

IN BOARD OF SELECTMEN
MONDAY, NOVEMBER 23, 1992

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

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

Congregation B'Nai Torah - Sign Request

The Board acknowledged a communication dated November 20, 1992 from Paul E. Lieberman, Board of Directors at Congregation B'Nai Torah, requesting permission for erecting a sign for the Congregation. In addition, a plan of a sign for Congregation B'Nai Torah, dated October 16, 1992 was received. In accordance with the zoning bylaws, the sign may only be 16 sq. ft., and will be reduced accordingly as noted on the plan.

In accordance with the Lease Agreement, Section #8 relative to signs, the Lessee requesting written consent of the Board to erect the sign, it was on motion unanimously

VOTED: To grant permission to Congregation B'Nai Torah to erect a sign at the Woodside Road Loring Center near the sidewalk, on the field by the flag pole, not to exceed a total of 16 sq. ft., combined height and width in accordance with Town zoning bylaws, as requested in a communication from Paul E. Lieberman dated November 20, 1992.

Cheri Cavanaugh Memorial Fund

The Board acknowledged receipt of a communication dated November 20, 1992 from Community Social Worker Martha E. Lynn, requesting financial assistance from the Discretionary Fund for the Cheri Cavanaugh Memorial Fund program.

Additional information received includes: 1) A description of how and why the fund was established, 2) A program description, 3) A response from the Sudbury Foundation to a request for funds for the Cheri Cavanaugh Memorial fund, and 4) A copy of a proposal for Counseling Services for Youth by Olivia Andrews, a volunteer resident, and 5) A communication dated October 28, 1992 from Rosemary Colson, Coordinator, Counseling Department to Olivia Andrews.

Because of the increasing need for therapy for youths in crisis situations, and in response to Ms. Lynn's request for assistance from the Discretionary Fund, it was on motion unanimously

VOTED: To transfer funds from the Discretionary Fund to the Cheri Cavanaugh Memorial Fund program, in the amount \$500-\$1,000 depending on the program's ability to secure funds from other sources.

Utility Petitions

Present: Christine Cosby, Boston Edison Company.

The Board convened a public hearing to consider the following utility petitions of Boston Edison Company and New England Telephone Company (NET). Administrative Assistant Janet Silva reported

that all abutters have been properly notified and a letter recommending approval has been received from Building Inspector John B. Hepting and Wiring Inspector Warren E. Boyce in a communication dated November 20, 1992.

Utility Petition #92-15 - Raymond Road

Concerning Utility Petition #92-15 submitted under date of October 29, 1992 by Boston Edison Supervisor Denis J. Deagle, Distribution Division - Western District, and by NET Rights of Way Manager Patrick J. Lovett, for location of conduit and buried cable in Raymond Road, it was on motion unanimously

VOTED: To approve Utility Petition 92-15 of Boston Edison Company and New England Telephone and Telegraph Company for permission to lay and maintain, and a location for, a line of conduits, buried cable and manholes with the necessary wires and cables therein, indicated on New England Telephone and Telegraph Company Plan for Raymond Road, 92-9, dated October 29, 1992, and Boston Edison Company Plan of Raymond Road, Sudbury, dated October 28, 1992, on the following public way of the Town:

Boston Edison Company -

Raymond Road - southwesterly opposite Cider Mill Road, a distance of about 680 feet conduit

Raymond Road - southeasterly approximately 375 feet southwest of Cider Mill Road, a distance of about 90 feet conduit

Raymond Road - approximately 380 feet southwest of Cider Mill Road, a distance of about 210 feet conduit.

New England Telephone and Telegraph -

Raymond Road - southwesterly opposite Cider Mill Road, a distance of about 680 feet conduit

Raymond Road - approximately 380 feet southwest of Cider Mill Road, a distance of about 210 feet conduit.

Utility Petition #92-16 - Ford Road

Concerning Utility Petition #92-16 submitted under date of October 30, 1992 by Denis J. Deagle, Supervisor, Rights, Permits & Survey - Western District, and under date of November 11, 1992, by NET Rights of Way Manager Patrick J. Lovett, for location of approximately ten (10) feet of conduit within Ford Road, it was on motion unanimously

VOTED: To approve Utility Petition 92-16 of Boston Edison Company and New England Telephone and Telegraph Company for permission to lay and maintain, and a location for, a line of conduits and manholes with the necessary wires and cables therein, indicated on New England Telephone and Telegraph Company Plan for conduit, 92-11, dated November 4, 1992, and Boston Edison Company Plan of Ford Road, Sudbury, dated October 29, 1992, on the following public way of the Town:

Ford Road - southwesterly at Bowker Drive, a distance of about 10 feet conduit.

Utility Petition #92-2 - Codjer Lane

At the request of Denis J. Deagle, Supervisor, Rights, Permits & Survey - Western District, Boston Edison Company, for a "Leave to Withdraw" in a communication dated October 29, 1992, it was on motion unanimously

VOTED: To acknowledge withdrawal of Utility Petition #92-2, dated January 6, 1991 [1992] and initially heard on February 3, 1992 for pole locations, shown on Boston Edison Company Plan of Codjer Lane, Sudbury, dated December 19, 1991, for the following locations:

Codjer Lane - southerly side from a point approximately 1,353 feet west of Union Avenue
Nine (9) poles
Twelve (12) existing poles to be removed

Codjer Lane - northerly side from a point approximately 2,397 feet west of Union Avenue
Three (3) poles

Utility Petition #92-17 - Codjer Lane

Concerning Utility Petition #92-17 submitted under date of October 29, 1992 by Denis J. Deagle, Boston Edison Supervisor, Rights, Permits & Survey - Western District, and under date of November 3, 1992 by NET Rights of Way Manager, Patrick J. Lovett, for location of approximately 887 ft. of conduit within Codjer Lane, Sudbury, it was on motion unanimously

VOTED: To approve Utility Petition #92-17 of Boston Edison Company and New England Telephone and Telegraph Company for permission to lay and maintain, and a location for, a line of conduits and manholes with the necessary wires and cables therein indicated on New England Telephone and Telegraph Company Plan of Codjer Lane, 929997, dated November 3, 1992 and Boston Edison Company Plan of Codjer Lane, Sudbury, dated October 29, 1992, under the following public way of the Town:

Boston Edison Company -

Codjer Lane - at and easterly from Tall Pine Drive, a distance of about 887 feet conduit and install splice box #427

New England Telephone and Telegraph Company

Codjer Lane - on the north side beginning approximately 855 feet easterly of Tall Pine Drive, place approximately 30 feet southerly, also in a westerly direction place approximately 855 feet, buried cable with 3 pedestals.

Minutes

It was on motion unanimously

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

Council on Aging - Van Donation

It was on motion unanimously

VOTED: To accept \$182.87 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.

Sudbury Historical Commission - Resignation and Appointment

In response to a communication dated November 5, 1992 from Charles Orr to Lyn MacLean, Chairman of the Sudbury Historical Commission, and a request dated November 10, 1992 from the Commission, including an application from Clay Allen dated October 30, 1992, it was on motion unanimously

VOTED: To accept the resignation of Charles Orr from the Sudbury Historical Commission, noted in a communication dated November 5, 1992, and to send a letter of thanks for his service to the Town, and it was further

VOTED: To appoint Clay Allen, 515 Concord Road, to the Sudbury Historical Commission, for a term to expire April 30, 1993.

Drainage Easement - Haskell Brook Subdivision

At the request of Town Planner Jody Kablack, in a communication dated September 22, 1992, and with the approval of Town Counsel, it was on motion unanimously

VOTED: To accept on behalf of the Town of Sudbury a Drainage Easement granted by Dorothy H. Cuy, of Bedminster, New Jersey, on Lot 3, Firecut Lane, shown as "Drainage Easement" on plan entitled "Definitive Subdivision of Haskell Brook, Sudbury, Mass.", dated February 1, 1991, revised July 22, 1991, drawn by Colburn Engineering, Inc. and dated September 14, 1992.

State Board of Building Regulations and Standards - Chapter 168 of the Acts of 1992

Administrative Assistant Janet Silva explained that there has been a change in the State law which now requires the affirmation of appointments of the Town's inspectors of buildings. These appointments are made by the Selectmen and it is necessary that this form be completed and signed in order to grandfather and instate these inspectors in accordance with the law. The new law requires new training and qualifications for inspectors not so instated.

On motion by Chairman Drobinski, it was unanimously

VOTED: To sign a form required by the State Board of Building Regulations and Standards providing a list of all those building officials employed and in office on the effective date of Chapter 168 of the Acts of 1992 (November 12, 1992) affecting the qualifications and certification of building officials.

Edwin Barrett Hosmer Memorial Fund - Cup Plate Sale

Relative to the annual production and sale of cup plates for the Edwin Barrett Hosmer Memorial Fund, it was on motion unanimously

VOTED: To authorize an expenditure of \$4,930 from the Edwin Barrett Hosmer Memorial Fund to pay invoices #3494 and #3495 from Pairpoint to purchase cup plates.

Time Stamp Replacement - Selectmen's Office

At the request of Administrative Assistant to the Board Janet Silva in a communication dated November 19, 1992 for a new time stamp for the Selectmen's Office, it was on motion unanimously

VOTED: To approve a request dated November 19, 1992, to transfer \$448 from Selectmen's General Expense Acct. 501-210 to Equipment 501-510 to purchase a new time stamp for the Selectmen's Office.

Obsolete Equipment Disposal - Selectmen's Office

At the request of Administrative Assistant to the Board Janet Silva in a communication dated November 16, 1992 with regard to disposal of obsolete Displaywriter Work Stations (2), it was on motion unanimously

VOTED: To approve a request dated November 16, 1992 to dispose of two IBM Displaywriters which are obsolete and of no redeemable value.

Tax Title Position - Selectman Blacker

Selectman Blacker submitted to the Board his written proposal to establish a position on Tax Title procedures in response to communications received relative to delinquent taxpayer notices appearing in the newspaper. Mr. Blacker stated that he believes the Town needs a formalized procedure--a procedure that is fair to the Town and the taxpayer. Many of the delinquencies are for small amounts due, perhaps up to 1/4 to 1/2 year delinquent, and not worthwhile enough to be placed into Tax Title, as liens placed on these properties would be adequate in many cases. Mr. Blacker continued that the sole purpose of putting property into Tax Title is to enable the Town to ultimately foreclose on the properties and take title. He does not believe the Town wants to be in the real estate business, particularly for those people who owe one or two quarters of back taxes. The Town should, conversely, not be a bank or a lender to delay the process--the obligation to pay taxes should not be taken lightly.

Mr. Blacker outlined his proposals and gave copies to the Board. He commented that the procedure should clearly state when the Town would take properties to the Land Court and foreclose on them. To put these properties in Land Court and not foreclose accomplishes nothing, noting the Town Treasurer/Collector's report.

Chairman Drobinski suggested Mr. Blacker talk with Treasurer/Collector Mary Ellen Normen Dunn. He mentioned that the previous tax collector attempted a humanistic approach with delinquent

taxpayers, but the approach did not necessarily work well. The efforts of the Town to collect from delinquent taxpayers has been criticized, and while the policy of the Board is to be equitable, the Town does not want to be overburdened with people who owe back taxes.

With regard to a procedure, Selectman Blacker suggested that after properties have gone to Tax Title, a certain time period, say 2-3 years may be allowed for an arrangement to be made for payment before a foreclosure is done. It was noted that there are several slivers or portions of land that are being ignored because people would rather not be burdened by them. These slivers could be sold to an abutter, or in many cases are part of developments that need to be accounted for by the developers.

Chairman Drobinski noted he thinks the Board should ask the Executive Secretary to set up a meeting with Ms. Dunn and spell out a procedure. Mr. Blacker commented that the irony of the whole thing is that, if people do not have the money, they will not be able to pay their bills, regardless of what is done. Mr. Drobinski remarked that dealing with the problem of overdue taxes has brought this issue to the forefront and that the Board will be addressing the procedural issues raised.

204th Town Forum

At 8:00 p.m. Chairman Drobinski convened the 204th Session of the Town Forum which included the Employee Recognition Awards.

Fire Chief Michael C. Dunne presented the Fall 1992 awards on behalf of the Town Employee Recognition Committee. The two recipients of the awards were:

Mr. Jamie Lamoreaux, Acting Director of the Atkinson Pool, who has worked many additional hours learning the computer programs and finances for the pool; and as a result, under his direction, the Pool has recorded a profit for the first quarter of FY1993, for the first time in four years.

Fire Lt. George Moore was recommended by unanimous vote of the first and second graders from Peter Noyes School. He has taught fire prevention in the schools and is very well received by the students and has a very good rapport with them.

After presenting the recipients each with a Paul Revere bowl and a U.S. Savings Bond, and following reports by various Boards and Departments, Town Forum was adjourned, and refreshments and conversation were enjoyed by those present. This Town Forum was televised over the local Cable network and a copy of the video tape is available by contacting the Selectmen's office.

Dennis Eckersley Letter

The Board signed a letter of congratulations to Mr. Dennis L. Eckersley, Sudbury resident and professional baseball player, for his recent baseball achievements in being named this year's recipient of both the Cy Young Award and Most Valuable Player Award of the American League.

Continued Public Hearing - G.L. Ch. 148, s.13 and 527 CMR 9.25(2) - Cumberland Farms

Present: Frederick Lopez, Sales Representative, Cumberland Farms.

The Board convened the continuation of a public hearing at 9:15 p.m. pursuant to G.L. Ch. 148, s.13 and 527 CMR 9.25(2), to consider revocation of Inflammable Liquid Storage License for the storage of 24,000 gallons of gasoline in three underground storage tanks (License Document No. 83067) and order for removal of underground storage tanks, at 470 Boston Post Road (Cumberland Farms, Inc.).

The Board acknowledged receipt of a communication dated November 18, 1992 from Cumberland Farms Vice-President Richard L. Longton relative to the testing required on this site. In addition, the Board is in receipt today of a report received from Cumberland Farms dated November 23, 1992, with regard to a groundwater sampling and testing done by Environmental Compliance Services, Inc., dated November 20, 1992, File No. 11610, Document No. 5420, sent to Mr. Emile C. Tayeh, Cumberland Farms, Inc.

Chairman Drobinski reported that the results of the testing done by Environmental Compliance Services, Inc., indicate from the water sampling, a release of Benzene. Chairman Drobinski indicated his concerns over the results of the testing and stated he is not comfortable to take action on the license without further evaluation of the report which was just received late this afternoon.

On the recommendation of Chairman Drobinski, it was on motion unanimously

VOTED: To continue by mutual consent the public hearing, pursuant to G.L. Ch. 148, s.13 and 527 CMR 9.25(2), to consider revocation of Inflammable Liquid Storage License for the storage of 24,000 gallons of gasoline in three underground storage tanks, at 470 Boston Post Road (Cumberland Farms, Inc.) at the Board of Selectmen's next scheduled meeting on December 7, 1992, at 7:50 p.m. in order to evaluate the water sampling and testing report with the Board of Health.

It was noted that a copy of the Test Well #1 results were given to Health Director Robert C. Leupold today, and that he has contacted DEP and given them results by telephone. DEP has concerns and will investigate further.

Public Hearing - Continued - Prime Plus Two Realty Trust - Site Plan Application #92-315

The Board convened the continuation of a public hearing at 9:40 p.m. to consider the application of Prime Plus Two Realty Trust, Nancy Taylor Trustee, for a Site Plan Special Permit in accordance with Sudbury Zoning Bylaws Art. IX.V.A., for construction of a two-story office building consisting of 5400 sq. ft. in floor area, at 348 Boston Post Road, Limited Business District #3; also involving removal of structure in the King Philip Historic District.

The Board acknowledged receipt of a draft Notice of Decision by the Sudbury Board of Selectmen relative to Site Plan No. 92-315 of Prime Plus Two Realty Trust.

Executive Secretary Thompson reported that he received telephone calls today from Assistant Town Counsel David J. Doneski, Nancy Taylor and J. Owen Todd requesting a two-year time lapse from the effective date of Permit before construction or use commences because of the current economic times and the ability to market the property in these difficult times, and also because of the problem of disposing of the Wood-Davison House. One of the conditions of approval was that an expiration date with a time lapse of just one year from the effective date of said Permit was permitted, rather than two, in the draft Decision before the Board.

It was Selectman Blacker's opinion the Board should grant a two-year period to allow enough time to determine what the Town wants to do with the Wood-Davison House and barn. He felt, since this issue has not been resolved, it may be a good idea to allow them two years rather than one. The question arose as to whether this decision may set a precedent, and Mr. Blacker did not believe it would since this is a special circumstance with an existing historical structure on site.

Selectman Cope commented that she would still like to see a shared use of one driveway with the abutting property, because she believes that the two properties would be better served with one driveway. Mr. Thompson remarked that the permitting process does not have to be changed to relay Mrs. Cope's message to Nancy Taylor. In addition, the plan has to be revised to conform to the conditions outlined in the Notice of Decision by the Selectmen, commented Mr. Thompson.

Secretary Thompson suggested compromising by saying the Board would give them an additional one year if they would reconsider changing the driveway configuration. Chairman Drobinski noted that the decision to allow one extra year is related to the issue of time because of the existence of the Wood-Davison House on the property, and that the Board feels that a two-year time would be appropriate in this instance.

On motion by Chairman Drobinski, it was unanimously

VOTED: To approve a Decision relative to Site Plan No. 92-315 of Prime Plus Two Realty Trust for construction of a two-story office building consisting of 5400 sq. ft. in floor area, at 348 Boston Post Road, Limited Business District #3, allowing a two-year period before expiration to accommodate the extraordinary circumstances relative to disposition of the historic Wood-Davison House and also the poor economy.

The Board signed the Decision.

The Board noted for the record again its desire that the applicant make an effort to have a common driveway with an abutter for aesthetic purposes and to help relieve congestion in accessing the site.

Bushey Property - 641 Boston Post Road

Executive Secretary Thompson asked the Board if they had any objections to preparing an article for the Busheys and submitting it at Town Meeting on their behalf.

Selectman Cope commented that she could support a variance, but not spot zoning. According to Health Director Robert C. Leupold the venting problem on their property from the Longfellow Glen complex is a very serious concern, and it is very expensive to attempt venting the pipes in a different location.

Mr. Thompson remarked that as a rule he does not support spot zoning, but does not believe the rules are so rigid as to not allow an exception in this case, and feels it is an ideal location for spot zoning. The Town has supported and supplied affordable housing through the construction of Longfellow Glen,

but has done a disservice to the abutting property owners, the Busheys, by not allowing it to be rezoned under the circumstances.

There was conversation about the surrounding properties, in particular the Kramer property, which abuts the Bushey property on the east side. It was noted that the Selectmen would not support spot zoning for the Busheys.

After some discussion, it was on motion by Chairman Drobinski, unanimously

VOTED: Because a full Board will not support spot zoning of this property at this time, to suggest to the Busheys that they file a request for a use variance and notify them that they will receive full support from the Board of Selectmen, and in fact, the Board's office will prepare the application for them.

Reports

Selectman Cope reported on the following:

Cub Scouts

Mrs. Cope noted that the Cub Scouts seemed to be a very informed group and asked several questions during a meeting that she attended. The Scouts brought up the following topics:

1. Construction of a railing at the entrance to Brimstone Lane and Rt. 20 as a safety precaution to help prevent slipping during icy conditions when waiting for the school bus. The Scouts asked if this could be a neighborhood project, and the Selectmen agreed to allow it.
2. The Scouts talked about speeders and asked if the Policemen could patrol several streets for speeders rather than the same ones.
3. Mention was made by the Scouts about making the intersection of Peakham and Old Lancaster Road a 4-way stop. The Board did not seem to think this would work very well because of the traffic volume on Peakham.

Hop Brook

Selectman Cope reported that a new Committee member Dr. Steve Meyer has been working very effectively with the Committee and is very knowledgeable. He has reviewed the report from Whitman and Howard, and has pointed out several defects in the report, i.e. the wrong tests conducted, numbers transposed. Dr. Meyer pointed out that it is clear the plant in Marlboro is clearly at fault with regard to the phosphate, because it is indicated on the phosphate chart. With regard to the report from Whitman and Howard, the Board of Health is going to ask them about the report. **Inclusionary Zoning**

Inclusionary Zoning

Selectman Cope reported that the Inclusionary Zoning Committee will be submitting an article for Town Meeting.

Drug and Alcohol Awareness Weekend

Selectman Cope attended a meeting with regard to a Drug and Alcohol Awareness Weekend which went very well. There seems to be an interest and people are working on it, despite their concerns that it may not generate enough people.

Voting - Lincoln-Sudbury High School

School Committee member Fred Pryor told Selectman Cope that Lincoln-Sudbury owes it to the Town to have the voting at the school, and for the Town not to accept what the School says that they do not have the space. Mr. Pryor agreed to speak further with Superintendent Matthew King.

Space Study

Selectman Cope reported that according to this study so far, the building that could provide the most space for the various Boards and Departments, is the Flynn Building with those Boards and Departments needing the most public access being placed on the ground floor for easier access.

Marrone's Access

The final construction and turning lane on Rt. 20 in front of Marrone's may need to be redone, as the turning lane for Sudbury Crossing extends to the access entrance to Marrone's. Mr. Thompson reported he has already talked with Police Chief Peter Lembo, and will be meeting with Highway Surveyor Robert A. Noyes and Town Engineer I. William Place on Friday, November 27, 1992.

Regional EMS and Ambulance Services

Relative to the letter received from Framingham Board of Selectman Chairman John Keene concerning a future meeting to discuss regional EMS and Ambulance dispatching, the Board delegated this concern to Fire Chief Michael C. Dunne, and asked that he monitor the situation.

Chamber of Commerce January Meeting

Selectman Cope reported that the January meeting of the Chamber of Commerce will include a speaker talking about the revitalization of town centers.

Cook & Company

Selectman Blacker reported he had talked with Budget and Personnel Officer Terri Ackerman relative to Cook & Company, and reported that she is currently working with the Company to finalize certain areas that need clarified on a Medicare monitoring program. Mr. Thompson noted that Assistant Town Counsel has opined a total of three different quotes must be obtained that would include either the hourly rates or employee rates.

Selectman Blacker questioned how a true comparison could be made of different proposals. Executive Secretary Thompson stated that specifications can be prepared, based upon the proposal/assistance from Cook & Company to assure uniformity of submissions.

Middlesex County Selectmen's Association

There was no affirmative response with regard to attending the Middlesex County Selectmen's Association 1992 Fall - Winter Meeting to be held on December 9, 1992.

Mrs. Kenneth Moore - Letter

The Board acknowledged receipt of a communication dated November 12, 1992 from Mrs. Kenneth Moore with regard to the Warren property. Executive Secretary Thompson commented that it is a difficult letter to answer, but he will do his best to construct a short reply.

Delaney Letter

The Board acknowledged receipt of a communication dated November 13, 1992 from Building Inspector John B. Hepting to Mr. Patrick Delaney with regard to Mr. Delaney's November 8, 1992 relative to the Mobil Oil Corporation at 465 Boston Post Road and Sudbury Automotive, 209 Boston Post Road.

The Board expressed satisfaction that the Building Inspector is proceeding in the correct manner and Selectman Blacker stated he feels the letter requires no further response.

Early Retirement

Executive Secretary Thompson received the Board's approval to proceed to negotiate to hire a person to do an actuarial study and fund it through the retirement account. Mr. Thompson commented that ten names will initially be used in the study just to get some idea of the costs involved and formula for figuring same. Three quotes will be obtained for the work to be performed.

The actuarial study is an important first step for working on the early retirement package and needs to be accomplished well before Town Meeting or the Article will have to be withdrawn.

There being no further business, the meeting was adjourned at 10:15 p.m.

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