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IN BOARD OF SELECTMEN
MONDAY, OCTOBER 17, 1988

Present: Chairman David A. Wallace and John C. Drobinski.

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

Utility Petition Nos. 88-10 and 88-11 - Moore Road/Hudson Road

Present: Boston Edison Company representative Robert Malis.

The Board reviewed Utility Petition Nos. 88-10 and 88-11 by New England Telephone and Telegraph Company and Boston Edison Company for the laying of conduit for the Sudbury Woods subdivision. Chairman Wallace noted that said work was granted emergency approval by the Board on August 29, 1988, and that the work has been completed.

Executive Secretary Thompson noted that all appropriate abutters had been notified and approval had been recommended by the Inspector of Buildings and Wiring Inspector.

On motion of Chairman Wallace, it was unanimously

VOTED: To approve Utility Petition No. 88-10 of Boston Edison Company and New England Telephone and Telegraph Company for permission to lay and maintain a distance of about 30 feet under Moore Road - northerly approximately 435 feet west of Dutton Road, thence turning and running easterly, a distance of about 30 feet; and shown on plan of Boston Edison Company entitled "Plan of Moore Rd. - Sudbury", dated August 2, 1988; and New England Telephone and Telegraph Company's "Plan for Proposed Conduit Location", N.E.T.&T. No. 88-11, dated September 29, 1988.

On motion of Selectman Drobinski, it was unanimously

VOTED: To approve Utility Petition No. 88-11 of Boston Edison Company and New England Telephone and Telegraph Company for permission to lay and maintain a distance of about 23 feet under Hudson Road - approximately 557 feet east of Great Lake Drive; and shown on plan of Boston Edison Company entitled "Plan of Hudson Rd. Sudbury", dated August 2, 1988; and New England Telephone and Telegraph Company's "Plan for Proposed Conduit Location", N.E.T.&T. No. 88-10, dated September 29, 1988.

Utility Petitions, 71 Brimstone Lane/128 Lincoln Road - Emergency Approval

The Board reviewed request of Boston Edison Company to proceed immediately to install conduit from a pole on Brimstone Lane to a new home being constructed at 71 Brimstone Lane; and from a pole on Lincoln Road to a new home being constructed at 128 Lincoln Road. Executive Secretary Richard E. Thompson noted that approval had been recommended by the Inspector of Buildings and Wiring Inspector under date of October 17, 1988.

It was on motion of Chairman Wallace unanimously

VOTED: To grant emergency approval to Boston Edison Company and New England Telephone and Telegraph Company, subject to receipt of formal petitions and public hearing, for location of approximately six feet of conduit in Brimstone Lane, from Pole 639/10 to a new home being constructed at 71 Brimstone Lane by builder James Pacy; and to grant emergency approval to Boston Edison Company and New England Telephone and Telegraph Company, subject to receipt of formal petitions and public hearing, for location of approximately six feet of conduit in Lincoln Road, from Pole 35/64 to a new home being constructed at 128 Lincoln Road by builder Paul Revell.

Utility Petitions 41 Plympton Road/752 Concord Road - Emergency Approval

The Board reviewed emergency requests granted to the appropriate utility companies to proceed immediately to install underground conduit across Plympton Road to service a new home at 41 Plympton Road; and to make the overhead pole connection to conduit placed to provide additional service to 752 Concord Road. Executive Secretary Richard E. Thompson noted that verbal approval had been recommended by the Inspector of Buildings and Wiring Inspector.

Mr. Thompson called attention to signatures of approval obtained from abutters concerning the Plympton Road petition, noting the contingency approval given by Dr. Rose based on understanding that the work has been completed.

It was on motion of Selectman Drobinski unanimously

VOTED: To confirm action of October 13, 1988, granting emergency approval to Boston Edison Company and New England Telephone and Telegraph Company, subject to receipt of formal petitions and public hearing, for location of approximately thirty feet of conduit across Plympton Road, approximately 1,110 feet northwest of Water Row, connecting with Pole 101/37 to service a new home being constructed at 41 Plympton Road by Kane Development; and it was further

VOTED: To confirm action of October 6, 1988, authorizing Boston Edison Company, subject to receipt of formal petition and public hearing, to make the overhead pole connection to conduit placed to provide additional service to the home of Robert M. Snay at 752 Concord Road, so that the residence may be provided with heat.

Landfill - Disposal of Appliances

As a follow-up to a request made by the Selectmen at their meeting on September 26, 1988, that the Executive Secretary look into the new regulations by DEQE regarding items having capacitors or ballast resistors which contain PCB's, a known Hazardous Waste, Executive Secretary Thompson reluctantly recommended implementation of a suggestion by the Town Engineer that the landfill no longer accept appliances and other such items. Mr. Thompson based his recommendation on the letter dated September 20, 1988, from Town Engineer I. William Place.

Selectman Drobinski expressed his concern that residents be fully informed of the new DEQE regulations and the resultant change in the Town's landfill regulations, in order to avoid the frustration of a resident hauling a large

appliance to the landfill, only to be told that they cannot leave it there. Selectman Wallace concurred with this, and recommended an implementation date that would allow sufficient advance publicity. Chairman Wallace further noted that the firm of Turner Trucking and Salvage Co. Inc., located in Hudson, is capable of handling this material at an approximate cost of \$20.00 per item.

Executive Secretary Thompson expressed his disappointment in having to place this additional burden on the townspeople and assured the Selectmen that he will continue to monitor the situation in the event a better alternative may be utilized.

After discussion, it was on motion of Chairman Wallace unanimously

VOTED: To amend the Landfill Rules and Regulations to prohibit acceptance of items having capacitors or ballast resistors which contain PCB's, a known Hazardous Waste, as more fully explained in letter dated September 20, 1988, from Town Engineer I. William Place, effective January 3, 1989; and to direct the Executive Secretary to publicize such change and the reasons therefor.

Intersection Improvements - North/Powers/Powder Mill Roads

The Board acknowledged receipt of letter dated October 3, 1988, from Town Engineer I. William Place, which enclosed four cost estimates for the proposed intersection improvements in the area of North, Powers and Powder Mill Roads.

At the request of the Selectmen, Executive Secretary Thompson will schedule a follow-up meeting in mid-to-late November with all interested parties. Per suggestion of Selectman Drobinski, Mr. Thompson will forward a copy of the Town Engineer's letter to the Traffic Management Committee, and will invite them to attend the meeting when scheduled.

Mr. Thompson stated that Digital Equipment Corporation's representative has requested a "pre-meeting" so that everyone may be better prepared for discussion at the full meeting when scheduled; and the Selectmen requested Mr. Thompson arrange this.

Life Insurance Benefits - Acceptance of Bid

The Board reviewed memorandum dated October 3, 1988, from Budget and Personnel Officer Terri Ackerman, and letter dated September 21, 1988, from the Town's consultant, Employee Benefit Specialists Incorporated, regarding bids received for the Town's life insurance program.

After discussion, and based on the recommendations of Mrs. Ackerman and the consultant, it was on motion of Chairman Wallace unanimously

VOTED: To accept the bid of the Town's current provider, Boston Mutual Life Insurance Company, dated August 15, 1988, to provide coverage at the current benefit level of \$2,000 (active employees) and \$1,000 (retirees) at a cost of \$.64 per \$1,000 of insurance for Basic Life and \$.06 per \$1,000 of insurance for Accidental Death and Dismemberment.

There followed a discussion concerning a recent State statute that would allow the Town to raise the basic benefit levels to \$10,000 for employees/\$5,000 for retirees. Executive Secretary Thompson recommended so raising the levels, which would mean an additional annual total expenditure of approximately \$20,000. There was a consensus by the Board that the Selectmen would like input from the Personnel Board and Finance Committee not only as to the question of whether to raise the levels, but also when to implement such a raise. The Board agreed it was not a matter of such significance that it should be a subject of collective bargaining.

It was on motion of Chairman Wallace unanimously

VOTED: To request the Executive Secretary to refer the question of raising basic benefit levels to employees/retirees and the timing thereof to the Personnel Board and Finance Committee; and to report back to the Board with their comments and suggestions.

Wood-Davison House

The Board reviewed memorandum received October 3, 1988, from Town Historian Laura Scott, outlining a proposal to move the Wood-Davison House located at 348 Boston Post Road, and relocate same to a new location in the Sudbury Center National Historic District. Executive Secretary Thompson was enthusiastic about the proposal and stated that use of that building would solve so many space problems for the display of the many fine collections and artifacts owned by the Town. Chairman Wallace stated he believed the proposal is a great idea; and Selectman Drobinski heartily endorsed it as well.

After discussion, it was on motion of Chairman Wallace unanimously

VOTED: To support the Town Historian in her proposal to move the Wood-Davison House at 348 Boston Post Road, move it to a place in the Sudbury Center National Historic District between the Loring Parsonage and the Flynn Building, and restore it as a museum for the important collection of documents and artifacts of the Sudbury Historical Society, the Harry Rice Collection of Indian Artifacts, and other collections owned by the Town; subject to comment by Selectman Judith A. Cope.

STM Articles 2 and 3 - Sudbury Water District
Vote to Excess Land and Legislative Petition

Pursuant to vote of the October 3, 1988, Special Town Meeting under Articles 2 and 3 to transfer land to the Sudbury Water District located off Pratt's Mill Road and Blueberry Hill Lane, adjacent to Curtis School, it was on motion of Chairman Wallace unanimously

VOTED: That the land shown as Parcel 239 on Town Property Map H07, located off Blueberry Hill Lane and adjacent to the Curtis Middle School property, containing approximately 1.6 acres, and more particularly described as Lot 39 on a plan entitled, "Plan of Land in Sudbury, Massachusetts, Showing Land to be Conveyed to the Sudbury Water District", dated August 29, 1988, revised September 30, 1988, drawn by the Town of Sudbury Engineering Department, is no longer required for municipal purposes.

It was further on motion of Chairman Wallace unanimously

VOTED: To sign legislative petition and accompanying resolution required by Article 49 of the State Constitution as amended by Article 97, to allow said transfer of this land which had been conveyed to the town as a play area.

Executive Session

Chairman Wallace asked Town Counsel Paul Kenny whether it was appropriate to go into Executive Session concerning the Fort Devens Annex off Hudson Road of approximately 289 acres in Sudbury and Hudson that has been exccessed. Attorney Kenny opined that since the discussion will involve strategy in obtaining the land, Executive Session is appropriate, since to do otherwise may result in a deleterious result to the Town.

At 8:15 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, concerning the Fort Devens Annex off Hudson Road of approximately 289 acres in Sudbury and Hudson.

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

The Chairman announced that public session would reconvene following Executive Session.

Executive Session adjourned at 9:00 p.m., and following a five-minute break, the regular meeting reconvened.

STM Article 8 - Legislative Petition - Estelle Simon Tax Abatement

It was on motion of Chairman Wallace unanimously

VOTED: To sign a legislative petition pursuant to vote of the October 3, 1988 Special Town Meeting under Article 8, Estelle Simon Tax Abatement, authorizing the Town of Sudbury to pay Estelle Vee Simon a Real Estate Tax Abatement for the years 1981 through 1987; and to request the Executive Secretary to do whatever is necessary to present same.

STM Article 14 - Legislative Petition - Police Temporary

It was on motion of Chairman Wallace unanimously

VOTED: To sign a legislative petition pursuant to vote of the October 3, 1988 Special Town Meeting under Article 14, Police Temporary, authorizing and directing the Personnel Administrator of the Commonwealth of Massachusetts to certify Todd F. Eadie for appointment as a Police Officer in the Town of Sudbury; and to request the Executive Secretary to do whatever is necessary to present same.

Cooperative Management Agreement - Dickson Property

Upon review of memorandum dated October 12, 1988, from Gordon Henley, Chairman, Conservation Commission, regarding the Dickson Property Management Agreement located at Water Row and Route 27, it was on motion of Selectman Drobinski unanimously

VOTED: To authorize the Chairman to sign a Cooperative Management Agreement with the Department of Environmental Management and the Department of Fisheries, Wildlife and Environmental Law Enforcement for the Dickson property located off Water Row and Route 27, as requested by the Conservation Commission and as approved this evening by Town Counsel. [Whereupon the Chairman so signed].

Bay Circuit Planning Grants Program

Upon review, it was on motion of Chairman Wallace unanimously

VOTED: To execute a new grant agreement between the Massachusetts Department of Environmental Management and the Town under the Bay Circuit Planning Grants Program relative to an award of \$1,895 approved June 26, 1986; and it was further

VOTED: That the Chairman of the Sudbury Conservation Commission, acting on behalf of the Town of Sudbury, is hereby authorized to enter into a grant agreement on behalf of the municipality and receive funds pursuant to the Department of Environmental Management's Bay Circuit Program (M.G.L. Chapter 233 of the Acts of 1984 and Chapter 631 of the Acts of 1956) and subject to the conditions, restrictions and limitations of the grant; and it was further

VOTED: That the Chairman of the Sudbury Conservation Commission, acting on behalf of the Town of Sudbury, is hereby authorized to enter into and expend funds relative to financial agreements with those contractors and subcontractors necessary to the execution of the Bay Circuit Program (M.G.L. Chapter 233 of the Acts of 1984 and Chapter 631 of the Acts of 1984 and Chapter 631 of the Acts of 1956) grant agreement between duly authorized representatives of said municipality and the Department of Environmental Management, acting on behalf of the Commonwealth of Massachusetts.

It was further on motion unanimously

VOTED: To request written status from the Massachusetts Commission Against Discrimination relative to meeting eligibility requirements for said grant.

Police Department - Juvenile Detention Room

The Board received a letter dated October 3, 1988, from Carmen S. Pizzuto, Ph.D., Consultant, Police Detention, for the Commonwealth of Massachusetts Executive Office of Human Services, Department of Youth Services, to Police Chief Peter B. Lembo, outlining conditions Mr. Pizzuto feels should be remedied to accommodate juveniles being detained at the Sudbury Police Station. Executive Secretary Thompson stated he has been reviewing this project with Police Lt. Nix and Supervisor of Buildings Douglas Lewis, and that a transfer of funds in the neighborhood of \$5,000 will be required.

The Board requested the Executive Secretary to coordinate with Lt. Nix the re-modeling of the juvenile detention room at the Police Station to meet the standards specified by the Department of Public Health and the Department of Youth Services, as outlined in letter dated October 3, 1988, from Police Detention Consultant for the State's Department of Youth Services, to Police Chief Peter B. Lembo; and to apprise the Board of the progress and completion of same as effectuated.

The Friends of the Sudbury Teen Center - Support for Senior Center

The Board acknowledged receipt of letter dated October 11, 1988, from Peter A. Hoffman, President of The Friends of the Sudbury Teen Center, concerning expansion of use of Fairbank Community Center to include a senior center. The Selectmen requested the Executive Secretary to refer a copy of said letter to the Permanent Building Committee for its consideration and comment.

Open Meeting Law Complaint Re: June 27, 1988 Executive Session

Pursuant to assurance contained in letter dated September 14, 1988, from the Executive Secretary to Michael Fabbri, Assistant District Attorney, Open Meeting Law Supervisor, it was on motion of Chairman Wallace unanimously

VOTED: To release for public review the June 27, 1988 executive session minutes as they relate to the case of Russell P. Kirby, et al v. Lawrence L. Blacker, et al and Raytheon Company; and it was further

VOTED: To amend the regular session minutes of June 27, 1988 to identify the reason for going into executive session as follows:

"At 7:15 p.m., it was on motion by roll call unanimously

VOTED: To go into executive session for the purpose of discussing pending litigation, namely, Superior Court Case No. 88-2034, Russell P. Kirby, James P. Watterson, and Lael M. Meixsell, as they are members of the Planning Board of the Town of Sudbury v. Lawrence L. Blacker, Harvey R. Peters, Eben B. Stevens, Thomas Phelps, and Marshall Karol, as they are members of the Zoning Board of Appeals of the Town of Sudbury, and Raytheon Company.

NOTE: The minutes of this Executive Session of June 27, 1988, were released for public review by vote of the Board of Selectmen on October 17, 1988."

Reserve Fund Transfer Request No. 3 - Veterans Benefits

Upon review of Reserve Fund Transfer Request No. 3, dated October 11, 1988, and noting that this is the first such request in the last ten years, it was on motion of Chairman Wallace unanimously

VOTED: To approve Reserve Fund Transfer Request No. 3 for Account 900-613, Veterans Benefits, in the amount of \$4,000.

One-Day Liquor License - Our Lady of Fatima

Upon review of request dated October 14, 1988, from Ethel V. Johnson, and letter of support dated September 28, 1988, from Reverend James D. Foley, Pastor of Our Lady of Fatima Church, it was on motion of Chairman Wallace unanimously

VOTED: To grant a one-day permit to Ethel Johnson to sell wines and malt beverages on the premises of Our Lady of Fatima Parish, 160 Concord Road, at a scholarship fund-raising dance to be held October 28, 1988, from 8:00 p.m. to 12:00 p.m.; and to waive the license permit fee of \$25.

Massachusetts Selectmen's Association - Repeal of Prevailing Wage Law Campaign

Upon review of communication dated October 4, 1988, from Marcia Crowley, President of the Massachusetts Selectmen's Association, and pursuant to recommendation by the Executive Secretary, it was on motion of Chairman Wallace unanimously

VOTED: To support the Massachusetts Selectmen's Association's position relative to its endorsement of the Fair Wage Committee and its campaign to repeal the prevailing wage law.

Visit from Citizens of Sudbury, Suffolk, England - Acceptance of Gift

Executive Secretary Thompson displayed a bon bon dish commemorating the Bicentenary of the death of Thomas Gainsborough received from the citizens of Sudbury, Suffolk, England, through visiting citizens Mr. and Mrs. Ray Emeney, together with letter accompanying same from Howard R. Singh, Mayor of Sudbury, Suffolk, England. The dish will be placed on display in the Office of the Executive Secretary.

It was on motion of Chairman Wallace unanimously

VOTED: To accept with appreciation the bon bon dish commemorating the Bicentenary of the death of Thomas Gainsborough received from the citizens of Sudbury, Suffolk, England, through visiting citizens Mr. and Mrs. Ray Emeney; and to request the Executive Secretary to forward a letter of thanks for same to Howard R. Singh, Mayor of Sudbury, Suffolk, England.

Massachusetts Municipal Association - Award Re: 1986 Annual Town Report

It was on motion of Chairman Wallace unanimously

VOTED: To receive, on behalf of the Town and the Town Report Committee, certificate of award for Sudbury's 1986 Annual Town Report of Second Place in a population category from the Massachusetts Municipal Association; and to extend congratulations to the members of the Town Report Committee for a job well done.

Council On Aging - Donations

It was on motion of Chairman Wallace unanimously

VOTED: To accept \$158.50 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.

Edwin Barrett Hosmer Memorial Fund - Request For Expenditure

It was on motion of Chairman Wallace unanimously

VOTED: To authorize the expenditure of \$1,516.35 from the Edwin Barrett Hosmer Memorial Fund to pay Holly City Bottle for shipment of cup plates, Invoice No. 141332, as requested by Historical Commission member Winifred Fitzgerald on October 12, 1988.

Lincoln-Sudbury West - Advertisement Signs For Auction

Pursuant to telephonic request received by Executive Secretary Thompson from a representative of the Lincoln-Sudbury West, it was on motion of Chairman Wallace unanimously

VOTED: To permit Lincoln-Sudbury West school to place signs advertising its upcoming auction at the following locations: (1) in front of MacKinnon's Liquors; and (2) on Hudson Road at Fairbank School.

United Way Campaign

Upon recommendation of Executive Secretary Thompson that the drawing among Town employees approved last year as an incentive for participation in the United Way Campaign, be utilized this year as well, it was on motion of Chairman Wallace unanimously

VOTED: To approve and authorize the United Way Coordinator for the Town, as part of the 1989 United Way Campaign Drive, to conduct a drawing among Town employees, wherein a contributor will have his/her name drawn by chance and win two personal days off with pay, and to direct the Executive Secretary to work out the details of same; subject to concurrence by the Personnel Board.

Wastewater Advisory Committee - Request for Joint Meeting with Board of Appeals

The Board acknowledged receipt of letter dated October 12, 1988, from Robert H. Sheldon, Acting Chairman of the Wastewater Advisory Committee, who requested a joint meeting with the Board of Appeals. The Board concurred and requested the Executive Secretary to let them know when such a meeting is scheduled by the Committee so that one of the Selectmen may attend.

Atkinson Pool

The Board noted receipt of memorandum dated October 8, 1988, to Town Accountant James Vanar and Executive Secretary Richard E. Thompson, from Peter A. Berkel regarding what he believes to be continuing management difficulties at Atkinson Pool, and summarizing his suggestions for resolution of the problems.

Pursuant to request of Chairman Wallace, the Executive Secretary will forward copies of said memorandum to Budget And Personnel Officer Terri Ackerman and the Park and Recreation Commission for comment.

Design Review Board - Sign Violations

The Board reviewed letter dated October 5, 1988, to Executive Secretary Thompson from Deputy Zoning Enforcement Agent Earl Midgley detailing the status of eleven sign violations that were noted by the Design Review Board.

Pursuant to request of Chairman Wallace, the Executive Secretary will contact Design Review Board Chairman Joyce Fantasia for her comments.

Massachusetts Water Resources Authority

The Board acknowledged receipt of letter dated October 3, 1988, from Paul Levy, Executive Director, Massachusetts Water Resources Authority, informing of a project that has been initiated by the Authority regarding local sources of water supply and requesting the Town's participation.

Pursuant to request of Chairman Wallace, the Executive Secretary will forward a copy of said letter to Town Counsel Paul Kenny for his comment.

Water Testing

In her absence, Selectman Judith A. Cope asked Executive Secretary Thompson to bring to the Board's attention the situation involving draft rules and regulations that the Selectmen understand are being worked on by the Water District.

The Board concurred with Mrs. Cope's request that the Executive Secretary send a communication to the Water District requesting an update on the progress of the District in revising and/or clarifying its rules and regulations. In addition, Selectman Drobinski asked that the Executive Secretary further inquire regarding an update of the DEQE-mandated deadlines of October 7th and November 4th for certain of the wells.

Citizen Inquiry Re: Liquor Licenses

Selectman Drobinski reported receiving an inquiry from an individual concerning the rules and availability of liquor licenses for functions. It was concurred that all inquiries should be referred to the Executive Secretary for response.

There being no further business to come before the Board, the meeting was adjourned at 9:30 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk