

IN BOARD OF SELECTMEN
MONDAY, JANUARY 23, 1989

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

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

Atkinson Pool - Fiscal Year 1990 Enterprise Budget

Present: Jane Neuhauser, member, Park & Recreation Commission.

Upon review of Fiscal Year 1990 Budget Summary for the Atkinson Pool, Account No. 701, and upon recommendation of the Executive Secretary, it was on motion of Chairman Wallace unanimously

VOTED: To accept the Fiscal Year 1990 Atkinson Pool Enterprise Budget (Account 701), prepared and submitted pursuant to G. L. c. 40 §39K for recommendation to the 1989 Annual Town Meeting.

Executive Secretary Thompson advised that he, Town Accountant James Vanar and Budget and Personnel Officer Terri Ackerman will be meeting with Park & Recreation member Jane Neuhauser, Atkinson Pool Director Sheila Stewart on Tuesday, January 24, 1989, concerning the Pool.

Tax Anticipation Notes; Renewal of Bond Anticipation Notes

Present: Town Treasurer/Tax Collector Chester Hamilton.

On motion of Chairman Wallace it was unanimously

VOTED: To authorize the Treasurer to borrow, if necessary, up to \$5,000,000 in Tax Anticipation Notes, to come due July 14, 1989, as requested in a letter from Mr. Hamilton dated January 18, 1989; and to renew the \$500,000 Bond Anticipation Note borrowing, approved pursuant to Article 4 of the April 4, 1988 Special Town Meeting, which matures on February 10, 1989, extending same to August 25, 1989, also as requested in letter from Mr. Hamilton dated January 18, 1989; and it was further

VOTED: To authorize facsimile signatures of the Selectmen for the sole purpose of signing Tax Anticipation Notes in an amount not to exceed \$5,000,000, as set forth in letter from Chester Hamilton dated January 18, 1989; said facsimile signatures to remain in the exclusive control of the Treasurer and Tax Collector.

Landfill - Fiscal Year 1990 Landfill Enterprise Budget; Setting Fee For Residential Use

Present: Linda Bolton and Jeffrey Jacobson of the Resource Recovery Committee.

Upon review and recommendation of the Executive Secretary, it was on motion of Selectman Drobinski unanimously

VOTED: To approve the Fiscal Year 1990 Landfill Enterprise Budget (Account No. 460), pursuant to the provisions of G. L. c. 40 §39K, for recommendation to the 1989 Annual Town Meeting with the following additions to the Budget: one additional heavy equipment operator; changing part-time Clerk II to full-time Clerk II; and with new revenues resulting from fee increases approved below.

The Board next reviewed memorandum dated January 13, 1989, from Cary J. Meyer of the Sudbury Highway Department, enclosing four options for increasing landfill revenues, and memorandum dated January 20, 1989, from the Executive Secretary advising that he, the Town Engineer, Resource Recovery Committee and the Highway Department are recommending Option 1 be adopted, which would impose a \$25 yearly fee to residents for use of the Landfill. Mr. Thompson expressed his reluctance in supporting any option that would charge a residential fee for use of the Landfill, but explained that after meetings with the Resource Recovery Committee and reviewing the data, he must concur that this method of increasing Landfill revenue will allow the Town to operate the Landfill on a self-sustaining basis.

Upon inquiry by Selectman Cope, Linda Bolton of the Resource Recovery Committee stated that the proposed recycling center would have a drop-off area that would allow a resident to use it without having to obtain the \$25 sticker; and that this center is expected to open by June 1989.

It was on motion of Selectman Drobinski unanimously

VOTED: To amend the Town of Sudbury Rules and Regulations Governing the Operation of the Sanitary Landfill by adding a residential use fee of \$25.00 for each household's first permit with a \$1.00 per year fee for each additional permit in the same household; and to raise the Commercial and Special Permit Fees by approximately thirty-five percent; said fees to become effective July 1, 1989. Thus, the Commercial and Special Permit Fee Schedule shall read as follows:

0 - 2 cu. yds.	\$ 10.00
3 - 5 cu. yds.	30.00
6 - 10 cu. yds.	80.00
11 - 15 cu. yds.	110.00
16 - 20 cu. yds.	170.00
21 - 25 cu. yds.	210.00
26 - 30 cu. yds.	270.00
31 - 35 cu. yds.	340.00
36 - 40 cu. yds.	400.00
41 - 50 cu. yds.	550.00

Street Layouts - 1989 Annual Town Meeting

Upon review and approval of Article 13, Street Acceptances, revised to delete Candlewood Circle, Run Brook Circle, and Webster Circle, and to add Hopestill Brown Road pursuant to recommendations from the Town Engineer, Town Planner and Highway Surveyor, received January 20, 1989, it was on motion of Selectman Cope unanimously

VOTED: To state the Board's intention to lay out Centre Street, Fairhaven Circle, Scotts Wood Drive, Twin Meadow Lane, Wadsworth Road and Hopestill Brown

Road, as described in revised Article 13 for the 1989 Annual Town Meeting, at its meeting of March 13, 1989; and that proper notice of the Board's intention to lay out those ways be given to the owners of the properties in question not less than seven days before such date; and that the proposed layouts be referred to the Planning Board for its report on or before March 10, 1989.

Engineering Department - Promotion

Upon motion of Selectman Cope, it was unanimously

VOTED: To concur with Town Engineer I. William Place's communication dated January 9, 1989, relative to promotion of Carl F. Schiller from Engineering Aide I, Step 2, to Engineering Aide II, Step 1; and to direct the Executive Secretary to amend Article IX, Section 3 of the agreement between the Town and the Association of Draftsmen, Architects and Engineers Local 105, if necessary.

Unlicensed Dogs - Fee Increase

Present: Town Clerk Jean MacKenzie.

The Board reviewed communication dated January 19, 1989, from the Town Clerk, proposing that fines for unlicensed dogs be increased. Ms. MacKenzie stated that the current fine of \$10 does not cover the administration costs involved.

It was on motion of Chairman Wallace unanimously

VOTED: To concur with communication dated January 19, 1989, from Town Clerk Jean MacKenzie proposing that fines for unlicensed dogs be increased from \$10 to \$25 per dog; and to direct the Executive Secretary to prepare a petition article for the 1989 Annual Town Meeting; subject to statutory authority to so increase the fine.

Selectman Cope was pleased to point out that this proposal was one the Finance Committee had expressed on the Town's Wish List.

Town Forum

At 8:00 p.m. the 183rd Session of the Town Forum was convened and a video tape of same is on file in the Office of the Board of Selectmen.

Cutler Property - Continuation of Public Hearing

Present: John Taft of the Sudbury Valley Trustees; representatives of the Cutler Trust of Sudbury.

Chairman Wallace convened the continuation of a public hearing relative to the question of exercising the Town's 120-day first refusal purchase option on approximately 33.26 acres of land off Woodside and Landham Roads, owned by Cutler Trust of Sudbury; said hearing conducted in accordance with Massachusetts General Laws, Ch. 61A, §14.

Executive Secretary Thompson reported that notice was duly made concerning this continuation of the public hearing begun on November 28, 1988; and he

suggested that the Board hear a report from the Sudbury Valley Trustees before making any final decision.

John Taft of the Sudbury Valley Trustees advised the Selectmen that the Trustees have decided to decline to accept the transfer of the option to purchase this property and has no interest in pursuing this parcel. Mr. Taft expressed the Trustees' disappointment in having to reach this decision, since the Conservation Commission and Planning Board of the Town were so strongly in favor of the Sudbury Valley Trustees' acquiring this property; and since they already have a presence in that area.

Mr. Taft explained that at a meeting held December 1, 1988, with the potential buyer and seller, as well as other parties-in-interest, it was learned that the buyers had visions of an aggressive subdivision. Mr. Taft used an overhead map of the area to point out the areas determined to be satisfactory versus unsatisfactory for development. In essence, Mr. Taft stated that of the 33.6 acres, there are about eleven acres of open field and a 4-acre wetland. Under the statutory provisions, a minimum of approximately 17 acres would have to be preserved. After much discussion, the Trustees felt compelled to recognize that they are in the business of preserving land rather than developing it; and the "legal thicket" that they can see from the purchase and sale agreement, as well as the research that would have to be done regarding soil testing, does not make it feasible for them to pursue this parcel.

Chairman Wallace thanked Mr. Taft for this information and invited anyone present to speak concerning this property. No one came forward to speak.

Selectmen Cope and Drobinski expressed their disappointment and Chairman Wallace commented that as much as he would like to see this land preserved, he does not see how the Town can afford to purchase it given the immediate financial burdens the Town must bear and other, more pressing matters requiring the Town's financial support. In conclusion, Chairman Wallace directed a plea to the potential developer and sellers of the land that they follow in the steps of Northland Development Company, who was so generous to the Town in their plans to develop the MacNeil property.

It was on motion of Chairman Wallace unanimously

VOTED: To decline to exercise the Town's first refusal purchase option with respect to a notice, postmarked October 7, 1988, in accordance with the provisions of Massachusetts General Laws, ch. 61A §14, from owners Kenneth R. Cutler and Joseph S. Cutler, Trustees of the Cutler Trust of Sudbury, of intent to sell approximately 33.26 acres of land off Woodside and Landham Roads (Parcel #400 on Town Property Maps L9, L10, M9, and M10), currently assessed on the basis of agricultural or horticultural use.

Before the meeting adjourned, Harold Cutler suggested that perhaps something could be arranged concerning the land surrounding the Loring School area. The Executive Secretary stated that he has on two occasions spoken with representatives of the schools and twice they have indicated no desire to expand the Loring School site for future school use. However, Mr. Thompson continued, if an interest materializes, this suggestion will certainly be kept in mind and he is glad to learn that something may open "down the road".

Board of Assessors - Request for Independent Counsel

Present: Town Counsel Paul L. Kenny.

The Selectmen continued consideration of request by the Board of Assessors that they be allowed to contract with outside legal counsel for representation before the Appellate Tax Board on three cases, as requested in written communication dated November 28, 1988, and discussion during an executive session on January 4, 1989.

Executive Secretary Thompson noted receipt by the Selectmen of copies of letter dated January 10, 1989, from Town Counsel Paul L. Kenny to the Board of Assessors and letter response by the Board of Assessors to Attorney Kenny dated January 13, 1989.

Selectman Drobinski reported that he had been contacted by Assessor Patrick J. Delaney, III, relative to this matter and that Mr. Delaney wished to make it clear to the Selectmen that the Assessors' primary concern with Town Counsel handling the three particular cases in issue is one of time. Mr. Delaney stated to Mr. Drobinski that on prior occasions the Assessors have had a problem with Town Counsel's Office getting back to them in a timely fashion when the Assessors have requested a legal opinion. Mr. Delaney further stated to Mr. Drobinski that the Assessors are also concerned with the work load that Town Counsel will be carrying at the time these cases are scheduled before the Appellate Tax Board. The Assessors fear that Town Counsel will not be able to adequately prepare and address these cases during the same time that the Annual Town Meeting is going on.

The Selectmen received assurance from Attorney Kenny that these cases will receive serious attention and Chairman Wallace stated to Attorney Kenny that the Selectmen wish him to make these Appellate Tax Board cases one of his highest priorities. Attorney Kenny concluded by stating that he stands ready, willing and able to represent the Board of Assessors before the Appellate Tax Board, when called upon to do so.

It was on motion of Chairman Wallace unanimously

VOTED: To deny the request of the Board of Assessors for authority to contract with outside legal counsel for Appellate Tax Board cases because (1) the request is not economically justified; (2) there are no funds available; and (3) such representation is within the contracted duties of Town Counsel.

Override Ballot Question

There was a discussion concerning the issue of placement and procedure of overrides; i.e., what the effect on Town Meeting would be if the override question is placed on the ballot at the Annual Town Election versus a Special Election. Prior to making any decisions, the Executive Secretary recommended that the Chairman discuss this matter with Finance Committee member Jack Hepting for a consensus. Once sufficient data is received, which the Selectmen hope will be by January 30, 1989, the Selectmen will be able to take a position.

Annual Town Meeting - Petition Articles

Upon review of three petition articles, it was on motion of Chairman Wallace unanimously

VOTED: To accept the following three petition articles, to be placed at the end of the Warrant for the 1989 Annual Town Meeting as follows:

Preserving Davis Land for traditional park to serve northern Sudbury;

Regulation of poles, overhead wires and associated overhead structures; and

Bylaw requiring progressive removal of poles and overhead wires.

Reserve Fund Transfer Request No. 89-12

Upon review, it was on motion of Chairman Wallace unanimously

VOTED: To approve Reserve Fund Transfer Request No. 89-12 for Account 521-210, Accounting General Expense, in the amount of \$2,500.00 for auditing fees regarding the Atkinson Pool Enterprise Fund.

Council On Aging - Donations

It was on motion of Selectman Cope unanimously

VOTED: To accept miscellaneous donations totaling \$101.42 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.

Utility Petition No. 89-3 - Lincoln Lane

The Board reviewed Utility Petition No. 89-3 of Boston Edison Company and the New England Telephone and Telegraph Company for the purpose of changing ownership from jointly-owned to straight New England Telephone and Telegraph. Executive Secretary Thompson reported that the Building Inspector and Wiring Inspector have no problem with this request.

It was on motion of Selectman Drobinski unanimously

VOTED: To approve Utility Petition No. 89-3, without notice or hearing, to transfer of ownership of three existing poles on Lincoln Lane from joint ownership of Boston Edison Company and New England Telephone and Telegraph Company to solely-owned by New England Telephone and Telegraph Company, described as being located as follows: Lincoln Road - southeasterly side from a point approximately 83 feet northeast of Lincoln Lane, as shown on the plan made by F. J. Greenberg, dated June 30, 1988.

Budget and Personnel Officer - Request For Maternity Leave

Upon review, it was on motion of Chairman Wallace unanimously

VOTED: To grant request dated January 12, 1989, of Budget and Personnel Officer Terri Ackerman, beginning mid-to-late March and lasting six months, with the possibility of a three-month extension.

Fire Department - Disposition of Equipment

It was on motion of Chairman Wallace unanimously

VOTED: To authorize disposition by the Massachusetts Firefighting Academy of a front-mount fire truck pump, no longer required by the Sudbury Fire Department, as requested by Fire Chief Michael Dunne by letter of January 10, 1989.

Election Officers - Resignations

It was on motion of Chairman Wallace unanimously

VOTED: To accept the resignation dated December 12, 1988, of Leona Johnson of 301 Old Lancaster Road, and the resignation of Paul Beatty of 96 Mossman Road, as Town Election Officers; and to request the Executive Secretary to prepare for the Chairman's signature a letter of thanks to each for their long, devoted service to the Town.

Sudbury Housing Authority - Letter of Commendation

It was on motion unanimously

VOTED: To acknowledge receipt of copy of communication dated January 10, 1989, from Jo-Ann Howe, Executive Director for the Sudbury Housing Authority, expressing appreciation to Town Engineer I. W. Place for his assistance to the Authority; and to request the Executive Secretary to place such communication in Mr. Place's Personnel Records file.

Selectman Cope, on behalf of the Selectmen, expressed her pleasure in seeing such positive recognition made.

Minutes

It was on motion of Selectman Drobinski unanimously

VOTED: To approve the regular minutes of the meeting of January 4, 1989, as amended; to approve the executive session of the minutes of the meeting of January 4, 1989, as presented; and to approve a portion of the minutes of the meeting of January 9, 1989, as presented.

Zoning Violations

Selectman Cope requested an update on the zoning violation notices, and Executive Secretary Thompson reported that Building Inspector/Zoning Enforcement Agent Joseph Scammon has submitted a package showing violation

notices have been issued; that Mr. Scammon has responded to the letter of the Design Review Board; and that Traffic Management Committee member Thomas Phelps will be meeting with Mr. Scammon.

Annual Town Meeting - Article No. 14

Upon discussion, and recommendation of Selectman Cope, it was on motion unanimously

VOTED: To amend Annual Town Meeting Warrant Article No. 14, MetroWest and M.A.G.I.C. Funds, by increasing the amount from \$10,000, to \$11,400; and to supply the Finance Committee with this amended amount so that it would have an up-to-date figure at its scheduled meeting on February 2, 1989.

Board of Health - Community Outreach Program

The Board acknowledged receipt of letter dated January 17, 1989, from the Board of Health concerning the Community Outreach Program. Executive Secretary Thompson reported that a meeting was held on January 17, 1989, among Youth Commission representative Ann Loos, Board of Health representative Donald Kern, Sudbury Visiting Nurse Association representative Nancy Brown and himself, and that there was an understanding reached to continue a constructive dialogue so that a joint consensus may be arrived at relative to the Community Outreach Program prior to the Annual Town Meeting.

Mr. Thompson noted his surprise at the tone of the aforementioned letter from the Board of Health because of Mr. Kern's total attitude of cooperativeness at the meeting.

Board of Health - Rules and Regulations

The Board reviewed a note dated January 17, 1989, from Selectman Cope concerning interest by the Planning Board and Conservation Commission in having the Board of Health review its Rules and Regulations regarding the following:

1. the establishment of regulations for grading for breakout in raised septic systems;
2. increase in setback requirement from 50' to 100' from vegetated wetlands; and
3. requiring that the Board require witnessed percolation tests prior to development plans being reviewed by other Town boards.

After discussion, there was a consensus of the Selectmen to request that the Board of Health review the above-noted items for consideration as possible amendments to its Rules and Regulations; and to let the Selectmen know their decision and when a meeting on the same would take place.

Sudbury Chamber of Commerce Meeting

It was reported that there will be a meeting by the Sudbury Chamber of Commerce on Tuesday, January 31, 1989, at the Wayside Inn, at 6:00 p.m. Chairman Wallace indicated his intent to attend.

Edwin Barrett Hosmer Memorial Fund - Request For Reimbursement

It was on motion of Chairman Wallace unanimously

VOTED: To authorize reimbursement to Historical Commission member Winifred Fitzgerald in the amount of \$25.00 for postage, and in the amount of \$25.00 for window measurement services rendered by Bullock & Cochrane Insulation Company, for a total amount of \$50.00, from the Edwin Barrett Hosmer Memorial Fund.

Town Space Needs - Response to Discussion Draft of Resident Ralph Tyler

The Board reviewed Discussion Draft dated January 13, 1989, from Ralph S. Tyler of One Deacon Lane, and approved the letter of response dated January 18, 1989, from the Executive Secretary, concerning Town office space.

Estelle Simon - Tax Abatement

The Board reviewed letter dated January 16, 1989, from Estelle Simon of 27 Surrey Lane, concerning matters involving the Assessor's Office and her special legislation that was passed at the 1988 Annual Town Meeting.

The Selectmen directed the Executive Secretary to communicate with her in order to make certain that she understands the legislative process which requires the resubmission of her Bill, as it was not acted upon by the Legislature in the 1988 General Session.

Sweet Meadows - Comprehensive Permit

The Board reviewed communication dated January 17, 1989, from Town Planner Lee Newman, attaching copy of a comprehensive permit application for a 56-unit condominium project entitled "Sweet Meadows", which she advises is under review in the Town of Wayland, since it is located on River Road at the Sudbury and Wayland Town line.

The Selectmen directed the Executive Secretary to communicate with the Town of Wayland and with the Sudbury Planning Board immediately and explain that due to time constraints they will be unable to respond in writing by January 18, 1989, the date of the public hearing. Mr. Thompson will, however, assure that the Selectmen will attempt to keep apprised of developments as they occur and will work with the Planning Board and the Town of Wayland for a possible joint position with regard to this site.

Sudbury Water District

Selectman Cope reported that Marilyn Novak and Ursula Lyons have been interfacing with Water District Superintendent Richard Carroll, and it appears that preparation of the articles for the Warrant for the February Annual Water District Meeting are progressing in a good fashion. Ms. Cope further stated that she has been told that the articles will address the concerns raised at the last Water District Annual Meeting and Special Meeting, as well as those issues raised during the water crisis.

Ms. Cope also stated that Ursula Lyons has reported to her that Mr. Carroll is attempting to locate data on test hole results in the area of Nobscot Road and Route 20.

Zoning Violations

Selectman Cope expressed her strong desire that the Town use its non-criminal ticketing procedure, and Selectman Drobinski joined her in asking the Executive Secretary to keep giving this matter priority attention in order to address those concerns raised by the Traffic Management Committee and the Design Review Board.

Executive Secretary Thompson responded by stating that the Building Inspector has prepared a written response to the Design Review Board, which was sent January 20, 1989.

Annual Town Election - Question From Resident

Selectman Cope informed that she had a communication from Ralph Tyler of One Deacon Lane concerning the requirement of voting and ordering of ballot questions for override and for debt exemption, which she gave to Town Counsel for review.

Ms. Cope asked the Executive Secretary to follow-up on same.

Landfill - Highway Garage

The Selectmen asked the Executive Secretary to look into a complaint given to the Board that salt is being stored by the Highway Department openly on the ground.

Landfill - Cleanup of Outside Area

Selectman Cope asked the Executive Secretary to communicate with Highway Supervisor Robert Noyes concerning better cleanup of the general area surrounding the Landfill. Ms. Cope is concerned because she observed an extremely large amount of debris over the weekend.

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

Attest:

Richard E. Thompson
Executive Secretary-Clerk