

IN BOARD OF SELECTMEN
MONDAY, MARCH 12, 1984

Present: Acting Chairman Anne W. Donald and Myron J. Fox.

Computer Bid - Accounting

Present: Town Accountant James Vanar; and Town Treasurer Chester Hamilton.

The Board was in receipt of a communication, dated March 8, 1984, from Town Accountant James Vanar, enclosing a recap of the computer bids he received in conjunction with his recommendation to furnish a computer for the Accounting Department, subject to 84ATM appropriation.

Upon questioning by the Board Mr. Vanar explained his recommendation that the Board accept the low bid of the Computer Center, in the amount of \$32,272. Mr. Vanar stated that this multi-task system would be capable of supporting five users at the same time.

Upon questioning by Selectman Fox, Mr. Vanar explained that the money (\$40,000) to honor this bid is in his FY85 budget to be voted upon by the 84ATM. Mr. Vanar stated that the Finance Committee unanimously voted to support this.

During further discussion, Mr. Vanar and Executive Secretary Richard E. Thompson explained the shortfalls of the system; mainly, it is not capable of direct payroll deposits, and it will only accommodate the Town's accounting and financing needs, plus the local schools.

On question by Selectman Fox, the Executive Secretary pointed out that, by adopting the Town Accountant's recommendation, the Town will be continuing the Selectmen's policy of decentralizing data processing needs.

On questions by Mr. Jesse Clark, 29 Meadow Drive, Mr. Thompson stated that he did a study on a central local processing system with Sperry Research three years ago, and that had not been updated, but that he had verified in the interim that this was not the best posture for the Town to pursue, at this time, after consulting with various experts in the field, i.e., Data General, University of Massachusetts, and Sheldon Cohen of the Massachusetts Municipal Association.

The Town Accountant added that he has been talking to other finance people in the Boston area, who have both smaller and larger systems, and several of these people who have the larger systems would like to get away from them. Mr. Vanar stated that the system he is recommending is a standard, uniform system that will give the Town a great deal of flexibility. Mr. Vanar stated that the Town Clerk and the Fire Department can operate smaller systems - there is no need to have a big commitment in all departments.

Mr. Clark questioned whether a study had been completed regarding office space, stating that a lot of money can be tied up with individual systems.

Mr. Vanar stated that a decentralized system is a very cost-effective approach for a town the size of Sudbury.

Mr. Clark continued to question the appropriateness of decentralization versus centralization with no hard data or cost comparisons being available. In addition, he made comment that the correct procedure would be to inventory the various Town agencies' needs and then, based on a collective analysis of these needs, determine the best and most economical system for the Town.

Mr. Thompson responded that he had addressed the individual department needs, as far as projected heavier users of data processing, i.e., assessors, tax collector, and accounting, and that Mr. Vanar had kept the assessors and the tax collector involved in discussions on the same.

Mr. Thompson stated that, as far as the tax collector is concerned, he and Mr. Vanar recommended, and the FinCom supported, a service bureau data processing system. In the assessors' office they are continuing to work on their needs - Mr. Thompson stated he has been communicating with Assessor Dave Collins - and one example is that the assistant assessor just hired does have data processing experience.

Mr. Thompson earlier stressed that the local government must have a knowledgeable data processing person to coordinate all efforts in this field, and that Mr. Vanar has assumed the role by fiat; however, the final decision on implementation rests, as tonight proves, with the Board of Selectmen.

After further remarks by Mr. Clark, Acting Chairman Donald suggested that he contact either Mr. Thompson or Mr. Vanar during the week to see for himself what has been going on, stating that he is trying to cover a lot of ground that has already been covered.

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

VOTED: To accept the low bid of the Computer Center, dated February 15, 1984, in the amount of \$32,272, for an Altos 586-40 Central Processing Unit with Municipal Information Systems software, (in conjunction with Town Accountant James Vanar's presentation), subject to 84ATM appropriation of funds.

84ATM Article 31 - Stone Tavern Farm

Present: James J. Binder, Gordon D. Henley, Frank A. Scofield, and Secretary Deborah Montemerlo, Conservation Commission.

Mr. Gordon D. Henley introduced himself and other members present of the Conservation Commission.

Mr. Henley stated that the Conservation Commission is asking for support of Article 31 - Purchase Development Rights - Agricultural Land (Stone Tavern Farm) - a \$400,000 commitment by the Town, with a State contribution of \$5,000 per acre. Mr. Henley stated that the Stones plan to maintain the property as a working farm. One concern of the Commission, he stated, is the "domino affect" - the loss of 61A status on parcels where Mr. Stone currently cuts hay.

Mr. Henley stated that the Commission wants the Town to decide on the issue - that it is a very valuable piece of property and a very important

decision. The other alternative would be for the Stone property to be developed into a residential subdivision - approximately 50-60 homes.

The Selectmen agreed that, although the concept was good, the \$400,000 price tag under Proposition 2½ constraints is not easy to justify. Selectman Fox pointed out that, when the Conservation Commission originally brought this subject before the Selectmen, the figure of \$5,000 was thrown out as the only cost to the Town in order for this to take place!

The Commission felt that that figure was meant as the cost per acre.

Relative to the possibility of bonding, it was pointed out that \$400,000 @ 7% for ten years would cost the Town \$28,000 yearly in interest. Selectman Fox later pointed out that an article involving bonding requires a two-thirds vote of Town Meeting.

The Selectmen suggested that the Commission delve into other alternatives for coming up with the monies, i.e., federal monies, and include any additional data in its presentation on Town Meeting floor which might help support/justify its position.

The Commission questioned how priorities are set for supporting various appropriations for Town Meeting articles, and if those priorities are made in conjunction with the total value or worth to the Town, pointing out that the Town would only be paying approximately \$10,000 an acre for this valuable land, with a contribution of half that amount coming from the State. Later, it was pointed out that it has always been the feeling of the Commission that open space is the most valuable asset to the Town, and why this is such an important decision for the Town to make.

Selectman Donald stated her priorities have always been police, fire and teachers first; that, unfortunately, conservation land cannot be as high on the list of priorities as one might like.

Mr. Thompson pointed out that, although the Selectmen may be unable to support this article because of the money restraints, it has always been their concern in the past to conserve land.

Selectman Fox commented that for the price the Town is being asked to appropriate - approximately \$10,000 per acre - it is not like the land will be owned by the Town, or even that the townspeople would be able to use the land. It will be the private property of the Stones' and passage of this article only means that the Town will own the development rights to the property and no homes will be able to be built there.

In conclusion, the Commissioners indicated they had some things to talk to the Stones about, i.e., better maintenance of the barn which is visible from Route 20, and that it would also discuss with them possible uses of the land by the Town; additionally, the Commission will compile any other pertinent information for presentation to Town Meeting.

Acting Chairman Donald thanked the Conservation Commission members for their attendance.

Site Plan 84-276 - Wecker/Technology Concepts, 230 Codjer Lane

Present: Applicant Stuart Wecker and Vice-President, Engineering, Michael Chalder, Architects George Catrambone, Glen Chalder and Phil Doyle, Atty. Henry Dane, Traffic Specialist Frederick A. Hesketh, and Engineer Bud Colburn, Technology Concepts, Inc.; Building Inspector Joseph E. Scammon; Fire Chief Michael Dunne; James G. Hannoosh, Planning Board; William H. and Jill Holden, 160 Horse Pond Road; Morton L. and Lorraine S. Brond, 31 Marked Tree Road; and Paul H. McNally, 23 Evergreen Road.

In accordance with Article IX, Section V, Paragraph A of the Sudbury Bylaws, the Board considered Site Plan 84-276 of Stuart Wecker, Technology Concepts, for property located at 230 Codjer Lane, IP#1 and A-1, owned by Melgrove Realty Trust, to construct a 25,000 square foot building for corporate headquarters.

Executive Secretary Richard E. Thompson stated that all appropriate Town officials and abutters had been notified and noted receipt of the following communications:

- from the Building Inspector, dated March 1, 1984, recommending approval;

- from the Town Engineer, dated February 27, 1984, recommending approval conditioned on Board of Health approval of the proposed septic system and issuance of an Order of Conditions by the Conservation Commission for work within one hundred feet of a wetland;

- from the Planning Board, dated March 6, 1984, conditioning majority approval on the discontinuance of Codjer Lane at a point beyond the entrance to the parking areas of Technology Concepts, as shown on the site plan, and enclosing the following communications:

a. from W. H. Holden, dated March 1, 1984, referring to a 1968 Town Meeting resolution that the Selectmen should restrict to emergency and municipal vehicles the westerly portion of Codjer Lane (a private way) in order to limit access thereby protecting the Horse Pond Road neighborhood, urging the Selectmen to reject the site plan application based on the proposed access to/from Horse Pond Road and concern that future industrial park development will access onto Technology Concept's newly-improved portion of the Codjer Lane roadway; and

b. from M. L. Brond, dated March 2, 1984, urging disapproval of this site plan based on proposed Horse Pond Road access compounding an already existing heavy traffic/safety problem, the indignity of industrial traffic in a residential area when there is an option and recommending a permanent prohibition against any industrial traffic entering or exiting the industrial park via Horse Pond Road, and suggesting the subject of proper zoning and use of the industrial park and Codjer Lane deserves more study and planning.

- from the Board of Health, dated March 6, 1984, recommending approval conditioned on the following: 1) additional soil tests to be completed in the spring (March-April); 2) utilization of the building for offices only;

3) installation of Town water; and 4) definitive plans for the subsurface disposal of sewage to be approved by the Health office;

- from the Fire Chief, dated February 27, 1984, offering the following comments: 1) that the fire hydrant be connected to a minimum eight inch water main, not the six inch shown; 2) that the building be fully sprinklered (or protected by an equal fire protection system as provided in the State Building Code) subject to his approval; and 3) that the Fire Department sprinkler connection be located adjacent to the fire hydrant because of the distance from parking area to building.

- from the Conservation Commission, dated February 22, 1984, requiring the filing of a Notice of Intent under the Wetland Protection Act for reasons explained in said communication; and

- from Morton L. Brond, dated March 8, 1984, recommending disapproval of the site plan, pointing out the lack of strong support by the Planning Board (3-2 vote), the concerns of area residents regarding increased industrial traffic and related traffic safety issues, enclosing a copy of the 68ATM resolution (noted in Mr. Holden's March 1 communication), and the concerns regarding more industrial development impacting on the already marginal traffic and safety aspects of Horse Pond Road.

Architect George Catrambone explained the proposal - the construction of a 29,000 square foot building for a computer software business - the least intensive use for this type of site; no truck traffic - pointed out that when Goldstar Nurseries came before the Selectmen in January of 1982, they were projecting twenty trucks, or forty trips per day; access is off Horse Pond Road, because it is a substantially shorter distance than to Union Avenue; this is an 18-acre site - construction will be a two-story building which, from Codjer Lane, will appear to be a one-story building (only 13' high) because of a natural drop-off on the site; parking areas include a handicap and visitor parking area; the building is located 150' from the center line of Codjer Lane (125' is required); a 300' landscaping buffer to the residential zone is provided; fifty employees anticipated with possible growth to 80-85.

Mr. Wecker explained that the morning and evening trips are staggered between the hours of 8:45-10:00 a.m. and 5:50-6:30 p.m., that there might be perhaps 2-3 people in on the weekends, and that there are no shifts involved.

Responding to Selectman Fox, Atty. Henry Dane stated that the proposed 84ATM Article, Delete Industrial Park District #1, if passed, would not affect this application, and that no variances by the Board of Appeals are required or being requested by the applicant.

Mr. Wecker stated that Technology Concepts will occupy the entire building; that the only trucks using the road would be U.S. mail trucks or Federal Express trucks.

The plan entitled, "T.C.I. Corporate Headquarters, Sudbury, Mass.", Sheets L-1 through L-7, dated February 2, 1984, was briefly shown to the Selectmen showing site details such as grading plans, drainage layout, on-site

septic system, connection to utilities, etc., handicapped parking, plantings, signs, lighting, etc.

Mr. Wecker stated that he began putting together his plans in February of 1983, discussed the concept with abutters and had an informal meeting with the Selectmen to address any concerns, and met with, and received approval from, the Planning Board last week. Also, they held an open house at Technology Concepts for the neighborhood about six weeks ago and received very positive feedback.

Mr. Catrambone showed the architectural rendering of the site; he also had a prototype of the building and grounds.

Mr. James G. Hannoosh stated that the Planning Board has no problem with the renderings submitted and complemented Technology Concepts in its professional approach in preparing and presenting its proposal.

Mr. Frederick A. Hesketh, an engineer and traffic specialist, submitted to the Selectmen, under cover letter dated February 8, 1984, a brief report with enclosures indicating that Mr. Wecker's proposed construction in the industrial park with access to Horse Pond Road will not result in traffic congestion or produce traffic hazards on any roadway in Sudbury.

Mr. Hesketh pointed out that the traffic concentration on Horse Pond Road - one car every ten seconds equals light traffic; there are 13-17 school bus trips on some portions of the road each day with frequent stops.

Mr. Hesketh commented on anticipated traffic for this land use with fifty employees and a potential for expansion to eighty, with staggered arrivals and departures extending from 30-90 minutes resulting in a concentration which equals less than one vehicle every minute, noting that within one mile, traffic is spread out in 6-8 directions diluting any concentration. A new intersection would be created but it would not be at all like existing intersections; there are six side roads and this new intersection would make seven. This land use compares to a subdivision of 20-30 homes which would generate the same amount of traffic.

With regard to any problems with Route 20 traffic, Mr. Hesketh pointed out that any traffic from Technology Concepts would be traveling in the opposite direction of rush traffic - from Route 20, rather than onto Route 20.

Mr. Hannoosh stated that the Planning Board's main concern is not the traffic with Technology Concepts, but the added traffic from any further development of the industrial park, and this is its reason for conditioning approval on a cul-de-sac on Codjer Lane at Technology Concepts' property.

Atty. Dane stated that Codjer Lane was laid out in 1835 as a public way and the Official Town Map, recorded in the Middlesex Registry of Deeds, shows it as a public way; also, he had a February 27, 1984, document from the Town Clerk certifying that Codjer Lane is a public right-of-way under Article 36 of the 70ATM, and amended under Article 26 of the 74ATM - shows it as a Town way from Concord Road, across Union Avenue to Horse Pond Road, although the Town does not have to maintain it because it is privately owned, the public can use

it. Atty. Dane suggested that the Selectmen could approve future requests subject to access to Union Avenue.

Town Counsel Paul L. Kenny concurred that Codjer Lane was a public way.

Responding to Selectman Donald, Town Counsel stated that Town Meeting could vote to close the road - to discontinue Codjer Lane as a public way from the Wecker property to Horse Pond Road, or to make it one way requiring only a vote of the Selectmen.

Mr. Brond commented that there would be some element of truck traffic, i.e., rubbish pickup, snow removal, delivery trucks; questioned whether Mr. Wecker was planning to put up a sign on Horse Pond Road and that the same would be objectionable in a rural area; indicated that an additional 50-80 cars per day going by one's home on Horse Pond Road is a significant number; expressed his opinion that the new intersection is dangerous because it is at a curve in the road with a somewhat obscure vision on the left to traffic coming down Horse Pond Road, and that this is a misuse of that area of the Town.

Selectman Donald thanked Mr. Brond for his comments; however, she expressed the opinion that, with homes built on that site, there would also be a certain amount of the truck traffic mentioned.

Mr. Catrambone corrected the misunderstanding that there would be food prepared in the cafeteria at Technology Concepts and, therefore, food delivery trucks (as Mr. Brond had also mentioned), by stating that the lunch/library room would be a place for employees to sit and have lunch but that there would be no food preparation on the premises. There might be a small kitchen for the convenience of the employees, but no large scale food preparation. Also, regarding a sign, Mr. Catrambone stated that would require Sign Review Board approval. (Mr. Wecker later stated if it were objectionable, he would not even put a small marker on Horse Pond Road, which was what he had had in mind, but that he would like to have a street sign there showing Codjer Lane.)

As far as sight distances, Mr. Catrambone referenced the above-noted report from the Town Engineer which states that the site distance along Horse Pond Road is consistent with minimum stopping sight distances as recommended by the American Association of State Highway Officials for highways with a design speed of thirty miles per hour.

Responding to Selectman Fox, Mr. Brond stated he would support the re-zoning article (84ATM Article 17) - to convert the industrial park to residential land - because the residential area would be more in keeping with the rural character of the Town. Mr. Brond expressed his opinion that he would like to see commercial and industrial properties together, not dispersed in pockets throughout the Town.

Selectman Fox agreed but reiterated that this is an industrially-zoned piece of land and, therefore, zoned for the proposed use.

Mr. Paul McNally, 23 Evergreen Road, commented on his residency in Sudbury for over twenty years and the growth of traffic on Horse Pond Road over that period of time and related accidents, including fatalities which he

stated he witnessed across from Codjer Lane, which is on a double "s" curve. He referenced the earlier-mentioned 68ATM resolution, which he voted for, and which he felt would be germane in limiting industrial development and help out the residents along Horse Pond Road.

Mr. McNally questioned the building setback and the buffer between the residential area which was explained to his satisfaction by Mr. Catrambone.

Mr. McNally further commented on added traffic congestion, coupled with so many school bus stops, and the safety hazard this presents to people living in the Horse Pond Road area and the effect of the same on the general character of the road. He further commented on the precedent this would set in terms of further development of the industrial park. Mr. McNally asked that the site plan be denied - that Town Meeting should decide; he questioned whether the Town had the right to maintain the road since it does not own it in fee; also, whether anything could be done to the road without the approval of the abutters.

Selectman Fox commented that it was Town Meeting which voted this as an industrial park and Town Meeting has not voted to rezone it; also, that the Town Clerk has confirmed Codjer Lane is a public way. The Town does not own it but it can be used by the public.

Mrs. Jill Holden, 160 Horse Pond Road, commented on the Planning Board's retraction at the 83ATM of an article which would have included the rezoning of the industrial park, her work and accumulation of documents on the issue of Codjer Lane, and her opinion that the 68ATM resolution was to limit the westerly portion of Codjer Lane to Horse Pond Road to only emergency and municipal vehicles.

As Selectman Donald pointed out, and Selectman Fox agreed, her interpretation of the resolution was that the Selectmen should restrict the westerly portion of the industrial park to Horse Pond Road only after the easterly portion of Codjer Lane from Union Avenue had been improved for use for public traffic.

Atty. Dane commented at length and pointed out that a resolution is not binding, as a zoning bylaw would be, but rather an expression of intent.

Mrs. Holden agreed that it might not be legally binding but that it was the intent of the Town at that time. She further commented on the number of young children on the corners of Horse Pond Road and Codjer Lane and suggested that the Selectmen listen to the residents who agree that access to the industrial park should be via Union Avenue or east of Raytheon to Route 20 (there is no road at that location presently), so as not to set a precedent with further development of the industrial park.

Mr. Brond suggested that, if the Selectmen see it in their wisdom to approve this site plan, they could force all traffic egress to Union Avenue.

Selectman Fox suggested that Codjer Lane be one way west bound from the westerly end of Cavicchio's farm to Technology Concepts' driveway.

Selectman Fox commented on the Town Bylaws, concluding that, as they are currently written, this is a use the Selectmen have to approve. He stated

that in doing so, however, they would try to make sure there are sufficient restrictions on the approval to protect the residents from the type of problems they are concerned about.

Responding to Selectman Fox, Mr. Wecker stated that he planned to comply with the Fire Chief's recommendation that the building be sprinklered.

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

VOTED: To approve Site Plan 84-276 of Stuart Wecker, Technology Concepts, Inc., for property located at 230 Codjer Lane, owned by Melgrove Realty Trust, as shown on the above-noted site plan, subject to compliance with all governmental laws and regulations including, but not limited to, zoning, building and health laws and regulations, and further subject to the following conditions:

- three conditions set forth in the Fire Chief's report of February 27;
- four conditions set forth in the Health Director's report of March 6;
- an approved Order of Conditions under the Wetlands Protection Act by the Conservation Commission, noted in its report dated February 22;
- exterior lighting to be directed away from adjacent residences;
- access/egress to and from the facility to be on Codjer Lane from Horse Pond Road and not through a way between #172 and #176 Horse Pond Road;
- that the use be restricted to normal office and research use;
- no storage or use of chemicals on site except in conformity with guidelines and requirements of the Board of Health and except with written notice of the same to the Board of Health;
- that any paved way to Horse Pond Road be terminated at the driveway of Technology Concepts and not go any further east on Codjer Lane;
- that there be no sign advertising this property at the intersection of Horse Pond Road and Codjer Lane;
- that morning and evening working hours (9:00 a.m. and 5:00 p.m.) be staggered so that employees are not coming and leaving the building at the same time;
- that the business hours be restricted to normal business hours, in that there not be a late night or Saturday or Sunday shift;
- that any improvements to the road, such as paving, be done to Town standards, and not be done by the Town of Sudbury, but by the petitioner.

Selectman Fox asked that the record show it is the unanimous view of the Board of Selectmen, as stated earlier this evening, pending the outcome of Town Meeting, to make Codjer Lane one way west bound from the westerly end of

Cavicchio's farm to Technology Concepts' driveway into the building, as shown on the above-noted site plan, east to Union Avenue in that direction.

Personnel Board 84ATM Articles

Present: Chairman Henry P. Sorett, Robert B. Rowley and Secretary Susan Anderson.

The Board met in joint session with the Personnel Board to discuss Articles 43, Police and Fire Chief Hiring Qualifications, and 44, Police and Fire Chief Employment Contract, in the Warrant for the 84ATM; also, Article 8, Special Act - Civil Service, Police Chief; and Article 9, Special Act - Civil Service - Police Force.

Chairman Henry P. Sorett gave the Board a chronology of events leading up to Article 43 stating that, based upon discussion and criticism of the Finance Committee, a new draft before the Board, appears in the Warrant.

Mr. Sorett emphasized and stressed throughout his discussion that the overall purpose of the article is to have a definitive and open procedure for the hiring of a new police chief plus a guarantee of his qualifications.

Selectman Fox pointed out, and Selectman Donald concurred, as Mr. Sorett was aware, that the Selectmen rely on the opinion of Town Counsel, and that in the case of Article 43 his opinion is that the article is in conflict with State statute, inappropriate because it unlawfully restricts the authority of the Selectmen to appoint, and if passed, may not meet the challenge if referred to the Attorney General; thus, confronted with this, it is unlikely that Town Meeting would approve Article 43.

Mr. Sorett indicated that he may ask ATM to take Article 43 and 44 out of order prior to discussion on Article 8, Special Act - Civil Service, Police Chief (taking the Police Chief from Civil Service). Mr. Sorett stated, during further discussion, that the Personnel Board had not voted its position on Article 8, but he would recommend that it not support taking the Police Chief out of Civil Service unless Article 43, or some other mechanism that would accomplish the intended purpose of Article 43, were adopted.

In addition, Mr. Sorett stated that the Personnel Board would be discussing these articles, and the public is invited, and especially the Selectmen, at its meeting of March 20.

Relative to Article 9, it was Mr. Sorett's recommendation, at this time, after consulting with Police personnel, to recommend against it.

On this article, Selectman Fox informed Mr. Sorett that Mr. Thompson had been meeting with members of the police force, and that it was the Board's position that, if a consensus could not be reached by mid March, the Selectmen and the Police Association would recommend indefinite postponement of this article, but continue to meet to reach a resolution and come back to the 85ATM.

At the request of the Selectmen, Town Counsel stated that paragraphs 2.a.b.c. and possibly d. of Article 43 are in violation of M.G.L., c.41, s.97A; and further, he did not feel that paragraphs 3 and 4.a. were necessary because there currently exist procedures or bylaws addressing the same. (He did not continue commenting on the remainder of the articles printed in the Warrant.)

Mr. Thompson made general comments that he could not see the necessity of either Article 43 or 44, that he felt the past practice of hiring department heads was adequate, and reiterated that article 43 restricts the authority of the Selectmen to appoint, and that it gives more credence to one department head versus others, and all should be treated in the same manner. He expressed strong disagreement with Mr. Sorett's comments throughout the meeting dealing with the stressfulness of the Police Chief's position compared to other jobs of equal stature.

In response to comments by Mr. Sorett, Fire Chief Dunne responded that the reason the Fire Chief was excluded from the original draft of article 43 was because he appeared before the Personnel Board and recommended that they do so, since the article did not allow any internal future appointments within the Fire Department, and the fact that the Fire Department is non-Civil Service.

There was a brief discussion dealing with Article 44. Selectman Fox raised the issue of why the necessity for a three-year contract for a newly-hired Police Chief when it is his opinion that a yearly appointment would probably be in the best interest of the Town in the event the individual did not work out, etc.; otherwise, the Town would be stuck with a person for three years and may end up buying out his contract. Selectman Donald expressed her agreement with Selectman Fox's opinion.

Mr. Sorett's response was basically that a three-year contract would attract better candidates and enable them to take charge and not have to worry about six months' evaluation or a yearly contract renewal.

At the conclusion of discussion, Selectman Fox directed Mr. Thompson to provide Mr. Sorett with communication(s) that Mr. Thompson had given the Board, prepared for the Police Association in conjunction with his discussions with them dealing with article 8, Special Act - Civil Service, Police Chief, which incorporates proper procedures for recruitment, hiring and qualifications for a non-Civil Service Police Chief.

In addition, the Board directed that Mr. Thompson review Articles 43 and 44 and compare these with information distributed to the Police Association, as mentioned above, in an effort to combine the same into one document which might be acceptable to the Board of Selectmen and the Personnel Board and bring the same back to the Selectmen for review and possible adoption as a written policy.

Selectman Fox stated he was recommending the above because, in his opinion, these differences of opinions on Town Meeting floor would probably cause a defeat of Article 8, and stressed the importance of arriving at some consensus with the Personnel Board prior to Town Meeting, if possible.

V.S.H. Realty, Inc., (Cumberland Farms), 470 Boston Post Road

Present: Richard L. Longton, Vice-President, Construction, V.S.H. Realty, Inc.; Fire Chief Michael Dunne; and Gordon D. Henley, Conservation Commission.

Acting Chairman Anne W. Donald convened a public hearing to determine whether the license granted under Ch.148,s.13, for storage of inflammables, and approval of Site Plan #83-260, pertaining to the above-captioned property, should be revoked because of non-compliance to certain conditions of those approvals.

V.S.H. Construction Vice-President Richard L. Longton stated that there has been no flagrant disregard of the conditions of the site plan approval, but that there were some errors, which, he stated, hopefully, have been rectified. He noted the following:

- that the three observation wells, ordered by the Board of Health and the Conservation Commission, were inadvertently omitted by the contractor when the new tanks were being installed; those have since been installed (Monday, March 5), he stated, under the scrutiny of the Board of Health and with the Fire Chief present; Mr. Longton referenced a communication from Soil Exploration Corp., enclosing the "boring log" of the implantation procedure followed (dated March 6, 1984);

Mr. Thompson referenced a March 12, 1984, communication from Mr. Longton enclosing a plot plan showing the location of the monitoring wells and the recovery well, as required by the Conservation Commission and the Board of Health, and stating that copies of the site plan had been submitted to the Board of Appeals relative to V.S.H.'s pending application for the canopy over the gasoline dispensing island. Mr. Thompson further confirmed that the Board of Health's concern in this regard had been satisfied. The Chief confirmed that he was present during the installation.

- the alarm system will be operational by March 15th; there was some delay in the arrival of the component, but drilling and conduit work is in place now;

- in accordance with the Fire Chief's requirement that two employees be on the premises at all times, Mr. Longton stated their decision to operate with an attendant, a feature they felt would be beneficial to them as well as to their patrons; therefore, they have not felt it necessary to put up a sign stating that the elderly and/or the handicapped will be served gasoline;

- an application has been filed with the Board of Appeals for a variance from the 70% setback regulation for the canopy over the gasoline island. Mr. Longton stated they were negligent in applying because they felt the Board of Appeals might have a difficult time justifying the approval where there appeared not to be sufficient grounds for granting the variance.

Mr. Longton went on to say that they had hoped to offer the Town of Sudbury a service by having a convenience store with petroleum products, and did not want to jeopardize their license or right to operate within the community. He apologized for any delays and inconvenience.

Responding to the Selectmen, Conservation Commissioner Gordon Henley stated that the Commission made an inspection this afternoon and feels V.S.H. has made a real effort to meet the criteria concerning the Commission. Later in the meeting, in response to Mr. Henley's request on behalf of the Commission, Mr. Longton committed V.S.H. to applying for a Certificate of Compliance to the Order of Conditions in accordance with the Wetlands Protection Act hearing.

The Selectmen asked that the record be corrected tonight to show that the Fire Chief had been present during the installation of the new gasoline tanks; previous minutes (February 27, 1984) indicated the Chief had not been present.

Selectman Fox commented on the series of "mistakes" V.S.H. had made in terms of not meeting conditions of the site plan approval, adding that a large, illegal, neon sign had also been put up. Selectman Fox commented further on the unconcerned attitude and rudeness of a Cumberland Farms employee when approached by the Executive Secretary relative to the same.

Selectman Fox went on to say, and Selectman Donald concurred, that the overall picture has been one of an outfit which is indifferent to the rules and regulations of the Town. The location of the Cumberland Farms site is in a very sensitive aquifer area of the Town, and approval was granted reluctantly, with restrictions, for that reason. These oversights/violations, Selectman Fox stated, could have caused a major catastrophe.

Mr. Longton stated it was unfortunate that this incident with the employee took place, that the company certainly does not condone this type of behavior from its employees, and that they are cognizant of the site plan conditions.

Selectman Donald commented further on the uncaring attitude of the applicant for the reasoning behind not applying to the Board of Appeals for the variance. Selectman Donald stated that, without the regulatory canopy, the self-service cannot remain there.

Mr. Longton stated his apology for the Board having the wrong impression, stating that its interpretation of the need for the canopy is incorrect. Mr. Longton explained that the State Fire Marshall has approved a plan for self-service without a canopy, adding that there is a fire suppression mechanism in the facility now.

Selectman Donald pointed out that the canopy is a condition of his site plan, under the direction of Fire Chief Dunne, and that the canopy must be installed for the self-service station to continue at that location. Chief Dunne confirmed the same.

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

VOTED: To continue this hearing to March 19, 1984 (as a miscellaneous agenda item) pending receipt of confirmation from the Conservation Commission that a Certificate of Compliance to the Order of Conditions has been applied for and/or received, and confirmation that the above-noted alarm system has been completed.

Common Victualler License - Philip's Pizza

Present: Atty. Douglas J. Rowe, for Philip K. Magiannis, d/b/a Philip's Pizza.

The Board approved on February 13, 1984, a transfer of an all alcoholic beverages restaurant license from Antonio Giovane, Manager, Giovane & Manion, Inc., to Philip K. Magiannis, d/b/a Philip's Pizza, at 447 Boston Post Road.

Executive Secretary Richard E. Thompson confirmed for the record that a probation report for Philip K. Magiannis containing no arrest record had been received subsequent to the February 13th approval of the transfer license.

Atty. Douglas J. Rowe, for Mr. Magiannis, submitted an application, dated March 9, 1984, for a Common Victualler's license to be exercised at Philip's Pizza, which he stated was inadvertently not filed at the time of the liquor license transfer.

It was on motion unanimously

VOTED: To grant a Common Victualler License to Philip K. Magiannis, d/b/a Philip's Pizza, to be exercised at property located at 447 Boston Post Road.

Mr. Thompson referenced a telephone request from Atty. Norris, on behalf of Giovane & Manion, to waive Mr. Magiannis' \$1750 fee for 1984 for the liquor license, since it had already been paid by Giovane & Manion for the same premises, and that they had intended to handle the transfer of the license fee between parties.

Mr. Thompson stated that the Board had recently adopted a policy whereby they would consider pro-rating fees on transfer licenses on a quarterly basis. The Board directed Mr. Thompson to provide them with that information, and, accordingly, explained to Atty. Rowe that they could give him an answer following the Board's March 19 meeting.

On direction by the Board, Mr. Rowe stated that Mr. Magiannis would deliver a check for his license, to be held in escrow by the Selectmen's office until a final decision is made on the fee, Wednesday, March 14, which is the day he plans to open.

Provisional Cable Television License

Present: William C. Henchy, Adams-Russell; and Joseph D. Bausk, Margaret Anne Ward, and Anthony Kreisel, Cable Advisory Committee.

The members of the Cable Advisory Committee indicated to the Board that they would like to discuss further the provisional cable television license with Town Counsel Paul L. Kenny prior to a joint discussion with the Selectmen and Mr. Henchy. All present agreed that more time was needed to evaluate Town Counsel's communication, dated March 9, 1984, and Mr. Henchy's response, dated March 12, 1984.

Because of the late hour and the above request, the Board tabled discussion of the provisional license until next Monday, March 19th, at 7:30 p.m.

A meeting was set up between Town Counsel and the Cable Advisory Committee to take place at the Loring Parsonage at 8:30 p.m., Thursday, March 15.

State Reimbursement Memorandum - Construction Funds

It was on motion by Selectman Fox unanimously

VOTED: To sign a memorandum from the Massachusetts Department of Public Works setting forth evidence of entitlement to reimbursement for construction, reconstruction, and improvements, on approved public ways, in the amount of \$67,591, in accordance with Section 2 of Chapter 289 of the Acts of 1983.

Reserve Fund Transfers

It was on motion by Selectman Fox unanimously

VOTED: To approve Reserve Fund Transfer Requests, as follows:

a. No. 32, dated March 12, 1984, to Account 950-41, Print Town Report, in the amount of \$454.34; and

b. No. 33, dated March 12, 1984, to Account 501-21, Selectmen's General Expense, in the amount of \$2,100, for reasons set forth on the numbered transfers.

Attachment - Master Plan Update Grant Agreement

It was on motion by Selectman Fox unanimously

VOTED: To authorize the Chairman of the Board of Selectmen to sign an attachment statement to the Master Plan Update Grant Agreement between the Commonwealth and the Town, acknowledging that the Grant is subject to the Town's submission to the Massachusetts Commission Against Discrimination of a signed Memoranda of Agreement for the development of Affirmative Action Plans in the areas of Employment, Housing, and Contract Compliance/Minority Business Enterprises.

Deferred Compensation Program/Town Employees

The question of approving a deferred compensation program for Town employees, as requested by the Town Treasurer in his letter of March 7, 1984, was tabled until Monday, March 19; it being the opinion of Selectman Fox that it would be in conflict of interest for him to vote on the same since his wife is a teacher in the Sudbury school system.

BayPath Application - Title I-B Job Training

In accordance with a communication from BayPath Senior Citizens Services, Inc., dated March 5, 1984, Executive Secretary Richard E. Thompson was

directed to send a letter of support to the Executive Director of BayPath to be submitted with its application for Title I-B funds, Job Training Partnership Act.

Meeting Schedule

It was on motion by Selectman Fox unanimously

VOTED: To schedule meetings at 7:00 p.m. in the Lincoln-Sudbury Regional High School library, each night prior to Town Meeting;

and it was further

VOTED: To cancel the Selectmen's April 16th meeting due to the Patriot's Day holiday; to change the meeting time of the March 28th meeting from 7:30 p.m. to 7:00 p.m. in order to discuss with the newly-appointed Selectman (Annual Town Election March 26) 84ATM articles still requiring positions; and to cancel both the March and the April Town Fathers Forum.

Loring School Proposals

Selectman Fox reminded the Executive Secretary to provide the Selectmen with copies of all the bids and proposals which had been received in the past relative to the Loring School building, along with any pertinent data, especially that discussed at the Selectmen's March 5th meeting, which might be helpful in taking a position on the recent proposals received.

St. Patrick's Day Dinner

Both Selectman Donald and the Executive Secretary will attend the Senior Citizens' St. Patrick's Day dinner, to be held Friday, March 16th, at the Drop-in Center.

MMA Annual Meeting

Selectman Donald stated she had accepted the invitation of Richard Kelleher to serve on the committee to plan the Massachusetts Municipal Association's Annual Meeting to take place in Hyannis in August.

EOCD Incentive Aid Program

The Board acknowledged receipt of a February 28, 1984, communication from the Executive Office of Communities & Development relative to the Governor's proposed FY85 budget, which includes a request for a two million dollar program - Incentive Aid Program - to aid cities and towns in the areas of increasing efficiency and/or enhancing management capacity.

DPW Meeting - Route 20

Mr. Thompson stated he attended a meeting with the State Department of Public Works today to discuss the State Route 20 widening project. At the meeting it was learned that the Route 20 widening project does have priority status and is in the process of obtaining design approval from the Federal

Highway Administration. Town Engineer James V. Merloni will be contacting the State to obtain a copy of the widening plans around May 1.

There being no further business to come before the Board, the meeting was adjourned at 11:40 p.m.

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk