

IN BOARD OF SELECTMEN
MONDAY, OCTOBER 21, 1985

Present: Chairman 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. by Chairman Fox.

Submission Procedures/Zoning Bylaw Amendments

Present: Russell P. Kirby, 244 Boston Post Road.

The Board acknowledged receipt of a communication dated September 7, 1985, received October 7, 1985, from resident Russell P. Kirby, setting forth his recommendations for procedures for the preparation and submission of bylaw amendment articles for inclusion in the Warrant for Annual Town Meeting.

Mr. Russell P. Kirby referenced Article 26 of the 85ATM, submitted by petition, for the rezoning of a parcel of land owned by the Mercury family on Landham Road and Route 20 from residential to business. This article was passed over because of a State Statute (M.G.L.c.40A,s.5) which specifies, in part, that no proposed zoning ordinance or bylaw which has been unfavorably acted upon by Town Meeting (this particular parcel had been indefinitely postponed, which constitutes unfavorable action, the previous year) shall be reconsidered within two years, unless the adoption of such proposed ordinance or bylaw is recommended in the final report of the Planning Board. The Town bylaw requires that zoning bylaw articles, among others, must be submitted by the Warrant closing date of December 1 for the upcoming ATM. The Planning Board, he stated, held a public meeting on Article 26 the same day that the Warrant went to press.

Mr. Kirby stated that several people had gone through much trouble, and some to a great deal of expense, to oppose this article and there had been no knowledge when the Warrant went to press whether this article could be addressed by Town Meeting based on the above. Mr. Kirby felt that this could have been avoided if the Selectmen observed the December 1 Warrant closing date and that the bylaw should be amended to require the Planning Board to submit a final report on zoning articles before the Warrant goes to press. Mr. Kirby expressed his opinion that strict adherence to the December 1 Warrant closing date would allow ample time for each of the requirements set forth in M.G.L.c.40A,s.5, i.e. within fourteen days of receipt Selectmen forward such zoning bylaw amendment to Planning Board; within sixty-five days Planning Board holds public hearing on same, etc.

Chairman Fox recommended referring the communication to Town Counsel to determine if strict adherence to the time constraints of the Town Bylaw and State statute are realistic, and to resolve any conflict with 1) M.G.L.c.40A, s.5, 2) c.39, s.10 (pertaining to petition articles and requiring the Selectmen to include in the Warrant a properly-submitted petition article anytime prior to the Warrant going to press) and 3) the Town bylaws, and to offer his opinion on whether Article 1, section 4. of Town bylaws should be changed requiring Planning Board submission of a final report for all zoning bylaw articles before the Warrant goes to press to permit the removal of any article that may

not be considered without a favorable recommendation by the Planning Board.

Chairman Fox asked that Town Counsel's response be received within two weeks (by the Selectmen's November 4 meeting), that perhaps the Committee on Town Administration should be consulted for an opinion, and that Mr. Kirby should expect a copy of Town Counsel's opinion following review of the same by the Board.

Key Club Week

Present: President Mike Arnum, Lieutenant Governor (Division 9-10) Jennifer Patti, and member Andrea Forte, Lincoln-Sudbury Regional High School Key Club.

In accordance with a request from Lincoln-Sudbury Key Club President Mike Arnum, it was on motion by Selectman Frost unanimously

VOTED: To sign a proclamation declaring the week of November 3-9, 1985, as Key Club Week in the Town of Sudbury.

Chairman Appointment/Local Arts Council

On the recommendation of the Executive Secretary it was on motion by Selectman Frost unanimously

VOTED: To appoint Virginia K. Kirshner Chairman of the Local Arts Council.

Mr. Thompson stated that Ms. Kirshner had expressed a willingness to serve as Chairman, replacing Marcia Smith who had resigned as Chairman.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular Session of October 16, 1985, amended by attaching a list of articles and the Selectmen's positions on the same relative to the Massachusetts Municipal Association Legislative Policy Package.

Reinstatement of Benefits (Fire)

The Board noted receipt of a communication dated October 18 from Fire Chief Michael Dunne requesting reinstatement of benefits lost due to John "Pat" Hanley's approximate two-year absence from the Sudbury Fire Department.

It was on motion by Selectman Frost unanimously

VOTED: To concur with the Fire Chief's request for reinstatement to John Hanley of benefits lost (i.e., longevity and vacation benefits, but not seniority rights), due to Firefighter Hanley's resignation from the Sudbury Fire Department on August 6, 1981, to join the Framingham Fire Department, and his subsequent employment with the Sudbury Fire Department on July 1, 1983; this decision being made, as noted in Fire Chief Dunne's letter, based on the

fact that no "past practice" exists in this matter and that a "practice" is not being established, but each case is to be judged separately and on its own merit.

Mr. Hanley has continuous employment as a firefighter and has continuous coverage for retirement benefits.

Sudbury Water District Meeting

It was noted that the Sudbury Water District will be holding a meeting on Wednesday, October 30, for the purpose of an appropriation article for supplementary funds to accommodate a bid which came at a higher amount than that appropriated at the District's February 1985 annual meeting for the installation of a water tank.

H6422

The Board noted receipt of a communication from the State Executive Office for Administration and Finance, dated October 4, 1985, relative to H6422 to fund, improve and reform Massachusetts public employee benefits. The bill provides for 1) the elimination of the unfunded pension liability of public employment systems in the Commonwealth (estimated to exceed 10.9 billion); 2) increased benefits for public employees; and 3) reform of disability pension program.

On the recommendation of the Executive Secretary that more information be obtained, the Board directed Mr. Thompson to refer the communication to both the Town Accountant and the Town's Union Negotiator, Dick Murphy, requesting their input for the Board's consideration before taking a specific position on this bill.

MMSA Meeting

The Board acknowledged receipt of an invitation to attend the Middlesex County Selectmen's Association's November 12 meeting in Littleton. Selectman Fox cannot attend; Selectman Frost is uncertain; and Selectman Donald is not available for comment at this time.

Site Plan Revision 83-262/Doyle, 321 Boston Post Road

In accordance with a request dated October 21, 1985, from Stephen F. Doyle, it was on motion by Selectman Frost unanimously

VOTED: To continue to October 28, 1985, at 9 30 p.m. the public hearing on the question of approving the extension of Site Plan 83-262 of S. F. Doyle & Co., for property located at 321 Boston Post Road, Mill Brook Park - Phase II, BD#2.

Joint Meeting/Highway Surveyor

Present: Highway Surveyor Robert A. Noyes; and Long Range Capital Expenditures Committee Chairman Robert J. Cusack.

Chairman Fox convened a meeting with the Highway Surveyor to discuss his Capital Improvement Program (1986-91) submission and the Highway Department heavy equipment scheduled for purchase in F87.

Highway Surveyor Robert A. Noyes explained his Capital Improvement Projects, and there was some discussion on the same, as follows:

1) Plant Facilities. Need to think about a future site for the highway garage in the event that the Water District goes forward with the utilization of that site to activate the well on the property which use had been discontinued due to salt contamination some time ago. Need to have a definite commitment from the Water District and perhaps form an evaluation committee to study and determine an area for the relocation for the highway garage if that becomes necessary; otherwise, evaluate the need for appropriation to expand existing facility for the highway garage. Storage is a problem and additional inside storage badly needed. Alternatives: chain link fence would allow for leaving some equipment outside. The Selectmen supported the concept as it is a Town-wide problem, but felt there is not enough information at this time to substantiate the \$100,000 per year expenditure for four years expenditure. The Board agreed that LRCEC, the Finance Committee, and the Permanent Building Committee should provide input on the subject. Mr. Thompson indicated that Mr. Noyes had scheduled a meeting with the LRCEC this week to further discuss the matter.

2) Roadway Drainage Construction and Intersection Improvements (\$20,000 for FY87 and \$120,000 per year for FY88-91). The \$20,000 for FY87 will be used to continue the on-going program of intersection improvements. Breakdown of the \$120,000 is \$20,000 for intersection improvements and \$100,000 for drainage improvements. In FY87, the Highway Department will review its list of "major" and "minor" drainage improvements and come up with plans which will project the \$100,000 figure for the fiscal years 88-91.

Responding to comment by Mr. Noyes regarding his preference of an article submission for intersections improvements in the amount of \$20,000 where his budget would be reduced upon defeat, Chairman Fox pointed out that, as an on-going project, it must be in the budget and not presented as an article, as agreed upon by the Board of Selectmen and the Finance Committee last year.

3) Capital Equipment.

a. need for heavy-duty trailer especially since it will become necessary to haul the bulldozer back and forth from the Landfill to the brush and stump dump on Route 117 (too costly to have it hauled privately);

b. replacement of two mack trucks

Relative to the Highway Department FY87 budget, Mr. Noyes explained and there was discussion on the following:

1) Computer Analysis Program. At the direction of Selectman Fox, Mr. Noyes will discuss with the Town Accountant whether the Accounting Department computer has the capacity of accepting the appropriate software

which would be purchased by the Highway Department for an analysis program, and whether it would be feasible to share the computer in this way.

2) Maintenance Account/Walkways. This is the first year monies have been included in the maintenance account for the maintenance of walkways; stressed the importance of having a good program for the maintenance of the walkways. Mr. Noyes explained that those walkways constructed by the Town require continual maintenance after about 1½ years of construction because they are constructed to follow the natural terrain and become overgrown quickly depending on weather conditions, while those constructed in subdivisions do not require maintenance until after 7-8 years because they are constructed in areas which have been cut back to accommodate them. Mr. Noyes commented further on the importance of keeping the walkways clear so that snow plowing machinery is not damaged.

Concerns of the LRCEC which Chairman Robert J. Cusack mentioned were:

- need facts and figures to substantiate the \$100,000 facility expansion/-renovation for FY88-91

- vehicle purchase, i.e., can some specialized vehicles be rented as opposed to purchased? (Chairman Fox mentioned sharing equipment with other towns)

Mr. Noyes stated he has shared equipment but there is now a great deal of concern on the question of liability; that they do rent some specialized vehicles and continue to look into options to keep this policy going.

Regarding excessed military equipment purchased economically, Mr. Noyes pointed out that he is able to do so, unlike other towns, because he has a mechanic who is willing to do the work on these vehicles to make it feasible for the Town to continue to make these types of purchases.

- how drainage and intersection improvements are prioritized.

Mr. Noyes stated this is done by himself, the Town Engineer and the Police Safety Officer.

- compare cost of having an outside contractor haul the sand from the Route 117 site to the Landfill rather than having the Highway Department do it.

- question the impact of a walkway on the Highway Department budget in terms of additional miles of walkways which will need maintaining, manpower, additional equipment, etc. Mr. Noyes stated some consternation in time involved in his Department negotiating easements.

Chairman Fox asked Mr. Cusack to contact the Planning Board and the Finance Committee to discuss this issue.

Chairman Fox stressed the importance of activating the walkway program in two steps/years, 1) appropriation for engineering costs,

and 2) appropriation for construction costs. Selectman Frost added that, at the same time, budgetary costs would have to be addressed to accommodate departmental increases as noted above. Mr. Noyes felt it would get to a point where he would not be able to continue the operations of the Department with the same number of people.

- stressed the importance of having engineering plans drawn first on appropriate major capital improvement projects.

- consolidate Town vehicle maintenance with highway garage in an effort to save the Town money - something to look into if it becomes necessary to build a new facility for the highway garage.

Mr. Noyes stated that, like Northboro, Sudbury may want to consider, with the construction of a new facility, bay/bays for Town vehicle maintenance where there would be a mechanic on duty for immediate service of Town vehicles, especially Police vehicles.

Mr. Noyes stated that he is looking for cemetery space and has several parcels in mind; Mr. Thompson stated he will meet with Mr. Noyes within the next two weeks for more discussion and report back to the Board.

The Board concurred with the Executive Secretary's recommendation to support the study of future use of the highway garage, the Highway Surveyor's efforts regarding the drainage program, the continuance of the intersection improvements program and the equipment purchases recommended, in conjunction with the LRCEC, the Finance Committee, the Permanent Building Committee and the Water District.

There being no further business to come before the Board, the meeting was adjourned at 9 00 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk