

IN BOARD OF SELECTMEN
TUESDAY, OCTOBER 11, 1994

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

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

Utility Petition 94-18

The Board convened a public hearing to consider Utility Petition 94-18 of Boston Edison Company and New England Telephone and Telegraph Company for joint locations for the erection of one pole and for the removal of three existing poles at the newly created intersection at Goodman's Hill Road and Concord Road. Executive Secretary Richard E. Thompson stated that the work has been performed pursuant to emergency approval of this petition granted by the Board on September 9, 1994. Relative to the formal application, Mr. Thompson reported that all abutters had been properly notified and a letter of approval dated September 16, has been received from the Building and Wiring Inspectors.

On motion by Chairman Blacker, it was unanimously

VOTED: To approve Utility Petition 94-18 of Boston Edison Company and New England Telephone and Telegraph Company for removal of existing Poles 24/1A, 24/1 and 24/2 and Grant of Location to install one new pole to be owned and used in common by them, as shown on Boston Edison Company Plan of Goodman Hill Rd. - Sudbury, dated August 24, 1994, along the following public way of the Town:

Goodman's Hill Road - westerly side approximately 155 feet
south of Concord road
One (1) Pole
Three (3) existing JO Poles to be removed.

Minutes

It was on motion unanimously

VOTED: To approve the regular session minutes of September 26, 1994, as drafted.

Council on Aging Donation

It was on motion unanimously

VOTED: To accept \$96.62 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.

Appointment - UNICEF Collection Coordinator

On recommendation of the League of Women Voters, under letter dated September 22, 1994, from Co-President Marianne D'Angelo, it was on motion unanimously

IN BOARD OF SELECTMEN
TUESDAY, OCTOBER 11, 1994

VOTED: To appoint Joan Felleman as UNICEF Collection Coordinator for 1994.

Walkway Easement - Old Lancaster Rd.

It was on motion unanimously

VOTED: To accept and sign the Walkway Easement dated June 26, 1994, granted by Clark S. Johnson and Diane Johnson, shown on "Plan Showing Proposed Walkway Easement Over Land of Clark A. & Diane Johnson, 369 Old Lancaster Road, Sudbury, MA", dated January 14, 1994, drawn by the Town of Sudbury Engineering Department.

Agreement - Highway Department Local 1156

Pursuant to the October 4, 1994 communication of James Lee, Shop Steward, Local 1156, and following a brief background summary by the Executive Secretary, it was on motion unanimously

VOTED: To approve the letter of agreement, dated October 5, 1994, with Highway Department Local 1156, which allows Daniel Stevens to fill the Light Equipment Operator position at the Landfill on a permanent basis, setting aside the nine-month rotation set forth in the collective bargaining agreement only for the duration of Mr. Stevens' incumbency in this position.

The letter will be forwarded to Shop Steward Local 1156 for acceptance.

Ballot Question No. 10 - November 8, 1994 Election: Selectmen-Town Manager Administration

At the request of the Executive Secretary the Board reviewed the previously approved and submitted Ballot Question Summary, as prepared by Town Counsel at the request of the Secretary of State as required by Ch. 54 of the Massachusetts General Laws, for the purpose of using it for distribution at the polls. With the concurrence of Chairman Blacker, Selectman Clark highlighted certain areas which she would like to have expressed differently, particularly with regard to the role of the Board vis a vis the role of the Town Manager and the Town Manager's appointment/approval powers. All agreed that the wording should be compared to that within the Act itself and be presented in an impartial manner.

As time is critical, Finance Committee Chairperson Karen Palmer suggested that she would be willing to work this evening together with Chairman William Katz and Kathleen Precourt, members of the Town Reorganization Blue Ribbon Committee, present this evening, to redraft the summary. The Board agreed.

Later in the evening, Ms. Palmer read the completed redraft, which received initial approval and will be typed and forwarded to the Selectmen for final review. On direction of Chairman Blacker, Mr. Thompson will forward the redraft to Town Counsel for review and approval.

Town Reorganization Blue Ribbon Committee

Present: Chairman L. William Katz and member Kathleen Precourt, Town Reorganization Blue Ribbon Committee.

The Board acknowledged receipt of the October 5, 1994 communication from the Town Reorganization Blue Ribbon Committee relative to the continuance of the Committee and the tasks to be

IN BOARD OF SELECTMEN
TUESDAY, OCTOBER 11, 1994

assigned to it. The Committee suggests that it could be of assistance in proposing a selection process for a Town Manager, drafting qualifications for candidates, identifying potential sources of qualified candidates, and also in reviewing and preparing recommendations relative to the transition process itself. Some members have also expressed interest in serving on a screening committee for applicant review.

Chairman Blacker recalled that the intent was to have the Blue Ribbon Committee and perhaps some others involved in setting the selection criteria and developing a game plan for finding candidates, but suggested that, since the Act has not passed, it would be premature to vote a specific role for the Committee at this time.

Blue Ribbon Committee Chairman William Katz suggested that the Board could indicate a sense of direction for the Committee to do at the appropriate time.

Ms. Precourt suggested that one of the elements should include clarifying the open screening process, such as defining the number and kinds of committee members desired, e.g., employees, citizenry, etc. This, in her opinion, would be of benefit in the selection process itself and there would be a time advantage in implementation once the Act is passed.

Selectman Drobinski stated that certain processes which have been utilized by other search/selection committees - the School Superintendent search, for example - have met with public acceptance and could be utilized as models. Mr. Katz stated that the Committee has also gleaned much information from other towns surveyed.

On question from Selectman Clark, it was agreed that the Blue Ribbon Committee's role concludes at the appointment of the Town Manager. Mr. Katz suggested and the Board agreed that the Committee concentrate on laying out the process, then turn it over to another group for selection of members. Selectman Drobinski suggested that this would also allow those now active to be one step removed. All agreed that the selection committee should be comprised of between nine and twelve members and include a broadbased membership which is positive about the end result.

The Blue Ribbon Committee will provide a letter to the Selectmen on Monday, October 17, prior to the Special Town Meeting, relative to the intent for the selection process upon passage of the Special Act.

EOCD Grant - Wastewater Disposal Options, Rt. 20

On the question of reviewing and revising a draft Scope of Services and Additional Terms and Conditions relative to an Executive Office of Communities and Development Grant #SP-019-95A to study Wastewater Disposal Options for the Route 20 business area, Selectman Clark informed the Board that she has done some work on a revision and would like to hold it for further consideration.

Selectman Clark stated that she has many problems with the September 30 memorandum to the Board from the Town Planner and believes that the Planner's apparent aim is to have the study focus more on development rather than protection of the wells. Selectman Clark restated her main concern,

which was that the scope of work was not the subject of the grant request, adding that, in her opinion, the title of the Grant represents a "bait and switch" scheme.

Selectman Clark emphasized that, in her opinion, the project objective is to examine existing conditions and evaluate wastewater disposal options for the mitigation of wastewater disposal problems of

IN BOARD OF SELECTMEN
TUESDAY, OCTOBER 11, 1994

the existing businesses in the Route 20 Business area from Mill Village Center through Star Market Plaza, and that there is no need to pay for going to Massasoit Avenue as it is not in Zone II Water Aquifer Contribution Zone, or to Horsepond Rd. which does not constitute a primary business area. Furthermore, she added, there would be no reason to sewer in the area extending to Massasoit since there are mostly new systems in that locale, asserting that the dominant business area is in Zone 2.

Selectman Drobinski expressed his disagreement with this approach since, in his opinion, one must look at the current uses, types of uses allowed, chemical uses of businesses, and density of development beyond the parameters of Zone 2. Chairman Blacker concurred, believing that not considering data from Zone III may impact the conclusions, or worse, lead to an erroneous conclusion.

Selectman Clark informed the Board that, while she has not had the opportunity to meet directly with the Health Director, she has obtained information concerning the types of systems used in the Business District, finding that all have septic systems with the exception of one business which has a cesspool utilizing a distribution system and two leaching fields. Selectman Clark would like to see a needs assessment with the following Task I: Review, assemble and summarize existing information regarding studies, conditions, land uses, existing wastewater disposal methods and failures within the last five years, system updates and capacities, for the existing businesses in the Route 20 business area.

In order to accommodate more density, Selectman Drobinski stated that changing, expanded uses impacting the soil parameters may require other than on site sewage treatment. Selectman Clark opined that, from what she has heard, more density is not desired for the Town.

All agreed to discuss the subject at the October 24 meeting. Mr. Thompson will provide Selectman Clark with a copy of the standard contract to which certain items refer for her review.

Town Trust Funds

Present: Mary Ellen Normen Dunn, Town Treasurer and Collector.

At the request of the Town Treasurer and Collector based on discussions with various Departments, and with the assumption that distribution will occur once per year or on an emergency basis, it was on motion unanimously

VOTED: To amend the Investment Policy and Procedures for the Trustees of Town Donations approved on September 26, 1994, concerning the automatic reversion of Town Trust Fund Income balances to Principal so that the income balances are retained in the income account for possible future distribution.

It was also on motion unanimously

VOTED: To concur with the memorandum dated October 4, 1994, from the Executive Secretary to the Town Treasurer requesting that \$6,000 from the Discretionary Fund Income Account be set aside for

FY95 distribution and that the balance of \$3,948.97 be retained in the income account for possible future distribution.

As Co-Trustees of Town Donations, it was on motion unanimously

IN BOARD OF SELECTMEN
TUESDAY, OCTOBER 11, 1994

VOTED: To approve a distribution of \$3,000 from the Public Health Trust to be utilized for computer upgrades and/or computer equipment replacements for the Community Social Worker and Health Coordinator.

In accordance with the adopted Investment Policy and Procedures for the Trustees of Town Donations, it was on motion unanimously

VOTED: To appoint Janet Silva, Administrative Assistant to the Board of Selectmen, as Secretary to the Trustees of Town Donations.

Relative to use of Cemetery Trust Fund income to offset the operating budget, the Board was informed that \$17,625 was authorized as an offset at the 1994 Annual Town Meeting, and that an additional sum of \$30,214 is available to be voted as an offset by the October 17 Special Town Meeting. Town Treasurer and Collector Mary Ellen Normen Dunn explained that this money is investment income and general revenue generated by the cemeteries which is placed in the Cemetery Trust Fund and then taken out once a year. Mr. Thompson further explained that the revenue amount used as an offset will show on the recap sheet.

It was, therefore, on motion unanimously

VOTED: To approve the use of \$47,839, the total income of the Cemetery Trust Fund and revenues to be used to offset the FY95 operating budget. [\$30,214 more than previously authorized: \$8,289 from the Cemetery Trust Fund Income to offset the FY95 Highway Department Budget, and \$21,925 from cemetery revenue to be applied to estimated receipts and used to offset the FY95 operating budget.]

Mr. Thompson will confer with Superintendent of Cemeteries Noyes relative to the above.

Appointment - Commission on Disability

Present: Jacqueline McGuire.

Board members expressed their appreciation to Jacqueline McGuire for volunteering to serve and, as recommended by the Commission on Disability, on motion unanimously

VOTED: To appoint Jacqueline McGuire, 10 East Street, Sudbury, to the Commission on Disability for a one-year term to expire April 30, 1995.

Health Insurance - Group Rates

Present: Terri Ackerman, Budget and Personnel Officer; Arthur L. Bomengen, Sterling Insurance Administrators; Rosalind Hill, Leah Capuano, and Carol Reynolds, Insurance Advisory Committee members.

Chairman Blacker explained that in January 1994 the Town revamped the employee group health insurance program to be self-insured utilizing Blue Cross/Blue Shield. Blue Cross charges 12% to manage the self-insurance plan. The rates include administrative costs and the cost of reinsurance; premiums are paid to the Town and placed in a Trust fund set up for the purpose. The Town also offers an HMO plan through the Harvard Community Health Plan, and provides insurance for retirees not eligible for Medicare, a Medicare supplement, and BC/BS dental coverage.

IN BOARD OF SELECTMEN
TUESDAY, OCTOBER 11, 1994

Town Health Insurance Administrator Arthur Bomengen distributed a spread sheet with the proposed 1/1/95 rates and stated that, based on information from Blue Cross and the Town's short history of self-insurance, the Insurance Advisory Committee believes it would be prudent to leave this year's rates the same as last year's. With regard to the disproportion in the percentage of contributions in the retirees' plans, the Harvard plan for retirees not eligible for Medicare is proposed at 40% for 1995 and 50% for 1996. Further, it is the intention to bring all retirees' plans to the same percentage, 50%, in 1996.

Retired employee's representative, Leah Capuano, stated her understanding and agreement with this procedure.

Rosalind Hill, another member of the Insurance Advisory Committee, brought up the issue of adding a chiropractic rider, stating that it could be considered preventative treatment in that it might reduce orthopedic costs. Mr. Bomengen stated that coverage of this type would have to be applicable to the entire group not just for those who desire such coverage. The cost of adding this rider to the Healthflex plan would be \$4.64 for an individual and \$12.29 for a family; the Network Blue cost would be \$3.52 for an individual and \$9.50 for family coverage.

Chairman Blacker was assured that rate approval at this time would not preclude adopting the chiropractic coverages later at such time as the impact on the budget can be determined and the Insurance Advisory Committee consulted. Should the coverage be approved then, another open enrollment could be instituted.

It was on motion therefore unanimously

VOTED: To approve the rates as proposed for 1995, which follow:

<u>Active Employee Plans</u>	<u>Individual/Family Rate</u>	<u>% Contribution Town/Employee</u>
Healthflex	\$248.78/\$659.70	75% Town/25% Emp.
Network Blue	\$231.30/\$613.50	90% Town/10% Emp.
Harvard	\$164.97/\$437.19	80% Town/20% Emp.
<u>Retirees (not eligible for Medicare)</u>		
Healthflex	\$248.78/\$659.70	50% Town/50% Emp.
Network Blue	\$231.30/\$613.50	54% Town/46% Emp.
Harvard	\$164.97/\$437.19	60% Town/40% Emp.

Mr. Bomengen noted that the Harvard Senior Plan rates are Federally regulated and will not be available until December. The Cook & Company O.M.E. self-insured Medicare supplement plan rates will be available by November 7.

Insurance Coverage - Monetary Theft

Present: Mary Ellen Normen Dunn, Town Treasurer and Collector.

Town Treasurer and Collector Mary Ellen Normen Dunn elaborated on her request of October 5, 1994 to add \$100,000 of insurance coverage for non-statutory Town employees who handle Town funds at a cost of \$500, explaining that the Town presently has General Liability coverage only for theft, mutilation or

IN BOARD OF SELECTMEN
TUESDAY, OCTOBER 11, 1994

destruction of cash money in the amount of \$10,000. Ms. Dunn explained present office procedures and suggested that this coverage will allow the Treasurer's Office to establish better guidelines and policies for the deposit of Town funds which in some instances may exceed the daily amount now covered.

It was on motion unanimously

VOTED: To increase the Town's General Liability coverage in the amount of \$100,000 to cover non-statutory employee theft at a cost of \$500.

On the subject of the recent Letter to the Editor with regard to mailing taxes to the Town's Boston bank lockbox, Ms. Dunn informed Selectman Blacker that there is no problem with mail received on November 1 or even 12 hrs. beyond since, with the use of the lockbox and the reporting system, taxes are posted and balanced daily by the Town by 4 p.m.

Dudley Road

Executive Secretary Thompson explained that the intent for this agenda item is to amend the Town's Traffic Rules and Regulations to allow for a "No Through Traffic" sign and an international marker prohibiting a left turn on a trial basis of a few months, then reevaluate.

Selectmen Clark indicated that, in her opinion, there has been no enforcement. Executive Secretary Thompson indicated that the reason there may be an enforcement problem is that the sign may be defective, as Town Counsel indicated in his opinion of September 26, 1994, on the ground that it lets residents only make a left-hand turn.

Selectman Clark indicated that the narrow road presents a real safety issue and the present myriad of signage is confusing. Selectman Clark exhibited several pictures that she had taken in other towns showing various signs, such as "Not a Through Way - Residents Only" with the words "except School Busses and Emergency Vehicles" below.

Executive Secretary Thompson suggested that while the Board is waiting for reports from the Town Engineer and Safety Officer the Office should draft the amendment he suggested to the Traffic Rules and Orders, for Selectmen consideration subject to those reports. The Board agreed. (Chairman Blacker abstained.)

Executive Secretary Thompson stated that most of the complaints with regard to the imposition of the no left turn policy revolve around traffic backing up at Nobscot and Rt. 20. Selectman Clark opined that most of the problem is that the practice involves a change of habit and that people are more concerned about safety on their own streets than on those other streets used by them. Selectman Clark expressed her strong feeling that it is important for the Selectmen to take a stand on this safety issue.

Executive Session

At 9:00 p.m., it was on motion by roll call unanimously

VOTED: To go into Executive Session to discuss salary negotiations with the Personnel Board.
(Chairman Blacker, aye; Selectman Drobinski, aye; Selectman Clark, aye.

Chairman Blacker announced that public session would reconvene at the conclusion of the Executive Session.

The public session reconvened at 9:20 p.m.

FY 95 Salaries

Present: Karen Palmer, Finance Committee Chair.

Executive Secretary Thompson informed the Board that a 1% salary increase was budgeted and approved by the Annual Town Meeting for the positions of Executive Secretary, Police Chief, Fire Chief, and Highway Surveyor. Since Town Meeting the Board conducted some annual performance reviews, but has not yet set the salary increase for the appropriate positions.

It was therefore, on motion of Chairman Blacker unanimously

VOTED: To set the salary increase for the positions of Executive Secretary, Police Chief, and Highway Surveyor (Superintendent of Cemeteries, Sanitary Landfill Agent, Tree Warden) at 1% for FY95.

It was agreed to discuss the salary increase for the Fire Chief at a future meeting.

Site Plan 93-317/Sudbury Crossing Associates Realty Trust

The Board noted receipt of the September 29, 1994 communication from Town Engineer I. William Place relative to the deterioration of the detention basin located at the rear of the Sudbury Crossing site. Reconstruction of this detention basin was a condition of the Site Plan approved on August 23, 1993 for the expansion to the T.J. Maxx portion of the complex which has not yet begun.

The Board directed the Executive Secretary to draft a letter to the Trust relative to the deterioration and the desired reconstruction, but insist that, at minimum, repair should be undertaken immediately to bring it into conformance with the original site plan.

Contract Award - Engineering Design Station

Executive Secretary Thompson informed the Board that two bids had been received on October 7 which greatly exceed the budgeted amount; therefore, the item was tabled.

Appointment - Special Police Officer

On the recommendation of the Police Chief, dated September 30, 1994, it was on motion of Selectman Blacker unanimously

VOTED: To appoint Wayne M. Shurling (son of Wayne M. Shurling, Police Officer), 14 Centre Street, Sudbury, to the position of Special Police Officer for a term to expire April 30, 1994.

Lease Agreement - Loring School

At the request of Selectman Clark the subject was tabled.

October 17, 1994 Special Town Meeting

IN BOARD OF SELECTMEN
TUESDAY, OCTOBER 11, 1994

The Board agreed that Chairman Blacker would express the Board's support for Article 1, FY95 Budget Adjustments; Selectman Drobinski would express support for Article 2, a technical amendment relative to the Fairbank Road Walkway; and Selectman Clark will express the Board's position on Article 3, Special Act - Conservation Variance. The Board will await the Conservation Commission determination relative to Article 3 before making its decision.

Bridge Funding - Dutton Road & Landham Road

The Board noted receipt of an October 11, 1994 communication from Highway Surveyor Robert. A. Noyes relative to the inadequacy of the Non-Federal Aid Substandard Bridge Program funds for the Dutton Road and Landham Road bridges and his intent to secure additional funding from the State either as an increased authorization or through Chapter 90 funding. All agreed with Selectman Clark that the projects should be completed as soon as possible; therefore, it was on motion unanimously

VOTED: To direct the Executive Secretary to inform the Highway Surveyor that it is the Board's strong desire to complete the Landham Road bridge repairs this fall, if at all possible. To do so, the Board recommends proceeding forthwith as soon as the State approves the design, which hopefully will be in the next two weeks, and to pay for the same from either the Non-Federal Aid Account or Chapter 90. If the foregoing is not timely, then payment is to be made from the Highway Account, and the Selectmen will support reimbursement at a later date.

Further, it was on motion unanimously

VOTED: To affirm the Board's approval of the amount of \$9,746 received from the State under the Non-Federal Aid Substandard Bridge Program being credited to the FY95 Highway Budget to reimburse spending from this account for the Dutton Road Bridge project.

November Election

The Board approved a memorandum to the Town Clerk relative to parking and pedestrian circulation at the polling places during the November Election and the storage of the voting machines.

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

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk