

IN BOARD OF SELECTMEN
MONDAY, JULY 15, 1991

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

The statutory requirement as to notice having been fulfilled, Chairman Wallace called the meeting to order at 7 30 p.m. at the Senior Center.

Emergency Approval UP91-5 - Boston Post Road Hip Guys and Anchors

Present: Christine Cosby, Boston Edison Company.

The Board convened a public hearing to consider Utility Petition 91-5 from Boston Edison Company and New England Telephone and Telegraph Company for installation of hip guys and anchors on two poles located adjacent to the newly constructed walkway on the northerly side of the Boston Post Road in the vicinity of Highland Avenue.

Boston Edison representative Christine Cosby was present and explained the above request, noting that this work would give additional support to the poles and allow access to the sidewalks.

Executive Secretary Thompson noted that all appropriate abutters had been notified and approval had been recommended by the Inspector of Buildings and the Wiring Inspector under date of June 18, 1991.

It was noted that this work was being done at the request of the Town Engineer, Bill Place, and that it had been granted an emergency approval at the meeting of the Board of Selectman on June 24, 1991.

It was on motion unanimously

VOTED: To approve Utility Petition 91-5 of Boston Edison Company and New England Telephone and Telegraph for location and installation of hip guys and anchors on poles located on the northerly side of the Boston Post Road: one hip guy and anchor on Pole 18/95 approximately 20 feet east of Highland Avenue, and one hip guy and anchor on Pole 18/96 approximately 30 feet west of Highland Avenue; as shown on plan of Boston Edison Company entitled "Plan of Boston Post Rd. - Sudbury", dated May 3, 1991.

Extension of Special Permit to Kathryn Barry for use of a House Trailer for Dwelling Purposes, 63 Willis Lake Drive

Present: Kathryn Barry, Charles Rice, Jeanne Rice, Bonnie Shooter, Laurie Shooter, Frances O'Loughlin, Royce Greenwood, Police Chief Peter Lembo.

The Board is in receipt of a request, dated June 14, 1991, with attached signature pages, to grant an extension of a special permit issued December 17, 1990, to Kathryn Barry, for use of a house trailer for dwelling purposes at 63 Willis Lake Drive. On July 1, 1991, Ms. Barry was notified that this request would be considered at the meeting of the Board of Selectman on July 15, 1991, at 7 35 p.m. Abutters and interested residents were also notified by copy of that letter from Executive Secretary Thompson.

Chairman Wallace invited Ms. Barry to come forward to present her reasons for requesting an extension to the permit. Ms. Barry said she had given all of her reasons in her letter requesting the extension.

Executive Secretary Thompson stated for the record that the Board was also in receipt of a letter from the Board of Health, dated July 12, 1991, indicating that the mobile home at 63 Willis Lake Drive is properly connected to the existing sub-surface sewage disposal system which served the dwelling to be renovated; and that a septic design for a new septic system and reserve area when needed were on file at the Board of Health. The letter also indicated approval of the trailer permit extension was recommended. The Board is also in receipt of a letter from the Building Department stating the Department had no objection to the granting of the extension on the trailer permit. The letter noted that a well had been installed and tested, trees removed and belongings stored in preparation for house renovation indicating timely construction intention.

Chairman Wallace asked if there was anyone else who wished to speak concerning this matter. Mr. Charles Rice stated he was a resident of 58 Willis Lake Drive, and was accompanied by his wife Jeanne and several other neighbors, who had elected him as spokesman for the group. He stated they were in attendance to protest the extension of the permit because they believe that the trailer located at 63 Willis Lake Drive detracts from the value of their properties. Mr. Rice referenced Executive Secretary Thompson's letter to Ms. Jeanne K. Rice, dated January 7, 1991, noting that the Selectmen would relay their strong feelings that major progress must be shown during the six-month period of the permit. Mr. Rice said the neighbors do not believe that major progress has occurred.

Mr. Rice also presented the Board with pictures taken on December 28, 1990, and pictures taken in April, 1991. He noted that the pictures did not show any major work or renovations, but stated he had not been inside the house and did not know if there had been any work done inside the house.

Mr. Rice questioned whether Ms. Barry had a building permit and Executive Secretary Thompson noted that a letter of recommendation had been received from the Building Inspector and he felt confident such a letter would not have been sent unless a valid permit were on file.

Mr. Rice further questioned the reason the permit had been issued for this trailer. Executive Secretary Thompson stated the permit had been issued to allow Ms. Barry to do renovations to the building. Upon being questioned why the Town had allowed this, when other people in the Town did not set up a trailer during their construction, Executive Secretary Thompson noted that the Selectmen were allowed to issue permits in situations such as this, but more often it happens when there has been a fire at the residence and it would create a hardship for the residents to live elsewhere. Executive Secretary Thompson noted that the Board was also allowed to issue a permit, for up to one year, for hardship reasons, and that was the case presented to the Board and the Board felt it was reasonable and made sense. He further noted that substantial progress was expected and that was what the Selectmen were to evaluate at this meeting.

Selectman Cope reiterated the fact that the Board had committed to keeping a close eye on this situation. She noted that she had driven by the residence at least three times and tried to keep an eye on what has been done. Selectman Cope stated she had been in touch with the Building Inspector and the Board of Health to verify that Ms. Barry was in compliance with the requests of those departments. Selectman Cope stated that she did not see any major progress to the exterior of the home, but the trailer had the appearance of someone who had set it up as a permanent residence.

Selectman Cope noted the original correspondence referred to completion of this project in one year, and that the Board would need to know how much work had been done inside the home to evaluate whether this renovation could actually be completed within that time. Selectman Cope referred to a statement in the original letter referring to previous tenants and vandalism and requested a clarification of that statement. Ms. Barry stated that the previous tenants had been her father and a friend, who had lived with him two years prior to his death.

Ms. Barry noted that the house was vandalized one week after she took possession of it. She stated her mentally retarded brother had given teenagers a key and the house was vandalized.

Selectman Cope questioned Ms. Barry about the original information indicating her brothers were carpenters and they would be helping. Ms. Barry noted they were doing everything according to plan. Selectman Cope questioned whether Ms. Barry would be able to get enough money together to complete the project by January. She further questioned Ms. Barry as to whether she had a full-time job outside the home, noting there were also back taxes due on the property. She indicated she did have employment.

Selectman Drobinski voiced his concerns to Ms. Barry that if they continued to renew the permit, she would continue to live in the trailer without measurable progress on the house. Selectman Drobinski questioned Ms. Barry as to whether she was in possession of a building permit. She stated she had a building permit and it was posted on the side of the trailer.

Executive Secretary Thompson noted the Selectmen needed time to discuss this and asked if there were any further questions from the Selectmen or other people present at the meeting. At this time, Mr. Rice asked each of the abutters to stand up so they could be noted for the record. They stood up and stated their names and addresses as follows: Jeanne Rice, 58 Willis Lake Drive, Bonnie Shooter, 66 Willis Lake Drive, Frances O'Loughlin, 78 Willis Lake Drive, Royce Greenwood, 50 Willis Lake Drive.

Chairman Wallace questioned whether they had all been opposed from the beginning, and their reasons why they were opposed. Mr. Rice stated they felt the trailer on the property makes it look "campy" and devalues the property. Chairman Wallace further questioned whether any of the residents had a problem with their property value since that time. Mr. Rice said he was not aware of it, but they had not had an evaluation of their property.

Chairman Wallace asked if they had seen the petition signed by a large number of people from their area. They indicated they had not seen it, but would like to see it. Mr. Rice requested permission to read the petition,

which had been signed by approximately 50 people, aloud to the abutters. He read the petition to the abutters and then commented on one particular statement contained within the petition, referring to the neighbors, ". . . I would never throw rocks or vandalize their home should they choose not to be my friend." In reference to this statement, Mr. Rice noted he had invited Chief of Police Peter Lembo to attend this meeting, stating that Ms. Barry had alleged that neighbors had vandalized her home. Mr. Rice continued that there had never been any problems in the neighborhood prior to Ms. Barry moving into the neighborhood. She claims there had been vandalism and the neighbors had no knowledge of any vandalism.

Chairman Wallace asked Chief Lembo if he had any objection to answering some questions, and he indicated he did not. Mr. Rice directed a question to Chief Lembo, questioning whether there had been any problems with vandalism in the neighborhood in the past. Chief Lembo indicated there had been no major problems and that he had, in fact, gone into the computer and checked back six to eight years and there were no problems of any significance, no vandalism or housebreaks or malicious destruction of property. Mr. Rice asked what the situation had been recently. Chief Lembo stated there had been a lot of allegations, noting that Ms. Barry had written a letter to the Police Department, which Chief Lembo has referred to Internal Affairs, a copy of which Chief Lembo gave to the Board for their records. Chief Lembo said they had looked into the allegations and they were all unfounded. Chief Lembo further stated Ms. Barry had only made two complaints, which had been placed into a single narrative. Chief Lembo presented the Board with copies of the two reports. Chief Lembo stated the reports were not a matter of public record, and Executive Secretary Thompson noted they had been marked "private".

Chief Lembo further commented that he had known these people for twenty-five years, and had never known of any problems in that neighborhood -- a very quiet and tranquil neighborhood. Chief Lembo said the Board should be able to ascertain what was going on in the neighborhood by reading a copy of the complaints.

Chairman Wallace asked Ms. Barry when the renovations would be completed and she replied she hoped they would be completed by January. Chairman Wallace further questioned Ms. Barry what her plans were to complete the renovations. She noted that, financing allowing, all would be completed by January.

Addressing the concern that without proper financing, the building renovations could not be completed, Executive Secretary Thompson stated he would recommend that the permit not be extended if funds were not available. Executive Secretary Thompson further stated that the bylaw was created for hardship and not for the purpose of allowing someone to camp on their property.

Ms. Barry was concerned that she was being asked to violate her privacy by revealing her paystubs, etc., to the neighbors and stated she would leave the trailer on the property whether she was living there or not. Executive Secretary Thompson told her that she could not legally do that. Ms. Barry alleged that Mr. Greenwood had a trailer on his property larger than hers. Executive Secretary Thompson stated that camping trailers of a certain size were allowed. He further stated that, if Mr. Greenwood's trailer was in violation, it would also have to be removed.

Selectman Drobinski expressed concern that the permit would expire in January, if extended, and that if financing were not in place until that time, the trailer would have to be removed and he questioned what she would do at that time. Ms. Barry stated she had never said she was going for financing, but that she had planned to put all available cash into the home.

Chairman Wallace stated that the permit was a privilege, not a right, and went on to discuss the concerns of the neighbors. The Chairman requested some assurances that work was actually taking place at the property. Chairman Wallace expressed concern with the work that had been done up to now and with Ms. Barry's ability to obtain financing. He stated he understood the concerns with hard times, but the purpose of the bylaw was to prevent trailers from becoming a semi-permanent home. He stated that if she had some concrete plans as to how the work could be completed, he could be convinced to renew the permit, but Chairman Wallace stated he was unable to see a plan at this time. Chairman Wallace asked whether she needed further opportunity to convince the Board that the work would be done by the end of the year, and attempted to assure her that he and the neighbors would indeed like to see the work done. Chairman Wallace stated that he did not believe she had demonstrated that she had done what she stated she would do at the time the permit was issued.

Ms. Barry said she had worked closely with the Building Inspector, as she had been instructed by the Board of Selectmen.

Chairman Wallace stated he would not be inclined to renew the permit until she could demonstrate the availability of financing to complete it, but he would be glad to renew it if she, in fact, came in next week with a bank commitment letter, and the Selectmen would put her on the agenda for the next meeting.

Mr. Rice stated they were in agreement with the Selectmen, that if she could demonstrate her ability to do the work, they were for her one hundred percent, as improving the home would improve the neighborhood.

Executive Secretary Thompson stated for the record that Ms. Barry left the proceedings at 8:12 p.m.

Selectman Drobinski reminded the neighbors that they need to pull together, and that if the building is no longer occupied, vandalism and other problems may occur.

Executive Secretary Thompson recommended the Board continue the hearing until July 29, 1991, and if no evidence is submitted that satisfies the Board, that the Board deny the trailer permit extension and direct that it be removed within 15 days.

Executive Secretary Thompson stated he would speak to Ms. Barry, allowing her the opportunity by July 29th to produce a document from a bank or some other financial institution, which would evidence her ability to complete the renovations.

On the recommendation of the Chairman, it was unanimously

VOTED: To further consider the trailer permit extension request of Kathryn Barry, 63 Willis Lake Drive, at the Board's July 29, 1991, meeting, with the intention to deny said extension, without prejudice, unless financial evidence is produced by Ms. Barry by that date indicating her ability to substantially complete the renovations within this year.

It was noted that a denial without prejudice would enable the Board to hold a new hearing upon receipt of the required information.

UNISYS Project - Environmental Consultation

Present: Cary Parsons, George L. Wiegele, and Chuck Young of Woodard & Curran, Inc.

The Board is in receipt of a letter from George L. Wiegele, Manager, Industrial and Hazardous Waste, and J. Cary Parsons, Senior Hydrogeologist, of the firm Woodard & Curran Inc., requesting the Board meet to review the results of the investigation to date.

Mr. Wiegele noted they were impressed with the progress of Unisys and that Unisys had been cooperative.

Mr. Parsons displayed detailed plans of the work that is presently in progress. He noted that Chuck Young, a certified geologist, had been working for them at this project. It was noted that the scope of work has expanded significantly over the past five months. The investigation expanded from 6 monitoring wells to 35 wells.

Mr. Parsons commented on a recent meeting with UNISYS/LGB and noted the evolving field program did not appear to have included periodic survey updates. He further noted that the above mentioned letter requested that the field activities be organized to facilitate a timely review by Woodard & Curran of the progress.

Mr. Parsons also updated the board on the proposed test wells in the area of Town Well #5 and stated that data on the same should be coming in in about two weeks. The Board requested more information on Well #5 as soon as available.

In concluding, and on questions from the Board, Mr. Parsons replied that they have not been paid to date, but have billed Unisys \$13,000 plus. Mr. Thompson said he would follow up on this.

Long Range Planning Committee

There being no one present from the Long Range Planning Committee, it was on motion unanimously

VOTED: To table the discussion with the Long Range Planning Committee concerning the 1) town central office space planning and 2) vehicle use study.

Maura Landscape, Inc., Lease -- Park & Recreation Davis Land

The Board considered the question of approving a draft lease of a portion of the Route 117 Park & Recreation Davis Land between the Town and Maura Landscape, Inc., for a one-year term for nursery purposes.

The Board of Selectmen, after review of the same, referred it to the Park and Recreation Commission for approval and signing, expressing no objections to the draft lease with the proviso that some mechanism is made to allow for in-kind contributions to the Town; i.e., tree, ornamental or shrub plantings; arrangements for the same to be done under the guidance and approval of John Braim of the Park and Recreation Department.

Minutes

It was on motion

VOTED: By Chairman Wallace and Selectman Cope to approve the regular minutes of June 24, 1991, as submitted.

Special License to Conduct Antique Show - Thursday Garden Club of Sudbury

It was on motion unanimously

VOTED : To grant a special license, pursuant to M.G.L. c.101 §12A, to the Thursday Garden Club of Sudbury to conduct an antique show, to be held on October 10, 1991, at the Sudbury Methodist Church, for the purpose of raising funds for scholarships and other charitable purposes, exempting participating transient vendors from the provisions of sections 3 through 12 of c.101.

Planning Board - Election

Present: Peter H. Anderson, Richard A. Brooks, Lael M. Meixsell, John O. Rhome, Planning Board; Patricia Durfee, Josiah Frost, Carmine Gentile, Thomas Lance, and Ursula Lyons, Candidates.

Chairman Wallace called to order a joint meeting with the Planning Board; and the Board thereupon appointed Executive Secretary Richard E. Thompson to act as Clerk for the purpose of this meeting.

Executive Secretary Thompson stated that, in accordance with General Laws Chapter 41, §11, as amended, the Selectmen's Office had scheduled this meeting upon notice of vacancy in the Planning Board due to the resignation of David J. Lyons. Mr. Thompson acknowledged receipt of applications from Patricia Durfee, Josiah Frost, Carmine Gentile, Thomas Lance, and Ursula Lyons.

The candidates introduced themselves and noted their interest and availability to serve as members of the Sudbury Planning Board.

The first applicant called on by Chairman Wallace was Ursula Lyons. Ms. Lyons noted she believes it to be a key board in Town and that this board can take a leadership role in the Town, by forming the direction the Town can take. Ms. Lyons stated she was in favor of the coordination of the various boards in Town. Ms. Lyons continued by pointing out that the landowners not only have rights but must also have landowner ethics. She stated her belief that if the

Planning Board can be a leader in this concern, the Town of Sudbury can be preserved.

Chairman Wallace noted that the Planning Board must make rulings by statute and questioned whether Ms. Lyons could act accordingly if a particular situation is personally offensive to her. Ms. Lyons noted there is a need for clarification of the rules and regulations of the Planning Board. She stated there will be less litigation if these rules are clear. She noted that the rules and regulations should not serve the needs of the self-interest of individuals. She stated there should be a mechanism in place so that if there is a negative impact on the public, it should be clear in the rules and regulations that one should not even ask for a waiver. She said this should fall under landowner ethics.

Selectman Drobinski commented on the high caliber of individuals applying for the Board, noting this was just an appointment to fill the remaining portion of the term, and it would necessary to run for re-election in March of 1992. Selectman Drobinski asked Ms. Lyons whether she had been in attendance at any Planning Board meetings and Ms. Lyons replied in the affirmative.

The second applicant was Thomas W. Lance, 35 Pendleton Road. Chairman Wallace noted that Mr. Lance had lived in the community less than one year and questioned his interest in this position. Mr. Lance stated he had always been involved in his community in the past and wished to become actively involved in the Sudbury Community. When questioned by Chairman Wallace as to his experience in town planning, Mr. Lance noted that, while he did not have experience in town planning, he was greatly experienced in strategic planning and felt this talent could contribute to the needs of the Planning Board. He noted that he is Director of Manufacturing at Welch's in Concord and has the responsibility for corporate planning. Mr. Lance replied in the affirmative when Chairman Wallace inquired as to whether he was prepared to make the kind of commitment this Board required. Mr. Lance noted he had wished to get involved in the Route 20 Study but had not met the qualifications required by the Town to participate in this study. Selectman Cope invited him to attend the hearing on the 29th, noting the probability of waiving some of the restrictions for participating in this study.

Selectman Drobinski pointed out the tremendous commitment of time necessary to fulfill this position and noted he did not believe the lack of experience in town planning was a detriment, but that concern for the community was the paramount requirement.

Chairman Wallace called on the next candidate, Carmine L. Gentile. Chairman Wallace noted that Mr. Gentile had been a Town Meeting participant and served on the Finance Committee, and questioned his reasons for wanting to be on the Planning Board. Mr. Gentile said he had been interested in the Planning Board since moving to Sudbury ten years ago. Mr. Gentile stated that two years after moving to Sudbury he served on the Finance Committee and in that capacity he had attended a number of Planning Board meetings. Mr. Gentile stated his belief that, after the people who live in the town, the land is the most important asset and the Planning Board plays a large role in determining that the land is used according to the bylaws enacted. He further stated his belief that working on the Planning Board would be exciting and interesting. He noted

he would like to work with the Planning Board to make Sudbury an even better place to live ten years from now.

Selectman Drobinski asked Mr. Gentile if he had any vision or slant concerning the Planning Board and where it would be going within the rules and regulations of the zoning bylaws based on Mr. Gentile's experience in the town.

Mr. Gentile discussed the meeting of the Planning Board which occurred a few weeks ago, at which each candidate was in attendance. He said the question was put to each of them as to their thoughts concerning the Sudbury Village concept. He noted he did not know much about that situation at the time, but he was now up to date on that situation. Mr. Gentile said he would like to see in 15-20-25 years down the road having the Route 20 area be more of a place where people can park and walk around from store to store, with a roadway possibly going around it. He voiced his concern for keeping open space by allowing well-thought-out cluster developments to be built.

Selectman Cope asked for Mr. Gentile's ideas about where the Planning Board could become more efficient, having fewer late hour meetings, and how they could cut back on their litigious situations.

Mr. Gentile noted he used to keep late hours for years, but about two years ago grew to enjoy a good night's sleep. He noted if he was elected to the Planning Board, he would have a strong interest in having the meetings end at midnight or earlier. Mr. Gentile said he could not tell at this time what he would do to change things, but he would wait and see how things were operating to see how efficiencies could be made.

In reference to Selectman Cope's question concerning litigation, Mr. Gentile noted that litigation is what he does in his job. Mr. Gentile said he had read that Sudbury has a lot of litigation, but he does not know what that means. He said it might mean the Planning Board is making decisions that are not well thought out or they may be making very well thought out decisions. Mr. Gentile said the people litigating may be playing hard ball to see what they can get. He said he would be very interested in looking at the cases during the last two years to see what they are all about, to see how the Town got into them and what the results were. Mr. Gentile said he thinks his training will be helpful to the Board to craft their decisions so that they hold up, possibly dissuading people from litigation.

Chairman Wallace called on the next candidate, Josiah Frost. Chairman Wallace noted that Mr. Frost was a former Selectman and Fire Chief of the Town of Sudbury and that he had applied for a position on the Planning Board last year. Chairman Wallace asked Mr. Frost to comment on his reasons for applying for this position.

Mr. Frost stated his belief that, next to the Board of Selectman, the Planning Board is the most important Board for the growth of Sudbury. He said he would like to see Sudbury continue the way it is, and indicated he believes that is why people move to Sudbury. Mr. Frost said he thinks the Planning Board has, over the last ten years, lost track and that the property owners, particularly the old-time property owners, first established how nice Sudbury is. He stated his belief they are trying to maintain the Town the way it is and keep new people out of town. He noted that if he was fortunate enough to

be selected to serve on the Planning Board he would work on this problem. He also said he would like to be part of the hiring of the new Planner. He stated his belief that the former planner had made statements that resulted in litigation. He said that when the new Planner is hired, the Planning Board must sit down and be careful how much power this person should have. Mr. Frost said he would like to see everyone working together. He said if there is any question in their minds as to the Planning Board's decisions resulting in litigation, he believes his experience in working with people for many years would help him determine whether people were going to play hard ball. He noted that the Planning Board should use the Town Counsel or the Assistant Town Counsel to be sure they do not jeopardize their position. He believes they need to work with the families in Sudbury.

Mr. Frost continued that he was convinced that the Planning Board workload had been such that they had to work late hours. He said he thinks they can work together as a group and cut the hours down. He stated his concern that one could not make good, sound decisions after midnight.

Selectman Drobinski referred to Mr. Frost's experience with Town Government and asked, regarding the bylaws, whether he thought the Planning Board should loosen or tighten things up. Mr. Frost said he had not looked at the zoning bylaws recently, but that he felt Sudbury had done a good job in setting up the bylaws. He stated that he felt many of the situations could be handled by working together and by using simple courtesy with the property owners. He stated he did not believe the Board should be too quick to aggravate the property owners, and if a builder bought the property, he should have the opportunity to develop it.

Selectman Cope stated that Mr. Frost had been quoted in the past as having said that a property owner could do whatever he wanted with his property, and asked whether many of the conflicts occurred because of interpretation of the bylaws. Mr. Frost replied that he believes that the property owners did what they had the right to do, and that is why the Town lost many cases.

Candidate Patricia Durfee said that she has come before the Planning Board in the past and has been going to Planning Board meetings for the last three years. She said she has been very critical of the Planning Board, and thought it was time to "put the shoe on the other foot", and give back to the town. Ms. Durfee said she felt that having sat on the other side of the table, she could provide a certain depth. She noted she agreed with the opinions of David Lyons, and thought the replacement should be someone similar to him.

In reference to the many comments from the Board of Selectmen concerning the late hours of the meetings, Ms. Durfee noted her strong organizational skills, and the fact that she manages four men, and felt she could get things done before 2 a.m.

Chairman Wallace asked to what part of David Lyons' philosophy she adhered. Ms. Durfee said she felt David Lyons was a reasonable person, and one who listened to the people, but if they did not make sense, he would say it was foolish and move on. She further noted her belief that he did not see his role on the Planning Board as one of stopping development, and while he was for the landowner, he was willing to abide by the rules and regulations of the Planning Board. He believed that a person has the right to develop his land, and it was

up to the Planning Board, the Conservation Committee and the Board of Health to apply their own rules to a particular plot of land. She stated that David Lyons was an asset to the town.

Selectman Cope stated she had no questions.

Selectman Drobinski noted that Ms. Durfee had been in Sudbury for 27 years and he wished to speak further to the philosophy of David Lyons. Selectman Drobinski said he did not see a great difference in David Lyons and the other members of the Planning Board, who he felt wanted the best for the town and not for themselves. He requested her to expand further on what she felt was happening. Ms. Durfee said that David Lyons had a lot of common sense. She referred to a time when they appeared before the Planning Board, paying for an engineer and a lawyer, sitting for two hours past their appointment time, talking about nothing and accomplishing very little. Ms. Durfee stated she felt David Lyons tried to change this. She noted she would like a friendly board, that would greet people coming before the board as a neighbor, not the enemy. Ms. Durfee said she felt the Planning Board needed better public relations.

Chairman Wallace opened the floor to nominations. Chairman Wallace's nomination of Patricia Durfee received a second; Selectman Drobinski's nomination of Josiah F. Frost received a second; Selectman Cope's nomination of Ursula Lyons received a second; Peter Anderson's nomination of Thomas Lance received a second; and Lael M. Meixsell's nomination of Carmine Gentile received a second.

It was moved to close nomination; and nominations were so closed.

The Executive Secretary asked for a roll call vote, which was called as follows:

Peter H. Anderson	VOTED TO ELECT	Ursula Lyons
Richard A. Brooks		Ursula Lyons
Judith A. Cope		Ursula Lyons
John Drobinski		Ursula Lyons
Lael M. Meixsell		Ursula Lyons
John O. Rhome		Patricia Durfee
David A. Wallace		Carmine Gentile

Executive Secretary Thompson notified Chairman Wallace that Ursula Lyons of 157 Wayside Inn Road had been elected to serve on the Planning Board, until the effective date of the next Town Election, and noted that she must win the election at that time to continue serving on the Planning Board.

The Planning Board and Selectmen thanked all candidates for their interest and urged them to keep in contact with the Planning Board and Selectmen's Office so their expertise and interest might be utilized in the near future.

After expressing their interest, Selectman Cope asked Executive Secretary Thompson to send letters to Carmine Gentile and Thomas Lance requesting their attendance at the meeting on the 29th of July, in reference to the Sudbury Village Route 20 project.

Annual Performance Review - Terri Ackerman, Budget and Personnel Officer

Present: Terri Ackerman.

A written report was received by the Board of Selectmen, dated May 22, 1991, from Terri Ackerman, concerning her Annual Performance Review as the Budget and Personnel Office for the Town of Sudbury.

Chairman Wallace noted he was impressed by her performance for the last five years and asked if there was anything she would like to add to her report.

Ms. Ackerman noted that it had been two months since she prepared the report and wanted to bring a couple of items up to date. In reference to her recommendation to shortening the budget warrant article to three lines per department, it recently came before the FinCom and they voted to do it. She said she was hopeful this recommendation would be supported by the Selectmen. She noted she thought it would be more acceptable to the voters if it was shorter and more to the point.

In reference to the Budget, she is looking to having the Unclassified Accounts included in the K through 8 School's budget. Ms. Ackerman said there was more support for this than originally believed.

In reference to the budget process, she said she knew that last year was a difficult year, but noted that the process that Jack Ryan started was an excellent one. She noted that she and Roy Sanford wanted to begin the process in September and to warn departments in advance to be prepared for cuts. This will allow a more productive dialogue to take place at the budget hearings.

Ms. Ackerman noted that the Insurance Advisory Committee (group health) is coming along pretty well, but in the near future, the Town will be facing some important decisions. She stated that on the property casualty insurance, the low bidder was Murphy Insurance and they were providing excellent service so far; for example, there was no charge for the July 4th coverage to the Chamber of Commerce. Ms. Ackerman discussed the other positive actions of Murphy Insurance.

Executive Secretary Thompson noted that in reference to the Town insurance public bid process, Terri Ackerman had done a lot of the work on it and had done an excellent job.

Selectman Cope noted that she is responsive, ingenious and inventive.

Ms. Ackerman noted the much appreciated support of the Board of Selectman.

Selectman Drobinski voiced his appreciation and classified Ms. Ackerman as "refreshing".

It was on motion unanimously

VOTED: To accept Terri Ackerman's report, dated May 22, 1991, and to approve step increase for Ms. Ackerman, from Step 5 to Step 6, Grade 11, effective June 10, 1991.

Report of the Legal Services Review Committee

The Board was in receipt of the report from the Legal Services Review Committee, dated June 26, 1991.

Selectman Drobinski stated it was a welcome report and found nothing startling in it. He felt the Committee should be commended for the preparation of the report.

Executive Secretary Thompson recommended that the Board receive the report tonight and allow one month to comment on the report.

Selectman Cope noted she would like to comment on the report. She stated she was unhappy that it took so long for the report to reach the Board. It was her understanding that the report had been received on the 26th of June and she knew nothing of it until a TAB reporter called her for her comments. She said she would rather have had the report to review on her own, without Executive Secretary Thompson's critique, and to analyze it on her own. She noted it was her understanding that they had unilaterally agreed that the best people to analyze the controversial subject were unbiased qualified attorneys and that the report deserved more than a miscellaneous spot on the agenda.

Selectman Cope noted she would agree to make the document public, but did not want to downplay its importance by putting it aside for one month, and acknowledged that summertime does not allow for much of an audience to share this report. She agreed with 98% of the material in the report, and stated she was grateful for the quality and thoroughness of the document. She further noted that some very talented people put a lot of high-priced time into making this analysis for the Town. She stated there is no harm in the recommendations, that they seek to assure the Town that we're getting good value for our money and that the Board is requested to ask who has what to offer us, and that our present Counsel or Counsels have every right to offer their "wares" along with everyone else.

Chairman Wallace stated that, as a lawyer and a Selectman, he felt the report was extremely good, particularly from a technical aspect. He stated he did not want to say more about the recommendations, but would be amenable to adopting some of them. He said he had read Executive Secretary Thompson's points and gave Ed his due because he, Executive Secretary Thompson, knows better than anyone else what goes on every day and who is using Paul Kenny and what he is doing. Chairman Wallace said he thinks that Paul should be commended for most of his work, that no one is perfect. Keeping track of Mr. Kenny's time and the projects he is working on has been recommended by the Legal Services Review Committee, and Chairman Wallace said he would concur with this. He noted that there should be better structure in the office with regard to that because he, Chairman Wallace, is unclear as to who the major users are. Chairman Wallace noted, according to Executive Secretary Thompson's memo, that the Board of Selectmen are the major users. Chairman Wallace further noted that the Planning Board is not presently taking up that much of his time, but they were in the past.

Chairman Wallace continued that the three members on the Committee preparing the report ran very good hearings, one of which the Board of Selectman had attended, and everyone had an opportunity to express themselves. He further

stated that he believes that it was handled with a certain amount of delicacy, that they understood and recognized that the position of Town Counsel is a very difficult position, that it is difficult to remain apolitical, and being a Town Counsel for a long period of time is a lot of exposure. Chairman Wallace noted the Committee recognized that and had ideas where improvements could be made. Chairman Wallace concurred with the Committee's comments that Paul Kenny's abilities were very high. Chairman Wallace said he would like to read and discuss the report further. He noted their suggestion for requesting proposals in today's economy was not a bad idea, but this did not mean that he intended to change horses, because Mr. Kenny provided excellent service. He stated they had given the Committee a job to do and they did it; and the Selectman should pay close attention to the recommendations that had been made. Chairman Wallace commended them for their fine work.

Selectman Drobinski stated he was impressed with what they had done and agreed with most of the recommendations and the need for a detailed discussion among the three Selectmen in public. He noted it was an interesting perspective on how people perceive the Town Counsel and thought the cost analysis was excellent, noting that he was surprised at how reasonable the litigation charges had been. Selectman Drobinski said they needed to look at the recommendations hard but that he would probably agree with 95% of them.

On motion it was unanimously

VOTED: To accept the report from the Legal Services Review Committee dated June 26, 1991, to extend thanks to the Committee, and to place it on the agenda for the August 12th meeting at 8 p.m.

Wood-Davison House Restoration Project

Chairman Wallace called upon Selectman Cope for an update on the Wood-Davison Restoration project. Selectman Cope noted the Wood-Davison House Restoration Task Force held a public forum concerning this project with approximately 30 people in attendance. Selectman Cope stated she had received telephone calls from others stating they could not attend the meeting because of vacations, etc. She said she believes there are possibly 40 interested persons and that new interest continues to be generated. She stated she has received continued assurance that there would be no cost maintenance by the Town. Everyone is agreeable to the concept, but there is fear that the Town may have to accept the maintenance cost.

Selectman Cope noted that Richard F. Brooks will be bringing a petition to the Board of Selectmen requesting further study and public debate before proceeding. She noted that she did not want to do something that most of the town did not want to do. However, as a result of the meeting, she felt there was more interest than originally anticipated.

Chairman Drobinski noted there are different issues on this project and its acceptance depends on how it is portrayed to the community. He stated he supported the concept that the preservation of antiquities is very important.

Selectman Cope noted there are artifacts stored in basements around the town that should be displayed in a museum. Selectman Drobinski said it will

be a financial decision, as well as an indication of how the community takes pride in its past.

Selectman Cope reiterated there is a contingency to support it and there were grants to be had after the house is in place. She concluded the project now seems to have interest and support.

Police and Fire Department - Purchase and Installation of New Radio Communications System

The Board considered the question of authorizing the Police and Fire Departments to proceed with purchase and installation of a new radio communications system, pursuant to a report received from Police Lt. Ronald Nix and Fire Chief Michael Dunne, dated July 11, 1991, and approving consulting services proposal from Gerald Burke relative thereto.

Selectman Drobinski questioned whether the consulting agreement had an upside limit. Executive Secretary Thompson stated that they are going to ask the Police Department to hold back \$2,000 of the money they raised (the Sudbury Police Communication Committee), to foot the bill for the Police and Fire Department's consultant. For the portion pertaining to Fire Department, Chief Dunne will make it up to the Police Department in equipment or other means down the road. Executive Secretary Thompson noted this is preferable to getting into bidding, as it will probably cost more to go to bid.

It was on motion unanimously

VOTED: To authorize the Police and Fire Departments to proceed with purchase and installation of a new joint radio communications system pursuant to report dated July 11, 1991, from Police Lieutenant Ronald Nix and Fire Chief Michael Dunne, and to endorse the consulting services proposal from Gerald Burke relative thereto.

Resignation of Harvey Peters - Board of Appeals

It was on motion unanimously

VOTED: To accept the resignation of Harvey R. Peters from the Board of Appeals, dated June 24, 1991, and send a letter of appreciation to him for his long and dedicated service.

Transfer Request No. 91-23 for Account 503-256 to pay bill of Labor Relations Counsel

It was on motion unanimously

VOTED: To approve the addition of \$1,429 to Reserve Fund Transfer Request No. 91-23 for Account 503-256 to pay bill of Labor Relations Counsel. (Transfer request in the amount of \$10,640 was approved by the Board June 24, 1991.)

Line Item Transfer for Computer Equipment for Selectmen's Office

It was on motion unanimously

VOTED: To approve the amended line item transfer for computer equipment for the Selectmen's Office, as recommended by the Town Accountant and discussed by the Finance Committee on July 11:

\$3,335 (\$3,000 previously approved for printer, etc.) from 950-814 Town Meeting Expense to 950-510 Equipment.

Amend Traffic Rules and Orders of the Town - New Stop Sign Locations

The Board considered the question of amending the Traffic Rules and Orders of the Town of Sudbury by adding new stop sign locations for southbound and northbound drivers on Hemlock Road at Willow Road.

Upon review of Police Safety Officer Anthony Deldon's letter dated July 1, 1991, and a letter from Town Engineer I. William Place, dated July 9, 1991, it was on motion unanimously

VOTED: In accordance with the provisions of Chapter 89, Section 9, of General laws, Hemlock Road is designated as a stop street for northbound and southbound drivers at the intersection of Willow Road;

and it is further

VOTED: That the Traffic Rules and Orders of the Town of Sudbury, adopted by the Board of Selectmen on September 12, 1941, and subsequent amendments thereto, be and are hereby amended as follows:

By adding at the end of Section 8 in Article VII, OBEDIENCE TO ISOLATED STOP SIGNS, the following locations:

"Northbound drivers on Hemlock Road at Willow Road"

and

"Southbound drivers on Hemlock Road at Willow Road."

Hop Brook Ponds Study Committee

The Board considered the question of endorsing the comments dated June 27, 1991, from Robert C. Leupold, submitted on behalf the Hop Brook Ponds Study Committee to the U.S. Environmental Protection Agency, Region 1, Boston, relative to support of Settlement Agreement, Docket No. 88-325, dated November 7, 1990, between the MDEP Division of Water Pollution Control and the City of Marlborough concerning the Marlborough Easterly Advance Treatment Works, NPDES Permit No. MA0100498.

Following discussion, it was on motion unanimously

VOTED: To forward to the U.S. Environmental Protection Agency, the Sudbury Board of Selectmen's endorsement of Mr. Leupold's letter of June 27, 1991, and, in addition, to comment that the Selectmen are under the impression that Marlborough will continue working on means of solving the nutrient overload, including the viability of construction of an artificial wetland, and to

emphasize that the Selectmen urge EPA support of the permit modification and promotion of the permit's additional evaluation requirements but only if they represent significant potential for a long-term approach to improving water quality in the ponds.

Donations from the Sudbury Foundation

On motion it was unanimously

VOTED: To accept on behalf of the Town the following donations from The Sudbury Foundation: \$10,000 to be used by the Police Department for purchase of a new high frequency radio communications system; and \$15,000 to be used to complete construction of a walkway along Route 20 connecting Longfellow Glen with Star Market Plaza.

Sign Renewal Notes

On motion it was unanimously

VOTED: To confirm the signing by the Board on July 3 of renewal notes in the amount of \$1,100,000 pursuant to authorization of June 24, 1991, with Shawmut Bank, N.A. at a 4.23% interest rate, dated July 12, 1991, and due October 1, 1991, relative to the 1989 STM/Art. 5 Nixon and Noyes school renovation project (\$700,000), and 1988 STM/Art. 4 School Architectural Services (\$400,000).

Council on Aging - Donations

It was on motion unanimously

VOTED: To accept \$185.50 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.

DARE Program - Donation

It was on motion unanimously

VOTED: To accept a \$20 donation on behalf of the Police Department from Mr. & Mrs. George C. Avgerinos, and approve its use by the Police Department for the DARE Program.

Construction Authorizations - Fire Headquarters

It was on motion unanimously

VOTED: To delegate to the Permanent Building Committee authority to act on behalf of the Owner relative to the issuance and signing of construction authorizations in connection with the contract with L. D. Russo, Inc., for construction of the Fire Headquarters, said authorizations to culminate in issuance of change orders to be signed by the Chairman of the Board of Selectmen upon recommendation of the Permanent Building Committee.

Wood Davison House Restoration Fund - Donations

It was on motion unanimously

VOTED: To accept \$55 in miscellaneous donations for the Wood-Davison House Restoration Fund.

E. B. Hosmer Fund - Painting Supplies

It was on motion unanimously

VOTED: To approve the expenditure of \$290.38 from the E. B. Hosmer fund to pay Town Line Hardware, Inc., for painting supplies for the front exterior of the Hosmer House.

Fire Department - Payroll Authorization

It was on motion unanimously

VOTED: To authorize Lt. George Moore to sign the payroll during the Fire Chief's vacation during the week of July 15.

Post Office Ceremony - July 29, 1991

There will be a ceremony for the "changing of the guard" at the Post Office at the Grist Mill on July 29th at 2 p.m. Executive Secretary Thompson inquired as to whether a Selectman could be present for that ceremony, indicating he would attend if a member of the Board could not. Selectman Cope indicated she would check her calendar.

Sudbury Housing Authority - Ribbon Cutting

There will be a ribbon cutting at the Sudbury Housing Authority at 9:30 a.m. on July 25th. Selectman Wallace indicated he would attend.

Unisys

Executive Secretary Thompson indicated the Board needed to set up a meeting on the Unisys situation. Executive Secretary Thompson indicated he would call individuals to set up a date. Executive Secretary Thompson recommended that Paul Kenny and Dave Fitts, the FinCom Law Liaison, attend.

Melone Property

Executive Secretary Thompson requested and the Board agreed to tour the Melone property on Tuesday, July 16th, at approximately 5 p.m.

Transfer for the Building Department

Executive Secretary Thompson indicated he had a year-end transfer from the Building Department to make an adjustment because they thought they had all the bills taken care of and had extra money and topped off all the tanks at a good

price but a bill arrived a few days later which they had to pay. The Finance Committee has approved the transfer.

On motion it was unanimously

VOTED: To approve Reserve Fund Transfer #91-24 in the amount of \$2,000 for Account 340- Expense.

Fort Devens Air National Guard Facility

Selectman Cope will attend a meeting on July 18, 1991, with the U.S. Environmental Protection Agency to discuss the above subject.

James Kane - Internship

The Board is in receipt of a letter from James F. Kane, dated July 10, 1991, requesting a three-month internship with respect to his Master's degree program at Clark University. Selectman Cope questioned where he would like to intern and recommended he come on July 29th, noting that he might be interested in participating in the Route 20 project. Executive Secretary Thompson said he would make a recommendation after interviewing Mr. Kane.

Nickerson Theatre

The Board approved and Chairman Wallace signed a letter dated July 15 to Nickerson Theatres, Inc., expressing support for adding the recently approved "cultural events" to its schedule, but stressing any further changes must also be approved by the Zoning Enforcement Agent.

Selectman Cope referred to Town Meeting Proceedings of September 12, 1989, Special Town Meeting, Art. 9, in which such proceedings relative to Joseph Klein's amended motion defining theatres had been transcribed incorrectly; i.e., commas have been inserted which do not appear in the amended Bylaws. She was particularly concerned that the comma between the words "live" and "dramatic" should be deleted:

"Theatres which present, live[,] dramatic, and/or musical comedy and/or ballet productions exclusively."

The Executive Secretary will look into the matter of correcting same.

Delinquent Dog Licensing

Selectman Cope noted there appear to be many unlicensed dogs, and she would like to determine how many of the dogs that have not been relicensed are still alive. Selectman Cope said she has volunteers to call the dog owners and also suggested the possibility of publishing names of those delinquent. The Selectmen decided to hold on the publishing until they determine through phone calls how many of these dog owners are actually delinquent in relicensing.

Executive Session

At 10:47 p.m., it was on motion by roll call unanimously

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

Chairman Wallace 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 10:50 p.m.

Attest: _____

Richard E. Thompson
Executive Secretary-Clerk