

IN BOARD OF SELECTMEN
MONDAY, AUGUST 3, 1987

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

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

Utility Petition 87-22 - Digital Equipment Corporation

Present: Cynthia Leary, NYNEX; Mary Marshall, Attorney, Rackemann, Sawyer & Brewster.

The Board reviewed Utility Petition 87-22 by NYNEX and Digital Equipment Corporation for permission to lay and maintain underground conduits under the surface of Maynard Road and Boston Post Road; and a further petition to attach/install a fiber optic and/or copper communication cable to existing poles, aerial and underground.

Executive Secretary Thompson noted that all appropriate abutters had been notified and approval had been recommended by the Inspector of Buildings and Wiring Inspector under date of July 28, 1987; by the Fire Chief under date of July 30, 1987; and by the Board of Health under date of July 31, 1987.

On motion of Chairman Donald, it was unanimously

VOTED: To approve Utility Petition 87-22 for permission to lay and maintain underground conduits with the wires and cables to be placed therein, under the surface of the following public ways of the Town: (a) Maynard Road - easterly side, approximately 300 feet north of Hudson Road, beginning at existing Pole 3 southerly along soft shoulder to existing manhole - a distance of about 15 feet of conduit; and (b) Boston Post Road - northerly side, approximately 265 feet east of Nobscot Road beginning at existing Pole 16/80 westerly along parking lot area to existing manhole 5A/9 - a distance of about ten feet of conduit; as shown on sketch entitled "NYNEX BISC/DEC Proposed Conduit Placement - D.E.C. Drawing 4" dated June 23, 1987, and sketch entitled "NYNEX BISC/DEC Proposed Conduit Placement - D.E.C. Drawing 5" dated June 23, 1987.

On motion of Chairman Donald, it was further unanimously

VOTED: To authorize Digital Equipment Corporation to attach/install a fiber optic and/or copper communication cable to existing poles owned by New England Telephone and Telegraph Company and/or Boston Edison Company and within existing underground conduit facilities owned by New England Telephone and Telegraph Company, as follows:

a. Aerial, attached to poles:

Maynard Road (from Maynard Town Line to Ward Road);
Maynard Road (from Pole 3, approximately 300 feet north of Hudson Road, to Hudson Road);
Hudson Road (from Maynard Road to Peakham Road);
Peakham Road (from Hudson Road to Old Lancaster Road);
Old Lancaster Road (from Peakham Road to Concord Road);

Concord Road (from Old Lancaster Road to Union Avenue);
Union Avenue (from Concord Road to Boston Post Road);
Boston Post Road (from Union Avenue to Pole 16/80 approximately 265 feet east of Nobscot Road).

b. Underground conduit:

Maynard Road (from Ward Road to Pole 3);
Boston Post Road (from Pole 16/80 to Nobscot Road);
Nobscot Road (from Boston Post Road to Framingham Town Line).

as described and shown on petition entitled "Petition for Attachment to Existing Poles and/or Occupancy of Underground Conduit Facilities" and attached plan, "Exhibit A", both dated June 25, 1987, to provide for a link in a communications network for Digital's plants; said cable to be installed by NYNEX Business Information Systems Company and owned by Digital Equipment Corporation; subject to Digital Equipment Corporation bearing all costs associated with moving fire alarm cables.

Minutes

It was on motion of Selectman Wallace unanimously

VOTED: To approve the minutes of the meeting of July 20, 1987, as presented.

Grant Easement to Water District - Well Number Nine, Raymond Road

The Board reviewed Town Meeting vote dated September 25, 1986, authorizing the Board to execute document conveying an easement to the Sudbury Water District, known as Well Number Nine, Raymond Road; and Grant of Easement prepared to effectuate same.

On motion of Selectman Drobinski, it was unanimously

VOTED: To sign grant of easement to the Sudbury Water District shown as Easement "C" on "Plan Showing Proposed Easement, Water District Well Number Nine, Raymond Road, Sudbury, Massachusetts", dated October 10, 1985, revised November 25, 1985, by the Town of Sudbury Engineering Department, pursuant to vote of the September 25, 1986 Special Town Meeting under Article 9.

Drainage Easement - Properties located off Woodmere Drive Extension

Following review, it was on motion of Selectman Wallace unanimously

VOTED: To accept a Drainage Easement relative to properties located off Woodmere Drive Extension given by Robert Paul Stager and Nancy M. Stager, owners of Lot 7; Robert H. Ropp and Alexia L. Jacobs, owners of Lot 4; and David L. LaHaise and Linda M. LaHaise, owners of Lot 5; dated June 13, 1987 and recorded June 16, 1987 as Instrument No. 619; said easements shown on a plan entitled "Barton Farms" dated September 16, 1983, No. 12727, drawn by Schofield Brothers, Inc. This document supersedes Drainage Easement dated February 3, 1984, given by Trustees of Sudbury 01776 Trust (former owners), accepted by Selectmen February 13, 1984, which document was not recorded.

Walkway Easement - 391 Concord Road

Following review, it was on motion of Selectman Drobinski unanimously

VOTED: To accept a Walkway Easement granted by Earl E. Chadsey, Jr. and Ida S. Chadsey, dated July 22, 1987, for property located at 391 Concord Road, shown on "Plan of Land in Sudbury, Massachusetts showing walkway easements, Concord Rd.", dated December 8, 1977.

Appointment of Republican and Democratic Election Officers

The Board reviewed and considered the lists submitted by the Republican Town Committee and by the Democratic Town Committee. It was pointed out by Executive Secretary Thompson that four more individuals are needed for the Republican list of Election Officers, to allow four additional Emergency Inspectors to be appointed from each party to meet the needs of the Town Clerk's Office.

As recommended by the Town Clerk, it was on motion of Chairman Donald unanimously

VOTED: To appoint Republican and Democratic Election Officers for the year commencing August 15, 1987, submitted by the Republican and Democratic Town Committee Chairmen, in accordance with General Laws Chapter 54, section 12; with the understanding that revisions will come before the Board as and if needed.

Resignation, Lawrence Shluger-Earth Removal Bd./Associate Member Bd. of Appeals

On motion of Selectman Wallace, it was unanimously

VOTED: To accept the resignation of Lawrence Shluger, dated July 22, 1987, from the Earth Removal Board and Board of Appeals Associates.

Commendation - Sgt. Peter F. Fadgen; Patrolman Michael A. Lucas

The Board acknowledged with pride the Commendation, dated July 20, 1987, from Police Chief Peter Lembo to Sergeant Peter F. Fadgen and Patrolman Michael A. Lucas relative to a successful investigation concerning a missing police radio.

Intersection Improvement Program - relocation of Pole-Concord Rd. at Candy Hill

On motion of Selectman Drobinski, it was unanimously

VOTED: To grant emergency approval to Boston Edison Company and New England Telephone and Telegraph Company to proceed immediately with the relocation of Pole 2/8 approximately two feet southeast of its present location within the traffic island on the easterly side of Concord Road at Candy Hill Road, as shown on a plan entitled, "Town of Sudbury 'Intersection Improvement Program' Concord Road & Candy Hill Road", dated August 21, 1986, prepared by the Sudbury Engineering Department, to enable reconstruction of the intersection to go forward in advance of receipt of petitions and public hearing.

Acceptance of Arthur Young & Company Audit Report

Present: James Vanar, Town Accountant/Director of Finance.

Town Accountant/Director of Finance James Vanar explained to the Board that the letter dated June 22, 1987 and attached audit report prepared by Arthur Young & Company represents a standard "boiler-plate" audit. For example, on page 2 of the letter dated June 22, 1987, there is a section entitled "Segregation of duties", which recommends independent personnel be hired. Mr. Vanar explained that Arthur Young & Company realizes that in Towns the size of Sudbury, it would not be financially sound to put another employee in the Treasurer's Office. Mr. Vanar stressed that the report is as complete as any private corporation receives and that the audit is necessary because of the Town's receipt of Revenue Sharing Funds. Mr. Vanar stated that, although audits will continue to be performed, they will be on a two-year basis rather than a yearly one. The reason for this, Mr. Vanar opined, is that the Town is "in good shape" and could skip a year for another audit.

The Board next reviewed draft letter of representation dated July 20, 1987 relative to financial statements affecting the Fiscal Year 1986 audit.

On motion of Selectman Drobinski, it was unanimously

VOTED: To accept the audit report of Arthur Young & Company, entitled "Town of Sudbury, Massachusetts, Federal Financial Assistance and Internal Accounting Control and Compliance", for the fiscal year ended June 30, 1986, dated March 6, 1987, with accompanying report dated June 22, 1987, evaluating the Town's systems of internal accounting control; and further, to authorize Chairman Donald to sign a letter of representation addressed to Arthur Young & Company, Auditor, relative to financial statements affecting the Fiscal Year 1986 audit.

Annual Performance Review - James Vanar, Director of Finance/Town Accountant

Present: James Vanar, Director of Finance/Town Accountant

The Board reviewed the Annual Performance Report dated June 19, 1987, submitted by James Vanar, Director of Finance/Town Accountant.

Mr. Vanar stated he is extremely pleased with the progress that has been made in the 5-1/2 years he has been in office. He credits his top-notch support staff for assisting him in reaping the fruits of his labors. Selectman Drobinski inquired about the under-utilization of the computer, as outlined in Item 3 of Mr. Vanar's Report. Mr. Vanar explained that it is his hope that the collection process will be programmed into the computer in the near future.

On motion of Selectman Wallace, it was unanimously

VOTED: To accept the Annual Performance Report dated June 19, 1987, submitted by James Vanar, Town Director of Finance/Accountant; and further, to set the FY88 salary, retroactive to July 1, 1987, for the individually-rated position of Director of Finance/Town Accountant James Vanar at \$44,426 (Grade 14, Step 7).

The Board expressed its appreciation to Mr. Vanar for the fine job that he has done and wishes him every success for the upcoming year.

Lease - Fairbank Community School/L-S West Alternative School

The Board reviewed Lease drafted between the Town and the Lincoln-Sudbury Regional School District for a portion of the Fairbank School for use by the Regional High School for the L-S West alternative school, for the period September 1, 1987 through June 30, 1989.

Executive Secretary Thompson pointed out that the issue regarding joint use of the classroom next to the boiler room remains unresolved, but recommended execution of the lease forthwith and the High School and Teen Center continue to work to a mutually-satisfactory resolution of use of the room. Mr. Thompson reported also that the closet located in the boiler room will continue to be used by the Teen Center, but not made part of the lease. The Board concurred with these recommendations.

Chairman Donald pointed out that Item C ("Renewal") on page one of the lease may be ambiguous with regard to the years involved and suggested the wording be made clear that the months referred to for provision of reports are for each year during the term of the lease.

On motion of Selectman Wallace, it was unanimously

VOTED: To approve and sign a lease between the Town and the Lincoln-Sudbury Regional School District for use of a portion of the Fairbank Community School by the Regional High School for the L-S West alternative school, for the period September 1, 1987 through June 30, 1989, with the aforementioned amendments.

Regional School Committee Meeting

Chairman Donald informed the Board concerning the notice that a meeting of the Regional School Committee with Lincoln and Sudbury Selectmen regarding the Regional Agreement is scheduled for Wednesday, September 16, 1987. She wishes to attend the meeting, but may have another commitment that evening. Executive Secretary Thompson stated that he will advise the appropriate parties and suggest the meeting might be rescheduled for Thursday, September 17, 1987.

Federation of Women's Clubs

Chairman Donald acknowledged an invitation she received from the Federation of Women's Clubs for a meeting to be held Sunday, August 30, 1987. She stated she will have to inform the Federation will regrets that she will be unable to attend since she will be out of town during that period. Executive Secretary Thompson indicated that he plans to attend.

Sanitary Landfill and Summer Projects

Present: Highway Surveyor Robert Noyes; Operations Assistant Michael Pakstis; Town Engineer I. William Place.

The Board reviewed memorandum dated August 3, 1987 submitted by Highway Surveyor Robert A. Noyes, which contained an update on the Landfill and listed

proposed plans for it. The Board also reviewed letter dated July 27, 1987 to DEQE from Town Engineer I. William Place. Mr. Place reiterated to the Board that there will be no consent decree coming from DEQE and the Town is not in violation of the rules and regulations. In response to inquiry by Chairman Donald, Mr. Place guesstimated that the Landfill will last perhaps an additional five years using the pond area.

Executive Secretary Thompson suggested to Highway Surveyor Robert Noyes that he prepare one article encompassing a request for the monies required for a new fence and other necessary items. This would prevent these important improvements from being "buried" in a general budget request and would allow the townspeople to become fully familiar with the Landfill and its growing needs. Mr. Thompson pointed out that by year's end, the Landfill will have collected approximately \$150,000; and at least some of this revenue should go back directly to the needs of the Landfill. Selectman Drobinski agreed and further suggested that Mr. Noyes contact the Resource Recovery Committee for its input and suggestions for improvements.

Town Engineer I. William Place next gave a summary of the summer projects in progress, which include construction of parking spaces at Fairbank School; traffic circulation pattern for Peter Noyes School; investigation into the possibility of additional parking at Police Station; establishment of septic systems for the portable classrooms located at Haynes School; obtaining easements at various locations. In addition, Mr. Place reported that the Goodman's Hill walkway design work is being completed and cost estimates will be forthcoming. Also, the field work at Fairbank is completed for the new pool parking lot and the design should be submitted in the Fall. With regard to the Landfill, he is continuing work on the closure plan and operational plan for the pond area. In conclusion, Mr. Place stated he is continuing work with the Route 20 Task Force's short and long range projects; with the MBTA concerning its right-of-way; and with the Resource Recovery Committee.

Mr. Noyes stated his main summer projects have been construction of islands at various locations, walkway maintenance; paving; and trimming back street and walkway brush.

Proposed Alternative Disposal of Wood Materials

Present: Robert Grierson, R. G. Trucking Co., 11 Great Road.

Executive Secretary Thompson informed the Board that Robert Grierson, a resident of the Town and owner of R. G. Trucking Co., contacted him with a proposed alternative to the dumping of wood materials at the landfill. Consequently, he, Highway Surveyor Robert Noyes, Health Director Michael Sullivan and Mr. Grierson met to discuss the possibility of Mr. Grierson hauling all wood materials from the landfill to another location.

Mr. Grierson explained that he has already been approached by other communities to perform this service, but since he is a resident of Sudbury, he wanted to see if this Town was interested in this service. In exchange for his supplying the containers, truck and personnel to haul the wood from the landfill for recycling, Mr. Grierson requests he have his regular disposal charges waived.

Chairman Donald expressed her opinion that this matter is worth exploring and Mr. Thompson recommended to the Board that it direct the Town Engineer to prepare a full report at the earliest possible time. Chairman Donald further recommended to Mr. Grierson that he submit his proposal in writing so there will be no misunderstanding as to the terms. Mr. Grierson agreed to submit his written proposal to Mr. Thompson by the end of the week.

Mr. Thompson concluded by stating he felt any improvement over the present situation can only benefit the Town and suggested any arrangement worked out between the Town and Mr. Grierson would be on a trial basis.

The Selectmen concurred with Mr. Thompson's recommendations and informed Mr. Grierson they look forward to a final report on this matter, which is of concern to them.

DEQE Public Hearing Re: Willis Hill Subdivision Package Sewage Treatment Plant

Present: Lael M. Meixsell and Russell P. Kirby from the Planning Board; Hugh Caspe from the Board of Health; Frances H. Clark and Gordon D. Henley from the Conservation Commission; and Mark Taylor of 209A Haynes Road.

The Board reviewed a draft policy statement prepared by Selectman Drobinski for presentation at the DEQE Division of Water Pollution Control public hearing on August 4, 1987, relative to the Division's tentative determination to issue a Ground-Water Discharge Permit for a proposed wastewater treatment facility (package sewage treatment plant) to serve the Willis Hill Subdivision, Willis Hill and Maynard Roads. The Board also reviewed memorandum dated July 31, 1987, prepared by the Office of Town Counsel to Conservation Coordinator Deborah Montemerlo and Town Planner Lee Newman, which was in response to questions raised by them in their memorandum of July 22, 1987; and DEQE response of May 26, 1987, to letter dated May 18, 1987 to DEQE from the Board of Health, and memorandum dated June 24, 1987 to the Board of Selectmen, from the Board of Health.

Board of Health member Hugh Caspe submitted to the Board for its perusal copy of outline he anticipates presenting on behalf of the Board of Health at the DEQE public hearing, which contains 29 points of concern and four major issues the Board of Health feels have not been satisfactorily addressed by DEQE prior to the issuance of the permit.

Selectman Drobinski stated that the Board will revise its draft policy statement by incorporating therein many of the points raised by the Board of Health in the letter and memorandum referred to above, and also by incorporating the substantive points raised in the memorandum prepared by the Office of Town Counsel.

Although many of the points to be presented by the Board of Selectmen will be a repetition of those proffered by the Board of Health, it was agreed that this would be effective, since the Board of Health will be more technical in its discussion on those similar issues.

Mr. Caspe stated that the Board of Health would also be requesting a thirty-day extension by DEQE for public comment. Chairman Donald stated it was her understanding that the Massachusetts Environmental Policy Act (MEPA)

process will extend the time period to more than thirty days. Frances Clark of the Conservation Commission pointed out that there is a lot of public interest being generated and it will be important for the public to know they can respond. Selectman Drobinski concurred with her opinion and stated the Board of Selectmen will also ask for such an extension.

Executive Secretary Thompson opined that it is important that the Board speak in a positive but forthright manner at the public hearing.

Chairman Donald stated she was cautioned by Town Counsel not to place too much emphasis on the planning and land-use items, since those are not within DEQE's province. Mr. Caspe assured the Board that although he is addressing these issues, they are only part of the 29 points he will be raising.

Executive Secretary Thompson agreed with Planning Board member Russell Kirby, who stated that the public hearing will be a good place to express the view that the process employed by DEQE has to this point excluded the communities' input, which should be important because the impact on the communities is obvious, although not always the same from one to the other. Mr. Kirby will state that if there is no provision in place to allow community input, DEQE should develop and implement one.

In response to inquiry and suggestion by Mr. Caspe, Executive Secretary Thompson stated that the order of presentation of speakers will in all likelihood be: (1) Representative Lucile Hicks; (2) Board of Selectmen; (3) Board of Health; (4) Planning Board; (5) Conservation Commission; (6) individual speakers. Mr. Thompson stated that he will inform DEQE in advance of the hearing the order and names of the various speakers.

Mr. Thompson stated that he would contact Winthrop H. Fairbank of the Water District and request that he attend.

With regard to formation of the Package Sewage Treatment Plant Advisory Group, Mr. Thompson proposed that once a time schedule is established, a Task Force should be established to act as an "interface" with DEQE and the Town and to plan a strategy on what will occur in the future. The Board agreed.

Russell Kirby expressed his personal disappointment that the Board of Selectmen would not give official sanction to this advisory group in time to present itself before the DEQE at its public hearing. Hugh Caspe pointed out, however, that the points raised by the advisory group will be presented at the hearing and Mr. Thompson opined that DEQE cannot escape the presumption that the Town is unified in its views, since the individual departments, committees and commissions are expressing the same concerns and issues.

After discussion, it was unanimously

VOTED: To request that Executive Secretary Thompson place an advertisement in the Bentley publication requesting applications from those individuals interested in participating in a Package Sewage Treatment Plant Advisory Group, such applications to be received no later than August 25, 1987; and to place on the agenda for August 31, 1987, establishment of such an advisory group and review of applications for appointment to said group.

Cooperative Land Acquisition Agreement - Dickson Parcel

Present: Gordon D. Henley, Chairman, Conservation Commission.

Following review of the Cooperative Land Acquisition Agreement, it was on motion unanimously

VOTED: To authorize Chairman Donald to sign the Cooperative Land Acquisition Agreement between the Massachusetts Department of Environmental Management (DEM), the Massachusetts Department of Fisheries and Wildlife (DFW), and the Sudbury Conservation Commission relative to acquisition by the DEM and DPW of two parcels of land presently owned by Brenton H. Dickson, Edward M. Dickson, William A. Dickson, Anna D. Ela and Ruth W. D. Orcutt, containing about 87.2 acres, situated by the Sudbury River and Great Meadows National Wildlife Refuge, for preservation of said land for conservation and passive recreation use, to include public access from Water Row to the Sudbury River.

There being no further business to come before the Board, the meeting was adjourned at 10:30 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk