

IN BOARD OF SELECTMEN
MONDAY, JULY 7, 1986

Present: Chairman Josiah F. Frost, Anne W. Donald and David A. Wallace.

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

Utility Petition 86-9

Present: Robert Malis, Boston Edison Company.

Having received correspondence, dated July 3, 1986, from the Inspector of Buildings Joseph E. Scammon and the Wiring Inspector Warren E. Boyce, recommending approval of the above petition, it was on motion by Anne W. Donald unanimously

VOTED: To grant approval to 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: Goodman's Hill Road - at and southerly from Walker Farm Road thence turning and running easterly, a distance of about 92 feet - conduit.

Carolyn J. Mugar Covenant

Chairman Frost noted for the record that the Board of Selectmen supported the Conservation Commission regarding their correspondence dated July 3, 1986. The Conservation Commission unanimously voted to accept the recommendation of Town Counsel as stated in his letter dated June 5, 1986, that in his opinion it is not necessary to amend the Covenant between the Town and Carolyn J. Mugar relative to restaurant use at Star Market Plaza, because adequate controls are in place through the terms of the existing covenant and under the licensing and site plan approval processes.

Health Insurance Claims Monitoring - Employee Benefit Specialists Inc.

Confirming the decision of Executive Secretary Richard E. Thompson, it was on motion by Chairman Frost unanimously

VOTED: To award a contract to Employee Benefit Specialists Inc., 300 Unicorn Park Drive, Woburn, Massachusetts, to provide Sudbury with claims monitoring and other benefit services for the period July 1, 1986 through June 30, 1987, at a cost of \$4,000, as stated in their proposal dated June 24, 1986, submitted by Walter L. Suydam.

Arthur Young - Audit Management Report

It was on motion unanimously

VOTED: To receive the Management Report, dated June 10, 1986, from Arthur Young, the final portion of the Fiscal Year 1985 audit report; to file the audit report entitled, "Combined Financial Statements and Additional Financial Information Year Ended June 30, 1985 with Report of Certified Public

Accountants" by Arthur Young, dated November 12, 1985, together with the Management Report, with the Town Clerk; and to publish notice of the availability of the complete audit report in accordance with Federal Revenue Sharing requirements.

Following discussion, the Board requested Mr. Thompson to ask Town Accountant James Vanar to submit his report and comments on the Management Report to the Board.

MAGIC Report from James W. McKinley

The Board reviewed a communication dated June 23, 1986, from Metropolitan Area Planning Council (MAPC) representative James W. McKinley, reporting on a meeting of the Minuteman Advisory Group for Interlocal Coordination (MAGIC) held on June 19 and providing a draft Memorandum of Agreement for this organization, to be presented at the next MAGIC meeting on July 17th.

Selectman Donald requested that on page three of the prepared draft, the following insertion be included in the paragraph requiring members of all relevant boards and officials and MAPC to furnish information at the earliest possible time about any proposed major or significant development projects which meet any of the following criteria: ..."any development with the sole access being through another town".

In response to comments by Mr. McKinley, Chairman Frost felt that Sudbury should follow through with its \$2000 commitment as previously voted. The Board agreed.

The Board felt that the recommendations of Mr. McKinley to change the notification criteria in SECTION IV of the Memorandum of Agreement (MOA) for the Growth Management Committee would be too inclusive and they would rather leave the requirements regarding notification criteria as they are.

Chairman Frost will be attending the next meeting on July 17th, and will discuss these items of concern.

Massachusetts Federation of Women's Clubs - Site Plan #86-299

Present: Massachusetts Federation of Women's Clubs President Nancy Beatty, Vice President June Alfano and Royce E. Beatty, P.E.; abutter Milton Streeter, 249 Dutton Road; and Building Inspector Joseph E. Scammon.

Chairman Frost opened a public hearing in accordance with Sudbury Zoning Bylaws IX,V,A, to consider Application #86-299 for a Site Plan Special Permit from the Massachusetts Federation of Women's Clubs, for construction of a one-story staff building and parking lot, at property located at 245 Dutton Road, Residential Zone C-1.

Executive Secretary Richard E. Thompson advised that Parties in Interest have been notified and Notice of Public Hearing had been duly posted and advertised in accordance with Sudbury Zoning Bylaws and M.G.L.c.40A. Mr. Thompson recommended the Board of Selectmen accept waivers of mailed notice from the Planning Boards of Acton, Concord, Lincoln, Wayland, Maynard,

Stow, Hudson and Framingham, their having received notice instead by telephone.

It was on motion by Chairman Frost unanimously

VOTED: To accept waivers of notice from the Planning Boards of Acton, Concord, Lincoln, Wayland, Maynard, Stow, Hudson and Framingham.

Mr. Royce Beatty reported that the property consists of 277.9 acres; current use - Memorial Forest and Wildlife Sanctuary for Educational and Environmental Service and meeting place of MSFWC Council, Executive Board and Forest Trustees and Staff. The proposed use would be to provide additional office space for Council, Executive Board and Secretarial Staff to administer Memorial Forest and Wildlife Sanctuary Educational and Environmental Programs. Mr. Beatty described the proposed change to construct a 40' x 50' one-story building with appurtenances including a septic system for disposal of sanitary waste and parking area.

Letters of approval were received from Town Engineer James V. Merloni, dated July 3, the Planning Board, dated July 3, Inspector of Buildings Joseph E. Scammon, dated July 3, Board of Health, dated June 26, (recommending approval conditioned upon installation of a well with a potable water supply and a permit obtained for the subsurface sewage disposal system), and Fire Chief Michael Dunne, dated July 3, (with a suggestion to improve the bridge which provides access to the surrounding woodlands). A report dated April 18 from the Conservation Commission indicated a determination that no wetland impact would occur as a result of the proposed construction had been made.

Abutter Milton Streeter, who is the owner of the bridge, advised that he would be glad to speak with the Fire Chief regarding this matter.

In response to a question from Selectman Wallace, Mr. Beatty replied that the roadway would be resurfaced with gravel, and cleaned and trimmed so that emergency vehicles could pass. (Later, Mr. Thompson clarified that emergency vehicles included fire apparatus. Mr. Beatty concurred).

Under the authority of the Town of Sudbury Zoning Bylaws, Article IX,V,A, it was on motion by Selectman Frost unanimously

VOTED: To grant a Site Plan Special Permit to the Massachusetts State Federation of Women's Clubs to construct a one-story, 2,000 square foot staff building and parking lot at 245 Dutton Road, in accordance with Application #86-299 received June 6, 1986, as shown on the following plans:

1) "Proposed Sewage Disposal System at Mass. State Fed. of Women's Clubs, 245 Dutton Road, Sudbury, Mass.", dated July 17, 1985, revised August 6, 1985 and December 10, 1985, drawn by Schofield Brothers, Inc., of Framingham, Mass.;

2) "Plan of Land of Massachusetts State Federation of Women's Clubs, Sudbury, Mass.", dated June 22, 1949, by E. W. Pettigrew, Surveyor, and revised September 1984 and March 8, 1986 by R. E. Beatty, P. E.;

3) "Detailed Parking Plan for M.S.F.W.C.", dated June 3, 1986, by R. E. Beatty, P. E.;

4) Sheets A-2 and A-3 showing elevations, both dated November 12, 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:

a) approval of the drainage system, including traps, catch basins, and periodic maintenance as required by the Town Engineer;

b) installation of a well and approval of the water supply by the Board of Health and the Fire Chief;

c) approval of subsurface sewage disposal system by the Board of Health;

d) the grant of an earth removal permit by the Earth Removal Board, if applicable;

e) approval of signs or advertising devices as required under the sign bylaw;

f) 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, and submit a copy of the 21E report to the Board of Health for review;

g) exterior lighting shall conform to standards stated in Bylaw Article IX,V,A,6,f and be approved by the Building Inspector;

h) the use of salt or chemical de-icers on the site is prohibited;

i) 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;

j) no building permit shall be issued until items a and b noted above are complied with;

k) no occupancy permit shall be issued until items c, d, e, f, g and i, noted above, are complied with;

l) this Special Permit shall lapse if construction and a substantial use thereof have not commenced except for good cause within one year from the effective date of said Permit.

The Board signed the plans.

Appointment - Sudbury Housing Authority

Present: Housing Authority Chairman Linda S. Gregory, Members Virginia M. Allan and Myrna C. Goldstein; Executive Director JoAnn Howe; Applicants Steven J. Swanger, 14 Bent Brook Road and Catherine V. Sharp, 55 Hudson Road.

Executive Secretary Richard E. Thompson stated that on June 6, 1986, he had addressed a letter to the Sudbury Housing Authority Chairman, Linda Gregory, confirming the rescheduled meeting between the Board of Selectmen and the members of the Housing Authority, to be held on July 7, 1986 at 8:30 p.m. in the Sudbury Town Hall, in accordance with General Laws Ch. 41, §11, to interview candidates and elect a fifth member to the Sudbury Housing Authority by roll call vote to fill the position held by Clifford Askinazi, to serve until the next annual election.

It was on motion by Selectman Donald unanimously

VOTED: To appoint Executive Secretary Richard E. Thompson, to serve as Clerk for the joint session of the Board of Selectmen and the Sudbury Housing Authority for the purpose of electing a new member to the Sudbury Housing Authority.

Mr. Thompson read Chapter 41, §11 of the General Laws, as amended.

The above listed applicants/candidates (except Mrs. Guerin, who was unable to be present), were interviewed relative to their interest and qualifications in serving on the Sudbury Housing Authority and their intention as to whether each would run at the next Annual Election and his availability to serve for an additional five years if elected at that time.

Following the interviews, Virginia M. Allan nominated Eleanor Guerin, and Linda Gregory seconded the nomination.

Linda S. Gregory nominated Catherine V. Sharp, and Myrna Goldstein seconded the nomination.

Selectman Donald nominated Steven J. Swanger and Chairman Frost seconded the nomination.

There being no further nominations, Chairman Frost announced that nominations had 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:

Virginia M. Allan voted for Steven J. Swanger
Anne W. Donald voted for Steven J. Swanger
Joseph F. Frost voted for Steven J. Swanger
Myrna C. Goldstein voted for Steven J. Swanger
Linda S. Gregory voted for Steven J. Swanger
David A. Wallace voted for Steven J. Swanger

At the completion of the roll call vote, the Clerk declared that Steven J. Swanger, having received a unanimous vote of the officers present and entitled to vote, was elected to fill the vacancy on the Sudbury Housing

Authority occasioned by the resignation of Clifford Askinazi, to serve until the next Annual Election, in accordance with Chapter 41, §11 of the General Laws, as amended.

The Board thanked the other applicants for their interest.

Transfer Fire Department Vehicle

Following receipt of communication dated June 27, 1986 from Fire Chief Michael Dunne, it was on motion by Selectman Donald unanimously

VOTED: To approve the transfer of a 1978 Chevrolet pickup truck from the Fire Department to the Building Department, as required under Town Bylaws Article XII.

Bay Circuit Planning Grant - DEM Award

The Selectmen acknowledged receipt of an award letter from the Massachusetts Executive Office of Environmental Affairs, Department of Environmental Management, dated June 26, 1986, awarding the Town a Bay Circuit Planning Grant in the amount of \$1895 in accordance with the Town's application dated April 18, 1986.

Reserve Fund Transfers

It was on motion by Selectman Donald unanimously

VOTED: To approve Request No. 86-44, dated June 30, 1986, to transfer \$57.30 from the Reserve Fund to Law General Expense Line Item 503-210 to cover payment for Labor Relations Counsel.

It was on motion by Selectman Wallace unanimously

VOTED: To approve Request No. 86-43, dated June 30, 1986, to transfer \$240.25 from the Reserve Fund to Unclassified - Communications Line Item 950-809.

Sign Labor Agreements

Following review of the Agreements submitted by Executive Secretary Richard E. Thompson and Labor Relations Counsel Richard W. Murphy, it was on motion by Chairman Frost unanimously

VOTED: To approve and sign the Agreement Between Town of Sudbury and Sudbury Supervisory Association for the period of July 1, 1986 - June 30, 1988 containing all matters bargained and agreed upon at earlier dates; and in addition to sign a side letter with the Association relative to vacation carry-over, dated July 7, 1986; and it was further

VOTED: To approve and sign the Agreement Between Town of Sudbury and Association of Engineers, Architects and Draftsmen, Local 105, for the period July 1, 1986 - June 30, 1988 containing all matters bargained and agreed upon at earlier dates; and in addition to sign a side letter with the Association relative to vacation carry-over, dated July 7, 1986.

Receipt of Deeds

Following recommendation by the Executive Secretary, it was on motion by Selectman Donald unanimously

VOTED: to certify approval of receipt, in conjunction with the Conservation Commission, of six deeds from Ralph H. Barton, Lois Ames, Egbert S. Newbury, Jr. (Commissioner in Partition in the matter of John B. Sisson, Middlesex Probate and Family Court No. 520736), John B. Sisson, and Nellie M. Barton, conveying their proportionate interests in:

- a) Parcel 006 (5.52 a.) and Parcel 005 (.72 a.) shown on Assessors' Map D08, located off Mossman Road;
- b) Parcel 501 (2 a.) shown on Assessors' Map B08; and 1.33 a. within Parcel 503, shown on Assessors' Map B08, located off Powers Road; said interests to be given to the Town of Sudbury under the provisions of M.G.L. c.40, §8C, to be managed and controlled by the Conservation Commission, in accordance with the Board of Selectmen vote of June 11, 1984; and also

VOTED: To certify approval of receipt, in conjunction with the Conservation Commission of a deed from Roger K. Kane, Jr., Trustee of R.K.K. Realty Trust, conveying land shown as Parcel "A" on a plan entitled "Plan of Land in Sudbury, Mass. Owned by: R.K.K. Realty Trust Plan by: Colburn Engineering, Inc. 454 Main Street, Hudson, Massachusetts", dated March 18, 1986, and located off Run Brook Circle; said land to be given to the Town of Sudbury under the provisions of M.G.L. c.40, §8C, to be managed and controlled by the Conservation Commission.

Appointment - Board of Assessors

Present: Board of Assessors Chairman Linda Z. Buxbaum and Member Patrick J. Delaney, III. Applicants John T. Hannan, 14 Ward Road and Thomas H. Hillery, 66 Willow Road.

Executive Secretary Richard E. Thompson stated that on June 2, 1986, he had addressed a letter to the Chairman of the Board of Assessors advising of the joint meeting with the Selectmen to interview candidates and to elect by roll call vote a third member to the Board of Assessors to serve until the next Town Election, in accordance with M.G.L. c.41, §11, as amended, to fill the vacancy created by the resignation of William Galvin.

It was on motion by Selectman Donald unanimously

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

Mr. Thompson read Chapter 41, Section 11 of the General Laws, as amended.

The above-listed applicants/candidates were interviewed relative to their interest and qualifications in serving on the Board of Assessors and their intention as to whether each would run at the next Annual Election and his availability to serve for an additional three years if elected at that time.

Following the interviews, Linda Z. Buxbaum nominated John T. Hannan, and Selectman Donald seconded the nomination.

Patrick J. Delaney, III nominated Thomas H. Hillery, and Selectman Frost seconded the nomination.

There being no further nominations, Chairman announced that nominations had 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:

Linda Z. Buxbaum voted for John Hannan
Patrick J. Delaney, III voted for Thomas Hillery
Anne W. Donald voted for John Hannan
Josiah F. Frost voted for John Hannan
David A. Wallace voted for John Hannan

At the completion of the roll call vote, the Clerk declared that John T. Hannan, having received the majority vote of the officers present and entitled to vote, was elected to fill the vacancy on the Board of Assessors occasioned by the resignation of William B. Galvin, until the next Annual Election, in accordance with Chapter 41, Section 11 of the General Laws, as amended.

The Board thanked Mr. Hillery for his interest and encouraged him to continue with his interest in town government.

Tax Possession Parcel 189 - Sign Deed

It was on motion by Chairman Frost unanimously

VOTED: To approve and sign a deed conveying Tax Possession Parcel 189, shown as Parcel 809 on Assessors' Map F04, to Michael E. Cournyn and Jacquelyn Bellone, as authorized by vote of the 1985 Annual Town Meeting under Article 37.

Minutes

It was on motion by Chairman Frost

VOTED: To approve the minutes of the Regular and Executive Sessions of June 23, 1986 as drafted. Selectman Donald abstained as she was not present at that meeting.

Appointment - Route 20 Task Force

The Board received a communication from Route 20 Task Force Chairman Susan La Tour, dated June 3, 1986, advising that Victor P. Mangini had taken on another responsibility that would limit his available time for the Route 20 Task Force, and recommending James W. McKinley, 118 Peakham Road, or Lael Meixsell, 34 Barton Drive, as a replacement on the Route 20 Task Force.

Following discussion, it was on motion by Selectman Wallace unanimously

VOTED: To appoint James W. McKinley, to the Route 20 Task Force, subject to receipt of resignation of Mr. Mangini and his consideration to continue on a consulting basis.

Zoning Violation - 209 Boston Post Road

Executive Secretary Thompson reported on a communication received from Patrick J. Delaney regarding enforcement of the Town's sign zoning bylaw at Sudbury Automotive service station, 209 Boston Post Road. He stated that Building Inspector Joseph E. Scammon will forward a current cease and desist order to the Mobil Station and noted that the owner has been very uncooperative in dealing with the town.

Mr. Thompson and Town Counsel will meet this week regarding this and other zoning violations and decide which matters will go to District and Superior court.

There being no further business to come before the Board, the meeting was adjourned at 9:20 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk