

IN BOARD OF SELECTMEN
MONDAY, APRIL 24, 1989

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

The statutory requirements as to time and place having been fulfilled, the meeting was called to order at 7:30 p.m., at Lower Town Hall.

Reorganization of the Board of Selectmen

It was on motion of Selectman Wallace unanimously

VOTED: To elect John C. Drobinski Chairman of the Board of Selectmen, effective immediately, until the next reorganization of the Board of Selectmen;

and further, on motion of Selectman Wallace, unanimously

VOTED: To elect Judith A. Cope Vice Chairman of the Board of Selectmen, effective immediately, until the next reorganization of the Board of Selectmen;

and further, on motion of Chairman Drobinski, unanimously

VOTED: That Richard E. Thompson continue to serve as Clerk to the Board of Selectmen;

and further, on motion of Chairman Drobinski, unanimously

VOTED: To set the time and place of the Selectmen's meetings to be on Monday evenings at 7:30 p.m., in the lower Town Hall, until further change.

Appointment of Executive Secretary Pro Tem

It was on motion of Chairman Drobinski unanimously

VOTED: To elect Janet Silva Executive Secretary Pro Tem for purposes of this meeting.

Photo Session Re: Annual Roadside Cleanup

Keith Woodward, Photographer/Reporter for the Town Crier newspaper conducted a photographic session wherein the Selectmen, Ted Pasquarello of Chiswick Trading and Ron Ham of Mullen Lumber were photographed for publicity of the upcoming Annual Roadside Cleanup on Saturday, April 29, 1989, and to acknowledge and thank these two Sudbury businesses for contribution of plastic litter bags and publicity, respectively, for the Cleanup.

Minutes

It was on motion of Selectman Cope unanimously

VOTED: To approve the minutes of the meetings held April 5, 10, and 11, 1989, as presented.

Reserve Fund Transfer Request No. 89-21

Present: Town Engineer I. William Place.

The Board reviewed Reserve Fund Transfer Request No. 89-21 from the Engineering Department. Town Engineer I. William Place explained that when the Sudbury Water District reduced a Town map from 1,000 scale to a 1,600 scale, it was discovered that there was an error in the 1975 base map currently in use. Mr. Place continued by stating that it will cost \$1,069.50 to have the maps photographically reduced; and that while the property maps are being reduced, that 1/2 scale reduction should be made on mylar at a cost of \$950.00.

It was on motion of Selectman Cope unanimously

VOTED: To approve Reserve Fund Transfer Request No. 89-21, dated April 10, 1989, for Engineering General Expense Account 502-210, in the amount of \$2,019.50.

Transfer of Funds

The Board considered the question of approving transfers from Unclassified Property/Liability Insurance Account to the Postage Account and the FICA/Medicare Account.

Executive Secretary Pro Tem Janet Silva explained that the reason for the request for transfer to the Postage Account was because of the increased usage of postage this past year necessitated by special notices and mailings that had to be made.

Mrs. Silva further explained that there was no way of predicting the amount necessary for the FICA/Medicare Account, since the amount changes as the Town hires new employees. Mrs. Silva informed that the Fiscal Year 1990 budget is almost doubled; thus, she does not anticipate a problem next year.

It was on motion of Chairman Drobinski unanimously

VOTED: To approve transfer from Unclassified Property/Liability Insurance Account 905-803 to the Postage Account 950-815 in the amount of \$3,000; and to approve transfer from Unclassified Property/Liability Insurance Account 905-803 to FICA/Medicare Account 950-810 in the amount of \$9,000.

Repavement of Route 20

Present: Town Engineer I. William Place.

The Board reviewed communication dated April 19, 1989, from the Town Engineer relative to notification dated March 31, 1989, from the Department of Public Works Associate Commissioner Esther H. Francis regarding the State's planned repaving of a section of Route 20 from the railroad tracks at Nobscot Road to Stations 31 and 49 in Marlboro.

Town Engineer I. William Place explained that at the 1987 pre-construction conference regarding the State's repavement of Route 20, the Station Road area was put on "hold" because of the Town's planned reconstruction work in that area

of Route 20 between Nobscot and Union Avenue. Mr. Place stated that this work is progressing, but he believes it will take another four to six months to have the plans approved. Mr. Place's concern is that if the DPW paves Route 20 at that area, prior to the Town's work being completed, will the Town be able to do the reconstruction. Mr. Place believes the Town should also have more information from DPW concerning the "turnout" lanes, aprons and berms. In all events, however, he recommended repavement of this section of Route 20 should be included as part of this project, regardless of receipt of any monies from the State or Federal level.

After discussion, it was on motion of Selectman Wallace unanimously

VOTED: To concur with the opinion of Town Engineer that the section of Route 20 between Hop Brook and the railroad tracks at Nobscot Road should be resurfaced as part of the Nobscot Road to Marlboro repaving project; and to authorize the Executive Secretary to communicate with the Commonwealth's Department of Public Works in order to obtain confirmation that such resurfacing will be accomplished, and to receive clarification on the following issues raised by the Town Engineer in his letter dated April 19, 1989:

- Will repaving include turnout, aprons and berms;
- If the section between Station Road and Nobscot Road gets repaved prior to the reconstruction of that section of Route 20, will the Town be able to reconstruct that portion of Route 20, or be subject to the restrictions as set forth in DPW's Associate Commissioner of the Highway Maintenance Division Esther Francis' letter of March 31, 1989.

Selectman Cope requested that Traffic Management Committeeman James McKinley be forwarded a copy of the Town Engineer's letter dated April 19, 1989; and she further requested that the Town Engineer and Mr. McKinley, as well as the Selectmen, be given the opportunity to review the Executive Secretary's letter to Commissioner Francis prior to its being sent.

Route 20 - Rubberizing of Railroad Crossing

Present: Town Engineer I. William Place.

The Board considered the question of seeking use of previously approved funds to accomplish the rubberizing of the Route 20/Nobscot Road railroad crossing. The Town Engineer agreed this should be coordinated with the resurfacing of Route 20 by the State.

It was on motion of Selectman Cope unanimously

VOTED: To direct the Executive Secretary to proceed to take whatever action is necessary in order to implement the rehabilitation (rubber panel surface) of the Route 20/Nobscot Road railroad crossing by Conrail with approved Federal/State funds in conjunction with the resurfacing of this section of Route 20.

Town Meeting Article 54 - Davis Land

Present: Town Counsel Paul Kenny.

The Chairman conducted a discussion concerning action taken with regard to Article 54 (Davis Land Park) of the 1989 Annual Town Meeting, and of responding to a communication dated April 13, 1989, from Chuck Schwager relative to same.

The Board acknowledged receipt of the following:

1. Communication dated April 13, 1989, from Chuck Schwager of 14 Ridge Hill Road, expressing various reasons for his opposition to the placing of a golf driving range on the so-called Davis Land, questioning in relevant part to this evening's discussion, as follows:

"4. two attempts to bring these issues to Town Meeting were thwarted in ways which, in my opinion, denied the petitioners the same support from Town officials enjoyed by the proposed lessee; . . .

9. it is not clear that Town Meeting has no right to discuss and modify the way Town property is being managed, particularly if it finds that its previous decisions regarding the property are not being carried out;
. . .

...I also ask the Board to consider adopting a general policy that land use issues come before Town Meeting for debate and decision."

2. Memorandum dated April 18, 1989, from Executive Secretary Thompson to Town Counsel Paul Kenny, enclosing copy of communication from Mr. Schwager, and requesting legal opinion interpreting the statutes in relationship to the 1974 Town Meeting vote which acquired a portion of the Davis Land for park purposes, and the procedure which occurred at the 1989 Annual Town Meeting.

3. Memorandum dated April 21, 1989, from Town Counsel Paul Kenny, responding to Mr. Thompson's letter of April 18, 1989, and enclosing copies of the original deed from William Davis; votes from the Special Town Meeting of May 20, 1958 and Town Meeting of April 9, 1974; and vote of Park and Recreation Commission dated April 3, 1989, declaring its intent to retain the Davis Land.

4. Letter from J. Stephen Yeo of 24 Barnet Road dated April 21, 1989, expressing his opinion that Articles 54 and 61 of the 1989 Town Meeting were not illegal and should have been voted upon by the Town, and enclosing copies of the case of Harris, et al v. Town of Wayland, et al; and M.G.L. c. 40 §15A and c. 45 §§15-17.

5. Handwritten note to Selectman Wallace from Mr. Yeo, commenting on Attorney Kenney's memorandum as outlined in paragraph 3. above; and in particular expressing his disagreement with Attorney Kenny's comment that Article 54 could not be amended to comply with M.G.L. c. 45 §14.

Chairman Drobinski pointed out that the issue of the construction of a golf driving range on the Davis Land is certainly a related matter, and is on this evening's agenda for discussion. However, because of a scheduled 8:00 p.m.

meeting concerning another matter, the Selectmen would like to limit their discussion at this time to the Town Meeting procedures matter only, and discuss the golf driving range later in the evening.

Attorney Kenny was asked to reiterate the contents of his memorandum and further detail the reasons for his position with regard to Town Meeting action. Attorney Kenny prefaced his discussion by stating that at Town Meeting, he was approached by Mr. Schwager, who brought to Attorney Kenny's attention the Harris case. At that time, Attorney Kenny stated, he explained to Mr. Schwager that since Article 54 concerned only the control of land, the Harris case would not apply at all; and that it is his opinion that the only subject of controversy related to Article 54. Attorney Kenny went on to say that at the conclusion of one of the sessions of Town Meeting, Mr. Schwager stated to Attorney Kenny that he believed Attorney Kenny's opinion was incorrect; and Attorney Kenny provided Mr. Schwager with a copy of M.G.L. c. 40 §15A and annotations, in which the Harris case was cited. Attorney Kenny stated that he was aware of the Harris case at the time he and the Town Moderator first discussed the article, and he expressed his opinion that the Harris case is clearly distinguishable. Attorney Kenny explained that Park and Recreation Commission had already voted that the land is still needed for Park and Recreation purposes; therefore the Town cannot consider the issue of transfer. In the Harris case, however, the governing body by silence or acquiescence, indicated its willingness to have the property transferred to other use; thus the matter could go before Town Meeting for decision.

It being 8:00 p.m., Chairman Drobinski suspended further discussion on this matter until after the meeting regarding the agenda item scheduled.

Abandonment of Section of Old Boston Post Road at WantAdvertiser/Lafayette Drive

Present: Town Engineer I. William Place; Jack Scholbe, representing WantAdvertiser.

The Chairman convened a meeting concerning the question of sending a request to the Massachusetts Department of Public Works for the abandonment of a section of the Boston Post Road also known as Lafayette Drive, as recommended by the Town Engineer and Police Lieutenant Ronald Nix.

Selectman Wallace informed the Chairman that he recently represented a local bank with regard to the premises that will be discussed and he therefore believes it would be inappropriate for him to take any action concerning this matter. Selectman Wallace excused himself from the meeting and left the room.

The Board acknowledged receipt of letter dated April 3, 1989, from Town Engineer I. William Place, which advised that he has been in contact with the Massachusetts Department of Public Works concerning the possible abandonment of this section of Boston Post Road and has been advised of the procedure to be followed in order to effectuate same.

Jack Scholbe of Scholbe Consulting Services, Inc. reintroduced himself to the Board as representative of WantAdvertiser and Coach House Inn. Mr. Scholbe reminded the Selectmen that during the process of WantAdvertiser seeking a Special Permit for construction of an addition to its office building, the issue of the short-term parking spaces in the front of the building and the longer-term use of parking spaces in the rear were evaluated by the appropriate departments.

Mr. Scholbe explained that when Police Lieutenant Ronald Nix visited the site for his input, he made a suggestion that the short "fork" entrance to Lafayette Drive be closed, leaving only the "straight" one. It was determined that this short area commonly referred to as part of Lafayette Drive is in fact a portion of Route 20.

Town Engineer Place confirmed that the section of Lafayette Drive which is the subject matter of this meeting is part of the old Route 20; and he reported that as requested by the Selectmen on August 23, 1989, he met with a representative of the State's Department of Public Works to discuss the situation.

Mr. Scholbe displayed a drawing of the area and outlined the specific area involved. Mr. Scholbe suggested that if that area is abandoned by the DPW, it would be wise to divide the parcel between the WantAdvertiser and Coach House Inn, each of which would assume the obligations for improvements and maintenance to that section. Mr. Scholbe concluded by stating he believed this would not only be a solution to the traffic/safety issue, but would benefit the Town as well by having a more aesthetically-pleasing and well-maintained area. Upon inquiry by Selectman Cope, she was assured that the area involved was extremely small and there should be no concern about expansion of the two facilities.

It was on motion of Chairman Drobinski, seconded by Selectman Cope, with Selectman Wallace not present,

VOTED: To request the Executive Secretary to send a request to the Massachusetts Department of Public Works for the abandonment of a section of the Boston Post Road also known as Lafayette Drive, shown as "area to be abandoned" on a plan entitled, "Copy of Plan of Road in Sudbury Middlesex County Boston Post Road laid out as a State Highway by the Massachusetts Highway Commission", dated April 24, 1940, as recommended by the Town Engineer, in a communication dated April 3, 1989.

Davis Land, Route 117 - Proposed Golf-driving Range

Chairman Drobinski re-convened a discussion concerning the 1989 Town Meeting articles relating to the Davis land; and combined this discussion with the question of taking a position relative to a golf driving range on said property.

Attorney Kenny reiterated his opinion that Mr. Yeo's memorandum and specifically the Harris case does not apply to Article 54 at all. Attorney Kenny explained that Town Meeting does not have the authority to do what that article asked and Article 54 has nothing to do with the transfer of the land. For the record, Attorney Kenny wished to make it known that when he and Town Moderator had a discussion concerning these articles, it was not from the standpoint of the possibility of a golf driving range or any other use. Attorney Kenny further wished to point out that when Article 54 first came into Town Counsel's office, it was determined from the outset that the article was invalid.

Attorney Kenny explained that attempting to tell Park and Recreation Commission what it can and cannot do with the land would be like telling the

Selectmen not to appoint a Town Engineer; or telling the Town Clerk not to issue dog licenses. In other words, Attorney Kenny stressed, Town Meeting cannot tell Park and Recreation Commission what to do with the land.

Selectman Wallace noted that these appear to be very complex legal arguments. Mr. Wallace summarized the history of this land by stating that at the 1974 Town Meeting it was voted to acquire two parcels of land (which is now known as the Davis Land). One vote at that Town Meeting was to acquire a portion of the land for the purposes of the Conservation Commission; the other vote was to acquire a portion of the land for park and recreational purposes and to place it in the control of the Park and Recreation Commission. Mr. Wallace further pointed out that the deed the Town received from William Davis specifically says that the land was being acquired for park and recreational purposes. Mr. Wallace stated that the provisions of M.G.L. c. 45 §14 would appear to restrict the powers of the Park and Recreation Commission only if the land was acquired solely for "park purposes". Since it is clear that the purposes stated are "park and recreational", the consent of Park and Recreation Commission would have to first be obtained before any other use may be effectuated. Mr. Wallace did note, however, that the statute is certainly subject to interpretation; and indeed, its provisions concerning who has authority to lease, etc., may in fact be in conflict with other statutes. In conclusion, Mr. Wallace stated that he believes that if Park and Recreation Commission had taken no vote to excess or transfer the property, or if they had voted to in effect do same, then it would have been appropriate to vote the questions at Town Meeting. However, the fact that the Park and Recreation Commission in fact voted prior to Town Meeting to keep the property for its use, mooted any argument as set forth in the Harris case.

Selectman Cope stated that as a former member of the Conservation Commission, she recalled that at the time the two parcels were originally being deeded to the Town, the original intent was for the Conservation Commission to obtain it; but because there was funding through the Park and Recreation Commission, that is where the land went. Selectman Cope concluded by stating that as she recalls, all discussion at that time was to keep that land as Open Space.

After further discussion, it was on motion unanimously

VOTED: To accept Attorney Kenny's memorandum dated April 21, 1989; and to request the Executive Secretary to provide a copy of same to Chuck Schwager of 14 Ridge Hill Road.

Selectman Cope stated that she believes it is important to note that the Selectmen, in collaboration with the Town Counsel's Office, will attempt to ensure that adequate safeguards be instituted to prevent similar warrant article misunderstandings in the future. Attorney Kenny suggested that his report, which is placed at the end of the Warrant, include all articles, not just those related to bylaws.

Upon motion of Selectman Wallace, seconded by Selectman Drobinski, with a nay from Selectman Cope, it was further

VOTED: To postpone taking a position relative to a golf driving range on the Davis Land, Route 117 to Monday, May 1, 1989; and to request the Executive Secretary to invite Park and Recreation Commission and all other interested

boards or members of the public who wish to participate in a discussion of this subject on said date; provided favorable action is taken by the Board of Appeals on April 27, 1989, which will allow the project to go forward.

Selectman Cope stated that she felt further postponement would be a waste of time for all and she suggested that the Park and Recreation Commission be encouraged to present detailed plans for proposed uses at future Town Meetings.

Petition Regarding Lincoln Road - Repavement Issue

Present: Town Engineer I. William Place; Highway Surveyor Robert Noyes and his assistant Cary Meyer; Town Counsel Paul Kenny; Janet D. Ballou and David Tucker, residents; approximately four members of the public.

At 8:50 p.m., Chairman Drobinski convened a meeting to consider a petition from Lincoln Road residents asking that Lincoln Road not be repaved.

Receipt of the following is noted for the record:

1. Letter dated April 18, 1989, from Janet D. Ballou of 306 Lincoln Road attaching a petition expressing concern about the proposed repaving of Lincoln Road.
2. Letter dated April 18, 1989, from David E. Tucker of 80 Lincoln Road attaching a petition concerning the repaving of Lincoln Road, and advising that the petition is a supplement to the one submitted by Janet Ballou, as noted above.
3. Letter dated April 24, 1989, from Highway Surveyor Robert A. Noyes to Town Counsel Paul Kenny, expressing his concern about the petition from residents concerning the repavement of Lincoln Road, and in particular questioned the liability to the Town or himself if the road is left in its present condition.

In response to inquiry by Chairman Drobinski, Attorney Kenny addressed the liability issue by stating that there is an ongoing duty on the part of the Town to maintain its ways in a proper condition. Liability is in the amount of a maximum of \$5,000 per person per incident, or \$100,000 for death. The other concern to be considered is damage to not only Town vehicles but privately-owned vehicles as well if equipment is damaged while snow plowing, etc.

Highway Surveyor Robert Noyes presented a photographic display of the area in question, as well as similar areas and a street that has been repaved in a manner similar to that proposed by the town for Lincoln Road. Mr. Noyes made it clear that only what exists will be repaved; there is no intention to widen or lengthen the street. Mr. Noyes further informed that the repaving is 100% State reimburseable and the funds are available. Mr. Noyes concluded by stating that it is his opinion that Lincoln Road is in such a poor condition, that the work should commence immediately. In answer to inquiry, Mr. Noyes stated that the maximum buildup will be approximately two inches.

Town Engineer Place concurred with the opinions expressed by Mr. Noyes, and added that in its present condition, Lincoln Road has no drainage. Mr. Place concluded by stating that he highly endorses the plans to repave.

Selectman Cope commended Mr. Noyes for the excellent maintenance of the roads of Sudbury, and asked if there are any other solutions to slow the traffic down. Mr. Noyes stated that he has spoken with members of the Police Department, who inform that the speeding problem is no greater on Lincoln Road than on any other road in Sudbury. Mr. Noyes pointed out that the walkways are a good step in assuring safety on the streets of Sudbury, and there is a process available to drop the speed limit, if it is felt this would help.

Janet Ballou of 306 Lincoln Road stated the deep concern she and her neighbors have about the speed on Lincoln Road, and their fear that a newly-paved, smooth surface will only increase the speeding, especially near the High School. Mrs. Ballou stated that she fears that psychologically a shiny new blacktop surface will encourage teens to continue to speed. Mrs. Ballou suggested that the road be patched, not repaved; or to at least delay any work for a year or two until a better solution can be worked out.

Chairman Drobinski stated that as has been mentioned, the main problem is the speed; and he concurred that this is happening on all the roads in Sudbury. Mr. Noyes added that a statistical study had been made by the Police Department on another street, and the study showed that the majority of speeding offenders were residents of that area. Mr. Noyes expressed his opinion that Lincoln Road residents would find the same situation in their area.

Selectman Wallace expressed his complete empathy with the Lincoln Road residents' concerns; but stressed that the Town has an obligation not to let the roads deteriorate and become unsafe. Mr. Wallace stated that he believed more speed traps by the Police Department in that area would be a good deterrent to speeding. Selectman Cope agreed with this, and added that it might be a good idea to sit down with Safety Officer William Carroll to discuss an effective program for enforcement of the speeding laws.

In discussion of the 35-mile-per-hour speed limit on Lincoln Road, Mrs. Ballou expressed her opinion the speed limit need not be reduced; it simply needed to be adhered to.

David Tucker of 80 Lincoln Road asked about the placement of lines on the road, and Mr. Noyes stated this is something that can be discussed and determined. At the least, Mr. Noyes believes this road should only have a solid line (i.e., no passing); Mr. Tucker opined that if not mandated, it would be better to have no line.

In response to inquiry concerning other types of resurfacing, Cary Meyer, Assistant to the Highway Surveyor, explained that since there is no firm base on Lincoln Road, to simply resurface with crushed stone or similar cover would only last a year or so and cause continuing safety and maintenance problems.

Selectman Wallace assured those present that he would see that the Police Department is contacted immediately about setting up an effective enforcement plan; and he urged anyone seeing a vehicle speeding to report the license plate number to the Police Department. Mrs. Cope stated that this procedure has proven successful and that the police do follow up by contacting the speeders or the parents of the teens caught speeding. In response to inquiry by Mr. Tucker, Ms. Cope stated that the police will not require the caller to identify himself, so there need be no fear of reprisals.

It was on motion unanimously

VOTED: To deny the petition of residents and neighbors of Lincoln Road; and to allow the Highway Surveyor to continue with his plans to resurface Lincoln Road.

Town Accountant - Report on Course

The Board acknowledged receipt of communication dated April 19, 1989, from James Vanar, Director of Finance/Town Accountant, reporting upon a course he recently completed at Bentley College on Massachusetts Governmental Accounting and Financial Reporting, and stressing the value of continuing to keep up to date on the UMAS system, financial reporting, and other areas of the accounting field.

Ralph Tyler - Introduction of Unisys Representative

Present: Ralph Tyler; Unisys Representative Edward Maguire.

The Chairman acknowledged request of Unisys consultant/agent Ralph Tyler to introduce Edward Maguire, Director of Corporate Properties, Unisys Corporation, who is visiting from corporate headquarters in Blue Bell, Pennsylvania and who will be representing that company in its attempts to develop the so-called Sperry property on Route 117. Mr. Maguire stressed that Unisys can no longer keep this asset in an inactive position and must make some immediate decisions; thus, he looked forward to a dialogue soon with the Town.

Chairman Drobinski welcomed Mr. Maguire on behalf of the Selectmen and assured him that all Town boards and committees are hopeful that a productive and mutually-beneficial resolution for disposition of the Sperry property can be accomplished.

Mr. Tyler thanked the Selectmen for the opportunity to introduce Mr. Maguire, and handed out copies of articles concerning Unisys that he believed would be of interest to the Selectmen.

N.B. Because of a personal matter, Selectman Wallace left the meeting at this time.

Northeast Recreation Company d/b/a Sudbury Bowladrome

Upon consideration, it was on motion of Chairman Drobinski unanimously

VOTED: To renew licenses of Northeast Recreation Company LP, d/b/a Sudbury Bowladrome, as follows:

- a. To operate twenty-four bowling alleys on weekdays from 8:00 a.m. to 12 Midnight and on Sundays from 9:00 a.m. to 11:00 p.m., and six pocket billiard tables on weekdays from 8:00 a.m. to 12 Midnight, at 135 Boston Post Road, for the year commencing May 1, 1989; said license to be issued by the Town Clerk upon receipt of appropriate fee; and
- b. to operate six pocket billiard tables and six coin-operated automatic amusement devices on Sundays, from 1:00 p.m. to 11:00 p.m. commencing

April 2, 1989, through March 25, 1990, subject to approval by the Massachusetts Department of Public Safety and receipt of appropriate fees.

Resource Recovery Committee - Report

The Board acknowledged report from Linda Bolton, Chairman of the Resource Recovery Committee, outlining the Committee's activities and recommendations for future action.

Selectman Cope requested that the report be placed on a future agenda for further consideration.

Chairman Drobinski noted Mrs. Bolton's comment that this will be her last report as Chairman of the Resource Recovery Committee, since she will be unable to accept another appointment to the Committee. Selectman Cope expressed her continuing admiration for the perseverance and efforts made by Mrs. Bolton on behalf of the Town; and the Selectmen requested the Executive Secretary to forward a communication to Mrs. Bolton expressing their gratitude.

Fire Chiefs' Luncheon - Wayside Inn

Executive Secretary Pro Tem Janet Silva informed that the Fire Chiefs' Luncheon will take place on Wednesday, April 26, 1989, at the Wayside Inn, and that a Selectman has been invited to attend.

Chairman Drobinski and Selectman Cope regretfully declined due to prior commitments; and Mrs. Silva will contact Selectman Wallace to see if he is able to attend.

Police Department - Proposed Resolution of Matt Garrett's Liquor Violation

The Board acknowledged receipt of letter dated April 14, 1989, from Police Chief Peter B. Lembo concerning the investigation of a report by Sgt. T. S. Miller of a possible liquor violation at Matt Garrett's on April 6, 1989.

It was on motion of Chairman Drobinski unanimously

VOTED: To concur with the Police Department recommendation, as contained in letter from Police Chief Peter B. Lembo dated April 14, 1989, that a warning be issued to Matt Garrett's, 120 Boston Post Road, for violation of its Liquor License on April 6, 1989 by exceeding the closing hour required in the bylaws and the observation of several persons at the bar with drinks in view; and to request that the Executive Secretary convey to Police Chief Lembo the Selectmen's thanks to Sgt. Miller for his professional and thorough handling of this situation.

Pokonoket Kennels

The Board acknowledged receipt of letter dated April 13, 1989, from Dog Control Officer Betsey M. DeWallace, which informed of a report from resident John Graham of 523 Concord Road that his American Eskimo dog had been killed at Pokonoket Kennels on March 18, 1989.

Selectman Cope stated that she has spoken with Mr. Graham, who confirmed that the owner of Pokonoket Kennels has offered to replace his dog. Mrs. Cope further informed that Mr. Graham expressed his feeling that he did not want another dog; but he would want Pokonoket Kennels to pay the value of his dog as a donation to the Buddy Dog Humane Society on Boston Post Road.

It was on motion of Selectman Cope unanimously

VOTED: To request the Executive Secretary to discuss the incident involving killing of an American Eskimo dog owned by resident John Graham by two Airdale dogs owned by Miss Brennan of Pokonoket Kennels, which took place on the property of Pokonoket Kennels on March 18, 1989, with Town Counsel for clarification of any action the Town might take in relation to this matter, and to ask Town Counsel's advice if any direct action is appropriate or necessary on behalf of resident John Graham with Pokonoket Kennels.

School Budget Fiscal Year 1990

The Board acknowledged receipt of letter dated April 12, 1989, from R. G. Kip Johnson of 41 Whispering Pine Road addressed to the local School Committee relative to the School Budget for Fiscal Year 1990; and in particular requesting that certain aspects of the budget and conditions within the School Department be addressed, made public, and accounted for in determining the monies available for spending before "cuts" are made.

Selectman Cope informed that the School Committee will be meeting Tuesday, April 25, 1989, and it is her understanding that Mr. Johnson intends to be present and attempt to see that the issues set forth in his letter are addressed. If the Committee is unable to take these matters up at that meeting, Mrs. Cope understands that Mr. Johnson is going to propose follow-up meetings until all issues are covered.

Chairman Drobinski stated that he believes the Executive Secretary is coordinating the various Town committees and groups to work together in assisting the schools solve its critical budgetary problems; and that a joint meeting would result. This was confirmed by Executive Secretary Pro Tem Janet Silva.

Proposed Lowell-Sudbury Bike Trail - House Bill 5419

The Board acknowledged receipt of communication dated April 18, 1989, from Robert E. Gibbons, Director, Governor's Legislative Office, which attached copy of proposed House Bill No. 5419, An Act Designating the Honorable Bruce N. Freeman Memorial Bike Path, and requesting the Selectmen to submit a brief statement by April 24, 1989.

Executive Secretary Pro Tem Janet Silva asked the Board if it would like to take a position on the Bill, noting that since Mr. Freeman is not associated with this area it might be preferable to have a name for the bike trail suitable to all the towns it will traverse. The Executive Secretary had expressed his opinion that such a designation, if made, should only be for that portion of the bike trail that goes through the Honorable Freeman's hometown or districts served. Selectman Cope added that it is her understanding that some members of the Bike Trail Committee have expressed concern with support of a bill such as

this, because of the possible appearance of acceptance of the bike trail by the Town, which final acceptance has not been given.

Chairman Drobinski and Selectman Cope stated that they have no strong feelings concerning the naming of the proposed bike trail; but they concurred with the comments made by the Executive Secretary, and authorized the Executive Secretary to respond as he sees fit.

Hughes Property - 53 Concord Road/Hop Brook Area

The Board acknowledged receipt of letter dated April 19, 1989, from Jerome and Dorothy McGonagle of 52 Concord Road, and John and Loretta Akers of 47 Concord Road, reiterating an earlier request of the Selectmen that they and other petitioners be notified of any meeting and/or hearing concerning the property at 53 Concord Road, which is the Hughes property that has been sold to Roy Smith. The letter will be kept on file for notification of any such meeting or hearing.

Selectman Cope requested that the Executive Secretary forward copies of this communication to the Board of Health, Conservation Commission and the Planning Board for their information and future reference if a hearing occurs.

Supervisor of Town Buildings

The Board reviewed letter dated February 10, 1989, from Warren E. Boyce of 28 Stock Farm Road, which enclosed his resume and requested that he be considered for the position of Supervisor of Town Buildings.

Executive Secretary Pro Tem Janet Silva explained that the present Supervisor of Town Buildings, Douglas Lewis, has expressed his intention to retire some time in the near future; but he cannot give a date certain at the present time. In addition, he will be taking extensive sick leave which may commence very soon. Thus, Mrs. Silva continued, appointment of Mr. Boyce will be an ideal arrangement to cover the position while Mr. Lewis is out and to provide an opportunity for Mr. Lewis to give guidance to Mr. Boyce while still in the Town's employ.

Following discussion, on recommendation of Executive Secretary Thompson, it was on motion of Selectman Cope unanimously

VOTED: To appoint Warren E. Boyce, effective May 1, 1989, for a period of three months, as the Interim Supervisor of Town Buildings, at a salary to be negotiated by the Executive Secretary with the approval of the Board of Selectmen, subject to transfer by the Finance Committee of funds for the period May 1 through June 30, 1989, if necessary.

Building Inspector

In response to inquiry by Selectman Cope, it was reported that the Executive Secretary continues to meeting with Building Inspector/Zoning Enforcement Agent Joseph Scammon on a weekly basis, and progress is being made.

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

Attest:

Janet Silva
Executive Secretary-Clerk Pro Tem