

IN BOARD OF SELECTMEN  
MONDAY, DECEMBER 30, 1996

Present: Chairman Lawrence L. Blacker and Selectman Maryann K. Clark. Selectman John C. Drobinski joined the Board at 7:55 p.m.

The statutory requirements as to notice having been complied with, the meeting was convened by Chairman Blacker at 7:31 p.m. in the Sudbury Town Hall.

Chairman Blacker announced that it was his birthday and expressed appreciation for the cake and coffee provided by staff.

Citizen Petitions

Ralph Tyler, 1 Deacon Lane, informed the Board that he had obtained 101 signatures of Townspeople seeking a Special Town Meeting. Mr. Tyler explained that the Town is facing a 40-45 million dollar capital budget for school renovation and expansion needs as well as the construction of a new Highway Department building and renovation of the Flynn building. Mr. Tyler said that many Townspeople appear to be unwilling to approve such a large capital budget. Mr. Tyler opined that if the Town waits until the Annual Town Meeting to seek approval of the Loring School project, and if it is ultimately rejected by the voters, the Town will not be able to call a special meeting until sometime in the fall. By then, Mr. Tyler said, the Town may lose its option to purchase the necessary adjacent property for the project. For these reasons, Mr. Tyler said that he believes that the Loring School project should be considered early on and at a special meeting. He said that the matter could then be considered by the voters at the scheduled March 31 election. He said that if the voters reject the project, at least the Town will know early on so that it could consider what to do next. He said that he felt that the process should be accelerated and that his petition seeks to do just that. He said that he had raised the matter with the School Committee but he found that that Committee just wanted to be a "team player" and to go with packaging all the capital budget items together. Mr. Tyler said that if the Town were to approve even only the Loring School project that such would at least resolve one of the major capital needs of the Town.

Town Manager Ledoux informed the Board that when presented with a petition brought by 100 voters requesting a Special Town Meeting it is discretionary with the Board to conduct such a meeting. The petition article(s) must be placed on the warrant of the next regularly scheduled meeting. However, if the petition is brought by 200 or more voters, the Board must call the special meeting within 45 days of the receipt of the petition.

Chairman Blacker stated that he would do whatever the law required. He commented that he found the petition to be typical of Mr. Tyler picking and choosing what Mr. Tyler considers the most important. He said that a special Town meeting would cost \$3,000 and the results would not change. He calculated that the Town would know two months earlier, but that it was ridiculous to vote piecemeal on the various projects. He said that the Town had been doing its business for years that way and it was time to change.

Selectman Clark stated that while she believed in citizen initiative petitions, she noted that the 45 days would expire on February 15 and the school issue would come due on April 15. She said in any

event the 12 million would be separated for a vote from the 45 million. She said that she had attended the School Committee meetings and that they had done a very thorough job. She noted that an over-ride vote on 45 million would seriously impact taxes. She said that the schools are in need, but that this was not the answer.

Mr. Tyler stated under the existing schedule the over-ride vote would not occur until mid to late May and a Special Town Meeting could not be scheduled during the summer months.

Selectman Clark suggested that, if required, separate articles could also be presented.

Chairman Blacker questioned whether both a bundled capital project and separate items could be presented. Chairman Blacker stated that the Board was trying to prevent one segment of the Town pitting itself against another. He said for the past ten years the Town has been dealing with items separately and that this must change, because nothing is getting done and the capital needs keep growing.

Mr. Tyler stated that he did not view it that way. He said that it would be a victory to obtain the \$13 million over-ride for the Loring School. He said that the project would add 600 new spaces at the elementary level. He said that he thought it was a good site for a school and the town should not lose this opportunity. He said that he did not have any children that would attend the school and was merely acting for the good of the Town.

Chairman Blacker countered with why that project should be given priority over the renovation needs at the junior high to make the air more breathable. He said that unless those and other repairs are made soon the costs are going to spiral.

Mr. Tyler stated that he did not think that the Town would "go" for the full package and that he thought it should at least "go" for one piece. He said under the petition the Town would get two chances to go before the voters. He said that he thought such was worth the \$3,000 meeting costs.

Utility Petition 96-5 - Relocate Poles 9/71 and 9/75 on Maynard Road for Sidewalk Construction.

It was on motion unanimously

VOTED: To approve Utility Petition 96-5, directing Boston Edison Co. and New England Telephone and Telegraph Co. to relocate poles 9/71 and 9/75 on Maynard Road for sidewalk construction purposes, as shown on Boston Edison Co. "Plan of: MAYNARD RD., SUDBURY Showing POLE RELOCATIONS", dated Sept. 16, 1996, and locations described as follows:

Maynard Road - easterly side approximately 685 feet south of Wyman Dr.

One (1) pole

One (1) existing pole to be removed

Maynard Road - easterly side approximately 1067 feet south of Wyman Dr.

One (1) pole

One (1) existing pole to be removed.

SP96-330 - Cellco Partnership, d/b/a Bell Atlantic NYNEX Mobile - Maynard Road

At 8:09 p.m., the Board re-convened a public hearing on Site Plan Special Permit Application SP96-330.

With certain grammatical corrections to the written decision, it was on motion unanimously

VOTED: To approve and execute a decision, pursuant to the Board's vote of December 9, 1996, granting a site plan under Special Permit under Application SP96-330 to Cellco Partnership, d/b/a Bell Atlantic NYNEX Mobile, to construct a facility for wireless communications to include to include antennae, consisting of twelve, three and one-half foot panels on a triangular structure, placed on top of existing water tank and an approximate 12-foot by 32-foot one-story equipment shelter, on the southwestern corner of property located off Maynard Road, Town Property Map E07-003, Residential A-1 District, owned by the Sudbury Water District.

Ch. 61A Notice of First Refusal Option - Lot 3, Concord Road

Chairman Blacker moved to continue this matter since it was not yet ready for consideration and the Board concurred.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular session of December 9, 1996, as amended, and the executive session of December 9, 1996.

Donations - Council on Aging Vans

It was on motion unanimously

VOTED: To accept \$217.59 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 - Selectmen's Discretionary Fund

It was on motion unanimously

VOTED: To accept \$310 from the Sudbury United Methodist Church Rebecca Circle, to be deposited into the Selectmen's Discretionary Fund and expended under the direction of the Board.

Approval of Award of Bond Anticipation Note - Goodnow Library and School Repairs

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

It was on motion unanimously

VOTED: To approve the award of the Bond Anticipation Note, based on the Note Sale conducted on December 10, 1996, to BayBank Inc. at a 3.83% interest rate and record into the minutes the Board's action on December 13, 1996, of signing said Bond Anticipation Note in the amount of \$1,300,000 in connection with 95ATM/Art. 19, Goodnow Library expansion (\$400,000), and 96ATM/Art. 31, School Repairs (\$900,000), to mature July 29, 1997.

Donation - School Fund

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

Town Treasurer and Collector Dunn reported that she planned to present a policy establishing the procedures for the Town's acceptance of stock donations. She stated that this type of donation must be valued on the day the Town receives it so that donors might secure appropriate tax benefits. In order to ensure the appropriate processing of these types of donations in the future, she stated that she had prepared an information packet and forms. She related that she planned to outline the policy and procedures for the Board to consider in January.

Chairman Blacker requested the Town Manager to include a reference to the Board's appreciation for donations in the Annual Town Report, including the favorable tax consequences in the case of stock donations, and that interested donors should contact the Treasurer's Office.

The Board, acting as Co-Trustees of Town Donations, on motion unanimously

VOTED: To accept a stock certificate for 40 shares of Intel Corporation, received December 20, 1996, from Charles and Patricia Nichols, the proceeds of which shall be deposited into the School Fund and used for the exclusive purpose of purchasing computer software.

Approval of Contracts

Town Manager Ledoux informed the Board that subsequent to the issuance of the meeting agenda, which suggested either a three- or five-year contract, it was learned funding should be available for a three-year lease/purchase of the Highway Department Skid Loader by utilizing some Cemetery Trust Funds.

It was on motion unanimously

VOTED: To approve and authorize the Town Manager to enter into the following contracts:

(1) With Bobcat of Boston for the lease/purchase of a Skid Steer Loader with terms to be negotiated by the Town Manager for a three-year period, the vehicle having an outright purchase price of \$44,500.

(2) With American Stop Loss Insurance Brokerage Services/LAMAR for \$50,000 (Specific) for group health stop loss insurance at an annual premium of \$71,699, as recommended by consultant Group Benefits Strategies, Inc., the Town's Benefits Coordinator, Christine Gundling, and the Town Manager.

(3) With Reliable Rubbish Disposal, Inc., for collection of rubbish at Town and School buildings for calendar 1997, in accordance with bid dated December 11, 1996, totaling \$19,682.

Approval of Framingham's Nomination to Metropolitan Planning Organization Representing MetroWest

Town Manager Ledoux stated that he believed from prior Board discussions that it supported Framingham's nomination to the Metropolitan Planning Organization (hereinafter MPO) to represent the MetroWest region. He related that if such were the case the Board should communicate its official position. He noted that for purpose of the MPO election Sudbury had been assigned to the MetroWest subregion. He presented the Board with the following;

1. Communication, dated December 10, 1996, from John Stefanini, Chair, Board of Selectmen, Framingham, setting forth Framingham's nomination petition, position statement and the MPO restructuring process.
2. Communication, dated December 23, 1996, from David C. Soule, Executive Director, MPO, noting that for purposes of the MPO election only, Sudbury is assigned to the MetroWest subregion. He also noted that under the restructuring procedures, no more than one city or town may be elected from each subregion with the exception of the Inner Core which may have two.
3. Communication, dated December 2, 1996, from William G. Constable, President, Metropolitan Area Planning Council, including a copy of the election procedures for the municipal seats on the MPO and inviting comment.

Selectmen Drobinski stated that he had reviewed Framingham's position statement and was concerned whether Framingham would serve the Sudbury community. He noted that Sudbury was not mentioned. He said that he had no problem with Framingham, *per se*, but questioned its commitment to Sudbury needs. He inquired why Sudbury was not included in MAGIC.

Town Manager Ledoux responded that Sudbury had not recently paid any dues to MAGIC. He also noted that there are 101 communities west of Boston and under the formula only one is allowed to represent the western area.

Chairman Blacker suggested that if Framingham were elected, it could be lobbied on particular Sudbury issues, like other representative entities.

With that understanding, Selectman Drobinski stated that he would support Framingham.

Chairman Blacker suggested that a communication issue to Framingham noting the Town's early support of its nomination and suggesting that Framingham remain responsive to Sudbury's particular needs.

It was on motion unanimously

VOTED: To approve Framingham's nomination to the Metropolitan Planning Organization to represent the MetroWest region.

#### Approval of Lease - Carding Mill Building

Chairman Blacker moved to continue this matter since it was not yet ready for consideration and the Board concurred.

#### Approval of Articles and Warrant Reports for the Annual Town Meeting

Selectman Drobinski commented that the Board should maintain control of the Loring School property and any adjacent property that might be purchased as long as possible. The Board concurred.

It was on motion unanimously

VOTED: To approve the following entitled articles to be submitted by the Board at the 1997 Annual Town Meeting: Construct Public Works Building; Flynn Building Renovation; Repair Fire Station #2, Boston Post Road; Technology Management Plan; Walkway Program; Develop Recreation Fields; Amend Access Easement - Cummings Property, North Rd.; Purchase Lots 12A and 13 A, Woodside Road/Cutler Farm Estates, for School Purposes; and Transfer Loring School and Lots 12A & 13A to Sudbury School Committee.

#### Meeting with Boston Edison

Town Manager Ledoux reported that he and the Town Fire Chief had attended the December 16, Wayland Selectmen's meeting to discuss the poor response by Boston Edison during the aftermath of the December 7 storm. Town Manager Ledoux reported that Boston Edison representatives were present and that Senior Vice President John J. Higgins had been assigned by the Boston Edison Board to conduct an investigation. Mr. Higgins stated that Boston Edison had initially believed that the weather forecast was for rain and that later supervisory personnel in the field on December 8 had underestimated the extent of the damage. Mr. Higgins denied that the lack of response was to reduce overtime expenses.

Town Manager Ledoux informed the Board that Boston Edison representatives plan to attend the next regular Board meeting on January 13, 1997, to consider Sudbury Selectmen's concerns and comments.

#### FY Tax Rate

Town Manager Ledoux reported that the FY97 tax rate had been established by the Department of Revenue at \$16.04 for residential property and \$23.14 for commercial property.

Strategic Planning Committee

Town Manager Ledoux informed the Board that Hugh Caspe, the Board of Health representative on the Strategic Planning Committee, has requested that a civil engineer be appointed to the Committee and that Mr. Caspe suggests that the Board appoint either Robert Sheldon or Bruce Ey.

Chairman Blacker responded that, at the meeting that he had attended, five to seven individuals not on the committee were present. He expressed a hope that members of the community, not formally appointed, will continue to attend and lend their expertise and advice. He suggested that the Committee remain as presently constituted.

Selectman Clark noted that Mr. Ey is very busy and questioned whether he would have sufficient time to serve on the Committee.

Thus, the Board declined to appoint a civil engineer to the Committee.

Town Manager Ledoux concurred with the Board's decision, stating that if civil engineering expertise is needed he could call upon the Town Engineer to advise the Committee.

Town Report Award

Town Manager Ledoux informed the Board that the 1995 Annual Town Report had placed third in the MMA's contest for communities with populations of 12,500 or greater.

Approval of Expenditure - Sudbury Historical Commission

Town Manager Ledoux reported that the Sudbury Historical Commission requests authorization to expend \$3,092.32 from the Hosmer Memorial fund to pay two invoices from the Pierpont Crystal Co. for the cup plates that the Commission sells.

It was on motion unanimously

VOTED: To authorize and approve the Sudbury Historical Commission's expenditure of \$3,092.32 from the Edwin Barrett Hosmer Memorial Fund to pay two invoices from the Pierpont Crystal Co. for the cup plates the Commission sells.

Suggestion for a Joint Meeting

Selectman Drobinski commented that Ralph Tyler has a good point in attempting to disseminate information regarding the budget problems faced by the Town. He suggested that the Board consider having a joint meeting with the School Committee and Finance Committee.

Chairman Blacker agreed and suggested that possibly separate meetings with a round table discussion be held.

The Board agreed to consider this suggestion further.

There being no further business to come before the Board, the meeting was adjourned at 8:41 p.m.

Attest: \_\_\_\_\_  
Steven Ledoux  
Town Manager-Clerk