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IN BOARD OF SELECTMEN
MONDAY, JANUARY 11, 1988

Present: Chairman Anne W. Donald, David A. Wallace, John C. Drobinski.

Appointment - Council On Aging

Present: Sarah A. Williams.

The Board reviewed applications submitted by five individuals to replace Edward Sicard on the Council On Aging.

Upon recommendation by the Council On Aging, as contained in its memorandum dated January 5, 1988, following a brief interview, it was on motion of Chairman Donald unanimously

VOTED: To appoint Sarah A. Williams of 187 Pratts Mill Road to replace Edward Sicard on the Council On Aging, for a term to expire April 30, 1989.

Hearing: Removal of Underground Gasoline Storage Tanks - 35 Pantry Road

Present: Fire Chief Michael Dunne; George R. Sharkey.

This hearing was held pursuant to request dated December 1, 1987, of Fire Chief Michael Dunne in accordance with 527 CMR 9.23(2) to consider the removal of two underground gasoline storage tanks from the property at 35 Pantry Road, owned by George Sharkey, 16 Haynes Road, Sudbury.

Executive Secretary Thompson had notified Mr. Sharkey of said hearing by Certified letter dated December 17, 1987. Present at this hearing was George R. Sharkey, son of George Sharkey, who reported that his father was unable to attend due to recent hospitalization; and that his father has authorized him to represent his interests.

Chief Dunne explained that the problem of removal of the storage tanks has been ongoing since 1980 and that he has been attempting to resolve the situation since he took office in 1983. Chief Dunne stated that he spoke with Mr. Sharkey on January 8, 1988, and Mr. Sharkey expressed his desire to leave the tanks in the ground and have them filled with sand. After research, Chief Dunne believes this may be done, but with strict compliance to the provisions of 527 CMR 9.23(3). These provisions include, Chief Dunne explained, (1) public hearing, held at Mr. Sharkey's expense; and (2) concurrence by the State Fire Marshal that leaving the tanks underground is as safe environmentally and physically as removing them would be. It is Chief Dunne's position that if the tanks are to remain underground, they must be completely cleaned and inspected before being filled. Chief Dunne concluded by stating that he telephoned the State Fire Marshal's Office and they stated that they would not consent to this alternative telephonically, but wishes to see such a request in writing from Mr. Sharkey.

George R. Sharkey stated that the tanks have been there since at least 1966 and there is approximately one inch of what he believes to be water in one of the tanks, and approximately four inches of what he believes to be water in the other tank. Chief Dunne emphasized that at present it is unknown what the

liquid substance in the tanks is. George Sharkey explained that his father's wish to leave the tanks underground is two-fold: (1) the gasoline station close to the tanks has been adjudged to be among the oldest in the area and should therefore be preserved. His father is concerned that removal of the tanks may cause serious structural damage to the fieldstone foundation of the station house; (2) the cost of removal of the tanks would be far greater than the cost of keeping them in place and filling them. Upon inquiry by the Board, Chief Dunne opined that a comparison of the costs would not show a significant difference.

Executive Secretary Thompson stated that it is his opinion that the station house is indeed a building worth preserving and concurs with Mr. Sharkey's concern that it may be ruined when the tanks are removed. Keeping in mind the many years this matter has remained unresolved, however, it was therefore Mr. Thompson's recommendation that the Board allow Mr. Sharkey to proceed under the provisions of 9.23(3), and that the matter be completed within forty-five days. Upon inquiry, Chief Dunne stated that he would be able to obtain a decision from the State Fire Marshal in sufficient time before the required public hearing. Mr. Thompson cautioned George Sharkey that if the procedures are not followed or if the matter is not completed within the time allowed, DEQE may assess substantial penalties against Mr. Sharkey for his non-compliance.

Selectman Wallace opined that it would be mutually beneficial to the Town and to Mr. Sharkey if this hearing may be continued for a period of time in order to allow Mr. Sharkey the opportunity to implement his alternative plan of keeping the tanks underground and filling them with sand. To this end, Selectman Wallace stated that Mr. Sharkey would have to submit to the Fire Chief his written intent to fill the tanks with sand and that his actions would comply with the requirements of Fire Chief and the State Fire Marshal.

After further discussion, it was on motion of Selectman Wallace unanimously

VOTED: To continue this hearing no later than 90 days hence to consider the question of authorizing the Fire Chief to order removal of two underground gasoline storage tanks located at 35 Pantry Road, in order to allow the owner of the tanks, George Sharkey of 16 Haynes Road, the opportunity to fulfill his obligations under the law in an alternative manner, to the satisfaction of the Fire Chief and the State Fire Marshal.

Calling of Special Town Meeting 4/4/88

After discussion, it was on motion of Chairman Donald unanimously

VOTED: To approve the calling of a Special Town Meeting to be held within the April 1988 Annual Town Meeting, in accordance with the following schedule prepared January 6, 1988, for the purpose of considering an article to fund Fiscal Year 1988 Police Paid Detail Account and an article to pay without delay certain Unpaid Bills, plus any other articles of an emergency nature:

Date/Time of Special Town Meeting	April 4, 1988; 8:30 p.m.
Warrant Closing Time:	February 3, 1988; 5:00 p.m.

and it was further

VOTED: To approve an article to fund Fiscal Year 1988 Police Paid Detail, in the amount of \$15,000, for submission by the Board for said Special Town Meeting Warrant; and to accept an article submitted by the Town Accountant to pay Unpaid Bills, also for the Special Town Meeting Warrant.

Inter-line-item Transfers for Selectmen's Department

Following review of memorandum dated January 7, 1988, from Janet Silva, explaining two inter-line-item transfers being requested, it was on motion of Selectman Wallace unanimously

VOTED: To Transfer \$200 from 501-310 Maintenance to 501-410 Travel; and to transfer \$500 from 501-130 Clerical Salaries to 501-120 Overtime.

Council On Aging - Donations

It was on motion of Chairman Donald unanimously

VOTED: To accept \$190.40 in miscellaneous donations for deposit into the Council On Aging Van Donation Account; and to authorize the council on Aging to Expend same for purposes of operating and maintaining the Council On Aging van.

Proposed Lowell-Sudbury Bicycle Path

Present: Approximately one hundred residents; Nancy Clinton and David Roddy of the Bike Trail Abutters Committee.

Continuation of public meeting of December 7, 1987, was held concerning the proposed Lowell-Sudbury Bicycle Path, and the question of taking a position on the same.

Executive Secretary Thompson noted receipt of the following:

1. Letter from Town Planner Lee Newman dated January 11, 1988, stating that the Planning Board has voted to recommend that the Selectmen support the preliminary design phase of the Bike Trail, and urging the Selectmen to separate the preliminary design activity from a commitment to proceed with construction so that greater control of the project could be maintained by the town;
2. Minority Report dated January 11, 1988, from Planning Board member L. Mike Meixsell, emphasizing his support for proceeding with the Design Phase is contingent upon this not being equated to be a commitment to proceed with the subsequent Construction Phase;
3. Letter from Richard and Carole Wolf of 637 Concord Road, expressing their opposition to the Bike Trail;
4. Letter from Richard C. Williamson of 21 Pendleton Road, dated January 6, 1988, expressing the support of himself and twelve other residents for the Bike Trail;

5. Telephone call received January 8, 1988, from former Conservation Commission member Eric Lind, expressing his strong support for the Bike Trail;
6. Letter dated January 11, 1988, from G. Burton Mullen, expressing his vehement opposition to the Bike Trail;
7. Letter dated January 11, 1988, from Kathleen and Paul C. Marshall of 74 Puritan Lane, expressing their support for the Bike Trail;
8. Telephone call received January 11, 1988, from Burt B. Mader, Jr., 40 Hudson Road, expressing his opposition to the Bike Trail;
9. Letter dated January 11, 1988, from David Roddy and Nancy Clinton of the Bike Trail Abutters Committee requesting the Board defer any decision on the Bike Trail until the Town has had a chance to consider it at the April Town Meeting.
10. Telephone call received by Chairman Donald from Penelope Decker of 356 Willis Road, expressing her support and that of her family for the Bike Trail.

By request of Chairman Donald, David Roddy of the Bike Trail Abutters Committee reiterated the position of the Committee that the issue should be reviewed at Town Meeting. Mr. Roddy stated that the Committee is completing the papers to have a petition available for the Warrant at Town Meeting and urged the Selectmen not to make any decision which will make it difficult to have a full, fair and democratic assessment of the project.

Mr. Roddy went on to say that it is the Committee's opinion that the Bike Trail will cost the Town money, for maintenance, policing, etc. Further, he believes the Trail will have mini-bikes, motorcycles and snowmobiles upon it. Mr. Roddy pointed out recent articles in the Town Crier concerning an area of Town known as the "Desert" and believes the problems in that area will likewise occur on the Bike Trail. Mr. Roddy continued that the Committee believes the Trail will make the Route 20 and Union Avenue area traffic problem worse; and that the Trail will be another place for beer parties, abandoned junk and litter. Mr. Roddy stated that there are a lot of remote areas on the trail, which will present a safety problem for the children, both who use the trail and who live on property abutting the trail. Mr. Roddy further stated that it is his belief that the Bike Trail will change the rural aspects of the community. In conclusion, Mr. Roddy requested that before a decision on the Bike Trail is made by the Board, the matter go to Town Meeting.

Nancy Clinton of the Bike Trail Abutters Committee expressed her concern that the proponents of the Trail have been wanting another recreational facility in the Town without looking at the safety issue. Mrs. Clinton stated that she has researched the Swampscott-Salem-Marblehead Bike Trail, which she believes is similar in nature to the one being proposed through Sudbury. She stated this Trail is owned by the Light and Water Departments of Marblehead, patrolled by Park and Recreation and the Police Department. Mrs. Clinton quoted a Mr. Hammon from that town's Park and Recreation Commission as expressing many problems with rapes, drinking, vandalism, etc. on that trail; she further quoted an Officer Young of their Police Department who cautioned

use of the trail by children alone or at night. In conclusion, Mrs. Clinton stated that she has yet to see a need for a new recreational facility.

Upon a call from Chairman Donald for speakers from the public, the following gave comments, ultimately expressing their support or opposition to the Trail as follows:

David J. McCormick, 403 North Road	Opposes
Bruce D. Langmuir, 9 Bent Brook Road	Supports
Honora Haynes, 82 Morse Road	Opposes
Paula Zawada, 593 Peakham Road	Opposes
A resident of Windmill Drive	Opposes
Allan L. Wallack, 67 Thompson Drive	Opposes
Daniel F. Buttner, 54 Old Garrison Avenue	Supports
Miriam K. Leporini, 588 Peakham Road	Opposes
Thomas J. Orr, 594 Peakham Road	Wants TM to decide
Ralph S. Tyler, One Deacon Lane	Sees both sides
Gail A. Phelan, 40 Meadow Drive	Opposes
Edith L. Loftus, 298 Maynard Road	Supports
Benjamin Lavine, 422 Dutton Road	Wants TM to decide
Richard Fletcher, 598 Peakham Road	Wants TM to decide
Judith Deutch, 41 Concord Avenue	Supports
Elaine Kneeland, 43 Pennymeadow Road	Opposes
Daniel Harty, 25 Meadow Drive	Pointed out that townspeople decide at TM; only Board of Selectmen decide tonight
Peter Albee, One Hunt Road	discussed "Desert" area
Quintus Wilson, 109 New Bridge Road	Supports
Dorothy Feinzig, 28 Hadley Road	Undecided
A Resident of Dutton Road	Supports but believes abutters' objections should be heard
Richard Williamson, 21 Pendleton Road	Supports

Selectman Wallace stated that there were a lot of good points raised by both sides. After careful consideration based upon the preliminary feasibility study and the meetings and hearings held thus far, Selectman Wallace stated that he would like to see the State proceed to the design stage, with a number of caveats to the State and the clear understanding that there is no approval for construction. Selectman Wallace believes this will allow everyone to look at all the issues and have them addressed during this design stage. He reiterated that the Town should proceed with caution; that all the data is not in and that is the whole purpose of proceeding to the design phase. He further stated that there is sufficient debate concerning this issue to not give an absolute "red" or "green" light to the State.

It was on motion of Selectman Wallace unanimously

VOTED: To support the design phase by the State of a Sudbury-to-Lowell Bike Trail, subject to the following:

1. Abutters' concerns must be addressed by State and local agencies to the maximum extent possible;
2. Department of Public Works commits to hold public hearing and site visits as requested by the Town during the design phase of the project;
3. Proper policing, maintenance, and fiscal impact be addressed and an agreement of each party's responsibility be clearly stated and formally agreed to prior to the start of construction;
4. Maximum local input to the final design review process is requested;
5. State agencies involved agree to work with the towns and provide a mechanism as necessary to allow the towns to construct additional safeguards for abutters if they choose to do so.

Following further discussion, in particular with Stuart Feinzig of 28 Hadley Road, it was on motion of Selectman Drobinski unanimously

VOTED: To amend the vote heretofore taken by adding other conditions, as follows:

6. The State, during its design phase, addresses the issue of parking at the terminus of both ends of the Trail and at other locations along the course of the Trail.

7. The formation of a Town Committee for the purpose of making certain the Board of Selectmen, various committees and departments within the Town, and the public are kept informed of developments as they occur; and to provide evaluation, comment and recommendation to the Board of Selectmen concerning this proposed bike trail; said Committee to include a representative of the following:

Board of Selectmen
Park and Recreation Commission
Police Department
Bike Trail Abutters Committee
Bike Trail proponent

Selectman Drobinski stated at the conclusion of this hearing that he reiterates the position of the Board of Selectmen that they are not ready to commit the Town to any construction and if there is something adverse to the Town's best interests, the Board will not permit it.

Whereupon the hearing was adjourned at 9:00 p.m.

Appointment - Residential Wastewater Treatment Facilities Advisory Committee

On recommendation of Executive Secretary Thompson, it was on motion of Chairman Donald unanimously

VOTED: To appoint Lael M. Meixsell of 34 Barton Drive to the Residential Wastewater Treatment Facilities Advisory Committee, serving as Planning Board liaison; subject to confirmation by the Planning Board.

Voter Registration - Annual Town Election/Town Meeting

As requested by Town Clerk Jean MacKenzie, it was on motion of Chairman Donald unanimously

VOTED: To authorize voter registration sessions for the Annual Town Election and Town Meeting at the following locations on February 23 and 15, 1988, respectively, from 6:00 p.m. - 8:00 p.m.:

Fairbank Community Center
North Fire Station (Rte. 117)

International City Management Association/U. S. Conference of Mayors

The Board reviewed letter dated December 10, 1987, from the presidents of the National League of Cities, International City Management Association, and U. S. Conference of Mayors, urging the Town's monetary support for the State and Local Legal Center. Executive Secretary Thompson reminded the Board that the Town contributed \$100 toward support of the Center in 1987.

It was on motion of Selectman Drobinski unanimously

VOTED: To contribute \$150 to the State and Local Legal Center, the Academy for State and Local Government, as recommended by the National League of Cities, the International City Management Association, and the U. S. Conference of Mayors; and to request Executive Secretary Thompson to do whatever is necessary to effectuate this action.

Minutes

It was on motion of Chairman Donald unanimously

VOTED: To approve the minutes of January 4, 1988, as corrected.

Resource Recovery Committee - Newspaper Recycling Project

The Board reviewed letter from George E. Martin of the Resource Recovery Committee dated January 8, 1988, concerning the unreliability of the Town's current wastepaper dealer supplying trailers at the Landfill for receipt of newspapers from residents. The Committee has been in contact with another dealer who will make replacement trailers available to meet the Town's needs.

Executive Secretary Thompson stated that the Highway Department supports the proposal of the Resource Recovery Committee, but did express concern that if a new company fails to fulfill its obligations, the Town's present dealer may not return.

Upon recommendation of the Resource Recovery Committee, it was on motion of Selectman Wallace unanimously

VOTED: To request the Landfill Agent to implement the recommendations of the Resource Recovery Committee relative to newspaper recycling, as stated in a letter dated January 8, 1988, from George E. Martin.

Sudbury Supervisory Association Union

Selectman Wallace reported that he received a telephone call from David Wilson of the Finance Committee, who expressed concern about three of the new positions created in the new contract which amount to 15-20% pay raises.

Executive Secretary Thompson stated that he also has been in communication with Mr. Wilson and he will attend a meeting of the Finance Committee on Thursday, January 14, 1988.

Review of Town Meeting Articles

Chairman Donald stated the purpose of tonight's review is not necessarily for discussion but to go through the list and take a position of support on those without controversy among Board members and place a "hold" on those which need further consideration.

Upon review, it was on motion unanimously

VOTED: To withdraw the following two articles, as abutters have expressed interest in purchasing the subject parcel:

Alternate Article: Transfer Parcel #140 to Selectmen for Purpose of Sale (to anyone if it is found abutters do not want);

Companion Alternate Article: Sell Parcel 140 at Public Sale;

and it was further

VOTED: To support all the articles submitted to date for 1988 Annual Town Meeting, with the exception of the following, which are held for further discussion:

Amend Bylaws, Art. XI(A), Council On Aging - Add Members;

Council On Aging Appointment Procedure [N.B. Executive Secretary Thompson reported that a revision of this Article will be submitted by the Council On Aging];

Special Act - Land Bank;

Amend Bylaws, Art. V.16 - Recreational Vehicles [the Board is awaiting report from Town Counsel];

Amend Bylaws, Art. V(C) - Smoking Prohibition [the Board is awaiting reports from Town Counsel and Board of Health];

Budget;

Unpaid Bills;

Stabilization Fund;

Sherman's Bridge;

Amend L-S Regional agreement (3 amendments) [N.B. Executive Secretary Thompson was requested to communicate with the Finance Committee concerning this];

Carding Mill Pond Land Acquisition;

Peirce Land Acquisition;

Hop Brook Bridge Construction;

Comprehensive Growth Management Study;

Amend Zoning Bylaws, Art. IX,IV - Regulation of Residential Wastewater Treatment Facilities;

Amend Zoning Bylaws, Art. IX,I - Prohibit Package Sewage Treatment Plants;

Amend Zoning Bylaws, Art. IX,IV,E - Senior Residential Development;

Use of Free Cash.

Executive Session

At 9:40 p.m., it was on motion by roll call unanimously

VOTED: To go into Executive Session for the purpose of discussing transactions in real property where open discussion may have a detrimental effect on such transactions.

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

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

There being no further business to come before the Board, the meeting was adjourned at 10:15 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk