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IN BOARD OF SELECTMEN
MONDAY, JULY 31, 1989

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

The statutory requirements as to time and place having been met, the meeting was called to order by Chairman Drobinski at 7:40 p.m. at lower Town Hall.

Utility Petition 89-20 - Magnolia Road

Present: Stephen Kane of Boston Edison Company; Joseph Bausk of New England Telephone and Telegraph Company.

The Board reviewed Utility Petition No. 89-20 submitted by Boston Edison Company and New England Telephone and Telegraph Company for guy wire and anchor on Magnolia Road. Stephen Kane, representative of Boston Edison Company, explained that this work is necessary in order to support existing pole 161/2.

Executive Secretary Thompson noted that all appropriate abutters had been notified and approval had been recommended by the Inspector of Buildings and Wiring Inspector under date of July 21, 1989.

Abutter Robert P. Smith of 12 Magnolia Road was present and expressed his concern as to the number of wires that will be needed and the placement thereof. Mr. Kane explained that there may be two strands required, and that nothing will be located on private property.

After further discussion, in response to inquiry by Chairman Drobinski as to whether his concerns have been adequately addressed, Mr. Smith stated that he has no problem with the proposed work, but wished to state that he believed the pole is not on public property, as contended by the utility companies, but is in fact located on his property. Mr. Smith was assured that the companies will have to receive his permission to do any work on his property and Mr. Kane stated the company will comply with the laws and take into consideration Mr. Smith's concerns.

On motion of Selectman Cope, it was unanimously

VOTED: To approve Utility Petition 89-20 of Boston Edison Company and New England Telephone and Telegraph Company for permission to locate and construct guy wire and anchor in the following public way of the Town: Magnolia Road - northeasterly side approximately 182 feet southeast of Dutton Road; as shown on plan of Boston Edison Company entitled "Plan of Magnolia Rd. Sudbury", dated May 12, 1989.

Utility Petition 89-21 - Boston Post Road

Present: Stephen Kane of Boston Edison Company; Joseph Bausk of New England Telephone and Telegraph Company.

The Board reviewed Utility Petition No. 89-21 submitted by Boston Edison Company and New England Telephone and Telegraph Company for relocation of one pole on Boston Post Road. Stephen Kane, representative of Boston Edison Company, explained that this work was requested by the Town. Executive Secretary Thompson reported that on July 13, 1989, Town Engineer I. William Place informed that presently there are three poles at the site and two of them should be removed. Mr. Kane acknowledged this situation and assured that the work will involve the removal of two of the three poles presently located at that site.

Executive Secretary Thompson noted that all appropriate abutters had been notified and approval had been recommended by the Inspector of Buildings and Wiring Inspector under date of July 21, 1989.

On motion of Chairman Drobinski, it was unanimously

VOTED: To approve Utility Petition 89-21 of Boston Edison Company and New England Telephone and Telegraph Company for location of one pole in the following public way of the Town: Boston Post Road - northerly side at Horse Pond Road; and the removal of one (1) existing JO pole; as shown on plan of Boston Edison Company entitled "Plan of Boston Post Rd. Sudbury", dated March 29, 1989.

Utility Petitions 89-22 and 89-23 - Landham Road/Jason Drive

Present: Stephen Kane of Boston Edison Company; Joseph Bausk of New England Telephone and Telegraph Company.

The Board reviewed Utility Petition Nos. 89-22 and 23 submitted by Boston Edison Company and New England Telephone and Telegraph Company for installation of conduit and pole 15/26A in Landham Road. Stephen Kane, representative of Boston Edison Company, explained that this work is necessary in order to provide underground service to the new Evergreen Meadows development on Jason Drive.

Executive Secretary Thompson noted that all appropriate abutters had been notified and approval had been recommended by the Inspector of Buildings and Wiring Inspector under date of July 21, 1989.

On motion of Chairman Drobinski, it was unanimously

VOTED: To approve Utility Petitions 89-22 and 23 of Boston Edison Company and New England Telephone and Telegraph Company for the purpose of installing forty-eight (48) feet of conduit and pole 15/26A in Landham Road at and northerly from Jason Drive; as shown on two plans (conduit and pole) of Boston Edison Company entitled "Plan of Landham Rd. Sudbury", dated May 15, 1989; and N.E.T.&T. Co. Plan No. 89-14 entitled "Plan for Conduit Location 641991", dated July 18, 1989.

Utility Petition 89-24 - Poplar Street

Present: Joseph Bausk of New England Telephone and Telegraph Company.

The Board reviewed Utility Petition No. 89-24 submitted by New England Telephone and Telegraph Company for installation of conduit in Poplar Street and across Dutton Road. Joseph Bausk, representative of New England Telephone and Telegraph Company, explained that this work is necessary in order to provide connective service between Poplar Street and Dutton Road.

Executive Secretary Thompson noted that all appropriate abutters had been notified and approval had been recommended by the Inspector of Buildings and Wiring Inspector under date of July 21, 1989.

Abutter Frederick N. O'Brien was present and reiterated his position to Mr. Bausk that he would not allow New England Telephone and Telegraph Company to locate anything on his property. Mr. Bausk acknowledged this and explained that is the reason for the plans being submitted as drafted.

On motion of Chairman Drobinski, it was unanimously

VOTED: To approve Utility Petition 89-24 of New England Telephone and Telegraph Company for the purpose of installing approximately eighty-five (85) feet of conduit in Poplar Street and fifty-three feet of conduit across Dutton Road; as shown on N.E.T.&T. Co. Plan No. 89-13 entitled "Plan for Conduit Location 213235", dated July 13, 1989.

Board of Assessors - Election

Present: Assessors Thomas H. Hillery and Robert E. Tellis; Assistant Assessors Daniel A. Loughlin and Mary Walsh; candidates Raymond T. Wood, Jr., Fred N. Haberstroh and Manfred G. Rudolf.

Chairman Drobinski called to order a joint meeting with the Board of Assessors; 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 on the Board of Assessors due to the resignation of John T. Hannan. Mr. Thompson acknowledged receipt of applications from Raymond T. Wood, Jr., Fred N. Haberstroh and Manfred G. Rudolf.

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

Chairman Drobinski opened the floor to nominations. Selectman Drobinski's nomination of Raymond T. Wood, Jr. received a second; Selectman Cope's nomination of Fred N. Haberstroh received a second; and Selectman Wallace's nomination of Manfred G. Rudolf 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:

Judith A. Cope	VOTED TO ELECT Fred N. Haberstroh
John C. Drobinski	Raymond T. Wood, Jr.
Thomas H. Hillery	Fred N. Haberstroh
Robert E. Tellis	Raymond T. Wood, Jr.
David A. Wallace	Fred N. Haberstroh

Executive Secretary Thompson notified Chairman Drobinski that Fred N. Haberstroh of 152 Moore Road had been elected to serve on the Board of Assessors until the effective date of the next Annual Town election.

Chairman Drobinski thanked all candidates for their interest and there was a consensus that they should keep in contact with the Selectmen's Office so that their expertise and interest might be utilized in other areas of service to the Town.

Site Plan Special Permit 89-311 - Chiswick Trading Company

Present: J. Arnold Nickerson; Frank Vana; Theodore Pasquarello of Paris Trust (Chiswick Park); Douglas Resnick, Esquire; Frederic King and Bruce Thomas of Schofield Brothers, Inc.; Andrew D. Magee, Rizzo Associates, Inc.; Planning Board Chairman Russell Kirby and members Lael Meixsell, James P. Watterson and Peter Anderson; Building Inspector Joseph Scammon; approximately thirty townspeople.

Chairman Drobinski convened a Public Hearing to consider the application #SP89-311 of Paris Realty Trust (for Chiswick Trading Company) for a Site Plan Special Permit in accordance with Sudbury Zoning Bylaws, Article IX.V.A, for revision of Site Plan Special Permit #85-293-2 relative to the Phase II portion, involving reduction by 30,000 square feet of approved building construction for mixed limited industrial use and new construction of an 11,450 square foot 500-seat theatre club, at 490 Boston Post Road, Limited Industrial District #1; which application was received May 31, 1989.

Executive Secretary Thompson informed that notice of this public hearing was duly posted and advertised in accordance with applicable laws and that all parties in interest have been notified as required. The Board acknowledged receipt of the following:

1. Submitted as a preliminary report, memorandum dated June 20, 1989, to the Planning Board regarding work proposed within the Water Resource Protection District, from the Conservation Commission recommending the permit not be granted in this area for the use proposed, and outlining its concerns as follows:

- the plan shows alteration of wetland areas on the site, which the Commission believes is subject to the jurisdiction of the Wetlands Protection Act and will require a Notice of Intent filing;
- the plan did not show a septic system location; if the proposal will be to use the existing leaching fields, sufficient

capacity must be available; any food service proposed or contemplated in the future by the theatre must be considered when determining septic system capacity; and no increase in effluent amounts should be allowed unless the existing system meets all current regulations;

- drainage is shown as being collected in a series of catch basins with a point source discharge directly into a wetland resource area; the Commission recommends, at a minimum, grease and gas traps in the catch basins with overland flow or retention basins;

- the increase in impervious surface with the high potential for runoff polluted with petroleum products, the alteration of wetlands areas and the increase in septic effluent can create a situation resulting in a decrease in water quality in our town wells.

Conservation Coordinator Deborah Montemerlo added a postscript dated July 26, 1989, informing that at the time the foregoing was written, the Commission did not have the Water Resource District information from Schofield Brothers, Inc. Ms. Montmerlo informed that this will be reviewed and will have further comment after August 7, 1989.

2. Memorandum dated July 12, 1989, from Fire Chief Michael Dunne, offering the following comments:

- the building must be fully sprinklered and the sprinkler plans must be stamped by a registered professional engineer certifying that fire flows are adequate; and

- recommending the elimination of six parking spaces at the front of the building and that this area and the driveway on the south side be designated as fire lanes in accordance with Bylaw Article V, §22.

3. Letter dated July 21, 1989, from Town Engineer I. William Place, commenting as follows:

- the groundwater table contour map prepared by Rizzo Associates, Inc. shows a ground water elevation of 138.00 in the location of the proposed catch basin. It would appear that the majority of the drainage system will be in the water table. To prevent direct contamination of the water table I would suggest precast concrete manholes and catch basins, and fulltime inspection of the system specifically pipe joints and bedding;

- Under Zoning District, Zone II should be added to the General notes;

- Wetland buffer zones have not been shown;

- the landscape plan lacks existing and proposed contours at two foot intervals;

- building plans have not been received;

- the information provided on the Grading, Drainage, Erosion Control, Parking, Utility, and Lighting Plan relative to Phase I appears to have been taken from the original design plan and is not from an as-built survey. The Board should be assured that the buildings, parking, etc., as shown are in accordance with field locations;

- suggestion that the Saturday afternoon matinee from 2 p.m. to 4:30 p.m. be changed to 4:00 p.m. to 6:00 p.m. From a general survey the traffic in the area is still quite congested to mid-afternoon and changing the hours will help prevent any further congestion of traffic.

4. Memorandum dated July 24, 1989, from Health Director Robert C. Leupold, to the Planning Board regarding the project being within the Water Resource Protection District, advising that based on his review of the "Computations of Estimated Sewage Flows for Chiswick Park with Proposed Phase II Revisions" dated June 28, 1989, by Schofield Brother, Inc., and based upon the existing usage, allowances for use of vacant space and original design flows, the existing septic system is adequate for the proposed 500-seat theatre; and concludes by stating that test holes suggest that the leach area for Chiswick Park is not located on surficial deposits meeting Zone II criteria, and that overall the proposed 500-seat theatre is compatible with the septic design and reduces the risk of potential contaminants associated with some light industrial uses.

In a memorandum to the Selectmen dated July 28, 1989, concerning this site plan, the Health Director added that there is adequate area for replacement of the leach areas, and he recommends monthly pump meter readings for the first six months of theatre operation and annual readings thereafter. Mr. Leupold recommends approval of the site plan.

5. Letter dated July 26, 1989, from Joyce Wells Fantasia, Chairman of the Design Review Board, advising that the following suggestions have been made:

- the tile facing on the front of the building should "step down" as it approaches the right, and wrap around the corner of the east elevation;

- the building requires an attractive presentation, setting it off from the surrounding parking lot. This should include a people-oriented courtyard or plaza;

- landscaping should draw the eye along the angle of the entrance drive to and through the plaza to the theatre entrance. A treed plaza might accomplish this. The repetition of walkway texture could further unite the lobby with the plaza. The landscaping would also provide a place for patrons to congregate;

- concern about the blank east wall, which would be the presentation side for those entering from Union Avenue. While this wall should not detract from the front/marquis side, landscaping could be used to soften its effect;

- the sign on the marquis was described as low-relief metal, curved to echo the curve of the marquis. No self-illumination (backlighting) is to be used. The applicant is reminded that a complete sign design is to be included as part of the site plan.

6. Letter dated July 27, 1989, from Building Inspector Joseph E. Scammon, recommending approval of this site plan and offering the following comments:

- applicants will have to satisfy that the proposed endeavor is indeed a bonafide club organized under the appropriate statute of the Massachusetts General Laws;

- the landscape plan has been prepared by a registered landscape architect, and shows the use of 221 trees and shrubs, of 12 varieties, in plantings about the theatre and building extension. The plan has well over the minimum 30% open space;

- an analysis of the parking calculations, both in the brochure and the plan sheets, causes him to believe the engineer has used a conservative approach in estimating the required parking for the several vacant spaces in both complexes;

- this plan shows a total of 414 parking spaces, lined and unlined, with a required 273 needed for non-theatre hours and 270 needed for theatre hours, which makes for an excess of 141 over the 273, or 51%;

- during show hours 202 spaces are required, one per employee (35) and one per three seats in the auditorium (167) for the theatre, plus 68 for other tenants (270). This leaves an excess of 144 spaces, or 53% extra;

- the future spaces on the northerly site should be striped with the exception of the 43 spaces at the northwest corner. That would then be 101 spaces over that required for show hours.

Mr. Scammon concluded by stating that he believes this concept for a theatre on this site has a number of advantages over any other site, in that it is remote from any residences, operates at off-peak hours with direct access to a State highway, and has an abundance of parking.

7. Letter dated July 27, 1989, from Jim McKinley, Chairman of the Traffic Management Committee, outlining three considerations concerning the proposed facility:

- the impact upon traffic in the critical section of Route 20 between Nobscot Road and Union Avenue, especially during Saturday afternoons;

- the reported operation of this facility as a "club"; and

- the ability to harmoniously integrate this facility in the Sudbury Village Project.

Mr. McKinley's letter stated the Traffic Management Committee recommends approval be withheld unless and until the following have been addressed to the Town's satisfaction:

- the Town should perform an analysis, cost to be borne by the proponent, of the impact of this facility on Saturday traffic on Route 20;
- the proposed use of this facility appears to be public entertainment, regardless of what it might be called or how it might be organized. The permitted use should be adequately clarified before an inappropriate precedent is set; and
- the proponents and the Sudbury Village Design Committee, together, should determine how such a facility might be integrated into the Project.

8. Letter dated July 28, 1989, from Town Planner Lee Newman advising that at the Planning Board's meeting of July 24, 1989, it was voted to recommend disapproval of the Special Permit application for use as a professional theatre. The Board notes that the Sudbury Zoning Bylaw only authorizes an indoor theatre (Section IX.III.B.2.d) within the Business District and that had the Town intended for a theatre use to be allowable within the Limited Industrial, it would have specifically provided for such within the language of the bylaw.

Ms. Newman went on to state that the Board further notes that the bylaw authorizes theatres (Section IX.III.B.2.d) and private club activities (Section IX.III.B.2.h) as separate and distinct activities within the Business District, but only authorizes the private club activity (Section IX.III.C.1.c) within the Limited Industrial District.

Ms. Newman concluded by stating that the Planning Board is supportive of the concept of bringing legitimate theatre to Sudbury and expressed a desire to work with Mr. Nickerson to determine how such a facility might be integrated into the Sudbury Village Project in conformance with zoning.

In response to inquiry by the Executive Secretary, Frank Vana, Director of Real Estate Planning and Development for the Chiswick Park proposal, confirmed they have received copies of the foregoing.

At the invitation of Chairman Drobinski, Frank Vana commenced a presentation on behalf of Paris Realty Trust (Chiswick Park) relative to its plans for locating a professional theatre on a site previously approved for a warehouse. Mr. Vana introduced the principals of this venture.

By way of background, Mr. Vana clarified that the purpose of this public hearing was to obtain a site plan revision, not a site plan, and explained that the present site plan was first approved in 1987[SIC] [N.B. Site Plan 85-293-2 was approved in 1986]. With the use of a map, Mr. Vana located the site in question, pointing out two entrances/egresses to Chiswick Park, one from Route 20 and the other from Union Avenue. As he

mentioned earlier, Mr. Vana explained that the site plan had been approved over two years ago and in February of this year construction was stopped because of weather constraints and construction was expected to reconvene in the Spring with the laying of a foundation for a 40,000 square foot structure.

Mr. Vana went on to say that in January of 1989 he presented the possibility to Nickerson Theatres of locating a second theatre in Sudbury in the Chiswick Park complex. He said that J. Arnold Nickerson has run an extremely successful professional theatre in Norwell, and the placement of one in Sudbury would be the only other one run by Mr. Nickerson in Massachusetts. Upon taking this proposal to all appropriate boards of the Town, as well as to many of the townspeople, Mr. Vana was pleased to discover an overwhelmingly positive response in both the public and private sectors, and based on this, Theodore Pasquarello of Paris Realty Trust, the owner of Chiswick Park, made a decision to place on hold his scheduled completion of construction of a warehouse and agreed to explore the possibility of having a professional theatre located in its place.

Mr. Vana pointed out the great amount of favorable publicity Mr. Nickerson has received in the media concerning his highly-successful theatre in Norwell, which is going into its fifth year of operation. Mr. Vana explained that Mr. Nickerson proposes to bring this same leading professional, live theatre to Sudbury, presenting comedies and tragedies, mysteries and thrillers, classicals and musicals. He stated, because of the proposed location, there would be plenty of free parking and no added congestion to the traffic in Sudbury because of the times of the performances. A theatre of this caliber, Mr. Vana commented, would allow the residents of Sudbury to enjoy the very best in live entertainment without having to endure the high cost and traffic problems attendant to travelling into Boston.

Mr. Vana continued by stating that ordinarily he would not recommend bringing back for revision an approved site plan, as the original site plan process was costly and time-consuming. Thus, understandably, when he approached Mr. Pasquarello with his theatre club proposal, Mr. Pasquarello's initial reaction was one of disbelief and resistance; but when the theatre in Norwell was visited, Mr. Pasquarello became convinced that this would be a great opportunity to bring quality live theatre to Sudbury.

Mr. Vana stated that on February 2, 1989, he forwarded a complete formal package to the Board of Selectmen, along with copies of very favorable comments from various Town boards and officials. Based on the overwhelmingly-favorable response, Mr. Vana recommended to Mr. Pasquarello that he postpone his scheduled construction; and with a sense of reluctance, and at a great deal of expense, he has agreed to do so, because he realizes not only the great potential benefit to himself but to the Town of Sudbury and its residents. Mr. Vana reiterated some of the highlights of that letter, such as

- a 500-seat professional theatre club would revise the current site plan by cutting out the proposed 40,000 square foot building and

constructing in its place a 12,000 square foot theatre building; thus cutting the density of the building by approximately 50%.

- the theatre club would be able to use the current parking spaces to take care of theatre parking.

- the theatre club will operate from 7:30 p.m. to 11:30 p.m., which will have minimum impact on traffic on Route 20. The matinees on Saturday will start at 4:00 p.m., well after the time for highest density of traffic.

- operation of a theatre involves very little water consumption, with a peak time during intermission.

- the residents and officials of Norwell have indicated their Town is as proud of the Nickerson Theatre as Sudbury is of the Wayside Inn.

- operation of Nickerson Theatre in Sudbury means the children will be able to enjoy traditional performances of such classics as "A Christmas Carol", and will allow many of them to see a live play for the very first time.

- the business community will greatly benefit from the location of a professional theatre in Sudbury; such as a well-established fact of increased restaurant business in the area surrounding the theatre.

Mr. Vana added that based on his research, location of Nickerson Theatre will conservatively increase the tax base by \$40,000.

As far as operation of the theatre is concerned, Mr. Vana explained that there would be approximately six to seven plays a year, operating Monday through Sunday, with a matinee on Saturday. Contrary to what many community theatre groups may fear, it has been proven that a professional theatre benefits amateur groups. Mr. Vana further explained that Mr. Nickerson has given very special consideration to the needs of the handicapped and assures their needs will be well taken care of.

Mr. Vana informed that he has been working with the Design Review Board and feels there is a very positive working relationship there.

With regard to the aquifer question, Mr. Vana gave his opinion that he does not believe the location in question is located in Zone II, and he thus believes it is a non-issue.

Chairman Drobinski noted many concerns expressed in the aforementioned memoranda and letters from the various boards and departments and asked if Mr. Vana could address same.

With regard to the July 27th letter from Building Inspector Joseph Scammon (see Paragraph 6 above) concerning the designation of the theatre as a bona fide club, Mr. Vana informed that since that communication he has consulted with legal counsel which resulted in a two-page communication to the Building Inspector. It is Mr. Vana's understanding that Mr. Scammon has made a favorable interpretation of the status of the

theatre and has interpreted it as coming within the designation of a club. Mr. Nickerson added that he believes it is entirely possible to operate the theatre in that manner and stated that based on his Norwell theatre, he would anticipate approximately 85% of the theatre-goers are season ticket holders.

Douglas Resnick, Esquire, representing Paris Realty Trust, further explained that his research has not revealed any zoning cases defining the word "club"; and he does not believe that under the Town's bylaw there is particular discrimination about the type of activity being proposed. Because of a detected vagueness in the current bylaws, Attorney Resnick informs that a proposed article is presently being prepared for submission at the September 12, 1989 Special Town Meeting, which hopefully will change the bylaw to specifically include live theatre as a permitted use. Until and unless this is accomplished, Attorney Resnick concluded, the theatre will be entirely prepared to service the public and comply with all rules and regulations pertaining to the operation of a club.

There followed a discussion concerning the parking situation and Frederick King of Schofield Bros. Inc. stated that based on current zoning, the parking is adequate for the site as proposed (114 parking spaces). Mr. King explained that it was impossible to provide a figure for the maximum use of a site and Attorney Resnick commented that although a changed use may require additional parking, that is something that would have to be addressed before the appropriate Town boards, should the occasion arise. Attorney Resnick opined, and Mr. Pasquerello concurred, that ongoing monitoring of the tenants in the office park is the best way to assure zoning requirements as to parking are being enforced. Mr. King further informed that as a result of the concerns expressed by Fire Chief Dunne, they have removed the parking right in front of the building.

Bruce Thomas of Schofield Bros., Inc. presented the proposed landscaping plans.

In answer to inquiry by Selectman Cope, Mr. Nickerson stated that other than the usual intermission beverage refreshments offered, there would be no food allowed on the premises.

Selectman Wallace stated that he had an opportunity recently to visit the Norwell theatre and he was very impressed personally. Mr. Wallace stated that based on what he experienced, he feels that if there were some way this could come to Sudbury, it would be good for the Town. Mr. Wallace acknowledged that there are a number of serious questions and concerns that need to be addressed, and for that reason he would not be comfortable in taking a position this evening.

Mr. Wallace stated his opinion that he believes Mr. Pasquerello has proven himself to be a very responsible landlord; and he further opined that Mr. Nickerson will bring a great deal of culture to the Town.

Mr. Wallace concluded his comments by acknowledging the plans of the Sudbury Village Project designers and commended them for their desire to

bring downtown into a pleasant walking area. Mr. Wallace stated he is aware of the "Village" planners being concerned that placement of a theatre in the Chiswick Park complex would place it outside of their planned area and may not therefore work well with the plans; however, Mr. Wallace stated, he believes this is something that can be worked out.

Chairman Drobinski opined that conceptually he believed the idea was a great one and would welcome such a theatre with open arms. However, he concurred with Selectman Wallace that there are issues that must be addressed that could impact on the Town.

Chairman Drobinski then invited comments from the public and the following comments were made:

- resident Joseph A. Klein of 45 Stone Road stated his opposition to the proposal based on his concerns with the zoning bylaw and stated his basic objection is to the process. Mr. Klein also stated that he believed the Town will be setting a dangerous precedent and urged the Selectmen to think long and hard on this proposal.

- resident Charles Reynolds of 38 Hilltop Road stated that he and his wife went to the Norwell theatre and got "hooked" on it. Mr. Reynolds stated that he and his wife have been in Sudbury 28 years and they think the Town has very strong spiritual and cultural values that could be met with the addition of such a professional live theatre. Mr. Reynolds concluded by stating that he hoped the Selection can sift the problems out, resolve them and give a resounding 3-0 affirmative to a Nickerson Theatre in Sudbury.

- resident Richard Davison of 50 Dutton Road echoed Mr. Reynolds' sentiments, and pointed out that Mr. Nickerson has been running a profitable, professional operation in Norwell for several years, and Sudbury should realize what an asset he would be to the Town. As a member of the Sudbury Foundation, he stated that when a needs assessment was recently completed by residents, it clearly showed there was a need for cultural activities. Mr. Davison concluded by stating that he is a supporter of the Sudbury Village concept, but recognizes that it will take a very long time to make the plans a reality. Mr. Davison stated that he believed it would be a mistake to not go forward with something like this theatre because of a long-term concept; and he hoped the Selectmen will find the courage to support this good idea.

- resident Donald Soule read a prepared statement concerning his firm support for the Nickerson Theatre. Mr. Soule informed that he has been in an advisory capacity to Mr. Nickerson since the siting of the original theatre in Norwell; and believes strongly that the placement of a second theatre in Sudbury would be mutually beneficial to all.

Joy Goff of the Traffic Management Committee called the Selectmen's attention to a case she recently came across, Carpenter v. Zoning Board of Appeals of Framingham, which defines "club", and recommended it be read before any decisions are reached.

Dr. William Adelson of the Sudbury Community Arts Center stated his support for the theatre and expressed his belief that rather than suppress local arts, a professional theatre will serve as an example and encourage more interest and activity on the local level.

Sudbury Village Design Committee member Frank Riepe displayed a model of the Sudbury Village Project and showed how siting the theatre at the Chiswick complex would place it outside the conceptualized boundaries of the Village area. Mr. Riepe suggested that a better location would be at the present Hilco site at the intersection of Station Road/Route 20. Mr. Vana pointed out that since the Sudbury Village Project is still admittedly conceptual and cannot be realized for at least ten years or more, it is unreasonable to expect Mr. Nickerson to consider a site that is unsuitable for his present needs. Mr. Vana also felt compelled to remind those present that this is a business venture that he and others have worked long and hard with, and does not believe it fair that someone can take their idea and labors and adapt them to their own use.

- resident Anita Pearson of 34 Washington Drive commented that the Town would do well to remember all that Ted Pasquerello has done for the Town with his development of Chiswick Park. Mrs. Pearson pointed out the serious Coatings Engineering problem at that location and Mr. Pasquerello's responsible and concerned response in getting that area cleaned up. In conclusion, Mrs. Pearson stated that the Chiswick complex has proven to be a good clean operation and the Town should not treat lightly the fact that it has a good "clean" landlord in Mr. Pasquerello.

Russell Kirby, Chairman of the Planning Board, stated that the Board is pretty much in favor of a theatre; but they believe the language of the bylaw is an impediment to the proposal.

Mr. Kirby reiterated the Board's feeling with regard to the bylaws, as set forth in its letter dated July 28, 1989 (Paragraph 8) above. It is the Board's position that the zoning regulations make a distinction between a clubhouse and an indoor theatre; and he reiterated the Board's suggestion that the applicant go before Town Meeting for an amendment if they are that certain the Town would support them.

James Watterson of the Planning Board stated that as a lover of the theatre, he certainly would like to see a theatre in Sudbury. However, he stressed that the discussion is on the merits of the process. Mr. Watterson voiced his encouragement that something could be worked out by citing another situation everyone thought was pretty much unsolvable, but with communication and a lot of work, things were worked through to a mutually-beneficial end. Mr. Watterson extended the invitation he made three months ago to Mr. Nickerson to sit down with the Planning Board and hopefully come to a swift resolution of the matter.

Selectman Cope stated that she would treasure a theatre but wants to be certain the environmental concerns are addressed and protected.

After further discussion, it was on motion unanimously

VOTED: To continue the public hearing to consider the application #SP89-311 of Paris realty Trust (for Chiswick Trading Company) for a Site Plan Special Permit in accordance with Sudbury Zoning Bylaws, Article IX.V.A, for revision of Site Plan Special Permit #85-293-2 relative to the Phase II portion, involving reduction by 30,000 square feet of approved building construction for mixed limited industrial use and new construction of an 11,450 square foot 500-seat theatre club, at 490 Boston Post Road, Limited Industrial District #1, for further discussion among the Selectmen only, to August 14, 1989, pursuant to mutual consent of the applicant and the Board of Selectmen.

Chairman Drobinski thanked all those for their attendance and input, and adjourned the public hearing at 10:20 p.m.

Sudbury Educational Center - Curtis School After-School Care Program

Present: Sudbury Schools Superintendent David E. Jackson; Town Treasurer Chester Hamilton.

At 10:20 p.m., Chairman Drobinski called to order a meeting with sponsors of the Sudbury Educational Center, an afterschool child care program proposed to be conducted at the Curtis Middle School.

The Board acknowledged receipt of copy of memorandum dated July 14, 1989, to Rosalyn J. Drawas from Assistant Town Counsel David J. Doneski responding to her telephonic communication of July 12, 1989; and copy of letter dated July 28, 1989, to Dr. Jackson from Attorney Doneski enclosing a draft agreement between the School Committee and the Sudbury Education Center.

Executive Secretary Thompson reminded that this matter had been before the Selectmen on June 5, 1989, and at that time the Selectmen approved the concept of a fee-based after school child care program located at Curtis Middles School. Since that time, he has learned that the program was being developed in a less-autonomous manner than he and the Selectmen had envisioned it. In the interim an agreement has been drafted by Town Counsel's Office, as noted above. For these reasons, Mr. Thompson believed it was necessary to bring the matter back before the Selectmen and to see if the Board will vote to authorize the signing of the agreement as drafted, revoke its June 5th support of the concept, or take other action based on this evening's discussion.

Mr. Thompson stated that his opposition to the plan as it has developed is that he believes it puts additional people on the payroll of the Town and brings up the question of the Town's liability. Mr. Thompson went on to say that he continues to support the concept of an afterschool program for students, but when so much is having to be cut out of the Town's budget and not knowing what further cuts will be needed, he cannot support adding to the Town's fiscal burden by adding to the payroll and having to worry about incurring liability. Mr. Thompson points out that this program is not really directly related to education and is simply an extended day care operation; and that no matter how much assurance the Town is given about insurance coverage or indemnification, he strongly

believes that if a litigious situation arises, the Town will be named a defendant.

Chairman Drobinski concurred with Mr. Thompson that on June 5th the Board simply agreed to the concept, and that is why they would like to hear some clarification and particulars from Schools Superintendent David E. Jackson.

Dr. Jackson stated that the development of a program began at the request of parents who expressed themselves at public hearings concerning reorganization of grade levels within the school district. The School Committee assisted the parents in creating such an afterschool program and asked him for guidance, and under the provisions of Chapter 26 he determined the School Committee could so assist.

Dr. Jackson explained that the program as designed will be completely self-supporting through a revolving fund. All employees will be part-time (less than 20 hours per week) so that he believes they will not qualify for benefits. The Director of the program will be fulltime, but she has already agreed to decline medical benefits. Dr. Jackson stated that Workman's Compensation costs would be covered by the group that will be managing the program; and that will also be paid out of the revolving fund. With respect to the liability issue, Dr. Jackson believes the part-time workers will be covered under the School's and Town's liability insurance policy the way any after-school activity is. Dr. Jackson brought out such activities as intermural sports, chess club, computer club, etc.; and he believes all of those programs are of the same nature as and may be included within the proposed afterschool extended day program. Dr. Jackson further stated that as best as he can tell from the information received from the insurance carriers, this would not increase liability premiums.

In response to inquiry by Chairman Drobinski, Dr. Jackson stated that the Agreement may be for a one-year period.

Chairman Drobinski further inquired about the extended day program in effect at Noyes School, and Dr. Jackson stated that he believes those employees operate not as an adjunct of the School Department, and they essentially lease space from the school. When asked by Chairman Drobinski why it was not thought to run the Curtis Middle School in a similar manner, Dr. Jackson informed that the way the extended day program is run at Noyes requires licensing through the State's Office For Children. Dr. Jackson explained that they did not want those conditions at the Curtis Middle School with respect to staff/student ratios and space concerns, etc. The Curtis program, as developed, if approved by the School Committee, would not need the approval of the Office For Children and meets the same regulations as the Office For Education.

Town Treasurer Chester Hamilton expressed his frustration in attempting to find out exactly what was being done. From what he has learned tonight, such things as institution of a revolving fund, he believes there are some very serious questions left unanswered; and he expressed his strong opinion that this is something that should be operated totally independently from the Town.

Mr. Thompson expressed his confusion at what was said about the number of full-time employees, because it has been his understanding that there were to be two or three full-time employees. Also, it should be kept in mind that even if the first Director of this program may agree to decline benefits, that would be no guarantee that a successor would also agree to do so.

Dr. Jackson responded that during beginning discussions with Assistant Town Counsel David Doneski as to how to arrange all this, his advice was sought as to what would be the proper payroll procedure. Basically, Attorney Doneski offered two alternatives: (1) each of the department people who work would be paid directly through the Town payroll system; or (2) the School Committee would authorize a payment out of the revolving fund to the managing agent, who would pay all the individuals from that. Dr. Jackson stated that it was their intent to work with Town Counsel's Office and Town Treasurer's Office to work this out the best possible way so that no one is unduly burdened. Dr. Jackson reiterated that they felt this was a request from a significant number of parents; the fact that adolescents in this Town have very little to do after school is fairly well accepted; and they felt this was a way of offering a service to the Town by facilitating through the School Committee what the parents' wishes are. Dr. Jackson stressed that they do not wish in any way to burden any of the Town offices or the procedures.

Mr. Hamilton stated that he supports the concept, but not the format as being presented.

Dr. Jackson provided the Selectmen with copies of the brochures they have prepared for mailing concerning the program. It was noted that the cost for a 13-week session is \$701; and Mr. Thompson questioned how this high fee can make it available to all children of Sudbury.

In response to inquiry by Selectman Wallace, Dr. Jackson informed that although the partnership is located in Sudbury, not all partners are residents of Sudbury.

Selectman Wallace opined that since things have gone so far and school is opening in such a short time, he feels the Selectmen should go along with this, but only for one year. Mr. Wallace also made it clear that he believed a proper indemnification agreement must be signed by the partnership personally before Selectmen's approval is granted; and that there be no cost to the Town.

After further discussion it was on motion unanimously

VOTED: To rescind the Selectmen's vote of June 5, 1989.

And it was on motion of Chairman Drobinski further unanimously

VOTED: To approve the Curtis After School Program operated by the Sudbury Educational Center, a private partnership, for a period of one year only, under the following conditions:

Pages 302-3-4 are duplicates of pages 262-3-4
and are inserted in error.

IN BOARD OF SELECTMEN
EXECUTIVE SESSION
MONDAY, JUNE 26, 1989
(10:15 p.m. - 11:00 p.m.)

Ft. Devens Land.

Present: Gordon Tucker, Abutter to Ft. Devens Land; Town Counsel Paul Kenny.

The Selectmen discussed how to proceed relative to the United States Army Ft. Devens Training Annex property; and in particular how to respond to notice dated June 13, 1989 and received June 14, 1989, from General Services Administration advising that the Government is affording the Town the opportunity to purchase approximately 184 acres at the subject location and setting forth the terms and conditions for purchase of all or a portion of the site.

Executive Secretary Thompson informed that he has learned that the Town of Hudson has approximately 30-35 acres of land involved in the exessing process with the federal government, and that Town is considering responding that they have an interest in the property, but not at the government's asking price of \$50,000 per acre.

Town Counsel Paul Kenny opined that a counter-offer of any amount less than the asking price would probably not be a legally-sufficient response to the notice.

Executive Secretary Thompson stated that he believes it is still necessary to determine an outside limit of what the Town might reasonably consider paying for the property. As a preliminary consideration to this possibility, the Selectmen discussed the Town's present and projected financial situation and the concern they have that the Town not become polarized in having to make a choice of this land versus, for example, more money for the schools. To this end, the Selectmen clarified to abutter Gordon Tucker what the Town's strategy might be with regard to obtaining this land. Mr. Thompson explained that it was necessary for Mr. Tucker to fully understand the legal and fiscal problems attendant to obtaining the land because, as representative of the Neighborhood Planning Association, he might be in a position to elicit support and creative input for the Selectmen's course of action.

Executive Secretary Thompson further informed that United States Representative Chester Atkins visited the property and expressed the possibility of his filing legislation to enable the Town to obtain the property. However, Mr. Thompson continued, to date he has heard nothing from Representative Atkins concerning this and he therefore does not believe the Town should rely on a political solution.

A few options were discussed, including that of doing nothing and letting the property go to public auction. It was Mr. Thompson's opinion that this may be a viable alternative to the Town, because of the current general economic climate.

Attorney Kenny opined that the zoning issue may be a good bargaining chip with the government. The Selectmen were reminded that the bylaw passed at the 1985 Town Meeting providing that the subject property be designated Open Space, has been challenged by the General Services Administration. Expanding on this concept, Mr. Thompson described a similar situation he believed to be on Long Island, where the government-owned land was advertised for public auction and the community involved responded by placing an advertisement putting all potential buyers on notice that the land was zoned Open Space.

Mr. Tucker expressed his belief that a strong show of support for the proposed development set forth by the Sudbury Housing Authority, with massive media exposure, might bring political pressure on the government to "put its land where its mouth is" with regard to dealing with the homeless issue in America. Selectman Wallace concurred that this could be a source of embarrassment to the General Services Administration and hopes the Sudbury Housing Authority will continue to vigorously pursue its plan.

There was also a concurrence voiced that Sudbury should make known its two priorities with regard to this property are affordable housing and conservation.

Selectman Wallace concurred with the Executive Secretary's previous comments about reviewing the pertinent documents relating to the suit instituted in the United States District Court For the District of Columbia by the National Coalition for the Homeless, et al, which Mr. Wallace believes resulted in a permanent injunction being placed on the government from disposing of any excess properties pending further litigation. If this is the case, Mr. Wallace concluded, it would be well to state the Town's position that the aforementioned notice by General Services Administration dated June 13, 1989, is in violation of the injunction order.

After further discussion, it was on motion unanimously

VOTED: To direct the Executive Secretary and Town Counsel to take whatever reasonable steps are necessary to assist the Town in its acquisition of the Fort Devens Training Annex, including but not limited to requesting the government to provide the details of its appraisal process and taking such other steps as are deemed necessary to protect the zoning bylaws of the Town and state ownership of abutting property, together with continued public ownership of adjoining property; and to authorize the initiation of litigation to insure the integrity of the zoning and use of the property, if necessary.

And it was further on motion unanimously

VOTED: To request that the Executive Secretary forward copies of any communications from the Town to the General Services Administration to the elected officials representing Sudbury in the United States Congress and House of Representatives, as well as state officials, for the purpose of keeping them apprised of developments and eliciting their support and assistance.

IN BOARD OF SELECTMEN
EXECUTIVE SESSION
JUNE 26, 1989
PAGE 3

There being no further business to come before the Board, the Chairman adjourned executive session at 11:00 p.m., and reconvened the regular session.

Attest:

Richard E. Thompson
Executive Secretary-Clerk

1. The Sudbury Educational Center provide a written personal guarantee indemnifying the Town against liability;
2. The program be operated at no cost to the Town;
3. The internal financial details, including handling the receipts of monies and payouts, be worked out to the satisfaction of the Town Accountant and Town Treasurer.

The Selectmen strongly suggested to Dr. Jackson that he work with the organizing group to find another solution to the afterschool care situation, making the program operation completely autonomous from the Town.

The Selectmen also brought to Dr. Jackson's attention the wording of the informational brochure and application being provided to the parents of the children who will be participating in this program, wherein it is stated that the Curtis After School Program is "A special program of the Sudbury Public Schools administered by the Sudbury Educational Center". It was pointed out that this statement is misleading and it should be made clear to the parents that it is the Sudbury Educational Center who is operating this program and that the Center is a private partnership not connected in any way to the Town or the Town's school system. Mr. Thompson added that all future written materials concerning this program should contain wording that the program is not so-called regular school program; ie, part of the official school's curriculum.

Police Department - Interview for position of Permanent Sergeant

Present: Temporary Sergeant Peter Langmaid; Police Chief Peter B. Lembo.

The Chairman convened an interview of Peter S. Langmaid for the position of Permanent Sergeant in the Sudbury Police Department.

Police Chief Peter B. Lembo introduced Temporary Sergeant Langmaid to the Selectmen and gave a brief history of his employment, commending Sgt. Langmaid for his professionalism, longevity and devotion to the Town; and specifically noting his lack of abuse of benefits allowed to him such as sick leave.

Chief Lembo suggested that this interview was, in his opinion, a formality since Peter Langmaid is already a Sergeant and that this will serve to re-confirm his Civil Service status.

Upon inquiry by Selectman Wallace, Executive Secretary Thompson stated that the purpose of this evening's meeting was for the purpose of interviewing only and that a decision cannot be made by the Selectmen until actual receipt of a certified Civil Service list, and the interview of three additional officers. Such interviews are scheduled for the August 14th meeting of the Board of Selectmen.

The interview concluded with Chief Lembo reiterating his recommendation as contained in his memorandum to the Board dated July 6, 1989, wherein he noted that after a careful analysis of specific criteria

considered in making a recommendation for the position of Police Sergeant, and a staff meeting with Executive Officer Lt. Nix, he strongly recommends that Temporary Sergeant Peter Langmaid be promoted to the position of Police Sergeant.

The Chairman concluded the interview by thanking Temporary Sergeant Langmaid for his attendance and for the input provided by Chief Lembo, and assured the matter will be placed on the Selectmen's agenda for decision on the soonest available date after receipt of the certified Civil Service List.

Police Department - Interview for Permanent Sergeant

Present: Acting Sergeant William Carroll; Police Chief Peter B. Lembo.

The Chairman convened an interview of William Carroll for the position of Permanent Sergeant in the Sudbury Police Department.

Police Chief Peter B. Lembo introduced Acting Sergeant Carroll to the Selectmen and gave a brief history of his employment, commending Acting Sergeant Carroll for his professional and competent discharge of his duties.

Upon inquiry by Selectman Wallace, Executive Secretary Thompson stated that the purpose of this evening's meeting was for the purpose of interviewing only and that a decision cannot be made by the Selectmen until actual receipt of a certified Civil Service list, and the interview of three additional officers. Such interviews are scheduled for the August 14th meeting of the Board of Selectmen.

The interview concluded with Chief Lembo reiterating his recommendation as contained in his memorandum to the Board dated July 6, 1989, wherein he noted that after a careful analysis of specific criteria considered in making a recommendation for the position of Police Sergeant, and a staff meeting with Executive Officer Lt. Nix, he strongly recommends that Acting Sergeant William Carroll be promoted to the position of Permanent Police Sergeant.

The Chairman concluded the interview by thanking Acting Sergeant Carroll for his attendance and for the input provided by Chief Lembo, and assured the matter will be placed on the Selectmen's agenda for decision on the soonest available date after receipt of the certified Civil Service List.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular meeting of July 10, 1989, and the special meeting of July 18, 1989.

Street Acceptances - 1989 Town Meeting Article 13

Upon review, it was on motion unanimously

VOTED: To sign Orders of Taking for streets accepted a public ways by the 1989 Annual Town Meeting under Article 13, as follows:

Portion of Centre Street
Fairhaven Circle
Hopestill Brown Road
Scotts Wood Drive
Twin Meadow Lane
Wadsworth Road

Parcel 111 Willis Lake Drive - 1988 ATM Articles 31 and 32

The Board noted receipt of two bids to purchase from the Town Parcel 111, Willis Lake Drive, shown as Parcel 111 on Town Property Map F05 and containing .17 acres, as follows:

- bid in the amount of \$5,025.00 from Royce and Barbara Greenwood of 50 Willis Lake Drive, dated June 30, 1989;
- bid in the amount of 1,501.00 from Dr. Clifford and Lora Askinazi of 47 Intervale Road, dated June 28, 1989.

It was on motion unanimously

VOTED: To accept the bid in the amount of \$5,025.00 of Royce and Barbara Greenwood of 50 Willis Lake Drive to purchase from the Town Parcel 111, Willis Lake Drive, submitted in response to the Town's invitation to bid pursuant to Articles 31 and 32 of the 1988 Annual Town Meeting; and to request the Executive Secretary to take whatever steps are necessary in order to effectuate such sale.

Parcel 140, Willis Lake Drive - 1987 ATM Article 30/1988 ATM Article 33

The Board noted there were no formal bids received in response to the Town's invitation to bid pursuant to Article 30 of the 1987 Annual Town Meeting and Article 33 of the 1988 Annual Town Meeting regarding Parcel 140, Willis Lake Drive.

The Board did acknowledge receipt of communication dated June 30, 1989, from Royce and Barbara Greenwood of 50 Willis Lake Drive, in which they offered to purchase a portion of said Parcel 140.

Given the lateness of the evening and the full agenda remaining, and being mindful of the legal considerations that must be taken into account, it was on motion unanimously

VOTED: To table consideration of disposition of Parcel 140, Willis Lake Drive to August 14, 1989.

Fire Department Headquarters - Award of Designer Contract

Upon review of memorandum dated July 27, 1989 from Bruce Ey, Chairman, Permanent Building Committee/Designer Selection Committee, regarding the award of a design services contract in connection with the

proposed construction of a new Fire Department headquarters, it was on motion unanimously

VOTED: To award the design services contract for a new Fire Department Headquarters to The Carell Group, Inc., 202 Washington Street, Brookline, Massachusetts 02146, pursuant to Article 31 of the 1989 Annual Town Meeting; and to authorize the Chairman to sign an Agreement for Phase I design work with The Carell Group, Inc., in the amount of \$7,500.00, inclusive of all reimbursables.

Fairbank Building - Award of Contract for Roof Repair

Present: Town Treasurer/Collector Chester Hamilton.

Upon review of memorandum dated July 28, 1989, from Bruce Ey, Chairman, Permanent Building Committee, regarding bids for the Fairbank Roof Project, and upon recommendation of the Permanent Building Committee, it was on motion unanimously

VOTED: To award a contract for repair/replacement of the Fairbank facility roof, pursuant to Articles 8 and 9 of the 1989 Annual Town Meeting, in accordance with "Specifications for Reroofing of the Former Fairbank School", dated July 7, 1989, by Rizza Associates, Inc., and Addendum No. 1, dated July 14, 1989, to Titan Roofing, Inc., 70 Orange Street, Chicopee, Massachusetts 01013, in the total amount of \$98,158.00, inclusive of Alternates I through IV; subject to the approval of the projects by the Emergency Finance Board, required under the borrowing statutes; and further, to authorize the Chairman to execute the contract documents.

Town Treasurer/Collector - Request for Short-Term Borrowing

Present: Town Treasurer/Collector Chester Hamilton.

Upon review of memorandum dated July 31, 1989, from Town Treasurer/Collector Chester Hamilton requesting approval for additional short-term borrowing, with repayment scheduled for mid-November, it was on motion unanimously

VOTED: To approve additional short-term borrowing in the amount of \$3,000,000.00 by the Town Treasurer/Collector in order to meet the immediate financial needs of the Town, with a scheduled repayment for mid-November, all as more particularly set forth in memorandum dated July 31, 1989, from Town Treasurer/Collector Chester Hamilton.

Election Officers - Appointments for 1989-90 Election Year

The Board acknowledged receipt of the following:

Letter dated July 10, 1989, from Carmine L. Gentile, Chairman, Democratic Town Committee, listing recommendations for review and consideration for appointment as Election Officers;

Communications received July 6 and July 24, 1989 from Republican Town Committee Chairman Robert Holzwasser providing names for recommendation as Election Officers;

Proposed 1989-1990 Republican and Democratic Election Officer lists by position prepared by the Town Clerk on the basis of the foregoing recommendations.

It was on motion unanimously

VOTED: To appoint Republican and Democratic Election Officers for the year commencing August 15, 1989, as recommended by the Town Committee Chairmen as stated above, in accordance with General Laws Chapter 54, section 12.

It was noted that the Republican list was short four Emergency Inspectors and that additional names will be furnished by the Town Committee Chairman for the Board's consideration.

Council On Aging - Donations

It was on motion unanimously

VOTED: To accept \$216.70 in miscellaneous donations for deposit into the Council On Aging Van Donations Account; and to authorize the Council On Aging to expend the same for purposes of operating and maintaining the Council On Aging van.

Wood-Davison House Restoration Fund

It was on motion unanimously

VOTED: To accept \$1,100 in various donations to be deposited into the Wood-Davison House Restoration Fund.

Edwin B. Hosmer Memorial Fund - Request for Expenditure

It was on motion unanimously

VOTED: To approve the expenditure of \$1,342.00, payable to R & R General Contracting of Somerville, Massachusetts, for painting, plastering and wallpapering walls and sanding and painting floors, from the Edwin B. Hosmer Memorial Fund.

Town Constable - Approval of Bond

It was on motion unanimously

VOTED: To approve, under Section 92 of Chapter 51 of the General Laws, the surety of the constable's bond of Theodore Milgroom, bond number 58311099, Western Surety Company, in the amount of \$5,000.00; and to approve the filing of the bond with the Town Clerk.

1989 Special Town Meeting - Selectmen's Articles

Upon review, it was on motion unanimously

VOTED: To approve the following five articles as drafted by the Executive Secretary's Office, including warrant reports, as noted, to be submitted by the Selectmen for the September 12, 1989 Special Town Meeting:

Amend FY90 Budget - Use of Abatement Surplus Fund;

Amend FY90 Budget - Use of Stabilization Fund;

Amend FY90 Budget - Reduction of Appropriations;

Street Acceptance - a portion of Old Meadow Road - with Warrant Report;

Amend Bylaws, Article V,3, Unlicensed Dogs (Penalty) - with Warrant Report.

There followed a brief discussion concerning requests for real estate tax abatements from Martha R. Symington and Julia Barker which fall beyond the filing limitations allowable by statute.

It was on motion unanimously

VOTED: To authorize, if necessary, submission of articles by the Board of Selectmen to request legislative relief to Martha R. Symington of 20 Bent Road and Julia Barker of 12 De Marco Road for abatements of real estate taxes for past years.

Selectmen's List of Priorities and Goals

Due to the lateness of the hour and remaining agenda items that needed attention, it was on motion unanimously

VOTED: To acknowledge receipt of Selectman Cope's list of priorities for 1988-1989 and to table a discussion of same to a future meeting.

Lincoln-Sudbury High School All Sports Boosters Club

The Board acknowledged receipt of letter dated July 31, 1989, from the Publicity Committee of the Boosters All Sports Fund Drive, wherein they requested permission to hang one banner across Route 20, and a second banner across Route 117. The Selectmen requested the Executive Secretary to inform the Publicity Committee that because Routes 20 and 117 are State roads, the Selectmen regretfully cannot give permission for placement of banners across them.

Also contained in said letter was a request to post a sign on the Town Common. The Selectmen requested the Executive Secretary to explain that it is the policy of the Board of Selectmen not to allow such use of

the Town Common and thus cannot give permission for same. The Selectmen were pleased to note, however, that the Boosters Club has scheduled use of the Town's community sign boards off Routes 20 and 117, and feel this will give the Club adequate exposure within the Town.

The Board concluded by wishing the Lincoln-Sudbury High School All Sports Boosters Club the best of luck in their "S.O.S." Fundraising efforts targeted for the weekend of October 28 and 29, 1989; and commended the Club for pitching in to do what it can to keep the high school athletic program accessible to all students.

Advertisement for Special Town Meeting and Voter Registration Hours

The Board acknowledged receipt of communication received July 31, 1989, from Town Clerk Jean A. MacKenzie requesting use of an "A" frame sign on the Town Common for advertising Voter Registration for the Special Town Meeting; and for the posting of the date and times for said Special Town Meeting.

It was on motion unanimously

VOTED: To deny request of the Town Clerk for use of an "A" frame on the Center Green between August 28 and September 1, 1989, since this time falls within the Town's 350th Anniversary Celebration.

It was further

VOTED: To approve request of the Town Clerk for use on an "A" frame sign on the Town Common for advertisement of Special Town Meeting between September 5 and 11, 1989.

Massachusetts Municipal Association - Annual Meeting

The Board acknowledged receipt of Program Registration Form from the Massachusetts Municipal Association concerning its Eleventh Annual Meeting and Trade Show scheduled at the Boston Marriot Hotel between October 27-29, 1989.

Selectmen Cope and Wallace expressed an interest in attending, and the Executive Secretary will make final arrangements for them if they are able to attend.

White Pond Woods Subdivision in Concord

The Executive Secretary distributed copies of letter dated July 31, 1989, from Assistant Town Counsel David Doneski to Town Planner Lee Newman concerning Sudbury Research Center/White Pond Woods subdivision.

Mr. Thompson pointed out that this communication is a follow-up from Town Counsel's Office concerning the question of access through the Research Center to White Pond Woods subdivision in Concord.

Town of Brookline - Local Aid

It was on motion unanimously

VOTED: To support the position of the Town of Brookline as outlined in letter dated July 21, 1989, from Brookline's Town Administrator Richard T. Leary, opposing the Governor's proposed method for distributing local aid.

Massachusetts Water Resources Authority - Water Supply Protection Project

The Board acknowledged receipt of letter dated July 24, 1989, from Paul F. Levy, Executive Director, Massachusetts Water Resources Authority, requesting cooperation on a study the Authority intends to conduct of local sources in those communities not supplied with water by the Authority.

Selectman Cope requested that the Executive Secretary inform Massachusetts Water Resources Authority concerning the Metropolitan Area Planning Council's study on the same issue, and suggested the Authority contact Martin Pillsbury, Manager of the MAPC Water Division.

There being no further business to come before the Board, the Chairman adjourned the meeting at 12:10 a.m.

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk