

IN BOARD OF SELECTMEN
MONDAY, OCTOBER 28, 1996

Present: Chairman Lawrence L. Blacker and Selectman Maryann K. Clark.

The statutory requirements as to notice having been complied with, the meeting was convened by Chairman Blacker at 7:34 p.m. in the Sudbury Town Hall.

Chairman's Opening Statement

Chairman Blacker announced that long-time Town resident, E. Helene Sherman, age 88, had died on Friday, October 25. He related that she had designed the Town flag and it had been quite an honor for her to present the Town flag at the State Capitol a few years ago.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular and executive sessions of October 15, 1996, as drafted.

Donations - Council on Aging Vans

It was on motion unanimously

VOTED: To accept \$99.65 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.

Donation - Technology Management Plan Fund

It was on motion unanimously

VOTED: To accept \$1000 in a donation from the Sudbury Valley Trustees, Inc., to be deposited into the Technology Management Plan Fund account and to authorize the Town Manager to expend such for the installation of the Flynn/Fairbank local area network.

Appointment - Town Report Committee

On recommendation of the Town Report Committee, it was on motion unanimously

VOTED: To appoint Mary Barnett, 11 Middle Road, to the Town Report Committee for a term to expire April 30, 1997.

1997 Employee Group Health Insurance Rates

The Board was in receipt of a communication, dated October 24, 1996, from the Sudbury Employees Group Health Insurance Advisory Committee, recommending 1997 health insurance renewal

rates for Town employees. The Committee also recommended that the upcoming open enrollment period allow for migration to the Harvard plan which formerly had been closed.

Chairman Blacker questioned opening up enrollment in the Harvard HMO plan.

Town Manager Ledoux explained that the Committee believed that the re-opening of the Harvard HMO would result eventually in rate reductions by Blue Cross.

It was on motion by Chairman Blacker, unanimously

VOTED: To establish the 1997 employee group health insurance rates, as follows, and to maintain the existing closure of enrollment in the Harvard HMO plan.

	Individual	Family
HMO Blue	\$210.76	\$559.73
Blue Choice (formerly Healthflex)	\$230.32	\$613.89
Medex	\$162.08	N/A
Harvard HMO	\$184.68	\$489.41
Dental	\$16.64	\$45.77

1997 Annual Town Meeting Articles

Town Manager Ledoux presented a list of potential Articles for the 1997 Annual Town Meeting. He related that these were drawn from prior discussions and "tickler" files and that some could be packaged together. He also noted that the Title V loan pool would require the establishment of a betterment policy. Furthermore, he related that he was working on amendments to employee personnel rules. He stated that the list was very preliminary.

Chairman Blacker asked if the Board needed to take any action on this matter.

Town Manager Ledoux responded the list was just for informational purposes.

Wayside Inn Pilot Agreement

Town Manager Ledoux had provided a draft Agreement for Payment in Lieu of Taxes with the Wayside Inn, Inc., which had been prepared based on discussion he had had with the Innkeeper and Trustees. The draft extended the previous agreement without change.

Selectman Clark questioned the possibility of asking for a small cost of living increase.

Town Manager Ledoux responded that that was a possibility.

Chairman Blacker noted that the Wayside Inn provided the Town with some \$62,000 worth of services in the past year. He questioned the worth of negotiating for such a small cost of living increase.

Selectman Clark withdrew her request.

On motion it was unanimously

VOTED: To approve the agreement that the Wayside Inn for payment in lieu of real estate taxes pay \$25,000 for each year commencing July 1, 1996, for a term of five years.

Board of Appeals Associates and Earth Removal Board - Appointment

Present: Mark A. Kablack, applicant.

The Board was in receipt of the following:

1. A communication from Patrick J. Delaney III, Chairman, Board of Appeals, noting that at the Board's meeting conducted on September 24, 1996, it had interviewed Mark A. Kablack, who has applied for an position on the Earth Removal Board and Board of Appeals as an Associate. He noted that the Board had found him to be qualified and that the Board had voted unanimously to recommend his appointment to the Earth Removal Board and the Board of Appeals Associates.
2. An application from Mark A. Kablack, 46 Poplar Street, noting that he has previously served on the Resource Recovery Committee and acted as the Town representative to the Regional Recycling Coop. He also noted that he is a practicing real estate attorney specializing in land use and zoning issues.

Chairman Blacker related that he had confirmed that no conflict of interest exists for Mr. Kablack's appointment to the boards at issue given that Mr. Kablack's spouse, Jody Kablack, is the Town Planner.

Selectman Clark inquired if Mr. Kablack often appeared before Town boards.

Mr. Kablack responded that he was not a litigator. He said that he had previously, as Town Counsel for other towns, such as Sherborn and Concord, represented various town boards before the zoning boards of those communities.

It was on motion unanimously

VOTED: To appoint Mark A. Kablack to the Board of Appeals Associates and the Earth Removal Board, for a term to expire April 30, 1997, replacing Gilbert P. Wright.

Board of Registrars - Appointment

The Board was in receipt of a communication, dated October 25, 1996, from Beverly B. Guild, Chairperson, Sudbury Democratic Town Committee, noting that the Committee at its meeting on October 23, 1996, recommends Lisa M. Evans, 91 Witherell Road, Beverly B. Guild, 54 Woodside Road, and Virginia Allan, 780 Concord Road, for appointment to the Board of Registrars. Mrs. Guild noted that all

three were members of the Democratic Party. She further noted that she and Mrs. Allan had allowed their names to be submitted in order to comply with Chapter 51, s. 15.

On motion to appoint Lisa M. Evans, 91 Witherell Road, a member of the Democratic Party, to the Board of Registrars it was unanimously

VOTED: To re-appoint Lisa M. Evans, 91 Witherell Road, a member of the Democratic Party, to the Board of Registrars, for a term to expire April 30, 1998.

Chiswick Park Theatre Site - Future Plans

Present: Theodore Pasquarello, owner.

Mr. Pasquarello informed the Board that the Chiswick Park Theatre had been closed for 17 months now and he has not be able to engage a theatre company to maintain productions there. He related that the theatre is too small for a movie house and does not have kitchen facilities for convention trade. He said that it is too distant from the Lincoln/Sudbury Regional High School for regular school use. He noted that an occasional recital or ballet engagement was not cost effective. For these reasons, he informed the Board that it is his intent to convert the theatre into office space, which will blend in with the other neighboring offices. He said that he intends to file formal plans in the immediate future, and therefore, he wished to inform the Board of the reasons for this change in use given the Board's past support of the theatre.

Chairman Blacker expressed that he was sorry to see the theatre go.

Selectman Clark noted that a number of movie theaters were going to be opening in Marlborough and that that market was probably saturated.

The Board thanked Mr. Pasquarello for the update prior to submission of the anticipated site plan.

Disposition of Old Town Voting Machines

Town Manager Ledoux reported that Amherst, Massachusetts, had expressed an interest in acquiring some of the Town's obsolete voting machines. He stated that Amherst needed a total of ten machines apparently due to an expected high voter turn out during the upcoming November election and increased student population. Town Manager Ledoux stated that although it was previously thought that the machines were worth \$500 apiece, he had contacted the State Department of Elections and determined that they are only worth \$25 apiece.

Chairman Blacker stated that the machines are obsolete and are taking up valuable storage space. He asked the Town Manager how many machines are in storage.

Town Manager Ledoux responded that he did not know the exact number, but that there are considerably more than ten machines in storage.

Chairman Blacker suggested, rather than selling Amherst ten machines at \$25 each, that the Town Manager offer to give Amherst all the machines provided that they pay for moving all of them.

Selectman Clark concurred saying that Amherst might need the extra machines for parts.

It was on motion unanimously

VOTED: To authorize the Town Manager to give the Town's obsolete voting machines, currently in storage, to the Town of Amherst, Massachusetts, provided that Amherst removes all of the machines. Alternatively, the Town Manager is authorized to sell ten of the Town's obsolete voting machines, currently in storage, to the Town of Amherst, Massachusetts, at \$25 per machine.

Town Forum - 225th Session

At 8:00 p.m. Chairman Blacker convened the 225th Town Forum. Present and reporting to the Board were the following Town officials: Karen V. Krone, Sudbury School Committee; Stephen Silverman, Lincoln-Sudbury Regional School District Committee; Hans J. Lopater, Chairman of the Goodnow Library Board of Trustees; Clayton F. Allen, Historical Commission; Mary Ellen Normen Dunn, Town Treasurer and Collector; William J. Keller, Jr., Board of Assessors; Edward P. Rawson, Council on Aging; Michael C. Dunne, Fire Chief; Robert A. Noyes, Highway Surveyor; Marianne D'Angelo, League of Women Voters; June E. Allen, Permanent Landscape Committee, and Steven Ledoux, Town Manager.

Town Manager Ledoux noted that this past May the Board had set the transfer sticker rate at \$85 for a six-month period commencing July 1, 1996. Unfortunately, the revenue collected to date is inadequate to sustain the Landfill Budget appropriated at Town Meeting. He noted that it is clear that there has been a significant migration of users to private haulers. He suggested three options. One, adjust the second half of the sticker to \$123. Two, maintain the rate at \$85 for the second half and use more of the Enterprise Fund's retained earnings. In order to maintain the \$85 rate, \$144,943 of retained earnings or nearly half of the earnings on the books as of June 30, 1996, would have to be used. Three, get out of the transfer business altogether. The station would close on December 31 and no Town service would be provided. Retained earnings would be used to pay the ongoing expenses of final closure and monitoring of the landfill. Town Manager Ledoux suggested that the Board consider this matter at its first meeting in November.

This Town Forum was televised over the local Cable network, and a copy of the videotape is available for a period of one year by contacting the Selectmen's Office.

Request for Permission to Hunt on Town of Sudbury Land Parcel 172

Present: Donald F. Stanley, 1355 Lowell Road, Concord, Massachusetts.

The Board was in receipt of a request, dated October 1, 1996, from Donald F. Stanley of Concord for permission to hunt on Town land known as Tax Possession Parcel 172 bordering the Sudbury River.

Mr. Stanley stated that he desired to hunt water fowl on Sudbury land, known as Parcel 172. Under questioning from the Board, Mr. Stanley explained that he would be using a shot gun and would access the land by boat from the Sudbury River, most likely putting in at Sherman's Bridge. He said that he has a 17-foot Fiberglass boat with a 3 hp motor. He said that the land is well marked along the shore so

that he would be able to know his location. He said that he desired to hunt along the shore line on Saturdays during the second water fowl season which is open from November 11 through December 21. He related that he would hunt at first and last light and intends to eat what he hunts. He said that the Town land at issue is surrounded by Department of Interior land where no hunting is permitted. He related that he had notified the local Department of Interior officials and they had no problem with his request. He said that the nearest house is some 2500 feet away and State regulations permit hunting within 500 feet of a residence.

On motion it was unanimously

VOTED: To permit Donald F. Stanley, 1355 Lowell Road, Concord, Massachusetts, to hunt water fowl within 50 feet of the shore line of the Sudbury River on Town land, Land Parcel 172, on each Saturday during the second water fowl season, from November 11 through December 21, 1996.

Strategic Planning Committee

Town Manager Ledoux related that there is no large land owner on the Strategic Planning Committee and expressed the need for such an interest to be represented on the Committee.

The Board concurred.

Chairman Blacker suggested that the Town Manager contact the Assessors to come up with a list of large land owners.

Town Manager Ledoux said that he would do so and issue letters to such land owners to determine who might be interested in serving on the Committee.

Star Market - Debris

Selectman Clark noted that the mounds of contaminated dirt remain at Star Market. She said that although there is a tarp covering the debris, she was concerned with all the recent rains that the contamination would leach into the water table. She suggested that the Town Manager take action to get this debris cleaned up.

Executive Session

On motion by Chairman Blacker, by roll call vote, it was unanimously

VOTED: To enter into Executive Session for the purpose of discussing collective bargaining strategy.

(Chairman Blacker, aye; Selectman Clark, aye.)

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Chairman Blacker stated that the Board would not return to open session.

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

Attest: _____
Steven Ledoux
Town Manager-Clerk