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IN BOARD OF SELECTMEN
MONDAY, AUGUST 1, 1988

Present: Chairman David A. Wallace, Judith A. Cope.

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:30 p.m. by Chairman David A. Wallace at the Lower Town Hall.

Executive Secretary Richard E. Thompson reported that Selectman John C. Drobinski was unable to attend this evening's meeting because of an out-of-state commitment, Selectman Drobinski contacted Mr. Thompson on July 29, 1988, and commented on various items on the agenda that he wished recorded. Thus, where appropriate, Mr. Thompson noted Mr. Drobinski's comments.

Performance Review - Building Inspector/Zoning Enforcement Agent
Joseph E. Scammon

Present: Joseph E. Scammon.

The Board reviewed Annual Performance Report dated July 28, 1988, from Building Inspector/Zoning Enforcement Agent Joseph E. Scammon, and memorandum of Objectives dated August 1, 1988, from Mr. Scammon.

Selectman Cope asked several questions regarding procedures relating to inspection of buildings prior to and during construction, and asked about cooperation with other departments concerning same. Mrs. Cope explained that her main concern is the concerns of other boards and committees that these questions be addressed at an earlier stage. Mr. Scammon responded that he is aware of these concerns and he has attempted to address them to the best of his ability. Taking the example of occupancy permits, however, he noted that at that stage there is a checklist for all boards and committees involved. Selectman Wallace suggested that some type of checklist be instituted at an earlier stage.

Mr. Scammon expressed his opinion that because of a memorandum from the Selectmen's office, he, the Director of Health and the Town Engineer are working on a procedure to possibly require "as built" drawings at an earlier stage.

On another matter, Selectman Cope discussed the duties of the Deputy Building Inspector Earl Midgley, and queried whether his services could be better utilized. Mr. Scammon responded that better utilization of Mr. Midgley's position would come about under the Town Meeting's newly-approved non-criminal ticketing procedure, which requires approval from the Attorney General's office. [N.B. Such approval was received August 9, 1988].

Selectman Cope also updated the Board and Mr. Scammon on the work of the Route 20 Task Force in developing a list of zoning violators along that road, with photographs and supporting information to verify said violations. Mrs. Cope stated that this task should be completed in the immediate future and would be transmitted to the Building Inspector for action.

Mrs. Cope encouraged Mr. Scammon to pursue his conversations with the Director of the Board of Health and the Town Engineer in order to clarify a means of implementing a better review system in the preliminary stages of housing development and construction. Mr. Scammon stated he would do so.

Chairman Wallace commended Mr. Scammon's memorandum of Objectives and his attempts to accomplish same. Mr. Wallace stressed that the Board would like to proceed immediately with the Town's new system of ticketing zoning violators, unregistered vehicles, etc., in the non-criminal fashion. Mr. Wallace concurs with Mrs. Cope's suggestion of a better utilization of Mr. Midgley's time to do this.

Executive Secretary Thompson reported that Mr. Scammon's salary is under consideration through the bargaining process with the Sudbury Supervisory Association, which it will be determined at a later date.

On motion of Chairman Wallace, it was unanimously

VOTED: To accept the Annual Performance Review dated July 28, 1988, and Memorandum of Objectives dated August 1, 1988, from Inspector of Buildings/Zoning Enforcement Agent Joseph E. Scammon.

Executive Secretary Thompson noted that Selectman Drobinski expressed his continuing concern regarding better zoning enforcement.

Performance Review - Fire Chief Michael C. Dunne

Present: Michael C. Dunne.

The Board reviewed Annual Performance Review dated June 7, 1988, and Memorandum of FY89 Salary/Benefits Package Recommendation dated June 6, 1988, from Fire Chief Michael C. Dunne.

Selectman Cope asked Chief Dunne to comment on the underground tank problems in the Town. Chief Dunne replied that it is a continuing problem and cited the discovery of an unknown tank on the Stanmar property as an example. With regard to that tank, he informed the Board that it has been removed. Chief Dunne added that the recent oil tank accident which occurred on Route 20 was taken care of to his satisfaction after the resolution of some logistics problems as to who is responsible for the immediate cleanup.

Selectman Cope questioned the success of the cleanup recently completed in the so-called "Desert Area" of Town. Chief Dunne responded that in his opinion the problems have not returned to its former level of activity thanks to the police patrols and the barricading of the entrance to the area. Chief Dunne continued that he believes the visibility of the Registry personnel and vehicles are the greatest deterrent to illegal activity in that area.

Chief Dunne was questioned about his comments contained in his memorandum dated June 6, 1988, concerning "extra" vacation, which had been negated at this year's Town Meeting. This would have been a provision that would have allowed the Personnel Board to give extra vacation time to department heads in lieu of

compensatory time. It was commented that irrespective of any recent past ruling, any employee of the town can receive that benefit, if eligible by time and grade. Executive Secretary Thompson recommended that the Selectmen agree that this is a matter to be resolved by the Personnel Board, and the Selectmen concurred.

Upon motion of Chairman Wallace, it was unanimously

VOTED: To accept the Annual Performance Review dated June 7, 1988, and the Memorandum of FY89 Salary/Benefits Package dated June 6, 1988, prepared by Fire Chief Michael C. Dunne; and it was further

VOTED: To set the FY89 salary for the position of Fire Chief Michael Dunne at the Grade 15, Step 7 rate of \$51,329, plus 4% longevity and \$1,000 EMT stipend, for a total salary of \$54,382, effective July 1, 1988; and all other benefits as granted by the Personnel Bylaw; (the foregoing includes a 6% cost-of-living increase).

Executive Secretary Thompson noted that Selectman Drobinski reported that he reviewed the salary recommendations and approved same.

Chief Dunne stated that he would like the Selectmen to place on a future agenda for discussion the future role of the Fire Department in the areas of handling of hazardous waste materials, and expansion in the emergency medical treatment area. At the request of the Selectmen, Executive Secretary Thompson will see that this is done.

Performance Review - Town Counsel Paul Kenny

Present: Paul Kenny.

The Board noted receipt of memorandum regarding Town Counsel Annual Review, dated July 26, 1988, from Executive Secretary Thompson, and letter dated July 28, 1988, from the Wastewater Advisory Committee.

Chairman Wallace stated his concurrence with the comments contained in Executive Secretary's memorandum dated June 26, 1988, specifically with regard to Mr. Thompson's statement that Town Counsel has had a very good year, and the recommendations regarding retainer and hourly rate increases.

Chairman Wallace continued that his only area of concern is the handling of certain legal situations where time demands are made on Town Counsel's office and those demands are in conflict with availability of Town Counsel. Mr. Wallace suggested that a system be put into place whereby Town Counsel's office maintain a log of requests, which will be given to the Selectmen, who will - after input from Town Counsel as to importance, statute of limitations issues, relevancy to pending litigation, etc. - prioritize such requests so as to obviate feelings of being ignored by those seeking legal support.

Chairman Wallace expressed his gratitude to Attorney Kenny for his abilities and diligence in handling the legal needs of the Town. Mr. Wallace specifically pointed out Attorney Kenny's perseverance in the Wayside Package Store matter, which was resolved in the Town's favor after 5-7 years; and the Land Court decision relative to residential package wastewater treatment facilities.

Selectman Cope also expressed her concurrence with Mr. Thompson's memorandum of recommendations dealing with retainer and hourly rate increases. Mrs. Cope stated that she had called the Town of Wayland concerning such costs for their Town Counsel, and learned that when compared with that community - as well as the communities listed on the comparison provided the Selectmen by Mr. Thompson - Sudbury is under those other community's budgets for Town Counsel.

Mrs. Cope went on to express her strong concern about the various board's need for counsel's time and suggested that if there is a problem with allocation of time, the Town should consider bringing in outside legal assistance. As an example, Mrs. Cope stated it might be appropriate to utilize the services of the Conservation Law Foundation.

Mrs. Cope further stated that she would like to see a more aggressive legal approach from the point of view of Town Counsel's office relative to use variances and the current conflict with the Board of Appeals and Planning Board; also, with regard to overhauling of the local bylaws. She summed up her concerns by stating, "Where are we messing up on these matters?".

Town Counsel Paul Kenny responded by stating that he cannot advise the Board on policy, that his Office may only give legal advice. Attorney Kenny continued that he felt the responsiveness of his Office to all boards and committees has been satisfactory. Attorney Kenny did state, however, that in the scheme of things, depending on the situation, priorities must be established; and pointed out that the Town Meeting period is the most difficult time, since all boards and committees want Town Counsel's time simultaneously and this involves many complex issues, as the last Town Meeting will attest. Likewise, he added, summer is a very difficult time, and stated the Liberty Ledge litigation has proceeded through the summer and an order is still pending.

On the question of the overhauling of the bylaws, Attorney Kenny stated his Office does indicate problems with the wording of the bylaws, mostly because time and court decisions render so many interpretations and changes. Attorney Kenny stated he does address all technical and legal contents of the bylaws.

In response to Selectman Cope's concerns about the conflicts between various boards and committees, Attorney Kenny replied that one of his highest priorities is to try to avoid such conflicts happening, and has spent much time on preventing this during the past year; more, he added, than any of his fellow colleagues. Attorney Kenny pointed out that the Selectmen must understand that zoning bylaws are not perfect documents, as evidenced by the approximately one thousand decisions rendered by the court every year relating to interpretations of zoning bylaws.

Upon recommendation of Executive Secretary Thompson, as contained in his memorandum dated July 26, 1988, it was on motion of Chairman Wallace unanimously

VOTED: To set the annual retainer for FY89 for Town Counsel Paul L. Kenny at \$26,000, retroactive to July 1, 1988; and to increase Town Counsel's hourly court rate from \$65 to \$75 per hour.

Upon review and discussion of the letter dated July 28, 1988, from the Wastewater Advisory Committee ("WAC"), and upon the Selectmen's understanding that Town Counsel has been attempting to address these issues over the past several weeks, it was on motion unanimously

VOTED: To direct Town Counsel to review the proposed Regulations for the Board of Health within the next two to three weeks, and to contact WAC or its representative in order to set up an agreed-upon schedule for addressing all remaining issues concerning residential wastewater package sewage plants.

Executive Secretary Thompson reported that Selectman Drobinski requested that the Board direct Attorney Kenny to take care of the issues addressed by WAC without delay.

Article 4 - Special Town Meeting - Borrowing

Upon review and discussion of letter dated July 28, 1988, from Town Treasurer Chester Hamilton, it was on motion unanimously

VOTED: To authorize the Town Treasurer to borrow \$500,000 in the form of Bond Anticipation Notes which will mature on February 10, 1989; pursuant to Article 4 of the April 4, 1988 Special Town Meeting.

Executive Secretary Thompson reported that Selectman Drobinski expressed his approval for such borrowing.

Landfill

Present: Linda Bolton, Chairman, Resource Recovery Committee.

On motion, it was unanimously

VOTED: To table discussion relative to a materials recycling facility with Millis, to August 15, 1988.

The Board reviewed memorandum dated July 15, 1988, prepared as a result of a telephone conversation with Neal Drawas, of the Resource Recovery Committee regarding the Landfill regulations; recommendations submitted August 1, 1988, by Highway Surveyor Robert Noyes; and comments of Selectman Drobinski, reported by Executive Secretary Thompson. The Board concurred with the opinions of Mr. Noyes and Mr. Drobinski that there should be no requirement to cut tires in two before disposal.

After discussion, it was on motion unanimously

VOTED: To amend the final version of the Landfill Rules and Regulations by adding on page 5 thereof, in Section VI, Prohibited Materials, Part M, the word "brush", so that it reads:

"M. ...tree stumps, cut logs and brush from whatever source.";

said amendment to be effective on the condition that an alternate site be located for the residents to dispose of such brush, stumps and logs.

Conversion of Health Insurance Plan

It was on motion unanimously

VOTED: To convert to Blue Cross/Blue Shield Master Health Plus group health insurance plan, from Blue Cross/Blue Shield Master Medical, effective October 15, 1988, on the grounds that it is equivalent to Master Medical in terms of scope and coverage; subject to discussion with the unions.

Chairman Wallace wished to note that his business has converted to the Master Health Plus group health insurance plan, and his office has been very satisfied with the new arrangement, and it is his opinion that this plan is superior to Master Medical.

Executive Secretary Thompson reported that Selectman Drobinski approves this conversion.

Appointment of Election Officers

Present: Town Clerk Jean M. MacKenzie and Democratic Town Committee Chairman Carmine Gentile.

The Board reviewed and considered the lists containing recommendations for appointment of Election Officers submitted by the Republican Town Committee Chairman dated June 21, 1988, and the Democratic Town Committee Chairman dated July 18, 1988 and amended July 22 and 26. In addition, the Town Clerk had submitted a letter to the Board dated August 1, 1988, requesting certain changes in the names recommended for Democratic officers.

Following discussion, with the concurrence of Democratic Town Committee Chairman Carmine Gentile, two changes (Ellen Consales replacing Cynthia Stocking as Deputy Warden; and Cynthia Stocking being placed on Emergency Inspector list) were made to the Democratic recommendations.

It was on motion unanimously

VOTED: To appoint Republican and Democratic Election Officers for the year commencing August 15, 1988, as recommended by the Town Committee Chairmen as stated above, in accordance with General Laws Chapter 54, section 12.

Voter Registration Sign

Upon review of request dated July 21, 1988, from Town Clerk Jean M. MacKenzie for permission to place voter registration sign on the Town Common August 13 through October 11, 1988, it was on motion unanimously

VOTED: To authorize Town Clerk Jean M. MacKenzie to place an "A" frame sign on the Centre Common to notify residents of special voter registration sessions for the Primary, Special Town Meeting and the November Election, during the period August 13 through October 11, 1988, but only on the days of registration.

Time and Place of Polls for the November 8, 1988 State Election

Upon review of request dated July 20, 1988, from Town Clerk Jean M. MacKenzie for authorization to set the time and place of the polls for the November 8 State Election, it was on motion unanimously

VOTED: To authorize Town Clerk Jean M. MacKenzie to set the time and place of the polls for the November 8, 1988 State Election, 7:00 a.m. - 8:00 p.m., at the Peter Noyes School for all four (4) precincts.

Site Plan Application #88-306 - Stanmar, Inc.

The Board reviewed letter dated July 19, 1988, from the Design Review Board informing of its approval of the landscape plan submitted by Stanmar, Inc., to supplement the site plan reviewed by the Design Review Board on May 31, 1988.

It was on motion unanimously

VOTED: To sign the following plans relative to Site Plan Application #88-306 of Stanmar, Inc.:

Landscape Plan, Sheet L-1, dated July 8, 1988;

Floor Plan & Elevation, Sheet SK-1, dated May 10, 1988.

[Whereupon Chairman Wallace and Selectman Cope signed same; and Selectman Drobinski signed same at a later date].

Resource Recovery Committee - Resignation

It was on motion unanimously

VOTED: To accept the resignation dated July 15, 1988 of George E. Martin, 23 Bishop Lane, from the Resource Recovery Committee; and to request Executive Secretary Thompson to send a letter of thanks to Mr. Martin for his service to the Town.

Police Department - Resignation

It was on motion unanimously

VOTED: To accept the resignation dated July 22, 1988 of Peter G. Sullivan as police sergeant on the Sudbury Police Department, effective July 25, 1988.

Requisition For Appointment of Police Sergeant

Upon review of copy of letter dated July 25, 1988 from Executive Secretary Thompson to the Commonwealth's Bureau of Local Government Services, Division of Personnel Administration, it was on motion unanimously

VOTED: To confirm the action of submitting a requisition to the Department of Personnel Administration for appointment of one permanent fulltime Police Sergeant.

Landfill - Response to DEQE

The Board reviewed copy of letter prepared by Town Counsel Paul L. Kenny dated August 1, 1988 from Town Engineer I. William Place to Joel Hartley, Director of Solid Waste Management, Department of Environmental Quality Engineering relative to its proposed letter of agreement dated May 10, 1988, concerning the Sanitary Landfill operation.

It was on motion unanimously

VOTED: To request Executive Secretary Thompson to forward the letter dated August 1, 1988 to Joel Hartley, Director of Solid Waste Management, Department of Environment Quality Engineering relative to its proposed letter of agreement dated May 10, 1988, concerning the Sanitary Landfill operation, and a copy to the Resource Recovery Committee.

Appointments

It was on motion unanimously

VOTED: To dissolve the Archeological Advisory Committee (Haynes Garrison Site); to request Executive Secretary Thompson to contact Nancy Lewis of 20 King Philip Road regarding her concerns relative to the Town's non-interest in archeological digs in the Town; and to request Mr. Thompson to report the results of his communication with Mrs. Lewis to the Board at the earliest possible time.

It was on motion unanimously

VOTED: To appoint to the Traffic Management Committee the following individuals:

James W. McKinley of 118 Peakham Road, for a three-year term to expire April 30, 1991;

Thomas W. H. Phelps of 58 Concord Road, for a two-year term to expire April 30, 1990; and

Gilbert P. Wright of 127 Woodside Road, for a one-year term to expire April 30, 1989.

Open Space Assessments

Selectman Cope expressed her concern that the new open space taxation policy of the Board of Assessors has not been addressed and she requested Executive Secretary Thompson to make note of this issue for future discussion.

Pictorial History of Sudbury

It was on motion unanimously

VOTED: To approve the Town's participation, under the direction of the Executive Secretary, in the publication of a pictorial history of Sudbury jointly with the Sudbury Historical Society and the Wayside Inn Trustees.

Minutes of June 27, 1988

It was on motion unanimously

VOTED: To approve corrections to the June 27, 1988 minutes as suggested by the Water District Executive Secretary, as follows:

On page 7 of said minutes, paragraph 2, the second sentence should be amended to read:

"...Mr. Fairbank added that when compared to the town of Wellesley, which is double in size but approximately the same in consumption and tank capacity, it becomes obvious that Sudbury is not concerned about conserving water use;..."

On page page 7 of said minutes, paragraph 5, the last sentence should be amended to read:

"...He continued that the Town could stock many motors, but no-one in Sudbury could install same."

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the meeting held July 18, 1988, as presented.

Fire Department - Memorandum of Understanding

The Board reviewed Memorandum of Understanding dated July 6, 1988, and signed July 19, 1988, by the bargaining teams of the Fire Union Local 2023 and the Town.

Following discussion, it was on motion unanimously

VOTED: To approve and ratify Memorandum of Understanding, dated July 6, 1988, and signed July 19, 1988, which amends the collective bargaining Agreement Between the Town of Sudbury and Sudbury Permanent Fire-fighters Association, Local 2023, International Association of Fire-fighters, for the period July 1, 1988 through June 30, 1990.

VOC Testing Program

The Board acknowledged with thanks copy of letter dated June 30, 1988 from DEQE relative to regulations covering the VOC testing program procedures, which was forwarded by Winthrop Fairbank.

New Town Cemetery

Upon review of letter dated July 27, 1988 from Superintendent of Cemeteries Robert A. Noyes, it was on motion unanimously

VOTED: To approve the following transactions relative to New Town Cemetery:

1. the even exchange transfer request of Eli and June Margolin from Section 9 Lot 9 (Deed #381, 4 graves) to Section 12 Lot 14, 4 graves;

2. the sell-back to the Town of Section 12 Lot 14 currently owned by Robert and Susan Mandel of four graves (Deed #617 for 8 graves) in the amount of \$500 (\$125 from Sale of Lots; \$375 from Perpetual Care); and

3. the request by Stuart and Ellen Wecker to sell back to the Town four graves (Deed #633) for the amount of \$500 (\$125 from Sale of Lots; \$375 from Perpetual Care).

Report of Meeting With Finance Committee

Upon inquiry by Selectman Cope regarding the new financial plan being developed by the Finance Committee and others as a result of the meeting held Tuesday, July 28, 1988, Executive Secretary Thompson reported that it was a successful meeting and the Selectmen did receive a handout from that meeting. He explained that the Finance Committee will be planning a small in-house committee to develop further data and strategy for arriving at a final document for acceptance by individual boards and committees.

Meeting With Transportation Secretary Salvucci

Selectman Cope reported that she attended two meetings at State Transportation Secretary Salvucci's office regarding (1) Metrowest Southboro's Massachusetts Turnpike exit ramp; and (2) the widening of Route 20 in Marlboro. Mrs. Cope stated that the Mayor of Marlboro is seeking \$9,000,000 and that Secretary Salvucci responded that the State would help in some way, but encouraged the City of Marlboro to consider a serious effort to do some down-zoning.

Northland - Offer Of Consultation Services

Selectman Cope requested Executive Secretary Thompson to make inquiry of the Water District as to whether or not they will accept the offer from Northland, the developers of the MacNeil property, to provide some free consultation services dealing with aquifer problems in the Wayside Inn area.

Roadway Damage - Goodman's Hill Road

Selectman Cope requested Executive Secretary Thompson to look into the road damage reported outside the Whoolery's residence at 187 Goodman's Hill Road; which damage was allegedly caused by the Water District.

Obtaining of Data Re: Well No. 5

Selectman Cope reported her visit, together with the Health Director, to the offices of DEQE on July 26, 1988, to obtain all information and data relative to Well No. 5 contaminants and contaminants in the Sperry area.

Inter-departmental Sharing of Information

Selectman Wallace requested the Executive Secretary to prepare a memorandum to all departments, boards, commissions, committees, subcommittees, task forces, and the like, to initiate an effort to improve the Board's overall coordination of town programs and projects. He believes that this will lead to development of a so-called "wish list" for the Town.

Chairman Wallace added that such a memorandum should indicate that the Selectmen desire to act as a "clearing house" to gather and transmit all local concerns. Mr. Wallace continued by stating that he believes the Town has enough expertise in its agencies to accomplish such a task.

Selectman Cope added that the Selectmen should act as a conduit for all town boards and committees; and that the message should be made clear that the Selectmen are not trying to create more paperwork. The responses could be verbal or in writing, allowing the Board of Selectmen to put together a listing of all concerns, desires, whatever.

It was concurred by the Board that the Selectmen should take a leadership role in this matter and act as a clearing house for the Town. It was therefore on motion unanimously

VOTED: To request Executive Secretary Thompson to prepare for their signature a memorandum to all departments, boards, commissions, committees, subcommittees, task forces, and the like, requesting they submit to the Selectmen a list of projects or programs, concerns or desires.

Executive Session

At 10:30 p.m., it was on motion by roll call unanimously

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

(Chairman Wallace, aye; Selectman Cope, aye)

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

There being no further business to come before the Board, the meeting was adjourned.

Attest:

Richard E. Thompson
Executive Secretary-Clerk