

IN BOARD OF SELECTMEN
MONDAY, NOVEMBER 9, 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.

Emergency Pole Relocations - North/Dakin/Pantry Roads Intersection

Present: Antonio I. Belli, Elsie L. Belli, Martha G. Parmentier, Arthur M. Donahue-Rolfe, Linda L. Bolton, Mary Jane Sanders.

Executive Secretary Thompson was unable to attend this portion of the meeting, but provided the following for review of and consideration by the Board and the public:

1. Letter dated September 8, 1987, from Margaret E. Langmuir, concerning her automobile accident which occurred in the subject area, and suggested improvements to increase the safety of vehicular traffic;
2. Letter from Town Engineer I. William Place, dated October 23, 1987, and enclosed plan prepared by the Engineering Department entitled "Town of Sudbury--Intersection Improvement Program, North Road/Dakin Road/Pantry Road", dated October 22, 1987;
3. Notation by Executive Secretary Thompson that Robert Noyes of the Highway Department has reviewed the aforementioned plan and has approved same;
4. Notation by Executive Secretary Thompson that all abutters had been notified of the proposed pole relocations.

Antonio I. Belli and Elsie Belli of 19 Dakin Road and 284 North Road expressed their concern as to what the notice received by them as abutters referred to. Mrs. Belli was not pleased with the fact that one of the poles would be moved closer to her property and stated, if possible, she would like to see the lines go underground. Mr. Belli stated they did not object to the safety measures being proposed, but did not want to see the road widened. Selectman Wallace stated it was not the intention of the Town to widen the road, but rather to make the revisions as shown on the proposed Plan in order to make the intersection more visible to the automobiles. He did point out, however, that since North Road is a County road, there was the possibility that at some point in the future, the County may decide to repave the road, adding the hardtop further back than at present.

Arthur Donahue-Rolfe of 347 North Road commented that not only the travelers on the roads in that area need protection; the occupants of the houses also need protection. Martha Parmentier of 272 North Road added that in the past automobiles have crashed onto her property and into her home, which necessitated the erection of the fence. Chairman Donald assured Mrs. Parmentier that the fence will not be removed, but will be relocated to the street line at no expense to her. Mrs. Parmentier was further assured that the maple tree which is to be removed from her property will be replaced with another maple tree in her front yard. Mrs. Parmentier wished to make it clear that, although she

would not object to the removal of the maple tree, she emphasized that the replacement tree would have to be another maple, and not a linden tree, as noted on the proposed plan.

Upon inquiry by Mrs. Belli, Chairman Donald stated the old stone mile marker will be removed to the front yard of the fire station.

Following further discussion, it was on motion of Selectman Drobinski unanimously

VOTED: To grant emergency approval to Boston Edison Company and New England Telephone and Telegraph Company to proceed immediately with relocation of Poles 192 and 193 on the northerly side of North Road at Dakin Road, each approximately ten feet back from the roadway, to enable improvements to the North Road/Dakin Road/Pantry Road intersection to go forward in advance of receipt of petitions and public hearing.

Ninety Nine West, Inc. - Petition for Change of Manager

The Board reviewed Petition For Change Of Manager submitted to the Town's Licensing Board by Ninety Nine West, Inc., d/b/a Ninety-Nine Restaurant/Pub, 698 Boston Post Road, to one Cheryl A. Abrahamson.

Executive Secretary Thompson noted receipt of the following:

1. Certification by Controller of Ninety Nine West, Inc., pursuant to M.G.L. c. 62C, §49A, that all state tax returns have been filed and all state taxes paid;
2. Corporate Certificate of Vote naming Cheryl A. Abrahamson to the position of Manager of the restaurant;
3. Certified Record Of Birth of Cheryl Ann Abrahamson (nee Tracy);
4. Verification by the Office of the Commissioner of Probation that Cheryl A. Abrahamson has no criminal record.

It was on motion of Selectman Wallace unanimously

VOTED: To approve the petition, dated October 19, 1987, from Ninety Nine West, Inc., d/b/a Ninety Nine Restaurant/Pub, 698 Boston Post Road, for a change in manager to Cheryl A. Abrahamson, 19 Causeway Street, Hudson, Massachusetts.

Goodnow Library - Donations and Bequest of Forrest D. Bradshaw

Present: Town Treasurer Chester Hamilton.

The Board reviewed copy of letter dated October 23, 1987, from Louis A. Florio, Esquire, of the law firm of Lerer & Florio, 31 Main Street, P. O. Box 174, Maynard, Massachusetts, to Goodnow Library, enclosing check in the amount of \$1,000.00, which sum represents the bequest of the late Forrest D. Bradshaw to the Library; and memorandum dated November 5, 1987, from Town Treasurer Chester Hamilton, advising of the restrictive nature of the bequest

which leaves Mr. Hamilton no option but to purchase \$1,000.00 in Series EE bonds.

Mr. Hamilton was present and stated that with regard to the \$455.00 in donations in memory of Forrest D. Bradshaw, he is required, with the Board's approval, to establish a separate account for same. He further explained that with regard to the \$1,000.00 bequest made under the Will of Mr. Bradshaw, the Library will not be able to realize any benefit therefrom until maturity of the Series EE bonds, a period of at least five years.

In accordance with the recommendation of Town Treasurer Chester Hamilton, Co-Trustee of Town Donations, to complete the Board's vote of March 16, 1987, which accepted \$455.00 in donations in memory of Forrest D. Bradshaw, and on motion of Chairman Donald, it was unanimously

VOTED: To establish a separate account to be known as "The Forrest D. Bradshaw Memorial Fund" and deposit donations accepted March 16, 1987, in the amount of \$455.00 therein; and further, to authorize the Goodnow Library Trustees to expend the same for purposes of the Goodnow Library.

Acting as Co-Trustees of Town Donations in concert with Town Treasurer Chester Hamilton, it was

MOVED: To accept a bequest under the Will of Forrest D. Bradshaw in the amount of \$1,000.00, and to establish a separate account therewith, to be administered in accordance with the terms of the Will, as follows:

"To the Trustees of the GOODNOW PUBLIC LIBRARY located in Sudbury, Massachusetts, the sum of One Thousand (\$1,000.00) Dollars to be invested in U. S. Government Securities. The income is to be used to procure historical material pertaining to the Town of Sudbury, Massachusetts. The income is not to be considered a part of the operating budget for the library. This fund is to be known as the Forrest D. and Katherine R. Bradshaw Fund."

(Chairman Donald, Aye; Selectman Wallace, Aye; Selectman Drobinski, Aye; Co-Trustee Chester Hamilton, Aye).

Willis Lake Drive Parcel 140 - 1988 ATM

The Board considered submission of an article for inclusion in the Warrant for the 1988 Annual Town Meeting which would allow the sale of Parcel 140, Willis Lake Drive and reviewed the following:

1. Letter dated May 1, 1987, from Lora Ellen Askinazi of 47 Intervale Road, expressing interest in purchasing Parcel 140 on Willis Lake Drive;
2. Letter dated November 4, 1987, to Ms. Askinazi from Executive Secretary Thompson informing her that since her property does not directly abut the parcel in question, she is precluded from purchasing the property under the terms of Article 30, passed at the 1987 Annual Town Meeting;
3. Copy of Article 30 voted at Town Meeting held April 28, 1987, "to transfer from the control of the Selectmen to the Selectmen, for the purpose of

sale to owners of directly abutting land, the following described land: The land on Willis Lake Drive, shown as Parcel 140 on Town Property Map F05 and containing .11 acres according to said Map."

4. "Opinion of Value" dated November 4, 1987, from Assistant Assessor Daniel A. Loughlin, stating his opinion of the value of the parcel to be \$2,000.00.

The Board was advised that abutter Barbara Greenwood of 50 Willis Lake Drive has expressed an interest in purchasing the property.

Executive Secretary Thompson informed the Board that the Assistant Treasurer reported that the back taxes at the time of Tax Possession amounted to \$130.97.

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

VOTED: To submit an article for inclusion in the Warrant for the 1988 Annual Town Meeting which would allow sale of Parcel 140, Willis Lake Drive

A. under the terms of Article 30 of the 1987 Annual Town Meeting which allows sale to a direct abutter; or in the alternative, if no interest is expressed by the direct abutters,

B. under the terms of an accompanying Article in the Warrant for the 1988 Annual Town Meeting which would transfer the parcel to the Selectmen for the purposes of sale to the general public;

and further, to set the minimum price therefor at \$1,500.00, a sum which would include recovery of back taxes.

Town Meeting Procedures Committee

Present: Mary Jane Sanders, Joseph A. Klein and Marjorie R. Wallace (who arrived near the end of the meeting) of the Town Meeting Procedures Committee; Chester Hamilton.

The Board acknowledged receipt of letter dated October 23, 1987, from Mary Jane Sanders, Chairman of the Town Meeting Procedures Committee, which enclosed the Committee's recommendations for bylaw amendments.

A discussion followed comparing the Committee's recommendations with recommendations from Assistant Town Counsel David J. Doneski. Mrs. Sanders stated that with regard to its Proposed Amendment 6, "Legal Errors", the Committee accepts the paragraph as re-worded by Attorney Doneski. She further stated that the Committee would like to see the identical language employed in its Proposed Amendment 5, "Accounting Errors", insofar as it relates to the motion being made to the Moderator. The Committee was concerned that the re-wording of Proposed Amendment 5 by Attorney Doneski would leave open who may make the motion to the Moderator ("...the Moderator shall, following the explanation of the Town Accountant, entertain a motion for action..."). It is the recommendation of the Committee that the language expressed by Attorney

Doneski in his revised Proposed Amendment 6 ("...the Moderator shall request a motion by the board of Selectmen...") be used in his Proposed Amendment 5.

Selectman Wallace commended the Committee for its thorough work and especially noted his support for its Proposed Amendment 1, "Effective Date of Election."

Town Treasurer Chester Hamilton questioned the propriety of Proposed Amendment 3, "Length of Speeches", stating it was his opinion that allowing proponents of the Article fifteen minutes for presentation but allowing only five minutes for those in opposition, is discriminatory. Selectman Drobinski added that his concern is that any limitation could be a contradiction to the philosophy of Town Meeting, which is designed to encourage full discussion and debate. Mrs. Sanders explained that the Amendment does not limit debate of the issues; rather it limits the amount of time one person may speak to that issue. This would ensure the opportunity for more townspeople to be heard. The reason for allowing the "proponent", or "presenter", as Mrs. Sanders would prefer, additional time is to take into account the fact that the person or group presenting the Article needs to lay its foundation by way of background, etc., before it can go into its merits.

Chairman Donald questioned the time limit given in Proposed Amendment 4, "Reconsideration". Joseph Klein stated the 11:00 p.m. deadline given for reconsideration as the last item of business is admittedly not firm. The Committee did not know in which order the proposed amendments would be taken up. Depending on the vote concerning "Time of Meeting" (Proposed Amendment 10), the hour would be amended to reflect same. Chairman Donald suggested to the Committee that it should decide in what order they wish to present the amendments and should write the Article accordingly.

In response to inquiry by Chairman Donald, Mrs. Sanders stated the Town Clerk's Office would verify the validity of the fifty signatures required under Proposed Amendment 4, "Reconsideration". With regard to the "Reconsideration" proposed amendment, Mrs. Sanders stated the Committee did not want to make reconsideration impossible, but felt it necessary to prevent potential abuse and manipulation of the process.

Proposed Amendment 8, "Warrant Report", prompted a discussion concerning the chaos that often occurs with late and improper submission of Articles by the proponents. Executive Secretary Thompson stated that, although the Board has sent out a strong message to all potential submitters of articles that late filings and the failure to timely correct mistakes will not be tolerated, the Board must also be aware of M.G.L. c. 39 §10, which would preclude them from denying any valid petition articles from being placed on the Warrant if the statute's procedures are met.

There was discussion concerning Proposed Amendment 10, "Time of Meeting", and Mrs. Sanders stated that although not specifically set forth in the amendment, recesses are anticipated. It is the Committee's opinion that commencing the meetings for a full day on a Saturday would enable a greater amount of townspeople to participate and would obviate the necessity of drawing the Annual Meetings over many days.

Chairman Donald thanked the Town Meeting Procedures Committee for the time and effort they obviously expended in drawing up the proposed amendments. The Committee will take these matters under advisement and schedule another meeting in the near future to finalize an article for submission by the Committee.

Anderson-Nichols & Company, Inc./HMM Associates - Nobscot Road and Route 20

The Board reviewed letter dated November 3, 1987, from Town Engineer I. William Place enclosing the original proposal by Anderson-Nichols & Company, Inc. to revise contract drawings, specifications, coordinate with HMM the desired signal phasing and help with the bidding and construction phase of the signalization at Nobscot Road and Route 20. In said letter, Mr. Place suggested the following:

1. The \$7,000.00 and the \$3,000.00 be clarified and should not exceed these amounts;
2. Anderson-Nichols should be notified with authorization to proceed as soon as possible so that the plans and specifications can be prepared for bidding this Spring;
3. A meeting between the Town and representatives of Casual Male to discuss combining the existing two curb cuts to one curb cut directly across from Nobscot Road. Mr. Place noted that the new curb cut location will then be incorporated onto the revised plans by Anderson-Nichols.

Executive Secretary Thompson informed the Board that Mr. Place will be available to meet with them individually to explain any portion of this matter. Mr. Thompson further noted that the funds for these projects will be expended from the Route 20 Raytheon monies.

After discussion, it was on motion of Chairman Donald unanimously

VOTED: To accept the proposal dated October 29, 1987, of Anderson-Nichols & Company, Inc. relative to the design and coordination of plans for signalization of the Nobscot Road and Route 20 intersection, including coordination with HMM Associates on signal phasing and timing to synchronize with Route 20 Union Avenue and Concord Road intersection signals, and also preparation of bid documents for the same, for a cost not to exceed \$7,000.00, with payment as approved by the Town Engineer; and to authorize the Chairman to execute a contract for the same following its approval by Town Counsel.

It was further on motion of Chairman Donald unanimously

VOTED: To accept the proposal dated October 6, 1987, of HMM Associates to develop traffic signal plans for the two signalized intersections of Route 20/Union Avenue and Route 20/Concord Road and the proposed signalized intersection of Route 20/Nobscot Road in coordination with Anderson-Nichols & Company, Inc., for a cost not to exceed \$4,250.00, with payment as approved by the Town Engineer; and to authorize the Chairman to execute a contract for the same following its approval by Town Counsel.

Boston Edison Company - "Radio On Alert" Community Service Effort

Executive Secretary Thompson informed the Board that he and Police Chief Peter B. Lembo attended a meeting held by Boston Edison Company relative to its "Radio On Alert" community service, which is a volunteer effort by Boston Edison employees to communicate emergency information either observed personally or received from customers to local authorities. Both he and Chief Lembo were impressed with the presentation and urged the Board's support of the effort.

It was on motion unanimously

VOTED: To support and publicize information concerning Boston Edison Company's "Radio On Alert" community service effort; and to request Executive Secretary Thompson to take whatever steps are necessary to accomplish this.

Appointments: Resignation - Permanent Building Committee

The Board noted receipt of letter dated October 23, 1987, from Franklin B. Davis of 15 Harness Lane, to the Planning Board, the appointing authority, submitting his formal resignation as a member of the Permanent Building Committee, effective at the expiration of his term (April 30, 1985).

On motion of Selectman Wallace, it was unanimously

VOTED: To acknowledge receipt of the resignation of Franklin B. Davis, 15 Harness Lane, as a member of the Permanent Building Committee, effective April 30, 1985.

Site Plan Application No. 87-304 - Devlin Construction Corporation

The Board reviewed letter dated November 5, 1987, from Robert E. Devlin, Jr., Project Coordinator, Devlin Construction Corporation, which requested it be allowed to withdraw without prejudice its Site Plan Application, citing several unsolved questions regarding the property as reasons therefor.

On motion of Chairman Donald, it was unanimously

VOTED: To accept without prejudice the withdrawal of Site Plan Application No. 87-304 of Devlin Construction Corporation for the construction of a self-storage facility to be located off Station Road, in accordance with the request of the applicant dated November 5, 1987.

Site Plan Application No. 87-305 - Douglas Lewis, Tr. - Nine Old County Rd.

The Board reviewed the minutes of its meeting held November 2, 1987, relative to the conditions for approval of Site Plan Application No. 87-305 of Nine Old County Road Realty Trust, with a view toward signing a Decision relative thereto. Executive Secretary Thompson pointed out that paragraph 11(A)(1) on page 10 of the minutes required clarification that the toilet facilities and subsurface sewage disposal system referred to would only be required if there are to be people working in the proposed new building to be constructed.

After review, on motion of Chairman Donald it was unanimously

VOTED: To amend the minutes of the meeting held November 2, 1987, by changing paragraph 11(A)(1) of page 10 thereof, as follows:

Item 1 - if there are to be people working on the premises (proposed building), as opposed to truck storage only, toilet facilities must be provided and a subsurface sewage disposal system installed in accordance with the Board's regulations;

It was thereafter on motion of Chairman Donald unanimously

VOTED: To sign the Decision relative to Site Plan Application No. 87-305 of Douglas Lewis, Trustee, Nine Old County Road Realty Trust, for property located at 9 Old County Road, pursuant to the Board's vote of November 2, 1987.

Minutes

Upon review, on motion of Selectman Drobinski, it was unanimously

VOTED: To approve the minutes of the regular and executive sessions of November 2, 1987, as presented.

Middlesex County Advisory Board

Liaison to the Middlesex County Advisory Board Selectman Wallace was unable to attend its last meeting. Chairman Donald suggested that in the future if any selectman is unable to attend a meeting or function, that he/she is a liaison to, that selectman contact the other members of the Board with the hope that a replacement could be present.

Middlesex Municipal Association

Chairman Donald she would prepare a status report regarding the activities of the Middlesex County Charter Commission, and urged the Board to review the report when able to do so.

Landfill - Question of Fees

Selectman Drobinski and Executive Secretary Thompson each noted additional telephone calls from townspeople regarding the question of fees for use of the landfill. Mr. Thompson reminded the Board that this matter has been placed on the agenda for November 23, 1987, at which time a full discussion is anticipated.

Water District - Aquifer Protection Bylaws

Executive Secretary Thompson brought to the Board's attention letter dated October 30, 1987, from Executive Secretary Winthrop Fairbank of The Sudbury Water District, which stated that the Water District Commissioners are agreeable to initiating any new or additional effort that may be needed to further delineate the aquifers in town. Mr. Thompson stated that he attended a meeting on November 16, 1987, with the Water District Executive Secretary, Conservation Commission and Board of Health and there is a follow-up meeting scheduled for Friday, November 13, at 9:00 a.m. with Dr. Chiang, at the Planning Board Office in the Flynn Building. It is hoped that through Dr. Chiang, the Board of Health

Water District will work with the Planning Board and Conservation Commission in sponsoring an article for presentation at Town Meeting concerning the aquifers (Water Protection Districts).

Election Machines and Codification of Town ByLaws

Executive Secretary Thompson updated the Board on the meeting he had with the Town Clerk concerning election machines and codification of the Town's bylaws.

Mr. Thompson recommended serious consideration to the Board's co-sponsoring articles to fund the same, and the Selectmen agreed.

Executive Session

At 9:00 p.m., it was on motion by roll call unanimously

VOTED: To go into Executive Session for the purposes of meeting with Park and Recreation Commission relative to possible litigation and transactions in real property; and to discuss collective bargaining and further transactions in real property.

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

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

There being no further business to come before the Board, the meeting was adjourned at 11:00 p.m.

Attest:

Richard E. Thompson
Executive Secretary/Clerk