

IN BOARD OF SELECTMEN
TUESDAY, FEBRUARY 16, 1982

Present: Chairman Anne W. Donald and William J. Cossart.

The statutory requirements as to notice having been fulfilled, the meeting was called to order by Chairman Anne W. Donald in the Finance Committee Room, Flynn Building.

Reserve Fund Transfer Request - Communications Account

After an explanation relative to the status and history of the Communications Account, 950-92, used for repair and maintenance of Highway, Police and Fire communications equipment, it was on motion unanimously

VOTED: To approve Request for Transfer from the Reserve Fund to the Communications Account, 950-92, No. 1028, dated February 12, 1982, in the amount of \$1,000 for projected communications expenditures for the remainder of the Fiscal Year.

Grievance Procedure

Executive Secretary Richard E. Thompson reported that at the request of the Selectmen at the joint meeting with the Personnel Board on January 18, the Personnel Board drafted a directive for the Board's consideration under date of February 5, suggesting that it be sent to all Department heads relative to their responsibilities under the grievance procedure.

In response to Selectman Cossart's request for a comprehensive, step-by-step grievance procedure specific as to times, persons and responsibilities, Mr. Thompson suggested that Town Counsel's office complete or assist in completing the process initiated by the Personnel Board in the form of the draft directive.

At the direction of the Board, Mr. Thompson will contact the Personnel Board relative to formulation of a more detailed procedure.

Ballot Questions - 1982 Town Election

Present: Finance Committee Chairman Michael Cronin and member Stefanie Reponen; Town Treasurer Chester Hamilton; School Committee member Edward Glazer.

Executive Secretary Richard E. Thompson noted that a decision had been tabled subject to further discussion with the Finance Committee Chairman and the Town Treasurer on the question of placing question(s) on the ballot for the 1982 Town Election to exempt the school roof bonding from the Proposition 2 1/2 levy limit.

Finance Committee Chairman Cronin stated that it had been the unanimous vote of the Finance Committee to request that the exemption question(s) be placed on the ballot for two reasons: 1) the exemption would not hurt the marketability of the bonds, and 2) some flexibility could be built in for the future so that more of the funds raised from the levy would provide the essentials of Town services.

In answer to Selectman Cossart's query as to why the money is needed, Mr. Cronin explained that several factors have aided in producing a budget which will use a limited amount of free cash this year, such as decline in the Middlesex County operating budget, an increase in governmental receipts, high investment rates, decline in the number of recommended monied articles and use of funds remaining from prior years article accounts; that although there may be a cushion for next year, the situation in FY85 and thereafter is unknown. He stated that such exemption would also aid in long-range planning and added that, while the roof bonding is small in comparison to the total budget, it does, in fact, represent 20% of the Fire Department budget.

Selectman Cossart stated that he would like to see a cash flow projection for the next three or four years to determine at what point there would be an impact, commenting that the Town has not, as yet, felt any pinch from Proposition 2 1/2.

Town Treasurer Chester Hamilton commented from his experience in and knowledge of the current bond market, an exemption would neither hurt nor would it help, and that that issue should be put to rest.

Assistant Town Counsel Thomas M. French stated that the statute applies at any time if the Selectmen wished to consider the situation next year; at that time even previous bonding could be exempted.

Mr. Cronin stated that the Town has not felt a pinch from Proposition 2 1/2 because the schools have taken up the slack--because of consolidation/excessing of buildings, they have been able to absorb increases in other areas, noting that 85% of the budget is salary cost.

School Committeeman Edward Glazer added that it is expected that FY83-84 will be the hardest year to fund since dramatic reductions will already have been made and that in order to retain service at that level a 5% increase would be required in the next year.

The chart, dated February 16, estimating debt service for FY83-88, drawn by the Town Treasurer, was reviewed. Mr. Hamilton stated that his estimates were based on 5-year bonds with 10% interest rates.

Selectman Cossart stated that he would have to be convinced that an exemption was required before he would consider placing the question(s) on the ballot.

Mr. Thompson reported that Selectman Murray, who was absent from the meeting, did not support placing the issue on the ballot.

At the conclusion of discussion, the Board was in agreement to wait for Town Meeting action on the two roofs and make a decision next year on whether and how to override Proposition 2 1/2.

It was, therefore, on motion unanimously

VOTED: Not to place on the 1982 Town Annual Election ballot a question calling for the exemption from the Proposition 2 1/2 levy limit of the bonding of Articles 30 and 31, Curtis and Noyes school roofs.

Finance Committee Chairman Cronin requested, since he and Ms. Reponen would not be serving on the Finance Committee next year, that the Selectmen express their views on the subject to the Finance Committee at this time, if one year from now the situation is more bleak.

Chairman Donald responded she would support such an override if the situation warrants, but Selectman Cossart expressed a neutral posture.

Warrant Article Review - Permanent Building Committee

Present: Chairman D. Bruce Langmuir, James F. Goodman, Permanent Building Committee; Chairman Michael Cronin, Stefanie Reponen, Finance Committee; School Committee member Edward Glazer.

Chairman Bruce Langmuir reported that during the periods of heavy rain, extensive leakage occurred at Haynes School, but subsequent inspection of the roof by the roofing consultant and himself revealed that the major leak was repairable and had been predicted by the consultant's roof study. He noted that the maintenance and repair costs of \$5,250 plus supervisory costs for this roof as shown in the roofing study need to be increased by at least 5%.

It was confirmed by the Finance Committee members present that the recommended amount for all school roof maintenance in the school budget had been raised to \$30,000 as requested by the Committee.

This amount, Mr. Langmuir noted, would cover all repair and maintenance items on all school roof areas not being replaced.

Referring to Articles 30 and 31, Curtis and Noyes Schools partial roof replacements, Mr. Langmuir stated that membrane roofs, with R20 insulation as required by law, are planned, noting the savings in heating costs achievable in one year (\$12,000 for Curtis; \$8,500 for Noyes) and the ease of maintenance in the future. As the figures presented in the study did not include structural work, the cost of the articles may increase by \$5-10,000; however, he noted that the School Committee had voted to expend \$10,000 to specify the work inclusive of structural needs, prepare bids, qualify bidders, and go out to bid so that firm bids will be in hand at Town Meeting time. Once passed, he added, construction can begin on or about July 1 and be completed by October 1 at the latest.

The Committee chose to do two roofs initially rather than one per year as the study proposes, Mr. Langmuir replied in answer to Selectman Cossart, because of savings gained in not having to expend the high repair and maintenance costs for those roofs, saving of the yearly escalation costs in materials and labor, and the energy savings as noted previously.

It was then on motion unanimously

VOTED: To support Articles 30 and 31 for the replacement of a portion of the Curtis and Noyes School roofs.

Town Treasurer Chester Hamilton asked that three things be done for the bonding of the roofs: 1) review of wording of articles by bond counsel;

2) inclusion of bond issuance cost in articles; 3) inclusion of interest either in Treasurer's budget or in the articles.

Mr. Thompson stated that bond counsel will be contacted when the wording of the vote has been developed and asked the Finance Committee members for a sense of how the Committee would feel about asking for unanimous consent of the Town Meeting, after the passage of the articles, in order to reconsider the Treasurer's budget to include the interest for the purpose of record keeping and consistency with past practices.

Finance Committee members present indicated that this would be agreeable.

To Selectman Cossart's question concerning whether it pays to repair the roofs in the long-run, Mr. Langmuir stated that the Committee firmly believes that maintenance should be routine and repairs done by professional roofers, adding that there is a noticeable difference in the roofs that have had better maintenance.

Mr. Douglas Lewis, Custodian/Security Guard for the excessed school buildings, who was introduced to those present by the Executive Secretary, indicated his agreement.

It was agreeable with the Selectmen to include the School Committee report in the Warrant relative to Articles 30 and 31.

In regard to the lighting article, Article 32, Mr. Langmuir stated that the Finance Committee had not understood when the article was presented before it that the amount planned for the Nixon School was based on present and future use.

Mr. Cronin stated that the amount recommended by the Finance Committee, \$20,000, reflected cuts in the Nixon portion of the article because of the higher paybacks and the fact that some areas were not being used at present.

Mr. Glazer noted that projected future plans for Nixon School will involve the use of that school for a centralized office for the High School/Elementary school system and stressed that should another school need to be excessed it would probably be the Haynes School, not Nixon.

To Chairman Donald's comment on the two choices: do now with the men working in the building, or postpone, Mr. Langmuir stated that it would cost less if done all at once.

Selectman Cossart stated that he himself feels comfortable with the Finance Committee's recommendation.

It was on motion unanimously

VOTED: To support Article 32, lighting improvements, in the amount of the Finance Committee recommendation of \$20,000.

At the close of discussion, Mr. Lewis was extended compliments from the Board relative to the work he has performed for the Town.

Warrant Article Review - Planning Board

Present: Chairman William R. Firth, Olga P. Reed, Theodore P. Theodores, Planning Board; Planning Board Secretary Susan Hayden; Town Engineer James V. Merloni.

Executive Secretary Richard E. Thompson stated that the Board had already expressed unanimous support of the Cluster Zoning article, Article 25, so that discussion would center on the remaining articles.

Article 23

Chairman William Firth outlined the proposed off-street parking bylaw change and the amendments to the Screening of Open Uses section of the bylaw, and the proposed addition of a new landscaping section, all designed to improve the visual environment and provide for replenishment of ground water resources.

Relative to off-street parking, Town Engineer James Merloni advised the Board that, in his opinion, the present bylaw is inadequate in that it includes a formula based on gross square feet rather than net use and provides no engineering design standards for aisle width, pedestrian safety, or loading docks, etc. While his letter of January 22 was prompted by a rash of poor parking plans in the site plan approval process, he noted that the problem is a visible one in Town, particularly where there are two-story buildings.

Discussion centered on whether the present proposed amendment concerning off-street parking is strong enough and whether or not it would conflict with the suggested areas of change proposed by the Town Engineer. Recent problem areas discussed included the pending M&S Sudbury Realty site plan application.

As the Planning Board members were in agreement that there would be no conflict, the Board agreed to support Article 23 with the concurrence of Selectman Murray and unanimously

VOTED: To authorize the Town Engineer, in conjunction with the Planning Board, to prepare a parking article for a future Town Meeting to address problem areas in the existing bylaw.

Article 24

Mr. Theodores discussed Article 24 relative to prohibited uses in non-residential zones stating that the article will provide for consistency in the bylaw by adding the prohibitions, which are already in Research and Industrial Parks, Industrial and Limited Industrial Districts in some form, in Limited Business and Business Districts.

Mrs. Reed added that the Article had not received the support of the Finance Committee because it felt that the present bylaw has never been enforced, citing the Coatings Engineering violations as an example.

After discussion, it was on motion unanimously

VOTED: To support Article 24 subject to concurrence by Selectman Murray.

Article 14

Mrs. Reed stated that consideration of the Dutton Road walkway was before the Town again because of public interest and because it would be an extension of the walkway system which would close a loop and provide safe access to heavily used public property. Construction figures have escalated, but the article as submitted excludes the bridge crossing, she noted.

While both Selectmen expressed agreement with the concept of the walkway system and bringing it before the voters, it was on motion unanimously

VOTED: Not to support Article 14, Dutton Road Walkway, but to express the Board's agreement with the overall concept of the walkway system.

Fire Department Warrant Article Review - Article 13

Present: Fire Chief Josiah F. Frost.

Fire Chief Josiah F. Frost described acceptance of M.G.L. Ch. 138 s. 46C as giving him the mechanism to enforce the installation of life-saving equipment if future zoning changes were to allow units of six or more. At present the existing units in Town which would be affected under this Article - Wayside Inn, motel off Route 20, boarding house on Concord Road - are in compliance or have changed to less than six units; he noted also that new construction is covered by the State building code.

Executive Secretary Richard E. Thompson reported that Selectman Murray had expressed his support of this article, and it was on motion unanimously

VOTED: To support Article 13, Smoke/Heat Detectors in Apartments/Motels.

Site Plan #81-240, Gold Star Nurseries, Inc. - Codjer Lane

Present: Atty Robert F. Dionisi, Jr. representing Mr. and Mrs. William Holden, Mr. and Mrs. William Holden, Douglas Weymouth and others.

Executive Secretary Richard E. Thompson noted that consideration of Site Plan application #81-240 of Gold Star Nurseries, Inc., for property located off Codjer Lane, in the Industrial Park District, has been continued by mutual consent from February 8 and was placed on this agenda for purposes of voting a decision, public discussion having been concluded. Mr. Thompson reported that, pursuant to direction at the February 8 meeting, comments have been submitted in writing as follows:

- from Robert F. Dionisi, Jr., Esq., representing abutters Mr. and Mrs. William Holden, dated February 12 with accompanying memorandum, distributed to the Board during the weekend;
- from Zoning Enforcement Agent/Building Inspector (ZEA/BI) Joseph E. Scammon, dated February 16, in response to Atty. Dionisi's communication, distributed this evening to the Selectmen with copies for Attorneys Dionisi and Powers;

- from John C. Powers, Esq., representing Gold Star Nurseries, Inc., received in the Selectmen's office 7:01 p.m., February 16, in response to Atty. Dionisi's communication, distributed this evening with copies to Atty. Dinoisi and ZEA/BI Joseph Scammon.

Upon learning that there would be no opportunity for comment other than submitted previously in writing, Mr. and Mrs. Holden vehemently stated their objections to this procedure.

Chairman Donald stated that the minutes show that both have been represented by counsel on the February 1 and 8 meetings and that Mrs. Holden was present on February 8.

Mrs. Holden stated that these procedures were not clearly understood and that she had understood from Selectman Cossart that discussion would proceed on a number of issues, including the introduction of commercial traffic into a residential neighborhood via Codjer Lane egress onto Horse Pond Road and the major traffic impact predicated on future development of adjoining industrial park property.

Selectman Cossart stated in response that neither his recollection nor the minutes indicate that further public discussion would take place, to which Chairman Donald added that the Horse Pond Road abutters had had ample notice to prepare their objections through the notice procedure and newspaper accounts.

Atty. Dionisi requested that since Selectman Murray was not in attendance this evening and Mrs. Donald had not been present at the February 8 meeting, the decision be tabled until Selectman Murray could be present.

Mr. Thompson replied that Selectman Murray was not in attendance because of a conflicting business meeting, but that he had advised the Board that he supported approval of the site plan.

Mr. Douglas Weymouth, 168 Horse Pond Road, stated that not everyone reads the newspapers nor was aware of the traffic impact on Horse Pond Road, stating that he had purchased his home with the understanding that the Town had told his attorney that the permit for use of the sand and gravel site had run out and that the road would no longer be used for commercial traffic. He also reiterated the Holdens' contention that the Selectmen were going against the view of the Town as expressed by passage of the 1968 Resolution by Town Meeting and setting a dangerous precedent.

The Holdens noted that the papers have not addressed the change in access from Codjer Lane onto Horse Pond Road rather than onto Union Avenue as the plan first proposed, and that fourteen notices to abutters do not, in their opinion, give adequate notice to a residential neighborhood which will be so heavily impacted by commercial traffic. The Holdens questioned whose interests the Selectmen were addressing since it was obvious to them that the interests were not those of the Horse Pond Road residents, suggesting possibly that they might be those of Gold Star Nurseries since its attorney was conspicuously absent from tonight's proceedings.

Mr. Thompson explained that Mr. Powers was not in attendance this evening because he had understood the purpose of the meeting was for a Selectman decision only.

Chairman Donald stated that the Selectmen had given the subject a great deal of consideration and that they were acting in the best interests of the Town.

The Executive Secretary rebuked the Holdens for the discourtesy shown to the Board of Selectmen and reminded them that consideration under the site plan process addresses specific concerns as stated in the bylaw, that the zoning use is to be determined by the ZEA/BI; further, if the use is determined as not applicable in the district, then action by the Board of Appeals could result in outright denial of a variance or approval with restrictions.

There being no further discussion, it was on motion unanimously

VOTED: To approve Site Plan 81-240 for Gold Star Nurseries, Inc., property owned by Melgrove Realty Trust, as shown on a plan by Colburn Engineering, Inc., dated December 11, 1981, revised December 14, 1981, subject to the following changes and conditions:

1. Codjer Lane to be improved and maintained by the developer from site to Horse Pond Road by paving in accordance with Town standards to a width of twenty-four feet;
2. The exterior lights at the corners of the west end of the building shall be relocated or shielded so that the light source lenses shall not be visible from the abutting residential district;
3. The area on which "plant beds" are located shall be reduced in size such that there is no destruction of natural tree growth within two hundred feet of the abutting residential zone, as required by section III.C.3.d. of the Zoning Bylaw, unless a variance therefrom is granted by the Board of Appeals;
4. Subject to conformity with all Board of Health, Zoning Bylaw and Wetlands Protection Act requirements; and
5. For the purposes of this site plan, alternate egress to Horse Pond Road shall not be used.

And it was further

VOTED: That it shall be noted in the minutes of this meeting that the Board recognizes certain questions raised by the site plan hearing concerning zoning issues, for example, outside storage, the propriety of the intended use in this zoning district, and the legal status of the premises as a buildable lot, and directs these questions to the attention of the Building Inspector for resolution at the time building permits are applied for.

Selectman Cossart wished the record to state that this was the first time since he has been a Selectman that he has been treated with such disrespect and contempt, (on the part of Mr. and Mrs. Holden), and finds such behavior unacceptable.

Shick Land

Executive Secretary Richard E. Thompson reported that in accordance with the proposal for purchase of an interest in agricultural development rights on the Shick parcel off Lincoln Road, as stated by letter of February 11 to the Farmers Home Administration, two petition articles have been submitted for inclusion in the Warrant for the 1982 Town Meeting: these are to provide for approval of an expenditure of \$42,000 from the Conservation Fund and to petition the Legislature to act on legislation allowing the Town to dispose of the fee interest in this land.

After noting that each petition had the required number of signatures, it was on motion unanimously

VOTED: To accept the petition articles for inclusion in the Warrant for the 1982 Annual Town Meeting as Articles 37 (funding) and 38 (petition Legislature) and to submit the articles to the Board of Registrars for signature verification.

Warrant Articles - General

The Board noted that positions have been considered on all articles except budget classification plan and salary plan, and those articles which will be reported on at Town Meeting.

It was agreed that where mention is made in any article relative to use of existing funds from other articles, a description of those existing funds as to original allocation should be included in the report.

Minutes

It was on motion unanimously

VOTED: To approve the distribution of the regular and executive sessions of February 8, as drafted, for notification purposes only and to table approval until Selectman Murray is present.

Current Items of Interest

Art Auctioneering License

Executive Secretary Richard E. Thompson reported that the Board had approved a one-day auctioneer license on January 25 for Thomas Herried of Collier Art Corporation for an art auction on April 3, 1982 benefitting the L-S Student Exchange Committee scholarship fund. Mr. Thompson stated that he is in receipt of a request from the Committee to amend the license date to May 15, 1982, because of a conflict in scheduling.

It was on motion unanimously

VOTED: To amend the date of the one-day auctioneer license as described above to May 15, 1982, and so notify the Town Clerk.

Vandalism

Executive Secretary Richard E. Thompson reported that eight classroom windows at Loring School had been broken over the past weekend.

Prosecution of Motor Vehicle Violations - Drunken Driving

In response to a citizen complaint relative to the purported lack of prosecutions of motor vehicle violations involving drunken driving, as portrayed in the discussion relating to The Sudbury House license violations reported by the newspapers, Mr. Thompson stated that a draft letter has been prepared for the Selectmen's review responding to Mr. Flora.

Selectman Cossart expressed his agreement with the citizen and directed, with Chairman Donald's concurrence, that thanks be expressed to Mr. Flora for bringing attention to the subject and Chief Lombardi be contacted to do everything he can do to implement specific action in this area of law enforcement.

Use of Flynn Building - L-S West

Executive Secretary Richard E. Thompson reported that the Board is in receipt of a February 9 letter to Chairman Donald accompanied by a cover letter from John H. Wilson, Director, Administrative Services, dated February 12, relative to the use of the Flynn Building by L-S West as proposed by the District. Mr. Thompson distributed his report dated February 15, 1982, on the subject for Selectmen review and was directed to schedule the subject at the next meeting for discussion with the Lincoln-Sudbury Committee.

Minuteman Regional Vocational Technical High School Budget

After review and discussion of the appropriation/assessment data for Minuteman Regional for the years 1977-1982, and based upon the school's public and budgetary performance, the Board unanimously

VOTED: To support the total budget request in the amount of \$276,540 and to recommend to the Finance Committee that it reconsider its vote recommending \$264,800 and support the total amount requested.

Selectman Cossart emphasized that the Town has always had the full cooperation of Superintendent-Director Ronald Fitzgerald and that the District has shown budgetary responsibility in providing services and training needed in the area. Selectman Cossart added that he would like the Selectmen to meet with the Finance Committee relative to establishing a unified view.

Chairman Donald concurred and the Executive Secretary was directed to advise the Finance Committee of the Selectmen's position.

Communications

Executive Secretary Richard E. Thompson reviewed various communications with the Board, as follows:

- Board of Assessor's response dated January 27, 1982 to the Department of Revenue providing the revaluation project timetable;

- proposals submitted for disposition of Loring, Fairbank, Horse Pond Schools and the South Annex.

Executive Session

At 10:30 p.m. it was on motion by roll call

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

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

Chairman Donald 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 11:00 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk