

IN BOARD OF SELECTMEN  
MONDAY, OCTOBER 23, 2000

Present: Chairman Kirsten D. Roopenian, Lawrence W. O'Brien and John C. Drobinski, Selectmen.

The statutory requirement for notice having been met, the meeting convened at 7:05 p.m. in the Library, Lincoln-Sudbury Regional High School, Lincoln Road.

**Cable Television Renewal License**

The Board was in receipt of a communication, dated October 23, 2000, from Jeffrey Winston, Chairman, Sudbury Cable Committee, requesting a two-week license extension for Cablevision to cover the period from October 23, 2000 through November 6, 2000. He stated the committee feels it is time to close the negotiations and requested further the Selectmen vote that no further extensions be granted, and notify Cablevision of same.

After discussion, it was on motion unanimously

VOTED: To grant a two-week license extension for Cablevision for the period of October 24, 2000 through November 6, 2000, and to notify Cablevision with a letter from the Town Manager specifically stating the Board does not intend to grant any additional license extensions for Cablevision.

**Minutes**

It was on motion unanimously

VOTED: To approve the regular session minutes of October 10, 2000, as amended, and the executive session minutes of October 10, 2000, as drafted.

**Council on Aging**

It was on motion unanimously

VOTED: To accept \$114.13 in miscellaneous donations, to be deposited into the Van Donation Account and to authorize the Council on Aging to expend said funds for the purpose of operating and maintaining the Council on Aging vans.

**Cumberland Farms/Gulf Oil**

It was on motion unanimously

VOTED: To accept the donation of \$3,500 from Cumberland Farms/Gulf Oil for the purpose of walkway improvement along Route 20; said funds to be deposited into the Walkway Construction Fund.

**November 7, 2000 State Election**

After discussion, it was on motion unanimously

VOTED: To sign the Warrant for the November 7, 2000 State Election.

**Special Town Meeting – October 23, 2000**

*Bell Atlantic Easement* -- The Board was in receipt of a letter, dated October 23, 2000, from Christopher Parella, Manager Right of Way, Bell Atlantic, stating he had reviewed the proposed Landscape Plan developed for the Proposed Equipment Cabinet Easement at Fairbank Avenue, and found it acceptable.

*Selectmen Presentations* -- There was brief discussion on planned presentations.

*Zoning Bylaw Recodification Document and Hearings* -- Selectman O'Brien stated a schedule of hearings on the Zoning Bylaw Recodification had been prepared and would be available along with the revised Bylaw for distribution this evening to interested persons.

*History of Sudbury* -- It was noted that Curtis Garfield's book on the history of Sudbury would be on sale this evening.

**Conservation Restriction – Raymond Road**

The Board was in receipt of a Conservation Restriction granted by Stephen J. and Fiona A. Keating located on Lot 5, Raymond Road, and a memo, dated October 23, 2000, from Deborah Dineen, Conservation Coordinator, stating this Restriction was required by the Conservation Commission to mitigate work within the 100' adjacent upland resource area to a wetland, restricting future vegetation removal, changes in topography, and limiting lawn and in-ground sprinklers, and use of fertilizers, pesticides and herbicides.

It was on motion unanimously

VOTED: To approve a Conservation Restriction granted by Stephen J. and Fiona A. Keating located on Lot 5, Raymond Road, shown on "Subdivision Plan of Land in Sudbury, Mass. (Middlesex County) prepared for: Allowance Grant Realty Tr.", dated May 30, 1990, revised June 19, 2000, by Noonan & McDowell, Inc. The Board signed the Restriction.

**Brimstone Lane/Estates**

Chairman Roopenian stated the hearing on Brimstone Lane had been continued until November. She reported Mark Bobrowski had been hired by the Framingham Planning Board in this matter.

**Granite Curbing Contract #2001-M-6**

The Board was in receipt of a letter, dated October 19, 2000, from John Lindgren, Superintendent of Streets, Public Works, stating E.H. Perkins Construction was the sole bidder on Granite Curbing Contract #2001-M-6, and requesting approval of the contract.

It was on motion unanimously

VOTED: To approve contract #2001-M-6 with E.H. Perkins Construction, Inc. for granite curbing for a total amount of \$97,434, in accordance with a request, dated October 19, 2000, from the Superintendent of Streets.

**Sprint PCS Lease Agreement - Landfill Site**

On October 10, the Board had continued this subject to receive of clarification.

Town Manager Valente stated she had discussed the Sprint proposal with Town Counsel and conveyed his and her own opinion that it was favorable and competitive as a second carrier, noting there were more options available for their needs vs. those of AT&T who requires a greater height.

After discussion, it was on motion unanimously

VOTED: To approve a lease agreement and Memorandum of Lease Agreement with Sprint PCS to be the second carrier on the wireless communications facility at the Sudbury Landfill at a fee of \$12,000 for a period of five years, with a 3% annual escalation clause and a five-year renewal option; and to authorize the Town Manager to sign said lease documents on behalf of the Board of Selectmen.

**Unibank Contract**

Town Manager Valente informed the Board in a memo dated October 23, 2000 the Town's financial advisory services had closed down, but new companies had been interviewed. She recommended the Town award the contract to Unibank Advisory Services, as they hired two individuals who had previously worked for Evensen-Dodge, the Town's former advisory company. She stated this continuity would be very beneficial during this time of financing of school projects. She reported she and the Finance Director believed Unibank to be the most qualified, at a lower price.

After discussion, it was on motion unanimously

VOTED: To authorize the Town Manager to enter into a one-year contract with Unibank Advisory Services to provide advisory services to the Town, beginning October 2000, cost determined by usage-based schedule, with option to renew two one-year contracts.

**Patriot Properties – Computer Software**

Town Manager Valente stated the Director of Assessing had issued an RFP on August 23, 2000, for computer software to give revaluation assistance and to convert the existing database used by the Assessors Office. She noted Patriot Properties was the only bidder with a cost of \$33,000, and Ms. Hafner is satisfied with the terms of the agreement, with sufficient funds in her budget to support this action.

It was on motion unanimously

VOTED: To approve a contract with Patriot Properties for computer software at a cost of \$33,000 for use by the Assessors Office, subject to Town Counsel's review and approval of the agreement.

**LSRHS**

Town Manager Valente informed the Board that the SBA program has no problem with the existing school buildings being used for other purposes, but cautioned that the plans for the new building must show how much area is being used for open space, parking, etc. and whether space occupied by existing buildings was key to meeting any minimum standards for space usage.

Ms. Valente opined that members of the Permanent Building Committee might be able to provide their opinion on reuse of L-S buildings, though not as a committee this evening. She suggested getting this committee involved in determining reuse of the existing buildings so that final plans can be underway shortly.

At 7:35 p.m., the Board adjourned to attend the Special Town Meeting.

Following completion of the Special Town Meeting, at 10:00 p.m., Chairman Roopenian reconvened the meeting.

### **Reports from Town Manager**

Town Manager Maureen Valente distributed a memorandum dated October 23, 2000, from herself to the Board providing an update on the following matters: Flynn Building elevator installation, Piper property closing, CSX suit, Bushey House, and stormwater pollution control requirements.

The Town Manager also gave the Board correspondence between herself and Mr. Gregory Sobel concerning the Haynes Meadow House. It was stressed that Town Counsel is the Town Manager's delegated agent, reporting to the Town Manager, on this subject.

### **Piper Property Purchase**

Present: Town Counsel Paul L. Kenny.

Town Counsel Paul L. Kenny addressed the Board to advise them of an unanticipated problem in obtaining a clear title in time for the scheduled closing on the Piper land purchase. He said the purchase is made up of several parcels; some parcels have no title problems, while others have gaps in the title with which he is not satisfied. To cure the problem, he and the Town Manager explained, a survey by Schofield Brothers was commissioned, with the expectation it would be completed in time to prepare documents for the closing. They have just learned from Schofield Brothers the survey cannot be done in time for a closing by October 30.

Therefore, Town Counsel proposed and requested the Board's approval of the following procedure: 1) a friendly Taking by Eminent Domain to clear title; 2) deeds for all parcels owned by Dorothy Piper to be transferred to the Town; and 3) a confirmatory deed or deeds upon completion of the plan by Schofield Bros. (The deed for the acreage reserved for the Pipers should be ready today.)

Addressing inquiries from the Board as to the length of time involved and last minute problems in this closing, Town Counsel and Town Manager informed the Selectmen of the following circumstances: The Purchase and Sale Agreement called for the landowner to prepare the plan and deed documents. Town Counsel decided to check on this and learned that the owner was of the understanding she would not incur any expense with regard to the closing, notwithstanding the Purchase and Sale Agreement. Believing it to be in the best interest of the Town, the Town Manager and Town Counsel proceeded to have the Town prepare the documents.

There was a consensus that the process was flawed in the beginning by having the initial involvement of a department other than the Town Manager/Town Counsel, who is ultimately responsible for finalizing the purchase, and this has led to this misunderstanding. Selectman O'Brien asked to have a punch list ready for future land purchases, to try to avoid as many problems as possible. Chairman Roopenian

asked that a memorandum be sent to Town departments to formalize the process of land purchasing from beginning to end.

The Board was advised that the owners and Conservation Commission were aware of the situation and endorsed the eminent domain action. It was also stressed that the Town had committed to the Piper family that the closing would take place by October 30.

It was on motion by Selectman Drobinski, seconded by Chairman Roopenian, unanimously

VOTED: To take by eminent domain by virtue of Article 13 of the 2000 Annual Town Meeting and M.G.L. c.79, s.1 et seq., all as amended, and by every other power and authority thereto enabling, all of the land in said Town owned by Dorothy J. Piper known as the Piper Farm located between Rice Road and Plympton Road except a three-acre portion adjacent to Rice Road to be retained by Dorothy J. Piper, subject to the Town's obtaining an acceptance and release of the pro tanto as the full price.

Town Counsel will prepare documents accordingly and advise the Selectmen when the Order of Taking is ready for signature.

There being no further business to come before the Board, the meeting was adjourned at 10:30 p.m.

Attest: \_\_\_\_\_  
Maureen G. Valente  
Town Manager-Clerk