

IN BOARD OF SELECTMEN
MONDAY, FEBRUARY 7, 1994

Present: Vice Chairman Lawrence L. Blacker, and John C. Drobinski.

The statutory requirements as to notice having been met, the meeting was convened by Vice Chairman Blacker at 7:30 p.m. in the Senior Center, 40 Fairbank Road.

Personnel Board - Appointments

Present: Applicants Karen Paradies and Nicolo S. Lombardo.

The Board interviewed applicant Karen Paradies, who informed that she grew up in Sudbury, moved away and then moved back and became involved with the reconstruction of the Sherman's Bridge. She said the Personnel Board vacancy was recommended to be a good place to start to become involved with the Town.

Mr. Lombardo remarked that he has lived in Sudbury since 1986, and has children now entering the school system. He has had the desire to become more involved in the Town and sees involvement as a way of getting to know more people as well.

Selectmen Blacker and Drobinski expressed their appreciation for the applicants' willingness to become involved and wished them well.

Secretary Thompson reminded that the appointments become effective at the close of Town Meeting in April.

On motion by Vice Chairman Blacker, it was unanimously

VOTED: To appoint Nicolo S. Lombardo, 11 East Street, and Karen Paradies, 46 Lincoln Lane, to the Personnel Board for a three-year term effective at the close of the 1994 Annual Town Meeting, to replace Bradford Brown and Rebecca Corkin.

Mr. Thompson said he would request Budget and Personnel Officer Terri Ackerman to send copies of the Personnel Board agenda to the appointees.

Minutes

It was on motion unanimously

VOTED: To approve the regular session minutes of January 24, 1994, as drafted.

Council on Aging Van Donations

It was on motion unanimously

VOTED: To accept \$186.60 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.

IN BOARD OF SELECTMEN
MONDAY, FEBRUARY 7, 1994

Repurchase of Cemetery Lots

At the request of Highway Surveyor Robert A. Noyes in two separate communications, both dated January 26, 1994, it was on motion unanimously

VOTED: To grant a request from Burton and Jacqueline Daitch, 100 Indian Ridge Road, to sell back to the Town two graves in New Town Cemetery, Section 9, Lot #6A (Deed #370).
(Sale of Lots \$450; Perpetual Care \$1350)

and it was further

VOTED: To grant a request from Phyllis Kaufman, 178 Woodside Road, to sell back to the Town six graves in New Town Cemetery as follows: 4 graves in Section 9, Lot #20 (Deed #907) and 2 graves in Section 9, Lot #18 (Deed #905).
(Sale of Lots \$75; Perpetual Care \$225)

Chapter 90 Project Request

It was on motion unanimously

VOTED: To record the signing by Chairman Cope on February 1, 1994, of a new Chapter 90 Project Request referencing MA #33304 dated January 8, 1991 and MA #34577 dated June 11, 1991, relative to the Pavement Management System bid at \$105,669.

Reserve Fund Transfer - #94-10

On recommendation of the Town Accountant, it was on motion unanimously

VOTED: To approve Reserve Fund Transfer #94-10, dated January 24, 1994, in the amount of \$2215 for Unclassified Account 1990-5218, for tuition of vocational programs not offered at the Sudbury school's member vocational school.

MBTA - Town Assessments

The Board acknowledged receipt of a communication dated January 18, 1994, from Board of Selectmen Chairman Mark T. Vaughn of Stoneham, asking for assistance in contacting legislators to restore reimbursements to towns that no longer receive MBTA service or change the outdated legislation that created the MBTA.

Secretary Thompson informed that a study is currently being performed by the Executive Board of the MBTA.

Selectman Blacker explained the history of the MBTA, noting that no legislatures will vote against the MBTA, and suggested the idea of a lawsuit. Selectman Drobinski suggested talking with Senator Robert Durand.

Mr. Thompson informed that a vote by the MBTA Executive Board for the study has already been taken and that this process should be allowed to continue first to see if a solution is possible. Discussion has

IN BOARD OF SELECTMEN
MONDAY, FEBRUARY 7, 1994

already taken place between the managers of the various MBTA towns to organize and try to meet on a regular basis to try to put the pressure on the state to receive back the MBTA reimbursement money. Mr. Thompson agreed to keep the Board updated.

Bullfinch's Restaurant - One-Day Entertainment License

Present: Margaret Richardson, President, Bullfinch's Restaurant.

The Board acknowledged receipt of a communication dated January 19, 1994, from Margaret Richardson, President, Bullfinch's Restaurant, requesting a one-day special entertainment permit for Monday, July 4, 1994. She explained that she would like to have an all day "Blues Festival" on that date.

Following a discussion concerning the set up, availability of parking, traffic issues, abutters and the possibility of needing a police detail, and on the approval of the Building Inspector, Police Chief and Fire Chief, it was on motion unanimously

VOTED: To approve an application, dated January 19, 1994, from Margaret Richardson, President, Bullfinch's Restaurant, for a one-day special entertainment permit to conduct an all-day "Blues Festival" on Monday, July 4, 1994, following the mid-day parade until 10 p.m. at 730 Boston Post Road, subject to the Police Chief determining the need for a police detail.

1994 Annual Town Meeting - Prioritization of Articles Related to Funding Recommendations

Present: Finance Committee Chairman Michael T. Fitzgerald.

The Board acknowledged receipt of a communication (Position Paper) dated February 3, 1994, from Executive Secretary Richard Thompson concerning giving priority to improving the Town's infrastructure in FY 95, which will require forgoing salary increases for one year in both town and school budgets. The Paper set forth a recommendation to fund the following 1994 ATM Articles:

24	July Fourth Parade	\$ 5,000
34	Goodman's Hill/Concord Rds. Intersection	10,000
(35	Town Building Repairs?)	37,400
(36	Accessibility to Town Buildings for Disabled?)	60,000
38	Drainage Systems	50,000
39	Fairbank Community Center Parking Area	50,000
40	Feeley Tennis Courts Reconstruction	85,000
41	Library Architectural Services	35,000
42	Library Children's Room Renovations	10,000
43	Highway Dept. Architectural Services	18,000
44	Police Station Repairs	25,000
50	Purchase Voting Equipment	42,200
65	Old Lancaster Road Walkway	64,300
Total		491,900

IN BOARD OF SELECTMEN
MONDAY, FEBRUARY 7, 1994

Selectman Blacker mentioned Town Treasurer/Collector's comments regarding capital expenditures for FY95 saying that it is a good year to bond them because interest rates are low and the Town's financial situation is strong.

Finance Committee Chairman Michael Fitzgerald commented that the only place the Finance Committee disagrees concerns priorities. The Finance Committee expected that the Flynn Building renovation might be higher on the priority list. Mr. Thompson explained that this cost has not been determined. An architect has submitted an estimate which seems high, added Mr. Thompson. Selectman Drobinski remarked that the Finance Committee should examine this list and provide feedback to the Selectmen. Mr. Fitzgerald noted the Finance Committee will be voting on a preliminary budget Tuesday, February 8, 1994.

Mr. Thompson mentioned the time has come to repair some of the infrastructure problems that exist in Town.

It was on motion unanimously

VOTED: To approve the Position Paper dated February 3, 1994, prepared by the Executive Secretary.

Treasurer/Collector's Budget - Further Review

Present: Treasurer/Collector Mary Ellen Normen Dunn; Finance Committee Chairman Michael T. Fitzgerald, and Finance Committee member Steven R. Wishner.

The purpose of the meeting tonight is for further review of the Treasurer/Collector's budget, especially as it relates to funding of Line Item 610, Tax Title Expense. The amount shown in the revised budget, \$16,075 for Tax Title Expense, had been reduced by \$10,000. According to Ms. Dunn this current amount would service approximately 10-17 cases. She said that there are currently 10-12 cases in tax title and no new ones since 1989, and nothing in land court.

Ms. Dunn stated that the issue of foreclosure should be entered into purposefully and with the joint resolution of the Board of Selectmen and the Finance Committee, with the point of view that the work is going to get accomplished. Each case will be reviewed independently and there will be consideration given to hardship cases and special circumstances. Ms. Dunn added that there will be emphasis placed on getting as many cases as possible to make payments without going into foreclosure.

Ms. Dunn also pointed out that her budget request does not include attorney or legal expenses.

Finance Committee member Mr. Steven R. Wishner was present not only to represent the Finance Committee, as the liaison to the Law Department, but as a private citizen of Sudbury. He commented that the focus in Sudbury should be to find the financial means to balance the budget, and to look at \$1.7 million which is owed in back taxes. He noted that 2/3 of the delinquent taxpayers have been delinquent for three years or more. He believes it is time to take action--these are parties who have chosen simply not to respond. Mr. Wishner feels strongly that the Selectmen should take the position to authorize the Law Department and Treasurer to take steps necessary to initiate tax title proceedings on the 50+ cases. The cost will be recovered by the Town, and 50 cases represents only 20% of the delinquencies.

IN BOARD OF SELECTMEN
MONDAY, FEBRUARY 7, 1994

Mr. Wishner believes this number of cases represents a number of cases that the Town Treasurer can comfortably handle this year, and thinks she should be given her full budget allotment of \$26,075 to handle approximately 50 cases.

Selectman Blacker asked how this would affect the Law budget. Mr. Thompson responded that the Finance Committee will need to come to a consensus as to what the appropriate number is in the budget, and a separate tax title line item will be inserted in the Law budget.

Selectman Blacker remarked that he was originally against tax title, and the idea of foreclosing on certain parties, but has realized that it is not fair to those who do pay their taxes, and particularly when payment schedules are made available. Mr. Blacker stated he is inclined to reinstate the \$10,000 taken from the Treasurer's budget for tax title expense and approve adding funds to the Law Department for this purpose.

Mr. Fitzgerald reminded that 50 cases does not necessarily mean 50 foreclosures, but it sends a message to all the others that the money is going to be collected. It was decided that Secretary Thompson would talk with Town Counsel and Treasurer/Collector Ms. Dunn regarding the amount of money to be added to the Law budget, and report back to the Finance Committee.

Ms. Dunn stated that each case will be looked at separately knowing that there are special cases due to the economy and people out of work, particularly within the past three years. Cases over three years require action, stated Ms. Dunn, who added that due notices will be given and copies sent to the Board of Selectmen.

On motion by Vice Chairman Blacker, and on the recommendation of Executive Secretary Thompson, it was unanimously

VOTED: To approve the Treasurer/Collector's budget as submitted with an additional sum of money in the amount of \$10,000 added to line item #610 entitled Tax Title Expense, to cover the cost of supplies, recording of instruments and approximately 50 foreclosures to be filed in Land Court.

Fire Alarm Monitoring

Present: Fire Chief Michael C. Dunne.

The Board acknowledged receipt of a communication dated January 14, 1994, from Fire Chief Michael Dunne relative to fire alarm monitoring. Chief Dunne explained that this issue came up during his budget hearing that included a request for \$20,000 for a new Fire Alarm Truck. The truck is used to work on the wires located in alarm and master boxes throughout the Town. The Fire Department collects approximately \$4,000 a year in revenue on master boxes which are located at several businesses, churches, etc. in Town. Mr. Dunne stated that the Finance Committee discussed the possibility of raising the fees or possibly removing the Fire Department from the alarm business altogether.

Mr. Blacker questioned how this service would continue if the Fire Department decided to remove themselves from this business. Mr. Dunne said that it can be accomplished through telephone lines. The fire alarm boxes located throughout the Town, other than those for businesses and other buildings, are very seldom used with the exception of those located near recreational fields, which could be converted to a radio signal system.

IN BOARD OF SELECTMEN
MONDAY, FEBRUARY 7, 1994

In conversation with Chief Dunne, Secretary Thompson stated that a used rental truck can be obtained for around \$7,500 per year. This would be a better solution with less cash outlay, particularly since the Town is looking at regional dispatching with the town of Wayland.

Mr. Blacker sensed that Chief Dunne would like to be out of the alarm business altogether. Mr. Dunne responded that it is not just a service, because it is possible to talk over the alarm system between stations which is quite helpful. He added that telephones are everywhere these days and can see the system reverting back to a "telegraphic system." One of the drawbacks for regional dispatching that Mr. Dunne pointed out is the expense of running wiring to Wayland which is also on a box system.

Selectman Drobinski remarked that he is not sure he is knowledgeable enough in this field to make a decision. Mr. Fitzgerald noted that half the amount requested, \$10,000 is in the budget, which could be used to purchase a used truck to be used for a few years, and then could always be transferred to the Highway Department.

Chief Dunne remarked that it would take a couple of years to initiate a new system for the alarms, in any case, which allows more time to come to a decision. Mr. Fitzgerald asked Chief Dunne if he has surveyed different towns for the fees being charged and he responded that some are over and some under the market rate. He added that an article would be needed to increase the fees for the alarms because it is a by-law.

Selectman Blacker asked if an article could be written to take the option of increasing the fee out of the bylaw and make it at the discretion of the department head on the approval of the Board of Selectmen.

Mr. Thompson commented that it is the past position of the Board to work toward regional dispatching, and he hopes the Board will continue to do so. It was the opinion of the Board that it might be a good idea for the Fire Department to switch to a different system and remove the Town from the alarm business.

1994 Annual Town Meeting Action

Articles #63 and #65

It was on motion unanimously

VOTED: To accept and number the following two petition articles as follows:

- #63 - Flynn Building Renovation
- #65 - Old Lancaster Road Walkway

Annual Town Meeting Warrant - Additional Articles

It was on motion unanimously

IN BOARD OF SELECTMEN
MONDAY, FEBRUARY 7, 1994

VOTED: To accept and order four (4) additional new petition articles received for the 1994 Annual Town Meeting Warrant in accordance with the time they were received in the Selectmen's office as follows:

- #66 - Comprehensive Walkway Program
- #67A - Renovate & Open the Loring School
- #67B - Debt Exemption for Loring School
- #68 - Establish Education Resource Utilization Committee

Articles #29 and #30

In response to a communication dated February 3, 1994, from the Conservation Commission relative to withdrawing the Warrant Articles for the sale of the Haynes Meadow house at 489 Peakham Road and the Carding Mill house at 102 Dutton Road, it was on motion unanimously

VOTED: To acknowledge the withdrawal of Article 29, Carding Mill House Disposition, and Article 30, Haynes Meadow House Disposition, by the Conservation Commission.

Article #18

With regard to demolishing Loring School, Selectman Blacker stated it would be a waste of money to do so. He suggested grouping Articles #16 - #20 for a common discussion regarding the fate of the Loring School. The Board agreed to maintain their former positions on all of the Loring School articles.

Article #46

With regard to Article #46 - Amend Zoning Bylaw, Definitions, submitted by the Planning Board, Selectman Blacker reviewed discussions he had with Hop Brook Ponds Study Committee Chairman Stephen M. Meyer relative to the percentage of manmade retaining materials used on a parcel of land. Mr. Meyer stated that a lot should not include more than 25% manmade retaining materials. If it has to have more then it should not be considered a buildable lot. Mr. Blacker's contention is that the article states that no land can be designed or utilized for surface water collection. He is opposed to this article.

Articles #62 - #65

Relative to these articles, and specifically Article #62 - Nixon School Enlargement and Remodeling, all which involve large sums of money to accomplish, Finance Committee Chairman Michael T. Fitzgerald explained how the Town would benefit if Article #62 was passed. He noted that bond offerings have a low interest rate now and that the Stabilization Fund is currently earning between 5 and 6%. He added that all of the articles are not in the budget; therefore, should be discussed and prioritized before going to Town Meeting for a vote, because there is a limit as to the amount of bonding that should be done at any one time.

Mr. Fitzgerald stated that the Finance Committee will be prioritizing these articles, and urged the Selectmen to do the same. Because these articles will require further review, the Board agreed review its positions if necessary and to report at Town Meeting.

Warrant Reports

It was on motion unanimously

IN BOARD OF SELECTMEN
MONDAY, FEBRUARY 7, 1994

VOTED: To approve warrant reports for all Selectmen's articles, subject to additional reports that may be added later.

Speakers and Positions

It was on motion unanimously

VOTED: To designate the speakers and take positions on the articles as follows:

Speakers

Chairman Cope	Articles 1,7,8,9,12,14-22,25,35,36,44,50,52,58-63,67a & b.
Selectman Blacker	Articles 2,3,4,5,10,26,28,41,42,43,53,56,57,68.
Selectman Drobinski	Articles 23,24,27,33,34,37-40,45-49,54,55,64,65,66.

Positions

Support	Articles 1,2,3,4,7,8,9,10,14,15,16,17,21,22,23,24,25,26,27, 28,33,34,35,36,37,38,39,40,41,42,43,44,45,47,48,52 54,55,57,59,61.
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Hold or Report at Town Meeting	5,11,12,18,19,20,31,32,46,49,50,53,56,58,60,62-68. (Article 53 position is subject to research by Selectman Blacker.)
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1994 Annual Town Meeting - Consideration of Offsets

In response to a communication dated February 3, 1994, from Administrative Assistant to the Board Janet Silva, it was on motion unanimously

VOTED: To approve the following offsets under the Board of Selectmen's jurisdiction to be used for the Annual Town Meeting; and to concur with use of other listed offset amounts, but not necessarily against the items proposed:

SOURCE	AMOUNT	TO OFFSET
Wetlands Protection Fund	\$ 4,125	Conservation Budget
Cemetery Funds Revenue	17,625	Highway Budget
<u>League of Women Voters - Residential Zoning Study Committee</u>		

Present: Amy Lepak and Kathy Jacobs.

The Board acknowledged receipt of a communication dated February 2, 1994 from the Sudbury League of Women Voters, Residential Zoning Study Committee, relative to the Residents' Focus Group on Sudbury Housing.

IN BOARD OF SELECTMEN
MONDAY, FEBRUARY 7, 1994

The report summarizes the results of the focus group's perceptions of life and housing in Sudbury. Selectman Blacker opined that he would very much like to see different types of housing in Sudbury other than the standard single family home. He thinks a condominium complex would be most welcome. The land remaining in Sudbury is marginal and to better utilize it would mean organizing cluster developments that work, added Mr. Blacker. In addition, Mr. Blacker believes that the Town will need to change the zoning to allow for smaller lots if it wants to provide for moderate income parties.

Ms. Lepak stated that one of the ideas was to double up on the lots--two two-bedroom houses instead of one four-bedroom house. Mrs. Jacobs asked if these ideas would be passable at Town Meeting, because there seems to be a need for homes ranging between \$70-140,000. Selectman Drobinski responded that the residents have to feel this need for it to pass and that it is one thing to know the need for diverse housing and another when it comes to your backyard.

Mr. Blacker suggested determining what is available in the Town for potential acreage and what can be done with the property. Then the bylaws will have to be changed in such a way that it works. Several public hearings can be held and many people invited to serve on a committee, concluded Mr. Blacker. He talked about how the Blue Ribbon Committee was formed to inform residents about the MMA Town Management Study and the new type of government that is being proposed.

Mr. Thompson remarked that the cluster bylaw will have to be changed because it does not work. It would have to be changed so that developers can work with it and the mindset of the Planning Board will have to be changed to work with the developers.

Ms. Lepak pointed out that many people have said that children hold the Town together. Ms. Jacobs added that building moderate income homes and condominiums in Town may end up being not so affordable because the demand would move the price higher.

Mr. Thompson reported that the wording of the League of Women Voter's Public Opinion Advisory Question has been confirmed and sent to the Town Clerk.

Republican Election Officer - Appointment of Emergency Inspector

In response to a communication dated February 4, 1994 from Assistant Town Clerk Kathy Middleton, relative to an appointment for a Republican Election Officer, and on the recommendation of Richard L. Warren, Chairman, Sudbury Republican Town Committee in a communication dated January 30, 1994, it was on motion unanimously

VOTED: To appoint Mary Caruso, 710 Concord Road, as a Republican Election Officer, Emergency Inspector, for the election year August 1, 1993 - July 31, 1994, replacing Patricia LeVan.

Veteran's Agent - Salary

On the recommendation of Secretary Thompson, and in response to a communication dated 13 February 2, 1994, from Mary Jane Hillery, Veteran's Agent, relative to a retraction of a previous Personnel Board Vote regarding her salary, it was on motion unanimously

VOTED: To amend the Veteran's Agent budget as submitted for a salary of \$7900 per year, and to support this amount in light of the fact that the Personnel Board may retract their vote and lower this amount.

IN BOARD OF SELECTMEN
MONDAY, FEBRUARY 7, 1994

Street Acceptances - Amendment

Since the Board's meeting of January 24, the Engineering Department has found that the layout of an additional portion of Raymond Road needs to be accepted to incorporate previous gifts of land used for the road.

It was on motion unanimously

VOTED: To state its intention to lay out:

Raymond Road from the Framingham Town Line northerly,
a distance of 3,175 feet, more or less,
on March 14, 1994, for acceptance by the 1994 Annual Town Meeting, and refer said street to the Planning Board for its report; thereby substituting this vote instead of that taken on January 24, 1994, relative to acceptance of 631 feet of Raymond Road.

Dunkin Donuts Site Plan

The Board accepted the recommendations of the Design Review Board as set forth in a letter dated February 2, 1994, relative to Site Plan Application #92-316 of Constantine Scrivanos, d/b/a Dunkin Donuts, for property at 378 Boston Post Road, and directed the Executive Secretary to so inform the applicant and his attorney.

D.A.R.E. Program - Donation

In response to a communication dated February 7, 1994 from D.A.R.E. Officer Ronald B. Conrado, it was on motion unanimously,

VOTED: To accept on behalf of the Town, a donation in the amount of \$1,000 from the Sudbury Youth Commission for the D.A.R.E. Program.

There being no further business to come before the Board, the meeting was adjourned at 9:45 p.m.

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk