

IN BOARD OF SELECTMEN
TUESDAY, APRIL 25, 1995

Present: Chairman Lawrence L. Blacker, John C. Drobinski, and Maryann K. Clark.

The statutory requirements as to notice having been met, the meeting was convened at 7:30 p.m. in the Sudbury Town Hall.

Reorganization of the Board

On motion by Chairman Blacker, it was unanimously

VOTED: To elect John C. Drobinski Chairman of the Board of Selectmen, and it was further

VOTED: To elect Maryann K. Clark Vice-Chairman of the Board of Selectmen, and, on motion of Selectman Drobinski, it was further

VOTED: To designate Executive Secretary Richard E. Thompson Clerk for the Board of Selectmen.

With regard to meeting times and place, on motion by Chairman Drobinski, it was unanimously

VOTED: To continue meeting twice monthly at 7:30 p.m. at the Sudbury Town Hall.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of March 29, April 3, April 4, April 5, April 10, April 11, and April 20, 1995 as amended by Selectman Clark.

Council on Aging - Van Donation

It was on motion unanimously

VOTED: To accept \$126.72 in miscellaneous donations for deposit into the Council on Aging Van Donation Account and to authorize the Council on Aging to expend the same for purposes of operating and maintaining the Council on Aging vans.

Thursday Garden Club Antique Show - Methodist Church on October 5, 1995

In response to a communication dated April 14, 1995, from Poppy Walker, 1995 Antique Show Chairman, Thursday Garden Club, it was on motion unanimously

VOTED: To grant a special license, pursuant to MGL ch. 101, s. 12A, to the Thursday Garden Club of Sudbury to conduct an antique show to be held on October 5, 1995, at the Methodist Church for the purpose of raising funds for a scholarship for a LSRHS senior, exempting participating transient vendors from the provisions of ss. 3-12 of MGL Ch. 101.

Reserve Fund Transfer #95-15

It was on motion unanimously

VOTED: To approve Reserve Fund Transfer Request #95-15, dated April 19, 1995, in the amount of \$350, for Council on Aging Accounts as follows: \$150 Van Driver and \$200 Outreach Worker--longevity increases that were omitted from the budget.

Loring Parsonage - Repairing and Painting

Upon review of a contract between the Town and Neil Associates, Inc. of Revere MA, for repairing and painting of the Loring Parsonage, it was on motion unanimously

VOTED: To sign an agreement dated April 18, 1995, with Neil Associates, Inc., Revere MA, regarding bid award of April 5, 1995, for repairing and painting the Loring Parsonage, for the amount of \$18,500.

The Sudbury Foundation - Grants for Archives Project and GIS Program

In response to communications dated March 27, 1995, from Executive Director, Derry Tanner, The Sudbury Foundation, it was on motion unanimously

VOTED: To accept on behalf of the Town, a check for \$10,000, representing the first payment of a two-year, \$20,000 grant in support of the Sudbury Archives Project, Phase II, to be deposited into an account for said purpose and expended for this purpose under the direction of the Goodnow Library Trustees, and it was further

VOTED: To accept on behalf of the Town, a check for \$15,000 in support of the Town's GIS implementation plan, specifically intended to enable the Engineering and Planning Departments to create a set of digitized base maps for much of Sudbury, to be deposited into an account for said purpose and expended under the direction of the Town Engineer and Board of Selectmen.

Town Constable - Appointment

In response to a communication dated March 30, 1995, from Lawrence E. Hartnett requesting re-appointment, it was on motion unanimously

VOTED: To reappoint Lawrence E. Hartnett as a Constable for the Town of Sudbury for a three-year term to expire April 30, 1998.

Town Manager Candidates' Visits

With regard to completing schedules and plans for interviews and visits by applicants for the position of Town Manager, the Board discussed and confirmed the following:

Candidate I - Michael Embury from Middletown, R.I. will be arriving in Town on Thursday, April 27, 1995 around 10:00 a.m. Selectmen Clark and/or Drobinski will be meeting him in the morning and showing him around Town until around 12:00 noon, at which time all Selectmen will meet with him

for lunch from 12:00 - 1:00 p.m. From 1:00 p.m. until 4:30 p.m. Mr. Embury will be accompanied by Selectman Blacker to the different departments in Town. Chamber of Commerce President Ronald Stephan has expressed his wish to meet with the candidates as well. The candidates will be staying at the Coach House Inn and will be served breakfast and dinner there. Mr. Embury will then be escorted to the Fairbank Senior Center for a public meeting from 7:30 - 9:30 p.m.

Candidate II - Terence Sullivan from Canton, Conn. will be arriving in Town on Tuesday, May 2, 1995 around 10:00 a.m. Selectman Blacker said he would be available to meet with the candidate in the morning and accompany him on a tour of the Town followed by lunch with the other Selectmen. The tour of the departments accompanied by either/both Selectman Clark and Chairman Drobinski in the afternoon will be repeated with this candidate and a public meeting will be held on Tuesday evening from 7:30 - 9:30 p.m. at the Fairbank Senior Center.

Candidate III - Michael Mallinoff from Annapolis, MD, will be flying to Boston and renting a car, arriving in Sudbury around 11:00 a.m. on Saturday, May 6, 1995. The Board agreed that he should meet with as many department heads available from 11:00 - 1:00 or 2:00 p.m. followed by lunch with all the Selectmen. A public meeting will take place from 3:00 - 5:00 p.m. at the Fairbank Senior Center. A tour of the Town could take place on Sunday morning, May 7.

Regarding questions coming from the public at the public hearings, the Board agreed that questions should be written on cards and drawn from a hat to be asked by the Selectmen. The Board also agreed that questions coming from the Selectmen will be limited to two or three each and asked on a rotating basis.

Selectman Blacker offered to call all the applicants to inform them of the schedule.

Public Hearing - Dudley Road - "No Left Turn"

Present: Police Chief Peter B. Lembo and approximately 25 Dudley Road area residents.

Chairman Drobinski acknowledged receipt of the following correspondence concerning this issue:

1. Communication dated April 13, 1995 from Linda L. Lowry, 25 Dudley Road, requesting the signs remain.
2. Communication dated April 14, 1995 from Mark and Margaret Schulman, in favor of the "No Left Turn" sign.
3. Communication dated April 20, 1995 from Nancy and Richard Vanderslice urging the Board to keep the "No Left Turn" sign.
4. Communication dated April 25, 1995 from Michael Wagner and Laura Rice, 66 Dudley Road, pointing out key facts in order to ensure that this issue is resolved with integrity and objectivity.
5. Verbal communication from Linda Barnet asking that the sign remain.

Selectman Clark displayed a map of the Dudley Road area and compared it with a similar area in Wayland, namely Rice Road and Pine Brook Road, both of which also connect to Route 20 in a triangular counterclockwise flow. She continued that many streets in Town have been considered to become one-way streets, but the Town has not acted in that direction. As a consequence, several streets have become overburdened because of increasing development and Dudley Road is a good example. Ms. Clark pointed out that Raytheon paid for a plan a few years ago that included the installation of a light at the intersection of Nobscot Road and Route 20. The Selectmen have voted to have this light installed; and, in fact, it is a high priority. Ms. Clark added that the "No Left Turn" sign allows the traffic to move in a counterclockwise direction which alleviates traffic snarls on Route 20 and makes Dudley Road safer.

Selectman Blacker explained the background for the decision that the Board made to initially institute a "No Left Turn" at Dudley Road, saying that it was requested by the neighbors for safety reasons, and that the Board was trying to make the traffic flow better. He said two factors might change his mind to temporarily remove the sign: 1) the fact that Landham Road is temporarily semi-blocked off and a detour is necessary, and 2) the fact that a traffic light may be installed soon at Nobscot and Route 20, and when this happens he would reconsider a no left turn onto Dudley from Nobscot.

Chairman Drobinski expressed concern over the non-engineering practices that are used to solve traffic problems in Sudbury, which results in satisfying some areas of concern, but magnifies other areas of concern. He said engineering principles are not always considered. Mr. Drobinski continued that the Board looked at a number of options and settled on the "No Left Turn" sign onto Dudley from Nobscot, but it left open the concern for those making a left turn onto Route 20 from Nobscot. He added that a light at the intersection of Nobscot and Route 20 is a good idea.

Margaret Shulman, 14 Carriage Way, stated her family moved from Dudley Road because of the volume and speed of the traffic. She said she does not think two cars can pass safely on Dudley Road, and that travelers on the Road show no regard for the limitations. She is encouraging the Board, on behalf of her former neighbors, to keep the "No Left Turn" sign to keep the traffic diverted.

Kenneth G. Condon, 11 Dudley Road, stated he takes an engineering approach to the problem, since learning from the State Department of Engineering that a two-way road must be 18 feet at all points, which is not true for Dudley Road. He talked about two accidents that occurred in front of his house. The travelers hit a tree on the opposite side of the road. He added that the restriction of traffic in one direction has resulted in limiting traffic especially in the morning and evening. Mr. Condon asked Mr. Blacker why he refrained from voting on this issue the last time. Mr. Blacker responded that the debate was split, and that the issues were unclear which made it more confusing and made it difficult to determine a proper solution.

Chairman Drobinski talked about the traffic studies and the fact that the intersection of Dudley Road and Route 20 ranked fourth regarding "level of service". He also added that there are many roads in Town that do not meet the 18 foot width requirement, which further emphasizes the fact that drivers need to be more respectful.

Nancy Condon, 11 Dudley Road, brought her 10 year old daughter with her tonight and explained that her daughter does not play in her own front yard because it is unsafe, as cars have literally landed in their front yard. She said the road is not only hazardous for children, but also for adults. She encouraged the Board not to remove the sign until they have an alternative solution in place. She concluded by saying

that the existence of the sign says that they all agree there is a problem, and she hopes they can work together to resolve it.

Caryl Portney, 32 Adams Road, noted that others here tonight have said that their main concern is speed, and she agrees that this is the primary issue and believes that it has not been monitored in the same manner as other streets are monitored for speed.

One of the residents exclaimed that speed is not the problem, rather it is the volume of traffic, which becomes a safety issue. He added that he believes it is a trade-off of safety and convenience, and he hopes the Board will stay on the side of safety and keep the sign. Another concern expressed by this resident is if the sign is taken down, what kind of precedent is being set--will it lead to micro managing.

Mr. George J. Demos, 4 Adams Road, questioned what year Dudley Road was made a public way by the Town. He said he had some information from the Highway Department that gave the date of February 5, 1917 which conflicts with other reports that say it was not made a public way until 1982, two years after Adams Road which is connected to Dudley Road. Selectman Clark explained the history and why it was not made a public way until 1982, mostly because it was overlooked. She continued that it was on the 1982 Annual Town Meeting Warrant, but that there was no recitation saying it complies with all the legal requirements as a road, as recommended by the various departments. Therefore, there is nothing that says it conforms with other roads. Mr. Demos remarked that he thinks the traffic is the same even with the sign; and in fact, he thinks there is more speeding now than before, and would like the "No Left Turn" sign removed.

Pam Anderson, 316 Goodman's Hill Road, said in reference to Mr. Blacker's statement to possibly supporting taking the "No Left Turn" sign down temporarily, that it would not be a good idea because habits become ingrained and are hard to change. She said that the vote taken at town meeting was not a representation of the Town as a whole. The Dudley Road issue is a public safety issue, she continued, and it is the Selectmen's obligation to do all it can to ensure public safety and not to support convenience solely. She encouraged the Board to stand by their original decision, which is, in her opinion, much safer and the best solution for the road at this time. In addition, she urged everyone to exercise more compassion because these issues can be very divisive.

Ms. Phyllis Prager, 77 Hemlock Road, announced she is responsible for the petition article at town meeting and she believes the majority of the population disagrees with the use of "Political Process", but they used Town Meeting to accomplish what they wanted to, which is to remove the sign. She added that she hopes the Selectmen will vote in the "Political Process", and realize how important it is to follow this process. She said she and the other petitioners care about the safety of the people who live on the street.

Wayne Simpson, 84 Dudley Road, referenced the closing of the bridge in Saxonville, which resulted in the traffic being diverted through a residential area. He said the neighborhood put signs out asking that the traffic respect their neighborhood. He thinks there are no easy answers and that it would have been nice if all streets were engineered to eliminate "cut-throughs". He added that the sign helps a great deal with regard to the traffic volume on Dudley Road.

David Portney, 32 Adams Road, stated he believes the major issue to be speed rather than volume that threatens the safety of the residents. The reason he thinks speed is the main issue is because travelers

who do not face other cars coming in the opposite direction will automatically go faster. Mr. Portney thinks this is the divisive issue, which has caused much disagreement. He added that he does not think the sign should have been put up in the first place because it is not really resolving the main issue of speed. Mr. Portney continued he would like to see the Selectmen identify themselves by saying where they live, just as others do at town meeting in order that others may be able to identify any conflict of interest versus their elected responsibility to represent the people of the Town. He said he did not realize until after town meeting that one of the Selectmen had a very strong interest in this issue.

Mr. Portney asked the Board to not make the problem worse and create ill will by taking action to keep the sign which does not solve the problem. Regarding the light at Nobscot and Route 20, he thinks it will be both a help and a hindrance. He said the safety issue for him is at Route 20 and Dudley Road.

Selectman Clark responded by saying that it is no secret that she runs the blueberry farm and lives at 118 Nobscot Road and is inconvenienced just as much as everyone else that she is not able to turn on Dudley Road. She explained that Sudbury has done an historical study of her farm and how Dudley Road was a cart path (driveway) before Nobscot Road came into existence. She noted that all the signs are located in her front yard. She further remarked that she has no hidden agenda, and that the Dudley Road concerns were before the Selectmen long before she took office. Statistics from the Police Department show that 23 accidents occurred at the intersection of Route 20 and Dudley from 1990-1994.

Joanne Seraphin, 84 Dudley Road, said that despite her long daily commute of a total of three hours, she adds whatever time it takes to travel around to Route 20 to enter Dudley Road. She continued that the sign has made a big difference in the volume of traffic on Dudley but not necessarily speed, and she sees children starting to play in their front yards. Since the children have gotten used to this freedom, she said she believes they would be in jeopardy if the sign were changed.

Heidi Roper, 71 Dudley Road, stated she believes it is the Town's responsibility to provide safety. She said that Dudley Road was not a safe road, and that the people who want the sign removed know that more accidents will occur if it is removed.

Marjorie Wallace, 148 Nobscot Road, said she believes the problem has been moved from Dudley Road to Nobscot Road, and that the problem is speed not volume. She urged the Town to work with the Police Department to ticket people in order to control speeding. With regard to placing a traffic light at the intersection of Nobscot Road and Route 20, she does not think this is a good solution because of the light at Union being so close. She thinks the traffic will only back up worse than at the present time. Ms. Wallace stated she believes a better location for a traffic light would be at Route 20 and Horse Pond Road. She further requested additional information from the Police Chief concerning the volume of traffic on Nobscot Road and would like to know why she has not heard more about the accidents on Dudley Road.

Mark Papas, 78 Dudley Road, said that safety concerns were never mentioned at Town Meeting prior to voting. He further reminded that the action taken to implement the sign for a "No Left Turn" was not done in a hurry, but took place over a period of time and included several meetings and discussions for a viable solution. Mr. Papas read from an article that talked about Dudley Road and the problems it has with regard to its width, and he explained other solutions that were attempted. He concluded that the sign was implemented for safety reasons, and the debate tonight is safety versus convenience.

Police Chief Peter Lembo said he hopes the Board makes a decision tonight because there are a number of appeals pending regarding tickets received on Dudley Road. He explained that he would rather not make any comments because he represents the enforcing body or prosecution and has made his recommendation. Selectman Blacker asked Chief Lembo if the sign has made Dudley Road a safer place, for which Chief Lembo responded he does not know. Mr. Lembo did mention that he has seen the traffic increase on Nobscot Road, but does not know if more or less accidents have occurred. Selectman Clark reminded Chief Lembo that he had told her that safety has been improved because of the "No Left Turn" sign and that there has been fewer accidents on Dudley Road despite the violations.

Chairman Drobinski remarked that the Town, when dealing with a certain location, must consider how traffic issues affect other roads as well. He continued that the Police cannot patrol every street in Town on a constant basis; it is up to the public to obey traffic laws or face the consequences.

Selectman Blacker remarked that he was going to change his mind, but is now convinced not to, and said he would like to keep the traffic the way it is now.

Chairman Drobinski encouraged everyone to become more involved in the Town, and to care more about all the issues, not just their street.

The Board unanimously concurred with Secretary Thompson's summarization that it is the Board's now unanimous intent to continue its vote of October 24, 1994 and to continue to enforce the "No Left Turn" onto Dudley Road from Nobscot Road.

Strategy and Planning Letter - Finance Committee Chairman

The Board acknowledged receipt of a memo dated April 20, 1995, received from Finance Committee Chairman Karen Palmer regarding "Strategic and Operating Issues from FY96 Budget Reviews--Items Requiring Attention by the Town Manager.

Bullfinch's Restaurant - Outdoor Entertainment

The Board acknowledged receipt of a communication dated April 7, 1995 from Peggy Richardson, Bullfinch's Restaurant, requesting to have Sunday afternoon music outside in good weather, and to repeat her Fourth of July Festival with outdoor music ending at 7:00 p.m.

The Board was reminded that they had previously voted to allow music indoors (behind closed doors only) because of the location of the restaurant being in the midst of a residential area. With regard to the Fourth of July Festival, it is under consideration pending further information.

Supervisory Association/Termination Clause

In response to the Supervisory Association letter of March 20, 1995, concerning a proposed termination clause side letter, Selectman Clark proposed that it be incorporated in the Town Employee Handbook, rather than a side letter agreement. She feels it should be a stated policy rather than part of bargaining.

Town Manager Search - Legal Opinion

It was on motion unanimously

VOTED: To receive into the Selectmen's record a memorandum dated April 6, 1995 from Selectman Lawrence Blacker and Maryann Clark to Paul Kenny, Town Counsel, requesting a written legal opinion on three questions regarding the Town Manager Search, and the written legal opinion dated April 11, 1995, of Paul Kenny, Town Counsel.

Line Item Transfer #95-16 - Permanent Building Committee

It was on motion unanimously

VOTED: To approve Line Item Transfer Request #95-16, dated April 24, 1995, in the amount of \$500 from Permanent Building Committee (PBC) Clerical to PBC General Expense to purchase miscellaneous office supplies for use in maintaining the PBC files.

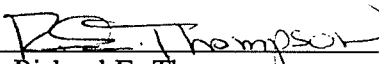
Dunkin Donuts - Sign

Chairman Drobinski queried whether Dunkin Donuts has violated the site plan and settlement concerning sign applications before the Board of Appeals. He requested the Executive Secretary check with Town Counsel.

Open Letter to Sudbury Voters Re: Special Election May 17, 1995

The Board approved an open letter to Sudbury voters regarding the Special Election to take place on May 17, 1995, as amended to include the hours the polls are open.

There being no further business, the meeting was adjourned at 9:30 p.m.

Attest: 
Richard E. Thompson
Executive Secretary-Clerk