

IN BOARD OF SELECTMEN  
MONDAY, FEBRUARY 22, 1993

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

Public Hearing - Utility Petition # 93-5 Peakham Road

The Board convened a public hearing to consider the petition 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, on Lot 2, Peakham Road.

Executive Secretary Thompson informed 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 dated February 11, 1993.

The Board acknowledged receipt of a communication dated January 25, 1993 from Denis J. Deagle, Supervisor, Rights, Permits & Survey - Western District, Boston Edison Company, and a communication dated February 8, 1993 from Patrick J. Lovett, Manager, Rights of Way NET requesting permission to install approximately 19 feet of conduit, Peakham Road, to service a house.

On motion by Chairman Drobinski, it was unanimously

VOTED: To approve Utility Petition 93-5 of Boston Edison Company and New England Telephone 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 Boston Edison Company Plan of Peakham Rd., Sudbury, dated January 12, 1993, and New England Telephone and Telegraph Company Plan for Conduit, Peakham Rd., 93-04, dated February 5, 1993, under the following public way of the Town:

Peakham Road - southwesterly approximately 200 feet southwest of  
Robert Best Road.

A distance of about 19 feet - conduit.

Emergency Approval - Utilities - Marlboro Road

With regard to the granting of emergency approval to Boston Edison Company and New England Telephone and Telegraph Company to proceed immediately in advance of receipt of petition and public hearing to install approximately 8 feet of conduit within the public way on the northerly side of Marlboro Road, to service a new home at Lot 2, Marlboro Road, Executive Secretary Thompson reported that because of short notice, all abutters were notified in person. All abutters signed and approved with the exception of Lois S. Ames, 285 Marlboro Road, who could not be reached.

On the recommendation of Selectman Cope, it was on motion unanimously

VOTED: To grant emergency approval to Boston Edison Company and New England Telephone and Telegraph Company to proceed immediately in advance of receipt of petition and public hearing to install approximately 8 feet of conduit within the public way on the northerly side of Marlboro Road, 235 feet southwest of Haynes Road, from pole #8/3, to service a new home at Lot 2, Marlboro Road, pending approval and signature of Lois S. Ames, 285 Marlboro Road.

Resident Mr. Ralph Tyler, 1 Deacon Lane, questioned the status of the rules and regulations to be prepared and adopted by the Board of Selectmen relative to the utility undergrounding article adopted by the 1990 Annual Town Meeting. Mr. Thompson responded that Town Counsel has not completed the task as yet.

Council on Aging - Van Donation

It was on motion unanimously

VOTED: To accept \$127.96 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.

Town Official Bond

It was on motion unanimously

VOTED: To set the amount for town official bond as follows; and to authorize the Chairman to sign certification thereof:

For Assistant Tax Collector Carolyn McCree, effective May 1, 1993, in the amount of \$37,500.00.

D.A.R.E. Program - Donation

In response to a communication from D.A.R.E. Officer Anthony M. Deldon, dated February 8, 1993, it was on motion unanimously

VOTED: To accept \$500 from B.F.I. Cares and Dominic J. Merloni, D.M.D. to be deposited into the D.A.R.E. Program special account and to authorize expenditure of the same by the Police Chief for the D.A.R.E. program.

Minutes

It was on motion unanimously

VOTED: To approve the regular session minutes of February 8, 1993, excluding the section on the Public Hearing for Dunkin Donuts, 378 Boston Post Road, which needs to include amendments made by Chairman Drobinski and Selectman Cope, and be reviewed by Selectman Blacker.

Sudbury Cultural Council - Resignation

In response to a communication dated January 31, 1993, from Sudbury Cultural Council member Laurie Loftus, it was on motion unanimously

VOTED: To accept the resignation of Laurie Loftus from the Sudbury Cultural Council effective January 31, 1993, and to send a letter of thanks for her service to the Town.

Selectman Cope noted her shared concerns with Ms. Loftus that very few moderate income structures exist in the Town of Sudbury, and that a need does exist for this type of housing. Chairman Drobinski mentioned the former Unisys property in north Sudbury as an area to explore for this type of housing.

Design Review Board - Resignation

In response to a communication dated February 16, 1993 from Design Review Board Chairman Kaffee Kang, it was on motion unanimously

VOTED: To accept the resignation of Kaffee Kang from the Design Review Board effective March 1, 1993, and to send a letter of thanks for her service to the Town.

Selectman Cope stated that she would like to have the Board of Selectmen re-evaluate the role of the Design Review Board as suggested by Ms. Kang. There was some discussion and confusion as to how the Design Review Board became established, and whose authority they are under. Mr. Thompson was directed to provide information to the Board concerning the same.

Temporary Business Trailer Permit - Carnation Hill Nursery - Jeffrey E. Hawes

Present: Jeffrey E. Hawes; Abutters Mary Ann and David Clark, Marge Wallace, Bill Doonan and Julie Johnson, Rita and F. Richard Soini, Glen and Lisa Leaming, George and Patricia White, Jr., and Building Inspector John Hepting.

The Board acknowledged receipt of a communication dated February 10, 1993, from Jeffrey E. Hawes, requesting permission to place a temporary business trailer, to be used for a combination tool shed and office for the nursery operation on property located on Nobscot Road for a period of twelve months.

In addition, the Board acknowledged receipt of: 1. A communication dated February 18, 1993, from Fire Chief Michael C. Dunne stating no objection to a temporary trailer permit, but stipulating that the Fire Department will need to know if pesticides or flammable liquids will be stored

in the trailer; and further, if heating is supplied by propane or oil, additional permits will be required by the Fire Department. 2. A communication dated February 19, 1993 from Building Inspector John B. Hepting citing a zoning violation on the property and recommending that granting of a trailer permit be conditioned on a satisfactory resolution of this zoning violation.

Mr. Hepting reported that the Building Department has received a number of complaints with regard to the landscaping business that is occurring on the property, and the Department has brought these matters to the attention of Mr. Hawes and his attorney. The Building Department has received an extensive four-page letter from Mr. Hawes's attorney which explains the legal argument for this request. Mr. Hepting noted that he has passed this letter to Town Counsel, who has also reviewed it. The letter has been given to the abutters for their review.

Chairman Drobinski stated that the Board of Selectmen does not desire to grant approval for a temporary business trailer without the zoning violation being corrected.

It was on motion unanimously

VOTED: That until such time as this violation is corrected, and written notification is received from the Building Inspector by the Board of Selectmen, consideration of the issuance of a trailer permit is postponed.

It was further agreed to notify those abutters present of any further meetings on the subject.

#### Emergency Deficit Spending - Highway Department

In response to a communication dated February 16, 1993 from Highway Surveyor Robert A. Noyes, requesting authorization to deficit spend because of the frequency of storms being experienced, it was on motion unanimously

VOTED: To authorize further emergency deficit spending, as allowed by G.L.c.44, sec. 31D, in the amount of \$10,000 for Snow and Ice Overtime Account 420-120 and an additional \$10,000 for Snow and Ice Materials Account 420-301, as requested by the Highway Surveyor.

#### Reserve Fund Transfer #93-12 - Building Department

It was on motion unanimously

VOTED: To approve Reserve fund Transfer Request #93-12 dated February 4, 1993, for Account 340-320, Building Maintenance, to complete the Building Department's share of the estimate of the gas cost for the Fairbank Center, in the amount of \$1400.

#### 1993 Annual Town Meeting - Article 6 - Early Retirement Incentive

In response to Secretary Thompson's communication of February 3, 1993, and the recommendation to postpone Article 6, Selectman Cope asked for additional time to have the

Negotiating Advisory Committee review this Article. She said the Article will be reviewed by the Negotiating Advisory Committee at their meeting on March 8, 1993, according to NAC Chairman Marge Wallace.

#### 206th Town Forum

At 8:00 p.m. Chairman Drobinski convened the 205th Session of the Town Forum.

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.

#### 1993 Annual Town Meeting - Articles

Executive Secretary Thompson reported that articles #41-43, and #51 have been reviewed and revised by Town Counsel and Assistant Town Counsel. Articles submitted must be in proper form and must be adhered to legally.

Selectman Cope questioned how much time Town Counsel spent on revision of the articles submitted, and Mr. Thompson stated that most of Town Counsel's time has been spent on the Planning Board articles, but that he would try to determine more specifically the amount of time spent on Mr. Tyler's articles and report back to the Board.

On motion by Chairman Drobinski, it was unanimously

VOTED: To accept the following 1993 Annual Town Meeting articles for inclusion in the 1993 Warrant:

- 1) #51 - Peakham Road Walkway
- 2) #40 - Joint Fire/Police 911 Dispatching (Revised)
- 3) #41 - Revised to:
  - #41A - Amend Bylaws, Art. I, Town meeting - Collective Bargaining
  - #41B - Home Rule Petition - Collective Bargaining
- 4) #42 - Amend Bylaws, Art. IV.7,8,9 - Finance Committee (Revised)
- 5) #43 - Revised to:
  - #43A - Request Selectmen to Excess Unisys Land
  - #43B - Transfer Unisys Land to P & R

#### **Finance Department Article**

With regard to the inclusion of a Finance Department Article for the 1993 Warrant, Executive Secretary Thompson reported that in conversation with Finance Committee Chairman James Haughey, he learned that the Finance Committee does not want to proceed with trying to pass a Finance

Department Article at this time if they do not have the support from the Board of Selectmen and would leave the decision up to the Selectmen tonight whether to withdraw the article.

Mr. Thompson explained that the Finance Committee has agreed to support conducting a study of the Town's structure. Copies of the proposal have been received from Talisman for this study which is stated to cost \$15,000. Selectman Cope had mentioned that the Sudbury Foundation is willing to help finance this study, noted Mr. Thompson, and he asked if the Board would like him to draft a letter to the Foundation asking for their support and assistance.

Selectman Blacker commented that he would like to have time to review the report to determine what is included in the report for the specified amount of money before any further action is taken and asked that further discussion be tabled until the Board's March 1, 1993 meeting. The Board concurred, and Mr. Thompson stated it would be included on the agenda for March 1.

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

VOTED: To withdraw Finance Department Petition Article #38, from the 1993 Warrant for Annual Town Meeting, by means of asking petitioners to sign off, for the reasons stated above.

Sudbury Police Department - Permanent Full-Time Sergeant Appointment

Present: Police Chief Peter B. Lembo; Anthony M. Deldon, Mrs. Marie Deldon, and Allan C. Houghton.

The Board called a joint meeting with Police Chief Peter B. Lembo and two applicants at 9:30 p.m. for the purpose of conducting interviews and appointing a permanent full-time police sergeant.

Secretary Thompson reported that a letter was sent to the three eligible candidates from the civil service list and included Allan C. Houghton, Anthony M. Deldon, and Jeffrey F. Gogan. Mr. Thompson asked that the candidates, if interested, write a report on why they wish to become a Sergeant and also be present at the meeting tonight. Mr. Gogan notified Mr. Thompson that he would not be present tonight.

The Board acknowledged receipt of a communication dated February 16, 1993 from Police chief Peter B. Lembo stating his criteria in making his recommendation for the position of Police Sergeant and recommending Officer Anthony M. Deldon be promoted to the position of Police Sergeant. In addition, the Board is in receipt of Officer Deldon's resume and a letter dated February 16, 1993 from Officer Deldon stating his record on the police force and his reasons for qualifying for the position of Sergeant.

Police Chief Peter Lembo mentioned the criteria that he listed and stated that Officer Deldon excels in all of them, and noted in particular, Officer Deldon's involvement with the D.A.R.E. Program in the schools. Officer Deldon has donated many hours to the Town, many without reimbursement, and Chief Lembo believes that now is the time to pay him back for the work he has done by a promotion to Sergeant.

In response to Chairman Drobinski's request to explain what a Sergeant's duties are, Chief Lembo noted that the Department has five sergeants (one for each shift), two day sergeants and three night sergeants. One of the two day sergeants is the Detective Sergeant and handles the prosecutions in the courts, supervises all investigations, and the other day sergeant is a Patrol Sergeant and handles training and systems management. Of the three night sergeants, two cover two night shifts and one is the relief sergeant.

Chief Lembo stated that Officer Deldon has done an excellent job as the Juvenile Safety Officer and will be difficult to replace. According to Chief Lembo 90% of the Department's investigations are juvenile investigations. If the Selectmen choose Officer Deldon, Chief Lembo stated Mr. Deldon would still like to run the D.A.R.E. Program, at least until the end of this year or until a new safety officer has been appointed.

Officer Allan C. Houghton commented that he believes Officer Deldon is one of the best Juvenile Safety Officers that the Town has seen and agrees with Chief Lembo that Officer Deldon is very deserving of the promotion and that he wishes to acquiesce in the appointment of Officer Deldon.

Chairman Drobinski commented that he is very impressed with the rapport that Officer Deldon has with the students in the community and has witnessed this frequently, particularly at the D.A.R.E. Program assembly. Mr. Drobinski stated that, as a parent, he has complete confidence in the competence of Officer Deldon in instructing the students and that he exemplifies the type of police officer that the Town of Sudbury is lucky to have.

Officer Deldon commented that he has thought very long and hard about accepting this position because his duties as Juvenile/Safety Officer and involvement in the D.A.R.E. Program have vitalized his career as a police officer.

Chairman Drobinski remarked that the other two applicants for the position of Police Sergeant are very much appreciated for their talent and expertise as police officers for the Town of Sudbury, and makes one feel good to be a citizen of Sudbury. It was noted that Officer Houghton will be retiring sometime around the end of the year.

Chief Lembo asked the Board to confirm Officer Deldon as an Acting or Provisional Sergeant effective immediately, instead of waiting until March 23, 1993, which is the promotion date. Secretary Thompson noted that it would have to be subject to confirmation by Civil Service.

On the recommendation of Police Chief Peter B. Lembo, it was on motion unanimously

VOTED: To appoint Anthony M. Deldon to the position of Acting Police Sergeant effective immediately, and permanent full-time Police Sergeant effective March 23, 1993, pursuant to Requisition #930117 dated January 29, 1993, subject to confirmation by Civil Service, and to authorize the Executive Secretary to sign all necessary documents as required by the Department of Personnel Administration.

[NOTE: It was later determined that an open requisition must exist in order to make a provisional appointment, and therefore the provisional appointment is moot.]

1993 Annual Town Meeting - Warrant Articles

**Articles 14 and 15** - The Board agreed to take a position of support rather than report at Town Meeting for Article 14 - Accessibility to Town Buildings, and Article 15 - Town Building Repairs.

**Article 12** - Chairman Drobinski commented that he did not think the Board came to closure on Article 12 - Purchase Voting Equipment, mainly because the Finance Committee has not voiced support of the Article yet. Selectman Cope stated that the Finance Committee's questions related to whether or not the equipment being proposed is "state of the art".

Selectman Blacker suggested that a small committee be set up to study and determine what the costs are for "state of the art" equipment. He noted that he still has unanswered questions with regard to the size of the equipment, the number, the storage, etc. Secretary Thompson noted that he met with Town Clerk Jean MacKenzie and has answers to many of these questions and will write up a report or a "discussion paper." Mr. Thompson did explain that he has gone over the numbers with the Town Clerk and Mr. David A. Palmer from the Long Range Planning Committee, and they are in agreement.

Selectman Blacker stated he is concerned whether all options have been explored, and he wants the right equipment for the Town. Mr. Thompson remarked that Mrs. MacKenzie has done the survey with regard to equipment being used by various other towns, and says that what is being recommended is the best. Mr. Thompson stated he has no reason to doubt what she has done and what she is recommending.

With regard to the presentation of this Article at Town Meeting, Selectman Blacker commented that Mrs. MacKenzie will need to justify her recommendations as to the physical aspects of the machines, i.e. efficiency, size, storage, etc., and the Board will support the reasons for needing updated equipment, i.e. speed, elimination of traffic congestion at one polling place, convenience, etc.

Secretary Thompson stated he would talk with the Budget and Personnel Officer to encourage communication between the Finance Committee and the Town Clerk to resolve some of these outstanding issues.

**Article 28** - Amend Zoning Bylaw, Art. IX.IV.E, Intensity Regulations - Incentive Development. Selectman Blacker commented that he is in favor of inclusionary zoning provided that the zoning bylaw sets forth what the developer can or cannot do, allowing the choice of doing it or not doing it. Selectman Cope explained that this is how the Article will read.

**Article 40** - Joint Fire/Police 911 Dispatching - Selectman Cope questioned if Fire Chief Michael C. Dunne is opposed to regional dispatching. Secretary Thompson stated that Chief Dunne is very much in favor of regional dispatching, and in fact, has found the Fire Departments to be more progressive than the Police Departments. Mr. Thompson noted that what the State needs is a model system to get the ball rolling.

White Pond - Concord

Selectman Blacker asked about the status of the shared White Pond area that Sudbury has with the Town of Concord as it relates to the petition **Article 43A** - Request Selectmen to Excess Unisys



Land. Mr. Thompson noted that the Selectmen will have to address this issue before April because there is only an informal gentlemen's agreement with Concord now that the area be a passive recreational area with no swimming, etc. Mr. Thompson recommends that the Town of Sudbury agree with this arrangement because it would be a huge liability to condone swimming at a Town outdoor location.

Secretary Thompson reported that Town Planner Jody Kablack was following up for a while; then Conservation Coordinator Deborah Montemerlo was going to construct a joint trail easement and map, which was the first thing the Towns would do together. Then Ms. Kablack was going to proceed to get together with her counterpart in Concord. The reason things have stalled, may be due to the changes that are taking place with Concord personnel, noted Mr. Thompson. Chairman Drobinski noted that this has been a very emotional issue with Concord.

With regard to **Article 43B** - It was noted that it may not be possible to accomplish the intent of the article because the Town does not have control or own land near the pond.

**Article 46** - Amend Bylaws, Art. VIII.2 - It was noted by Selectman Blacker that all Planning Board members are elected and the Associates are appointed and it would not work.

#### 1993 Annual Town Meeting Articles - Positions

The Board considered its positions on Articles 1 through 51 as follows:

The Board took positions of support, report at Town Meeting or no position taken on the following Articles:

Support Articles:	1,8,9,11,13,14,15,18,19,20,21,22,25,26,27, and 36.
Report at Town Meeting:	2,3,4,5,6,7,12,16,17,23,24,28,29,30,31,32,37,38,39,40, 41A,41B,42,43A,43B,44,45,46,47,48,49,50,51.
No Position Taken:	33,34,35.

#### Bylaw Revisions

Selectmen Cope reported that Parker Coddington, a retired Harvard administrator, is willing to look at the Town's Bylaws for recodification. He understands clearly what needs to be done and Mrs. Cope wants him to meet with Assistant Town Counsel and discuss revising same. Mrs. Cope was told that Mr. Doneski may not think that someone without a legal background would be good, but she thinks she would like him to look at it and see what he can do. Selectman Blacker stated it would probably be better for someone without a legal background, but it might help if his background were in land-use planning. Selectman Cope would like him to come in and talk with Mr. Thompson and Mr. Doneski.

#### Rice Property

Selectman Cope requested an update on the figures with regard to what has been given to the Town by Harry Rice--starting from the beginning.

Dog License Fees - Offset Account

Secretary Thompson reported that it was the Finance Committee's recommendation to use the dog license fees to offset the dog officer's account rather than the library, as has been done in the past.

There being no further business, the meeting was adjourned at 10:30 p.m.

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