

IN BOARD OF SELECTMEN
MONDAY, MAY 27, 1997

Present: Chairman Blacker and Selectman John C. Drobinski. Selectman Maryann K. Clark later joined the Board during the remarks presented by Senator Susan Pope.

The statutory requirements for notice having been met, the meeting was convened by Chairman Blacker at 7:32 p.m. at the Fairbank Senior Center.

Opening Statement

Chairman Blacker commented that he appreciated the voter turn-out of close to 50% during the recent Town debt exemption election, but was disappointed in the results. He said that he had hoped that the Townspeople would support more of the community infrastructure needs than just the "schools".

Selectman Drobinski concurred stating that he would be looking to resolve the Town's infrastructure needs with other more creative solutions. He also noted that he had participated in the Town's Memorial Day activities and that he was very pleased with the Townspeople's attendance at the parade.

Legislative Update - Senator Susan Fargo

Senator Susan Fargo informed the Board of legislative activities of significance to the Town. She stated that the Senate has recently passed its budget and that she was pleased with its provisions affording tax cuts for elders, increased tax credits for child care, and health care benefits for elders. She stated that she was also very pleased with increased local aid to towns, such as Sudbury, which are experiencing rapid growth in school population. She said that Sudbury would receive increased local aid in the amounts of \$60,000 and \$177,000 plus, for education. She said that she intended to pursue her goal of creating better understanding between urban and suburban representatives. She stated that she had testified before the Taxation Committee on Senator Durrand's land bank bill. She noted that she would be on vacation and unable to attend the hearing on the Town's conservation committee bill before the Local Affairs Committee.

Chairman Blacker stated that it was merely a housekeeping matter and that the Town would send the committee a letter supporting the bill.

Senator Fargo stated that the Nixon school construction reimbursement is ranked number six and will presumably clear the legislature.

Senator Fargo stated that a Special Education Committee had been formed and she was aware of the Town's outstanding educational system and why such was causing a surge in the Town's growth.

Chairman Blacker commented that the special education requirements could bankrupt a community if families with special needs children moved to the same Town and suggested that those costs be taxed to the state.

Senator Fargo responded saying that she agreed that the Commonwealth's special education statute is an "unfunded mandate". She said that the Commonwealth should pick up more of the costs.

Chairman Blacker estimated that doubling the child care tax credit would amount to only a \$36-a-year tax break. He opined that although such savings might help some families, it is not a huge benefit. He stated that the Commonwealth should shoulder the burden for the special education services and suggested that sources other than property tax be considered.

Senator Fargo responded that the Commonwealth is considering either a one cent or one per cent sales tax, she was not sure which, to fund such services. She also noted consideration for seniors once their property taxes exceed 10% of their income.

Senator Fargo informed the community that upon the abolishment of the county system, the Town should apply to resume responsibility for road layouts affecting adjacent communities.

Selectman Drobinski invited Senator Fargo to attend future Town forums and Senator Fargo expressed her willingness to do so if her schedule permitted.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of May 12, 1997, as amended.

Donations - Council on Aging Vans

It was on motion unanimously

VOTED: To accept \$60.23 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.

Request for Waiver for Upright Monument in Veterans' Section, Wadsworth Cemetery

Present: William Duckett, Funeral Director, member of the Veterans Advisory Board, Chairman, Memorial Day Committee.

The Board was in receipt of the following:

1. A communication, dated April 30, 1997, from Lena and Alfred Lamore, 137 Pratts Mill Road, requesting permission to place an upright monument in the Veterans' section of the Wadsworth Cemetery. They purchased two lots in the fall of 1990. At that time, they were not informed of any restriction concerning the use of upright monuments and, in fact, assumed that there were no such restrictions since there is one upright monument in the Veterans' section. Recently, they purchased an upright monument and had it engraved. Upon attempting to install it, they were informed that they could not do so since upright monuments are precluded in the Veterans' section.
2. A communication, dated May 5, 1997, from Mary Daniels, clarifying the Lamore waiver request noting that they seek permission to install a 3' x 3' upright stone for their grave site which is 7' wide. It

confirms that there is an upright monument in the Veterans' section, although the policy for veterans' graves is not to allow anything other than a flat stone, because most are small single lots. Also upright stones close together would create a maintenance problem for mowing and more space would be needed for walking paths. Veterans' lots are provided free to veterans; an adjoining lot for the veteran's spouse may be purchased at the usual \$300 price. If one does not wish to abide by the policy, he/she may purchase a single lot for \$300 or a double lot for \$600 in the civilian section.

3. A communication, dated May 21, 1997, from Mary Jane Hillery, Director of Veterans Services, Veterans' Agent, Burial Officer, Graves Officer, reporting that after discussing the request with some members of the Veterans Advisory Committee, it is recommended that the Lamore request be denied. Ms. Hillery states that the policy has been a long-standing one and to allow for an exception will only create problems. Furthermore, she notes that space is not currently reserved unless the spouse predeceases the veteran and they are to be buried together.

4. A notation, dated May 27, 1997, indicated that I. William Place, Director of Public Works-Town Engineer, agrees with Ms. Hillery. He also notes that a raised monument would result in a maintenance problem as well as an aesthetic lack of uniformity.

William Duckett, Funeral Director, member of the Veterans Advisory Board, and Chairman, Memorial Day Committee, informed the Board that the only upright marker in the Veterans section of the Wadsworth Cemetery is up against a stone wall. He said that he did not know the history behind this marker. He said that there is no definitive set of rules and regulations regarding the veterans' section of the cemetery. He said that when he came to Town in 1974 the policy was to provide grave sites for veterans at no charge and all markers in the veterans' section had to be flat. He said that a veteran could purchase another lot for his/her spouse. He stated that he could not recall ever having held space in advance for both parties.

Marilyn A. MacLean, 209 Water Row, stated that there were regulations because she had served on a committee in 1968 which had promulgated the regulations and that they had been filed with the Highway Department.

Chairman Blacker suggested that the Town Manager approach the Lamores and see if they would be willing to have their grave sites located outside of the veterans section and due to the misunderstanding the Town would waive the additional \$300 fee normally charged. The Board concurred in this suggestion.

Town Forum - 227th Session

Chairman Blacker convened the 227th Town Forum.

Art awards were presented to the children whose art appeared in the 1996 Town Report.

Reports were submitted by Steven Ledoux, Town Manager; Lawrence O'Brien, Planning Board; Gregory S. Lauer, Sudbury School Committee; Peter B. Lembo, Chief of Police; Michael C. Dunne, Fire Chief; Marilyn MacLean, Historical Commission; John Hepting, Building Inspector; Elizabeth J. Nikula, Park and Recreation Commission; and Carol Galloway Oram, Sudbury Council on Aging. Written reports were submitted by the Conservation Commission and the Board of Assessors.

Resident Marjorie Wallace suggested in light of the results from the recent debt exemption election that the Board ought to consider purchasing the Village Green instead of renovating the Flynn Building. She stated that much of the building is up for lease now and that it has not had a very good commercial/retail history. She noted that it is close to the Town Hall and Center and has considerable parking. She said that she thought that there was enough space to also house the Department of Public Works employees so that the Town would then need only to build a storage garage for its heavy equipment. She said that the Flynn Building could be reserved for perhaps school administrative needs. She opined that the Town might be able to acquire the Village Green at a discounted price since much of it is currently vacant.

Chairman Blacker, saying that suggestion was definitely worth considering, directed the Town Manager to review the possibility and report back to the Board.

Cable Television Committee - Acceptance of Resignation

Upon request, it was on motion unanimously

VOTED: To accept the resignation of Jon E. Perlman, 57 Robbins Road, from the Cable Television Committee effective immediately.

Annual Appointments for 1997-1998

The Board was in receipt of a list of proposed 1997-1998 appointments to the Town's Boards, Committees, and Commissions prepared by staff.

Selectman Clark suggested that the Board may wish to disband the Long Range Planning Committee.

Town Manager Ledoux stated that the committee had been created by a warrant article in the 1960's and that he believed that the committee could be abolished by virtue of the recently adopted Town charter.

Selectman Clark suggested that the Board hold the committee in limbo until a legal opinion is obtained.

Town Manager Ledoux stated that he would have Town Counsel review this matter and report back to the Board.

Selectman Drobinski suggested that the Board hold off on reappointing the Town Counsel since that position will be going out to bid.

It was on motion unanimously

VOTED: To make the following appointments, subject to acceptance:

As recommended by the Council on Aging, Louise J. O'Connor to the Council on Aging for a second three-year term to expire April 30, 2000, Joseph M. Proud to the Council on Aging, for a second

three-year term to expire April 30, 2000, and Marguerite Urgotis, 79 Woodside Road, to the Council on Aging, replacing Edward Rawson, for three-year term to expire April 30, 2000.

- Marshall A. Karol to Board of Appeals/Earth Removal Board Alternates, for a five-year term to expire April 30, 2002.
- Paul S. Hovsepian, Jeffrey H. Jacobson, Mark A. Kablack, and John F. Sylvia to Board of Appeals Associates/Earth Removal Board, each for one-year terms to expire April 30, 1998.
- Martin Greenstein, M. Jacob Kuykendall, Hans J. Lopater, Harriet E. Rosenberg, Jeffrey Winston, Frederick G. Walker, *ex-officio*, and Mark Thompson, *ex-officio*, to the Cable Television Committee, each for one-year terms to expire April 30, 1998.
- Michael C. Dunne, as Director of Civil Defense, Robert A. Noyes, as Assistant Director of Civil Defense and Marvis M. Fickett, as Radio Operator Civil Defense, each for one-year terms to expire April 30, 1998.
- Rosalie J. Johnson and Mary T. Pihl to the Commission on Disability, each for three-year terms to expire April 30, 2000.
- Lawrence L. Blacker, Maryann K. Clark and John C. Drobinski, as Fence Viewers, each for one-year terms to expire April 30, 1998.
- John Fraize, Marilyn A. MacLean, and Muriel C. Plonko to the Sudbury Historical Commission, each for a three-year terms to expire April 30, 2000.
- Kenneth L. Ritchie and Albert Y. C. Wong to the Industrial Development Commission each for five-year terms to expire April 30, 2002.
- Michael Freundlich, Rosalind R. Gurtler, Nancy Schaffer, Frank M. Vana and N. Jane West Young to the Juvenile Restitution Program Committee, each for one-year terms to expire April 30, 1998.
- Steven Ledoux as Representative to the Mass. Bay Transportation Authority, for a one-year term to expire April 30, 1998.
- Martha J. Coe and Fred H. Hitchcock, Jr., to the Memorial Day Committee, each for three-year terms to expire April 30, 2000.
- Maryann K. Clark, as Middlesex County Advisory Board Designee, for a one-year term to expire April 30, 1998.
- Edward S. Campbell, Roy T. Sanford, Marjorie R. Wallace and Steven R. Wishner to the Negotiating Advisory Committee, each for one-year terms to expire April 30, 1998.
- Frank Schimmoller to the Permanent Building Committee for a three-year term to expire April 30, 2000.

- Fred Lee Ford Swanson and Sally B. Wadman to the Committee for the Preservation and Management of Town Documents, each for three-year terms to expire April 30, 2000.
- Courtney W. Atkinson, as Sealer of Weights and Measures, for a one-year term to expire April 30, 1998.
- Ellen M. Given to the Sudbury Cultural Council for her second three-year term to expire April 30, 2000.
- Michael Callahan, Leah J. Capuano, David Flaherty, Rosalind T. Hill, Daniel Loughlin, Martha E. Lynn, Charles B. Melanson, Carol Reynolds and Wayne M. Shurling to the Sudbury Employee Group Insurance Advisory Committee, each for three-year terms to expire April 30, 2000.
- James F. Occhialini to the Sudbury Water District Water Resource Protection Committee for a one-year term, to expire May 31, 1998.
- Russell DiMauro, as Surveyor of Lumber & Measurer of Wood, for a one-year term to expire April 30, 1998.
- Curtis F. Garfield, as Town Historian, for a one-year term to expire April 30, 1998.
- Mary A. Barnett, Jane B. MacDonald, and Linda M. Wallace to the Town Report Committee, each for one-year terms to expire April 30, 1998.
- Andrew S. Brooks to the Traffic Management Committee, for a three-year term to expire April 30, 2000.
- William R. Duckett, Spencer R. Goldstein, Ronald J. Griffin, Winifred C. Grinnell, Fred H. Hitchcock, Jr., Edward P. Rawson and Vincent P. Surwilo to the Veterans' Advisory Committee, each for one-year terms to expire April 30, 1998.
- Robert A. Gottberg to the Wayland-Sudbury Septage Facility-Operational Review Committee, to be designated Septage Committee when new agreement is executed, for a one-year term to expire April 30, 1998.
- Ronald B. Conrado, *ex-officio*, Timothy B. Lee, Thomas E. Lopez, *ex-officio*, Jane MODOONO, *ex-officio*, and Neal Shifman to the Youth Commission, each for one-year terms to expire April 30, 1998.
- Joseph D. Bausk as Special Constable (paid) for a one-year term to expire April 30, 1998; Michael C. Dunne, John B. Hepting, Earl D. Midgley and Arthur J. Richard as Special Constables (non-paid), each for one-year terms to expire April 30, 1998.

Furthermore, it was on motion unanimously

VOTED: To approve the appointment by Town Manager Ledoux of Richard W. Murphy as Labor Relations Counsel for a one-year term to expire April 30, 1998.

Joint Session with the Board of Assessors

Present: Planning Board members Joseph H. Nugent, Jr., and David G. Berry and applicants Thomas B. Cosgrove, Jr., Trevor A. Haydon, James J. Marotta, Kevin P. O'Keefe and Susan Rettinelli, and others.

At 9:15 p.m., Chairman Blacker convened a joint meeting with the Board of Assessors for the purpose of conducting interviews with applicants for the Board of Assessors. A vacancy on the Board of Assessors was occasioned by the election of William J. Keller, Jr. to the Planning Board and his inability to legally serve as an Assessor as well. The vacancy was duly advertised by Town staff and the Board was in receipt of applications and/or resumes from five applicants: Thomas B. Cosgrove, Jr., Trevor A. Haydon, James J. Marotta, Kevin P. O'Keefe and Susan Rettinelli.

1. Thomas B. Cosgrove, Jr., 447 Peakham Road, stated that he is 62 years of age and has lived in Sudbury some 30 years. He said that his children attended the Sudbury Schools and that he has always been impressed with the Town's school system. He said that he now has the time to become involved with the Town. He noted his background in financial and high tech fields and believed that he could contribute appropriately to the Board of Assessors.
2. Trevor Haydon, 85 Goodman's Hill Road, stated that he had recently moved to Sudbury from Stow where he had served on Stow's Board of Assessors. He stated that he is familiar with the issues and found the work to be fun. He expressed his desire to be able to serve the community in some way. His application notes that he is an attorney currently practicing in Concord, MA.
3. James J. Marotta, 14 Massasoit Avenue, stated that he has lived in Sudbury over three years now. He stated that he is a member of the MAI, and he owns an appraisal consulting firm in Wellesley, MA. He stated that he believed his background would be of help to the Board of Assessors and that he desired to assist the community. He stated that he did not believe his membership on the Board would result in any conflicts so long as he notified his clients.
4. Kevin O'Keefe, 90 Ruddock Road, stated that he has been a resident of Sudbury for three years. He said that he is a Senior Vice President with Fidelity Investments and, as such, he is responsible for multi-million dollar budgets. He said that he is without any municipal service, but felt his financial background might be of value to the Board of Assessors and he desired to become involved in his community.
5. Susan Rettinelli, 110 Prides Crossing, stated that she had moved to Sudbury almost three years ago. She states that she owns various real properties and is thereby familiar with the assessment process. She stated that she believes in community involvement. She said that she thought she could bring a sense of fairness and integrity to the process. She said it is important to attract commercial enterprises for a revenue source other than residential taxation.

Chairman Blacker thanked all of the applicants for their interest. The Board concurred noting that all of the applicants were very qualified and suggested, if not selected for this Board, to please consider others. Selectman Clark noted that there is currently an opening on the Zoning Board of Appeals.

Chairman Blacker suggested that the individual Selectmen and members of the Board of Assessors prepare priority lists ranking the five applicants and select the new member by comparing those priority rankings. He suggested that the appointment be made at the Board of Selectmen's meeting on June 23, 1997. The Selectmen and members of the Board of Assessors concurred.

Approval - Municipal Incentive Grant Proposal

Upon request by Town Manager Ledoux, on motion it was unanimously

VOTED: To endorse the Town's application for Municipal Incentive Grant moneys in the amount of \$22-\$30,000 for enhancement to the GIS system.

Boston Edison - Utility Poles

Chairman Blacker stated that he had noticed during the Memorial Day Parade a double pole on Concord Road. He said that it was just north of Old Landcaster. He said there was a new pole right next to an old sheared off pole. He said that he was not pleased with Boston Edison's efforts to clean up the poles and to remove the double poles. Chairman Blacker directed the Town Manager to invite the Boston Edison representative(s) to the next Board meeting and to bring records for the last two years detailing the removal of double poles and clean-up efforts.

Selectman Drobinski stated that he had also noticed this "double pole" on Concord and that the pole also appeared to be located too close to the road.

Selectman Clark inquired if there were rules or regulations regarding the placement of poles some distance from the roadway to allow for extra-wide loads.

Library and Town Hall Flags

Selectman Clark stated that the United States flags in front of the library and Town Hall were very badly worn and needed to be replaced. The Board concurred.

Executive Session

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

VOTED: To enter into Executive Session for the purpose of discussing the collective bargaining agreement with Engineering Local 105 and negotiations for the purchase of real property.

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

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

There being no further business to come before the Board, the meeting adjourned at 10:00 p.m.

Attest: _____
Steven Ledoux
Town Manager-Clerk