

IN BOARD OF SELECTMEN
MONDAY, DECEMBER 9, 1985

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

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

Utility Petitions

Present: Carole McManus, Boston Edison Company.

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

UP85-29 of Boston Edison Company for permission to lay and maintain, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, under the following public way of the Town:

Woodside Road - at and northeasterly from Hopedstill Brown Road, a distance of about 29 feet - conduit;
Woodside Road - at and northwesterly from Hopedstill Brown Road, a distance of about 30 feet - conduit.

UP85-30 and UP85-31 of Boston Edison Company and New England Telephone and Telegraph Company for permission to lay and maintain, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, under the following public ways of the Town:

UP85-30/Brimstone Lane - southeasterly approximately 2,303 feet southwest of Boston Post Road, a distance of about 23 feet - conduit;
and

UP85-31/Brimstone Lane - westerly approximately 1,440 feet southeast of Boston Post Road, a distance of about 8 feet - conduit.

Executive Secretary Richard E. Thompson stated that all appropriate Town officials and abutters had been notified and noted receipt of three communications dated December 6, 1985, recommending approval of the three subject petitions, submitted jointly by the Building and Wiring Inspectors.

Following a review of the respective plans with Ms. Carole McManus of Boston Edison Company, it was on motion by Selectman Donald unanimously

VOTED: To approve UP85-29, 85-30 and 85-31, as described above, and as shown on the following plans:

UP85-29 - Boston Edison plan entitled, "Plan of Woodside Rd. - Sudbury, Showing proposed pole location of customer conduit", dated September 9, 1985;

UP85-30 - Boston Edison plan entitled, "Plan of Brimstone Lane, Sudbury, Showing proposed pole locations of customer conduit", dated October 24, 1985,

and "Plan for Proposed Conduit Locations To Accompany Petition of New England Telephone and Telegraph Company", dated December 2, 1985; and

UP85-31: Boston Edison plan entitled, "Plan of Brimstone Lane, Sudbury, Showing proposed pole location of customer conduit", dated November 6, 1985, and "Plan for Proposed Conduit Locations To Accompany Petition of New England Telephone and Telegraph Company", dated December 2, 1985 (same plan noted above for UP85-30).

Proclamation/L-S and Pop Warner Football

Following discussion, it was on motion by Selectman Fox unanimously

VOTED: To issue a proclamation congratulating the Lincoln-Sudbury Regional High School football team for achieving the Division 3 championship title in its victory against New Bedford on Saturday, December 7; and the Pop Warner "B" football team for its great season, likewise, for the "beaten but not defeated" tournament game played in Alabama this past weekend.

The Board directed the Executive Secretary to invite the coaches and captains of each team to the Selectmen's next meeting on Monday, December 16, 1985, so that the proclamations can be officially presented and personal congratulations extended. Additionally, the Executive Secretary was requested to include each boy's name on the respective proclamations and to forward a copy to each boy.

Sign Bylaw Article

On the question of reviewing and co-sponsoring an article to amend the Sign Bylaw, article IX,V,J, as drafted by the Planning Board, Chairman Fox directed that the Board first review input from Town Counsel on comments/input from the Building Inspector, the Zoning Board of Appeals and the Sign Review Board.

Executive Secretary Richard E. Thompson stated, and it was later confirmed by Planning Administrator Lee Newman, that she is working closely with Town Counsel, the Building Inspector and the two above-mentioned boards on this article.

The Board recommended the following changes and/or clarifications from Town Counsel :

1) page 5, #6b, Governmental Signs - add Sudbury Housing Authority and Lincoln-Sudbury Regional High School to those government agencies, listed in this section, not requiring sign permits.

2) page 6, #6g, Fuel Pump Signs - set and specify maximum size limitation of sign identifying name and type of fuel, etc; check State statute on this also.

3) page 7, #7, change introductory paragraph to read "Signs permitted with a permit in the Business, Limited Business, Industrial, Limited Industrial, Industrial Park and Research Districts - Any principal use permitted in these

districts may erect a sign or signs subject to the following . . ." (words underlined were added by the Selectmen)

4) page 8, #, General; question for Town Counsel whether "general guidelines" should be mandatory; as drafted in this section, it states they are not.

It was on motion by Selectman Frost unanimously

VOTED: To approve the above-noted Sign Bylaw Article, subject to review by Town Counsel of the Selectmen's comments and those from the Building Inspector, the Sign Review Board and the Zoning Board of Appeals, following which the Selectmen will make a decision regarding co-sponsoring the article.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular Session of November 23, 1985, and the Executive Session of December 2, 1985, both as drafted, and the minutes of the Regular Session of December 2, 1985, as corrected.

Relative to the December 2 minutes, Law Budget, the Board amended its vote to read as follows:

VOTED: To approve Town Counsel's FY87 budget totaling \$59,644 which includes his salary (retainer) in the amount of \$20,670 in line item 503-100 and an amount of \$21,024 within the 503-210 general expense line item for additional expenses in staffing his Sudbury office.

Communication, Insurance Advisory Committee

Selectman Donald expressed her dissatisfaction with the communication received on December 3 from Shirley Green, Chairman of the Insurance Advisory Committee, and stated her opinion that a comparison between the two coverages (Blue Cross/Blue Shield and Master Health Plus) had not been done.

Express Magazine

Selectman Donald stated that she had received a telephone call from a reporter of Express Magazine for information about the Town of Sudbury for an article they plan to do on the Town in their March 1986 issue. She stated that she had referred the writer to various other people in Town who she felt could also contribute information for the article.

S-2349/Regional Planning Agencies

It was on motion by Selectman Frost unanimously

VOTED: To support H-2349, Regional Planning Agencies, a bill to provide State funds for regional planning by contacting State Representative Lucile Hicks and Senator Cellucci.

The Beacon - 12/85

Selectman Frost directed the Executive Secretary to bring to the attention of the Health Director and the Town Engineer the article entitled, "Natural Resources Committee Approves Landfill Grants" in the December 1985 issue of The Beacon. The article contains a plan where local governments in the State would receive grants from the State for the construction, closure or containment of landfills, which has been approved by the Natural Resources Committee; said grants provision was added to H-6253, the Solid Waste bill.

Town Insurance Classification

Chairman Fox reported that, at the request of the Board at its December 2nd meeting, the Chief reported back to him that the change in the Town's insurance classification from Class 5 to Class 4 by ISO Commercial Risk Services, Inc., which is effective January 1, 1986, also affects residential insurance rates (as well as rates for commercial properties); annual insurance premiums for residential properties could drop approximately 2% due to the Town's classification change.

Chairman Fox congratulated the Fire Chief for achieving this classification change by updating the manning and equipment of his Department.

Selectmen's Annual Report

The Selectmen signed their annual report, which now contains the Selectmen's changes as directed at their meeting of December 2, for inclusion in the 1985 Town Report.

Oil Spill

Executive Secretary Richard E. Thompson reported that a recent oil spill has been traced to a private tank in the area of Meadow Drive, but that a recent newspaper article stating that the spill might flow toward Town wells was incorrect. Mr. Thompson and Selectman Frost reported that the DEQE had investigated the spill, that it is being cleaned up, and Mr. Thompson reported he would report back to the Board if necessary.

Hosmer House/Request for Expenditure from Edwin Barrett Hosmer Fund

The Board acknowledged receipt of a request from the Accounting Department to amend the Board's June 26, 1985, vote to authorize the expenditure of \$2,000 from the Edwin Barrett Hosmer Fund to supplement funds to pay Ferrazzani Construction Company, Inc., for Hosmer House renovation work to be performed pursuant to a bid accepted by the Sudbury Historical Commission on June 24, 1985, in the amount of \$18,220, by adding at the end of the vote "and to pay related architectural fees for the project".

The Board tabled taking action on this request until the following questions have been answered:

1) Amount appropriated under Article 14 of the 84ATM, Hosmer House, Grant Funds;

2) Breakdown of \$2,000 expenditure from the Hosmer Fund (authorized 6/26/85); and

3) Amount of architectural fees paid to David McLaren Hart.

Joint Meeting Planning Board Appointment

Present: Planning Administrator Lee Newman, Chairman Morton L. Brond, Thomas W. Phelps, John C. Drobinski and Lael M. Meixsell, Planning Board; and candidates James W. Walsh, Jr., David A. Wallace, Russell P. Kirby and Paula L. Grisafi.

Chairman Fox convened a joint meeting with the Planning Board to interview candidates and jointly appoint by roll call vote a member to serve on the Planning Board until the next Annual Town Election, to fill the vacancy occasioned by the resignation of James G. Hannoosh.

Chairman Fox stated the Selectmen's preference that whoever is elected would plan to run in the next Annual Election for a three-year term, expiring in 1989. There appeared to be a consensus of all candidates present to do so.

Chairman Fox stated further that the position had been advertised in the Bentley Calendar and the Town Crier.

Chairman of the Planning Board, Morton L. Brond, explained the time commitment, scope of work, meeting requirements, etc. of Planning Board members.

The candidates were then individually interviewed and questioned regarding the problems they perceived and how those planning problems could be resolved, following which it was on motion unanimously

VOTED: To appoint Richard E. Thompson to serve as Clerk for the joint session of the Board of Selectmen and the Planning Board for the purpose of electing a new member to the Planning Board.

Chairman Fox stated that nominations were now open.

Selectman Donald nominated David A. Wallace; Selectman Frost seconded the nomination.

Mr. Brond nominated Russell P. Kirby; Mr. Meixsell seconded the nomination.

Chairman Fox asked for further nominations and, there being none, he announced that nominations were closed and requested the Clerk to proceed with the roll call vote.

Mr. Thompson read the roll call alphabetically, and the following votes were cast:

Mr. Brond voted for Russell P. Kirby.
Selectman Donald voted for David A. Wallace.

Mr. Drobinski voted for Russell P. Kirby.
Selectman Fox voted for David A. Wallace.
Selectman Frost voted for David A. Wallace.
Mr. Meixsell voted for Russell P. Kirby.
Mr. Phelps voted for Russell P. Kirby.

At the completion of the roll call vote, the Clerk declared that Russell P. Kirby, having received the majority vote of the officers present and entitled to vote, was elected to fill the vacancy on the Planning Board, created by the resignation of James G. Hannoosh, until the next Annual Election, in accordance with Chapter 41, Section 11 of the General Laws, as amended.

Mr. Brond explained to the remaining applicants that the Planning Board is proposing the creation of a Design Board in conjunction with a site plan review process article being submitted for the 85ATM and stated that the Planning Board would be very interested in their participation on this board if it comes to fruition in the spring; also, Mr. Phelps extended a general invitation to attend Planning Board meetings to anyone interested in finding out more about or becoming involved in planning issues.

Town Counsel stated that Mr. Kirby does not have to give up his position as a member on the Ancient Documents Committee; Town Bylaws do restrict one person from serving the Town in two capacities if those positions are elected ones.

Chairman Fox adjourned the joint session and thanked the members of the Planning Board and the applicants for their interest and attendance tonight.

All Alcoholic Beverages License/Something Simple, 385 Boston Post Road

Present : Applicants Deborah Ann Getrost and Tracey Lee Harrington; approximately six abutters.

Chairman Fox convened a public hearing to consider the application of Deborah Ann Getrost and Tracey Lee Harrington, Partners, d/b/a Something Simple, for a license to sell all alcoholic beverages as a common victualler on premises located at Mill Village, 385 Boston Post Road, Building G, Store 2; said applicants presently hold a license to sell wines and malt beverages as a common victualler; premises will remain unchanged.

Executive Secretary Richard E. Thompson noted that all appropriate abutters and Town officials had been notified and that verbal approval had been received from the Fire Chief, the Police Chief and the Building Inspector on November 20, November 26 and November 21, respectively.

Mr. Thompson stated that the Board of Health had not reported pending further information and had requested the Selectmen continue the hearing or, if approval is granted, that it be subject to the Board of Health.

Mr. Thompson further noted for the record receipt of the following: a petition requesting denial of the application, dated December 9, 1985, signed by thirty Maple Avenue residents; a note dated November 22, 1985, from Mr. and

Mrs. Donald P. Peirce, 55 Maple Avenue, stating objection to further alcoholic licenses in Town; and a November 25, 1985, communication from Dion & Sokol, Inc., Architects, 329 Boston Post Road, supporting the application.

Chairman Fox read the cover letter on the above-mentioned petition from Ruth Green.

Ms. Deborah Ann Getrost commented that they have tried to establish a good relationship with the Town since Something Simple established in Town five years ago; that they are a small business and that they would like to have this license for their customers, especially those who dine on Friday and Saturday evenings when they are open late until 9 00 p.m., and for private functions which are more prevalent during the holidays. She assured the Selectmen that it is not their intent to have a bar but to keep the twenty-eight seats (at tables) they now have.

Ms. Tracey Lee Harrington explained that the information the Board of Health is waiting for is coming from engineer Bruce Ey within the next two weeks. Mr. Ey is taking water calculations from a water meter which has been monitoring water use at the restaurant since they opened to be sure the use is within the guidelines of the Town and the State.

Responding to Chairman Fox, the applicants indicated that there was a mistake on the application (page 3, #12) regarding the end date of the lease; it should be November 30, 1987 not November 30, 1985.

Mr. Watterson read a statement dated December 9, 1985, (which he submitted to the Board) which, in summary, expressed his opposition to the license application, as a resident of Maple Avenue and abutter to the Mill Village complex. His objections focussed on the gradual expansion of Something Simple from a sandwich shop serving customers during daylight hours to a restaurant with full operating hours and a wine and beer license despite objections from abutters and assurances from the applicants at each hearing that this would be their final request. He questioned whether this is the final request, expressing his opinion that it will have a profound impact on the property values and life style of the abutting neighborhood.

Responding to Mr. LaTour, 7 Maple Avenue, Chairman Fox stated that the license would not be transferrable and that such a request, as well as any changes, such as the addition of a bar would have to come before the Selectmen. Chairman Fox went on to say that, prior to renewing any licenses, the Selectmen request approval of the operations over the past year and condition of the establishment by the Fire Chief, the Police Chief, and the Board of Health; he pointed out that the annual fee had been increased to \$2,250.

Chairman Fox stated that Sudbury has eight establishments licensed for all alcoholic beverages and is allowed fifteen under State statute based on the population and size of the community; that five beer and wine licenses are allowed and Sudbury has two.

Chairman Fox stated his opinion that, based on the clientele he has seen when dining at Something Simple with his family, they are not the type who would, for example, be associated with racing in the parking lot (a stated

complaint of abutters who have attended Mill Village site plan hearings), and he could not see how the issuance of this license could have any effect on the lifestyle of the people on Maple Avenue or that it would have a significant impact on their property values. He stated he would feel differently if there were plans for a bar there, and upon questioning, the applicants stated that they have no intention of ever having a bar and that alcoholic beverages and beer and wine would only be served to people who are seated for dinner or waiting for a table for dinner.

Mr. Watterson reiterated his opposition to "creeping changes" stating that there is no recourse once decisions are made to allow those expansions and that, at some point, the Town has to take control of what is going on.

Mr. LaTour agreed and added his prediction that Something Simple might want to expand again and that it might be another "reasonable request", difficult to turn down.

Chairman Fox commented that the Selectmen are very concerned about "control" and stated many of the ways in which the Selectmen have been effective in doing exactly that.

Selectman Frost commented that the "creeping" effect the neighbors envision is not likely, particularly because of the capacity of the original septic system; he felt neighbors were overly concerned because of their publicly voiced objections concerning the site plan for the Mill Village complex.

It was on motion by Selectman Frost unanimously

VOTED: To approve the application of Deborah Ann Getrost and Tracey Lee Harrington, Partners, d/b/a Something Simple, for a license to sell all alcoholic beverages as a common victualler on premises located at Mill Village, 385 Boston Post Road, Building G, Store 2, with the understanding that the petitioners have agreed that no alcoholic beverages are to be served unless individuals patronizing their restaurant are seated for dinner or waiting for a table for dinner, subject to Board of Health approval and any adverse comments from the Police Chief or the Fire Chief.

Joint Meeting/Data Processing

Present: Chairman Patrick J. Delaney, III, and William B. Galvin, Board of Assessors; Town Accountant James Vanar; David P. Wilson, Finance Committee.

Chairman Fox convened a joint meeting with the Board of Assessors, the Town Accountant, and the Finance Committee liaison to the Accounting Department and the Assessors, to discuss the Town's data processing requirements for the processing of tax bills.

On the basis that Sudbury cannot prudently adopt a DOR CAMA (Department of Revenue computer system) until 1990 as illustrated on a time chart submitted under cover letter dated December 9, 1985, from the Chairman of the Board of Assessors, Assessor Chairman Patrick J. Delaney requested that the Selectmen support the Assessors' Capital Improvement Program FY87 project totaling

\$46,000 for the purchase of a (Digital) computer that will accommodate software now being provided by Municipal Management Consultants (MMC).

Mr. Delaney explained that the Town's data processing consultants, MMC, is paid on a three-year cycle, and that for the FY84-85-86 cycle their fee will be \$26,000. Increases for each of the various duties which they perform for the Town range from 0-200%; the average increase being 15%. Therefore, for the FY87-88-89 cycle the estimated fee is \$36,900 and for FY90-91-92, \$56,000. Mr. Delaney pointed out that the first two years of each three-year cycle are relatively inexpensive but that the third year is usually very expensive. He stated further that the Assessors have been 100% satisfied with the services of MMC except for the cost.

Mr. Delaney went on to say that software is now being made available by MMC at a cost of \$5,000 but the problem is the Accounting Department computer cannot accommodate this software; the estimated cost of a Digital computer to accommodate this software is \$46,000. The \$46,000 cost includes maintenance for 1-2 years and an additional fee of \$2,500 per year will cover operating expenses - supplies, hardware maintenance, and a contractual arrangement for quarterly updates.

Additionally, Mr. Delaney explained that the Department of Revenue is introducing a new data processing program and will be selecting two pilot communities to test the program. He stated that Sudbury has applied to be a pilot community but he did not feel confident that Sudbury would be selected because of its experience to date in data processing. The two pilot towns which are selected will receive the software and the hardware for the system free of charge. After the system is tested successfully, the software only will also be available to all cities and towns free of charge but micro computers will be needed to accommodate this software. As mentioned above, as shown on Mr. Delaney's time chart, as amended, this system cannot be put into place until FY89.

Responding to Chairman Fox, Mr. Delaney stated that the State is only interested in the results for the reassessing, not the system or method of doing it.

Assessor William B. Galvin commented that the Assessors are concerned about the most economical approach but that there is some risk with whatever direction they go in.

Town Accountant James Vanar stated that the main problem is one of timing and that the Town should not jump into a system too hastily based on the issue of savings at the expense of getting the right system.

As noted in his report to the Selectmen of December 6 and summarized, in part, by the Town Accountant, Mr. Vanar suggests there are other options available to the Town and advised as follows :

- 1) Wait until the State program has been tested (approximately Oct./87); if the Department of Revenue program is selected, software is free of charge and the Town will have to purchase a micro-base computer which will be independent of the Accounting Department's system but less expensive than the computer

needed for the MMC software; he felt the Town was better protected using a system that was in place in several other communities. (Mr. Delaney commented that 158 communities are using the MMC equipment.)

2) The Town's software consultant, IDM, is developing a CAMA system (early 1986) and possibly an interface package which would allow the Assessors to run the State software on the Accounting Department computer.

3) Purchase State software only and share computer with other towns (note: no sharing available with MMC system).

4) Pay back savings with a \$46,000 purchase in FY87 would not begin until year five; therefore, Mr. Vanar felt the Town would be in the same place in 1990 whether the Town continued to pay MMC yearly for data processing services or purchased data processing equipment in FY87.

At the conclusion of discussion, Selectman Fox stated, on behalf of the Selectmen, that they would like to review the material more thoroughly; he suggested that the Executive Secretary, the Town Accountant, Mr. Delaney, Assistant Assessor Dan Loughlin and Finance Committee member David Wilson set up a meeting to discuss this matter further and the Executive Secretary was directed to report back to the Board.

Application to EOCD/ Strategic Planning Grant

It was on motion unanimously

VOTED: To support in conjunction with the Planning Board the application to the Executive Office of Communities and Development (EOCD) by the Town of Natick for a \$50,000 Strategic Planning grant for a consortium of the eight MetroWest towns of Ashland, Framingham, Natick, Southborough, Sudbury, Wayland, Weston, and Wellesley by co-signing a Strategic Planning Program Application Cover Sheet and a communication to Ms. Amy Anthony, State EOCD Executive Secretary.

Accept Article/Burglar Alarms

The Board tabled taking any action on the question of accepting an article received November 4 from Chief Lembo to amend the Town Bylaws to provide rules and regulations for burglar alarms.

Executive Session

At 10 15 p.m. it was on motion by Chairman Fox by roll call

VOTED: To enter into Executive Session for the purpose of discussing discipline or dismissal or the hearing of complaints or charges against a police officer, the discretionary fund, and litigation (James Burke case) where open discussion of the same may have a detrimental effect.

(Chairman Fox, in favor; Selectman Frost, in favor; Selectman Donald, in favor.)

Chairman Fox stated that Open Session would not reconvene following the Executive Session.

There being no further discussion to come before the Board, the meeting was adjourned at 12 30 a.m.

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk