

IN BOARD OF SELECTMEN  
TUESDAY, OCTOBER 8, 1991

Present: Chairman David A. Wallace and John C. Drobinski.

Having complied with the statutory requirements as to notice, Chairman Wallace convened the meeting at 7:00 p.m. at the Curtis Middle School.

Street Acceptances - Layout of Ways

Present: Gary M. Markoff, Esq.

At 7:00 p.m., Chairman David A. Wallace convened a Public Hearing for the purpose of receiving public comment and to vote on the question of laying out Carriage Way, Emerson Way, Henry's Mill Lane, and Twin Pond Lane, which are proposed for acceptance as public ways at the October 21, 1991 Special Town Meeting under Article 5.

Executive Secretary Thompson noted that all appropriate abutters had been properly notified and the Board acknowledged receipt of a Planning Board letter, dated September 25, 1991, recommending acceptance of the ways proposed by the Town Engineer.

Mr. Thompson reminded the Board that Twin Pond Lane was considered for acceptance at the 1991 Annual Town Meeting but was not accepted because of outstanding issues involving the Board of Appeals and the Conservation Commission. He informed the Board that these issues are expected to be resolved by the October Special Town Meeting.

Mr. Thompson also noted that Emerson Way had been partially accepted by the Town in 1974; therefore, Town Counsel is recommending that the entire road be accepted at this time.

It was on motion unanimously

VOTED: To lay out the following Town ways, which are proposed for acceptance as public ways at the October 21, 1991 Special Town Meeting under Article 5: Carriage Way, Emerson Way, Henry's Mill Lane, and, subject to resolution of outstanding issues, Twin Pond Lane.

Gary Markoff, Esq. requested that a copy of the vote be forwarded to him and noted his interest as to when the Northland performance bond held by the Town on Henry's Mill Lane and Carriage Way would be released.

FY92 Teacher Salary Deferral

On the question of taking action relative to the provisions of Chapter 223 of the Acts of 1991 concerning teacher salary deferral for FY92, in accordance with the vote of the Sudbury School Committee dated October 2, 1991, it was on motion unanimously

VOTED: To not accept the provisions of Chapter 223 of the Acts of 1991 (replacing Section 231 of Chapter 138 of the Acts of 1991), (amending G.L.

c.44, sections 56 and 56A and G.L. c.71, section 40), relative to deferral of a portion of Sudbury School Department teacher salaries for FY92.

In concurrence with the vote of the Lincoln-Sudbury Regional School Committee dated September 24, 1991, it was on motion unanimously

VOTED: To reject the deferral of a portion of Lincoln-Sudbury Regional School District teacher salaries for FY92 in accordance with Chapter 223 of the Acts of 1991 (replacing Section 231 of Chapter 138 of the Acts of 1991), (amending G.L. c.44, sections 56 and 56A and G.L. c.71, section 40).

In accordance with a vote of the Minuteman Regional Vocational School District to not reject deferral of salaries for FY92, it was on motion unanimously

VOTED: To not reject the deferral of a portion of Minuteman Regional Vocational School District teacher salaries for FY92 in accordance with Chapter 223 of the Acts of 1991 (replacing Section 231 of Chapter 138 of the Acts of 1991), (amending G.L. c.44, sections 56 and 56A and G.L. c.71, section 40).

Planning Board Request for Legal Services

The Board noted receipt of a communication, dated October 2, 1991, from L. M. Meixsell on behalf of the Planning Board requesting engagement of expert legal assistance relative to any purchase or rezoning involving contaminated land.

It was Selectman Drobinski's considered opinion, after careful review, that he could not support the engagement of special legal services for the Planning Board. Selectman Drobinski expressed his belief that the proposed Indemnification Agreement, reviewed by attorneys for the Trust for Public Land (TPL) and Town Counsel, with some modification, would protect the Town. Additionally, Selectman Drobinski stressed that Geo-Trans, Inc., an environmental consultant familiar to and previously used by the Planning Board, is employed as a consultant to TPL with regard to cleanup issues.

Chairman Wallace agreed and recommended that the Planning Board avail itself of the services and expertise of Town Counsel relative to the issues presented in Mr. Meixsell's letter.

Therefore, it was on motion unanimously

VOTED: To deny the Planning Board's request for special legal assistance relative to the purchase or rezoning of contaminated land.

Mr. Thompson noted that he and Budget and Personnel Officer Terri Ackerman had conferred as to availability of funds in the Planning Board's budget, and had determined that some funds were available for use if the Planning Board desired to hire a land use expert to assist with zoning issues (not legal counsel). Later in the evening Mr. Thompson informed Planning Board member Brooks of the Board's decision relative to the hiring of legal counsel, and cautioned that any proposed contractual arrangement for the hiring of a land use expert should be discussed with the Town Accountant prior to the hiring.

Traffic Rules and Orders Amendment - Heavy Commercial Vehicle Exclusion,  
Lincoln Road

Relative to community concern regarding potential truck traffic utilizing the proposed Sherman's Bridge replacement, which will have a twenty-ton load capability, and in response to the October 3, 1991 request of Highway Surveyor Robert A. Noyes for a 2½-ton limit for trucks only (not school buses) on Lincoln Road, the Board on motion unanimously

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 Article VII, Section 12.1, OPERATING OF HEAVY COMMERCIAL VEHICLES, the following new restriction, as described:

"Lincoln Road - between Concord Road and the Wayland Town Line, during the twenty-four hour period of each day.";

and further to authorize and direct the Town Engineer to compile and file the appropriate data with the State Department of Public Works for its approval of the exclusion.

Drainage Easements - Emerson Way

On the recommendation of the Town Engineer, it was on motion unanimously

VOTED: To accept a drainage easement granted by John L. Novak and Joyce M. Novak, dated September 20, 1991, relative to Lot 11 and shown on a plan entitled "Plan Showing Revised Drain Easement over Land of John L. & Joyce M. Novak 25 Emerson Way Sudbury, MA", dated August 6, 1991, by the Town of Sudbury Engineering Department; and to accept a drainage easement granted by Robert T. Trimper and Vilma H. Trimper, dated September 19, 1991, relative to Lot 12 and shown on a plan entitled "Plan Showing Revised Drain Easement over Land of Robert T. & Vilma H. Trimper 31 Emerson Way Sudbury, MA", dated August 5, 1991, by the Town of Sudbury Engineering Department.

Appointment - Assistant Town Accountant

In accordance with the recommendation of the Town Accountant, dated September 27, 1991, it was on motion unanimously

VOTED: To approve the appointment of Ceil Curran, 24 Landham Road, to the position of Assistant Town Accountant, under the provisions of M.G.L. c.41, §49A, effective October 4, 1991.

The Board also acknowledged the Town Accountant's hiring of Suzanne Petersen for the position of Accounting Assistant vacated by Ms. Curran.

Resignation - Board of Registrars

It was on motion unanimously

VOTED: To accept the resignation of Eva Jane N. Fridman, dated September 16, 1991, from the Board of Registrars effective September 20, 1991 and to express appreciation to Ms. Fridman for her contribution to Town Government.

Council on Aging - Donations

It was on motion unanimously

VOTED: To accept \$111.75 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

It was on motion unanimously

VOTED: To accept \$45 in miscellaneous donations and \$75 from the Sudbury Newcomers Club for deposit into the Wood-Davison House Restoration Fund; and to approve expenditures from the Wood-Davison House Restoration Fund in the total amount of \$638.02: \$528.52 payable to TBA Architects, Inc. for architectural services, and \$109.50 payable to Harte-Hanks Community Newspapers for publication.

Wood-Davison House Restoration

The Board acknowledged two October 4 communications from Karen Poll, Chairman of the Wood-Davison House Restoration Task Force (WDHRTC), one reporting that on October 3 the WDHRTF voted to recommend not continuing with the project of moving the W-D House at this time due to insufficient funds for the initial moving and site costs, and making alternate recommendations for the Selectmen's consideration. The Board, noting that Ms. Poll would not be continuing as an active member of the Committee until such time as there exists a cohesive town museum project, directed the Executive Secretary to extend its appreciation and well-deserved accolades for her extensive involvement in the project.

The Board also noted an October 7, 1991 communication from Sudbury Foundation Trustee John E. Arsenault suggesting that, with ongoing - "...organizational, citizen and town leadership support, the Foundation would expect to provide continued financial backing to help bring the Wood-Davison Project to a successful conclusion."

After review and discussion, the Board expressed its support of the Committee's recommendation that the Board make a decision with regard to its intention for the House as soon as possible and so inform Ms. Taylor, and make a firm decision on the use of the Town Center as a future site for the House as well.

To this end, Executive Secretary Thompson suggested that he set up a meeting with all involved groups, to include the Wood-Davison Restoration Task Force, the Long Range Planning Committee and the Sudbury Historical Society, to reevaluate the whole project. The Board concurred.

Sherman's Bridge/DPW Agreement

At the request of Highway Surveyor Robert A. Noyes, it was on motion unanimously

VOTED: To execute triplicate copies of Force Account Agreement Number 6098, between the Commonwealth of Massachusetts, through its Department of Public Works, and the municipalities of Sudbury and Wayland, in the amount of \$258,040.00, relative to the reconstruction of Sherman's Bridge.

Ch. 90 Agreement - FY92 Funds

Also, at the request of the Highway Surveyor, and in accordance with Chapter 33 of the Acts of 1991, Section 3(c), it was on motion unanimously

VOTED: To execute a Memo of Agreement apportioning \$319,713 to the Town of Sudbury under M.G.L. c.90, §34, C1.2(a) for roadway projects and all work incidental to the same as approved by the state Department of Public Works.

STM Warrant Articles - Conservation Commission Position

Mr. Thompson informed the Board that, at its October 7 meeting, members of the Conservation Commission present had expressed their support for the Trust for Public Land articles relative to rezoning and land purchase, and authorized the Conservation Coordinator to work on the project at the request of the Executive Secretary.

Accordingly, on the recommendation of the Executive Secretary, the Board authorized the transfer of \$500 from the Selectmen's Clerical Line Item, 501-13, to Selectmen's Extra Hire Line Item 501-12, to pay the Conservation Coordinator for her work on this project and the Ft. Devens Sudbury Annex and Massachusetts Air National Guard EIR.

Minutes

The Board approved the regular and executive session minutes of the September 16 Board of Selectmen meeting, as amended, the regular session of September 23, and the regular and executive session of September 25, 1991, all subject to comment from Selectman Cope.

Executive Session

At 7:25 p.m., it was on motion by roll call unanimously

VOTED: To enter into Executive Session for the purpose of discussing an expenditure from the Discretionary Fund for charitable purposes.  
(Chairman Wallace, aye; Selectman Drobinski, aye.)

Chairman Wallace announced that at the conclusion of the Executive Session the Board would reconvene and continue in public session through the public

meeting commencing at 7:30 p.m. at which Unisys personnel would present the results of the latest environmental testing on and about the Unisys site.

There being no further business, the meeting was adjourned at 10:00 p.m.

Attest: \_\_\_\_\_

Richard E. Thompson  
Executive Secretary