

IN BOARD OF SELECTMEN
MONDAY, FEBRUARY 27, 1984

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 7:00 p.m. by Chairman Murray.

Renew Borrowing

Present: Town Treasurer Chester Hamilton.

In accordance with a communication dated February 23, 1984, from Town Treasurer Chester Hamilton, it was on motion by Selectman Fox unanimously

VOTED: To renew borrowing in the amount of \$140,000, relative to Article 23, Union Avenue Reconstruction, and Article 24, Dutton Road Reconstruction, both approved by the 1983 Annual Town Meeting, said borrowing effective March 15, 1984, and due May 11, 1984.

Sign Presidential Primary Election Warrant

It was on motion by Selectman Fox unanimously

VOTED: To confirm the Board's telephone vote and signing of the Presidential Primary Election Warrant on February 22, 1984.

Massachusetts Commission Against Discrimination - Agreements/Coordinator Appointments

The Board acknowledged receipt of communications from the State Commission Against Discrimination, and the Executive Office of Communities & Development, dated February 9 and 13, respectively, relative to a grant award to the Town of Sudbury in the amount of \$15,000 to update its Master Plan, subject to the Town meeting certain criteria.

Accordingly, it was on motion by Selectman Fox unanimously

VOTED: To authorize the Chairman of the Board of Selectmen to sign a Memorandum of Agreement Concerning Equal Employment Opportunity to be submitted to the Massachusetts Commission Against Discrimination prior to March 5, 1984, and a Memorandum of Agreement Concerning Fair Housing Plans and Practices, to be submitted to the Executive Office of Communities & Development prior to March 5, 1984.

And it was further on motion by Chairman Murray unanimously

VOTED: To appoint Executive Secretary Richard E. Thompson as Sudbury's Affirmative Action Coordinator, responsible for directing and implementing affirmative action plans and programs for equal employment; and to appoint Executive Secretary Richard E. Thompson as Sudbury's Fair Housing Coordinator, responsible for developing and overseeing a fair housing plan, both as set forth and required in the above-mentioned Memorandums of Agreement.

Support Request for Fraternity Fundraiser

The Board acknowledged receipt of a February 1, 1984, communication from James M. Muth, Vice-President, Pi Kappa Phi Fraternity, explaining and soliciting the Town's support for their "PUSH" project to benefit severely handicapped children.

At the suggestion of Selectman Donald, the Executive Secretary was directed to forward said communication (and the enclosed pledge cards) to Mr. Laury Hammel, who currently runs a tennis program for the handicapped at the Longfellow Tennis Club.

One-Day Liquor License - St. Anselm

In accordance with a request dated February 3, 1984, it was on motion by Selectman Fox unanimously

VOTED: To grant a one-day Special License for the Sale of All Alcoholic Beverages to be Drunk on the Premises, to Barbara Inglese, St. Anselm Parish, for March 17, 1984, from 7:00 p.m. to 12 Midnight, to accommodate its St. Patrick's Dance at 100 Landham Road;

and it was further

VOTED: To waive the usual fee of thirty-five dollars.

Amend Vote - Temporary License - L-S West

It was on motion by Selectman Donald unanimously

VOTED: To amend the Selectmen's vote of January 30, 1984, granting a Temporary License for the Sale of Wines and Malt Beverages Only, to be Drunk on the Premises, to The Parent's Association of Lincoln-Sudbury West, by changing the effective date of said license from March 4 to March 2, 1984.

84ATM Article 25

In accordance with a communication from Assistant Town Counsel Thomas M. French, dated February 15, 1984, it was on motion by Selectman Donald unanimously

VOTED: To confirm the Board's vote of February 16, 1984, approving an addition of a second tax possession parcel to 84ATM Article 25.

Compensation - Wiring Inspector and Deputy Inspectors

Relative to communications from the Building Inspector, dated January 25, 1984, and the Executive Secretary, dated February 23, 1984, and following discussion, it was on motion by Selectman Donald unanimously

VOTED: To increase the salary of the Wiring Inspector, the Deputy Plumbing and Gas Inspector, the Deputy Building Inspector, and the Deputy Wiring Inspector, to eleven dollars per hour, effective April 1, 1984, and to twelve dollars per hour, effective July 1, 1984.

It was noted in the above-mentioned communication from the Executive Secretary that the salaries for these positions had not been reviewed for the last four years, while Town government salaries increases over the last four years averaged 7% per year. The above vote represents a 5% increase over the same period. Additionally, there is an article in the Warrant for the 84ATM to increase building fees; the plumbing and gas fees were increased February 13, 1984; new wiring fees went into effect in March, 1983.

Transfer Request - Selectmen's Overtime

It was on motion unanimously

VOTED: To approve Request for Transfer No. 30 from the Reserve Fund, dated February 27, 1984, to Acct. 501-12, Selectmen's Overtime & Extra Hire, in the amount of \$300, to replenish said account which was depleted because of an unusual number of sick days and training on the word processor, and as further explained on the numbered transfer.

Plant and Food Sale - Sudbury Garden Club

In accordance with a request from Mrs. Shirley MacGregor, dated February 22, 1984, it was on motion by Selectman Fox unanimously

VOTED: To grant permission to the Sudbury Garden Club to use the Town Hall front driveway for a plant sale and sale of coffee and hot dogs - proceeds to be used for plantings/upkeep at Heritage Park and Hosmer House - on May 19, 1984, from 9:00 a.m. to 2:00 p.m.

Minutes

It was on motion by Chairman Murray unanimously

VOTED: To approve the minutes of February 3, 1984, as amended.

Article 1 - 84ATM

As a tribute to Chairman Murray, whose six-year term as Selectman/Chairman expires March 26, which is prior to the 84ATM, it was on motion by Selectman Donald unanimously

VOTED: To request Mr. Murray to accept the honorary task of reading Article 1 at the 84ATM.

Utility Petitions

Present: Carole Clinton, Boston Edison.

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

UP84-8 of Boston Edison 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:

Boston Post Road - northerly approximately 285 feet east
of Union Avenue a distance of about 10 feet - Conduit.

UP84-9 of Boston Edison Company and New England Telephone and Telegraph Company, for permission to erect or construct one (1) guy wire and anchor to be used in common by them, upon, along, and across the following way of the Town:

Hemlock Road - southeasterly side approximately 130 feet
southwest of Tanbark Road. One guy wire and anchor.

Executive Secretary Richard E. Thompson stated that all appropriate Town officials and abutters had been notified, and that a favorable joint report had been received from the Wiring and Building Inspectors for each utility petition, both dated February 27, 1984.

Mrs. Carole Clinton, representing Boston Edison, explained that UP84-8 was to replace the current service to 424 Realty Trust, as requested, with underground service; UP84-9 is for guy wire to support an existing pole.

It was on motion by Selectman Donald unanimously

VOTED: To approve Utility Petition 84-8, as noted above, and as shown on a plan entitled, "Plan of Boston Post Rd., Sudbury, Showing Proposed Conduit Location", dated January 31, 1984;

and it was further

VOTED: To approve Utility Petition 84-9, as noted above, and as shown on a plan entitled, "Plan of Hemlock Rd., Sudbury, Showing proposed location of guy wire & anchor", dated November 21, 1983.

Sign 84ATM Warrant

Prior to signing the Warrant for the 84ATM, the Executive Secretary and Town Counsel informed the Board of the following changes:

-Article 11, Design Funds for Sherman's Bridge - change in the method of bonding and adding that the Selectmen will report at Town Meeting;

-Article 13, Resurface Rt. 20 Crossing at Nobscot Road - added explanation of why the article was withdrawn;

-Article 14, Hosmer House Grant Appropriation - change to an appropriation article and adding that the Selectmen will report at Town Meeting;

-Article 16, Planning Administrator - added an explanation for why the article is being withdrawn;

-Article 30, Haskell Recreation Area Development - vote required: two-thirds, instead of majority;

-Article 36, Amend Bylaw, Art. IX, III, B - Permitted Uses, Business Districts - under Section 5.a. Signs, sixth paragraph, added the following words at the beginning, "The total area of...";

-Article 38, Disposition Loring School - added the following words to the end of the Selectmen's report, "This article was broadly written to allow Town Meeting to choose from several alternatives".

In conclusion, responding to Selectman Fox's request, Mr. Thompson stated he would provide the Board with a copy of each of the pages showing the above-listed changes underlined.

V.S.H. Realty, Inc., 470 Boston Post Road

With regard to V.S.H. Realty, Inc., 470 Boston Post Road (Cumberland Farms), the Board acknowledged receipt of the following communications:

- from the Fire Chief, dated February 21, 1984, stating that, upon inspection of the V.S.H. Realty, Inc., site, he could not locate any of the four required monitor wells, and expressing his opinion that none were installed; adding, however, if the monitor wells were installed and paved over, they should be uncovered as soon as possible; and commenting for the record that the property "as built" is not the same as approved by the Board of Selectmen for Site Plan 83-260 (approved by the Selectmen July 26, 1983);

- from the Conservation Commission and the Board of Health, dated February 17, 1984, stating that construction was not done in accordance with Site Plan 83-260 or the Conservation Commission's Order of Conditions; that only one monitoring well was installed instead of four; there is no alarm monitoring device to detect spills or leaks; and requesting that the Selectmen rescind the license for Cumberland Farms to store and sell gasoline, and that the Selectmen require all gasoline be removed from the tanks until V.S.H. is in compliance with the site plan and the Order of Conditions.

Selectman Fox stated there have been other problems associated with this site - the use of illegal neon lights and V.S.H.'s indifference to notification of the same; the Fire Chief had not been notified to be present during the installation of the new tanks, a condition of the site plan approval; V.S.H. did not apply to the Board of Appeals for the non-conforming setback of the canopy, also a condition of the site plan, - and stated that, because of the sensitive nature of this area, it being in close proximity to the Town's major aquifer, he felt that the Selectmen should act in the quickest possible way and asked for an opinion from Town Counsel on how to proceed.

After discussion and on recommendation of Town Counsel, it was on motion by Chairman Murray unanimously

VOTED: To direct Town Counsel to notify V.S.H. Realty, Inc., of the Selectmen's intention to hold a public hearing, Monday, March 12, 1984, for revocation of its license to store inflammables, underground 24,000 gallons, and aboveground 100 gallons of miscellaneous petroleum products, at 470 Boston Post Road, which was granted by the Board on August 23, 1983, in conjunction with Site Plan 83-260 approved on July 11, 1983, unless V.S.H. complies within

seven-ten days to all of the requirements/conditions set forth by the Fire Chief in his communication of February 21, 1984, and by the Conservation Commission and the Board of Health, in their joint communication of February 17, 1984.

And it was further

VOTED: To direct the Executive Secretary to contact V.S.H. Realty, Inc., stressing that it has the opportunity to comply within 7-10 days with all conditions raised by the Board of Health, the Conservation Commission and the Fire Chief, prior to coming before the Board of Selectmen on March 12th.

District Attorney's First Annual Conference

Selectman Fox brought to the Board's attention the District Attorney's First Annual Conference - Civil Liability Conference - scheduled for March 12-13, at Pine Manor College in Brookline. Town Counsel Paul L. Kenny stated his interest in attending.

At 8:50 p.m. Chairman Murray adjourned the meeting to attend, and allow the Planning Board to use the lower Town Hall for, a public hearing on 84ATM zoning articles #46 and #47. Chairman Murray reconvened the meeting at 9:30 p.m. at the Loring Parsonage.

Communication Regarding Local Concerns

The Board acknowledged receipt of a February 17, 1984, communication from Mrs. Gerry Nogelo calling the Board's attention to a fatal accident on Route 20 and drawing a parallel to increased development and traffic safety issues; also, the question of an illegal sign at the Mobil Station (corner Landham Road and Route 20) having a Selectman's approval.

The Selectmen directed the Executive Secretary to respond to Mrs. Nogelo's letter, with regard to the sign, that none of the Selectmen stated to the manager of the Mobil Station that an illegal sign could remain while an appeal on said sign was pending.

Police Chief Nicholas Lombardi - Retirement

The Board acknowledged receipt of a February 21, 1984, communication from the Middlesex County Retirement Board, enclosing that Board's "Certificate of Findings and Decision", that Police Chief Nicholas Lombardi should be retired under the provisions of M.G.L., c.32, s.16(1)(c), Superannuation.

Breakfast Meeting - Senator Atkins

The Board was in receipt of a communication, dated February 15, 1984, from Senator Chester G. Atkins, Chairman of the Senate Committee on Ways and Means, inviting the Selectmen to attend a breakfast meeting, March 6, at 8:00 a.m., at the Colonial Inn, Concord.

Selectman Donald and the Executive Secretary plan to attend. Selectman candidate, Josian F. Frost, expressed his interest in attending as well.

Mill Village

The Board acknowledged receipt of a communication from the Chairman of the Planning Board, T. P. Theodores, dated February 15, requesting an amendment to the Selectmen's minutes of January 4, 1984, on page 2, relative to Mill Village.

Selectman Fox stated that the Selectmen's minutes could not be changed, since they reflect what was actually said, but that it would be appropriate for today's minutes to state that the Board received that letter from Mr. Theodores, stating that the Selectmen had misunderstood what Mr. Theodores said at the Selectmen's meeting of January 4, that Mr. Theodores' conversation with Mr. Hall prior to and relayed by Mr. Hall at the Selectmen's earlier November 21 meeting did not resolve any of the Planning Board's concerns, and that Mr. Theodores' letter of November 1 accurately reflects the feelings of the Planning Board.

Aesthetic Standards - Article 19, 84ATM

Selectman Fox objected to the final wording of the above-noted article and recommended that the Executive Secretary forward to the Planning Board, specifically Mr. Michael Meixsell, who wrote the article, a copy of the Town of Brookline's bylaw on the same for his consideration, possibly for a future amendment or future bylaw for Sudbury incorporating some of the same wording.

Vana Site Plan

At the direction of Selectman Fox, the Board directed the Executive Secretary to confirm that an architectural rendering must be submitted for Board approval on the Vana Site Plan #80-227, revised February 13, 1984, for the proposed drive-up bank canopy.

Loring School Proposals

Executive Secretary Richard E. Thompson informed the Board that proposals for Loring School are due March 1 and that he would like to schedule discussion of the same on the March 5 agenda. The Board agreed.

Middlesex County Commissioners Public Hearing

Selectman Donald noted a February 24 communication from the Middlesex County Commissioners relative to a public hearing on the FY84-85 county budget, scheduled for March 12, 10:00 a.m., in the Middlesex County Commissioners hearing room. Selectman Donald stated she would attend.

At the conclusion of the meeting, Chairman Murray expressed his appreciation to Board members for their support and cooperation during his tenure as Selectman and especially as Chairman. He said he would miss being a Selectman.

There being no further business to come before the Board, the meeting was adjourned at 10:00 p.m.

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk