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IN BOARD OF SELECTMEN
MONDAY, APRIL 30, 1990

Present: John C. Drobinski, Judith A. Cope and David A. Wallace.

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:30 p.m., at lower Town Hall.

Reorganization of the Board of Selectmen

It was on motion of Chairman Drobinski unanimously

VOTED: To elect Judith A. Cope Chairman of the Board of Selectmen, effective immediately, until the next reorganization of the Board of Selectmen;

and further, on motion of Selectman Drobinski, it was unanimously

VOTED: To elect David A. Wallace Vice Chairman of the Board of Selectmen, effective immediately, until the next reorganization of the Board of Selectmen;

and further, on motion of Selectman Wallace, it was unanimously

VOTED: That Richard E. Thompson continue to serve as Clerk to the Board of Selectmen;

and further, on motion of Chairman Cope, it was unanimously

VOTED: To set the time and place of the Selectmen's meetings to be on Monday evenings at 7:30 p.m., in the lower Town Hall, until further change.

Selectmen's Liaison Assignments for 1990-1991

It was on motion unanimously

VOTED: To approve the Selectmen's Liaison Assignments for 1990-1991 as set forth in memorandum dated April 30, 1990, prepared by Executive Secretary Richard E. Thompson.

Hop Brook Ponds Study Committee

The Board considered the question of establishing and making appointments to a Hop Brook Ponds Study Committee, and acknowledged receipt of the following:

1. Letter dated April 2, 1990 from Michael P. Hogan, Mayor of the City of Marlborough, designating Marlborough's Conservation Officer, John Bolduc, and Water Commission Doran Crouse, as that City's representatives;
2. Letter dated January 22, 1990, from Frank L. Strouse, advising that the Hop Brook Protection Association voted on January 17, 1990, to appoint him as its representative;
3. Letter dated December 13, 1989, from Barry Gaw, Project Manager of Northland of Massachusetts, advising that he would be representing Northland;

4. Letter dated January 31, 1990, from Allen H. Morgan for Sudbury Valley Trustees (SVT), advising that Ursula Lyons of Wayside Inn Road and Don Bishop of Raymond Road have both expressed a willingness to serve as the SVT's representative;

5. Memorandum dated February 1, 1990, from Health Coordinator Mary Ann Courtemanche advising that the Board of Health voted on January 18, 1990, to appoint George D. Gustafson as its representative;

6. Application dated December 7, 1989, from Marilyn Novak of 11 Raynor Road;

7. Application dated December 10, 1989, from Robert E. Maher of 22 Hilltop Road.

Executive Secretary Thompson informed that Frances Clark has been proposed as the Conservation Commission's representative, subject to her acceptance.

The Board expressed its pleasure in receiving such a positive response to the formation and staffing of this Committee. It was on motion unanimously

VOTED: To establish a Hop Brook Ponds Study Committee to implement, as feasible, the recommendations of the Hop Brook Ponds System Study, dated July 1989, prepared by Whitman & Howard, Inc.; and to appoint the following individuals to said Committee, subject to their acceptance:

John Bolduc	Marlborough Conservation Officer
Doran Crouse	Marlborough Water Commissioner
Frank L. Strouse	Hop Brook Protection Association
Barry Gaw	Northland of Massachusetts, Inc.
Ursula Lyons	Sudbury Valley Trustees
George D. Gustafson	Board of Health
Frances Clark	Conservation Commission
Marilyn Novak	Sudbury Resident
Robert E. Maher	Sudbury Resident

At the request of the Selectmen, Executive Secretary Thompson will ask the Board of Health to coordinate the first meeting of the Committee and assist the Committee in establishing procedures and schedules.

Bicycle Race Regulations

Upon the recommendation of Executive Secretary Thompson, it was on motion unanimously

VOTED: To reschedule consideration of the question of adopting Bicycle Race Regulations as proposed by Safety Officer Anthony M. Deldon in a letter dated April 12, 1990, in order to enable the Selectmen to receive modifications and comments from Town Counsel, to May 7, 1990.

Project Bread, Inc. - Walk For Hunger

It was on motion unanimously

VOTED: To grant permission to The First Parish of Sudbury to conduct a "Walk for Hunger" on Sunday, May 6, 1990, in accordance with the request dated April 24, 1990, from Maria von Brincken of the First Parish of Sudbury.

