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IN BOARD OF SELECTMEN
WEDNESDAY, JANUARY 4, 1989

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

The statutory requirements as to notice having been fulfilled, Chairman Wallace called the meeting to order at 7:30 p.m. at lower Town Hall.

Big W Trans, Inc. - Request For Common Carrier License

Present: Robert P. Winterhalter, President of Big W Trans, Inc.

The Board considered a request, dated December 21, 1988, to grant a license to Big W Trans, Inc., Robert P. Winterhalter, President, of Ashland, Massachusetts, to operate as a common carrier of passengers for hire by motor vehicle through Sudbury.

Executive Secretary Thompson introduced Mr. Winterhalter to the Board, stating that he has known him for some time and it was Mr. Winterhalter who provided bus service to Sudbury during its Bicentennial celebration. Mr. Thompson advised that the licensing procedure requires approval from the Selectmen and, if given, the request goes on to the Massachusetts Department of Public Utilities for final approval and rate setting.

Mr. Winterhalter informed the Board that about three years ago, an experimental bus service was begun for those commuters to Boston outside the MBTA service area, and this service was the Post Road Line. In 1987, the MBTA began to subsidize that line and, although more frequent service was petitioned for, the MBTA approved only one round-trip per day.

Mr. Winterhalter continued by stating that because of an increase in calls from commuters in the City of Marlboro for transportation to Framingham and for an expanded schedule, his company believes it would be mutually-advantageous for Sudbury commuters to create bus routes that would run on Nobscot Road between Boston Post Road and Framingham's Shoppers World; and on Landham Road between Boston Post Road and Framingham's Shoppers World. Mr. Winterhalter stated that his company expects to apply to the MBTA for the operation of these routes by the deadline date of January 25, 1989. The application will ask permission to operate every hour from Marlboro to Sudbury to Shoppers World; and this would allow commuters continuing on to Boston to connect with either of two other bus lines that stop at Shoppers World. This schedule would allow his company an additional fifteen minutes; thus, if the Selectmen think there is a need or demand for it, his company will have its buses travel to Sudbury Center and back. Mr. Winterhalter concluded his presentation by stating that he cannot say for certain when this service would commence, if approved, because the MBTA budget runs a full year behind the State's budget. Thus, he opined, if the MBTA has the money now, it could be funded to begin in June.

In response to inquiries by the Selectmen, rather than specific stops along the route, the buses would more than likely operate on a "flagstop" basis, with an advertised stop at, for instance, in front of Friendly's on Route 20; that although the rates will be set by the MBTA, it was Mr. Winterhalter's opinion that the fare will probably be approximately \$1.25

one-way from Sudbury to Shoppers World; and that, if approved, the hourly operation would commence at 7:00 a.m. and conclude at 7:00 p.m.

With regard to the offer by Mr. Winterhalter to divert the buses to Sudbury Center and back, Mr. Thompson expressed his concern about the congestion in the area already, especially because of the school. It was Mr. Thompson's suggestion that if the need is voiced by the townspeople for this additional service, the application can be amended at a later time.

It was on motion of Chairman Wallace unanimously

VOTED: To grant a license to Big W Trans, Inc., Robert P. Winterhalter, President, of Ashland, Massachusetts, to operate as a common carrier of passengers for hire by motor vehicle, under the provisions of Chapter 159A, §1, of the General Laws, along the following routes in Sudbury: on Nobscot Road between Boston Post Road and Framingham Town Line; and on Landham Road between Boston Post Road and Framingham Town Line.

Mr. Winterhalter assured the Board that a copy of his company's application to the Department of Public Utilities will be forwarded to the Selectmen.

Police Sergeant/Provisional Appointment and Requisition

Present: Police Chief Peter B. Lembo.

The Board reviewed letter dated December 28, 1988, from Police Chief Peter B. Lembo, requesting the appointment of an Acting or Provisional Police Sergeant to serve until a permanent appointment can be made from a new Certification List following the April Department of Personnel Administration Sergeant Promotional Examination.

Police Chief Lembo expressed his aversion to any appointment to an "Acting" position, but acknowledged this action is necessary in order to request the Certified Patrolman's List. Chief Lembo reiterated his recommendation contained in his letter of December 28, 1988, that William B. Carroll be appointed to the position of Provisional Sergeant, and stated that if so appointed, Officer Carroll will continue to serve in his current position as Juvenile/Safety Officer, as well as in the new position.

After discussion, it was on motion of Chairman Wallace unanimously

VOTED: To appoint William B. Carroll Provisional Police Sergeant effective January 5, 1989, to fill the vacancy occasioned by the retirement of George J. Anelons, Jr., to serve until a permanent appointment can be made from a new Certification List following the April Department of Personnel Administration Sergeant Promotional Examination; and to authorize the Executive Secretary to request said Certification List from the Department of Personnel Administration for appointment of one Police Sergeant; and further to authorize the Executive Secretary to sign all documents related thereto.

Police Officer Requisition

Present: Police Chief Peter B. Lembo.

Acting upon Chief Lembo's further request in his communication dated December 28, 1988, it was on motion unanimously

VOTED: To request a Certification List from the Department of Personnel Administration for appointment of one Police Officer to fill the vacancy resulting from a promotional appointment to Sergeant (William B. Carroll provisionally appointed January 4, 1989); and to authorize the Executive Secretary to sign all documents related thereto.

Police Department - Transfer of Motor Vehicle to School Department

Present: Police Chief Peter B. Lembo.

Executive Secretary Thompson explained that Police Chief Lembo's request to transfer one of the Police Department's motor vehicles to the School Department is based on the need expressed by the School Committee for an additional vehicle for the transportation of its special education children. Police Chief Lembo added that the vehicle he has in mind has a trade-in value of only \$2,000 and has over 55,000 miles. Chief Lembo concluded by stating that the School Department will pay the Police Department \$2,000 for the vehicle.

It was on motion of Selectman Cope unanimously

VOTED: To authorize transfer of one 1987 Ford automobile from the Police Department to the School Department, in accordance with Town Bylaw Article 12, Section 1; subject to a reimbursement from the schools of \$2,000 matching the trade-in amount.

Union Carbide Corporation/141 Boston Post Road - Transfer Of Assets

Upon review, it was on motion of Chairman Wallace unanimously

VOTED: To acknowledge receipt of letter dated December 14, 1988, from R. A. O'Neal, Regional Technical Supervisory, Packaged Gases & Distributors, Linde Gases of the Mid-Atlantic, notifying the Town of transfer by Union Carbide Corporation of its assets at 141 Boston Post Road, to a wholly-owned subsidiary, Linde Gases of New England, effective December 1, 1988; and to authorize the Executive Secretary to record transfer of the following licenses from Union Carbide Corporation to Linde Gases of New England: Nos. 81039, 81048, 56129, 82087 and 55107; and to notify the Town Clerk and Fire Chief of the same.

Application SP80-227 - Sudbury Crossing Shopping Center

It was on motion of Chairman Wallace unanimously

VOTED: To record the signing on December 23, 1988, of an as-built site plan for Sudbury Crossing, 435 Boston Post Road, relative to Application SP80-227.

Acceptance of Easements

It was on motion of Chairman Wallace unanimously

VOTED: To accept Drainage Easement granted by William J. Dowie of Liberty Ledge Real Estate Trust, Mark P. Taylor and Christine Taylor-McKenna, relative to the Liberty Hill Estates Subdivision, as shown on a plan entitled "Definitive Subdivision of Liberty Hill Estates in Sudbury, Massachusetts", dated August 31, 1987, revised November 18, 1988, by Colburn Engineering, Inc., located off Haynes Road; and it was further

VOTED: To accept Conservation Restriction, Drainage Easement and Walkway Easement granted by Joseph L. Maillet, Trustee of Candlewood Trust, relative to the Cranberry Meadows Subdivision located off Powder Mill Road, easements as shown on a plan entitled, "Cranberry Meadows in Sudbury, Mass.", dated June 24, 1988, revised November 29, 1988, drawn by Colburn Engineering, Inc.

Planning Board - Election

Present: Planning Board Chairman Russell P. Kirby and members Richard A. Brooks, James P. Watterson; candidates Peter H. Anderson, Anne R. Strauss, Eleanor Lonske and Susan Rutstein.

Chairman Wallace called to order a joint meeting with the Planning Board; and the Board thereupon appointed Executive Secretary Richard E. Thompson to act as Clerk for the purpose of this meeting.

Executive Secretary Thompson stated that, in accordance with G.L. c. 41, §11, as amended, the Selectmen's Office had scheduled this meeting upon notice of vacancy in the Planning Board due to the resignation of Morton Brond. Mr. Thompson acknowledged receipt of applications from Peter H. Anderson, Anne R. Strauss, Eleanor Lonske and Susan Rutstein.

The candidates introduced themselves and noted their interest and availability to serve as members of the Sudbury Planning Board. A colloquy with each candidate and the Selectmen resulted in a concurrence by the Board that the Town is extremely fortunate to have the services of such qualified and energetic people offered.

Chairman Wallace opened the floor to nominations. Planning Board member James P. Watterson's nomination of Peter Anderson received a second; Selectman Drobinski's nomination of Eleanor Lonske received a second; Selectmen Chairman David A. Wallace's nomination of Susan Rutstein received a second; and Richard A. Brooks' nomination of Anne R. Strauss received a second.

It was moved to close nominations; and nominations were so closed.

The Executive Secretary asked for a roll call vote, which was called as follows:

Richard A. Brooks	VOTED TO ELECT	Peter Anderson
Judith A. Cope		Peter Anderson
John C. Drobinski		Peter Anderson
Russell P. Kirby		Peter Anderson
David A. Wallace		Peter Anderson
James P. Watterson		Peter Anderson

Executive Secretary Thompson notified Chairman Wallace that Peter H. Anderson, 113 Landham Road, had been elected to serve on the Planning Board, until the close of the next Annual Town Meeting, replacing Morton Brond.

The Planning Board and Selectmen thanked all candidates for their interest and urged them to keep in contact with the Planning Board and Selectmen's Office so that their expertise and interest might be utilized in the near future.

Powder Mill Road/Powers Road Area - Intersection Improvements

Present: Town Engineer I. William Place; Ann Hurd, representative of Digital Equipment Corporation; abutters and neighbors of the subject area.

Chairman Wallace called to order a Public Meeting to discuss options for safety improvements to certain traffic intersections; i.e., North/Powder Mill/Mossman Roads; Powers/Powder Mill Roads; and North/Powers Roads. Executive Secretary Thompson noted that area residents were notified by letter dated December 16, 1988, which urged them to notify other neighbors or interested persons. Mr. Thompson reiterated the purpose of this meeting is not to have any lengthy discussion concerning road improvements to Powder Mill Road, but rather to allow the Town Engineer to display and explain the proposed intersection improvements he has preliminarily designed. Mr. Thompson concluded by stating that at the conclusion of this meeting he would welcome those interested in becoming part of a small working group that can develop a plan to upgrade Powder Mill Road to leave their names. It was explained that the group should be comprised of a representative of Digital Equipment Corporation, neighborhood residents and a member of the Town Engineer's Office.

Town Engineer then displayed maps outlining the present areas and his preliminary suggestions for intersection improvement. Mr. Thompson pointed out that the preliminary proposals would cost the Town approximately \$50,000, and an article requesting same will hopefully be submitted and approved at Town Meeting. However, Mr. Thompson cautioned that with all the other articles that have already come into the office, and the amounts reflected thereon, it is going to be a tough year to get the \$50,000 appropriation. For this reason, Mr. Thompson stressed the importance of a strong showing of support at Town Meeting for this article. Mr. Thompson also stated that it is necessary to work with the Finance Committee with the hope of obtaining its support. Mr. Thompson went on to say that a project such as this is going to take at least two to three years, especially if there are problems with land takings, etc.

Mr. Thompson informed that Digital Equipment Corporation has designated a representative, Ann Hurd, and there has already been an initial meeting concerning the traffic safety problems with two Digital representatives and a liaison. Mr. Thompson stated that the meeting was a cordial one but that he made it clear the Town wants a "bottom line" from Digital as to its commitment. It is Mr. Thompson's understanding that Digital does not feel a large obligation as far as the intersection improvements are concerned, but will consider assistance with regard to road improvements. However, Mr. Thompson feels that Digital historically has been very community conscious and hopes negotiations will continue and expand. Ms. Hurd was present, introduced herself, and assured those present that Digital shares the Town's safety concerns and will look forward to working with a group to address these issues.

There followed a question-and-answer period, wherein many of the area residents voiced opinions, concerns and suggestions as to the intersections and the traffic flow in general. Among those who spoke were Chris P. Simollardes of 65 Virginia Ridge; Sandra Bell of 34 Powder Mill Road; Gaile Karsas of 27 Virginia Ridge; Carol Haigh of 14 Virginia Ridge; Eleanor Bwueklian of 106 Powder Mill Road; Holley Cannon of 39 Virginia Ridge; Eleanor Lonske of 15 Virginia Ridge; Jill Fallon of 41 Virginia Ridge; Philip Izzo of 136 Powder Mill Road.

In response to suggestion by a resident that a large part of the problem is the allowance of trucks on the road, Mr. Thompson informed that if enough of the neighbors concur and want trucks prohibited, they must file a petition with the Board of Selectmen requesting exclusion of heavy vehicles. Likewise, a request to change the road to a one-way street during certain hours can be submitted to the Selectmen by way of petition.

Chairman Wallace concluded the meeting by thanking those in attendance for their comments and suggestions. The following individuals signed up for consideration of being included in a work group:

Sandra Bell, 34 Powder Mill Road
Pat Simmons, 4 Powder Mill Road
Jill Fallon, 41 Virginia Ridge
Philip Izzo, 136 Powder Mill Road
Rob Weiskopf, 44 Virginia Ridge Road
Carol Haigh, 14 Virginia Ridge

Executive Session

At 10:00 p.m., it was on motion by roll call unanimously

VOTED: To go into Executive Session to discuss Appellate Tax Board litigation matters.

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

Chairman Wallace announced that public session would reconvene immediately following Executive Session.

Lincoln-Sudbury Regional School District - Submission of 1989 ATM Article

Following discussion and review, it was on motion unanimously

VOTED: To confirm the Selectmen's agreement to submit an article on behalf of the Lincoln-Sudbury Regional School District to amend the regional agreement to change the membership of the Regional District Committee.

1989 Annual Town Meeting - Acceptance of Articles

The Board reviewed list of articles submitted for the 1989 Annual Town Meeting. Executive Secretary Thompson explained that while he was out of town, the article concerning intersection improvements in the North Road area, which is requesting \$50,000, was misplaced and thus inadvertently omitted from the original list of articles. Mr. Thompson assured the Board said article was submitted in a proper and timely manner.

Following discussion and review, it was on motion unanimously

VOTED: To accept the articles submitted for 1989 Annual Town Meeting pursuant to list prepared by the Office of the Executive Secretary; and to amend said list to include the article submitted concerning a request of \$50,000 for intersection improvements in the North Road area.

International City Management Association - Recognition of Executive Secretary

The Board acknowledged with pride a certificate received by Executive Secretary Richard E. Thompson from the International City Management Association recognizing his twenty years of service in local government.

Cancellation of Regular Meeting

Because Monday, January 15, 1989, is Martin Luther King Day, it was on motion unanimously

VOTED: To reschedule the regularly-scheduled meeting of the Selectmen from Monday, January 15, 1989, to Wednesday, January 18, 1989.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the meeting of December 19, 1989, as amended.

Council On Aging - Donations

It was on motion of Chairman Wallace unanimously

VOTED: To accept \$311.30 in miscellaneous donations for deposit into 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.

Resource Recovery Committee

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

VOTED: To amend the Landfill Enterprise Fund Fiscal Year 1990 Budget to increase same by the amount of \$75,000, which is the amount recommended by the Resource Recovery Committee, in order to provide for a total recycling program and trash drop-off area at the Sanitary Landfill.

Board of Appeals

Executive Secretary Thompson reported that a hearing by the Board of Appeals involving a golf driving range, originally scheduled for Tuesday, January 3, 1989, has been postponed to Tuesday, February 7, 1989.

DEQE - Local Cross Connection Control Program

The Board acknowledged receipt of copy of letter dated December 12, 1988, from Patricia L. Deese, P.E., Director, Division of Water Supply, Commonwealth of Massachusetts, Department of Environmental Quality Engineering, to the Board of Water Commissioners, informing that the program plan and delegation request submitted by the Water Commissioners is incomplete, outlining what further information is needed, and requesting that the information required be submitted for review and approval by February 10, 1988.

Executive Secretary Thompson reported that Richard Carroll, Water Superintendent, is handling the situation.

Kenbo, Inc. - Ephraim's Restaurant - Status of License

Executive Secretary Thompson updated the Selectmen on the status of the renewal of licenses to Ephraim's Restaurant by stating that on advice of Town Counsel, with concurrence by Chairman Wallace and Selectman Drobinski, the licenses were issued.

Mr. Thompson noted a handwritten memorandum dated December 20, 1988, from Town Counsel Kenny outlining all outstanding taxes and charges to the property, and stated the same is available for the Selectmen's review.

Tenneco Pipeline Appeals - Notification of Final Settlement

The Board noted receipt of copy of memorandum dated December 27, 1988, from Edward J. Collins, Deputy Commission, Local Services, Jane H. Malme, Chief, Bureau of Local Assessment, to the Board of Assessors, regarding final settlement of Tenneco Pipeline Appeals.

It was on motion unanimously

VOTED: To direct the Executive Secretary to request the Board of Assessors to release any surplus funds in Overlay or Abatement accounts, in accordance with G. L. c. 59, §25.

Landfill - Recycling/Drop-Off Area

The Board noted receipt of memorandum dated December 20, 1988, from Linda Bolton, Chairman of the Resource Recovery Committee, advising that the recycling/drop-off area will be strictly a Sudbury operation and that the present prepared area of Wayland's landfill may only accommodate six months to a year of trash disposal for that Town.

There being no further business to come before the Board, the meeting was adjourned at 11:30 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk