

IN BOARD OF SELECTMEN
MONDAY, NOVEMBER 23, 1987

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

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

Utility Petition 87-33 - Lincoln Road

Present: Edward Chisholm, Boston Edison Company.

The Board reviewed Utility Petition 87-33 by Boston Edison Company and New England Telephone and Telegraph Company for approximately eight feet of conduit to be installed under Lincoln Road, in order to provide electric service to a new house numbered 233 Lincoln Road.

Executive Secretary Thompson noted that all appropriate abutters had been notified and approval had been recommended by the Inspector of Buildings and Wiring Inspector under date of November 17, 1987.

On motion of Selectman Wallace, it was unanimously

VOTED: To approve Utility Petition 87-33 of Boston Edison Company and New England Telephone and Telegraph Company for permission to lay and maintain a distance of about eight feet of conduit under the following public way of the Town: Lincoln Road - southerly approximately 298 feet east of Water Row; as shown on plan of Boston Edison Company entitled "Plan of Lincoln Rd. Sudbury", dated October 19, 1987; and New England Telephone and Telegraph Company's "Plan for Conduit Location", N.E.T.&T. Co. No. 87-17, dated November 12, 1987.

Lincoln-Sudbury Regional High School - Ceremonial Bonfire

Present: Fire Chief Michael Dunne.

Upon review of request by Fire Chief Michael Dunne dated November 17, 1987, it was on motion of Selectman Drobinski unanimously

VOTED: To issue a permit for a ceremonial bonfire to be held November 25, 1987, at the Lincoln-Sudbury Regional High School, with the understanding that the Fire Department will have two engines at the event for fire control and the school will pay for the detail.

Goodnow Library Board of Trustees - Resignation

The Board acknowledged receipt of resignation by George D. Max from the position of Trustee of the Goodnow Library, effective October 14, 1987; and it was on motion of Chairman Donald unanimously

VOTED: To acknowledge receipt of the resignation of George D. Max, received November 5, 1987, and effective October 14, 1987, from the Goodnow Library Board of Trustees; to request Executive Secretary Thompson to forward a letter of gratitude to Mr. Max on behalf of the Board for his magnanimous contribution of time and effort during his residency in Sudbury; and to request

Executive Secretary Thompson to contact the Goodnow Library Trustees to make the necessary arrangements to meet jointly to fill the vacancy on that Board.

Appointments - Board of Appeals Associates and Earth Removal Board

On motions of Selectman Wallace and Selectman Drobinski, respectively, it was unanimously

VOTED: To appoint Marshall A. Karol of Three Old Meadow Road, and Thomas W. H. Phelps of 58 Concord Road, to the Board of Appeals Associates and Earth Removal Board, each for a term to expire April 30, 1988; and to request Executive Secretary Thompson to notify all applicants of its decision, expressing the Board's thanks to all and encouraging those not appointed to seek positions on the various boards as vacancies arise.

Colonial Spirits - 474 Boston Post Road - Change of Name

The Board reviewed the following documents filed by M. Mark Klein, Esquire, 418 Commonwealth Avenue, Boston, on behalf of Kappy's Distributors, 474 Boston Post Road:

1. Withdrawal Certificate by YBF, Inc. relative to its doing business as Colonial Spirits;
2. A Business Certificate for YBF, Inc. doing business as "Kappy's Distributors"; and
3. A Business Certificate by which YBF, Inc. does business as "Distributors of Kappy's".

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

VOTED: To approve a change in the "d/b/a" for YBF, Inc., for property at 474 Boston Post Road, from Colonial Spirits to both Kappy's Distributors and Distributors of Kappy's.

Sherman's Bridge Design Work - Renew Borrowing

Present: Town Treasurer Chester Hamilton.

The Board reviewed letter dated November 16, 1987, from Town Treasurer Chester Hamilton requesting renewal of the note due December 11, 1987, which was borrowed for the design of Sherman's Bridge reconstruction. Town Treasurer Hamilton stated, although the work has not yet been completed, the State has made some reimbursement and that is why the original note in the amount of \$28,100.00 will be reduced.

After discussion, it was on motion of Chairman Donald unanimously

VOTED: To authorize the Town Treasurer to borrow \$9,680.00 in anticipation of State reimbursement for the design of Sherman's Bridge reconstruction pursuant to Article 11 of the 1984 Annual Town Meeting, effective

December 11, 1987; which action will renew the unreimbursed balance of the \$28,100.00 note coming due.

Goodnow Library - Expenditure

Present: Town Treasurer/Co-Trustee Chester Hamilton.

The Board reviewed request dated November 15, 1987, of the Board of Trustees for the Goodnow Library to make \$5,000.00 available for stated purposes.

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

MOVED: To approve a request, as Co-trustees of Town Donations, under the provision of Chapter 180 of the Acts of 1911, from the Goodnow Library Trustees, dated November 15, 1987, to use \$5,000.00 from the Goodnow Library Trust Funds Income Account for the purpose of archival preservation, respining historical books, acquisitions for historical collection, and related expenses.

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

Council On Aging - Donations

On motion of Chairman Donald, it was unanimously

VOTED: To accept \$201.50 in miscellaneous donations and \$25.00 from Irene Hutchby of Marlboro given to the Council On Aging; and to authorize the Council On Aging to expend the same for Council on Aging activities.

1987 Annual Town Report - Acceptance of Bid for Printing

The Board reviewed submission of bids received under the bid opening date of November 12, 1987, for printing the 1987 Annual Town Report, together with letter dated November 21, 1987, from the Town Report Committee, which recommended Athol Press to be the printer.

It was on motion of Chairman Donald unanimously

VOTED: To accept the bid from Athol Press, Inc., dated November 9, 1987, to print the Sudbury 1987 Town Report in accordance with Town of Sudbury Specifications for Printing Annual Town Report, dated October 30, 1987, at a cost per page of \$44.70 for typeset pages and \$39.70 for camera-ready pages.

Board of Registrars - Resignation

On motion of Chairman Donald it was unanimously

VOTED: To accept with regret the resignation from the Board of Registrars dated November 17, 1987, from Maureen G. Wiles of 662 Boston Post Road, P. O. Box 393; to request Executive Secretary Thompson to forward a letter of thanks on behalf of the Board for her contribution to the Town; and to further

request Executive Secretary Thompson to contact the Board of Registrars to discuss possible candidates to fill this vacancy.

Long Range Planning Committee - Resignation

On motion of Chairman Donald it was unanimously

VOTED: To accept with regret the resignation from the Long Range Planning Committee dated November 17, 1987, from Darlene Caldwell of 1031 Boston Post Road; to request Executive Secretary Thompson to forward a letter of thanks on behalf of the board for her contribution to the Town; and to further request Executive Secretary Thompson to contact the Long Range Planning Committee to discuss possible candidates to fill this vacancy.

Fire Department - Rescue Tool Bids

Present: Fire Chief Michael Dunne.

The Board reviewed with Fire Chief Dunne his memorandum dated November 20, 1987, regarding the two bids received for the Rescue Tool.

Upon recommendation of Fire Chief Dunne, on motion of Chairman Donald it was unanimously

VOTED: To accept the bid of Fire Tech & Safety of N. E. for supplying a Heavy Rescue Tool in the amount of \$10,795.00 for the basic package, in accordance with the specifications requested by the Town, plus \$4,275 in options, making a total price of \$15,070.00.

Police Department - Unpaid Bill Re: Nicholas Lombardi

The Board reviewed memorandum dated November 17, 1987, from Police Chief Peter B. Lembo, regarding an unpaid sick leave buyback due former Chief of Police Nicholas Lombardi.

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

VOTED: To remit to former Chief of Police Nicholas Lombardi the amount of \$8,327.52, as the balance due him for sick leave buyback, plus \$573.50 for unpaid medical expenses; and to request Executive Secretary Thompson to prepare an article for the Board's submission for a Special Town Meeting within the Annual Town Meeting to fund payment.

Christmas Holiday Schedule

Executive Secretary Thompson confirmed with the Board that its Town employees Christmas Party will be scheduled for Friday, December 18, 1987, from 1:00-4:00 p.m.

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

VOTED: To close Town Hall at Noon on Thursday, December 24, 1987.

Maynard Rod and Gun Club

Executive Secretary Thompson reported that he and Town Engineer I. William Place visited the Maynard Rod and Gun Club on November 20, 1987, and a follow-up visit has been scheduled for Tuesday, December 1, 1987. Chairman Donald suggested, and Executive Secretary Thompson concurred, that a copy of the draft of proposed changes to the Club's operations be submitted to the Board of Appeals for its review.

Town Forum - 175th Session

At 8:00 p.m., Chairman Donald convened the 175th Session of the Town Forum, a copy of the minutes of which are attached hereto and made a part hereof.

Annual Performance Review - Richard E. Thompson, Executive Secretary

The Board reviewed Annual Report dated November 16, 1987, submitted by Executive Secretary Richard E. Thompson in accordance with the Selectmen's Performance Review Policy.

The Board gave the highest praise to Mr. Thompson for the work he has done on behalf of the Town and the careful guidance he has given the Board during his tenure. Selectman Wallace stated that the dramatically improved spirit of cooperation among the various boards and departments in the Town has been fostered by and due in no small part to the efforts of Mr. Thompson. Selectman Drobinski pointed out the especially fine job Mr. Thompson has done concerning representation of the Town's interests to the State Department of Environmental Quality Engineering regarding wastewater treatment facilities.

Executive Secretary Thompson pointed out there are basically three changes in his request for renewal of his employment contract with the Town: (1) salary increase to \$61,759.00; (2) deletion of mileage benefit, since he is now provided with a town vehicle; and (3) request for an additional three vacation days.

Following discussion, it was on motion of Selectman Wallace unanimously

VOTED: To approve the objectives set forth in the Annual Report dated November 16, 1987, submitted by Executive Secretary Richard E. Thompson; and further, to renew Mr. Thompson's employment contract for Fiscal Year 1988, as presented.

Executive Session

At 9:15 p.m., it was on motion by roll call unanimously

VOTED: To go into Executive Session for the purpose of discussing a collective bargaining matter and a litigation matter.

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

The Chairman announced that public session would immediately reconvene following the Executive Session.

At 9:30 p.m., Executive Session was adjourned and Chairman Donald reconvened public session immediately thereafter.

Planning Board - Joint Meeting Re: Proposed ATM Articles

Present: Russell P. Kirby, Morton L. Brond, Lael M. Meixsell, Judith A. Cope, James P. Watterson, Planning Board; Lee Newman, Town Planner.

Chairman Donald convened a joint meeting with the Planning Board to discuss articles proposed for submission by said board at the 1988 Annual Town Meeting.

Planning Board Chairman Russell P. Kirby stated that many of the articles that have been proposed and will be presented at Town Meeting are the result of a joint meeting with the Zoning Board of Appeals (hereinafter "ZBA"). He cautioned that there would be several technical corrections and possibly the addition of another article. Mr. Kirby also reported input received from residents of the Wayside Inn area who expressed an interest in re-zoning that area to a five-acre minimum.

Town Planner Lee Newman discussed amendment to Article IX, Section III, A, by adding a new subsection 2 concerning accessory apartments. She stated the ZBA expressed concern that the presently proposed bylaw does not give the Town much long-term control. In outlining the proposed amendment, Ms. Newman stressed its wording is meant to encourage affordable housing. She explained that similar wording has been used in Lincoln, and Town Counsel Paul Kenny has been given a draft copy of it for his review.

Chairman Donald expressed her pleasure in an article of this type, but questioned the legality of the language contained on page 4, "f", which states "The Board of Appeals shall give due consideration to the report of the Planning Board and, where its decision differs from the recommendation of the Planning Board, shall state the reasons therefor in writing." It is her feeling that it is not the job of one commission to tell the other what to do.

Selectman Wallace questioned the necessity for limiting the number of accessory apartments permitted (see, page 6, "k"), and Ms. Newman explained this language was based on the wording of the bylaw in Lincoln. That community had expressed a fear of there being a "rush" of building of this type of housing and inclusion of this language assuaged those who would otherwise support it if not for this fear. She added that from all indications the fears have been unfounded and this type of building has not been utilized.

Planning Board member Morton L. Brond stated this issue has not been finalized as yet and the final language may be more restrictive to limit accessory apartments.

Executive Secretary Thompson stated it is his hope that the Planning Board and Board of Selectmen can be unanimous in presentation of this proposed bylaw.

Ms. Newman next discussed amendment to Zoning Bylaw Article IX,V,A - Site Plan Approval. Selectman Drobinski asked if this wording would effectively

close the loophole that currently exists and Ms. Newman stated this would hopefully prevent a situation such as the bowladrome from occurring. Chairman Donald suggested the re-lettering and re-numbering of the sections be reviewed and Ms. Newman stated the Board would do so.

Pertaining to the amendment to Article IX,1,D - Non-Conforming Buildings and Uses, Ms. Newman explained it is necessary to delete the "hardship" aspect of this bylaw in order to bring it into compliance with applicable state law.

Amendment IX,V,D - Signs and Advertising Devices, Ms. Newman explained, is to force a variance standard of application versus the more flexible standards of a special permit. She indicated that her feeling is to create some kind of flexibility, but the ZBA prefers the requirements be more restrictive. Selectman Drobinski opined that the boards should look closely to what would happen once a variance is given; this could prove more restrictive to the Town in the long run, as a variance runs with the land. Ms. Newman stated she would have this checked into.

Ms. Newman discussed the possibility of the adoption of a bylaw requiring the reservation of land in every new standard subdivision for purchase by the Town for housing purposes. She stressed that the Planning Board may not go forward with this, but wants the Board to know that it is looking into some kind of so-called inclusionary zoning bylaw. She explained that something comparable to this was established in Concord and its effect was to get affordable housing into new subdivisions.

Ms. Newman completed the Planning Board's presentation by stating that they are contemplating an Aquifer Protection Bylaw article (referred to as the "Water Resource Protection Area"), specifically with respect to Pratts Mill Road/Hop Brook area and the Raymond Road aquifer.

The Selectmen thanked the Planning Board for its continuing efforts and stands ready to offer further assistance when needed.

Landfill Operations - Meeting with Landfill Agent/Resource Recovery Com.

Present: Landfill Agent Robert Noyes; Highway Department Administrative Assistant Michael Pakstis; Town Engineer I. William Place; Theodore A. Barten, Linda Bolton and George Martin, Resource Recovery Committee; and residents.

Chairman Donald convened a meeting with the Landfill Agent and the Resource Recovery Committee regarding their recommendations relative to landfill operations, including fees, recycling and composting.

Landfill Agent Robert Noyes reiterated his findings, which he submitted under cover letter dated November 20, 1987. He stated that since every surrounding community maintains a landfill and other fees, he attempted to come up with something that may cover operational costs, based on today's expenditures.

Executive Secretary Thompson stated that he personally does not like the idea of charging residents a fee to use the landfill. However, he recognizes the fact that the more other communities charge and the more Sudbury stays the

same--i.e., no charge--Sudbury will become an increasingly attractive target for non-residents to illegally use the Town's site.

Mr. Noyes further stated the Board should consider not accepting any roll-offs at the landfill site, and mentioned that Lincoln is not accepting anything over 18 cubic yards.

Theodore Barten of the Resource Recovery Committee stated that he and committeeman Neal Drawas just received Mr. Noye's report on Saturday, November 21, 1987, and they therefore have not had an opportunity to meet and discuss it as a committee.

Mr. Barten did express his personal thoughts, however, and stated that he believes the survey conducted by Mr. Noyes basically confirms and reinforces the information given to the Board by the Resource Recovery Committee in September. However, he feels the fee structure proposed by Mr. Noyes is very low, while the allowance for potential revenue is possibly a bit on the high side.

Residential stickers were again discussed and Mr. Thompson stated he would recommend the addition of another landfill monitor if that could prevent the imposition of a residential sticker fee.

Mr. Thompson recommended that the Board consider taking whatever fees are collected as of December 31, 1987, from the landfill, and use that as a starting point for landfill use in the coming year. He explained the appropriation article prepared for the Board to submit may be replaced with a request to establish an Enterprise Fund. The Board concurred with the latter approach if it is determined to be the best accounting procedure.

Mr. Barten stated that with regard to charging for residential stickers he believed an argument in equity may be made for imposition of a fee. It is his belief that people who pay a commercial hauler to remove their trash have the cost of use of the landfill computed into the cost of the service. Thus, it would appear fair to charge those residents who do their own hauling a fee for use of the landfill. Mr. Robert Grierson of 11 Great Road, owner of R & G Trucking, took issue to that statement and stated his customers are not charged a "dump charge" for hauling.

With regard to a clarification of the term "usual household" items, Mr. Noyes stated he could come up with no definitive language which would encompass every situation that might arise. Mr. Thompson stated a solution is still being considered, but that until some language or policy is resolved, he requested Mr. Noyes instruct his assistants to be as considerate of the residents' needs as possible.

After further discussion, it was determined that the Resource Recovery Committee will be given an opportunity to review and respond to the information provided by Mr. Noyes; and a meeting will be scheduled at a future date to resolve these issues.

The meeting among the Selectmen, Landfill Agent and Resource Recovery Committee was thereupon adjourned.

Articles For Submission at the 1988 ATM

The Board reviewed its proposed articles for submission at the 1988 Annual Town Meeting. The December 1 submissions reviewed were as follows:

1. Street Acceptances
2. Amend Bylaws, Article III,2 - Town Report: Chairman Donald suggested that the wording on page 10, next-to-last paragraph of the warrant report, regarding "unnecessary requirement", be deleted or clarified.
3. Transfer Land for Senior Citizens Center
4. Sell Parcel #111 off Willis Lake Drive (subject to Park & Recreation article to transfer to Selectmen)
5. Sell Parcel #140 off Willis Lake Drive (to abutter as voted at 1987 Annual Town Meeting)
6. Transfer Parcel #140 to Selectmen for Sale (to anyone if no abutter wants it) - Alternate Article
7. Sell Parcel #140 at Public Sale - companion alternate article
8. Amend Bylaws, Article V - Storage of Inflammable Fluids (to be submitted jointly with Fire Chief): Upon inquiry by Chairman Donald, Executive Secretary Thompson explained that any change in the fees must be voted by Town Meeting.
9. Amend Bylaws, Article V, Public Safety - Designate Penalties
10. Amend Bylaws, Article V(B), Burglar Alarms - Designate Penalty
11. Amend Zoning Bylaws, Article IX,V,L, Special Regulations, Unregistered Motor Vehicles - Establish Penalty
12. Amend Zoning Bylaws, Article IX,VI,D, Administration - Penalty
13. Amend Bylaws, Article V, Public Safety - Enforcement Procedure

The December 31 submissions reviewed were as follows:

1. Hear Reports (standard form)
2. Temporary Borrowing (standard form and report)
3. Use of Free Cash (standard form and report)
4. Landfill Upgrading: Executive Secretary Thompson explained this may involve inclusion in Enterprise Fund Account and may therefore be withdrawn.
5. MetroWest and M.A.G.I.C. Planning Funds

6. Police Paid Detail Account

7. Special Act - Appoint Treasurer/Collector: Executive Secretary Thompson stated it is hoped that this article will be jointly sponsored by the Treasurer and Tax Collector.

8. Designate Enforcement Agent - Litter Laws

9. Codify Town Bylaws (to be submitted jointly with Town Clerk).

Executive Secretary Thompson stated that the reports will be available for review and approval at a future meeting.

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

VOTED: To approve and submit the above-listed December 1 and December 31 articles for the 1988 Annual Town Meeting.

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