

IN BOARD OF SELECTMEN
MONDAY, NOVEMBER 30, 1981

Present: Chairman Anne W. Donald, William J. Cossart and John E. Murray.

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 8:00 p.m.

Utilities Petitions

Present: Carole Clinton, Boston Edison.

In conformity with General Laws, Chapter 166, sections 21 and 22, the Board considered the joint Utility Petitions of the Boston Edison Company and the New England Telephone and Telegraph Company, as follows:

a) UP81-16, Lakewood Drive

Present: Mr. and Mrs. John D. Goss, 61 Oakwood Avenue.

- for permission to erect or construct one (1) guy wire and anchor to be used in common by them, upon, along, and across the following way of the Town:

Lakewood Drive and Oakwood Avenue, One (1) guy wire and anchor on Pole 61/9.

Ms. Carole Clinton of Boston Edison Company explained to Mr. and Mrs. Goss of 61 Oakwood Avenue the necessity of this guy wire to support the cables on the pole, and assured the Gosses that they would not be liable for any injuries related to the placement of the guy wire in front of their house, since the pole would be located on Town property.

It was on motion by Selectman Cossart unanimously

VOTED: To approve Utility Petition 81-16 of Boston Edison Company and New England Telephone and Telegraph Company, as described above and as shown on a plan entitled, "Plan of Lakewood Drive, Sudbury, Showing proposed pole location of guy wire and anchor", dated September 24, 1981.

b) UP81-17, Great Lake Drive

- for permission to erect or construct one (1) guy wire and anchor to be used in common by them, upon, along, and across the following way of the Town:

Great Lake Drive and Oakwood Avenue, One (1) Guy Wire and Anchor on Pole 63/6.

It was on motion by Selectman Murray unanimously

VOTED: To approve Utility Petition 81-17 of Boston Edison Company and New England Telephone and Telegraph Company, as described above and as shown on a plan entitled, "Plan of Great Lake Drive, Sudbury, Showing proposed pole location of guywire & anchor", dated September 25, 1981.

c) UP81-18, Ames Road

Present: Mr. and Mrs. Joseph Smith, Jr., 5 Ames Road.

- 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:

Ames Road, northerly side, approximately 26 feet west of Landham Road,
One (1) pole.

Ms. Clinton told the Board that she had explained the reason for this utility petition to Mr. and Mrs. Smith, satisfying their concern.

It was on motion by Selectman Murray unanimously

VOTED: To approve Utility Petition 81-18 of Boston Edison Company and New England Telephone and Telegraph Company, as described above and as shown on a plan entitled, "Private Property and Plan of Ames Rd., Sudbury, Showing proposed pole locations, guy wire & anchor", dated August 26, 1981.

d) UP81-19, Lynne Road

- for the purpose of removing JO Pole 174/1 on Lynne Road, because it is no longer needed.

The Board concurred.

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 on each of the above petitions from the Wiring and Building Inspectors, all dated November 27, 1981.

Selectmen's Submission - 1982 Annual Town Meeting Articles

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:

- Amend Zoning Bylaw, Article IX, Section I.G (Flood Plains).
- Amend Article V, Public Safety, Town Bylaws - Add new section 25, Storage of Inflammable Fluids.
- Amend Bylaws, Art. IX,V,A - Special Regulations, Temporary Trailers.

License Renewals

Present: Fire Chief Josiah F. Frost.

At its meeting of November 23, 1981, the Board held several annual licenses requiring renewal, pending some clarification on Used Car Licenses and compliance by various establishments to requirements of by the Board of Health, the Fire Chief and the Building Inspector in their communications of November 13, 12 and 20, respectively.

Executive Secretary Richard E. Thompson noted the following:

- a letter from the Building Inspector, dated November 23, requesting Wayside Package Store to clean up the exterior of the premises and justify the neon signs in the window;

- a communication, dated November 27, from the Fire Chief stating that all previously noted establishments (see communication of November 12, 1981) are in compliance with safety regulations with the exception of Pacific Gate. The Chief was present and explained that his concern was with a fire extinguisher on a kitchen stove hood, which was not adequate, and that after discussing the same with the appropriate people, the problem has been resolved for another year;

- a communication from the Police Chief, dated November 24, expressing no objections to the issuance of Sudbury Variety's liquor license;

- information regarding Class II and III Used-Car licenses regarding storage of vehicles - there are no restrictions placed on these license holders, with the exception of Robert E. Lohnes, holder of a Class III license. (Said license allows for transportation of vehicles only, and no storage.)

Mr. Thompson suggested that the Board approve all of the licenses held, subject to compliance with requirements of the Town's public health and safety inspectors.

Selectman Cossart expressed his opinion that Wayside Package Store's license should not be approved subject to compliance, stating that it was their obligation to comply, as requested by the Building Inspector, in order to have their license renewal proceed on schedule, and made a motion accordingly. The motion was not seconded.

Selectman Cossart also asked if the Selectmen felt there should be a limitation on the number of cars stored on a used-car licensee's property. Mr. Thompson suggested that it could be handled by having it stated on the Class I and II licenses that, "all parking of vehicles must be within and on property owned by the licensee, subject to verification by the Town Engineer".

Town Counsel commented that, if the Selectmen are concerned with public safety and aesthetics and that storage of vehicles be restricted according to the size of the property, those things could be conditions of the license.

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

VOTED: To renew the following licenses during the month of November, and to forward the appropriate renewal forms to the Alcoholic Beverages Control Commission, where applicable, for approval; Used Car Class II licenses shall be conditioned in that all parking of vehicles must be within and on the property owned by the licensee; all licenses shall be held in the Selectmen's office and released upon payment of fees as required:

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|---------------------------------|--|
| - Sudbury Variety | Wine & Malt Package Goods
Automatic Amusement Devices |
| - Ephraim's of Sudbury | Restaurant All-Alcoholic Beverages
Common Victualler
Weekday Entertainment |
| - 99 West, Inc. | Restaurant All-Alcoholic Beverages
Common Victualler
Weekday Entertainment |
| - Pacific Gate Restaurant | Restaurant All-Alcoholic Beverages
Common Victualler
Weekday Entertainment |
| - Pizza Alla Pietra | Restaurant All-Alcoholic Beverages
Common Victualler
Weekday Entertainment |
| - Colonial Auto Body of Sudbury | Used Car Class II |
| - Mosher Auto Body | Used Car Class III |
| - Robert E. Lohnes | Used Car Class III |
| - Steves Auto Body | Used Car Class II |

and it was further

VOTED: To renew Wayside Package's All-Alcoholic Beverages License, during the month of November, and to forward the appropriate renewal forms to the Alcoholic Beverages Control Commission for approval, subject to said license being held in the Selectmen's office and released only upon compliance to the requirement set forth in the Building Inspector's November 23 communication, and upon payment of fee(s), as required.

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

The Board directed the Executive Secretary to forward a communication to Wayside Package Store stating that their license would not be released until they have complied to the requirement of the Building Inspector.

Budget Submission Instructions

Present: Chairman Michael J. Cronin, David A. Wallace, William D. Wood, and William H. Maurhoff, Finance Committee.

Chairman Donald opened a meeting with members of the Finance Committee concerning budget submission instructions, as noted in their letter dated October 26, and as noted in a memorandum from the Town Accountant, dated November 16.

Chairman of the Finance Committee, Michael J. Cronin, stated that the Finance Committee has not made a decision on whether there should be a Salary Adjustment this year; they question whether there should be one and how much money should be in it. Mr. Cronin further stated that they will review the distribution of last year's salary adjustment account, which was approximately \$60,000, before making a decision. Other variables regarding the decision are collective bargaining and management prerogatives regarding salary adjustments.

Mr. Cronin went on to say that the Tax Levy can only increase by \$300,000 under Proposition 2 1/2 limitations this year. He also stated that Free Cash as of July 1 was approximately \$520,000, of which \$400,000 had been appropriated by last year's Annual Town Meeting, so that it is too early to determine if there will be a large amount of Free Cash available.

Responding to Selectman Cossart, Mr. Cronin stated that the Finance Committee has no problem with the concept of a salary adjustment account but is concerned about what percentage of the \$300,000 levy increase should be used for that purpose, if any.

Mr. Thompson suggested that this might be something for the Selectmen and the Finance Committee to think about and discuss again and further suggested that the Selectmen and the Finance Committee meet in Executive Session to discuss collective bargaining in the near future. Mr. Thompson commented that there are many variables which are related to the tax levy and appropriation limits, and suggested that the Selectmen withhold their position until they have a better over-all picture of those variables. Mr. Cronin stated that last year the Town appropriated fourteen and a half million dollars and received over three million in offsets, again expressing his opinion that it is too early to talk about numbers at this point.

Selectman Murray commented on the difficult position the Town is in because of the completed collective bargaining contracts of the local and regional schools.

Selectman Murray expressed his complete dissatisfaction with the first year "no rif" clause in the Lincoln-Sudbury Regional High School teachers' contract, stating he failed to comprehend its inclusion in the era of Proposition 2 1/2.

Selectman Murray added that he did not see any legislation coming that would give the Town any relief. Mr. Thompson commented that the Town has worked for a long time with level funding, and the Town's situation is not that bad. Mr. Thompson stated that he felt the Selectmen and the Finance Committee should make every effort to address some of the unknowns; otherwise, some of the smaller departments are going to be hurt.

Following comments by Selectmen and the Executive Secretary, Mr. Cronin stated that he agreed with their concern about the effect of Proposition 2 1/2 on the Town this year, stating that it will be difficult to make rationalizations which will comply with 2 1/2 that people will feel comfortable with; however, the Town would have to prioritize expenses.

Mr. Cronin commented that the unclassified budget will be addressed by the Finance Committee at their first budget meeting in January.

It was mutually agreed that Town Boards and Committees and Departments should follow the Town Accountant's communication with regard to the Unclassified Salary Adjustment Account and salary increases.

Mr. Cronin commented that he could not see how the Town could maintain everything it has now for FY83.

Following further discussion, it was agreed that the Selectmen and the Finance Committee would meet sometime in the near future to discuss collective bargaining.

Chairman Donald thanked the Finance Committee for attending.

Site Plan Preliminary Meeting - Gold Star Nurseries

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

Chairman Donald convened a meeting with representatives of Gold Star Nurseries to continue discussion, tabled from November 16, relative to a preliminary site plan for property located on Codjer Lane, which Gold Star plans to purchase from the Melgrove Realty Trust.

Executive Secretary Richard E. Thompson stated that the Board is in receipt of a November 27 response from Town Counsel's office concerning the legalities of using and improving Codjer Lane as an access route, and the Town's liability including maintenance of the lane.

Assistant Town Counsel Thomas M. French's communication stated that Codjer Lane is a public way between Union and Horse Pond Roads and enforceable as a public way under Section 7 of Article V of the Town Bylaws, which prevents obstructing public ways. A 1969 layout and acceptance determined the width of the road to be 24.75 feet at the Union Avenue end. Unlike a Town way, the Town is not required to maintain, improve or plow Codjer Lane but can do so under certain statutory regulations (see letter). The Board was also in receipt of a response dated November 27 from the Town Engineer concerning construction recommendations for Codjer Lane. The Town Engineer was present and confirmed his opinion that a "first class", standard subdivision road (twenty-four feet wide, paved, with drainage and underground utilities) should be constructed since it will service approximately two hundred acres of the Industrial Park District zoned land.

Atty. Powers acknowledged both the Town Engineer's and Town Counsel's opinions. Atty. Powers stated that his client feels a paved road would not be required for his trucks - as trailer trucks have used the road in its present condition in the past, and asked what the Selectmen would require in terms of road construction so that they can make a determination as to whether it would be financially feasible for them to pursue purchase of the property and submit a site plan.

Selectman Cossart reported on his on-site visit and the obstacles on the road, stating that the road is still barricaded and concluded that there would no doubt be serious legal entanglements, expenses and cost to build a road although he had no reservations about the concept of the new business location.

The Town Engineer stated he felt eighteen to twenty ten-wheelers going over Codjer Lane would tear it up pretty badly and especially because there will be no follow-up maintenance leaving the potential of further problems.

Mr. Thompson reported, in response to a question raised by Selectman Cossart last week, that there is Town water up to the Cavicchio property metered from Union Avenue.

There was some discussion regarding the history of Codjer Lane. Town Counsel commented that the background was "murky" as it pertains to the layout and width, the use, etc. Mr. Colburn said that he has been trying to determine the width of the road, and that apparently it varies from eight-ten to twenty-three and one half feet, and that there are several varying widths on record, but a rod and a half (24.75 feet) is most prevalent.

The Town Engineer commented that he has not viewed any site plan from Gold Star Nurseries, and that he has not analyzed the existing road.

Reviewing a Town Property Map, it was noted that Gold Star Nurseries would have to construct a road almost twice their frontage, or approximately one thousand seven hundred feet, if the recommendations of the Town Engineer were supported by the Selectmen. Chairman Donald felt that was asking too much of Gold Star Nurseries.

Responding to the Selectmen, the Town Engineer stated that a gravel road would cost approximately ten to fifteen dollars a linear foot, while a first class construction would cost approximately seventy-five to eighty dollars per linear foot.

Relative to liabilities, the Town Engineer stated that the Town would not be liable for injuries, etc., on Codjer Lane since the Town would not be maintaining the road. Town Counsel stated that, as a general rule, if the Town accepts (approves) a site plan on a road which is not a Town way, it would not take on any liabilities.

Speaking on behalf of the Selectmen, Selectman Cossart stated that it was apparent they did not have an answer to the question, and asked how the Cavicchios felt about the proposal. Mr. Gaklis stated that he had spoken to Mr. Paul Cavicchio, and that he was in favor of the same. Atty. Powers suggested that his client speak to the other Cavicchio family to get a consensus regarding the use of the road. The Selectmen agreed that would be helpful.

The Board agreed that they would pursue the matter with Town Counsel and suggested that the engineers get together and report back to the Board regarding any resolutions to the road construction problem. Atty. Powers stated he would forward any information back to the Selectmen as quickly as they get it.

Aerial Ladder Truck

Present: Fire Chief Josiah F. Frost.

The Board was in receipt of a communication from the Fire Chief dated November 20, 1981, relative to an Annual Town Meeting article for the lease/purchase of an aerial ladder truck for \$13,000 annually for seven years. The Chief was present and stated that on the basis of the proposed lease/purchase, if the Town should decide that an aerial ladder truck was not useful after a year, the lease could be terminated with no penalty to the Town.

The Chief stated that in prioritizing his department, his first concern is public safety and encouraged the Board to support the inclusion of an article for the 1982 Annual Town Meeting, or, as Mr. Thompson later suggested, a Fire Department budget line item, to purchase and/or lease an aerial ladder truck. The Chief further substantiated the need for an aerial ladder, stating that this piece of equipment would enable one man to do the job of two in certain types of situations. Responding to Chairman Donald, Chief Frost stated that \$13,000 rental would actually be less than the salary of one fire fighter. The Selectmen pointed out that money for maintenance and fuel would also have to be considered. Chief Frost stated that his budget has no increases relative to maintenance and operations of his Department; the only increase is in the personnel account. The Chief further commented that the Service Life Extension Program would help absorb any expenses on those items. Chief Frost continued to say that his on-duty manpower has not increased since 1969 and fire runs have doubled!

Responding to Selectman Murray, the Chief stated that getting rid of another piece of equipment would not help justify the purchase of an aerial ladder truck. Also responding to Selectman Murray, the Chief stated that having a ladder truck would not reduce the need for Engine #1 because a ladder truck does not have a pumper. The Chief further stated that he would forego the ladder to the loss of a man. Selectman Murray commented that the closing of a fire station may even become a necessity this year.

The Chief stated that he would be willing to speak on the proposed aerial ladder truck article at the 1982 Annual Town Meeting, and withdraw the same, if, at Town Meeting, finances are such that this appropriation would not possibly be considered.

Selectman Murray stated that there is a possibility that the Finance Committee will not approve the replacement of all three police cruisers - only two of them, and that, in good conscience, he could not support a \$13,000 brand new expenditure.

At the conclusion of discussion, it was agreed that this item should probably be included in the Fire Department budget, rather than handled through an article, and that the lease/purchase of an Aerial Ladder Truck would be discussed again during budget presentation. However, it was agreed to accept the Fire Chief's article to meet the December 31 deadline in the event the subject is not resolved.

Auctioneer's License

It was on motion by Chairman Donald unanimously

VOTED: To approve a request from Mitchell Bistany of 21 Old Meadow Road, dated October 28, 1981, for an auctioneer's license for the 1982 calendar year.

Grave Vaults

The Board noted receipt of a communication, dated November 24, 1981, from Highway Surveyor Robert A. Noyes responding through the Board to an inquiry from Forrest Bradshaw on the subject of grave vaults. The Board directed the Executive Secretary to forward a copy of Mr. Noyes' letter to Mr. Bradshaw, which is self-explanatory.

Traffic Safety - Haynes/Marlboro Roads

The Board noted receipt of a communication dated November 25, 1981, from Highway Surveyor Robert A. Noyes relative to traffic safety on Haynes/Marlboro Roads, and directed the Executive Secretary to forward a copy of said communication to Thomas H. Doyle and Janet L. Costa of 60 Haynes Road; said letter responds to their communication to Officer William Carroll, dated November 13, 1981. The Board further directed Mr. Thompson to forward a copy of Mr. Noyes' communication to Officer Carroll, who had previously responded to the Doyle/Costa inquiry under date of November 17, 1981, and also to Mr. Doyle and Ms. Costa.

Current Items of Interest

Meeting with Assessors

Chairman Donald stated that a public meeting with the Assessors had been tentatively set for Wednesday, December 9. The Board directed the Executive Secretary to send a letter to the Assessors confirming the date and suggested time of 8:00 p.m. at the lower Town Hall, and include the following list of items for discussion:

- 1) The trend in funding and surplus in the Overlay Account in the past few years.
- 2) Trends in abatements by category and number over the past few years.
- 3) Trends in the number and amount of delinquent tax payments over the past few years.
- 4) Status of pending Appellate Tax Board cases and comparison to previous two years.
- 5) Adequacy of Assessors' operating budget, staffing levels and office space.
- 6) Charts showing available statutory abatements and requirements for eligibility.

The Board directed the Executive Secretary to forward to the Assessors copies of letters received in the Selectmen's office and a list of telephone inquiries.

It was further agreed that all questions at the public meeting should be written and would be handled through the Chairman.

Communication from Richard Brooks

The Board acknowledged receipt of a communication from Richard Brooks, dated November 23, 1981, regarding a general laxness in the enforcement of site plan, sign, and junk car laws. Mr. Thompson pointed out that violation notices had been sent out to the establishments noted in said communication, with copies forwarded to Mr. Brooks. Mr. Thompson stated that he spoke to the Sign Review Board regarding the sign violations, and that he would discuss all the complaints further with the Building Inspector.

Christmas Tree Sales

Responding to concerns raised by Selectman Cossart at the Selectmen's meeting of November 23, Mr. Thompson reported that Christmas tree sales in a residential area require a permit from the Zoning Board of Appeals. In a business zone, no license is required, except when it is other than the actual property owner selling the trees, in which case, a Transient Vendor License, approved by the Board (issued by the Town Clerk) is required.

The Board agreed to allow the people who have sold Christmas trees in Sudbury over the past years to continue to do so this year on the same basis as in the past, and further, to notify said persons no later than July of 1982 of the Town regulations regarding the sale of Christmas trees, asking them to comply for the 1982 season.

Steering Committee - Powers and Powder Mill Roads

Mr. Thompson informed the Board that a steering committee had been formed to deal with traffic and safety problems on Powers and Powder Mill Roads, and that their first meeting had been held on November 23.

Neelon Property

Mr. Thompson informed the Board that he had contacted the Wayland Board of Selectmen regarding setting up a meeting to discuss the Neelon property.

Sealer of Weights and Measures

Mr. Thompson informed the Board that the Assistant Building Inspector in Weston is putting together Sudbury's records, formerly handled by Sudbury's Sealer of Weights and Measures Harold Lingley, recently deceased, and expressed an interest in being appointed as Sudbury's Sealer of Weights and Measures. The Board agreed to have the Executive Secretary explore this matter.

Communication from Needham Public Works

The Board acknowledged receipt of a communication dated November 25, 1981, from John D. Marr, Town Engineer of the Town of Needham, Public Works Department, informing the Board that Sudbury is prohibited from disposing of septage at the Greater Lawrence Sewage facility.

Emerson Hospital Invitation

Mr. Thompson informed the Board of an invitation from the Emerson Hospital to attend a meeting on Tuesday, December 15, from 7:30-9:00 a.m. at Emerson, for a tour and presentation of their proposed program expansion in conjunction with a plan to be submitted to the State.

School Traffic Signals

Mr. Thompson informed the Board that the ground will be opened next week for the installation of the school traffic signals; controls to be installed within two weeks.

Employee Christmas Party

Mr. Thompson informed the Board that the annual employee Christmas party is scheduled for Wednesday, December 23.

December Town Fathers Forum

The Board concurred to cancel the December Town Fathers Forum.

There being no further business to come before the Board, the meeting was adjourned at 11:15 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk