

IN BOARD OF SELECTMEN
MONDAY, OCTOBER 29, 1984

Present: Chairman Anne W. Donald; Myron J. Fox (arrived 8:00 p.m.), and Josiah F. Frost.

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

Utility Petition 84-39/Maynard Road

Present: Joseph D. Bausk, New England Telephone.

In conformity with General Laws, Chapter 166, Sections 21 and 22, the Board considered Utility Petition 84-39 of New England Telephone and Telegraph Company for permission to lay and maintain approximately 58' of conduit with the necessary wires and cables therein on the northerly side of Maynard Road, approximately 908' westerly of Willis Road, beginning at existing pole #42 and running in a westerly direction, as shown on a "Plan for Conduit Location To Accompany Petition of New England Telephone and Telegraph Company", dated October 9, 1984.

Executive Secretary Richard E. Thompson stated that all appropriate abutters and Town officials had been notified and noted receipt of a joint favorable recommendation from the Wiring and Building Inspectors, dated October 29, 1984.

Mr. Joseph D. Bausk, representing New England Telephone, stated that the purpose of the petition is for conduit installation to connect service to new homes on Pendleton Road.

It was on motion by Selectman Frost unanimously

VOTED: To approve Utility Petition 84-39 of New England Telephone and Telegraph Company as explained above.

Utility Petition 84-34/Woodmere Drive

Present: Joseph D. Bausk, New England Telephone.

On October 1 the Board approved Utility Petition 84-34 of New England Telephone and Telegraph Company for 196' of buried cable on the southwesterly side of Woodmere Drive. Abutter Charles Kolb was at that hearing and had voiced some concerns, specifically restoration of his property which would be affected by the installation by New England Telephone.

Mr. Bausk stated that, in view of the abutters' objections, New England Telephone now plans to install aerial cable instead of the buried cable which was approved under Utility Petition 84-34.

Resignation - Sudbury Housing Authority

The Board acknowledged receipt of a notification from the Sudbury Housing Authority (SHA) of the pending vacancy on the Authority due to the resignation

of Charlotte Goss effective January 1, 1985, or earlier if replacement is found; said notification is dated October 22, 1984, and requests a joint meeting with the Board of Selectmen during November for selecting a replacement to serve until the next Annual Election; a copy of said notification was also forwarded to the Town Clerk.

The Board suggested scheduling a joint meeting with the SHA November 19 and directed the Executive Secretary to contact the SHA regarding its availability on that date; also, to point out that appointment of a new member cannot take effect until the effective date (January 1) stated in Mrs. Goss' letter, unless an amended letter of resignation is filed by Mrs. Goss with the Town Clerk.

Note: Selectman Fox had not yet arrived at the meeting and was not present during any of the above discussion.

Utility Petition 84-41/Deer Pond Road

It was on motion by Selectman Frost unanimously

VOTED: To approve Utility Petition 84-41 of Boston Edison Company and New England Telephone and Telegraph Company for confirmation of seven existing pole locations in Deer Pond Road, as shown on "Plan of Deer Pond Rd., Sudbury, Showing Existing pole locations guy wire & anchors", dated September 13, 1984.

A joint letter of approval, dated October 29, 1984, was received from the Wiring and Building Inspectors.

SCAC Fundraiser

Relative to a request from the Sudbury Community Arts Center (SCAC) to conduct a 4.2 mile road race which requires runners to use a portion of Route 20, Selectman Frost expressed his concern that the SCAC follow whatever regulations the Police Department may require for the safety of the runners. He suggested, for example, that a cruiser might be required in front of and in back of runners on Route 20. He did not feel, however, that the SCAC should be financially responsible for this police protection since, as Mr. Thompson pointed out, it will be a short race with not too much involvement, and because it is a fundraiser.

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

VOTED: To approve a request dated October 17, 1984, on behalf of the Sudbury Community Arts Center, to conduct a fundraiser, "Fun Run for the Arts" - a road race, on Sunday, November 4, 1984, subject to notification of the Police Department;

and it was further

VOTED: To waive any costs for police protection of the runners on Route 20.

Joint Meeting/Sudbury Water District (application for grant funds)

Present: Commissioners George Mercury, Milton D. Bartlett, and Executive Secretary Winthrop H. Fairbank, Sudbury Water District.

Chairman Donald convened a meeting with the Sudbury Water District for a general discussion relative to the submission of a joint application by the Town and the Sudbury Water District for State grant funds under the Aquifer Land Acquisition Program.

Chairman Donald referenced a communication from Planning Board Vice Chairman L. Mike Meixsell, dated October 22, 1984; the Water Commissioners indicated they had received a copy of that letter.

Water District Commissioner Milton D. Bartlett updated the Selectmen on what had transpired from the District's standpoint since its last Annual (February 1984) Meeting - the major items being:

- An appropriation for the exploration of wells on Town land; later, it was pointed out that there is sufficient Town-controlled land around all of the Town's wells.

- Dr. Edward Chiang was hired to do some hydrogeological work for the Water District; hopefully, a report will be completed within the next month. The District intends the document to be made public and has so informed Dr. Chiang. Later in the discussion, Mr. Bartlett reminded the Board that the Commissioners had not yet voted as to whether or not to submit an application, but that they would be considering it after they received Dr. Chiang's report, which, hopefully, would contain the necessary hydrogeological information to determine whether they should re-apply. He later referenced the Selectmen's vote of October 15th to apply for the grant in conjunction with the Water District; Mr. Thompson stated that he planned to meet tomorrow with Mr. Fairbank and the Town Planner for a preliminary discussion relative to possibly submitting a joint application.

- The drainage system in the Route 20 area is a good one - there is no contamination. Mr. Bartlett pointed out, however, that it is important for the drainage on Route 20 to be extended and that the Selectmen and the Town should insist that the State increase the drainage on Route 20, in conjunction with its widening project, from Raytheon's new extension (Site Plan 84-282 approved October 11, 1984) all the way to Hop Brook. (Mr. Bartlett commented that drainage systems on site plans approved by the Selectmen are not always designed to protect the interest of the Town in terms of keeping salt from draining into aquifer protection areas. Selectman Fox asked that the Commissioners take an active part in the site plan process by getting their input to the Board prior to site plan hearings. After commenting, Mr. Fairbank concluded that one of the difficulties the Commissioners have is that there is no "classic" aquifer zone in Sudbury, and to do the job right hydrogeological engineering is generally necessary. Selectman Fox stated that, if it is necessary for an applicant to hire a hydrogeological engineer to provide the necessary data, or provide the funds for the necessary hydrogeological data for the Commissioners to advise, the Commissioners should so specify. Mr. Bartlett later stated that the Commissioners had no reason not to co-operate.

- In the area of the highway garage, an existing well was abandoned (in 1962) because of high salt content. More recently, four test holes were dug in an area near that abandoned well, and these test results also showed high salt. The Commissioners feel that, since this area appears to be a good area for a future well site, that consideration be given to moving the highway garage, since, as long as the Highway Department continues to mix sand and salt in the open, this problem will exist because salt penetrates into the ground so quickly. Mr. Thompson stated he would follow up on this issue with the Highway Surveyor, Robert A. Noyes.

Selectman Fox stated that, obviously, the Water District knows more about water and aquifer protection zones, and how these should be protected, than anyone else in Town; however, there are many more people who, through their actions, have an effect on the water and aquifer protection zones; for example, the Selectmen when approving site plans, the Town Engineer when addressing drainage (on Route 20), the Highway Surveyor when he plows the roads, the Planning Board when approving sub-division plans, etc. Selectman Fox emphasized the need for a coordinated effort by all Town officials, boards, and departments, since the Town's water supply is something which involves everybody.

Mr. Bartlett asked Water District Executive Secretary Winthrop Fairbank to update the Board on his recent inquiry regarding the District's initial grant application.

Mr. Fairbank critiqued the District's initial application - its strong points and its weaknesses. In the first section relating to technical matters, the Town scored as high as possible; but on the management aspect of the application, areas of managing aquifer protection, the Town scored low in points when analyzing Zones 2 and 3. In order to re-apply, as he said, hydrogeological data on characteristics of zones 2 and 3 would be necessary; he was not sure if that information would be available through Dr. Chiang's report.

Mr. Fairbank commented that Wayland received a \$500,000 award (although it has not been received yet) because they were fortunate to have the necessary hydrogeological information through the IEP in conjunction with its work for the MDC on the Sudbury River Diversion Project. Mr. Fairbank had commented earlier that last year's successful applicants had not been funded. He stated that he had contacted Wayland today, and they are only half way through their process of becoming eligible for funding, and it is approaching a year's time since the award(s). He stated there is a question as to when the next round of applications will be opened and closed. He discussed his inquiry of Acton regarding \$100,000 spent on two reports/hydrogeological studies, and stated his opinion that the reports did not appear to be documents they (Town of Acton) relied on heavily.

Commissioner George Mercury had commented earlier that the grant money would only be reimbursed after the Town first expended the funds to purchase the land (for aquifer protection).

Mr. Bartlett stated he would like to emphasize two points which he felt would probably be addressed in the report from Dr. Chiang:

- 1) the fact that drainage on Route 20 should be extended (in conjunction with the widening of Route 20 and the Raytheon extension); and
- 2) the possibility of moving the highway garage due to salt pollutants leaching into groundwater in a good well site area.

Selectman Frost stated that, although he has full confidence in the Commissioners, he also feels there is a lot of public pressure, and particularly pressure from the Conservation Commission and the Planning Board, to submit an article for the next Annual Town Meeting. It was Selectman Frost's opinion that Town officials would be criticized if they did not ask for an aquifer protection study. He added that the Planning Board will do the majority of the paper work, will be asking for the Water District's records, and will want to talk to their engineer, Dr. Chiang, in compiling the necessary data for the preparation of such an article.

Selectman Fox reiterated that Town officials, boards, and commissions should not go in different directions; that the main thing is that efforts be coordinated and consistent. He asked for agreement that a joint application be filed for the grant money. Mr. Thompson stated that he will discuss this issue further tomorrow at 11:00 a.m. when he meets with Mr. Fairbank and the Planning Administrator.

Mr. Bartlett, as stated earlier, indicated that there is substantial land for aquifer protection around all of the Town wells, that there is no panic situation by any means, but that the Town should take advantage of any information the State can provide. Mr. Thompson commented that the Selectmen have asked that the MAPC use the seventy-five hours of free expertise (allotted to cities and towns annually if requested) to provide the Town with good information, hopefully, for the preparation of an article for the next Annual Town Meeting to define the Town's aquifer protection areas.

Mr. Bartlett expressed his personal unfavorable feelings about the work of the MAPC, specifically the fact that, from his understanding, the MAPC usually does not differentiate between cities and towns; consequently, he might not be in favor of any data provided by the MAPC pertaining to water-related issues as he felt the recommendations would not be applicable to Sudbury, and, therefore, would not support an article on Town Meeting floor, based on an MAPC study.

Selectman Fox stressed the importance of the Water District Commissioners becoming involved in the initial stages of the preparation of the article for a co-ordinated effort in supplying the Town with the best possible information and to avoid controversy on Town Meeting floor among Town officials and boards.

On another subject, Mr. Bartlett referenced a request from the Fire Chief dated October 10, 1984, for the general maintenance of fire hydrants. He stated that many of the things the Chief mentions regarding maintenance have been discontinued because of the unavailability of employees to do the work; however, he planned to review the request with the Chief and stated he saw no reason to "skimp" on fire protection.

Mr. Joseph S. Gumlak, 106 Peakham Road, expressed his personal approval of the interaction between Town boards/officials in applying for the state grant money, and applauded the League of Women Voter's recent symposium to provide information on land use and water resources.

Selectman Fox stated he would like to continue these sessions/discussions to coordinate efforts on these common concerns.

Mrs. Mary L. Gumlak stated her opinion that the business community should be notified of any meeting(s) held prior to Town Meetings on major subjects coming before the Town Meeting for input from the local business people. Mr. Thompson responded that the local Chamber of Commerce, which is made up of local businessmen, receives a copy of the Selectmen's agenda weekly.

Chairman Donald thanked the Water District Commissioners and Executive Secretary for their attendance this evening.

Selectman Fox directed the Executive Secretary to follow up with the Town Engineer and the Highway Surveyor on the issues brought up by the Commissioners this evening; namely, the Route 20 drainage extension, the highway garage situation, and the salt situation on Route 20.

MAPC - Memorandum of Agreement

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

VOTED: To accept, and to authorize the Chairman to sign, the Memorandum of Agreement with the towns of Ashland, Framingham, Natick, Southborough, Wayland, Wellesley and Weston and the Metropolitan Area Planning Council (MAPC), for the purpose of establishing a committee to be known as the MetroWest Growth Management Committee, submitted by the MAPC under cover letter dated October 19, 1984.

And it was further

VOTED: To appoint Chairman Donald Designee to the MetroWest Growth Management Committee.

Mr. Thompson will contact the Planning Board relative to that Board's designee to the MetroWest Growth Management Committee.

Selectman Fox reminded Mr. Thompson that in Section IV "Role of Growth Management Committee", there are some specific things for him to do, on behalf of the Selectmen, and other requirements which must be completed by the Planning Board.

Landfill Rules and Regulations

It was on motion by Selectman Frost unanimously

VOTED: To sign the Town of Sudbury Rules & Regulations Governing the Operation of the Sanitary Landfill, as revised in accordance with the Selectmen's vote of October 15, 1984.

The Board will review the hours of operation of the Landfill in approximately six months to determine whether these hours provide the best use of the Landfill, and, in terms of them being changed, i.e., to open Sunday, to review the related costs including the salary of a newly-funded position of a full-time monitor.

Mr. Thompson stated that the cost of a full printing of the regulations in the Town Crier would be approximately \$120-\$130; the Board agreed that the Rules and Regulations should be advertised in its entirety with the revisions highlighted.

Chairman Donald gave the Board a copy of the rules and regulations for the landfill in the Town of Dennis and stated how impressed she was with the organization and recycling system they have there. She suggested to Mr. Thompson that he refer a copy to Town Counsel as these rules and regulations may be helpful to us when reviewing Landfill operations again.

On question by Selectman Frost and following discussion, there was a consensus that no debris from construction sites, i.e., construction materials, stumps, tree lengths from lot clearing, etc., can be dumped in the Landfill without special permit.

85ATM Articles

Executive Secretary Richard E. Thompson reviewed with the Selectmen notes he had put together during the week on questions raised by the Selectmen relative to proposed articles for the 85ATM. During discussion, the following decisions were made:

- Earth Removal Bylaw - Town Counsel will review entire bylaw for 86ATM;
- Water Quality Standards - Selectman and Town Counsel will review Falmouth regulations and, if favorable, will forward to Planning Board for its review;
- Council on Aging Bylaw - draft sent to Chairman Col. Leahy, for review, possibly to be sponsored by Council;
- Site Plan Bylaw - Hold for 86ATM; Selectman Frost stated he had some personal suggestions and would like to be consulted when this bylaw is prepared;
- Plumbing inspections - The Selectmen concurred with the recommendation, dated October 26, 1984, from Assistant Town Counsel Thomas M. French, that nothing can be done on the local level to restrict the use of state-approved plastic water pipe in dwellings and agreed that the Plumbing Inspector may want to determine whether or not the State plumbing regulations would allow him to require a pressure reducer at the water line entrance to a dwelling in which this material is used, since he feels the problem is pressure-related.
- Betterment policy - The Board referenced a local newspaper article on a policy adopted in Wayland, provided by James Pitts under cover letter dated June 15, 1984; suggested consideration of the same for Sudbury, to be reviewed

by Town Engineer and Highway Surveyor (including cost for implementing); Mr. Thompson stated he would follow up and report back to the Board;

- Include article to amend the Sign Review Bylaw - Mr. Thompson was directed to request input from Town Counsel, the Board of Appeals, the Sign Review Board, the Planning Board, the Building Inspector, and the Town Engineer.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular Session of October 22, 1984, as corrected.

Amend Selectmen's Policies and Procedures

Following discussion, it was on motion unanimously

VOTED: To approve the following revisions in the Town of Sudbury, Selectmen's Policies and Procedures:

- add the following definitions under "Section A.1.":

- a. Chairman: The Chairman will approve the agenda for and conduct the Selectmen's meetings; coordinate the affairs of the Board with due concern that all members' views are heard and considered; and act as liaison to the Executive Secretary and the major departments under the Board of Selectmen.
- b. Vice Chairman: The Vice Chairman will assume the duties of the Chairman in his absence.
- c. Clerk: The Clerk will be responsible for 1) preparation for Selectmen's meetings and keeping complete and accurate minutes of Selectmen's meetings; and 2) is authorized to provide attested copies of Selectmen's votes and minutes as necessary.

- change A.7. to read as follows: Actions and decisions shall be by motion, second and vote. If the vote is not unanimous, the minutes shall reflect the vote of each Selectman.

And it was further

VOTED: To direct the Executive Secretary to provide the Board with revised wording on Sections A.4.a. and A.5. next week for the Board's review.

FY85 Non-Union Salary Increase/Park and Recreation Laborers

The Executive Secretary, under letter dated October 25, 1984, had requested the Personnel Board to amend its vote of October 24 approving a 6% across-the-board increase for all non-union personnel for FY85 by adding the provision: "except the Park and Recreation Department employees in the two positions of Laborer-Heavy and Laborer-Light shall receive instead a 50¢ per

hour increase". This request was based on the Selectmen's recommendation, which had the concurrence of the Park and Recreation Commission, that these positions receive a 50¢ per hour raise in keeping with the raises granted to the Highway Department laborers. The Selectmen directed the Executive Secretary to follow up with the Personnel Board.

Later the Board briefly discussed personal notes taken by Elaine Jones at the Personnel Board's meeting of October 24.

Takeover of Municipal Services by Private Sector

Selectman Fox referenced two recent newspaper articles on the subject of "privatization", one in the October 25 Town Crier guest column by Klaus E. Muller, and the other on the front page of today's Boston Globe, and asked the Executive Secretary to schedule this subject at a future Board meeting.

Blue Cross/Blue Shield Rates

Selectman Frost stated that he attended a "Home Health Care Plus" workshop at the MMA/MSA annual meeting this past weekend and learned that Blue Cross/Blue Shield rates may be going down by 20%; he recommended that the Insurance Advisory Committee be asked to look into it.

Selectman Fox commented that there are consultant firms available to negotiate premiums (based on coverage, experience rating, etc.) with Blue Cross/Blue Shield on behalf of subscribers and asked the Executive Secretary to look into this also.

Mr. Thompson responded that he and the Town Accountant have been working with Blue Cross/Blue Shield on these and other matters and have requested, and are waiting for, a great deal of information from them.

Waive Site Plan Scale/Chiswick Trading Company

It was on motion by Selectman Fox unanimously

VOTED: To waive the site plan scale requirement of 1"=20' and instead allow submission of a plan with the scale of 1"=40' for property located at 29-31 Union Avenue, as requested by Richard C. Skarinka, Project Engineer, on behalf of Chiswick Trading Company, Inc., under date of October 24, 1984.

Extend Serving Hours/99 Restaurant

It was on motion by Selectman Frost unanimously

VOTED: To deny a request, received October 25, 1984, from Peter Hepper, Assistant Manager of the 99 Restaurant, for an extension of their liquor serving license on October 31 from midnight to 1:00 a.m. on November 1.

The Board felt that an approval of such an extension would be in direct opposition of the All Alcoholic Beverages Control Commission's viewpoint toward limitations on drinking hours and the elimination of "happy hours".

Enoch Kidder Antique Shop Ribbon-Cutting

Mr. Thompson informed the Board that the above-captioned event will take place at 1:00 p.m., Sunday, November 11. Selectman Fox stated he would attend on behalf of the Board.

Master Plan Update

Mr. Thompson stated that the Planning Board would be finalizing comments on the Route 20 Master Plan update on November 5; therefore, asked for any input the Selectmen might have prior to then.

Route 117/Complaint of Disrepair

With regard to a communication dated October 23, 1984, from Richard C. Portner, Jr., requesting immediate repair to Route 117 in front of his property (313 North Road/Route 117), Executive Secretary Richard E. Thompson stated that the Highway Surveyor confirmed that the road was paved today.

The Selectmen directed Mr. Thompson to contact Mr. Portner stating the Selectmen's understanding that the work had been completed and asking if the repairs had been done to his satisfaction.

Amend Vote/Establish Salary Increase, Non-Union Personnel

Following a brief update by the Executive Secretary of the Personnel Board's action at its meeting of October 24 to award a 6% increase (retroactive to July 1, 1984) to all non-union personnel, it was on motion by Selectman Frost unanimously

VOTED: To amend the Board's vote of October 11, 1984, which established the salary levels for non-union employees; exclusive of individually-rated or elected personnel, for FY85 at a 5.5% increase (retroactive to July 1, 1984) subject to the concurrence of the Personnel Board, and instead to establish said salary level at a 6% increase in conjunction with the Personnel Board's vote of October 24, 1984.

Note: The foregoing vote does not apply to Park and Recreation Department Laborers - Heavy and Light - whose salary increase was voted by the Selectmen on July 23, 1984, at fifty cents per hour. Mr. Thompson stated this subject, plus the subject of the Landfill Monitor position, will be addressed by the Personnel Board at its November 1st meeting.

Selectman Fox directed the Executive Secretary to inform the Personnel Board of the above action of the Board of Selectmen.

Discussion/Police Chief Appointment

During the month of October the Board interviewed the five sergeants in the Sudbury Police Department for the position of Police Chief and agreed at its October 15 meeting to schedule some time on tonight's agenda for a general discussion concerning this appointment.

Selectman Fox raised six points which he asked the Board's input on and the following is a summary of the discussion and the consensus of the Board on those points:

1) On the question of whether it is necessary to interview outside the Department, it was a consensus of the Board that it was not, on the basis that there are more than enough qualified candidates among the five Sudbury sergeants interviewed.

2) Regarding the necessity of a written exam, it was a consensus of the Board that this not be a requirement; the best test of all being the on-the-job experience that each individual sergeant has (ten or more years).

3) On whether residency would be a requirement, the Board agreed, following a lengthy discussion, that it is a factor but not a requirement of the position. (Selectman Fox expressed his preference that the Police Chief live in Sudbury for more interaction in the community but he would not make it a requirement of the job.)

4) The Board agreed that the appointment of one of the five sergeants to Police Chief would be conditioned on his passing a physical examination on the sole opinion of the Town Physician.

5) The consensus of the Board was to set a salary range for the position of Police Chief at \$35,000 (minimum) to \$36,000 (maximum) plus 4% longevity and possible parity with the Fire Chief if performance mandates it in the future.

Consideration was given to a) it is no longer mandated that the chief's salary to be set at the ratio of 1.8% of the highest paid patrolman; b) whether the salary should be for the position or the sergeant selected; c) future parity between the Fire and Police Chiefs (Fire Chief current salary approximately \$37,000); d) setting a minimum and giving the Selectmen some leeway to adjust it on the basis of the experience of the sergeant appointed; and e) loss of overtime and of career incentive benefits.

6) On the question of requesting follow-up interviews with any finalists (of the five sergeants interviewed), Selectman Fox suggested that the Selectmen do so (the other members of the Board agreed) in order to ask some more involved questions of the finalists, to follow up on some questions which might not have been fully answered at the first interview, and to discuss the salary range. The Board agreed that they would like to call back at least two finalists. Chairman Donald suggested that the finalists be given some questions (prepared by the Selectmen) in advance of the interview(s) if there were some that might require long-term planning for the operation of the Department. Selectman Fox, however, felt that it would be more beneficial to hear quick judgment responses as the Police Chief is very often expected to make judgments on the "spur of the moment". Executive Secretary Richard E. Thompson suggested that each finalist be asked the same questions.

For discussion at their November 8th meeting the Selectmen agreed to prepare questions which could be asked of the finalists.

It was on motion by Selectman Fox, amended by Selectman Frost, unanimously

VOTED: To invite Sergeants Lembo, Nix and Sullivan to a follow-up interview for the position of Police Chief; said interviews to be scheduled by the Executive Secretary.

Change Meeting Date

During the above discussion, it was on motion by Selectman Fox unanimously

VOTED: To cancel the Board's regularly-scheduled meeting of November 5 and to schedule a brief meeting on Thursday, November 8, at 7:30 p.m., at Nixon School, prior to the Board's meeting with the Finance Committee on that date at 8:00 p.m.

There being no further business to come before the Board, the meeting was adjourned at 10:50 p.m.

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk