

IN BOARD OF SELECTMEN  
MONDAY, JULY 6, 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.

West Concord Union Church Letter of Gratitude Re: Fire Department

The Board noted with pride the letter of gratitude dated June 17, 1987, from Jean G. Curtis, Pastor and Margaret A'Hearn, Moderator, of West Concord Union Church, to Fire Chief Michael Dunne for the response by the Sudbury Fire Department to their fire emergency; and requested the Executive Secretary to convey the Board's commendation to the Department for its fine work.

Interview and Appointment for Assistant Dog Officer

Present: Paula E. Adelson; Dog Officer Betsy DeWallace.

Following a brief interview and upon the recommendation of Dog Officer Betsy DeWallace, it was on motion unanimously

VOTED: To appoint Paula E. Adelson, 164 New Bridge Road, Sudbury, as Assistant Dog Officer, for a term to expire April 30, 1988.

Congratulations were extended to Ms. Adelson, and Chairman Donald informed her that she should present herself to the Town Clerk or a Notary Public to be sworn in, at which time she may actively assume her position as Assistant Dog Officer.

Interview and Appointment to Cable Television Committee

Present: Jeffrey Winston; Wayne Keseberg; Michael Gonnerman.

Applicants Jeffrey Winston, Wayne Keseberg and Michael Gonnerman each outlined his qualifications and objectives to be achieved as a member of the Cable Television Committee.

Following interviews, it was on motion unanimously

VOTED: To appoint Michael Gonnerman, 65 Washington Drive; Wayne E. Keseberg, 67 Wake Robin Road; and Jeffrey Winston, 118 Barton Drive; to the Cable Television Committee for terms to expire April 30, 1988; and it was further

VOTED: To request Executive Secretary Thompson to contact Margaret A. Ward and Anthony Kreisel of the Cable Television Committee in order to convene the first meeting of the Committee.

Executive Secretary Thompson informed the applicants that the complete file is available for their review at his office and he will forward copies of the cable license for their perusal.

Interviews and Appointments to the Conservation Commission

Present: Gordon D. Henley; John P. Nixon, Jr.; and Cheryl Baggen.

Pursuant to vote of May 18, 1987, wherein appointments were made to the Conservation Commission, Gordon D. Henley informed the Board that he wished to serve more than the one-year term for which he was appointed.

Following interviews with candidates John Nixon and Cheryl Baggen and upon recommendation by the Conservation Commission in a letter dated June 18, 1987, it was on motion unanimously

VOTED: To reappoint Gordon D. Henley to the Conservation Commission for a term to expire April 30, 1990, thereby amending the Board's vote of May 18, 1987; to appoint John P. Nixon, Jr., 26 Partridge Lane, to the Conservation Commission for a term to expire April 30, 1989, replacing Cynthia Powell; and to appoint Cheryl Baggen, 509 Concord Road, to the Conservation Commission for a term to expire April 30, 1988, replacing Stephen Sandler.

Designation of Representative to MAGIC

Upon recommendation of Chairman Donald, it was unanimously

VOTED: To designate Selectman David A. Wallace as a representative to the Minuteman Advisory Group for Interlocal Coordination (MAGIC).

Appointment to Resource Recovery Committee

The Board acknowledged receipt of a resignation, dated July 6, 1987, from John C. Drobinski as a member of the Resource Recovery Committee and thanked him for his service on that Committee.

It was on motion unanimously

VOTED: To appoint George E. Martin, 23 Bishop Lane, to the Resource Recovery Committee, for a term to expire April 30, 1989, to replace John Drobinski.

Police Mutual Aid Agreement - Town of Maynard

Upon motion of Chairman Donald, it was unanimously

VOTED: To sign Police Mutual Aid Agreement with the Town of Maynard, as approved by Sudbury Town Counsel. (Whereupon all members of the Board signed the Agreement, which was witnessed by Town Counsel Paul Kenny.)

Mutual Agreement for Investigative Assistance in Narcotics Investigations

The Board reviewed a Mutual Agreement For Investigative Assistance in Narcotics Investigations and Town Counsel Paul Kenny advised the Board he has reviewed same with approval.

Upon motion of Chairman Donald, it was unanimously

VOTED: To sign Mutual Agreement for Investigative Assistance in Narcotics Investigations, as approved by Town Counsel. (Whereupon all members of the Board signed the Agreement.)

Full Service Agreement For Maintenance of Telephone Equipment, etc.

After review of Agreement submitted by Total Communications and Maintenance, Inc. for a Full Service Agreement For Maintenance of Telephone Equipment, Parts and Labor Included for the period July 1, 1987 through June 30, 1988, it was on motion of Selectman David A. Wallace unanimously

VOTED: To authorize Chairman Anne W. Donald to sign a Full Service Agreement for Maintenance of Telephone Equipment, Parts and Labor Included, for the period July 1, 1987 through June 30, 1988, in the amount of \$6,507.50.

Joint Meeting - LSRS District Committee; Park and Recreation Commission

Present: Park and Recreation Commission members Rosalyn Drawas and Jane Neuhauser; Teen Center Coordinator Jean Lind; Director of LS-West Sandra Topalian; Regional High School Committee member Richard Brooks, Superintendent Bradford Sargent.

It being 8:00 p.m., Chairman Donald called to order a joint meeting with the Lincoln-Sudbury Regional School District Committee and the Park and Recreation Commission to discuss L-S West lease arrangements and maintenance for the Fairbank Community Center.

Executive Secretary Thompson stated that he has had meetings on the subject with interested parties and the result of those meetings is contained in his memorandum dated June 8, 1987, which were distributed to the Board, the Park and Recreation Commission, and Lincoln-Sudbury Regional School District Committee. Mr. Thompson recommended the Board accept the recommendations as stated in his memorandum, with the exception of the issue concerning the term of the lease, and suggested a discussion be had forthwith on this issue.

Richard Brooks of the Lincoln-Sudbury Regional School District Committee presented a quick overview of the creation and accomplishments of the L-S West program for those youth requiring an alternative high school education. Mr. Brooks stated that the reason the Committee is requesting a five-year lease is that stability is an important aspect of their program. He stated that the youth attending this program need to know there is a continuity and importance given to this program. Mr. Brooks stressed that parental and community support has been fantastic, and the Committee has enjoyed a good working relationship with the Park and Recreation Commission during their tenure at Fairbank.

Rosalyn Drawas of the Park and Recreation Commission distributed copies of a letter dated May 31, 1987, which she had forwarded to Executive Secretary Thompson, wherein she discussed the lease and the Commission's reasons for not wanting longer than a two-year term.

Selectman Wallace stated he recalled a prior discussion concerning this matter wherein it was suggested that, although it is desirable to see how the pool works out at this location before making any long-term commitments, it is also necessary to give the L-S West program a sense of security.

Chairman Donald stated that the projected opening date for the pool is in or around November 1, 1987. Mrs. Donald opined that after a full year, plus, of pool operation would be a better time to make any long-term decisions affecting the Fairbank building.

Ms. Drawas pointed out a further consideration is the question of whether Park and Recreation would want to take over management of this building and property. She stated that there has been some discussion concerning this and the Commission would like to do a study on the feasibility of this action. She indicated that they should have a decision on this matter by the end of the fiscal year.

Mr. Brooks pointed out that the management issue would not change who would write the lease; that only the Selectmen would be able to write the lease.

Upon inquiry by Selectman Drobinski, Mr. Brooks indicated that he did not see any unsurmountable problems by the Committee to the Park and Recreation proposal, except that he would like to see an extended lease as a vote of confidence in the program.

Mr. Brooks stated that if a two-year lease was the most the Program may expect at this time, he believed it only fair that the lease indicate the Committee be given a one-year notice if the lease is not going to be renewed. It was generally agreed that this would be a fair clause.

Executive Secretary Thompson clarified that the High School agreed to combine the maintenance and custodial services under the Selectmen's Office. There has been a problem with this over the past few years; but he will now be responsible for hiring a full-time person who will take pride in the maintenance and operation of the building. Mr. Thompson assured those present that this will be done as soon as possible and that person will report directly to Douglas Lewis and he (Mr. Thompson) would assure a smooth transition and operation. Mr. Thompson would take overall responsibility.

After further discussion, on motion, it was unanimously

VOTED: To request Executive Secretary Thompson confer with Town Counsel in order to re-draft the lease based upon a two-year lease with a provision that a one-year notice of intent not to renew be required; and a further provision that a full-time custodian be hired by Executive Secretary Thompson, who will bill the high school its proportionate share; and further, when the newly-drafted lease is prepared, to submit same to Park and Recreation Commission and Lincoln-Sudbury Regional School District Committee to review the language.

The meeting concluded with a discussion concerning the use of the Teen Center by the L-S West Program. Concerns were expressed about the safety of the equipment already in the room and the new equipment which will be purchased in the near future. Executive Secretary Thompson recommended support for sharing one of the Teen Center rooms, since it is his opinion that the Town cannot afford to utilize that room solely for the Teen Center. Mr. Thompson assured those present that he will monitor the situation and will look into various solutions to the safety concerns, such as the erection of a temporary sliding partition. Superintendent Sargent agreed to construct the same, if he was notified immediately to do so.

There being no further business, the meeting was adjourned at 8:30 p.m.

Application #86-302-2 - James S. DiGiandomenico - Special Site Plan Permit

At Applicant's request, it was on motion of Chairman Donald unanimously

VOTED: To table continued consideration of Application #86-302-2 of James S. DiGiandomenico, received May 11, 1987, for a Site Plan Special Permit in accordance with Sudbury Zoning Bylaws Art. IX,V,A, for conversion of a residence to office building with associated parking, at 344 Boston Post Road, Business District #3 and Residential District A-1; and to place this matter on the agenda for July 20, 1987.

Performance Review - I. William Place, Town Engineer

Present: I. William Place, Town Engineer.

The Board reviewed memorandum dated June 16, 1987, from Town Engineer I. William Place, which outlined his accomplishments since commencement of his employment on March 16, 1987, as well as his priorities for the year ahead.

Executive Secretary Thompson expressed his pleasure with the job being done by Mr. Place in the four months of his employment. Mr. Thompson highlighted the situation regarding the Department of Environmental Quality Engineering (DEQE) and the Town's Landfill and expressed his hope that Mr. Place will continue to work with the Resource Recovery Committee and to act as coordinator of that Committee. Mr. Thompson assured Mr. Place that he would have the assistance of himself, Mr. Noyes and Mr. Sullivan, but would like Mr. Place to assume the leadership position in that Committee. Upon inquiry by Selectman Drobinski, Mr. Place informed the Board that a Consent Agreement had been expected from the DEQE, but that it now appears DEQE is in no hurry to execute one; and that he and Mike Sullivan may attempt to meet with the new Director of DEQE in an effort to resolve the matter.

Mr. Place also expanded on Item 2 of his priorities (page 2 of his memorandum), regarding the walkways to be constructed on Goodman's Hill Road, Fairbank Road, Maynard Road and Route 20. Mr. Place stated that he has completed the details on Goodman's Hill Road, and the preliminary design is done from Concord Road to Brewster Road. He commented that the cost may be greater than expected because of the old stone walls owned by residents that will have to be moved.

In answer to inquiry by Chairman Donald, Mr. Place stated that the Route 20 telephone pole in front of the Casual Male at Nobscot Road has not yet been moved, but that the situation is being worked on.

Mr. Thompson pointed out that Mr. Place's salary has already been voted for the ensuing year, including benefits; and that Mr. Place is a member of the Supervisory Association.

Chairman Donald concluded the review by congratulating Mr. Place for the fine job and wished him continued success in meeting his goals.

Transfer Request No. 87-91 - Fire Department

The Board reviewed Transfer Request 87-91 dated June 30, 1987, by the Fire Department in order to fully fund Station #3 roof design and repairs costs. Executive Secretary Thompson explained that the amount originally budgeted does not reflect the additional monies required for the roof to meet new State laws.

Upon motion of Selectman Wallace, it was unanimously

VOTED: To approve Transfer Request No. 87-21, dated June 30, 1987, for transfer of \$1,600 from 310-620 Fire Alarm Maintenance and \$600 from 310-810 Fire Department Tuition (\$2,200) to Account 310-310 Fire Department Maintenance, to fully fund Station #3 roof design and repairs; and to authorize Chairman Donald to execute the Board's approval therefor.

Award of Contract - Repair/Replacement of Fire Station #3 Roof

Present: Michael E. Melnick, Chairman, Permanent Building Committee.

The Board reviewed bids for repair and replacement of the Fire Station #3 roof and Executive Secretary Thompson noted that the Permanent Building Committee recommends the Board award said contract to Olympic Roofing & Construction, Inc. Mr. Thompson stated the bidding was competitive.

Upon motion, it was unanimously

VOTED: To award a contract in the amount of \$15,700 to Olympic Roofing & Construction, Inc., 434-438 Hyde Park Avenue, Roslindale, Massachusetts 02131, for repair and replacement of the Fire Station #3 roof, subject to approval by the Finance Committee of Transfer Request No. 87-91; and to authorize Chairman Donald to execute said contract.

Highway Department Building Roof Repairs/Replacement

Mr. Thompson noted that the low bid to repair/replace the Highway Garage Roof from Olympic Roofing & Construction, Inc. was \$47,500, considerably higher than available funding; therefore, an award cannot be made by the Town for this project.

There followed a discussion with Mr. Melnick of the Permanent Building Committee concerning assessment of repairs/replacement of the roof of the Highway Department Building. Mr. Melnick indicated that there was available funding only in the amount of \$24,500, and based upon the extensive work required, additional monies may be needed. Executive Secretary Thompson stated that he has had discussions with Robert Noyes of the Highway Department and Mr. Noyes has been working with the Long Range Planning Committee in an effort to determine future needs of the Department. It is Mr. Melnick's preliminary opinion that only temporary repairs be affected on the roof and consideration should be given to a new building being constructed in the future. Mr. Thompson expressed a similar concern that a major expenditure of money to repair the roof--which may include the expense of designing a new roof to accommodate new building codes concerning the build-up of snow--would not be wise when long-term needs are taken into account.

Chairman Donald opined that it would make sense to await the findings by the Long Range Planning Committee before making a major investment for the roof. Selectman Drobinski pointed out that since there is money already allocated, perhaps minor repairs could be made, and Mr. Melnick agreed.

The Board decided that the Article would have to be reviewed to determine exactly what was voted concerning use of the monies and Mr. Thompson assured the Board that he would have further discussions with Robert Noyes concerning the matter.

The Board thanked Mr. Melnick for his attendance.

Grant under the Strategic Planning Program

The Board reviewed an application by the MetroWest Planning Office for a grant under the Strategic Planning Program and Executive Secretary Thompson recommended approval.

Upon motion of Selectman Drobinski, it was unanimously

VOTED: To authorize Chairman Donald to co-sign with the Chairman of the Planning Board an application by the MetroWest Planning Office for a grant under the Strategic Planning Program.

Transfer Request No. 87-89 -- Legal Expense

Upon motion of Selectman Wallace, it was unanimously

VOTED: To approve, and authorize Chairman Donald to sign, Transfer Request No. 87-89 for \$6,007.16 from the Reserve Fund to Account 503-256, Legal Expense.

Willis Hill Subdivision

The Board reviewed letter dated June 24, 1987 from Michael W. Guernsey, Chairman of the Board of Health, regarding small package sewerage treatment plants proposed for the Willis Hill Subdivision.

Executive Secretary Thompson informed the Board that Mr. Guernsey is presently out of town but wished the Selectmen to know that he supports the Board's efforts to have a public hearing with DEQE. Mr. Thompson stated that hearing is scheduled for Tuesday, August 4, 1987, at 7:30 p.m., Lower Town Hall.

Chairman Donald noted receipt of copy of a letter dated July 1, 1987, to the Department of Environmental Quality Engineering from William W. Cooper of 11 Cedar Creek Road, outlining his concerns and requesting a public hearing.

After discussion, it was upon motion unanimously

VOTED: To request Executive Secretary Thompson place an advertisement of the public hearing to be held by the Department of Environmental Quality Engineering, on Tuesday, August 4, 1987, at 7:30 p.m., at Lower Town Hall, in the Bentley "Community Calendar".

Minutes

Upon motion of Chairman Donald, it was unanimously

VOTED: To approve minutes of the regular and executive sessions of June 15, 1987, and the regular session of June 22, 1987, as presented.

Support of State and Local Legal Center

The Board reviewed communications with enclosures dated June 17, 1987, from Massachusetts Municipal Association and the National League of Cities, International City Management Association and U. S. Conference of Mayors, dated April 29, 1987,

requesting Sudbury make a one-time payment to the State and Local Legal Center to enable it to continue advocacy of municipal and state interests before the United States Supreme Court.

Upon recommendation of Executive Secretary Thompson, it was on motion of Selectman Drobinski unanimously

VOTED: To support the State and Local Legal Center to continue advocacy of municipal interests before the United States Supreme Court by making a one-time payment to the Legal Center in the amount of \$100; and to request Executive Secretary Thompson to take whatever steps are necessary to effectuate payment of same.

#### Rescission of Appointments

Pursuant to vote of May 18, 1987, wherein appointments were made to various positions, Executive Secretary Thompson informed the Board that Clinton H. Mills has requested his appointment as Deputy Wiring Inspector be rescinded since he is retiring and will be unable to serve; and further that George D. Max requested his appointment to the Archeological Advisory Committee be rescinded since he will be moving to Maine this fall.

Upon motion, it was unanimously

VOTED: To rescind the appointment of Clinton H. Mills as Deputy Wiring Inspector for a one-year term to expire April 30, 1988, as he is unable to accept the appointment; to rescind the appointment of George D. Max as member of the Archeological Advisory Committee/Haynes Garrison Site for a one-year term to expire April 30, 1988, as he is unable to accept the appointment; to request Executive Secretary Thompson to make known new appointments will be necessary to replace the vacancies effectuated as aforesaid.

#### Salaries for Fiscal Year 1988 - Town Counsel/Assistant Town Counsel

Upon recommendation of Executive Secretary Thompson, it was on motion of Chairman Donald unanimously

VOTED: To set the annual retainer for FY88 for Town Counsel Paul L. Kenny at \$22,897, a five percent increase, retroactive to July 1, 1987; and it was further unanimously

VOTED: To set the fee to retain the firm of Paul L. Kenny to provide Assistant Town Counsel services for FY88 at \$21,071, a five percent increase; and further to authorize that Assistant Town Counsel be paid \$45 per hour for preparation and in-court time expended for trial.

#### Non-Criminal Disposition of Bylaw and Regulation Violations

The Board reviewed memorandum with attachments dated July 1, 1987, from Assistant Town Counsel David Doneski regarding non-criminal disposition of bylaw and regulation violations, and Executive Secretary Thompson recommended adoption of the draft regulation, with the listing of various departments under Item 1 thereof, and sample violation notice. Executive Secretary Thompson noted with thanks the expeditious handling of this matter by the Town Counsel and Assistant Town Counsel.



Upon motion, it was unanimously

VOTED: To adopt draft regulation prepared by Assistant Town Counsel David Doneski and attached to his memorandum dated July 1, 1987, for the non-criminal disposition of bylaw and regulation violations, pursuant to Section 3 of Article VI of the Town Bylaws, enacted by the April 6, 1987 Special Town Meeting under Article 7, with the following additions to Item 1 thereof, as designated enforcing persons: Building Inspector; Health Director; Police Chief; Conservation Coordinator; Highway Surveyor; Fire Chief; Dog Officer; to approve the form of violation notices with attachments as drafted by Attorney Doneski; and to request Executive Secretary Thompson to prepare for Town Meeting amendments to Town Bylaws to provide specific penalties which can be enforced by this non-criminal method.

Sherman Bridge

Chairman Donald informed the Board that she received notice of a public hearing to be held on July 30, 1987 concerning the Sherman Bridge Roadway.

MetroWest

Chairman Donald informed the Board that a meeting has been scheduled by MetroWest for July 15, 1987.

"Ghost" Gas Stations

Chairman Donald mentioned an article she read recently concerning so-called "ghost" gas stations, which were completely automated with no employee on the premises. Mrs. Donald expressed her concern that this type of business not be allowed in the Town. Executive Secretary Thompson stated that he will check the site plan conditions on self-service stations but believes this type of unmanned operation may be allowed as a "matter of right".

Wayside Package Store, Inc.

Executive Secretary Thompson distributed copies of a Decision by the Alcoholic Beverages Control Commission dated June 18, 1987, for their perusal.

Adams Russell Cable Studio

The Board noted receipt of letter dated June 23, 1987, from Mrs. Peggy Fredrickson of 170 Haynes Road, expressing her disappointment with the accessibility of the Adams Russell Studio. Executive Secretary Thompson assured the Board he will follow up on this complaint.

Sudbury Water District - Observation Well Results

The Board reviewed letter dated June 16, 1987, from W. H. Fairbank of the Sudbury Water District concerning the Board's request for report of observation well results. Upon request by Selectman Drobinski, Executive Secretary Thompson stated he will provide the Board with a map showing the location of the wells.