

IN BOARD OF SELECTMEN
MONDAY, JANUARY 5, 1987

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.

Appointment/Goodnow Library Trustee

Present: Goodnow Library Trustees Martha C. Clough, Ivan H. Lubash, Carol Hull, Kenneth L. Ritchie, and George D. Max, Chairman; applicant Aleta Cane.

Chairman Frost convened the joint meeting of the Board of Selectmen and Goodnow Library Trustees, pursuant to notification from the Chairman of the Board of Library Trustees, dated December 5, 1986, in accordance with M.G.L. c.41 §11, for the purpose of interviewing candidates and appointing by roll call vote a sixth member to fill the vacancy on the Goodnow Library Board of Trustees left by the resignation of Robert E. Mitchell, Jr., to serve until the next Annual Election.

It was on motion by Chairman Frost unanimously

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

Library Trustees Chairman Don Max nominated Aleta Cane, stating that the Board was recommending her appointment and that she had previously served six years on the Board. Mr. Ritchie seconded the nomination.

Executive Secretary Richard E. Thompson affirmed that the appointment was only to the next Annual Election and the Board ascertained from Ms. Cane that she was willing to run for election at that time.

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 called the roll, and the following votes were cast:

Martha M. Clough voted for Aleta Cane
George D. Max voted for Aleta Cane
Ivan H. Lubash voted for Aleta Cane
Carol Hull voted for Aleta Cane
Kenneth L. Ritchie voted For Aleta Cane
Josiah F. Frost voted for Aleta Cane
Anne W. Donald voted for Aleta Cane
David A. Wallace voted for Aleta Cane

At the completion of the roll call vote, the Clerk declared that Aleta Cane, having received a unanimous vote of the officers present and entitled to vote, was elected to fill the vacancy on the Board of Library Trustees

occasioned by the resignation of Robert E. Mitchell, Jr., to serve until the next Annual Election, in accordance with M.G.L. c.41 §11, as amended.

Wayside Inn Corporation/Payment in Lieu of Taxes

On the question of entering into an agreement for payment in lieu of taxes with the Wayside Inn Corporation, a charitable corporation owning tax exempt real estate, the Board concurred with the Executive Secretary recommendation that the Board table this agenda item until the Board of Assessors has compiled the information necessary to put forth its recommendations, and until the procedure for making such an agreement is put forth by Town Counsel to the Board.

The Board noted receipt of a communication to the Board of Assessors from the Department of Revenue, dated August 6, 1986, stating that the Board of Selectmen would be the proper agency to execute such a voluntary payment agreement.

Annual Town Meeting/Selectmen's Articles

The Board reviewed two Selectmen's articles proposed for submission for the 1987 Annual Town Meeting, requiring format approval by Town Counsel, as follows:

1) Accept Chapter 306 of the Acts of 1986 - Enterprise Funds, which would authorize the establishment by the Town of a separate account classified as an "Enterprise Fund", for a utility, health care, recreational or transportation facility, and its operation, as designated by the Town. The Executive Secretary, recommended that the Selectmen take the lead in setting up such a fund, and suggested that such an account would allow the Town to operate the new Town pool in a self-sustaining manner. He explained further that such an enterprise under the procedures allowed by the Act would be operated by the Park and Recreation Commission which would submit a proposed line item budget and estimate of income to the Board of Selectmen for submission to Town Meeting for approval.

2) Upgrade Sanitary Landfill which would allow the Town to purchase and to apply or to contract application of cover material for portions of the Landfill as required by the Department of Environmental Quality Engineering (DEQE). The funding requirement for this article is estimated at \$40,000 - \$80,000. Mr. Thompson reported that meetings have been held with the DEQE and it appears that progress is being made. The spending of such an appropriation is contingent upon approval by the DEQE of the work on the present cell. If the DEQE permits the Town to work in the next cell, it will be Mr. Thompson's recommendation to the Board that it enter into an agreement with the DEQE to operate the landfill for its operable life, e.g., ten years, with the intention to actually close the landfill in five years to enter into a transfer station agreement, leaving five years of landfill reserve.

On respective motions by Selectman Donald and Wallace, it was unanimously

VOTED: To approve two Selectmen's articles for submission to Annual Town Meeting: Accept Chapter 306 of the Acts of 1986 - Enterprise Funds; Upgrade Sanitary Landfill; both subject to wording changes by Town Counsel.

Annual Town Meeting/Withdrawal of Articles

The Executive Secretary noted that funds for the Sudbury 350th Anniversary Celebration have been included in a budget submitted by the Committee and, therefore, an article for funding is superfluous. With regard to the Selectmen's submission of a Stabilization Fund article, Mr. Thompson advised that the Finance Committee wishes to sponsor such an article and has submitted the same with the support of the Long Range Planning Committee.

The Board, noting its support of the Finance Committee's Stabilization Fund article, on motion by Selectman Donald unanimously

VOTED: To withdraw two Selectmen's articles from submission to the 1987 Annual Town Meeting dealing with funding Sudbury's 350th Anniversary Celebration, and the Stabilization Fund.

Annual Town Meeting/Accepting Articles Submitted under the December 31 Deadline

The Board reviewed the list of articles submitted under the December 31, 1986 deadline established by Bylaw and questioned Town Counsel Paul L. Kenny relative to the status of the Rt. 20 Task Force with regard to the submission of articles for Town Meeting consideration. Town Counsel advised the Board that the Rt. 20 Task Force is an advisory board to the Board of Selectmen and, as such, does not have status to submit articles as an official Town Board, but must do so by petition.

The Executive Secretary recommended to the Board that it had the option of submitting the articles proposed by the Rt. 20 Task Force on behalf of the Task Force, with the understanding that this did not imply Selectmen's support of the articles.

It was therefore on motion unanimously

VOTED: To submit the articles entitled, Establish Traffic Committee and Accept Ch.884/Acts of '69 - Place Utility Wires Underground, on behalf of the Rt. 20 Task Force.

After discussion relative to the possible later withdrawal of some of the articles submitted under the December 31st deadline when options are more clearly defined by the Housing Authority, it was on motion unanimously

VOTED: To accept the following articles as submitted under the December 31, 1986 deadline:

Hear Reports		Selectmen
Temporary Borrowing		Selectmen
Authorize Compensating Balance Agreements		Selectmen
Use of Free Cash		Selectmen
Special Act - Civil Service, Police Force		Selectmen
MetroWest/MAGIC Planning Funds	\$ 7,000	Selectmen
Accept Ch. 306/Acts of '86 - Enterprise Funds		Selectmen
Landfill Upgrading	\$	Selectmen
Accept GLc646,s3A - Hotel/Motel Excise Tax		Sel/Assessors

Budget	\$	Finance Com.
Unpaid Bills	\$	Town Acct.
Stabilization Fund	\$400,000	Finance Com.
Ambulance & Equipment	\$ 55,000	Fire Chief
Buildings/Space Needs Study	\$ 75,000	Long Range Pl Com
Senior Center Plans	\$ 10,000	C. on Aging
Noyes Roof	\$	Perm. Bldg. Com.
Surface Drains	\$ 50,000	Highway Surveyor
Walkways	\$100,000	Planning Board
Accept GLc.59,s.5,cl.17D - Increase		
Real Estate Exemptions		Bd. of Assessors
Accept GLc.59,s.5, cl141C - Real Estate		
Exemptions for Elderly		Bd. of Assessors
Special Act - Land Bank Fund		Conserv. Comm.
Conservation Fund Addition	\$ 85,000	Conserv. Comm.
Update Topo. & Wetlands Survey/Remapping	\$ 20,000	Conserv. Comm.
Purchase Dickson Land Off Rt. 27 & Water Row	\$400,000	Conserv. Comm.
Library Automation	\$ 15,000	Library
Estab. Traffic Committee		Sel. for Rt.20
		Task Force
Accept Ch.884/Acts of '69 - Place Utility Wires		Sel. for Rt.20
Underground		Task Force
Transfer Land Off Fairbank Road to Selectmen		
For Purpose of Sale to SHA		Petition
Authorize Sale of Land Off Fairbank Road to SHA		Petition
Transfer Land Off Fairbank Rd. and Land Off Horse		
Pond Rd. to Sel. for Purpose of Sale to SHA		Petition
Authorize Sale of Land Off Fairbank Rd. and Land Off		
Horse Pond Rd. to SHA		Petition
Transfer Land Off Fairbank Rd., Land Off Horse Pond Rd.,		
and Land Off Pine St. to Sel. for Purpose of Sale		Petition
to SHA		
Authorize Sale of Land Off Fairbank Rd., Land Off		Petition
Horse Pond Rd., and Land Off Pine St. to SHA		
Transfer Ownership of 0.11 acres of Town Land Off		Petition
Willis Lake Drive		
Sell Park & Rec. Land Off Longfellow Road		Petition
Sell Park & Rec. Land Off Middle Road/Firecut Lane		Petition
Golf Driving Range Feasibility Study	\$ 3,000	Petition

Mr. Thompson noted that petition articles submitted by individual members of the Park and Recreation Commission and others, specifically those entitled Transfer Ownership of 0.11 acres of Town Land Off Willis Lake Drive; Sell Park & Rec. Land Off Longfellow Road; Sell Park & Rec. Land Off Middle Road/Firecut Lane; and Golf Driving Range Feasibility Study, were redrafted by Town Counsel's office subsequent to submission and the original four articles will be withdrawn after replacement with the newly signed petition articles.

Highway Department/Emergency Funding for Snow Removal

Present: Robert A. Noyes, Highway Surveyor.

The Board was in receipt of a request from Highway Surveyor Robert A. Noyes, dated January 5, 1987, made with the concurrence of the Town

Accountant, requesting a vote of the Board of Selectmen, under M.G.L. c.44 §31D, which must be made in conjunction with the Finance Committee, to expend \$26,900 more than appropriated for Snow & Ice Overtime, Account 410-120. Mr. Noyes stated that he had just received the unanimous vote of the Finance Committee. He explained that the Department has already expended \$25,165 from this account and that the estimate of additional funds required is based on an average expenditure for the past five years. Mr. Thompson explained further that under the law, the expenditures made under §31D are certified by the Board of Assessors and included in the next annual tax rate.

It was on motion unanimously

VOTED: To approve the expenditure by the Highway Surveyor of \$26,900 in excess of appropriations under Account 410-120 for FY87 for snow and ice removal under the provisions of M.G.L. c.44 §31D.

Highway Surveyor

Present: Highway Surveyor Robert A. Noyes.

The Board expressed its congratulations to Highway Surveyor Robert A. Noyes upon his recent election as President of the Norfolk, Bristol, Middlesex Highway Association for a two-year term and expressed its desire to work closely with Mr. Noyes on legislative issues which would affect the Town as he had suggested. Mr. Noyes stated that he would keep the Board abreast of impending legislation.

Drainage Easement - Moore, 50 Powder Mill Road

Present: Highway Surveyor Robert A. Noyes.

It was on motion unanimously

VOTED: To accept and sign on behalf of the Town a Drainage Easement given by Kenneth & Jane Moore, 50 Powder Mill Road, shown on a plan entitled "Proposed Drain Easement Powder Mill Road, Sudbury, Massachusetts", dated November 25, 1986, by the Town of Sudbury Engineering Department.

Parkinson Land Lease/Sudbury Nurseries, Inc.

Pursuant to a request from John C. Cutting, President, Sudbury Nurseries, Inc., dated December 22, 1986, to extend the current five-year lease, which terminates on September 1, 1987, on a portion of the Parkinson Land off Hudson Road for an additional year to allow the nursery crops grown there to attain more maturity before transplanting, the Board on motion by Selectman Donald unanimously

VOTED: To extend the term of the lease between Sudbury Nurseries, Inc. and the Town of Sudbury, dated March 22, 1982, for a 5.8± a. portion of the Parkinson Land off Hudson Road, for one year commencing September 1, 1987, at the annual rate of sixty dollars times the acreage of the premises.

Relative to Mr. Cutting's expressed interest in entering into a new agreement for an additional five or six years, Mr. Thompson suggested that

such discussion is premature at this time, but that the Board should have its plans for the property formulated by one year from now and should advise Mr. Cutting of its plans for the property at that time.

Selectmen's Meeting Schedule

Mr. Thompson informed the Board that Town Counsel and the Police Chief had discussed the Chaffee matter pending and that it was the intention to proceed with that hearing on Monday, January 26, with the Board's concurrence.

Since there is no business pending which would necessitate holding a meeting during the week of January 19, it was on motion unanimously

VOTED: To cancel the Selectmen's meeting scheduled for January 19, the Martin Luther King holiday.

Rt. 20 Task Force/Resignation

The Board noted receipt of a resignation, dated December 22, 1986, from Peter H. Anderson from the Rt. 20 Task Force, effective January 16, 1987, due to a work assignment out of state. It was on motion by Chairman Frost unanimously

VOTED: To accept the resignation of Peter H. Anderson from the Rt. 20 Task Force, effective January 16, 1987, to express the Board's appreciation for his time and effort and dedication while serving on the Task Force, and also to wish him good luck in his field assignment.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular session of December 22, 1986, as corrected.

E. B. Hosmer Fund Expenditure

Pursuant to the request from the Historical Commission, dated January 2, 1987, it was on motion by Selectman Donald unanimously

VOTED: To authorize an expenditure of \$754.42 by the Sudbury Historical Commission from the Edwin Barrett Hosmer Fund to pay for construction and installation of draperies for the Hosmer House ballroom.

Police Personnel Matters

Relative to the grievance of Police Officer Earle Ryder alleging a contract violation with regard to the Town's failure to place Officer Ryder on injury leave pursuant to M.G.L. c.111F, Mr. Thompson reported that the Personnel Board had voted on December 18 to deny the grievance, and that Officer Ryder had appealed the denial to the Board of Selectmen. Mr. Thompson advised the Board that Officer Ryder and his attorney were agreeable to the Personnel Board's recommendation that he be referred to a Town-appointed

physician specialist for purposes of evaluation prior to the scheduling of a hearing before the Board of Selectmen, and that an appointment has been scheduled with Dr. Donald Driscoll, Jr. of Concord on the recommendation of Dr. Kramer.

Mr. Thompson also reported that he, Town Counsel Paul Kenny and Police Chief Peter Lembo had this day attended a hearing before the Labor Relations Commission relative to an unfair labor practice charge asserted by Officer Chaffee. A decision is expected in approximately three weeks.

Adams-Russell Cable Television/Rate Increase

The Board noted receipt of notification to the Massachusetts Community Antenna Television Commission, dated December 22, 1986, from Adams Russell Cable Services, regarding a rate adjustment effective February 1, 1987. Mr. Thompson stated, in response to a query from Selectman Frost, that there was no prohibition in the license granted by the Town against such a rate increase and that since Federal deregulation of the industry, Adams-Russell has the right to set its own rates.

Site Plan 86-303/Terrio, 339 Boston Post Road

Present: Applicant Donald E. Terrio, Peter Terrio; Engineer Bruce Ey, Schofield Bros.; Building Inspector Joseph Scammon; Fire Chief Michael Dunne; Harold Tubman, Circle Furniture; Rosemary Kaupp.

Chairman Frost opened a public hearing in accordance with Sudbury Zoning Bylaws, IX,V,A, to consider Application #86-303 of Donald Terrio for a Site Plan Special Permit for construction of a 5,760 sq. ft., two-and-one-half story addition to the existing store with associated parking, walks and landscaping, at 330 Boston Post Road, Business District #2, owned by Terrio Realty Trust.

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.

The Board noted receipt of the following communications relative to the proposed site plan:

- Letter dated December 31, 1986, from Inspector of Buildings Joseph Scammon indicating that he cannot recommend approval because of unresolved matters relating to number of parking spaces and provision for handicapped spaces, lack of a zoning variance relative to the rear property line set back, lack of open space calculations on the plan, lack of calculations to determine the mean height of the building in conformance with the Bylaw definition, lack of plan information relating to gross floor area of remaining existing building and spaces in the existing east parking lot.
- Letter dated December 22, 1986, from Assistant Town Engineer Bruce Kankanpaa, stating that the plan is in violation of the Bylaw with regard to stormwater runoff and citing other problems with parking and vehicular movement onto Route 20.

- Letter dated December 30, 1986, from the Planning Board, recommending that the applicant withdraw his application, without prejudice, until such time as various issues relative to the building plan, parking, and vehicular movement are resolved.
- Letter dated December 31, 1986, from the Board of Health recommending approval conditioned on the determination of spring ground water elevation and approval by the Board of Health of the subsurface disposal plans; that the use be for office/retail space only; and that underground storage tanks be prohibited.
- Letter dated December 30, 1986, from the Fire Chief relative to questions pertaining to square footage vis a vis sprinkler system requirements and a possible affect on the number of parking spaces; need for improvement of site distance exiting onto Rt. 20; and recommending prohibition of underground storage of flammable liquids.
- Letter dated December 26, 1986, from the Conservation Commission stating that although there is no work involving wetlands or within 100' of wetlands, there may be a filing requirement under the Wetlands Protection Act depending upon how the drainage is to be handled for the roof and parking lot runoff.
- Letter dated January 2, 1987, from the Design Review Board, stating recommendation of approval of the addition's architecture and landscaping, but supporting the Planning Board's determination of compliance relative to the parking plan presented.

Mr. Thompson noted that the Board was also in receipt of the Board of Appeals decisions affecting the property in case number 86-19 heard by the Board on March 11, and April 10, 1986.

Mr. Thompson stated that there were a number of technical and value judgment questions posed relating to approval of this site plan which were of enough substance for him to recommend that the applicant withdraw the application without prejudice. The Board of Selectmen concurred.

Engineer Bruce Ey stated that the applicant had been working with the Building Inspector, Assistant Town Engineer and the Planning Administrator to resolve the complicated problems presented by a pre-existing non-conforming building and that he would rather continue the site plan hearing by mutual consent to allow the Building Inspector and the applicant more time to seek resolution.

The Board stated its preference that the applicant go first to the Board of Appeals to obtain any required variances before the Site Plan Special Permit hearing, and on motion unanimously

VOTED: To continue the Site Plan Special Permit hearing on application 86-303 of Donald E. Terrio for construction of an addition to the existing building at 330 Boston Post Road, by mutual consent, to February 2, 1987, at 8 p.m.

Mr. Thompson noted that at that time the hearing could be continued, if necessary, to a date certain since the Board of Appeals hearing date would

have been set, or if the problems had not been resolved the applicant would have the option of withdrawing the application without prejudice.

Atkinson Town Pool

Present: Directors John Taft, G. Burton Mullen, Richard Davison, and Sheila Stewart, Atkinson Pool Foundation, Inc.; Richard Rice, Vice-President, Stanmar, Inc., pool contractor; Robert Abrams, Esq., representing Atkinson Pool Foundation, Inc.; Chairman Peter Berkel and Roz Drawas, Park and Recreation Commission.

After introductions, the Board approved, with the concurrence of the Atkinson Pool Foundation (APF) Directors, a press release dated January 5, 1987, relative to the passage of Chapter 646 of the Acts of 1986, the legislation enabling the Town to purchase the pool to be built by the APF on the Fairbank Community Center site. The bill, signed by the Governor on December 24, 1986, was spearheaded through its passage by Senator Cellucci who, along with Vice Chairman of the House Local Affairs Committee Henry Grenier and the Governor's Legislative Director Richard E. Kendall, was publicly thanked in the press release.

Mr. Davison expressed the Directors' appreciation of the many efforts by the Executive Secretary and the Board of Selectmen involved in the passage of the legislation, with Mr. Taft extending special thanks to Chairman Frost.

After discussion, it was on motion by Selectman Donald unanimously

VOTED: To authorize the Atkinson Pool Foundation, Inc., to construct the pool facility on the Fairbank Community Center site attached to the Fairbank Community Center, consistent with the presentation under Article 22 at the September 25, 1986 Special Town Meeting.

On the recommendation of the Executive Secretary, noting that there is precedent for such action, it was on motion unanimously

VOTED: To request the Inspector of Buildings to waive the building permit fee for the Atkinson Pool Foundation, Inc.

Mr. Taft directed the Board's attention to the Stanmar Contract Documents for the Atkinson Pool Foundation, Inc., as revised December 10, 1986, inclusive of Exhibit C, which refers to the understanding that the pool is to be built on Town land, attached to a Town building, with the septic system and the heating system with respect to the locker rooms tied in, that warranties and rights of the Owner (APF) are assignable by the Owner to the Town subsequent to the substantial completion of the work, and an insurance provision. Mr. Taft explained that the specifications for the pool are a blend of those proposed by Park and Recreation and those of Stanmar. Mr. Taft elaborated on some of the plans and changes in the design: enlargement of the separate diving pool so that it will accommodate two one meter diving boards; installation of a heat exchanger for the pool area which will provide optimum energy efficiency with a payback of five-years; insulation, remake of the facade of the present building with the exception of the brick area, removal of the cover from the walkway area; and installation of a new electrical panel and sprinkler system.

Mr. Taft informed the Board that the Directors expect imminent receipt of a letter from the Trust Officer of the Sudbury Foundation, Inc., to the Atkinson Pool Foundation, Inc. relative to the Sudbury Foundation's funding commitment. Mr. Taft stated that while the pool will be sold to the Town for the agreed sum of \$500,000, the guaranteed fixed price to the Owner for construction of the pool is \$1,250,000, which will mean that the Pool Foundation will be seeking contributions.

The Board was unanimous in expressing its deepest appreciation on behalf of the Town to Mr. Taft, the Sudbury Foundation, and the Atkinson Pool Foundation for making this gift possible.

Mr. Thompson informed the Directors that an ad hoc Fairbank School Use Committee comprised of himself, Park and Recreation Commissioner Jane Neuhauser, Lincoln-Sudbury Regional School Committeeman Richard Brooks, L-S West Director Sandy Topalian, and Teen Center Coordinator Jean Lind, had met on December 15, 1986. Members were concerned about the effect of construction on current programs and wish to meet with the project engineer to determine the extent of the impact before making a recommendation about a start-up date for pool construction. Mr. Taft suggested, and Mr. Rice concurred, that the group contact Art Bodwell at Stanmar to work out the details.

There being no further business to come before the Board, the meeting was adjourned at 10:00 p.m.

Attest: _____

Richard E. Thompson
Executive Secretary-Clerk