

IN BOARD OF SELECTMEN
MONDAY, NOVEMBER 16, 1981

Present: Chairman Anne W. Donald, William J. Cossart and John E. Murray,
(arrived at 8:30 p.m.).

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:30 p.m. by Chairman Donald.

Change of Manager - 99 West, Inc.

Present: David W. Jacobs, Manager of "99".

Executive Secretary Richard E. Thompson advised the Board that a petition for change of manager to David W. Jacobs, dated November 1, 1981, and Mr. Jacobs' U. S. birth certificate, had been received by the Selectmen's office. Mr. Thompson stated that the office was also in receipt of a favorable report from the Office of Probation, dated November 3, 1981, and a communication from 99's General Manager, Peter A. Huber, dated November 5, 1981, naming Mr. Jacobs as the new manager by vote of the Corporate Executives. Selectman Cossart directed the Executive Secretary to request a letter from the "99" changing the wording in their November 5 letter from "corporate executives" to officers or directors.

Responding to Selectman Cossart, Mr. Jacobs stated that he has lived in Sudbury for 21 years and has worked at the 99 for 2 1/2 years.

Also responding to Selectman Cossart, Mr. Jacobs stated that he is familiar with the Alcoholic Beverages Control Commission booklet. Mr. Jacobs further stated that the 99's rules and regulations are probably more strict than those of the Town insofar as selling to minors, hours of operation, etc., and indicated to the Board that he would continue to maintain the high standards established at the "99". Mr. Cossart referenced for Mr. Jacobs the Selectmen's letter to all liquor license holders stressing their (the Selectmen's) insistence that all laws, especially identification checking and no selling to minors, be adhered to.

At the conclusion of discussion, it was on motion by Chairman Donald unanimously

VOTED: To approve the petition for change of manager of 99 West, Inc., d/b/a "99", 694-8 Boston Post Road, Sudbury, to David W. Jacobs, subject to approval of the Alcoholic Beverages Control Commission, in accordance with G. L. Chapter 138.

Bids for Printing 1981 Annual Town Report and 1981 Town Meeting Proceedings

Following review and discussion of a list of bids for printing the 1981 Town Report and Proceedings, received at the bid opening on November 4, 1981, and on the recommendation of the Town Report Preparation Committee, dated November 13, 1981, it was on motion by Selectman Cossart unanimously

VOTED: To accept the bid dated October 12, 1981, submitted by the Rene Press, Inc., of Fitchburg, Massachusetts, for printing the 1981 Annual Town Report, at a cost of \$31 per page, which includes typesetting of all pages, galley proofs, paste-up and binding side-stitched with wrap-around glued cover, in accordance with the Town's specifications dated October 12, 1981;

and it was further

VOTED: To accept the bid dated October 12, 1981, submitted by The Rene Press, Inc., of Fitchburg, Massachusetts, for printing the 1981 Town Meeting Proceedings at a cost of \$6.70 per page, in accordance with the Town's specifications dated October 12, 1981.

Middlesex County Budget

On the recommendation of Chairman Donald, it was on motion unanimously

VOTED: To direct the Executive Secretary to send a letter on behalf of the Board urging Senator Pollard, Chairman of the Senate Committee on Counties, to release this year's Middlesex County Budget for action by the Senate, as requested in a communication, dated November 5, 1981, from Chairman Thordore D. Mann and Budget Chairman John W. Agnew of the Middlesex County Advisory Board.

Purchase and Sale Agreement - Barton Land

Present: Chairman Joan C. Irish and H. Rebecca Ritchie, Conservation Commission; Wesley T. Ward, Assistant Director, Massachusetts Farm and Conservation Lands Trust; and Creighton Hamill, developer.

Chairman Donald opened discussion on the question of executing a Purchase and Sale Agreement for the purchase by the Town of approximately 15 acres of land (Barton Property) from the Massachusetts Farm and Conservation Lands Trust, in the amount of \$110,000, as authorized by Article 30 of the 1981 Annual Town Meeting. The agreement provides for the grant by the Trust of an agricultural preservation restriction to the Town to be held jointly with the Commonwealth of Massachusetts on approximately 21 acres of land.

Following introduction by Conservation Commission member H. Rebecca Ritchie, Wesley T. Ward, Assistant Director The Massachusetts Farm and Conservation Lands Trust, provided background information on this project. Mr. Ward illustrated the Trust's plans by displaying two maps - one showing parcels designated as Barton I and Barton II, in which the Town has interest under ATM81 Articles 30 and 29 respectively; and another showing a parcel designated as Barton III, which is being developed as a subdivision by Creighton Hamill.

Mr. Ward stated that extensive time was spent in negotiating these parcels, and that the Trust now has a signed contract with Creighton Hamill for limited development of Parcels I and II - approximately 12 lots.

Mr. Ward explained that one of the lots - an over-sized house lot, which includes the Barton barns and outbuildings - would also be sold to Creighton Hamill for development. Mr. Hamill has committed himself to the extensive restoration of the existing barns on that lot. Mr. Ward stated that they are now in the process of discussing the mechanics of the historic preservation restrictions on the barns and most of the outbuildings with a local group, the Sudbury branch of the Sudbury Valley Trustees, for permanent future enforcement of the same.

Mr. Ward explained that this much development was necessary in order to pay for the land. Within the Barton I and Barton II parcels are two parcels of agricultural land - one containing 17.8 acres, and the other containing 21 acres, on which The Massachusetts Farm and Conservation Lands Trust plans to grant agricultural preservation restrictions with the Commonwealth and the Town of Sudbury, as co-holders.

Mr. Ward showed the location of the approximately 15 acres of land to be purchased by the Town of Sudbury, explaining that the map(s) had not been finalized and that a perimeter survey is in progress, which, when completed, would alter certain boundaries, but the changes would not affect the Town's fifteen acres.

Responding to Selectman Cossart, Mr. Ward stated that all of the previously mentioned lots to be developed, and others, had been officially perc tested for appraisal purposes and witnessed by Mr. Sullivan of the Board of Health. Local subdivision regulations would apply to the 6-7 lot subdivision off Woodmere Drive.

Also, responding to Selectman Cossart, Ms. Ritchie stated that she was open to suggestions as to how to inform the residents of Sudbury why it became necessary to develop approximately 13 lots rather than the initial 6, presented at Town Meeting. Ms. Ritchie asked that the press assist her in an effort to explain that the additional development was because of financial necessity, not choice.

Mr. Ward added that the net result is actually that only half of the possible total number of lots, which were "perked" for appraisal purposes will be built upon; thus it is still not the intent to develop this land to its maximum.

Selectman Cossart again commended the efforts of Ms. Ritchie and the Conservation Commission, The Massachusetts Farm and Conservation Trust, and Mr. Creighton Hamill for their combined effort for the common good of the Town.

Ms. Ritchie expressed her appreciation to The Massachusetts Farm and Conservation Lands Trust. Mr. Ward commented that it was a very enjoyable experience, especially because of the support throughout from the Town.

At the conclusion of discussion, it was on motion by Selectman Cossart unanimously

VOTED: To authorize the Chairman to execute, on behalf of the Town, a Purchase and Sale Agreement, as authorized by Article 30 of the 1981 Annual Town Meeting, in the amount of \$110,000, which provides for the purchase of approximately fifteen acres of conservation land from The Massachusetts Farm and Conservation Lands Trust and for the grant by the Trust of an agricultural preservation restriction to the Town to be held jointly with the Commonwealth of Massachusetts, subject to approval by the Commonwealth, on approximately twenty-one acres of land.

Utility Petition #81-15 - Brimstone Lane

Present: Robert L. Blake, Boston Edison Company; and Richard J. Flynn, abutter.

In conformity with General Laws, Chapter 166, sections 21 and 22, the Board considered the joint Utility Petition of the Boston Edison Company and the New England Telephone and Telegraph Company, for permission to erect or construct, and a location for, poles, and such other fixtures including anchors and guys as may be necessary to sustain or protect the wires of the line, to be used in common by them, upon, along and across the following public way of the Town:

- Brimstone Lane - southwesterly side, approximately 33 feet southeast of Boston Post Road, One (1) pole;
- Brimstone Lane - northeasterly side, approximately 165 feet southeast of Boston Post Road, One (1) pole;
- Brimstone Lane - northeasterly side, approximately 282 feet southeast of Boston Post Road, One (1) pole;
- Brimstone Lane - southwesterly side, approximately 580 feet southeast of Boston Post Road, One (1) pole;
- Brimstone Lane - southeasterly side, approximately 875 feet southwest of Boston Post Road, One (1) pole;
- Brimstone Lane - southeasterly side, approximately 1,015 feet southwest of Boston Post Road, One (1) pole;
- Brimstone Lane - northwesterly side, approximately 1,172 feet southwest of Boston Post Road, One (1) pole.

Executive Secretary Richard E. Thompson reported that all appropriate Town officials and abutters had been notified and that a favorable joint report had been received from the Wiring and Building Inspectors, dated November 13, 1981.

Mr. Blake stated that the additional poles on Brimstone Lane are necessary to accommodate the existing homes and anticipated future growth. The plan is to shorten the expanse of the poles from 300' apart to 150' to better support the existing wires. When the service was first installed, he said, there were only a couple of customers on the street.

Responding to Mr. Richard Flynn of 16 Brimstone Lane, Mr. Blake stated that burying the wires is prohibited because of the expense involved.

Responding to both the Selectmen and Mr. Flynn, Mr. Blake stated that he did not know how many homes were planned for future construction, but that there is a sign indicating lots for sale and several lots are staked out.

Responding to Mr. Flynn, Mr. Blake stated that the installation of these additional poles will be handled by the Boston Edison Company, but the poles will be jointly owned by Boston Edison and New England Telephone. Mr. Blake

went on to say that, because the telephone wires are too heavy for the number of poles there now, they are hanging very low and there is the risk of loss of service if a large truck travels along Brimstone Lane.

Questioning the procedure for the installation of the poles, Mr. Flynn stated that he was very sensitive to Boston Edison having to blast, expressing his opinion that on another occasion, blasting caused the loss of his well.

Following further discussion and on the recommendation of Selectman Cossart, it was on motion unanimously

VOTED: To table Utility Petition #81-15 of Boston Edison Company and New England Telephone and Telegraph Company, for the location of seven poles on Brimstone Lane, as described above, in order to verify the necessity of the same based on confirmation from the Building Inspector that there are future development plans for Brimstone Lane.

Later in the evening the Building Inspector was present and, responding to the Selectmen, stated that he did not know of any definite plans for development on Brimstone Lane and that he would check his files and report back to the Board.

It was on motion unanimously

VOTED: To schedule another hearing on Utility Petition #81-15 of Boston Edison Company and New England Telephone and Telegraph Company, with abutters again notified; the Executive Secretary was directed to request that both representatives of Boston Edison and New England Telephone be in attendance to further justify the need for these pole locations.

Temporary Borrowing

Present: Chester Hamilton, Town Treasurer.

Town Treasurer Chester Hamilton stated he requested this meeting with the Selectmen to discuss consideration of temporary borrowing in anticipation of taxes. Mr. Hamilton stated two variables are: 1) the fact that the personal property taxes have not yet gone out; and 2) the accuracy of his forecast relative to expenses versus income for the next four weeks. Mr. Hamilton stated that four weeks from today, the Town will be faced with \$450,000 in expenses - the Lincoln-Sudbury monthly payment (some flexibility here, confirmed with school officials), and a major Town payroll.

Following a brief discussion and on the recommendation of the Town Treasurer, it was on motion by Selectman Cossart unanimously

VOTED: To authorize Town Treasurer Chester Hamilton to begin immediately to investigate the possibility of borrowing a half million dollars, short term, for the period of December 8-22, with the right to early payment; and further, that the actual borrowing not be consummated until the matter comes back to the Board for final approval.

Selectman Murray arrived (8:30 p.m.).

Mr. Hamilton commented that the tax receipts to date are very good, and that in his opinion the residents are very conscious of the Town's position to pay up its debt.

Selectmen's Submission - 1982 Annual Town Meeting Articles

Executive Secretary Richard E. Thompson reviewed with the Board a list of the Selectmen's 1982 Annual Town Meeting articles, requiring final approval for their submission by the December 1 deadline. On the recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To approve and sign the following articles to be submitted under the December 1 deadline for the 1982 Annual Town Meeting:

- Disposition of Fairbank School (revised wording by the Board and Town Counsel)
- Disposition of Horse Pond School (revised wording by the Board and Town Counsel)
- Disposition of Loring School (revised wording by the Board and Town Counsel)
- Disposition of South Annex building
- Transfer TP 175-182 to Water District
- Grant Easement to Water District
- Amend Zoning Bylaw, Art. IX, Secs. III & IV
- Street Acceptances
- Street Acceptance - Dudley Road

Mr. Thompson updated the Board on the status of the remaining four proposed articles and stated that he will bring possibly two of these back to the Board in their final form or otherwise advise the Board. Additionally, the Executive Secretary stated that he would inquire as to the status of the Town Audit article which he felt had been inadvertently omitted.

The Board agreed to sign all the articles once the above articles were amended.

Remaining Appointments

During consideration of remaining appointments, it was on motion by Selectman Murray unanimously

VOTED: To appoint Douglas R. Lewis, Jr., of 43 Stone Road as a Special Police Officer, for a term to expire April 30, 1982, subject to recommendation by the Chief of Police.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular Session of November 9, 1981, as drafted.

Current Items of Interest

Donations - Council on Aging

It was on motion by Selectman Cossart unanimously

VOTED: To accept with gratitude, on behalf of the Town, the following donations:

- \$500.00 from the Sudbury Foundation;
- 260.25 from a citizen fund-raising fair; and
- 25.00 from B. C. Jensen;

totaling: \$785.25, for the Council on Aging.

Massachusetts Selectmen's Association Annual Meeting

Chairman Donald reported on the outcome of the votes recorded at the Massachusetts Selectmen's Association Annual Statewide Town Meeting.

Relative to the Selectmen contacting legislators to support community residence siting bill - House 7336, the Executive Secretary was directed to obtain the most recent update on the same for review by the Board.

Minutes

On the recommendation of the Town Treasurer, it was on motion unanimously

VOTED: To amend a portion of the Regular Session minutes of October 26, 1981, dealing with the joint meeting with the Town Treasurer to discuss municipal bonds and the Town's borrowing status.

Sudbury Fife and Drum

At the request of Selectman Cossart, the Executive Secretary was directed to secure space within Town buildings for routine rehearsals by the Sudbury Fife and Drum. Mr. Thompson should contact Leo Zschau at 485-0176.

Communication to John C. Powers

The Selectmen approved a draft letter to John C. Powers, prepared by the Executive Secretary at their request, explaining the Board's position regarding Article 11 of the Massachusetts Selectmen's Association annual warrant dealing with gypsy moth control.

Harold L. Lingley

Selectman Murray publicly acknowledged the passing of Harold Lingley this past week. Mr. Lingley was the Sealer of Weights and Measures for the Town of Sudbury and a long time police officer in the Town of Weston. On the recommendation of the Executive Secretary, the Board concurred to include Mr. Lingley's name in the 1981 Town Report in the memoriam section.

Auctioneer's License

In accordance with a verbal request from the Sudbury Co-operative Pre-school, it was on motion unanimously

VOTED: To waive the fee for the one-day auctioneer's license, issued by the Board on November 9, 1981, to Mr. Roger Bump, for the Sudbury Co-operative Pre-school's annual auction on November 20, 1981.

Communications

The Board acknowledged receipt of the following communications:

- from Town Accountant John H. Wilson, dated November 3, 1981, relative to his annual report of activities and accomplishments of the Accounting Department;

- from Town Counsel Paul L. Kenny to Atty. Charles Corkin, II, relative to Town of Sudbury et al v. Bowker Land Corp. et al, Civil Action No. 81-474.

Executive Secretary Richard E. Thompson - Performance Review Evaluation Sheet

Relative to Executive Secretary Richard E. Thompson's annual performance review evaluation sheet, Mr. Thompson informed the Board that he did not receive a merit increase, only a salary cost-of-living increase - for FY82, and that no changes would be necessary on his evaluation sheet, as suggested by the Board.

November 30 meeting

It was on motion unanimously

VOTED: To delay the start of the Board's November 30 meeting until 8:00 p.m., in order to attend a meeting with the Sudbury Chamber of Commerce.

Nicholson Site Plan #81-236

Later in the evening when the Building Inspector was present, the Board discussed with him corrected site plan #81-236 of John D. Nicholson, for property located at 370 Boston Post Road, which he submitted to the Board, as requested at its September 21, 1981, meeting, along with verification in writing from John S. MacKinnon agreeing to allow the use of the required number of parking spaces on their property by Dr. Nicholson.

At the request of Selectman Cossart, the Building Inspector was requested to check the history of the site plan for this property to confirm if the number of spaces now marked on the plan had ever been approved for this site.

Joint Meeting with Personnel Board

Present: Chairman Stephen M. Golder, Henry P. Sorett, Robert B. Rowley and Cornelius S. Hickey, Jr., Personnel Board.

Chairman Donald opened a joint meeting with the Personnel Board to discuss the Personnel Board's 1982 Annual Town Meeting articles.

During discussion relative to the inclusion of the new position - custodial/security guard - in the classification plan, the Selectmen concurred that it should not be included because it is a temporary position. The Personnel Board had previously unanimously agreed that it should be included as a temporary, individually-rated position. It was decided that the Personnel Board would reconsider their position based on what the Selectmen had expressed tonight and get back to them.

Relative to the position of Civilian Dispatcher, the Selectmen expressed their opinion that it should remain in the classification plan based on the probability that it might be a position coordinating both fire and police calls. The Personnel Board expressed the opposite position. There was some discussion relative to having a public safety civilian dispatcher in conjunction with other surrounding communities. Chairman Donald stated that the subject had been discussed before, and that Sudbury was in favor of the same at that time.

The Board asked that the Personnel Board submit articles in writing dealing with the salary and classification plans and personnel administration plan before the December 1 deadline, noting that the article can be finalized at their convenience before the Warrant goes to press.

Relative to recent communications from the Executive Secretary to the Personnel Board regarding collective bargaining, Mr. Henry Sorett expressed his opinion that collective bargaining policies need to be addressed as soon as possible. On the recommendation of the Executive Secretary, Mr. Sorett stated that he would put something in writing to Mr. Thompson, either his personal recommendations, as a member of the Personnel Board, or, if the Board concurred with him, from the entire Personnel Board. Mr. Sorett stated that he would discuss his concerns with the other members of the Personnel Board at their next meeting and get back to Mr. Thompson.

Site Plan - Gold Star Nurseries, Codjer Lane

Present: Arthur Gaklis, Gregory Gaklis, General Manager David Wright, Engineer Carlton B. Colburn, Jr., Atty. John C. Powers, Gold Star Nurseries; and Building Inspector Joseph E. Scammon.

Chairman Donald opened a joint meeting with representatives of Gold Star Nurseries to discuss, at their request, a preliminary site plan for property located on Codjer Lane which Gold Star plan, to purchase from the Melgrove Realty Trust.

Atty. John C. Powers stated that the purpose of tonight's meeting was to get some direction from the Selectmen relative to the proposed use of, and access to, the site prior to the applicant's final purchase of said land.

Atty. Powers, and later Mr. Arthur Gaklis (owner of Gold Star Nurseries), explained that Gold Star Nurseries is a wholesale nursery business. Their business is currently located in Weston. This will be phased out if the Sudbury location is established. A second business owned by Mr. Gaklis is currently located at the Cape. Mr. Gaklis also owns a sod farm in New Hampshire on approximately 800 acres.

The Sudbury location will become the homebase and will include the offices for these businesses. (Atty. Powers showed the Board some photographs of the various businesses mentioned above.)

Relative to the proposed business in Sudbury, Atty. Powers stated that access to the site is a problem and reviewed with the Board a preliminary site plan entitled, "Proposed Site Plan, Sudbury, Mass." dated November 9, 1981. The Board also reviewed Town of Sudbury Property Maps J06, J07 and J08 showing Codjer Lane as being paved approximately 1,750 feet on from Union Avenue, then narrowing for the major portion of the road to a point where the road is wider, approximately 350' in from Horse Pond Road.

Atty. Powers stated that Town records will show many actions regarding the use and status of Codjer Lane, from Town Counsel, as well as several mentions of Codjer Lane in Town Meeting proceedings relative to it being a private way, publicly laid out, and Atty. Powers stated that, although the road is open to the public, there is very limited access on certain parts of it and mostly not maintained.

Atty. Powers stated that the proposed business involves extensive trucking, and asked the Board for direction in terms of a solution to the use of this narrow road, which has been basically used as a private way exclusively by the Cavicchio families for their personal use and for their pig farm business.

Mr. Gaklis stated that the proposed business would involve approximately 18-20 tractor trailer trucks daily during a six-month season, that he would need approximately a 20' width road, and that a good gravel surface would be sufficient.

After discussion, there was a consensus that it would be more advantageous to use the Union Avenue access/egress to the site, and not infringe upon the residential area of Horse Pond Road. The Union Avenue access would involve widening and resurfacing the larger portion of the road, a majority of which abuts property belonging to the Cavicchio families.

Executive Secretary Richard E. Thompson stated that he had spoken to the Town Engineer who expressed some concern regarding the site location being adjacent to the Horse Pond Road residential area, the trucking aspect of the business, the ability to construct because a corner of the lot is in the wetlands, and sight visibility, especially at the intersection of Horse Pond Road.

Responding to Selectman Cossart, Mr. Gaklis stated that he planned to build a warehouse for the storage of gardening supplies to be sold wholesale to builders, landscapers, developers, etc., plus greenhouses. Mr. Gaklis further stated that this would be a very permanent business - that he has personally been in the wholesale nursery business for thirty years.

Relative to utilities, Atty. Powers stated that both water and electricity would have to come in from Horse Pond Road. Selectman Cossart suggested that the Cavicchios may have Town water; the Executive Secretary was directed to find out if they do have Town water or a well.

Selectman Cossart questioned Mr. Gaklis relative to the use of chemicals on the property. Mr. Gaklis responded that the only chemicals on the property would be those related to fertilizers, such as lawn fertilizer and soil conditioners, which would be bagged and stored in the warehouse. Additionally, some of these fertilizing chemicals would be used on site in the greenhouses, stressing that all of the planting would be done in containers, not in the soil.

Relative to the number of employees, Mr. Gaklis stated that it is strictly a seasonal business and there would be a minimum of 8-10 to a maximum of approximately 20 people, plus office personnel.

Because a corner portion of the lot is in the Hop Brook flood plain zone, there was a consensus that a Wetlands Protection Act hearing would probably be required by the Conservation Commission.

On the recommendation of Selectman Murray, the matter was tabled for two weeks for further discussion by the Board with the Town Engineer regarding recommendations for location, use, and construction of the access road, and Town Counsel relative to the legalities of using and improving Codjer Lane (either end) as an access route and the Town's liability including maintenance of the same. Atty. Powers alerted the Board to the time restraints of the applicant since there is a purchase involved. Mr. Gaklis agreed to the two-week postponement.

Executive Session

At 10:45 p.m. it was on motion by roll call

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

(Chairman Donald, in favor; Selectman Cossart, in favor; Selectman Murray, in favor.)

There being no further business to come before the Board, the meeting was adjourned at 11:10 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk