

IN BOARD OF SELECTMEN  
TUESDAY, FEBRUARY 17, 1981

Present: Chairman John E. Murray and Anne W. Donald.

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:00 p.m. by Chairman John E. Murray.

Transfer Request - Fire Department Tuition Reimbursement, Account 310-81

Present: Fire Chief Josiah F. Frost.

Following a brief explanation by Fire Chief Josiah F. Frost, it was on motion by Selectman Donald unanimously

VOTED: To approve Transfer Request No. 0893, dated February 9, 1981, from the Reserve Fund to Account 310-81, Fire Department Tuition Reimbursement in the amount of \$1,960.00, to meet the earned expenses of additional firefighters attending college, additional courses taken, and the increased cost per course per semester. (The original budget for tuition reimbursement was \$1,600.)

Tax Anticipation Notes

Present: Town Treasurer Chester Hamilton.

Following a brief discussion with the Town Treasurer, it was on motion by Selectman Donald unanimously

VOTED: To approve the borrowing of \$1,500,000 in Tax Anticipation Notes to be effective March 4, 1981, and due May 15, 1981, as requested by the Town Treasurer in a communication dated February 12, 1981.

Mr. Hamilton informed the Board that this borrowing will require a significant transfer from the Reserve Fund, and that the Finance Committee is aware of this.

Revised Numbering of 1981 Annual Town Meeting Articles

It was on motion by Chairman Murray unanimously

VOTED: To confirm the revised numbering of articles for the 1981 Annual Town Meeting, required as a result of the withdrawal of former article #13, Amend Bylaws, Art. IX, VI, C,5 - Special Permit Guidelines - Site Plans, and renumbering numbers 14 through 39.

It was noted that any further articles to be withdrawn will be so marked to avoid re-numbering the articles again.

Disposition of Tax Possession Parcels

On the recommendation of the Executive Secretary it was on motion by Chairman Murray unanimously

VOTED: To place on file for the next Special or Annual Town Meeting, a February 4, 1981 communication from the Sudbury Water District, Board of Water Commissioners, relative to transferring Tax Possession Parcels 175-182 to the Water District or Conservation Commission in order to protect the water supply in the area of Well #4 on Warren Road.

Executive Secretary Richard E. Thompson referenced a telephone conversation with Beverly Sutherland of Milford, Massachusetts, on February 9, 1981, who expressed a personal interest in purchasing parcel #187, or a building lot portion of the same. The Board directed the Executive Secretary to schedule discussion of the same on a future agenda.

#### Family Health Plan

The Board signed a non-binding letter of intent, indicating the Town's intention to offer Family Health Plan, a federally qualified health maintenance organization (HMO), to employees in the future.

Executive Secretary Richard E. Thompson explained that Town Counsel's office is in the process of preparing a vote which will enable the Selectmen to offer the Harvard Community Health Plan as an alternative to Blue Cross-Blue Shield at the anniversary date of the latter plan.

#### Antique Show and Sale Permits at Wayside Inn

It was on motion by Selectman Donald unanimously

VOTED: To approve a request dated January 27, 1981, for two one-day antique show and sale permits from Stephen R. Allman of Hudson-Garfield-Allman, Jack Built Promotions, to be held at the East Field of the Wayside Inn, sponsored by the Wayside Inn Corporation and the Suburban Antiques Dealers Association, on Saturday, May 16, 1981 from 8:00 a.m. to 6:00 p.m. and Saturday, August 15, 1981, from 8:00 a.m. to 6:00 p.m., subject to approval by the Building Inspector, the Fire and Police Chiefs and the Board of Health.

#### Selectmen's Surveys and Studies Account Expenditure

It was on motion by Selectman Donald unanimously

VOTED: To authorize an expenditure of up to \$100 from the Selectmen's Surveys and Studies Account 501-81 for use by the Board of Health to distribute to the residents of Sudbury a publication dealing with the maintenance of private septic systems.

#### Workman's Compensation Insurance

It was on motion by Selectman Donald unanimously

VOTED: To authorize the Chairman to sign a letter authorizing the Massachusetts Workers' Compensation Rating and Inspection Bureau to provide the firm of Frank B. Hall & Co. of Massachusetts with Sudbury experience rating statistics, in conjunction with its research for the Massachusetts Interlocal Insurance Association, as affiliate of the Massachusetts Municipal Association.

Executive Secretary Richard E. Thompson commented that the purpose here is leading to self-insurance of Workman's Compensation by joining the Massachusetts Municipal Association sponsored Interlocal Insurance Association.

Town Counsel Paul L. Kenny added that in the Town of Danvers they are almost entirely self-insured for Workman's Compensation, and the Town has saved approximately \$450,000 over a five-year period.

Dudley Road Traffic Safety

Chairman Murray referenced a communication from the Town Engineer dated February 2, 1981, dealing with traffic safety on Dudley Road. Executive Secretary Richard E. Thompson noted that this completed the reports requested by the Board. Mr. Thompson stated that a meeting has been scheduled for Tuesday, March 10, 1981, in the lower Town Hall, and that a long list of abutters had been prepared, and they will be so notified of the meeting, along with the appropriate Town officials and utility companies, as previously requested by the Board.

Meeting Change

On the recommendation of the Executive Secretary, it was on motion by Chairman Murray unanimously

VOTED: To reschedule the Board of Selectmen's meeting of Monday, March 2, to Tuesday, March 3, subject to Selectman Cossart's approval, in order to accommodate the Board of Assessors, who are in the process of holding a series of Monday night tax-related hearings, to discuss jointly with the Assessors the Conservation Commission and the Planning Board at the latter's request, the tax determination for open space, and possible increased development.

Utility Petitions 81-1 and 81-2, Landham Road

Present: Robert L. Blake, Boston Edison Company; Peter H. Anderson, 113 Landham Rd.; and Robert Wild, 121 Landham Road.

In conformity with General Laws, Chapter 166, Sections 21 and 22, the Board considered the following Utility Petitions:

- Utility Petition #81-1 of Boston Edison Company and New England Telephone and Telegraph Company for poles to be altered so that hereafter said poles shall be located, substantially as shown on the plan on file with said petition for alteration in the location, upon, along and across the following public way or ways of said Town:

- Landham Road, northwesterly side from a point approximately 747 feet northeast of Pelham Island Road, Eight (8), poles, Guy Wires and Anchors on the 1st, 2nd, 3rd, 4th, 5th and 8th poles. (Thirteen (13) existing J.O.Poles to be removed.)
- Landham Road, easterly side, from a point approximately 172 feet north of Pelham Island Road, Three (3) poles, Guy Wires and Anchors on the 1st and 3rd poles, (Seven (7) existing J.O.Poles to be removed.)

- Landham Road, westerly side opposite Pelham Island Road, One (1) pole, One (1) Guy Wire Anchor.  
(One (1) existing J.O. Pole to be removed.)
- Landham Road, easterly side from a point approximately 138 feet south of Pelham Island Road, Two (2) poles, Guy Wires and Anchor on the 1st pole.  
(Four (4) existing J.O. Poles to be removed.)
- Landham Road, northwesterly side opposite Blackmer Road, One (1) pole, One Guy Wire and Anchor.
- Landham Road, southeasterly side from a point approximately 142 feet southwest of Blackmer Road, Three (3) poles, Guy Wires and Anchors on the 1st and 3rd poles.  
(Six (6) existing J.O. Poles to be removed.)
- Landham Road, westerly side from a point approximately 560 feet south of Woodside Road, Three (3) poles, Guy Wire and Anchor on the 1st pole.  
(Six (6) existing J.O. Poles to be removed.)
- Landham Road, easterly side from a point approximately 156 feet south of Stock Farm Road, Twelve (12) poles, Guy Wire and Anchors on the 1st, 5th, 8th, 9th, 10th, and 12th poles.  
(Seventeen (17) existing J.O. Poles to be removed.)
- Utility Petition #81-2 of Boston Edison Company for permission to lay and maintain a location for, such a line of conduits and manholes with the necessary wires and cables therein, under the following public way of the Town:
  - Landham Road, approximately 520 feet north of Stock Farm Road, a distance of about 116 feet - Conduit.

Executive Secretary Richard E. Thompson reported that all appropriate Town officials and abutters had been notified and that favorable reports had been received from the Building Inspector, dated February 5, and from the Wiring Inspector, dated February 3 and February 4.

During discussion, abutter Peter Anderson expressed his concern regarding the proximity of 8-10 poles within 5' to the edge of the road. Mr. Blake of Boston Edison stated that placement of the poles is done in conjunction with the Town Engineer.

Mr. Blake explained that the utility poles had been installed to expedite construction on Landham Road but that Boston Edison will be willing to re-locate one or two poles if there are strong objections to their present location.

Mr. Anderson stated that there have been some accidents on Landham Road as a result of the poles being too close to the edge of the road.

Mr. Blake stated that he would appreciate having the Selectmen's approval for the pole locations listed in UP81-1 and 81-2 at this time, so that Boston Edison would have a grant of location in case of accidents involving utility poles.

The Selectmen directed the Executive Secretary to request a report from the Town Engineer regarding the above petitions (pole locations); said report to be reviewed by the Selectmen and forwarded to Mr. Anderson.

At the conclusion of discussion it was on motion unanimously

VOTED: To approve Utility Petition 81-1 of Boston Edison Company and New England Telephone and Telegraph Company, as described above and as shown on a plan entitled, "Plan of Private Property and Landham Rd., Sudbury, Showing proposed pole relocation and removals, guy wires and anchors", dated July 17, 1980, and Utility Petition 81-2 of Boston Edison Company, as described above and as shown on a plan entitled, "Plan of Landham Rd., Sudbury, Showing proposed Conduit location", dated July 16, 1980.

Appointment - Personnel Board

The question of making an appointment to fill the vacancy on the Personnel Board for a term to expire April 30, 1981, replacing Dolores Mealey, was tabled until a full Board could be present.

Appointment - Council on Aging

On the recommendation of Paul J. Leahy, Chairman of the Council on Aging, dated January 26, 1981, it was on motion by Selectman Donald unanimously

VOTED: To appoint Elizabeth J. Nikula, 25 Marlboro Road, to the Council on Aging, replacing Barbara Bortle, for a term to expire April 30, 1983.

Resolution - Congressman Father Robert F. Drinan

Chairman Murray acknowledged the service of Congressman Father Robert F. Drinan as a member of the U.S. House of Representatives for the past ten years, with a resolution by the Board of Selectmen, which Chairman Murray stated he would present to Father Drinan at a reception to be held by the Town Democratic Committee on Friday, February 27th.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular and Executive Sessions of February 2, 1981, as drafted.

And it was further

VOTED: To make public the votes taken in the February 2, 1981, Executive Session relative to salaries for the individually-rated personnel and the Town Engineer.

Current Items of Interest

Grace Keane - Oldest Sudbury Resident

Mr. Thompson conveyed a message from Margaret Magnuson that Mrs. Grace Keane of Sudbury Pines Nursing Home will be celebrating her 99th birthday next week. She is the oldest Sudbury resident. The Selectmen directed the Executive Secretary to honor Mrs. Keane with a card and gift from the Selectmen. The Selectmen expressed an interest in visiting Mrs. Keane as well.

Communication to Personnel Board

The Board approved a drafted letter (dated February 3, 1981) to the Personnel Board relative to individually-rated positions and non-union personnel, and directed the Executive Secretary to forward the same on its behalf.

Town of Sudbury MBTA Assessment

The Board signed a February 17, 1981, communication to Chairman Barry M. Locke of the Massachusetts Bay Transportation Authority relative to the Town of Sudbury MBTA Assessment, requesting information verifying the determination of the Town's assessment.

Hydrant Rental

The Board acknowledged receipt of a communication dated January 28, 1981, from the Sudbury Water District relative to Hydrant Rental.

Massachusetts Municipal Association (MMA) Sixth Annual Legislative Conference

Mr. Thompson informed the Board of the Sixth Annual Legislative Conference of the MMA to be held Saturday, March 7, the theme of which will be the "Lean Years for Local Government".

Later in the evening the following Current Items of Interest were discussed:

Article 1 - 1981 Annual Town Meeting

Mr. Thompson asked the Board to begin considering the customary honorary speaker to read Article 1 at the 1981 Annual Town Meeting.

Dog Pound

Mr. Thompson stated that he filed a renewal application with the Board of Appeals for the Dog Pound. The present Dog Pound permit expires March 1.

Vana Development

Mr. Thompson informed the Board of a meeting to be held February 19, at 10:00 a.m. in the Flynn Building (Finance Committee room) with the DEQE and the State Department of Public Works, relative to the Vana curb cut application for the development (shopping center) on Boston Post Road.

Meeting with U.S. Representative Barney Frank

Mr. Thompson notified the Board that Barney Frank's office had called to inquire if the Selectmen would like to meet with Representative Frank on Friday, February 20, when Mr. Frank will be in Sudbury. The suggested time was 1:00 p.m. The Selectmen expressed an interest in meeting with him at the Loring Parsonage at that time. Mr. Thompson stated that he would so inform Selectman Cossart.

Chairman Murray recessed the meeting at 8:00 p.m.; the meeting was called back to order at 8:10 p.m.

Article 28 - Landfill Cover Material

Present: Robert A. Noyes, Highway Surveyor; James V. Merloni, Town Engineer; and Milton D. Bartlett, Water District Commissioner.

Executive Secretary Richard E. Thompson reviewed that the Board had met with the Highway Surveyor on January 5th to discuss 1981 Annual Town Meeting Articles, which included Article 28, Landfill Cover Material, in the amount of \$52,000.

At that time, some discussion focussed on the potential gravel site(s) on Town-owned land, especially one on North Road, in view of the fact that, if the Landfill is in existence for the next ten years, the Town Meeting funding for the same would be minimal.

Subsequent to that meeting the Board was in receipt of a February 6, 1981, report on the North Road site from the Town Engineer with an attached plan entitled, "Plan Showing a Potential Gravel Pit Site", dated February 6, 1981. The site, approximately 6.87 acres with frontage on North Road, is owned by the Sudbury Water District.

Town Engineer James V. Merloni paraphrased his report, explaining the location and elevations (including water levels) of the site from an engineering standpoint and gave an explanation of the various soil contents on the property, concluding with the recommendation that the North Road site would provide a "plentiful supply of intermediate cover material for our Landfill".

Mr. Noyes stated that the cost for cover material is \$2.25 per cubic yard, and that, by using our own gravel site including the cost of an operator, the cost would be approximately \$1.35-1.40 per cubic yard.

Water District Commissioner Milton D. Bartlett gave some background on the property and the development of a reserve well on a portion of the land, commenting that this puts the property under the watchful eye of the State. Mr. Bartlett further commented that there is good quality gravel on the site.

Responding to Mr. Bartlett, Mr. Merloni stated that his estimations/recommendations were based on available data - the Motts Study and the U.S. Department of Agriculture Soil Conservation Service report done in cooperation with the Middlesex Conservation District (see his report dated February 6, 1981).

Mr. Bartlett stated that the Water District has not taken any formal action regarding the use of the property. He suggested that the engineer they are working with on the Barton Land might be able to look at the North Road site next week when he meets with the District on the Barton Land. Mr. Bartlett commented that the Barton Land has a certain amount of gravel as well as the Pratts Mill Road area; the well site located on Nobscot Road also has some gravel. Mr. Bartlett stated that the North Road property if excavated would have to meet conditions imposed by the State since a Town well is in the same immediate area. Later in the discussion Mr. Thompson stated that he had spoken to the Town Engineer, who indicated to him that the well on the North Road is inactive. Mr. Bartlett responded that the Water District pumps that well as a reserve well. It is located on the South side of Route 117. Mr. Thompson further stated that the Town Engineer had informed him that we could stay outside the 400' limitation and still accomplish the excavation planned on the site for cover material purposes. (Mr. Merloni showed the plan to Mr. Bartlett.)

Highway Surveyor Robert A. Noyes mentioned certain other areas in Town, Town-owned land, where there were possibilities of getting gravel or other ground cover for use at the Landfill. Chairman Murray requested Mr. Noyes to submit to the Selectmen a list of potential gravel sites for further consideration/discussion. Chairman Murray also stated that it is important to find out what the State has to say about the use of the property as a gravel pit.

Mr. Bartlett stated his opinion that a resolution should be presented at the Water District's upcoming Annual Meeting informing the public of the possibility that the District may be turning property/gravel over to the Town. The Selectmen concurred. Mr. Bartlett suggested a long-range plan be prepared on the issue, in conjunction with the Board of Selectmen.

Responding to the Selectmen, the Town Engineer stated that cover material can be anything that doesn't contain organic material.

There being no further discussion Chairman Murray thanked Mr. Merloni, Mr. Noyes and Mr. Bartlett for their attention in this matter.

Finalizing Reports and Article Wording for Warrant

Following discussion it was on motion unanimously

VOTED: To approve the reports for the following Selectmen's 1981 Annual Town Meeting articles for the Warrant:

- # 4 Temporary Borrowing
- 10 Amend Minuteman Regional Agreement - Election
- 12 Accept G. L., c. 44, s. 65 - Vacation Pay Advance
- 15 Amend Bylaws, Art. XV - Building Code/Fees
- 16 Amend Bylaws, Art. IX, V, A - Special Regulations - Temporary Trailers
- 18 Accept New \$4,000 Bid Regulations
- 21 Street Acceptances
- 36 Levy Limit/Proposition 2½ Override
- 37 Appropriations Limit
- 38 Use of Free Cash

and it was further

VOTED: To approve the report and article wording for the following Selectmen's 1981 Annual Town Meeting articles for the Warrant:

- #17 Amend Bylaws, Art. V, 3 - Public Safety - Dog Fines
- 25 Actuarial Study - Retirement Pension

and it was further

VOTED: To re-address the following Selectmen's reports and article wording for the 1981 Annual Town Meeting articles for the Warrant:

- #14 Amend Bylaws, Art. IX, I, B - Basic Requirements - Municipal Exemptions (report only)
- 22 Street Acceptance - East Street (finalize article; write and approve report)
- 27 Secretarial Pool - \$20,000 (report only)

and it was further

VOTED: To approve the Selectmen's report for the following 1981 Annual Town Meeting article for the Warrant:

- # 8 Amend Bylaws, Art. IX, IV - Cluster Development Provision

All of the above votes are subject to Selectmen Cossart's concurrence/comments:

Executive Secretary Richard E. Thompson noted the following:

- a communication dated February 17 from the Highway Surveyor relative to article #22, Street Acceptance, East Street;

- article 33, L-S Playing Fields, has been withdrawn by the Lincoln-Sudbury Regional School District Committee.

The Board concurred to postpone taking any action relative to designating Selectmen for speaking assignments on articles until Selectman Cossart can be present.

Transfer Request - Police Department Equipment Purchase, Acct. 320-51

Following discussion it was a consensus to table any action relative to Transfer Request #0894 dated February 17, 1981, from the Reserve Fund to Police Equipment Purchase, Acct. 320-51, until after the Selectmen have met with the Finance Committee to discuss priorities under Proposition 2½ for available unallocated funds.

Appointment - Auxiliary Police Officer

On the recommendation of the Police Chief and the Civil Defense Director, dated February 10, 1981, it was on motion by Selectman Donald unanimously

VOTED: To appoint Renaud Collin, 26 Alta Road, as an Auxiliary Police Officer.

Petition Article - 1981 Annual Town Meeting

The Board accepted a petition article relative to re-abatement to Estelle V. Simon for the 1981 Annual Town Meeting, the signatures having been verified by the Sudbury Board of Registrars under date of February 9, 1981, and it was on motion unanimously

VOTED: To number said petition article, number 33, formerly L-S Playing Fields, which had been withdrawn.

Executive Secretary Richard E. Thompson referenced a February 12, 1981, communication to Mrs. Estelle Vee Simon from the Board of Assessors responding to the petition article.

Groundwater Testing at Sanitary Landfill

Executive Secretary Richard E. Thompson stated that at the request of the Board he had requested from the Board of Health information relative to groundwater testing to monitor possible Sanitary Landfill leacheates and received a communication, dated February 6, 1981, from them informing the Board that they are monitoring the wells and will be retesting in April and will so inform the Board.

Brimstone Lane/Article 7, Water District Warrant

The Board acknowledged receipt of a petition dated February 11, 1981, from area residents of Brimstone Lane relative to Article 7 in the Water District Annual Meeting Warrant.

Executive Secretary Richard E. Thompson informed the Board that, according to Selectman Cossart, the residents were planning to withdraw the petition, and that their concerns had been addressed after discussion with Selectman Cossart last Friday evening (February 13th).

Budget Offsets

Following a brief discussion, it was on motion by Chairman Murray unanimously

VOTED: To approve the recommendations of the Town Accountant dated February 11, 1981, for budget offsets for FY 1981-82, subject to Selectman Cossart's comments.

Handicapped Parking

On the question of defining parking areas reserved for the handicapped as restricted areas for enforcement purposes, it was on motion by Selectman Donald unanimously

VOTED: That the Traffic Rules and Orders of the Town of Sudbury, adopted by the Board of Selectmen on September 12, 1941, and subsequent amendments thereto, be and are hereby further amended as follows:

- By adding in Article V, PARKING, in Section 1., GENERAL PROHIBITIONS, the following:

"(1) Within a parking area posted as reserved for handicapped parking on or within any public way or place to which the public has a right of access, unless such vehicle bears the distinctive number plates authorized by section two of Chapter ninety, General Laws, for a disabled veteran or handicapped person,"

March Town Fathers Forum

It was on motion by Chairman Murray unanimously

VOTED: To cancel the March Town Fathers Forum.

Minutes

It was on motion by Selectman Donald unanimously

VOTED: To approve the transcript of the January 26, 1981, Town Fathers Forum as amended.

There being no further business to come before the Board, the meeting was adjourned at 9:15 p.m.

Attest: \_\_\_\_\_

Richard E. Thompson  
Executive Secretary-Clerk