

ak

IN BOARD OF SELECTMEN
MONDAY, APRIL 25, 1988

Present: Chairman David A. Wallace, John C. Drobinski, Judith A. Cope.

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:00 p.m. by Chairman David A. Wallace at the Library of the Lincoln-Sudbury Regional High School.

Utility Petition 88-2 - Thunder Road

Present: Edward F. Chisholm, Right of Way Agent, Boston Edison.

The Board reviewed Utility Petition 88-2 of Boston Edison Company and New England Telephone and Telegraph Company for approximately fifteen feet of conduit to be installed in Thunder Road off the paved surface in order to convert existing overhead service at 77 Thunder Road to underground service.

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 April 20, 1988.

On motion of Chairman Wallace, it was unanimously

VOTED: To approve Utility Petition 88-2 of Boston Edison Company and New England Telephone and Telegraph Company for permission to lay and maintain a distance of about fifteen feet of conduit under the following public way of the Town: Thunder Road - northeasterly approximately 438 feet west of Sunset Path; as shown on plan of Boston Edison Company entitled "Plan of Thunder Rd. Sudbury Showing proposed location of cust. conduit", dated March 4, 1988; and New England Telephone and Telegraph Company's "Plan for Conduit Location", N.E.T.&T. Co. No. 88-2, dated April 4, 1988.

Utility Petitions 88-3A&3B - French Road

Present: Edward F. Chisholm, Right of Way Agent, Boston Edison.

The Board reviewed Utility Petitions 88-3A & 88-3B of Boston Edison Company and New England Telephone and Telegraph Company for approximately three feet of conduit to be installed in French Road off the paved surface and to install pole numbered 214/14 with guy wire and anchor in order to provide service to a new home under construction on Lots 1B and 2B.

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 April 20, 1988.

On motion of Chairman Wallace, it was unanimously

VOTED: To approve Utility Petition 88-3A of Boston Edison Company and New England Telephone and Telegraph Company for permission to lay and maintain a distance of about three feet of conduit under the following public way of the Town: French Road - northerly approximately 920 feet east of Dutton Road; as shown on plan of Boston Edison Company entitled "Plan of French Rd. Sudbury Showing Proposed Conduit Location", dated February 10, 1988; and New England

Telephone and Telegraph Company's "Plan for Conduit Location", N.E.T.&T. Co. No. 88-3, dated April 13, 1988; and further

VOTED: To approve Utility Petition 88-3B of Boston Edison Company and New England Telephone and Telegraph Company for permission to erect or construct one pole, with guy wire and anchor, along and across the following public ways: French Road - northerly side approximately 920 feet east of Dutton Road; and further, to lay and maintain underground laterals, cables and wires on the same side of the public way as poles, for the purpose of making connection with such poles and single-residence buildings as petitioner may desire for distributing purposes; as shown on plan of Boston Edison Company entitled "Plan of French Rd., Sudbury Showing proposed pole location, guy wire and anchor", dated February 10, 1988.

Utility Petition 88-4 - Brimstone Lane

Present: Edward F. Chisholm, Right of Way Agent, Boston Edison; Gail Moulton.

The Board reviewed Utility Petition 88-4 of Boston Edison Company and New England Telephone and Telegraph Company for approximately three feet of conduit to be installed in Brimstone Lane in order to provide service to a new home.

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 April 20, 1988.

Gail Moulton, 57 Brimstone Lane, stated that she had no objections to the proposed plan per se, but wished to bring to the attention of the Board of Selectmen the poor electric service to the neighborhood, on both sides of the street, which has been going on for a period of approximately two years. Citing a history of frequent power outages contributing to great inconvenience and physical discomfort since many of the homes have electrically powered heating systems, and lack of full power which affects utilization of appliances, Ms. Moulton stated that she has tried to no avail to seek resolution of the problem from Boston Edison.

At the suggestion of the Executive Secretary, it was on motion of Chairman Wallace

VOTED: To direct the Executive Secretary to request a written report from Boston Edison Company on the electrical service to the Brimstone Lane neighborhood and its plans to resolve the recurring problems in that area.

On motion of Chairman Wallace, it was unanimously

VOTED: To approve Utility Petition 88-4 of Boston Edison Company and New England Telephone and Telegraph Company for permission to lay and maintain a distance of about three feet of conduit under the following public way of the Town: Brimstone Lane - northwesterly approximately 1800 feet southwest of Boston Post Road; as shown on plan of Boston Edison Company entitled "Plan of French Rd. Sudbury Showing proposed location of customer conduit", dated January 28, 1988; and New England Telephone and Telegraph Company's "Plan for Conduit Location", N.E.T.&T. Co. No. 88-4, dated April 19, 1988.

Boston Edison Right of Way Agent Edward F. Chisholm stated in response to a Mr. Thompson's request that he would check on the status of the double pole on Rt. 20 across from the Mobil Station near Landham Road.

Tax Collection

The Board reviewed the April 13, 1988 communication from Finance Committee Chairman David Wilson on the subject of delinquent taxpayers containing recommendations that the Town implement the withholding/withdrawing of permits as allowed by law, including building permits, from builders and other permit holders until all back-taxes are paid. Noting that the Board has already implemented the law with regard to liquor license transfers, on the recommendation of the Executive Secretary it was on motion of Chairman Wallace unanimously

VOTED: To support the program to collect delinquent taxes and to request that the Town Accountant and Town Treasurer continue to monitor the delinquency lists with regard to permit holders or licensees.

Olympic Pride Bike Ride - Route 20

At the request, dated April 7, 1988, of the coordinators of the Olympic Pride Bike Ride, sponsored by Massachusetts Blue Cross/Blue Shield and Bob Brest Auto World in cooperation with the Boston Herald, WBZ-TV and the Springfield Union News to support the 1988 USA Olympic Team, and noting that the Police Chief approves, it was on motion of Chairman Wallace unanimously

VOTED: To grant permission for the Olympic Pride Bike Ride, in support of the 1988 USA Olympic Team, to take place on May 22, 1988, along Route 20 in Sudbury, subject to coordination with the Sudbury Police Department.

Appointments

Noting that appointment of former Selectman Anne Donald to the Sudbury 350th Anniversary Celebration Committee would enable her to continue the activities on that committee begun as an ex officio member representing the Board of Selectmen, it was on motion of Selectman Cope unanimously

VOTED: To appoint Anne W. Donald, 102 Hudson Road, as a full member of the Sudbury 350th Anniversary Celebration Committee.

In response to the April 16, 1988 communication from Lyn MacLean, Chairman of the Sudbury Historical Commission, it was on motion of Selectman Cope unanimously

VOTED: To appoint Charles W. Orr, 135 Plympton Road, to the Sudbury Historical Commission, replacing Lillian Balch, for a term to expire April 30, 1990.

Minutes

After discussion, it was on motion of Chairman Wallace unanimously

VOTED: To approve the April 11, 1988 regular session minutes as amended; to approve the April 12 and 13, 1988 regular session minutes as presented; and to approve the April 13, 1988 executive session minutes as presented.

Donations - Council on Aging

It was on motion of Chairman Wallace unanimously

VOTED: To accept a donation in the amount of \$50 from Security Design Consultants, Inc., of Weston, Massachusetts, to be used by the Council on Aging for uniforms for the Sudbury Walking Club, and to authorize expenditure by the Council for the same;

and it was further

VOTED: To accept donations in the amount of \$191.50 for deposit into the Council on Aging Van Donation Account, and to authorize the Council on Aging to expend the same for purposes of operating and maintaining the Council on Aging van.

Executive Session

It was on motion by roll call unanimously

VOTED: To go into Executive Session for the purpose of discussing expenditures from the Discretionary Fund.

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

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

The public session reconvened at 7:20 p.m.

HMO Agreement - Harvard Community Health Plan

Upon report of Assistant Town Counsel David Doneski, dated April 21, 1988, and the recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To authorize Chairman Wallace to sign the Employer Agreement for the Town's participation in the Harvard Community Health Plan for the period May 19, 1988 through May 9, 1989, on behalf of the Board of Selectmen.

Town Hall Use - Presbyterian Church

Upon review of the April 13, 1988 communication from The Rev. George E. Saylor, Pastor, Presbyterian Church in Sudbury, upon the recommendation of the Executive Secretary it was on motion of Selectman Wallace unanimously

VOTED: To grant permission to the Presbyterian Church in Sudbury to use the Sudbury Town Hall for worship and church school classes on Sunday mornings during the period August 1988 to June 1989, while renovations to that church are taking place, and to authorize the Executive Secretary to work out the details of the same.

Stop Sign - Old Garrison Road

The Board reviewed a request, dated April 12, 1988, from Safety Officer William B. Carroll, on behalf of area residents, for the installation of a stop sign on Old Garrison Road at the intersection with Dutton Road. It was noted that the Town Engineer recommends placement of the stop sign immediately and reports that the Engineering Department is in the process of redesigning this intersection for subsequent construction by the Highway Department.

It was thereupon determined by the Board that the intersection described herein meets at least one of the warrants as set forth in the Manual on Uniform Traffic Control Devices of the Department of Public Works and such installation can therefore be authorized without further approval of that Department.

On motion of Chairman Wallace, it was unanimously

VOTED: To approve installation of a stop sign on Old Garrison Road at the intersection of Dutton Road, at a location to be determined by the Town Engineer and Police Safety Officer; and to amend the Traffic Rules and Orders of the Town of Sudbury, adopted by the Board of Selectmen on September 12, 1941, and subsequent amendments thereto, by adding at the end of Section 8 in Article VII, OBEDIENCE TO ISOLATED STOP SIGNS, the following location: "Northbound drivers on Old Garrison Road at Dutton Road."

Task Force - Senior Center

Present: Carol Henley, Goodnow Library Trustee.

The Board noted receipt of a communication, dated April 14, 1988, from Council on Aging Director Marjorie Van Houten and five Council members requesting that the Board of Selectmen appoint a task force to study all possible options for a new senior center, to determine the best possible plan which would meet the needs of Sudbury's seniors, and to initiate a Special Town Meeting warrant article which would have broad-based support. The communication suggests that such a task force be convened by the Permanent Building Committee and would include the following representatives: two members and the Director of the Council on Aging; two members of the Goodnow Library Trustees and the Library Director; Board of Selectmen; and one member each from the Finance Committee, School Committee, Sudbury Visiting Nurse Association and the Long Range Planning Committee.

On the recommendation of the Executive Secretary, it was on motion of Chairman Wallace unanimously

VOTED: To support the idea of forming a Task Force relative to Senior Center options to include, but not be limited to, the membership as outlined in the Council on Aging letter, excepting two members of the Board of Selectmen, to be convened by the Permanent Building Committee with the charge to be more specifically determined after the first meeting and subsequent meeting with the full Board of Selectmen; and further, to appoint Judith A. Cope as the Selectmen representative on said Task Force.

Goodnow Library Trustee Carol Henley stated that the Library Trustees were supportive of the formation of the Task Force and suggested that

representatives of other Town agencies, such as the Park and Recreation Commission, which control interests in land might also be considered for appointment to the Task Force.

Mr. Thompson suggested that the Board might wish to appoint the Town Engineer as an ex-officio member.

Resignation - Personnel Board

Noting receipt of a letter from Thomas S. Irby, dated April 19, 1988, and further noting that no person is available to succeed him immediately as a Personnel Board member, it was on motion of Selectman Wallace, unanimously

VOTED: To accept with regret the resignation of Thomas S. Irby from the Personnel Board effective May 19, 1988, and to direct the Executive Secretary to send Mr. Irby a letter of appreciation for his service to the Town.

Tax Assessment Error - E. Simon

The Board acknowledged receipt of and reviewed a communication from Estelle Vee Simon, dated April 15, 1988, requesting a reimbursement of \$504.70 plus interest which represents, in her opinion, an overpayment of taxes for seven years resulting from an error in assessment in FY81.

The Board noted that the only recourse available to Mrs. Simon to obtain payment from the Town is through a warrant article for special legislation for consideration by a Town Meeting. Mr. Thompson informed the Board that the Assessors have made known that they would speak against such an article if presented.

On the recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To direct the Executive Secretary to work with Mrs. Simon relative to the procedural requirements of submitting an article to Town Meeting and to inform her that if it is her desire to go forward with an article at the Special Town Meeting, the Board would submit the article on her behalf but would not take a position on such an article until it had an opportunity to meet with the Assessors on the subject.

Annual Town Meeting - Articles 67 and 68

Town Counsel Paul L. Kenny updated the Board on the recent Land Court decision in response to his Motion for Judgment on the Pleadings in Liberty Ledge Real Estate Trust, et als v. Planning Board of the Town of Sudbury upholding the position of the Town that the installation of a private sewer system and wastewater treatment facility in a residence zone of the Town is not allowed under the Town's zoning bylaw. Mr. Kenny noted that the trial is still going forward on other subdivision control issues.

The Board noted receipt of a copy of Attorney Kenny's opinion of April 19, 1988 to the Moderator relative to Article 68, concluding that it was not a valid amendment to the Town of Sudbury Bylaws. The petitioners had been so informed.

In response to Selectman Wallace, Mr. Kenny opined that he considers Article 67, submitted by petition, to be a "legal" article, although the nomenclature might not be appropriate. Article 67, if passed, would simply state that package sewage treatment plants are prohibited in all zoning districts.

It was the consensus of the Board to take the matter under advisement and not take a position on Article 67 at this time.

Annual Town Meeting - Article 64

Mr. Thompson informed the Board that the Conservation Commission, Planning Board, and Board of Health were in agreement with going forward with Article 64 against the wishes of the Water District. The Board of Health has conditioned its support on obtaining additional data and revising the map accordingly in order to prepare an amendment for consideration at the fall Special Town Meeting. Mr. Thompson stated that he had contacted Dr. Chiang who had informed him that the data collection and map revision would cost from \$10,000 to \$15,000, but would not include any extensive drilling.

(Note: See discussion continued in joint session with the Planning Board.)

Annual Town Meeting - Articles 72, 73 and 74

Present: Planning Board Chairman Russell Kirby and members Morton Brond, Lael Meixsell, James Watterson and Richard Brooks; Town Planner Lee Newman.

Planning Board Chairman Russell Kirby informed the Board that the Planning Board supported all three zoning amendments relative to the Wayside Inn area contained in Articles 72, 73 and 74, the major reason being the preservation of open space around an historic site. In its presentation the Planning Board plans to exhibit a subdivision proposal which will show the area as subject to intensive development.

After discussion, on the recommendation of the Executive Secretary it was on motion unanimously

VOTED: To support the position of the Planning Board relative to Articles 72, 73 and 74 subject to review by Town Counsel of the wording of the presentation.

Annual Town Meeting - Article 64 (continued)

Present: Planning Board Chairman Russell Kirby and members Morton Brond, Lael Meixsell, James Watterson and Richard Brooks; Town Planner Lee Newman.

Mr. Thompson reported that he had obtained an estimate of the cost of additional data to amend Zones established under the Water Protection Resource Districts created by Article 64, if passed by Town Meeting, at the fall Special Town Meeting. He stated further that it was his intention upon the passage of Article 64 to request a Reserve Fund transfer for that purpose. Both the Board of Selectmen and Planning Board stated their agreement with this approach.

Community/School Response Network

Mr. Thompson noted that, in response to the April 15, 1988 invitation from Neal A. Shifman, Chairman, Youth Commission, he and Selectman Cope would be attending a meeting at the High School on April 27 relative to school/community networking proposal in response to a sudden death of a young person within the Town.

There being no further business to come before the Board, the meeting was adjourned at 8:00 p.m.

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk