

IN BOARD OF SELECTMEN
TUESDAY, OCTOBER 13, 1998

Present: Chairman John C. Drobinski, Maryann K. Clark, and Kirsten D. Roopenian, Selectmen.

The statutory requirements for notices having been met, the meeting convened at 7:30 p.m. at the Senior Center, 40 Fairbank Road.

25th Anniversary Celebration – Council on Aging

Aruna Pundit and Joseph Proud announced tickets were available for the Council on Aging anniversary celebration on Saturday, November 14, 1998. They briefly outlined the day's activities, all free, followed by the dinner dance in the evening. Tickets for the dinner dance are \$25 per person.

Town Website

Present: Ralph Tyler, One Deacon Lane.

Ralph Tyler, One Deacon Lane, wanted to know if the Board of Selectmen meeting minutes and agenda could be posted on the website for public access. He stated the immediate availability of these things would be helpful to keep people informed of what is going on in Town. Chairman Drobinski agreed it would be good, but commented the expense of a webmaster may prove prohibitive at this time. Town Manager Steven Ledoux stated employees in the Loring Parsonage and Flynn Building have recently been provided with e-mail capability, so technological advances are being made.

Selectman Roopenian asked if Mark Thompson, Technology Administrator, would be able to update the website. Mr. Ledoux stated a Sudbury company called I-Beam was the originator of the website and would be the ones to update and maintain it. He added that he would look into whether or not Mr. Thompson would be able to do it and perhaps give the website a more recognizable address.

Utility Poles at Orchard Hill Assisted Living Residence

Present: Ralph Tyler, One Deacon Lane.

Mr. Tyler remarked that a recent Utility Petition for the Orchard Hill Assisted Living Residence on Route 20 was approved for overhead utility wires due to evidence of ledge while now there is a trench across Route 20 that appears to be all sand. He acknowledged the developer might be looking into putting the wires underground, and expressed hope this was the case. He stated further he has a great interest in overhead wires being kept to a minimum or eliminated altogether.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of September 15, regular and executive sessions of September 23 and October 2, 1998, and executive session of September 28, 1998, as drafted, and regular session of Sept. 28, 1998, as amended.

Council on Aging Donations

It was on motion unanimously

VOTED: To accept \$132.61 in miscellaneous donations to be deposited into the Council on Aging Van Donation Account; and to authorize the Council On Aging to expend same for purposes of operating and maintaining the Council On Aging vans.

Walking Trail Easement – Edmund Sears and Leslie Karpp – Rice Road

It was on motion unanimously

VOTED: To table this matter until the conservation issues can be resolved.

Strategic Planning Committee – Appointment Declined

The Board acknowledged Kirsten Van Dijk's decline of appointment to the Strategic Planning Committee.

Town Report Committee – Appointments

It was on motion unanimously

VOTED: To appoint Lillian Lee Neiswender, 582 Peakham Road, and Mandana Familiar, 192 Goodman's Hill Road, to the Town Report Committee, each for a term to expire April 30, 1999.

Land Use Priorities Committee – Appointments

It was on motion unanimously

VOTED: To appoint Carole Wolfe, 637 Concord Road, and Saul M. Bloom, 169 Powers Road, to the Land Use Priorities Committee, each for a term to expire April 30, 1999; and to appoint Deborah Dineen, Conservation Coordinator, as an ex-officio member of the Land Use Priorities Committee.

Town Manager Ledoux reported that the first meeting of this committee is tentatively scheduled for November 12. He stated it would be nice to have all the Selectmen attend, to give the committee a good kick-off.

Youth Commission – Appointments

It was on motion unanimously

VOTED: To appoint Anne E. Lynch, 788 Concord Road, and Catherine Briggs Hanafi, 20 Normandy Drive, to the Youth Commission, each for a term to expire April 30, 1999.

Civil Defense Radio Operator

It was on motion unanimously

VOTED: To appoint James E. Idelson, 96 Morse Road, as a Civil Defense Radio Operator, for a term to expire April 30, 1999.

Insurance Contracts

It was on motion unanimously

VOTED: To affirm second year of three-year contract with Boston Mutual Life Insurance Co., 120 Royall Street, Canton, MA 02021, to provide for active employees Basic and AD&D (Accidental Death and Dismemberment) Life Insurance at a cost of \$1.12/month for a \$2000 policy and to provide for retirees Basic Life Insurance at a cost of \$0.51/month for a \$1,000 policy; the Town to contribute 75% and 50% respectively, and the employee/retiree to pay the remainder; and further to provide the Optional Life Insurance Program, to be paid by the employee/retiree, at the following rates; all effective January 1, 1999:

<u>Age Classification</u>	<u>Monthly Rate per \$1,000</u>
Under age 40	\$.20
Age 40-44	.25
Age 45-49	.40
Age 50-54	.70
Age 55-59	1.25
Age 60-64	1.45
Age 65 - retirement	2.00
Retirees to age 75	4.75

It was on motion unanimously

VOTED: To approve contracting with Cafeteria Plan Advisors, Inc., 1250 Hancock Street, Quincy, MA 02169, to provide Section 125 Benefit Plan at a cost of \$5 per month per participating employee, to be paid by the employee, effective January 1, 1999.

It was on motion unanimously

VOTED: To approve contracting with Blue Cross Blue Shield, 100 Summer Street, Boston, MA 02110-2190, to provide dental insurance and Medex coverage as shown below, and further to establish that the Town contribute 75% of employee dental, 50% of Medex, and 0% of retiree dental, and the employee/retiree to pay the remainder, effective January 1, 1999:

<u>Family</u>	<u>Single</u>	
\$49.60	\$19.69	BCBS Dental Blue premium
N/A	\$193.43	BCBS Medex premium

It was on motion unanimously

VOTED: To approve contracting with Blue Cross Blue Shield to serve as third party administrator for HMO Blue and Blue Choice self-funded health plans, and, further, to establish health insurance working rates as shown below, and to establish that the Town contribute 90% of HMO Blue and 75% of Blue Choice for active employees, and 50% of both plans for retirees, and the employee/retiree to pay the remainder, effective January 1, 1999:

<u>Family</u>	<u>Single</u>	
\$583.53	\$224.10	HMO Blue - self-funded
\$598.92	\$229.98	Blue Choice - self-funded

It was on motion unanimously

VOTED: To approve contracting with Harvard/Pilgrim Health Care, 3 Allied Drive, Dedham, MA 02026-6121, to serve as third party administrator for its self-funded health care plan, and, further, to make this plan available to all eligible employees, and to establish health insurance working rates as shown below and to establish that the Town contribute 80% for active employees and 50% for retirees, and the employee/retiree to pay the remainder, effective January 1, 1999:

<u>Family</u>	<u>Single</u>	
\$536.36	\$203.91	Harvard/Pilgrim Health Care - self-funded
--	\$52.00	First Seniority Premium

Board of Appeals Associates/Earth Removal Board -- Interview

Present: Gilbert P. Wright, Jr., Chairman, Board of Appeals; Melinda M. Berman, 16 Hammond Circle; Lauren S. O'Brien, 687 Boston Post Road.

Chairman Drobinski posed the following question: *What do you know about the Board of Appeals and why would you want to be on it?* Melinda Berman, 16 Hammond Circle, stated her experience as a real estate attorney in Sudbury as well as 16 years as a resident have given her a detailed picture of the types of issues and subtleties thereof presented to the Board of Appeals. She stated she has been interested in serving on a Town board for some time and being an Associate Member is a good way to start slowly. Selectman Clark asked if any of the cases she has represented in her law practice have ever come before the Board of Appeals and wanted to know how Ms. Berman would handle it should that situation occur. Ms. Berman said she would definitely recuse herself from any matter posing a conflict of interest.

Chairman Drobinski posed the same question to Lauren O'Brien, 687 Boston Post Road. She stated she had no legal experience, but stated further she has a background in insurance and underwriting which provides some pertinent knowledge. She added she had attended meetings during the summer to learn about the Board of Appeals and, like Ms. Berman, wants to start slow by serving as an Associate Member. Chairman Drobinski asked if she believed there to be a conflict with the Planning Board as her husband, Lawrence O'Brien, is the Chairman of the Planning Board. She stated she has a mind of her own and opined there would be no conflict.

Selectman Clark expressed appreciation for Ms. O'Brien's interest in serving the Town, but opined this appointment would involve a conflict of interest because Mr. O'Brien is a voting member of the Planning Board. Ms. Clark hypothesized a matter could come before the Board of Appeals in which both individuals might be involved. Ms. Clark opined such a conflict could create discord within the home. Ms. O'Brien stated this would not be a problem, and added she is in a learning stage and it could be two to three years before her opinions would be heavily weighed. Chairman Drobinski asked her if she would recuse herself if the situation deemed it necessary. Ms. O'Brien stated she definitely would do so, as her main interest is doing what is best for the Town.

Selectman Clark reiterated her belief that a conflict existed, as spouses could conceivably hear the same case and be in a position to render a decision. She stated it is the Board's responsibility to reflect the interests of the Town in as impartial a manner as possible. Selectman Roopenian remarked there are several other couples within Town service, specifically Conservation Commission, Finance Committee and L-S School Committee. Ms. Clark stated in the case of the Conservation Commission, the Coordinator does not issue a vote. Town Manager Ledoux stated the Conservation Coordinator is appointed, not a voting member, and reports to the Town Manager. Ms. Clark stressed the potential for conflict is Board of Appeals and Planning Board members would both be voting on the same issue.

Gilbert Wright, Chairman, Board of Appeals, stated the Board addressed this issue and concluded there was no conflict of interest. He stated the Board makes their judgment on the individual, and realizes there are independent professionals in families now, often the rule, not the exception. He stated further these appointments were for two volunteer positions and no one knows whether each individual will remain in their position another year. He indicated there have been instances where members have recused themselves from participating in matters in which they are otherwise involved. He pointed out there are many issues that come before the Board of Appeals, involving many departments and Town boards, implying the probability for conflict is minimal. He stressed Ms. O'Brien was invited to and attended many meetings over the summer to learn about the workings of the Board of Appeals.

Chairman Drobinski opined a person wishing to serve should not be "punished" because another member of their family happens to serve on a related Board. He stated there are a number of mechanisms in place to address the issue of conflict of interest. He stated he felt comfortable with these appointments, as the Board of Appeals has unanimously approved these individuals for appointment, and added he would prefer a unanimous vote by the Selectmen.

Selectman Clark suggested another Board might be better for Ms. O'Brien, one that did not present the potential for conflict of voting. She opined further this type of conflict could be a detriment if decisions by the Planning Board and Board of Appeals were brought into court, and stated this could weaken their legal position. Selectman Roopenian opined Ms. O'Brien volunteered for the Board of Appeals/Earth Removal Board because that is the Board she wishes to serve on. Ms. Roopenian agreed with Chairman Drobinski that someone should not be punished for another family member serving the Town. She expressed concern for turning people away and the image that the Selectmen are "picking and choosing" who will serve on their Boards.

It was on motion unanimously

VOTED: To appoint Melinda M. Berman to the Board of Appeals Associates/Earth Removal Board for a one-year term to expire April 30, 1999.

It was on motion by Chairman Drobinski and subsequently

VOTED: To appoint Lauren S. O'Brien to the Board of Appeals Associates/Earth Removal Board for a one-year term to expire April 30, 1999. (Chairman Drobinski and Selectman Roopenian, aye, Selectman Clark, oppose).

Joint Meeting – Board of Appeals

Present: Gilbert P. Wright, Jr., Chairman, Melinda M. Berman, Lauren S. O'Brien.

Chairman Drobinski explained the Selectmen's goal of meeting with Town boards and committees to improve communication and understanding of what each was attempting to accomplish. He stated if there is anything the Selectmen can do to make their job easier, they should let them know.

Mr. Wright stated one issue they are concerned with is the streamlining of the permitting process which involves the Board of Appeals from time to time. He indicated they completed the questionnaire and forwarded it to the appropriate people. An important question raised by that questionnaire is "Where does one start?" He stated it has always been his understanding that it was up to the petitioner as to where they should start, and could not recall any instance where a specific starting point was identified.

Mr. Wright stated there have been a few instances where the petitioner chose to start with the Board of Appeals. When that happens, letters are sent to pertinent boards and commissions for input on that particular issue. He stated the ultimate goal is to have as much information as possible to make a judgment, and there have been times when a matter has been continued until such data can be collected. Selectman Roopenian commented the pre-application process seemed to work well also. Mr. Wright stated the Board of Appeals does not attend pre-application meetings and commented it would not be appropriate for them to do so. Town Manager Ledoux stated the Building Inspector attends these meetings.

Chairman Drobinski remarked some petitioners prefer to start with the Board of Appeals because the Board handles the meaty issues. Mr. Wright stated most cases are not easy to determine, and opined some petitioners would have little success if they did not go through the Planning Board process first, and iron out many issues before coming to the Board of Appeals. He stated those individuals then come to the Board of Appeals with a much better plan. He cited the Osco case as a unique situation of how important information and facts can be, citing that project was defeated by only one vote. He stressed getting information to them in timely fashion helps tremendously. Chairman Drobinski asked if it would be helpful if one of the Selectmen would attend their hearings. Mr. Wright opined it might not be legally helpful.

Mr. Wright stated each board and commission has its own jurisdiction while the Board of Appeals has to look at the big picture and decide on the use variance. He added that sometimes people forget the Board of Appeals has an obligation not to settle a dispute on the basis of a popularity contest. In order to comply with regulations and Town Bylaws, sometimes unpopular decisions are rendered. He generalized that 100 people appearing against one person does not necessarily mean the 100 people will emerge victorious in their action.

Selectman Clark commented this discussion confirms her belief the Zoning Board should not be a member of the pre-application process, but that the Planning Board, in an advocacy role, should be there. She hypothesized one member of the household on one board advocates one position, and the other member of the household from another board supporting a different position. She expressed doubt that discussion of

the issues could be avoided. Mr. Wright stated that scenario has never happened, and declared it never would as the Zoning Board purposely is not a part of the pre-application process.

Selectman Roopenian wanted a clarification of the length of time it takes to hear a case, stating some people have complained it takes several evenings to completely hear the case. Mr. Wright stated the members do not talk among themselves and wait until information is presented, and questions may come up. He stated further they have a lot to learn and must digest a lot of information. Sometimes when a permit involves impact to a neighborhood, they must view the project in its proposed surroundings. He stated there are protocols for presentation at hearings, but as a quasi-judicial body, they feel obligated to hear anyone who wishes to speak, as long as they ask non-repetitive questions. He stated further that some hearings involve a great deal of information, and to be fair to the petitioner and others, everything must be heard. He concluded by stating there is no practical way to shorten the hearings, and it is not proper to cut people off and be too strict.

Mr. Wright pointed out it is important for people to be able to blow off steam and be heard. When the decision comes down, people need to recognize the decision was fairly reached, and this cannot happen if people are prevented from speaking at hearings. He opined community acceptance of this process is crucial to the manner in which the Town does business. He stated the hearings are more of a fact-finding procedure, not a public forum, not a discussion, nor a debate. He indicated lawyers sometimes cause the hearings to go longer.

Chairman Drobinski thanked Mr. Wright for his time. Mr. Wright asked the Board to support their budget request to make sure Mary Corley is supported with equipment. Town Manager Ledoux stated he has already been contacted about Mary's situation.

Joint Meeting – School Committee

Present: William J. Hurley, Superintendent, Gregory Lauer, Chairman, Karen Krone, Stephenie Cook, Richard Robison, Paul Funk, Business Director, Sudbury School Department.

Chairman Drobinski explained the Selectmen's goal of meeting with Town boards and committees to improve communication and understanding of what each was attempting to accomplish. He stated if there is anything the Selectmen can do to make their jobs easier, they should make that known.

Gregory Lauer distributed a handout presenting budget information as presented at Town Meeting last year. He stated much of their budget increases are growth driven, as enrollments are high. He indicated they have been working with increases of over 8%, just trying to keep up. He stressed the last two issues on the handout as most important at this time: the opening of Loring school next fall, and timelines for staffing Loring in a timely manner to attract good people. Obviously, the hiring of a principal will be first, but it will be difficult to begin the hiring process in February when the salary cannot be determined until April or May. He added that many good people would go to other schools in the meantime.

William Hurley stated staff will be assigned to the new school after school officials identify who is willing to be reassigned and make any changes necessary for the children reassigned to the new school. He stated the bus routes will also be redistricted for the Loring School, based on the assumption the school will open in September. He stated the timing of budgets and hiring is more critical than ever.

Selectman Clark asked how the construction is going. Mr. Lauer stated it is going quite well, even with minor issues cropping up. He indicated it is helpful there are no students in the school to work around. He added the contractor on the project seems focussed and employs high quality people. He noted one setback in that the company providing the steel went bankrupt, but an alternative source has been found, with only a three-week delay. He acknowledged the work would go on right up until opening day.

Mr. Lauer stated the Regular Day Per Pupil Spending numbers are generated from state reports. He noted it does not include special education costs, as those costs are aggregated across the entire system and not specifically identified for K-8. He stated the Sudbury School System is running at a fairly "lean" level as compared with spending by nearby communities, and the Committee feels somewhat desperate at budget time, just to get monies for level services to keep up. He noted there are few programs left to cut, and the Committee would, in fact, like to get some programs back into operation. He pointed out the enrollment numbers continue to rise at a consistent rate, and the projected enrollment for October 1998 is 2,662, compared with actual enrollment of 2,666 students.

Mr. Lauer stated the budget history is driven by enrollment growth, as well as step raises and negotiated salary increases. He noted the increases have been around 8.5%, and acknowledged some years where the issue of additional busses or staff must be considered. He stated costs basically go up as the enrollment goes up, with a large increase necessitating the opening of Loring. Further, costs involving staff other than a principal must also be considered: nurse, custodian, secretary, librarian, etc., and added those costs will come at a price tag of \$500,000 – 600,000. He noted that figure will be refined as the budget process continues. Mr. Lauer stated if Loring is not opened, class sizes will increase, or the schools will pursue the option of portable classrooms, another cost to the Town.

Chairman Drobinski stated there are no easy answers to the budget process. Town Manager Ledoux stated Sudbury has an early budget cycle, defined by bylaws dictating the schedule. Mr. Ledoux stated it is almost backwards, defining the budget first, and then hoping to have the revenue to support it. Mr. Lauer stated they must simply go forward with a primary plan and a contingency plan.

Karen Krone asked the Town Manager if he could offer any creative solutions, given his experience in other communities. He stated much of the Midwest works with a mayor and city council style of government, with budgets determined by the city council. He continued to state that much of the difficulty is a symptom of working with the rules we have.

William Hurley wanted to know if new growth could be tracked and compared from year to year. Mr. Ledoux stated last year's revenue came in at 2% higher than projected. Chairman Drobinski stated the Finance Committee looks at revenue pretty carefully and attempts to anticipate upward swings. Mr. Ledoux stated this issue came up at the summit meeting last month and summarized as follows: If an override vote is put on the March warrant prior to Town Meeting, it does a couple things. If it passes, the budget is almost certain. If it does not pass, the contingency plan must be used. Chairman Drobinski stated he could not recall a Town Meeting where a budget was not approved, so if the Committee has a feel for what the general populace wants to do, they can almost predict the outcome.

Selectman Clark commented the state contributions are always unknown at budget time. She stated the budget sheets are always lagging and get approved at the last minute. She wanted to know if anyone has considered phasing a budget, dividing it into segments. Selectman Roopenian commented the negative impact of the Education Reform funding formulas makes people believe the government will come through with funding. Mr. Ledoux remarked an article he recently read stated on a nationwide scale that 55% of

school funds came from the state and 45% of the funds were local. He noted in Sudbury the state funds were less than 10%.

Stephenie Cook stated the Education Reform funding formula must be watched closely because there is no way of knowing when it will change. The Committee is currently drafting a letter to the Legislature, outlining statistics regarding increased enrollments and costs. Mr. Hurley stated Sudbury is a good example of a town whose enrollments have increased 3 - 5 times over the state average, while during the same period state aid has decreased to 10% or less.

Selectman Roopenian stated Sudbury does not have the revenue streams other communities have, noting the Town is still without a Senior Residential Community that would promote a positive revenue stream. She opined 30 SRC units would bring in \$3 million a year with no impact on the school system. Ms. Roopenian continued to state she has spoken with school parents and urged them to support these types of measures because they generate income for the schools. She stated that as Selectmen part of the education package was to educate the public on these things.

Mr. Hurley remarked that Sudbury is a very generous Town but, even with that generosity, they are well below the per-student cost on the state average. Referring to a recent newspaper article on student costs, he added that people are often puzzled as to why the schools need more money as the figures reported seem so large. He stated budget requests are merely to keep up with rising costs connected with increased enrollments.

Ms. Cook commented that knowledge about events that will affect the schools would help them, as learning about things third hand is not always accurate and creates misunderstandings. She stated the Committee is willing to work with anyone on various issues, and cited recent examples of capital planning and insurance expenses. Town Manager Ledoux stated the Town was waiting for a report from a consultant on the health issues, and he indicated a meeting would be set up as soon as the information was available.

Mr. Hurley wanted to know the date by which the State must pass its budget. Mr. Ledoux stated that date was June 30 but statutorily the State is to produce a Cherry Sheet by March 1. He stated that years ago the Legislature would take local aid out of the budget cycle and pass a local aid resolution in January or February. Mr. Hurley suggested putting more pressure on the Legislature. Chairman Drobinski expressed surprise the legislators were reluctant to approve school funding as many of them live in the suburbs experiencing rapid growth. Mr. Ledoux stated that the Legislature views cities and towns as merely another lobby group, and not as where their constituents live.

Chairman Drobinski stated communication is the key to working effectively with the School Committee as well as educating the public about educational needs. He commented each year will be a little more difficult. Mr. Ledoux stated there will be a similar problem when the Library opens up again, and noted there will be increased operating costs, staffing, etc., much the same as what the schools are experiencing.

Chairman Drobinski thanked the School Committee for their time and hard work.

Joint Meeting – Sudbury Historical Commission

Present: Marilyn MacLean, Chairman, Clay Allen, Adolf Bahlkow, Winifred Fitzgerald, Muriel Plonko, John Fraize, Sudbury Historical Commission.

Chairman Drobinski outlined the Board's goal of meeting with various commissions and boards in order to improve communication.

Lyn MacLean distributed an organizational chart of the Commission and announced corrections soon to be made. She stated Muriel Plonko has worked hard on obtaining historic grants, only to be refused because "Sudbury is an affluent community". She added that the grant committee mentions Lawrence and Lowell as needing the grant money more. They recently received a package from the Massachusetts Historical Commission but are skeptical about completing it only to be refused again. They went to another source and received \$7,500 for the old homes survey. She stated the survey is only half done as it covered only 157 homes, and has 125 yet to be considered. She wanted the Board to know they are experiencing the same difficulties in funding the schools are.

Selectman Clark wanted to know if there are any private sources of funding. She mentioned a list of organizations with funding available. John Fraize stated his daughter, who works for a Conservation Law group, has offered to assist with completing the forms. He stated they are not enthusiastic about completing the forms because the history of success is minimal. He added that sometimes the choices can be very political. He indicated some of the Commission members may take some courses designed to assist people with successful completion of the paperwork. He noted that the State has increased their total funding to \$10 million, and they would certainly like to have a share in it.

Chairman Drobinski wanted to know if the Commission requests an interview with the refusing agency when their grant comes back to them. Ms. MacLean stated the response has always been that there is enough money in Sudbury for the citizens to support them. Selectman Roopenian suggested they keep trying, learn about completing the paperwork, and just get into the loop somehow.

Ms. MacLean stated she attended a Selectmen's meeting last year regarding the Rice Fund and the Wood-Davison House, and added she would like to see the money go toward a museum. She commented she receives many phone calls from people wishing to donate an artifact, and presently there is nowhere to store or display it. She expressed concern for many historical items leaving Town or being lost in people's cellars for lack of action. She stated Town Counsel had sent her a letter, listing various groups who would receive the funds, but she has heard nothing about it since. She wanted to know if the situation has been resolved. Town Manager Ledoux stated Town Counsel was to contact everyone who had an interest in the Wood-Davison Fund, and as yet that meeting has not been set up. Mr. Ledoux stated further the fund was to create a trust, and the trust was very specific regarding the house. Mr. Ledoux hypothesized the terms of the trust might need to be changed, requiring action of the Attorney General.

Ms. MacLean asked if the Rice Fund was resolved, as it is different from the Wood-Davison Fund. She stated the Rice Fund carried a separate structure restriction for storage/display of the artifacts. She opined if the separate structure restriction could be removed, the artifacts could be displayed in other locations and qualify for the Rice Fund proceeds. She stated numerous people have contacted her wishing to view the arrowheads donated by Mr. Rice, but all the artifacts are packed away.

Chairman Drobinski stated there has been a lot of confusion about this fund for some time. He suggested the matter be examined to define the problem, then determine a course of action. Selectman Clark wanted to know how much is left in the Wood-Davison Fund. Mr. Ledoux stated he did not know, but added the foundation has asked for their money back. Selectman Clark stated the *Doctrine of Cy Pres* says the fund can be used for a similar use if the court rules it so. She stated the matter should be expanded to include clarification of "separate structure", specifically can a structure be the top floor of a structure or does it have

to be the whole of the structure. She suggested further additional counsel be retained to expedite resolution. Ms. MacLean stated the funds could certainly be put to good use.

Ms. MacLean commented the Hosmer House is so convenient to Peter Noyes and other schools in Town that they get a lot of school groups coming through. This week Boy Scouts were touring, and even gave the Commission some suggestions. Ms. MacLean commented it is a real shame more artifacts are not on display for the children to view. Selectman Roopenian opined the Loring Parsonage would also be a good place. Chairman Drobinski stated the original plan was to have the Historical Society use the Parsonage but Town Meeting deemed otherwise.

Mr. Bahlkow stated the back room in the Hosmer House has been made into a child's bedroom. When the area was cleaned, they found paintings they had never seen before. He stated there are 463 paintings in the house. They also found a book in which Mrs. Hosmer began inventorying her paintings as well as identifying people portrayed in each one. Mr. Bahlkow stated there are six paintings depicting people from the Boston Symphony Orchestra circa 1936, and he has attempted to contact the archivist at BSO to see if they are interested in the paintings. He commented there might also be some sheet music in Mrs. Hosmer's collection. Mr. Bahlkow stated they have been meticulously inventorying the paintings by number, putting the number on the back of the painting in the lower right-hand corner, cross-referencing them to Mrs. Hosmer's inventory and putting the inventory on computer disk. Mr. Bahlkow stated a year ago he made an inventory of everything in the house, excluding the attic, comparing it to the one made in 1979. The previous inventory used stickers, many of which have fallen off or the writing has faded.

Selectman Clark wanted to know if all the paintings were framed. Mr. Bahlkow stated many were not and are just canvas. He added that some are 8 x 10 and painted on both sides, making it difficult to mark them for inventory purposes. Ms. Clark asked what mediums Mrs. Hosmer utilized. Ms. MacLean stated Mrs. Hosmer used mostly oils, but also used watercolors and charcoal. She did mostly landscapes and some portraits. Selectman Roopenian wanted to know how many artifacts were in the entire house. Ms. MacLean estimated there must be thousands of things in the house. She added she will have some items appraised by Skinner's to determine their value, as some paintings need to be restored. However, they will not do so if the paintings are of little value.

Ms. MacLean expressed concern that the property and contents are underinsured, that some things are irreplaceable, and some furniture is worth thousands of dollars. Selectman Clark suggested taking photographs of each wall in each room so there would be a record of the things contained in the house. Mr. Bahlkow stated a videotape with narration has also been made.

Win Fitzgerald outlined the open house scheduled for November 12 – 14, 1998, featuring various groups in rooms about the house. There will be a preview on Friday evening for the people who have worked on the house.

Ms. MacLean explained Hosmer House can be rented for various functions and named Sudbury Villagers, Earth Decade Committee, Newcomers Club, Boy Scouts, Garden Club, and the Historical Commission, plus memorial services and christenings as groups using the house. She added 10 – 12 docents are required for each event just to keep an eye on all the artifacts.

Clay Allen stated the roof repairs are now complete, but added there is still a problem in the basement during heavy rains. He stated patches with hydraulic cement have been used, but leaks pop up in other places. He commented that a concrete floor had been put in, and perforated pipe was requested but incorrectly installed inside the concrete where it is useless. Water must be vacuumed up and carried to the

sump pump. He stated he and Art Richard have been trying to figure out a method to connect the piping to the sump pump, but as yet have not come up with a solution.

Ms. MacLean stated signs will go up on Route 20 this week which declare where the King Phillip Historic District begins and ends. She stated the Historical Commission is more than the Hosmer House, but they are in charge of all the Town-owned historic property including the Old Soldiers Training Field on Old County Road, and such things as a new roof on Loring Parsonage.

Muriel Plonko stated the old homes survey is approximately half done, and they hope to finish it soon. She added they receive requests for information on historical property around Town. The Sudbury Valley Trustees want to restore the railroad section house, part of the old Boston & Maine Railroad that went out to the western part of the state. The section house is one of just a few left in eastern Massachusetts. She described the section house as a headquarters for the maintenance crew for this particular section, including the handcart. Ms. Plonko stated a State Police car crashed into the section house during a rainstorm last year. To begin the restoration process, the Historical Commission must provide the State Historical Commission with as much information on the site as possible. Selectman Clark wanted to know if the handcart still existed; Ms. Plonko stated it did not, but that one might be obtained from the section house in Ipswich.

Ms. MacLean stated she has received a letter from Representative Susan Pope regarding the station house incident. Ms. Pope indicated in her letter that when she went to the State Police about reparation, they laughed at her. Ms. Pope wrote to the MBTA, stating \$15,000 – 18,000 is required to repair the damage. Ms. MacLean has arranged for the section house to be cleaned out, requiring approximately two to three large loads of debris to be hauled away. She indicated the Town would donate use of the trucks, and the Commission would supply the labor, but funds are required to actually dump the materials. Selectman Clark stated she had spoken with Hasty Evans who assured her the money was coming, but later it was turned down. Ms. MacLean stated a committee has been formed to do much of the work, but until there is word about the money, things are at a standstill.

Ms. Plonko stated some work is being done on the History Trail. Letters have been sent to various historians around Town to establish dates for particular events. She indicated many times different dates are found for the same event which require research to weed out the incorrect ones.

Mr. Bahlkow stated a survey has been done regarding stone markers at various intersections around Town. He requested guidance from the Massachusetts Historical Commission, and they advised him to take a black-and-white photograph of each marker and complete a form for each one. He stated 25 of 53 markers still exist throughout Town. He indicated the difficulty in maintaining these markers is that during the winter the snowplows come around and inadvertently break them off because the markers are hidden under the snow. According to the Highway Department, the markers are too small to reinstall after they have been broken off. Ms. MacLean suggested marking the markers with colored flags so they are visible above the snow. Mr. Bahlkow stated these markers have been around for hundreds of years and are irreplaceable. Ms. MacLean opined these stones were ballast in boats coming up the Sudbury River. Ms. Clark wanted to know if there was any way to restore the markers by drilling holes into them and inserting metal pegs to hold them together. Mr. Bahlkow indicated the Highway Department was very pessimistic about using them again so he did not pursue the issue. Mr. Fraize suggested placing them in sand so if they do get hit, they get pushed over but do not break. Chairman Drobinski suggested use of epoxy glue instead of drilling. Ms. MacLean stated the lettering on the markers is quite unique as the “s” looks like an “f”, indicating their vintage. Mr. Fraize said some of the signs even point the wrong way.

Ms. MacLean thanked the Board for inviting them, stating it was important for them to meet other members of the committee. The Board thanked them for their hard work.

1999 Annual Town Meeting – Article List

Chairman Drobinski questioned whether the item regarding the Unisys property should be included. Town Manager Ledoux stated it was included at this time primarily to hold the spot on the list. He stated Dan Claff from the Housing Task Force raised the issue. Selectman Clark wanted to know if anyone had pursued the pros and cons of leasing to the developer versus transfer of title. Chairman Drobinski wanted to be sure the rights of the Town were protected. Selectman Roopenian indicated she was of the impression that the Town donated the land to the SRC effort but actually maintained ownership of the land. She could not recall how she came to that belief. She suggested a note be sent to the Housing Task Force for input. The list will be referred to Town Counsel for drafting of articles.

First Parish Meeting House

Town Manager Ledoux stated the Meeting House will be holding their celebration of the preservation and restoration of the Meeting House on November 1 and would like one of the Selectmen to speak. Chairman Drobinski volunteered to represent the Board.

Loring School – Vote to Excess

Town Manager Ledoux stated Town Counsel has prepared a motion for review. Selectman Clark wanted to know if insurance coverage was affected. Mr. Ledoux replied it was not.

It was on motion unanimously

VOTED: That the Loring School property located on Woodside Road, and all easements associated therewith, are no longer needed for general municipal purposes and may be released to the care, custody, management and control of the Sudbury School Committee, in accordance with the vote of the 1997 Annual Town Meeting under Article 14.

PowerOptions Contracts

Town Manager Ledoux suggested tabling this matter as Town Counsel has yet to review the contracts. Selectman Roopenian wanted to know if the billing cycle information has been obtained. Mr. Ledoux stated it had been put together and indicated many of the readings were done on the same day.

Watershed Initiative

Selectman Clark stated she had attended a meeting sponsored by the Metropolitan Area Planning Council and the Executive Office of Environmental Affairs held on October 1, and distributed a *Middlesex News* article reporting on the meeting. She expressed dismay that no one else from Sudbury attended, and it was an excellent program. She stated the program pointed out the problems with water supply in MetroWest, challenges to the watershed including quantity, wastewater treatment plant, and a shift in philosophy regarding wastewater treatment. Chairman Drobinski stated he had not heard of the meeting. Ms. Clark stated the notice went out to all Planning Boards in MetroWest.

Selectman Roopenian commented on an article in *City and County* magazine about decentralizing wastewater treatment around the country. She remarked that Sudbury wants to have local control over wastewater options. Ms. Clark quoted from the article that sewers are a great way to “dewater the community” because it never gets back to the aquifer and is not a sustainable action. She continued that Bob Zimmerman of EOEPA at the October 1st Watershed Forum stated septic systems that are properly operating are not bad things. He stated centralized management of decentralized wastewater technology favors septic systems over wastewater treatment plants. From monitoring done during the last four years, he stated there is a shift in the watershed policy to keep water local.

Chairman Drobinski wanted to know if they addressed nitrate loading. Ms. Clark said yes and stated people are advised by DEP to pump their septic systems every two years, but expressed doubt anyone actually does this. She stated the average homeowner pays attention to the septic system after it begins to have problems. She suggested the Board of Health needs more personnel to monitor this type of thing. Mr. Drobinski opined a bylaw would be needed to require homeowners to pump systems every two years as recommended by DEP.

Bushey House

Town Manager Ledoux stated he took William Place, DPW Director, and John Hepting, Building Inspector, to the Bushey House last week. He stated the problem is that the vote at Town Meeting gave the buildings for Town use but did not include any land with it. He opined if the Town wanted to sell the house, the Town would have to go through the State Legislature to appropriate land. Selectman Clark read from the Article that it included “and municipal use of small house and barn-garage at 641 Boston Post Road” and opined that included the land as part of the property at 641 Boston Post Road. She pointed out that the parcels are identified by Assessors Lot Number as shown on a specific Assessor Plan, and one of those listed in the Warrant Article is where the Bushey House is located. She suggested the Town will not need to go to the Legislature, given that information.

Mr. Ledoux stated the house would be an interesting one for someone to fix up, and added it does require considerable work. Ms. Clark thought the bay window should come down as it was not properly constructed. Mr. Ledoux stated an addition on the east side of the house is in poor condition from water damage and should also be removed.

Mr. Ledoux stated there has been interest in moving the house. The Town could also seek tenants to renovate in lieu of rent. Chairman Drobinski stated the land should not be sold because the access would be lost. Mr. Ledoux stated the Conservation Commission wants to develop some trails. Ms. Clark suggested the house could be used as a museum after it is restored as the Historical Commission needs more space to display artifacts.

Mr. Ledoux stated he has the key to the Bushey House and recommended the Selectmen tour the building in order to get a better idea of the condition of the house.

Wayland Selectman Death

Selectman Clark reported the sudden death of Wayland Selectman Monroe Randall Hoes on Saturday, October 10, and noted it was reported in *The Middlesex News* today. She suggested planting a tree in his memory, perhaps on the Wayland/Sudbury Town Line.

Education Reform Debate

Selectman Roopenian stated she will attend a debate in Lexington tomorrow evening on Education Reform funding formulas. She noted a member of the K-8 School Committee is planning to go as well. She stated it is important for the Selectmen to be visible in the funding issues.

M.G.L. Chapter 40A

Selectman Roopenian stated she is in the process of filing with one of the legislators a revision to M.G.L. Chapter 40A, particularly Section 3. She indicated she would like the Board to review it before she files it. Selectman Clark wanted to know if there had been any comment on the language she proposed about Chapter 40A, Sections 6 and 3. Town Manager Ledoux stated he did not know of any at this time.

Selectman Clark commented there are other towns having trouble with the statute regarding child care facilities. Chairman Drobinski suggested speaking with someone from the MetroWest Managers Association, as that support would carry more weight. Mr. Ledoux stated he is acquainted with David Baier, the MMA Legislative Director, and volunteered to contact him for information.

Dept. of Environmental Protection – Pay-as-you-throw

Chairman Drobinski, a member of the Environmental Policy Committee for the MetroWest Managers Association, stated he recently attended a recycling presentation by DEP on the pay-as-you-throw concept. He indicated there is grant money available for this type of program. Mr. Ledoux stated Sudbury has received some money from them every year.

Chamber of Commerce Annual Meeting

Town Manager Ledoux stated the Chamber of Commerce is planning their annual business meeting and would like to invite the Selectmen and the Town Manager. He stated the Chamber wishes to discuss electric deregulation, cable television issues, and other things. He indicated the tentative date is Nov. 4, but Nick Palermo of the Chamber will confirm the date soon. Mr. Ledoux noted the meeting will be held at the Wayside Inn and asked the Board to save the date.

November Election Warrant

Town Manager Ledoux circulated the November 3rd election warrant for the Selectmen to sign.

League of Women Voters – Candidates Debate

Town Manager Ledoux stated Elaine McGrath of the League of Women Voters wanted to know if the Board had any questions or issues to put to the candidates at the debate on Wednesday evening. He noted the candidates for State Representative are Susan Pope and Russell Ashton, and Susan Fargo and Thomas Healey are running for State Senator. Mr. Ledoux asked that questions or issues be forwarded first thing in the morning so they could be turned in to the League.

Police Cruiser

Town Manager Ledoux referred to an invoice from AMI Municipal Vehicles for a new police cruiser contained in tonight's meeting packet, and recommended award.

It was on motion unanimously

VOTED: To approve the invoice, dated September 28, 1998, from AMI Municipal Vehicles for a new police cruiser, a 1999 Ford Crown Victoria, VIN# 2FAFP71W3XX111256, in the amount of \$28,357.00.

Sudbury Cultural Council – Arts Lottery Grant

Town Manager Ledoux stated Tracey Highfill, 38 Lands End Lane, has applied to the Sudbury Cultural Council for an arts lottery grant to paint landscapes in Sudbury. Ms. Highfill's intent is to hang a juried art exhibit when the landscapes are finished, and the winning painting would be donated to the Town for display in a public building. Mr. Ledoux stated Ms. Highfill would like to know if the Town is agreeable so she can insert this plan into her application for the grant. Mr. Ledoux opined it would be a good idea, adding the painting could be hung in the renovated library or Town Hall. The Board agreed this would be a good way to help a local artist and have a painting to display in Town.

E. B. Hosmer Fund

Town Manager Ledoux presented an invoice for \$965.00 from the Historical Commission for cleaning up some paintings at the Hosmer House, to be paid from the E. B. Hosmer Fund.

It was on motion unanimously

VOTED: To approve an expenditure from the Edwin Barrett Hosmer Memorial Fund in the amount of \$965.00 for cleaning paintings at the Hosmer House.

Executive Session

At 10:38 p.m. it was on motion by roll call unanimously

VOTED: To go into Executive Session to discuss the LEAP School litigation. (Chairman Drobinski, aye, Selectman Clark, aye, Selectman Roopenian, aye).

Chairman Drobinski announced that public session would not reconvene following Executive Session.

There being no further business to come before the Board, the meeting was adjourned at 11:15 p.m.

Attest: _____
Steven L. Ledoux
Town Manager-Clerk