

IN BOARD OF SELECTMEN
MONDAY, FEBRUARY 6, 1984

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

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

Revenue Sharing Regs - Handicap Discrimination

The Board acknowledged receipt of a communication, received January 30, 1984, from the U. S. Secretary of the Treasury, informing the Town of certain measures which must be taken to comply with the Office of Revenue Sharing Regulations 31 CFR, as added to by Section 51.55, "Discrimination on the Basis of Handicap."

Following a brief discussion, and on the recommendation of the Executive Secretary, it was on motion by Chairman Murray unanimously

VOTED: To direct the Executive Secretary to seek compliance in accordance with the above-noted communication and the administrative requirements contained therein, including the requirement of a local public notice, a one-year evaluation period to determine areas of non-compliance with the handicapped discrimination regulations and to make non-structural changes; said changes to be on a transition plan (describing the same) to be submitted within a three-year deadline, October 17, 1986.

Selectman Fox suggested to Mr. Thompson, if he needs help formulating a plan, that he contact Mr. Robert Williams (a Sudbury resident) who is the Executive Director of the Boston Center for Independent Living.

Inflammable Storage Bylaw

The Board acknowledged receipt of communications from the Fire Chief, dated January 27, 1984, and from the Health Director, dated January 30, 1984, requested by the Board, concerning the adequacy of Bylaw Article V, Section 25, Storage of Flammable Fluids, and directed the Executive Secretary to request that the Fire Chief and the Health Director continue to work on this matter, to request the Fire Chief to contact the Water District Commissioners for input, and to request that these Town Officials report back to the Board in approximately three months.

Compensation/Wiring Inspector

The Board acknowledged receipt of a communication, dated January 25, 1984, from the Building Inspector, relative to compensation for the Inspector of Wiring.

Upon agreeing with the Executive Secretary's recommendation that the Selectmen discuss compensation for another position in the Building Department, that of the Deputy Building Inspector, at the same time, the Selectmen held discussion of this item until February 13.

On suggestion by Selectman Fox, the Board directed the Executive Secretary to provide specific information regarding the number of hours per week/year involved in each of these two positions, what each of the jobs involved and, relative to the Wiring Inspector, an explanation of the reason for the monetary increase from \$2,458 to \$5,701 (noted in the Building Inspector's communication of January 25th) - whether it is due to a raise in the fee for the wiring permits or an increase in the number of permits issued. Selectman Fox stated that it would be necessary for the Selectmen to have that information before they could vote next week.

Sudbury, England Civic Banquet

The Board directed the Executive Secretary to acknowledge, on behalf of the Board, receipt of a communication dated January 25, 1984, from Anthony Moore, Mayor of Sudbury, Suffolk, England, extending an invitation to attend a Civic Banquet on March 23, 1984, and asked the press to make an appeal inquiring as to local interest in attending the same as a Town representative. (The Selectmen are unable to consider attending as the Civic Banquet will be taking place during preparations of the 84ATM.)

Resignations

It was on motion unanimously

VOTED: To accept the following resignations, effective immediately, and to direct the Executive Secretary to forward letters of appreciation to each of the individuals for their services to the Town:

a. of Thomas F. McDonough, dated January 30, 1984, from the Memorial Day Committee and the Council on Aging;

b. of F. Crawford Reed, dated January 15, 1984, from the Industrial Development Commission; and

c. of Sara E. Byshee, dated January 23, 1984, from the Conservation Commission.

Additionally, the Selectmen directed the Executive Secretary to communicate to Mrs. Byshee, the Board's desire to have her continue as Associate Member to the Conservation Commission, as she indicated she would like to do when she returns to Sudbury following her short-term out-of-state residency.

Accept Donation

It was on motion unanimously

VOTED: To accept, on behalf of the Town, \$171.25 in miscellaneous donations for the Council on Aging van expenses.

Eagle Scouts

It was on motion by Selectman Fox unanimously

VOTED: To send congratulatory letters to two Sudbury youths, Brian Harrison and Mark Arpino, who have attained the rank of Eagle Scout.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular Session of January 30, 1984, as amended, and the Town Fathers Forum minutes of that date, as drafted.

Commercial Development Moratorium

At the Board's direction, the Executive Secretary reported Town Counsel's clarification of the word "commercial" in the petition article submitted for the 84ATM, Commercial Development Moratorium, as follows: "commercial is used as a synonym for business, i.e., any undertaking for money, including the exchange of goods for money - sees no legal problem with warrant article working or need for explanation".

Public Hearing - Package Store License, Frank M. Vana, 423 Boston Post Road

Chairman Murray convened a public hearing on the application of Frank M. Vana, for an all alcoholic beverages package store license for property located at 423 Boston Post Road, in accordance with Chapter 138 of the General Laws.

Executive Secretary Richard E. Thompson stated that the application had been withdrawn by Mr. Vana, by letter dated February 2, 1984, which indicated his understanding that the Selectmen feel the Town's liquor needs are currently being met and that they wish to defer any further licenses being granted for at least one more year. Mr. Vana asked that, under these circumstances, his application be held until the Board considers applications for the available license in the future.

It was on motion by Chairman Murray unanimously

VOTED: To deny without prejudice the above-noted application; any further consideration by the Selectmen would have to be on a new application filed by Mr. Vana.

DPW Communication - Route 20/Nobscot Road RR Crossing

Executive Secretary Richard E. Thompson called to the Board's attention a communication dated January 31, 1984, from Commissioner Robert T. Tierney of the State Department of Public Works indicating that Sudbury's application for funding for the Route 20/Nobscot Road railroad crossing has been approved.

Responding to the Selectmen, Mr. Thompson answered that the Town has to appropriate the funds and the State will then reimburse the Town 100%; that this is a special funding program through the Federal government; and that he was not certain whether the State or the Town would do the actual work at this point in time.

Coatings Engineering/Storage License

Present: General Manager Thomas G. Craig, Coatings Engineering; and Michael Guernsey, Board of Health.

Executive Secretary Richard E. Thompson brought to the Board's attention a communication from the Director of the Board of Health, Michael Sullivan, relative to Coatings Engineering, which, in essence, suggests that the Board approve the application for a license to store 2000 gallons of inflammables above-ground at 33 Union Avenue - a public hearing on the same was continued by the Selectmen on January 4, pending a report from the Board of Health. The Board of Health's recommendation to approve the storage license was with conditions to be accomplished prior to October 1, 1984, by Coatings.

Chairman Murray stated that this is not a scheduled item, and since it is a very controversial item, suggested that the Board not vote on the application tonight, but schedule the matter for next Monday night so that the continued hearing can be publicized.

Mr. Michael Guernsey of the Board of Health stated that Mr. Craig has addressed some of the issues listed in the February 3rd Board of Health's report, and supplied information, as follows:

- relative to the above-noted communication from the Board of Health, item #3, "that all employees working in the priming area must be equipped with positive pressure respirators that are capable of removing harmful pollutants from the air they are inhaling", Mr. Guernsey stated this apparatus is now in the facility;

- Mr. Craig's two-page schedule of building the enclosure around the tank and getting D.E.Q.E. approval of a catalytic incinerator and installation of the same, which, Mr. Guernsey stated, is how the Board of Health came up with the October 1 date;

- engineering drawings of the enclosure itself; Mr. Guernsey further stated that the Board of Health had some further suggestions for Mr. Craig relative to making the emergency system more safe. Mr Guernsey pointed out that the Board of Health has not "closed the books", although Coatings has made great strides.

It was on motion by Selectman Donald unanimously

VOTED: To direct the Executive Secretary to schedule a continued public hearing on the application to store additional inflammables above-ground of Coatings Engineering at 33 Union Avenue, at 7:45 p.m. on February 13, 1984.

Publicizing Town Elections/ATM

Selectman Fox expressed his dissatisfaction with the lack of publicity relative to the Annual Town Election and Annual Town Meeting, especially the vacancies and the schedule for prospective candidates to take out and return papers.

At the suggestion of Selectman Fox, the Board directed the Executive Secretary to oversee a much earlier and more thorough coverage of the Town's Annual Town Election and Annual Town Meeting in the future. Additionally, the

Executive Secretary was directed to contact the League of Women Voters relative to its intention to use the community signs to publicize the 84ATM and Annual Election, and if it is not the intention of the League to do so, to take the initiative to have the appropriate signs put up.

Press Release/Town Growth

Selectman Fox stated he put together a press release dated February 6, 1984, to explain the apparent misunderstanding about what the Selectmen have done or can legally do to control the recent upsurge in commercial growth in Town; which after review the Board approved.

Selectman Fox further stated that he prepared a draft press release for February 13, 1984, that he welcomed any input from the Board which explained what the Board has done to address local concerns about the building surge along Route 20.

Local Site Plan Issues

Selectman Fox raised the following issues:

1) Mill Village - landscaping. Relative to a recent local newspaper article on the subject of the Selectmen's recent site plan approval for Mill Village, which suggested that perhaps the Selectmen did not seek or follow the advice of the Planning Board, specifically with regard to landscaping recommendations, both Selectman Fox and Chairman Murray commented. It was stressed that the Selectmen had acted in accordance with recommendations from the Town Engineer and the Planning Board with regard to landscaping, and that the site plan had not been signed off by the Selectmen because one of the conditions of that site plan was that the landscaping issue had to be resolved between the abutters and the developer, with the Selectmen's approval, prior to the final signing. The Selectmen did agree that the fact that the Planning Board meets on Monday nights and, therefore, cannot always attend the Selectmen's scheduled site plan hearings, sometimes creates a problem in terms of discussing the Planning Board's suggestion/recommendations. Selectman Fox stated that in conversation with Theodore Theodores, Chairman of the Planning Board, they agreed to work together on Mill Village.

2) Site Plan Control. Selectman Fox questioned how conditions placed on a site plan approval can be enforced, specifically, resolution of landscaping at Mill Village, removal of boat and illegal sign on Mr. Vanaria's property (sign at West Sport), and application to the Board of Appeals for canopy by Cumberland Farms. It was Selectman Fox's feeling that, under these circumstances, the Building Inspector should not issue a building permit to begin construction until these kinds of conditions are met. Chairman Murray felt that there was a one-year's time for all conditions to be met, and Selectman Fox indicated his personal preference, if that were the case, that in the future, the Selectmen's site plan vote should include which conditions they feel must be met before the building permit can be issued. He stated it was never his personal intention when he voted in favor of site plans for the above-noted businesses that (some of) the conditions cited would be allowed to linger for one year and commented on some developer's disregard for conditions placed on site plans. Selectman Fox stated that he, as one Selectman, would not continue to approve site plans in this way, or it would be his position to

ask the Building Inspector to pull the building permit for violations of site plan agreements.

Chairman Murray questioned whether the use - the right to pump gas - for the Cumberland Farm property, supersedes request for a self-service station, and requested Town Counsel's opinion on this issue.

The Board directed for its February 13th meeting, that the Executive Secretary consult with Town Counsel concerning the above and report back; the Building Inspector is also to provide the Board with a written report on the status of all illegal signs, including the one(s) presently displayed at Marrone's Backery.

Appointment - Conservation Commission

Present: William Robert Duvall, applicant.

Following a brief interview and in accordance with a recommendation from the Conservation Commission, dated February 1, 1984, it was on motion by Selectman Fox unanimously

VOTED: To appoint William Robert Duvall, 204 Old Lancaster Road, to the Conservation Commission, replacing Sara E. Bysse, for a term to expire April 30, 1984.

Use of Federal Revenue Sharing Funds

In accordance with the Federal Revenue Sharing Act regulations, Chairman Murray opened a Public Hearing (publicized in the January 26 issue of the Sudbury Town Crier) to consider the use of Federal Revenue Sharing (FRS) Funds as an offset to the total Town of Sudbury Budget for the Fiscal Year July 1, 1984, to June 30, 1985. As of January 31, 1984, \$176,149.99 is available; by June 30, 1984, there will be approximately \$30,693.99 of unspent FRS Funds; the Town of Sudbury expects to receive approximately \$138,176 of FRS Funds during the 1984-85 Fiscal Year.

It was on motion by Chairman Murray unanimously

VOTED: To approve use of the following offsets recommended by the Town Accountant, communication dated February 3, 1984, to reduce the tax impact at the 1984 Annual Town Meeting:

Federal Revenue Sharing 310-11 Fire Salaries	\$70,000
Federal Revenue Sharing 320-11 Police Salaries	70,000

There was no written citizen input and no citizens appeared for the hearing.

Offsets, ATM appropriations

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

VOTED: To support the use offsets for the 84ATM appropriations, as set forth in a February 3, 1984, communication from Town Accountant James Vanar.

84ATM Articles/Warrant Reports

It was on motion unanimously

VOTED: To take the following action on 84ATM articles and warrant reports:

	<u>position</u>	<u>warrant report</u>	<u>speaker</u>
1. Hear Reports	support		
2. Temporary Borrowing	support	approved	Chairman
3. Amend XI, Classification & Salary Plans	held		Chairman
4. Amend XI, Personnel Admin. Plan	held		Chairman
6. Unpaid Bills	held		T. Acct.
7. Retirement Pension Fund	support	approved	T. Acct.
8. Civil Service, Police Chief	support	approved	Donald
9. Civil Service, Police Force	held	approved (as amended)	held
10. Ambulance Lease Purchase	support		Chairman
11. Design Funds, Sherman's Bridge	*held		
12. Hydrogeological Study - Landfill Site	support	approved	T. Eng.
13. Resurface Rt. 20/Nobscot Rd. Crossing	support	approved (as amended)	Thompson
14. Hosmer House Grant Appropriation	individuals		
15. Change Term, Planning Board Members	support	approved	Fox
16. Planning Administrator	support		Fox
17. Amend IX,II,C Delete Ind. Park #1	held		
18. Amend IX,IV, Intensity Regulation	held		
19. Amend IX, Asthetic Standards for Structures	held		
20. Amend IX,I, Environmental Impact Statement	held		
21. Create Aquifer Protection Zones	held		
22. Amend XVII, Town Clerk's Fees	held		
23. Pumping Water from Private Dwellings	support		Chairman
24. Change Name of Longfellow Street	support	approved (Nov. 28, 1983)	T. Eng.
25. Sale of Tax Poss. Parcel off Stone Rd.	support	approved (Nov. 28, 1983)	Chairman
26. Amend V,3, Public Safety, Unlicensed Dogs	support	approved (Nov. 28, 1983)	Chairman
27. Amend XV, Building Permit Fees	support	approved	Fox
28. Accept Ch.59,Acts'82,POW Auto Excise Exem.	support	approved	Donald
29. Sudbury 350th Anniv. Celebration Fund	support	approved	Donald
30. Haskel Recreation Area Development	held		
31. Purchase Dev. Rights, Agricultural Land	*held		
32. Street Acceptance, Portion, Winter St.	support	approved (Nov. 28, 1983)	Murray
33. Abolish Industrial Dev. Commission	*held		
34. Special Act, Septage Facility Billings	support		Chairman
35. Amend IX,VI,C,5, Special Permit Guidelines	support	held	Fox
36. Amend IX,III,B, Permitted Uses, Bus. Dist.	support	approved (Nov. 28, 1983)	Donald
37. Amend IX,V,J, Signs	support	held	Fox
38. Disposition Loring School	support	approved (Nov. 28, 1983)	Murray

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| 39. Rezone LIB#2 to Residential, IX,II,C
(Petition) | held | | |
| 40. Street Acceptance, Portion, Powder Mill Rd. | held | approved | held |
| 41. Stabilization Fund | held | approved | held |
| 43. Police & Fire Chief Hiring Qualifications | held | | |
| 44. Police & Fire Chief Employment Contract | held | | |
| 45. Regional Resource Recovery | *held | approved
(as amended) | held |
| 46. Create Bus. Dist.#17, Rt.2 (Landham Rd.,
IX,II,C (Petition) | individuals | | |
| 47. Commercial Development Moratorium,
IX,V (Petition) | *held | | |

* will discuss further, take a position and report at Town Meeting; speaker to be determined at that time.

All articles and reports which were held will be discussed further at the Board's 2/13 meeting.

Honorary Speaker - Article I

It was on motion unanimously

VOTED: To direct the Executive Secretary to contact former Town Clerk Betsey M. Powers and extend an invitation to her to be the honorary speaker at the 84ATM; if Mrs. Powers is unavailable the Board suggested that Mr Thompson ask Mrs. Barbara (Polly) Parrott, who recently retired from the SPHNA.

Relative to Article 11, the Board asked that the Executive Secretary look into coordinating having the Town Engineer speak on the article.

Relative to Article 22, the Board asked the Executive Secretary to look into whether or not these are the maximum Town Clerk fees allowed under statute.

Article 25 was approved subject to the price for the sale of the tax possession parcel being agreed to by the Selectmen and the purchaser.

Relative to Article 31, the Selectmen supported the concept but did not realize the Town's commitment was this large (\$400,000); the Executive Secretary was directed to send a letter to the Conservation Commission expressing the Board's serious reservations about supporting this article.

Mr. Thompson informed the Board that Article 42 is to be withdrawn.

Selectman Fox directed the Executive Secretary to provide the Board with the FinCom's recommendations on all the articles.

Planning Board Meeting/Zoning Articles

Responding to the Executive Secretary, Chairman Murray stated he would attend, and Selectman Donald stated tentative plans to attend, the Planning Board's February 21 meeting at 8:00 p.m. concerning 84ATM zoning articles, #35, 36 and 37.

Dudley Road - Speed Humps

Executive Secretary Richard E. Thompson called the Board's attention to his December 8, 1983, communication to Stephen D. Rich enclosing an extract of the Board's minutes relative to the Selectmen's discussion on his November 21, 1983, letter, sent on behalf of the Dudley Road Safety Committee relative to speed humps on Dudley Road.

Civil Service/Police

Executive Secretary Richard E. Thompson updated the Board on two meetings he had with police representatives on the subject of proposed 84ATM articles - #8, Special Act - Special Service, Police Chief and #9, Civil Service - Police Force. Mr. Thompson stated that the group had agreed to make every possible effort to reach a consensus by the middle of March on both articles, and, if that could not be accomplished, the intention would be to postpone both articles for the next Special or Annual Town Meeting.

It was the Board's concurrence to postpone Article 9 if no mutual consensus is reached in March, but not to postpone Article 8, and requested that the Executive Secretary talk to the police representatives to so inform them prior to their learning about this discussion through the press.

Transfer Request - Acct. 950-96, Retirement Fund

It was on motion by Selectman Donald unanimously

VOTED: To approve Request for Transfer No. 23 from the Reserve Fund, dated February 3, 1984, to Account 950-96, Retirement Fund, in the amount of \$754.54, in accordance with c.32, s.59A, and as further explained in the numbered transfer.

Funding Approved/Master Plan

Executive Secretary Richard E. Thompson informed the Board that he had been notified by telephone that the Town's application for funding to update its master plan had been approved in the amount of \$15,000, and that Sudbury was one of thirteen funded out of one hundred twenty cities/towns which applied.

Executive Session

At the request of Atty. Theresa M. Dowdy for Police Officer Robert I. Chaffee, at 9:45 p.m., it was on motion unanimously

VOTED: To enter into Executive Session for the purpose of discussing the reputation and character, physical condition or mental health rather than the professional competence of a single individual.

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

Chairman Murray announced that Regular Session would reconvene following the Executive Session.

At 10:25 p.m. Chairman Murray reconvened the Open Session, and the Board completed its discussion relative to 84ATM Articles/Warrant Reports.

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