

IN BOARD OF SELECTMEN
MONDAY, FEBRUARY 3, 1992

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

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

Utility Petition 92-1 - Hudson Road

Present: Patrick J. Lovett, New England Telephone.

The Board convened a public hearing to consider Utility Petition 92-1 from New England Telephone and Telegraph Company for permission to lay and maintain underground conduits, pad and service terminal, with the wires and cables to be placed therein, on Hudson Road.

Mr. Patrick Lovett, New England Telephone, explained the pad in the box needs to be replaced in order to increase the capacity to meet service demands and update the plan for this area. Mr. Lovett further stated he met at the site with John Lindgren, Assistant Surveyor and Mr. Lindgren saw no objection to New England Telephone taking this action.

It was on motion unanimously

VOTED: To approve Utility Petition 92-1 of New England Telephone and Telegraph Company for permission to lay and maintain underground conduits, pad and service terminal, with the wires and cables to be placed therein, under or upon the surface of the following public way or ways of the Town on Hudson Road as follows: On the Northerly side at the intersecting way of Dutton Road, one (1) proposed pad with service terminal with conduit crossing the roadway Southeasterly for 58 feet to Pole No. 95 on the Southerly side thence turning Easterly and continuing 74 feet to existing Pole No. 94; as shown on New England Telephone and Telegraph Co. No. 92-1 "Plan for Conduit and Pad" dated January 16, 1992.

Utility Petition 92-2 - Codjer Lane

Present: Christine Cosby, Boston Edison Company.

The Board convened a public hearing to consider Utility Petition 92-2 from Boston Edison Company and New England Telephone and Telegraph Company for location of twelve poles on Codjer Lane (NOTE: This is called a relocation because of previous approval granted; however, poles were never installed.)

Christine Cosby, Boston Edison Company, explained that Boston Edison petitioned in June, 1990 to install twelve poles along Codjer Lane, but because problems were encountered, the poles were never set. The problems having been resolved, Boston Edison is petitioning again for twelve poles to be installed in different locations along Codjer Lane to the end of Codjer Lane to provide service to a loam company owned by David Cavicchio located near Tall Pine Road.

Selectman Cope questioned Ms. Cosby if this new petition resolves the personal property issue with regard to location of poles. Ms. Cosby stated that some of the poles will be installed on opposite sides of the street, with spans not as far apart, thus eliminating guying.

Mr. Paul Cavicchio, owner of the property along Codjer Lane stated he does not want the poles going down Codjer Lane, because there is no need for additional electricity on his farm. He feels these poles would interfere with the farming on the land. Mr. Cavicchio stated since the electricity is needed behind his farm, Boston Edison should attempt to hook up in the area behind the farm to provide service.

Ms. Cosby stated that the poles would not be on Mr. Cavicchio's property, but along Codjer Lane which is a public way.

Chairman Wallace asked if it was possible to access service another way, other than along Codjer Lane. The Selectmen reviewed a blueprint of the area that includes Tall Pine Dr. and Codjer Lane to determine if it may be possible to access the area by going underground from the Tall Pine area. Ms. Cosby stated Boston Edison looked into that possibility two years ago and found it to be very cost prohibitive.

Mr. Paul Cavicchio continued that when the farm was divided, it was understood that the area along Codjer Lane, which is low land and includes wetlands would be used for farming and the area behind the farm, which is higher would be used for residential development. Mr. Cavicchio believes the utilities should all be behind the farm thus servicing the area that will be developed residentially.

Ms. Cosby stated any underground feed would be quite a distance. It was noted that the customer pays for installation of services, whether it be underground, or poles, and poles are less expensive than going underground.

Mr. Dave Cavicchio, relative of Paul Cavicchio, who is requesting this service for his Loam Company explained he would rather pay for poles than the expense of going underground.

Discussion followed with regard to the most feasible solution for servicing the area in question-- whether to use poles or go underground and from which location to extend it--either Tall Pine Drive or Codjer Lane and all the costs involved.

It was noted that it may not be feasible to extend the service from Tall Pines and use poles because of the trees involved.

Selectman Cope stated there are basically three options to consider: 1) underground from existing poles, 2) both underground and above ground from Tall Pines, and 3) all poles along Codjer Lane as petition requests.

Selectman Drobinski wished to make the record clear that use of poles along Codjer Lane is use of a public way and not private property.

Executive Secretary Thompson stated he talked with Boston Edison this day to ask about different options for extending this service and the costs involved with each option because there were abutters involved. Since Boston Edison was not prepared with these answers, Mr. Thompson recommended

tabling this issue until March 2, when Boston Edison will be able to supply answers relating to cost figures and further information.

It was on motion unanimously

VOTED: To continue this public hearing on Utility Petition 92-2 on Monday, March 2, at 7:30 p.m. in the Fairbank Senior Center.

Willis Pond

Present: Jay McCarthy.

Executive Secretary Thompson asked the Board to hear a statement from Mr. Jay McCarthy, 92 Butler Road, with regard to his concerns about Willis Pond.

Mr. McCarthy expressed grave concerns over the condition of the pond saying it is not freezing; it is absent of wildlife and wildflowers. Mr. McCarthy thinks it may be contaminated and expressed anger at the Town for not taking joint action with the Army to investigate the condition of Willis Pond. He presented a local Board of Health document with regard to tests that have been done on the pond; and according to Mr. McCarthy, it is the only document on record.

Executive Secretary Thompson replied that several tests are going to be done on questionable sites and Willis Pond is one of them. Mr. Thompson expressed disappointment with regard to Mr. McCarthy's derogatory remarks about public officials and his lack of patience. Mr. Thompson further reported he talked with Health Director Robert Leupold and asked him to check the ice on Willis Pond.

Selectman Drobinski reviewed the document regarding the testing on Willis Pond and stated he would check to see if the numbers documented indicate any deviation from the norm and would copy it for Mr. Leupold's records and check back with Mr. McCarthy with any further information about the tests. Mr. Drobinski also suggested Mr. McCarthy contact the Water Department to see if they have any documentation on record for testing done at Willis Pond.

Executive Secretary Thompson reaffirmed the Town's position with regard to supportive action regarding testing of sites and willingness to work with groups such as FOCUS. Mr. Thompson stated he would confer with Selectman Drobinski regarding the testing document and report back to the Board.

Minutes

It was on motion unanimously

VOTED: To approve the regular and executive session minutes of January 21, 1992, and the regular session minutes of January 27, 1992, as amended.

Use of Town Vehicles

With regard to the rewording of Section 1.a of the Selectmen's Policy, V. Use of Town Vehicles, Selectman Cope raised her concern that the wording did not say by contract only. Executive Secretary Thompson responded that if there is no contract, there is no commitment.

It was on motion unanimously

VOTED: To approve the rewording of Section 1.a of the Selectmen's Policy, V. Use of Town Vehicles to read as follows:

This policy was approved on November 25, 1991 by the Board of Selectmen, to become effective immediately, November 26, 1991. Authorization for individual use or assignment of a Town vehicle shall take place annually, prior to the start of the new fiscal year, when contracts are renewed, or when a position becomes vacant.

Council on Aging - Van Donation

It was on motion unanimously

VOTED: To accept \$85.00 in miscellaneous donations for deposit into the Council On Aging Van Donation Account; and to authorize the Council on Aging to expend the same for purposes of operating and maintaining the Council On Aging vans.

Reserve Fund Transfer - 92-07

It was on motion unanimously

VOTED: To approve Reserve Fund Transfer Request No. 92-07 for Acct. 900-613, Veterans Benefits, in the amount of \$2,588.

Sherman's Bridge

It was on motion unanimously

VOTED: To acknowledge receipt of a communication dated January 24, 1992, to Selectman Cope from Highway Surveyor Robert A. Noyes regarding concerns raised by the Historical Commission about Sherman's Bridge.

Cranberry Meadows Subdivision

On the recommendation of Town Planner Jody A. Kablack in a communication dated January 28, 1992 to the Board of Selectmen, it was on motion unanimously

VOTED: To authorize the use of \$15,000, accepted from the Trustees of the Candlewood Trust (Cranberry Meadows subdivision), for engineering and construction of walkways on Goodman's Hill Road and Peakham Road, to be expended under the direction of the Town Engineer and Highway Surveyor respectively.

Easements - Southwest Estates

With regard to easements in relation to the Southwest Estates subdivision, Deborah Montemerlo, Conservation Coordinator, notified Executive Secretary Thompson that the Conservation Commission may be slated for a hearing on the easement before the Department of Environmental Protection (DEP), which will affect the easements proposed for acceptance. On the recommendation of the Conservation Coordinator, it was on motion unanimously

VOTED: To table indefinitely acceptance of the following easements for Southwest Estates subdivision:

a) Drainage Easement dated January 22, 1992, as shown on plan entitled, "Southwest Estates, a Definitive Subdivision in Sudbury, Massachusetts", dated October 21, 1988, revised through January 10, 1992; located on the easterly and westerly sides of Peakham Road;

b) Easement for Walkways and Relocation of Utility Poles, dated January 22, 1992, as shown on the above-referenced plan.

c) Highway Easement and Temporary Construction Easement dated January 22, 1992, as shown on the above-referenced plan.

Mr. Thompson was directed to notify Attorney Abrams of the above action.

Dog Licensing

With regard to the question of increasing late dog licensing penalty and on the recommendation of Town Counsel Paul Kenny, it was on motion unanimously

VOTED: To not increase late dog licensing penalty from the current penalty of \$25, because of a concern regarding the wording of the state statute.

Executive Secretary Thompson mentioned he had heard from Buddy Dog and has set up a meeting with their Executive Committee to discuss possible contractual dog care. Selectman Cope asked if the Town would have money to negotiate an agreement. Mr. Thompson responded they would have whatever is in the budget.

Secretary Thompson further commented he has talked with the Town Dog Officer and informed her the Town may look at contracting for dog care. Secretary Thompson feels if an arrangement can be worked out it would be good for the Town as well as Buddy Dog.

Secretary Thompson reported he told the Finance Committee this and that there may be savings of between \$5,000 to \$10,000 if such an agreement could be reached.

Board of Appeals - Appointments

There being a vacancy on the Board of Appeals created by the resignation of Harvey R. Peters, and pursuant to the desire of the Selectmen to fill said vacancy with a member of the Associate Board willing to serve, it was on motion unanimously

VOTED: To appoint Associate Patrick J. Delaney, III to the Board of Appeals to replace Harvey R. Peters for a term to expire April 30, 1993.

There being a vacancy on the Board of Appeals Associates/Earth Removal Board created by the appointment of Patrick J. Delaney, III to the Board of Appeals, and being in receipt of applications of qualified persons willing to serve on the Board of Appeals Associates/Earth Removal Board, it was on motion unanimously

VOTED: To appoint Eileen R. DerGurahian, 10 Moran Circle, to the Board of Appeals Associates and Earth Removal Board to replace Patrick J. Delaney, III, for a term to expire April 30, 1992, subject to her acceptance.

Reserve Fund Transfer 92-8

It was on motion unanimously

VOTED: To authorize the Executive Secretary to transfer funds as needed from the Town Report Account 950-804 and the Town Meeting Expense Account 950-814 (approximately \$1000 and \$500 respectively) for deposit in Account 950-510 for emergency purchase of a printer.

Reserve Fund Transfer 92-6

It was on motion unanimously

VOTED: To amend Reserve Fund Transfer Request 92-6, dated January 21, 1992, for Building Department Acct. 340-320, in the amount of \$6,877.00 for Town Hall boiler replacement, by adding \$839 for installation of new oil lines from the tank to the boiler at Loring Center.

Town Meeting

It was on motion unanimously

VOTED: To take the following action regarding the 1992 annual Town Meeting articles:

1. Article 1 presentation - Hold.
2. Article 6 - Stabilization Fund Addition - Approve warrant report.
3. Article 9 - Street Acceptances - Delete Run Brook Circle from the list of streets for acceptance as recommended by the Town Engineer because required work will not be done by Town Meeting time.
4. Article 10 - Amend Bylaws - Finance Department - Substitute sentence in Section 2, Director of Finance to read: "An assistant Finance Director may be appointed by the Finance Director with approval from the Board of Selectmen".

5. Article 20 - Amend Zoning Bylaw, Art. IX.III.E.4 (f) - Flood Plain Permitted Uses - Withdraw this Article on the recommendation of Executive Secretary Thompson until new Federal mapping is done.

1992 Annual Town Meeting Articles - Speakers and Positions

The Board approved the proposed speaker designations and considered its positions on Articles 1 through 37 as follows:

The proposed speaker designations for Articles 1 through 37 are as follows:

Chairman Wallace - Articles 1, 2, 3, 8, 10, 13, 16, 22, 23, 24-30.

Selectman Drobinski - Articles 7, 9, 14, 15, 17, 18, 19, 36.

Selectman Cope - Articles 11, 21, 31, 32, 33, 34, 35.

The Board took positions of support, non support, or hold on the following Articles:

Support Articles: 1, 2, (regarding non-union employees only) 7-11, 13-19, 21-23, 31-33, 36

Hold Articles: 3-6, 12, 24-30, 35, 37

Non Support: 34

It was on motion unanimously

VOTED: To accept and order in the warrant new petition articles as follows:

Article 36 - Extend Peakham Road Walkway.

Article 37 - Early Retirement Incentives.

Inclusionary Zoning

The Board acknowledged receipt of a communication dated January 23, 1992 from Sharon Wason, MetroWest Growth Management Committee to Town Planner, Jody Kablack relative to inclusionary zoning and zoning bylaw changes. Executive Secretary Thompson commented that he was very impressed with the report.

Selectman Cope concurred with Mr. Thompson that the report was very well done and that the Committee worked very hard on it.

Sherman's Bridge - Appeal

The Board acknowledged receipt of a communication dated January 31, 1992 to Chairman Wallace from Highway Surveyor Robert A. Noyes relative to the Wayland Board of Appeals decision with regard to Sherman's Bridge.

The Board acknowledged receipt of an additional communication dated January 31, 1992 to the Board of Selectmen from William J. Murphy, Chairman of the Board of Road Commissioners of the

Town of Wayland, announcing a meeting to take place on February 3, 1992 at 9:00 p.m. for the purpose of discussing the Zoning Board of Appeals decision regarding Sherman's Bridge case no. 91-29.

Highway Surveyor, Robert Noyes and Paul Kenny, Town Counsel both recommend the Town of Sudbury file an immediate appeal to protect the Town's interests. Executive Secretary Thompson reported Mr. Noyes is concerned that construction of the bridge would be delayed because of the appeal. Mr. Thompson informed that Mr. Kenny stated the Town would be appealing only to protect our interests and rights. Mr. Kenny feels the Wayland Board of Appeals has gone beyond their authority, and if an appeal is carried through now, it will be a simpler process to go back and undo it, according to Secretary Thompson.

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

VOTED: To authorize Town Counsel Paul Kenny to file an appeal in court to protect the Town of Sudbury's interests and intentions for continuation of the reconstruction of Sherman's Bridge.

Finance Department - Article 10

Selectman Cope raised the question of how to educate the voters with regard to Article 10 and who should be responsible for doing this.

Secretary Thompson responded that Town Accountant James Vanar spoke at the Town Forum in support of this Article. Selectman Cope explained that this article, if passed, would be good for the Town's credit rating. Mr. Thompson further stated the Finance Committee has discussed this concern and is going to make it an agenda item and publicize its position.

Selectman Drobinski commented that budgets are shrinking and there is a pressing need to consolidate in order to keep Town services alive.

Finance Committee member, Richard Brooks, from conversation with other members of the Finance Committee stated the members are in favor of consolidation of Town departments. Mr. Brooks continued that his personal concern which is also shared by some other members of the Finance Committee is that in this Finance Department setup being proposed there should be somewhere an independent audit function that would not report directly to the Board of Selectmen, who have control over so many budgets now; but should be an independent person or body who reports to possibly the Finance Committee to create the appearance of and reality of independence in terms of evaluating the budgetary process.

Selectman Drobinski responded the Finance Committee is the only independent body in Town government and will continue to remain so.

Secretary Thompson responded the Board of Selectmen acts as checks and balances in the budgetary process and any audit would still be independent of their control. Mr. Thompson further stated he is in favor of any suggestion the Finance Committee would make with regard to independent audits.

Atkinson Pool

Executive Secretary Thompson reported he received a call from Sudbury Foundation Trustee John Taft regarding the operating costs of Atkinson Pool. In an effort to update the Board, Mr. Thompson stated the Sudbury Foundation will be sponsoring a study on the Pool with regard to operating costs. Mr. Thompson further stated he has talked with Recreation Director Tom Haggerty regarding the same.

Budget and Personnel

The Board acknowledged receipt of a communication dated January 29, 1992 from Budget and Personnel Officer Terri Ackerman with regard to an increased workload from fiscal pressures and reduction of her hours resulting in a backlog in the budget, personnel and insurance areas. Ms. Ackerman outlined the areas of backlog and wanted to inform the Board about her situation.

Town Counsel Applications

Executive Secretary Thompson asked the Board's opinion on how to proceed to narrow the list of applicants received for Town Legal Services. He stated he would like to send a letter to the three members on the Legal Services Review Committee asking them to come to the Board of Selectmen's office to review the applications rather than copy all of them for the committee which would be very costly.

The question of how many to select for final consideration was discussed and Chairman Wallace suggested not to be specific but let the Committee select whatever number they thought would be worth final consideration.

It was agreed that Secretary Thompson send a letter asking the Legal Services Review Committee and Mr. David Fitts, Finance Committee member, to come to the Board's office sometime within the next ten days to review the applications and narrow the list for final evaluation by the Board of Selectmen.

Corley Complaint

Having received a communication dated February 3, 1992 from Fire Chief Michael Dunne to the Board of Selectmen, Executive Secretary Thompson recommended he ask Mrs. Corley to come in to talk with him personally with regard to her complaint. Mr. Thompson stated he would review all of the written reports with her, in an effort to explain that there is not enough evidence to indicate incorrect procedures were performed by either the Police or Fire Departments, thus eliminating the need to respond in writing.

Executive Session

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

VOTED: To go into Executive Session to discuss Discretionary Fund matters.

(Chairman Wallace, aye; Selectman Drobinski, aye; Selectman Cope, 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 9:00 p.m.

Attest: Richard E. Thompson
Richard E. Thompson
Executive Secretary/Clerk