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IN BOARD OF SELECTMEN
MONDAY, JUNE 5, 1989

Present: Chairman John C. Drobinski and David A. Wallace.

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

Utility Petition No. 89-15 - Old Sudbury Road

Present: Resident Ralph Tyler.

The Board considered Utility Petition No. 89-15 of Boston Edison Company for location of six poles and one guy wire and anchor in Old Sudbury Road.

Executive Secretary Thompson informed that there would be no representative from Boston Edison Company present, and he noted that all appropriate abutters had been notified and approval had been recommended by the Inspector of Buildings and Wiring Inspector under date of May 25, 1989.

Ralph Tyler of One Deacon Lane expressed concern for the number of poles being requested for this area. Mr. Tyler stated his belief that at some point the Town needs to stop the proliferation of wires and poles; and he noted that he sees no limitation on the number of wires that can be placed on the poles, nor does there appear to be any requirement for the company to place wires underground in the future.

Mr. Tyler concluded by stating that he recommends that conditions be mandated in terms of placement of the poles relative to distance from the pavement; and that there should be a written agreement by the company that when and if the Town "goes underground" with regard to the overhead wires and poles, that the company will assume the responsibility and expenses of moving these underground.

Executive Secretary Richard E. Thompson pointed out that the purpose for the request from Boston Edison Company is to improve power service to the area residents; and he therefore recommends approval, notwithstanding Mr. Tyler's comments.

Mr. Thompson went on to say that Mr. Tyler's points are well taken and the Planning Board (member Peter Anderson in particular) is working on these issues.

Chairman Drobinski pointed out that one of the problems with regard to placement of the poles is the right-of-way issue of property owners. However, Chairman Drobinski stated, the Town could certainly make Boston Edison Company aware of its concerns and make certain the poles are not placed in a manner which would create a nuisance or safety hazard.

After further discussion, and upon recommendation of Executive Secretary Thompson, it was on motion of Selectman David Wallace unanimously

VOTED: To approve Utility Petition 89-15 of Boston Edison Company for permission to install five poles 23/56, 23/57, 23/58, 23/59 and 23/60, guy wire and anchor on pole 23/60S in Old Sudbury Road as follows: northerly side from a

point approximately 42 feet northwest of Water Row (five poles); and southwesterly side approximately 42 feet northwest of Water Row (one pole, 23/60S; one guy wire and anchor); as shown on plan of Boston Edison Company entitled "Plan of Old Sudbury Rd. Sudbury" dated April 24, 1989;

And it was further

VOTED: To advise Boston Edison Company that said poles must be placed as far from the street as possible.

Appointment of Constable

Present: Candidate Theodore Milgroom.

The Board acknowledged receipt of notification dated March 28, 1989, from Town Clerk Jean M. MacKenzie, advising that at Town Elections there were "failures to elect" one constable for two years and one constable for three years, and further acknowledged receipt of letter dated May 15, 1989, from Carmine L. Gentile, Esquire, who recommended Theodore Milgroom be appointed to fill one of the positions.

The Board reviewed application of Theodore Milgroom and Executive Secretary Richard E. Thompson introduced Mr. Milgroom to the Board. Selectman Wallace informed that in his practice of law he has come to know Constable Milgroom and is pleased to highly recommend him to the position of Town Constable.

It was on motion of Chairman Drobinski unanimously

VOTED: To appoint Theodore Milgroom of 1500 Worcester Road, Framingham, to the position of Constable to serve until the effective date of the next Annual Town Election.

Chapter 90 Project Request Form - Street Overlays

Upon review of "Chapter 90 Project Request Form, and upon the recommendation of the Executive Secretary, it was on motion of Chairman Drobinski unanimously

VOTED: To sign the Chapter 90 Project Request Form under the 1988 Transportation Bond Issue, Chapter 15, Acts of 1988, involving street overlays for: Maynard Road (Minebrook Road-Fairbank Road); Lincoln Road (Water Row to Oakridge Road); Godman's Hill Road (Green Hill Road to Concord Road); and Fairbank Road in its entirety, at a cost of \$137,475, to be submitted to the Massachusetts Department of Public Works; and to present same to Selectman Cope for her signature, if she has no objection, upon her return.

1989 Annual Town Meeting - Follow Up Items

The Board acknowledged receipt of memorandum dated June 1, 1989, from Executive Secretary Richard E. Thompson setting forth follow-up items for the Selectmen's Office resulting from action of the 1989 Annual Town Meeting.

Mr. Thompson informed that with regard to Article No. 6, Budget, notice was sent out last Friday concerning a meeting which would involve the Finance

Committee, schools and the Selectmen's Office; and that he will be meeting with the School Committee in the next month or so.

Eagle Scout - John V. Nikula, Jr.

The Board acknowledged with pride letter dated May 15, 1989, from M. Eileen DePompei, Advancement Chairman, Boy Scout Troop No. 63, advising that resident John V. Nikula, Jr. has advanced to the rank of Eagle Scout.

It was on motion of Chairman Drobinski unanimously

VOTED: To sign letter of congratulations to John V. Nikula, Jr. of 35 Haynes Road on achieving the rank of Eagle Scout.

Selectman Wallace accepted with pleasure the invitation extended to the Selectmen to attend the Eagle Court of Honor which will be assembled to celebrate the achievement of Mr. Nikula, to be held at Ames Hall, Memorial Congregational Church, on June 19, 1989, commencing at 6:30 p.m.

Board of Assessors - Resignation and Request For Meeting To Fill Vacancy

The Board acknowledged receipt of notice dated June 1, 1989, from the Board of Assessors, of the resignation of John T. Hannan from the Board of Assessors effective May 31, 1989, and of that Board's request to hold a joint meeting with the Selectmen to fill said vacancy pursuant to M.G.L. c. 41, §2, as amended.

Executive Secretary Thompson informed that two names were given at the May 31, 1989 Classification Hearing as potential candidates, and applications were forwarded to those individuals, and he has spoken with Assistant Assessor Daniel Loughlin concerning the possibility of having a member of the business community appointed to the Board of Assessors.

Since the Board of Assessors is unable to meet in the month of June, the Selectmen requested the Executive Secretary to schedule a meeting as soon thereafter as possible.

Fee Based After School Child Care Program

The Board reviewed proposal submitted by Sudbury Educational Center concerning a fee based after-school child care program for the 1989-1990 school year at Curtis Middle School, and acknowledged receipt of the following:

1. Copy of letter dated April 28, 1989, from Regina Williams Tate, Attorney, Murphy, Hesse, Toomey and Lehane of Quincy, which outlined her legal opinion with regard to the procedure for the establishment of an extended-day program;
2. Copy of portion of minutes of December 7, 1989, of the School Committee;
3. Copy of memorandum dated May 10, 1989 from Schools Superintendent David E. Jackson to the School Committee; and

4. Memorandum dated May 18, 1989, from Schools Superintendent David E. Jackson to Executive Secretary Thompson.

Mr. Thompson informed that although Attorney Kenny was unable to attend this evening's meeting, he did have an opportunity to review the above documents and has approved same.

Selectman Wallace expressed his concern with regard to the May 18th Memorandum from Dr. Jackson to Mr. Thompson, wherein Dr. Jackson states on page 2, Item 2, "3. Memo from School Department attorney, Regina Tate of Murphy, Hesse, Toomey and Lehane,...". Selectman Wallace stated with the concurrence of Chairman Drobinski that there is no "School Department attorney" and that the only legal counsel approved for the School Department is Town Counsel's Office. Mr. Wallace requested that the Executive Secretary make this clear to the School Committee and Mr. Thompson stated he would do so at his next meeting with the School Committee.

It was on motion of Selectman Wallace unanimously

VOTED: To approve the concept of a fee based after-school child care program at the Curtis Middle School, pursuant to M.G.L.c. 71 §A-D, to be administered by the Sudbury School Committee, as set forth in a communication dated May 18, 1989, to the Executive Secretary.

Council On Aging - Appointments

Present: Candidates Katherine Hepting and Henry Chandonait.

The Board reviewed applications for appointment to the Council On Aging and acknowledged receipt of letter dated May 26, 1989, from Daniel L. Claff, Membership Committee, Council On Aging, which informed that the Council voted unanimously on May 25, 1989, for Katherine D. Hepting and Henry J. Chandonait, Jr. to fill the two vacancies.

Upon review and discussion with the two candidates, it was on motion of Selectman Wallace unanimously

VOTED: To appoint Katherine D. Hepting of 6 Aaron Road and Henry J. Chandonait, Jr. of 15 Stonebrook Road, to the Council On Aging to fill positions formerly held by Sarah Williams and Sister Mary McGovern, each for a three-year term to expire April 30, 1992.

Chairman Drobinski expressed his pleasure and gratitude on behalf of the Town to the new appointees for volunteering their services to the Town.

Peirce Property off Maple Avenue

The Board reviewed letter dated May 26, 1989, from Donald P. Peirce, owner of 55 Maple Avenue and Kathleen M. Wyman, Realtor, Hunneman & Co., outlining a proposal which was presented to the Planning Board at their May 8, 1989 meeting by Ms. Wyman and Bruce Ey of Schofield Engineering, representing Donald and Ruth Peirce.

Executive Secretary Thompson commended Ms. Wyman for her efforts and informed that although the Conservation Commission has no official vote

concerning this as yet, the indications are that they will support the concept. Mr. Thompson advised that the Conservation Coordinator is trying to coordinate the Town's efforts regarding wetlands and he was pleased to report that the Water District has expressed a new interest in the property, which may result in their participation in the cleanup of the area.

Selectman Wallace expressed his opinion that the concept is a fabulous idea and would not only be a great thing for the Town but also is realistic for the Peirces. Chairman Drobinski concurred with Mr. Wallace and suggested neighboring Wayland's procedures regarding oil tanks be looked into.

After further discussion and upon recommendation of the Executive Secretary, it was on motion of Selectman Wallace unanimously

VOTED: To request the Executive Secretary to communicate with Donald P. Peirce, property owner, and Kathleen M. Wyman, Realtor, Hunneman & Co., that their communication dated May 26, 1989, proposing the creation of a four-lot residential subdivision with deed of remaining acreage going to the Town, subject to certain conditions and requirements, for the 33-acre site located off Maple Avenue and including 55 Maple Avenue, has the support of the Selectmen; subject to comment by Selectman Cope, who was unable to attend this evening's meeting.

[N.B. At 9:15 p.m., Conservation Coordinator Deborah Montemerlo joined the meeting and reported the following]:

Since receipt of the May 26th letter from Mr. Peirce and Ms. Wyman, Ms. Montemerlo has checked into removal/cleanup of the oil tanks on the property. Ms. Montemerlo reports that one of the tanks contains some waste oil; there are seventeen 20,000 gallon tanks; one 5,000 gallon tank; and one 2,000 gallon tank.

Ms. Montemerlo went on to say that she obtained an estimate from Zecco Company of Northboro from between \$150,000-\$175,000 (or 50¢ per gallon storage) for removal of the oil tanks, based on no soil contamination. Ms. Montemerlo further reported that Town Engineer I. William Place contacted Brockton Steel, who expressed an interest in removing the tanks, degreasing them and selling the tanks as scrap. Fire Chief Michael Dunne opined that with the proper permits he believes the company could possibly accomplish this, so long as the tanks are cut up and used as scrap. If Brockton Steel does this, Ms. Montemerlo concluded, it would cost the Town nothing. Although a couple of other companies were suggested, Ms. Montemerlo stated that the reason she consulted Zecco is because they worked on the Haynes Meadow situation, and they are a company that can do the whole operation from start to finish.

An additional problem that would need to be addressed, Ms. Montemerlo continued, is that it appears that the two large boilers may contain asbestos. Zecco will not do anything with regard to that, and Mr. Thompson suggested Ms. Montemerlo contact John Wilson, Director of Administration Services, Sudbury Public Schools, who is knowledgeable about asbestos removal.

Ms. Montemerlo stated that Mr. Peirce is offering the Town the barn, and the Town Engineer has expressed a desire to see it moved for storage of Town vehicles and equipment. Ms. Montemerlo also brought up that the Sudbury Housing Authority

had also looked at the barn, and opined that its structure is so sound it might even be able to be converted into two-to-four housing units.

There was a consensus that the Town will benefit from assisting Mr. Peirce in his plans. Selectman Wallace pointed out a worst-case scenario whereby the property would be foreclosed, with the bank selling to the highest bidder. That new owner may then determine the only way to see a profit on the property would be to develop it as a high density project.

In response to inquiry, Ms. Montemerlo stated that although the present concept calls for three house lots plus the Peirce house lot, one additional house lot may be added if the figures do not work out for Mr. Peirce. Ms. Montemerlo concluded by stating that if the cleanup issues can be resolved, she would like the support of the Selectmen in not requiring an upgrading of the gravel road.

Ms. Montemerlo stated that she believes the subdivision plan will be filed with the Planning Board by June 19, 1989; and she will report back to the Selectmen with developments as they occur.

Edwin Barrett Hosmer Memorial Fund - Request For Expenditure

Noting that the Hosmer Fund General Ledger account is \$6,233.45, it was on motion of Selectman Wallace unanimously

VOTED: To approve an expenditure from the Edwin Barrett Hosmer Fund for restoration of paintings by Carmichael & Cederholm Associates and miscellaneous expenses, in the amount of \$897.47.

Raytheon - Request For Placement of Temporary Trailers

Present: Steven J. Fugarazzo, representing Raytheon Company.

The Board reviewed application dated May 5, 1989, of Raytheon Company requesting approval for placement of two double-wide trailers at its business location at 528 Boston Post Road, as shown on Site Plan provided by Raytheon. The Board further acknowledged receipt of letter dated June 2, 1989, from Steven J. Fugarazzo, Manager, Plant Engineering Department, Raytheon, explaining that the trailers will be installed on the parking lot pavement at the rear of the facility and will not be visible from Route 20.

The Executive Secretary informed that the site has been visited by the Building Inspector, Fire Chief and Health Director, all of whom gave verbal approval for the plan on June 1, 1989 (Building Inspector and Fire Chief) and June 5, 1989 (Health Director).

Raytheon Company spokesman Steven J. Fugarazzo pointed out the proposed location for placement of the trailers more than complies with all property line and wetland setback requirements.

Mr. Fugarazzo further informed that although Raytheon is not required to do so, it will be planting a green hedge in consideration of the new Tall Pines neighbors in order to provide a natural barrier to the test site.

In response to inquiry by Selectman Wallace, Mr. Fugarazzo confirmed that the trailers are intended to be used for twelve months; and Mr. Fugarazzo acknowledged that if the company's needs make a longer duration desirable, they must come back before the Selectmen for an extension of time.

Selectman Wallace stated that he is happy to extend approval for the two trailers, but wishes Raytheon Company to note this is not something the Selectmen want to see on a continuing basis.

Chairman Drobinski informed that the company that employs him, Environmental Resource Management, does environmental consulting work for Raytheon Company. Although his company's relationship with Raytheon is at its Lexington plant and the Town has no interest whatsoever in any of the contracts, he wished the public to be aware of this fact and stated that, although no conflict exists, if anyone objects he would remove himself from voting.

There being no objection, and upon the recommendation of the Executive Secretary, it was on motion of Selectman Wallace unanimously

VOTED: To approve a request by Raytheon Company for placement of two double trailers at 528 Boston Post Road, as shown on a plan entitled "Raytheon EDL Sudbury Site Plan" with "added proposed Milstar Trailer Site" dated April 19, 1989 and May 5, 1989, for a period of not more than 12 months, in accordance with the Selectmen's "Town of Sudbury Regulations for Temporary Business or Industrial Trailers".

Board of Registrars - Appointment

Present: Candidate Susan Bistany.

The Board reviewed communication received May 30, 1989, from Robert Holzwasser, Chairman of the Sudbury Republican Town Committee, outlining the Committee's recommendations for appointment to fill the vacancy on the Board of Registrars which had been created by the resignation of Nicholas Polio.

It was on motion of Chairman Drobinski unanimously

VOTED: To appoint Susan Bistany of 21 Old Meadow Road to the Board of Registrars to fill the position formerly held by Nicholas Polio, for a term to expire April 30, 1990.

Chairman Drobinski thanked Ms. Bistany for her willingness to serve the needs of the Town.

Interline Transfer Re: Postage

It was on motion of Chairman Drobinski unanimously

VOTED: To approve interline transfer of \$2,000 from Unclassified Account 950-803, Property/Liability Insurance, to Account 950-815, Postage, required to insure adequate postage funds for the remainder of the fiscal year and until next year's funds can be processed for meter use.

Interline Transfer Request Re: Law Account

It was on motion of Chairman Drobinski unanimously

VOTED: To approve interline transfer of \$2,700.50 from Law Department Account 503-210, General Expense, to Account 503-256, Legal Expense, to meet current bills.

Executive Secretary Thompson reminded the Board that the Finance Committee has fully-funded Town Counsel's budget for next year. Mr. Thompson further explained that to date, expenses have totaled \$10,725.50 for Labor Relations Counsel and \$24,365 (over and above retainer) for Town Counsel. These figures are due to the fact that this was a collective bargaining year, several serious grievances were filed by Town employees and it was an unusually heavy litigation year for the Town.

Massachusetts Housing Partnership Municipal Advance Program

Upon review of letter dated May 12, 1989, from Amy S. Anthony, Secretary, Executive Office of Communities & Development for the Commonwealth of Massachusetts, it was on motion of Selectman Wallace unanimously

VOTED: To authorize the Chairman to sign in triplicate the Grant Agreements included in communication dated May 15, 1989, from Ms. Anthony to the Sudbury Housing Authority and received by the Selectmen June 1, 1989, which documents will enable Sudbury to receive funding from the Massachusetts Housing Partnership Municipal Advance Program in the amount of \$5,000.00.

The Executive Secretary informed that this funding will assist the Sudbury Housing Authority in their pursuit of the Ft. Devens Military Land for affordable housing.

Warrant To The Dog Officer

Upon review, it was on motion of Selectman Wallace unanimously

VOTED: To authorize the Chairman to sign a Warrant to the Dog Officer relative to unlicensed dogs, in accordance with General Laws Chapter 140, section 151A.

Carding Mill Development

Present: Conservation Coordinator Deborah Montemerlo.

The Executive Secretary informed that Town Counsel has reviewed the documents before the Board concerning grant of easements, deed, and conservation restrictions for the proposed Carding Mill development, and has approved same.

Upon review, it was on motion of Chairman Drobinski unanimously

VOTED: To accept grant of easements for the purpose of drainage, road widening, emergency access and road construction granted by Northland of Massachusetts, Inc., as shown on plan entitled "Carding Mill, a Cluster Development Site Plan in Sudbury, MA (Middlesex County)", dated August 17, 1988, drawn by Beals & Thomas, Inc.

And it was further

VOTED: To approve and sign a Conservation Restriction, in conjunction with the Conservation Commission, granted by Northland of Massachusetts, Inc., relative to the Carding Mill Subdivision.

And it was further

VOTED: To approve and accept deed for land shown as "Open Space" on the Carding Mill Subdivision Plan granted by Northland of Massachusetts, Inc. to the Town of Sudbury, through its Conservation Commission pursuant to M.G.L. c. 40, §8C, said grant being subject to a conservation restriction.

Resolution In Recognition of Robert J. Myers, Jr.

It was on motion of Chairman Drobinski unanimously

VOTED: To sign a Resolution in recognition of the services to the Town of Robert J. Myers, Jr., upon his retirement from the Sudbury School Department.

Sudbury Housing Authority

Executive Secretary Thompson reported that he received a telephone call from Sudbury Housing Authority attorney Myron Fox, who explained that there were some technical difficulties with regard to passing titles to the property as voted in Articles 26 and 27 of the 1988 Annual Town Meeting; i.e., properties located on Pine Street, Fairbank Road and Horse Pond Road. Attorney Fox had stated that the SHA would like to file for a Comprehensive Permit with the Board of Appeals forthwith, but because of time constraints, title cannot be transferred to the SHA between now and the filing. Attorney Fox had further explained to Mr. Thompson that if the Selectmen would authorize the filing in conjunction with the SHA, their names will be withdrawn from the application once the transfer is completed to the SHA.

It was on motion of Chairman Drobinski unanimously

VOTED: To authorize the Chairman to sign a joint filing with the Sudbury Housing Authority for a Comprehensive Permit for properties located on Pine Street, Fairbank Road and Horse Pond Road, as voted in Articles 26 and 27 of the 1988 Annual Town Meeting; subject to the Selectmen's names being withdrawn when the transfer process to the Sudbury Housing Authority is completed; and subject to comment by Town Counsel Paul Kenny.

Fire Department - Cruiser

The Board reviewed memorandum dated June 2, 1989, from Fire Chief Michael Dunne, wherein he requested authority to purchase a Fire Chief's vehicle; and to authorize the present Fire chief's vehicle being given to the Town Engineer, in accordance with agreements of the Long Range Planning Committee and the Finance Committee.

It was on motion unanimously

VOTED: To authorize the Fire Chief to place an order for a 1989 Ford Crown Victoria, for the purchase in Fiscal Year 1990, to be used as Fire Chief's

vehicle; said vehicle to be ordered/purchased from Natick Auto Sales, Inc. under a collective bid issued by the Town of Marshfield in accordance with M.G.L. Chapter 7 Section 22B;

And it was further

VOTED: To authorize the Fire Chief to transfer ownership of the present Fire Chief's vehicle to the Town Engineer.

Rubbish/Garbage Pickup

The Board acknowledged receipt of letter from resident Constance Magazu of 19 Great Road, wherein she proposed that the Town of Sudbury include the service of picking up the rubbish and garbage.

At the request of Chairman Drobinski, who commented that he has received similar suggestions from other residents, the Executive Secretary will draft an appropriate response.

Fire Department - Update on Gasoline Tanks

The Board reviewed memorandum dated June 5, 1989, from Fire Chief Michael Dunne, wherein he updated the Selectmen on the situation involving the Mobil Station at Route 20 and Nobscot Road; and further informing that relative to the water in one of the Town's gasoline tanks located at Fire Station No. 2, the matter is being corrected but a final solution will involve a transfer from the Finance Committee.

The Board concurred with the Fire Chief's comments on how to proceed.

Operational Review Committee - Discharge Permit

Upon review of memorandum dated June 5, 1989, from Michael W. Guernsey of the Operational Review Committee, commenting on the critical necessity for obtaining an increase in the discharge permit requested from DEQE, it was on motion unanimously

VOTED: To request the Executive Secretary to draft a letter to DEQE requesting that they respond to the request for increase in the discharge permit from 25,000 gallons per day to 48,000 gallons per day, due to the critical position the plant finds itself in.

Operational Review Committee - Request For Bonding of Purchase of Bar Rack

The Board acknowledged receipt of copy of memorandum to the Wayland Board of Selectmen dated June 5, 1989, from Michael W. Guernsey of the Operational Review Committee, concerning a request for the replacement of the original bar rack specified under the Innovative and Alternative agreement with EPA, to be purchased by borrowing up to \$150,000 and paid via the Enterprise Fund Account.

Minutes

It was on motion unanimously

VOTED: To table the question of approving the minutes of the regular and executive sessions and Town Forum of May 22, 1989, until Selectman Cope can be present.

Executive Session

At 9:25 p.m., it was on motion by roll call unanimously

VOTED: To go into Executive Session to discuss a Discretionary Fund matter.

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

Chairman Drobinski announced that public session would not reconvene following Executive Session.

There being no further business to come before the Board, Chairman Drobinski adjourned the meeting.

Attest:

Richard E. Thompson
Executive Secretary-Clerk