

IN BOARD OF SELECTMEN
MONDAY, FEBRUARY 11, 1985

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

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

SHA - Acquisition of Excess Military Land

Present: Executive Director Jo-Ann Howe, Chairman Linda S. Gregory, Cheryl A. Rogers, Virginia M. Allan, Sudbury Housing Authority.

Chairman Donald convened a meeting with the Sudbury Housing Authority to discuss a communication dated February 5, 1985, from Jo-Ann Howe, Executive Director for the Sudbury Housing Authority, seeking support of the Selectmen for the Authority's acquisition of 5-10 acres of the Hudson Road military reservation land about to be excessed.

On the recommendation of Town Counsel, because of a possible conflict of interest, Selectman Fox left the room and, therefore, did not participate in any discussion on this subject.

Chairman Linda Gregory stressed the great need for low-income housing in Sudbury, especially family units, and the SHA's interest in investigating the possibility of acquiring a small portion of the military land (off Hudson Road) being excessed by General Services Administration (GSA) for approximately 8-10 units of low-income family housing. Mrs. Gregory stated that Executive Director Jo-Ann Howe had been informed by Mr. Gilbert Bliss of the State Department of Environmental Management that, if the State acquires the land from GSA., it cannot sell or give any portion of that land to the SHA, but, if the Town acquires the land, there may be a possibility of the Town turning over a portion to the SHA (through the Selectmen). The SHA felt that, if the Selectmen supported the State's request to purchase the land as well as supported the concept of the State setting aside a small portion for the SHA, and make that support known, the federal government may change its mind about dividing up the property.

Selectman Frost expressed his opinion that, according to information he had received, there is no way the U. S. Government will break up the land and he also felt the Town will not get a chance at obtaining the land before the State does.

Responding to Virginia Allan, Selectman Frost stated that, if an open space zone is adopted for this land by Town Meeting, and the SHA acquired a piece of the land from the State at some future time, it could apply for a variance in order to build low-income housing.

Responding to Jo-Ann Howe, who asked if the Selectmen would support the State purchase of the land with the stipulation that the Federal government set aside a portion for the SHA, the Selectmen agreed that their current position is not to raise the two issues of acquiring the land and building low-income housing at the risk of losing the first objective, which is to

acquire the land for the State for passive recreation. Following accomplishment of that first objective, they would assess community support and need for low-income housing and, if the assessment is favorable, support application to the Board of Appeals for a variance should that be necessary depending on whether or not Town Meeting supports the re-zoning of the land to open space from residential by 85ATM Articles 35 and 36.

Mr. Thompson added that, in his opinion, the SHA could submit an application to the GSA, just as the State will, for whatever purposes, i.e., low-income housing.

Following further discussion, it was on motion by Selectman Frost unanimously

VOTED: To officially notify Gilbert Bliss of the State Office of Environmental Management that 1) the Selectmen reconfirm their support of the State's acquisition of approximately 289 acres of Ft. Devens Training Annex property located south of Hudson Road in Sudbury for passive recreational purposes; 2) the Selectmen will present an article at the 1985 Annual Town Meeting which would amend the Sudbury Zoning Bylaw by creating an Open Space District for said land in Sudbury; 3) the Selectmen tentatively support (if there is expressed community need and desire to do so) the Sudbury Housing Authority's request to eventually acquire a portion of the land being exsessed by the General Services Administration; and that 4) if and when the property goes to the State, the Selectmen will discuss further the Sudbury Housing Authority's proposal.

Appointment/Police Officer

Present: Police Chief Peter Lembo; applicant Michael Allen Lucas.

Following a brief introduction by the Executive Secretary and on the recommendation of the Police Chief, it was on motion by Selectman Fox unanimously

VOTED: To appoint Michael Allen Lucas, 29 Patricia Road, Sudbury, as permanent, full-time Police Officer, from Certification Requisition No. 84-4461, dated January 30, 1985, effective March 1, 1985, subject to Mr. Lucas passing a medical examination and approval from the Division of Personnel Administration, and to authorize the Executive Secretary to sign all personnel documents related thereto.

Responding to Selectman Fox, Mr. Thompson stated it will take 2-3 weeks to get approval from the Division of Personnel Administration.

Positions - 85ATM Articles

#3 Personnel Classification & Salary Plans

It was on motion by Selectman Fox unanimously

VOTED: To support 85ATM Article 3, Personnel Classification and Salary Plan.

Selectman Frost noted that individually-rated salaries may be increased but no money can be taken from the salary adjustment account without a vote of approval from the Finance Committee as in the past.

#15 Intersection Improvements

The Board noted receipt of a communication dated February 4, 1985, from the Town Engineer listing, in order of priorities, five street intersections (Concord/Pantry Roads, Horse Pond/Peakham/Pratt's Mill Roads, Horse Pond/Boston Post Roads, Pratt's Mill/Willow Roads, and Fairbank/Hudson Roads) that could be included under this article, compiled after a review of over approximately thirty dangerous intersections by the Highway Surveyor, the Safety Officer and the Town Engineer, and noting an expanded list of five intersections (Dudley/Boston Post Roads, Peakham/Hudson Roads, Dudley/Nobscot Roads, Peakham/Boston Post Roads, Old Garrison/Dutton Roads) showing a potential for the 86ATM.

Responding to the Selectmen, Executive Secretary Richard E. Thompson stated that the Finance Committee had not taken a position to support these intersection improvements but that he would discuss with the Finance Committee Chairman the Selectmen's recommendation of February 4 to offset intersection improvements with available funds from 82STM Article 2, Traffic Control Devices (\$7,955.50) subject to Town Counsel's approval; 82STM Article 3, Boundary Change (\$3,994.50); and 80ATM Article 19, Surface Drains (\$6,344.47 if the Highway Surveyor determines them available).

Selectman Fox expressed his opinion that the Dudley/Boston Post Roads intersection would be his preference over the Pratt's Mill/Willow Roads intersection and directed Mr. Thompson to relay his opinion to the Town Engineer, etc.

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

VOTED: To support 85ATM Article 15, Intersections Improvements, within the confines of Proposition 2½.

Note: It was the consensus of opinion that intersection improvements are one of the Board's highest priority articles.

#21 Bylaw/Door-to-Door Sales

It was on motion by Selectman Frost unanimously

VOTED: To support the wording change for the above-captioned article; said article was supported by the Board, subject to wording correction, at its February 4 meeting.

UP85-6/Concord Road

Present: Stephen F. Kane, Jr., Right of Way Agent, Boston Edison.

In conformity with G.L. Chapter 166, Sections 21 and 22, the Board considered Utility Petition 85-6 of New England Telephone & Telegraph Company and Boston Edison Company for permission to lay and maintain a line of conduits and manholes with the necessary wires and cables therein, under the following public way of the Town:

Concord Road - northeasterly approximately 3,072 feet southeast of Pantry Road, a distance of about seven feet of conduit to provide electric service to a new home.

Executive Secretary noted that all appropriate abutters and Town officials had been notified and that a favorable response had been received jointly from the Wiring and Building Inspectors, dated February 6, 1985.

It was on motion by Selectman Frost unanimously

VOTED: To approve Utility Petition 85-6 as described above and as shown on plans entitled, "Plan for Conduit Location To Accompany Petition of New England Telephone and Telegraph Company", dated February 7, 1985, and "Engineering & Construction Dept. Plan of Concord Rd., Sudbury, Showing proposed location of Cust. Cond.", dated December 20, 1984.

Article 22/Sign Bylaw Amendment

It was on motion by Selectman Fox unanimously

VOTED: To approve Article 22, Sign Bylaw, as amended.

Senator Amick/Bill for Regional Environmental Commission

Following discussion, it was on motion by Selectman Fox unanimously

VOTED: To direct the Executive Secretary to respond to a communication, dated January 22, 1985, from the Lincoln Board of Selectmen soliciting input from the Selectmen on a bill filed by Senator Carole Amick to establish a Massachusetts Regional Planning District Environmental Commission to deal with regional development issues, expressing the Board's opposition on the basis that: 1) it would be a duplication of effort by the Minuteman Regional Planning Council and the MetroWest Growth Management Committee 2) that legislation such as this would take a lot of power away from the local municipality, 3) commercial land owners should not be restricted from use of their land as it is zoned, and 4) that regional planning issues and their findings should be only advisory to municipalities, not mandatory.

Walkway Subcommittee

It was on motion by Selectman Fox unanimously

VOTED: To support the establishment of a Walkway Subcommittee of the Planning Board, as recommended and in accordance with a communication dated January 29, 1985, from the Planning Administrator.

Accept Petition Articles/Open Space District

Following discussion, during which the Board expressed appreciation of the Planning Administrator's and Town Engineer's work for putting together two petition articles at such short notice in response to a request from the State to re-zone land on Hudson Road in Sudbury being excessed by General Services Administration, it was on motion by Selectman Fox unanimously

VOTED: To accept and number the following two petition articles, and to refer them to the Board of Registrars for certification and to the Planning Board for its hearing and report in accordance with G.L.c.40A,s.5:

#35 - Amend Zoning Bylaw, Art. IX, Section II, A & C, Section III, and Section IV, B, subject to suggested wording corrections; and

#36 - Amend Zoning Bylaw, Art. IX, Section II, C.

And it was further

VOTED: To direct the Executive Secretary to contact the Planning Administrator regarding interest in jointly sponsoring the above articles, that Selectman Frost will speak to and/or make the presentation of these articles, subject to the desire of the Planning Board to do so, and to further direct the Executive Secretary to contact surrounding towns and Senator Cellucci regarding the intent of these articles which will create an Open Space District in the Sudbury Zoning Bylaw.

CATV

Present: William C. Henchy, Vice President, Adams-Russell.

Executive Secretary Richard E. Thompson stated that, at the Board's meeting of February 4, 1985, a motion to accept the draft of the final cable television license, with the recommendations made by Town Counsel, was withdrawn in order to allow Town Counsel to put his recommendations in writing to the Board (which was accomplished by minutes recorded of that meeting) and in order to allow Mr. Henchy to submit any further information substantiating his position, which he did under date of February 8.

Mr. Thompson informed the Board that Town Counsel had reviewed Mr. Henchy's letter today, and that his position remains the same as stated at the last meeting.

Following brief comments by the Selectmen, it was on motion by Selectman Fox unanimously

VOTED: To approve the draft final license, submitted under cover letter of January 14, 1985, from Adams-Russell, consistent with Town Counsel's recommendations.

Mr. Henchy stressed his opinion that the new Federal cable regulations regarding rates, which went into affect as of December 1984, would apply to Sudbury's franchise, contrary to what Town Counsel's opinion is, and that he

did not have the authority to award a final license without that provision. He commented further that the material presented to the Selectmen subsequent to the Board's February 4th meeting demonstrates that the new law applies and that he would like the final license to address that.

Selectman Fox commented on the difference of opinion, reiterated what Chairman Donald had pointed out that the Selectmen did choose Adams-Russell and excluded others on the basis of what was initially presented in the application, and reiterated what Selectman Frost had pointed out last week, that it is not right for Adams-Russell to "change the rules in the middle of the game".

The Board agreed to sign the final license as voted above following its preparation.

Vacancy/Board of Assessors

The Board acknowledged receipt of a letter from the Board of Assessors, dated January 29, 1985, informing the Selectmen of a vacancy on that Board resulting from the resignation of Theodore G. Cameron, and requesting a joint election to fill the vacancy until the next Annual Election.

Chairman Donald suggested that the Board appoint Linda Buxbaum as Assessor until the next Annual Town Election. Mrs. Buxbaum is currently running for the position of Assessor in the 1985 Annual Town Election.

Because there are two vacancies, Selectman Fox favored advertising for the position with the hope that on a write-in ballot whoever is appointed would run for the second position in the upcoming Annual Election.

Following discussion it was on motion by Selectman Fox unanimously

VOTED: To direct the Executive Secretary to schedule a joint session with the Board of Assessors on March 4, tentatively at 8:00 p.m., for the purpose of interviewing and appointing a member to the Board of Assessors to fill the vacancy created by the resignation of Theodore G. Cameron.

Note: The Executive Secretary was further directed to check the Talent Search list, place an advertisement in the Bentley Calendar stating applications for the position of Assessor are available in the Selectmen's and Assessor's office, and to submit names with resumes to the Selectmen prior to the March 4th meeting.

Sanitary Landfill Report

The Board noted receipt of a report from the newly-appointed Sanitary Landfill Monitor, dated January 29, 1985, indicating an improved situation since he has been monitoring activities which, hopefully, will increase the life expectancy of the Landfill.

Reserve Fund Transfer

Following an explanation from the Executive Secretary, it was on motion unanimously

VOTED: To approve Reserve Fund Transfer Request No. 25, dated February 11, 1985, for Account 950-31, Unclassified-Casualty Insurance, in the amount of \$19,135.65, as explained on the numbered transfer and accompanying explanation dated February 11, 1985, from the Executive Secretary and Town Accountant.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular Session of February 4, 1985, as amended.

Park and Recreation 85ATM Article 16/Haskell Recreation Area

Present: Jane A. Neuhauser, Chairman, Park and Recreation Commission.

Chairman of the Park and Recreation Commission, Jane A. Neuhauser, explained the article being submitted by the Park and Recreation Commission - an appropriation of \$50,000 for the Haskell Recreation Land, as follows:

- The Finance Committee has approved \$40,000 of the \$50,000 requested for Article 16 for Haskell improvements;
- The article does not provide for improvements at Fairbank Center or for the tennis courts at Featherland;
- Approximately half of the money being requested is for a bathroom facility and shelter at Haskell (Mrs. Neuhauser submitted the plan showing the design of the structure);

During further discussion, Mrs. Neuhauser explained that the following had been accomplished from monies appropriated under 84ATM Article 30 - Haskell Recreation Area Development: water has been brought to the area where the bathroom facility and shelter will be constructed and the septic system is in place; the Park and Recreation Commissioners are prepared to sign a contract for the initial graveling, leveling and first coat for the paved parking area.

Additionally, Mrs. Neuhauser stated that discussions have taken place regarding installing a toddler park at Haskell area and that this is another good reason for the bathroom facility in the immediate area.

Selectman Fox gave his personal opinion regarding the proposed article and asked Mrs. Neuhauser to share his comments with the other commissioners as follows:

- He did not feel the bathroom facility was a good idea because he felt it would be vandalized; he could not support such a large sum of money being spent which may not "stand the test of time", especially now when money is so

tight, and also felt that the bathroom facility at Fairbank Center (across the street) should be utilized instead;

- He felt any money under the jurisdiction of the Park and Recreation would be better spent repairing the tennis courts, or whatever other priorities the Park and Recreation may have.

- He was opposed to a paved parking lot because he felt that a paved area would require regular upkeep and pavement is not as appealing as leaving the parking area in its natural state.

Mrs. Neuhauser commented that one of the main reasons for paving the parking area is for safety - the entrance on Fairbank Road would be moved further from Hudson Road, it will help contain the parking area, and there will be a place for picking up and dropping off children. She stated that the Town Engineer agrees with the plans.

Selectman Fox expressed his opinion that the entrance could be moved without the paving being done, that paving will have no effect on the driver who creates the unsafe conditions. He reiterated that he could not see spending this much money on asphalt when money is so tight.

Mr. Thompson added that pavement would not stop the encroachment on the grass; only post and cable contains the cars, as has been installed at Haskell.

Selectman Frost suggested telephone poles and pipes, felt that marked parking spaces would not be adhered to, and suggested granite crushed run as an alternative to using asphalt.

Regarding the bathroom facility and shelter, Selectman Frost stated he had mixed emotions. He felt the money appropriated at last year's ATM (\$45,000 under Article 30) should have covered the cost as implied to Town Meeting, and commented further that the request this year shows that the Commissioners are "100% short"! He questioned the need for a supervisor if there were a toddler park, a better use for the money being requested under the proposed article, whether the structure should be a concrete block building, and the need for toilets at all.

Chairman Donald agreed with the need for a toddler area, reiterated her position that berms or posts could be used to mark off the parking area rather than pavement.

Responding to the Board, Mrs. Neuhauser stated that the Park and Recreation had received a total bid for the parking area at Haskell of \$55,267.04, that it will cost approximately \$38,400 for the initial work and approximately \$16,867 for the second layer.

At the conclusion of discussion, Chairman Donald asked Mrs. Neuhauser to relay the Selectmen's concerns back to the Commission and report back to the Board.

Mrs. Neuhauser indicated she would do so; she also submitted a report listing the Park and Recreation Commission's long-range plans (1986-90).

Appointment/Youth Commission

Following a brief discussion with the Executive Secretary relative to the appointment of a Youth Commission, it was on motion by Selectman Fox unanimously

VOTED: To appoint a Youth Commission consisting of the following people, in accordance with a communication dated February 6 from the Executive Secretary, subject to their acceptance, for a term to expire April 30, 1986:

- 1) Neal A. Shifman, 11 Howe Street
- 2) Rosalyn J. Drawas, 15 Colonial Road
- 3) Henry Tarbi, 225 Water Row Road
- 4) Linda M. Manjarrez, 47 Firecut Lane
- 5) Nancy L. Guilmartin, 19 Old Forge Lane
- 6) William B. Carroll, Juvenile Officer, ex-officio member
- 7) a representative of the Lincoln Sudbury Regional High School
- 8) a representative of the local schools

The Board directed the Executive Secretary to so inform the above appointees, to contact the schools requesting representation on said Commission, to schedule a meeting of the Commission with the Selectmen on March 4 and to suggest that said Commission might schedule its first meeting following its meeting with the Selectmen on that date.

MMA Legislative Conference

At the Board's February 4 meeting, Selectman Frost had indicated his interest in attending the Tenth Annual Massachusetts Municipal Association (MMA) Legislative Conference, Saturday, March 30, 1985, at the State House in Boston.

Chairman Donald expressed her dissatisfaction with the \$40 cost to attend and directed the Executive Secretary to write to the MMA requesting justification for the high cost.

Consolidated Security Consultants

Chairman Donald directed the Executive Secretary to copy for the other Board members a communication from Michael R. Healy, President of Consolidated Security Consultants, dated February 1, 1985, relative to its services.

E. Helene Sherman Day

In accordance with a request from Catherine F. Hall, it was on motion by Selectman Frost unanimously

VOTED: To designate March 17, 1985, as E. Helene Sherman Day in the Town of Sudbury in honor of Miss Sherman's sixty-five years in Girl Scouting.

A reception for Miss Sherman will be held on that day at the Goodnow Library from 2:00-4:00 p.m. (Selectman Fox directed Mr. Thompson to express his regrets.)

Special Voter Registration

In accordance with a communication from Jean M. MacKenzie, Clerk to the Board of Registrars, it was on motion by Chairman Donald unanimously

VOTED: To allow Special Voter Registration Sessions prior to the Annual Town Election and Meeting to be held at the Town Hall on the following dates:

Tuesday, February 19, and Monday, February 25, from 7:00 p.m. to 9:00 p.m.;
Saturday, March 2, noon to 8:00 p.m.; and
Tuesday, March 5, 9:00 a.m. to 10:00 p.m.

Appointment - Municipal Census Supervisor

In accordance with Ch. 9, section 7 of the M.G.L., it was on motion by Selectman Fox unanimously

VOTED: To appoint Carole M. Clark, 290 Berlin Road, Apartment 95, Clinton, Massachusetts 01510, Municipal Census Supervisor, for the completion of the Town of Sudbury 1985 official State Census at the rate of \$350/week (\$10/hour, 35 hours/week) plus overtime as required and approved by the Executive Secretary, effective February 19, 1985.

Donation/Council on Aging

It was on motion by Selectman Fox unanimously

VOTED: To accept on behalf of the Town, \$91 in miscellaneous donations to be used for the Council on Aging van.

There being no further business to come before the Board, the meeting was adjourned at 10:20 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk