

IN BOARD OF SELECTMEN
MONDAY, AUGUST 29, 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 7:30 p.m. by Chairman David A. Wallace at the Lower Town Hall.

Tax Anticipation Notes

Present: Town Treasurer Chester Hamilton.

Pursuant to vote taken August 15, 1988, wherein the Selectmen authorized the Town Treasurer to borrow an amount not to exceed \$1,400,000 in Tax Anticipation Notes, as requested by the Treasurer in his letter of August 10, 1988; and after review of memorandum dated August 25, 1988, from Town Treasurer Chester Hamilton, who further advised that monies received as a result of the excise and real estate tax bills reduced the amount necessary to borrow, it was on motion of Chairman Wallace unanimously

VOTED: To sign Tax Anticipation Notes in the amount of \$1,000,000 as authorized on August 15, 1988, and as set forth in memorandum dated August 25, 1988, from Town Treasurer Chester Hamilton, which are as follows, and effective September 12 and due November 15, 1988:

Boston Safe Deposit & Trust Co.	5.91%	\$500,000
BayBank Middlesex	5.95%	250,000
Bank of New England - Essex	6.09%	250,000.

Executive Secretary Thompson reported that he has spoken with the Superintendent of Schools, who stated he would be requesting the Town hold the tax bills until after Special Town Meeting. Town Treasurer Hamilton responded that although he believed the bills would be ready to go out by October 5, 1988, he does not believe there will be a problem with holding them until after the Special Town Meeting.

Highway Chapter 90 Entitlement and Borrowing

Present: Town Treasurer Chester Hamilton.

After review of notification from the Commonwealth's Department of Public Works that Sudbury is entitled to reimbursement of documented expenditures under the provisions of General Laws, Chapter 90, Section 34, Clause 2(a) on approved projects to the amount of \$274,950.00, it was on motion of Chairman Wallace unanimously

VOTED: To confirm the signing of the Board of August 23, 1988, of a two-year entitlement to reimbursement of documented expenditures under the provisions of General Laws, Chapter 90, section 34, Clause 2(a) on approved projects to the amount of \$274,950.

The Board next reviewed request dated August 24, 1988, from Highway Surveyor Robert A. Noyes, that the Selectmen ask the Treasurer to borrow \$137,475.00 under the aforementioned provisions for street resurfacing.

It was on motion of Chairman Wallace unanimously

VOTED: To authorize the Town Treasurer to borrow \$137,475.00 in reimbursement notes relative to the two-year entitlement to reimbursement of documented expenditures under the provisions of General Laws, Chapter 90, section 34, Clause 2(a) on approved projects to the amount of \$274,950, for use by the Highway Surveyor for street resurfacing.

Appointment of Temporary Collector of Taxes

Present: Town Treasurer Chester Hamilton.

Executive Secretary Thompson reported that he and Town Treasurer Chester Hamilton met on August 22, 1988, and agreed to terms relating to Mr. Hamilton's appointment as Temporary Collector of Taxes.

Upon review and recommendation by Executive Secretary Richard E. Thompson, it was on motion of Chairman Wallace unanimously

VOTED: To appoint Chester Hamilton as Temporary Collector of Taxes effective September 3, 1988, in accordance with General Laws Chapter 41, section 40, to fill the vacancy occasioned by the resignation of Isabelle K. Stone, dated August 22, 1988, upon her retirement at the close of September 2, 1988, and pursuant to the following terms:

1. That Chester Hamilton will be appointed to the position of Collector of Taxes on a temporary basis in accordance with General Laws Chapter 41, section 40, until such time as House Bill 5810 is enacted; then he is to be appointed as Treasurer and Collector of Taxes for a term of three years;

2. Effective on September 3, 1988, Chester Hamilton's new position shall receive an annual salary of \$44,500, which is the combination of what is appropriated under the current Treasurer and Tax Collector budgets;

3. That the benefits accruing to Mr. Hamilton will be the same as set forth in the Town Administration Plan;

4. The workweek for this position shall be thirty-five (35) hours;
and

5. Mr. Hamilton is now entitled to four weeks' vacation per year.

Mr. Thompson further pointed out that he has expressed to Mr. Hamilton his intention to eventually propose a salary range in the vicinity of the Director of Finance/Town Accountant.

Utility Petition No. 88-9 - Digital Equipment Corporation - Powers Road Area

Present: Michael Bresnahan of NYNEX; Angelo Balboni of Digital Equipment Corporation; Saul Murray Bloom, Abutter.

The Board reviewed Utility Petition No. 88-9 submitted by Digital Equipment Corporation and NYNEX for conduit installation under the surface of Powers Road for the placement of fiber optic and/or copper communication cable

therein. The Board further reviewed petition of Digital Equipment Corp. for permission to attach a fiber optic and/or copper communication cable to existing poles owned by New England Telephone and Telegraph Company and/or Boston Edison Company at various locations in the area of Great Road/Powder Mill 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 August 19, 1988.

Michael Bresnahan, NYNEX Systems Representative, stated that the reason for the requests is to provide service to two Digital Corporation buildings in Maynard. Mr. Bresnahan mapped the proposed route for the fiber-optic aerial cables, and assured the Board that if at some future time the Town "goes underground" with the cables, NYNEX will place theirs underground at no cost to the Town. He further pointed out that the cost of moving fire alarm cables or the like will be borne by them and involve no expense to the Town.

Selectman John C. Drobinski brought to the attention of Digital Equipment Corporation Representative Angelo Balboni, an item on this evening's agenda relating to Town Engineer's plans for intersection improvements and traffic pattern for North Road, Powers Road, and Powder Mill Road. Mr. Balboni assured the Board Digital will be cooperative in helping to achieve such improvements.

Upon inquiry from Saul Murray Bloom of 169 Powers Road, Mr. Bresnahan responded that this project will result in very little disruption to the neighborhood or traffic.

It was on motion of Chairman Wallace unanimously

VOTED: To approve Utility Petition No. 88-9 of Digital Equipment Corporation dated July 27, 1988, for permission to lay and maintain underground conduits with fiber optic and/or copper communication cable therein, under the surface of Powers Road for a distance of approximately 526 feet, beginning at existing Pole No. 33 on the northwesterly side, across Powers Road to the soft shoulder on the southeasterly side which is approximately 39 feet and then east along the soft shoulder for approximately 487 feet to the Concord/Sudbury Town Line; as shown on plan entitled, "Digital Equipment Corp. Proposed Conduit Placement Plan #100", drawn by Henkels & McCoy, Inc. for NYNEX, dated June 10, 1988; and it was further

VOTED: To approve the petition of Digital Equipment Corporation dated July 28, 1988, for permission to attach/install a fiber optic and/or copper communication cable to existing poles owned by New England Telephone and Telegraph Company and/or Boston Edison Company located in the following public ways: Great Road (entire length), North Road (from Great Road to Powder Mill Road), Powder Mill Road (entire length), and Powers Road (from Powder Mill Road to Pole 33); as shown on plans entitled, "D.E.C. Phase II Fiber Optic Cable Route Maynard to Acton - Redundant - Route 2", dated August 12 and November 27, 1987, both issued January 18, 1988, and "D.E.C. Phase II Fiber Optic Cable Route Maynard to Acton - Redundant", dated August 12, 1987, and issued September 23, 1987, all drawn by Henkels & McCoy, Inc., for NYNEX; said cable to be installed by NYNEX Business Information Systems Company and owned by Digital Equipment Corporation; this approval being subject to Digital

Equipment Corporation bearing all costs associated with moving fire alarm cables, and meeting all requirements of the Fire Chief in the process of installation.

Utility Petition Emergency Approval - Hudson Road/Moore Road

Present: John E. Taft, owner of subdivision, Sudbury Woods.

The Board reviewed request of John E. Taft to proceed immediately to install conduit on Hudson and Moore Roads in order to service new homes in the Sudbury Woods subdivision. Executive Secretary Richard E. Thompson noted that approval had been recommended by the Inspector of Buildings and Wiring Inspector under date of August 11, 1988.

Mr. Thompson called attention to signatures of approval obtained from abutters by Mr. Taft, noting one Hudson Road abutter's refusal to sign approval or disapproval. Mr. Taft pointed out that to his knowledge the conduit is already in place, so that no road work need be done which would further inconvenience the residents.

It was on motion of Selectman Drobinski unanimously

VOTED: To grant emergency approval to Boston Edison Company to proceed immediately, in advance of receipt of petitions and public hearing, to install approximately 50 feet of conduit within the public way of Hudson Road on the southerly side at a location starting approximately 300 feet west of Willis Lake Drive running westerly from Pole #6/107, to service new homes under construction in the Sudbury Woods subdivision.

And it was further, on motion by Selectman Drobinski unanimously

VOTED: To grant emergency approval to Boston Edison Company and New England Telephone and Telegraph Company to proceed immediately, in advance of receipt of petitions and public hearing, to install approximately 40 feet of conduit within the public way of Moore Road, starting approximately 400 feet west of Dutton Road at existing pole #192/3 and crossing the way in a northerly direction, to service new homes under construction in the Sudbury Woods subdivision.

Meeting With Wastewater Advisory Committee

Present: Dr. William W. Cooper, Charles B. Cooper, Walter Stadnisky.

At the request of the Wastewater Advisory Committee (WAC), a meeting was convened to discuss basically three issues: (1) what WAC's immediate direction is; (2) what the Selectmen believe WAC ought to be working on; and (3) the status of the Committee's relationship with Town Counsel.

Dr. William W. Cooper, Chairman of the Committee, reported that WAC's principal thrust has been related to the Board of Health's proposed regulations with regard to residential sewage treatment plants; that these regulations have been drafted and reviewed by Town Counsel; and it is hoped that the Board of Health can act upon them. Related to this, the Committee continues to pursue a Special Permit approach to small sewage treatment plans, along the lines of the

Article 3 submitted at last year's Town Meeting. Dr. Cooper pointed out that since what essentially he believes to be a re-draft of the Committee's proposed article submitted by Town Counsel Paul Kenny was received a week ago, the Committee has decided not to submit an article to the Special Town Meeting in October. Dr. Cooper stressed that the Committee feels badly about this, but believes there are too many questions left to be answered before submitting an article to the Town. He assured, however, that they will be prepared to submit an article for the Annual Town Meeting in the Spring of 1989.

Dr. Cooper continued by stating that once such an article is presented at Town Meeting, the Committee will have "wrapped up" what it had on its agenda. Depending on the results of the Town Meeting vote, other issues may arise; but the Committee believes these issues may be better addressed by other groups or departments. The Committee, he added, would of course be available as "back up".

With regard to submission of the article at Town Meeting, Dr. Cooper stated it was the consensus of the Committee that, rather than coming from them, it would be better if submitted by the Selectmen, based on the Committee's research and recommendations. At any rate, Dr. Cooper believes the Committee will have an article drafted by November 1, 1988.

Committee member Walter Stadnisky suggested that as an option at Town Meeting, a re-wording of Roger Davis' petition article should be considered.

Selectman Drobinski assured the Committee that the Selectmen were not expecting an article to be submitted by them at the Special Town Meeting in October, but rather that the WAC would have something available for the next Annual Town Meeting.

Committee member Charles Cooper stated that in order to be ready for Annual Town Meeting the Committee and Town Counsel will have to adhere to a strict schedule in order to accomplish its goals.

Dr. Cooper next asked for direction from the Selectmen as to what the Committee can next do. He pointed out that they have given comments with regard to the Sperry site, and further impact on the water supply in the Town. Dr. Cooper stated that a final alternative would be to disband the Committee.

Selectman Drobinski stated that he believes there are many related issues which can be addressed by the Committee; and specifically pointed out that, when the bylaw does get enacted, there will be a lot of technicalities that would require the Committee's assistance. Mr. Drobinski suggested that the Committee could perhaps become an advisory board for review and input on the decision-making process by the various boards and departments.

With regard to the Committee's relationship with Town Counsel, Dr. Cooper reported that last Thursday evening a meeting was held with Attorney Kenny and a schedule was set up for him to attend the Committee's meetings so that they may keep on the correct "legal track". The plan is for Town Counsel to attend every third meeting, commencing September 13, 1988.

Planning Board member Lael M. Meixsell, who had just arrived at the meeting, urged the Committee to at least make a report at Special Town Meeting,

regardless of whether or not an article is on the warrant. Mr. Meixsell also stated he believed the reason for the article not being on the warrant should be stated; i.e., that it is not because of the substance of the article not being worked on, but rather questions on how best to address the issue could not be resolved in sufficient time to submit an article.

The meeting concluded with Chairman Wallace thanking the Committee for its input and time.

Site Plan Special Permit Application No. SP88-307 WANT Advertiser

Present: Russell Kirby, Planning Board; Town Engineer I. William Place; Jack Hepting of Larson Associates.

The Board acknowledged receipt of a letter dated August 22, 1988 from Jack L. Scholbe of Scholbe Consulting Services, Inc., forwarding copies of the final site plan, labeled "Scheme C". The letter noted that the plan indicated a 40-foot curb cut and placement of a landscaped berm between Lafayette Drive and the parking spaces, addition of a 20-foot landscaping buffer between the business and residence portions of the property, and relocation of a parking space to the west of the building which was shown encroaching on the Residence Zone in some earlier plans. The letter also stated that the two new drywells originally proposed had been deleted because the rate of runoff was not being increased. The plan now includes building dimensions and location of the existing septic system and leaching area and the replacement leaching area. It is stamped by a registered engineer.

The Board also acknowledged receipt of a memorandum, dated August 26, 1988, from Assistant Town Counsel David Doneski stating his concurrence with the comments of the Building Inspector and his opinion that neither the addition to the building nor the reorientation of the parking spaces to the front and to the west of the building required a special permit from the Board of Appeals as a change or extension of a nonconforming use. The memorandum also stated that the parking space proposed to be moved to the rear of the building will constitute a new space which should comply with the zoning bylaw's parking standards, and which appears to so comply according to the final site plan "C". Assistant Town Counsel also opined that although some landscaping was being added in the front of the building, a new landscaping area between the street and the front parking spaces was not required.

Russell Kirby of the Planning Board stated that he believes there is an issue that needs to be addressed, and that is determination of the situation when the change to a piece of property becomes or extends a nonconforming use. Mr. Kirby said that he has personally gone back over the drawings and took some rough measurements. His calculations show an increase of about 35% to the building; and that the parking area shown on the plan figures out to 24 parking spaces. It is his belief that if one takes the size of the building there today and the lot upon which it stands, it appears that one could possibly make that property comply with today's regulations. Mr. Kirby conceded that one could just barely accomplish that, but it nonetheless could possibly be done.

Mr. Kirby expressed his strong opinion that although he recognizes the legal constraints of his argument, he believes that from the standpoint of logic the expansion would in all probability be rejected by the Board of

Selectmen because the new regulations could not be complied with, if they were applied. He concluded by stating that it seems to him that the fact that the property today is not in conformity with the current zoning, a decision on the part of the Board of Appeals would be appropriate.

Selectman Drobinski stated it was his understanding that the original 24 parking spaces were more than originally required.

At this point of the discussion, Jack Hepting of Larson Associates entered the room. By request of Chairman Wallace, Mr. Kirby reiterated his explanation of the Planning Board's position that they believe the site plan entails a nonconforming use; and thus, a certain procedure should be followed.

Mr. Hepting, Landscape Architect for the project, stated he and his associates went to the Zoning Enforcement Agent for Sudbury at the very beginning in order to avoid just such a confrontation. Based on assurances received, the owners of the property proceeded to expend time and money to develop a plan within the guidelines as explained to them by the Zoning Enforcement Agent and other appropriate departments.

Town Counsel Paul Kenny stated that the Planning Board is well within its province to give its opinion concerning the site plan and to explain why they believe it to be inappropriate. Likewise, the departments who are proponents of the plan are entitled to urge approval. But when all is said and done, it is the Zoning Enforcement Agent's interpretation and decision that is controlling, and it becomes a decision to ultimately be made by the Selectmen.

After discussion, it was concurred by all present that the process is a frustrating and confusing one and that better and more open communications among the Zoning Enforcement Agent and the appropriate boards could only help avoid troublesome situations. Chairman Wallace requested the Executive Secretary to meet with Zoning Enforcement Agent Joseph Scammon in order to relay and affirm the concerns and suggestions for better communications.

Mr. Kirby pointed out that there are very few properties along Route 20 (Boston Post Road) that are in compliance with today's regulations. It was his belief that the regulations were changed in order to stabilize development along that route, and he is dismayed to see this not happening. Chairman Wallace was joined by those present in concurring with Mr. Kirby's concerns and frustrations; but Attorney Kenny stressed that no-one should fear that approval of this site plan would set a precedent of automatic approval by any other property owner along Route 20. Attorney Kenny reminded those present that taking the matters on a case-by-case basis is the best way to achieve desirable results.

Selectman Cope asked Mr. Kirby if he believed postponing a decision this evening would serve any purpose, and Mr. Kirby responded by stating that he did not believe any new information could be added than has already been presented and discussed.

Following consideration of the memorandum and letter, the Board determined that on the basis of all the evidence and comments submitted, the plan conformed to the intent and purpose of the Zoning Bylaw requirements. Upon motion it was unanimously

VOTED: To grant a Site Plan Special Permit to Nancy C. Grellier for construction of an addition to the office building at 740 Boston Post Road, changes to front and rear entranceways and relocation of parking spaces as shown on a plan entitled "The Want Advertiser 740 Boston Post Road Sudbury, MA 01776 Scheme 'C' Site Plan", dated August 22, 1988 by Larson Associations, Inc. and Rizza Associates, and in accordance with the Elevation Drawings submitted and entitled "The Want Advertiser 740 Boston Post Road Sudbury, MA 01776", dated June 20, 1988, by Rizza Associates, subject to compliance with all governmental laws and regulations including, but not limited to, zoning, building and health laws and regulations, and further subject to the following conditions:

- 1) approval of the drainage system, including traps, catch basins, and periodic maintenance as required by the Town Engineer;
- 2) extension of Sudbury Water District lines to the site by the owner; no wells for drinking water to be installed on the site;
- 3) the grant of an earth removal permit by the Earth Removal Board, if applicable;
- 4) approval of signs or advertising devices as required under the sign bylaw;
- 5) no storage or use of chemicals on site except in conformity with guidelines and requirements of the Board of Health and except with written notice of the same to the Board of Health and the Fire Chief; the owner or operator of the site shall comply with the Massachusetts Oil and Hazardous Material Release Prevention and Response Act, G.L. c.21E, as amended, and all regulations issued thereunder;
- 6) exterior lighting to be directed away from adjacent residences and have shields;
- 7) no use of salt or chemical de-icers on site;
- 8) submission of an "as built" site plan - any change in the physical condition of the site, including changes in the location or design of structures or systems, following prior approval of the site plan, will require approval of the Board of Selectmen;
- 9) no building permit shall be issued until item 1 noted above is complied with;
- 10) no occupancy permit shall be issued until items 2, 3, 4, 5, 6, and 8, noted above are complied with;
- 11) this Special Permit shall lapse if construction and a substantial use thereof have not commenced except for good cause within one year from the effective date of said Permit.

[Whereupon the Board signed the plans.]

And it was further on motion of Chairman Drobinski unanimously

VOTED: To request Executive Secretary Thompson to meet with Zoning Enforcement Agent Joseph E. Scammon, Town Planner Lee Newman and Board of Health Director Robert C. Leupold at the earliest possible time to review procedures pertaining to applications of special permits; and to further request the Executive Secretary to specifically discuss the consensus for better communications among all appropriate departments and the Zoning Enforcement Agent with regard to the granting of such permits.

Police Chief Peter B. Lembo - Performance Review

Present: Police Chief Peter B. Lembo.

The Board reviewed Annual Performance Report dated June 22, 1988, from Police Chief Peter B. Lembo, which included his future objectives.

Chief Lembo stated that he has enjoyed his position as Police Chief for the Town of Sudbury, and that his only complaint concerns budgetary problems. Chief Lembo pointed out that, although the Board of Selectmen has always been supportive of his departmental requests, such requests have not always met with approval by the Finance Committee. He informed the Board that one such request - i.e., implementation of the "911" emergency system - is now moot since newly-enacted State legislation has made such a system a requirement for all towns and cities in the Commonwealth.

Chief Lembo went on to say that the area of most concern to him is that of records management. Sudbury's Police Department is still using 3 x 5 cards, and is the only area community to still employ this tedious and time-consuming method. This method has become so outdated, he pointed out, that all supplies must be special ordered. Chief Lembo expressed his sincere hope that this system will be alleviated by an affirmative vote at Special Town Meeting for an updated system. Chief Lembo concluded by stating that this antiquated system would continue to be a problem with regard to the accreditation the Department has been seeking. Selectman Drobinski commented that it is his understanding that such accreditation would allow grants for computers, etc.

Selectman Cope made inquiry concerning the setting of speed limits within the Town and Chief Lembo stated that Officer Carroll and Highway Surveyor Robert Noyes were the individuals who research and make recommendations in conjunction with State mandates for the setting of speed limits. Mrs. Cope expressed her concern about the fact that some of the winding roads in the Town now have the same speed limits as, for example, Hudson Road.

Selectman Cope also asked about the Department's policy regarding speed traps. Chief Lembo explained that the Department moves the speed traps around to the most susceptible areas of the Town, and that every cruiser now has radar equipment. Chief Lembo pointed out, however, that there are only five cruisers and it is impossible for them to cover every area all the time. Chief Lembo further pointed out that, for example, the increased number of sophisticated home alarm systems have increased the necessity for response by these cruisers for what often turn out to be false alarms.

Chairman Wallace stated that Chief Lembo is an asset to the Town and is an individual who has consistently achieved the goals he has set. Mr. Wallace stated his support to Chief Lembo for computerization of records management,

but commented that in spite of the present handicap the Police Department is one of the best-run departments in the Town.

Selectman Drobinski stated that he is very pleased with the caliber of police and personnel in the Department, and offered the support of the Selectmen to do whatever they can to assist Chief Lembo in attaining the goals he has outlined for the Department.

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

VOTED: To accept the Annual Performance Report dated June 22, 1988, from Police Chief Peter B. Lembo; and it was further

VOTED: To set the FY89 salary for the position of Police Chief Peter B. Lembo at the Grade 15, Step 7 rate of \$51,329, which includes a 6% increase, plus 4% longevity and 10% Quinn Bill, for a total salary of \$58,515, effective July 1, 1988; plus holiday pay in accordance with General Laws Chapter 147, §17F; and it was further

VOTED: To appoint Police Chief Lembo to a three-year term, commencing May 1, 1989, based on an agreement reached between the Board of Selectmen and Police Chief Lembo.

Chairman Wallace concluded the meeting with Chief Lembo by asking for an update on the Chief's prior statement of intent to return to reside in the Town. Chief Lembo responded by stating that he has executed a purchase and sale agreement on a house on Cider Mill Road and a passing date has been scheduled for the near future.

Town Engineer I. William Place - Performance Review

The Board reviewed Annual Performance Report of Town Engineer I. William Place dated June 22, 1988, which included his planned objectives.

Town Engineer Place reiterated in greater detail the accomplishments of his office as set forth in his June 22, 1988 report. Mr. Place further stated that it is his opinion that one Landfill Operator is no longer sufficient and stressed that such Operators need to be fully educated with the workings of the Landfill. Mr. Place continued to express his concern with too much daily coverage at the Landfill.

There followed a discussion of the anticipated projects his department will be doing and Mr. Place stated that there will be several drainage projects being tackled with the assistance of John Taft.

Selectman Drobinski stated that Mr. Place has done an excellent job and he is especially pleased with the plans for expansion of a portion of the walkways on Route 20, near Star Market.

Upon inquiry by Selectman Cope regarding the railroad tracks, Executive Secretary Thompson stated that the Town has received a grant in the amount of \$45,000 to address the situation; and a past commitment from the State to reserve that amount.

After further discussion and concurrence by the Board that Mr. Place has done a "great" job, it was on motion unanimously

VOTED: To accept the Annual Performance Report of Town Engineer I. William Place dated June 22, 1988; and to set Mr. Place's salary, in accordance with the Sudbury Supervisory Association contract, at Step 5, effective July 1, 1988--June 30, 1989.

Executive Secretary Thompson reminded the Board that since Mr. Place is a member of the Sudbury Supervisory Association, his salary range and other benefits will be determined by the finalized contract agreement.

Response of Town Engineer to Resource Recovery Committees' Recommendations

Present: Town Engineer I. William Place.

Upon review of letter dated August 12, 1988, from Town Engineer I. William Place, which responded to the vote of the Board of Selectmen dated July 18, 1988, pertaining to the Resource Recovery Committee's recommendations concerning the Landfill, it was on motion of Selectman Cope unanimously

VOTED: To refer the above-referenced letter dated August 12, 1988, from Town Engineer I. William Place, to Highway Surveyor Robert Noyes; and to request Highway Surveyor Noyes to implement the suggestions by Mr. Place from paragraph 4 in said letter pertaining to the Landfill.

Intersection Improvements & Traffic Pattern for North/Powers/Powder Mill Roads

Present: Town Engineer I. William Place.

Following review of plans and a letter dated August 16, 1988, from Town Engineer I. William Place, regarding intersection improvements for the Powers Road/Powder Mill Road area, it was on motion unanimously

VOTED: To request Executive Secretary Richard E. Thompson to arrange a public hearing some time in the Fall regarding proposed intersection improvements and traffic patterns for North Road, Powers Road and Powder Mill Road, and to further request that the list of concerned individuals to be provided by the Town Engineer be specifically notified of the time and place of the scheduled public hearing; and it was further

VOTED: To request the Executive Secretary to forward a copy of the report and recommendations of the Town Engineer to the Corporate Property Development Department of Digital Equipment Corporation, Powder Mill Road, Maynard, Massachusetts, and to include a request from the Selectmen that Digital Equipment Corporation become an integral part of this project.

And it was further on motion unanimously

VOTED: To request the Town Engineer to provide the Selectmen with cost alternatives and options to his recommendations for the aforementioned roadway and intersection improvements.

Engineering Department - Modifications to Job Descriptions

Following review of letter dated August 17, 1988 from Town Engineer I. William Place, which outlined a determination reached jointly with the Town Engineer, Executive Secretary, and Shop Steward David T. Flaherty, that modifications to Engineering Department job descriptions are necessary in order to eliminate ambiguity and to reconcile the job descriptions with actual practice, it was on motion unanimously

VOTED: To support the agreement reached among Town Engineer I. William Place, Executive Secretary Richard E. Thompson, and Shop Steward David T. Flaherty, that the modifications to the job descriptions be made as set forth in letter dated August 17, 1988 as referenced above.

It was noted that a major item not yet agreed upon is the position of Assistant Town Engineer, which is now a matter of mediation.

Assistant Town Counsel - Fiscal Year 1989 Retainer

Following discussion, and upon joint recommendation of Executive Secretary Richard E. Thompson and Town Counsel Paul Kenny, it was on motion unanimously

VOTED: To set the fee to retain the firm of Paul L. Kenny to provide Assistant Town Counsel services for Fiscal Year 1989 at \$22,335, which represents a 6% increase from last year's retainer.

Chairman Wallace praised the services performed by Assistant Town Counsel David Doneski and noted Attorney Doneski's outstanding diligence in providing legal information to the Town when requested to do so, at times with very little notice.

Affirmative Action Officer - Appointment

It was on motion unanimously

VOTED: To appoint Budget Analyst Terri Ackerman as the Town's Affirmative Action Officer, replacing Richard E. Thompson, effective immediately.

Local Arts Council - Appointments

Upon review of applications and recommendations by the Local Arts Council, it was on motion unanimously

VOTED: To appoint Jane E. Brown, 5 Homestead Road; Agostino M. DeBaggis, 235 Maynard Road; Barbara A. Gariepy, 213 Old Lancaster Road; E. Laurie Loftus, 298 Maynard Road; and Lidia Scher, 23 Barton Drive, to the Local Arts Council, each for a two-year term to expire August 29, 1990.

Town Report Committee - Appointments

Upon review of applications, it was on motion unanimously

VOTED: To appoint Ellen M. Given, 60 Green Hill Road; Herbert D. Hill, Jr., 17 Emerson Way; Susan D. Friedman, 49 Hopestill Brown Road; Clara Harrison,

11 Twin Meadow Lane; Vivian O. Munsey, 88 Warren Road; and Lidia Scher, 23 Barton Drive, to the Town Report Committee, each for a one-year term to expire April 30, 1989.

Long Range Planning Committee - Appointments

Review and appointments to the Long Range Planning Committee have been tabled at its request and will be placed on a future agenda for action.

"Pot" Hunters in Historic Districts

It was on motion unanimously

VOTED: To acknowledge receipt of letter dated August 15, 1988, from the Sudbury Historical Commission regarding a prohibition from digging on Town, State, historical and National Register properties without written permission from the State Archeologist; and to request that the news media bring to the public's attention that it is the Town's intention to enforce the laws pertaining to such activities and to prevent unpermitted persons from using public properties for their singular profit.

Fuel Oil For the Town - Acceptance of Bids

Following review of Memorandum dated August 10, 1988, from Thomas J. Houlihan of The Education Cooperative, it was on motion unanimously

VOTED: To accept bids awarded by The Education Cooperative for supplying fuel oil for Town buildings during the 1988-1989 heating season, commencing September 1, 1988, as follows:

1. from Atlantic Fuels Marketing Corp., 11 Broadway, Chelsea, at the price per gallon on the date of delivery of the lowest posting of the Daily New York Journal of Commerce for Boston, plus \$0.0390/gallon for #2 oil, throughout the supply period; and
2. from Global Petroleum Corp., First Petroleum Division, 800 South Street, Waltham, at the price per gallon on the date of delivery of the lowest posting of the Daily New York Journal of Commerce for Boston, minus \$2.999/barrel for #4 oil (1% sulfur content), throughout the supply period.

Goodman's Hill Road - Acceptance of Walkway Easement

It was on motion unanimously

VOTED: To accept a walkway easement on the easterly side of Goodman's Hill Road granted by Estelle C. Andelman, dated June 1, 1988, as shown on a plan entitled "Plan showing walkway easement over land of Estelle C. Andelman, Goodman's Hill Rd. Sudbury MA" dated March 14, 1988.

And it was further on motion unanimously

VOTED: To accept a walkway easement on the easterly side of Goodman's Hill Road granted by Richard J. Grant and Susan P. Grant, dated August 18, 1988, as shown on a plan entitled "Plan showing walkway easement over land of Richard J. & Susan P. Grant, Goodman's Hill Rd. Sudbury MA" dated April 6, 1988.

Deerwood Estates - Conservation Restriction and Drainage Easement

The question of signing a Conservation Restriction and Drainage Easement for the Deerwood Estates subdivision off Sawmill Lane was tabled.

Fair Housing Plan

Following review of the Sudbury Fair Housing Plan prepared by Fair Housing Officer Lee Newman, and noting that such plan is acceptable to the Massachusetts Commission Against Discrimination, it was on motion unanimously

VOTED: To adopt a Fair Housing Plan for the Town of Sudbury, as prepared by Lee Newman, Fair Housing Officer.

Chairman Wallace praised Fair Housing Officer Newman for her fine work and thanked her on behalf of the Town for taking on this project.

Conservation Commission - Bay Circuit Planning Grant

Following review, it was on motion unanimously

VOTED: To endorse the Town of Sudbury Bay Circuit Planning Grant Scope of Work (Appendix A), submitted by the Conservation Commission on August 22, 1988, to complete work under the planning grant agreement (SC #1500 7300 315) dated December 3, 1986.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular session of August 15, 1988, and the Executive Session of August 1, 1988, as presented.

Sudbury Supervisory Association - Memorandum of Understanding

The Board reviewed Memorandum of Understanding dated August 12, 1988, and amended August 25, 1988, by the bargaining representatives of the Sudbury Supervisory Association and the Town.

Following discussion, it was unanimously

VOTED: To approve and ratify a Memorandum of Understanding dated August 12, 1988, amended August 25, 1988, which amends the collective bargaining Agreement Between the Town of Sudbury and Sudbury Supervisory Association for the period July 1, 1988 through June 30, 1990.

Tax Rate

Executive Secretary Thompson informed the Board that he and Schools Superintendent David Jackson recommend that the Selectmen request that the Board of Assessors hold sending the October 1988 tax bills until after the October 3, 1988 Special Town Meeting. The reason for this, Mr. Thompson explained, is that new information from the Director of Finance/Town Accountant

James Vanar shows that the Town is under the Proposition 2½ levy by approximately \$158,000. The Board reviewed a financial sheet dated August 25, 1988, prepared by Mr. Vanar verifying this levy limit under-appropriation.

Mr. Thompson added that it would be financially prudent to use most of this amount prior to setting the tax rate, because such entitlement would be lost if not done this way. Mr. Thompson further stated that this would be a lesser drain on Free Cash and Available Funds.

After discussion, it was on motion unanimously

VOTED: To request that the Board of Assessors hold sending the October 1988 estimated tax bills until after the October 3, 1988 Special Town Meeting.

Meeting With Department of Revenue

Executive Secretary Thompson confirmed with the Selectmen that a meeting has been scheduled with the Commonwealth's Department of Revenue, at Commissioner Collins' Office, for September 8, 1988 at 10:00 a.m. Chairman Wallace and Selectman Cope indicated their intent to attend.

350th Anniversary Celebration Open House

Executive Secretary Thompson reported that an Open House has been scheduled by the 350th Anniversary Celebration Committee for September 28, 1988, at Lower Town Hall, at which time they will be soliciting sponsors such as local banks, Chamber of Commerce, etc. The Committee intends to use this Open House as its kickoff to presentation of its request for \$15,000 at the October 3, 1988 Special Town Meeting.

Executive Secretary Thompson also informed the Board that Beverly Bentley, Chairman of the Celebration Committee, has requested the use of the back cover of the Special Town Meeting Warrant for advertisement purposes. It was on motion unanimously

VOTED: To allow the 350th Anniversary Celebration Committee to use the back cover of the Special Town Meeting Warrant to seek persons interested in working on the celebration; subject to review of the intended advertisement prior to signing of the Warrant.

Change of Selectmen's Meeting

It was on motion unanimously

VOTED: To change the regular meeting of the Selectmen from Monday, September 12, 1988, to Tuesday, September 13, 1988, due to Rosh Hashanah.

Design Review Board

Selectman Drobinski asked the Executive Secretary to research if a non-United States citizen may serve as a member of the Design Review Board, since he has a colleague who is interested in so serving, but who is not a United States citizen.

Meeting With Temple B'Nai Torah

Following inquiry by Selectman Cope, it was on motion unanimously

VOTED: To request the Executive Secretary to contact the President of Temple B'nai Torah and arrange the meeting the Congregation had requested with the Selectmen for a date after the October 3, 1988 Special Town Meeting.

Use of Salt Near Raymond Road Wells

Selectman Cope requested the Executive Secretary to send a strong communication to the appropriate state officials, i.e., the State Department of Public Works, District #4, requesting that no or very limited salt be used on Route 20 in the area of Raymond Road; and that appropriate State signs be placed to warn road travellers of same. Mrs. Cope further requested the Executive Secretary to communicate the desire for no or limited salt use on Raymond Road to Highway Surveyor Robert Noyes.

Refurbishing of Historic Signs

Selectman Cope requested that the Executive Secretary look into the possibility of the Town refurbishing historic signs located in the Town Center, near Stanmar and near Mill Village.

Country Living

Selectman Drobinski requested that the Executive Secretary research whether the Country Living building would be in compliance with zoning regulations, since he witnessed an advertisement for office rental. Mr. Drobinski indicated that his memory of the site plan approval did not allow for same.

Chiswick Trading Co.

In response to telephonic request received August 26, 1988, of Bernard Garrett representing Chiswick Trading Co., it was on motion unanimously

VOTED: To request the Executive Secretary to inform Bernard Garrett of Chiswick Trading Co. that the Selectmen have a policy prohibiting the issuance of proclamations concerning matters of a private business nature, where same may be viewed as an endorsement by the Board.

Middlesex County Advisory Board

Executive Secretary Thompson clarified a previous question from Chairman Wallace that the new Middlesex County Charter Commission proposed legislation, House Bill 5833, provides for the appointment of the Treasurer and Registrar of Deeds by a County Manager.

Resident Tax Complaint

The Board acknowledged receipt of communication dated August 16, 1988, from Roger L. Freeman of 77 Cider Mill Road concerning a complaint in the handling of a property tax problem with the Tax Collector's Office. The Board

concurred that, since the Tax Collector is an elected Town official and since it was the bank courier who lost the checks, this is a matter that would not be proper for the Selectmen to comment on or intercede.

Fair Labor Standards Act

The Board acknowledged receipt of memorandum dated August 19, 1988, from Assistant Town Counsel David J. Doneski regarding his and Budget Analyst Terri Ackerman's review of the issues raised by application of the federal Fair Labor Standards Act and the Quinn Bill to payment of overtime compensation to Sudbury police officers.

The Selectmen commended Attorney Doneski and Mrs. Ackerman for their labor in this time-consuming project and the excellent report which resulted therefrom.

Macone Property/Concord Road

Selectman Cope requested that Executive Secretary Thompson communicate with Town Planner Lee Newman to ascertain whether or not she is satisfied with Assistant Building Inspector Earl Midgley's opinion concerning the alleged zoning violation at the Macone property.

Warrant For October 3, 1988 Special Town Meeting

The Board gave final review to their articles to be placed on the Warrant for the October 3, 1988 Special Town Meeting. Executive Secretary Thompson distributed new copies of Article 11, Unpaid Bills, and Article 5, Special Permit bylaw amendment.

Chairman Wallace asked that the Selectmen's Report on Article 14, Special Acts - Police Temporaries, be re-written for clarification purposes.

After further comment and discussion, the Selectmen approved submission of all their articles and reports; and it was on motion unanimously

VOTED: To accept all articles filed properly and within the closing deadline; to order the Special Town Meeting Warrant in the order as drafted, in conjunction with the Town Moderator.

Selectman Cope asked the Executive Secretary to confer with Town Planner Lee Newman as to placement of the Planning Board's articles and her concern, if any, relating to same. It was therefore on motion unanimously

VOTED: To request the Executive Secretary to report back to the Selectmen any concerns Town Planner Lee Newman may have regarding placement of the Planning Board's articles on the Warrant, with a view to re-placement of said articles.

Relative to taking positions, to be printed in the Warrant, it was further on motion unanimously

VOTED: To support Articles 1-13, 15-21, 24, 26 and 27; to report at Special Town Meeting concerning Articles 14, 22A, 22B, 23 and 28, and to report at Special Town Meeting on Articles 29-31 because no Planning Board public hearing could be timely held prior to the printing of the Warrant; to support the Finance Committee's position regarding Article 25.

It was further on motion unanimously

VOTED: To refer the following zoning bylaw amendment articles to the Planning Board for its report in accordance with G.L. c.40A:

- 1) Amend Bylaw, Art. IX,VI,D - Administration - Penalty
- 2) Amend Special Permit Bylaws to Conform to Ch. 40A
- 3) Amend Bylaw, Art. IX,I,I - Water Resource Protection Districts (Rt. 117)
- 4) Amend Bylaw, Art. IX,III - Water Resource Protection Districts (Research Districts)
- 5) Amend Bylaw, Art. IX,VI,C,5,B,3 - Use Variance Guidelines.

Composting

Richard E. Thompson, Executive Secretary informed the Board that Neal Drawas of the Resource Recovery Committee had called to advise that at the joint meeting with Wayland on August 25, 1988 they agreed to a joint composting center and to hire an independent person to build and operate the same.

They will be talking to Robert A. Noyes, Highway Surveyor, to see if he can set aside an area for deposit of leaves and brush in the meantime, in anticipation of the composting. This will eliminate leaves from taking up the landfill this fall.

The Resource Recovery Committee seeks the Selectmen's support to accomplish the above. The Board concurred, expressing its strong support for prompt follow through.

There being no further business to come before the Board, the meeting was adjourned at 11:45 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk