

IN BOARD OF SELECTMEN
FEBRUARY 11, 1974

Present: Chairman William F. Toomey, John C. Powers, and John E. Taft

The statutory requirements as to notice having been complied with, the regular meeting was called to order at 7:30 p.m. by Chairman William F. Toomey.

Site Plan Application #74-125, E. H. Perkins Construction, Inc.,
50 Union Avenue

Present: Francis E. White, Zoning Enforcement Agent; E. H. Perkins, Applicant.

Zoning Enforcement Agent, Francis E. White, submitted the site plan for E. H. Perkins Construction, Inc., and stated that all abutters had been notified and that the Conservation Commission, Planning Board, and Board of Health had reviewed the plan.

The Board received a report dated January 15, 1974, from the Zoning Enforcement Agent, which recommended approval and a report, dated February 11, 1974, from the Planning Board, which recommended approval provided that an underground trap be shown for collection of oil wastes and that the plan be accompanied by a letter from Precourt allowing drainage from Perkins to run onto land of Precourt. The Zoning Enforcement Agent stated that his office had received a communication dated February 6, 1974, from Charles J. Precourt, Inc., which constitutes approval of the proposed drainage, and would make a copy available to the Board.

The Executive Secretary reported that a hearing relative to underground storage of inflammables at this site has been scheduled for Tuesday, February 19th, and it was agreed that the members of the Board would inspect the proposed location for the same before the hearing.

Following discussion, it was on motion unanimously

VOTED: To approve the site plan dated December 1973 of E. H. Perkins Construction, Inc., Lot B, Union Avenue, subject to compliance with conditions set forth in the above-mentioned report of the Planning Board.

Town Treasurer - Borrowing in Anticipation of Taxes

The Board received a communication, dated February 11, 1974, from William E. Downing, Treasurer, requesting Board approval to borrow \$1,000,000.00 in anticipation of taxes.

The Board directed the Executive Secretary to arrange for future requests to be processed through the Town Accountant, and it was on motion unanimously

VOTED: To approve the Treasurer's request for borrowing in the sum of \$1,000,000.00, effective February 20, 1974, and due May 15, 1974.

Revolutionary War Bicentennial Committee - Senate Bill 1436

Selectman Powers requested the Board's support for Senate Bill 1436, a bill proposing a special lottery to provide additional revenue for bicentennial towns for special projects.

Chairman Toomey questioned Selectman Powers as to the effect such a proposal would have on the revenue now being received by the Town under the present lottery system.

Selectman Powers stated that passage of the proposal would have no effect on the present system, as the bicentennial lottery would be in addition to the present system, and that Chairman Egan of the Joint Ways and Means Committee had indicated support for the bill as an alternate to the bill filed by Atkins for bicentennial money raised through taxation.

It was on motion unanimously

VOTED: To support Senate Bill 1436 and to direct the Executive Secretary to so notify local representatives.

Highway Commission - Town Meeting Articles

Present: Ronald Espinola, Daniel Carter, Anthony Galeota, Frederick Welch of the Highway Commission; Edward Blaine, Highway Superintendent.

Members of the Highway Commission met with the Board for discussion of Highway Commission sponsored articles for the 1974 Annual Town Meeting.

Mr. Espinola stated that the Commission would have preferred the placement of walkway-related articles before the walkway articles themselves; in particular Articles 6 - Purchase Highway Snow Remover and Article 7 - Purchase Walkway Snow Plow. He further stated that it would be the Commission's position that unless sufficient walkways were voted, requests for these pieces of equipment would be postponed. The Board suggested that the Highway Commission request, through the Moderator at the Warrant Review scheduled for March 27th, that consideration of these articles be deferred until completion of action on all walkway articles. The Board asked that an informational chart relating the number of walkway miles to the equipment cost be made, which would show at what point the equipment requests will be necessary, and requested that such information be received by the Board in time for the Warrant Review. Mr. Espinola responded that the Commission would attempt to do so.

Article 6 - Purchase Highway Snow Remover - Mr. Blaine stated that the piece of self-propelled snow removal equipment was for the specific purpose of snow removal of the accumulation between

the public way and the walkway caused by plowing operations, and that it could be used in conjunction with trucks for complete removal of snow from the area or as a blower to remove it from the immediate area. Following discussion, it was agreed that although the primary need for this equipment would be the walkway system, it could also be used for removing snow accumulations at the junctions of access roads to the Post Road, entrances to school driveways and possibly in shopping areas.

Article 7 - Purchase Walkway Snow Plow - Mr. Blaine stated that this request was for equipment similar to that purchased in 1971, but with a narrower blade, to provide for snow removal on additional walkways and would also provide back-up equipment, not available at the present time.

Article 35 - Accept Layout of Ways and Article 36 - Accept Layout, Acquire Property, Repair of Elsbeth Road - Mr. Blaine stated that Articles 35 and 36 would provide acceptance of 8.3 miles of ways that are commonly used as public ways but have not been legally accepted as public ways by the Town.

Article 37 - Accept Layout of Ways - Robbins and Howell Roads - Chairman Toomey stated that the residents of Robbins and Howell Roads had recently submitted a petition, at his suggestion, for acceptance of Robbins and Howell Roads.

Mr. Espinola stated that additional information relating to possible wetlands hearing and cost to upgrade these roads to Town standards was necessary before the Commission could make a further determination to include Article 37 in their March 12th road acceptance hearings.

The Selectmen requested of the Commissioners that they work to have this article included. Mr. Galeota stated that action has to be taken because of the petition and that if adequate information is available to allow preparation of hearing notices for March 5th distribution, the Commission will take it under serious consideration.

Article 38 - Accept Layout, Acquire Property for Portion of Union Avenue - Mr. Espinola stated that this article would provide for recording as a Town way, a portion of Union Avenue which had not previously been recorded.

Article 39 - Drainage System - Contract Engineering Drawings and Specifications - Mr. Espinola reported that the Highway Commission will hear the final report on the Weston & Sampson proposal for the master drainage plan on Wednesday, February 20, at 8:00 p.m., in the White Building. Mr. Espinola also reported that Article 39 is the first step in implementation of the Weston & Sampson Drainage Plan.

Chairman Toomey requested that a preliminary report be submitted to the Board following the February 20th meeting.

Article 40 - Surface Drains - Construction and Reconstruction - Cost - Mr. Espinola stated that the cost figure in Article 40 is that amount required to complete proposed drainage construction in the Pine Lakes area as one project.

Article 41 - Amend Act Creating Highway Commission - Mr. Welch stated that Section 2 of Article 41 proposes amendment to Section Three of Chapter 577 of the Acts of 1963 to provide that the Highway Superintendent may hold another appointed Town office, such as Tree Warden, but continues to prohibit his election to office or the holding of another occupation.

The Board requested Town Counsel to work on the wording of Article 41, Section 2, so that it is acceptable to the Highway Commission, allowing for clarification and amendment if necessary for the Highway Superintendent to be appointed Tree Warden.

Mr. Espinola stated that Section 3 of Article 41 proposes amendment to Section 4 of Chapter 577 of the Acts of 1963 to combine other governmental functions of the Town with the Highway Commission by a majority rather than the present 2/3 vote and would make this Act consistent with every other statute relative to public works. It was the consensus of the Board that the 2/3 vote should remain.

Article 42 - Transfer Properties to Highway Commission Control - Mr. Welch expressed that the Commission was seeking a formal vote of the Town Meeting transferring the properties listed in Article 42 to avoid any custody and control problems in the future.

The Board requested that the ownership of cemeteries, listed in the article as Town-owned, be verified by Town Counsel and the Highway Commission.

The Selectmen expressed that Article 42, in fact, if approved, would result in no changes, except that the formal custody and control of the Sanitary Landfill and listed cemeteries will be transferred to the Highway Commission, which in their opinion is already evident. The Selectmen also suggested that the terms or conditions of the titles of the Town land in question should be checked to determine that no violations thereto exist that would cause a transfer to be invalid.

George W. Jakubowicz

Selectman Powers announced the unexpected death on Saturday, February 9, 1974, of George W. Jakubowicz, 82 Maynard Road. Mr. Jakubowicz had recently donated his artist's concept of Heritage Park, and Selectman Powers extended condolences to his family on behalf of the Board of Selectmen and the Revolutionary War Bicentennial Committee.

U.S. Military Reservation Land

Present: Margaret Langmuir, Olga Reed, Lael Meixsell, Joseph Tratnyek, and Eric Lind of the Conservation Commission; Marion Harris of the Watershed Protection Subcommittee of the Conservation Commission; Eben Stevens, Jane Gillespie, Paul McNally and Edward Connors of the Planning Board; Ernest Trimper, John Carter, Arthur Walker, and Pasquale Piscitelli of the Park and Recreation Commission.

The Executive Secretary reported on a meeting which he and Chairman Toomey had attended in January with Commissioner Arthur W. Brownell, Department of Natural Resources, and his staff relative to the excessed land of the Defense Department Natick Laboratories. Mr. Thompson reported that at that time it had been mutually agreed that Commissioner Brownell and the Town of Sudbury would work in conjunction toward acquisition of portions of this land and any related Federal funding possibilities.

Mr. Thompson stated that the Commissioner will again meet with the Board and jointly with the Selectmen from Maynard, Stow, and Hudson on Wednesday, February 27th, at the Wayside Inn, and that tonight the Board wished to reach a consensus with all Boards and Commissions present on possible uses for the excessed land that lies within Sudbury - approximately 400 acres.

Chairman Toomey reported that Commissioner Brownell is of the opinion that the State should acquire as much of the area as possible to put into conservation use and that at the January meeting he and Commissioner Brownell had agreed to support each other's efforts for single or joint ownership and requests for reimbursement funding.

Mr. Thompson stated that the State has already concurred in an allocation of 100 acres to the Town of Maynard, which has been zoned for industrial use. Mr. Thompson stated that when the State recently learned of the magnitude of the land to be excessed, they agreed to do more research on the matter for the February 27th meeting.

Selectman Powers stated that past interest has been expressed by the Department of Community Affairs and the development of a mini-city has been considered, and that he is of the opinion that the land, however, excessed, should be placed in such ownership as to allow for local control of major development.

Mrs. Gillespie stated that the Planning Board has been informed by the Federal Government General Services Administration that the price of the land is determined by three appraisals and asked how the Town could buy it. Mrs. Gillespie further stated that as it is now zoned residentially, provision should be made to prevent its being developed as a residential area.

Discussion followed concerning reimbursement funding possibilities through the Bureau of Outdoor Recreation (50%) and through the Self-Help Program (an additional 25%).

Mr. Thompson stated that the Department of Natural Resources has first priority for land acquisition and that it may then be handed by them to other State agencies before the Town receives its priority.

Mrs. Gillespie requested that Commissioner Brownell be asked whether the Department of Natural Resources has the desire to turn this land over to another State agency.

Mr. Trimper reported that Richard Cutler had, before his death, reported that the land was quite good for any recreational purpose, but that quite a bit of the land is unusable as it is covered with 2" - 12" of water year-round. Mr. Trimper also stated that unless there is a change in the turbidity of the water in Willis Pond, the Park and Recreation Commission is not interested in developing the area for swimming purposes.

Suggestions for land use included a physical fitness jogging course (parcours), a self-amortizing golf course, and that the bog areas be zoned as conservation land. Mr. Trimper mentioned the possibility of a land-fill area location for this area and Chairman Toomey stated that he would ask Commissioner Brownell if the State has any plans for regional incineration in this area.

Mr. McNally stated that he thought we should be thinking of ways to justify the purchase of the land by the Town rather than by the State and asked if the area was worth consideration as a well site. Chairman Toomey stated that it had previously been so considered by the Water Commissioners, but at that time the water content was such that it was impossible.

Chairman Toomey thanked those present for their input and requested that any further information or questions be submitted to the Board in writing for use at the February 27th meeting.

Interviews - Conservation Commission

Present: Margaret Langmuir, Olga Reed, Lael Meixsell, Joseph Tratnyek, and Eric Lind of the Conservation Commission; Marion Harris and Robert Huffman of the Watershed Protection Subcommittee.

The Board interviewed Marion P. Harris and Robert E. Huffman relative to possible appointment to the Conservation Commission.

Mrs. Harris stated that she would like to continue the work she is presently doing and, in addition, would like to share in the responsibility for making decisions relating to the Town's natural resources. Mrs. Harris stated that she has worked an approx

imate total of 12 months on the Watershed Protection Subcommittee, principally on administration of the Wetland Protective Act and had worked on the Commission's rules and regulations and with Town Counsel in this regard. Mrs. Harris also stated that she is in favor of most of the current policies and practices of the Conservation Commission.

Dr. Huffman stated that he had worked on the Watershed Protection Subcommittee for approximately two years, principally in the flood plain area, is in general accord with the approach of the Commission, and that in his opinion the Commission is making a valuable contribution to the Town. Dr. Huffman also stated that he would prefer appointment to the Commission after September 1974 because of current business pressures.

In response to Mrs. Langmuir's suggestion that the Board and the Commission vote tonight to fill the existing vacancy on the Commission, Town Counsel ruled that as not all members of the Commission were present, the Board could not waive the notice requirement.

Selectman Powers proposed the name of Donald P. Peirce, 55 Maple Avenue as a candidate for the vacancy on the Conservation Commission and the Board directed the Executive Secretary to schedule an interview with Mr. Peirce for 7:30 p.m., on February 19th, following which a ballot will be taken, and to so notify all members of the Commission.

Article 14 - Acquire Land Bordering Bowditch and Boston Post Roads

Present: Margaret Langmuir, Olga Reed, Joseph Tratnyek, Lael Meixsell, and Eric Lind.

Mrs. Langmuir requested that Article 14 - Acquire Land Bordering Bowditch and Boston Post Roads be deleted from the Warrant for the 1974 Annual Town Meeting, and the Board requested that the Commission make their request in writing. Later in the evening the Board received a communication dated February 11, 1974, from the Commission, containing the request and signed by those members present.

Minutes

The Board voted to approve the minutes of the regular meeting and the executive session of February 4, 1974. (Selectman Powers abstained from the vote on the executive session.)

Blue Cross/Blue Shield

The Board received a communication dated January 30, 1974, from Blue Cross-Blue Shield, including a retrospective refund program for the Town of Sudbury, relative to health insurance benefits and rates.

The Executive Secretary reported that the costs for the same reflected decreases, based on Sudbury's past experience, for both the family and individual plans, would cost the Town a total of \$100,000.00 - \$110,000.00, and if the Master Medical Plan were adopted, total cost to the Town would be increased to \$130,000.00.

It was the consensus of the Board that consideration of the Master Medical plan was a matter for collective bargaining negotiations.

It was agreed to refer the above-mentioned communication to the Insurance Advisory Committee for their information and comment.

Sudbury Education Association

The Board received a communication dated January 30, 1974, from the Sudbury Education Association relative to negotiation for increased health insurance benefits for Town and school employees, which requested the Board's support for Blue Cross/Blue Shield Master Medical Plan phase of collective bargaining negotiations for Town employees.

It was agreed by the Board to refer the above-mentioned communication to Richard Murphy, Labor Relations Counsel for the Town.

Public Transportation for Local Commuters

The Board received a communication dated February 6, 1974, from Agnes P. Howell, 140 Morse Road, relative to public transportation for local commuters, which asked whether it would be possible for the Town to provide a subsidy to the Ritchie Bus Line or to make arrangements to loan them busses to handle the increase in passengers until such time as they are able to provide ample service.

The Board directed the Executive Secretary to contact Town Counsel in this regard and agreed to include the above-mentioned communication and a related communication, dated January 23, 1974, from Lamonte Griswold in discussion at the Selectmen's area meeting in Wayland on February 20th.

Buddy Dog Humane Society, Inc.

The Board received a communication dated February 6, 1974, from the Buddy Dog Humane Society, Inc., relative to their withdrawal of their site plan application.

Application for License - Entertainment - J. T. Steak House

The Board received an application from Sudbury Management Associates, Inc., d/b/a J.T.'s Steak House, which requested a change in weekly entertainment license.

The Board agreed to defer consideration of the application until further information is received from the Zoning Enforcement Agent, the site has been viewed by members of the Board, and review by Town Counsel of the statute regulating control of entertainment; i.e., dancing.

Executive Session

At 11:00 p.m., the Board on motion unanimously

VOTED: To enter into executive session for the purpose of discussing, deliberating, or voting on a matter which if made public might adversely affect the financial interest of the Town and the reputation of any person.

There being no further business to come before the Board, it was on motion unanimously

VOTED: To adjourn the meeting at 11:50 p.m.

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