

IN BOARD OF SELECTMEN  
TUESDAY, OCTOBER 12, 1993

Present: Chairman Judith A. Cope, and John C. Drobinski. Selectman Blacker arrived at 8:00 p.m. due to his attendance at a School Department meeting regarding health insurance.

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

Appointment of Executive Secretary Pro Tem

It was on motion unanimously

VOTED: To appoint Janet Silva as Executive Secretary Pro Tem for the purposes of this meeting.

Utility Petition 93-17 - Pantry Road

Present: Sheila Burke, Boston Edison Company; George and Mary Sharkey, 16 Haynes Road.

The Board convened a continued public hearing from September 13, 1993, to consider Utility Petition 93-17 from Boston Edison Company and New England Telephone and Telegraph Company for joint or identical locations for the erection of one pole with guy and anchor in front of property owned by Philip and Lisa Sharkey, 55 Pantry Road.

The public hearing was continued in order to resolve the concern of Philip Sharkey, 55 Pantry Road, regarding the necessity of installing an anchor wire for support of the additional pole because of the nuisance it would become with children climbing on it.

Ms. Burke informed that she made a trip to this site and talked with Philip Sharkey regarding the anchor wire and that Mr. Sharkey's concerns were allayed since it was explained that the anchor wire would not be placed on his property, but rather on a public way; however, he asked that the dead tree on his property that supports another guy line be removed.

Mr. George Sharkey expressed concern that two trees being used to support guy lines are completely dead and should be removed. He remarked that he is now not only against the anchor wire, but also the installation of the additional pole for the following reason:

Because guy wires are still hanging from poles on his property, and he tried to negotiate with Boston Edison to have them fixed and they are still there. He learned that the wires belong to New England Telephone and Telegraph Company, and that the pole belongs to Boston Edison, and does not believe further activity should take place until they have rectified the situation as it exists now.

Ms. Burke explained that she can request the guy wires be taken off the property, but when they will actually remove them, she cannot say.

Selectman Drobinski questioned the purpose of the new pole and was informed by Ms. Burke it is to raise the wires on the street that New England Telephone and Telegraph Company perceived as being

Selectman Drobinski questioned the purpose of the new pole and was informed by Ms. Burke it is to raise the wires on the street that New England Telephone and Telegraph Company perceived as being too low. Ms. Burke also confirmed that the guy wires on the Sharkey properties could be removed once the new pole is in place.

Mr. George Sharkey remarked that the guy wires are on the property illegally and should be rectified before allowing another pole to be installed. Chairman Cope asked if removal of the guy wire and installation of the pole can be done concurrently. Ms. Burke noted that they can stipulate how it is accomplished.

Mrs. Cope suggested that approval be given with the stipulation that the work be done concurrently. Mr. Drobinski added that it is the Board's responsibility to ensure what Boston Edison and New England Telephone and Telegraph do is done for the safety of all, and that the guy wire not pose a potential safety problem.

Mr. Drobinski continued that the Board will try to work out what is acceptable to all parties. The Board will have Boston Edison and New England Telephone and Telegraph get together and schedule the work so that it can happen all at once. There is a concern that compliance with Mr. Sharkey's specific request might result in a hazardous situation.

Mr. George Sharkey asked that an agreement include removal of all three guy wires from their properties. The Board, Mrs. Burke and Mr. Sharkey reviewed the blueprint of the properties and identified two of the three poles in question for removal of guy wires. Mrs. Silva stated that the specific pole numbers in question would be ascertained.

On motion by Chairman Cope, it was unanimously

VOTED: To approve Utility Petition 93-17 of Boston Edison Company and New England Telephone and Telegraph Company for joint or identical locations for the erection or construction of pole(s), to be owned and used in common by them, and for such other fixtures including anchors and guys as may be necessary to sustain or protect the wires of the line, upon, along and across the following public way of said Town, as follows:

Pantry Road - westerly side approximately 710 feet north of Haynes Road One (1) pole  
One (1) anchor guy; as shown on Plan of Pantry Rd., Sudbury, dated  
January 1, 1993, subject to removal of all guy wires and anchors from the properties of George and Mary Sharkey, 16 Haynes Road, and Philip and Lisa Sharkey, 55 Pantry Road, which must be done simultaneously with the installation. (The three poles guy wires to be removed were later identified as follows: on Pole 31/8, Pole 31/14, and one from the overhead wire between Poles 31/12 and 31/14.)

#### Personnel Board - Appointment

Present: Jane A. Evans, applicant.

The Board acknowledged receipt of a resume from Jane A. Evans. Upon review of her resume and a brief interview, and on the recommendation of the Personnel Board, it was on motion unanimously

VOTED: To appoint Jane A. Evans, 31 Cider Mill Road, to the Personnel Board for the remainder of the three-year term to expire April 30, 1996, replacing Marilyn Tromer.

Utility Emergency Approval - Hudson Road

Present: Mr. W. Curley, homeowner.

At the request of homeowner, Mr. W. Curley, who presented the Notice to Abutters of his utility petition dated October 8, 1993, on which he had obtained signatures of approval from all abutters except for property owned by Real Estate Trusts where notice was left with resident, it was on motion unanimously

VOTED: To grant emergency approval to Boston Edison Co. and New England Telephone and Telegraph Company to proceed immediately in advance of public hearing, to install approximately 10 feet of conduit in Hudson Road, at Pole 6/102, to service a new home being built at 479 Hudson Road.

Health Insurance

Selectman Blacker reported to the Board on his meeting just completed with two representatives of the School Committee, Stephenie Cook and Andrew Schwarz, and Superintendent DeRusha, at which he updated them on the status of discussions relative to group health insurance. He informed that he had advised the School Department of the complete process which had transpired involving the Sudbury Employees Group Insurance Advisory Committee and union representatives, the results of a request for proposals for health insurance, the selected package, and the constraints imposed by Blue Cross Blue Shield relative to a November 1, 1993, deadline for accepting their package or having the Town's indemnity plan, BCBS Master Health Plus, cancelled.

In conclusion, Selectman Blacker stated he will prepare a letter to be sent to all unions and interested parties advising that a decision must be made prior to November 1, and have the letter reviewed by Labor Relations Counsel, Town Counsel and Superintendent of Schools before distributed.

Minutes

It was on motion unanimously

VOTED: To approve the regular session minutes of September 27, 1993, as drafted.

Council on Aging - Van Donation

It was on motion unanimously

VOTED: To accept \$132.98 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.

Election Officers - Appointments

On the recommendation of Town Committee chairmen and the Town Clerk, it was on motion unanimously

VOTED: To appoint the following Election Officers for terms to expire July 31, 1994:

1. Berthe Lessard, 11C Musketahquid Village, as a Democratic Emergency Inspector, replacing Jon E. Perlman, who declined appointment.

2. June E. Koss, 143 Maynard Road, as a Republican Teller to fill vacancy.

3. M. Catherine Brown, 186 Boston Post Road, as a Republican Emergency Inspector, replacing Janice Lietzau who declined appointment.

Hosmer House - Expenditures

Upon receipt of a departmental bill voucher, dated September 30, 1993, for expenditures necessary to repair the Hosmer House, it was on motion unanimously

VOTED: To authorize the expenditure of \$1,045.50 from the Edwin Barrett Hosmer Memorial Fund to pay for repair work at the Hosmer House.

Board of Selectmen - Revised Capital Plan

Upon receipt of the Board of Selectmen's Capital Plan, revised in accordance with a meeting between R. E. Thompson and the Long Range Planning Committee on October 5, 1993, it was on motion unanimously

VOTED: To concur with amendments to the Selectmen's Capital Plan submission, which move the expenditures for Town Offices Renovation, Transfer Station, and Dog Pound to Fiscal Year 1996.

Mass. Executive Office of Elder Affairs - Award for SHINE Program

The Board acknowledged receipt of a communication dated July 15, 1993 from Mass. Executive Office of Elder Affairs to Ruth Griesel, Director of Sudbury Council on Aging with regard to awarding a grant of \$10,000.00 to the Sudbury Council on Aging for the development of a regional SHINE Program.

It was on motion unanimously

VOTED: To accept on behalf of the Town an award from the Mass. Executive Office of Elder Affairs, of a grant of \$10,000 to the Sudbury Council on Aging for development of a regional SHINE (Serving Health Information Needs of Elders) Program.

Warrant and Budget Schedule for 1994 ATM

It was on motion unanimously

VOTED: To approve the Warrant and Budget Schedule for 1994 ATM.

Sudbury Kiwanis Club - Annual Craft Sale and Flea Market

The Board acknowledged receipt of a communication dated September 24, 1993, from Tom Daly, President of the Sudbury Kiwanis Club, requesting the use of signboards at the two fire stations and to place a sign on the Town Common for their Annual Craft Sale and Flea Market for 1994.

Janet Silva, Administrative Assistant to the Board of Selectmen, stated the signboards are available and have been approved for a specific time period, but that the Selectmen's policy of not allowing signs on the Common with the exception of voter registration signs has been consistent; signs which are placed on the Common have not been granted permission.

At the recommendation of Administrative Assistant Ms. Silva and on motion by Chairman Cope, it was unanimously

VOTED: To approve the use of the fire station signboards to advertise the Annual Craft Sale and Flea Market sponsored by the Sudbury Kiwanis Club for the time period September 18-28, 1994 and to deny the placement of a sign on the Town Common to advertise this event, and it was further

VOTED: To grant permission to the Sudbury Kiwanis Club to hold an Annual Craft Sale and Flea Market on October 1, 1994 on the grounds of the Wayside Inn, subject to approval of the Police Chief, Fire Chief, Building Inspector and Health Director.

In discussing this issue, Chairman Cope brought up the fact that a Rotary Club sign has been positioned in the planter in the island at the intersection of Concord Road and Old Sudbury Road for some time and should be removed. Selectman Drobinski suggested that the sign in the planter be changed to a small one reading courtesy of the Rotary Club, since they donated the planter for that location. Mr. Drobinski stated he wants to be fair to all organizations in Town.

It was agreed to table further discussion regarding the removal of a Rotary Club sign from the planter located at the intersection of Concord Road and Old Sudbury Road to allow for further inspection of this situation.

Bonding of Department Employees Handling Town Funds

In response to a communication dated September 24, 1993, from Town Treasurer and Collector Mary Ellen Normen Dunn, requesting that certain departmental employees be bonded, it was Selectman Blacker's opinion that the Board learn what checks and balances are now in place for those employees who handle cash, when is it given to the Treasurer and how much cash is handled at any one given time period.

Ms. Silva noted that Ms. Dunn has set up a deposit schedule with each department based on the volume of cash handled and she could obtain this information for the Selectmen. Mr. Blacker pointed out that it might not be worth the cost of bonding certain employees depending on the amount of cash at risk.

Selectman Drobinski asked what the auditor may have suggested when the Town audit was done. It was noted that the control has to exist at the departmental level. One option mentioned by Selectman Blacker would be to have all money items paid at the Treasurer's office, but he was not necessarily recommending this.

Ms. Silva pointed out that Ms. Dunn was targeting four departments in particular: Highway, Pool/Park & Rec., Board of Health, and Building Department. It was concluded that a request be made to Ms. Dunn for information regarding the cost of bonding and the amount of cash being handled by each department and report back to the Board.

#### Commission on Disability - Appointments

The Board acknowledged receipt of a copy of 1993 ATM Article 11 and report explaining the provisions adopted under MGL Ch.40, Sec. 8J, to create a Commission on Disability; three applications for positions on the Commission; and a communication dated October 8, 1993, from Town Clerk Jean M. MacKenzie, submitting names of residents for possible appointment to the Sudbury Commission on Disability.

On the recommendation of Administrative Assistant Ms. Silva, the Board agreed to send applications to everyone on the list submitted by Mrs. MacKenzie, and accompanied by a letter as suggested by Selectman Blacker.

After further discussion regarding the requirements for serving on this Commission, it was on motion unanimously

VOTED: To appoint the following persons to the Sudbury Commission on Disability:

1. Irina Petsch-Schmid, 12 Austin Road, for a three-year term to expire April 30, 1996.
2. Ivan Lubash, 25 Barbara Road, for a two-year term to expire April 30, 1995.
3. Mary T. Pihl, 15 Clark Lane, for a one-year term to expire April 30, 1994.

#### License Agreement - Unisys

In response to receipt of a License Agreement for Property located at 100 North Road, Sudbury-- Unisys, from David T. Noble, Assistant General Counsel, Environmental Health & Safety at Unisys, to Town Counsel Paul L. Kenny's and dated October 5, 1993, it was on motion unanimously

VOTED: To authorize Chairman Cope to sign the License Agreement from Unisys Corporation, dated October 7, 1993, to conduct environmental remediation activities at property located at 100 North Road, Sudbury.

#### Wingate Health Care, Inc., Presentation for 142-Bed Nursing Residence - 136 Boston Post Road

Present: Willy Sclarsic, Vice President, Wingate Health Care, Inc.; Scott Schuster, President, Wingate Health Care, Inc., and Attorney William Shaevel representing Wingate Health Care, Inc.; Planning Board Chairman Lael M. Meixsell, and Planning Board Member Ursula Lyons.

Chairman Cope announced a presentation by Willy Sclarsic, Vice President, Wingate Health Care, Inc., of a preliminary proposal to construct a 142-bed nursing residence at 136 Boston Post Road, (Bowladrome site).

Mr. Sclarsic explained that Wingate Health Care, Inc. is the youngest subsidiary branch of three branches of the Parent Company, Continental Wingate Company, Inc., located in Boston. He informed that Wingate Health Care, Inc. has several nursing homes in Massachusetts and New York State. The Company's philosophy is to bring the services where the need is, and they believe that there is a need for these types of services in the Sudbury area. The purpose of meeting before the Board of Selectmen tonight, continued Mr. Sclarsic is to determine if this is a service that the Board believes the Town wants before they proceed further.

The product, Mr. Sclarsic stated, that he is presenting before the Board tonight is really more than a Nursing Home--the nursing home concept has changed dramatically over the years. Mr. Sclarsic presented a book containing pictures of one of their nursing homes located in Andover, noting that it really is more of a hotel design. Because of early discharges of hospital patients today, there is a greater need for rehabilitation facilities which is what their homes provide.

From the Town's perspective, Mr. Sclarsic explained that the nursing facility would produce tax revenue for the Town, with low demand on Town services and it would supply jobs. The facility will be community based, thereby keeping families of those needing services close together.

Two different illustrations siting the nursing residence on the property at 136 Boston Post Road were presented. Mr. Sclarsic noted that the view traveling west on Rt. 20 into Town will be much improved over what exists at the present time, and he believes it will change the character of the entrance into Town.

Mr. Sclarsic commented that the Board of Selectmen is the first Board that they have talked with, and noted that they will have to obtain a special permit from the Board of Appeals, since the front portion of the property is in the Business District and the back portion is Residential.

Chairman Cope asked if any marketing has been done to determine local need for such a facility. Mr. Sclarsic commented that the State has done demographic studies relative to health service areas and within that there is some analysis. Mr. Sclarsic added that this particular area is void of enough beds. With regard to other facilities in the area, this proposed facility is not intended to replace other existing facilities; more and more people are entering a certain age bracket that demands health care facilities such as the one being proposed, he maintained.

Selectman Drobinski remarked that he favors the concept, but asked that the following issues be considered:

1. Because of the number of parking spaces proposed, it seems as though traffic could become an issue at Rt. 20 and Old County Road.
2. Because of land use zoning issues a special permit will have to be obtained from the Board of Appeals. Wingate Health Care, Inc. will need to understand these issues and what is appropriate for approval by the Board of Appeals.

3. The need to receive input from the abutters on Goodman's Hill Road.
4. Possible need or desire for a height variance.
5. Architectural style--should be a traditional look and a building that the Town would feel comfortable with.

Mr. Sclarsic responded with regard to traffic that nursing homes are one of the lowest traffic generators with almost no peak-period traffic. With regard to the abutters on Goodman's Hill Road, the facility would not be in the middle of a residential area, and Wingate Health Care, Inc. believes it is important to maintain a residential concept by placing their facilities near residential areas to blend the two uses and in the context of providing a residential aspect for the patients. However, public access to the facility would be from Rt. 20.

With regard to a height variance Mr. Sclarsic commented that they can be satisfied with two stories even though they prefer three--this is one of the reasons for needing a larger site, six acres in this case. A masonry type building will have to be constructed rather than clapboard, added Mr. Sclarsic because of code.

Chairman Cope questioned the limitations on the septic, and Mr. Sclarsic responded that there will be two fields and the second (back-up) will be piped at the start. In addition, the kitchen disposal will be isolated from other areas. Everything is predicated on receiving all the necessary permits added Mr. Sclarsic.

A certificate of need has been received for this project, which according to Mr. Sclarsic, is very difficult to obtain. Around 60% of the patients will be medicare or medicaid patients--many short-term rehabilitation patients. In answer to Mr. Drobinski's question regarding the portion of patients that will be short-term versus long-term, Mr. Sclarsic could not estimate for sure, only that there would be a blend. He added that it will primarily be a residence, where not a lot of nursing care will be done even though one must be sick to be admitted.

Selectman Drobinski asked what impact the facility would have on the emergency services of the Fire Department. Mr. Sclarsic responded there would be very little--there is not a big demand for this type of service.

Mr. Mike Meixsell was present from the Planning Board and asked why Mr. Sclarsic had stated they had to avoid the Water Resource Protection District in locating the facility. Mr. Sclarsic stated that they needed a large enough site to accommodate this type of facility and that there were very few available in Sudbury without encroaching on the Water Resource Protection Districts, which limit the amount of wastewater discharge to the extent of prohibiting this type of facility.

Selectman Drobinski suggested that Wingate Health Care, Inc. work with the Planning Board, the Board of Selectmen, Board of Appeals, the Board of Health and perhaps the Design Review Board to accomplish what they need to do. Mr. Blacker added that he has no problem with the concept and the proposed facility and advised that they go to the Board of Appeals first for their special permit.



Executive Session

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

VOTED: To go into a joint Executive Session with the Negotiating Advisory Committee to discuss collective bargaining matters; a litigation matter, Dunkin Donuts vs Constantine Scrivanos; and expenditures from the Discretionary Fund. Selectmen: (Chairman Cope, aye; Selectman Blacker, aye; Selectman Drobinski, aye; NAC: (Edward S. Campbell, aye; Richard W. Murphy, aye; Roy T. Sanford, aye; Charles R. Schwager, aye; and Marjorie R. Wallace, aye).

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

At 11:00 p.m. open session reconvened.

Special Town Meeting - September 27, 1993

For the public record, the Board of Selectmen announced that the total cost to hold the Special Town Meeting on September 27, 1993 amounted to approximately \$2,100.00.

Special Town Meeting - December, 1993

Pre-empted by the condition of Loring School, particularly the roof, and the belief that it would be a greater liability to wait until the 1994 Annual Town Meeting, and following much discussion, it was on motion unanimously

VOTED: To call a Special Town Meeting at this time for the purpose of addressing an emergency situation relative to the condition and disposition of the Loring School to be held at the beginning of December, the exact date to be confirmed, and to set the Warrant closing date for October 22, 1993, at 5:00 p.m.

The Board expressed its intention to submit no articles other than those dealing with the Loring School matter.

Compromise Legislation - State House of Representatives - No. 5323

With regard to the Town's petition for special legislation for voter information, Ms. Silva reported that a Committee session which the Executive Secretary attended resulted in compromise wording to allow for only a brief summary of the question to appear on the Town Warrant, (proposed sections two, three and four were deleted).

Portney Letter - September 30, 1993 - Regarding Dudley Road Traffic Concerns

The Board acknowledged receipt of a communication dated September 30, 1993, from Caryl and David Portney, 32 Adams Road, relative to the installation of a "No Right Turn" sign onto Dudley Road from Rt. 20, requesting that Town Counsel check the legality of this action.

Ms. Silva reported that upon checking the legality of this action, it was determined that a State Permit is needed to install such a sign, and it was taken down within a short period of time. The Selectmen's Office will be pursuing the matter.

There being no further business, the meeting was adjourned at 11:20 p.m.

Attest: Janet Silva  
Janet Silva  
Executive Secretary Pro Tem