

IN BOARD OF SELECTMEN
MONDAY, SEPTEMBER 17, 1984

Present: Chairman Anne W. Donald, Myron J. Fox and Josiah F. Frost.

Utility Petition 84-33, Old County Road

Present: Edmund F. Kelly, Boston Edison.

In conformity with General Laws, Chapter 166, Sections 21 and 22, the Board considered Utility Petition 84-33 of Boston Edison Company for permission to install 15' of conduit in Old County Road, northwesterly approximately 495 feet east of Boston Post Road, as shown on a plan entitled, "Plan of Old County Road, Sudbury, Showing proposed location of Customer Conduit", dated August 15, 1984.

Executive Secretary Richard E. Thompson stated that all appropriate abutters had been notified and that a joint, favorable report had been received from the Wiring and Building Inspectors, dated September 12, 1984.

Following a brief explanation by Mr. Kelly of Boston Edison relative to this request to provide underground service from an existing pole in the public way to Stanmar, Inc., it was on motion by Selectman Frost unanimously

VOTED: To approve Utility Petition 84-33 of Boston Edison Company as submitted.

Sale of Horse Pond School

Regarding the deed language for the sale of the Horse Pond School, the Board acknowledged receipt of a communication, dated September 13, 1984, from Assistant Town Counsel Thomas M. French regarding the Commonwealth's request for the elimination of two restrictions on the deed - one being the use restriction (that the building be used only for a Fire Academy) and the other being the requirement that the restrooms be open and available to the public using the playground.

The Board concurred with remarks by Town Counsel Paul L. Kenny, consistent with the recommendation set forth in Assistant Town Counsel's above-noted recommendation, to eliminate the use restriction on the basis that the State could get around it, in any case, by eminent domain.

Regarding the latter restriction, Selectman Frost stated that he had spoken to Mr. Coan, Director of Fire Training at the Fire Academy, who suggested that this be a separate agreement between the Park and Recreation Commission and the Academy aside from the deed, and that he would follow up with Mr. Coan and report back to the Board next week.

Selectman Frost stated that it is important to expedite the process so that the executed deed can be sent to the Governor's Council for final approval in order for the Town to receive the proceeds of the sale from the State, \$170,000.

It was on motion by Selectman Frost unanimously

VOTED: To approve the above-noted revisions and to sign the revised deed conveying the Horse Pond School to the Commonwealth of Massachusetts, Department of Education, to be managed and controlled by the Massachusetts Firefighting Academy.

Parking Tickets/Revised Fee Schedule

Present: Police Administrative Assistant Peter Lembo.

In accordance with the provisions of Chapter 90, Section 20A½ of the General Laws, and the recommendation of Parking Clerk Jeffrey F. Gogan, dated September 10, 1984, and following a brief discussion with Sergeant Lembo, it was on motion by Selectman Fox unanimously

VOTED: to establish a revised schedule of fines for parking violations, (and allow notices of such violations to be affixed to any motor vehicle in violation of Town parking regulations), as follows:

- | | |
|-----------|---|
| \$15 Fine | Restricted place or prohibited area
Parking within 10 feet of hydrant
Obstructing a driveway
Within 20 feet of an intersecting way
Snow removal
Fire lanes |
| \$10 Fine | Overtime parking
Over 1 foot from curb
Wrong direction
Obstructing a crosswalk
Obstructing a sidewalk
All night parking
Parking within a bus stop
Double parking |
| \$25 Fine | Unauthorized parking in a specifically designated handicapped zone. |

The Board concurred with the recommendation of Assistant Town Counsel Thomas M. French, dated September 13, 1984, that the statutory reference - Ch. 40, s.22A - appear after the handicapped parking violation description on the back of the ticket. The Board also agreed that the smallest quantity of tickets be ordered and that the address of the Parking Clerk be corrected on the ticket (eliminate Concord Road).

Mr. Thompson noted that the above-revised schedule represents a \$5 increase in the first two categories and the addition of a fine for violations pertaining to handicapped areas.

Zoning/Boarding Houses

Present: Fire Chief Michael Dunne.

The Board acknowledged receipt of a communication dated September 11, 1984, from the Fire Chief relative to the question of revising the Town's zoning bylaws dealing with boarding houses.

Chief Dunne stated that, since boarding houses are permitted in residential zones (with certain restrictions, i.e., maximum of five persons unrelated to householder's family), he has no way of knowing how many boarding houses there are and this concerns him from the standpoint of fire safety, i.e., he would like to see smoke detectors in these homes for the safety of the occupants and he would like to know how many rooms are used as bedrooms and how many tenants are living in the homes in case of fire. It is his thinking that, if Board of Appeals approval were required, he would know the location of the homes and other pertinent information, and he might have some say in requiring the installation of smoke detectors. The Chief noted that his letter had been sent jointly to the Planning Board as he felt it could best deal with the zoning issue.

During discussion, Selectman Frost indicated he was unaware of the number of boarding houses in Town and agreed that the Fire Chief should have some control; he suggested that this matter be referred to the Town Planner unless the Chief felt he could handle it administratively. Selectman Fox agreed with Selectman Frost and summed up his comments by noting that the Fire Chief is not opposed to people renting out rooms in their homes' but concerned about providing the best possible fire protection.

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

VOTED: To direct the Executive Secretary to refer the matter to the Town Planner and the Planning Board requesting that some consideration be given to the possibility of a zoning change article which could be brought before the 85ATM to accommodate the Chief's concerns and giving him some control over boarding houses from the standpoint of fire safety.

Gift to Town - Mercury Parcel/Landham Road

The Board discussed a September 11, 1984, communication from Assistant Town Counsel Thomas M. French to the Conservation Commission requesting guidance from the Conservation Commission and the Selectmen relative to the procedures to be followed in the acceptance of a parcel of land, specifically the three-acre Mercury parcel abutting Conservation land off Landham Road, interest in which had been accepted by the Commonwealth in 1981.

Following discussion, it was on motion by Selectman Fox unanimously

VOTED: To accept the donation of interest in the three-acre parcel, K10-4, off Landham Road, owned by the heirs of Nicodemo Mercury, by obtaining release deeds from the known heirs willing to donate such interest.

Mr. Thompson was directed to have Town Counsel's office pursue with whom and where the other interest lies, but not to the extent that it is necessary to expend a large amount of money; as suggested by Town Counsel a "friendly eminent domain taking could be exercised in the future if necessary. It is

Town Counsel's opinion that this does not appear to be an "heir" dispute; the problem appears to be that one or more of the heirs cannot be located.

Request for Waivers: Site Plan - Women's Federation, Dutton Road

Present: Town Engineer James V. Merloni.

Selectman Fox left the room during discussion of the above-captioned subject matter due to possible conflict of interest; Selectman Fox is attorney for the Massachusetts State Federation of Women's Clubs (MSFWC) for matters not involving the Town.

During a brief discussion relative to the request dated September 7 from A. Harriet Dusty, MSFWC Headquarters Committee, to waive the requirement of a professionally-prepared site plan and the filing fee, the Town Engineer stated he would like to discuss the proposed site plan with MSFWC - see some type of plan/scale for the property - before the Selectman take action on the request to waive the site plan requirement.

Note: This request was made through the Selectmen's office; therefore, the Building Inspector and the Town Engineer had not yet seen any plan or discussed the proposed site plan with the MSFWC.

The Board concurred with the Town Engineer's remarks and it was on motion by Selectman Frost unanimously

VOTED: To waive the requirement, as requested by the MSFWC by letter dated September 7, 1984, of a site plan being prepared by, and show the seal and signature of, a Registered Professional Engineer or Registered Land Surveyor, subject to submission of a plan which satisfies both the Town Engineer and the Building Inspector, and to waive the site application fee of \$100.

Regional Refuse Disposal

Present: E. Lawrence Gogolin, 128 West Resource Recovery Council (128WRRRC) Representative; and Town Engineer James V. Merloni.

The Board was in receipt of a communication, dated September 12, from the Chairman of the North East Solid Waste Committee (NESWC) notifying the Town of Sudbury (one of the twenty-two NESWC communities) that the NESWC resource recovery facility in North Andover will be ready for commercial operations in the fall of 1985 and setting forth a deadline date of December 1, 1984, for communities to negotiate a long-term (20-year) contract for municipal waste on the remaining uncommitted capacity of the facility. The plan is to have 60% municipal participation (long-term) and the remainder, commercial haulers (short-term tonnage).

There was some discussion relative to the service fee of \$25-30 per ton, noted in the "overview" of the NESWC project, enclosed in the above-noted communication. E. Lawrence Gogolin, 128 West Resource Recovery Council (128WRRRC) Representative, pointed out that, additionally, there would be the cost of a transfer station and the cost to truck material to the plant. Mr. Gogolin informed the Board that the 128 WRRRC has been mostly disbanded.

Executive Secretary Richard E. Thompson expressed his opinion that the total cost would be in the \$40-60 per ton range. Town Engineer James V. Merloni stated that Framingham is currently charging \$15 per ton at the (incinerator) site.

It was noted that participating towns would benefit from resources recovered through revenue sharing.

Mr. Gogolin stated his opinion that, compared to the defunct 128WRRC project, it might be cheaper to go with NESWC anyway; however, he questioned meeting a December 1, 1984 deadline and making a twenty-year commitment now when there is a 15-year life expectancy at the Sudbury Landfill. He also noted that Town Meeting vote would be required for this commitment. Mr. Gogolin expressed some consternation relative to the future alternatives in this area and escalating costs.

Executive Secretary Richard E. Thompson stated that the Town of Millbury is building a regional refuse disposal facility, that Marlborough has a transfer station, and that it is reasonable to think about joining Marlborough or Wayland in the future. Responding, Selectman Fox suggested that the Town Engineer and the Executive Secretary look into Millbury's project, see what Marlborough's long-term plans are, and begin building a file of information for future reference.

Mr. Thompson pointed out for the record that the Selectmen have approved revised rules and regulations for the operation of the Landfill in accordance with recommendation from the Town Engineer, the Highway Surveyor and himself, dated September 7 and also incorporating recommendations from the Health Director, submitted under date of September 5; also, the Selectmen voted on August 27 to no longer allow brush and stump disposal at the Landfill in the interest of extending the life of the Landfill.

The Town Engineer expressed his opinion that the Landfill has a life expectancy of fifteen years on paper, but that he doubts it does in actuality because the DEQE's regulations are becoming more stringent, making it difficult for communities to operate their landfills. He pointed out that there are a lot of communities which have closed their landfills and those are the ones that were interested in joining the 128WRRC. Mr. Merloni felt that we would be seeing a lot of incinerators in the future to replace the landfill sites.

The Selectmen agreed that Sudbury could not meet the December deadline but that we should keep in touch with NESWC and continue communications in the event there is room in the future. Mr. Thompson stated he would work with the Highway Surveyor and the Town Engineer in contacting the Towns of Millbury, Marlborough, etc., and schedule a local meeting to continue discussion with the Selectmen, Mr. Gogolin, and appropriate Town officials/boards.

Conveyance/Barton-Sisson-Ames Properties

On recommendation of Town Counsel it was on motion by Selectman Fox unanimously

VOTED: To approve a repurchase option and restriction language, as revised, to be used in the conveyance of the Barton-Sisson-Ames properties (Cedar Swamp and Mossman Road parcels) to the Town through its Conservation Commission.

Resignation/Election Officer

It was on motion by Selectman Fox unanimously

VOTED: To accept with regret the resignation of Forrest D. Bradshaw as an Election Officer, dated September 6, 1984, and to direct the Executive Secretary to forward, on the Board's behalf, a letter of appreciation to Mr. Bradshaw for his services as Election Officer.

Minutes

It was on motion by Selectman Fox unanimously

VOTED: To approve the minutes of the Regular Session of September 10, 1984, as corrected.

Reserve Fund Transfer

Present: Police Administrative Assistant Peter Lembo.

Following a brief explanation by Police Administrative Assistant Peter Lembo, it was on motion by Selectman Frost unanimously

VOTED: To approve Request for Transfer No. 6 from the Reserve Fund, dated September 13, 1984, to Acct. 320-71, Police Uniforms, in the amount of \$1,450, due to the increase negotiated with the Union on the FY85 budget and as further explained on the numbered transfer.

Update - Planning Board/MAPC Water Supply Meeting

Chairman Donald updated the Board on the "Water Supply Project" meeting held by the Planning Board, with the Metropolitan Area Planning Council (MAPC) and members of Interchange (the firm contracted by the Town to update the Route 20 Master Plan) in attendance, Tuesday, September 11, as follows:

- the MAPC will give Sudbury up to 75 hours of services/expertise, as the Town chooses, yearly, which includes all associated secretarial/administrative work;

- there is other grant money available which could provide additional hours to the Town;

- representatives from Interchange indicated that their report/update of the Route 20 Master Plan (part of which pertains to water protection) was finished and would be printed and sent out within the week to the Town;

- Water District Commissioners, Milton Bartlett and Winthrop Fairbank, were present, and it appeared they were willing to share whatever information they had gathered since the Mott's Study with the MAPC; and

- the Planning Board plans to request a meeting with the Selectmen for the purpose of requesting the Selectmen to join with them, through our MAPC Representative, David Grunebaum, in contacting the MAPC and request any assistance MAPC might be able to provide relative to protecting Sudbury's water supply and, in conjunction with the same, to forward to the MAPC the update of the Route 20 Master Plan, the Mott's Study, and information from the Water District Commissioners. The Selectmen supported this idea.

Responding to Selectman Fox, who questioned whether a zoning change might be appropriate for the 85ATM, Chairman Donald stated that zoning is one of the ways of protecting the water, and that Interchange would, at least, propose a zoning change in its report/update to the Town; it would be up to the Town to draw up the wording as necessary.

Selectman Donald stated that the MAPC left a copy of a similar report it had prepared for the Town of Weymouth which shows what some of the measures for the protection of water are other than zoning.

The Board directed Mr. Thompson to bring Mr. Grunebaum up to date and to request him to attend the joint meeting with the Planning Board.

Selectman Fox suggested that the MAPC be consulted every year since its services are available to communities for up to 75 hours free of charge on a yearly basis.

Revisions to Police Contract

Executive Secretary Richard E. Thompson updated the Board on revisions to the Police contract, Local 315, IBPO, summarized as follows:

- Page 12, Article XX, Extra Paid Details, Sec. 1 - outside detail shall be paid at time and one half the rate of maximum base pay which equals approximately \$15+ per hour; under Sec. 2 - the rate for private detail beyond eight hours in one day equals approximately \$25 per hour.

- Page 19, Appendix "A", Wages - under single rates, effective 7/1/84, Photo/Fingerprint Officer and Mechanic included in list at stipend of \$700 yearly.

Note: The above two items were previously agreed to in collective bargaining, and the Board so informed, but were inadvertently left out in final typing.

- Page 16, Article XXXII, Injuries During or Related to Employment - last paragraph is new language. The Board concurred that the language should remain as presented.

Fort Devens

Selectman Frost stated that he was concerned that the Town had been misled by the Department of the Army relative to locating a transmission in order to repair the Fire Department tank truck by the Army not making the right personnel available to the Town when it was contacted.

Executive Secretary Richard E. Thompson responded that he would follow up when he and Chairman Donald attend the meeting tomorrow evening, September 18, with the new Commander at Fort Devens.

Zoning Violation/Hilco Supply, 378 Boston Post Road

The Board noted receipt of a September 17, 1984, communication to Town Counsel from Building Inspector Joseph E. Scammon relative to zoning violations at Hilco Supply, 378 Boston Post Road, requesting Town Counsel to file a petition in Superior Court to grant the Town injunctive relief (or other appropriate action) to abate Hilco's "flagrant" violations.

Finance Committee Meeting

The Executive Secretary informed the Board of the following action taken at the Finance Committee's September 13th meeting:

- met with Personnel Board and agreed to do a salary survey of elected officials; and
- unanimously voted transfer of funds for the Teen Center.

Ford's Folly

Relative to the acceptance of Ford's Folly as a gift to the Town, the Executive Secretary reported as follows:

- According to Hall Insurance the acceptance of the property by the Town will not increase the cost of liability insurance.
- There is no access to the property except through a proposed subdivision, and the Town Engineer is working on a better access off Brimstone Lane.
- He and the Town Engineer are recommending that the Selectmen express a favorable response to the Conservation Commission in accepting this parcel, especially since ownership by the Town will mean better control of the property; also, it could result in the Town obtaining additional abutting land.

Following a brief discussion, it was on motion by Chairman Donald unanimously

VOTED: To inform owner Arden McNeill that the Selectmen are interested in his offer to give to the Town the parcel of land known as Ford's Folly, and that the Selectmen are willing to work out the details (of acceptance) with the Conservation Commission.

Salary Increase - Town Counsel/Assistant Town Counsel

Executive Secretary Richard E. Thompson stated that he had briefly discussed with Town Counsel, in the presence of Selectman Frost just before the meeting, the subject of increasing legal counsels' salaries consistent

with increases recently given to other department heads, which averaged approximately 8.3%.

Following a brief discussion and in accordance with the Executive Secretary's recommendation, it was on motion by Selectman Fox unanimously

VOTED: To set the annual retainer for FY85 for Town Counsel Paul L. Kenny at \$19,500, an approximate 8.3% increase over last year, retroactive to July 1, 1984, and to review the amount of his hourly rate in January, 1985 (last increase September, 1982).

And it was further

VOTED: To set the FY85 salary for Assistant Town Counsel Thomas M. French at \$15,200, an approximate 8.6% increase over last year, retroactive to July 1, 1984.

Note: Annual retainer is for all legal work (except court cases which are handled on an hourly rate) and attendance at Selectmen's meetings and other meetings pertaining to Town business requiring Town Counsel's attendance.

Article 14, 84ATM/Hosmer House Appropriation

The Board noted receipt of a communication to Anthony P. Grosso, State Department of Revenue, from Town Accountant James Vanar, dated September 17, requesting reinstatement of the \$20,000 appropriation under Article 14 of the 84ATM.

Additionally, the Board noted receipt of a copy of a communication to Harold J. Reagan, Jr., State Department of Revenue, which the Executive Secretary obtained from the Town Treasurer questioning whose opinion he should adhere to relative to the appropriation under the above-noted article - Town Counsel's or the Bureau of Accounts.

Use of Community Signs for Primary Election

The Board acknowledged receipt of a communication to Selectman Myron J. Fox dated September 14, 1984, from the Town Clerk stating that her request to the Selectmen's office for the use of the community billboards to advertise the primary elections was not handled in a timely manner. It was agreed Selectman Fox will reply.

Parking and Traffic Configuration/Flynn Building

The Board briefly reviewed a plan entitled, "Plan Showing Sudbury Center Parking Area", dated August 20, 1984, and, although the Board endorsed it from the standpoint of the safety of the children, the following concerns were raised:

- The general posting of signs throughout the property should be kept at a minimum;
- No signing and closing of the driveway adjacent to the Loring Parsonage will be allowed;

- Selectman Frost questioned the restriction on the parking adjacent to the west side of the Flynn Building in the morning when children are arriving at school and not during afternoon hours when children are leaving school; and

- Selectman Frost made the suggestion that employees be asked to park behind the Town Hall rather than behind the Flynn Building where parking is limited so that there would be parking available there for visitors and/or people conducting Town business in the Flynn Building.

There being no further discussion to come before the Board, the meeting was adjourned at 9:45 p.m.

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk