

IN BOARD OF SELECTMEN
WEDNESDAY, APRIL 1, 1987

Present: Chairman Anne W. Donald, David A. Wallace, John C. Drobinski.

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

Welcome to new Selectman

Chairman Donald welcomed newly-elected John C. Drobinski to the Board of Selectman and expressed the Board's expectation of a productive and successful term.

Reorganization of the Board of Selectmen

It was on motion of Selectman Anne W. Donald unanimously

VOTED: That Richard E. Thompson continue to serve as Clerk to the Board of Selectmen;

and it was further, on motion of Selectman David A. Wallace, unanimously

VOTED: To elect Anne W. Donald, Chairman of the Board of Selectmen, effective immediately, until the next reorganization of the Board of Selectmen;

and it was further, on motion of Chairman Donald, unanimously

VOTED: To elect David A. Wallace, Vice Chairman of the Board of Selectmen, effective immediately, until the next reorganization of the Board of Selectmen; and to appoint Selectman Wallace Middlesex County Advisory Board Designee and Richard E. Thompson Massachusetts Municipal Association Legislative Liaison;

and it was further on motion unanimously

VOTED: To set the time and place of the Selectmen's meeting to be on Monday evenings at 7:30 p.m., in the lower Town Hall, until further change.

Tax Anticipation Notes

Present: Town Treasurer Chester Hamilton.

On motion of Chairman Donald, it was unanimously

VOTED: To record the signing this afternoon of tax anticipation notes in the amount of \$500,000, effective April 9, 1987, and due May 8, 1987, pursuant to authorization of borrowing by Selectmen on March 16, 1987, and bid opening on March 31, 1987, as follows:

| | | |
|---|---------|--------|
| Essexbank | 3.52% | \$250M |
| Essexbank | 3.66% | \$250M |
| Boston Safe Deposit & Trust Co. (4.35% less \$310 Premium) | 3.58% | \$500M |
| BayBank Middlesex | 3.76% | \$500M |
| Guaranty First Trust Co. | No Bid. | |

Town Treasurer Chester Hamilton informed the Board that as a result of the Tax Reform Act of 1986, the Town is required to file a Certificate And Designation for Qualified Tax Exempt Obligations. Mr. Hamilton submitted such a Certificate and Designation to the Board, relative to the above borrowing in the amount of \$500,000 in anticipation of revenue for its review, and recommended that it be signed.

After discussion, the Board signed the Certificate And Designation, gave the original to Mr. Hamilton and retained a copy for the Board's records.

Utility Petitions 87-6 through 87-10

Representing Boston Edison: Robert L. Blake.

Executive Secretary Thompson confirmed that all abutters had been properly notified and favorable reports received from the Building and Wiring Inspectors.

UP87-6 Landham Road

Upon motion of Chairman Donald, it was unanimously

VOTED: To permit Boston Edison Company and New England Telephone and Telegraph Company to erect or construct on pole 15/1 a guy wire and anchor, in order to support the existing pole 15/1, to be used in common by them upon, in the following public way of the Town: Landham Road - westerly side approximately 133 feet south of Boston Post Road, as shown on plan of Boston Edison Company entitled "Plan of Landham Rd. Sudbury", dated February 3, 1987.

UP87-7 North Road - one pole relocation

Upon motion of Chairman Donald, it was unanimously

VOTED: To permit Boston Edison Company and New England Telephone and Telegraph Company to relocate pole 78/252 on North Road, which pole is presently blocking the entrance to a new development known as Kestrel Ridge, located off North Road; such relocation to be achieved by the removal of one existing JO pole and the erection or construction, and a location for, a pole and such other fixtures including anchors and guys as may be necessary to sustain or protect the wires of the line, to be used upon, along and across the following public way: North Road - northeasterly side approximately 26 feet southeast of Mary Catherine Lane, as shown on plan of Boston Edison Company entitled "Plan of North Rd. Sudbury", dated January 28, 1987.

UP87-8 North Road - approximately 18 feet of conduit

Upon motion of Chairman Donald, it was unanimously

VOTED: To permit Boston Edison Company and New England Telephone and Telegraph Company to install approximately eighteen feet of conduit in order to provide electric service to a new development known as Kestrel Ridge, by laying and maintaining, 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: North Road - at and southerly from Mary Catherine Lane, a distance of about 18 feet - conduit, substantially as shown on plan marked "N.E.T & T. CO., No. 87-4", dated March 5, 1987 and plan of Boston Edison Company entitled, "Plan of North Rd. Sudbury", dated February 4, 1987, filed with said petition.

UP87-9 Peakham Road

Upon motion of Chairman Donald, it was unanimously

VOTED: To permit Boston Edison Company and New England Telephone and Telegraph Company to erect or construct, and a location for, poles and such other fixtures including anchors and guys as may be necessary to sustain or protect the wires of the line, to be used upon, along and across the following public way: Peakham Road - southeasterly side from a point approximately 614 feet southwest of Horse Pond Road - two poles (two existing poles to be removed), as shown on plan by Boston Edison Company entitled "Plan of Peakham Rd. Sudbury" dated April 1, 1986.

UP87-10 Dutton Road

Upon motion of Chairman Donald, it was unanimously

VOTED: To permit Boston Edison Company and New England Telephone and Telegraph Company to erect or construct, and a location for, a pole and such other fixtures including anchors and guys as may be necessary to sustain or protect the wires of the line, to be used upon, along and across the following public way: Dutton Road - southeasterly side approximately 26 feet southwest of Atkinson Road - one pole (one existing JO pole to be removed), as shown on plan of Boston Edison Company entitled "Plan of Dutton Rd. Sudbury", dated February 4, 1987.

Proposed Lowell-Sudbury Bike Trail

Executive Secretary Richard E. Thompson reported that he and Conservation Coordinator Deborah Montemerlo attended the hearing April 1, 1987, on House Bill No. 1455 pertaining to the creation of a bike trail. Also present at that hearing were abutters Nancy Clinton and David Roddy. Mr. Thompson indicated that Sudbury was the only town represented at the hearing, and that he and Ms. Montemerlo did give testimony on behalf of the town in support of the bike trail, subject to the clause for local approval as stated in the statute remaining intact. He further indicated the Selectmen's strong concern about abutters' worries dealing with the issues of maintenance and public safety. Mr. Roddy was the only other speaker, and he opposed the legislation on the grounds that, with the problems concerning the National Debt, the Harbor Tunnel, and the like, Two Million Dollars should not be spent on a bike trail. Mr. Thompson noted that Mr. Roddy was questioned by every member on the panel.

Mr. Thompson believes the Bill has a lot of "sympathy votes" because one of the pioneers of the trail (and the individual for whom the Bill is named), Bruce N. Freeman, was a state representative. With regard to the naming of the trail, Mr. Thompson expressed his opinion that rather than the trail being named after an individual, it be given a more regional name, and stated this was also the view of the Department of Environmental Management.

Town Pool

Mr. Thompson reported to the Board that he visited the Department of Revenue also on April 1, 1987, and submitted the Business Plan and estimated receipts for the Town Pool to Mariellen Murphy, Acting Director of the Bureau of Accounts.

Enterprise Funds

Mr. Thompson informed the Board that the Town has received a response from the State in support of Town Accountant James Vanar's positions regarding accounting procedures relative to Enterprise Funds, as well as guidelines for Town Meeting action. The Board commended Mr. Vanar for the fine job he did in researching this matter and drafting the letter.

Site Plan 86-303--Terrio Realty Trust, 339 Boston Post Road

On motion of Chairman Donald, and seconded by Selectman Wallace, with Selectman Drobinski abstaining, it was

VOTED: To record the approval and signing of a Notice of Decision in the matter of granting a Site Plan Special Permit to Donald Terrio, Terrio Realty Trust, to construct a 5,760 sq. ft. addition to the existing building at 339 Boston Post Road, pursuant to the Board's approval of Site Plan Application 86-303 on March 16, 1987.

Later in the evening, the Board reviewed a letter dated March 31, 1987 from Town Engineer I. William Place stating that, together with Assistant Town Engineer Bruce Kankanpaa, he met with Engineer Bruce Ey of Schofield Brothers to review the access/egress problem. Selectman Wallace expressed his opinion that the agreement as outlined in the letter to remove the entire length of hedge and replace it with grass is insufficient to alleviate the danger and suggested that a "No Left Turn" sign be erected. Chairman Donald pointed out that the difficulty with this situation is that the access/egress is not owned solely by Mr. Terrio. It was concluded that further discussion with the Town Engineer was needed before the matter is finalized.

State Local Aid - Town of Arlington Referendum Question

The Board reviewed additional information it received from the Town of Arlington in the form of a Resolution that town had drafted in support of legislation filed by Representative Flood, House Chairman of the Committee on Taxation, which would increase the level of state aid to cities and towns from 40% to 50% of growth taxes.

Executive Secretary Thompson recommended the Board support the efforts of Arlington Town Manager Donald R. Marquis, citing Mr. Marquis' twenty-seven years as Arlington's Town Manager and the solid unanimous support Mr. Marquis has received from the five-member Board of Selectmen of Arlington.

On motion of Selectman Wallace, it was unanimously

VOTED: To support the proposed Resolution as drafted January 1987 by Arlington Town Manager Donald R. Marquis, which resolution strongly supports legislation filed by Representative John H. Flood (6th Norfolk District), House Chairman of the Committee on Taxation, which would increase the level of state aid to cities and towns from 40% to 50% of growth taxes, and to further strongly request that our State Senator and Representative vote in favor of Representative Flood's local aid bill.

Warrant Review

It being 8:00 p.m., Chairman Donald convened a Warrant Review for the 1987 Annual Town Meeting and the April 6, 1987 Special Town Meeting, and turned said Review over to Town Moderator Thomas G. Dignan, Jr.

Mr. Dignan first congratulated John Drobinski on his election to the Board of Selectmen and wished him success in his new position.

Moderator Dignan, referring to the Official Warrant, requested the various Boards, Departments, Commissions and individuals to indicate their intention to speak on each Article of the Annual and Special Town Meetings. Mr. Dignan noted that with regard to those articles on the Consent Calendar, he wished to be informed of speakers in the event the article is taken off the Consent Calendar. Various individuals, either personally or as representatives of various committees, departments or boards, then gave their names or those of others who intend to speak to the sundry articles.

During the course of the review, Moderator Dignan discussed the scheduling of the Town Meeting, since various religious holidays will be observed in the same time period, as well as school vacation. It is Mr. Dignan's opinion that the Town Meeting will run for six days. He suggested it may be well to adjourn the Town Meeting after April 8th for a period of two weeks, reconvening the last week in April. After discussion, Mr. Dignan stated it is his intention to put the question of scheduling after the first three days to the Town and let the majority rule as to the continuing dates. He plans to make it clear to the townspeople that if something is not decided by a two-thirds vote, the town will have no choice but to be back at Town Meeting Monday, April 13th.

Moderator Dignan noted that Article 8 (Street Acceptances) is on the Consent Calendar and therefore may present no problem. He wished to make it known, however, that if this Article is taken off the Consent Calendar, he may have to excuse himself with regard to this particular Article, since one of the streets involved is the one on which he resides. Russell Kirby of the Planning Board assured Mr. Dignan that if it plans to move on this Article, he will inform Mr. Dignan in sufficient time for a replacement moderator to be selected.

Moderator Dignan stated that as a result of the numerous telephone calls he has received, he believes there will be considerable debate on Articles 28 and 29 (transfer of lands to SHA) and Articles 43 and 44 (transfer of lands to Park and Rec), and thus he intends to take the time at Town Meeting to explain to the townspeople exactly what the articles mean. Town Counsel Paul Kenny suggested a possible technical problem may exist regarding a vote needed from the Board of Selectmen before any of these articles may be presented to the townspeople for their vote. Mr. Kenny will draft the proper vote and the Board will take whatever action is necessary to make certain these articles are properly before the townspeople.

There was further discussion on these articles with regard to the proper procedure in the event of acceptance or rejection of Articles 28 and/or 29.

Mr. Dignan reminded those present that speeches are limited to 15 minutes, regardless of the number of people speaking on behalf of a particular group. He further stated that non-voters will be allowed to speak if there is a majority consent of those present, and that town employees may participate in the Town Meeting, but may not vote.

Mr. Dignan stated he has been told the meeting will be televised on cable and Executive Secretary Thompson stated he is making it clear to the cable televisers that they may not interfere with the meeting. Mr. Dignan stated he had done the same.

With regard to Article 36 (Cluster Zoning), Mr. Dignan stated it was his understanding that Charles Cooper would be offering a number of amendments to this article. Mr. Dignan requested that someone advise Mr. Cooper that, as discussed between Messrs. Dignan and Cooper telephonically, a number of these proposed amendments will be allowed because they are within the four corners of the Article; but Mr. Dignan will rule--if the attempt is made to add to that Article the concept of eliminating the possibility of a joint septage facility--that it goes beyond the four corners of the Article and will not be allowed.

It was recommended that Michele Racicot, recipient of the Girl Scout's Gold Pin and secretary to the Finance Committee, be asked to give the Pledge of Allegiance and this was endorsed by the majority present. Mr. Dignan stated he will contact her regarding this.

There was a discussion concerning Resolutions, with the result that Moderator Dignan stated that since Sudbury traditionally allows Resolutions, he will make a ruling that the Resolutions be heard following the last Article on the Warrant, and he will allow that ruling to be appealed. If appealed, the matter will not be debatable, but the questions will be placed before the townspeople and if a majority so rules, he will bring the Resolutions up earlier.

After further discussions, the Warrant Review concluded and the Board recessed at 9:35 p.m., after which it reconvened at 10:00 p.m.

Gift of land off Moore Road/Ethel Marcus

On motion of Selectman Wallace, it was unanimously

VOTED: To sign and certify approval of receipt, under G.L. c. 40, §8C, of a deed conveying approximately 1.25 acres of land off Moore Road, shown as Parcel 2 on Town of Sudbury Property Map G04, and also shown as Lot 2 on a plan entitled, "Plan of Land in Sudbury, Mass., Owner: William J. and Jessie W. Hall, Plan By: Colburn Engineering Hudson, Mass.", dated August 15, 1973, granted by Ethel Marcus of Framingham, Mass., to be managed and controlled by the Conservation Commission for the promotion and development of natural resources and protection of watershed resources of the Town.

"Chapter 90" Reimbursement Requests/Highway Surveyor

On motion of Selectman Wallace, it was unanimously

VOTED: To sign Chapter 90 forms as prepared and submitted by the Highway Surveyor, as follows: (a) reimbursement request for Sherman's Bridge Design in the amount of \$4,275.20, under M.A. #30821; (b) final report relative to M.A. #30821 (\$70,115); (c) List of Materials form (vendor itemization) relative to "a" above; (d) reimbursement request for Sherman's Bridge Design in the amount of \$14,144.36, under M.A. #31233; and (e) List of Materials form (vendor itemization) relative to "d" above.

Renewal of Group Health Insurance Policies

The Board reviewed a health insurance report on 1987 Group Insurance Renewal, Town of Sudbury, prepared by Commercial Insurance Planning Corporation Employee Benefit Specialists, Inc. of March 1987.

Based on the report, Executive Secretary Thompson recommended that the Board implement a change in health insurance plan to Blue Cross/Blue Shield's Master Health Plus for the future, as this would be a savings of approximately \$40,000 to \$50,000 to the Town. Town Counsel Paul Kenny suggested the Board review the contracts with the teachers concerning health coverage, as this may present a problem to change from Master Medical to Master Health Plus.

It was agreed that additional information will be helpful and this matter will continue to be looked into.

Workers Comp Audit Review/Police and Fire Accident Market Evaluation

The Board reviewed a proposal submitted by Betterley Risk Consultants to Finance Director James Vanar to review premium audits on the Town's Workers Compensation Insurance with American Mutual Insurance Company and to review the Town's current Police and Fire accident risk and offer recommendations.

Executive Secretary Thompson informed the Board that Budget Analyst Terri Ackerman conducted a preliminary audit analysis in these areas and has determined a number of discrepancies when compared to the reports issued by American Mutual. As a result of this, Mr. Thompson anticipated a substantial savings to the Town, not only in future premiums, but also in possible reimbursement from American Mutual for its unsatisfactory performance.

After discussion, it was on motion of Selectman David A. Wallace unanimously

VOTED: To accept the proposal to review premium audits on the Town's Workers Compensation Insurance with American Mutual Insurance Company and to perform a market evaluation for Police and Fire accident insurance and offer recommendations as to an appropriate method of handling such injury-on-duty claims, for a cost of \$2,000-\$3,000 contained in letter dated March 16, 1987, from David A. Tweedy of Betterley Risk Consultants to Finance Director James Vanar with the proviso that Betterley Risk Consultants includes a recommendation relative to continuing coverage with American Mutual Insurance Co. in its report.

Minutes

On motion of Chairman Donald, and seconded by Selectman Wallace, with Selectman Drobinski abstaining, it was

VOTED: To approve the regular and executive session minutes of March 23, 1987, as drafted.

MDC River Diversion Project - Appointment of Stephen Sandler to SCAC

Noting with pleasure the positive response of the townspeople in expressing interest in the Sudbury Citizens' Advisory Committee for the Metropolitan District Commission River Diversion project, it was on motion of Chairman Donald, unanimously

VOTED: To appoint Conservation Commission member Stephen Sandler of 61 Maynard Road as Sudbury's representative on the Sudbury Citizen's Advisory Committee for the Metropolitan District Commission River Diversion project, replacing Frank A. Scofield.

MetroWest Growth Policy Meeting

Chairman Donald reported that the MetroWest Growth Policy meeting previously scheduled for Wednesday, April 8, 1987, has been re-scheduled to Thursday, April 9, 1987.

Council on Aging Van Donation

On motion of Chairman Donald, it was unanimously

VOTED: To accept \$140 in miscellaneous donations to be deposited in the Council on Aging Van Donation Account, and to authorize the Council on Aging to expend the same for purposes of operating and maintaining the Council on Aging van.

Fairbank School Overhang

Executive Secretary Thompson reported that he has further reviewed the proposed plans concerning reconstruction of the Fairbank School, and has therefore revised his earlier opinion regarding the "overhang" presently attached to the building. Mr. Thompson reminded the Board that he had agreed with Jane Neuhauser of the Park and Recreation Commission that the overhang should be retained; however, after speaking with John Taft and Peter Berkel, and reviewing the plans by Stanmar, he feels the overhang should not be kept.

Mr. Thompson recommended he contact Mrs. Neuhauser and let her know of this latest development concerning the overhang. The Board agreed. He further recommended that if she continues to have a strong objection to the removal of the overhang, meetings with the Pool Commission, or Design Review Board or other appropriate committee be arranged with her, so she may fully understand the situation.

Reception for Mr. and Mrs. Anthony Moore of Sudbury, England

Selectman Wallace remarked upon a Luncheon Reception he and Chairman Donald attended with other officials and residents of the Town on Tuesday, March 31, 1987, for former Mayor Anthony Moore and his wife, who were visiting from Sudbury, England. The luncheon was arranged by the Selectmen's Office.

Article 22A (Sperry Zoning)

Selectman Drobinski reported that he had a discussion with Lee Newman of the Planning Board concerning the Sperry Rezoning Article on the Warrant for Town Meeting with regard to the disparity in recommendations by the Planning Board and Board of Selectmen for figures to be used for calculations in limiting the extent of commercial development.

It was unanimously agreed by the Board that Executive Secretary Thompson should contact the Planning Board and invite them to the discussion scheduled with the Industrial Development Commission on Wednesday, April 8, 1987, in order that a consensus be reached on the formula for limiting the extent of commercial development, pursuant to Article 22A of the Warrant for Town Meeting.

The Board requested that Executive Secretary Thompson contact the Town Engineer to discuss more acceptable solutions to this problem.

Landfill - DEQE

Executive Secretary Thompson brought to the attention of the Board a letter dated March 30, 1987, concerning the Town landfill, from Richard J. Chalpin, Deputy Regional Environmental Engineer for the Commonwealth of Massachusetts, to Michael J. Sullivan, Director of Board of Health. Before taking any action on this situation, the Board will meet in the near future with the Town Engineer and the Resource Recovery Committee.

Boston Edison - Powder Mill Road Station

The Board reviewed a diagram highlighting a proposed expansion of Boston Edison's Maynard Station #416 of an additional forty feet, extending into Sudbury. Executive Secretary Thompson explained that Jack Goggin from Boston Edison informed him that, in order to accomplish this, Boston Edison will have to obtain a permit from the Department of Public Utilities. The purpose for this extension, according to Mr. Goggin, is to enable Boston Edison to have a method to "re-power" the transformers. The Board will take note of developments as they occur.

Sudbury Youth Commission

The Board reviewed with interest the minutes of the March 17, 1987 meeting of the Sudbury Youth Commission. Mr. Thompson highlighted that section of the minutes which stated, "The SYC reiterated its position that both Code and the outreach worker are needed and voted unanimously to go forward in presenting the article at town meeting. Our hope is that Code would remain a line item under SYC's control." Mr. Thompson asked the Board to consider supporting the same at Town Meeting.

R. G. Trucking - Penalty Implementation

The Board reviewed memorandum dated March 23, 1987 from Assistant Town Counsel David Doneski regarding implementation of the fine imposed by the Board at its meeting of March 23, 1987.

Town Counsel Paul Kenny explained that unless and until Article STM7 regarding non-criminal procedural enforcement is accepted at Special Town

Meeting, the Town does not have the authority to levy fines, without going through the District Court.

After discussion, on motion of Chairman Donald, and seconded by Selectman Wallace, with Selectman Drobinski abstaining, it was

VOTED: To send a written communication to Robert Grierson of R. G. Trucking informing him that since there is presently a warrant article pending concerning the non-judicial enforcement of fines, the Board has reconsidered the penalty imposed upon R. G. Trucking at the Board's meeting of March 23, 1987, and has decided not to levy a fine against the company or its driver; but that any future violations of landfill regulations will result in a substantial suspension of R. G. Trucking Company's privileges to use same.

Donald Porter - Operation of A Lodging House

The Board reviewed letter dated March 24, 1987, from Town Counsel Paul Kenny to Donald Porter of 49 Stone Road, informing Mr. Porter that the Town's Building Inspector has determined that he is operating a lodging house, as defined in Chapter 140, §22 of the Massachusetts General Laws, and outlining the duties and obligations therefor. The Board noted that Attorney Kenny has given Mr. Porter until April 13, 1987, to comply with the law; otherwise court proceedings will be contemplated.

Executive Session

At 10:10 p.m., it was on motion by roll call unanimously

VOTED: To go into Executive Session for the purpose of discussing litigation issues.

(Chairman Donald, aye; Selectman Wallace, aye; Selectman Drobinski, aye).

The Chairman announced that public session would not reconvene following the Executive Session.

There being no further business to come before the Board, the meeting was adjourned at 11:15 p.m.

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk