

IN BOARD OF SELECTMEN  
MONDAY, JUNE 22, 1992

Present: Chairman John C. Drobinski, Judith A. Cope and Lawrence L. Blacker.

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

Minutes

It was on motion unanimously

VOTED: To approve the regular session minutes of June 9, 1992.

Council on Aging - Van Donation

It was on motion unanimously

VOTED: To accept \$170.50 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 vans.

General Laws Chapter 61, Section 8 - 58 Fairbank Road

In response to a notification dated May 12, 1992 and postmarked May 14, 1992, from Attorney Robin B. Plunkett, representing Claire M. Degnan, of intent to convert land at 58 Fairbank Road which is subject to a forestry lien to residential use, it was on motion unanimously

VOTED: To decline to exercise the Town's first refusal option under G.L., Ch.61, S. 8, to purchase at full and fair market value approximately 1500 square feet of land located at 58 Fairbank Road, owned by Claire M. Degnan.

Drainage Easement - Webster Circle

Relative to the Great Pond Woods Subdivision, it was on motion unanimously

VOTED: To accept a drainage easement granted by Sara Jane Hogan and Neville John Hogan of 12 Webster circle, dated June 16, 1992, easement being described as follows: "Rec 20' Drain Ease." - shown on Lot 24B, as shown on a plan entitled "PLAN OF LAND IN SUDBURY, MASS.", dated November 25, 1986, and drawn by Colburn Engineering, Inc., located on the westerly side of Webster Circle in said Sudbury, which plan is incorporated herein by reference and recorded with Middlesex South District Registry of Deeds as Plan No. 1824 of 1986 in Book 17673, Page 460, and to which plan reference is made for a complete description of said easement area.

License for Conduct of Livery and Limousine Service - AAA Limousine, Inc.

The Board acknowledged receipt of a communication dated June 9, 1992 from AAA Limousine, Inc., requesting renewal of Livery and Limousine license which expires June 30, 1992; and a

communication dated June 18, 1992 from System Manager Jeffrey F. Gogan, Sudbury Police Department, to Police Chief Peter Lembo advising that the annual licensing process for taxi operators for AAA Limousine Inc. has been completed.

It was on motion unanimously

VOTED: Subject to approval by the Sudbury Police Department, to grant renewal of a License for Conduct of a Livery and Limousine Service within the Town of Sudbury to AAA Limousine, Inc., Edmund R. Brown, President, 39 Union Avenue; and to approve rates as set forth below and in application dated June 9, 1992, for a term to expire June 30, 1993:

Sudbury to Boston or Logan Airport	
Limousine	\$75.00 flat rate
Sedan	65.00 flat rate
Van	55.00 flat rate

Hourly Rates:	
Limousine	\$60.00 per hr.
Sedan	50.00 per hr.
Van	40.00 per hr.

Line Item Transfer Request - No. 92-23 - Town Accountant

The Board acknowledged receipt of a communication dated June 1, 1992 from Town Accountant James Vanar outlining a Technology Plan and requesting funds for computer equipment for the Town Accountant, Budget and Personnel Officer and Town Treasurer and Collector.

It was on motion unanimously

VOTED: To approve Line Item Transfer Request No. 92-23, dated June 2, 1992, from the Town Accountant from Account 950-803 Unclassified Property/Liability Insurance to Account 950-510 Unclassified Equipment in the amount of \$13,000, to fund purchase of computer equipment.

Reserve Fund Transfer Request No. 92-24 - Building Department

In response to a communication dated June 1, 1992 from Town Building Supervisor Warren E. Boyce, with regard to costs involved in moving the Tax office to a different location in the Flynn Building, it was on motion unanimously

VOTED: To approve Reserve Fund Transfer Request No. 92-24, dated June 4, 1992, from the Building Inspector for Account 340-320, Building Maintenance, in the amount of \$3,000, to consolidate the Treasurer and Tax Collector departments in a new location in the Flynn Building.

Line Item Transfer No. 92-25 - Board of Appeals

In order to cover clerical expense through FY1992, because of increased meetings and workload, it was on motion unanimously

VOTED: To approve Line Item Transfer No. 92-25, dated June 4, 1992, from the Board of Appeals in the amount of \$300 from 370-210 General Expense to 370-130 Clerical Salary.

Line Item Transfer No. 92-26 - Highway Department

The Board acknowledged receipt of a communication dated June 9, 1992 from Highway Surveyor Robert A. Noyes with regard to repairing/replacing the Dutton Road Bridge over Hop Brook and Landham Road Bridge over Hop Brook.

On the recommendation of Highway Surveyor Robert A. Noyes, it was on motion unanimously

VOTED: To approve Line Item Transfer Request No. 92-26, dated June 5, 1992, from the Highway Surveyor, in the amount of \$36,182.42 from the following two accounts as follows: Account No. 420-301, Snow and Ice Materials in the amount of \$29,752.56; and Account No. 420-120, Overtime in the amount of \$6,429.86 to Account 410-218, Roadwork, to fund design costs for repair/replacement of the Dutton Road Bridge and Landham Road Bridge.

Fort Devens - Correctional Complex

With regard to a communication dated June 16, 1992 from Harvard Board of Selectmen Chairman Richard F. Maiore, on behalf of the Joint Boards of Selectmen of Ayer, Harvard, Lancaster and Shirley, inviting the Board to attend an informal buffet dinner and meeting in Harvard, MA with representatives of the Federal Bureau of Prisons, to discuss a proposed correctional complex on a portion of Fort Devens, Secretary Thompson stated it was placed on the agenda to inform the public.

It was noted that the date of this meeting, June 24, conflicts with a Chamber of Commerce meeting in Sudbury, which all Board members expressed a desire to attend. Mr. Thompson commented he would try to have some local representation at the meeting in Harvard.

FY 1993 Insurance Coverages

In response to a communication dated June 16, 1992 from Budget and Personnel Officer Terri Ackerman, and on the recommendation of Executive Secretary Thompson, it was on motion unanimously

VOTED: To accept quotations for providing FY93 insurance coverages as follows:

- |  |  |              |
|--|--|--------------|
| 1) Worker's Compensation   | Mass. Interlocal Insurance Assoc.                          | \$120,728.00 |
| 2) Commercial Package Policy including Boiler and Machinery, Buildings and Contents, other property, and General Liability | Great American through<br>D. F. Murphy Insurance Agency    | 72,000.00    |
| 3) Law Enforcement Liability   | National Casualty Company<br>through Hall Insurance Agency | 19,460.00    |

4) Public Officials Liability	National Casualty Company through Hall Insurance Agency	12,186.00
5) School Board Liability	National Casualty Company through Hall Insurance Agency	3,184.00
6) Police and Fire Fighters Accident	Hartford Insurance through Hastings-Tapley Insurance	7,679.00
7) Ambulance/EMT	Western World through Hall Insurance Agency	1,848.00
8) Umbrella	NONE	0

Lafayette Drive and Boston Post Road Intersection - Recommendations

In response to a communication dated June 17, 1992 from Executive Secretary Richard E. Thompson, outlining improvements for the above mentioned intersection, pursuant to a meeting held on June 16, 1992, with residents of the area, Selectman Cope and himself, and on recommendations outlined in a communication dated May 7, 1992 from Town Engineer I. William Place, Selectman Cope informed she would like to add the following comments to Mr. Thompson's communication of June 17, 1992:

First Paragraph following names of those in attendance at the June 16, 1992 meeting to read:

It having been concluded that the previously proposed alterations by the entrance to Lafayette Drive could, in fact, become increasingly hazardous to public safety. Representatives proposed the following measures to minimize existing concerns:

Add following recommendations:

Residents queried the obvious inadequate parking available at the Want Advertiser. Also, it is understood that owners have purchased the old Bay Path Nurseries facility but one structure away. It was suggested that the Want Advertiser consider a "park and walk" from that new location--at least for those in permanent employment. Such a policy would also minimize strain on the problematic intersection.

It was agreed that the Selectmen would request the Sudbury Police Department keep an eye on parking by the facility; that no vehicles be allowed to park on the road in front of the main building--as per Town regulations and because of the very busy and dangerous intersection.

Selectman Blacker commented that he did not think sending this communication to the Want Advertiser and giving the Town Engineer the "go ahead" with the recommendations would necessarily resolve all the concerns of everyone involved. Mr. Blacker suggested the wording could become adversarial but would like to see it drafted in the minutes only and have conversation with the Want Advertiser to determine what their feelings are.

Mr. Thompson suggested the minutes reflect Mrs. Cope's additions to the June 17, 1992 communication, and concluded he would talk with the Want Advertiser regarding the recommendations and comments resulting from the June 16, 1992 meeting. The Board agreed.

Howe Trust Property

The Board acknowledged receipt of a communication dated June 16, 1992 from the Conservation Commission to the Planning Board expressing their concerns that a limited cluster development proposal for the Howe Trust Property, Concord to Morse Roads, may not be realized unless immediate guidance is given to the Trustees for this property. In addition, the Board is in receipt of minutes from the Executive Session meeting of the Conservation Commission and the Planning Board on September 23, 1991, in which possible limited development combined with a land gift to the Town was discussed.

Mr. Thompson noted that he had informed the Board about a week ago that information received from the Town Engineer indicates that Articles passed previously could be in jeopardy with regard to this property--because of the problems with approval of the cluster developments around the cul de sacs.

At the direction of the Board, Mr. Thompson stated he would arrange for a Planning Board member to be present at the Selectmen's meeting on Tuesday, June 23, 1992 to discuss a plan of action; and if not possible to have a member present, he would get further clarification from the Town Planner.

Fort Devens Sudbury Annex Wildlife Refuge Proposal

The Board acknowledged receipt of a communication dated June 15, 1992 drafted for the Conservation Commission's approval with regard to the Fort Devens Wildlife Refuge Proposal. In it the Commission notes that supporting a wildlife refuge at this time may hinder any future use of the parcel, and it is not convinced that the National Park Service would support this area as a wildlife refuge in its entirety because of the small possibility of endangered species in this area.

Mr. Thompson suggested that the Board communicate to FOCUS that it is premature to consider this at this time, but possibly a portion of the property could be considered for Wildlife Refuge designation at some future time.

Selectmen Blacker commended the Conservation Commission for a very well reasoned and thought out letter.

Chairman Drobinski stated that perhaps the Board can respond to FOCUS by saying the Board supports the Conservation Commission's recommendations and send a copy of the Commission's letter to them. Mr. Thompson responded that he does not recommend the Board meet with FOCUS, but agreed with communicating with them through the Conservation Commission's letter and recommended this not be done until a final version of the Conservation Commission's recommendations is received. The Board agreed.

Wayside Inn Historic District - Timbering Operations

In response to a communication dated June 16, 1992 from Historic Districts Commission Chairman Burton H. Holmes with regard to the Commission's concerns that timbering operations are

being pursued in two locations in the Wayside Inn Historic District: at 48 French Road and on both sides of the road in the vicinity of 106 Old Garrison Road, Mr. Thompson commented that he would ask Town Counsel to investigate the Commission's concerns.

Department of Personnel Administration - Appointment of Two Full-time Permanent Police Officers

The Board acknowledged receipt of a communication dated June 10, 1992 from Police Chief Peter B. Lembo requesting that the Board of Selectmen requisition two full-time Police Officers from the Department of Personnel Administration. Accordingly, on recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To authorize the Executive Secretary to sign and file all forms required by the Department of Personnel Administration for requisition of two Full-time Permanent Police Officers to fill the vacancies related to positions held by Robert I. Chaffee and Laura J. Zaccone.

Park and Recreation Commission - Appointments

Present: Park and Recreation Commission Members: Chairman Patricia Burkhardt, Paul T. Rosell, Elizabeth Nikula; candidates for appointment James D. Conboy and Barbara W. Ryan.

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

The Park and Recreation Commission members and the Board of Selectmen met jointly for the purpose of interviewing two candidates to fill the vacancies on the Park and Recreation Commission occasioned by the resignations of Gerald Berenson and Robert Maher. Executive Secretary Thompson acknowledged receipt of applications from James D. Conboy and Barbara W. Ryan.

The members present from the Park and Recreation Commission expressed their thoughts that Mr. Conboy and Ms. Ryan would be good additions to the Commission.

Chairman Drobinski opened the floor to nominations. Patricia Burkhardt's nomination of Barbara Ryan received a second. Paul Rosell's nomination of James Conboy 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:

Lawrence L. Blacker	VOTED TO ELECT	James D. Conboy and Barbara W. Ryan
Patricia H. Burkhardt		James D. Conboy and Barbara W. Ryan
Judith A. Cope		James D. Conboy and Barbara W. Ryan
John C. Drobinski		James D. Conboy and Barbara W. Ryan
Elizabeth J. Nikula		James D. Conboy and Barbara W. Ryan
Paul T. Rosell		James D. Conboy and Barbara W. Ryan

Executive Secretary Thompson notified Chairman Drobinski that James D. Conboy of 441 Dutton Road and Barbara W. Ryan of 155 Ford Road have been elected to serve on the Park and Recreation Commission, until the effective date of the next Town Election, and noted that they must win the election at that time to continue serving on the Park and Recreation Commission.

Executive Secretary Thompson swore James D. Conboy and Barbara W. Ryan in, and asked that all who voted sign the appointment forms.

#### Trust for Public Land (TPL) - Unisys

The Board acknowledged receipt of a communication dated June 18, 1992 from Regional Manager Peter Forbes of TPL stating that a decision has been made between Unisys and TPL to auction the property being held by TPL in order that TPL will not have to hold all or part of the property for a long term and incur greater long term costs. In addition, the Board is in receipt of a copy of the Legal Notice for the auction as it appeared in the Middlesex News on June 18, 1992.

Secretary Thompson informed that he is in the process of scheduling a meeting with Peter Forbes and the Board of Selectmen at the Board's July 6, 1992 meeting.

Selectman Blacker questioned who has ownership of this property--Unisys or TPL. It appears, continued Mr. Blacker, that Unisys is taking back the mortgage, and was surprised that TPL's involvement is short term. Chairman Drobinski commented that he was aware that TPL would be involved for a short term, but was surprised that it will not be longer than is indicated.

Mr. Thompson noted that Town Counsel is reviewing the letter, and reported that the Town Engineer is concerned that adjustments in the easements may be in jeopardy. Mr. Thompson suggested this be discussed on July 6, 1992 and the Board agreed.

Chairman Drobinski suggested that Mr. Blacker phone Mr. Forbes for further explanation.

#### Negotiating Advisory Committee

It was suggested by Selectmen Cope that the Board put the Negotiating Advisory Committee on a future agenda for the purpose of giving them a "charge". The Board concurred and it was agreed to develop a "charge" for an in-person meeting with the Committee.

#### Westway Hills

Selectman Cope reported she received a call from the Drake residents on Carding Mill, who apparently have come to an impasse with the Conservation Commission with regard to an Order of Conditions on their property. Secretary Thompson stated he would contact Conservation Coordinator Deborah Montemerlo.

#### Landfill Vertical Expansion

The Board acknowledged receipt of a communication dated May 27, 1992 from Executive Secretary Thompson to Edward H. MacDonald, Regional Engineer for Waste Prevention for the DEP,

requesting to meet to discuss the DEP's response to the Town of Sudbury's request for vertical expansion of the landfill. A meeting was held on June 16, 1992 and documented in a communication dated June 16, 1992 from Secretary Thompson, in which plans were outlined to proceed for obtaining approval for a vertical expansion. Those present at the meeting were: David Adams and Vic Karaian of DEP; John Drobinski, Ed Thompson, Paul Kenny, William Place, and Robert Noyes.

Secretary Thompson noted that there is a lot of work yet to be done to accomplish an approval for a vertical expansion.

Selectman Cope asked if the DEP would grant a vertical expansion, and Chairman Drobinski responded that it would be unusual if they did because most towns are moving toward building transfer stations.

#### Metropolitan Area Planning Council (MAPC)

Executive Secretary Thompson reported he received a communication dated June 18, 1992 from David C. Soule, Executive Director of MAPC, in response to Sudbury's request to be included in the Transportation Improvement Program (TIP) for the Route 20 Project. It was noted that the Route 20 Project is included in the MAPC's proposed Draft FY 1993 TIP which has been submitted to the state transportation agencies.

#### 20 Codjer Lane - Culvert Crossing

The Board acknowledged receipt of a communication dated June 9, 1992 from Joanne Buffington, 109 Concord Road expressing concerns that back-up flooding could occur on her property because of a drain pipe installed by an abutter to her property (12 Codjer Lane). In addition, the Board is in receipt of Town Engineer I. William Place's response to Ms. Buffington in a communication dated June 5, 1992.

Secretary Thompson commented that he and Conservation Coordinator Deborah Montemerlo are working on this together for a resolution.

#### Vacation Carryover - Engineering Department

At the request of Town Engineer I. William Place in a communication dated June 5, 1992, requesting seven (7) vacation carryover days for Bruce A. Kankanpaa and five (5) carryover vacation days for himself, it was on motion unanimously

VOTED: To approve seven (7) vacation days for Engineer Bruce A. Kankanpaa, to be carried over into Fiscal Year 1993, and it was further

VOTED: To approve five (5) vacation days for Town Engineer I. William Place, to be carried over into Fiscal Year 1993.

Selectman Blacker commented that he does not object to vacation carryover days, but thinks future requests for carryover days should be paid at the rate they would receive at the time the days should have been taken.



Secretary Thompson responded that he would communicate in writing to the Engineering Department that future requests for vacation carryover days probably would reflect dollars for dollars by vote of the Board.

Centralized Purchasing - Stationery

Secretary Thompson reported that the Town's stationery needs will be purchased from one source in the future at one-half the price. Administrative Assistant to the Board Ms. Janet Silva has been working on this project for months and has placed a group order for all Town offices to purchase stationery together and realize a savings of one-half of previous costs.

Highway Department - Reduction in Work Force

The Board acknowledged receipt of a communication dated June 15, 1992 from Highway Surveyor Robert A. Noyes, informing Recycling Coordinator Mr. Drew Goodwin that he will be terminated from employment effective July 1, 1992 because of funding and in accordance with the Highway Union Contract, Article XXI, B.

Secretary Thompson responded that there continues to be much conversation because of the response to this termination and the fact that many feel this position needs to be salvaged somehow; and the Board agreed that, if necessary, Labor Counsel would be consulted.

Pool Advisory Committee - Appointment

Present: Chairman Patricia Burkhardt.

It was noted by Pool Advisory Committee Chairman Patricia Burkhardt that Committee member Peter J. Buxton had not officially been appointed to this Committee.

On motion by Chairman Drobinski, it was unanimously

VOTED: To appoint Peter J. Buxton, 19 Chanticleer Road, to the Pool Advisory Committee.

Ms. Burkhardt questioned the Board with regard to policies concerning the Committee's authority to authorize funds be spent for consulting fees for the Pool. Chairman Drobinski responded that the Board cannot delegate signing to the Advisory Committee. Since the funds are coming from the Sudbury Foundation, it may be a good idea to check if they would allow funds to go through the Friends of Park and Recreation, or if they need to be approved by the Board of Selectmen. Concern was expressed that public bidding requirements may be cumbersome and more expensive.

Executive Session

At 10:00 p.m., it was on motion by roll call unanimously

VOTED: To go into Executive Session to discuss litigation matters.  
(Chairman Drobinski, aye; Selectman Cope, aye; Selectman Blacker, aye).

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

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