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IN BOARD OF SELECTMEN
MONDAY, NOVEMBER 19, 1990

Present: Chairman Judith A. Cope and David A. Wallace.

The statutory requirements as to notice having been fulfilled, the meeting was convened at 7:30 p.m., at the Fairbank Senior Center.

Minutes

It was on motion of Chairman Cope unanimously

VOTED: To approve the regular session minutes of October 29, 1990 as drafted, the minutes of the November 5, 1990 regular session as amended, and the minutes of the November 5, 1990 executive session as drafted.

Conservation Restriction Amendment - Kirk

Present: Karl D. Kirk, Jr.

Mr. Kirk explained that the wording of this Amendment to the Conservation Restriction, which revises the Conservation Restriction granted to the Town by Barbara R. Kirk and Karl D. Kirk, Jr., on September 1, 1989 and recorded with the Registry of Deeds, was suggested by and meets with the approval of the Executive Office of Environmental Affairs (EOEA) for an in perpetuity restriction. Mr. Kirk noted that it features an extinguishment clause and further protects the Town's interest in that the proportionate value of the Town's property right shall remain constant.

It was on motion unanimously

VOTED: To accept the Amendment to Conservation Restriction granted by Barbara R. Kirk and Karl D. Kirk, Jr. on approximately 3.50 acres indicated as Lot 29A, Property Map F10, Parcel 100, Concord Road, dated August 14, 1990.

The Board signed the document which will be forwarded to the Conservation Commission for signature and thence to the EOEA for approval prior to recording.

Ceremonial Bonfire

At the request of Fire Chief Dunne under date of November 5, it was on motion of Selectman Wallace unanimously

VOTED: To authorize a ceremonial bonfire at the Lincoln-Sudbury Regional High School on Wednesday, November 21, 1990.

Exemption of Interest - Petersen

Having reviewed the Statement of Disclosure of Financial Interest of Suzanne L. Petersen relative to her employment as a bookkeeper with the Hall Insurance Agency, which has a contract with the Town for insurance brokerage services, and her employment with the Town as a part-time switchboard operator and receptionist for the Board of Selectmen, together with the Certification of

Employer executed by Executive Secretary Richard E. Thompson, it was on motion of Selectman Wallace on motion

VOTED: To approve the exemption of interest from the provisions of M.G.L. c.268A, §20, of Suzanne L. Petersen, as set forth in a Statement of Disclosure, dated November 8, 1990, relative to her employment with the Town of Sudbury.

Donation

It was on motion of Chairman Cope unanimously

VOTED: To accept \$204.75 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 van.

Wood-Davison House Restoration Fund

On the recommendation of the Executive Secretary, it was on motion of Chairman Cope unanimously

VOTED: To approve the following expenditures, totalling \$3,558.77, from the Wood-Davison Restoration Fund:

\$2,423.19 - architectural services
148.95 - project expenses
556.61 - mailing
430.00 - printing of mailer.

Town Audit - Reserve Fund Transfer

The Board noted receipt of a November 16, 1990 memorandum from Town Accountant James Vanar relative to FY91 underfunded accounts and, in particular, funding the FY90 Town Audit required due to the amount of Federal funds received by the School Department and the upcoming bond issues. Executive Secretary Thompson stated that he would be requesting that the School pay one-half of the \$15,000 requested for this bookkeeping audit, and that the Schools include a sum for future auditing purposes in its budget. Mr. Thompson opined that the Town should not have to audit every year.

It was on motion of Selectman Wallace unanimously

VOTED: To approve Reserve Fund Transfer Request No. 91-11 in the amount of \$15,000 for Account 521-250, Accounting Contracted Services, to conduct an audit of Town and School accounts for FY90.

Traffic Circulation - Town Hall Complex

The Board reviewed the proposed traffic circulation plan for the Town Hall/School complex developed by the Engineering Department as a result of concerns expressed by the Police Department relative to the use of the Town Hall parking lot to circumvent the traffic congestion on Concord Road. Executive Secretary Thompson informed that the School should pay for the gate to be placed near the Town Pound to prevent traffic from entering or exiting

the Town Hall parking lot, and the Highway Department would pay for signage where indicated.

Selectman Wallace requested that Town Engineer Place be queried as to whether the timing of the Town Centre signals could be extended for southbound drivers on Concord Road to alleviate some of the congestion.

[N.B. It was later learned from the Town Engineer that the age of the traffic signal mechanism will not allow the same.]

It was on motion of Selectman Wallace unanimously

VOTED: To implement the traffic circulation plan as proposed, subject to the verification of funding sources and approval by the Sudbury School Committee.

Brimstone Lane Snowplowing

The Board noted receipt of communication, dated November 8, 1990, from Framingham Board of Public Works Chairman William R. Dickson relative to the trading of services between the Towns to facilitate the plowing by Sudbury of the Framingham section of Brimstone Lane which is accessible only through Sudbury. Mr. Thompson informed that he had referred the letter to Highway Surveyor Noyes.

Upon the recommendation of the Executive Secretary, it was on motion of Chairman Cope unanimously

VOTED: To approve the trading of services between the Towns of Framingham and Sudbury which would involve the plowing by the Town of Sudbury of that portion of Brimstone Lane located within the Town of Sudbury, subject to the approval of the details by the Highway Surveyor.

Appointment - Resource Recovery Committee

On the recommendation of the Resource Recovery Committee, it was on motion of Chairman Cope unanimously

VOTED: To appoint Sue W. Pettengill, 18 Sylvan Way, to the Resource Recovery Committee for a term to expire April 30, 1991.

It was noted that Ms. Pettengill had referenced her involvement with the FOCUS group relative to the Fort Deven's Annex toxic waste sites cleanup. Since she also expressed her desire to work on other projects as needed, Chairman Cope requested that she be contacted with regard to acting as liaison to and reporting on the activities of the FOCUS group to the Board of Selectmen.

Public Hearing - Retail Package Stores Sunday Opening

Present: John MacKinnon, Sr., Michael MacKinnon, and Kathy MacKinnon, MacKinnon's Liquors. Manager David Fields of Kappy's appeared after the conclusion of the hearing.

Chairman Cope opened the public hearing to consider the question of granting permission to Sudbury retail package goods stores, licensed under G.L.

c.138, §15, to be open for business on the Sunday immediately preceding Christmas Day and the Sunday immediately preceding New Year's Day, in accordance with Section 316 of Chapter 150 of the Acts of 1990. Ms. Cope stated that the notice had been advertised in the Sudbury Town Crier on November 15, 1990, although there were no legal requirements to do so, and the licensees notified. Ms. Cope stated that no approval is required by the Alcoholic Beverages Control Commission (ABCC).

Executive Secretary Thompson informed that he had spoken with Selectman Drobinski who expressed no concerns with regard to the grant of such permission.

It was on motion of Selectmen Wallace unanimously

VOTED: To grant permission to Sudbury retail package goods stores licensed under G.L. c.138, §15, to be open for business on the Sunday immediately preceding Christmas Day and the Sunday immediately preceding New Year's Day only, between the hours of 12 Noon and 11:00 p.m., indefinitely.

Mr. Thompson stated that all license holders will be notified.

Site Plan Review - Design Review Board

The Board discussed the Design Review Board communication of November 7, 1990, relative to inclusion of a signature block on site plans to indicate Design Review Board review completion and approval. The Board took special notice of the Design Review Board's concern that sign approval is not always addressed at the time of site plan review. The Board was in agreement that only the Special Permit Granting Authority should sign the site plan; however, the Board expressed its intent to address the concerns through its office procedure and expressed its appreciation to the Design Review Board for the constructive comment.

Building Inspector Employment Package

Executive Secretary Thompson informed that Mr. Hepting will begin his duties as Building Inspector/Zoning Enforcement Agent fulltime as of December 10, after completion of a physical examination by the Town Physician on December 3. In the interim, Mr. Hepting will be familiarizing himself with the office, addressing the budget, surveying Town buildings and doing some inspection work on a part-time basis for which he will be compensated. The Board expressed its agreement.

Mr. Thompson informed the Board that he had discussed the proposed employment agreement with Selectman Drobinski and stated that Selectman Drobinski had expressed an initial reservation with item four until Mr. Thompson had explained the need to address the subject of outside employment "up front" and the need for flexibility on the subject. The proposal would allow Mr. Hepting, with the approval of the Executive Secretary, to attend to a situation during working hours arising from his prior employment or consultation, with compensatory work time for the Town. Chairman Cope stated her agreement if it was a now and again occurrence. Mr. Thompson assured that it would be so.

After discussion, it was on motion of Chairman Cope unanimously

VOTED: To approve the following employment package for Building Inspector/ZEA John B. Hepting:

- 1) Salary: Step 6 (Maximum), \$42,918 per annum.
- 2) Use of Town vehicle portal to portal.
- 3) Vacation: four weeks.
- 4) No outside employment during regular working hours unless approved by the Executive Secretary.
- 5) All other job benefits entitled to under the Sudbury Supervisory Association agreement.

E. B. Hosmer Fund Expenditure

On the recommendation of the Executive Secretary, it was unanimously

VOTED: To approve expenditure from the E. B. Hosmer Fund in the amount of \$1,072.20, payable to James L. Bartels, for the restoration of six caned dining room chairs.

It was noted that the dining room table was refinished by Mr. Bartels without charge.

Sherman's Bridge

Executive Secretary Thompson informed that a question had been raised relative to acceptance of the Federal grant relative to Sherman's Bridge which, in his opinion, had been incorrectly addressed by the Town of Wayland. Upon inquiry, this was verified by Town Counsel. Contrary to the opinion set forth in Wayland, M.G.L. c.44, §53A provides for acceptance of Federal grants by towns with the approval of the Board of Selectmen; no Town Meeting approval is required. Mr. Thompson will so inform the Wayland Executive Secretary.

Mr. Thompson also informed the Board that verbal confirmation has been received of the Federal Government's approval of the \$60,000 grant.

The Board noted receipt of a communication from Highway Surveyor Robert A. Noyes requesting that the Board take action to request withdrawal from the Federal Aid Bridge Replacement & Rehabilitation Five Year Federal Aid Projects Program so that the project can move forward under the Non-Federal Aid Substandard Bridge Program. It was also noted that the Wayland Board of Selectmen has taken no action in this regard. Mr. Thompson suggested that he contact the Wayland Executive Secretary and the Board Chairman to ascertain why they have not done so. The Board agreed.

Minuteman Tech - State Insurance Assessment

The Board noted receipt of a member town assessment of \$259.84 relative to the Health Security Act assessment bill to Minuteman Tech. Minuteman claims that the State, in its claim that the mandate statute does not protect regional schools, is improperly assessing the towns. Mr. Thompson informed that he had forwarded the bill to Town Treasurer and Collector Chester Hamilton who had agreed. The Board directed Mr. Thompson to express the Board's support of Minuteman's position.

Research District Zoning

Relative to holding a proposed exploratory meeting with regard to determination of the appropriate zoning for the Research District, involving the participation of Unisys representative Richard J. L'Ecuyer and Cold Brook Development President Ralph Tyler, Executive Secretary Thompson informed that, pending the Board's approval, he had tentatively set the meeting for the first week in December. Mr. Thompson added that he had contacted Hugh Caspe, who had expressed no problem, and intended to contact the Planning Board (Brooks), Conservation Commission, Water District, and the Board of Health to make the meeting as productive as possible.

Town Finances

Chairman Cope reported that she had attended a recent Finance Committee meeting at which Executive Secretary Thompson had presented his perspective of the Town's financial position. Mr. Thompson informed that he will be discussing restructuring at the upcoming Department heads meeting.

Inclusionary Zoning

Chairman Cope reported that the Inclusionary Zoning Committee had met to discuss its goals. While all recognize its value as spreading affordable housing throughout the Town, there are differing opinions as to whether it should be accomplished through incentive or as a right. Dr. Chiang is working on maximum buildout data given the gallons per day which can be pumped, which will serve as a resource to the Committee in its projections. Chairman Cope did not know whether the Committee would be able to submit an Inclusionary Zoning article for ATM91 consideration.

Traffic Safety

Chairman Cope reported that she had met with the Police Chief and Executive Secretary as a follow-up to her comments expressed in the newspaper involving the Police Department and her concern that speed limits on the "back roads" receive little enforcement. Executive Secretary Thompson stated that one of the problems involved is the safety aspect of stopping cars on winding narrow roadways. As a result of this meeting, the Police Department will be preparing a map analysis on a once a month basis of where speeders are apprehended.

METROWEST Growth Management

Chairman Cope reported on her attendance at both the METROWEST Growth Management presentation involving Shoppers World expansion and traffic improvements and wetlands impact connected therewith.

Accessory Apartment Question

The Board acknowledged correspondence from Assessor/Appraiser Daniel A. Loughlin, dated October 22, 1990, to Deputy Inspector of Buildings Earl Midgley concerning the existence of an accessory apartment at 15 Easy Street, questioning the rationale of Mr. Midgley's opinion that the premises do not

constitute a two-family living situation. Chairman Cope stated her interest in Mr. Midgley's response.

Legal Services

On the question of appointing a "blue ribbon" committee to study Town legal services and any recommendations related thereto, Executive Secretary Thompson suggested that the Board table the subject until all members are present. It was agreed to do so.

Chairman Cope stated that she had developed a list of candidates for such a committee based upon expressed civic interest, intelligence, respectability, impartiality, and personal credibility and rectitude.

Executive Secretary Thompson expressed his opinion that the Committee should be small and knowledgeable in legal language and court procedure. Mr. Thompson suggested that the list should include Finance Committee law liaison David Fitts.

Executive Session

At 9:00 p.m., it was on motion by roll call unanimously

VOTED: To go into Executive Session to discuss collective bargaining matters. (Chairman Cope, aye; Selectman Wallace, aye.)

Chairman Cope 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 9:10 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk