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

The statutory requirements as to notice having been met, the meeting was convened by Chairman Drobinski at 7:33 p.m. in the Town Hall.

Interview of Candidate for Permanent Building Committee

Present: James M. Cummings, Candidate.

The Board acknowledged receipt of a letter, dated March 12, 1996, from Bruce L. Ey, Chairman of the Permanent Building Committee, in which Mr. Ey stated the unanimous recommendation of the PBC of James M. Cummings, 145 Lincoln Road, to fill the vacancy left by Warren Boyce, which term would have expired in 1995. To keep membership terms in sequence, Mr. Ey recommended that Mr. Cummings be appointed for a term to expire April 30, 1998. Enclosed with Mr. Ey's letter was an application and resume of James M. Cummings.

Following a brief interview, it was on Chairman Drobinski's motion unanimously

VOTED: To appoint James M. Cummings to the Permanent Building Committee for a term to expire April 30, 1998, to fill the position formerly held by Warren Boyce, according to the recommendation dated March 12, 1996, from the Permanent Building Committee.

Meeting with Marjorie Teig - Articles 39 and 40

Present: Lucien and Marjorie Teig, 42 Robbins Road; Barbara Cook, 12 Howell Road; Arthur Doty, 24 Robbins Road; and numerous interested citizens and abutters of Robbins Road; and Jo-Ann Howe, Executive Director of the Sudbury Housing Authority.

The Board acknowledged receipt of a letter, dated March 22, 1996, from Marjorie Teig, regarding Articles 39 and 40 of the Warrant for Town Meeting. Ms. Teig questioned the Board's support for these articles and cited the history of the land parcel in question. Ms. Teig stated that on April 20, 1984, the Town Meeting voted unanimously to sell this tax possession to abutters; she cited past Board policy to "request Town Meeting approval of a private sale to an abutter where possible..." Mrs. Teig then stated that she and her husband (as well as a few other abutters) sent letters to the Board expressing a desire to purchase the land. She said that she had followed up her August 4, 1987 letter with many telephone calls to the Selectmen's office but was always told that there was a problem with the title that first must be resolved by the Town. She said that she would like to purchase the parcel to ensure that she and her family may continue to enjoy the wooded nature of this abutting parcel. She stated that she was disheartened to learn that the Board now supports a transfer of this parcel to the Housing Authority for building moderately-priced housing. Mrs. Teig concluded by asking the Selectmen to reconsider their position on this issue.

The Board also acknowledged receipt of a copy of a letter, dated Dec. 21, 1995, to Town Counsel Paul Kenny from Town Engineer I. William Place on the subject of Tax Possession Parcel at 205 Robbins Road, in which Mr. Place outlined the history of the parcel in question. The pertinent facts about this parcel Mr. Place stated as follows: "This property as shown on Assessors Map K06, Parcel 205 was taken for Tax Purposes in 1966 from R.D. Madden. See Tax Title Book 8561 Page 93 Foreclosure Book 9300 Page 392 and included Lots 77, 78, 79 & 80 as shown on a plan titled "Plan showing Tax

Possession Land", dated February 17, 1984. Plan reference Book 404, Plan 13 of 1927. In November 1952, a plan titled, "Subdivision of Land in Sudbury, MA." Prepared by McCarthy Engineering was filed at the Registry Plan #1016 (B of 2) of 1953 showing lots 4 and 5 Robbins Road. Lot 4 includes all of Lot 77 and a portion of Lot 78. A plan titled "Plan of Land in Sudbury, MA." dated July 20, 1982 was submitted to the Planning Board for endorsement. The plan created Lot 3A containing 37,145 sq. ft. including all of lot 77 and a portion of lot 78. This plan was recorded as Plan #154 of 1983. A subsequent plan dated May 2, 1982 was submitted to the Planning Board showing lot 3A having an area of 27,975 sq. ft. and side yard deficiency for which a Board of Appeals variance was granted #84-6. This plan was recorded as Plan #154 of 1984. This latest plan is claiming 2.21 ft. of lot 77 which was part of the Tax possession in 1966. To further compound the problem there is approximately 2,560 sq. ft. of a portion of Lot 5 which was not part of the tax foreclosure proceedings. There also exists a drain line which runs through the northerly portion of the property. We will locate the drain line when the time comes."

The Board is also in receipt of a copy of Article 25 of the April Annual Town Meeting and copies of notations of oral communications from the years 1985, 1986, and 1987 of persons interested in purchasing the Robbins Road parcel. The Board is further in receipt of copies of letters from Marjorie and Lucien Teig, dated Aug. 4, 1987, Daryl Rankowitz, April 8, 1984, and Gail and Erson Barlow, March 28, 1984, all in relation to interest in the purchase of the parcel in question.

Chairman Drobinski asked Mrs. Teig to make a brief presentation and she stated that she and her husband were quite surprised to learn that the parcel in question was approved by the Board for transfer to the Sudbury Housing Authority. She then outlined the history of the parcel as per her letter cited above. She concluded her presentation by saying that she and her husband feel that the Town made a promise to the abutters which should be honored.

Chairman Drobinski asked if there were any other comments from residents and Arthur Doty, 24 Robbins Road, stated that he is an abutter and that when he purchased his home in 1991 the real estate agent said that the deed for the parcel in question resided with the Town and that there were problems as far as this deed was concerned. He questioned how the Board could promise this land to another Town body so long as there are problems with the deed.

Selectman Blacker thanked the Teigs for the material they submitted, which shed light on the Articles in question.

Selectman Clark stated that if the Town is experiencing difficulties with the deed, would not anyone who desired to purchase the parcel also experience these problems? Mr. Teig responded that he had been led to believe that once the Town dealt with the problems then it would sell the parcel, but that he has concluded that this was not a priority item for the Town, given the number of years the abutters have been waiting for action.

Selectman Blacker then stated that he would like to re-think his position on these Articles. He said he would like to see the Town straighten out its problems with the deed and then sell the property to an abutter at a reasonable price (with the appropriate Conservation restriction). He said that the land's value as a buildable lot would be approximately \$100,000, but that he assumes the abutters do not want to pay such a price.

Selectman Clark moved that the Board amend Articles 39 and 40 to remove Robbins Road from both of these articles, since this situation represents a prior decision of Town Meeting. She said that the

Town should then investigate the problem with the deed. She then questioned the parcel's size, saying it is approximately one-half an acre; Mr. Thompson responded that the Building Inspector had determined that this parcel is indeed a buildable lot.

Barbara Cook asked for an explanation of exactly who the Sudbury Homeownership Development Corporation is. Selectman Clark responded that she believes that this is a corporation that the Sudbury Housing Authority has set up to facilitate the financing and sale of moderately-priced housing. Arthur Doty asked if the Housing Authority is a separate entity from the Town and Chairman Drobinski explained that the Housing Authority is indeed separate, but is answerable or liable to the Town.

It was on Selectman Clark's motion unanimously

VOTED: To make a motion at Town Meeting to remove the Robbins Road parcel from the motions under Articles 39 and 40.

1996 Annual Town Meeting Warrant Review

Present: Town Moderator Thomas G. Dignan, Jr.

At 8:00 p.m. Chairman Drobinski turned the meeting over to Town Moderator Thomas G. Dignan, Jr., who conducted the Warrant Review for the 1996 Annual Town Meeting which will commence April 1, 1996. Those persons who will present each article and those who expressed a desire for advance recognition to speak on certain articles identified themselves for the Moderator in order to expedite the Town Meeting.

During discussion, Jo-Ann Howe, Sudbury Housing Authority Executive Director, stated that the Authority had now decided to remove the Robbins Road parcel from its submitted Articles 39 and 40, in light of information brought to its attention by the Teigs.

Minutes

It was on motion unanimously

VOTED: To hold for approval the regular and executive session minutes of March 11, 1996, until the next regularly scheduled meeting, so that Selectman Clark will have time to review them.

Council on Aging - Van Donation

It was on motion unanimously

VOTED: To accept \$68.99 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.

Resignation from Town Report Committee

The Board acknowledged receipt of a letter, dated March 18, 1996, from Patricia LeBlanc-Gedney, in which she tendered her resignation as a member of the Town Report Committee, and cited personal reasons for limiting her activities.

It was on motion unanimously

VOTED: To accept the resignation dated March 18, 1996, of Patricia A. LeBlanc-Gedney from the Town Report Committee, and to send her a letter in appreciation of her service to the Town.

Resignation from Board of Appeals Associates and Earth Removal Board

The Board acknowledged receipt of a letter, dated Feb. 20, 1996, from Ronald Myrick, in which he tendered his resignation as a member of the Earth Removal Board and the Board of Appeals Associates, and cited his travel schedule as his reason for his resignation.

It was on motion unanimously

VOTED: To accept the resignation dated February 20, 1996, of Ronald Myrick from the Board of Appeals Associates and Earth Removal Board, and to send him a letter in appreciation of his service on said boards.

Fire Department Request

The Board acknowledged receipt of a memo, dated March 18, 1996, from Fire Chief Michael C. Dunne, in which he seeks the Board's permission to conduct a fund raising drive to purchase a flat bottom boat and trailer to aid in ice rescues since the current boat being used was purchased in the 1950's. Mr. Dunne stated that the Department would be mailing solicitations for funds to businesses and associations within the Town, and that approximately \$1200 is needed for the purchase.

It was on motion unanimously

VOTED: To grant permission to the Sudbury Fire Department to conduct a fund raising drive for donations from Sudbury businesses and associations to purchase a flat bottom boat and trailer costing approximately \$1200.

Confirmation of Signing - State Aid Anticipation Note

The Board acknowledged receipt of a memo, dated March 19, 1996, from Mary Ellen Normen Dunn, Town Treasurer and Collector, concerning award of the State Aid Anticipation Notes Sale conducted on March 19, 1996. Ms. Dunne explained that the Notes will settle on March 29, 1996, and mature September 27, 1996, and that the State Aid Anticipation Notes are expected to be retired with Chapter 90 reimbursements.

It was on motion unanimously

VOTED; To confirm the signing on March 21, 1996, of a renewal State Aid Anticipation Notes in the amount of \$466,000, with BayBank at a rate of 3.66%.

Town Trust Fund Investment Pool Purchases

The Board acknowledged receipt of a memo, dated March 19, 1996, from Mary Ellen Normen Dunn, Town Treasurer and Collector, in which she stated: "On Friday, March 15, the Investment Advisory Group met to discuss the investment of \$190,000 in available cash in the Town Trust Fund Investment Pool. The cash accumulated due to the maturity of a bond and investment income earned. The vote below invests part of the available cash while maintaining a minimum cash balance of \$50,000 for disbursement in July." Ms. Dunn attached the February 29, Investment Portfolio for the Board's information.

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

VOTED: To authorize the Treasurer to purchase the following with funds from the Town Trust Fund Investment Pool:

\$35,000 - transfer to T. Rowe Price Capital Appreciation Fund \$50,000 - 6 1/8% U. S. Treasury Note maturing 5/15/98, 5.838% yield \$50,000 - 6 3/8% U. S. Treasury Note maturing 7/15/99, 6.034% yield

Donation to Ambulance Gift Account

The Board acknowledged receipt of a memo, dated March 12, 1996, from Fire Chief Michael C. Dunne, in which he stated that the Fire Department has received a \$25 donation from Laurie Loftus, of 298 Maynard Road.

It was on motion unanimously

VOTED: To accept the \$25 donation from Ms. Laurie Loftus to be deposited into the Ambulance Gift Account.

"Assurances of Compliance" Signing - Goodnow Library Grant Application

The Board acknowledged receipt of a note from William Talentino, Goodnow Library Director, dated March 20, 1996, with which he forwarded an Assurances of Compliance, the same as approved by Town Counsel and signed by Mr. Thompson and the Selectmen in 1995, relative to the library grant application to the State Board of Library Commissioners for library construction funding. Mr. Talentino stated that this document must be re-signed this year for the re-application process.

It was on motion unanimously

VOTED: To sign the "Assurances of Compliance" relative to grant application by the Goodnow Library Trustees to the State Board of Library Commissioners for library construction funding, pursuant to the 1995 Annual Town Meeting appropriation vote under Article 19 and approval of a Proposition 2 1/2 Debt Exclusion at the May 17, 1995 Special Town Election.

Ratification of Board Vote Setting FY96 Tax Rate

It was on motion unanimously

VOTED: To ratify the Board of Selectmen's vote of December 11, 1995, concerning the setting of the FY96 tax rate, as required by the Department of Revenue.

Communication from Sudbury School Committee - FY96 Cherry Sheet State Aid

The Board acknowledged receipt of a letter, dated March 7, 1996, from William J. Hurley, Superintendent of Schools, and from Stephenie K. Cook, Chair of the Sudbury School Committee. Mr. Hurley and Ms. Cook requested that the Board of Selectmen support the transmittal of the additional Chapter 70 aid, in the form of an additional \$50 per student for FY96, to the School Department, as these monies may be necessary to operate the school budget in the black for this fiscal year.

More recent information from the School Department indicates the FY96 Budget appears to be adequate to cover operations; however, money is needed for building repairs.

It was on motion unanimously

VOTED: To support the request by the Superintendent of Schools and the Sudbury School Committee concerning the FY96 additional Cherry Sheet State Aid, provided a communication is forthcoming from Mr. Hurley outlining extraordinary repair items that must be done now.

The Board also acknowledged receipt of copies of "Article #30, Sudbury Public Schools, Expanded Nixon Article (two pages), and Article #31, Sudbury Public Schools, Extraordinary Repairs (two pages) distributed to the Board this evening by Selectman Clark.

Nomination for "Award for Excellence in Environmental Education"

The Board acknowledged receipt of a copy of the Announcement of an Awards Ceremony to be held on Thursday, April 25, 1996, in Boston (location to be announced), to honor individual schools, teachers and students across the Commonwealth who have distinguished themselves in environmental education efforts. Accompanying this announcement was a drafted Application Form for the Secretaries' Award for Excellence in Environmental Education, by which the Selectmen might nominate the Earth Decade Committee, Jane Coddington, President, for this award.

Upon Interim Town Manager Thompson's recommendation, it was unanimously

VOTED: To sign and send a nomination of the Sudbury-Wayland Earth Decade Committee for an "Award for Excellence in Environmental Education" to the Executive Office of Environmental Affairs, said award to be coordinated by the Executive Office of Environmental Affairs, the Executive Office of Education, and the Secretaries' Advisory Group on Environmental Education in cooperation with the Mass. Department of Education.

CAS Trust Communications Received - Article 20

Present: Laura McCarthy, CAS Trust, 578 Boston Post Road.

The Board acknowledged receipt of a memo, dated March 11, 1996, from CAS Trust, 578 Boston Post Road, stating that regarding Article #20, Laura McCarthy or John Bartlett would like to discuss the dictated restriction placed on Parcels 020 and 300. The memo continued: "There are many questions which arise from the restriction which we feel the Board should be aware of before making a decision as to whether or not they will support this article. The cemetery department has never approached us in the past of concerns of more space requirements and had assumed the five acres from Bowery's would satisfy future needs. We were pretty startled to discover how actions of the Town had further intended to block access to our Parcel 100 (12 acres - JOC Trust). We accidentally discovered concerns for need of further cemetery space and an alternative being considered, but upon further investigation found that expansion would be preferred on the JOC parcel. When we discovered the heavy handed action of the Town we reacted in studying legal action and other alternatives. At this stage we would prefer negotiated solutions if possible which we believe would be to the benefit of the Town."

The Board also acknowledged receipt of a memo, dated March 15, 1996, from CAS Trust, 578 Boston Post Road, stating that the reasons for its request relative to Article #20 are the following: to minimize potential legal action; to eliminate any remaining moral obligation we might have for a portion of JOC property to be added to the cemetery; and to clear the sale of the existing dwelling to an employee (379 Concord Rd. which includes Parcel 020). The memo further stated that "actions by the Board of Selectmen, Conservation Commission and Planning Board restricted our ability to use this property for access to JOC property (Parcel 100). The Cemetery Superintendant (sic.) and others have recently conveyed concern for future cemetery needs and their choice being part of the JOC property. Subject to certain conditions, we are willing to gift to the Town for cemetery purposes a portion of the JOC parcel."

Ms. McCarthy stated that she had not brought any documents and/or other information with her this evening, as she had understood that the purpose this evening was only to set up a time to meet with the Board on this matter. She asked that the Board schedule a meeting at a future date, but that this appointment should be before Article 20 comes up at Town Meeting. A short discussion ensued as to when the article would be likely to come under consideration. It was decided to ask Town Meeting to postpone the article if it should come before Town Meeting before the Board has a chance to meet with Ms. McCarthy and Mr. Bartlett. Ms. McCarthy further stated that she would send relevant material to the Board for their perusal before it meets with her and Mr. Bartlett.

It was on motion unanimously

VOTED: To schedule a meeting with Laura McCarthy and John Bartlett, CAS Trust, 578 Boston Post Road, on Monday, April 8, 1996, at 7:00 p.m., in the Lincoln/Sudbury High School Library, for the purposes of discussing with them their material relative to Article 20, Release Agricultural Preservation Restriction.

Scheduling of Regular Upcoming Meetings

The Board agreed to the dates of Monday, May 6, 1996; Monday, May 20, 1996 (Forum); Monday, June 10, 1996; and Monday, June 24, 1996 (Forum).

Communication from Nancy "Hasty" Evans - Commuter Rail Question

The Board acknowledged receipt of a letter from State Representative Hasty Evans, dated March 26, 1996, in which she states that the Special Commission investigating the financing of the Massachusetts Bay Transportation Authority will hold a hearing on April 3, 1996. Ms. Evans urged the Selectmen to send a representative from the Town to join her at this hearing. She said that one highlight of the completed report is that all assessments for all communities with either active or inactive commuter rail will be dropped, but that these communities will no longer have a seat on the MBTA Advisory Board. Ms. Evans said that a new Advisory Board will be formed with communities having active commuter rail lines. She said also that there are several policy changes being proposed and that several proposals are very controversial, but that the benefit to Sudbury is substantial, in that the \$329,000 assessment will be eliminated.

Weir - Walkway Easement

It was on motion unanimously

VOTED: To accept on behalf of the Town, a Walkway Easement dated March 13, 1996, from David H. Weir, Jr. & Eleanor M. Weir, as shown on "Plan Showing Walkway Easement over land of David H. Weir, Jr. & Eleanor M. Weir, 73 Fairbank Road, Sudbury, MA, dated July 6, 1995, and drawn by Town of Sudbury Engineering Department."

Award of Contract to BME Engineering

The Board acknowledged receipt of a memo, dated March 22, 1996, from Highway Surveyor Robert Noyes, in which he states that his staff and he have reviewed all the bids for Contract 96-E-2 and found BME Engineering, Inc. to be the low bidder. Mr. Noyes stated that it appears that BME Engineering meets all the specifications and, therefore, the Highway Department is awarding the contract to them. Mr. Noyes concluded that specified delivery time is 15 days and the Department feels that it will be ready for delivery and installation at that time.

It was on motion unanimously

VOTED: To approve the award of Contract 96-E-2 to BME Engineering, Inc., P. O. Box 849, Carleton Drive, Georgetown, MA 01833.

Dog Complaint - Rottman vs. Bagley

The Board acknowledged receipt of a notation of a telephone call to the Selectmen's office, dated March 25, 1996, from Mrs. Rottman, who lodged the following complaint with the Selectmen and with the Dog Officer: "On Sunday, March 24, the Bagley dog, Brutus, was seen being driven in the Bagley car, and unmuzzled. Mrs. Rottman had two points of complaint: 1) she understood the dog was not to be allowed off the property unless going to the veterinarian; and 2) the dog should be muzzled."

The Board is also in receipt of a notation of a telephone call to the Selectmen's office, dated March 25, 1996, from Mrs. Bagley, who was disturbed at the complaint, which she said was unfounded.

The Board is also in receipt of a notation of a telephone call to the Selectmen's office, dated March 25, 1996, from the Dog Officer, Betsy DeWallace. She said that she has spoken with both

Mrs. Bagley and Mrs. Rottman. She said she has clarified to Mrs. Rottman that the Selectmen's order did not preclude taking the dog in the car for other purposes. The Dog Officer also stated to Janet Silva that she believed it would be very possible for someone to mistake one of the Bagley dogs for the other or to not be able to see the muzzle within a passing car. She stated her belief that the Bagleys are making every effort to comply with the Selectmen's order (of January 22, 1996).

The Board is also in receipt of a copy of a letter, dated March 24, 1996, from Mrs. Bagley to the Dog Officer, in which Mrs. Bagley listed reasons why the complaint of Mrs. Rottman is unjustified, and stated that she and her family continue to be fully compliant with the Selectmen's orders stated in their letter of Jan. 31, 1996: "On Sunday afternoon, March 24, 1996, Ms. Rottman notified you that she observed Brutus in our car driving past her home without a muzzle. Ms. Rottman felt that this was not in compliance with the orders issued by the Selectmen because we were not taking the dog to the veterinarian. She incorrectly stated that the Selectmen's orders require that Brutus be transported off the property only for veterinarian appointments. The Town Order clearly states 'that when the dog is being transported off the property, it be always on a leash and muzzled;'. There is no mention of veterinarian visits in the Town Order as being the only reason for transporting the dog off the property. You confirmed that no such restriction applies. We did have Brutus in our car on that Sunday afternoon and he was wearing a muzzle while in the car. Ms. Rottman viewed Brutus in our car while we were passing her house at approximately 20 mph and from a distance of 40-50 feet. In addition, Brutus was walked to and from the car leashed and muzzled as required by the Selectmen's orders. You informed us that you telephoned Patricia Rottman and explained to her that we were within our rights, as ordered by the Selectmen. Also, you told her that she was incorrect regarding the restriction to only veterinarian visits for transporting Brutus. You asked her to refer to the Selectmen's letter, which she has also received. Mrs. Rottman mentioned that 'another neighbor' had seen Brutus in our pen unmuzzled. You have inspected the custom-made muzzle made by Wayland Shoe (located in Sudbury). Brutus always wears this muzzle outside at all times, without exception, to ensure that we are in full compliance with the Selectmen's orders. As you are aware, the muzzle itself is black, and his face mask (normal for Bull Mastiffs) is also black, therefore making the muzzle difficult to see. There is also a possibility that our female Bull Mastiff (littermate to Brutus), who is not included in the Town Orders, was confused with Brutus, our male. This unnamed neighbor is incorrect. Our intention is, and always has been, to fully comply with both the letter and the spirit of the Town order. We have had Brutus neutered, penned, and muzzled as required. The Rottmans gave us a letter stating that replacement value for their dog was estimated at between \$450 and \$500. We promptly hand-delivered a check to Ms. Rottman for \$500. Our actions demonstrate compliance and good faith effort. Thank you for explaining to Patricia Rottman that her complaint is unjustified and that we are in full compliance with the Selectmen's orders precisely as stated in their letter of Jan. 31, 1996."

After a short discussion, during which the Board reviewed the facts of this case, it directed that the Dog Officer continue to monitor this situation.

Letter from League of Women Voters

The Board acknowledged receipt of a letter, dated March 26, 1996, from Marianne D'Angelo and Catherine Rader, of the League of Women Voters, in which the League expressed its displeasure with the Finance Committee's erasure of the tape recording of its Feb. 10, 1996 meeting.

Proposed Policy - Funding of Contracts

Selectman Clark distributed to the Board a proposed policy she had drafted to ensure availability of funding for future contracts.

Ms. Clark asked the Board to review the statement and Town Counsel to comment on it. There was no other discussion on same.

Letter from International Brotherhood of Police Officers

The Board acknowledged receipt of a letter, dated March 22, 1996, from Garrett Mahoney, of the International Brotherhood of Police Officers, in reference to Article 52 of the Official Warrant. The Board indicated that it would be reviewing same with the Labor Relations Counsel.

Discussion of Possible Dates for Fall Town Meeting

The Board engaged in a short discussion of possible dates in the event a Special Town Meeting would be necessary in the Fall of 1996. It appeared the best choice would be a date of Sept. 9, 1996 for Town Meeting, with a date of Oct. 24, 1996 for the Town Election. With these dates in mind, Aug. 14, 1996 would be the final date for the preparation of the Warrant.

Acknowledgment of Richard E. Thompson

It was noted that this meeting marks the end of Mr. Thompson's service to the Town in his capacity as Interim Town Manager. The Board thanked Mr. Thompson for all his service to the Town and wished him good luck in his future position.

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