

IN BOARD OF SELECTMEN
MONDAY, JUNE 15, 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 7:00 p.m. by Chairman Donald.

Executive Session

At 7:00 p.m., it was on motion by roll call unanimously

VOTED: *Sc* 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 reconvene following Executive Session.

Youth Commission - Rescission/Appointments

Present: Applicants Ann Loos and Donald Gould.

Pursuant to vote of May 18, 1987, wherein appointments were made to the Youth Commission, Executive Secretary Thompson informed that Wayne Ogden has requested his appointment be rescinded since he is unable to serve.

Upon motion of Chairman Donald, it was unanimously

VOTED: *Sc* To rescind the appointment of Wayne Ogden as member of the Youth Commission for a one-year term to expire April 30, 1988, as he does not wish to accept reappointment.

The Board noted a further appointment needed to replace Linda Manjarrez, and reviewed applications for appointment submitted by Donald Gould and Ann Loos.

After interviews with the candidates, upon motion by Selectman Donald, it was unanimously

VOTED: *Sp* To appoint Donald Gould of 21 Rice Spring Lane, Wayland, to replace Wayne Ogden as ex-officio member of the Youth Commission, for a one-year term to expire April 30, 1988; and it was further

VOTED: *Sp* To appoint Ann Loos of 177 Haynes Road, to replace Linda Manjarrez, as a member of the Youth Commission, for a one-year term to expire April 30, 1988.

Congratulations were extended to Ms. Loos and Mr. Gould, and Chairman Donald informed them that they should present themselves to the Town Clerk or a Notary Public to be sworn in, at which time they may actively assume their positions.

Highway Chapter 90 Project - Reimbursement of Funds From State

Present: Town Treasurer Chester Hamilton; Highway Surveyor Robert A. Noyes.

The Board reviewed communication dated May 20, 1987, with enclosures, to the Board from Robert A. Noyes, Highway Surveyor, concerning a request to authorize the Town Treasurer to borrow the amount of \$187,205, in order to complete street resurfacing projects.

After discussion, on motion of Selectman Wallace, it was unanimously

VOTED: To authorize Town Treasurer Chester Hamilton to borrow \$187,205 in anticipation of State reimbursement relative to Highway, Chapter 90 Project for leveling/resurfacing of Plympton Road (Water Row - Clark Road), Wayside Inn Road (Marlboro Town Line - Dutton Road), Haynes Road (North Road - Marlboro Road), Haynes Road (Marlboro Road - Railroad tracks), Moore Road (Raynor Road - Surrey Lane +100'), Peakham Road (Boston Post Road - 163' - Robert Best Road), Peakham Road (Marked Tree Road - Whispering Pine Road), Concord Road (Pantry Road - Lincoln Road and intersection at Pantry), Maynard Road (Hudson Road - Minebrook Road and intersection at Hudson Road); and it was further

VOTED: To sign Chapter 90 Project Request, dated May 20, 1987, utilizing M.A. #32232, #32641, and #32930, for this project.

Renewal of Sherman's Bridge Reconstruction Note

Present: Town Treasurer Chester Hamilton.

Upon motion of Selectman Wallace, it was

VOTED: To confirm the signing on June 3, 1987, of reimbursement anticipation notes in the amount of \$28,100 relative to design work for Sherman Bridge, as set forth in communication dated June 3, 1987, from Town Treasurer Chester Hamilton.

Repurchase of Cemetery Lot - New Town Cemetery

The Board reviewed letter dated May 26, 1987, from Superintendent of Cemeteries Robert A. Noyes, regarding request by Mrs. Lorraine Brond of 31 Marked Tree Lane that two graves, Lot 8, Section 11, in New Town Cemetery be resold to the Town of Sudbury.

After review, on motion of Chairman Donald, it was unanimously

VOTED: To repurchase Cemetery Lot #8 in Section 11 of the New Town Cemetery from Morton and Lorraine Brond (Deed #333), at the price of \$300; said amount to be applied toward purchase of another lot in the same cemetery by Mr. and Mrs. Brond.

Police Department - Statutory Requirement to Check Prisoners

Present: Police Chief Peter B. Lembo.

The Board reviewed letter to Executive Secretary Richard E. Thompson dated June 8, 1987, from Police Chief Peter B. Lembo, which letter requests that the Town file for exemption under Chapter 29, Section 27C, from the provision of the General Laws which mandates that prisoners be physically and visibly checked by a police officer every fifteen minutes.

Police Chief Lembo explained that this procedure is to become effective as of June 30, 1987. In addition to implementation problems, such as the time-clock

provided by the State does not work, the new system would require bringing an officer in on overtime, which would cost the Town approximately \$45-50,000 per year. Chief Lembo stated the police department has a working closed circuit television. The exemption requested only pertains to a "physical" checking of the prisoners. The Department would utilize the closed circuit television with a log entry at the mandated fifteen-minute intervals.

Chief Lembo pointed out that to his knowledge Brookline and Danvers have filed or will be filing a class action against the Commonwealth for the same relief.

After discussion, on motion of Chairman Donald, it was unanimously

VOTED: To direct Town Counsel Paul L. Kenny initiate whatever legal action is necessary to obtain an exemption from G. L. c. 40, §36B with regard to the physical checking of prisoners in lock-up every fifteen minutes.

Buildings and Space Needs Study - ATM Article 14

The Board reviewed communication dated June 11, 1987, from Executive Secretary R. E. Thompson relative to Article 14 of the 1987 Annual Town Meeting regarding the Buildings and Space Needs Study by the Long Range Planning Committee (LRPC) and Mr. Thompson's recommendation that up to \$20,000 be allocated by the LRPC to the Sudbury School Department to perform its required school demographic and space studies.

Executive Secretary Thompson stated he felt the establishment of an informal steering committee would be the best way to resolve communication problems and the designation of a member of the Board of Selectmen to the Committee would assure the Board being kept up to date on the progress of the Buildings and Space Needs Study.

The Board concurred with the Executive Secretary's recommendations of June 11, 1987, and designated Selectman Wallace to represent the Selectmen on the steering committee.

Action Required - 9/25/86 STM, 1987 ATM and 4/6/87 STM

Executive Secretary Thompson provided the Board with a listing of follow-up items resulting from the September 25, 1986 Special Town Meeting, the 1987 Annual Town Meeting and the April 6, 1987 Special Town Meeting that will require action by the Office of the Board of Selectmen. Mr. Thompson requested that the Board let him know if there are any questions concerning this.

Town Meeting Procedures Committee

Executive Secretary Thompson informed the Board that in accordance with the vote taken June 1, 1987, he has contacted the various individuals named in that vote to see if they would be willing to serve on a committee to review the Town's Bylaws as they concern certain Town Meeting procedures; and was pleased to announce that all have agreed to serve. Mr. Thompson recommended Mary Jane Sanders be appointed Chairman of the Committee since her background as past president of League of Women Voters has afforded her the opportunity to gain knowledge in this area. Mrs. Sanders has informed Mr. Thompson that she will be able to obtain data from Wayland's League of Women Voters, which organization has just completed a similar study.

Selectman Drobinski expressed his confidence in the individuals to be appointed to the committee and informed Executive Secretary Thompson that he would supply him with a list of additional individuals who would be willing to serve in the future, if the needs of the committee so dictate.

After discussion, upon motion of Selectman Wallace, it was unanimously

VOTED: To establish a Town Meeting Procedures Committee whose charge is to review Town Bylaws related to Town Meeting procedures and specifically to address: (1) dates, day(s), and time for holding Town Meeting and Town Election (i.e., change day(s)?); (2) the time allotted for speaking; (3) the matter of resolutions; and (4) the issue of reconsideration; said Committee shall work in unison with the Town Clerk and Town Moderator and shall report its recommendations to the Board of Selectmen no later than October 23, 1987, to allow time for submission of possible warrant articles by December 1, 1987; and it was further

VOTED: To appoint Mary Jane Sanders, 164 Morse Road; Joseph W. Mooney, 147 Nobscot Road; Daniel A. Wren, 21 Phillips Road; Marjorie R. Wallace, 148 Nobscot Road; and Joseph A. Klein, 45 Stone Road, to the Town Meeting Procedures Committee for a term to expire at the close of the 1988 Annual Town Meeting, and to designate Mary Jane Sanders as Chairman of said Committee.

Lincoln-Sudbury Regional District School Committee

The Board acknowledged receipt of letter dated June 10, 1987, from the District Clerk for the Lincoln-Sudbury Regional District School Committee, enclosing a new vote taken June 9, 1987, by the Regional School Committee relative to authorization for borrowing \$155,000 for work on the School's outside facilities. (This revised vote was required by Bond Counsel because of the contingency in the April 6, 1987 Special Town Meeting vote: "such debt to be issued following enactment of special legislation described in Special Town Meeting Article 5", and the fact that the special act was not enacted, but general legislation for all regional schools passed instead.)

Police Mutual Aid Agreement - Town of Weston

Upon motion of Chairman Donald, it was unanimously

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

Trailer Special Permit - 34 Autumn Street

The Board reviewed requested dated June 3, 1987, by Herbert J. Segien to obtain a permit for a mobile home while fire damage repairs are being made. Executive Secretary Thompson informed the Board that the Building Inspector has inspected the premises and recommends approval, and the Health Director also recommends approval subject to conditions.

On motion of Chairman Donald, it was unanimously

VOTED: To grant a special permit for use of a house trailer at 34 Autumn Street, for dwelling purposes for six months while fire damage repairs are being made, to Mr. and Mrs. Herbert J. Segien, subject to obtaining any required building permit and

Board of Health approval involving the requirement to connect the trailer to septic system and Town water.

LEA Group - Roof Design Services - Highway Garage/Fire Station

Executive Secretary Thompson informed the Board that Town Counsel Paul Kenny has reviewed the proposed Agreement Between Town of Sudbury and LEA Group, Inc., dated May 11, 1987, relative to the roof design services for the Highway Garage and Route 117 Fire Station, and recommended the Chairman be authorized to sign said agreement.

Upon motion of Selectman Wallace, it was unanimously

VOTED: To authorize Chairman Anne W. Donald to sign Agreement Between Town of Sudbury and LEA Group, Inc., dated May 11, 1987, relative to the roof design services for the Highway Garage and Route 117 Fire Station, pursuant to the Board of Selectmen's bid award vote of May 11, 1987.

Edwin Barrett Hosmer Memorial Fund - Expenditure

The Board reviewed communication from Lillian White Balch, requesting authorization to expend \$1,185.80 from the Edwin Barrett Hosmer Memorial Fund, as payment of the balance due Holly City Bottle Company for the purchase of cup plates.

Upon motion of Chairman Donald, it was unanimously

VOTED: To authorize the expenditure of \$1,185.80 from the Edwin Barrett Hosmer Memorial Fund to pay the balance due Holly City Bottle Co. for purchase of cup plates.

Minutes

Upon motion of Chairman Donald, it wa unanimously

VOTED: To approve the minutes of June 1, 1987, as corrected.

Utility Petition #87-16

The Board reviewed Utility Petition 87-16 by New England Telephone and Telegraph Company for location of approximately fifteen feet of buried cable in Concord Road at Twin Pond Lane.

Executive Secretary Thompson noted receipt of communication dated June 9, 1987, from the Inspector of Buildings and the Wiring Inspector, both of whom recommended approval of said petition, and stated abutters had been mailed notices of hearing.

Upon motion of John Drobinski, it was unanimously

VOTED: To approve Utility Petition 87-16 by New England Telephone and Telegraph Company for permission to place and maintain buried cable, manholes, handholes, and pedestals with the wires and cables therein, markers and other fixtures in or under the surface of the following public way: Concord Road - westerly side, 1,950 feet south easterly of Pantry Road, at existing Pole 2/166, thence turning to private way (Twin Pond Lane) a distance of about 15 feet - Buried Cable; pursuant to plan of New

England Telephone and Telegraph Company entitled "Plan for Proposed Buried Cable Locations", dated May 8, 1987.

Annual Performance Review Meeting - Fire Chief Michael Dunne

Present: Fire Chief Michael Dunne.

In accordance with the Selectmen's Performance Review Policy, the Board met with Fire Chief Michael Dunne.

Executive Secretary Thompson opined that Chief Dunne has done a superb job, not only in the routine matters of an administrator, but also as an individual acting under emergency conditions. Mr. Thompson pointed out that Chief Dunne has been elected 2nd Vice President of the Massachusetts Fire Chief's Association, which means that within three years he will be President of that Association. Mr. Thompson stated this was a commendable accomplishment and bodes well for the Town of Sudbury.

Chief Dunne emphasized one goal for the coming year, that of the "enhanced 911 telephone system". He informed the Board that he had attended a meeting this morning at the Department of Public Safety regarding this; and the vote taken at that meeting was to go forward and file legislation so that the communities may obtain the funding necessary to implement this system.

Executive Secretary Thompson recommended approval of Chief Dunne's Benefits Package as set forth in his memorandum dated May 29, 1987, with the exception of Item 3, Holiday Pay. Mr. Thompson explained this was unnecessary, since the Town's Bylaws provide that if the Fire Chief has to work in an emergency situation on a holiday, he will be paid for it. Mr. Thompson further pointed out for the Board's information, that although, technically, Chief Dunne would only be required to present himself at the station and "punch in", there is an understanding with him that he would not merely be present, but would work.

Chairman Donald congratulated Fire Chief Dunne on a fine job and expressed the Board's hope for success in achieving the department's goals.

Upon motion of Chairman Donald, it was unanimously

VOTED: To accept the letter of accomplishments and objectives prepared under date of May 29, 1987 and submitted to the Board of Selectmen by Chief Dunne; and it was further

VOTED: To set the FY88 salary for the position of Fire Chief Michael Dunne at the Grade 15, Step 6 rate of \$46,562, plus 4% longevity and \$870 EMT stipend, for a total salary of \$49,294, effective July 1, 1987, and it was further

VOTED: To approve an annual Sick Leave Buy Back payment identical to that provided in the Fire Union contract.

Annual Performance Review - Police Chief Peter B. Lembo

Present: Police Chief Peter B. Lembo.

In accordance with the Selectmen's Performance Review Policy, the Board met with Police Chief Peter B. Lembo.

Executive Secretary Thompson commented on the superior job being performed by Chief Lembo and stated that since he has become Chief, the Office has not received a complaint about the Department.

Chief Lembo stated that with regard to Item 7 of his objectives (page 3 of his June 3, 1987 Review), he wishes to reduce his overtime account by hiring two additional civilian dispatchers at a reduced salary. He further informed the Board that the new radar units being utilized by the Department are excellent and have made the officers' job more efficient and accurate in tracking speeding motor vehicles.

Chairman Donald congratulated Police Chief Lembo on his continuing good work and expressed the Board's hope for success in achieving the department's goals.

Upon motion of Chairman Donald, it was unanimously

VOTED: To accept the letter of accomplishments and objectives prepared under date of June 3, 1987, and submitted to the Board of Selectmen by Chief Lembo; and it was further

VOTED: To set the FY88 salary for the position of Police Chief Peter B. Lembo at the Grade 15, Step 7, rate of \$48,424, plus 4% longevity and 10% Quinn Bill career incentive, for a total salary of \$55,203, effective July 1, 1987, and it was further

VOTED: That Police Chief Lembo shall receive 50% annual sick leave buy-back identical to that provided in the Police union contract.

Metrowest

Chairman Donald provided the Board with copies of information on MetroWest Growth Management Committee (MGMC) activities for their perusal. Chairman Donald was pleased to point out that Jean M. Thurston, Chairman of the MGMC, has written DEQE and requested a public hearing regarding the Willis Hill subdivision.

Chairman Donald brought to the Board's attention the proposed Ridesharing Bill (House Bill 258) and recommended the Board authorize her to communicate support for the Bill to the appropriate representatives. Selectman Drobinski commented that although it was not a total solution, it is a way that may reduce at least some of the traffic in Sudbury.

On motion of Chairman Donald, it was unanimously

VOTED: To adapt the draft letter submitted by Jean M. Thurston, Chairman of the MetroWest Growth Management Committee, regarding support for House Bill 258 (Ridesharing Bill) and forward same to the Town's appropriate representatives.

MAGIC Meeting - Bike Trail

Chairman Donald reminded the Board that the MAGIC meeting regarding the proposed bike trail will be held Tuesday evening, June 16, 1987.

Chairman Donald acknowledged receipt of a letter from the Bike Trail Committee, which requested the Board to delay responding to the State until the issue is put before a Town Meeting. Chairman Donald stated she fully agrees that the matter should be presented to the Townspeople so they may have the opportunity to decide for themselves whether they want a bike trail within their town; however, Mrs. Donald believes it would be a mistake not to respond in any way to the State.

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

VOTED: To refer a copy of the letter received from the Bike Trail Committee this date to liaison Deborah Montemerlo for her information; to request Ms. Montemerlo to be present at the MAGIC meeting to be held Tuesday, June 16, 1987, and to have her express her regrets that the Board is unable to attend due to prior commitments; and the Board shall place this matter on its agenda for June 22, 1987, for response.

Gun Club Complaint

Selectman Drobinski reported that he received telephone calls from some Virginia Ridge residents complaining about the gun club shooting in the early hours of Sunday mornings, noting specifically that this occurred Easter morning.

On motion of Chairman Donald, it was unanimously

VOTED: To request Executive Secretary Thompson communicate with the gun club stating that complaints have been received concerning shooting at times other than those allowed.

Joint Meeting - Planning Board/Conservation Commission/Board of Health

Selectman Drobinski informed the Board that there was a joint meeting scheduled for Tuesday evening, June 9, 1987, with the Planning Board, Conservation Commission and Board of Health, and it is anticipated they will be asking the Selectmen to appoint a steering committee to look into waste water sewage treatment plants, as proposed for the Willis Hill subdivision, and to come up with a strategy whereby the State can be slowed down.

Executive Secretary Thompson stated that the Town has already requested a public hearing with the DEQE, and as previously stated by Chairman Donald, MetroWest has voted to support the Town and has also requested a public hearing. Executive Secretary Thompson assured that he would keep the various boards and commissions apprised of developments as they occur.

Appointment of Deputy Zoning Enforcement Agent

On motion of Chairman Donald, it was unanimously

VOTED: To appoint Earl Midgley of 37 Grindstone Lane Deputy Zoning Enforcement Agent for a term to expire April 30, 1988.

Middlesex County Audit Management Letter

Executive Secretary Thompson provided the Board with copies of the Middlesex County Audit Management Letter dated June 30, 1984, for its perusal.

Personnel Board Meeting

Chairman Donald informed the Board that the Personnel Board has scheduled a meeting for Tuesday evening, July 7, 1987, dealing with a rehearing of a Fire Dept. grievance. Selectman Wallace stated that he would be able to attend.

Condolence to Mrs. Ronald Adolph

The Board signed a card of condolence to Mrs. Ronald G. Adolph on the passing of of her husband, a long-term member of the Board of Appeals.

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

VOTED: To request Executive Secretary Thompson to make the proper arrangements to have a tree planted in Israel in the memory of Ronald G. Adolph.

Massachusetts Municipal Association Meeting

Executive Secretary Thompson reminded the Board that a Massachusetts Municipal Association meeting is scheduled to be held November 6 through 8, 1987, in Boston. Mr. Thompson encouraged all to attend and requested he be notified by those wishing to attend in order that he may make the proper arrangements.

Continuation of Executive Session

At 10:20 p.m., it was on motion by roll call unanimously

VOTED: To return to 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 10:45 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk