

IN BOARD OF SELECTMEN
MONDAY, MARCH 9, 1981

Present: Chairman John E. Murray, Anne W. Donald (arrived late) and William J. Cossart.

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.

Public Hearing - Federal Revenue Sharing Funds

Chairman Murray convened a public hearing: Proposed use of Federal Revenue Sharing Funds for Fiscal Year July 1, 1981 - June 30, 1982.

Executive Secretary Richard E. Thompson explained that in the past Federal Revenue Sharing Funds have been mostly used to offset Police and Fire salaries. This year's expectation of \$160,000 however, projects a reduction of approximately \$25,000-30,000 due to Proposition 2 1/2 legislation. Mr. Thompson stated that the second of two Public Hearings on this subject will be held on March 23, 1981.

Transfer Request - Building Vehicle Maintenance, Account 340-31

Following a brief discussion, during which Chairman Murray suggested that the Building Inspector be advised to make allowances for increasing costs in the area of vehicle maintenance in his next year's budget, it was on motion by Selectman Cossart unanimously

VOTED: To approve Transfer Request No. 1003, dated March 3, 1981, from the Reserve Fund to Building Vehicle Maintenance, Account 340-31, in the amount of \$540 to pay for gasoline and maintenance of the building department vehicle through the current fiscal year, ending June 30, 1981.

Later in the evening when the Building Inspector was present, Chairman Murray questioned him about increasing his budget next year, and the Building Inspector responded that he feels he has adequate figures in this account for Fiscal 1982.

Accept Town Donation(s)

Upon receipt from the Goodnow Library Trustees of a communication dated February 13, 1981, from John C. Powers and Jean N. Alley, Co-Executors of the Estate of Paul Whitney Rhoades, it was on motion by Selectman Cossart unanimously

VOTED: To accept, as co-trustees of Town donations under the provisions of Chapter 180 of the Acts of 1911, a bequest from Paul Whitney Rhoades of \$3,027.10, to "The Trustees of the Goodnow Public Library, or their legal successors, the income only to be used for the purchase of books relating to landscape architecture, horticulture, gardening and floriculture. Said fund is to be known as the Paul Whitney Rhoades and Caroline Pree Rhoades Memorial Fund."

The Selectmen directed the Executive Secretary to request a copy of that portion of the will of the Estate of Paul Whitney Rhoades pertaining to the Town's bequest from Atty. Powers.

Auctioneer License

Following a brief discussion it was on motion by Selectman Cossart unanimously

VOTED: To grant an auctioneer license to J. David Coccoli, 22 Hadley Road, Sudbury, Massachusetts, as requested by Mr. Coccoli under date of February 27, 1981.

Proposed Base Flood Elevations for Sudbury

The Board acknowledged receipt of material provided in a communication dated February 24, 1981, from the Federal Emergency Management Agency relative to the proposed base flood elevations prepared under the National Flood Insurance Act of 1968 and the appeals process to dispute the same.

The Executive Secretary reported that the Town Engineer had reviewed the report, which included material previously received, and concurred with the report and elevations.

(Selectman Donald arrived.)

Town Bounds

The Board reviewed a communication dated March 3, 1981, from the Town Engineer relative to the replacement of two missing Town bounds, one on the Sudbury/Maynard Town line, and the other on the Marlboro/Hudson/Sudbury Town line, and directed the Executive Secretary to forward a copy of the same to the mutual Towns asking their participation in sharing the expense of the replacements.

Amendment to Traffic Rules and Orders

Following review of communications from Cynthia L. O'Connell and Juvenile/Safety Officer William B. Carroll, dated February 17 and 19 respectively, relative to the placement of a stop sign at the intersection of Pratts Mill Road and Dutton Road, it was on motion by Chairman Murray 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 at the end of Section 8 in Article VII, OBEDIENCE TO ISOLATED STOP SIGNS, the following location:

"Northwestbound drivers on Pratts Mill Road at Dutton Road".

And it was further on motion by Selectman Donald unanimously

VOTED: To authorize the Chairman of the Board to sign the application to the Department of Public Works for approval.

Wayland/Sudbury Septage Disposal Facility

In reviewing the Building Inspector's letter of February 26, 1981, to the Chairman of the Wayland/Sudbury Septage Disposal Facility, Operational Review Committee, the following was determined/discussed:

- the requirement of a building permit and/or the building permit fee could be waived by the Building Inspector;
- a zoning variance or special permit would be required from the Board of Appeals; and
- an informal site plan approval could be required by the Selectmen.

The Selectmen directed the Executive Secretary to refer the Building Inspector's letter to Town Counsel for comment/recommendations.

Water District Resolution

The Board acknowledged receipt of a resolution approved by the Water District Annual Meeting authorizing the removal of gravel and sand from District land located off Route 117 for Landfill use.

The Board expressed an interest in proceeding to the State for approval as soon as possible and directed the Executive Secretary to request the Town Engineer and the Highway Surveyor to give priority to this project.

Site Plan Application #81-229 Methods Machine Tools, Inc., Union Avenue

Present: Clement L. McIver, Jr., Vice President, Methods; Carlton B. Colburn, Jr., President, Colburn Engineering, Inc.; Joan C. Irish, Conservation Commission; and Joseph E. Scammon, Building Inspector (arrived late).

In accordance with Article IX, Section V, Paragraph A of the Sudbury Bylaws, the Board considered Site Plan Application #81-229 of Methods Machine Tools, Inc., for property located at 65 Union Avenue and owned by Milton Bartlett, for the purpose of constructing a warehouse.

Executive Secretary Richard E. Thompson reported that all appropriate abutters and Town officials had been notified, and that the following communications/reports had been received:

- from the Planning Board, dated February 26, 1981, recommending approval;
- from the Conservation Commission, dated February 11, 1981, determining that a Wetlands Protection Act hearing will be required;
- from the Sign Review Board, dated February 27, 1981, indicating no recommendation at this time;
- from the Building Inspector, dated February 6, 1981, recommending tentative approval, and a subsequent report, dated March 9, 1981, indicating that the site plan complies with applicable zoning bylaws with the exception of the frontage requirement. (The frontage requirement was changed from "none" to 50 feet at the 1980 Annual Town Meeting.);

- from the Board of Health, dated March 4, 1981, approving drainage and suitability of soil for the septic disposal system; and

- from the Town Engineer, dated February 26, 1981, recommending conditional approval.

While looking at a plan of the site, Mr. Carlton B. Colburn, Jr. of Colburn Engineering explained the site plan application for construction of a 65,000 square foot warehouse on a site of 6.6 acres to be constructed in two phases, accessing the same with a thirty foot paved road off Union Avenue to the side of the existing building. The drainage was briefly explained with the conclusion that it would be constructed to reduce the amount of water running downstream. Responding to Chairman Murray, Mr. Colburn stated that the warehouse would be for their own use, not for rental purposes.

There was some discussion regarding the Town Engineer's report of February 26, 1981. Of the conditions listed on the report, the following remained to be resolved: 1) there is a "right-of-way" across the Macot Realty Trust property; Methods is proposing that the road/driveway be moved within the right-of-way to an off-center position; 2) a variance from the Board of Appeals for insufficient frontage is required; and 3) a Wetlands Protection Act hearing is required.

Following further discussion, it was on motion by Selectman Cossart unanimously VOTED: To approve Site Plan #81-229 of Methods Machine Tools, Inc., Milton Bartlett, property owner, for property located at 65 Union Avenue, for the purpose of constructing a warehouse, as shown on a plan entitled, "Proposed Site Plan in Sudbury, Mass.", dated January 21, 1981, subject to compliance with the above-noted Town official communications, in particular the Town Engineer's report dated February 26, 1981.

Outplacement Assistance Program

The Board acknowledged receipt of a communication dated February 27, 1981, from the Division of Employment Security informing the Town of a new program, Outplacement Assistance Program, to assist municipalities in helping terminated workers to find employment in private industry, and directed the Executive Secretary to forward a copy of the same to Town Accountant John H. Wilson for proper action regarding the "Separation Notice" (see Job Insurance Centers section attached to above-mentioned communication).

Earth Week

It was on motion unanimously

VOTED: To sign a proclamation declaring May 2 - May 10 as Sudbury Earth Week and designated May 2 for the Town Roadside Cleanup.

Sale of Alcoholic Beverages During Town Election

It was on motion unanimously

VOTED: To allow the sale of alcoholic beverages by common victuallers and retail package goods stores during the polling hours of the Town Election on March 30, 1981, in accordance with G. L. Ch. 138, sec. 33.

Signing of Warrant

It was on motion by Selectman Murray unanimously

VOTED: To confirm the signing of the 1981 Annual Town Meeting Warrant on March 2, 1981.

(Re)scheduling Meetings

It was on motion by Selectman Donald unanimously

VOTED: To reschedule the regular meeting of March 30 to April 1, 1981, due to the Annual Town Election on March 30, and to schedule meetings at 7:00 p.m. each night of the Town Meeting at the Lincoln-Sudbury Regional High School library.

Current Items of Interest (continued later in the evening)

Resignation

Chairman Murray announced that Joseph Slomski is resigning from the Finance Committee and publicly thanked him for his service on that Board. Chairman Murray proposed that Mr. Slomski be the honorary speaker to read Article 1 of the 1981 Annual Town Meeting. It was noted that Linda Glass (former Finance Committee member) will be filling out Mr. Slomski's term on the Finance Committee. The Board directed the Executive Secretary to prepare a letter of appreciation to Mr. Slomski for its signature.

Taylor Rental Center

Present: Walter Bergeron, Gadbois, Toone & Bergeron, Attys., representing Taylor Rental; Normand G. Martel, Taylor Rental; and Joseph E. Scammon, Building Inspector.

Chairman Murray welcomed Mr. Normand G. Martel of Taylor Rental Center, and his attorney, Walter Bergeron, to discuss, at Mr. Martel's request, a cease and desist order, dated February 23, 1981, from the Building Inspector.

Atty. Bergeron referenced the Building Inspector's letter of February 23 and addressed the two items of concern in that letter as follows:

1) Relative to a portable sign with flashing lights parked near the street line in violation of the Town bylaw, Atty. Bergeron stated that the sign had been placed in that location as part of their display of rental equipment. As such, it had also been used to advertise the store, and the flashing lights had been used. The lights are no longer used and the sign is now simply there for display purposes. In that capacity, Assistant Town Counsel Thomas M. French stated, the sign would be permissible.

2) Relative to the parking of rental trucks on the premises in violation of site plan approval on July 9, 1979, and June 25, 1979, (see minutes of both dates), Atty. Bergeron stated that it was Mr. Martel's and Atty. Gadbois' impression at the time of the site plan approval that the parking of rental trucks (and the display of equipment) outside the establishment during business

hours was permissible under the terms of the site plan approval. The trucks and equipment would be stored in the garage in the evenings and on weekends. This, Atty. Bergeron stated, was the area needing clarification, and one of the reasons for requesting this meeting tonight.

Mr. French stated that he had reviewed the conditions of the site plan, and that it had been specified that there was to be no exterior parking of rental trucks at any time, especially because of the concerns of the abutters, represented by Atty. Edward A. Sokoloff.

Atty. Bergeron added that his client would like to apply for a special permit in the near future so that he will be able to make his rental trucks visible, but that in the meantime, Mr. Martel will comply with the provisions of the previous site plan approval.

Mr. French concurred with the Selectmen's advice that Atty. Bergeron work with Atty. Sokoloff on the Agreement of Judgement (Superior Court, Civil Action 76-1117) before applying for a change in the site plan, since this is the document which ultimately limits the exterior parking of rental trucks.

Mr. French reviewed that the sign in question being used on the front property line for display purposes only cannot have the lights turned on; that the equipment display area cannot exceed 10% of the building area, and that Atty. Bergeron should proceed with Atty. Sokoloff, on behalf of Mr. Martel, relative to a change in the provisions of the present court judgment, noted above, to allow exterior parking of rental trucks. The Board was in concurrence.

Chairman Murray thanked Mr. Martel, his attorney and Town officials for their attendance.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular Session of February 17, 1981, and the Special Session of February 28, 1981, as drafted, and the minutes of the Regular Meeting of February 23, 1981, and the Town Fathers Forum of February 23, 1981, as amended.

Current Items of Interest

Finance Committee Meeting

There was some discussion regarding the Finance Committee's upcoming meeting on the 19th (March) relative to Chairman Murray's letter dated March 4, 1981, to Chairman Slomski concerning Proposition 2½ and unallocated funds. The Board will try to be in attendance.

Massachusetts Municipal Association (MMA) Sixth Annual Legislative Conference

Selectman Cossart briefly related his reaction to talks by Senator Kennedy and Governor King at the MMA Sixth Annual Legislative Conference, held Saturday, March 7.

Metropolitan Boston Transit Authority (MBTA)

Selectman Donald updated the Board on a meeting relative to the MBTA assessments, a meeting which she had attended last week in Wayland.

Brimstone Lane

At the suggestion of Selectman Cossart, the Executive Secretary was directed to contact the Sudbury Water District, asking them to keep the Selectmen aware of what is going on in the Brimstone Lane Area. The Selectmen can in turn keep the abutters alerted.

Automatic 20-mile-per-hour sign, Concord Road

The Board expressed an interest in resolving the anticipated problem of crossing school children at the Noyes School next year, when there is a larger number of children walking to school. The Board directed the Executive Secretary to inform them of Officer Carroll's response to the Executive Secretary's letter of February 24th on the same.

Village Green

The Board discussed the situation regarding the clearing of land behind Village Green, owned by Mr. Griswald, following which the Executive Secretary was directed to secure a plot plan from the Town Engineer showing proposed Village Green expansion onto the Griswald property and necessary bylaw requirements related thereto.

March 17 Luncheon

The Executive Secretary informed the Board of an invitation to attend a luncheon, sponsored by the Council on Aging, to be held Tuesday, March 17, at noon at Ames Hall, Congregational Church. Selectman Donald stated that she would be able to attend.

Station WYAJ Broadcast - 1981 Annual Town Meeting

The Board directed the Executive Secretary to forward a letter from Frederick G. Walker, Station Manager, WYAJ, asking for permission to broadcast the 1981 Annual Town Meeting, to the Town Moderator, J. Owen Todd, and to inform Mr. Walker of the Board's agreement, advising him, however, to consult with the Moderator.

Speaking Assignments for 1981 Annual Town Meeting

During discussion speaking assignments were determined for the majority of the articles for the 1981 Annual Town Meeting for the Board.

It was on motion by Chairman Murray unanimously

VOTED: To support 1981 Annual Town Meeting Article 39 - Park and Recreation Revolving Fund (petition).

Executive Session

At 9:20 p.m. it was on motion by roll call

VOTED: To enter into Executive Session for the purpose of discussing collective bargaining, where open discussion of the same may have a detrimental effect.

(Roll call vote: Chairman Murray, in favor; Selectman Donald, in favor; Selectman Cossart, in favor.)

Chairman Murray announced that Open Session would not reconvene following the Executive Session.

There being no further business to come before the Board, the meeting was adjourned at 9:45 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk