

IN BOARD OF SELECTMEN
MONDAY, APRIL 2, 1984

Present: Chairman Anne W. Donald, Myron J. Fox and Josiah F. Frost.

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:00 p.m. in the library of the Lincoln-Sudbury Regional High School by Chairman Donald.

State of Emergency

It was on motion by Selectman Fox unanimously

VOTED: To confirm the Board's unanimous telephone vote on March 29, 1984, at 6:00 p.m., declaring that a state of emergency existed due to the snowstorm in the Town of Sudbury.

Industrial Park - Codjer Lane

Present: Morton L. Brond, 31 Marked Tree Road, and William H. and Jill Holden, 160 Horse Pond Road.

The Board acknowledged receipt of a March 25 letter from Morton L. Brond, expressing his opinion that the Technology Concepts site plan, approved by the Board on March 12, should be rescinded on the basis that: 1) its engineering firm (Colburn Engineering) had prior knowledge of specific future development and failed to reveal this information to the Selectmen; 2) the traffic study presented was erroneous, deficient and misleading and failed to recognize added truck and automobile traffic which would result from additional development; and 3) considering additional development, adequate consideration was not given to the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets and land, zoning bylaw, Art. IX,A.2.

Mr. Brond's communication enclosed a plan entitled, "Preliminary Plan of 'The Oaks' in Sudbury, Mass", a preliminary subdivision application for the industrial park by Robert Stubblebine, also represented by Colburn Engineering.

Selectman Fox expressed his opinion that he, as one Selectman, would not be willing to rescind his vote based on the contents of Mr. Brond's letter. The Board agreed, that:

1) It would have been improper for Mr. Colburn, while representing Mr. Wecker of Technology Concepts, to divulge information he may have had regarding specific additional development of the industrial park on Codjer Lane, which could have jeopardized his client's (Technology Concepts) site plan application; also, the Selectmen were cognizant of possible future development of the industrial park while dealing with Mr. Wecker's site plan, although the Selectmen are not pleased that it came up so soon after the Technology Concepts site plan, and tried to address that issue when discussing making a portion of Codjer Lane one-way to try to alleviate further traffic encroachment on Horse Pond Road. Executive Secretary Richard E. Thompson

stated that the Town Engineer will be giving the Selectmen his professional recommendation on the Selectmen's one-way suggestion as soon as possible.

2) Mr. Brond does not point out where the traffic study is erroneous; and

3) The Selectmen definitely considered the safety issues of the area - children, school bus stops, truck traffic, etc.

Since this development, "The Oaks", is not yet before the Selectmen, the Selectmen agreed that these types of issues, especially safety issues, raised by Mr. Brond and discussed at the Board's previous hearing on Technology Concepts, would be seriously considered again when any future site plan is submitted for the industrial park on Codjer Lane.

Mr. Brond arrived and Selectman Fox reviewed the Selectmen's above-noted action. Mr. Brond expressed his opinion that certain information about future development had been withheld which affected the Selectmen's decision, and that the Selectmen had a right to know all the facts before acting on this site plan.

The Board agreed that its position at this time is not to rescind its vote of March 12 with respect to Site Plan 84-276 of Stuart Wecker, Technology Concepts, Inc., Codjer Lane, on the basis of the contents of Mr. Brond's March 25 communication to the Selectmen, as discussed above, and directed the Executive Secretary to schedule further discussion after Town Meeting with Mr. Brond if he would like to discuss the matter further.

Review Article 11 - Design Funds - Sherman's Bridge

Present: Highway Surveyor Robert A. Noyes.

The Board reviewed Article 11, Sherman's Bridge Design Funds, with the Highway Surveyor, for the purpose of taking a position.

The Highway Surveyor stated that Tony Marques, Superintendent of Streets in Wayland, feels that application should be made for full replacement of the bridge and estimates that it will cost \$120,000 for the design plans. Mr. Noyes went on to say that a Boston consultant for Wayland went in to Robert Tierney's office (Chief Engineer of the State Department of Public Works) and was informed that Sudbury and Wayland have a good chance of getting funding for the construction work.

Mr. Noyes submitted to the Board a reply to his project request form for \$50,000 of Chapter 90 funds, dated March 27, from the State DPW, granting conditional approval to utilize portions of the Town's State Aid allocations for design services in connection with reconstruction of Sherman's Bridge in a joint venture with the Town of Wayland. The conditions specified procedures to be followed for submitting the proper documentation of the same - i.e., plans, specifications, and estimates for the project.

Mr. Noyes stated that, when he first went before the Finance Committee on this article, the FinCom was looking for a 100% guaranteed reimbursement on the design cost. He pointed out that the State is looking for the design

first before they will definitely approve construction funds. Mr. Noyes also pointed out that one never knows, when it comes to federal monies, which programs will be refunded, although he felt that the necessity of repairing bridges all over the country is an important and serious issue, and for that reason, he felt there is a good chance that this program will be continued.

Mr. Noyes stated he originally felt the bridge should be reconstructed but now concurs with Wayland's opinion that we should apply for replacement first, and, if we do not qualify for that, go for reconstruction.

Mr. Thompson expressed his opinion that the money spent for replacement designs would be wasted if it became necessary to later go for reconstruction designs.

The Highway Surveyor stated that the real problem with the bridge is that it is not wide enough, and it was his understanding that under Chapter 732 all kinds of improvements could be done, but not widening; therefore, it makes more sense to replace the bridge. Mr. Noyes pointed out that, according to Keyes Associates (see letter dated March 15, 1984), the bridge is of a good standard for qualifying for money for replacement. Mr. Noyes went on to say that Wayland has a very active road committee, and they were talking about reconstructing the bridge and the road all the way to Route 126.

Mr. Noyes gave the results of some traffic counts the Sudbury Highway Department took in the direction toward Wayland - the daily average is 619 cars; during peak hours between 8:00-9:00 a.m., the count was 165 cars; and between 4:00-5:00 p.m., only 50 cars.

There was some discussion regarding the different approaches - two engineers are expressing different opinions - Keyes Associates, to reconstruct the bridge, and the other, to replace it with a single span.

Responding to Selectman Fox, the Highway Surveyor confirmed that there is a possibility of getting 100% reimbursement from the State for either repair or reconstruction, but it is difficult to get a 100% guarantee until the designs are submitted. Mr. Noyes stated that the money is there, not too many communities are applying, and it appears to him that priority would be given to those designs which are submitted first.

During discussion, it was noted that to design a repair job would cost between \$25,00-50,000 and to design a reconstruction, approximately \$120,000.

Selectman Fox stated that designs for repair could be completed much sooner than designs for reconstruction; therefore, application for repair could be forwarded sooner.

Mr. Thompson suggested that the Selectmen go with the amount printed in the Warrant (\$50,000), and pointed out that there is a question of whether the repair of the bridge needs to go before Town Meeting at all.

Town Counsel Paul L. Kenny stated that under G.L.c.40,s.6A, Town Meeting vote is not required; under s.6, a majority vote of the Town would be required; and under s.7, a two-thirds vote is required.

There was a consensus of the Board and the Highway Surveyor, however, that this article should be put before Town Meeting.

In conclusion, Mr. Noyes stated that there is other State Aid money available, and that if each Town applied approximately \$10,000 each, to the \$50,000 mutually appropriated by each Town Meeting there would be \$120,000 available for the design funds for rebuilding the bridge.

Selectman Frost pointed out that there are so many variables that it would be better to go for the \$50,000 as in the Warrant; Mr. Thompson suggested that Mr. Noyes come back to the Selectmen if he feels the bridge should be replaced/reconstructed rather than repaired.

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

VOTED: To support Article 11, Design Funds - Sherman's Bridge, in the amount of \$50,000 as printed in the Warrant and to amend said article to read in part, "for the design of a replacement bridge 'or a repaired bridge' on Lincoln Road", depending on how much money the Towns will receive from the State and the cost of the design.

Loring School Proposal

Present: Laurie Loftus, Sudbury Community Arts Center.

The Board acknowledged receipt of a communication, dated April 2, 1984, from B'nai Torah, amending its offer of March 1 by deleting the ten year installment provision in Paragraph B so as to offer the Town \$170,000 in cash for the purchase of the Loring School; additionally, a communication, dated April 2, from the Sudbury Community Arts Center, indicating that it may be possible for them to negotiate a reasonable lease agreement with B'nai Torah, and that it will make an offer to the Town in the future if that does not work out.

It was on motion unanimously

VOTED: To support Article 38 - Disposition of Loring School, at a minimum sale price of \$170,000 cash.

Use of Heritage Park

Following a brief discussion, it was on motion by Selectman Fox unanimously

VOTED: To approve the request from the Sudbury Interfaith Committee Against Nuclear War dated March 25, 1984, to use Heritage Park, the Peter Noyes bandstand and Town Hall steps for the Third Annual Rainbow Covenant Celebration for Peace, on May 20, 1984, and to request Police Administrative Assistant Peter Lembo to not require paid detail police because of the expense involved, that the Police Department do whatever possible to assist; and further subject to Park and Recreation Commission approval on the use of Heritage Park.

Appropriation Limitations

The Board acknowledged receipt of a communication, dated April 2, from Town Accountant James Vanar, regarding appropriation limitations and a suggested motion to include the source of the funds if it is necessary to appropriate additional monies on any article.

Article 31 - Development Rights - Stone Tavern Farm

Executive Secretary Richard E. Thompson gave the Board a copy of the new motion pertaining to the above-captioned article which states a change in the acreage to which agricultural rights are to be sold from 57 to 56 acres.

The Board discussed at length a communication from Jeffrey W. Moore of the Conservation Commission, dated April 2, 1984, clarifying some issues relative to Stone Tavern Farm, as follows:

- the only fuel storage tank on the property is a 500 gallon tank used for storage of diesel fuel for the farm equipment;
- with regard to bonding, it is capable of being excluded from the limits set by proposition 2½ provided all debt service is voted at next year's Town Meeting as being excluded (Town Counsel confirmed that bond interest is included in 2½ limitations and that a majority vote is required for an interest override); and
- the funding method to be recommended to the Town Meeting for the purchase of Development Rights to Stone Farm will be a 5-year modified serial municipal bond with an interest rate of 4.5% - payment would start in July, 1985, so that there would be minimal impact to the 1985 budget.

Article 25 - Sale of Tax Possession Parcels

Mr. Thompson informed the Board that this article, which is on the consent calendar, will be held because there are several people interested in the property.

Motion to Take Articles 43 and 44 Out of Order

It was on motion by Selectman Fox unanimously

VOTED: To oppose the motion to be made by the Personnel Board, following Article 7, to take Articles 43 and 44 out of order and before Article 8;

and it was further

VOTED: To oppose Articles 43, Police Chief Hiring Qualifications (ART.XI), and 44, Police Chief Employment Contract, based on Town Counsel's recommendation that they are illegal.

Selectman Frost pointed out, and the Selectmen agreed, that the Personnel Board should not become involved in setting requirements for the hiring of a police chief, which is a Selectmen appointment. Selectman Fox added that some of the Personnel Board recommendations have been and will be incorporated into hiring practices of the Town, but in this case, agreed with Selectman Frost.

Possible Petition Articles

Mr. Thompson informed the Board that a petition to call a Special Town Meeting might be forthcoming to rezone the Sandler property at Dudley Road and Route 20.

There being no further business to come before the Board, the meeting was adjourned at 8:00 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk