

IN BOARD OF SELECTMEN  
WEDNESDAY, APRIL 2, 1997

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

The statutory requirements for notice having been met, the meeting was convened by Chairman Blacker at 7:36 p.m. in the Sudbury Town Hall.

**Citizen Forum**

Chairman Blacker opened the meeting by asking if anyone wished to be heard.

Debbie Mason, 44 Babe Ruth Drive, co-chairman of the Nixon PTO, commented on the bundling issue and the recent election. She felt that bundling hurt the schools and hoped the articles will stand alone at a future Town Election so that taxpayers can truly choose where tax dollars will go.

Chairman Blacker stated that he planned to propose a discussion tonight of the bundling issue to decide what action should be taken relative to those articles that passed in February at the Special Town Meeting and which might pass at the Annual Town Meeting. He advised that a decision could be made to hold an election no later than May 19 with the questions as separate items, and the articles which are duplicative will be indefinitely postponed at the Annual Town Meeting.

Further, Chairman Blacker advised the law is such that you can have as many votes as you want until an article either passes or fails--as long as you do it within 90 days of the initial Town Meeting action. The Special Town Meeting took place February 24, and even though we had an election on March 31, we could have another on April 7, April 23, etc.--subject to proper notice. A date set at the far end of the time limit would also allow proper notification of any Annual Town Meeting articles which may come on board.

Kirsten Roopenian, 45 Harness Lane, asked if there is an election scheduled for May 19 (the 90-day limit) and everything is not resolved at the Annual Town Meeting would there be the need to have another election a few days later. If items are passed at Town Meeting next week and need to be balloted, she asked if they could be lumped together with things that passed at Special Town Meeting without jeopardizing them.

Chairman Blacker assured her there would be no need for two elections since appropriation matters were scheduled at the beginning of the Warrant and should be resolved together in time for one election.

Ms. Roopenian added that the Dover DPW roof collapsed yesterday just as trucks were backing into the barn. She feels that Sudbury is lucky this has not happened here and feels that the bundling issue hurt the Town garage, which she feels is definitely needed.

Chairman Blacker commented that he and Selectman Drobinski voted to bundle these issues to show the need for a sense of community in the Town and that there is more than one issue involved; yet the election bears out that there is no hope of a community effort. He went on to say he was amazed to see that were 350 more votes cast on the bundled question than there were for the selectmen's race, meaning this is a one-issue Town, and this bears out the reasoning for wanting to bundle the issues.

Selectman Clark stated that while she does not disagree she feels the need to respect that everyone has different pocketbooks and a means to pay. She believes there is a need to respect the fact that voters will do what they can according to their means.

Carol Zais, 36 Old Coach Road, believes there is another way to approach the ballot questions as a community besides bundling. She reported that the town of Mansfield and its selectmen put out an informational mailing so that every voter could go to the polls well informed. The Citizens for Sudbury's Future has limited funds and can only target a certain number of people and otherwise has to use the newspapers. She said if the Town could get a mailing going it could be a great way for the selectmen to work together and to educate the Town so that people would have the information needed when they vote.

Ms. Zais said she would be willing to work with them to help get this done.

Selectman Drobinski asked Town Manager Ledoux if this could be done under the Campaign Laws. Mr. Ledoux stated that he had originally showed the Mansfield mailing to Ms. Zais and stated it should be shown to the Campaign and Finance office to get a reading. The Board agreed.

Karen Krone, 64 Meadowbrook Circle, Chairman of the School Committee, stated that initially she did not think bundling the articles was a great idea. Ultimately she changed her views since each project needs to move forward, and the Town needs to work as a community. However, she has found senior citizen hostility very disturbing. Recently, she encountered many incidents not only while working at the polls on the day of the vote but while holding signs at the dump and at the Common. She said it is apparent we need to mend some fences and bring the Town back together.

### **1997 Blizzard/Power Update**

Chairman Blacker requested Fire Chief Dunne to present updates on the storm situation.

Chief Dunne stated there was a great response from Boston on Monday afternoon as the storm started. However, it soon became a very frustrating experience. It would appear that Boston Edison gave us a great PR show as it was not until 3:00 p.m. today that Sudbury started to get some real assistance. From all appearances, there was only one truck in Sudbury all day Tuesday. Today at 3:00 p.m., two trucks arrived from Ontario Power & Light.

At 8:00 o'clock this morning, Boston Edison finally admitted they had no trucks in Sudbury-- they were present only later in the day today. Chief Dunne stated he felt the two men manning the command station in the station were a waste of time, and Boston Edison finally started to respond after Town Manager Ledoux's calls today.

Chairman Blacker related he told JoAnne O'Leary, Edison spokesperson, what he thought of the two people operating the command center and emphasized that he wished to speak with her, Mr. Higgins and an operations person when the situation was over. He said he felt the Boston Edison performance was pathetic and that the "song and dance" routine we all got from Mr. Higgins after the December storm was equally pathetic.

Chairman Blacker addressed Moderator Thomas Dignan, a Board member of Boston Edison, and asked if he heard all these comments to take to the next Board meeting.

Mr. Dignan said he thought everyone, including Chairman Blacker, was overreacting to the Edison situation. He said he personally saw two trucks in Sudbury this morning at 6:00 AM on his way to work and said it is easy to blame the power company after a storm of this size. Mr. Dignan feels that understanding is needed. He asked Chairman Blacker to withhold his judgment until after he meets with Boston Edison representatives.

Chief Dunne announced that the Fairbank Center was open for showers and for those who wished to cook meals or just keep warm. He further added that Pat Savage, Park & Recreation Director, is doing a great job manning the Center.

### **Wayland-Sudbury Septage Disposal Facility**

Robert Gottberg, Chairman of Operational Review Committee (ORC), commented on the proposed new intertown agreements (Articles 37 and 38). Basically, for the last two years, the ORC has looked at modifying the arrangement in several areas. Presently, the financial aspects are being handled by two communities and it is difficult for anyone to know how much money is available and where it is going. The ORC is making the recommendation that both communities bid on the package, and the Committee would choose one or the other, for a three-year period. At the end of that time, the Committee would then either ask for a re-bid or continue on with the existing Town.

Mr. Gottberg stated they are also looking at some problems relating to the fact that basically two committees are in charge of one facility. The ORC, which is Sudbury's only area of involvement with the facility, is really only able to do three things: approve the budget (a Wayland budget), 2) approve the rates and 3) approve the capital expenditures. The ORC is proposing a committee of four from each town, and they would have jurisdiction over the facility.

Mr. Gottberg continued as follows:

Another area is the operation of the facility. Right now it is operated by the Wayland Highway Department, and there have been a few problems with communications between the Wayland Highway Department, Wayland Road Commissioners, the ORC and others. We are attempting to consolidate this into a simple arrangement of a septage committee in charge of the facility, and a part-time director (10 to 20 hrs/wk), who would also be involved with engineering. Presently, there is no one with any technical competence to do the engineering so it is necessary to hire the firm of CDM at a decent price to do things that could be done by someone with a little technical knowledge of the facility. The ORC is also looking at trying to reduce the cost by possibly hiring a contract operator. This would go out for bid.

Another option being proposed by others in Wayland is the possibility of switching operations from the Wayland Highway Department to the Wayland Board of Health. Mr. Gottberg opined this is just switching the problem from one place to another. If it is approved in Sudbury, we still have a potential problem of it not being approved in Wayland. They meet two weeks after Sudbury. If it is not approved in Wayland, then the agreement will continue for two years. Sudbury will have the option of "bailing out"

or looking at another agreement. If we decide to leave the facility, we would be entitled to some financial reimbursement (half the value of the facility), which is estimated at up to \$4 million.

Selectman Drobinski asked how much we pay to CDM per year for consulting and operating expenses. The answer was \$50-60,000 and some years far more. He then asked if we have a grade level 4 operator running the facility on a contract basis, and Mr. Gottberg said we do not. They are Wayland town employees.

Selectman Drobinski asked if we replaced CDM and traded the costs for CDM experience and hired the director if that would be a one-to-one cost offset. Mr. Gottberg replied in the negative and stated that ORC is seeking to hire someone for 10 to 20 hours, so it would be a lot less expensive than that. Selectman Drobinski asked if we would still require CDM's expertise. Mr. Gottberg replied that if we ended up with a contract operator similar to what Concord has, there would be access to a higher technical person from the company of the operator. We do not have anyone in Wayland who is technically competent to do the engineering that a private contractor would. Their contract operation is costing at least \$100,000 less than Sudbury.

Chairman Blacker asked if the amendment being proposed (the Agreement) is the ORC's agreement, and Mr. Gottberg replied that it was. He further affirmed that it will be presented to the Wayland Town Meeting as the ORC's way of revising the method of operation. It has been approved by the five ORC members in Wayland and four members in Sudbury (which is missing one constituent).

The second article is being brought by concerned citizens in Wayland. Originally it was designed to shift control from the Road Commissioners to the Board of Health. Primarily, they felt they could do this because last year at Wayland Town Meeting they had the landfill taken from the Road Commissioners and put into Board of Health.

Selectman Clark asked Mr. Gottberg how many employees there were. He answered there were 3.5. Selectman Clark said with another half-time employee you would end up with four. Mr. Gottberg replied that this was not necessarily so. Selectman Clark stated that 10-20 hours would give another half, and Mr. Gottberg responded that the ORC is also looking strongly at the aspect of a contract-operator.

Selectman Drobinski stated the operator right now is a Town employee; therefore, what will happen is that you will not use that employee and hire an outside individual/a contractor and privatize just the operation end of it.

Selectman Drobinski stated to his colleagues that to him this made sense. He did not believe that either town's Board of Health had people of this expertise to run a system such as this.

Mr. Gottberg stated that we do not have to go to Wayland for disposal--we could go elsewhere. Selectman Clark asked how many facilities there are similar to this. Mr. Gottberg stated there are about three--one of which is located down on the Cape. He further advised that a septage facility to dispose of septage does not have to go into a septage facility--it can go into a sewage treatment plant as they presently do in Concord.

Selectman Drobinski mused then that it would be like trash: you would pay a hauler and a dumping fee. Mr. Gottberg said this is true, but now we have more control to some extent over the cost.

Selectman Clark asked if it would be more costly to residents if they have to pump out and had to go elsewhere and did not use the facility. Mr. Gottberg said probably not, but there would be more options. She further asked if Concord only services its own Town septic systems, to which Mr. Gottberg replied was primarily so, and they may take on others.

Selectman Drobinski asked Mr. Gottberg if Concord had used our facility in an emergency, and Mr. Gottberg said this was true. He stated there is an intertown agreement with various towns that if there is an emergency the Town could go there and they could come here.

Selectman Clark summarized that this agreement, as modified and proposed, eliminates the Wayland Road Commissioners and Wayland Highway Department, which Mr. Gottberg verified, stating that it gives more authority and responsibility to the septage committee. Right now that committee is a "paper tiger," and Sudbury does not have much true representation as far as operating the facility is concerned. This article would change that.

Chairman Blacker made a recommendation to support Mr. Gottberg and the ORC article.

Selectman Clark questioned Mr. Gottberg further, and asked if any Wayland boards had considered this and what were their opinions.

Mr. Gottberg answered that the Wayland Board of Selectmen approved it and the Finance Committee has disapproved it. Chairman Blacker opined this is due to the cost of the director, which concurs with Mr. Gottberg's feelings. He said it is true for this aspect plus the concern that they would be loosening the financial arrangement--right now Wayland does all the bondings. If the intertown arrangement is changed and it is bid out, the bonding of any large pieces of capital equipment may be done in Sudbury.

Selectman Drobinski asked who has the better bond rating. Selectman Clark and Mr. Gottberg both stated that they are fairly comparable.

Selectman Clark asked if facility repairs would have to be bonded in Wayland because it is located in Wayland. Mr. Gottberg said the building is located in Wayland but the land itself (the sand beds) are located in Sudbury.

It was on motion unanimously

VOTED: To support the Operational Review Committee (ORC) relative to ATM Articles 37 and 38.

Present: Town Moderator Thomas G. Dignan, Jr.

At 8:17 PM, Chairman Blacker turned the Meeting over to Town Moderator, Thomas Dignan, for a review of the Town Warrant. Mr. Dignan began the session by asking if anyone wished to pull any items from the consent calendar. There were no requests. The Moderator conducted the Warrant Review for the 1997 Annual Town Meeting, which will commence April 7, 1997. 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.

Carol Zais questioned Mr. Dignan concerning the possibility of shortening the duration of Town Meeting by reducing the time limit to speak on a given article. According to the Moderator, this has been tried in the past and shot down several times. The process also requires a change in the bylaw. Mr. Dignan suggested she form a committee of some prestige, highlighting good points for the change, and present such to the Board of Selectmen.

### MASSPIRG

MASSPIRG representatives from Framingham State College came to inform and seek endorsement of the Sudbury Board of Selectmen concerning the Updated Bottle Bill. Spokesperson Melanie Mulcahy reported as follows: Among other statistics, in Massachusetts each person annually produced one ton of trash--a total of 13 billion pounds of trash a year. Recycling increased 80% when the 1982 bottle bill was passed with a 5-cent return. In Sudbury a few weeks ago, residents were polled and about 80% of those respondents supported the Updated Bottle Bill. With similar support of the Selectmen, plus the Sudbury Conservation Commission, MASSPIRG would be able to go to the legislature with the Town's backing.

Chairman Blacker asked about the opposition to the bill. The group reported that it is basically the large companies such as Ocean Spray, who would have to change their manufacturing formula to make the packaging recyclable. Large companies do not want to take responsibility for the containers once the product leaves their hands. This is the same opposition faced by the original bottle bill and why it took 10 years to pass.

Selectman Drobinski asked if these materials would actually be recycled or just crushed. Ms. Mulcahy said it could be turned into things such as road bumps or used in fleece outerwear.

The MASSPIRG representatives stated they would like to use the Sudbury residents' 80-percent endorsement to solicit the Selectmen's support.

Selectman Clark asked when the bill would come up again in the legislature and was informed that the first hearing will be coming up early next week; thus, getting support tonight would be important.

Selectman Drobinski commented on Sudbury's recent A-rating as a recycling community and said he thought this was a worthy project. He asked about the sampling size of the Sudbury poll and was told it was about 200 people.

It was on motion by Chairman Blacker unanimously

VOTED: To support and sign the MASSPIRG Updated Bottle Bill petition.

### **Ballot Questions**

Chairman Blacker opened a discussion on the issue of unbundling ballot questions. Selectman Drobinski believes it may make sense to unbundle Rogers, the schools and the Town, while schools K-8 should be bundled together along with the land. However, his only concern is the ability of the February article to take the land by eminent domain.

Chairman Blacker stated that Town Counsel needs to be queried on the possibility of taking the land. If the Town cannot do so, he questions whether this article needs to stand alone. In this event, the bundled article would be everything but the \$550,000.

Selectman Clark said she believes this is the smarter way to go if you are going to propose eminent domain, which has never been used.

Chairman Blacker said if the February article includes the use of eminent domain there is no need to keep it separate. Selectman Clark said because eminent domain has never been used before you are striking out in virgin territory--you might meet up against a wall. Therefore, she feels it would be more likely that articles would pass if they were kept separate. Chairman Blacker responded that, if everything gets passed and this article does not because of the eminent domain issue, we will be in a worse situation.

Chairman Blacker stated the reason he wants to consider eminent domain is that he hears the Town is being asked to pay a price significantly more than the land's fair market value and wants the ability to negotiate.

Selectmen Drobinski asked Town Manager Ledoux if we need to know all the details tonight or just the concept. He replied that it is only necessary to have the concept of whether or not we will bundle.

Selectmen Drobinski stated that, notwithstanding his own personal opinion, the questions should be unbundled, as it is the concept of what the Town wants. It is how we actually unbundle or bundle that needs to be worked out.

Carol Zais asked if there was any way to bundle all the school projects K-12. Chairman Blacker said he did not believe so, considering the election results.

Chairman Blacker moved that each article passed at Town Meeting be in separate questions, set out except for the K-8 matters, where there may be one issue on the Loring school property, and so announced at Town Meeting, advising the tentative date of the Special Election will be May 19.

Selectman Drobinski suggested that the Board needs to come out strongly how we feel about the articles--either bundled or unbundled.

It was on motion unanimously

VOTED: That the Board intends to call a Special Election, tentatively set for May 19, 1997, and to place on the ballot debt exclusion and override matters passed at the February and April 1997 Town Meetings in a separated format as discussed above.

### **Minutes**

It was on motion unanimously

VOTED: To approve the executive session minutes of March 10, 1997.

Selectmen Clark stated that the minutes of March 18, 1997, Page 13, paragraph 5, needs to have added .... "and that an open space classification should be considered."

It was on motion unanimously

VOTED: To approve the minutes of March 18, 1997, as amended.

### **Donations - Council on Aging Vans**

It was on motion unanimously

VOTED: To accept \$142.84 in miscellaneous donations for the Council on Aging vans and authorize the Council to expend same.

### **Reappointment of Constable**

Pursuant to an application from Samuel P. Gorfinkle, Constable for the Town of Sudbury, dated March 17, 1997, requesting renewal of his appointment for an additional period of three years, it was on motion unanimously

VOTED: To reappoint Samuel P. Gorfinkle as Constable for a three-year term to expire April 30, 2000.

### **Earth Week and Spring Cleanup Day**

It was on motion unanimously

VOTED: To proclaim April 27 - May 3, 1997 *Sudbury Earth Week* and to designate May 3, 1997 as *Spring Cleanup Day*.

### **Permission to Hold Outdoor Event**



It was on motion unanimously

VOTED: To grant permission to Joyce Endee Productions Inc. to hold an outdoor event (juried arts and crafts show) in the West Field at Wayside Inn on Sunday, May 4, and Sunday, September 14, 1997, conditioned on (1) hiring police officers for traffic control and parking as required by the Sudbury Police Department; (2) obtaining any necessary health and building permits; and (3) securing liability insurance.

### **Prevailing Wage Bill**

Selectman Clark reported that on page 4 of the April issue of *The Beacon* there is an article on a prevailing wage bill--Senate bill No. 990. The bill would exempt public works projects of \$500,000 or less from the prevailing wage bill. She feels this is an excellent bill and believes the Board of Selectmen should get its support communicated to our state representatives Susan Fargo and Susan Pope.

### **Transportation Improvement Program**

A brief discussion ensued surrounding receipt of the Town Engineer's 1998-2000 Draft Transportation Improvement Program. Selectman Clark questioned whether the underground utilities project was through MAGIC and Town Manager Ledoux stated that he would clarify MAGIC vs MAPC issues with the Town Engineer.

It was on motion unanimously

VOTED: To approve Sudbury's reponse to the Metropolitan Area Planning Council for the Transportation Improvement Program for FY 1998-2000, as prepared by the Town Engineer under date of March 20, 1997.

### **1997 Annual Town Meeting**

Town Manager Ledoux stated there were several articles that needed to be addressed regarding the upcoming Town Meeting. The first question concerned selection of an honorary speaker for Article I.

Selectman Clark asked if the honorary speaker could be someone who just stepped out of the office. She was referring to Ivan Lubash, who has been on the Goodnow Library Board of Trustees for several years and has done a great job bringing the library to this point. The Board agreed that Mr. Lubash was a good choice and suggested that his background and a list of service be researched.

Town Manager Ledoux reminded the Board of discussions at the last meeting concerning the difference of doing the Flynn Building renovations for \$1.5 million and \$2 million. The major difference was that the lower figure would not include meeting room space and would not really allow it to occur in the future unless there was some extensive underpinning done at the time of renovations. Basically, for \$2 million, we get the necessary underpinning, the meeting room space and the project done the correct way at the outset. The Finance Committee will be looking tomorrow night for the Selectmen's opinion.

Selectman Drobinski asked to have the underpinning issues explained. Town Manager Ledoux stated that basically if the project is done for \$1.5 million the basement is going to remain the same. Selectman Drobinski made the observation that down the road if the Town wishes to make changes to the building the underpinnings will have to be done all over again. Therefore, it makes sense to do the project now while it will cost less.

Chairman Blacker opined that it seems the logical thing to do it now and provide some space needs going into the foreseeable future; if more space is needed in the future, some meeting rooms could be converted into permanent office space.

Town Manager Ledoux said, in fact, that some employees have requested an employee lunch or break room.

The Board agreed to support the \$2 million project and present it tomorrow night to the Finance Committee.

The Technology Plan, which has been revised since the Special Town Meeting, was the next issue addressed by Town Manager Ledoux as follows: At the Special Town Meeting, there were "experts" who questioned the need for a Wide Area Network (WAN)--the piece that would link the 14 or 15 town buildings together. Those people were drafted to sit on the Committee and make some recommendations on WAN and that piece is not ready yet. However, they were in agreement that the Local Area Network (LAN), which would tie the computers within the different Town buildings, was a good plan. Therefore, the Town's Computer Advisory Committee (CAC) is recommending we just move forward with the LAN link, which is about \$300,000-400,000. Originally, last week, Mr. Ledoux stated he thought he had found a way to fund this program out of Town Meeting appropriations without an override. However, part of his strategy went "down the drain" with the latest blizzard. In summary, the Technology Plan will be done in two steps now but at least LAN ties all the computers together. Town Manager Ledoux stated that speaking for just one building, the Parsonage, there are six or seven computers--all with different software- and many cannot share files. He believes this plan makes a lot of sense.

Chairman Blacker said he thought they could support this article. The Board agreed.

Town Manager Ledoux stated that positions must be taken on the remaining articles although he was not sure what remained. It was pointed out that there are potentially 10 items for the ballot and each one will need a pro and a con, which will create a pretty big ballot. Town Manager Ledoux reminded the Board that prior to the bundling decision the work had been done that for all the projects.

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

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