

IN BOARD OF SELECTMEN
MONDAY, AUGUST 25, 1980

Present: Chairman John E. Murray, Anne W. Donald and William J. Cossart (arrived at 7:25 p.m.).

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:00 p.m. by Chairman Murray.

Utility Petition 80-13, Peakham Road and Utility Petition 80-14, Willow Road

Present: Carol Clinton, Boston Edison Company and James Pacey, Developer - Willow Road (came in later).

In conformity with General Laws, Chapter 166, Sections 21 and 22, the Board considered UP#80-13 of the New England Telephone and Telegraph Company, for permission to lay and maintain underground conduits and manholes, with the wires and cables to be placed therein, under the surface of the following public way or ways:

Peakham Road - northwesterly, approximately 440 feet northeast of Whispering Pines Road, a distance of about 6 feet - conduit;

and the Board considered UP#80-14 of the Boston Edison Company for permission to construct, and a location for, such a line of direct buried cable and manholes with the necessary wires and cables therein under the following public way or ways of said Town:

Willow Road - approximately 585 feet northwest of Hemlock Road, a distance of about 184 feet - Direct Buried Cable.

Chairman Murray stated that the Board was familiar with UP#80-13 because it had been approved by the Board for the Boston Edison Company - UP#80-12 - at the Board's last meeting of August 11.

Executive Secretary Richard E. Thompson reported that all appropriate Town Officials and abutters had been notified, and that a favorable recommendation from both the Building Inspector and the Wiring Inspector had been received on both petitions.

It was on motion by Selectman Donald unanimously

VOTED: To approve Utility Petition #80-13, Peakham Road, as described above, and as shown on a plan entitled, "Plan for Proposed Conduit Location to Accompany Petition of New England Telephone and Telegraph Company", dated August 7, 1980;

and it was further

VOTED: To approve Utility Petition #80-14, Willow Road, as described above, and as shown on a plan entitled "Plan of Willow Road-Sudbury, Showing Proposed Conduit Location", dated August 8, 1980.

Mr. Thompson stated that the Board will be receiving a petition from the New

England Telephone and Telegraph Company on the Willow Road location.

Tax Anticipation Notes and Bond Anticipation Notes

It was on motion by Selectman Donald unanimously

VOTED: To confirm action of the Board of signing Tax Anticipation Notes on August 25, 1980, in the amount of \$2,000,000, dated September 2, 1980, and due December 15, 1980, as listed in a communication dated August 14, 1980, from the Town Treasurer, and as shown below:

Bay Bank Middlesex	3.64%	500M
Bay Bank Middlesex	3.74%	500M
Boston Safe Deposit and Trust	3.78%	200M
Shawmut Community Bank, N.A.	3.89%	100M
Shawmut Community Bank, N.A.	4.09%	100M
New England Merchants National Bank	4.09%	250M
State Street Bank and Trust	4.12%	250M
State Street Bank and Trust	4.21%	100M

And it was further on motion by Chairman Murray unanimously

VOTED: To confirm action of the Board of signing Bond Anticipation Notes on August 20, 1980, and due February 3, 1981, as noted in a communication dated August 14, 1980, from the Town Treasurer, and as shown below:

Bay Bank Middlesex	3.99%	200M
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Proclamation: National Cancer Day

It was on motion by Chairman Murray unanimously

VOTED: To sign a proclamation for National Cancer Day, September 8, 1980, and to support a National Cancer Day bill in the U. S. Congress.

Appointment: UN Day Chairman for Town of Sudbury

It was on motion by Selectman Donald unanimously

VOTED: To appoint A. Lila Digenis, 5 Parmenter Road, UN Day Chairman for the Town of Sudbury, as recommended by the League of Women Voters, subject to her acceptance.

Appointments: Emergency Inspectors - Democratic and Republican

It was on motion unanimously

VOTED: To appoint eight additional Emergency Inspectors (four from each party), as recommended by the Town Committee Chairmen and requested by the Town Clerk, as follows:

Democratic

Lorraine S. Knapp, 74 Warren Road
M. Elizabeth Moylan, 26 Bowditch Road
Mary Pat Regan, 154 New Bridge Road
Mary J. Skinnion, 49 Brookdale Road

Republican

Stephanie K. Hearl, 29 Hampshire Street
Judy Ann Mitchell, 39 Candy Hill Lane
Dorothy I. Polio, 39 Griscom Road
Carolyn F. Bigwood, 41 Old Coach Road

Chairman Murray recessed the meeting at 7:20 p.m.; the meeting was called back to order at 7:25 p.m. when Selectman Cossart arrived.

Repurchase of Cemetery Lot 17B in Section 3A of New Town Cemetery

It was on motion by Selectman Donald unanimously

VOTED: To approve the repurchase of cemetery Lot 17B in Section 3A of the New Town Cemetery from Mr. and Mrs. Thomas Widdows (Deed No. 249 dated July 9, 1976) at the price of \$100, said sum to be taken from the appropriate cemetery accounts in the same amounts as the original purchase (\$25 from the Sale of Cemetery Lots and \$75 from Perpetual Care), under authority provided by Section IX, paragraph 3, of the Town of Sudbury Cemetery Rules and Regulations.

Wetlands Protection

The Board reviewed a communication, dated August 18, 1980, from Conservation Commission Chairman, Judith A. Cope, asking that the Board review recommendations of the Massachusetts Association of Conservation Commissions relative to the adoption of a local wetlands protection bylaw.

During discussion, Selectman Donald suggested that the Conservation Commission review bylaws dealing with wetlands, which have been recently adopted by other surrounding towns. Chairman Murray indicated that this had been done by the Conservation Commission last year.

Selectman Cossart stated that resolution of the appeals process problems questioned at the last annual Town Meeting will help its future success of being adopted.

Chairman Murray expressed his opinion that there were some problems with the last proposal dealing with wetlands (especially the appeals process); which came before the 1980 Annual Town Meeting as Article 40, but that the original intent of the article, with a few minor changes to adapt to local needs, may not be opposed if it were brought before Town Meeting once again. Chairman Murray stated that he would be glad to work with the Conservation Commission in this endeavor. The Board concurred that Chairman Murray should do so with the aid of Town Counsel.

Site Plan Application 80-222 - Joseph C. DeFranco, One Union Avenue

Present: Joseph C. DeFranco, applicant; Joseph E. Scammon, Building Inspector; and May Calereso, Northern Farms, abutter.

In accordance with Article IX, Section V, Paragraph A of the Sudbury Bylaws, the Board considered Site Plan application #80-222 of Joseph C. DeFranco for property located at One Union Avenue

Executive Secretary Richard E. Thompson stated that all appropriate Town Officials and abutters had been notified and the following communications had been received:

- from the Conservation Commission dated August 18, 1980, recommending approval;
- from the Building Inspector dated August 11, 1980, recommending approval;
- from the Board of Health dated August 15, 1980, with remarks and recommending approval;
- from the Planning Board dated August 22, 1980, recommending approval, subject to the Town Engineer's recommendations (below);
- from the Town Engineer dated August 15, 1980, recommending conditional approval, (letter read by Mr. Thompson for the benefit of Mr. DeFranco, who had not received a copy); and
- from the Sign Review Board dated August 20, 1980, questioning the proposed sign setback requirement, as shown on the submitted site plan. Mr. Thompson read this letter which had not been received by the applicant, nor seen by the Selectmen, as it had just been received in the Selectmen's office today.

Mr. Scammon showed the site plan to the Selectmen.

Mr. Thompson stated that the previous owner of One Union Avenue, Peter-Cam Trust, Peter Piona, Trustee, had two general releases to the Town of Sudbury; one to hold the Town harmless for any and all damages or losses to the property located at One Union Avenue attributable to surface water flow and water backup; and the other to hold the Town of Sudbury harmless from any and all damages or losses to the said property attributed to the tie-in of a sub-drain system at the exterior perimeter of the foundation of the existing structure on that property. Mr. Thompson questioned whether or not Mr. DeFranco's site plan application would be subject to the same releases, and on his recommendation, and questions as to the necessity of entering into the same releases by Mr. DeFranco, the Board directed the Executive Secretary to consult with Town Counsel for his recommendation.

Assistant Town Counsel Thomas M. French stated that it would be necessary to speak with both the Highway Surveyor and the Town Engineer to determine if the situation requiring the releases had changed.

Mr. DeFranco stated, as applicant and resident of the Town, that he would be willing to sign the required releases, in the best interest of the Town, if necessary.

Mr. Scammon stated that he had not received the final plan, and therefore was not familiar with the parking situation mentioned in Mr. Merloni's letter of August 15th.

Mr. DeFranco showed the revised plans showing front and rear elevations, and stated that he would submit revised plans to Mr. Scammon. Mr. DeFranco stated that his company would occupy the top two floors, and that approximately 1,400 square feet of the building would be leased.

Responding to a concern raised by abutter May Calereso of Northern Farms, Mr. DeFranco stated that he would be willing to have the driveway between the two buildings paved for more flexibility in the driveway, and that he would not have any berm constructed between the buildings.

Following further discussion it was on motion unanimously

VOTED: To approve Site Plan Application #80-222 of Joseph C. DeFranco for property located at One Union Avenue, subject to the Town Engineer's recommendations dated August 15, 1980 concerning parking spaces and landscaping, and the Planning Board's conditional approval on the same, as well as the Building Inspector's concurrence of the same; the set-back requirement specified in the Sign Review Board's communication of August 20, 1980, and the Building Inspector's concurrence of the same; and execution of new general releases with the Town of Sudbury, as described above, if recommended by Town Counsel following receipt of reports from the Highway Surveyor and the Town Engineer as to whether or not these releases are still applicable.

Hawkers' and Pedlers' License - Charles A. Tanzi, Jr.

Executive Secretary Richard E. Thompson stated that the application for a Hawklers' and Pedlers' License from Charles A. Tanzi, Jr., to sell photographs of the Grist Mill on the Wayside Inn Road is for a yearly license. Mr. Thompson referenced a letter of recommendation dated August 4 from Francis Koppeis, Innkeeper of Wayside Inn; also, section 4A of the Selectmen's Rules and Regulations for Hawklers & Pedlers, which prohibits sales in any residential district of the Town. Mr. Thompson stated that it would be necessary to waive Section 4A in conjunction with the approval of this license application, since this is a residential district.

Following further discussion, during which Selectman Cossart indicated slight objections to Hawklers' and Pedlers' licenses being executed in general in the Town of Sudbury, it was on motion by Selectman Cossart unanimously

VOTED: To approve an application dated August 7, 1980, for a Hawklers' and Pedlers' License from Charles A. Tanzi, Jr., 530 South Street, Tewksbury, to sell photographs of the Grist Mill on the Wayside Inn Road opposite the Grist Mill from 11:00 a.m. to 6:00 p.m.;

and it was further

VOTED: To waive section 4A of the Sudbury Rules and Regulations for Hawkers & Pedlers for purposes of the above license only.

Agreement between Town of Sudbury and Sudbury Permanent Fire-Fighters Association, Local 2023, International Association of Fire-Fighters, AFL-CIO

Present: David J. Boyd, Pres., and Edwin P. Rudenauer, Sec./Tres., Local 2023,

Following discussion it was on motion by Selectman Donald unanimously

VOTED: To execute an agreement between the Town of Sudbury and the Sudbury Permanent Fire-Fighters Association, Local 2023, International Association of Fire-Fighters, AFL-CIO, for the period July 1, 1980 - June 30, 1982.

And it was further

VOTED: To table, until Executive Session, taking any action on an agreement between the Town of Sudbury and the International Brotherhood of Police Officers, Local 315, for the period July 1, 1980 - June 30, 1982, as recommended by the Executive Secretary, due to a possible change in the contract.

Interview - Conservation Commission

Present: Carolyn A. Woolley, candidate.

Mrs. Woolley stated that she had received documentation relative to the Wetlands Protection Act from Conservation Commission Chairman Judith A. Cope, as recommended by the Board, and stated that she would try and attend the next Wetlands Protection Act hearing to be held on Wednesday, August 27. Chairman Murray requested Mrs. Woolley to let the Selectmen know of her interest in serving on the Commission after attending a Wetlands Protection Act hearing and learning more about the commitment to the Commission.

Notification of Change in Telephone Service

The Board acknowledged receipt of a communication dated August 20, 1980, from New England Telephone advising of the elimination of toll calls between exchanges within the Town's boundaries.

The Board directed the Executive Secretary to respond back to Ms. McCabe of New England Telephone expressing appreciation for the change in the service, and stating that the Board is looking forward to an easy transition. Also, on the recommendation of Selectman Cossart, Mr. Thompson was directed to write a note of thanks to Mrs. Estelle Simon, for her perseverance, and consequently the favorable outcome, in this matter.

Site Plan #80-217 Gibbs Tire Depot, Inc., 465 Boston Post Road

It was on motion by Chairman Murray

VOTED: To confirm action by Chairman Murray and Selectman Cossart to approve and sign Site Plan #80-217 of Gibbs Tire Depot, Inc., by Koller Associates, Inc., for property located at 465 Boston Post Road, on August 14, 1980.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular Session of August 11, 1980, as amended, and the Executive Session of that date, as drafted.

Current Items of Interest

Proposition 2½

Chairman Murray reported that Mr. Edward Glazer is willing to inform residents in Sudbury relative to Proposition 2½. Mr. Thompson stated that he would forward as much information as possible to Mr. Glazer on this subject. Mr. Alan H. Grathwohl of the Lincoln-Sudbury Regional School District Committee suggested that Mr. Glazer work with his committee, since they too will be researching the subject in order to keep the Town informed. Mr. Thompson stated that Mr. Glazer is scheduled to attend the Selectmen's meeting on September 8, and that the Board can discuss this further with him at that time.

Wayland Highway Commissioners

Chairman Murray stated that he met with the Wayland Highway Commissioners who indicated that they would be willing to work out their sanitary landfill hours with those of Sudbury in order to avoid any further problems of illegal dumping as a result of the time differential between the two adjacent landfills. In the meantime, Sudbury will stay closed on Mondays and will be opened on weekdays from 9:00 a.m. to 3:30 p.m., and Saturdays from 9:00 a.m. to 4:00 p.m.

Revaluation

Selectman Cossart questioned the number of homes which will be re-checked due to inquiries following the recent revaluation. Mr. Thompson stated that he spoke to Mr. Robert Wilson of McGee and Magane, Inc., the revaluation firm, who indicated that it is normal to re-check between 500-600 homes following a revaluation of this type. The Selectmen agreed that they would like further clarification regarding the revaluation, since they are continuing to receive complaints/questions from residents, especially from large land owners, who appear to have been heavily assessed for vacant land.

Selectman Cossart further suggested the Board discuss in more detail with the Assessors the whole question of the best direction to take in Classification of Town properties.

Longfellow Glen Project

Selectman Cossart stated that, since the Selectmen met last, the Zoning Board of Appeals had another meeting relative to the Longfellow Glen project. Selectman Cossart informed the Board as follows:

- McNeil and Associates has filed three applications for funding of the Longfellow Glen project, two of which are with HUD and most likely not eligible for approval;

- McNeil has submitted another version of the Conditional Comprehensive Permit (Mr. Thompson gave copies to the Board), dated August 14, 1980, with the Zoning Board of Appeals (ZBA). Selectman Cossart stated that there was some serious discussion regarding the elimination of substantial drainage information - see page 4, paragraph 5 - in the conditional comprehensive permit. Mr. Thompson stated that the ZBA will ask the Town Engineer to comment on the drainage part; also, Mr. Thompson stated that he will convey the Selectmen's concern to the Town Engineer and request him to allow the Selectmen to review his reply to the ZBA prior to responding to them.

On the recommendation of Selectman Donald, the Executive Secretary was directed to communicate, on behalf of the Selectmen, to Mr. Byron J. Matthews, Secretary, Executive Office of Communities and Development, in connection with a communication of August 19 from Mr. Matthews to HUD, regarding his apparent misunderstanding of the information on the applications to HUD from McNeil and of the Selectmen's position regarding these applications and the project.

Selectman Cossart stated that he spoke to Chairman Myron Fox regarding some of the provisions included in the most recent application from McNeil. Mr. Fox indicated that the ZBA is not too concerned with the composite or make-up of housing unit types, since they will be regulated by Federal/State standards or criteria.

Van for Council on Aging

It was on motion by Chairman Murray unanimously

VOTED: To accept the gift of a van from Digital Equipment Corporation, on behalf of the Town, to be used by the Council on Aging.

The Executive Secretary stated that the van will be presented to the Council on Aging at the WBZ/Digital softball game, to be held Thursday evening, August 28th, at Featherland Park.

Housing Impact Study

The Executive Secretary informed the Board of a meeting to review the status of the Housing Impact Study for the Town of Sudbury with the Planning Board on Thursday, August 28, 1980, in the Flynn Building.

Town Census

The Board acknowledged receipt of a letter dated August 12, 1980, from John L. Danehy, Chairman, Board of County Commissioners, requesting information regarding any discrepancies between Sudbury's Town census and the preliminary federal census figures in conjunction with their protest to the U. S. Bureau of Census. No response will be sent.

Finance Committee's Votes Relative to 950-101, Salary Adjustment 1980 Annual Town Meeting Article

On the recommendation of the Executive Secretary, the Board directed him to officially request the Personnel Board to amend the Classification Plan as it

relates to non-union Town Employees (with exception of Individually-Rated) in order to incorporate the votes of the Finance Committee on August 21, 1980, relative to Account 950-101, Salary Adjustment, after consulting with Town Counsel that this is the proper action to take.

Fairbank School Lease

Present: Alan H. Grathwohl, Lincoln-Sudbury Regional School District Committee (LSRSDC)

LSRSDC member Alan H. Grathwohl questioned with whom they should enter into a lease for the use of Fairbank School next month when school opens, and using the facility before a lease is executed, if this cannot be accomplished before school opens.

The Selectmen recommended that Mr. Grathwohl speak to Town Counsel, but the Selectmen indicated that: 1) the lease would probably be between the two school committees and should be executed prior to the use of the facility by the LSRHS; and 2) stressed that the heat should not be reduced to below 50° in any part of the building, regardless of how much or how little space the LSRHS would be using.

Performance Reviews

Executive Secretary Richard E. Thompson updated the Board on performance reviews by stating that both the Fire Chief and the Town Accountant's performance reviews are drafted and ready for approval, and that tonight the Board should probably continue with the Executive Secretary's performance review and do the Building Inspector, the Police Chief and the Town Engineer.

Mr. Thompson reviewed for the Board what had been previously discussed regarding the Executive Secretary, and the Selectmen continued as follows:

Executive Secretary

- 1) The Selectmen agreed that a major area to be dealt with is the Board of Assessors, and suggested looking into the possibility of hiring a full-time, paid assessor.
- 2) More aggressive action should be exercised in the area of Town Government reorganization and less time spent on maintenance programs.
- 3) Labor relations should be addressed, as this issue seems to be on a "one-way street"; also, the Fire Chief should be requested to address the subject of EMTs in the near future.
- 4) The Selectmen agree that a major area of concern is zoning; this should be reviewed for possible updating.
- 5) Future use of Town facilities should be a high priority project.
- 6) It was recommended by Selectman Cossart that Administrative Secretary Janet Silva take on a more major role in assisting the Executive Secretary

in day-to-day routine office operations; it was also suggested that the Town Accountant could possibly take over some of the collective bargaining matter to further relieve the Executive Secretary.

- 7) In addition, the Selectmen will continue to work individually on Selectmen-related matters, such as with the Wayland Road Commissioners, in order to alleviate some of the total burden of the Selectmen's office.
- 8) Communications were stressed - "communications can never be good enough"!

Building Inspector

The Board waived its policy to give the Building Inspector a Performance review until next year, and directed the Executive Secretary to do so because of the Building Inspector's short tenure here.

Police Chief

The Board agreed that, although it will be difficult for the Police Chief to implement any new programs this year due to the renovations of the Police Station, there are certain areas which the Chief should deal with which will not interfere with or place the Chief under any additional stress, as follows:

- 1) Communications with the Selectmen should improve; and
- 2) Communication with the public, especially in the area of publicizing the Department's achievements, should be improved; i.e. a different format should be used for publicizing crime statistics that shows comparisons with last year for the same time period, etc., for better public understanding.
- 3) Speed control is a major area which should be addressed; it should be enforced at all times, but especially on weekend nights. The Selectmen want to know if there is sufficient radar and/or other equipment to do this job sufficiently.
- 4) Increase the use of auxiliary; what is the incentive to encourage their participation in the Police Department, such as uniforms.
- 5) The Juvenile Restitution Program should be activated as soon as possible.

Town Engineer

It was a consensus that:

- 1) Better communications with and from the Engineering office should be established and worked on during the coming year; and
- 2) the Selectmen feel that the Town Engineer procrastinates with certain jobs that do not meet his personal priority or preferences.

Executive Session

At 10:30 p.m. it was on motion by roll call

VOTED: To enter into Executive Session for the purpose of discussing strategy for collective bargaining or litigation where open discussion of the same may have a detrimental effect.

(Chairman Murray, in favor; Selectman Donald, in favor; Selectman Cossart, in favor.)

Chairman Murray announced that Open Session would not reconvene following Executive Session.

There being no further business to come before the Board, the meeting was adjourned at 11:05 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk