

. 02

IN BOARD OF SELECTMEN  
TUESDAY, JANUARY 16, 1990

Present: Chairman John C. Drobinski, Judith A. Cope and David A. Wallace.

The statutory requirements as to time and place having been fulfilled, the meeting was called to order at 7:35 p.m. at lower Town Hall.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular session of January 3, 1990, as presented; to approve the minutes of the executive session of January 3, 1990, as amended; to approve the minutes of the regular session of January 8, 1990, as amended; and to approve the minutes of the executive session of January 8, 1990, as presented.

Council On Aging

It was on motion unanimously

VOTED: To accept \$218.76 in miscellaneous donations to be deposited 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 van.

League of Women Voters

The Board acknowledged with thanks communication from the League of Women Voters, dated January 9, 1990, expressing the League's support of a Proposition 2½ Override, informing the Board of an open forum they have scheduled for March 14 at which they ask a member of the Selectmen to be represented on the discussion panel, and further stating they would like to take part in a coalition of Town boards and officials for dissemination of information regarding an Override ballot question.

It was on motion unanimously

VOTED: To designate the Chairman to act as representative for the Board of Selectmen at the League of Women Voters' Open Forum scheduled for March 14, 1990, regarding a Proposition 2½ Override.

Chairman Drobinski expressed his willingness to participate in some way in the accumulation/dissemination of information regarding this issue; and the Executive Secretary stated that he would keep the Selectmen informed on developments as they occur.

Boston Post Road/Lafayette Drive

Present: Town Engineer I. William Place; resident Margaret A. Sifferlen.

The Board considered the question of signing a letter addressed to the Massachusetts Department of Public Works stating the Town's willingness to accept

a portion of Boston Post Road at Lafayette Drive from the State. As in prior discussions concerning this area, Selectman Wallace reiterated his intention to abstain from voting as he wishes to avoid even the appearance of conflict of interest because of past business dealings with WantAdvertiser.

In response to inquiry by resident Margaret A. Sifferlen of 22 Washington Drive, Town Engineer I. William Place explained that the signing of this letter would enable "Stage 3" to go forward; i.e., notification to County Commissioners of the Town's willingness to accept that portion of Boston Post Road, the drawing and recording of the Town's Plan for same, and ultimately incorporation by the Town into its overall street system. Mr. Place stated the action requested of the Selectmen is a "housecleaning measure" and is not meant to be a decision one way or the other as to the issue of whether or not to close off that portion of the road.

Executive Secretary Thompson assured Mrs. Sifferlen that, not only abutters, but Mrs. Sifferlen and any other resident wishing to be notified of any meetings or discussions, will be notified.

It was on motion of Selectman Cope, seconded by Chairman Drobinski, with Selectman Wallace abstaining

VOTED: To sign a letter addressed to the Massachusetts Department of Public Works stating the Town's willingness to accept a portion of Boston Post Road on the northerly side at Lafayette Drive, an area of approximately 67,231 square feet, in its present condition, as shown on the enclosed plan entitled, "Plan of Land in Sudbury, Massachusetts Showing Discontinuance of a Portion of Boston Post Road", dated January 9, 1990, prepared by the Town of Sudbury Engineering Department, as one of the steps required in the process of discontinuance of this portion of road as a State highway, as recommended by the Town Engineer.

1990 Annual Town Meeting - Change in Order of Articles

Executive Secretary Thompson informed the Board that the Sudbury Housing Authority (SHA) expressed its concern that the placement of its Article 6 on the 1990 Annual Town Meeting Warrant may cause the townspeople confusion, and it is therefore requesting that said article be placed following its other articles.

It was on motion of Selectman Wallace unanimously

VOTED: To change the order of the Warrant for the 1990 Annual Town Meeting by rearranging the Articles numbered 6 through 11 as follows:

6. Tax Title Clarification - Pine Street Parcels 227 and 278;
7. Transfer Pine Street Parcels 277 and 278 to Selectmen for Sale to Sudbury Housing Authority;
8. Authorize Sale of Pine Street Parcels 277 and 278 to Sudbury Housing Authority;
9. (Consent Calendar) Transfer Portion of Horse Pond Road Parcel 036 to Selectmen for Sale to Abutter;

10. (Consent Calendar) Authorize Sale of Horse Pond Road Parcel 036 to Abutter;
11. Accept G. L. Chapter 40 Amendment - Majority Vote to Transfer Land for Low and Moderate Income Housing.

Marking of Town Bounds

Present: Town Engineer I. William Place.

Executive Secretary Thompson reminded the Board that, pursuant to State law requiring the official marking of a Town's boundaries every five years, this is the year the Town must accomplish this task and it is the Selectmen's responsibility to sign the report which will be prepared by the Town Engineer and to notify the adjoining Towns of same.

Although time constraints would prevent the Selectmen from personally accompanying the surveyors to every location, the Selectmen (and in particular Chairman Drobinski) expressed their interest in viewing some of the bounds. The Board expressed interest in viewing the Concord bounds in particular, perhaps with Concord officials. The Executive Secretary stated that he would arrange for the same.

The Board directed the Town Engineer to locate the Town bounds and so record the same to the Selectmen when the task is completed.

Wood-Davison House - Donation

Executive Secretary Thompson reported a meeting he attended with The Sudbury Foundation and Town Historian Laura Scott earlier this date, at which time the Foundation offered a check in the amount of \$20,000.00, to be used as "seed money" for the relocation of the Wood-Davison House.

It was on motion unanimously

VOTED: To accept with thanks check of The Sudbury Foundation in the amount of \$20,000.00 to be deposited into the Wood-Davison House Restoration Fund.

Brimstone Lane School Bus Stop

Present: Schools Superintendent David E. Jackson; School Committee members James W. Flanagan and Susan F. Abrams; Business Manager John Wilson; Safety Officer Anthony Deldon; Town Engineer I. William Place; residents Margaret R. Combs, Janice Brockman, and Hale Lamont-Havers.

Chairman Drobinski convened a meeting with the Sudbury School Committee, Police Safety Officer and Town Engineer, at the request of the School Committee as contained in its letter to the Executive Secretary dated January 5, 1990, to discuss the school bus stop for Brimstone Lane students. Executive Secretary Thompson reported that Highway Surveyor Robert Noyes telephoned this afternoon to say he had to attend a meeting tonight regarding Sherman's Bridge and would thus be unable to participate in this discussion. However, Mr. Noyes did say that he has spoken with the Town Engineer, who will relay his thoughts concerning this matter.

At the invitation of the Chairman, Schools Superintendent David E. Jackson opened the discussion by informing that this meeting was called as a result of the safety concerns expressed by area residents who send their children to the various Sudbury schools via school buses who currently stop at the intersection of Brimstone Lane and Route 20 for pick up/drop off. Dr. Jackson went on to say that, consistent with his and the School Committee's practice, Safety Officer Anthony Deldon was asked to look into the situation; and that Mr. Deldon confirmed there is a bona fide safety issue.

Dr. Jackson informed that with the assistance of Town Engineer I. William Place, a new plan has been developed to create an area off Route 20 where automobiles could be parked and/or students could wait for rides/buses off the main roads. This plan would allow the buses to pull up at the eastern end of the intersection and the students can board/descend at that location.

Dr. Jackson concluded his opening remarks by stating that the parents have expressed their opinion that this proposed plan does not completely meet their safety concerns. At this point, Dr. Jackson concluded, the School Committee thought it appropriate to bring the matter before the Selectmen for discussion and resolution.

Safety Officer Anthony Deldon reported that he accompanied Business Manager John Wilson on one of two trips made by Mr. Wilson in a full-size school bus with a very experienced driver to that particular area. Mr. Deldon stated that it is his belief that given the layout and condition of Brimstone Lane, it would be more of a safety hazard for the bus to travel that road than to stop at its present location. Town Engineer I. William Place confirmed this and added that Brimstone Lane is a public way from Boston Post Road up to conservation land. Mr. Place stated that the width of the pavement averages eleven feet, and given the fact that the school bus is approximately 8½ feet wide, it is clear to see that bus travel on that road would be unacceptable. Mr. Place continued by stating that the sight distance would be very poor.

Mr. Place displayed a plan outlining the proposed location of a new bus stop and commented that although he does not believe this will please everybody, it is a good interim measure that will address an immediate and pressing safety need.

Margaret R. Combs of 137 Brimstone Lane stated that because of her safety concerns, she has been driving her five-year-old and another child to school herself rather than use the school bus. Ms. Combs stated that, although she believes the proposed plan would improve the current situation initially, she and other area residents want to make it clear that they fear for their children's safety for a lot of different reasons; e.g., the high rate of speed of many of the vehicles, the entry of Peakham Road onto Route 20, and the ignoring of a stopped school bus by an alarming number of motorists. Ms. Combs also reiterated observations made by people who live at that corner of Brimstone Lane and Route 20 that cars indiscriminately pass other vehicles and swerve over to the stone wall that is the proposed location of the new stop.

Ms. Combs stated that she and the other parents want the bus off Route 20 completely, and suggested other options should be explored such as a smaller school bus or mini-van, or obtaining permission from private landowners on Brimstone Lane to allow the school bus to use their property for turn-arounds

(Ms. Combs informed that a couple of residents have indicated their willingness to do this).

In answer to inquiry by Chairman Drobinski, it was determined that this particular stop affects a total of approximately 22 children, of which about six are Kindergarten through elementary.

In answer to inquiry by Selectman Cope, Mr. Place stated that the proposed plan calls for a 20' setback.

Selectman Cope commented that this is obviously a dangerous road and that sometimes this is something that an individual needs to anticipate when making a decision to purchase a home in a particular area.

Janice Brockman of 71 Brimstone Lane reiterated Ms. Combs' suggestion regarding using private driveways for a bus turnaround. Dr. Jackson and Mr. Deldon each confirmed that even if the private landowner agreed to use of their property, it is against the transportation company's policy and would be prohibited. Ms. Brockman commented that she has observed school buses throughout the Town turning around in what she considers unconventional places.

Executive Secretary Thompson opined that this problem needs to be addressed immediately and he recommended the Town Engineer and Highway Surveyor be permitted to work out a solution as soon as possible. Mr. Place stated that Highway Surveyor Robert E. Noyes has offered to donate the manpower and equipment to do the work; and Executive Secretary Thompson stated that, utilizing the Town's services, the total outlay to effectuate the proposed changes would be in the \$500 range.

Chairman Drobinski suggested another safety feature that might be pursued is the placement on Route 20 of a blinking sign indicating a school bus stop. Mr. Deldon stated that he would contact the State's Department of Public Works to see if and when this may be accomplished.

Hale Lamont-Havers of 173 Morse Road stated that although she recognizes the safety problems expressed, this is a crisis year fiscally in Massachusetts, and in particular in Sudbury; and she believes any expenditure by the Town for this proposal would be unnecessary. Ms. Lamont-Havers expressed her opinion that the taxpayers should not pay for this, but rather that it is the responsibility of the parents who live on that road and who chose to purchase their property there. It is Ms. Lamont-Havers' opinion that if those parents are concerned about school bus safety, they should arrange a car pool.

Selectman Cope commented that it is the responsibility of the Town to provide a safe school bus stop; and Executive Secretary Thompson opined that regardless of what the parents should or should not have done, the Town would be remiss in not correcting a safety problem. Mr. Thompson further indicated that the Schools have indicated a willingness to help pay for this.

Selectman Wallace concurred with the Executive Secretary. Resident Ralph Tyler of One Deacon Lane suggested a possible long-term solution may be the establishment of a Betterment Fund to eventually bring the road up to better standards.

It was on motion of Chairman Drobinski unanimously

VOTED: To request the Town Engineer to implement the proposed plan to change the school bus stop presently located at the corner of Brimstone Lane and Route 20; and to request the Executive Secretary to coordinate whatever Town services are necessary to accomplish this.

Chairman Drobinski thanked all for their attendance and input and concluded by stating that he believes all are working toward a solution, and that this plan, together with stricter enforcement of motor vehicle laws and the flashing signage will be a great help.

#### Board of Assessors

Present: Board of Assessors Chairman Thomas H. Hillery and member Fred N. Haberstroh; Assistant Assessors Mary H. Walsh and Daniel A. Loughlin.

Chairman Drobinski convened a meeting with the Board of Assessors, which was called at their request in order to discuss a number of issues.

Board of Assessors Chairman Thomas H. Hillery opened the discussion by stating that the Assessors wished to allow the opportunity to engage in a meaningful exchange between the Assessors and the Selectmen to attain a better understanding of the positions and actions taken on various matters by each Board.

Issues discussed were as follows:

1. Unisys property: Mr. Hillery inquired if this would be a matter better discussed in executive session, and Executive Secretary Thompson advised that since there is no pending litigation concerning this property, executive session would not be appropriate. Mr. Hillery indicated that he would postpone this discussion at this time.
2. Recap Sheet: Mr. Hillery stated that the Assessors were concerned that the Selectmen may have gotten the wrong impression of its actions with regard to the recap sheet and its involvement with the issue of Enterprise Funds. Chairman Drobinski assured the Assessors that the Selectmen had no problem with the actions of the Assessors.
3. Retroactive Abatements: Mr. Hillery reiterated the Assessors' concerns regarding the allowance of residents to pursue claims for abatements based on past years' assessments. It was pointed out to the Selectmen that the reason for the thirty-day limit for filing a request for an abatement is because the Assessors would be able to research the issue and have the facts and figures before them. If a request is made for what was done in prior years, the Assessors have little or no resources available to them to confirm or deny what was done. The Assessors additionally fear that the success of the few requests for abatements that went before Town Meeting would have a "snowball" effect and the Town would have to bear a new burden of reimbursing monies collected over the years.

Chairman Drobinski agreed that Town Meeting is not an efficient way to handle the problem; but at present it is the only vehicle allowed by law to

enable a taxpayer who feels aggrieved to obtain relief. Selectman Wallace added that in point of fact there has been no cascade of persons seeking such relief. Mr. Wallace further commented that the Selectmen cannot act in such a way so as to deprive a towns person of his/her right of access to redress a wrong which may have occurred beyond their knowledge or control.

Executive Secretary Thompson pointed out that the persons seeking such redress came to the Selectmen's Office through referral by the Assessors, or on their own. Having come to the Selectmen, Mr. Thompson stated, those persons were entitled to honest answers to their questions on what, if anything, could be done.

In summary, Chairman Drobinski stated that the Selectmen fully understand the position of the Board of Assessors and know that they must do what they have to do; and that he hopes the Assessors can understand why the Selectmen must take the position they do with regard to allowing an aggrieved taxpayer a forum to "state his/her case".

4. Conservation Land Restrictions: Mr. Hillery provided the Selectmen with copies of a vote taken January 9, 1990 by the Assessors, requesting the Selectmen and the Conservation Commission to "take a formal vote as to whether or not they feel the Sudbury Valley Trustees and other organizations holding 'Conservation' land should have a Conservation Deed Restriction affixed to their holdings which cannot be released without a vote of the appropriate Town Boards and Commonwealth agencies."

There followed a discussion wherein all parties heartily endorse the theory and policy of permanent conservation restrictions, but differ on opinions as to whether this is something that can be mandated.

Mr. Hillery also provided the Selectmen with copies of correspondence from the Sudbury Valley Trustees that state their intention to place such restrictions on new acquisitions to be held by them, and expressed that their objective is to place restrictions on all Sudbury Valley Trustees properties eventually.

Executive Secretary Thompson expressed his opinion that this is not something the Selectmen can respond to definitively without further review and research by Town Counsel's Office.

It was on motion unanimously

VOTED: To request the Executive Secretary to communicate a summary of the discussion with the Board of Assessors regarding conservation restrictions, together with copies of the Assessors' vote and other correspondence, to Town Counsel's Office for his review and opinion.

#### Tax Anticipation Notes

Present: Town Clerk Jean M. MacKenzie; Town Collector/Treasurer Chester Hamilton.

Pursuant to borrowing authorization by the Board on January 8, 1990, it was on motion unanimously

VOTED: To sign Tax Anticipation Notes in the amount of \$5,000,000.00, dated January 22, 1990, and due May 18, 1990, as follows:

From Shawmut Bank, N.A.	@ 5.95%	\$1,000,000.00
From BayBank Middlesex	@ 5.999%	\$4,000,000.00

Chiswick Site - Nickerson Theatre

The Board acknowledged receipt of copy of memorandum dated January 16, 1990, to Town Planner Lee Newman from Assistant Town Counsel David J. Doneski, opining in the affirmative to the question as to whether the warehouse construction at the Chiswick site may be completed, without a Water Resource Protection District Special Permit, in the event that a Water Resource Protection District Special Permit for the proposed theater is not granted.

1990 Annual Town Meeting - Designation of Speakers

Upon review of the Warrant Articles for the 1990 Annual Town Meeting, it was on motion unanimously

VOTED: To designate the speakers for the Warrant Articles of the 1990 Annual Town Meeting as follows:

Chairman John C. Drobinski	Articles numbered 1-5, 14-17, 20, 23, 25, 26, and 35-38.
Selectman Judith A. Cope	Articles numbered 12, 13, 18, 19, 21, 22, 29, and 42-45.
Selectman David A. Wallace	Articles numbered 6-11, 24, 27, 28, 30-34, and 39-41.

Atkinson Pool - Parking Problem

The Board acknowledged receipt of letter dated January 9, 1990, from Gerald B. Berenson, Chairperson of the Park and Recreation Commission, advising the Selectmen that there is a parking problem at the Fairbank Building aggravated by the construction; and advising that at its meeting of January 8, 1990, the Commission unanimously voted to request the Selectmen to limit parking in the circle area in front of the Atkinson Pool and the far lot to pool patrons only.

After discussion, and upon recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To request the Executive Secretary to take whatever steps are necessary to implement the request of the Park and Recreation Commission to restrict parking in the circle area in front of the Atkinson Pool and the far lot to pool patrons only, as contained in their communication dated January 9, 1990.



Former Coatings Engineering Site

Executive Secretary Thompson informed the Board that he has been in telephonic contact this past week with Steve Johnson of the Commonwealth's Department of Environmental Protection (DEP) as a follow-up to DEP's Regional Engineer Richard J. Chalpin's letter dated December 28, 1989, regarding the former Coatings Engineering site on Union Avenue.

Mr. Thompson reported that he was advised that DEP will be starting to activate their review of the Coatings pollution problem within the next few weeks; and that Mr. Johnson requested that Mr. Thompson act as coordinator for the Town and he, Mr. Johnson, will coordinate on behalf of the Commonwealth through DEP.

Mr. Thompson concluded by stating that Mr. Johnson stated that in approximately six weeks to two months DEP will come before the Board of Selectmen with an update on the status of their work.

Executive Session

At 9:50 p.m., it was on motion by roll call unanimously

VOTED: To go into Executive Session to discuss a collective bargaining matter.

(Chairman Drobinski, aye; Selectman Cope, aye; Selectman Wallace, aye).

Chairman Drobinski announced that public session would not reconvene following Executive Session.

There being no further business to come before the Board, the meeting was adjourned at 10:15 p.m.

Attest:

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Richard E. Thompson  
Executive Secretary-Clerk