

IN BOARD OF SELECTMEN  
MONDAY, JUNE 23, 1986

Present: Chairman Josiah F. Frost, David A. Wallace.

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:30 p.m. by Chairman Frost.

Emergency Utility Petition/100 Horse Pond Road

Present: Dermot and Deborah McCarthy.

Having received signed approval from the abutters of 100 Horse Pond Road, William P. and Olive T. Stone, 554 Boston Post Road; Louis Cabot and Beatrice M. Buckley, 124 Horse Pond Road; Joseph R. and Cheryl J. Adamski, 111 Horse Pond Road; George C. and Elaine P. Lewis, Jr., 103 Horse Pond Road; and John A. Hoag and Christine Letzeiser-Hoag, 125 Horse Pond Road, it was on motion

VOTED: To grant approval to Boston Edison Company to proceed immediately, in advance of receipt of petition and public hearing, to install approximately five feet of conduit with wires and cables therein in the public way from Pole 100/25 to provide electric service for a new home for Dermot and Deborah McCarthy at 100 Horse Pond Road, as an emergency measure in order that construction and occupancy can proceed.

FY86 Town Audit

In accordance with a recommendation, dated June 9, 1986, from Town Accountant James Vanar, it was on motion

VOTED: To accept a proposal, dated May 29, 1986, from Arthur Young & Company, One Boston Place, Boston, Massachusetts, to perform the Fiscal Year 1986 audit, at a cost of \$18,000, with the understanding that a transfer will be sought for additional funding since the \$16,800 budgeted and approved by Town Meeting is insufficient.

The Selectmen noted that one other proposal was received in the amount of \$18,500 from Deloitte Haskins & Sells.

Purchase of Aerial Ladder - Fire Department

Present: Fire Chief Michael C. Dunne.

Having received a proposal dated June 18, 1986, from Greenwood Fire Apparatus, Inc., 530 John Dietsch Boulevard, North Attleboro, Massachusetts, to furnish one used 1963 Pirsch 85-foot Midship Aerial Ladder per the Town's specifications, for the sum of Ten Thousand Dollars, and upon advice of Fire Chief Michael C. Dunne, it was

VOTED: To support the Fire Chief's purchase of the above 1963 Pirsch 85-foot Midship Aerial Ladder fire truck for the amount of \$10,000 approved under Article 9 of the September 9, 1985 Special Town Meeting.

Monitoring of Health Insurance Claims

On the advice of Executive Secretary Richard E. Thompson, it was

VOTED: To table the matter of awarding a contract for performing a claims monitoring and other benefit services for the Town of Sudbury's health insurance program until the July 7th meeting.

Articles For 1986 Special Town Meeting

Following discussion, it was on motion

VOTED: To accept the following articles submitted under the June 20, 1986 warrant closing deadline, for the September 25, 1986 Special Town Meeting and approve the articles and reports submitted by the Selectmen:

<u>Article</u>	<u>Submitted By</u>
FY87 Budget - Validate Votes	Selectmen
Route 20 Widening	Selectmen
Accept Ch. 640 of the Acts of 1985 - Unpaid Taxes	Selectmen
Amend Bylaws re Ch. 640	Selectmen
Accept Ch. 308 of the Acts of 1985 - Dog Control	Selectmen
Amend Bylaws re Ch. 308	Selectmen
Combine CTA & LRCEC	Selectmen
Water District Easement - Well #9, Raymond Road	Selectmen
FY87 Budget - Salary Adjustment	Selectmen
FY87 Budget - Retirement Fund	Selectmen
Highway Department Roof Repairs	Highway Surveyor
Personnel Classification & Salary Plan/ Administration Plan	Personnel
Special Act - Town Pool	Park & Recreation
Purchase Town Pool	Park & Recreation
Conservation Fund	Conservation
Maintenance - Conservation Property	Conservation
Housing for Elderly & Handicapped	Housing Authority
Clarify Zoning Bylaw IX,V,A, Site Plan Special Permit	Planning
Add Definitions to Zoning Bylaws	Planning
Landscaping in Historic Districts - Amend Bylaws	Planning
Landscaping in Historic Districts - Amend Zoning Bylaws	Planning
Traffic Study	Rt. 20 Task Force

The Selectmen and the Executive Secretary discussed the fact that according to the bylaw change voted by the 1986 Annual Town Meeting, site plan approval now requires a unanimous vote of the Board of Selectmen. The Special Permit procedure provides a statutory time frame and decision process consistent with Massachusetts General Laws, Chapter 40A. Selectmen Wallace

expressed concern that if there were not a unanimous vote of the Board of Selectmen, in that instance, the minority would be ruling. He felt the town should be clearly aware of how the regulation currently stands. It was suggested and agreed to try and get a consensus on the matter at the September 25, 1986 Special Town during discussion of the Planning Board article relative to the Zoning Bylaw, IX, V, A, Site Plan Special Permit.

Raytheon Company & Western Union Telegraph/Cable

Present: Gerald Wolff, RAYFON Program Manager, Raytheon Company

Following receipt of correspondence from Mr. Gerald Wolff, RAYFON Program Manager, Raytheon Company, dated June 17, 1986, requesting several technical revisions of the Board of Selectmen's March 10, 1986 vote relative to fiber optic cable installation to conform with New England Telephone Company's pole attachment license single ownership requirement and to allow attachment to existing conduit where applicable, it was on motion

VOTED: To amend the Board's vote of March 10, 1986, authorizing attachment of fiber optic cable to utility poles by Raytheon Company and Western Union Telegraph Company so that the vote now reads:

To authorize Raytheon Company to attach fiber optic cable to existing utility poles 1) from Raytheon Company plant on Boston Post Road, Sudbury, easterly along Boston Post Road and northerly along Union Avenue and Concord Road to the Concord Town Line, as shown on a plan entitled "Bedford to Sudbury", page B-6, and 2) from Raytheon Company plant on Boston Post Road, Sudbury, easterly along Boston Post Road to the Wayland Town Line, as shown on a plan entitled "Sudbury to Wayland", page B-7, to transmit communication data between its plants; said cable to be owned by Raytheon Company and installed by Western Union Telegraph Company; all cable to be installed above-ground, with the exception of connections from Route 20 to the Sudbury plant; and further to grant permission to Western Union Telegraph Company to install a second fiber optic cable along the same routes for use by Western Union to serve its customers, said cable to be owned by Raytheon Company and to be lashed to the Raytheon cable requested above; said grant of the second cable to be subject to the commitments made in the January 9, 1986 communication from Western Union Right-of-Way Specialist Joseph D. Spautz, items one, two, and three in regard to the undergrounding of utilities in conjunction with the widening of Route 20, specifically: 1) that Western Union will pay its proportionate share of the cost to construct the underground conduit for communications cables; 2) that Western Union commits \$20,000 at this time toward this work; 3) that Western will make available for use by the Town of Sudbury, at no cost to the town, one duct through which the Town of Sudbury could place their fire alarm cable; and further subject to the addition of any language relative to liability and indemnification which Town Counsel may wish to add; and finally, subject to all conditions set forth in the Fire Chief's letter to the Board of Selectmen, dated December 12, 1985;

and further:

To add the phrase "and where applicable in existing underground conduit" in authorization letters to Raytheon Company and Western Union.

Meeting With Board of Assessors

It was on motion, unanimously

VOTED: To reschedule to July 7, 1986, at 9:00 p.m., the joint meeting with the Board of Assessors to elect a third member of the Board of Assessors to fill the vacancy of William B. Galvin.

Board of Appeals Communication

Present: Harvey R. Peters, Chairman

The Board reviewed a June 13, 1986 letter from the Board of Appeals and discussed with Board of Appeals Chairman Harvey R. Peters situations of alleged zoning infractions as identified to Zoning Enforcement Agent Joseph E. Scammon in a letter from the Zoning Board of Appeals to the Zoning Enforcement Agent, dated February 13, 1986.

Mr. Peters expressed concern that these infractions will continue unless some action is taken by the Board of Selectmen. Chairman Frost advised that the Board will work on this matter between now and July 1st, and involve the Building Inspector and Town Counsel, both of whom are not present this evening.

It was suggested and agreed that possibly the Deputy Building Inspector could assist on compliance matters; additional monies have been budgeted for FY 1987 to increase his work time.

Orders Of Taking - Street Acceptances

The Selectmen signed the Orders Of Taking, pursuant to the 1986 Annual Town Meeting vote under Article 15 accepting Craig Lane, Shadow Oak Drive, Singing Hill Circle and Virginia Ridge Road as public ways, as shown on plans entitled: "Plan of Craig Lane As Laid Out By The Town Of Sudbury, Massachusetts", dated January 6, 1986; "Plan of Shadow Oak Drive As Laid Out By The Town Of Sudbury, Massachusetts", dated January 9, 1986; "Plan of Singing Hill Circle As Laid Out By The Town Of Sudbury, Massachusetts", dated January 13, 1986; and "Plan of Virginia Ridge Road As Laid Out By The Town Of Sudbury, Massachusetts", dated January 27, 1986.

Amendment To Reserve Fund Transfer

It was on motion

VOTED: To record an amendment to Reserve Fund Transfer No. 86-29 for Account 950-809, Unclassified-Communications, increasing the amount from \$336.75 voted on May 28, 1986 to \$454 to accommodate payment of additional FY86 repair bills.

Appointments/Resignations

Present: Personnel Board Chairman Jane C. Carroll, Leonard R. Costa,  
Personnel Board.

In response to a communication, dated June 3, 1986, from Personnel Board member Joseph S. Patti, it was on motion

VOTED: To accept the resignation from the Personnel Board of Joseph S. Patti, 261 Marlboro Road, Sudbury effective June 30, 1986, and to express appreciation for his service to the Town of Sudbury.

After discussion of the Personnel Board's communication of June 18, 1986 relative to appointment recommendations, it was on motion

VOTED: To appoint Kathleen Osborn, 35 Firecut Lane, to the Personnel Board for a term to expire April 30, 1989, to fill the vacancy created by the resignation of Robert B. Rowley; and David M. Mandel, 147 Dakin Road, to the Personnel Board for a term to expire April 30, 1987, to fill the vacancy created by the resignation of Joseph S. Patti.

Personnel Board Members Carroll and Costa expressed to the Board of Selectmen that they felt it would be beneficial to both Boards, more specifically the Personnel Board, if in the future, candidates for the Personnel Board could be interviewed by the Personnel Board first, then referred to the Board of Selectmen.

The Board indicated they would make every effort to do so.

It was on motion

VOTED: To appoint Enrique Molina and Robert Baylis as Special Constables for Traffic Duty Only at Raytheon Company, as recommended by the Police Chief upon request of Raytheon Company, for terms to expire April 30, 1987.

It was further on motion

VOTED: To appoint Paul L. Kenny as Town Counsel for a term to expire April 30, 1987.

Acknowledgement of Scouting Awards

It was on motion

VOTED: To enter into the record the Board's acknowledgement of attainment of Scouting awards as follows:

Michael P. Mullen, and Mark P. Ouellette - Eagle Scout Award  
Elizabeth Sanda - Silver Award

Letter Of Appreciation - Margaret L. Benzie

It was on motion

VOTED: To sign and forward a Letter of Appreciation in concert with the Sudbury School Department in honor of Margaret L. Benzie upon her retirement from the Sudbury School Department after twenty years of employment.

Donation For Council On Aging

It was on motion

VOTED: To accept on behalf of the Town \$73.40 in miscellaneous donations to be deposited in the Council on Aging Van Donation Account, and authorize the Council on Aging to expend the same for purposes of operating and maintaining the Council on Aging van.

Receipt Of Deed - Karash

It was on motion

VOTED: To approve receipt of the deed from Karl Karash, Sudbury, Massachusetts, conveying a gift of 5.23 acres, shown on Assessors' Map L10 as Parcel 015, off Coolidge Lane and Landham Road, under the provisions of M.G.L. c.40, s.8C, to be managed and controlled by the Conservation Commission, in conjunction with the Conservation Commission recommendation of December 9, 1985, and the Board's vote of January 13, 1986; and to designate the Chairman, on behalf of the donee Town of Sudbury, to sign Internal Revenue Service Form 8283, acknowledgement of receipt of property by said donee.

Rotary Club - Temporary Permit

Following receipt of correspondence from Charles M. Bramberg, Secretary, Rotary Club of Sudbury, dated June 6, 1986, it was on motion

VOTED: To approve the request dated June 6, 1986, from the Rotary Club of Sudbury, for a temporary permit to serve all alcoholic beverages to be drunk on the premises, on July 3, 1986, from 8:00 p.m. to 12:00 midnight on the grounds of the Peter Noyes School, Old Sudbury Road, to accommodate a dinner and dance to raise funds for Kidspace, and to waive any fees or charges for this permit, subject to approval from the Fire & Police Chiefs, the Board of Health, and the Building Inspector for the erection of a tent.

Minutes

It was on motion

VOTED: To approve the minutes of the Regular Session of June 2, 1986 as amended; the minutes of the Executive Session of June 2, 1986 as drafted, and the minutes of the Executive Session of May 28, 1986 as drafted.

Conflict Of Interest - Exemption

Following opinion of Town Counsel Paul L. Kenny dated June 12, 1986 and receipt of correspondence from James L. Kates dated June 19, 1986, it was on motion

VOTED: To approve the exemption, under General Laws Chapter 268, §20(d), of James Kates' interest as a store owner in the Town of Sudbury as a possible conflict in relation to his serving as a Finance Committee member, and to forward disclosure of said interest to the Town Clerk for filing.

Building Department Fund Transfer

It was on motion

VOTED: To approve Request No. 86-42, dated June 20, 1986, submitted by the Building Inspector, in the amount of \$140 for a transfer from the Reserve Fund to Building Line Item 340-41 to pay the Inspector of Wires for his in-town travel mileage for the months of May and June, due to the increased number of building permit requests.

It was on motion

VOTED: To approve Request No. 86-41, dated June 10, 1986, submitted by the Building Inspector, in the amount of \$1,800 for a transfer from the Reserve Fund to Building Line Item 340-33 to pay for the repair of half of the roof over the auditorium-gym at Fairbank School which has developed serious leaks.

Report of Executive Secretary - CATV

Executive Secretary Richard E. Thompson reported to the Selectmen on items of concern, including the fact that Adams-Russell has agreed to provide a fully functional studio for cable television at the Lincoln-Sudbury Regional High School plus a part-time coordinator for Sudbury.

Bike Trail

Present: David Roddy, 22 Gerry Drive, Nancy Clinton, 41 Meadow Drive, Conservation Commission Coordinator Deborah Montemerlo and approximately twenty-six interested citizens.

Executive Secretary Richard E. Thompson read a letter dated June 17, 1986, received today (June 23rd) from Conservation Coordinator Deborah Montemerlo and Planning Administrator Lee Newman which stated in part that the Conservation Commission and the Planning Board jointly recommend to the Selectmen that they support the feasibility study for the proposed bike trail from Sudbury to Lowell and that the Selectmen include the following four conditions in their letter to the Central Transportation Planning Staff (CTPS), in response to a letter from Susan Ziegler, Director, Bay Circuit Program, Department of Environmental Management, Executive Office of Environmental Affairs:

1. Specify that the study should provide the estimated fiscal impact on the Town of Sudbury for the initial design, patrolling, maintenance and other related expenses.
2. Before proceeding, the CTPS should get the Town of Sudbury's approval of the design and construction of the proposed trail.
3. That Sudbury be represented before state and planning agencies by a committee of more than one, to be appointed by the Selectmen.

4. State that the study should address the concerns of the abutters of the bike trail.

The Board of Selectmen began discussion with the Conservation Commission and residents belonging to the Bike Trail Abutters Committee regarding the above proposed bike trail.

Spokesmen for the Bike Trail Abutters Committee were David Roddy, 22 Gerry Drive and Nancy Clinton, 41 Meadow Drive. The Abutters Committee expressed concern that there would be a decrease in the value of their real estate, violation of their properties by users of the bike trail, and possible danger to their children, not from bicycle riders, but from other people who may use the bike path because of its proposed easy accessibility.

The following proponents spoke in favor of the Bike Trail feasibility study: F. Daniel Buttner, 54 Old Garrison Road; Michael Farney from the Town of Lincoln; Eric Lind, 31 Ward Road; Carol Sokoloff, 3 Washington Drive; Richard Williamson, 21 Pendleton Road and Nicholas Locsin, 50 Pantry Road.

The abutters who spoke against the feasibility study and/or against the Bike Trail were: Thomas Orr, 594 Peakham Road; Sheila Leonard, 602 Peakham Road; Demosthenes Menegakis, 30 Hilltop Road; Peter Albee, Hunt Road; Nancy Clinton, 41 Meadow Drive; Elizabeth Fletcher, 598 Peakham Road; and Jane Roddy, 22 Gerry Drive.

The Chairman encouraged input from proponents and opponents of the Bike Trail and the Board took into account aspects of varying opinions. The Chairman announced that he would support a committee which included one person selected by the abutters to work on the feasibility study with the Conservation Commission and the Planning Board. Chairman Frost reiterated that this was for the feasibility study only. He further explained that after the feasibility study Sudbury will know if it is even possible to have a bike trail, and then a full planning study will ensue, which will take into account all the abutters' concerns and address all the issues of the proponents and opponents, including the cost of operation, maintenance, insurance, policing, etc.

Selectman Wallace stated that he also felt there should be an abutters' representative involved at this time and that the feasibility study may show that a bike trail is not feasible, but it would be in Sudbury's best interest to obtain more information on the matter before deciding one way or the other.

Ms. Montemerlo stated that the item concerning maintenance which the Selectmen had in their draft letter of June 23, 1986 to the Central Transportation Planning Staff should not be presented as a contingency. Selectman Wallace advised that he did not intend the maintenance issue to be a contingency, but that these items should be included in the study.

Ms. Montemerlo requested that the committee being formed also include a representative from the general public of the town. Selectman Wallace stated that at this time, he felt it was important to keep the committee small, and have Ms. Montemerlo represent the Town's general public regarding this matter. Chairman Frost stated that at the time of the next step, the planning study, a larger committee could be formed.



Following a lengthy discussion, it was on motion

VOTED: To forward a letter to the Central Transportation Planning Staff requesting assistance in providing an initial feasibility analysis in developing a regional bike path utilizing the abandoned Lowell to Sudbury railroad line; to include in this letter the four items suggested by the Conservation Commission in their letter of June 17, 1986 and stating that a committee is formed in accordance with item #3, consisting of Deborah Montemerlo, Conservation Coordinator, and a representative of the Bike Trail Abutters Committee who is to be selected by that Committee.

Note: In a letter dated June 24, 1986 from the Bike Trail Abutters Committee, Mr. David Roddy was selected to represent that group.

Executive Session

At 10:00 p.m., it was on motion by roll call unanimously

VOTED: To go into Executive Session for the purpose of discussing Collective Bargaining. (Chairman Frost, aye; Selectman Wallace, aye.)

The Chairman announced that Public Session would not reconvene following the Executive Session.

There being no further business to come before the Board, the meeting was adjourned at 10:10 p.m.

Attest: \_\_\_\_\_  
Richard E. Thompson  
Executive Secretary-Clerk