP96-329 - Biela Corporation, 119 Boston Post Road

At 8:00 p.m., the Board convened a continued public hearing on Site Plan Special Permit application SP96-329 of Marek Biela, Biela Corporation, for a change in use to an automotive sales and repair business on property at 119 Boston Post Road, Town Property Map K11-018, in Industrial District #4, owned by Richard Shiff of Framingham.

The Board was in receipt of a communication, dated October 15, 1996, from Marek Biela, Biela Corporation, requesting the withdrawal of his application for the approval of Site Plan Special Permit Application SP96-329.

On motion it was unanimously

VOTED: To accept the withdrawal of Site Plan Special Permit Application SP96-329 of Marek Biela, Biela Corporation, for a change in use to an automotive sales and repair business on property at 119 Boston Post Road, Town Property Map K11-018, in Industrial District #4, owned by Richard Shiff of Framingham.

Warrant for November 1996 Election

Town Manger Ledoux presented the Board with a warrant for the November 1996 general election.

It was on motion unanimously

VOTED: To approve and execute such warrant for the November 1996 general election.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular and executive sessions of September 24, and September 30, 1996, as drafted.

Council on Aging - Donations

It was on motion unanimously

VOTED: To accept \$200.11 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.

School Fund - Donation

The Board was in receipt of the following:

1. Communication, dated September 25, 1996 from Mary Ellen Dunn, Town Treasurer and Collector, enclosing a copy of a letter from Larry and Dori Mariasis and a copy of a stock certificate, for 44 shares of Bank of Boston stock, showing as owner, Sudbury Public Schools. In the letter from Mr. and Mrs. Mariasis, dated September 19, 1996, they state that their youngest son, Eric, has attended the Peter Noyes preschool program for the past two years and has recently begun his third year. In appreciation for the outstanding work of his many teachers, they would like to contribute a certificate for 44 shares of Bank of Boston stock, valued at approximately \$2,500. Upon sale of the shares through the Town's broker, they request that this contribution be used exclusively for the purchase of a new personal computer and software for the Peter Noyes preschool.

Ms. Dunn reports that the stock certificate was deposited to the School Fund, established in 1638 for the purpose of educating Sudbury's children. She further requests the Board to accept this gift so that the stock certificate might be redeemed to carry out the requests made by Mr. and Mrs. Mariasis. She notes that all transaction fees will be deducted from the sale proceeds.

The Board expressed its appreciation of this generous gift by Mr. and Mrs. Mariasis.

Acting as Co-Trustees of Town Donations, it was on motion unanimously

VOTED: To accept a stock certificate for 44 common shares of Bank of Boston stock donated by Larry and Dori Mariasis valued at approximately \$2,500, to be deposited to the School Fund and used for the exclusive purpose of purchasing a new personal computer and software for the Peter Noyes preschool.

Wadsworth Cemetery - Repurchase Grave Site

In accordance with a communication, dated September 27, 1996, from the Superintendent of Cemeteries, it was on motion unanimously

VOTED: To repurchase one grave plot, more specifically, Lot 16 A, Section F, Deed #761, in Wadsworth Cemetery, from Wei Zye Gong, at the purchase cost of \$37.50 and at the perpetual care cost of \$112.50.

Democratic Election Officer-Appointment

On motion it was unanimously

VOTED: To accept the resignation of Linda Bodoi, Democratic Election Officer - Emergency Inspector, and to appoint Joseph D. Bausk, 46 Pratt's Mill Road, to said position for the 1997 Election Year, as recommended by the Democratic Town Committee Chairman and the Town Clerk.

Cable Television Committee - Appointment

On motion it was unanimously

VOTED: To appoint Martin Greenstein, 9 Brookdale Road, to the Cable Television Committee for a term to expire on April 30, 1997.

Conservation Commission - Resignation

The Board was in receipt of a communication, dated October 8, 1996, from Karen Riggert, noting her resignation from the Conservation Commission.

On motion it was unanimously

VOTED: To request the Town Manager to issue a letter of appreciation for her service on the Commission.

Edwin Barrett Hosmer Memorial Fund - Expenditure

It was on motion unanimously

VOTED: To approve the expenditure of \$400 from the Edwin Barrett Hosmer Memorial Fund for the purchase of house signs, which are to be sold and the resulting proceeds returned to the Fund.

Accept Easements - Cobblestone Circle

It was on motion unanimously

VOTED: To accept the following interests in land: Cobblestone Circle Drainage Easements granted by Eligius Homes Company, Inc., dated September 11, 1996, shown as "Drainage & Utility Easement" and "Utility Easement Area" on Lots 4, 5, and 6 on plan entitled "Definitive Subdivision of Cobblestone Circle Also Being A Definitive Subdivision of Mass. Land Court Case #2170K Lot 155", dated March 1, 1996, revised May 20, 1996, June 12, 1996, July 23, 1996, and August 23, 1996, prepared by Zanca Land Surveyors, Inc.; and shown as "25' Wide Drainage & Utility Easement" on Lots 9 and 10 on plan entitled "Plan of Land in Sudbury, Mass.", dated January 1, 1996, prepared by On-Line Engineering Company.

Approve Submission of Capital Plans to Long Range Planning Committee

Chairman Blacker suggested that the Town Manager consider leasing rather than purchasing a copy machine and postage machine. Town Manager Ledoux responded that that was a matter he would discuss with the Long Range Planning Committee, as such long term leases are considered "capital" expenditures requiring consideration by the Long Range Planning Committee.

Selectman Clark remarked about the Flynn renovation cost of 1.5 million. Town Manager Ledoux responded that that project would probably be considered in increments.

It was on motion unanimously

VOTED: To approve the submission of the FY98 Capital Requests and Six-Year Capital Expenditure Plan to the Long Range Planning Committee.

Approve Articles for 1997 Annual Town Meeting

Chairman Blacker noted that there was no back-up for this agenda item. Town Manager Ledoux explained that he would like more time to finalize the list of tentative articles and requested that the matter be considered at the next regular session of the Board.

On motion it was unanimously

VOTED: To continue this matter until the next regular session of the Board on October 28, 1996.

Accept FY95 Audit Reports

It was on motion unanimously

VOTED: To accept the FY95 audit reports, dated March 26, 1996, from Powers & Sullivan, Certified Public Accountants, as follows: 1) "Town of Sudbury, Massachusetts Management Letter June 30, 1995"; 2) "Town Of Sudbury, Massachusetts Report on Schedule of Federal Financial Assistance Year Ended June 30, 1995"; and 3) "Town of Sudbury, Massachusetts Report on Examination of General Purpose Financial Statements and Additional Information Year Ended June 30, 1995".

Strategic Planning Committee - Incentive Aid Grant

Town Manager Ledoux noted that the Town's grant request for a facilitator had not been funded by EOOD. He opined that with only \$750,000 available statewide, the Town's relative wealth damaged its request for funding.

Chairman Blacker suggested that a preliminary meeting of the Strategic Planning Committee be scheduled for sometime in November. Town Manager Ledoux concurred indicating that all of the representatives had been appointed except for the Youth Representative. He also related that he was attempting to determine if anyone might be willing to act as a facilitator on a pro bono basis. Chairman Blacker suggested that the Town Manager explore the possibility of acquiring someone for a small stipend of maybe \$5,000.

Town Accountant Situation

The Town Manager, as acting Department Head of the Accounting Department, reported that Powers and Sullivan had been contracted to perform the Free Cash calculations and preparation of Schedule A. He also noted that the consultant hired to create the General Ledger and chart of accounts should be finished by the end of October. Thus, the Town should have its FY96 audit completed by late November.

The Town Manager also reported that the advertisement for the Town Accountant position will be published in the *Beacon*, *Middlesex News* and *Sunday Boston Globe* and the deadline for applications is November 30, 1996.

Joan Avenue

The Town Manager reported that he and the Town Counsel had met with the Framingham Town Manager and Town Counsel regarding the request from residents on Joan Avenue to incorporate their homes within the Town of Sudbury. Town Manager Ledoux stated that Framingham does not intend to pursue this matter since there are other similarly situated properties and it does not wish to set a precedent and lose tax revenues. Town Manager Ledoux opined that the amount of taxes derived in incorporating these homes probably would be offset by the cost of educating the two preschool children residing in the homes at issue. Town Manager Ledoux reported that Framingham officials intend to communicate to the proponents that

they will not support their request and that they should pursue citizen petitions articles before the annual meetings conducted in both Towns.

Town Data Link

Town Manager Ledoux reported that the Town had obtained a grant in the amount of \$25,000 from the Sudbury Foundation. He said as a result of this grant, as well as from contributions by most of the affected Town Departments, there is enough money to fund Phase I and a portion of Phase II of the project. He noted that only an additional \$16,000 is needed for Phase II. He reported that he had requested that \$16,000 be earmarked in the Reserve Fund in the event that the remaining funding cannot be obtained. He said that he particularly wished to thank Mary Ellen Dunn who had spearheaded this effort.

The Board expressed its appreciation of this generous grant and commended the efforts of the Town staff involved in this project.

It was on motion unanimously

VOTED: To accept a grant in the amount of \$25,000 from The Sudbury Foundation, to be deposited into the Technology Management Plan Grant account and expended under the direction of the Town Manager for installing local area networks in the Flynn Building and Fairbank Community Center.

New Secretary in Selectmen's Office

The Town Manager reported that Mary Daniels of Hudson has been hired as secretary in the Selectmen's Office, replacing Yvonne Fox who transferred to the Town Clerk's Office.

Approval of Contract - Police Station and Garage

Town Manager Ledoux reported that \$16,000 had been allocated in the Town's budget for the painting of the Town Police Station and Garage. He informed the Board that the matter had gone to bid and the lowest bidder is BSA Painting Company, 23 Park Street, Arlington, MA 02174, with a bid in the amount of \$11,900. Town Manager Ledoux requested authorization from the Board to enter into a contract with BSA for this project.

On motion it was unanimously

VOTED: To authorize the Town Manager to enter into a contract with BSA Painting Company, 23 Park Street, Arlington, MA 02174, in the amount of \$11,900 for the complete painting of the interior and exterior trim of the Police Station and Garage.

Site Plan Permit Application SP96-331 - Sudbury Valley Trustees, 245 Dutton Road

Town Manager Ledoux presented the Board with a communication, dated October 15, 1996, from Whitney Beals, Associate Director, Sudbury Valley Trustees, Inc., requesting the withdrawal of its Site Plan Permit Application SP96-331 - proposed parking area at 245 Dutton Road. The communication noted that the applicant intends to submit a revised application for the same project at the Board's meeting on November 25, 1996.

On motion it was unanimously

VOTED: To accept the withdrawal of Site Plan Permit Application SP96-331, by the Sudbury Valley Trustees, for a parking area at 245 Dutton Road.

Report from Investment Priorities Committee

Present: Karen Anderson Palmer, 44 Brimstone Lane, Chair of the Investment Priorities Committee of the Finance Committee.

Ms. Palmer reported that members of the Sudbury School Committee, Long Range Planning Committee, Permanent Building Committee, Selectmen, the Finance Committee, and the Lincoln-Sudbury Regional School Committee had been meeting throughout the summer. She reported that there is a 40 million dollar backlog of various projects with legitimate needs. She said that, in the past, projects were considered on an ad hoc basis. She reported that the various committees have been working together to develop a ten-year capital projects plan. She stated that the residents of the Town need to be informed so that a reasoned approach might be developed to describe and quantify capital needs.

Board of Appeals Associates and Earth Removal Board - Appointments

Present: John F. Sylvania, applicant.

The Board was in receipt of the following:

1. A communication from Patrick J. Delaney III, Chairman, Board of Appeals, noting that at the Board's meeting conducted on September 24, 1996, it had interviewed John F. Sylvania and Mark A. Kablack, who have applied for the two open positions on the Earth Removal Board and Board of Appeals Associates. He noted that the Board had found both candidates to be qualified and that the Board had voted unanimously to recommend the appointment of both candidates to the Earth Removal Board and the Board of Appeals Associates.
2. An application from Mark A. Kablack, 46 Poplar Street, for the Board of Appeals, noting that he has previously served on the Resource Recovery Committee and acted as the Town representative to the Regional Recycling Coop. He also noted that he is a practicing real estate attorney specializing in land use and zoning issues.
3. An application from John F. Sylvania, 24 Walker Farm Road, for the Board of Appeals, noting that he is an attorney who on a daily basis counsels clients and mediates disputes.

John F. Sylvania stated that he moved to Sudbury in 1993 and that he is interested in getting involved in the community. He said that he is a trial attorney and as such he is experienced in mediating disputes, addressing clients and judges, applying the law to the facts and assessing credibility of witnesses. He suggested that this experience would be beneficial to a member of the Board of Appeals which he envisions as a quasi judicial and deliberative body.

Chairman Blacker and Selectman Clark concurred.

It was on motion unanimously

VOTED: To appoint John F. Sylvia to the Board of Appeals Associates and the Earth Removal Board, for a term to expire April 30, 1997, replacing former member Ronald Myrick.

Due to the absence of applicant, Mark A. Kablack, it was on motion unanimously

VOTED: To continue the consideration of the appointment of Mark A. Kablack to the Board of Appeals Associates and the Earth Removal Board until the next regular meeting of the Board.

Haynes/Pantry Road Intersection

Present: I. William Place, Town Engineer; Philip Sharkey, George Sharkey, Ralph Tyler, and others.

At 8:30 p.m., the Board reconvened a hearing on the needed improvements to the Haynes/Pantry intersection.

Town Engineer Place presented a number of intersection diagrams and reported the following findings that he had made at the site: The existing sight distance on Haynes Road, northbound, is 165 feet and that 200 feet is needed to meet design safety standards for a road designated 30 mph. Southbound on both Deacon Lane and Pantry Road the sight distances are 200 and 175 feet and 225-250 feet is needed to meet design standards for those roads which are designated 35 mph. Under the proposed re-design plans for the intersection appropriate sight distances on both Deacon Lane and Haynes Road, both north- and southbound, would exist for the placement of stop signs.

Town Engineer Place explained that one of the proposed designs would require dropping the road two feet in certain areas and filling the road one foot in other areas in order to reduce the existing drop in the roadway. He also noted that, as November 1 is the deadline for street cut applications and paving companies close on November 15, construction could not commence until the spring.

Philip Sharkey questioned if the road would be more dangerous if it were lowered. He suggested that perhaps the speed limit be reduced.

Town Engineer Place responded that the road needed to be lowered in order to provide for the proper sight distance. As to reducing the speed, he said that the Town cannot have police stationed at the intersection 24 hours a day.

Chairman Blacker suggested that stop signs be installed to reduce speed levels after the slope is redesigned.

Mr. George Sharkey questioned the need for islands in the proposed redesign plan. He also stated that he thought that the number of signs currently at the intersection were confusing. He said there were now eight signs between Concord Road and Haynes Road.

Town Engineer Place said that the islands would channel vehicles turning through the intersection.

Ralph Tyler stated that most of the traffic currently passing through the intersection pay no attention to the newly painted yellow center line. He stated that it is not safe to just install stop signs and that the Town should commit to the plan and obtain the funding to execute it.

Chairman Blacker indicated that he was not in favor of merely putting up stop signs. Selectman Drobinski concurred.

Chairman Blacker stated that this intersection can be engineered correctly and the Town should do so.

Mr. Philip Sharkey asked why the intersection could not be squared up such as was being done at Route 117 and Powers Road.

Town Engineer Place responded that that would be ideal but with the intersection at hand it would impact some 5000 square feet and such was not feasible.

Mr. George Sharkey reiterated his concern pertaining to the use of islands. He asked to be notified of all further hearings, including when the plan is submitted to the Massachusetts Highway Department.

Ralph Tyler countered that islands do work. He said that opening up the sight distances would be good. He stated that he believed the plan is a good one. As an interim measure, he suggested that more warning signs be installed for the south bound traffic. He said that he thought such was particularly important given that winter conditions will soon be here.

It was on motion unanimously

VOTED: To request the Town Engineer and Town Highway Department to finalize and implement the plan to redesign the Haynes/Pantry intersection, including the lowering of certain portions of roadways and increasing the height of certain portions of roadways so that the sight distances might be increased for the proper installation of stop signs and to proceed with those steps necessary for the acquisition of funding for such project.

Request for Permission to Hunt on Town of Sudbury Land Parcel 172

The Board was in receipt of a request, dated October 1, 1996, from Donald F. Stanley of Concord for permission to hunt on Town land known as Tax Possession Parcel 172 bordering the Sudbury River.

Mr. Stanley, not being present, and the Board desiring further information on this matter, it was on motion unanimously

VOTED: To table this request until such time as Mr. Stanley could be present and further information obtained.

Executive Session

On motion by Chairman Blacker, by roll call voted unanimously

VOTED: To enter into Executive Session for the purpose of discussing collective bargaining strategy.

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

Chairman Blacker stated that the Board would not return to open session.

There being no further business, the meeting was adjourned at 9:34 p.m.

Attest: _____
Steven Ledoux
Town Manager-Clerk