

IN BOARD OF SELECTMEN  
MONDAY, SEPTEMBER 13, 1993

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

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

Utility Petitions

Present: Sheila Burke, Boston Edison Company.

The Board convened a public hearing to consider the following Utility Petitions. 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 August 27, 1993.

**Utility Petition 93-16 - Wayside Inn Road**

The Board acknowledged receipt of a communication dated August 23, 1993, from David J. Murphy, District Engineer, Western Division, Boston Edison Company, and a communication dated August 30, 1993, from Patrick J. Lovett, Manager, Rights of Way NET requesting permission to provide underground/overhead electric service to a new home.

On motion by Chairman Cope, it was unanimously

VOTED: To approve Utility Petition 93-16 of Boston Edison Company and New England Telephone Company for permission to construct, and a location for, such 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 August 23, 1993, and New England Telephone and Telegraph Company Plan for Lot 2 - Wayside Inn Rd. dated August 11, 1993 and revised August 30, 1993, under the following public way of the Town:

Wayside Inn Road - Northwesterly approximately 190 feet east of  
Lot 2                      Marlboro/Sudbury Town Line - a distance of about  
105 feet - conduit.

**Utility Petition 93-17 - Pantry Road**

Present: George and Mary Sharkey, 16 Haynes Road, for abutters Philip and Lisa Sharkey, 55 Pantry Road.

The Board considered 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 Board acknowledged receipt of a communication dated August 17, 1993 from Denis J. Deagle, Supervisor, Rights, Permits & Survey - Western Division, Boston Edison Company stating that the work is necessary to improve operating conditions.

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Mr. George Sharkey, speaking for abutters Philip and Lisa Sharkey, expressed concern that the anchor wire proposed for support of the additional pole would be an invitation to climb for the several children in the area and he does not believe an anchor wire is necessary to support the pole--he has seen other poles without this support. Mrs. Burke stated she believed that Boston Edison might be able to find another way to support the pole, but was not sure how.

Secretary Thompson suggested that Boston Edison show Mr. Sharkey how they intend to install this petition.

On the recommendation of Executive Secretary Thompson, it was unanimously

VOTED: To take the information received tonight under advisement until a report is received from Boston Edison after review is completed with the Sharkey family, and continue the public hearing for Utility Petition 93-17 to Tuesday, October 12, 1993 at 7:30 p.m.

Selectman Drobinski asked that any additional guy wires in the area be verified.

#### **Utility Petition - 93-18 - Concord Road**

The Board acknowledged receipt of a communication dated August 17, 1993, from Denis J. Deagle, Supervisor, Rights, Permits & Survey - Western District, Boston Edison Company stating that the work under this petition (previously approved by the Board on an emergency basis) is necessary in order to upgrade the electric service to First Parish Church.

On motion by Chairman Cope, it was unanimously

VOTED: To approve Utility Petition 93-18 of Boston Edison Company for permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, said conduits and manholes to be located, indicated on Boston Edison Company Plan of Concord Rd., Sudbury, dated August 11, 1993, under the following public way of the Town:

Concord Road - Southwesterly approximately 132 feet northeast of Old Sudbury Road,  
a distance of about 43 feet - conduit.

#### **Site Plan 83-258 - Patti Bros. - 215 Boston Post Road**

Present: John S. Patti, Owner of Property.

Concerning Site Plan 83-258, and architectural renderings of proposed porches to the Patti Bros. building at 215 Boston Post Road, the Board acknowledged a memorandum, dated September 10, 1993, from Design Review Board Chairman Mr. Frank W. Riepe, in which Mr. Riepe suggests alterations to the plans more in keeping with the architecture of the existing building.

Mr. Patti stated to the Board that he concurred with Mr. Riepe's suggestions and remarked that he is in the process of having the plans altered. He noted that he was not aware that the plans had to be finalized before coming before the Board for approval.

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

VOTED: To acknowledge amendment to Site Plan 83-258 of John S. Patti and Charles W. Orr, et al, for property located at 215 Boston Post Road, involving construction of front and back doorway overhangs on the Patti Bros. building, indicated on blueprint of Nash Development Corp., dated April 6, 1993, subject to amendment as suggested by Design Review Board Chairman Frank W. Riepe and final review and approval of the Design Review Board.

#### E. Helene Sherman - Proposal to Sudbury Cultural Council

Following review of grant application to the Sudbury Cultural Council dated September 9, 1993, it was on motion unanimously

VOTED: To send a letter of endorsement on behalf of E. Helene Sherman who is seeking a grant of \$3,000 from the Sudbury Cultural Council (SCC) to perform a community project which includes:

1. Creating an artistic historic collage of the Town;
2. Designing from the collage a cover for the 1995 Town Report;
3. Designing a Town Flag for acceptance by the Selectmen and confirmation by the 1994 or 1995 Annual Town Meeting.

The Board wished to convey to the SCC its enthusiastic support for this proposal, which will enrich the Town in so many ways.

#### Hop Brook Ponds Study Committee - Report

The Board acknowledged receipt of draft report dated August 31, 1993, relative to in-stream phosphorus reduction in the Hop Brook Ponds System prepared by Stephen M. Meyer, Chairman, Hop Brook Ponds Study Committee, which includes ideas of the entire Committee.

At the request of the Board of Health Director Robert Leupold, in a communication dated September 9, 1993, it was on motion unanimously

VOTED: To approve and support the draft report dated August 31, 1993, prepared by the Hop Brook Ponds Study Committee Chairman for submission to the Environmental Protection Agency (EPA) for their permit review.

#### Minutes

It was on motion unanimously

VOTED: To approve the regular session minutes of Monday, August 23, 1993.

Council on Aging - Van Donation

It was on motion unanimously

VOTED: To accept \$150.31 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.

Earth Removal Board and Board of Appeals Associates - Resignation

In response to a communication dated August 21, 1993 from Derek Gardiner, it was on motion unanimously

VOTED: To accept the resignation of Derek Gardiner, 37 Pokonoket Avenue, from the Earth Removal Board and Alternate to the Zoning Board of Appeals, effective immediately.

Sudbury Employees Group Insurance Advisory Committee - Appointment

It was on motion unanimously

VOTED: To appoint June A. Kelley, 65 Mossman Road, to serve as the retiree member on the Sudbury Employees Group Insurance Advisory Committee.

Sunday Entertainment License - Bullfinch's, Inc., 730 Boston Post Road

Upon receipt of application for license for public entertainment on Sunday, it was on motion unanimously

VOTED: To approve renewal of a Sunday Entertainment License for Bullfinch's, Inc., 730 Boston Post Road, for a small jazz combo for up to four persons which may include a singer, during the hours of 11:00 a.m. to 3:00 p.m. for the period September 26, 1993 through September 18, 1994.

D.A.R.E. Program - Donations

In response to two communications, both dated August 31, 1993, from D.A.R.E. Officer, Ronald B. Conrado, it was on motion unanimously

VOTED: To accept the following donations to be deposited into the D.A.R.E. Account and to authorize the Police Chief to expend same for the D.A.R.E. Program:

1. \$200 from Roche Brothers Supermarkets, Inc.
2. \$140.17 from Kappy's Distributors

Memorandum of Understanding between the Town and Metrowest Medical Center

The Board acknowledged receipt of the following communications: (1) Communication dated August 31, 1993, from Town Counsel Paul L. Kenny to Fire Chief Michael Dunne; (2) Communication dated August 25, 1993, from Chief Dunne to Town Counsel; and (3) Communication dated August 3, 1993, from MetroWest Medical Center Paramedic Coordinator Paul Weinburgh accompanied by a Memorandum of Understanding.

On the recommendation of Fire Chief Michael C. Dunne, it was on motion unanimously

VOTED: To authorize the Fire Chief to sign on behalf of the Town a Memorandum of Understanding between the Town and Metrowest Medical Center, relative to the provision by Metrowest Medical Center of advanced life support services as an adjunct to the aid and support of the EMS efforts of the Sudbury Fire Department.

Fairbank Community Center and Fairbank Senior Center - Policies and Procedures

On motion by Chairman Cope, it was unanimously

VOTED: To approve revised policies and procedures relative to the use of the Fairbank Community Center and Fairbank Senior Center.

Proclamation - Sergeant Peter S. Langmaid

It was on motion unanimously

VOTED: To issue a proclamation in honor of Police Detective Sergeant Peter S. Langmaid on the occasion of his retirement.

Maynard Board of Selectmen Meeting - Re: Fort Devens Annex

The Board acknowledged receipt of a communication dated August 26, 1993, from the Maynard Board of Selectmen requesting that the selectmen from four towns (Hudson, Stow, Sudbury & Maynard) meet to decide whether it would benefit for all to work together with regard to the future use of the Fort Devens Annex, to establish some common goals and formulate an approach to the process.

The Board agreed that it would be a good idea to be represented at the proposed November 2, 1993 meeting in Maynard, and Chairman Cope offered to represent the Board.

Park and Recreation Department - Capital Projects

Upon review of a communication dated August 31, 1993, from Chairperson Patricia H. Burkhardt, Park and Recreation Commission, and a summary of the Commission's Capital Plans for submission to the Long Range Planning Committee, and on the recommendation of Executive Secretary Thompson, it was on motion unanimously

VOTED: To send a letter of support for the Park and Recreation Commission's Capital Plans, dated August 31, 1993, for submission to the Long Range Planning Committee.

Mr. Thompson remarked that there is a need to communicate to the Park and Recreation Commission the need for maintenance of Town Recreation facilities, which does necessitate bringing these projects before Town Meeting.

Wood-Davison House Restoration Fund - Refund of Donation by Sudbury Villagers Club

On the question of reimbursing the Sudbury Villagers Club for their \$500 donation to the Wood-Davison House restoration project, Selectman Blacker asked if this will set a precedent for returning donations received from other organizations. Mr. Blacker noted that Town Counsel had expressed his opinion the Town should not return any moneys because they were classified as "completed gifts".

Mr. Thompson stated he has not consulted with Town Counsel about returning the pro-rated portion back to the Sudbury Villagers Club. Mr. Blacker commented that he is not in favor of returning the money mainly on the premise that once a gift is given for a charitable purpose and the purpose for which the fund was established no longer exists, a court ruling would allow the gift to be used for another similar purpose.

It was on motion unanimously

VOTED: To deny the Sudbury Villagers Club request to return their \$500 donation, originally donated to the Wood-Davison House restoration project, and to designate these funds for another similar charitable purpose in the Town.

U.S. Postal Service - Questionnaire

In an effort to improve the delivery and retail services the Post Office provides to the Sudbury community, the Sudbury Post Office is establishing a Postal Customer Advisory Council and has asked the Board of Selectmen to serve on this Council by submitting an application.

After a brief discussion, the Board decided that they did not wish to serve on the Postal Customer Advisory Council.

Director of Veterans Services - Salary Review

The Board acknowledged receipt of the following communications received from Veterans Agent Mary Jane Hillery:

1. Communication dated July 30, 1993, requesting a review of the positions of Director of Veterans Services, Veterans Graves Officer, Burial Officer, and Veterans Agent with regard to time spent and reimbursement.

2. Communication dated August 1, 1993, to Mr. Earnest L. Lindsay, Asst. Commissioner for Operations, Office of Veterans Services, which was a cover letter for the above-mentioned communication sent to the Board requesting a review.

3. Communication dated September 1, 1993, to the Board of Selectmen regarding State reimbursement, and the fact that no forms for reimbursement were submitted by the Town since 1991.

Selectman Blacker commented that he does not think that a Veterans Agent in the Town of Sudbury is a full-time position, and expressed concern that time spent trying to get reimbursed by the State, might cost the Town even more money.

Secretary Thompson recommended that the Board work with Ms. Hillery to re-evaluate this position. Mr. Blacker pointed out that the time spent by the Veterans Agent will fluctuate from one year to the next depending on the number of cases, and that this needs to be considered.

Mr. Thompson noted that if this position goes beyond \$5,000 in one year, the Town should consider joining a region. Chairman Cope remarked that she believes Ms. Hillery should be told this up front. Mr. Thompson added that he would make it very clear.

#### Goodman's Hill Road - Pamela Anderson Communication

In response to a communication dated September 7, 1993, from Goodman's Hill Road resident Pamela Anderson, urging the Board to take action to redesign the intersection of Goodman's Hill Road and Concord Road as approved by the Selectmen following the June 28, 1993 meeting, it was on motion unanimously

VOTED: To approve seeking funds for the reconstruction of the intersection of Goodman's Hill Road and Concord Road providing that the cost is estimated near \$10,000.

It was noted that no estimates have been received from the Town Engineer, and that the \$10,000 figure includes both the design and the reconstruction.

#### Goodman's Hill Road - Speed Limit to 25 mph

The Board acknowledged receipt of a communication dated July 6, 1993, from Safety Officer Ronald Conrado to Mass State Highway Department relative to lowering the speed limit on the northern end of Goodman's Hill Road. In addition the Board is in receipt of the Mass Highway Department's response dated August 20, 1993 sent to Safety Officer Conrado, explaining that the current posted speed limit is viewed as reasonable and proper, but offering a means to pursue lowering the speed limit.

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

VOTED: To refer this proposal to the Town Engineer for further study and possible implementation to accomplish lowering the speed limit on the northern end of Goodman's Hill Road to 25 mph; but this matter should be considered in connection with proposed intersection improvements for Concord and Goodman's Hill Road.

#### Special Town Meeting - Letter to the Editor

It was on motion unanimously

VOTED: To approve and sign the Letter to the Editor, dated September 13, 1993, announcing a Special Town Meeting for September 27, 1993, 7:30 p.m., at the Lincoln-Sudbury High School, and send to the following newspapers: *The Tab, Sudbury Town Crier, and The Middlesex News.*

Secretary Thompson noted that the Letter to the Editor does not explain the vote required and asked if it should be included in the Selectmen's letter. It was decided that the Moderator would announce the same.

Chairman Cope mentioned that Finance Committee members are concerned that no official appraisal of the Loring School exists for enhancing the Town's case to sell this property, and that they are concerned about the Articles relative to the fate of the Loring School. Mr. Thompson noted that the Town Assessor/Appraiser Daniel A. Loughlin will be present at Town Meeting to defend his opinion of value on Loring School.

For the record, Selectman Blacker stated that as a member of Congregation B'Nai Torah, he will not be participating in any discussion or vote on the Loring School Articles.

#### Executive Session

At 8:30 p.m., it was on motion by roll call unanimously

VOTED: To go into Executive Session for a grievance hearing.  
(Chairman Cope, aye; Selectman Blacker, aye; Selectman Drobinski, aye.)

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

At 9:10 p.m. open session reconvened.

#### Special Town Meeting

##### **Article 1 and Article 2 - FY94 Budget Adjustment - Schools**

Mr. Thompson reported that no one has been able to convince him what the numbers mean. He added that he believes the schools should receive all the funds they deserve, but that the funds disbursed should be fair and equitable. Mr. Thompson recommended supporting and monitoring the Finance Committee's position on Articles 1 and 2. The Board agreed.

##### **Articles 3 - 5 - Loring School**

Secretary Thompson noted that the Selectmen support some guidance from the Town Meeting in coming up with a solution for Loring School.

Following discussion, the Selectmen supported selling Loring School - Article 3.

##### **Articles 6 & 7 - Worker's Compensation**



Selectman Blacker suggested conferring with an actuary with regard to a comfort level in establishing a fund, budgeting for a fund and the amount of money budgeted for the fund each year. Mr. Thompson noted that a viewgraph showing premiums, cases and pay out will be available for the past 10 years for Selectman Blacker to use in his presentation.

With regard to Mrs. Cope's question about Worker's Compensation abuses, Mr. Thompson responded that it is not prevalent in Sudbury, and he added that there have been no major claims. The Selectmen support Articles 6 & 7.

**Articles 8 & 9**

The Selectmen support Article 8 - Budget Adjustment - Fire Department.

The Selectmen support Article 9 - Stabilization Fund Addition, subject to further discussion with the Finance Committee.

**Article 10 - Amend Zoning Bylaw Article IX.III.D - Research District**

Secretary Thompson commented that he hopes the Board continues to support this need for the Town of Sudbury, both now and for the future. Chairman Cope added that it would also be a better use of the property--it will be a light use and will not add to traffic congestion, just to mention a couple of reasons.

With regard to the Planning Board's support, Mr. Thompson mentioned that they were surprised to see this article so quickly without being consulted. Mr. Blacker noted that it is important to determine what the Planning Board's support will be before the Special Town Meeting.

It was agreed that Chairman Cope would speak on Articles 1 through 5 and Articles 8 and 9. Selectman Blacker on Articles 6 and 7, and Selectman Drobinski on Article 10.

Board of Selectmen Meeting - September 27, 1993

On the question of possibly rescheduling the time of the Board's meeting, it was decided to post the Board's meeting of September 27, 1993 at 6:30 p.m. in the Lincoln-Sudbury Regional High School library prior to the Special Town Meeting.

Special Town Meeting - September 27, 1993

On motion by Chairman Cope, it was unanimously

VOTED: To confirm its approval and ordering of the Warrant for the Special Town Meeting on September 2, 1993.

Bi-Monthly Paychecks

The Board acknowledged the following communications relative to the new Semi-Monthly Payment Schedule:

1. Communication from James Lee, Steward, Public Employees Local 1156, dated September 10, 1993, not in favor of the new schedule.

2. Communication from Patrolman J. Longo, President, IBPO-315, dated September 2, 1993, not in favor of the new schedule.

Negotiating Advisory Committee (NAC) - Letter to Chairman Marjorie Wallace

For the record, Secretary Thompson noted his communication dated September 9, 1993, to Negotiating Advisory Committee Chairman Marjorie Wallace relative to issues being discussed by this Committee.

Middlesex County Selectmen's Association - 1993 Fall - Winter Meeting

Upon receipt of an invitation to attend the 1993 Fall - Winter Meeting of the Middlesex County Selectmen's Association, it was determined that no Board member would be able to attend.

Animal Inspector

The Board acknowledged a communication dated August 28, 1993, from Animal Control/Dog Officer Paula Adelson to Health Director Robert Leupold relative to her duties performed as Animal Control/Dog Officer and Animal Inspector, and explaining her trials and tribulations in dealing with the disposal of dead animals.

The decision to resign as Animal Inspector was made by Ms. Adelson on September 9, 1993, effective September 15, 1993. It is the feeling of Health Director, Robert C. Leupold in a communication dated September 13, 1993, that the Animal Control/Dog Officer position and the position of Animal Inspector be performed by the same person.

Secretary Thompson reported that he has asked Mr. Leupold to approach the new Wayland Animal Control/Dog Officer to determine if the Town of Sudbury is able to jointly contract with Wayland for the removal of dead animals for the immediate time period until another solution can be worked out, which may involve contracting jointly with Wayland for both Animal Control and Animal Inspector positions. The Board concurred and expressed its position that the two jobs should be performed by the same individual.

Board of Appeals Hearing

With regard to a communication dated September 3, 1993, from Board of Appeals Chairman Thomas W. H. Phelps, concerning the September 21, 1993 hearings seeking input from various Boards and Committees, Chairman Cope asked Secretary Thompson to clarify what he was seeking.

Unisys - Consultant Update

Concerning the meeting scheduled for September 14, 1993 at 1:30 p.m. to be held at the Fire Headquarters relative to an update by LBG Consultants on the Unisys site, Chairman Cope reported that she would be attending.

MMA Study - Steering Committee Meeting

Chairman Cope encouraged the Board to attend the next meeting of the Steering Committee regarding the MMA study for the Town on Thursday, September 23, 1993 at 7:30 at the Fairbank Senior Center, at which time the Management Consultants will present their draft recommendations.

M.G.L. Ch. 150E - New Collective Bargaining Law

It was on motion unanimously

VOTED: To designate Selectman Blacker to represent the Board of Selectmen on collective bargaining matters related to the schools in accordance with M.G.L. Ch. 150E, which allows a representative of the Selectmen to attend all local and regional school committee bargaining sessions.

Frost House

Secretary Thompson reported that an interested party expressed interest in repairing the Frost House for his occupancy at no cost to the Town. With the concurrence of the Board, Mr. Thompson stated that he would have Town Counsel review this possibility and report back to the Board.

There being no further business, the meeting was adjourned at 10:00 p.m.

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