

IN BOARD OF SELECTMEN
MONDAY, APRIL 30, 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 7:30 p.m. by Chairman Donald.

Presentation of Art Awards

Present: Linda K. Stevens, Town Report Preparation Committee; recipients of art awards.

Chairman Donald introduced Mrs. Linda K. Stevens, Chairman of the Town Report Preparation Committee, who welcomed the winners of the 1983 Annual Town Report art competition and presented awards to each of the recipients who were present. Each recipient was greeted by Chairman Donald.

Mrs. Stevens expressed appreciation, on behalf of the Town Report Preparation Committee, to all who participated in the art competition and stated that the Committee looks forward to receiving their artwork again next year.

Citizen Request for MAPC Study of Route 20

The Board acknowledged receipt of a communication dated April 25, 1984, from Mrs. Judith Cope, requesting that the Selectmen request the Metropolitan Area Planning Council (MAPC) to study Sudbury's Route 20, particularly with regard to safeguarding the water supply and the study of other stressed conditions.

The Board directed the Executive Secretary to refer the communication to Mr. David Grunebaum, who is the MAPC representative.

During discussion, the Board agreed that any request to the MAPC should be a joint one, together with the Planning Board, the Water District, the Board of Health and the Selectmen because of the common interest of these boards/departments.

With respect to the above, there was brief reference made to 1) the hiring of a Town Planner after July 1; 2) the Planning Board's interest in water protection as indicated by its submission of an aquifer protection article; and 3) a recent grant application by the Water District for aquifer acquisition funds which was denied.

The Executive Secretary stated he would follow the Board's direction by contacting the Boards mentioned and by referring the above-noted communication to Mr. Grunebaum and report back to the Board as soon as possible.

Proposals Loring School

Present: Myra Snyder, President, B'nai Torah; 5 residents of the Loring School neighborhood.

The Board acknowledged receipt of the following proposals to lease the Loring School:

- from B'nai Torah, dated April 27, 1984, with no specifics except that the lease is to be effective July 1;

- from the Sudbury Community Arts Center, Inc., dated April 23, 1984, (enclosing a financial statement), for a term of ten years, at a price of \$5,000 per year;

- from the Sudbury Community Arts Center, Inc., dated April 30, 1984, (received this evening just prior to the meeting), and superseding the April 23 proposal, for a term of ten years, at a price of \$10,000 per year;

The Board scheduled discussion of the proposals at 9:00 p.m. on May 7.

Mr. R. Middleton, 21 Woodside Road, stated that he was not in favor of the building being sold. The Selectmen explained that, because of the way the 84ATM had voted, there was no longer a question of the building being sold at this time.

Special Act - Exempt Police Chief from Civil Service

It was on motion unanimously

VOTED: To sign a petition to the Massachusetts Senate and House of Representatives in General Court for the passage of a special act to exempt the Chief of Police of the Town of Sudbury from Civil Service laws and rules, in accordance with the vote of the 1984 Annual Town Meeting under Article 8.

Fallen Trees, Willis Property, 78 Wake Robin Road

Present: Vice-Chairman Jeffrey W. Moore and Secretary Deborah Montemerlo, Conservation Commission; Town Accountant James Vanar; Finance Committee member Marjorie Wallace, and Byron Hugh Willis, 78 Wake Robin Road.

On the question of the Town assuming an obligation to pay for fallen Town trees at 78 Wake Robin Road, the Board acknowledged receipt of the following communications:

- dated April 24, 1984, from Jeffrey W. Moore requesting a ruling by the Selectmen and a related request dated April 18, 1984, for an opinion from Town Counsel;

- dated April 30, 1984, from Town Counsel, expressing the opinion that, although the Town may have a moral commitment to help when trees fall on private property, it was his opinion that there is no legal commitment in this particular case. Town Counsel stressed that, if the Town feels committed to provide assistance to Mr. Willis, it is very important that the utilization of Town forces does not cause any damage for which the Town would be liable, and suggested that the Town not use funds or men or equipment prior to receipt of a release from Mr. Willis of all claims;

- an estimate to remove trees which were on conservation land and fell onto Mr. Willis' property, from Assabet Valley Tree and Landscape, in the amount of \$1,050 - \$600 to be paid by the Town and \$450 to be paid by Mr. Willis for trees on his own property; and

- an estimate to log cut 50' wide of conservation land bordering the Willis property, which includes the use of the Town chipper and crew for one half day, in the amount of \$800 - without the Town chipper and crew, cost would be \$1,000.

Executive Secretary Richard E. Thompson stated that trees from the conservation land fell on Mr. Willis' property, and that the Conservation Commission requested and received authorization from the Finance Committee for a Reserve Fund transfer in the amount of \$1,400 to the Conservation Commission Maintenance Account, #360-31, conditioned on the Selectmen's approval.

Mr. Willis showed the Board photographs exhibiting the panorama of destruction in his yard and stated his desire to clean up the storm damage as soon as possible. He requested 1) that the Town fund the removal of trees which have fallen from Town property onto his property; and 2) that he would like to have a small buffer along the wall bordering his property and the conservation land on the conservation land for aesthetic purposes and to eliminate any fire hazard that may exist as a result of fallen trees lying tepee style on the wall.

Conservation Commission Vice-Chairman Jeffrey Moore stated that the two estimates received were for two phases of the clean-up - \$600 for the first phase of clean-up, which includes the use of a crane to remove large trees, and \$800 for the second phase, to create a 50' buffer on the conservation land along the wall bordering Mr. Willis' property.

Selectman Frost questioned the precedent which would be set by the Town authorizing any funds for extensive clean-up, in view of the fact that there are other similar areas in Town where people have taken the initiative to clean up and/or remove Town trees which have fallen on their property. Selectman Frost expressed his personal feeling that, because of the extensive damage on Mr. Willis' property, he felt a moral obligation to Mr. Willis for those Town trees that came down on his property, those which are on the wall, but from the standpoint of aesthetics, he would not be in favor of expending Town funds for the clearing of the natural woodlands. Selectman Frost went on to say that he did not feel that any more of a fire hazard exists because of the brush than there would be in any other woodlands around town or in backyards. Later in the evening, he stated that the trees lying tepee style on the wall should be removed before they become dry because that could be a fire hazard.

Mr. Moore expressed his opinion that the Town has a moral commitment to remove the trees on the wall; that the trees in the back (buffer suggested) is an aesthetic issue.

Mr. Willis confirmed his willingness to sign a release to the Town as suggested by Town Counsel.

FinCom member Marjorie Wallace stated that the FinCom's position to support the transfer was based on the fact that Town Counsel would say that the Town had a moral obligation to clean up the trees from the Town property. She also questioned whether Mr. Willis would be covered under his homeowner's insurance policy.

Mr. Willis responded that he had checked with his insurance company and was told that he would have been covered if the trees which had fallen had been on his own property, and that trees from the Town's property fallen onto his property should be covered by the Town's insurance.

Town Accountant James Vanar stated that the Town has a \$10,000 deductible.

The Board requested Mr. Willis to give the Town Accountant his personal insurance information and directed the Town Accountant to contact Mr. Willis' insurance company, as well as the Town's insurance company to see if any insurance money is available.

Following further discussion, it was on motion by Selectman Fox unanimously

VOTED: To instruct Assistant Town Counsel to negotiate, up to a maximum expenditure of \$600, for the removal of trees from Mr. Willis' property that fell from the conservation land over the boundary wall, and that the work be done by Assabet Valley Tree & Landscape, Inc., or some other company, as approved by Assistant Town Counsel, but chosen by Mr. Willis, providing that:

- Mr. Willis is agreeable to signing a release, as suggested by Assistant Town Counsel, that there be no claims against the Town for damage;

- it be clear in a signed statement by Mr. Willis that the Town would not be responsible for any damage to Mr. Willis' property by the Assabet Company or any other firm chosen by Mr. Willis;

- Assistant Town Counsel confirm with the Highway Surveyor that the \$600 figure is a good estimate;

- any decision be contingent on insurance information (as requested by the Selectmen earlier) to come from Mr. Vanar.

Utility Petitions

Present: Carole McManus, Boston Edison.

In conformity with General Laws, Chapter 166, Sections 21 and 22, the Board considered the following Utility Petitions:

- UP84-11 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:

Powder Mill Road - easterly side approximately 1,045 feet north of Singing Hill Circle, One (1) pole, (One existing JO pole to be removed), as shown on a plan entitled, "Plan of Powder Mill Rd., Sudbury, Showing proposed pole relocation & guy wire & anchor", dated December 30, 1983;

b. UP84-13 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:

Powder Mill Road - southerly approximately 1,045 feet north of Singing Hill Circle, a distance of about 30 feet - Conduit, as shown on a plan entitled, "Plan of Powder Mill Rd. - Sudbury, Showing Proposed Conduit Location", dated January 17, 1984; and

c. UP84-14 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:

Powder Mill Road - easterly approximately 735 feet north of Singing Hill Circle, a distance of about 10 feet - Conduit, as shown on a plan entitled, "Plan of Powder Mill Rd. - Sudbury Showing Proposed Conduit Location", dated February 9, 1984.

NOTE: The above Utility Petitions were approved April 23, 1984, in advance of tonight's public hearing, to allow Boston Edison Company and New England Telephone and Telegraph Company to proceed with work under said Utility Petitions, immediately, as an emergency measure, to prevent hardship to a new home buyer.

d. UP84-12 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:

Lincoln Road - westerly approximately 1,050 feet east of Oakridge Road, a distance of about 30 feet - Conduit.

Executive Secretary Richard E. Thompson stated that all appropriate Town officials and abutters had been notified, and that a joint favorable report, dated April 27, 1984, had been received from the Wiring and Building Inspectors on the above petitions.

Following a brief explanation by Mrs. Carole McManus of Boston Edison, it was on motion by Selectman Fox unanimously

VOTED: To approve Utility Petitions 84-11, 84-13, 84-14, and 84-12, as noted above, and as shown on the following plans:

a. UP84-11 - "Plan of Powder Mill Rd., Sudbury, Showing Proposed Pole Relocation & Guy Wire & Anchor", dated December 30, 1983;

b. UP84-13 - "Plan of Powder Mill Rd. - Sudbury Showing Proposed Conduit Location", dated January 17, 1984; and "Plan for Conduit Location to Accompany Petition of New England Telephone and Telegraph Company", dated March 21, 1984;

c. UP84-14 - "Plan of Powder Mill Rd. - Sudbury Showing Proposed Conduit Location", dated February 9, 1984; and "Plan for Conduit Location to Accompany Petition of New England Telephone and Telegraph Company", dated March 21, 1984;

d. UP84-12 - "Plan of Lincoln Rd. - Sudbury Showing Proposed Conduit Location", dated March 21, 1984; and "Plan for Conduit Location to Accompany Petition of New England Telephone and Telegraph Company", dated April 20, 1984.

Fidelity Bonds - Local Officials

It was on motion unanimously

VOTED: To sign fidelity bonds for local officials, indicating acceptance of the amounts of the bonds, as follows:

- a. Town Treasurer, \$144,000 - Bond No. S-04-04-30
- b. Tax Collector, 144,000 - Bond No. S-58-68-34
- c. Town Clerk, 5,000 - Bond No. S-76-23-22
- d. Asst. Treasurer, 36,000 - Bond No. S-76-64-59

Computer Bid - Accounting Department

Present: Town Accountant James Vanar; Nancy Cooper and Jeffrey Coleen, IDM, Corp.

With regard to the Accounting Department computer bid opening (re-bid) on April 27, 1984, the Board was in receipt of an April 27 communication from Town Accountant James Vanar requesting that the Board award the bid, not to the low bidder, Burroughs Corp. (\$55,309), but to IDM Corp. (\$56,770), for the following reasons: 1) maintenance and support - provided locally by DEC, faster response and greater availability of similar equipment in adjacent towns in the event of a breakdown at a critical time, and 2) software - IDM software will better meet the present and future requirements of the Town's financial operations and will also be supported locally.

Executive Secretary Richard E. Thompson concurred with the Town Accountant's recommendation, adding that the schools will also be using the system. Mr. Vanar added that there is the potential for the Tax Collector to hook into the system for approximately a \$10,000 expenditure for the software package and for a medium printer and terminal which will make it possible to eliminate the service bureau, and that this was something that he had not planned on when he made his initial recommendation to the Board following the first bid opening. Mr. Vanar added that several developments, including input from Town Meeting and input from key advisors to the Town on the acquisition of the system, precipitated his recommendation for this system, which, he stated is a system that accommodates this input.

Some discussion and comments focussed on the following:

- IDM's re-bid came in at approximately \$5,000 lower than its previous bid (February 24, 1984); Sudbury's system is costing one half of what Wayland paid one year ago for a system of equivalent power. The system will meet the

needs of the Town (excluding Assessors) and the School financial needs for at least the next five years.

- the Sudbury School Department would be paying for one half of the maintenance costs and sharing in the cost of supplies.

- Selectman Fox felt the Town should keep an open mind about the regional approach; it was noted that communication costs, can make this prohibitive;

- possibility of tie-in with CATV cables lines when Sudbury's cable system is in place;

- the Town Accountant should have the latitude in choosing the computer package (base package and alternatives submitted), to the maximum amount \$47,000, voted at 84ATM.

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

VOTED: To accept the bid of IDM Corp., dated April 27, 1984, for a PDP - 11/23 - BE, with 11/73 upgrade, Central Processing Unit with Municipal Information Systems software, allowing an expenditure at the discretion of the Town Accountant up to the maximum amount of \$47,000 voted at the 84ATM, under Line Item 521-22, and in accordance with the Town Accountant's recommendation, dated April 27, 1984.

Bus Service License

Present: Applicant Robert L. Harris.

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

VOTED: To approve and sign a license to operate motor vehicles for the carriage of passengers for hire over the Boston Post Road and Wayside Inn Road for D'S Inc., d/b/a King's Transport, 85 Prospect Street, Norwood, in accordance with a request from Robert L. Harris, General Manager, received April 9, 1984.

Responding to the Board, Mr. Harris stated he would deliver some schedules to the Town Hall; that the company has been operating two busses, one in the morning and one in the evening, for one month under a temporary authorization from the State Department of Public Utilities, between Northboro (lv. 6:45 a.m. - ar. Sudbury 7:10 a.m.) and Boston, and will pick up people in Sudbury anywhere along the Boston Post Road.

CATV Draft Provisional License

Present: William C. Henchy, Adams-Russell Cable Services Division; two residents.

With regard to the provisions of a Draft Provisional CATV License between the Town of Sudbury and Adams-Russell Cable Services Division, the Board was in receipt of an April 6, 1984, communication from William C. Henchy, Vice President, Adams-Russell, listing his understanding of mutual positions

reached between himself and Town Counsel Paul L. Kenny on several (thirty-five) items, which the Board discussed item by item with Mr. Henchy and Town Counsel.

In addition to this document, the following documents were referenced and made part of the discussion:

- Adams-Russell Draft Provisional CATV License, dated December 5, 1983;
- a March 9, 1984, report from Town Counsel, containing the comments and suggested changes of the CATV Committee and his personal concerns, from a legal standpoint, with respect to the Draft Provisional License; and
- the Adams-Russell CATV Proposal, (license application) dated March 14, 1983.

The following action resulted from mutual discussion of concerns and comments contained in the above-noted April 6 communication, cross-referenced in Town Counsel's March 9 report:

The Board accepted Town Counsel's recommendations on the following items: #4*, 5*, 7, 12, 14, 17, 18*, 19*, 23*, 25, 28, 29*, 34*, & 35.

* with Selectmen's input to wording change.

The Board accepted Adams-Russell's recommendations on the following items: #10, 22, & 27.

Mutual agreement between Town Counsel and counsel for Adams-Russell was reached on the following items prior to tonight's meeting: #2, 3, 6 (requires rate schedule information from Adams-Russell), 8, 9, 11, 13, 15, 16, 20, 21, 24 (requires underground service installation costs information from Adams-Russell), 26, 30, 31, 32, & 33.

On specific needs dealing with wording changes in the Adams-Russell Draft Provisional License, the following was agreed to or voted:

- Item #1. The Board directed Town Counsel to redraft wording beginning with the last paragraph of page 2, continuing on page 3; it is not the intention of the Board to restrict Adams-Russell but to allow them to install the CATV system only in accordance with State statute.

- It was on motion by Selectman Fox unanimously

VOTED: To attach the Adams-Russell Cable Services Division Proposal, dated March 14, 1983, to the Provisional License, dated December 5, 1983, as recommended by Town Counsel, noting Mr. Henchy's strong objections to making the March 14, 1983, Adams-Russell CATV Proposal document part of the Provisional License.

Mr. Henchy stated he still had problems with items #1 (wording to be re-drafted by Town Counsel), #7 (objects to 3/14/83 Proposal being made part of the Provisional License by reference), #12 (will verify Town Counsel's wording (noted in 3/9 report) with counsel for Adams-Russell), #17 (Mr. Henchy

will draft wording for further consideration by Town Counsel), #19 (objects to increased amount of bonding) & #24 (question of free installation).

The Board requested Mr. Henchy to draw up a new Draft Provisional License, consistent with all decisions/votes of the Board of Selectmen this evening; also, to draft any other language for any points he disagrees with in a separate document - Mr. Henchy was requested to arbitrate any outstanding differences through Town Counsel; the new Draft Provisional License to go directly to Town Counsel.

Selectman Fox had some questions for Town Counsel to follow up on and some general comments, as follows:

- Talked about Brookline's penalty clause dealing with lateness of cable installation, i.e., deduction of days on the term of the license;

- Questioned whether the Town would receive benefits of any change in legislation after final license is issued, i.e., S463 dealing with license fees; Mr. Henchy responded in the affirmative that the Town's license would be amended accordingly under c.166A.

In conclusion, Chairman Donald thanked Mr. Henchy for his attendance; the Board expressed its desire to have the second Draft Provisional License drawn up as quickly as possible.

Bike Course Through Sudbury - N.E. Tinman Triathlon

It was on motion by Selectman Fox unanimously

VOTED: To grant approval to the New England Tinman Triathlon to use a bike course and set up water stations in the Town of Sudbury on Sunday, July 15, 1984, in accordance with its communication received April 20, 1984, subject to:

- The Fire and Police Chiefs' approvals;
- That organization paying for any required police detail; and
- Receipt of that organization's proposed two million dollar insurance policy prior to the race.

Summer Meeting Schedule

It was on motion by Selectman Fox unanimously

VOTED: To approve the summer meeting schedule, as prepared by the Executive Secretary.

Selectman Fox stated he would not be available for the July 9 meeting.

Sign Warrant/May 23 Emergency Special Town Meeting

The Board signed the Warrant for the Emergency Special Town Meeting of May 23, 1984.

Selectman Fox directed the Executive Secretary to have some answers ready to the questions raised at the 84ATM on the question of Blue Cross/Blue Shield additional costs, in anticipation of the same questions being asked at the ESTM, Article 2, FY84 Budget Adjustment, Blue Cross/Blue Shield.

Accept Resignations

It was on motion by Selectman Fox unanimously

VOTED: To accept the following resignations:

a. of Roberta Cerul, dated April 24, 1984, from the Town Report Preparation Committee, effective immediately;

b. of G. Burton Mullen, dated April 25, 1984, from the Sign Review Board, effective immediately;

and to direct the Executive Secretary to forward letters of appreciation to each of the above for their service on the respective Boards.

Resignation/Schedule Joint Meeting - Planning Board

It was on motion by Selectman Fox unanimously

VOTED: To acknowledge receipt of the resignation of Theodore P. Theodores, dated April 20, 1984, from the Planning Board, effective May 1, 1984, and to direct the Executive Secretary to forward a letter of appreciation to Mr. Theodores for his service on said Board.

In accordance with a request dated April 24, 1984, from Vice Chairman Lael M. Meixsell suggesting a joint meeting be held to interview prospective candidates and subsequently vote on a replacement, and following a brief discussion, the Board directed the Executive Secretary to schedule a joint meeting with the Planning Board on May 14, provided that gives the Planning Board enough time to advertise the vacancy and subsequently receive applications. The Selectmen suggested that Mr. Thompson advertise the vacancy if the Planning Board has not done so.

Sale of Poppies

It was on motion by Selectman Fox unanimously

VOTED: To approve a request from Guy L. Dietrich, American Legion Post #191, for permission to sell "poppies" on May 24, 25, and 26, 1984, at Star Market and Sudbury Farms.

Thursday Garden Club Donation

It was on motion by Chairman Donald unanimously

VOTED: To accept \$140 from the Thursday Garden Club to pay for a Colorado spruce tree to be planted in the Town Common and to be used as the Town's

Christmas tree; likewise, to direct the Executive Secretary to forward a letter of appreciation on behalf of the Board.

Employees' Flea Market

It was on motion by Selectman Fox unanimously

VOTED: To allow Town Hall employees to conduct a flea market in the Town Hall parking lot on May 5.

Minutes

It was on motion by Selectman Fox unanimously

VOTED: To approve the minutes of the Regular Session of April 23, 1984, as drafted.

Memorial Day Parade

Each of the Selectmen indicated his availability to participate in the Memorial Day Parade, Monday, May 28.

Responding to Chairman Donald, Executive Secretary Richard E. Thompson stated he would arrange a ride for any one of the Selectmen who would prefer not to walk.

Extend Burning Period

At Selectman Frost's suggestion, it was on motion by Selectman Fox unanimously

VOTED: To direct the Executive Secretary to discuss with the Fire Chief the possibility of extending the burning period, which expires May 1, for approximately one month, due to the extensive clean-up still proceeding around Town from the March 29 storm damage.

MMA Workshop

The Selectmen acknowledged receipt of an April 12, 1984, communication from the Massachusetts Municipal Association (MMA) announcing a special workshop for Massachusetts Selectmen, Saturday, May 12, 1984, from 9:00 a.m. to 3:00 p.m. The Selectmen are unable to attend.

Communication from James L. Binder

The Board acknowledged receipt of a communication, dated April 24, 1984, from James L. Binder, relative to the inspection of new homes.

Responding to the Selectmen, Mr. Thompson stated that response from Town Counsel and the Building Inspector would be forthcoming.

Highway Borrowing

It was on motion by Selectman Fox unanimously

VOTED: To authorize the Town Treasurer to renew borrowing in the amount of \$110,000, relative to Article 23, Union Avenue Reconstruction, and Article 24, Dutton Road Reconstruction, of the 1983 Annual Town Meeting, to be effective May 11, 1984, in accordance with a request from the Town Treasurer, dated April 30, 1984.

There being no further business to come before the Board, the meeting was adjourned at 1:15 a.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk