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IN BOARD OF SELECTMEN
MONDAY, DECEMBER 4, 1989

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

The statutory requirements as to notice have been fulfilled, the meeting was called to order by Chairman Drobinski at 7:35 p.m.

Executive Secretary Pro Tem

It was on motion of Chairman Drobinski unanimously

VOTED: To appoint Janet Silva Executive Secretary-Clerk Pro Tem for the purposes of this meeting.

Coach House Inn, 738 Boston Post Rd. - Change in Premises

Present: Manager Grace Desjardin and Adrienne Hindley, Coach House Inn; Arthur Grellier, WANT Advertiser.

Chairman Drobinski opened the public hearing to consider the application of Grace Desjardin, Manager, Coach House Inn, Inc., holder of an Innholder All Alcoholic Beverages License for a change in the premises consisting of renovations and room changes in the basement level.

Executive Secretary Pro Tem Janet Silva informed the Board that in accordance with statute the application had been advertised and abutters noticed. She reported that the application was in order and that favorable reports had been received from the Fire Department and the Building Inspector. The Board of Health, in a communication dated December 1, 1989, had noted that, on October 12, it had approved a proposal for a function room with the understanding that lunch would no longer be served. The memo also stated that it would be necessary for the applicant to receive approval from the Board for the additional kitchen.

Ms. Desjardin reported that the Health Director had inspected last week and noted that a towel holder and thermometer were missing at the time, so although further inspection is required, she did not believe there were any problems.

Upon queries related to the capacity and location of the septic system, Ms. Desjardin stated that the original system was, in fact, over-built as it had been planned for a larger building and use. Water usage is monitored daily and since the use is four gallons per seat, it was recommended by Schofield Brothers that the pumping schedule be reduced. She noted that the septic system had been approved in the site plan process. In response to question of Selectman Cope, Assistant Town Counsel David Doneski stated that there are no Board of Health Rules and Regulations prohibiting a septic system located within a residential district from serving a commercial establishment. Ms. Desjardin informed that there is also a smaller system serving only the kitchen at the front of the property.

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Ms. Desjardin affirmed that luncheon service had been discontinued and that only brunch was served. She advised that two kitchens were necessary for safety reasons since the service areas were on different floors.

Specifying that there is no bar or lounge and liquor is to be served only in the function rooms, the dining room, and other areas in accordance with the existing conditions of the license, it was on motion of Selectman Cope unanimously

VOTED: To approve the application of Grace Desjardin, Manager, Coach House Inn, Inc., holder of an Innholder All Alcoholic Beverages License, for approval of interior changes to the premises involving renovations and room use changes in the basement level, by the addition of a kitchen and two new storage rooms and by changing the shop storage room to a study and the gift shop to a second function room, at property located at 738 Boston Post Road, Sudbury, subject to Board of Health approval of the kitchen, and approval by the Alcoholic Beverages Control Commission.

Relative to the elimination of the luncheon service required by the Board of Health as affecting the Common Victualler license, on the recommendation of the Executive Secretary Pro Tem it was on motion unanimously

VOTED: To amend the Common Victualler license to eliminate the serving of luncheon, as necessary.

On the question of licensing the Coach House Inn, Inc. to add live entertainment to its entertainment license, which currently provides for taped background music, the Board had received notice that the Board of Appeals granted an amendment to the Special Permit permitting operation of the Inn itself to allow live entertainment provided that it be associated with a private function, held indoors, and discontinued as of midnight.

Ms. Desjardin reported that the application results from the number of requests for live entertainment in connection with private functions. Upon query from the Board as to whether limitation on the number of entertainers and the rooms in which they might perform would impose any problems, Ms. Desjardin stated that she would be comfortable with a limitation on the number of entertainers to four, noting that the Inn itself must be sensitive to noise level, but that specification as to the rooms where the performance is to take place would be a hindrance since functions might entail use of other rooms for the performance itself, e.g. weddings which may utilize the lobby.

After discussion, it was on motion of Chairman Drobinski unanimously

VOTED: To amend the entertainment license of Coach House Inn to include live entertainment limited to four performers for private functions only, said entertainment to cease at midnight, effective immediately.

ATM Article - Voting Machine Purchase

Present: Town Clerk Jean M. MacKenzie.

The Board acknowledged receipt of Town Clerk Jean M. MacKenzie's communication of November 7 relative to consideration of replacement of the current voting equipment.

Town Clerk MacKenzie stated that she wished to rescind her request for purchase of new voting equipment in the next fiscal year given the Town's financial position, noting that in her proposed FY91 budget the Town Clerk's Office will need an additional \$15,000 just for election expenses. A new system involving booths would cost over \$50,000. Although a new system is needed for efficiency and reliability, she stated that given the sequence of elections she would not have the time to train the election officers in a new system in the next fiscal year and that purchase of a new system would not result in reduction of election personnel or necessarily produce savings in other areas. Preventive maintenance should allow continuation of the present system with which the election workers are familiar. In response to Selectman Cope as to the cost of elections, the Town Clerk stated that a breakdown had been generated and was available for review.

Executive Secretary Pro Tem Janet Silva stated that the Executive Secretary had wished to keep this issue before the townspeople and also felt that if an article is on the Warrant and money became available, the purchase might be partially funded. She noted that submission to the voters must be made soon to accommodate the heavy 1992 elections which appeared tonight to be of concern to the Town Clerk.

The Board thanked the Town Clerk for her comments on this subject.

Mrs. MacKenzie brought to the Board's attention the fact that with snow cover on parking lots of establishments requiring handicapped parking the handicapped parking signage might not be seen, and suggests that a Bylaw requiring an upright standard might be considered for submission. Assistant Town Counsel informed that the Zoning Bylaw requires adherence to State regulations. The subject will be referred to the Zoning Enforcement Agent.

SHPC Grant Application - Traffic Studies, Parkinson Land

The Board was in receipt of memorandum, received November 30, 1989, from Thomas P. Sokol, Chairman of the Sudbury Housing Partnership Committee, enclosing application for Selectmen execution to obtain a grant from the Massachusetts Housing Partnership under the Municipal Advance Program to hire a traffic consultant for the evaluation of Parkinson Land access as to safety. Mr. Sokol had noted that the scope of the program had been reviewed with the Traffic Management Committee, but that the funding amount had not been determined.

It was on motion unanimously

VOTED: To authorize the Chairman to sign a Development Advance Program grant application under the Massachusetts Housing Partnership's Municipal Advance Program.

FEMA Test Program/Unisys Site

The Board reviewed a communication from Assistant Operations Chief Edward Wallace Ewing, Jr. III, Federal Emergency Management Agency (FEMA), dated November 29, 1989, advising that it will be testing its antennae systems from January 3 through February 15, 1990 and has selected the UNISYS Sudbury Research Center site at 100 North Road as one of the sites. FEMA advises that an eighty-foot portable tower, 20KW generator with an 85db noise factor, 5 watt microwave transceiver and other support antennas/equipment will be used on the site.

Executive Secretary Pro Tem Janet Silva advised that the project, which is similar to data transmission activity, has been discussed directly with FEMA by the Building Inspector and Health Director and that it has also been reviewed by the Fire Chief and Assistant Town Counsel. She reported that none of these four officials sees a problem with the operation.

It was noted, in response to Selectman Cope's concern about the transmission of microwaves across residential areas to another locale, that the Health Director sees no problem with the microwave antenna, that no approvals are required, and there are no statutory regulations involved.

Upon the recommendation of the Executive Secretary Pro Tem it was on motion of Chairman Drobinski unanimously

VOTED: To acknowledge receipt of the Federal Emergency Management Agency's program of antenna testing at the UNISYS site at 100 North Road and to inform FEMA that prompt action to abate any nuisance, if such results, is requested; further, to notify the Police Department and other appropriate Town agencies accordingly.

Senior Center Construction Contract Award

Pursuant to a ruling of the Department of Labor and Industries concerning a bid protest involved with award of the Senior Center construction contract, it was on motion unanimously

VOTED: To rescind the vote taken on November 6, 1989 to award the contract for construction of a Senior Center at Fairbank, inclusive of renovations to the Fairbank building, excepting Alternates No. 1 and 2, to the low bidder G.V.W., Inc., 256 Marginal St., East Boston, MA 02128, at the base bid of \$579,000; and

VOTED: To award the contract for construction of a Senior Center at Fairbank, inclusive of renovations to the Fairbank building, excepting Alternates No. 1 and 2, to P&H General Contractors, Inc., 57 Garden Street, Everett, MA 02149, at the base bid of \$580,690, in accordance with "Specifications for Senior Center at Fairbank, Fairbank Road for the Town of Sudbury, Sudbury, Massachusetts", dated September 25, 1989, inclusive of Addenda 1-4 and associated plans, said award subject to compliance with bonding and insurance requirements; and to sign the contract relative thereto.

Public Hearing c.139 §1 - Chapel Property Trust, Mossman Rd.

Present: Petitioners Theodore A. Barten and Iris W. Barten; Robert D. Quirk, Trustee, Chapel Realty Trust, and Stephen Berg.

Chairman Drobinski opened the Public Hearing in accordance with M.G.L. c.139, §1, to consider a petition of twenty-two residents dated November 3 complaining of the nuisance and danger of dilapidated structures and debris on property owned by Chapel Realty Trust, known as Lots 1 through 6 and shown on Town Property Maps D08 and D07 as Parcels 401, 402, 403, 404, 405, and 406 off Mossman Road. Executive Secretary Pro Tem Janet Silva noted that the Trust had been duly notified and that an inspection report had been received from the Deputy Building Inspector.

Robert D. Quirk, Trustee of the Chapel Property Trust, owner of the property, acknowledged receipt of a copy of the complaint and inspection report and presented a letter from his associate, Trustee Thomas J. Sheridan, providing the chronology of events since the Trust took ownership in August of 1988 and the Trust's intentions with regard to the property, which were read by the Selectmen individually and paraphrased by Mr. Quirk, summarized below.

Mr. Quirk stated that the cleanup of the property and tree cutting had begun in November 1988 to accommodate test holes and perc tests preliminary to development of the property, but was halted by a Cease and Desist Order from the Conservation Commission. The Trust also attempted to clean and repair the house on the property to rent in order to have someone live on the property, hoping to deter the vandalism which has been a constant problem; however, just as work was completed, the house was broken into and trashed. Mr. Quirk informed that in spite of the no trespass signs, not only has vandalism been a persistent problem for which the police have been called, but abutters have placed debris on the property, noting that the Trust has taken several loads away. A Preliminary Subdivision Plan was submitted to the Planning Board in January of 1989 which was denied; however, since that time, survey work, percolation testing, and wetlands investigation has taken place enabling approval of septic system plans and development of a revised Subdivision Plan which was submitted to the Town Engineer in September. Work is progressing on the Definitive Subdivision Plan.

Theodore Barten, 160 Mossman Road, stated that while the neighbors appreciate Mr. Quirk's efforts in cleaning the property, it is barely noticeable and the no trespass signs obviously do not keep people off the property. Mr. Barten took issue with Mr. Quirk's implication that the neighborhood children are involved. Mr. Barten stated that the property has been basically abandoned for five years and the buildings have been damaged from weather and age; the house is a hangout. The Petitioners want the Trust to finish what it has stated as its intention, demolition of the pavillions, house and outbuildings and put the property in some semblance of order.

Mr. Quirk stated that it was his associate's intention to work with the Building Inspector as to how to accomplish this task, stating further that the Trust would get a structural engineer in to inspect and discuss same with the Building Inspector as he believed this to be necessary in making a decision. Chairman Drobinski responded that the Town has a detailed report of the

inspection performed by Deputy Building Inspector Earl Midgley and does not need to rely on a structural engineer.

Relative to the advertised Foreclosure Notice on the property setting the date of sale for December 26, Assistant Town Counsel informed that recording of any order against the current owner provides notice to the buyer, and the matter can be further reviewed at a date subsequent to the foreclosure sale. Selectman Drobinski opined that while a time for completion can be established in the Order, it must be a sensible one. In response to Chairman Drobinski's query as to whether the sale would impair the ability to rectify the site problems and carry out the Order, Mr. Quirk stated he was unable to say, but the Trust's intention would be to work with the Building Inspector.

Stephen Berg, 154 Mossman Road, commented that the property may need to be secured because so much of it is accessible.

Town Engineer I. William Place stated that he was not directly involved with the site conditions, but stated that there is visible slash on the property from the logging operation which had been stopped by the Conservation Commission's Cease and Desist Order, and the area has become an eyesore.

Chairman Drobinski, while expressing his empathy with the vandalism problem, stated his opinion, having weighed the evidence, that the property in its present condition constitutes a threat to the public since it can be easily accessed, notwithstanding the no trespass signs. The Board concurred in this finding.

Therefore, it was on motion of Selectman Cope unanimously

VOTED: After notice and public hearing in accordance with M.G.L. Chapter 139, section 1, we adjudge the following buildings and structures, located off Mossman Road on property shown as Parcels 401, 402, 403, 404, 405 and 406 on Town Property Maps D08 and D07, to be nuisances and dangerous to their neighborhood and hereby make the following orders, to the owner of such property, for their disposition:

- Large, open-sided, wooden pavilion - raze and demolish and remove all resulting debris from the premises within sixty (60) days after the date of this order;
- Stone chapel - secure all doors and windows and make safe the electric service panel on the pole to the chapel's rear, to the satisfaction of the Building Inspector within twenty-one (21) days after the date of this order;
- Smaller, open-sided pavilion with concrete block supports and wooden roof - raze and demolish and remove all resulting debris from the premises, including discarded appliances within the structure, within sixty (60) days after the date of this order;
- One and one-half story wood-frame and concrete block dwelling building - secure all doors and windows to the satisfaction of the Building Inspector and remedy all interior Sanitary Code violations to the satisfaction of the Health Director within twenty-one (21) days after the date of this order;

- Restroom facility - raze and demolish and remove all resulting debris from the premises, including all sanitary and plumbing fixtures and facilities, within sixty (60) days after the date of this order;
- Concrete block outbuilding - raze and demolish and remove all resulting debris from the premises, including all discarded utility and service items within the structure, within sixty (60) days after the date of this order.

For all work to be done to the satisfaction of the Building Inspector and the Health Director, the owner shall notify the respective official when the work has been completed and request an inspection of the work so that the official may report to the Board.

This matter shall be reviewed by the Board on January 8, 1990 to assess compliance with the foregoing orders.

Wood-Davison House - Promotional Campaign

Present: Laura Scott, Chairman, Wood-Davison House Restoration Task Force.

Laura Scott, Chairman of the Wood-Davison House Restoration Task Force, updated the Board on the status of the "One Foot Closer" promotional campaign relative to moving the house from its location on the Boston Post Road to the Town Centre. She explained that the total number of feet required, each represented by a footprint equal to a donation of \$5.00, had been painted on the Town's walkway along the route as an Eagle Scout project, and that the school children were actively involved in the campaign to raise funds for the move. Since a contest relative to decoration of the feet is planned for the spring, Ms. Scott requested direction as to the parameters allowed. Noting that the footprints are already beginning to wear, it was suggested that the contest be held for foot decoration using water base paint or chalk which would disappear when it rains. The Board expressed its consensus with this approach and requested that Ms. Scott inform the abutters in writing so that any objections can be dealt with. Ms. Scott informed the Board that approximately 500 feet had been sold to date and stated that the feet sold would be numbered for contest purposes.

FY91 Engineering Budget

Present: I. William Place, Town Engineer.

Town Engineer I. William Place presented his level-funded budget in the amount of \$245,551 (Budget 1) which reflects a decrease in the salary account due to replacing an employee by one at a lower salary, an increase for sick leave buyback, increases in the general expense account due to higher prices. Budget 2, at \$302,482, includes replacement of two vehicles in need of repair, one of which is, in the opinion of the Town Engineer, unsafe, and the purchase of a Total Station which is part of the Five-Year Capital Expenditures Program. Noting that the latter could be deferred, Mr. Place stated that he did not agree with this approach as this ultimately results in stacking up at the end with many purchases needed at one time.

After thanking Mr. Place for his comments, it was on motion of Chairman Drobinski unanimously

VOTED: To approve, subject to further review by the Executive Secretary, the FY91 Engineering budget, Account No. 502, for submission to the Finance Committee.

FY91 Fire Department Budget

Present: Fire Chief Michael Dunne.

Fire Chief Michael Dunne presented his FY91 budget in the amount of \$1,342,744 (Budget 1 and Budget 2 being the same), which is a reduction of \$18,816 from the FY90 appropriation, and which includes capital equipment purchases in the amount of \$20,000. The Chief stated that hopefully with this budget he will be able to keep Station 3 open during all of FY91, noting that it may have to be closed this May and June. He informed that he will be submitting a Warrant Article for funding of the ambulance and ambulance supplies from the Ambulance Reserve for Appropriation Account, and has been successful in obtaining funds from two corporation and the Sudbury Foundation for purchase of the defibrillator.

The Board thanked Chief Dunne for his comments and, on motion of Chairman Drobinski, it was unanimously

VOTED: To approve, subject to further review by the Executive Secretary, the FY91 Fire Department budget, Account No. 310, for submission to the Finance Committee.

Featherland Park - Electrical Service

In connection with the change in utility placement to service Featherland Park without crossing private property, it was on motion of Chairman Drobinski unanimously

VOTED: To grant permission to Boston Edison Company and New England Telephone and Telegraph Company to construct, install, repair, renew, and maintain two poles (#2-106-1 & 2) with appurtenant fixtures to service Featherland Park at Concord and Morse Roads, as shown on Work Order #664078 sketch dated August 2, 1989.

Resignation - Local Arts Council

The Board was in receipt of letter, dated November 29, 1989, from Philip L. Read tendering his resignation from the Local Arts Council as he is unavailable to participate in the meetings as rescheduled. Therefore, it was on motion of Selectman Drobinski unanimously

VOTED: To accept the resignation of Philip L. Read, dated November 29, 1989, from the Local Arts Council.

Executive Secretary Pro Tem Janet Silva stated, in response to Selectman Cope, that she would send a letter of acknowledgement expressing the hope that Mr. Read's time commitments might enable him to serve at some time in the future.

Resignation - Sudbury Housing Partnership Committee

The Board was in receipt of a letter to the Chairman of the Sudbury Housing Partnership Committee, dated October 23, 1989, from George Hanow, tendering his resignation from that Committee. It was on motion of Chairman Drobinski unanimously

VOTED: To accept the resignation of George Hanow, dated October 23, 1989, from the Sudbury Housing Partnership Committee and to send a letter of appreciation for his service.

Accept Donations

It was on motion of Chairman Drobinski unanimously

VOTED: To accept on behalf of the Town the following donations:

- a) \$1,194.55 in various donations to be deposited in the Wood-Davison House Restoration Fund; and
- b) \$248.97 in miscellaneous donations to be deposited in the Council on Aging Van Donation Account; and to authorize the Council on Aging to expend the same for purposes of operating and maintaining the Council on Aging van.

Sanitary Landfill Policy

Pursuant to facilitating use of the Landfill, the Board reviewed the draft policies and procedures prepared by Janet Silva, Administrative Assistant to the Board of Selectmen, and the comments relative thereto from Landfill Agent Robert A. Noyes, dated December 1, 1989.

After discussion, it was on motion unanimously

VOTED: To approve the following policies with regard to the Sanitary Landfill:

- 1) That permit decals and special permits for residents only (not commercial) be issued at the Sanitary Landfill site once a month on the same Saturday each month, commencing immediately or as agreed upon by the Executive Secretary and Highway Surveyor; and that notice of the same be posted in all public town buildings and published in the local newspaper;
- 2) That Section III. Permits & Fees, Part A. Residents, Subsection 1, be interpreted to mean that residents may bring any material to the Landfill without regard to size, if it is appropriate for and deposited in a separate collection area for refuse designated for transport and recycling, without obtaining either a permit decal or a special permit. (Currently those items are metal, paper and waste oil.);
- 3) That charges for Special Permits for residents only (not commercial) be calculated according to the Regulations by the quantity or volume (cubic yards) of the material to be disposed of, and not by the capacity of the vehicle used. To that end, a list of common household items with a set cubic yardage shall be made up and used as a guideline, and in addition a list of various types of trucks with their cubic yardage shall be made for reference. Special Permit

slips shall contain this information which can be used easily as a check-off list by the applicant, processed by the person issuing the permit, and verified by the Landfill Monitor at the Sanitary Landfill. Thus, a person can be fairly charged for disposal of a few items which would be carried more conveniently in a truck instead of a passenger vehicle, without having to pay for a full truckload. If a vehicle is half full or a quarter full, the cubic yardage should be estimated, the appropriate fee charged according to the fee schedule, and the Permit slip so marked: "½ load" or "¼ load" or "3/4 load" and include the appropriate cubic yardage range from the fee schedule. In this latter procedure an itemization may not be necessary.

Selectman Wallace recommended that in order to avoid problems of handling cash at the Landfill, the Town could require that the fee be paid by check. The Board concurred.

Minutes

It was on motion of Chairman Drobinski unanimously

VOTED: To approve the minutes of the November 20, 1989 regular session as amended, and the November 27, 1989 regular and executive session minutes as drafted.

Conservation Restriction - 605 Concord Road

The Board signed its approval of a Conservation Restriction granted by Barbara R. Kirk and Karl D. Kirk, Jr., on approximately 3.50 acres of the property located at 605 Concord Road and shown on "Plan of Land in Sudbury, Mass owned by Karl D. & Barbara B. Kirk", dated November 7, 1989, drawn by Colburn Engineering, Inc.

Interline Transfer - FY90 Selectmen Budget

Upon the recommendation of Janet Silva, Administrative Assistant to the Board of Selectmen, it was on motion unanimously

VOTED: To transfer up to \$1,000 of available funds from line item 501-130, Clerical Expense, to line item 501-120, Overtime.

Unisys Property

Selectman Wallace informed that the Reserve Fund transfer request seeking supplementary funding to hire a planning consultant relative to development of the Unisys property would be considered by the Finance Committee on December 7. Chairman Drobinski stated he would attend.

Abandoned Vehicles

In response to Selectman Cope's reference to information forwarded by Assistant Assessor Dan Loughlin that the Strand property off Old County Road has become a dumping ground for abandoned vehicles and her previous discussion with Executive Secretary Thompson, Ms. Silva stated that she had asked the Zoning Enforcement Agent for a report.

Lincoln-Sudbury Football

Chairman Drobinski requested that congratulations from the Board of Selectmen be sent to the Lincoln-Sudbury Football Team, winners of the M.I.A.A. Eastern Massachusetts Division III Super Bowl Championship.

Station Road Auto Body & Garage - 40 Station Rd.

Noting that the special permit granted to Station Road Auto Body & Garage, Inc. for sale and repair of new and used motor vehicles at 40 Station Road is before the Board of Appeals for renewal on December 12, Selectman Cope requested a listing of the uses of the property. Ms. Silva will contact the Zoning Enforcement Agent.

FY91 Police Budget

Present: Police Chief Peter B. Lembo.

Police Chief Peter Lembo presented the FY91 Budget, level funded at \$1,420,590 and the Budget #2 request of \$1,460,347. These budgets include the trading of five police cruisers and an increase in contracted salaries and buyback. Relative to manpower, the Chief informed the Board that a Civil Service list has been requested for Officer MacLean's replacement and Officer Carroll's former position has not been filled. Additionally, one officer is out on injury and another on medical leave. The Police Chief reported that no shifts are covered fully because of the underfunding of overtime and present contractual arrangements, and enforcement suffers accordingly. It is the Chief's opinion that the dollars lost in revenues capable of collection by a fully funded Department would have paid for the FY90 cut in overtime. The overtime account is used for training, court time, and sick leave coverage.

Robert Coe, Finance Committee liaison to the Police Department, recommended that justification for the uses of the overtime account should be made more widely known.

The Board thanked Chief Lembo for his comments and, on motion of Chairman Drobinski, it was unanimously

VOTED: To approve, subject to further review by the Executive Secretary, the FY91 Police Department budget, Account No. 320, for submission to the Finance Committee.

There being no further business to come before the Board, the meeting was adjourned at 9:45 p.m.

Attest: _____
Janet Silva, Executive Secretary Pro-Tem