

IN BOARD OF SELECTMEN  
MONDAY, JANUARY 13, 1997

Present: Chairman Lawrence L. Blacker and Selectman Maryann K. Clark. Selectman John C. Drobinski joined the Board at 7:01 p.m.

The statutory requirements for notice having been met, the meeting was convened by Chairman Blacker at 6:50 p.m. at the Sudbury Town Hall.

Continued Interviews for Town Accountant Position

1. Interview with Donald B. Young

The Board was in receipt of a resume from Donald B. Young indicating that he is currently the Finance Director for the City of Beverly. As such, Mr. Young notes that his responsibilities include accounting and budget preparation as well as data processing design, implementation and maintenance. He states that in 1993 he was instrumental in converting to the MUNIS accounting software. Prior to this holding this position, Mr. Young was the Town Manager for Derry, New Hampshire. His past work experience includes other municipal management positions and employment in the private sector.

In response to questions from the Board, Mr. Young stated that he was attracted to the position in Sudbury because he primarily enjoys the data processing function of his work and he understands that is a large component of the position offered. He also noted that he is aware of the Town of Sudbury's excellent financial staff since the City of Beverly shares the same outside auditors as that of Sudbury. He stated that he viewed the role of the Town Accountant as both a record keeper and overseer as to compliance. He stated that he is a member of the MGFOA and is a nonactive member of the Town Accountant's Association. He stated that he remains current through contacts with DOR, the outside auditors, and colleagues and by reading professional magazines. He stated that he was particularly pleased with his involvement in Beverly's conversion to the MUNIS software program and has made the system literally "sing". He noted that Beverly has recently installed the COBOL 4 update for all of its financial functions, except payroll which is done out-of-house. He stated that although fairly even tempered, he has a low tolerance for those who either fail to admit their errors or attempt to hide them. He said, because of his former Town Manager experience, he understands that the public is the "boss". As to public requests for sensitive documents, he stated that most financial documents are public records, but, if the law is clear, such as with personnel documents, he understands that they cannot be released. He said that he is familiar with the school budget process and currently reviews Schedule 19 and works with the schools on the preparation of Schedule A.

Town Manager Ledoux asked Mr. Young to provide a copy of the most recent audit management letter and Mr. Young agreed to do so.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of December 30, 1996

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Donations - Council on Aging Vans

It was on motion unanimously

VOTED: To accept \$144.05 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 - Ambulance Gift Account

It was on motion unanimously

VOTED: To gratefully accept a \$30.00 donation from Laurie Loftus, 298 Maynard Road, for deposit into the Ambulance Gift Account and to authorize the expenditure of such under the direction of the Fire Chief.

Approval of Expenditure - Cemetery Trust Fund

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

VOTED: To approve the release of an additional \$3,133 from the Cemetery Trust Fund for distribution in FY97, to be applied to lease-purchase payments for a Bobcat Loader under the direction of the Highway Surveyor.

Special Town Meeting

Having received on January 3, 1997, a petition, containing 205 certified signatures, seeking a Special Town Meeting, the Board on motion unanimously

VOTED: To call a Special Town Meeting on February 24, 1997, at 7:30 p.m. at the Lincoln-Sudbury Regional High School Auditorium and to close the Warrant for said meeting on January 23, 1997, at 5:00 p.m. and to accept the three articles contained in the petition for the Warrant for the Special Town Meeting.

Establishing Closure of Warrant for 1997 Annual Town Meeting

Town Manager Ledoux suggested that the closure occur on February 10, 1997, at 5:00 p.m. He said that there were still some warrant articles to be submitted and that this date would allow sufficient time for printing.

It was on motion unanimously

VOTED: To close the Warrant for the 1997 Annual Town Meeting on February 10, 1997, at 5:00 p.m.

Submission of Articles for the February 24, 1997, Special Town Meeting

Town Manager Ledoux informed the Board that the School Committee had determined to move its entire capital plan at the upcoming Special Town Meeting. He also informed the Board that the Investment Priorities Committee had likewise determined to present its full capital plan at the Special Town Meeting. Additionally, he noted that the Lincoln-Sudbury Regional High School will probably want to proceed on the Rogers Theatre project during the Special Town Meeting. Finally, Town Manager Ledoux reported that the Finance Committee has asked to put in the Hotel/Motel Tax Levy at the Special Town Meeting. He informed the Board that State law permits local municipalities to levy up to 4%. Town projections indicate that a 1% levy would generate \$4,000-\$9,999 per annum and a 4% levy would generate \$16,000-\$40,000 per annum. If advanced at the Special Town Meeting, the Town would receive revenues for one earlier quarter. He noted that such a levy exists in each of the surrounding towns of Framingham, Marlborough, and Concord, and thus it is not likely to deter local business.

Selectman Drobinski inquired if the tax would apply to the local bed and breakfast operation.

Town Manager Ledoux stated that he was not certain but that he believed that it only applied to bed and breakfast facilities that have ten or more rooms. He said that it would not apply to the Wayside Inn since the Inn is a non-profit corporation.

Selectman Drobinski stated then the levy would only apply to the Coach House Inn and the Town Manager agreed.

Selectman Clark inquired if the articles were ready for submission.

Town Manager Ledoux responded that most have been written and only some require fine tuning.

It was on motion unanimously

VOTED: To submit at the February 24, 1997, Special Town Meeting the following entitled Articles: (1) Construct Public Works Facilities (\$3,000,000); (2) Flynn Building Renovation (\$1,500,000); (3) Repair Fire Station #2 (\$107,500); (4) Technology Management Plan (\$937,280); (5) Walkway Program (\$565,550); and (6) Establish Local Excise Tax at 4% for Motel/Hotel Occupancy.

Selectman Clark inquired of the other school committee articles and Chairman Blacker stated that that committee and others would have the next ten days to submit their articles.

Selectman Drobinski commented that if the Special Town Meeting did not conclude its business within several days, it would be impossible to meet the March 31 election date. He said that he did not believe that all of these articles could be done in a couple of nights and suggested that the Moderator inform the community of this fact and of the need to act expeditiously.

Upon the subsequent arrival of the Moderator, Chairman Blacker informed him that there may be as many as thirteen items on the warrant for the Special Town Meeting and of the need to conclude the meeting within two days in order to meet the March 31 election deadline.

The Town Moderator responded that he would make every effort to conclude the meeting within two days.

Janet Silva, Administrative Assistant to the Board, stated that three nights might be acceptable.

Street Acceptances - 1997 ATM

Present: Deborah Dineen, Conservation Coordinator; Stephen M. Meyer, Conservation Commission; and others.

The Board was in receipt of the following:

1. A communication, dated December 2, 1996, from Peter Gallipeau of Barberry Homes, Inc., addressed to Bill Place, Town Engineer, requesting that Martin Drive be withdrawn from consideration for street acceptances as it is not yet ready for such consideration.
2. A communication, dated November 19, 1996, from Debbie Dineen, Conservation Coordinator, addressed to Bill Place, Town Engineer, pertaining to the 1997 ATM Street Acceptances. There, Ms. Dineen indicated that as-builts had been received for Cutler Farm and Read Roads, but none had been received for Bowker Drive or Saunders Road. She also noted that the Commission has a policy of not recommending acceptance of any street unless it has received a Wetlands Protection Act Certificate of Compliance. She also noted that the Commission has a policy of not issuing partial Certificates of Compliance from a road and drainage Order of Conditions for individual lots within the subdivision subject to the Order.

Conservation Coordinator Dineen stated that the Commission had no objections to the Harness and Butler extensions and believed that the issues concerning Cutler Farm Road had been resolved and was awaiting confirmation of that fact. However, she said that Bowker Drive and Saunders Road posed the most serious problems in that she was awaiting confirmation of the detention basins and was still without the as-builts.

Chairman Blacker stated that the Board could vote now to initiate the acceptance process for the streets and take them off before or at the Town Meeting.

Conservation Commission Member Stephen Meyer stated that that sends the wrong message in that people believe that the streets have met the required standards.

Chairman Blacker noted that a vote of an intention to accept the street layouts in question would defer the matter to the Planning Board and allow for additional time to determine if compliance is met.

It was on motion unanimously

VOTED: That the Board intends to lay out the streets **Bowker Drive** (from Ford Road to Elsbeth Road, a distance of 1,195 feet, more or less); **Saunders Road** (from Bowker Drive to a dead end, a distance of 500 feet, more or less); **Cutler Farm Road** (from Woodside Road to a dead end, a distance of 2,227 feet, more or less); **Read Road** (from Cutler Farm Road to Cutler Farm Road, a distance of 694 feet, more or less); **Harness Lane Extension** (from the end of the 1971 Public Layout to a dead end, a distance of 105

feet more or less); and **Butler Road Extension** (from the end of the 1952 Public Layout to a dead end, a distance of 137 feet, more or less) at its meeting of March 10, 1997, and to refer same to the Planning Board for its report prior to said hearing on March 10, 1997.

Approval of Lease - Carding Mill Building

Present: Deborah Dineen, Conservation Coordinator; Stephen M. Meyer, Conservation Commission; and others.

The Board was in receipt of a proposed one-year lease between the Conservation Commission, lessor, and Michael Stiller and Gregory Pool, lessees, for the rental of the Carding Mill Building at \$750 per month.

Selectman Clark asked who is to pay for the removal of the oil tank.

Debbie Dineen responded that the Town is required to pay as it is the landlord.

Chairman Blacker inquired as to the nature of the leak.

Ms. Dineen responded that it appeared to be some drippings from when the tank was filled.

It was on motion unanimously

VOTED: To approve the lease agreement between the Sudbury Conservation Commission and tenants Michael Stiller and Gregory Poole for rental of the Carding Mill Building, 102 Dutton Road, for the period of December 1, 1996, through November 30, 1997, in the amount of \$750 per month.

EXECUTION: The Board executed said lease agreement.

Transfer Station

Town Manager Ledoux reported that he had recently met with the Resource Recovery Committee and the Committee recommends that the Town solicit bids for curbside pickup and, if curbside service is not feasible, it recommends closure of the transfer station. Town Manager Ledoux said that he was working with the Town Engineer in preparing bid documents for curbside pickup.

Selectman Drobinski asked if the fee for such service could be included with the property tax.

Town Manger Ledoux responded that Town Counsel had indicated that such is possible.

Star Market

Selectman Drobinski asked Conservation Coordinator Dineen the status of the Star Market renovation.

Ms. Dineen responded that Star Market is now only proceeding with a septic system repair and the Conservation Commission had amended its conditions to accommodate this change in construction plans.

She stated that in December she had requested tests of run off and that those results should be available in January. Ms. Dineen stated that she would report any major problems to the Board.

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

Present: Deborah Dineen, Conservation Coordinator; Stephen Meyer, Conservation Commission; and Judy Gans, Winchester, and others.

The Board was in receipt of the following:

1. A communication from Gerald S. Cournoyer, Jr., of Cournoyer & Associates, attorney for Ruth Prescott, providing notice as required by Chapter 61A, section 14, of the withdrawal of 2.22 acres from Chapter 61A, to be conveyed to Judy Gans and Joseph Kalt and thereafter to be offered for sale as a building lot unless the Town elects to exercise its right of first refusal.
2. A communication from Daniel A. Loughlin, Director of Board of Assessors, dated December 31, 1996, stating that the Board of Assessors, believing that the purchase offer of \$215,000 is on the high side of market value, does not recommend that the Town exercise its option to purchase.
3. A communication from Jody A. Kablack, Town Planner, dated December 27, 1996, stating that the Planning Board voted to recommend that the Town not exercise its option to purchase the subject property, but suggesting that the Board of Selectmen determine whether any land preservation organization has an interest in the property.

Chairman Blacker inquired of Conservation Coordinator Debbie Dineen of any interest in acquiring the 2.22 acre parcel.

Ms. Dineen responded that the Commission recommends that the Board not exercise its right of first refusal. She informed the Board that contacts with local and state entities had indicated no interest in or available resources to acquire this parcel.

Selectman Drobinski asked about the number of lots being created and whether such was accurately set out in the application.

Judy Gans presented the Board with a plan showing the creation of three lots, the larger two being maintained under Chapter 61A provisions and the smallest, the 2.22 acre lot, being the one at issue before the Board.

Conservation Commission member Stephen Meyer noted that the plan does preserve agricultural land use as intended by Chapter 61A and that the Commission does not oppose this particular plan. However, he said that it has been learned that the purpose of Chapter 61A could be thwarted by establishing numerous house lots with, for example, small stables or minor agricultural enterprise, and this was something to be aware of for the future.

Selectman Clark commented that the land would still have to generate some annual income.

Mr. Meyer responded that only \$500 per year is required and that that would be easy to satisfy.

Chairman Blacker suggested that if there is a problem with the statute the Commission should investigate the matter and raise the issue with the Town's legislative delegation. Mr. Meyer concurred.

It was on motion unanimously

VOTED: To decline to exercise the Town of Sudbury's first refusal option to purchase approximately 2.22 acres of land, owned by Ruth I. Prescott, known as Lot 3, Concord Road, and shown on a plan entitled, "PLAN OF LAND IN SUDBURY MA PREPARED FOR; JUDY GANS, 1 CALUNET ROAD, WINCHESTER, MA 01890, PETER & JENNIFER CHURCHILL, 25 HARRIS ST., ACTON, MA 01720", dated August 9, 1996, revised November 5, 1996, drawn by Bruce Saluk & Associates, Inc., Marlborough, Massachusetts.

#### 1997 Annual Town Meeting

The Board was in receipt of a proposed 1997 Annual Town Meeting Draft Ordering containing all 49 articles received as of January 9, 1997.

Chairman Blacker inquired if the ordering could be approved at this junction without knowing what other articles might be submitted.

Town Manager Ledoux responded that the order may have to be amended but that such could be adjusted later.

Selectman Drobinski asked if the capital items were going to be left on the warrant for the Annual Town Meeting.

Town Manager Ledoux responded in the affirmative.

Ralph Tyler, 1 Deacon Road, suggested that the Board establish an order designating one night as the "budget night" so that Townspeople could plan to attend.

Chairman Blacker suggested that this matter be held over and the Board concurred.

Upon the subsequent arrival of the Moderator, the Board returned to this item.

The Moderator stated that "ordering" is within the Board's discretion, but that "high interest" items should be spread out so that a quorum is maintained.

Following discussion, it was on motion unanimously

VOTED: To accept the 49 articles received as of January 9, 1997, for the 1997 Annual Town Meeting; to approve the 1997 Annual Town Meeting Draft Ordering prepared by the Town Manager, to be finalized on February 10, 1997, when all petition articles have been submitted; and to refer all zoning amendment articles to the Planning Board for its hearings and report in accord with G.L.c.40A, s.5.

Meeting with Boston Edison Re: Storm Response

Present: John J. Higgins, Senior Vice President, Boston Edison; Pat Carney, President of the Production & Maintenance Workers' Local No. 369, Utility Workers Union of America; Michael C. Dunne, Fire Chief; and others.

John J. Higgins, Senior Vice President for Boston Edison, said that he had been asked by the Board to investigate its poor response to the December 7 storm. Mr. Higgins stated that the company was embarrassed with its performance and apologized to the community. He offered three factors in mitigation. He stated that the company had relied on information that indicated that the storm was not as severe as it really was. He said that incoming information was not "batched" into the computer. He said that the company initially thought there was primarily circuit damage. He admitted that the company had not declared an emergency soon enough after the December 7 storm.

In order to improve response in the future, Mr. Higgins said that the company was improving its communication system to allow better telephone access. He said that the company was working to upgrade its computer system to be able to see where the outage pockets are. Finally, he said that the company intended to establish direct communication lines with community emergency officials.

David Balino, a Framingham resident employed in Sudbury, said that the storm occurred on Saturday and that Boston Edison did not declare an emergency until Tuesday. He said that children were playing in the snow next to live wires. He said that the company has only one lamp person to replace street lamps in a ten-town area and that there are still long stretches where the street lamps have not been replaced.

Roberta Henderson, of Sudbury Pines Extended Care, said that the facility lost power at 10:30 p.m. She said that it took her five and one-half hours to get through to Boston Edison and there should be better access for nursing home/health care facilities. She said that her facility has a generator and batteries, but updates are still needed. She explained, for example, that the batteries used to run IVs need to be re-charged if the outage is going to be an extended one. She also said that when power was restored there was a live wire in the rear parking lot. She said that she literally had to run down crews to get them to come and fix it. She said that before they were finished with the job, they were called off the site, and she accused the company of doing so to avoid overtime costs.

Russ Shepard, a lineman for the company, confirmed that he had been sent home at midnight from the Sudbury Pines site and was not called back to duty until 10:00 a.m. the next day.

Mr. Higgins denied the claim that the company refused to declare an emergency in order to save on overtime.

Pat Carney, President of the Production & Maintenance Workers' Local No. 369, Utility Workers Union of America, stated that Boston Edison has a management problem. He said that the company has been cutting back; where there used to be 65 linemen in Framingham there are now only 30. He said the company needs to hire more crews. He said that the company has made some strides to improve, but management problems remain.

Hans Lopater, 43 Winsor Road, stated that he is a Boston Edison stockholder, but intends to sell his stocks because he believes a senior management failure exists in the company. He said that he drove around the Town for an hour and one-half on the Sunday after the storm and did not see one Boston Edison truck. He suggested that the Board ask DPU to investigate and that the Board should send Boston Edison the bill for the extra costs incurred by the Town Fire, Police and Highway Departments.

Mr. Higgins admitted that DPU was investigating the matter.

Jerome Lavine, 422 Dutton Road, stated that his home suffered damage to the furnace, refrigerator, television and other electrical appliances when service was restored. He said that others on Dutton Road also suffered similar problems.

Chairman Blacker stated that 75% of the Town was without power Saturday night and that a huge number of trees were down. He said it was clear that an emergency existed and company should have declared such. He said it is obvious that Boston Edison made its "decision". He said that MASS Electric crews were everywhere, but that Boston Edison was not around.

Selectman Clark said that it took her hours to get through to Boston Edison. She said that there are not enough phone lines. She said that there were arcing wires down across one road for four days. She said that not enough crews were dispatched to handle the problems. She suggested that Boston Edison should re-think its definition of "emergency".

Selectman Drobinski described Mr. Higgins as the sacrificial lamb and urged him to convey to the other officials at Boston Edison the "heat" being expressed by the community.

Ralph Tyler, 1 Deacon Lane, suggested that DPU get involved. He said that there is a fundamental problem with the tree trimming and maintenance of the poles. He said since Boston Edison prefers overhead connections it should be responsible for maintaining those as well. He suggested that the Town consider switching to MASS Electric or maybe establishing its own electric company. He noted that neighboring Maynard was able to maintain its power.

John Vecchione, 31 Old Meadow Road, stated that he had submitted a claim for damage that was summarily denied by the company. He reported that in the process of doing so he had been given an incredible "run around" by numerous employees.

Fire Chief Michael Dunne stated that he had yet to be contacted by anyone from the company other than a public relations man and that he had much to say on how to better deliver services to the community. Mr. Higgins assured that he would be paid a personal visit.

Ken Zito, 104 Longfellow Road, said very little would change with the upcoming de-regulation, in that, regardless from whom power is purchased, it would still be delivered via Boston Edison.

The Board directed the Town Manager to issue a letter to the DPU relating the issues and concerns raised by both the Board and the Townspeople.

Board Meeting Schedule

The Board agreed to meet again at 8:00 a.m., on Thursday, January 16, 1997, in order to discuss the hiring of the Town Accountant.

There being no further business to come before the Board, the meeting adjourned at 9:35 p.m.

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