

IN BOARD OF SELECTMEN
MONDAY, JULY 11, 1994

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. at the Fairbank Senior Center by Chairman Blacker.

Loring School - Rental Proposals

Present: Approximately 6 Woodside Road residents, and Eric Deutsch representing Congregation B'Nai Torah.

Secretary Thompson reported that the Board of Selectmen followed required procedures in seeking proposals for qualified tenants with whom to enter into a five-year agreement, together with an option to renew for an additional two years, for the leasing of the former Loring School located on Woodside Road. Copies of proposals received were to be picked up on July 8, 1994, by interested parties at the Selectmen's office and discussed at tonight's meeting.

Mr. Thompson reported that one proposal only dated July 8, 1994, was received from two separate parties for two separate leases for the Loring School. The two parties are Congregation B'Nai Torah and the Sudbury Nonprofit Collaborative, Inc.

Upon review of the rental proposal, Secretary Thompson stated that the proposal was a good start but there are a few areas that need to be discussed further. He recommended that the Board refer the proposal to Town Counsel to work out specific details and appoint a member of the Board to work with a small group which would include Town Counsel, concerned abutters, and the parties that submitted the proposal. Mr. Thompson stated he is making copies of the proposal available to the concerned abutters and that they will be included in the final review of the lease before it is signed by the Board.

Selectman Clark stated she would like to review copies of prior leases and the reports which show costs and repairs that have been done to the Loring School. She also asked about the discussion at Town Meeting concerning relinquishing just the land around Loring School within 20 ft. to the side and rear of the building, because she understood that the intent was to lease all 11 acres.

Mr. Blacker responded that when the Board discussed selling Loring School, it was decided to divide the land and sell only the portion with the actual physical structure. Mr. Thompson stated that the rationale behind leasing only the 20 ft. with the building was to maintain the surrounding property for the Town.

Ms. Clark asked for a definition of major vs. minor repairs, because of her concern that repairs be reasonable and costs not be inflated. She also questioned if the utility space mentioned in the proposal was included in the lease square footage. It was noted that the utility space is not usable space.

Ms. Clark questioned if rental comparisons have been made regarding similar properties in other surrounding towns. Mr. Thompson replied they had. The term net lease was also mentioned by Ms. Clark, and Mr. Thompson stated that it needs further clarification. Ms. Clark stated she could not accept a lease that obligates the Town to reimburse the tenants for repairs, and she is unclear on future liability issues.

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Chairman Blacker opined that whatever the terms of the lease, it will be a losing proposition for the Town if major repairs are offset by the rent. He noted that the Town is not obligated to pay for repairs over and above the rental income. He believes the Town will, over a 5 to 7 year period, realize "zero" dollars, so this will not be a money making proposition, but in his opinion offers a service to the Town.

Mr. Thompson explained that Town Meeting has voted to keep the Loring School and the Board has to follow the procedures and come up with some reasonable lease and move ahead. He added that there was never any understanding that the Town would make money on the lease. The three major repairs that need to be accomplished under the lease agreement are 1) Heating, 2) Roof repairs, and 3) Electrical repairs.

Mrs. Jean Corcoran, 48 Kay Street, informed that a different rate for the rental of space for day care centers exists between the Carroll School location and the center at the Loring School. Mr. Eric Deutsch asked what the timetable is regarding a decision on the lease because of fall schedules needing to be met. Mr. Thompson responded that the Board will try to have a new draft of the lease by their July 25, 1994 meeting, but it will depend on how negotiations progress.

Selectman Clark expressed that she does not want to see this rental property turn into a liability for the Town. Secretary Thompson reiterated his recommendation to refer the proposal to Town Counsel and asked the Board to decide if they want to be represented to interface with Counsel and others. Ms. Clark expressed an interest in being included at these negotiations.

Early Retirement Incentive Program - Meeting with Daniel W. Sherman, ASA, Coopers & Lybrand

Present: Daniel W. Sherman, ASA, Coopers & Lybrand; Town Treasurer and Collector Mary Ellen Normen Dunn; Director of Finance/Town Accountant James Vanar, and Negotiating Advisory Committee Chairman Marjorie Wallace.

The Board met with consultant Daniel W. Sherman, ASA, Coopers & Lybrand, to discuss the possibility of establishing an Early Retirement Incentive Program for Town and non-teaching School employees and a report of same compiled by Mr. Sherman and dated March 4, 1994.

Secretary Thompson explained the history that led up to the Town wanting to proceed with establishing an early retirement program for Town employees as well as non-teaching School staff. Mr. Sherman discussed why he thought the early retirement program the State offered did not fit the needs of Sudbury. He said he discussed with Secretary Thompson and Budget and Personnel Director Terri Ackerman the goals of the program which are mainly to restructure certain Town offices and to save money.

Mr. Sherman continued to explain that they determined the number of people available for restructuring purposes to be around 21 people who are over 60 and have at least 10 years experience working for the Town. In analyzing all the options, Mr. Sherman reviewed the various columns included in the table he handed out. The columns included the names of the 21 eligible people, their earnings, estimate of pension amount, estimate of bonus, health care costs, sick leave buyback, etc.

Chairman Blacker questioned the two positions shown on the report that will not be replaced and stated he believed it to be an invalid assumption. Mr. Thompson presented a scenario where the Engineering Department combines with the Public Works Department; thereby eliminating one or two employees.

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Chairman Blacker opined that unless the Town Manager form of government is passed, he does not see these positions being eliminated, thus the amount saved by establishing an Early Retirement Incentive Program seems negligible. He added that Town Meeting has not supported these types of changes in the past and does not see them being supported in the near future.

Mr. Sherman remarked that if the payroll is not able to be reduced it does not make any sense to set up such a program. Ms. Wallace commented with regard to the cost of replacing employees that have retired, she does not believe employees are always replaced at the bottom end of the pay scale; however, there may be other reasons for establishing an early retirement incentive program.

Ms. Palmer questioned what the magic number is to entice people to retire early and stated that there are some people, even though eligible for early retirement, who may wish to continue working, rather than thinking the bonus and the retirement income are insufficient.

After further discussion of the remaining columns concerning the probabilities of persons who may choose to retire and how this is determined, it was decided that the Negotiating Advisory Committee would review the report and offer their input. Mr. Sherman reminded that the key is the goal of the program.

Secretary Thompson stated he will review the numbers and talk further with the Board about assumptions and ratios to determine if it is feasible to proceed.

Performance Review - Building Inspector

Present: Building Inspector John B. Hepting.

Chairman Blacker noted he read Mr. Hepting's report and has no questions. He thanked Mr. Hepting for the good job he is doing.

Selectman Clark expressed her thanks to Mr. Hepting for accomplishing the removal of a trailer that was parked illegally for some time on Route 20 along the fence between Goodyear Tire Station and Interstate Oil.

Mr. Hepting noted that much is different now than in the past few years, notably that there are funds available for repairs to the Town buildings and active programs to upgrade. Bidding out for the work and the planning process is very lengthy and has taken much of his time, added Mr. Hepting.

With regard to Mr. Hepting's objective to pursue a resolution of the Loring School, Selectman Clark asked what his role is and if he could offer any alternatives to making repairs at the Loring School without paying a high price. Mr. Hepting responded that he was asked to look at prices. One of the problems was that there are no drawings of the building to determine exactly what needs to be done. The lessees used their own newly formed group to decide what the recommendations were with the help of an engineer who submitted recommendations. The recommendations were submitted to the Permanent Building Committee (PBC) who reviewed them as well. Mr. Hepting added that his Department has no time nor money for the Loring School and that the recommendations regarding methodology have come from the Permanent Building Committee who has the expertise. With regard to the cost of repairs, it was noted that the PBC can counsel on costs as well as procedures.

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Ms. Clark asked if it is possible to run the bids and costs through the Town and not just leave the decisions for costs up to the lessee. Mr. Thompson responded the lease would provide for the same; and in addition, proposed work and costs would be reviewed by the Building Inspector and passed on to the PBC. It was recommended that Mr. Hepting help the lessees get coordinated and encourage them to retain an engineer to help them coordinate the bids and the work to be done. Mr. Thompson noted that he heard the lessees verbally agreed to retain an engineer.

The Board expressed appreciation to Mr. Hepting for his work and approved the FY95 goals as submitted in his report dated June 9, 1994.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of June 27, 1994.

Council on Aging Donation

It was on motion unanimously

VOTED: To accept \$119.70 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.

Gold Award Scouts

In response to a communication dated June 25, 1994 from Girl Scout Troop No. 2452 Leader Elizabeth J. Nikula, announcing the advancement of Angela Farkas and Deidre Fernandes to the rank of Gold Award Scouts and inviting Chairman Blacker to attend the Ceremony to be held on July 27, 1994 at 7:30 p.m. at the Fairbank Senior Center, it was on motion unanimously

VOTED: To send letters of congratulation to Angela Farkas and Deidre Fernandes for attaining the Girl Scout rank of Gold Award Scouts.

Chairman Blacker declined to attend, as he will be out of Town on that date.

Board of Registrars - Reappointment

In accordance with the nominations and recommendation of the Democratic Town Committee in a communication dated July 2, 1994, from Carmine L. Gentile, Chairman, Sudbury Democratic Town Committee, it was on motion unanimously

VOTED: To reappoint Jeanne M. Maloney, 119 Willis Road, to the Board of Registrars for a three-year term to expire April 30, 1997.

Dudley Road - Traffic Mitigation Decision

The Board acknowledged receipt of a letter dated June 30, 1994, from Richard O. Bell, 24 Austin Road, and a letter dated July 5, 1994, from Jeffrey Winston, 118 Barton Drive, in opposition to the Dudley Road traffic mitigation decision (No left turn from Nobscot Road to Dudley Road, residents excepted).

Upon further review, and discussion that it is initially intended to be experimental and last for a period of only three months, it was decided to proceed with the Board's vote of June 27, 1994.

Ballot Question: Special Act - Establishment of a Board of Selectmen-Town Manager Form of Administration

On June 27, 1994, Chairman Blacker had sent a communication to State Representative Hasty Evans as an addendum to the Board's letter of June 23, 1994, to specify the language change desired in the above entitled Special Act to allow the ratification question to be placed on the ballot for a statewide election, as well as a local Town election. Executive Secretary Richard E. Thompson explained that House Legal Counsel would not recommend such an amendment, and instead, as a result of a recent meeting with House Counsel David Namet, an additional Special Act will be filed by the Governor's Office which directs the Secretary of State to place the desired question on the 1994 biennial state election ballot (November 8, 1994). Although it appears that the second Special Act will accomplish the Board's goal, the Executive Secretary advised the Board to forward its vote requesting placement of the question on the November 1994 ballot to the Secretary of State to confirm the Board's concurrence with the same and to assure placement of the question on the ballot. A copy of the same will be forwarded to the Sudbury Town Clerk.

Therefore, it was on motion unanimously

VOTED: To place a question pertaining to acceptance of the Special Act relative to establishing a Board of Selectmen-Town Manager form of administration on the November 8, 1994 State Election Ballot to read as follows:

"Shall an act passed by the General Court in the year nineteen hundred and ninety-four, entitled 'An act establishing a board of selectmen-town manager form of administration in the town of Sudbury', be accepted?"

And it was further unanimously

VOTED: To request the Secretary of State to coordinate the Board's request for insertion of the above question on the November 8, 1994 Election Ballot.

Hop Brook Protection Association - Algae Harvest Deposit

The Board acknowledged a communication dated July 6, 1994, from Hop Brook Protection Association President, Francis T. Lyons, requesting to use the Sudbury Landfill for deposit of algae to be harvested from the ponds in the Hop Brook watershed.

Selectman Drobinski asked what the volume would be and asked that Board of Health Director Robert Leupold determine if this is a feasible thing to add to the Landfill. Secretary Thompson stated that other alternatives, i.e. use as fertilizer, for this algae are being considered as suggested by Mr. Lyons. It was noted that appropriate odor control be a consideration and that placing it in the Landfill should be done only

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as a last resort. In any case, Mr. Thompson recommended that the Board agree to support the efforts of the Hop Brook Protection Association for the harvesting of the algae in the Hop Brook watershed and the transport of it to a "yet to be determined" location. The Board agreed.

It was on motion unanimously

VOTED: To authorize deposit of algae harvested from the Hop Brook ponds in the Sudbury Landfill provided no other alternative is available and subject to approval by the Board of Health.

Performance Review - Town Treasurer and Collector

Present: Town Treasurer and Collector Mary Ellen Normen Dunn.

The Board is in receipt of a performance report, dated June 15, 1994, from Mary Ellen Normen Dunn concerning her annual Performance Review.

The entire Board concurred that Ms. Dunn has done an excellent job in all areas and encouraged her to keep up the good work.

Selectman Clark asked what procedural safeguards are in place to prevent delinquency notices or foreclosure notices going out for someone who has a very small amount of tax dollars outstanding. Ms. Dunn said it is a statute vs. practical issue when dealing with delinquencies of over \$1. The statute allows the Collector to abate any amount under \$1. She explained that partial payment notices are sent ahead of demands and can eliminate demands if people respond. When people do not respond to any notice, this becomes a problem, and a set procedure is followed to obtain payment. Ms. Dunn stated that her goal is to get to zero, and she still has to collect small amounts. Many calls are received when names are placed in the tax title process, added Ms. Dunn.

Ms. Dunn informed that there are approximately five people a year who do not respond to notices. Ms. Clark mentioned the possibility of giving these people a call to remind them. Ms. Dunn noted that they have received several notices. Guidelines have been set up for special payment plans for those who have been delinquent for only one year. The idea, according to Ms. Dunn, is to get them through one year to where they are current on their payments. In some cases, it has had the opposite effect and has perpetuated the delinquency. When a delinquency occurs over one year, a lien is placed on the property.

Mr. Thompson thanked Ms. Dunn for doing a superb job, saying that she really promotes herself.

On the recommendation by Secretary Thompson, it was on motion unanimously

VOTED: To approve a step increase for Town Treasurer/Collector Mary Ellen Normen Dunn, establishing her annual base salary at \$48,102 (Step 3 of the Supervisory Association contract), retroactive to July 1, 1994.

FY94 Town Audit

The Board acknowledged receipt of a bid proposal to render audit services to the Town of Sudbury from Powers & Sullivan, Certified Public Accountants, dated June 17, 1994, and a communication dated June 27, 1994, from Director of Finance/Town Accountant James Vanar, recommending the Town award the bid for the FY94 audit to Powers and Sullivan and outlining his reasons for the recommendation.

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Ms. Clark asked if this would be a complete audit including the School Department. Replying in the affirmative, Mr. Vanar explained that audits are required when a Town receives over \$100,000 in federal funds which the School Department has received. Audits are also important for the bonding the Town performs. He added that Powers & Sullivan is more expensive, but they provide additional services which include assistance in completing a Comprehensive Annual Financial Report (CAFR), which is a very specific and extensive report.

On the recommendation of Secretary Thompson, it was on motion unanimously

VOTED: To accept a proposal from Powers & Sullivan, 545 Salem Street, Wakefield, MA 01880, dated June 17, 1994, to perform, in accordance with Town of Sudbury Request for Proposals dated May 23, 1994, the FY94, FY95 and FY96 Town Audit and related work including assisting the Town Accountant in producing a CAFR (Comprehensive Annual Financial Report), for an annual fee of \$15,000, subject to appropriation.

Performance Review - Director of Finance/Town Accountant

Present: James Vanar, Director of Finance/Town Accountant.

The Board is in receipt of a performance report, dated June 1, 1994, from James Vanar concerning his annual Performance Review.

Mr. Vanar remarked that he is amazed at the changes that have occurred in the Treasurer's office and said that he is pleased with the changes and the communication that exists between their departments.

Mr. Thompson expressed his thanks to Mr. Vanar for a job well done. He said he had discussed Mr. Vanar's report with him and added that Mr. Vanar is working on computer networking with Massachusetts Municipal Association, which is very practical for towns as it displays RFP's, current legislation, messaging center, etc., and is all in the windows application.

The Board expressed appreciation to Mr. Vanar for his work and approved his FY95 goals as submitted.

Polling Locations

The Board had been in receipt of a communication dated June 30, 1994, from Town Clerk Jean M. MacKenzie concerning polling location requirements. With this information, Secretary Thompson and Chairman Blacker investigated possible polling locations. The Fairbank Senior Center and the Methodist Church were suggested to Mrs. MacKenzie, who visited these sites and outlined her findings and opinions in a communication to the Board dated July 8, 1994.

Ms. Clark suggested that the two polling locations be Fairbank Senior Center and the Noyes School, subject to the school's approval.

Mr. Thompson commented that Curtis School is another possibility and suggested the decision should be left to the School Committee as to which school would be used. He added that it would not be advisable to have all four precincts at the Noyes School because of traffic congestion. It was noted that there is only enough voting equipment to supply two locations, no more.

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Ms. Clark expressed that she would prefer not to use the Methodist Church as a polling location, and Curtis Middle School seemed to be another good possibility and may be better than Noyes because of the traffic concerns.

The Board agreed that two polling locations should be set--one at Fairbank Community Center and one either at Noyes School or Curtis School. The Board directed Secretary Thompson to contact the Chairman of the School Committee to inform her of the Board's request, in order that the Committee may return an answer as soon as possible.

MAPC Assessments

The Board is in receipt of two communications dated July 1, 1994, from Stanley B. Arend, Director of Administration and Finance for the Metropolitan Area Planning Council, requesting payment of 1) \$4,684 for FY95 appropriation for the MetroWest Growth Management Committee, and 2) \$2,004 for FY95 appropriation for the Minuteman Advisory Group on Interlocal Coordination (MAGIC).

It was noted that Town Meeting appropriation for Fiscal Year 1995 includes funding for the MetroWest Growth Management Committee. Mr. Thompson stated that the Town in the past has financially supported only one of the MAPC organizations a year.

Secretary Thompson stated he would like to start alternating funding each year between the two groups but said first he will call MAPC Executive Director David C. Soule in order to receive his guidance. The Board agreed.

General Federation of Women's Clubs of MA - Use of property by trespassers and motorcycles

The Board is in receipt of a communication dated July 8, 1994, from Mary L. Borg, Chairman, Memorial Forest Committee, General Federation of Women's Clubs of MA, regarding a complaint by an abutter that the Federation land is being improperly used by trespassers and motor cycles which appear to gain access over Town land. The letter has requested that an authorized representative of the Town of Sudbury be present at a meeting on July 27, 1994, at 10:00 a.m. to discuss their concerns. Secretary Thompson stated he will be attending the meeting and Selectman Clark said she may join him.
"Nature's Backyard" - Sale of Brave New Composters

The Board acknowledged receipt of a communication dated July 7, 1994 from Administrative Assistant Janet Silva concerning the selling of composters through the Selectmen's office, which is sponsored by the local Earth Decade Committee who will be handling sales.

The Board concurred and thought this to be a good idea for the promotion of additional recycling to reduce solid wastes at the landfill.

Double Poles in Sudbury

Secretary Thompson reported he has had conversation with Mr. John J. Goggin, District Manager, Community Relations, Boston Edison Company, regarding double utility poles in Town. He said that Boston Edison has begun removing several double poles and will be furnishing the Town with a list of double poles, showing their progress and noting when removal of wires by other utilities is needed.

Hop Brook Ponds Study Committee - EPA Meeting

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The Board received a letter dated June 27, 1994, from Stephen Meyer, Chairman, Hop Brook Ponds Study Committee, reporting on the outcome of a meeting held May 3, 1994, regarding the repermitting of the Marlboro Easterly Waste Water Treatment Plant. The Board expressed serious concern about the tone and content of the letter and on suggestion of Executive Secretary Thompson the Board postponed further consideration until Mr. Thompson has had opportunity to discuss same with the Highway Department.

Executive Session

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

VOTED: To go into Executive Session to discuss a personnel litigation matter concerning Loretta Bigelow.
(Chairman Blacker, aye; Selectman Drobinski, aye; Selectman Clark, aye.)

Chairman Blacker announced that public session would not reconvene.

There being no further business, the meeting was adjourned at 10:15 p.m.

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk