

IN BOARD OF SELECTMEN
MONDAY, JANUARY 3, 1983

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

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

Utility Petition #83-28, Prides Crossing Road

Present: Carole Clinton, Boston Edison Company; Joseph D. Bausk, New England Telephone and Telegraph Company; abutter Michael A. Zeolla.

In conformity with General Laws, Chapter 166, Sections 21 and 22, the Board considered Utility Petition 83-28 of Boston Edison Company and New England Telephone and Telegraph Company for permission to lay and maintain, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, under the following public way of the Town:

Prides Crossing Road, at and westerly from Jack Pine Drive, a distance of about 47 feet - Conduit.

Executive Secretary Richard E. Thompson stated that all appropriate abutters and Town officials had been notified and that a letter of recommendation had been received from the Building and Wiring Inspectors, dated December 28, 1982.

Ms. Carole Clinton of Boston Edison explained that the petition is for underground service to a new development of approximately sixteen new homes under construction by Creighton Hamill on Jack Pine Drive, a private way.

After satisfactorily addressing a concern of abutter Michael A. Zeolla that no electrical boxes will be placed on Prides Crossing Road (the boxes will be in the development on the private way), it was on motion by Selectman Donald unanimously

VOTED: To approve Utility Petition 83-28 of Boston Edison Company and New England Telephone and Telegraph Company, as described above, and as shown on plans entitled, "Plan for Proposed Conduit Location To Accompany Petition of New England Telephone and Telegraph Company", dated November 10, 1982, and Boston Edison Company "Plan of Prides Crossing Road, Sudbury, Showing Proposed Conduit Location", dated September 16, 1982.

Article Submissions - 1983 Annual Town Meeting

The Board reviewed a list of articles submitted for the 1983ATM under the December 31st closing.

It was on motion by Selectman Donald unanimously

VOTED: To accept for filing the following articles, submitted under the December 31 deadline for inclusion in the Warrant for the 1983 Annual Town Meeting:

Unpaid bills	(\$ 767.82)	Town Accountant
Budget		Finance Committee

Ambulance (2nd year payment/lease)	(13,000.00)	Fire Chief
L/S Roof Repair	(79,646.20)	LSRSDC
Nixon Roof - Engineering	(7,500.00)	Permanent Building
Implement Energy Conservation		Permanent Building
Reconstruct Portion Union Avenue	(80,000.00)	Highway Surveyor
Reconstruct Portion Dutton Road	(100,000.00)	Highway Surveyor
Accept Chapter 545 of the Acts of 1982 - Automatic Sprinklers		Fire Chief

Note: The following four Selectmen's articles were accepted for filing by the Board on November 29:

Hear Reports	Selectmen
Temporary Borrowing	Selectmen
Retirement Pension Fund	Selectmen
Stabilization Fund	Selectmen

Accept Bid - Gasoline Supply for 1983

Present: Acting Assistant Fire Chief Michael Dunne.

On the recommendation of Acting Assistant Fire Chief Michael Dunne, dated December 27, 1982, it was on motion by Selectman Donald unanimously

VOTED: To award the contract for supplying the Town of Sudbury with gasoline for the calendar year 1983 to Bursaw Gas & Oil Inc., 94 Great Road, Acton, MA, 01720, in accordance with Town of Sudbury specifications and their bid dated December 16, 1982, as follows:

Tank Car base price per gallon - regular gasoline	.8900
unleaded gasoline	.9250

Increment 0.03 and Massachusetts Tax .104 for both

Total base price per gallon - regular gasoline	1.0240
unleaded gasoline	1.0590

It was noted that these new prices indicate a decrease over last year's prices; Assistant Acting Fire Chief Dunne confirmed that he has no reason to not recommend the low bidder although he has had no experience with Bursaw, and that the current supplier did not bid.

FY83 Levy Limit

It was on motion by Selectman Donald unanimously

VOTED: To note receipt of a communication dated December 20, 1982, from the Finance Committee concerning the levy limit for Fiscal Year 1983 and to direct the Executive Secretary to set up a meeting in the immediate future with the Assessors and the Town Accountant to discuss the same.

Middlesex County Matters

It was on motion by Selectman Donald unanimously

VOTED: To support in principle the draft proposal of the Massachusetts Municipal Association for an act of legislation to modify county budget procedures.

And it was further

VOTED: To note receipt of a communication dated December 23, 1982, from the Middlesex County Advisory Board Coordinator furnishing:

- 1) Summary of the December 15 meeting and meeting schedules;
- 2) Notes on quorum problems;
- 3) Request from MCAB to Governor-elect Dukakis for adequate funding of leases of county-owned courthouses by the Commonwealth;
- 4) Information regarding Senate Bill #2148; and
- 5) Recommendations of the MCAB to provide emergency services to needy unemployed and unsheltered in Middlesex County.

And it was further

VOTED: To strongly support #3 above and to direct the Executive Secretary to so notify Governor-elect Dukakis and the MCAB.

Selectman Donald stated she will attend a MCAB budget meeting, Wednesday, January 5.

Set Salary - Fire Chief Michael Dunne

Present: Acting Assistant Fire Chief Michael Dunne.

Executive Secretary Richard E. Thompson referred to the salary summary provided regarding Michael Dunne's salary as captain and stated that the total is presently \$27,230 including overtime, holiday pay, and an EMT stipend; with additional income of \$2,000 from the Firefighting Academy, his annual income totals \$29,230.

Mr. Thompson stated that Michael Dunne is requesting a 20% differential be maintained between captain and chief (a patrolman/captain differential is 23% by contract). Mr. Thompson pointed out that once Captain Dunne's position as Fire Chief becomes effective (February 1, 1983) he would not receive as part of his annual salary such things as overtime, an EMT stipend, and holiday pay.

The Board agreed that Mr. Dunne's request for a 20% differential is appropriate in terms of merit and re-classification to justify the same and it was on motion unanimously

VOTED: To approve an annual salary for Fire Chief Michael Dunne, effective February 1, 1983, of \$31,518, which will not include: overtime, EMT stipend, longevity, or holiday pay. (Acting Assistant Fire Chief Michael Dunne stated his concurrence with the same.)

The Board agreed that it will be the Chief's option to continue working at the Fire Academy as long as that work does not interfere with his work as Fire Chief.

Mr. Thompson informed the Board that the Finance Committee will meet Thursday night, January 6, and will discuss the Police and Fire budgets (Police at 7:45 p.m. and Fire at 8:15 p.m.). Selectman Murray stated he would attend. Mr. Thompson gave the Board a copy of the Finance Committee's budget hearings schedule.

Sudbury, Ontario Centennial Celebrations

The Board acknowledged receipt of a communication dated December 10, 1982, from R. Helsing, Chairman of the Protocol Committee for the Sudbury, Ontario, Centennial Celebrations, concerning their plans to make a goodwill trip to Sudbury, Massachusetts, in April of 1983.

The Board directed the Executive Secretary to send a letter of welcome to Mr. Helsing requesting more specifics and to bring the matter back to the Board for further discussion.

Selectman Donald suggested that Mr. Thompson might want to mention in his letter that the Town holds Town Meeting in April and that attending the same night might be of interest to their group.

1983 Annual Town Meeting Election/Meeting

It was on motion by Selectman Donald unanimously

VOTED: To take the following action in connection with the 1983 Annual Town Election/Meeting, as recommended by the Town Clerk:

- a. To set the 1983 Annual Town Election for the four precincts in Sudbury for Monday, March 28, 1983, from 7:00 a.m. to 8:00 p.m. at the Peter Noyes School;
- b. To set the opening session of the 1983 Annual Town Meeting on Monday, April 4, 1983, at 8:00 p.m. in the auditorium of the Lincoln-Sudbury Regional High School;
- c. To establish that the Annual Regional School District Election shall be combined with and held as part of the Annual Town Election of Sudbury; that the ballot for the Annual Regional School District Election shall be included with and prepared as part of the ballot for the Annual Town Election;
- d. To establish that the listing of the offices shall be the same as set forth in the Warrant for the Lincoln-Sudbury Regional School Committee Election and shall be printed as the last office on the ballot; and
- e. To approve allowing the Board of Registrars to hold special registration sessions prior to the Annual Town Election and Town Meeting at the Town Hall, in accordance with Chapter 51, Section 30 of the General Laws.

Teen Center

Present: Co-Chairmen Robert K. Parvenik and Lawrence S. Faye, Treasurer, Diane R. Ansbro, Nancy L. Scofield (volunteers), Supervisor John D. Gavin, Howard J. Strauss (food), and Sandra M. Bell, Representatives of the Teen Center.

Chairman Cossart welcomed representatives of the Teen Center to discuss financing of the same, as requested by Co-Chairman Robert K. Parvenik in a letter dated December 20, 1982.

Mr. Parvenik's opening remarks are summarized as follows: The Teen Center has provided a safe supervised place for teenagers to gather on Friday evenings; it is supervised inside and organized by volunteers but the special-duty policeman for outside is paid by the Teen Center; it is maintained and equipped by community donations and admission fees' it has been very successful and the Committee would like to be able to expand by developing special programs which require money; and asked for support from the Selectmen, financial and otherwise.

Chairman Cossart expressed appreciation to the Committee, on behalf of the Board, for a successful and outstanding job in establishing the Teen Center.

Mr. Parvenik introduced the members of his committee. He distributed a schedule of Friday night dates when the Teen Center is used during the school year, October - June, 1982-83.

Mrs. Sandy Bell stated that the Committee feels they have enough money in the account to take care of the expenses for the remaining school year and hoped that they would receive some financial support from the Selectmen/Town for the 1983-84 season.

The Treasurer, Diane R. Ansbro, gave the following report:

- In 1981, the first fundraiser collected \$2,837 which was matched by Raytheon (\$3,000).
- \$7,500 invested in the Kemper Fund and, after expenses to date, there is a balance in that fund of \$3,783.55.
- \$158.70 in checking account.
- \$50 in petty cash.
- admission covers food and small amount of miscellaneous expenses.

Selectman Murray stated his opinion that the Selectmen would be naive if they thought they could create a new budget and suggested that the Committee appeal to the Park and Recreation Commission which he felt would be the obvious place for a budget of this type. Selectman Murray added that this would be the time to go before the Park and Recreation Commissioners since they are currently reviewing their programs and preparing their FY84 budget.

Mrs. Bell stated that the Committee was unsuccessful when they went before the Park and Recreation Commission last year for this reason.

Mr. Lawrence Faye expressed his position that the police supervision for the Teen Center should be budgeted within the police budget. Selectman Murray explained that regular police coverage does not include any special duty police. They are hired and paid by the individual/organization requiring his services and usually the bookkeeping is handled through a special accounting process through the Town's accounting office.

Responding to Mr. John Gavin, Selectman Murray stated that a certain amount of money was expended from the Building Department Maintenance Account, under the direction of the Building Inspector, and under the 1982 Special Town Meeting Article 1, \$10,000 was appropriated for specific renovations, not maintenance, of the Fairbank School for its use as a Community Center. He continued to say that the Selectmen are talking about that building being available on a rental basis and stated again that he felt ideally the Teen Center would be a Park and Rec function.

Executive Secretary Richard E. Thompson pointed out that the Park and Recreation Commission has a system of collecting users' fees for some of its programs. Selectman Murray added that those fees are put into a Revolving Account and cover some of the expenses of those programs and implied that this might be a way of the Teen Center coming under the Park and Rec budget.

Following further discussion, and in support of the Teen Center, it was on motion by Selectman Murray unanimously

VOTED: To direct the Executive Secretary to contact the Park and Recreation Commission relative to meeting with the representatives of the Teen Center to discuss financing of the same as soon as possible.

Extend Site Plan 80-227 - Frank M. Vana, Lots 4 and 5, 435 Boston Post Road

It was on motion by Selectman Donald unanimously

VOTED: To extend Site Plan 80-227 of Frank M. Vana, Trustee of Filomena Vana Trust, for lots 4 and 5, 435 Boston Post Road, zoned Limited Business District #6 and Residential A, for a shopping center, to January 18, 1984.

One-Day Antique Show and Sale Permits

It was on motion by Selectman Donald unanimously

VOTED: To approve a request dated December 2, 1982, for two, 1-day antique show and sale permits from Stephen R. Allman of Stephen R. Allman Promotions, to be held at the East Field of the Wayside Inn. sponsored by the Wayside Inn Corporation, on Saturday, May 21, 1983, from 8:00 a.m. to 6:00 p.m., and on Saturday, August 13, 1983, from 8:00 a.m. to 6:00 p.m., subject to approval by the Building Inspector, the Fire and Police Chiefs, and the Board of Health.

Home Health Care Week - January 16-23

It was on motion by Selectman Donald unanimously

VOTED: To declare the week of January 16-23, 1983 as Home Health Care Week, requested by the Community Health Collaborative, a group of voluntary non-profit home health agencies made up of the Sudbury Public Health Nursing Association, the Parmenter Health Center, the Natick Visiting Nurse Association and the Visiting Nurse Association of South Middlesex and to sign a proclamation as amended by Selectman Donald designating the same.

And it was further

VOTED: To direct the Executive Secretary to prepare a letter of appreciation to former Executive Director of the Sudbury Public Health Nursing Association, June Grace, for her years of service to the Town, for presentation by Selectman Donald to Mrs. Grace at her farewell dinner at the Wayside Inn.

Reimbursement Anticipation Note Renewal

It was on motion by Selectman Donald unanimously

VOTED: To confirm action by the Board on December 28, 1982, of signing a \$50,000 Reimbursement Anticipation Note Renewal, dated January 10, 1983 and due April 11, 1983, as follows:

Bay Bank Middlesex	4.69%	\$50,000.
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Waive Burial Fees

It was on motion by Selectman Donald unanimously

VOTED: To confirm the Board's vote of December 22, 1982, to waive the grave opening and closing fee for the burial of Mrs. Ann Poole, as authorized under Section XIV of the Town of Sudbury Cemetery Rules and Regulations.

Liaison Group - Fort Devens

The Executive Secretary announced the following appointments to the liaison group to interface on the problems of the recent military training activities at the Sudbury Annex of Fort Devens: David McGinn, representing Congressman Shannon's office; Mark Sugarman, John D. Dretler and Sidney Wittenberg, for the community; and Richard E. Thompson, Executive Secretary to the Selectmen.

Mr. Thompson stated that he had sent a letter (dated December 29, 1982) to Colonel Delmar Corbin, Fort Devens, (with copies to each of the representatives) informing him of the group and requesting his liaison to the same, but had not received a response to date. Mr. Thompson further stated that he would telephone Col. Corbin no later than Thursday, January 6, if he has not heard from him by then.

Set Salary - Police Chief (FY83)

Executive Secretary Richard E. Thompson referenced his October 22, 1982, memorandum to the Chairman of the Personnel Board on the subject of the Police Chief's salary (1982-83), which he reviewed with the Board. Mr. Thompson stated that he had provided the Selectmen with copies of the yearly evaluation sheets pertaining to Chief Lombardi and the Fire Chief, as requested by Chairman Cossart.

Selectman Murray stated that the Selectmen had met with the Personnel Board, which reversed its position of October 26, 1982 to set the maximum salary for the Chief at the statutory rate of 1.8 times the highest paid patrolman and instead agreed to reconsider the Board's position of October 4, 1982, to set the Police Chief's annual salary at \$34,960, a 4.6% ratio increase or a 3.2% increase over his FY82 salary.

Chairman Cossart commented that he had reviewed the evaluation sheets for both Chiefs and it was apparent to him that the Fire Chief's performance over the years exceeded that of the Police Chief. Chairman Cossart confirmed his previous position not to support a merit increase for Police Chief Nicholas Lombardi.

Selectman Murray commented that he felt because the Fire Chief's and the Police Chief's jobs were entirely different they could not be compared and expressed his opinion that over the years Chief Lombardi performed his duties well.

It was on motion by Selectman Murray unanimously

VOTED: To rescind the Board's note of December 6, 1982, authorizing a FY83 salary of \$34,813 for Police Chief Nicholas Lombardi, by decreasing the same to \$33,413 (Ratio 1.8) and by approving the additional sum of \$1,400 in holiday pay.

And it was further on motion by Selectman Murray

VOTED: To set the FY83 salary of \$34,960 for Police Chief Nicholas Lombardi.

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

Selectmen's Report - 1982 Annual Town Report

On the recommendation of the Executive Secretary, the Selectmen agreed to submit any revisions they might have on the draft Selectmen's Report for the 1982 Annual Town Report to him for final draft preparation for the Board's January 10th meeting.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Special Meeting of December 4, 1982, as drafted, and the minutes of the Regular Session of December 20, 1982, as amended.

Senate Bills 2147 and 2148

In accordance with a communication dated December 28, 1982, from the Massachusetts Municipal Association, the Board directed the Executive Secretary to contact Representative Lucile Hicks and Senator Chester Atkins expressing opposition to Senate Bill #2147, which mandates binding arbitration to solve disputes on construction contracts, and Senate Bill #2148, which would allow the State to take over the Registry of Deeds in each county.

Procedures under Personnel Bylaw

The Board acknowledged receipt of a December 27, 1982, communication from the Personnel Board asking that in the future the office submit a performance appraisal form for individually rated positions with requests for salary increases.

Water Analysis - Town Wells

Responding to Chairman Cossart on the status of the testing by the local Health Department and Water District on the Town water supply (and streams and rivers), Executive Secretary Richard E. Thompson stated that he had spoken to Health Director John V. Sullivan and reported that 1) the Board of Health has tested all rivers and streams and will forward copies of those reports immediately upon receipt of same (later this week); and 2) the Water District Commissioners (spoke to Brad Mattsen personally) are aware of the Selectmen's request that they test the Town Water supply for organics and heavy metals, and that Mr. Sullivan would follow up on that.

Chairman Cossart asked that Mr. Thompson obtain a definite date from the Water District as to when that water sampling would be completed and when the results would be available, and report back to the Board at its January 10 meeting.

Mr. Thompson commented that the Water District has sufficient money available to do this testing (remaining under Annual District Meeting appropriation(s) for that purpose).

Unlicensed Motor Vehicles

Chairman Cossart directed the Executive Secretary to contact the Building Inspector regarding enforcement of the Town bylaw as it pertains to the storage of unlicensed motor vehicles.

Illuminated Signs - Sudbury Variety

Chairman Cossart directed the Executive Secretary to contact the Building Inspector regarding the illegal illuminated signs at Sudbury Variety.

Board of Education's 1983 Legislative Proposal

Selectman Murray informed the Board that he had been in touch with the Regional School and had also talked to Superintendent Joseph LoPresti regarding expressing opposition to the State Board of Education's 1983 legislative proposal to "improve educational finance".

Safety Concerns - New Subdivision Off Peakham Road

The Board acknowledged receipt of a December 28, 1982, petition requesting a hearing to review the safety aspects of a planned subdivision as the new road enters Peakham Road close to the intersection of Whispering Pine Road, inasmuch as the Selectmen are responsible for public safety.

The Board was also in receipt of a January 3, 1983 communication from the Town Engineer reporting that he and his assistant, the President of Colburn Engineering, and two members of the Planning Board met at the intersection in question and determined that the construction of the proposed street is safe and proper sight distances will be available for all traffic driving within the legal speed limit.

The Board directed the Executive Secretary to forward a copy of Mr. Merloni's letter to Mr. David H. Fine, 4 Whispering Pine Road, on behalf of the petitioners, and to also inform Mr. Fine that the Board will not take any action on the same until the Planning Board reports its recommendations following tonight's Planning Board hearing on the matter.

Joint Meeting with Planning Board - Article Submission for 83ATM

Present: Chairman Olga P. Reed, Ralph Ernest Hawes and Theodore P. Theodores, Planning Board.

Chairman Cossart convened a meeting with the Planning Board to discuss that Board's article submissions for the 83ATM, as follows:

- 1) Amend Bylaws, Art. IX, 1 - Basic Requirements; Environmental Impact.

Mrs. Reed explained that the Planning Board now has the right to ask for an environmental study on subdivisions and/or in residential areas and felt it would be appropriate for them to be able to execute that authority on commercial and industrial property as well. (They have not finalized the wording of the article.) Mrs. Reed went on to say that the State Environmental Protection Act gives the local Planning Board some authority to ask for these environmental studies but the Planning Board would rather be able to have the authority on a local level, whether it be by the Selectmen under site plan procedures or the Planning Board.

Under this article, the Planning Board is also recommending removing municipal purposes (exemptions) in accordance with zoning bylaws. Town Counsel commented that it is legal but questioned the necessity of it since municipal exemption rarely applies.

- 2) Amend Bylaws, Art. IX, II, C - Rezone Areas to Residential.

Mr. Theodores stated that the long-term effect of this article would be to rezone to residential the following business districts and portions of Limited Business District #5 and Industrial Park #1, which would only take effect upon the sale of these properties:

- Business District #7 - intersection of the northerly line of Hudson Road and the center line of Penn Central Railroad layout.
 - Business District #9 - at the junction of Hudson and August Roads.
 - Business District #10 - at the junction of Pantry and Haynes Roads.
 - Business District #12 - north side of Hudson Road beginning at Government property
 - Limited Business District #5 - a portion which lies west of the easterly side of Railroad right-of-way.
 - Industrial Park #1 - a portion which lies north of Codjer Lane.
- 3) Create Historic District - Concord Road and Boston Post Road.

The Planning Board intends to create a new historic district along Boston Post Road and the south end of Concord Road. Mr. Thompson pointed out that this would place certain restrictions on the commercial properties located there. There was some discussion.

- 4) Amend Bylaws, Art. IX, IV - Intensity Regulations.

The Planning Board indicated the purpose of this article is to reduce by 20% the amount of building coverage on a particular piece of property.

The Planning Board members indicated they are working on the final wording for the above articles.

At 9:55 p.m. it was on motion by roll call

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

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

There being no further business to come before the Board, the meeting was adjourned at 10:20 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk