

IN BOARD OF SELECTMEN
MONDAY, SEPTEMBER 11, 1995

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

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

Boy Scout Troop 63 Observers

The Selectmen welcomed Mike and Charlie Morris, 35 Kendall Rd., of Troop 63, who are observing the Selectmen's meeting as part of a requirement for their Citizenship and Community Merit Badge.

Meeting with Sudbury School Committee on Special Town Meeting Request

Present: Stephenie Cook and Greg Lauer of the School Committee, William Hurley, Superintendent of Schools, and Patricia Hamblton, School Business Manager.

The Board acknowledged receipt of a letter dated August 14, 1995, from Superintendent Hurley asking the Board to schedule a Special Fall Town Meeting for the purpose of voting a warrant article, to be drafted by the School Business Manager, requesting the transfer to the Schools of the additional Chapter 70 State Aid Funds in the amount of \$50 per student. The Board is also in receipt of a bulletin from Robert H. Marsh of the Massachusetts Department of Revenue, dated July, 1995, stating that cities and towns may reserve the additional funds as an offset, and may appropriate the funds at a subsequent town meeting and that all such reserves not appropriated in FY96 will close to the General Fund at the end of the fiscal year. The Board is also in receipt of a memo from Terri Ackerman of the Budget and Personnel Department recommending that the Board decide to spend the funds in FY97 by voting \$77,000 into the Stabilization Fund during the Annual Town Meeting in April and then at that same meeting, vote to apply \$77,000 of the Stabilization Fund toward the FY97 budget.

School Committee Member Stephenie Cook stated that since the time when the Committee originally made the request for the Special Town Meeting, other issues have surfaced and that it is not clear now what the Committee would use additional funds for. An independent audit is being done, but there is no projected date for its completion. The Committee still feels that it will need the funds, but perhaps they will request a Special Town Meeting at a later date. However, until the results of the audit are in, the necessary information will not be available to the Committee. Perhaps if other groups request a Special Fall Town Meeting, the School Committee would also be part of it, but will not make the request itself at this time.

Selectman Blacker asked the Committee why it now feels it needs more money since when the Town voted the budget last year, the Committee said it could work with the amount voted. Ms. Cook answered that they may be running at a deficit because of special requirements made by the State this year. Mr. Blacker queried as to the deficit and Ms. Cook answered that there were some extraordinary expenses in Special Education this year; however, she did not want to "blame" any one factor until the audit gives the Committee more information. Mr. Lauer said that the deficit was a surprise to the Committee too; up until June all seemed well, but when the Temporary Business Manager tried to close the books for the year, he had trouble. Ms. Cook stated that there are always factors over which the Committee has no control. Chairman Drobinski asked if the Committee wished to wait to decide the issue

at the Annual Town Meeting and Ms. Cook replied that they are more comfortable waiting for Annual Town Meeting if the Committee feels it has the full support of the Selectmen and the Finance Committee. Mr. Lauer said that after the independent audit, if there is still a deficit and if the Committee has no assurance of receiving the extra funds, they will have to lay off people. Selectman Clark asked how long the audit is expected to take. Mr. Hurley said that the Requests for Proposals go out to nine or ten firms this week, and that perhaps by the end of November the audit should be completed. Selectman Clark asked if we have a date by which we must respond to the Department of Revenue on this and Mr. Thompson answered that we have plenty of time--June 30, 1996. Ms. Clark noted that since that date was not before our April Town Meeting, we are not under time constraint. Chairman Drobinski stated that the Board will wait to hear further on this issue from the School Committee after they have completed the internal audit.

Police Reserve List/COPS FAST Award

Present: Police Chief Peter Lembo.

The Board met with Chief Lembo to discuss his letter, dated July 19, 1995, and attachments, bringing to the attention of the Board the notification the police department received of the COPS FAST Award grant. Chief Lembo noted that before we can participate, our local officer funded under this grant must complete 22 weeks of basic training. His question to the Board is: which Reserve Officer (McGilvray or Nix) should have the opportunity to be trained first?

Chief Lembo stated that Mr. McGilvray should be the next candidate in line for training; however, this would require finding the additional funds of approximately \$13,000 to pay his salary while he is at the Academy. Further, Reserve Officer Nix currently is a dispatcher who could be sent at no cost to the Town. In this scenario, Mr. McGilvray would be assured of the next vacant dispatcher position. In past communications between the Board and Chief Lembo, it was understood that Mr. McGilvray had seniority on the Reserve List and would be the next candidate chosen for training and appointment. But the Chief pointed out that Mr. McGilvray did not apply for past dispatcher positions.

After discussion, Selectman Blacker suggested and the Board agreed to have Interim Manager Thompson contact Mr. Neil E. McGilvray to see if he would be willing to attend the Academy at no or little cost to the Town, in order that he might be in line for an appointment as the next full-time officer under the COPS FAST program. Mr. Thompson will report back on this issue at the Board meeting of September 26, 1995.

Site Plan Special Permit Application 95-322 for Sudbury Lumber Co., Inc.

Present: Frank Morgan, Manager, Sudbury Lumber Company, and Engineer for Sudbury Lumber Company.

The Board convened a public hearing to consider the application, dated July 26, 1995, and received August 1, 1995, of Sudbury Lumber Co., Inc. for a Site Plan Special Permit for construction of an addition at the rear of the existing store containing a 37' x 40' office, a 10' x 16' hardware receiving and storage area, and a 5' x 10' open loading dock, on property located at 28 Union Avenue, Business District #5 and Limited Industrial District #6, owned by Robmar Realty Trust, Sudbury.

The public hearing was advertised in the Sudbury Town Crier on August 17 and 24, 1995. Parties of interest, being abutters within 300 feet according to the Assessors, were provided written notice by first-class mail. Additionally, the Planning Boards of Acton, Concord, Lincoln, Maynard, Framingham, Marlboro, Stow, Wayland and Hudson were provided written notice by first-class mail.

The Board acknowledged receipt of the following:

1. Accompanying the application:
 - a. Plan entitled, "Mullen Lumber Co. Sudbury, Mass. Addition to Storage Building, Union Ave. Sudbury, Mass. Site Plan, date issued: Nov. 14, 1980"; additionally labeled: "Plan Modified by Colburn Engineering, Inc. on 6/22/95 to Show Proposed Office Additions and Re-located Parking Spaces. Additions and changes made 7/24/95."
 - b. Floor Plan and Elevations 10073, pages 1 to 5, from Sudbury Lumber.
 - c. Copies of Board of Appeals Notice of Decision of January 20, 1994 allowing previous construction on the site and Notice of Decision of July 11, 1995, allowing a Variance to alter and enlarge the existing structure.
 - d. Copy of a Site Plan approval of January 13, 1981 to Mullen Lumber Co. for construction of storage area at the same address.
2. Communication from the Conservation Commission, dated August 31, 1995 which stated that the Commission has reviewed the Sudbury Lumber plan and site and observed that storm water runoff flows directly into a wetland. The Commission asks that a requirement for any new construction should be to upgrade to "best management practices" for storm water runoff design and that a condition be required that prohibits the use of sodium-based deicing chemicals.
3. Communication from the Planning Board, dated August 25, 1995, recommending approval of the Sudbury Lumber Site Plan subject to five conditions related to parking space, planting of trees on the property, site drainage and walkway easements. One recommendation was to delineate only 25 parking spaces, authorizing the remainder as "reserve" parking.
4. Verbal communication from Fire Chief Michael Dunne, dated September 6, 1995, and a verbal communication from Building Inspector Jack Hepting, dated September 7, 1995, both stating that they have no problems with the Sudbury Lumber Site Plan approval.
5. Letter, dated August 22, 1995, from I. William Place, Town Engineer, recommending that the Board grant approval for the proposed construction.
6. Communication from Frank W. Riepe of the Design Review Board, dated September 6, 1995, stating no comments on the proposed alterations except to recommend street trees.
7. Communication, dated September 7, 1995, from Robert Leupold of the Board of Health, which included a communication to him of August 30, 1995 from Frank Morgan on the proposed storage and office space changes resulting in a 350 sq. ft. reduction in office space and involving no change in work force. Mr. Leupold stated that an upgrade of the septic system is therefore not required.

Mr. Morgan put up a map so that the Board could view the proposed addition to the property, which he stated is to house new, relocated office space. There is to be no change in topography, no change to other structures, and no plumbing involved.

Selectman Blacker, in reference to issues stated by the Conservation Commission, asked if anything can be done to address the runoff issue. Interim Town Manager Thompson stated that if the Site Plan Special Permit is approved by the Board tonight, this coming week an agreement might be worked out which will try to take into account the Conservation Commission's comments. Mr. Morgan stated that the sidewalk easement issue and the planting of trees are both no problem. As to drainage, there is a problem in that there is not much grade with which to work, but Mr. Morgan was sure there is something that can be done. Mr. Thompson stated that Town Engineer Bill Place may come up with an idea. Selectman Clark also stated she would like to see something done about the drainage issue.

Selectman Clark inquired if prohibition of sodium-based deicing is a problem and Mr. Morgan stated that it is not.

Chairman Drobinski asked how the Board felt about the reserve parking space issue. Mr. Morgan stated that he had proposed delineating more spaces than the Planning Board recommends--a total of 49 spaces (38 being required). Selectman Blacker said he felt the extra spaces were not necessary at this time, and the Board agreed with the Planning Board's recommendation to approve reserve parking spaces, in accordance with Town Bylaw.

It being a consensus of the Board to grant approval subject to satisfactory resolution of the drainage issue, it was on motion unanimously

VOTED: To continue the hearing on Site Plan Application 95-322 of Sudbury Lumber Co., Inc., until September 26, 1995, for the purpose of allowing Interim Town Manager Thompson time to work with the Town Engineer and Sudbury Lumber Company to determine if agreement can be reached with regard to meeting the concerns of the Conservation Commission relative to drainage matters, and to obtain a revised site plan, and have Town Counsel draft a vote, both for the Board's approval.

Dog Complaint Public Hearing: Anderson/Echouafni

Present: Complainant Lincoln Anderson and his daughter of 316 Goodman's Hill Road; Dog Owners Mr. & Mrs. J. R. Echouafni of 47 Brewster Road; Dog Officer Betsy DeWallace, and W. James Hodder, 136 Hudson Road.

The Board convened a public hearing to consider the complaint, dated August 18, 1995, of Pamela S. C. Anderson, 316 Goodman's Hill Road, against two Siberian Husky dogs harbored by Mr. & Mrs. J. R. Echouafni, 47 Brewster Road, for attacking five sheep and several chickens owned by the Andersons.

Chairman Drobinski noted for the record that notice of the hearing had been served upon the parties and all persons expected to give testimony in the matter were sworn in by Selectman Blacker.

Mr. Anderson began by saying that his wife, who had signed the complaint, was not present due to the fact that her father, in California, was gravely ill. He stated that at about noon on August 14, 1995, the two Husky dogs owned by the Echouafnis entered his property and by 12:30 p.m. they had

killed one chicken (a Rhode Island Red) and injured two of his five sheep. He had photographs of the severe damage done to the sheep. He stated that these dogs have broken the leash law at least twice; at the first incident, Dog Officer DeWallace was summoned, so she can testify to this. The Andersons have an electrified fence around their animals which keeps out all other animals except for the two dogs in question. The Andersons believe that these two dogs have exhibited excessive aggression and do not believe that there is a reasonable certainty that the dogs will not escape again. Mr. Anderson read from an opinion he obtained from Tufts Veterinary Facility that once the dogs have learned where the sheep are, they will return. His property is a mere quarter mile away from the Echouafnis. The Andersons only let the sheep out when they are home. They have two children (10 and 14 years old) who have raised the sheep as a 4-H project. Mr. Anderson said his wife was in danger when she pulled the dogs off the sheep.

Mr. Anderson continued his report as follows: In his opinion, the owner has made no effort to provide the Andersons the assurance that the dogs will not escape again. The dogs were not licensed by the Town at the time of the attack, and they have repeatedly violated the leash law. Not only have the dogs' owners not shown any concern for the sheep, they have threatened to sue the Andersons, they have not reimbursed them for the expenses incurred by them to treat the sheep after the attack, and they have stated that the Andersons are the problem, not their dogs.

Mr. Anderson is asking that the dogs be ordered to move and also any puppies that the Echouafnis now have in addition to the two dogs in question.

Selectman Blacker asked how much money was involved as to the veterinary bill. Mr. Anderson responded he paid between \$250 and \$280. Mr. Blacker asked how much it would cost to replace the Rhode Island Red. Mr. Anderson estimated about \$10.

Mr. Hodder of 136 Hudson Rd. testified at this point that Husky dogs will travel to get to sheep; it is in their nature. He related his experience that he once had 13 to 14 sheep which were attacked by Huskies; he did away with the dogs (legally).

Mrs. Echouafni testified that Mr. Anderson had lied. She did let her dogs out on the day in question; as she was pregnant at the time and fatigued, she did let them out alone to go to the bathroom and they ran off. Usually, when the dogs run off, some of her neighbors are in the habit of taking the dogs in and calling her; that day this did not happen. She stated that when she learned of the incident, she did call the Andersons and did show sympathy; she watched the veterinarian sew up the sheep; she said she was very sorry. Mrs. Echouafni said that the Andersons should send them any bills they paid as a result of her dogs' attack. She also said she paid her fines to the Dog Officer. Mrs. Echouafni said she did not realize at the time of the attack that her dogs were unlicensed; they have been licensed in several towns and she did not know that this had not been done in Sudbury.

Chairman Drobinski asked Mrs. Echouafni how long they have lived in Town. She replied that they have been here since last December.

Mrs. Echouafni continued that she called the Andersons again on the night of the attack. She stated that these dogs are her pets and they are champion show dogs. During her telephone call that evening she told the Andersons that she promised to do everything she could not to let this happen again. She said that because she was honest and told the Andersons that she could not absolutely guarantee that the dogs would never escape again, she feels she is paying for the honesty by the Andersons' complaint to

the Town. She stated that they do have a fence, but the dogs got out the front door, not from within the confines of the fence. They have even put more cement at the base of the fence so the dogs cannot dig their way out from under the fence. She said that Mrs. Anderson asked to see their fence and the Echouafnis showed it to her - a 5' high fence in cement - but it did not make Mrs. Anderson feel better.

Mrs. Echouafni stated that she had not paid the veterinary bill because she had not received any such bill. Mr. Anderson interjected at this point that he had sent the bill by Registered Mail.

Mrs. Echouafni said that Husky dogs are wonderful with children and great with people of all ages, but it is animal instinct to kill other animals. She said that all she can do is to try to prevent this from happening again. She walks her dogs out to their pen on leashes.

Mr. Echouafni stated that he was in his office recently when he received a call from his wife who was crying because she had just been called by Mr. Anderson who said that he would have the dogs taken away from the Echouafnis, and said that he knew the Selectmen and it had already been decided. At that point Mr. Echouafni said he called an attorney and said he would file a civil suit against the Andersons for harassment. Mr. Echouafni stated he has spent over \$7,000 in fencing equipment. He invited the Andersons to his home to view the fence. He stated that the only reason the dogs got loose was that his wife had let them out--they did not escape the fence. He also stressed that when Mrs. Anderson took the dogs off her sheep they did not even growl at her, and the dogs are good with babies. Mr. Echouafni said that Ms. DeWallace can testify that it is in the nature of the dogs to go after sheep. He also stated that Mrs. Anderson stated to him that she was surprised how friendly the dogs were as she took them off her sheep. He further mentioned that a carpenter had opened the door last week and the dogs got loose for about three hours but did not go near the Andersons' home. Mr. Echouafni said he would be more than happy to reimburse the Andersons for their veterinary expenses. He does not wish the Andersons to call him and threaten them again.

A resident inquired as to how many dogs are allowed per household before a kennel license must be obtained. Officer DeWallace responded that no more than three dogs are allowed (adult dogs over the age of six months). Mr. Anderson referred to the three hours last week that the dogs were loose were at the same time his electric fence was torn up, so he believed the dogs were in fact at his home; he said that the incident last week only illustrates exactly what he is complaining about. Mr. Anderson said that he obtained a veterinary opinion that a 5' high fence will not come close to stopping a Husky. Mr. Echouafni said his dogs could not even come close to jumping over it. Selectman Blacker asked Ms. DeWallace if it is her opinion that Husky dogs could jump over a 5' fence and she said it would be possible. Mr. Blacker asked her what might prevent their escape and Ms. DeWallace said that a cover would do it. Mr. Echouafni said there are trees everywhere on his property and no such cover could be installed. Dog Officer DeWallace said that a slanted fence would prevent escape. Chairman Drobinski asked how many times these dogs have escaped in the past. Ms. DeWallace responded that Mrs. Echouafni has been good about calling her immediately when the dogs do get out (several times); Ms. DeWallace said that the dogs are nice dogs; she remembers them to be in trouble two times, but that it is in their nature.

A resident asked if a permit must be obtained to keep sheep in Town. Selectman Blacker responded that as long as the sheep are not classified as a commercial operation a permit is not required. He further mentioned that Creighton Hamill had a significant amount of sheep and the Town made him put up an electric fence. The same principle applies for keeping chickens.

Chairman Drobinski stated that even though the dogs in questions are friendly to people, there are many neighborhood animals, and the dogs should have no way of getting out if they are to stay in Town. Mr. Drobinski said that Dog Officer DeWallace should inspect the pen on the Echouafni property and give the Board an opinion if it is adequate to hold the dogs in. Mr. Anderson should also submit any invoices related to the incident in question to the Echouafnis for payment. Mr. Drobinski said that the Board will not tolerate an error like this again; there is a leash law in Town and dogs roaming the streets who hurt other animals will not be tolerated.

Selectman Clark asked about Mrs. Bentley's rabbit which was killed by these dogs. Mr. Thompson stated that this prior incident occurred in February, 1995. Ms. Clark said that this August incident was therefore not the first time these dogs have killed. She said the Echouafnis have been alerted and are on notice; technically speaking this is the first time these dogs have been brought before the Board, but the owners knew of the prior incident with the rabbit as well. Ms. Clark inquired as to the \$7,000 Mr. Echouafni said he spent on a wire fence. Mr. Echouafni responded that it cost a lot because of the extra concrete added to prevent the dogs from digging out under the fence. Selectman Clark inquired as to how many puppies the dog owners have. Mr. Echouafni responded that they have only one puppy left which they are keeping.

Selectman Blacker said that the Board is working to let the dogs stay in Town, but penned or on a leash. He said that the burden is on the owners to keep them so. He advised that if there is one more report made to the Board about these dogs, they will be forced to leave the Town; no excuses will be entertained.

Chairman Drobinski again mentioned reimbursement of the Andersons' bills. Mr. Echouafni said the conditions specified by the Selectmen were more than fair.

Mr. Blacker said that if Dog Officer DeWallace reports two more feet need to be added to the height of the fence, the dog owners must agree.

Mr. Echouafni said Mr. Anderson has threatened to shoot his dogs and Selectman Blacker responded that the dogs will not be loose for this to happen.

Interim Town Manager Thompson recommended continuing the hearing until September 26, 1995, pending the findings of Dog Officer DeWallace. Mr. Thompson has already directed Ms. DeWallace that the dogs are to be picked up immediately if they get loose again.

At the close of the public hearing held September 11, 1995, it was on motion unanimously

VOTED: To continue the hearing until September 26, 1995, for the purposes of allowing Dog Officer Betsy DeWallace to view the site of the dog pen on the property of Mr. & Mrs. Echouafni, to see if the current pen is adequate to retain the dogs and if not, what further construction will be necessary to do so.

Utility Petition 95-30 - Maplewood Avenue

Present: Christine Cosby of Boston Edison Company, Martha Curran, 26 Maplewood Avenue, Anthony Tremarche, 568 Hudson Road, and Robert Devlin, builder.

The Board convened a public hearing to consider Utility Petition 95-30 of Boston Edison Company and New England Telephone and Telegraph Company for location of two poles and such other fixtures including anchors and guys as may be necessary to sustain or protect the wires of the line, upon, along and across Maplewood Avenue.

Interim Town Manager Thompson noted that all appropriate abutters had been notified and approval had been recommended by the Deputy Inspector of Buildings and Wiring Inspector under date of September 1, 1995.

The Board acknowledged receipt of several items of correspondence from abutters as to their agreement or disagreement with the proposed utility petition. Positive responses were received from John F. and Edwina Roddy, 75 Pinewood Avenue, Martha Curran, 26 Maplewood Avenue, Howard Lehr, 25 Maplewood Avenue, and from the new owners at 14 Crystal Lake Drive. Negative responses were received from Carmel O'Connell, 69 Pinewood Avenue, Anthony F. Tremarche, 568 Hudson Road, Lise T. Chase, 556 Hudson Road.

Chairman Drobinski inquired of Ms. Cosby if she had a chance to review correspondence received about the quality of service by Boston Edison in the neighborhood in question. She responded that she had seen some of it and that Edison is working right now to improve service. Residents should notice an improvement within a month, as there are several projects going on (in conjunction with New England Telephone) in that neighborhood. Mrs. Curran stated that her concern is level of service and hoped that the new poles would not put a further stress on the existing system.

Mr. Tremarche, abutter, said that for him the guy wires are the issue; and he does not want to lose a tree. Selectman Blacker inquired as to why the wires could not be put underground. Ms. Cosby responded that Boston Edison had not determined such a cost yet but opined that it would be too costly and that the cost would have to be absorbed by the developer and the purchaser. A short discussion ensued on the possibility of bringing the new poles to the other side of the street, but Boston Edison responded that its policy is to maintain poles on the same side of each street due to maintaining proper distances between poles and to avoid having to use hip or guy wires.

On recommendation of the Interim Town Manager, it was on motion unanimously

VOTED: To continue the hearing until September 26, 1995, for the purpose of having Boston Edison amend their petition to move the proposed pole on Mr. Tremarche's lot about seven feet from the originally proposed location, in order to save a mature tree at the rear portion of the property.

Minutes of August 21 and 28, 1995

It was on motion unanimously

VOTED: To approve the regular session minutes of August 21, 1995 as drafted, and of August 28, 1995, as amended.

Council on Aging - Van Donation

It was on motion unanimously

VOTED: To accept \$189.20 in miscellaneous donations for deposit into the Council on Aging Van Donation Account and to authorize the Council on Aging to expend the same for purposes of operating and maintaining the Council on Aging vans.

Town Treasurer - Bid Acceptance Authorizations

The Board acknowledged receipt of a communication from Mary Ellen Normen Dunn, Town Treasurer, on the subject of Bond Anticipation Note and State Aid Anticipation Note Sale, requesting authorization to accept bids.

It was on motion unanimously

VOTED: To authorize the Town Treasurer to accept bids for issuing Bond Anticipation Notes in the amount of \$1,975,000 for borrowing in relation to 1994 Annual Town Meeting articles;

and unanimously

VOTED: To authorize the Town Treasurer to accept bids for issuing State Aid Anticipation Notes in the amount of \$337,413 for Chapter 90 reimbursable expenditures.

The Selectmen confirmed they would be available for signing notes for same on September 22, 1995.

Resignation of Robert A. Lancaster

The Board acknowledged receipt of a letter dated August 25, 1995, from Robert A. Lancaster, by which he resigned from the Conservation Commission, after praising the work of fellow committee-member Steve Meyer and Coordinator Deborah Montemerlo.

After thanking him for his service to the community, it was on motion unanimously

VOTED: To accept the resignation of Robert A. Lancaster, dated August 25, 1995, from the Conservation Commission, effective September 15, 1995.

Dissolution of Town Manager Screening Committee

Selectman Clark asked where the files of the Screening Committee should go. Selectmen Blacker and Drobinski and Interim Town Manager Thompson noted that the Board is in possession of these materials already.

After a brief discussion, it was on motion unanimously

VOTED: To dissolve the Town Manager Screening Committee as of September 11, 1995.

Acceptance of Gift from Sudbury Historical Society

The Board is in receipt of a copy of a letter to Mr. John O. Rhome, trustee of the Gertrude A. Pomeroy Trust, dated August 23, 1995, from Interim Town Manager Thompson. The letter thanked Mr.

Rhome for the generous funding of the automatic sprinklers for the Loring Parsonage; proper landscaping can now be accomplished with the enhancement of the new sprinkler system.

It was on motion unanimously

VOTED: To accept the gift from the Sudbury Historical Society, funded by the Gertrude A. Pomeroy Trust, of installation of a sprinkler system in the Loring Parsonage lawn, valued at \$2,175.

Acceptance of Donation from Tobin Food Services, Maynard

The Board acknowledged receipt of a letter from Ronald B. Conrado, D.A.R.E. Officer, of the Sudbury Police Department, dated September 6, 1995, forwarding a donation from Tobin Food Services, 24 Main Street, Maynard, MA for the D.A.R.E. Program in the amount of \$1,600. Included with the letter from Officer Conrado was a copy of a letter to him, dated August 22, 1995, from Bob and Laurie Watson, owners of L.P.M. Holding Company, Inc., stating that the gift was made possible through a joint program for charitable giving between their company and Dunkin Donuts.

It was on motion unanimously

VOTED: To accept the donation in the amount of \$1,600 from Tobin Food Services, Maynard, to be deposited into the D.A.R.E. Program Account, and to authorize the Police Chief to expend same for the D.A.R.E. Program.

Easements - Southwest Estates

It was on motion unanimously

VOTED: To accept Easement for Walkways and Relocation of Utility Poles, dated August 15, 1995, granted by Modern Continental Enterprises, Inc. of Cambridge, located on the easterly side of Peakham Road, and shown as a 15' WIDE WALKWAY EASEMENT and a contiguous 10' wide area located on Lots 12,13,15,17,18A, 19A and 20A on "Plan of Land for Southwest Estates Sudbury, Massachusetts", dated March 7, 1995, revised through March 23, 1995, drawn by Colburn Engineering, Inc.;

and unanimously

VOTED: To accept Highway Easement and Temporary Construction Easement, dated August 15, 1995, granted by Modern Continental Enterprises, Inc. of Cambridge, shown on "Plan of Land for Southwest Estates Sudbury, Massachusetts", dated March 7, 1995, revised through March 23, 1995, drawn by Colburn Engineering, Inc., located on Lot 12, Peakham Road;

and unanimously

VOTED: To accept Drainage Easement, dated August 15, 1995, granted by Modern Continental Enterprises, Inc. of Cambridge, containing several drainage easements shown on "Plan of Land for Southwest Estates Sudbury, Massachusetts" dated March 7, 1995, revised through March 23, 1995, and drawn by Colburn Engineering Inc., and "Southwest Estates A Subdivision of Land in Sudbury, Mass. 'Modification' of Lots 1,2,3 & 4 Peakham Road", dated July 12, 1995, drawn by Colburn Engineering, Inc., located off Peakham Road;

and unanimously

VOTED: To accept Pathway Easement, dated August 15, 1995, granted by Modern Continental Enterprises, Inc. of Cambridge, described as 20' Water and Pathway Easement located on Lot 1A and shown on plan entitled, "Southwest Estates A Subdivision of Land in Sudbury, Mass. 'Modification' of Lots 1,2,3 & 4 Peakham Road", dated July 12, 1995.

Cancellation of Licenses for Storage of Inflammables

On the subject of formally canceling inflammables storage licenses discontinued in use, the Board noted receipt of a letter from Fire Chief Michael Dunne, dated August 23, 1993, stating that Mobil Oil Co., 465 Boston Post Rd., has removed its three underground gasoline tanks. Another letter dated May 11, 1995, from Fire Chief Dunne on the subject of fuel oil tanks at Lincoln/Sudbury Regional High School stated that the tanks have been removed from service--the 15,000 gallon tanks located by the east boiler room were removed in August 1993 and the original school tank located in front of the cafeteria windows was cleaned and filled with sand.

It was on motion unanimously

VOTED: To record the cancellation of Licenses for the Storage of Inflammables in accordance with notification of surrender dated April 21, 1995, from landowner Mobil Oil Corporation, described as follows:

Licenses of Mobil Oil Corporation for property located at 465 Boston Post Rd.

- 1) Town Clerk's Document #76024 issued 5/8/72, for storage of 20,000 gal. Gasoline, 500 gal. Waste Oil, 500 gal. Fuel Oil, and 500 gal. Miscellaneous.
- 2) Town Clerk's Document #80077 issued 7/14/80, for storage of 10,000 gal. Gasoline.

It was further on motion unanimously

VOTED: To record the cancellation of License for the Storage of Inflammables in accordance with notification of surrender dated August 7, 1995, from landowner Lincoln-Sudbury Regional School District described as follows:

Licenses of the Lincoln-Sudbury Regional School District for property located at 390 Lincoln Road, under Town Clerk's Document #79108 issued 10/2/79, for storage of 35,500 gal. fuel oil.

Four Month Extension for Sudbury Crossing Associates Realty Trust

Present: Myron J. Fox, Attorney for Sudbury Crossing Associates Realty Trust (Mr. Fox appeared later in the evening, approximately 9:15 p.m.).

The Board acknowledged receipt of a letter, dated August 29, 1995, from Myron J. Fox, representing Sudbury Crossing Associates Realty Trust, requesting a four-month extension, to December 31, 1995, for the Site Plan Special Permit granted them under Application #93-317, for an addition to T. J. Maxx, 435 Boston Post Road. Included with this letter was a copy of the Town of

Sudbury Building Permit, dated August 10, 1995 and a copy of the Board of Selectmen previous decision to grant a year's extension to August 31, 1995.

Selectman Clark inquired as to whether the Trust had obtained a Water Resource Special Permit and Selectman Blacker answered in the affirmative.

After a short discussion, it was on motion unanimously

VOTED: To grant a four-month extension, to December 31, 1995, for the Site Plan Special Permit granted to Sudbury Crossing Associates Realty Trust, under Application #93-317, for the addition to T. J. Maxx, 435 Boston Post Road, as requested in a communication dated August 29, 1995, from Attorney Myron J. Fox.

Proposed Swap of Land with the Sudbury Water District

The Board acknowledged receipt of a letter dated August 31, 1995, from I. William Place, Town Engineer, which included town maps highlighting three properties which the Water District would like to obtain, 4.5 acres of Sudbury Water District land the District is offering in exchange, and 4.03 acres which the Water District has voted to give to the Town for Highway Dept. expansion.

The Board reviewed the highlighted map provided. The Board expressed concern and said that clarification was needed as to the status of the parcel shown as being Conservation Commission land--is it under Conservation Commission management, or has it been designated by the Town and recorded as Conservation land? After discussion, the Board authorized Interim Town Manager Thompson to proceed to solicit input from the other departments involved and prepare an appropriate article or whatever necessary to consummate a transfer of property.

Town I-Net - Cablevision Lines

The Board acknowledged receipt of a memo from Mary Ellen Normen Dunn, of the Computer Advisory Committee, dated September 5, 1995, inquiring as to the feasibility of using cable television lines to provide implementation of an Institutional Network (I-Net) between town buildings for data transmission. The memo was accompanied by Exhibit 5A on the Institutional Use of the Cable.

Interim Town Manager Thompson recommended that the Computer Advisory Committee contact Peggy Frederickson and asked if Board members would support the efforts of Ms. Dunn and the Computer Advisory Committee in seeking an I-Net installation using the cable network. The Board was unanimous in agreement and expressed that such a communication system is a very good idea.

Confirmation of MMA Consulting Group for Town Manager Search

The Board acknowledged a communication, dated September 6, 1995, from MMA Consulting Group, Inc. delineating a Revised Scope of Services and an Agreement with the Town of Sudbury for the search for a new Town Manager.

Selectman Clark stated one concern with the Revised Scope of Services: she would add a #8 to the list of proposals, namely : "#8--Assist Selectmen in negotiating terms with finalists through to the hiring of Sudbury's first Town Manager." The Board concurred.

Chairman Drobinski asked whether the Board thought that Town Counsel should be given the Revised Scope of Services and the Agreement for a quick review and the Board agreed. Interim Town Manager Thompson responded that he would have Town Counsel review same prior to releasing the Agreement.

After a short discussion, it was agreed to schedule a Friday (September 15, 1995) meeting in Boston to be the first meeting between the Selectmen and MMA Consulting Group.

Priority Investment Group

Chairman Drobinski said that Karen Palmer had called asking which Board member would be participating in the Finance Committee's Priority Investment Group. After Mr. Drobinski conferred with Selectman Clark, she agreed to continue meeting with said group.

Health Insurance

Selectman Blacker stated concern that a health insurance funding memo he received from Bill Katz concerning Art Bomengen's report on Self-Insured Health Insurance Claims data did not make sense. Mr. Thompson responded that a meeting is being set up between Art Bomengen and other interested persons to resolve this issue and clarify Mr. Bomengen's reporting procedures. Mr. Thompson also informed the Board that bids on health insurance were just opened and all quotes have been lower than current premiums.

Devens Task Force

Selectman Blacker informed the Board that the first meeting of the Fort Devens Sudbury Annex Task Force would be held tomorrow evening, September 12, 1995, at 7:30 in the Lower Town Hall.

Goodman's Hill Road Mailboxes

Mr. Thompson informed the Board that he has not forgotten about contacting the Postmaster General about moving mailboxes on Goodman's Hill Road. Mr. Thompson is still trying to work out the best way of making a request, since the Post Office has responded so negatively to this issue in the past.

Radio Towers

Mr. Thompson informed the Board of a request for placing radio towers on the former Unisys property. He has reviewed the site and has concerns about height of the towers and would like to run this idea past the Conservation Commission and other groups before formally approaching the Board.

R. E. Thompson - Severance Package

Attorney Myron Fox appeared on behalf of Interim Town Manager Thompson and asked if the Board was prepared to discuss Mr. Thompson's letter (given to Board members at the last Board of Selectmen meeting on August 21, 1995) on his proposal for his retirement package. Mr. Fox stated that at that last meeting it had been decided that such discussion would take place on September 11, 1995. Selectman Clark told Attorney Fox she was unable to return his call today and said she wished to speak

with him before making any motion. The Selectmen agreed to hold a special meeting on this issue within the next week or on Wednesday, September 27, 1995, subject to the availability of Chairman Drobinski.

There being no further business to come before the Board, the meeting was adjourned at 9:55 p.m.

Attest: Richard E. Thompson
Richard E. Thompson
Interim Town Manager-Clerk