

IN BOARD OF SELECTMEN  
MONDAY, JANUARY 19, 1993

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

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.

Utility Petitions

Present: Ms. Carol McManus, Boston Edison Company.

The Board convened a public hearing to consider Utility Petitions #93-3, #93-4, #93-1 and #93-2 from Boston Edison Company and New England Telephone and Telegraph Company as follows:

Executive Secretary Thompson noted 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 January 8, 1993.

**Utility Petition 93-3 - Starview Drive**

The Board acknowledged receipt of a communication dated December 24, 1992 from Denis J. Deagle, Supervisor, Rights, Permits & Survey - Western District, Boston Edison Company and a communication dated January 5, 1993 from Patrick J. Lovett, Manager, Rights of Way NET requesting permission to install approximately ten (10) feet of conduit, Starview Drive, to service a new home.

On motion by Chairman Drobinski,, it was unanimously

VOTED: To approve Utility Petition 93-3 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 Starview Dr., Sudbury, dated December 15, 1992, and New England Telephone and Telegraph Company Plan for Starview Drive, 93-3, dated January 5, 1993, on the following public way of the Town:

Starview Drive - Westerly approximately 425 feet east of Morse Road.  
(pole 308/3) A distance of about 10 feet - conduit.

**Utility Petition 93-4 - Morse Road**

The Board acknowledged receipt of a communication dated December 28, 1992 from Denis J. Deagle, Supervisor, Rights, Permits & Survey - Western District, Boston Edison Company, and a communication dated January 5, 1993 from Patrick J. Lovett, Manager, Rights of Way NET requesting permission to install approximately nine (9) feet of conduit, Morse Road, Sudbury, to service a new home.

On motion by Chairman Drobinski, it was unanimously

VOTED: To approve Utility Petition 93-4 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 Morse Rd. Sudbury, dated December 15, 1992, and New England Telephone and Telegraph Company Plan of Morse Road, dated January 5, 1993, on the following public way of the Town:

Morse Road - easterly approximately 518 feet south of Hilltop Road,  
(pole 126/46) a distance of about 9 feet conduit.

**Utility Petition 93-1 - Wayside Inn Road**

The Board acknowledged receipt of a communication dated December 22, 1992, from Denis J. Deagle, Supervisor, Rights, Permits & Survey - Western District, Boston Edison Company, requesting permission to install one guy wire and anchor on pole 128; and grant joint ownership of NET pole 128 with Boston Edison, to provide electric service to a new home.

On motion by Chairman Drobinski, it was on motion unanimously

VOTED: To approve Utility Petition 93-1 of Boston Edison Company and New England Telephone and Telegraph Company for permission to erect or construct, and a location for, guy wire and anchor, to be used in common by them upon, indicated on Boston Edison Company Plan of The Wayside Inn Rd. Sudbury, dated November 16, 1992, in the following public way of the Town:

Wayside Inn Road - northerly side approximately 659 feet west of  
(pole 128) Prides Crossing Road.  
One (1) guy wire and anchor.

Also existing pole 128 solely owned by New England Telephone and Telegraph Company to become jointly owned with Boston Edison Company.

**Utility Petition 93-2 - Wayside Inn Road**

The Board acknowledged receipt of a communication dated December 22, 1992, from Denis J. Deagle, Supervisor, Rights, Permits & Survey - Western District, Boston Edison Company for permission to install approximately 25 feet of conduit in Wayside Inn Road Sudbury, to service a new home, and a communication dated January 5, 1993, from Patrick J. Lovett, Manager Rights of Way NET. This petition follows an emergency utility petition granted to Boston Edison Company and New England Telephone and Telegraph Company by the Board of Selectmen at its public meeting of November 9, 1992.

On motion by Chairman Drobinski, it was unanimously

VOTED: To approve Utility Petition 93-2 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 Boston Edison Company Plan of The Wayside Inn Rd., Sudbury, dated November 24, 1992, and New England Telephone and Telegraph

Company Plan for Wayside Inn Road, Sudbury, dated January 5, 1993, under the following public way of the Town:

Wayside Inn Road - approximately 659 feet west of Prides Crossing Road.  
A distance of about 25 feet - conduit.

Minutes

It was on motion unanimously

VOTED: To approve the regular session minutes of January 4, 1993, as drafted.

Council on Aging - Van Donation

It was on motion unanimously

VOTED: To accept \$90.72 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.

The Sudbury Foundation - Grant for Flynn Building Renovations

In response to a communication dated January 12, 1993, from The Sudbury Foundation Administrator, Ms. Derry Tanner, it was on motion unanimously

VOTED: To accept on behalf of the Town a grant in the amount of \$8,000 from The Sudbury Foundation to be deposited into the Building Department's Account 340-320, Town Buildings Maintenance, to pay for Flynn Building renovations for Foundation use.

Reserve Fund Transfer Request No. 93-10

In response to the outbreak of rabies, not only in raccoons but other animal species, and the need for efficient means of animal disposal, it was on motion unanimously

VOTED: To approve Reserve Fund Transfer Request No. 93-10 dated January 12, 1993, for Board of Health Account 800-215, Animal Control, in the amount of \$1,000, to provide for disposal of dead animals through the purchase of a 23 cu. ft. freezer and payment to a local veterinarian for decapitation.

Street Acceptance Conservation Issues

The Board acknowledged receipt of the following communications: 1) Dated January 12, 1993, from Town Engineer, I. William Place, relative to the streets being considered for acceptance; 2) Report from the Planning Board dated January 14, 1993, and 3) Communication dated January 5, 1993 from Executive Secretary Thompson to Town Counsel Paul Kenny regarding the proposed street acceptances.

In response to Selectman Blacker's printed comments given in absentia, with regard to the \$30,000 fund that exists to remedy the replication issue, and his comment that the Conservation Commission become pro active to resolve the problem; Selectman Cope commented that she would like to

receive a response to Mr. Blacker's question. Chairman Drobinski noted that a legal problem may exist, as to why the funds have not been used to resolve these problems.

Mr. Drobinski also commented that he likes Mr. Place's suggestion made in his last paragraph that the streets be placed on the warrant with the condition that all wetland issues be corrected; and if they are not completed within 120 days after Town Meeting, the plans will not be recorded. It was so agreed.

Street Acceptances - 1993 ATM - Schedule

The Board acknowledged receipt of a communication dated January 11, 1993 from Administrative Assistant to the Board of Selectmen Janet Silva relative to the schedule of required actions by the Selectmen for laying out streets to be accepted by the 1993 ATM.

Selectman Cope questioned how the Board should inform the developers on these streets that the Board of Selectmen, at this time, is not inclined to support these street acceptances. Mr. Thompson informed that this would be accomplished through notice and public hearing at a later date. In addition, Mr. Thompson stated that Town Counsel would delay the recording of deeds, if work is not completed, and that this is something that the Board will discuss in March, as the schedule of actions unfolds.

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

VOTED: To approve a schedule for Street Acceptances as outlined by Administrative Assistant Janet Silva in a communication dated January 11, 1993.

1993 ATM Warrant - Business District 12 Amendment - Two Articles

The Board acknowledged the following communications with regard to the two articles on the 1993 ATM Warrant amending Business District 12: 1) A communication dated January 11, 1993 from Town Engineer I. William Place, responding to the Selectmen's concern as to the potential development resulting from the rezoning of the Lehr property from Business to Residential and the Devlin property from Residential to Business; 2) Three maps of the area, one dated February 11, 1952 from the Middlesex Registry of Deeds, So. District.

Chairman Drobinski expressed his concern that, upon reviewing all the material, he is still not comfortable with the rezoning. It was noted that the rezoning to residential was initiated by the land owners, and that Mr. Place initiated the rezoning from residential to commercial. Mr. Drobinski thinks this is a judgment call and expressed his desire to physically make a trip to the area. Selectman Cope also remarked that she would like to walk the area. Mr. Thompson encouraged Chairman Drobinski to talk further with Mr. Place.

ATM 87/14 Space Planning - Reserve Funds

In response to a communication dated January 7, 1993, from Long Range Planning Committee Chairman Robert J. Cusack, relative to funds being held to assist the Space Planning Committee, and on the recommendation of Executive Secretary Thompson, it was on motion unanimously

VOTED: To use the reserved funds from the 1987 ATM Article 14 on Space Planning in the amount of \$8,533 to offset the total funding under the 1993 ATM Article 13, Flynn Building & Town Hall Architectural Services; if so voted at Town Meeting.

Special Speed Regulation #7558 - Morse Road and Mossman Road

With regard to the continued consideration of adopting Special Speed Regulation #7558 for Morse Road and Mossman Road, it was noted that Safety Officer Anthony Deldon has contacted the DPW and learned that the DPW will not alter the speed limits they have set for these roads, and that the Town has a choice to either adopt them or not. At the November 30, 1992, meeting of the Board of Selectmen, it was the Board's consensus of opinion to set uniform speed limits on these two roads. Since Selectman Blacker voiced a strong preference initially to maintain one speed limit, Chairman Drobinski questioned if the Board should defer a decision until Mr. Blacker returns.

The option of posting "Thickly Settled" signs on Mossman Road and a portion of Morse Road was presented, and according to Police Chief Peter Lembo, a 30 mph speed limit is automatically in effect when "Thickly Settled" signs are posted, and that there would be no problem with prosecuting violators traveling over 30 mph. This would be 2-4 signs each road.

With consideration of Selectman Blacker's written comments, it was on motion unanimously

VOTED: To not adopt Special Speed Regulation #7558, and, instead, to post "Thickly Settled" signs on Mossman Road, the entire road- and - on Morse Road, from after H. Haynes property to Marlboro Road, in lieu of posting several speed limits.

Claims Administration Group of Cook & Company - Agreement

Executive Secretary Thompson reported that Town Counsel Paul Kenny is still reviewing the contract between the Town and Cook & Company, and is not ready to finalize it until further information becomes available. The agreement relates to establishing and administering a self-funded Medicare Supplement Plan (replacing BCBS Medex III coverage).

On the recommendation of Executive Secretary Thompson, in an effort to expedite finalizing the contract, it was on motion unanimously

VOTED: To approve a contract between the Town of Sudbury and the Claims Administration Group of Cook & Company for establishing and administering a self-funded Medicare Supplement Plan (replacing BCBS Medex III coverage), subject to Town Counsel's corrections, and to authorize the Chairman to sign the contract.

Public Hearing - Dunkin Donuts - To be Continued

At 8:00 p.m. Chairman Drobinski opened an advertised public hearing on the application of Constantine Scrivanos, 727 South Main Street, Bradford, MA, for a Site Plan Special Permit in accordance with Sudbury Zoning Bylaws Art. IX.V.A, for construction of a retail donut shop (26-seat Dunkin Donuts), septic system and storm water detention basin, on property located at 378 Boston Post Road, owned by Pauline Fantoni, 9 Jodie Road, Framingham, MA, and zoned Business District 4,

Industrial District 2 and Residential A-1. Counsel had earlier advised that the hearing be postponed until all three Selectmen were present, and there is more data to come from the applicant to complete his presentation.

Chairman Drobinski read a communication dated January 19, 1993 from Attorney Myron J. Fox stating that his client Constantine Scrivanos agrees to a continuance of the hearing to Monday, February 8, 1993 at 8:00 p.m. at the Senior Center, Fairbanks Road, as requested by the Board of Selectmen.

On motion by Chairman Drobinski, it was unanimously

VOTED: To continue the public hearing on the application of Constantine Scrivanos, 727 South Main Street, Bradford, MA, for a Site Plan Special Permit in accordance with Sudbury Zoning Bylaws Art. IX.V.A, for construction of a retail donut shop (26-seat Dunkin Donuts), septic system and storm water detention basin, on property located at 378 Boston Post Road, to Monday, February 8, 1993, at 8:00 p.m., at the Fairbank Senior Center.

Joint Meeting with Police Chief - Personnel Matters

Personnel matters were discussed with Police Chief Peter Lembo as follows:

**Police Sergeant Requisition**

The Board acknowledged receipt of a communication dated January 5, 1993 from Police Chief Peter B. Lembo requesting the Board of Selectmen to call for a Sergeant's list from the Department of Personnel Administration to fill the Sergeant's vacancy occurring because of the impending retirement of Sgt. William B. Carroll.

Mr. Thompson noted Selectman Blacker's comment with regard to needing another sergeant, saying he discussed this with him and that Mr. Blacker understands that the Police Department needs to proceed with requisitioning a new sergeant. Police Chief Peter Lembo stated that sergeants are needed on duty at all times to oversee the Department, and that he is the one who requires it. It is part of the chain of command, according to Chief Lembo and he feels it necessary to have this hierarchy, in order not to leave the Town exposed. At present, there are five sergeants in the Police Department covering at least five days a week, 24 hours a day.

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

VOTED: To file a requisition with the Department of Personnel Administration for appointment of one permanent Police Sergeant from the existing eligible list to replace retiring Sgt. William B. Carroll.

**Reserve Fund Transfer Request No. 93-08 - Police Department**

It was on motion unanimously,

VOTED: To approve Reserve Fund Transfer Request No. 93-08, dated January 5, 1993, in the amount of \$10,803.60 for Acct. 320-151, Sick Leave Buyback, to pay retiring Sgt. William Carroll.

The Board agreed with Selectman Blacker's comments that the issue of buybacks be referred to Labor Counsel Richard Murphy for collective bargaining purposes, and negotiated at the rate earned at the time the unused sick pay accrued and not at the rate of pay at retirement, and that this information should be passed on to the Negotiating Advisory Committee.

**Reserve Fund Transfer Request No. 93-09 - Police Department**

With regard to Reserve Fund Transfer Request 93-09 for funds to pay for books and tuition, Police Chief Peter Lembo stated that not only are these expenses included in the contracts for Police Officers, it is also in the Town Bylaw. Chairman Drobinski asked if this cost is usually covered through a budget item. It was noted by Chief Lembo that this line item was reduced by the Finance Committee last year, and that it is a necessary expense and there is no way to control it--it is in the best interests of the Town to have Officers enrolled in continuing education.

On request by Police Chief Peter B. Lembo, it was on motion unanimously

VOTED: To approve Reserve Fund Transfer Request No. 93-09, dated January 12, 1993, in the amount of \$1,866.40 for Account 320-810, Tuition, to pay for books and tuition for Sgt. Peter F. Fadgen and Sgt. Peter S. Langmaid.

Executive Session

At 8:25 p.m., it was on motion by roll call unanimously

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

Chairman Drobinski announced that public session would reconvene immediately following Executive Session.

At 8:50 p.m. open session was reconvened.

Permanent Reserve Police Officer - Appointment

Following discussion with Police Chief Peter B. Lembo, it was on motion unanimously

VOTED: To appoint Christopher S. Montuori, 7 Stearns Street, Apt. #2, Framingham, MA 01701, as a Permanent Reserve Police Officer for the Town of Sudbury from Department of Personnel Administration Requisition No. 720817, dated August 26, 1992, (replacing former appointment of Ronald S. Brandolini), effective January 19, 1993, subject to approval by the Department of Personnel Administration; and further, to authorize the Executive Secretary to sign and file all documents related thereto with said Administration.

1993 Annual Town Meeting - Warrant

With regard to the Articles for the 1993 Annual Town Meeting, Selectman Cope commented that she wished the Conservation Commission had submitted another Wetlands Bylaw Article.

Selectman Cope remarked that she wishes she knew what the State plans are for zoning bylaws relating to affordable housing, in order to help the Town decide what it needs to do with regard to zoning to encourage the same. Mrs. Cope did mention that she will be attending a meeting with State Representative Hasty Evans and State Senator Robert Durand to try to seek assistance on this issue.

Secretary Thompson asked that the excess funds from the bonding for the Fire Station be earmarked for the Building Inspector's Articles for Town repairs and maintenance. The Board indicated their concurrence.

On motion by Chairman Drobinski, it was unanimously

VOTED: To order the Warrant for the 1993 Annual Town Meeting as drafted.

Employment Practices Task Force (Americans with Disabilities Act) - Joint Meeting

Present: Task Force Members: Terri Ackerman, David Brown, Irina Petsch-Schmid and Robert Williams.

The Board acknowledged receipt of a communication dated, January 12, 1993, from the Task Force on Employment: Americans with Disabilities Act (ADA), which includes a checklist of questions for the Employment Self-Evaluation, answers to those questions, and recommendations, which the Task Force believes should be acted upon, in order to fully comply with the ADA.

Chairman Drobinski reported that the purpose of the joint meeting is to review the report dated January 12, 1993, and accept their recommendations for submission to the Massachusetts Office on Disability by January 26, 1993, in compliance with the Self-Evaluation requirement of the ADA.

Terri Ackerman commended the Task Force for their efforts and noted that they all worked very diligently together. Their main recommendation, according to Ms. Ackerman relates to the supervisor training sessions. Anne Murnane, also a member of the Task Force, presented the report to the schools who were very supportive with regard to the training. Members of the Task Force have volunteered to conduct the training, and Ms. Ackerman commented that the Town is very lucky to have these volunteers. Irina Petsch-Schmid commented that two half day sessions are preferred for training rather than the originally proposed one day, because of the extensive material needed to be covered for disability awareness.

Chairman Drobinski asked who would receive the training and it was noted that department heads and supervisors would receive it, and be responsible for training those under their supervision. Mr. Robert Williams explained that a block of time would be reserved for the training, with the two sessions being held on two consecutive days, or with a short time span between the two sessions.

Ms. Ackerman noted that the members of the Task Force have had previous training and that they have expertise in different areas. Mr. Drobinski asked how others would be trained, and Mr. Williams remarked that there will be materials distributed to aid in educating everyone. Refresher courses may be offered from time to time as well. In addition, Ms. Petsch-Schmid reported that the Committee will be providing resource materials that everyone can refer to as certain issues arise, i.e. special adaptations for



computers. It will be important to know what types of questions to ask and have this information available. A list of the different agencies will be provided as well, continued Ms. Petsch-Schmid.

Mr. Thompson asked if the members of the Task Force would be interested in serving on an ADA Commission. It was noted that they would, but for different periods of time and interests. Ms. Ackerman noted that she would highly recommend their participation on the Commission.

Basically there are two components to the training, according to Ms. Ackerman:

1. How to conduct an interview and document it; and
2. Sensitivity training for everyone--from the supervisors and department heads to all others.

Mr. David Brown has given sensitivity training for several years, even at a point in time when he was not handicapped. Mr. Brown is familiar with employment laws and problems as it pertains to persons with disabilities.

Secretary Thompson stressed the importance of being sensitive to persons with disabilities and of encouraging their attendance at the Annual Town Meeting, particularly with the Article to create a Commission on Disability included on the Warrant.

There was discussion about establishing a TDD System for the deaf or an Assisted Listening System, and sharing the cost with the School Department. The Police and Fire Departments both have the TDD System, and there was a question as to whether these systems were operating. Mr. Thompson commented that he would check with both departments. Mr. Williams suggested that having this system operating in both the Fire and Police Departments should be well publicized and, in fact, a special number should be assigned to it and publicized as well. Ms. Ackerman commented that part of the recommendation is that the Commission will create the conditions to connect to a TDD System.

On motion by Chairman Drobinski, it was unanimously

VOTED: To accept the report prepared by the Employment Practices Task Force (Americans with Disabilities Act) and implement the recommendations contained therein, including expanding the training to two half-day sessions instead of one, for submission to the Massachusetts Office on Disability by January 26, 1993, in compliance with the Self-Evaluation requirement of the ADA.

#### Article 15 - Town Building Repairs

Selectman Cope requested that the Town Common area be included in this Article, noting the poor condition of the lighting fixtures and the general appearance of the area. The Executive Secretary is to arrange for the same.

#### Cumberland Farms - Filing of Complaint by Water District

Selectman Cope asked if there has been any news received with regard to the Water District filing a complaint relative to the Cumberland Farms leak from an old tank. Mr. Thompson reported that in a conversation with Lawson Williams, Water District Counsel, he indicated that maybe too much time had

lapsed to file a complaint in certain areas. Selectman Cope asked Mr. Thompson to keep the Board informed and follow-up.

#### Town Car Policy

Chairman Drobinski noted that discussion should be postponed until Selectman Blacker returns, and that this topic be put on the Board's agenda for its next meeting. Mr. Drobinski explained that the LRPC has written recommendations for who should have the use of a Town vehicles, and that the Selectmen have limited control over the Town vehicles. It was noted that Selectman Blacker may not have the earlier report issued by the LRPC and that a copy should be given to him for his review.

#### Town Hall Repairs

Selectman Cope reported she received a letter from Clayton Allen with regard to repairs he has made to the Town Hall and asking for reimbursement for materials he purchased to make the repairs. The Board requested that Mr. Allen be reimbursed for these expenses.

#### Boston Edison Substation

Selectman Cope asked about the status of the Boston Edison Substation off Powder Mill Road. Mr. Thompson explained that a meeting with the abutters took place last Saturday, and he is following up with Mr. Goggin concerning some possible remuneration to the Town from Concord and Boston Edison.

#### Carding Mill and Powers Haynes Meadow Houses

Mr. Thompson reported he reviewed these properties with the Conservation Coordinator, Deborah Montemerlo, and that the Conservation Commission has asked her to determine whether or not the properties can be sold. According to Mr. Thompson, Ms. Montemerlo will be working on this project in the near future.

#### David Hill - Candy Hill Lane Property

According to Selectman Cope, Mr. Hill and his attorney are requesting an abatement for the taxes paid on the property on Candy Hill Lane and have asked for a hearing with the Board of Assessors. Mr. Hill has asked the Board of Selectmen for their support in obtaining the hearing. Chairman Drobinski commented that he does not see why the Board of Assessors would not grant a hearing. Mr. Thompson concurred with Mr. Drobinski, but noted that he would talk with Town Assessor Daniel Loughlin.

#### Mullen Property - Au Bon Pain

Selectman Cope reported that Mr. Burton Mullen is considering plans for a Au Bon Pain restaurant in the Sudbury Inn Marketplace. Mrs. Cope hesitates to encourage these plans if this means a deviation from the original plan. Many businesses have evolved into more than their original intended purpose, thereby putting a strain on septic systems, etc. Mrs. Cope believes constraints should be place on site plans and should be evaluated every time, so as not to deviate from its intended purpose. Mr. Drobinski agreed.

Mr. Thompson noted that the septic system would be a problem in this area. There is nothing wrong with the idea of placing a restaurant in this location per se, but other problems need to be addressed.

Marlboro Report

Selectman Cope presented copies of a January 8, 1993, Middlesex News article on a report done in Marlboro listing cost-cutting measures. The report was prepared by Talisman, a Boston-based management consulting firm that also prepared a report for the Atkinson Pool. The discrepancy in the costs of these reports; \$12,000 for the Pool and \$6,000 for the city of Marlboro, seemed to Mrs. Cope to be rather large. A city representative explained to her that it was a Talisman start-up cost which made it such a good deal. Her point was that if they did a report for that amount of money for Marlboro, it might be a good idea to have a study prepared for Sudbury. Mrs. Cope feels that since they have already done a study for the Pool, they have some idea of how the Town works, and it may not be that expensive.

There being no further business, the meeting was adjourned at 9:45 p.m.

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