

IN BOARD OF SELECTMEN
MONDAY, APRIL 28, 1997

Present: Chairman Blacker convened the meeting with Selectman Maryann K. Clark.
Selectman Drobinski later joined the Board.

The statutory requirements for notice having been met, the meeting was convened by Chairman Blacker at 7:16 p.m. at the Fairbank Senior Center.

Town Donations - Quarterly Meeting of Trustees

Present: Leslie Schofield, Acting Town Treasurer; David Pettit, Trustee of Town Donations, and others.

Notice having been provided, the Board convened a quarterly meeting of the Trustees of Town Donations. The Board was in receipt of the Town Trust Fund 3rd Quarter Report, dated March 31, 1997, and prepared by Acting Town Treasurer Leslie Schofield.

Acting Town Treasurer Leslie Schofield stated that Town Trust Funds had an annualized yield of 9.12%.

Chairman Blacker stated that he had his "usual question" regarding why there was not a greater investment in equities.

Town Manager Ledoux stated that investments by municipalities were restricted by statute. Acting Town Treasurer Schofield stated that recent changes did allow for more flexibility and such would be considered.

Chairman Blacker suggested that the Tercentenary Fund be invested in T. Rowe Price Capital Appreciation and that 1% always be allocated to that fund.

David Pettit, of the Trustees of Town Donations, opined that the Committee would have no objection to such and that the suggestion would be considered.

Acting Town Treasurer Schofield stated that she believed the cash balance was too high and suggested that \$50,000 be invested in a 10-year certificate of deposit.

Upon motion, duly seconded, it was unanimously

VOTED: To approve the Town Trust Fund 3rd Quarter Report, dated March 31, 1997, prepared by Acting Town Treasurer Leslie Schofield, and to approve the investment of \$50,000 in a 10-year certificate of deposit.

Complaint of Judith Finerty, 28 Maple Avenue, against Two Dogs Owned by Helen Barrile, 62 Joseph Road, Framingham

The Board was in receipt of a communication, dated April 27, 1997, from Anthony R. Barrile, 62 Joseph Road, Framingham, stating that he gives permission to the Town of Sudbury to put down the dogs at issue, Brittany and Rex.

Town Manager Ledoux stated that given this recent communication the hearing had been canceled and the Town Dog Officer intended to have the two dogs euthanized.

Selectman Drobinski asked if any placement options existed and Town Manager Ledoux responded that the owner had tried to place the dogs to no avail.

Bentley's Variety, 730 Boston Post Road - Package Store License

Present: Applicant David J. Bentley and others.

At 7:35 p.m., the Board convened a public hearing on the application of David J. Bentley, owner and manager, d/b/a Bentley's Variety, for a retail package goods store license to sell wines and malt beverages on premises located in the Wayside Plaza complex in the most westerly unit on the street floor of the building known and numbered as 730 Boston Post Road, Sudbury, MA.

Notice of this public hearing was provided in accordance with statutory requirements.

The Board was in receipt of the following:

1. A communication, dated April 9, 1997, from Peter B. Lembo, Chief of Police, informing that the Police Department had no objections to the issuance of the requested license. He did state the applicant should be informed that proper training of any employees is imperative given the current liabilities and strict enforcement by the Police Department.
2. A communication, dated April 10, 1997, reporting that the Building Inspector recommends approval of the requested liquor license.
3. A communication, dated April 10, 1997, from Michael C. Dunne, Fire Chief, noting no objection to the requested license.

Selectman Clark asked the applicant about the hours of the proposed package store and if he planned to have employees.

Mr. Bentley responded that he would be open 12 hours a day, six days a week. He said he had been at the present location three years and that he will be the only employee.

Chairman Blacker asked for comments from the general public and there were none.

Selectman Clark commented that the Bentley family had a long history in the Town and an excellent reputation.

Selectman Drobinski asked if there were restrictions on the hours of operation.

Town Manager Ledoux responded that such a licensee may be open from 8:00 a.m. to 11:30 p.m.

Selectman Drobinski moved to approve the application, and it was unanimously

VOTED: To approve the application of David J. Bentley, owner and manager, d/b/a Bentley's Variety, for a retail package goods store license to sell wines and malt beverages on premises located in the Wayside Plaza complex in the most westerly unit on the street floor of the building known and numbered as 730 Boston Post Road, Sudbury, MA, and described as follows: One floor, two sales rooms, one storage room, one office, one front entrance/exit (south side) and one service entrance (north side).

Application for Temporary Home Sales Trailer - Barberry Homes - Anselm Way

Present: Diedre Aronson, Customer Service Representative, Barberry Homes, Inc., and others.

At 7:47 p.m., the Board convened a public hearing to consider the request of Barberry Homes, Inc., to locate a temporary sales trailer at the entrance to the new Anselm Way Estates, on the easterly side of Landham Road, north of St. Anselm's Church.

Notice of this public hearing was provided to abutting residents.

The Board was in receipt of the following:

1. A communication, dated March 31, 1997, from David Carter, President, Barberry Homes, Inc., noting that construction on the six-home development off Landham Road behind St. Anselm Parish is about to commence. In conjunction with the marketing of this subdivision, he requests permission to locate an informational trailer on site to service customers. He states that it would be sited at the entrance to the development and anticipates it to be on site for no more than twelve months. He enclosed a site plan noting the location of the proposed trailer and an elevation depicting the exterior, including paint colors, deck dimensions, and signage.
2. A communication, dated April 3, 1997, from John Hepting, Building Inspector, noting no objection to the request.

Diedre Aronson, Customer Service Representative, Barberry Homes, stated that the trailer would be used to allow customers to select interior finish items, including flooring, plumbing fixtures, trim, tile, cabinets, etc. She said that a trailer displaying the available choices would expedite the completion of the construction process. She said that it would be open on a limited schedule: Saturdays and Sundays, from 1:00 p.m. to 4:00 p.m., and, occasionally, on Tuesdays and Thursdays, from noon to 2:00 p.m. She said that it would be on site for a period not to exceed twelve months. She said that the current construction trailer on site could not be used because such is needed by the construction crews, and it has to be moved to another lot within the subdivision and will not have good public access. She said that the trailer would be landscaped and appear like a home.

Chairman Blacker asked why the Barberry Homes' office on Boston Post Road could not be used for this purpose.

Ms. Aronson responded that the office on Boston Post Road was not set up to display the interior finish items.

James E. Evans, 121 Landham Road, stated that his house is directly opposite the proposed site for the trailer and that he did not wish to be unreasonable, but he and his wife did not want to have to look out their front windows at a "trailer". He asked if the trailer could be located somewhere else.

Ms. Aronson responded that the trailer would be screened by landscaping. She also said that as soon as the purchase and sales agreements are finalized the trailer would no longer be needed and would be removed. Hopefully, such would occur well before the expiration of the twelve months that was being requested.

Selectman Drobinski asked if a stockade fence might better screen the trailer.

Mr. Evans, again stating that he did not wish to be unreasonable, urged another site for the trailer.

Chairman Blacker commented that he was not very sympathetic to the developer's request and that he was more sympathetic to the abutters' concerns.

John B. Malone, 27 Blackmer Road, stated that he was concerned about headlight glare. He said that a landscape berm was to have been installed by now and it had not been. He claimed that the developers had not been truthful on other matters and he was suspicious of this request.

Jeffrey Quinn, 5 Blackmer Road, stated that the developers were restricted from cutting any of the existing tree and brush screen and it did not appear that the trailer could be sited at the proposed location without doing so.

Selectman Drobinski concurred, saying that there appeared to be something wrong with the site plan submitted by the applicant.

Ms. Aronson stated that nothing would be cut and the trailer would fit at the proposed location.

Suggesting that the applicant consider obtaining permission from St. Anselm's to site the trailer on church property, the Board continued the hearing until 8:00 p.m. on May 12, 1997.

Organization of the Board of Selectmen

Selectman Drobinski moved to elect Selectman Blacker as Chairman of the Board of Selectmen for the coming year and it was

VOTED: By a majority to elect Lawrence L. Blacker as Chairman of the Board of Selectmen for the coming year.

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

Selectman Drobinski inquired of Selectman Clark if she were willing to serve another year as the vice-chairman.

Selectman Clark declined.

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On motion to elect Selectman Drobinski as vice-chairman, it was unanimously

VOTED: To elect John C. Drobinski as vice-chairman of the Board of Selectmen for the coming year.

Chairman Blacker announced that the regular meeting schedule would be every other Monday at 7:30 p.m., at the Fairbank Senior Center. He also designated Town Manager Ledoux as the Clerk to the Board.

Selectman Clark stated that she wished to protest the election of the chairman. She said that each selectman was voted to represent the entire Town and to balance the needs of the community. She said that the townspeople had different viewpoints. She said that the re-election of the same chairman again this year reflected a myopic view. She said that the chairmanship should be shared among the selectmen in order to fairly reflect the different opinions and views held by the townspeople.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of April 2, 1997, with clerical correction, and the minutes of April 7, April 8, and April 9, 1997.

Donations - Council on Aging Vans

It was on motion unanimously

VOTED: To accept \$138.86 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.

Permission for Sale of Alcoholic Beverages during Hours of Special Town Election on May 19, 1997

It was on motion unanimously

VOTED: To permit the sale of alcoholic beverages by common victuallers and retail package stores during the polling hours of the Special Town Election on May 19, 1997, in accord with G.L.c.138, s.33.

Inflammables Storage License - Tony's Service, 583 Hudson Road

The Board was in receipt of a request from Marguerite Maiuri, d/b/a Tony's Service, 583 Hudson Road, to include the name of Bruce Maiuri for all permits and licenses associated with Tony's Service.

Therefore, the Board acknowledged the addition of Bruce Maiuri to the license for storage of underground inflammables granted for the property located at 583 Hudson Road.

Confirmation of Sale of Obsolete Voting Machines

The Board was in receipt of a memorandum, dated February 20, 1997, from Kathleen Middleton, Town Clerk, reporting the sale of obsolete voting machines pursuant to the Board's vote of October 28, 1996. She informed the Board that fifteen (15) machines had been sold at \$25 each for a total of \$375 and that eight (8) machines had been sold to the City of Boston at \$10 each for a total of \$80.00. She stated that upon receipt of the proceeds the funds will be deposited in the General Fund.

The Board confirmed and approved the sale of the Town's obsolete voting machine at the above noted prices.

Renewal of Pool Table License - Jezebel's Restaurant, 29 Hudson Road

Upon motion, duly seconded, it was unanimously

VOTED: To approve the renewal of a license to operate two pool tables at Jezebel's restaurant, 29 Hudson Road, 8 Village Green, for the period of May 1, 1997, through April 30, 1998.

Issuance of Proclamation to Bradford Parrish

Upon motion, duly seconded, it was unanimously

VOTED: To issue to Bradford Parrish a letter conveying the Town's congratulations on his attaining the rank of Eagle Scout.

Regarding a representative of the Board attending Eagle Courts of Honor, Selectman Clark indicated that she would attend the Court on May 5, 7:00 p.m., at Our Lady of Fatima parish (Kiran Setty) and Chairman Blacker indicated that he would try to attend the Court on June 8, 6:30 p.m., dinner at Methodist Church (Bradford Parrish).

Approval of Contract - Purchase Fire Engine Pumper

The Board was in receipt of a communication dated April 22, 1997, from Fire Chief Dunne stating that he had received two bids pursuant to an RFP for a new 1250 gpm fire engine pumper. The low bid was from Greenwood Motors representing Emergency One, Inc., in the amount of \$216,000 plus \$1,876 for a hose bed cover, making a total of \$217,876. Fire Chief Dunne further stated that he anticipates needing an additional \$20,000 - \$25,000 for equipment and radios. Even with these additional expenses, the total cost would be approximately \$8,000 under the appropriation.

Selectman Clark inquired if the Town's water system could handle the pumper's 1250 gpm rate without being damaged.

Selectman Drobinski stated that the pumper unit is designed to create such pressure without damaging the water system.

On motion by Chairman Blacker, and seconded, it was unanimously

VOTED: To authorize and approve the Town Manager entering into a contract with Greenwood Motors, representing Emergency One, Inc., for the purchase of a new 1250 gpm fire engine pumper and hose bed cover for a total of \$217,876.

Vacancy on the Board of Assessors

The Board was in receipt of a communication, dated April 17, 1997, from the Board of Assessors informing that the Board has a vacancy resulting from the election of William J. Keller, Jr., to the Planning Board on March 31, 1997. The Board of Assessors requests a joint meeting with this Board for the purpose of filling, by roll call vote, the vacancy until the next town election in accord with Massachusetts General Laws Chapter 41, Sec. 11.

A further communication from Board of Assessors' staff suggests that a joint interview with candidates be conducted at one meeting with the appointment at a subsequent meeting.

Town Manager Ledoux informed the Board that the vacancy was being advertised in the *Town Crier*.

The Board concurred in the need to call a joint meeting and the suggested two-meeting schedule. It asked the Town Manager to advise the Board when a sufficient number of applicants had been found so that it might then schedule the joint meeting to conduct the interviews.

MetroWest - Support of Grant Request

The Board was in receipt of a communication, dated April 18, 1997, from Kathleen B. Bartolini, Director, MetroWest Growth Management Committee, requesting the Board support its \$100,000 grant request to the Mass. Turnpike Authority. A portion of such request (\$30,000) would go to fund an inventory of all public transportation in the area and develop a *Directory* for residents and tourists.

On motion, duly seconded, it was unanimously

VOTED: To issue a letter of support for such grant request.

Transmittal of Special Acts

Selectman Clark questioned whether the proposed transmittal pertaining to the Land Bank incorporated the amended provision for an eight-member board.

Town Manager Ledoux responded in the affirmative noting that it would include one representative from the Board of Selectmen, Planning Board and Water District, plus four other members and the Town Manager, who serves *ex officio*.

The Board executed petitions for special legislation for the Kaplan Conservation Restriction (Article 51) and the Land Bank (Article 52), both of which passed at the 1997 Annual Town Meeting, to the Legislature for the Commonwealth.

Town Manager Ledoux informed the Board that Representative Susan Pope had agreed to introduce the bill in the Legislature. He also informed the Board of an upcoming hearing on the State Enabling Act legislation which would facilitate the establishment of land banks statewide.

The Board directed the Town Manager to issue a letter supporting the enabling legislation.

Goal Setting Session

Town Manager Ledoux suggested that the Board schedule a meeting to establish and assess annual Town goals.

Chairman Blacker agreed saying that it would give the Board an opportunity to provide the Town Manager with some feedback.

The Board concurred and directed the Town Manager to schedule such a meeting in early June in a setting similar to that used last year in Marlborough.

Selectman Clark asked that the meeting be scheduled on a day other than Friday.

Solid Waste Removal

Town Manager Ledoux informed the Board that he had contacted Wayland officials regarding the possibility of contracting for use of their solid waste facilities. Unfortunately, they are unwilling to share their landfill, or even their recycling center; however, they do wish to meet with the Board to discuss other mutual interests and possible ventures.

Selectman Clark stated that transfer of the Septage Facility to the Wayland Board of Health had failed at the Wayland Town Meeting. She stated that the Wayland Board of Health was meeting tomorrow night and suggested that members of the Board may wish to attend.

Town Manager Ledoux stated that he would contact William Place, Director of Public Works, to see if he would be able to attend.

Selectman Drobinski stated that the Town still had the option of maintaining its own recycling center and having it open a couple of days each week. Chairman Blacker commented that it is the "hauling" aspect that drives the costs. The Town Manager agreed saying that the stream of materials would be the same. Selectman Clark commented that the key is to find a profitable use for the recyclable materials.

Chairman Blacker suggested that the Board meet again to consider the various options to solid waste disposal. Town Manager Ledoux agreed saying that there were many options to consider. He further informed the Board that he did not have to submit the matter to bid. He said that solid waste management is not covered under the procurement law. Thus, the Board has considerable flexibility to design a program to fit the Town's needs.

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Selectman Drobinski suggested that before selecting a vendor or recipients the Board may wish to view the recycling facilities to make certain that the goods are, in fact, recycled. Chairman Blacker stated that was a good idea.

The Board agreed to meet at 7:30 p.m., Wednesday, May 7, 1997, at the Fairbank Senior Center for a further work session.

Finance Director

Town Manager Ledoux stated that he had received some 20 applications for the Finance Director position. He informed the Board that he planned a two-part screening process. He said that he had identified 12 applicants for interviews. He suggested that a committee, composed of department directors, and representatives from this Board, the Finance Committee and the School Committee, conduct these initial interviews. From those initial interviews, a small number of applicants would then be interviewed by this Board.

The Board concurred with this hiring process.

Chairman Blacker stated that he would be willing to serve on the initial interviewing committee and asked that the interviews be scheduled either early or late in the day.

Executive Session

On motion by Chairman Blacker, by roll call vote, unanimously

VOTED: To enter into Executive Session for the purpose of discussing (1) collective bargaining agreements re: International Brotherhood of Police Officers, Local 315, and Laborers' International Union of North America, Local 1156; (2) litigation strategy re: *Waldron v. Sudbury* ; and (3) a request for a discretionary fund expenditure for a needy Town family.

(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 adjourned at 9:00 p.m.

Attest: _____
Steven Ledoux
Town Manager-Clerk