

IN BOARD OF SELECTMEN
WEDNESDAY, OCTOBER 5, 1983

Present: Chairman John E. Murray, Anne W. Donald and Myron J. Fox.

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

Dog Complaint

Chairman Murray opened a hearing on the complaint dated September 14, 1983 of Mrs. Marian M. Kitchin, 25 Clark Road, against the Shepherd dog owned by Mrs. Joan Fredella, 128 Plympton Road.

Executive Secretary Richard E. Thompson stated that Mrs. Kitchin had called the office and requested postponement of the hearing for 3-4 weeks to see if the situation can be resolved without a hearing.

It was on motion unanimously

VOTED: To postpone the hearing on the above-noted dog complaint until further notification from the complainant.

Barton Farms/Woodmere Road Extension

Relative to a petition from residents of the Woodmere Estates development objecting to certain aspects of Creighton Hamill's proposed development on a portion of the so-called Barton Farm which borders their respective properties and suggesting alternatives to the same, specifically, the use of a railroad right-of-way as an access to the development, Executive Secretary Richard E. Thompson noted receipt of the following input, as requested by the Board at its September 19 meeting:

- a report from the Town Engineer, dated September 27, 1983, indicating that access by way of the railroad would probably not be easily accomplished since railroads are generally not in favor of giving up their rights-of-way and, since Penn Central is in bankruptcy, Town, State and Federal action would be required. This alternate access would also cost approximately \$128,000 more than the access proposed by the developer since it is 1600 feet longer, land takings would be necessary, and the wetlands would be affected. In conclusion, Mr. Merloni pointed out that the subdivision approval process and the Wetlands Protection Act (under the control of the Planning Board and Conservation Commission respectively) does insure that all problems associated with wetlands, flooding and traffic, etc., will be addressed and that these contain provisions for an appeal process by either petition and/or interested citizens, and in his experience, the best interest of the Town and the citizens is served by this process. (Mr. Thompson stated that following a telephone conversation with Mr. Kolb, an abutter, he had forwarded a copy of the Town Engineer's letter to him.)

- a communication from the Conservation Commission, dated October 1, 1983, noting receipt of the petition, and that they will act on the Notice of Intent received September 28, 1983, from Creighton Hamill, proposing access to his subdivision by extending Woodmere Drive, the route which will have the least impact on the wetlands. The Conservation Commission's public hearing on the Barton Farms Subdivision will be held October 17 at 9:00 p.m. The Board directed Mr. Thompson to forward a copy of the Conservation Commission's letter to Mr. Kolb.

Selectman Donald noted that the Planning Board plans to respond after its hearing on the subdivision plan.

During discussion, the Board concurred with the Town Engineer's explanations for not supporting the petitioners' suggested alternative access and directed the Executive Secretary to forward to the petitioners, through Mr. Kolb, a copy of the Conservation Commission's letter and encourage them to attend the Planning Board's hearing or discuss their concerns directly with them, and to inform the petitioners of the subdivision appeal process.

Accept Bid - Town Buildings Fuel Oil

It was on motion by Selectman Fox unanimously

VOTED: To accept the following bids awarded by the Wellesley School Committee, acting as the agent for The Education Cooperative, for supplying fuel oil for the Town buildings during the 1983-84 heating season, commencing September 1, 1983:

- 1) from Atlas Oil Corporation, 55 Allied Drive, Dedham, Massachusetts, for supplying No. 2 fuel oil at the price per gallon on the date of delivery of the low posting of the Daily New York Journal of Commerce, Boston Terminal, plus \$.0013 gallon throughout the supply period; and
- 2) from Pittston Petroleum, 500 Neponset Avenue, Boston, Massachusetts, for supplying No. 4 fuel oil at the price per gallon on the date of delivery of the low posting of the Daily New York Journal of Commerce, Boston Terminal, minus \$1.87 per barrel throughout the supply period.

United Way Month

It was on motion by Selectman Donald unanimously

VOTED: To proclaim the month of October as United Way Month in the Town of Sudbury.

Town Audit - FY82

The Board acknowledged receipt of a draft audit report for FY82 prepared by Laventhol & Horwath, Accountants, dated September 23, 1983.

The draft report included a communication dated August 24, 1983, from Laventhol & Howarth stating its opinion that Sudbury had not complied with the Federal Revenue Sharing Act in the following two areas:

- 1) The Town has not filed Form EEO-4 with the Equal Employment Opportunity Commission; and
- 2) The Town has not established a formal civil rights policy.

Executive Secretary Richard E. Thompson called the Board's attention to the Town's filing of an EEO-4 Summary Sheet, signed and dated January 28, 1983.

Concerning an established civil rights policy, Mr. Thompson responded, not knowing the exact meaning of the term, that he believed the Town had complied based upon the fact that the Town does have an Affirmative Action Policy under the Selectmen's Policies and Procedures, (section S. Affirmative Action Policy, adopted July 10, 1978), and the fact that the Town Bylaw contains a section on Equal Employment Opportunity, that being Article VII(A).

After discussion and at the suggestion of Selectman Fox, the Board directed that Laventhol & Howarth be consulted to see if the above would bring the Town into compliance, and if not, what action is necessary to do so.

It was on motion by Selectman Fox unanimously

VOTED: To accept the draft audit for FY82 and to direct the Executive Secretary to so notify the Town Accountant in order that he may proceed with securing the final report.

And it was further, on recommendation by the Town Accountant,

VOTED: To sign a letter of client representation, dated October 5, 1983, to be forwarded to the firm of Laventhol & Horwath, following the signing of the same by the Town Accountant and the Tax Collector.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular and Executive Sessions of September 26, 1983, both as amended, and the Town Fathers Forum of that date, as drafted.

B'nai Torah - Loring School

Present: Harvey R. Peters, Margaret A. Snyder and Thomas S. Travers, B'nai Torah.

Mr. Peters introduced Ms. Snyder and Mr. Travers, representing B'nai Torah. Mr. Peters explained that a committee had been formed to look into alternative housing for their congregation and that the Loring School is one of their

considerations. He questioned whether it was feasible to talk about purchasing the Loring School at this point, and stated that, if it were, a final decision would need to be made by the congregation. Mr. Peters asked the Selectmen about the price, how much of the surrounding land the Town might be prepared to sell, if any, and whether the congregation would have some rights to the use of the immediate land around the building, if only the building were sold. Additionally, Mr. Peters questioned whether it might be an outright sale, or, if it could be leased for a period of years with an option to purchase and whether the rental could be applied to the purchase price.

Chairman Murray explained that the area containing the playgrounds would be retained by the Town. Later Selectman Fox pointed out that the playground could be used in common by them.

Mr. Thompson added that the one-year lease which has been negotiated with the Sudbury Community Arts Center, Inc., authorizes occupying and control of the building and 20 feet of land around it.

Responding to Mr. Peters, Chairman Murray stated that a sale, as well as a lease with an option to purchase, would require Town Meeting action.

Selectman Fox expressed his opinion that the Selectmen's position remains that their first priority would be that the building be sold; second, that a long-term lease be negotiated; third, that a short-term lease be negotiated, and finally, that the building be razed.

He further stated that the Selectmen do have an obligation to the current lessee and certain expectations for successful operation. He suggested that the B'nai Torah congregation might contact the SCAC after about six months (the lease went into effect July 1, 1983) to discuss use of the building in common with them.

Mr. Travers indicated that if the congregation went forward with the purchase, the building would most likely be too large for them and they might be receptive to renting out space to other non-profit organizations.

Relative to scheduling, Ms. Snyder stated that they would use the building on Monday and Thursday after school for religion classes, and once a month on the second Friday and approximately five days in September during the high holidays for religious services. They would not occupy the building on Saturdays.

Regarding their preference to purchase or lease, Mr. Peters stated the final decision would be up to the congregation. Selectman Fox stated that the Selectmen would prefer a long-term (10-year) lease only if they could not find a buyer.

Relative to the bidding process, Mr. Thompson stated that the Town had gone out to bid twice and the second time (for only the school) received no bids at all. (The first time the bids were too low or otherwise unacceptable.) Chairman Murray reiterated that they would need Town Meeting approval of such sale.

Chairman Murray added that, being in a residential area, the use of the building would have to be non-profit; Selectman Fox added that the Selectmen would not support a change in zoning.

Relative to the congregation submitting an article for the 84ATM, Mr. Thompson stated the deadline would be January 3, 1984, and that it could be withdrawn anytime after that or indefinitely postponed on Town Meeting floor.

In conclusion Mr. Thompson stated that the SCAC had been updated as to this request by B'nai Torah.

Sudbury River Diversion

Selectman Donald stated she had attended the Sudbury River Diversion meeting and the latest information is as follows: they plan to divert twenty-two million gallons rather than forty million gallons; the proposed treatment plant cost is estimated at twenty million dollars to get approximately twenty million gallons per day, the expense is so great they feel it may not be worth doing; the system would not be operable from June through September because of water quality problems.

Joint Meeting with Planning Board

Present: Chairman Theodore P. Theodores, Lael M. Meixsell and Olga P. Reed, and secretary Mary Corley, Planning Board.

Chairman Murray welcomed members of the Planning Board for a joint annual meeting to discuss mutual concerns.

Chairman Theodore P. Theodores of the Planning Board expressed frustration that the Planning Board had not been able to delve into general planning projects which it knew needed to be addressed but which it does not have the time for because of day-to-day administrative work, and because it does not have the capabilities/experience within the present makeup of the Board to do so. Mr. Theodores expanded by expressing his opinion that, because the Planning Board did not have sufficient time or the manpower to thoroughly prepare for and present its articles at Town Meeting, the articles had been voted down. He said a significant amount of time had been spent on the articles and, in terms of long-range planning, they were necessary revisions to the planning bylaws of the Town.

Chairman Murray added his opinion that part of the reason the articles failed was because the Planning Board had been split on the issues.

Selectman Fox agreed with Mr. Theodores' concerns and the reasons for being unsuccessful at Town Meeting. Selectman Fox stressed the importance of making the public informed about proposed articles, by way of public hearings to explain the same, informational flyers and questionnaires and newspaper coverage. In conclusion, Selectman Fox stated he felt the Planning Board may not be successful until they hire a Planner. He suggested that the Planning Board approach past

members of the Planning Board, the Board of Selectmen, Conservation Commission, Finance Committee and other Town officials/boards and present to each of them the need and financial justification for a Town Planner, for the purpose of obtaining their support from the beginning, long before going before Town Meeting.

Chairman Murray expressed his opinion that one prime area for the Planning Board to address is the Industrial Park off Codjer/Union Avenue, noting that it is located upstream from Town wells. Selectman Donald added that, if the Planning Board does look into the zoning of this area, it should also consider the buffering of the Industrial Park from the abutting Residential area.

Chairman Murray recommended an open meeting with the local Chamber of Commerce for an overview of the zones and anticipated future problems and to discuss Planning Board concerns which may culminate in Town Meeting articles.

Mr. Meixsell later categorized Route 20 as an anticipated future problem.

Mrs. Linda Wallace from the League of Women Voters announced that the League plans to hold a series of open public meetings with local businessmen and felt this might be a way that the League could help the Planning Board publicize its need for a Town Planner.

Both Selectmen Murray and Fox agreed that a Planner is necessary; Selectman Fox suggested shared services, mentioning the Water District and the Conservation Commission. During further discussion, Selectman Fox also suggested that a consolidated list be compiled and that one or two issues, such as the Planner, be selected and concentrated on for presentation to Annual Town Meeting.

During discussion relative to Town Bylaws which might fall under the jurisdiction of the Planning Board, responding to Selectman Donald, Mr. Theodores, on behalf of the Planning Board, agreed that it would look at the zoning bylaw as it pertains to the issuance of entertainment licenses in Limited Business Districts.

Relative to site plan and/or subdivision procedures, Mr. Thompson expressed his opinion that there is a problem with "follow through" and that this is another area where a Planner would be very useful.

Planning Board member Olga P. Reed, stated that the Town is operating under 1973 Subdivision Rules and Regulations - that these definitely need revision to better serve the Town's needs. Mr. Thompson suggested that the Town Engineer may be able to help revise the Town's Rules and Regulations.

In conclusion, Selectman Fox suggested that the Planning Board determine if it needs a full-time Planner, and, if so, spend its efforts there. Furthermore, having this person would allow the Planning Board to do all the other administrative work (in-house).

The Planning Board appeared to be in agreement that it would submit a funding request for the 84ATM for a Town Planner. Mr. Thompson stated he would send out whatever information he might have on file regarding a Planner. (job descriptions, etc.).

The Executive Secretary was directed to schedule a meeting with the local Chamber of Commerce, Boards, Committees, and appropriate Town officials to discuss the concerns raised by the Planning Board and the hiring of a Town Planner.

Chairman Murray thanked the Planning Board members for their attendance.

Energy Conservation

The Board acknowledged receipt of a September 26, 1983, communication from Sharon M. Pollard, Secretary of Energy, State Executive Office of Energy Resources, regarding the governor's proposed proclamation designating October 15-22, Massachusetts Energy Week, and enclosing a sample press release showing a schedule of events, to be filled out by individual cities and towns, and a list of suggested community activities.

Following discussion it was on motion by Chairman Murray unanimously

VOTED: To support the State declaration of October 15-22 as Massachusetts Energy Week and to so inform appropriate Town agencies asking if they would participate in recognizing the same and enclosing a copy of the suggested community activities for their reference.

Slope and Drainage Easement, Conservation Restriction Virginia Ridge Site Plan, off Powder Mill Road

On the recommendation of the Executive Secretary, it was on motion by Selectman Donald unanimously

VOTED: To sign and accept a Slope and Drainage Easement and a Conservation Restriction, both dated October 4, 1983, for property located off Powder Mill Road, in the name of Erik L. Fleming, Trustee of North Sudbury Real Estate Trust, and as shown on a plan entitled "Definitive Subdivision of Land in Sudbury, Mass.", dated May, 1983, subject to Town Counsel's approval.

Drainage Easement - Hudson Road

It was on motion by Selectman Fox unanimously

VOTED: To accept a drainage easement for property on Hudson Road and shown on a plan entitled, "Topographic Plan of 'The Elms' in Sudbury, Mass.", dated September 29, 1982, revised January 25, 1983, subject to receipt of the document, Town Counsel's approval, and review by the Town Engineer.

MCSA Workshop

Selectman Fox reported that he attended a seminar at the Middlesex County Selectmen's Association workshop Saturday, October 1, relative to local costs - how to manage Town Counsel's budget. He was interested in learning that Wayland's Town Counsel's costs equal the Towns of Lincoln, Sudbury and Weston put together.

Selectman Donald stated earlier she had attended a workshop at the same seminar on "Managing your Manager", and gave Mr. Thompson her handnotes for his information and to copy for the other members.

Tax Bills

Selectman Fox informed the Board that it appears estimated tax bills can only be sent out during periods of revaluation. He referenced G.L.c.11,s.1, and directed the Executive Secretary to consult Town Counsel as to his opinion of the interpretation of this law. If estimated bills could be sent, they could go out in 4-5 weeks; otherwise, it appears tax bills will not go out until December 1.

128WRRRC/Wayland-Sudbury Septage Facility

Selectman Donald reported she had read a newspaper article covering the recent Weston Selectmen's meeting in connection with the retrenching by the State in assisting the 128 West Resource Recovery Council (128WRRRC), Bureau of Solid Waste Disposal, and expressed her personal opinion that this is a damaging and frightening step backwards.

Also, Selectman Donald noted receipt of a September 29, 1983, communication from the 128WRRRC explaining major changes in the State's policy toward regional municipal resource recovery projects under the direction of the Dukakis administration Economic Development Council; mainly, the termination of all consultant assistance to the 128WRRRC and presumably to participating communities.

Selectman Donald felt the Selectmen should somehow urge the State Council to change its opinion. Executive Secretary Richard E. Thompson suggested that the Selectmen let the matter take its natural course of action and endorse the efforts of communities which are impacted more than Sudbury if and when requested by them.

Later in the evening, Selectman Fox expressed his concern regarding the delays in completion of the Wayland-Sudbury Septage Facility and associated legal problems and stated he planned to contact Dr. Cooper of the Operational Review Committee.

After discussion, the Board directed that Mr. Thompson keep updated on the evolution of the problems and report back to the Board the status of outcome in case it requires support in some form by the Board.

Chamber of Commerce

Chairman Murray reported to the Board on a very successful first meeting with the local Chamber of Commerce which was attended by 70-80 people last week. Selectman Murray stated that he asked the group to give the Selectmen some recommendation on the continuance or non-continuance of the Industrial Development Commission.

Fort Devens Meeting

Chairman Murray reported that he met last week at Fort Devens with the Commander, Colonel Corbin, and had some discussion regarding the Fort Devens Sudbury Annex Environmental Assessment Draft Report. The official public citizen input time for response to the same is October 15 through November 15. (A copy of the same is available in the Selectmen's office.)

Chairman Murray suggested that in the near future the Selectmen sponsor a local public meeting on the same for community input.

Senator Atkins/Council on Aging Meeting

Executive Secretary Richard E. Thompson informed the Board of an October 11 meeting in the Selectmen's office involving Senator Atkins' office, Congressman Shannon's office, and Friends of the Sudbury Senior Citizens, Inc., relative to securing a van to be used by the Council and which would be equipped for the handicapped, under a State and Federal grant program application filed by Colonel Leahy.

State's Aquifer Land Acquisition Program

Following discussion and at the direction of Selectman Fox, it was on motion by him unanimously

VOTED: To direct the Executive Secretary to contact the Sudbury Water District Secretary, Winthrop Fairbank, indicating that Town services and staff are available to prepare any documentation necessary if they intend to pursue funds under the State's Aquifer Land Acquisition Program (the protection of wells through the aquisition of land).

Insurance Coverage

On the recommendation of the Executive Secretary, the Board took the following two communications from Hall's Insurance Agency under advisement:

- 1) Police Professional Liability Insurance Coverage, dated September 22, 1983; and
- 2) Pollution Liability Coverage, dated September 30, 1983.

Mr. Thompson stated he would discuss these with the Insurance Advisory Committee and report back to the Board. He expressed his opinion that it may not be possible for the Town to purchase these insurance coverages because of the costs involved.

Waive Scale - 10 Concord Road

In accordance with a request from Colburn Engineering, Inc., dated September 28, 1983, and on the recommendation by the Building Inspector, conveyed through the Executive Secretary, it was on motion by Selectman Fox unanimously

VOTED: To grant permission to Prime Plus Two Realty Trust to submit a site plan with a scale of 1"=10', for property at 10 Concord Road.

Entertainment Licenses/Limited Business District

The Board reviewed a draft communication to be sent to Entertainment License holders in Limited Business Districts relative to issuance of their licenses in contravention of section III,B,1,h of the Sudbury Zoning Bylaw.

The Board approved the same for final type with one small change.

Pistol Permits

The Board approved a communication drafted by the Executive Secretary, dated October 5, 1983, to be sent to Police Administrative Assistant Peter Lembo, on the subject of pistol permits and requirements under G.L.c.140, s.131, namely, that police officers should maintain an active pistol permit and that the \$10 fee should be waived for local police officers for their issue pistol only.

Powder Mill Road

The Board gave a copy of Town Counsel's statement, given to the Town Crier on October 3rd relative to Powder Mill Road, to a reporter from The Middlesex News - which stated that he will meet Thursday, October 6, with Counsels and MAPC to discuss potential resolution of Powder Mill Road.

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

Attest: _____

Richard E. Thompson
Executive Secretary-Clerk