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IN BOARD OF SELECTMEN
MONDAY, DECEMBER 12, 1988

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

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

Utility Petition No. 88-20 - Lincoln Road

Present: Joseph Bausk of New England Telephone and Telegraph Company; Stephen Kane of Boston Edison Company.

The Board reviewed Utility Petition No. 88-20 submitted by New England Telephone and Telegraph Company and Boston Edison Company for conduit installation on Lincoln Road. Stephen Kane, representing Boston Edison Company, stated that such work was necessary in order to provide new service to 128 Lincoln Road.

Executive Secretary Thompson noted that all appropriate abutters had been notified and approval had been recommended by the Inspector of Buildings and Wiring Inspector under date of December 6, 1988.

On motion of Chairman Wallace, it was unanimously

VOTED: To approve Utility Petition 88-20 of Boston Edison Company and New England Telephone and Telegraph Company for permission to lay and maintain a distance of approximately six feet of conduit under the following public way of the Town: Lincoln Road - northerly approximately 225 feet east of Weir Hill Road, a distance of about six feet (customer has installed); as shown on plan of Boston Edison Company entitled "Plan of Lincoln Rd. - Sudbury", dated October 27, 1988; and New England Telephone and Telegraph Company's "Plan For Conduit", N.E.T.&T. No. 88-17, dated December 2, 1988.

Utility Petition No. 88-21 - Concord Road

Present: Joseph Bausk of New England Telephone and Telegraph Company; Stephen Kane of Boston Edison Company.

The Board reviewed Utility Petition No. 88-21 submitted by New England Telephone and Telegraph Company and Boston Edison Company for conduit installation on Concord Road. Stephen Kane, representing Boston Edison Company, stated that such work was necessary in order to provide new underground service to 752 Concord 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 December 6, 1988.

On motion of Chairman Wallace, it was unanimously

VOTED: To approve Utility Petition 88-21 of Boston Edison Company and New England Telephone and Telegraph Company for permission to lay and maintain a distance of approximately seven feet of conduit under the following public way

of the Town: Concord Road - southerly approximately 675 feet east of Pantry Road, a distance of about seven feet; as shown on plan of Boston Edison Company entitled "Plan of Concord Rd. - Sudbury", dated October 27, 1988; and New England Telephone and Telegraph Company's "Plan For Conduit", N.E.T.&T. No. 88-16, dated December 2, 1988.

Utility Petition No. 88-22 - Raynor Road

Present: Joseph Bausk of New England Telephone and Telegraph Company; Stephen Kane of Boston Edison Company.

The Board reviewed Utility Petition No. 88-22 submitted by New England Telephone and Telegraph Company and Boston Edison Company for conduit installation on Raynor Road. Stephen Kane, representing Boston Edison Company, stated that such work was necessary in order to provide service to new house construction at Lot No. 135 on Raynor 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 December 6, 1988.

On motion of Chairman Wallace, it was unanimously

VOTED: To approve Utility Petition 88-22 of Boston Edison Company and New England Telephone and Telegraph Company for permission to lay and maintain a distance of approximately 165 feet of conduit under the following public way of the Town: Raynor Road - northerly approximately 345 feet southeast of Moore Road, thence turning and running northwesterly, a distance of about 165 feet; as shown on plan of Boston Edison Company entitled "Plan of Raynor Rd. - Sudbury", dated November 1, 1988; and New England Telephone and Telegraph Company's "Plan For Conduit", N.E.T.&T. No. 88-18, dated December 5, 1988.

Utility Petition No. 88-23 - Dakin Road

Present: Joseph Bausk of New England Telephone and Telegraph Company.

The Board reviewed Utility Petition No. 88-23 submitted by New England Telephone and Telegraph Company for buried cable in Dakin Road. Joseph Bausk of New England Telephone and Telegraph Company stated that such work is necessary because the existing cable is in such a condition that it is causing some telephone problems in the area. The new buried cable will be located on the opposite side of the street from the existing cable.

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 December 6, 1988.

On motion of Chairman Wallace, it was unanimously

VOTED: To approve Utility Petition 88-23 of New England Telephone and Telegraph Company for permission to lay and maintain approximately 511 feet of buried cable under the following public way of the Town: Dakin Road - easterly side, approximately 511 feet southerly of Field Road, at existing Pole 14 and continuing northerly a distance of about 511 feet to existing ducts at corner

of Field Road - Buried Cable; as shown on plan of New England Telephone and Telegraph Company numbered 88-15, dated November 15, 1988.

Renewal of Annual Licenses for Calendar Year 1989

The Board reviewed the renewal of annual licenses for calendar year 1989, and Executive Secretary Thompson noted receipt of the following:

1. Memorandum dated December 7, 1988, from Town Treasurer/Collector, indicating that the following licensed establishments have taxes outstanding as of November 30, 1988: Bistro West, in the amount of \$137.02; Marrone's Bake Shop, in the amount of \$201.58; and Colonial Auto Body of Sudbury, 1988 real estate tax in the amount of \$6,745.60;

2. Memorandum dated December 9, 1988, from Deputy Building Inspector Earl Midgley, stating that inspections have been completed and all have passed inspection;

3. Memorandum dated December 5, 1988, from Fire Chief Michael Dunne, indicating no objection to the reissuance of the licenses, with the exception of Sudbury Farms, which has some electrical violations in conjunction with the store's expansion that have been referred to the Wiring Inspector;

4. Verbal communication from Wiring Inspector Warren Boyce on December 12, 1988, stating that Sudbury Farms is working under a permit and his department will have to give final approval upon completion;

5. Memorandum dated December 8, 1988, from Health Director Robert C. Leupold, stating that inspections to date have disclosed only minor violations that have been cited and are being addressed under Board of Health regulations; but noting that Dixon Restaurant Associates, Inc., d/b/a, is being allowed to continue operation based on assurances by George Dixon that the septic system is replaced by spring 1989;

6. Memorandum dated December 8, 1988, from R. Carroll, Superintendent, Sudbury Water District, advising of an outstanding bill with the District of Ephraim's Restaurant in the amount of \$9,462.60.

After discussion, it was on motion of Chairman Wallace unanimously

VOTED: To renew the following licenses which expire December 31, 1988, for calendar 1989, and to forward the appropriate renewal forms to the Alcoholic Beverages Control Commission, where applicable; said licenses shall be held until payment of the required license fees and payment of any outstanding taxes and local charges, and compliance relative to any/all outstanding health, safety or zoning violations set forth by the Fire and Police Chiefs, the Building Inspector and the Board of Health; said licenses shall also be subject to all previous restrictions; and it was further

VOTED: To direct the Executive Secretary that any license holders, failing to have paid outstanding taxes and local charges on or before December 30, 1988, are to be notified in writing that the Selectmen will hold a hearing to determine if such license should be denied, suspended or revoked; and to

further direct the Executive Secretary to set the date of such hearing not less than fourteen days after the date of such notice.

<u>BUSINESS</u>	<u>TYPE OF LICENSE</u>
YBF, Inc. (Kappy's Distributors) 474 Boston Post Rd.	AA Package
MacKinnon's Liquors 5 Concord Rd.	AA Package
Sudbury Farms 439 Boston Post Rd.	W&M Package
Ephraim's Restaurant 8 Village Green	AA Restaurant Common Victualler Entertainment
Matt Garrett's of Sudbury, Inc. 120 Boston Post Road	AA Restaurant Common Victualler (hrs. restricted) Entertainment
Bistro West 394 Boston Post Rd.	AA Restaurant Common Victualler Entertainment
99 West, Inc. 694-8 Boston Post Rd.	AA Restaurant Common Victualler Entertainment
Philip's Pizza 447 Boston Post Rd.	AA Restaurant Common Victualler Entertainment
Wayside Inn 72 Wayside Inn Rd.	AA Restaurant Common Victualler/Innkeeper Entertainment
Coach House Inn 738 Boston Post Rd.	AA Restaurant Common Victualler/Innkeeper Entertainment
Dixon Restaurant Associates, Inc. d/b/a Alfredo's 470 North Rd.	AA Restaurant Common Victualler Entertainment
Bullfinch's, Inc. 730 Boston Post Rd.	AA Restaurant Common Victualler Entertainment
Something Simple 385 Boston Post Rd.	AA Restaurant Common Victualler (hrs. restricted) Entertainment

Papa Gino's 104 Boston Post Rd.	W&M Restaurant Common Victualler Entertainment
American Legion #191 676 Boston Post Rd.	AA Club Common Victualler Entertainment Automatic Amusement Devices
Alden Merrell Cheesecake Co. 447 Boston Post Road	Common Victualler (hrs. restricted)
Bagel Baker, The 621C Boston Post Road	Common Victualler
Charcuterie, The 525 Boston Post Road	Common Victualler Entertainment
D'Angelo, Inc. 435 Boston Post Road	Common Victualler
Friendly's 457 Boston Post Rd.	Common Victualler Entertainment
Marrone's Bake Shop 418 Boston Post Rd.	Common Victualler
Sudbury Pizza 426 Boston Post Rd.	Common Victualler
Sudbury Bowladrome 136 Boston Post Rd.	Common Victualler Automatic Amusement Devices
Colony Leasing Corp. 103 Boston Post Rd.	Used Car Class II (Conditioned; license period coincides with Special Permit)
Colonial Auto Body of Sudbury 430 Boston Post Rd.	Used Car Class II
Station Road Auto Body & Garage 40 Station Rd.	Used Car Class II
Automotive Diagnostic Ctr. 100 Boston Post Rd.	Used Car Class II
Mosher Auto Body 34 Station Rd.	Used Car Class III

Upon request of the Selectmen, the Executive Secretary will research and prepare a list comparing the fees charged by Sudbury for such licenses with surrounding communities for review by the Selectmen.

Accept Proposal - Fairbank Design Contract

The Board reviewed memorandum dated December 12, 1988, from Eugene M. Bard, Chairman, Permanent Building Committee/Designer Selection Committee, advising that twenty-three proposals were received in response to the Town's Request For Proposals concerning renovation to the Fairbank School, as voted at the October 3, 1988 Special Town Meeting; and further informing that the four finalists interviewed on December 8, 1988 were Eckert Associates of Watertown, CityDesign Collaborative, Inc. of Boston, Rizza Associates of Arlington, and Philip M. Locashio, Architect of Lincoln.

Pursuant to recommendation of the Designer Selection Committee, it was on motion of Selectman Cope unanimously

VOTED: To contract with Rizza Associates, Joseph Rizza, Jr., 22 Mill Street, Arlington, Massachusetts, for the planning and design of addition to and renovation of the Fairbank Facility to include a Senior Center, in two phases as specified in the Town of Sudbury Request For Proposal, to be contracted separately, Phase II contingent upon funding authorization of Annual Town Meeting 1989 and satisfactory performance of the architect in the opinion of the Permanent Building Committee; and to authorize the Chairman of the Board of Selectmen to sign any documents relative thereto.

Pension Reform Law - Cap of Pension Benefits

Present: Town Treasurer/Collector Chester Hamilton.

The Board read with interest a newspaper article reporting that the Acton Selectmen and Acton's Town Treasurer Roy Wetherby are urging the Middlesex County Advisory Board to seek to lift the cap on pensions for county and town employees hired after 1979, which cap is to take effect January 1, 1989.

There followed a discussion on philosophies and economic realities of the new law and its effect on current and future employees of the Town. Town Treasurer/Collector Chester Hamilton stated he would be attending a meeting of the Middlesex County Advisory Board on December 19, 1988, at which time a vote could be taken as to whether to support lifting the cap, as the Middlesex County Retirement Board has already recommended. Mr. Hamilton requested guidance from the Selectmen as to how he should vote on behalf of the Town.

The Selectmen requested Executive Secretary Thompson to provide them with as much information as possible, including the legislative history and intent, at the soonest possible time. Once this material is in the hands of the Selectmen, they will review same and Executive Secretary Thompson will poll each Selectman for his/her recommendation, the results of which poll Mr. Thompson will immediately make known to Mr. Hamilton for his information.

Wastewater Advisory Committee - Review Of Draft Bylaw For 1989 ATM

Present: William W. Cooper, Chairman, Robert Sheldon, Charles B. Cooper and Walter Stadnisky of the Wastewater Advisory Committee (WAC).

Chairman Wallace welcomed members of the Wastewater Advisory Committee, and Chairman William Cooper explained that the reason they requested a meeting with the Selectmen was to review the proposed bylaw they have prepared and to make certain any loose ends are tied up; and that the Committee anticipates that this bylaw will be submitted by the Selectmen at the next Annual Town Meeting.

The Selectmen reviewed the draft bylaw dated 9/29/88 (amended 12/2/88) and Dr. Cooper explained that it is the synthesis of the ideas contained in the two warrant articles which were prepared for the 1988 Annual Town Meeting, and on advice of the Committee's hydrogeological consultant, Dr. Jack Guswa of GeoTrans. Dr. Cooper went on to summarize the highlights of the bylaw, stating that the main points are that the small wastewater plants would be permitted in certain areas of the Town; and those locations were determined from the factors derived from the Motts study of the Town done in 1977. The proposed bylaw also establishes a Special Permit process for the rest of the Town, taking into account various factors as outlined in one of last year's articles referred to above. The bylaw would also put a cap on the size of a plant of 20,000 gallons per day capacity per single lot. Dr. Cooper concluded by stating that the Article contains a provision that allows the Planning Board to grant a special permit for a small wastewater treatment plant on land within a restricted zone if that land is shown not to possess the characteristics by which the zone is delineated.

WAC member Charles Cooper provided a map taken from the Motts study and this map was used to outline the various areas outlined in the bylaw. Following the delineations on the map and based on the previous study, WAC recommends the area where treatment plants not be allowed be Zone 2 and the areas of normal-to-high favorability for ground water development. Mr. Cooper explained that the definitions contained in the proposed bylaw are based on the map and a formula worked out with the Committee's hydrogeological consultant; and Town Counsel accepted the formula as being legally acceptable for the bylaw.

Upon inquiry, it was pointed out that the Town Engineer's office is working on a more detailed map and presentation, and that an official aquifer map, an overlay showing Zone 2 and this map will be used.

Charles Cooper concluded by stating that some of the criteria applicable to the zones now requiring protection is worth remembering for areas currently not protected that may in the future need to be so protected.

In answer to inquiry, Town Counsel Paul Kenny commented that the Town cannot put in anticipatory language that would amount to a "floating bylaw"; i.e., one that is subject to change by something outside of the bylaw.

Attorney Kenny stated that it should be kept in mind that the effectiveness of this bylaw, no matter how well drafted, could be preempted by State laws and regulations now or in the future. In other words, Attorney Kenny explained, he believed the warrant article would be a legal amendment to the Town's zoning bylaw if passed by Town Meeting, provided that the State does not adopt legislation preempting the Town's right to regulate small wastewater treatment plants.

Upon inquiry by the Selectmen, Dr. Cooper stated that WAC would be pleased to co-sponsor the submission of this bylaw at Town Meeting.

Chairman Wallace thanked the Committee for its diligence and fine work; and Dr. Cooper stated that the Committee wished to express its appreciation to Assistant Town Counsel David Doneski for his guidance and prompt attention to their inquiries.

It was on motion of Chairman Wallace unanimously

VOTED: To direct the Executive Secretary to have the proposed bylaw drafted by the Wastewater Advisory Committee prepared for submission by the Selectmen at the 1989 Annual Town Meeting, report to follow, which article shall be co-sponsored by the Wastewater Advisory Committee.

Elsbeth Road - Petition To Restrict Use

Present: Fred Cunningham, resident.

The Board reviewed petition dated December 1, 1988, from eight residents of Elsbeth Road, Greenwood Road and Ford Road, requesting a weight-limit restriction of vehicles be placed on the use of Elsbeth Road.

Fred Cunningham of 11 Elsbeth Road reiterated the complaints expressed in the petition that a developer constructing in Maynard has been using Elsbeth Road as his route for very large (18-wheelers) trucks carrying loam and other materials from the site. Mr. Cunningham explained that these trucks use Elsbeth Road every fifteen minutes or so, commencing at 7:00 a.m., including Saturdays; and they leave behind a substantial amount of dirt in the streets. Mr. Cunningham expressed the concern of the residents that the trucks travel over a high-pressure gas pipeline. Upon inquiry, Mr. Cunningham stated that the Tennessee Valley Gas Company has been notified and has visited the site three times, advising that to date they see no problem.

Mr. Cunningham further explained that although it appears the loam and timber operation has just about been completed, the residents are concerned that once the concrete-pouring portion of the construction commences, the trucks carrying the cement will use the same route.

The Board reviewed a map of the area supplied by Mr. Cunningham, and were shown an alternate route that the developer could easily take if he wished to do so.

The Executive Secretary expressed his sympathies with the residents and expressed his support for what they wish to do. However, the Executive

Secretary wished to make it clear that by the time the beauracratc process is completed, the issue may be moot, as it is not unlikely that construction will have been completed. Mr. Cunningham stated that he understands the process may be a lengthy one, but it was the consensus of those signing the petition that the sooner they requested the restriction, the sooner the process may begin, so that by the spring, there hopefully can be something in place.

It was on motion of Chairman Wallace unanimously

VOTED: To support the petition from residents to restrict the use of heavy commercial vehicles (over 2½ tons) on Elsbeth Road; and to refer same to the Engineering Department to put together the data that must be submitted to the governing local and state authorities.

Upon inquiry by Mr. Cunningham as to what, if anything, may be done concerning the dirt left by the trucks, the Selectmen requested Executive Secretary Thompson to review the appropriate bylaw and follow up with a letter to the developer requesting that he clean it up.

Affordable Housing - Possible Zoning Bylaw Amendment

Executive Secretary Thompson reported that he and Selectman Cope attended a meeting sponsored by the Planning Board with a speaker from the M.A.P.C., who discussed the general issue of affordable housing and in particular inclusionary zoning and incentive zoning as a means to bringing affordable housing into communities.

Selectman Cope expressed her personal dislike of the idea of giving a developer an incentive by allowing additional density. There followed a discussion on how a community might be able to produce more affordable housing from private landowners and developers.

Executive Secretary Thompson stated that there was mention made of a New Jersey Fair Housing law that has been successful. At the request of the Selectmen, Mr. Thompson will research this New Jersey law and report back to the Board.

Selectmen's Budget - Addition of Expenses of Town Historian

The Board reviewed FY1990 Budget prepared by Town Historian Laura Scott based on her expenses for fiscal year 1989.

It was on motion of Selectman Cope unanimously

VOTED: To add the amount of \$600 to Account No. 501-811, Selectmen's Budget, for expenses of the Town Historian for Fiscal Year 1990.

Wood-Davison House - Preliminary Grant Application

It was on motion of Selectman Drobinski unanimously

VOTED: To authorize the signing by Chairman Wallace of a preliminary grant application regarding the Wood-Davison House.

Inter-line Transfer - Handicapped Transportation

Executive Secretary Thompson informed the Board that the Massachusetts Bay Transportation Authority has been unable to implement its RIDE program and there is therefore a need to provide for the transportation needs of the Town's handicapped until such time as the State Program becomes operable.

It was on motion of Chairman Wallace unanimously

VOTED: To approve an inter-line transfer of an amount not to exceed \$4,000 from Unclassified Account No. 950-821, Worker's Compensation, to Account No. 950-830, Handicapped Transportation.

Police Department FY90 Budget - Overtime

Executive Secretary Thompson reported that he met with Police Chief Lembo concerning the Fiscal Year 1990 Police Department Budget and an agreement was reached to reduce the originally-requested Overtime from \$262,518 to \$200,000.

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

VOTED: To approve the Police Department Fiscal Year 1990 Budget relative to Overtime, as amended from \$262,518 to \$200,000.

Zoning Violations

Selectman Cope stated that to her knowledge there has been no action taken by the Zoning Enforcement Agent concerning ticketing violators, and she requested the Executive Secretary to communicate with the Agent concerning this. Mr. Thompson stated that he believes the list submitted by the Design Review Board is being worked on; and he will further look into the possibility of the Agent delegating his authority to another individual who may be able to devote more time to this.

Discretionary Fund

Executive Secretary Thompson reported that on December 8, 1988, Karen Rubin of the Sudbury Visiting Nurse Association has submitted the name of an individual in Sudbury who qualifies for the 1988 Christmas Charity Fund.

It was on motion unanimously

VOTED: To add the name submitted by Karen Rubin of the Sudbury Visiting Nurse Association to the list of recipients of a gift of \$100 from the Town.

School Committee Meeting

Selectman Judith Cope reported that she attended the School Committee meeting, where many parents attended and submitted alternatives to the move of Fifth Graders. Mrs. Cope praised the efforts of the parents to seek the best solution to the space problem and stated that the School Committee will be studying these and will hopefully make its decision on December 14th.

Ms. Cope further reported that there was a general description and discussion of how to reduce bus costs of the Town for school transportation.

Massachusetts Municipal Association

Selectman Cope noted receipt and review of recent Massachusetts Municipal Association data and expressed her hope that it will place emphasis on better growth control and a better recycling program.

Executive Secretary Thompson stated that the Massachusetts Municipal Association is the only voice communities such as Sudbury has at the State-House level.

Chamber of Commerce - Outstanding Citizen Award

Selectman Cope stated that the Chamber of Commerce is considering individuals for receipt of its annual Outstanding Citizen Award. It was the recommendation of Selectman Cope, concurred by the Board, that George Mills of 293 Hudson Road be submitted as a nominee for the award. At the request of the Selectmen, Executive Secretary Thompson will communicate this to the Chamber of Commerce.

Landfill

Selectmen Cope and Drobinski reported citizen complaints regarding the litter on Route 20 from the Landfill. Executive Secretary Thompson explained that a good cleanup had just been completed; but that the following day a problem arose with a container belonging to Raytheon, which resulted in so much litter being blown around. Mr. Thompson further pointed out a personnel problem that is being worked on and which should result in fewer problems such as this.

Both Chairman Wallace and Selectman Drobinski noted that on Saturday they viewed a much cleaner area around the Landfill.

Resident Complaint

Selectman Drobinski reported receiving a telephone call from Abraham Waldman concerning the condition of Country Village Lane.

Executive Secretary Thompson stated that Robert Noyes of the Highway Department will take care of this problem.

Edwin Barrett Hosmer Memorial Fund - Request For Expenditure

It was on motion of Chairman Wallace unanimously

VOTED: To authorize the expenditure of \$2,272.50 from the Edwin Barrett Hosmer Memorial Fund to pay Pairpoint Glass Company for shipment of cup plates, Invoice No. 007128, dated October 19, 1988, as requested in communication dated December 9, 1988, from the Sudbury Historical Commission.

State's Heroic Awards Committee - Recommendation for Medal of Honor/Valor

The Board acknowledged with pride copy of letter dated December 8, 1988, from Charles V. Barry, Secretary of Public Safety, Commonwealth of Massachusetts, advising that Officer Todd F. Eadie of the Sudbury Police Department is one of nine individuals that will be presented commendations and recognized personally by the Governor and the Heroic Awards Committee. Officer Eadie may also be a recipient of the Trooper George L. Hanna Medal of Honor and Medal of Valor.

The Executive Secretary reported that Lt. Ronald Nix will be attending the ceremonies on Thursday, December 22, 1988, at 1:00 p.m., at the State House in Boston, as representative of Sudbury.

Conservation Commission - Signing of Conservation Restriction

It was on motion unanimously

VOTED: To sign the Borden Hill Conservation Restriction from Ponchatoula Limited granted to the Sudbury Valley Trustees regarding Lots 1A and Easement Area 1A as shown on Exhibit A attached to said Restriction.

Task Force On Financial Planning

Executive Secretary Thompson reported that he attended a meeting this morning at 7:30 a.m. with the Task Force on Financial Planning. Mr. Thompson stated that it appears that even at a ten percent increase level, the schools will still be \$1,000,000 short of what they need.

Mr. Thompson stated that they are in the process of finalizing the five-year financial plan for submission to the town prior to Town Meeting; and the next meeting is scheduled for early January 1989.

There being no further business to come before the Board, the meeting was adjourned at 10:00 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk