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IN BOARD OF SELECTMEN
MONDAY, DECEMBER 19, 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.

Landfill Enterprise Fund FY90 Budget

Executive Secretary Richard E. Thompson presented two preliminary Landfill Enterprise Fund budget alternatives for the Board's review, stating that the Board was required by law to approve an Enterprise Fund budget within 120 days of the start of the fiscal year. Mr. Thompson explained that one of the budgets was prepared with the expectation that a new compactor would be purchased to replace the current five-year-old compactor which was in need of major repairs for continued operation. The Board also noted receipt of a Highway Department status report relative to the compactor, dated December 12, 1988, and a list of Landfill receipts in the period July 1 through December 9, 1988.

Relative to the compactor, Mr. Thompson informed the Board that the Highway Operations Assistant and the Treasurer will be discussing use of prior years' depreciation as an offset to the budget for purchase of a new compactor and that the cost of the item as shown reflects trade-in of the old one. Upon inquiry from Selectman Drobinski concerning purchase of a used compactor, possibly from the Town of Weston, Mr. Thompson expressed his confidence in the Highway Department's record (particularly citing the role of John Lindgren and Robert Lohnes) relative to purchase of new and used equipment and in the area of maintenance, stating that it was likely that this had already been investigated, but that he would look into the matter and report to the Board.

Mr. Thompson informed the Board that he had met this day with Linda Bolton, Chairman of the Resource Recovery Committee, and recommended the following priorities for the Committee: 1) composting operation, and 2) evaluate a recycling center which could be done with Wayland. He reported that the Resource Recovery Committee will request modifications to the proposed Landfill Enterprise Fund budget relative to recycling.

Mr. Thompson also informed the Board that one of the articles proposed for Annual Town Meeting consideration involves the purchase of cover material for the Landfill. Although the cost is unknown at this time, Mr. Thompson stated that it would undoubtedly range from \$200,000-\$300,000. Mr. Thompson informed the Board that in this regard a meeting has been scheduled for Tuesday with the Town Engineer, the Highway Surveyor, and certain landowners from whom cover material might be purchased. Upon inquiry from Selectman Wallace, Mr. Thompson informed the Board that the cover material informally agreed to be provided by the Water District would probably be sufficient through June.

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

VOTED: To approve on a preliminary basis the FY90 Landfill Enterprise Fund Budget incorporating the purchase of a new compactor with the understanding

that further review will be necessitated relative to suggested revisions expected from the Resource Recovery Committee and other considerations which may arise.

Landfill Monitor

The Executive Secretary reported that upon request from the Highway Surveyor dated November 28, 1988, forwarding recommendation of the Personnel Board, he had advised the Highway Union, Local 1156, by letter dated December 1, 1988, of the intent of the Board of Selectmen to upgrade the position of Landfill Monitor to a position equal to a Truck and/or Light Equipment Operator. Mr. Thompson stated that the proposal had met with the approval of the Personnel Board and would afford more flexibility for the Department in that assignment to the Landfill could be rotated.

Therefore, it was on motion of Chairman Wallace unanimously

VOTED: To support the position of the Highway Surveyor relative to upgrading the position of Landfill Monitor.

Street Acceptances

It was on motion of Chairman Wallace unanimously

VOTED: To approve the schedule of required actions by the Selectmen relative to the laying out of those streets to be accepted by the 1989 Annual Town Meeting.

Warrant Articles - Board of Selectmen

The Executive Secretary reviewed with the Board the articles and reports to be submitted by the Board of Selectmen for consideration by the 1989 Annual Town Meeting. The Board agreed that Richard F. Brooks, Chairman of the Lincoln-Sudbury Regional School District Committee, should be the person honored for his service to the Town and be requested to present Article 1, Hear Reports, at the Town Meeting.

Relative to the article to transfer a portion of Featherland Park land from Park and Recreation to the Board of Selectmen for sale to an abutter, Mr. Thompson explained that a plan had been prepared by the Engineering Department and that he was in the process of negotiating with the abutter relative to the terms of the sale which involves the grant of a utility easement to the Town. Mr. Thompson further explained that since the land involved is park land, an act of the Legislature will be required upon successful passage of the article by Town Meeting. Relative to Selectman Cope's inquiry regarding the necessity for thinning the growth of trees which had been planted in the area upon donation to P.R.I.D.E. with the expectation of transplanting them at a future time, Mr. Thompson stated that the trees in their present state provide a natural buffer which, in his opinion, should be left as is. Ms. Cope agreed with Mr. Thompson's assessment since the trees are too large to transplant.

Regarding the Resolution prepared by the Scenic River Study Group, forwarded by Conservation Commissioner Muriel Plonko and SuAsCo representative Lael Meixsell with a cover memorandum dated December 1, 1988, Mr. Thompson

stated that Town Counsel's office had advised that more information relative to the Task Force and proposed agreement with other river townships was necessary before an opinion could be rendered with regard to the legality of the proposed authorizations, even though it was recognized that any Resolution is non-binding. Mr. Thompson suggested that the issues be resolved by Town Counsel and that pending such resolution and any necessary redrafting, the Board would submit the Resolution if desired by the Scenic River Study Group. The Board concurred.

Relative to development of an inclusionary zoning article, Selectman Cope reported that she had contacted several persons in New Jersey in regard to that State's Fair Housing Law and the zoning related thereto. Information, including a New Jersey Supreme Court decision (Mt. Laurel), will be sent to Ms. Cope. It was noted that the case litigated has no standing in the Commonwealth but may be useful for reference purposes.

It was on motion of Selectman Wallace unanimously

VOTED: To approve the articles and reports as drafted for submission by the Board for the 1989 Annual Town Meeting.

Wood-Davison House Restoration Project

On the recommendation of the Executive Secretary in accordance with a communication dated December 12, 1988 from Town Historian Laura Scott, it was on motion of Chairman Wallace unanimously

VOTED: To establish a temporary task force to be known as the Wood-Davison House Restoration Task Force for the purpose of assisting with the project and, accordingly, to appoint the following persons to serve under the Chairmanship of Town Historian Laura Scott: Alex Frisch, liaison to the Historic Districts Commission and to the Historical Society; Charles Orr and Muriel Plonko, liaisons to the Sudbury Historical Commission; James Lowell, liaison to the 350th Anniversary Committee; Margaret Kenda, Secretary, public relations, and Richard Davison, former occupant of the Wood-Davison house.

It was on motion further unanimously

VOTED: To endorse the funding disbursement procedure as outlined in the memorandum of Town Historian Laura Scott to the Board of Selectmen dated December 12, 1988.

Relative to the siting of the house, proposed for the parcel located between the Loring Parsonage and the Flynn Building, it was noted that the final choice of location will depend upon the Historic Districts Commission. It was also noted that use of the site may be in conflict with recommendations of the Long Range Planning Committee, and it was agreed that Mr. Thompson would forward the Committee's report to the newly designated Task Force.

Trailer Permit Extension

It was on motion of Selectman Cope unanimously

VOTED: To extend permission granted on July 5, 1988 to Josephine Hertweck for use of a house trailer at 73 Woodside Road for an additional two months, until February 28, 1989.

Sunday Entertainment Licenses

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

VOTED: To renew Sunday Entertainment Licenses for Calendar 1989 subject to receipt of the appropriate application, receipt of outstanding taxes and local charges as stipulated in the Board of Selectmen vote of December 12, 1988 relating to renewal of annual licenses, and further subject to approval by the Department of Public Safety, for the following establishments: 99 Restaurant Pub, Inc; Papa Gino's of America, Inc; and Kenbo, Inc, d/b/a Ephraim's Restaurant.

Mr. Thompson noted that he had been informed by Raymond Johnson, President of Kenbo, Inc., d/b/a Ephraim's Restaurant, that the Water District billing, noted in the December 12, 1988 minutes as outstanding, pertains to the entire complex and is currently under discussion between Ephraim's and the Water District. Mr. Thompson stated that he would verify this information with the Water District.

Minutes

It was on motion of Selectman Cope unanimously

VOTED: To accept the minutes of the December 5 and 12, 1988 regular sessions as drafted, and the record of the Town Forum of October 24, 1988, as amended.

Accept Bid - Asbestos Removal

On the recommendation of Douglas Lewis, Supervisor of Town Buildings, dated December 19, 1988, it was on motion unanimously

VOTED: To accept the bid of DEC-TAM Corporation, 10 Lowell Street, Andover, Massachusetts in the amount of \$4,850 for the removal of asbestos from the Fairbank boiler in accordance with the Town of Sudbury specifications.

Bike Trail

Although Bike Trail Coordinator Deborah Montemerlo was unable to attend the State Lowell to Sudbury Bike Trail meeting, Mr. Thompson reported that she had ascertained that in the near future the State will explore the best options for crossing the rivers involved to determine the feasibility of the project. Mr. Thompson opined that the Board's last position of approving the concept is still valid.

Lot 6, Hermitage St.

Mr. Thompson updated the Board on his recent meeting with petitioner Gordon Large, Conservation Coordinator Deborah Montemerlo and Town Engineer I. William Place. Mr. Large admitted to having a personal problem with the

developer. Mr. Large was informed that the Town Engineer, Highway Surveyor and the Health Director have looked at the site and that no topographical mapping will take place unless it is specifically requested by the Board of Health which is discussing the subject this evening. Mr. Thompson communicated to Mr. Large his own opinion that, with the trees already cut, the best value to the neighborhood would result from construction of a residence. Mr. Thompson provided the Board with copies of correspondence between the Conservation Commission and the DEQE, including the request that the DEQE rescind the Extension Permit granted. Mr. Thompson also noted that Mr. Senecal had received copies of the correspondence on file.

Cutler c.61A Property

Mr. Thompson reported that Sudbury Valley Trustee John Taft had updated him on the negotiations between that organization and the Cutler Trust which were "going well".

Cap of Pension Benefits

Mr. Thompson reported that after discussing the issue with Chairman Wallace relative to the Selectmen's support of lifting the cap on pensions for county and town employees hired after 1979, on behalf of the Board he had instructed Town Treasurer/Collector Chester Hamilton to vote at the Middlesex County Advisory Board this day to vote in favor of lifting the cap. The Board concurred. Mr. Thompson indicated that he had been informed that under the cap, an employee would continue to pay into the system even though he reached the \$30,000 limit.

Parker Academy

Mr. Thompson reported that he will be meeting with the Drs. Parker relative to the screening of the septic system vent pipe as requested by the Board of Selectmen by letter.

Public Meeting - Open Land Assessment

Selectman Drobinski reported on his conversation with Assessor Patrick Delaney relative to the proposed public meeting on open land assessments and the participation of the Board of Assessors in the same. Selectman Drobinski's summary of the situation is that the Assessors believe that there is no issue to resolve, that essentially the taxation will happen in any case - with or without input -- and further, the Board of Assessors intends to mail out information to affected landowners. Mr. Delaney expressed the Board's willingness to provide information to the Selectmen if a public meeting is desired. The Board agreed that a public meeting was desirable and directed Mr. Thompson to arrange for the same after the first of the year. Mr. Thompson reminded the Board that it is the Board of Selectmen who establish the tax classifications and the meeting would be beneficial in that regard.

Relative to discussion pertaining to obtaining special legal counsel, Selectman Wallace stated that he would be contacting Assessor Delaney on the subject.

ORC Discharge Permit Modification

The Board was in receipt of a letter from Michael Guernsey, Chairman of the Operational Review Committee for the Wayland/Sudbury Septage Treatment Facility (ORC), dated December 15, 1988, relative to the recent combined Conservation Commission/Planning Board meeting to discuss the Environmental Notification Form submitted to the DEQE regarding the ORC's request for a change in the discharge permit. Mr. Guernsey expressed his consternation with the fact that his offer to arrange for the attendance of an employee with technical expertise was not addressed, with the consequence that the representative who attended, a volunteer, could not answer the myriad of technical questions posed and the process is now delayed. Ms. Cope stated that she had looked into the matter and was advised that the Commission's concerns are relative to the stockpiling of sludge and the sand filter beds. Although, the situation described was unfortunate, Ms. Cope opined that she believed it was capable of being resolved. She informed the Board that, instead of granting the original permit for the amount requested as an average, that amount was granted as a maximum.

DSD Laboratories Sign

Relative to a request by Design Review Board Chairman Joyce Fantasia to Town Counsel regarding the DSD Laboratories sign involving a question under the Sign Bylaw and the subsequent inquiry by Selectman Cope as to the status of the same, Mr. Thompson reported that he had spoken with the Zoning Enforcement Agent who had informed him that he had completed the research requested by Assistant Town Counsel and would be reporting to him on Wednesday in writing that he concurs with Ms. Fantasia's conclusion noted in paragraph 3 in this instance. Selectman Cope stated that she believes this has implications for other situations and questioned why Mr. Scammon is making a distinction only in this instance. Mr. Thompson stated that Town Counsel would be contacting Ms. Fantasia relative to his conclusions in the matter after receipt of Mr. Scammon's report.

Zoning Violation - 61 King Philip Road

Selectman Drobinski reported that he had been contacted by Edwin Blackey on behalf of the King Philip Road neighborhood which is upset at the continued violation of the zoning bylaw - operation of a business without a site plan. Mr. Thompson reported that the site plan hearing is scheduled for January 9 and that these concerns can be stated at that time. Mr. Thompson also reported that Town Counsel had rendered an opinion relative to the proposed barn demolition and that the Historic Districts Commission would be holding a hearing relative to the same.

Long Range Planning Committee/Space Study Recommendations

The Board commended the Long Range Planning Committee for its diligence in respect to space planning for the whole Town, which is exemplified in its report and data communicated to the Board of Selectmen under date of December 15, 1988.

Mr. Thompson informed the Board that the Space Planning meeting is currently scheduled for December 20, 1988, and after attendance he would have

more information for the Board. Mr. Thompson also informed the Board of the various options the Town has with regard to presentation of overrides and exemptions.

With regard to questions posed by the Long Range Planning Committee in its letter of December 14, 1988, Mr. Thompson was instructed to communicate to Mr. Johnson of that Committee that any press releases relative to development of and need for a central town office facility should be reviewed by the Board of Selectmen; and further, that the option of moving the 7th and 8th grade to the L/S complex and the potential need for the Loring School as an alternative are matters solely within the purview of the School Committee.

The Board expressed its intention to meeting with the Long Range Planning Committee in January to discuss its report and plans.

Wish List

In response to Selectman Cope, Mr. Thompson stated that he had planned to and would place the Wish List on a January agenda for a discussion of items which might be implemented if desired.

Water District - Goodman's Hill Well Improvements

Relative to an inquiry from Selectman Cope, Mr. Thompson stated that he would follow-up after the first of the year on his previous conversation with the Water District Superintendent relative to the status of the proposed article for the District Warrant relative to Goodman's Hill well improvements.

Golf Driving Range/ZBA

Selectman Cope stated her concerns and reported on those of the Conservation Commission with regard to the filing of the application for a special permit and for a variance from the time limitation imposed by such permit relative to development of a golf driving range on the Park and Recreation portion of the Davis Land. Selectman Cope stated that, as the application was submitted by the Board of Selectmen on behalf of The Friends of Park and Recreation, Inc. and the Park and Recreation Commission, she would have liked an opportunity to have voted upon that submittal, further stating that she did not understand how we could proceed without having developed the site plan and determined the scope of the project. In response to her concerns and those of the Commission relative to the scope of the project as proposed by Mr. DeFranco (The Friends of Park and Recreation, Inc.) to include food service, toilet facilities, batting cages and possibly a running track, Mr. Thompson stated that although those things may be envisioned by Mr. DeFranco, the application itself is concerned with a golf driving range and miniature golf course only. Mr. Thompson stated that the Commission's concerns as reported to Ms. Cope had not been expressed to him in his recent discussions with the Coordinator and emphasized that the Board has the ultimate control of the project in that it must agree to the lease and approve the site plan. Selectman Drobinski added that approval of the application by the Zoning Board of Appeals would not exempt The Friends from having to comply with applicable laws, such as the Wetlands Protection Act and provisions of the Town's Bylaws. Mr. Thompson stated that he would contact the Conservation Coordinator as to the Commission's concerns and will withdraw the applications if necessary. It

was also noted that the Board of Appeals' advertisement had incorrectly included application for a Special Permit under the Water Resource Protection Districts Bylaw which is under the purview of the Planning Board from which a permit is necessary only if the application of fertilizer is intended, since recreation is a use permitted without permit in Zone III.

There being no further business, the meeting was adjourned at 9:10 p.m.

Attest: _____

Richard E. Thompson
Executive Secretary-Clerk