

IN BOARD OF SELECTMEN
MONDAY, DECEMBER 30, 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 Petition 85-34/Bowditch Road

Present: Robert L. Blake, Boston Edison Company.

In conformity with General Laws, Chapter 166, Sections 21 and 22, the Board considered Utility Petition 85-34 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 way of the Town:

Bowditch Road - easterly approximately 1,330 feet south of Boston Post Road, a distance of about three feet - conduit.

Executive Secretary Richard E. Thompson noted that all appropriate abutters and Town officials had been notified and that a joint communication, dated December 30, 1985, had been received from the Building and Wiring Inspectors recommending approval.

It was on motion by Chairman Fox unanimously

VOTED: To approve Utility Petition 85-34, as described above and as shown on the following plans: "Plan For Proposed Conduit Location to Accompany Petition of New England Telephone and Telegraph Company", dated December 4, 1985, and "Plan of Bowditch Rd., Sudbury, Showing proposed location customer conduit", dated November 12, 1985.

Route 20 Widening/Local Input Question

Following discussion, it was moved by Chairman Fox:

To support a communication dated December 19, 1985, from the Planning Board concerning obtaining input from townspeople regarding the pending widening project of a portion of Route 20 by placing a non-binding referendum question on the ballot for the 1986 Annual Town Election or submitting an article for the 86ATM.

Chairman Fox, in favor; Selectman Frost, opposed; Selectman Donald, opposed.

Selectmen Frost and Donald opposed the motion on the basis that the matter should not be sanctioned by an official Town board, i.e., the Selectmen, who have been trying for many years to get appropriate improvements done.

Selectman Frost directed the Executive Secretary to schedule some time for him to meet with the Planning Board and discuss this issue.

Fees (Ambulance)

The Board acknowledged receipt of a December 17, 1985, communication from the Fire Chief regarding his surveyance of area towns to determine the appropriateness of Sudbury's ambulance fee of \$85. The Fire Chief recommended no increase at this time.

Following a lengthy discussion on the subject of fees in general, it was on motion by Chairman Fox unanimously

VOTED: To establish a July 1st date for the Selectmen's annual review of all fees charged by the Town so that there is some consistency of any increases, based on consumer price index, cost-of-living increase, union contracts, etc., and to so notify the appropriate Town officials, departments/commissions so that input can be provided in anticipation of any increases based on their individual experience, i.e., when fees were last raised, yearly total collected in fees, and cost of implementing the service or the permit.

Note: The Board was of the understanding that any increase in ambulance fees must be voted subject to Blue Cross/Blue Shield approval of ambulance fees because of legalities having to do with Medex subscribers.

Proposed Article/Town Dump

Relative to a proposed article which had been submitted by Peter A. Berkel for the appropriation of funds for a study and proposal for the development of a new or improved Town dump, Executive Secretary Richard E. Thompson stated that he had explained to Mr. Berkel that such an article could not be accepted from him as an individual but would require the signatures of at least ten registered voters. On Mr. Thompson's recommendation, the Board referred the matter to the Town Engineer with the understanding that, should he feel such an article was necessary, a petition article could be submitted. The Selectmen could sponsor it; however, the deadline for articles from boards will have passed.

1985 State Census

Following an explanation of the State Census recap provided by Administrative Secretary Janet Silva under date of December 27, 1985, it was on motion by Chairman Fox unanimously

VOTED: To accept and sign the 1985 State Census results dated November 26, 1985, for submission to the State Census Director, based on redistricting, and superseding the Board's vote of August 5, 1985.

MetroWest Article

Following a brief explanation it was on motion by Selectman Donald unanimously

VOTED: To submit an article to appropriate funds in the amount of \$2,500 to support MetroWest Growth Management Committee planning activities.

Site Plan 85-295/Roger K. Kane Realty Trust, 119 rear Boston Post Road

Present: Cathy Kane and Atty. John Gibney, Roger K. Kane Realty Trust; Building Inspector Joseph E. Scammon.

Chairman Fox convened a continued hearing, in accordance with Article IX, Section V, Paragraph A of the Sudbury Bylaws, on Site Plan 85-295 of Roger K. Kane Realty Trust, for property located at the rear of 119 Boston Post Road, known as Lot Y2, owned by Roger K. Kane, Jr., for construction of one, two-story, 4,800 square foot office building, Industrial District #4, continued by mutual consent from December 2, 1985, for resolution of five parking spaces which were not in compliance with the Town Parking Bylaw.

Executive Secretary Richard E. Thompson noted for the record receipt of the following communications :

- dated December 30, 1985, from the Conservation Commission, indicating a concern at the 125' contour that construction does not impact on the flood plain, and that the rear slope be stabilized to prevent erosion and to keep sediment from reaching the flood plain;

- verbal approval from the Fire Chief;

- dated December 27, 1985, from the Town Engineer, recommending approval conditioned on approval by the Board of Health relative to the septic system.

- dated December 6, 1985, from the Building Inspector approving the revised parking.

In the absence of a report from the Planning Board relative to the revised plan and responding to Chairman Fox, Building Inspector Joseph E. Scammon stated that he had forwarded a copy to the Planning Administrator.

Representatives of the Roger K. Kane Realty Trust pointed out to the Board how the five parking spaces in question had been relocated as shown on the revised site plan (December 3, 1985 revision). The Building Inspector confirmed, upon questioning by Chairman Fox, that the five spaces could not be seen from the street. The applicant indicated a willingness to put in a landscaping screen if, in fact, the spaces could be seen from the street.

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

VOTED: To approve Site Plan 85-295 of Roger K. Kane Realty Trust, Lot Y2, at the rear of 119 Boston Post Road, owned by Roger K. Kane, as shown on a plan entitled, "Site Plan of Land, Sudbury, Mass.", dated July 12, 1985, revised July 22, 1985, October 21, 1985, and December 3, 1985, 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 :

1) the above-noted communication, dated December 30, 1985, from the Conservation Commission;

- 2) approval of the drainage system, including traps, catch basins, and periodic maintenance as required by the Town Engineer;
- 3) placement of all utilities underground;
- 4) extension of Sudbury Water District lines to the site by the owner; no wells to be installed on the site;
- 5) the grant of an earth removal permit by the Earth Removal Board, if applicable;
- 6) approval of signs or advertising devices as required under the sign bylaw;
- 7) 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 and the Fire Chief; the owner or operator of the site shall comply with the Massachusetts Oil and Hazardous Material Release Prevention and Response Act, G.L. c.21E, as amended, and all regulations issued thereunder;
- 8) final approval by the Selectmen of an accurate architectural rendering of the proposed building or change, showing the front and side features as they will appear from the public way or private access;

Note: The Board approved the 2-sheet architectural rendering drawn by Ken Hines to accompany SP85-295 showing front, left and right sides of the building.

- 9) approval of the final landscaping plan by the Board of Selectmen;
- 10) exterior lighting to be directed away from adjacent residences and have shields;
- 11) if applicable, the grant by the owner to the Town of a restrictive covenant to run with the land, governing, restricting or prohibiting the following which shall conform to requirements of the Board of Health, Town Engineer and/or Conservation Commission as appropriate:
 - a) the disposal or removal of effluent and wastes generated on the site;
 - b) the use of salt or chemical de-icers on the site;
 - c) the installation by the owner of one or more monitor wells on the site including the Town's right of access for periodic testing and monitoring thereof, or another protective device as may be required by the Board of Selectmen;
- 12) submission of an "as built" site plan - any change in the physical condition of the site, including changes in the location or design of structures or systems, following prior approval of the site plan, will require approval of the Board of Selectmen;

- 13) as stipulated, and agreed to, in a written report from the Board of Health, dated November 25, 1985, that the building be used for office space only and that Town water will be provided;
- 14) parking spaces will be landscaped if they are visible from the street.
- 15) no building permit shall be issued until items 1, 2, 8, 9, as specified above by the Board are complied with.
- 16) no occupancy permit shall be issued until items 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, as specified above by the Board are complied with.

Note: The Board signed the plan.

Amend Traffic Rules and Orders

In accordance with the provisions of Chapter 89, Section 9, of the General Laws, and in accordance with requests from the Safety Officer and the Town Engineer dated November 21 and 25, respectively, it was on motion by Selectman Donald unanimously

VOTED: That the Traffic Rules and Orders of the Town of Sudbury, adopted by the Board of Selectmen on September 12, 1941, and subsequent amendments thereto, be and are hereby amended as follows :

By adding at the end of Section 8 in Article VII, OBEDIENCE TO ISOLATED STOP SIGNS, the following locations
"Northbound drivers on Green Hill Road at Old Lancaster Road"
"Northbound drivers on Green Hill Road at Goodman's Hill Road".

Fire Alarm Cable Payment from Adams-Russell Cablevision

It was on motion by Chairman Fox unanimously

VOTED: To accept \$3,934.81 from Adams-Russell Cablevision-Middlesex, Inc., as payment for fire alarm cable strung on Route 20 and Hudson Road, necessitated by the cable television installation, and to authorize the Town Accountant to establish a Fire Cable Escrow Account for deposit of this \$3,934.81, and further to authorize the Fire Chief to expend the same for payment to Clifford, Inc., for purchase of the fire alarm cable, thereby ratifying approval by the Executive Secretary on December 17, 1985, and amending the Board's disapproval voted December 16, 1985.

Chairman Fox stated he had discussed this matter at length with the Town Accountant, Town Counsel, the Fire Chief, and the Finance Committee Chairman and that it had been suggested this was the best method of handling the transaction.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular and Executive Sessions of December 16, 1985, both as amended.

Strawberry Preserves Farm, Inc., (Shick Land), Lincoln Road

Present: Applicant Mark Hurwitz; Building Inspector Joseph E. Scammon.

It was on motion by Selectman Donald unanimously

VOTED: To forward a favorable recommendation to the Massachusetts Department of Food and Agriculture, on behalf of the Town as co-holder of development rights, concerning plans of Mr. Mark Hurwitz, Strawberry Preserves Farm, Inc., to construct one residence and two farm buildings on former foundation sites on the Shick land, Lincoln Road, and parking spaces for up to 150 cars.

Executive Secretary Richard E. Thompson noted for the record receipt of favorable recommendations from the Conservation Commission and the Building Inspector, both dated December 30, 1985.

Remaining Annual Appointments

Following discussion of remaining annual appointments, it was on motion unanimously

VOTED: To make the following annual appointments :

- Clifford J. Hughes as the Massachusetts Bay Transportation Authority Designee, for a term to expire April 30, 1986, subject to his acceptance; and

- Michael E. Melnick to the Permanent Building Committee, for a term to expire April 30, 1987.

The Board directed the Executive Secretary to do the following:

- ask Mr. Ed Kreisek (recommended by Selectman Donald) if he would care to serve on, as well as, organize the Industrial Development Commission; also, to request recommendations relative to the three vacancies from the present members of that Commission.

- to place an advertisement in the Bentley Calendar publicizing the vacancies on the various committees.

- to contact members of the Veterans Advisory Committee for recommendations regarding the vacancy on that Committee, the Insurance Advisory Committee regarding three vacancies, and members of the Permanent Building Committee regarding the vacancy on that Committee.

Stow Meeting/Regional Solid Waste Disposal

Responding to Selectman Frost, Executive Secretary Richard E. Thompson stated that, in response to a December 16 communication from George E. Wheatley, Chairman of the Transfer Station Site Selection Committee, the Town Engineer and the Assistant Town Engineer will attend a meeting on January 13, at 7 30 p.m.,

at the Stow Town Hall with representatives of Interstate Energy Systems, Inc., in the interest of pursuing a co-operative effort concerning Solid Waste Disposal.

Parker Academy

The Board directed a clarification from Town Counsel regarding the conflict of opinion between himself and Atty. Marc Redlich relative to Parker Academy on the question of whether Parker Academy is eligible for a zoning exemption as a non-profit educational institution without a determination by the Internal Revenue Service that it is exempt for this purpose.

Cranberry Meadow

The Board was in receipt of a communication to the Planning Administrator from Assistant Town Counsel James A. Dyrek, dated December 16, 1985, relative to a review of the subdivision plan for Cranberry Meadows. Mr. Dyrek referenced M.G.L.c.41, s.81M which requires lots to have adequate access, noting that use of driveways to service several lots gives grounds for denial, adding that the use of common driveways circumvents the purposes of the subdivision control law, particularly section 81M.

Selectman Frost stated his objections to the position of Town Counsel's office based on the Town's past practice with regard to common driveways in subdivisions and directed that he be contacted by Town Counsel's office to discuss the same.

Village Green

The Board was in receipt of a copy of a December 17, 1985, communication from Raymond A. Johnson, Trustee, Village Green Realty Trust, responding to a communication from his tenant, Ephraim's Restaurant, that certain space within the restaurant was never anything but office or storage space. Selectman Frost stated the contrary and directed the Executive Secretary to work to resolve the matter. Mr. Thompson stated that he had already met on the site with the Building Inspector, the Town Engineer and the tenant on the issue and that he would report back further to the Board.

Meeting with Congressman Atkins

Executive Secretary Richard E. Thompson clarified a mistake that was made regarding notification of the scheduled meeting with the Selectmen on January 13, 1986, with Congressman Atkins. Mr. Thompson stated that Mr. Stan Rosenberg, of Chester Atkins' office will be present instead of the Congressman and that Mr. Rob Warner, who has been doing work on Sudbury's transportation issues, may also be present.

Youth Committee/L-S

Chairman Fox directed Mr. Thompson to contact Lincoln-Sudbury Regional High School regarding the School's plans for forming a Youth Committee and put them in touch with the Youth Commission appointed by the Selectmen so that there will be a coordination rather than a duplication of effort.

Police Paid Detail

Present: Town Accountant James Vanar.

Responding to questioning by Selectman Frost, Town Accountant James Vanar stated that under current procedure his Department is in charge of collecting from private industry for Police paid detail, that he is working with the Police Chief in order to have that procedure changed so that the Police Department will handle the entire transaction; this, he stated, would be a more efficient method of handling it.

Joint Meeting/Long Range Capital Expenditures Committee & Finance Committee

Present: Chairman Robert J. Cusack, Robert "Kip" Johnson and Joseph W. Mooney, Long Range Capital Expenditures Committee; Chairman Marjorie R. Wallace and Stephen D. Ellis, Finance Committee.

Chairman Fox convened a joint meeting with the Long Range Capital Expenditures Committee (LRCEC) and the Finance Committee to discuss the 1986-1991 five-year Capital Improvement Plan.

LRCEC Chairman Robert J. Cusack stated that there are several concerns and issues which the LRCEC will be focussing its attention on in the upcoming months. He listed the following and there was some discussion:

- establishing a policy for engineering studies before major construction or repairs
- feasibility of reactivating the well field downstream from the highway garage; would like Permanent Building Committee (PBC) involvement
- feasibility of highway garage for central Town vehicle maintenance garage; need to work out departmental priorities
- pursue the matter of obtaining insurance for firefighters who are hurt on the job; determine the Town's liability and the cost of this insurance
- regarding the Landfill - investigate whether the State at some time will require a liner to prevent leaching into the Sudbury River
- feasibility of PBC overseeing maintenance, and engineering studies for the maintenance, of Town buildings
- regarding the Hosmer House - feasibility of raising money to fund restoration and/or maintenance projects by holding an auction of some of the art objects in storage at the Hosmer House.

Mr. Cusack submitted to the Selectmen a recap of the LRCEC recommendations for FY1986-87; the Selectmen concurred with the recommendations with the exception of the following:

- Regarding Fire budget - \$15,000 to re-roof Station #3 is included in the Chief's budget and therefore should not be in CIP. Selectman Frost pointed out that the engineering had already been done for the repair of the roof on the fire station, therefore, he did not feel the PBC should have to become involved. Note: Selectman Frost stated that he believed money had been expended to do an engineering study of the high school roof as well.

Selectman Frost commented that all maintenance of fire vehicles, which can be done in-house, is already being done by Fire personnel; therefore, he did not feel the fire vehicles should be involved in any program of vehicle maintenance at the highway garage.

The LRCEC did not favor the conservation budget for the purchase of conservation land because the commission is 2-4 years behind on the maintenance of existing conservation land; the Selectmen took no position.

Relative to the Park and Recreation budget, \$10,000 was included for a swimming pool. The LRCEC indicated that an anonymous donor might be providing \$800,000 for the construction of a Town pool.

At the conclusion of discussion, Chairman Fox expressed his appreciation, on behalf of the Board, for the LRCEC's presentation.

Coatings Engineering Corporation, 33 Union Avenue

Present : Michael Guernsey, Board of Health; Clifford L. Hughes, 27 Concord Road.

In accordance with the provisions of MGLc.148, Chairman Fox convened a public hearing on the application of Coatings Engineering Corporation to extend its license to store inflammables aboveground at 33 Union Avenue.

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

- from the Fire Chief, dated December 27, 1985, commenting that Coatings had submitted documentation that the fire suppression system has been tested, monthly tests of the fire alarm/sprinkler system with the insurance company have continued, and that a fire at Coatings was reported by Raytheon (although Coatings was aware they had a fire), and that if this type of situation occurs again the Fire Department will ask that Coatings' license be revoked.

- from the Board of Health, dated December 23, 1985, recommending approval conditioned on: the extension will expire July 1, 1986 and be the final one, plans and specifications for Flat Bed No. 1 being ducted to the folding fence EFB unit must be submitted to the Department of Environmental Quality Engineering (DEQE) in accordance with its letter of December 6, 1985, and the necessary duct work to better control the emissions from Flat Bed No. 1 must commence immediately after DEQE approves its modification plans.

- from the Building Inspector, dated December 30, 1985, stating no objection to the extension.

Board of Health member Michael Guernsey reported to the Selectmen a verbal agreement between the DEQE and Coatings whereby the DEQE has agreed that if Coatings will sign a Consent Order to cease all operations in Sudbury by July 27, 1986, the DEQE will accept that in lieu of the two flat beds being tied into the EFB unit; otherwise, a per diem fine will be assessed beyond the 27th. Mr. Guernsey stated that this would be agreeable to the Board of Health.

Chairman Fox asked if anyone present was representing Coatings Engineering in order that the above could be discussed, and there being no representation from Coatings, it was on motion by Chairman Fox unanimously

VOTED: To deny the October 16, 1985, request of Coatings Engineering Corporation to extend its license (which expires December 31, 1985) to store inflammables aboveground (a total of 2,000 gallons Methyl Ethyl Ketone, Methyl Isobutyl Ketone, Toluene, and Isobutanol) at 33 Union Avenue, and to direct the Executive Secretary to notify Coatings Engineering Corporation accordingly.

Executive Session

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

VOTED: To enter into Executive Session for the purpose of discussing Collective Bargaining, and the Charity Fund.

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

There being no further business to come before the Board the meeting was adjourned at 10 30 p.m.

Attest: _____

Richard E. Thompson
Executive Secretary-Clerk