

IN BOARD OF SELECTMEN
MONDAY, MARCH 3, 1986

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

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

Sign Tax Anticipation Note

Present: Town Clerk Jean M. MacKenzie and Town Treasurer Chester Hamilton.

In accordance with a communication dated February 26, 1986, from Town Treasurer Chester Hamilton, it was on motion By Selectman Fox unanimously

VOTED: To sign Tax Anticipation Notes totalling \$1,000,000, dated March 12, 1986 and due May 9, 1986, authorized by the Board of Selectmen on February 10, 1986, as follows: Shawmut Community Bank, \$200,000 at 5.28%; BayBank Middlesex, \$500,000 at 5.38%; Bank of New England, \$300,000 at 5.40%.

Mr. Hamilton stated that interest rates have increased since the last borrowing because of the pending Federal legislation affecting the status of tax exempt municipal bonds.

Withdrawal of Annual Town Meeting Article 29 - Conservation Commission

Chairman Fox noted receipt of a request dated February 26, 1986, from the Conservation Commission to withdraw Article 29, Transfer of Funds, from the 1986 Annual Town Meeting Warrant, keeping in place the "gentlemen's agreement" with the Selectmen for the transfer of proceeds when they become available from the sale of Town lands off Pratt's Mill Road and Crystal Lake Drive to the Conservation Fund.

Chairman Fox reiterated the Board's intent to honor this agreement by recommending to the appropriate Town Meeting, since the sales are not complete at this time, that the Conservation Fund be supplemented by the amount of the sale proceeds to allow replacement for the open space lost.

Selectman Donald noted that Town Counsel had informed the Commission that although the sale proceeds must be placed in the Sale of Town Lands Account and cannot be transferred directly to the Conservation Fund, the purpose can be achieved by funding the Fund by taxation and reducing an eligible account normally funded by taxation within the Highway budget by an offset from the Sale of Lands Account.

It was therefore on motion unanimously

VOTED: To accept withdrawal of Article 29, Transfer of Funds, from the 1986 Annual Town Meeting Warrant at the request of the Conservation Commission.

Article 19 - Resolution on Route 20 Widening

At the request of the Route 20 Citizens Advisory Committee, Susan Latour, Vice President - Community Relations, dated February 26, 1986, it was on motion by Chairman Fox unanimously

Voted: To accept withdrawal of the Resolution, Article 19, submitted by petition dated February 13, 1986, from the 1986 Annual Town Meeting Warrant and to accept a substitute Resolution, Article 19, submitted by petition dated February 25, 1986.

The Board agreed to make its report at Town Meeting, not in the Warrant.

1986 Annual Town Meeting Warrant Signing

Executive Secretary Richard E. Thompson presented the 1986 Annual Town Meeting Warrant for Board members signatures, requesting confirmation of their position on the Planning Board's newly revised Article 21 proposing amendment of the Zoning Bylaw, Special Regulations, dealing with site plans, Design Review Board and parking.

Selectman Donald noted that although the Planning Board had incorporated some of the Board's recommendations made at a previous meeting in the revised Article, she is still not in favor of the Article in its entirety and would like an opportunity for further review.

Selectman Fox stated that if he had to take a position at this time, he would vote to support the Article although there were sections which were not entirely satisfactory.

Therefore, at Selectman Donald's recommendation, the Board agreed to make its report at Town Meeting.

Common Victualler License - Charcuterie, Star Market Plaza

Chairman Fox noted receipt of a communication dated February 26, 1986, from the Conservation Coordinator informing the Board that the Commission had voted approval of the Common Victualler license for Charcuterie at Star Market Plaza provided the license is granted subject to the Board of Health conditions set forth in the Board of Health's statement of approval, dated February 4, 1986, and that the Covenant is amended by Mugar to include these conditions.

It was on recommendation by the Executive Secretary on motion unanimously VOTED: To forward the Conservation Commission's request for amendment of the Covenant to Town Counsel.

Letter of Appreciation - Boston Edison

After a briefing by the Executive Secretary, it was on motion unanimously

VOTED: To direct a letter to Jack Goggin, Boston Edison Public Relations, commending the company for its efficient efforts in restoring power after the ice storm during the week of February 16, 1986.

Reserve Fund Transfer Requests

It was on motion unanimously

VOTED: To approve the following Reserve Fund transfer requests:

- No. 86-16 for Acct. 501-210, Selectmen's General Expense, in the amount of \$1,500 for employment agency fees and help wanted ads to hire a Recording Secretary.
- No. 86-17 for Acct. 501-811, Surveys & Studies, in the amount of \$2,000 for the Town's share of participating in Minuteman Advisory Group for Interlocal Coordination (MAGIC) activities.

Proclamation - Wilfred A. Spiller

The Board signed a Proclamation honoring Wilfred A. Spiller upon his retirement from the Sudbury Fire Department effective November 30, 1985, after twenty-four years of service as a Permanent Firefighter and additional service as a Call Firefighter. The Proclamation will be presented to Mr. Spiller by Board members at a party in his honor.

Minutes

It was on motion by Selectmen Fox unanimously

VOTED: To approve the February 24, 1986 regular session minutes as corrected and the executive session minutes as written.

Minuteman Advisory Group for Interlocal Coordination (MAGIC)

Selectman Frost reported that he had attended a MAGIC meeting on February 27 at which funding and activities were discussed. He noted that as a result of this meeting, in order to keep MAGIC operational, the member towns were being asked to contribute up to \$2,000 to fund MAGIC's activities which had been prioritized in light of reduced State funding.

Relative to Selectman Donald's query concerning the Town's participation in both MetroWest and MAGIC, Selectman Frost stated that there was no problem, and, in fact, it proved a benefit for MAGIC to be cognizant of MetroWest's activities.

Executive Secretary Richard E. Thompson reported that a communication had been received from the MAPC informing the Board that at its request the thirty-five hours of technical assistance for Fiscal 86 allocated to MetroWest projects will be transferred to MAGIC.

Sale of Tax Possession Parcel - Crystal Lake Drive

It was on motion unanimously

VOTED: To refer the February 20, 1986, communication from Building Inspector Joseph Scammon to Town Counsel for his opinion as to whether Tax Possession parcel #189, on Crystal Lake Drive, approved by Town Meeting for sale and presently under negotiation between the Board and Michael Cournyn, is a

legal non-conforming lot under the provisions of M.G.L. c.40A, §6 since it does not have the 40,000 sq. ft. required for a building lot.

Powder Hill Estates - Drainage Easement and Conservation Easement

At the request of Town Counsel, the Board signed its assent to a Petition to Expunge Drainage Easement and Conservation Easement shown on Plan 10253-I, lying on lots 43, 44, and 52, filed with the Land Court, Case No. 10253, by Atty. Robert Dionisi on behalf of Powder Hill Estates, Inc., formerly Ferigno and Walker Builders, Inc.

The Executive Secretary informed the Board that assent had also been given by the Town Engineer, Highway Department, Conservation Commission and Planning Board on the basis that no such easements were granted or made a condition of any plan and do not physically exist.

Route 20 Utilities Undergrounding

Present: Joseph D. Spautz, Robert P. Brogi, Stephen L. Latargia, Western Union; Joseph Bausk, Anthony Villano, Roberta Clement, Edward Timledge, New England Telephone and Telegraph Company; Gerald Wolff, H. F. Sweitzer, Raytheon Company; Jack Burke, John F. Murray, Boston Edison; John E. Murray, Board of Selectmen Liaison; James V. Merloni, Town Engineer; Frank Vana, Chamber of Commerce; Vic Mangini.

After introductions, Chairman Fox prefaced the discussion with the business principals involved in the proposed undergrounding of utilities along Route 20 with his feeling that from the Town's viewpoint this is the most opportune moment, and perhaps the one chance, to upgrade the road aesthetically, and for those involved in the undergrounding to do it in the most inexpensive way at the time of the Route 20 widening. He stated that the undergrounding would involve a section of the Boston Post Road for nine-tenths of a mile from the South Fire Station to just past the Police Station, for which from \$200,000 to \$1,000,000 had been conjectured as the cost. He noted that the Town is working on funding on the State and Federal levels through the offices of Senator Celluci and Representative Atkins, respectively.

Chairman Fox continued his remarks by stating his understanding from previous discussions was that the total cost would be shared by nine parties, questioning who would be involved other than the Town, Boston Edison, New England Telephone and Telegraph Company, Western Union, Raytheon Company, Adams Russell Cable Services, and the business community.

Western Union representative Robert P. Brogi replied in clarification that Mr. Fox had probably inferred the cost basis on ninths from the discussion involving the possible need for nine tubes (three or four for New England Telephone, two for Boston Edison, and one each for Adams Russell, Western Union and Raytheon Company).

In turn each group provided its current estimate of cost and indicated willingness to participate on a committee to share information and determine cost as suggested by Chairman Fox, summarized as follows:

New England Telephone and Telegraph Company (Tony Villano, Engineering Manager) - Cost is unknown at this time; Company would need an engineering study and plans to determine. Project would be expensive as it would be both labor intensive and time consuming. In addition to the undergrounding itself, there would be the cost of moving the existing wires from the poles. Each individual property owner would have to provide conduit and trench out to the road also. Approximately 1,700 - 2,000 feet of conduit would be required for New England Telephone alone. Upon learning from the Town Engineer that the plan is 75% complete and that the time frame for construction after Town acceptance of the plan would be about two years (eighteen months initially for land takings), he noted that such a time table may enable cost reductions as it will allow New England Telephone to advance planned 1987 monies. New England Telephone is the principal user and will be providing for other users except Edison; therefore, there will be two trenches required. Committee representative will be Joseph Bausk.

Chamber of Commerce (Frank Vana) - Business community approves of the proposal in general but the cost factor must be considered.

Boston Edison Company (Jack Burke) - Current estimate of the cost is \$1,400,000, which is only for work done in the road itself and does not take into consideration connection to private property. This road work would involve a conduit system of nine five-inch tubes, a manhole every 500 feet, transformer manholes or other mechanism and circuits. Overall the total cost would be apportioned approximately 50% for cable and 50% for conduit. The cost would be reduced by use of other means rather than transformer manholes, and any connections which can be or have been made from the rear, such as the 1776 Plaza, or from Union Avenue. As indicated by the Selectmen's liaison, former Selectman John E. Murray, an estimate in writing will be provided to the Town once Boston Edison has reviewed the plans and walked the area with Town officials to determine required equipment configuration. Committee representative will be Jack Burke.

Western Union (Robert Brogi) - Timetable is good. Western Union's needs will be provided by New England Telephone. Committee representative will be Dino Reguzzoni.

Raytheon Company (H. F. Sweitzer) - Raytheon is willing to participate on the Committee and with the cost on a fair-share basis. Mr. Sweitzer clarified, through questions addressed to the Board, that the intended purpose of the undergrounding is primarily for aesthetic reasons and that solving service problems, i.e., power outages, is secondary. Committee representative will be H. F. Sweitzer.

Comments were received from others in attendance as follows:

- Vic Mangini, former President of P.R.I.D.E., a group involved in promoting aesthetic improvements for the Boston Post Road - Sure that there are funds available to solve the total problem through such governmental programs as Mainstreet, or through creative financing such as floating municipal bonds. He expressed interest in representing the general public on the Committee.

- Peter Anderson, Landham Road - questioned Boston Edison and New England Telephone on their maintenance experience between overhead and underground

utilities vis a vis cost and frequency of repair. While neither company had definitive information on frequency of repair or cost, Boston Edison did note that overhead repair crews were local and underground crews were Boston-based.

Chairman Fox noted that all groups, including the Town, will have problems, but that none will, in his opinion, be prohibitive. As a starting point the funding will come from the seven groups originally named and, as Executive Secretary Richard E. Thompson noted, it would be extremely fortunate but unlikely to receive Federal or State funding. He stated further that the Town will be meeting with the road designers and will need input from the Committee which will be headed by Selectmen liaison John E. Murray and will include the following parties:

Western Union - Dino Reguzzoni
New England Telephone and Telegraph Company - Joseph Bausk
Boston Edison Company - Jack Burke
Raytheon Company - H. F. Sweitzer
Chamber of Commerce - Frank Vana
Adams Russell Cable Services - Jack VanKuilenberg
(appointed in absentia)
Town Engineer James V. Merloni
Citizens - Vic Mangini

Chairman Fox thanked all parties for their attendance and agreed at Western Union's request to schedule discussion regarding grant of permission to Western Union to install fiber optic cable on utility poles for Raytheon Company's use.

Interview and Appointment of Police Lieutenant

Present: Police Chief Peter Lembo; applicants Peter S. Langmaid and Ronald J. Nix, separately.

Chairman Fox prefaced the interview sessions by remarking that the Town was extremely fortunate in having in the applicants for Police Lieutenant such highly-qualified, experienced men who are esteemed by the other officers and the townspeople. He noted that, in addition, both men received identical high scores on the examination given by the Division of Personnel Administration.

Executive Secretary Richard E. Thompson read the job description for the position of Police Lieutenant and Chief Lembo amplified the description for the Board's information, stating that the Lieutenant would be the Executive Officer in charge of the whole patrol division, and would be working on personnel scheduling in conjunction with the Sergeants, vehicle purchasing, and accreditation for the Department. It was noted that the position would not be eligible for overtime pay but the incumbent would be entitled to work paid details.

The Board then proceeded to interview Sergeant Peter S. Langmaid who joined the Department as a full-time patrolman in 1971, and was appointed as a Sergeant in 1985. Sergeant Langmaid is the present training officer and will continue in this position; he has also been in charge of the Department's Detective Bureau. Sergeant Langmaid stated that his annual salary consists of approximately \$5,000 - \$8,000 in overtime.

At the completion of the Langmaid interview, Sergeant Ronald J. Nix, a Department officer for seventeen years, was interviewed. Sergeant Nix was appointed as a Sergeant in 1974 and holds a Master's Degree. He stated that his annual salary consists of approximately \$8,000 - \$9,000 in overtime and assured the Board that he had no immediate plans for seeking a police chief appointment elsewhere, although he does not necessarily intend to end his career in Sudbury.

Chief Lembo recommended that Sergeant Nix be appointed as Police Lieutenant, stating that given the quality of the two applicants, the test scores, and their outstanding job performance, this recommendation was principally based on the length of service in the position of Sergeant.

The Board, concurring with the recommendation and the reasons therefor, on motion unanimously

VOTED: To appoint Ronald J. Nix as permanent full-time Police Lieutenant in the Sudbury Police Department, from certification list Requisition No. 860255, dated February 11, 1986, effective March 30, 1986, subject to approval by the Division of Personnel Administration, and to authorize the Executive Secretary to sign all appropriate documents related thereto.

Benefits will be voted at a subsequent meeting after the Executive Secretary and Officer Nix have reached agreement.

Bowker V

The Board noted receipt of a communication dated February 28, 1986, from John Baronowsky regarding resolution of drainage problems in his Bowker V neighborhood and directed that the Executive Secretary respond in writing.

Site Plan 85-293 - Chiswick Trading, Inc., 490 Boston Post Road

The Board noted receipt of the following communications relative to the approval on February 10, 1986, of the Chiswick Trading, Inc.'s site plan for property located at 490 Boston Post Road:

- Letter dated February 26, 1986, from Anne B. Meixsell, urging rescission of the site plan approval on the basis of water supply protection, asserting that the Town should be in full control over the clean-up;
- Memo dated March 1, 1986, from Conservation Commission Chairman Gordon Henley summarizing the Commission's involvement to date in the approval process and its continuing interest, specifically noting that any cleanup work on the site will most likely require a revised or new filing under the Wetlands Protection Act;
- Copy of the site plan approval appeal by the Planning Board to the Board of Appeals as filed with the Town Clerk, dated February 25, 1986, seeking that the Board of Appeals set aside that approval under c.40A, §8 authority;
- Letter dated February 25, 1986, from Planning Board Chairman Morton L. Brond requesting that the Board through its Zoning Enforcement Agent enforce against the owner of the Chiswick property Zoning Bylaw section V,E,7,b

dealing with prohibition of regular parking of commercial motor vehicles in Limited Industrial Districts within 1,000 feet of a Residential District unless they are wholly enclosed within a building, and Zoning Bylaw section III,C,1,a prohibiting uses in such districts which would be offensive or intrusive of adjoining districts or tend to reduce property values by reason of named detriments or which would "...contaminate ground water, any stream or other body of water or wet area."

With regard to the zoning enforcement question, Chairman Fox stated that although he voted against approval, the majority vote of the Board of Selectmen approving the site plan states that approval is "subject to compliance with all governmental laws and regulations including, but not limited to zoning, building and health laws and regulations...." (emphasis supplied). Furthermore, approval of the site plan does not mean approval of zoning, which is up to the Building Inspector who will not issue a building permit until all provisions of the zoning bylaw are complied with. Additionally, item 12 of the site plan approval vote requires:

performance of such studies deemed necessary by the Sudbury Board of Health and the State DEQE and conformity with all Board of Health and DEQE regulations and requirements, said studies to include, but not be limited to: a soil sampling plan to include the foundation area; on-site storage of any contaminated soil; an assessment of alternatives; preventative measures (venting system under the building) to assure that employees are not exposed to any contaminated fumes; any contaminated water to be treated (cleaned) before it is allowed to be discharged from the premises; establishment and notification of water gradient on existing site; and a determination whether or not the locus is a recharge area for a Water District well or well field, the results of said studies must be accepted by the local Board of Health and the State DEQE;

and is one of the conditions which must be performed before a building permit can be issued.

Chairman Fox stated that the Board had entered its deliberations with affirmative recommendations from other Boards and Town officials including the Building Inspector, Fire Chief, Town Engineer, and the Board of Health which has been working with the applicant and the DEQE for some time. The majority of the Board reasonably believed that the site would be cleaned up more quickly and completely through site plan approval of Chiswick Trading, Inc. than leaving it to Coatings Engineering which will be closing its operations and moving out of town. Also, the Water District was not opposed; only the Planning Board was opposed.

After discussion, it was on motion unanimously

VOTED: To ask the Building Inspector/Zoning Enforcement Agent to specifically address in writing concerns raised by the Planning Board as to whether or not the proposed use of the property located at 490 Boston Post Road by Chiswick Trading, Inc. violates sections V,E,7,b and III,C,1,a of the Zoning Bylaw.

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

Attest: _____
Richard E Thompson
Executive Secretary-Clerk