

IN BOARD OF SELECTMEN
MONDAY, JULY 10, 1995

Present: Chairman John C. Drobinski, Maryann K. Clark and Lawrence L. Blacker.

The statutory requirements as to notice having been met, the meeting was convened at 7:30 p.m. in the Lower Town Hall.

Utility Petition No. 95-20 and No. 95-21

Secretary Thompson informed that all appropriate abutters had been notified and approval recommended by the Inspectors of Building and Wiring under date of July 5, 1995.

Utility Petition No. 95-20 - Pennymeadow Road

The Board convened a public hearing to consider Utility Petition 95-20 from New England Telephone and Telegraph Company and Boston Edison Company for permission to install approximately 10 feet of conduit in Pennymeadow Road, Sudbury, to change electric service from overhead to underground.

It was on motion unanimously

VOTED: To approve Utility Petition 95-20 from New England Telephone and Telegraph Company and Boston Edison Company for permission to install approximately 10 feet of conduit, shown on Boston Edison Company "Plan of Pennymeadow Road, Sudbury", dated May 26, 1995, and New England Telephone and Telegraph "No. 95-12, Sudbury, Plan for Conduit", dated June 26, 1995, under the following public way of the Town:

Pennymeadow Road - northwesterly approximately 940 feet south of
Concord Road, a distance of about 10 feet - conduit.

Utility Petition No. 95-21 - Concord Road

The Board convened a public hearing to consider Utility Petition 95-21 from New England Telephone and Telegraph Company and Boston Edison Company for permission to install approximately 48 feet of conduit in Concord Road, Sudbury, to provide new underground electric service.

It was on motion unanimously

VOTED: To approve Utility Petition 95-21 from New England Telephone and Telegraph Company and Boston Edison Company for permission to install approximately 48 feet of conduit, shown on Boston Edison Company "Plan of Concord Road, Sudbury", dated May 18, 1995, and New England Telephone and Telegraph "No. 95-13, Sudbury, Plan for Conduit", dated June 26, 1995, under the following public way of the Town:

Concord Road - northeasterly approximately 400 feet north of Antique Circle,
a distance of about 48 feet - conduit.

Minutes

It was on motion unanimously

VOTED: To approve the regular session minutes of June 26, 1995, as amended by Selectman Clark, and to approve the regular session minutes of June 29, 1995, and the executive session minutes of June 26 and June 29, 1995.

Selectman Blacker referenced the Board's meeting minutes regarding the Operational Review Committee (ORC) asking when the Wayland Board of Road Commissioners is to meet in order that the Board of Selectmen can schedule a meeting with the ORC prior to meeting with the Road Commissioners. Mr. Thompson replied he is getting the information.

Council on Aging - Van Donation

It was on motion unanimously

VOTED: To accept \$143.75 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.

Landham Road Bridge

The Board acknowledged receipt of a letter submitted by Selectman Clark to Highway Surveyor Robert A. Noyes concerning the tardy completion of the Landham Road bridge. Ms. Clark expressed that, at this point in time, the money being paid by the Town for the rental of the traffic light at this site could be better spent elsewhere, and questioned the delay in repairing the bridge since it was originally stated to be completed in June.

Mr. Thompson stated he did not know why the repair work has been delayed, and agreed that sending a letter to Mr. Noyes is a good idea. The Board concurred, and it was agreed that Mr. Thompson would revise some wording in the letter submitted by Selectman Clark before sending it to Mr. Noyes.

Overhead Utility Connections under Bylaw Art. XX, Sec. 3E - Hudson Road

Present: Bruce G. Daniels, Attorney, and Robert G. Devlin, Trustee, Hudson Road Realty Trust.

The Board acknowledged receipt of two requests to approve overhead utility connections as follows:

1. Request from Stefanos Efstratoudakis, Technowood Inc., builder of 57 and 63 Willis Lake Drive, to extend wires directly from poles located across the street from these two locations.

2. Request from Bruce G. Daniels, representing Robert G. Devlin, Trustee of The Hudson Road Realty Trust, to extend wires across Hudson Road.

A communication was received from Building Inspector John B. Hepting, dated July 5, 1995, recommending approval for Mr. Daniel's request, stating that overhead crossing service is the general rule throughout the Hudson Road area and a verbal recommendation was given by Mr. Hepting on July 6, 1995 for Mr. Efstratoudakis' request.

Chairman Drobinski expressed concern over approving waivers of this Zoning Bylaw without careful scrutiny. Mr. Daniels suggested that the Building Inspector alert the builders of the Bylaw at some point in the building permit process to allow for the possibility or option of underground utility service in the earlier stages of construction.

The Board agreed that this is a good suggestion and asked Mr. Thompson to send a memo to the Building Inspector in this regard.

On the recommendation of Mr. Thompson, it was on motion unanimously

VOTED: To grant permission under Bylaw Art. XX, Sec. 3E for installation of overhead utility connections on Hudson Road (Lots 9-12, Assessors Lot F04 703), and No's. 57 and 63, Willis Lake Drive.

Route 20/Nobscot Road Intersection - Signalization/Reconstruction

With regard to responding to a communication dated June 15, 1995 from Peter J. Donohue, District #3 Highway Director, Mass. Highway Dept., Selectman Clark asked that she be allowed more time for further research. She requested that the Board's response be further continued to August 21, 1995. The Board agreed.

Minuteman Advisory Group on Interlocal Coordination (MAGIC) - July Meeting

The Board acknowledged receipt of a communication dated June 12, 1995, from Chairman Leland Wood regarding the next MAGIC meeting scheduled for July 20, 1995 at 7:30 p.m. in the Sudbury Lower Town Hall, and referencing the inclusion of the minutes and presentation materials from the June 8 forum. In addition, included is a communication dated June 8, 1995, from Mr. Wood requesting a letter supporting MAGIC's economic development activities and supporting a MAED-MAPC agreement facilitating MAGIC's participation in MAED's Site Finder Service.

Chairman Drobinski commented that he cannot advise the Board, since he was not present at the last MAGIC meeting. Following a brief discussion, it was on motion unanimously

VOTED: To take under advisement, the requests from MAGIC Chairman Leland Wood, to submit a letter of support for MAGIC's economic development activities and a MAED-MAPC agreement facilitating MAGIC's participation in MAED's Site Finder Service.

Since Chairman Drobinski informed that he would not be able to attend the next MAGIC meeting on July 20, 1995, Selectman Blacker stated he would attend. It was noted that the Planning Board representative is Carmine Gentile.

Town Manager Appointment

Selectman Blacker reported that he had spoken with candidate Michael Embury on Friday, July 7, 1995, and learned that Mr. Embury is unlikely to accept the position of Town Manager in Sudbury. Mr. Blacker suggested repeating the search process.

Selectman Clark stated she would like to talk with Mr. Embury before the Board takes a vote on further action. She said she does not want the problems related to compensation to be repeated. The suggestions of hiring a professional search group, i.e. MMA, was discussed. Ms. Clark pointed out that the retirement program is very unique in Massachusetts and unlike any other state, which is a concern for candidates and something the Town should consider in its compensation proposals. Chairman Drobinski concurred and added that another concern is the cost of living in Sudbury.

Chairman Blacker stated he would begin to research the names for hiring a professional search group.

Legislation - Voter Information

Mr. Thompson presented the proper documents for the Board to sign concerning the refiling of the Bill on information for registered voters to be presented to the Legislature for the third time. He remarked that the Town needs to obtain all the support it can get from the State Representatives to the House and Senate to accomplish the passing of this Bill.

NYNEX Communications Tower - Sudbury Landfill

The Board acknowledged receipt of a communication dated June 20, 1995, from Town Engineer I. William Place to Mr. Douglas J. Leard, Project Manager, C.M.C. Management Group, regarding requirements for a garage to be constructed at the Sand Hill Sanitary Landfill to be built by NYNEX in connection with construction of a NYNEX Communications Tower.

Selectman Clark asked if the location of the tower and garage will impact the use of the property at a future time. Mr. Thompson said he would make a plan available for the Board to review.

Growth Management Policy Report - 1976

The Board received a copy of the Growth Policy Committee Report dated 1976 from Mr. Thompson and discussed the formation of a new group to discuss growth policies, a subject will be included in the fall agenda. Selectman Clark asked that the Board be allowed to first "gel" their thoughts before meeting with other Boards and Committees.

Fort Devens Sudbury Annex - Meeting with Sudbury Housing Authority (SHA)

Present: SHA Director Jo-Ann Howe, Chairman, Steven J. Swanger; Ruth Griesel, Council on Aging; Kate Rader, League of Women Voters, and approximately 8 Sudbury residents.

Mr. Swanger explained that the Housing Authority is not present tonight to request, as they have in the past, that a small portion of land at the Annex be reserved for affordable housing. Rather, he continued, the Housing Authority is requesting that the Board appoint a committee to look at possible uses of the Annex--to look at housing potential of one sort or another. They have no particular agenda for housing because there is no funding available at the present time for low-income housing. Mr. Swanger noted that the Housing Authority is aware of other housing needs in Sudbury such as middle aged empty nesters, the elderly and first-home buyers. He mentioned the fact that two neighboring towns have elected to keep this large tract of land in the Annex as open space, but said the Authority feels the Town should give it deeper consideration before any decision is made.

Mr. Swanger suggested that groups such as the Council on Aging and the League of Women Voters be a part of the research in determining what the needs of the Town are in considering this space with regard to how much development and what kind of development they would like to see, or should it be reserved for recreation. He said he believes these considerations should be accomplished through a committee that would compile a set of recommendations. Even though it will be some time before the cleanup is completed, Mr. Swanger believes the Town should have a plan to protect against the possibility that another plan may be adopted.

Ruth Griesel stated she strongly supports the recommendation of the Housing Authority to establish a committee. She mentioned the survey that was recently completed by the Council on Aging and elaborated on the key finds dealing with senior housing. The findings indicated that the majority of seniors want housing for residents 55 and over; 87% of seniors have strong ties to Sudbury and have lived here a long time, and they plan to remain, but several seniors are concerned about upkeep and repairs of their homes.

Kate Rader spoke on behalf of the League of Women voters saying the League completed a residential zoning study about one year ago, which showed that Sudbury does not provide life-long living arrangements and as a result, is a Town consisting of many school age children.

Martha Coe, 14 Churchill Street, questioned whether empty nesters would necessarily be categorized as low-income, and would the Annex be an appropriate place for them, assuming low-income housing would be built there. Selectman Blacker suggested that several condominiums be built, which would cover the housing needs of about three different groups. He continued that this is what a growth committee would study.

Mr. Swanger repeated the recommendation to establish a committee, but said the Housing Authority is not proposing to head up this committee, because public housing is not the whole issue.

An abutter asked why the apparent market need of certain types of housing had not been met in Town--he said he does not recall a market drive to build condos. Chairman Drobinski explained the zoning bylaw and the fact that Town Meeting would have to change the bylaw. In addition, Mr. Drobinski said that a large parcel of land would be needed in order to conform with the existing goals of the community.

Selectman Clark mentioned her wish to have a growth committee established, saying that several areas need to be included in a study as well as consideration of the composition of the residents.

Chairman Drobinski noted that the idea of developing low-income housing was a good idea, but has caused some division in the community.

Juliet Gibbs, 15 Firecut Lane, pointed out that the decision as to who gets the land will be made soon, and asked that the Town not stall, or it may be faced with the risk of losing complete control of it. She discussed the excessing process, and said that Sudbury needs to be ready to advocate to turn the land over to U.S. Fish & Wildlife, or maybe risk it going to any State agency, if the Town closes off U.S. Fish & Wildlife. She mentioned that this area has a history of being a green-belt area, and maybe it would be better to keep it open.

Mr. Thompson informed that the Town has paid close attention to the Annex property, and has been actively in the forefront of all decisions regarding it. He said the Town is familiar with the excessing process, but that the Board does not have a clear position on what should be done with the land. He added that once the property starts through the course of excessing, the Town will need to stay closely involved because it can move forward very quickly.

With regard to the superfund issue, one resident said he understands that once the accessing begins it will continue with decisions made before the entire clean-up is completed. Mr. Thompson explained that he understands that the clean-up will occur before the excessing.

Chairman Drobinski announced that U.S. Representative Martin Meehan will be present at a local "Town Meeting" next month, and suggested that those present tonight be involved with him. He added that it is important that the Town be pro active. Selectman Blacker opined that maybe U.S. Fish & Wildlife is the right direction for the Town to go--some people have supported it, but is this the position of the Town as a whole? He concluded that the appointment of a committee should be able to determine what the Town wants.

Mr. Swanger stated that it is his understanding with regard to clarifying the position process with the General Services Administration, that the Town and state agencies will be on equal footing, after first being offered to federal agencies. He noted that there is a large open space located near Hop Brook that will remain open because it is wetlands.

Michael Quinn, Stearns Lane, asked what the prerequisites will be of the committee chosen. Chairman Drobinski explained the procedure that the Town exercises in appointing a committee and added that there are no prerequisites or professional requirements. Mr. Blacker noted that such a committee would additionally consist of members from other departments in Town, such as the Conservation Commission and that "common sense" will probably rule their recommendations. Mr. Quinn asked how far the committee would go with the study and if it might be funded. Mr. Drobinski explained that some studies are funded, but that these determinations have not been made with this particular study.

Discussion followed regarding FOCUS, the local residents who are monitoring the clean-up, and it was noted that FOCUS recommended that the land should not be developed because any development would pose a substantial risk.

Chairman Drobinski cautioned about land use decisions that are based on risk and cleanup criteria. He said open space criteria is different from other uses. He added the clean-up by Superfund is based on risk assessment and this is based on exposure to the risk--if there is no exposure, there is no risk.

It was decided to call the committee a task force, and Selectman Blacker suggested that the Town begin advertising to put this task force together. The Board agreed and encouraged those present to give names of interested parties wishing to participate to the Board.

Public Hearing - Dog Complaint

Present: Philip M. Gorgone, Complainant; Alan J. Rose, Dog Owner; Assistant Dog Officer Paula Adelson; and residents Martha Coe and Linda Pollard.

Chairman Drobinski opened the hearing on the complaint, dated June 14, 1995, of Philip M. Gorgone, 76 Churchill Street, against the Chow dog named "Jingi", harbored by Alan Rose, 7 Tudor Road, for attacking himself and his dogs as well as other dogs in the neighborhood.

Chairman Drobinski noted for the record that notice had been served upon the parties by certified mail letter dated June 23, 1995. All persons expected to give testimony in the matter were sworn by Chairman Drobinski.

Mr. Philip Gorgone explained that the Chow dog named "Jinji" has attacked himself and his dog, which resulted in a trip to the animal hospital. He is requesting that he and his dog be allowed to walk the streets safely.

Chairman Drobinski asked what the financial impact of the attack was and Mr. Gorgone said he had that information at home.

Selectman Clark asked what time of day this attack took place. Mr. Gorgone said he walks his dog between 5:00 and 7:00 a.m. each morning and that is when "Jinji" is free of his leash.

As indicated in a report dated July 7, 1995, from Dog Officer Betsy M. DeWallace, Mr. Rose reported that he walks his dog without a leash for about a 15-minute period of time between 5:50 a.m. and 6:05 a.m. He admitted his dog is aggressive towards other male dogs, but only when a family member of the other dog is present--the dog does this to protect. He commented that he worked out an amicable arrangement with Martha Coe, who also has a male dog, whereby he walks his dog at a specific time and lets her know the time. He said he has offered to do the same for Mr. Gorgone. He added that he is only asking for the 15 minutes that it takes to walk his dog, and indicated that if he is not within that time frame, his dog is leashed.

Linda Pollard reported her dog was also attacked and bitten by "Jinji". She said she does not see why anyone should be frightened to walk around the corner, but she is, because she walks at this time of morning. She further opined that the dog has a tendency to be unpredictable and feels that any dog that has attacked another dog should be on a leash.

Selectman Blacker asked why the dog cannot be on a leash during the dog's walk. Mr. Rose responded that it is mainly his preference to not leash the dog on its walk, and opined that the leash will not solve the problem. He said the dogs still go after each other even on the leash and will bark and wake up the neighborhood.

Selectman Clark questioned if "Jinji" had been altered. Mr. Rose responded that he had not been altered, and because the dog is 7 years old, altering probably would not change its behavior. Selectman Clark suggested that Mr. Rose talk with the dog's veterinarian about the possible use of other medications that might tame its aggressiveness.

Chairman Drobinski asked how Mr. Rose controls the dog's behavior. Mr. Rose said he puts the dog on its leash if he sees another dog--he carries the leash with him. The problem occurs when the dog beats Mr. Rose out of his house and sees the other dogs.

Ms. Pollard remarked that her dog is very friendly and wants to be friendly to other dogs as well. She believes that owners should obey the leash law in Sudbury, and stated she would rather walk by a dog that is barking rather than one that would bite.

Mr. Rose said "Jinji" has an issue only with other dogs and not people--he does not like to be touched by people.

Mr. Gorgone added that "Jinji" tried to attack him to get to his dog. Mr. Rose responded that the closer "Jinji" gets to another dog, the more protective and active his dog becomes.

Mr. Thompson concluded that Mr. Rose's dog "Jinji" has developed a habit and will probably not change. He said he believes the Board has no alternative than to request that the dog be leashed when in public.

Selectman Blacker concurred with Mr. Thompson adding that the dog should be leashed at all hours. Selectman Clark suggested training school might help the dog's behavior.

It was on motion unanimously

VOTED: To order Mr. Alan Rose, 7 Tudor Road, to keep his Chow dog named "Jinji" permanently restrained (leashed or confined), at all times (24 hours per day).

Mr. Thompson reminded Mr. Rose that he does have the right of appeal. Marjorie Wallace also suggested the Board consider changing the leash law to 24 hours a day.

Minuteman Tech - Joint Meeting

Present: Sudbury Representative Glenn L. Noland and Superintendent Ron Fitzgerald, Minuteman Tech (Science-Technology High School and Adult Career Center); David Wilson, Lincoln-Sudbury School Committee; Joseph Proud, Chairman and Marjorie Wallace, Finance Committee.

Tonight's meeting had been called at the request of Ron Fitzgerald, Superintendent of Minuteman Tech. Sudbury District School Committee Representative Glenn Noland stated that Superintendent Ron Fitzgerald is visiting the 16 member towns with a twofold purpose 1) to try to determine how Minuteman Tech can maintain its programs with less cost in light of the education reforms that are taking place, and 2) to request moral and political support.

Mr. Fitzgerald handed out a condensed report highlighting the current issues and events that are taking place at Minuteman Tech and how State education reform is affecting their operations. He commented that one of Minuteman Tech's biggest concerns right now is how to "get out the news" of their programs to everyone. He mentioned concerns with two towns, namely Arlington and Carlisle, and discussed them briefly.

Further discussion centered around the new Act relative to vocational education H-1640, regarding the tuition ceiling for CHOICE students. Mr. Fitzgerald informed that the Town of Carlisle is seeking to withdraw from the District because of the inequities of the current system of schools within the District paying for students outside the District. He continued that the new legislation is very positive and he hopes that both sides of the story are heard and understood, and also hopes to see more meetings held with the State representatives. It would be helpful if all the towns in the District communicate their feelings on this particular bill, concluded Mr. Fitzgerald.

A second key issue that Minuteman Tech is trying to achieve is how to service more students within the District. He noted that almost half of the students are from outside the District. The towns within the District are subsidizing students outside the District which has resulted in increased economic pressures because they are not receiving increased state aid. As a consequence, added Mr. Fitzgerald, many programs are ignored and the schools are not deriving the benefits of vocational education.

Mr. Fitzgerald explained how meetings are held to introduce Minuteman Tech's programs to the various schools. A brief discussion followed regarding other options and ideas for "getting the news out" about the programs that the school has done or is doing. He admitted that more public relation programs are needed.

The Board thanked Mr. Noland and Mr. Fitzgerald for attending tonight and agreed to continued support for the programs offered by Minuteman Tech.

Emergency Approval - Pole Relocation - Peakham and Route 20

The Board acknowledged receipt of a Grading Plan of the intersection of Peakham Road and Route 20 related to a request from the Engineering Department to relocate two Boston Edison Company poles.

Following a brief discussion and review of the plan, it was on motion unanimously

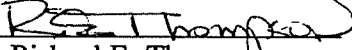
VOTED: To grant emergency approval to the Sudbury Engineering Department per their request dated July 6, 1995 for Boston Edison Pole Relocation at 159 Boston Post Road as shown on the Grading Plan of the intersection of Peakham Road and Route 20.

Goodman's Hill Road - Meeting

Present: Pamela Anderson.

Ms. Pamela Anderson asked the Board if one of them would be present at the Wednesday, July 12, 1995 meeting at 3:00 p.m. with the various Town Department Heads to discuss speeding traffic solutions, namely the construction of "speed humps" on Goodman's Hill Road. Selectman Clark responded that she would try to be present.

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

Attest: 
Richard E. Thompson
Interim Town Manager-Clerk