Congregation B'Nai Torah - Lease

It was on motion unanimously

VOTED: To authorize the Chairman to sign three copies of lease between the Town and Congregation B'Nai Torah for the building known as the Israel Loring School located at Woodside Road, for a ten-year period to run from July 1, 1990, through June 30, 2000; and to request the Executive Secretary to submit same to Town Counsel for his signature of approval.

Grievance - Police Officer McGilvray

It was on motion unanimously

VOTED: To table continued consideration of the grievance, dated February 1, 1990, concerning benefits under Chapter 40, section 111F of the General Laws, for Police Officer McGilvray, which was heard and taken under advisement on February 26, 1990, to executive session later this evening, when Labor Relations Counsel Richard Murphy would be present.

Public Hearing - Application for Common Victualler's License - 730 Boston Post Road

Present: Eddie Jouki; Applicant Georgette Shawki; Shiman Shawki; Jack Dunkless, Owner of the Property; abutter Mary V. Marrone.

It being 7:45 p.m., Chairman Cope convened a Public Hearing to consider the application of Georgette Shawki of Hudson, Massachusetts, for a Common Victualler License to operate a pizza restaurant at Wayside Plaza, 730 Boston Post Road.

Executive Secretary Thompson reported that notice of this hearing was duly advertised; abutters and interested parties notified; and all documents are in order.

The Board acknowledged receipt of the following:

1. Letter dated April 27, 1990, from Inspector of Buildings Joseph E. Scammon, advising that he has determined that the store could have a maximum of 15 seats and avoid going through site plan review; that the doors may swing inward; that this would be a permitted use for that location; and that take-out service would not be precluded. Mr. Scammon recommended approval.
2. Letter dated April 20, 1990, from Health Director Robert C. Leupold, advising that approval of the license is recommended subject to Board of Health approval of a septic system expansion adequate for the proposed pizza restaurant.
3. Letter dated April 18, 1990, from Fire Chief Michael Dunne, commenting as follows:

- The Fire Department will require the installation of an Ansul fire protection system over the fryalator.

- The Ansul system should be connected to the fire alarm system of the building complex so that the Fire Department will be automatically notified of its operation and the building occupants will be warned of the fire danger.

The Board further acknowledged receipt of Plan dated February 27, 1990, entitled "730 Boston Post Road - Eastern Bakers Supply Co.", drawn by R. J. Kalustian.

Upon inquiry by abutter Mary V. Marrone of 729 Boston Post Road, applicant stated that the hours of operation for the restaurant would be from 11:00 a.m. to 11:00 p.m. Mrs. Marrone expressed her concern about increased noise level from the anticipated increase in traffic, especially since her bedroom directly overlooks Route 20. It was pointed out that other area restaurants are open later than the proposed 11:00 p.m. closing and applicant assured that it was her intent to run a family-oriented establishment that would not be conducive to being a "hang-out" or gathering place for rowdy individuals. Jack Dunkless, owner of the property, further assured that he conducted a thorough research of the applicant and the type of business that would be run on his premises, and he is confident that applicant and her family would not run a slipshod operation.

After further discussion, it was on motion unanimously

VOTED: To approve application of Georgette Shawki of Hudson, Massachusetts, for a Common Victualler License to operate a pizza restaurant with a maximum of 15 seats, at Wayside Plaza, 730 Boston Post Road; subject to compliance with the requests of the Board of Health and the Fire Department, as contained in their letters of April 20, 1990, and April 18, 1990, respectively; and to approve the hours of operation between 11:00 a.m. and 11:00 p.m., such hours to be reviewed at the time of renewal of said license.

Note: D/b/a is to be Pastel Pizza.

The Sudbury Foundation - Grant to The Sudbury Village Project

It was on motion unanimously

VOTED: To accept a grant of \$20,000 from the The Sudbury Foundation to be deposited in a special account named the Sudbury Village Project, and expended under the direction of the Board of Selectmen for the Sudbury Village Project in accordance with conditions set forth in acknowledgement letter dated April 25, 1990.

It was pointed out that said grant of \$20,000 is the first installment of a total pledge of \$50,000 for this project.

Drainage Easements

It was on motion unanimously

VOTED: To accept drainage easements granted by George and Lucille Bekampis on property located at 253 Morse Road; and by Walter R. Beckett, Trustee of Defense Housing Trust, on Lots 4 and 6, Kato Drive.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular sessions of April 2, 1990, April 23, 1990, and the executive session of April 23, 1990, as presented.

Landfill - Elderly Exemption for Residential Stickers

Upon recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To continue the policy of allowing senior citizens to apply for waiver of the Landfill residential permit fee, by obtaining approval for same from the Selectmen's Office through the Executive Secretary and presenting same to the Highway Department at the time of obtaining the sticker.

Unisys

The Board acknowledged receipt of copy of personal letter dated April 30, 1990, from Selectman Wallace to Julian J. D'Agostine, Esquire, local counsel to Unisys.

It was on motion unanimously

VOTED: To sign letter dated April 30, 1990, to Gary A. Greenberg, Vice President, Planning and Development, Unisys Corporation, expressing the Selectmen's continued commitment to resolve the issues relating to the Unisys property so that the matter may be voted at a Special Town Meeting in the early fall, and establishing the Executive Secretary as coordinator for all future communications and meetings.

With regard to the Confidential Memorandum dated April 23, 1990, from Assistant Town Counsel David J. Doneski, it was on motion unanimously

VOTED: To release the Confidential Memorandum dated April 23, 1990, from Assistant Town Counsel David J. Doneski; subject to comment by Attorney Doneski, as it is his work product and was not intended by him for public perusal.

Transportation Improvement Program

The Board acknowledged receipt of letter dated April 24, 1990, from Fred M. Winsmann, Chairman, MetroWest Growth Management Committee, outlining the ten projects from the 1989-1993 Transportation Improvement Program (TIP) for review and endorsement.

Chairman Cope expressed her concern that the Route 20/Nobscot Road and Union Avenue project was placed second on the list of Highest Priorities; and Executive Secretary Thompson concurred with her belief that the description is based on the old design project.

It was on motion unanimously

VOTED: To notify the MetroWest Growth Management Committee that the Selectmen approve and endorse its list of ten projects from the 1989-1993 Transportation Improvement Program; subject to further clarification with regard to the Route 20/Nobscot Road and Union Avenue project. [See amendment of vote - May 7, 1990.]

Letter To The Editor - Special Election

Upon review, it was on motion unanimously

VOTED: To approve "Letter To The Editor" concerning the May 14, 1990 Special Election and the proposed override ballot questions.

The Board commended the media for its coverage of the override issue, especially the Middlesex News for printing a sample ballot with an explanation. At the request of the Selectmen, Executive Secretary Thompson will contact the news publication to see if they can reprint the sample ballot and explanation prior to May 14, 1990.

Junior League of Boston - Decorators' Show House

Present: Junior League of Boston representatives Candy McMahon and Marti Newkirk.

It being 8:00 p.m., the Chairman convened a meeting with local representatives of the Junior League of Boston regarding coordination of planning concerning the League's Decorators' Show House.

Executive Secretary Thompson advised that a meeting has been scheduled for tomorrow at 11:00 a.m. at the Flynn Building with various departments; and that the Town Engineer will have maps available for marking the proposed bus routes.

Mr. Thompson requested the representatives of the Junior League to supply a revised schedule of events to the Selectmen, and Candy McMahon assured that they will provide their internal memorandum outlining specific dates and times to the Selectmen without delay.

The Board reviewed document entitled "1990 Junior League Show House Traffic and Transportation Plan" submitted by the Junior League, and a dialogue occurred wherein potential problems and possible solutions were discussed. It was the consensus of those present that it would make more sense to make definite recommendations after the "dry run" with the bus is conducted tomorrow.

With regard to enforcement of the traffic plans, Marti Newkirk of the Junior League stated that it is the League's intention to have two volunteers on the buses and at the site. She further stated that it was up to Police Chief Lembo to determine whether he believes there is a need to have a police officer at the parking lots and on the roads. Mr. Thompson noted that the Police Chief has submitted a request for permission to personally be present at the site.

There followed a brief discussion concerning the disbursement of proceeds from the Show House event, and Ms. McMahon re-emphasized the League's commitment to providing funds and services to worthwhile projects. Mrs. McMahon stressed

that the negative publicity given to the League's financial affairs was distorted because of the writer's reliance upon IRS returns filed with the Attorney General's Office; and explained why those filings are not a complete and accurate picture of what the League does.

The meeting concluded with a concurrence by those present that safety concerns should be the priority issue at this stage; and the hope was expressed that communications would remain open and that plans may be finalized that will benefit both the residents and the League.

Personnel Board - Appointment

Upon review of application of Rebecca R. Corkin, and recommendation as contained in letter dated April 12, 1990, from Personnel Board Chairman David M. Mandel, it was on motion unanimously

VOTED: To appoint Rebecca R. Corkin of 30 Balcom Road as a member of the Personnel Board, to fill the vacancy created by the resignation of Leonard Costa, for a one-year term to expire at the adjournment of the 1991 Annual Town Meeting.

Fairbank Community Center - Allocation Of Space

Present: Park and Recreation Commission Chairman Gerald B. Berenson and members Jane A. Neuhauser and Stanley Natanson; Council On Aging member Daniel L. Claff; Town Accountant James Vanar; Schools Superintendent David E. Jackson; and former School Committeeman James Flanagan.

It being 8:30 p.m., Chairman Cope convened a joint meeting with representatives of the Park and Recreation Commission and Sudbury School Committee and Town Accountant to discuss allocation of space at Fairbank Community Center.

The Board acknowledged letter dated April 30, 1990, from Town Accountant James Vanar and John H. Wilson of the School Department, outlining reasons why they believe the school business office and the accounting office should remain located in the same building.

Executive Secretary Thompson commented that he believes there has been dialogue between representatives of the School Department and Park and Recreation Commission on tonight's subject. Mr. Thompson opined that while he appreciates Park and Recreation's desire to have that space, and in the future he sincerely hopes they do occupy it, the immediate needs of the Town to accommodate the central office for the schools and the accounting office cannot be ignored. Mr. Thompson pointed out that he knows of no other available space for locating these vital offices; and it should be kept in mind that there remains a consensus that this would be a temporary relocation for the schools central office and the accounting office until a permanent location for them can be provided.

Park and Recreation Commission Chairman Gerald Berenson provided the Selectmen with revised maps which outlined the space at the Fairbank Building.

School Superintendent David Jackson explained that when the issue of space for schools central administration was raised because the Town had approved the reopening of the Nixon School, a committee task force was put together with

representatives of the schools, Permanent Building Committee, Long Range Planning Board and the Board of Selectmen; that the committee reviewed all available options at that time, including Loring School, the Horse Pond location and Fairbank. Dr. Jackson went on to say that when it became clear that Lincoln-Sudbury West would be relocating to the High School, that vacated space seemed a logical place. Dr. Jackson outlined their space needs on the maps and pointed out that they would still need additional space for maintenance and storage, which they are attempting to place at the Horse Pond location. In conclusion, Dr. Jackson concurred with the Town Accountant's position that his office should remain in close proximity to the school central office in order to assure continued efficient operation.

Mr. Berenson stated that the Commission realizes that Fairbank is a last-minute choice of the schools and accounting offices due to the relocation of Lincoln-Sudbury West; and that he believes it was an unintentional oversight not to have included Park and Recreation in the space needs study. Mr. Berenson detailed the great efforts that have been made among the Commission, Council On Aging and the Teen Center to come up with an equitable and satisfactory arrangement for use of the space at Fairbank. Mr. Berenson in particular outlined three factors: (1) the Toddler Program, which had been forced to vacate Nixon School, involves approximately 65-70 children, and necessitates permanent "set-ups" for a smooth operation; (2) the addition of a Recreation Director necessitates moving the Teen Center games to another room, thus providing that space for use as the Director's Office; and (3) having a Director on the premises would allow expansion of the Drop-in Center program for the teens.

Mr. Berenson suggested that a possible compromise could be an allocation of the six rooms and perhaps a modular classroom set up for the accounting office. Also, Mr. Berenson stated that perhaps use of a modem which could link the systems wherever located would be an inexpensive alternative to consider.

Selectman Wallace commented that he believes the fact that everyone has to vacate the Nixon School mandates that concessions will have to be made; and stressed that the long-term goal is that Fairbank will not be the permanent location of the schools' central administration offices, since it is clear the Fairbank will be the Town's community center. Mr. Wallace said that it is therefore important for all parties to keep in mind that long-range plan. Mr. Wallace stated his personal opinion that he can see why this space may be the only viable location for the schools; however, he expressed his opinion that he does not think it is an absolute necessity for the Town Accountant to be located in that particular room. Mr. Wallace concluded by stating that he believes that in the long run the Town has to look at what its goals are down the road.

Chairman Cope expressed her concurrence with Selectman Wallace's comments; but added that she believes it is very important to address the problems of the Town's young people and that it would behoove the whole Town to have a drop-in center for them. Mrs. Cope also stressed the move toward more generational gatherings at Fairbank and the benefit to old and young alike in being exposed to "mixed" activities. Chairman Cope concluded by stating that she believes the Park and Recreation Commission has been doing a considerable amount of sharing and that it is her opinion that the Town must look for alternative space for the Town Accountant's office.

Selectman Drobinski expressed his concern that there has been no alternative space proffered; and Dr. Jackson reminded that timing is also a crucial issue, since Nixon must be vacated by July 1, 1990.

Mr. Thompson further informed that another factor that complicates the issue is that when the schools and Town Accountant were approached concerning the space issue, the schools were asked if part of their allocation of monies could be used to move the Town Accountant's office. The schools agreed to this with the provision that the Town Accountant move to a location with them.

Daniel Claff from the Council On Aging suggested that the possibility of a further subdivision of the six rooms into seven may solve the dilemma of the location of Town Accountant's office. Dr. Jackson explained that as it stands, twenty people would be occupying the six rooms; and Mr. Vanar has a staff of three to accommodate.

Former School Committee member James Flanagan stated that as much as he wants to see the Park and Recreation expansion for all the Town's benefit, the fact is the schools and accounting office have to have somewhere to go as of July 1st. Mr. Flanagan further opined that the talk of "temporary" should be understood in the proper context and that he personally believes the offices, if located at Fairbank, will be there for at least the next two years or so.

There was a discussion concerning the cost of lease or purchase of a modular room. Currently, the cost of leasing such a room is \$23,000 per year. To relocate that room to another location would mean an additional expenditure of \$5,000-\$10,000; purchase would be in the range of \$100,000.

After further discussion, the Selectmen reached a consensus, which was concurred by those present, that before any decisions are made, it would be helpful for them to visit the location.

It was therefore agreed that the Selectmen would schedule a "walk-through" of the Fairbank Building on Saturday, May 5, 1990, at Noon. At the request of the Selectmen, Executive Secretary Thompson will contact Michael Melnick of the Permanent Building Committee to invite him to attend.

Chairman Cope thanked those present for their continuing efforts and input in this evening's discussion.

Chapel Property Trust

The Board acknowledged receipt of letter dated April 20, 1990, from resident Theodore A. Barten, advising that he and his neighbors have seen no further progress in the demolition of the structures on the Chapel Property Trust property, although developer Robert Quirk promised same would be done around the first week of April.

Executive Secretary Thompson advised that as of today, he personally visited the site and can confirm that the structures have been demolished; and that he will keep in communication with Mr. Quirk concerning an expeditious cleanup of the debris.

At the request of the Selectmen, Mr. Thompson will provide Mr. Barten with an update of the situation.

350th Anniversary Celebration Committee - Transfer of Funds

It was on motion unanimously

VOTED: To accept \$15,000, plus any additional interest that has accrued, which represents the balance of the funds of the 350th Anniversary Committee, for deposit into the General Fund of the Town; as set forth in letter received April 30, 1990, from Beverly D. Bentley, Chairman of the 350th Anniversary Celebration Committee.

Beacon Hill Update - Massachusetts Land Use Coalition

It was on motion unanimously

VOTED: To support the concepts outlined by the Massachusetts Land Use Coalition in its newsletter, "Beacon Hill Update", Volume 1 Number 3, with regard to Impact Fees and Zoning/Subdivision Amendments; and to request the Executive Secretary to prepare letters expressing such support to State Senator Argeo Paul Cellucci, State Representative Cile Hicks and the Chairpersons of the Joint Committee on Local Affairs, if he feels it would be appropriate to do so.

Lincoln-Sudbury Springthing Triathlon

It was on motion unanimously

VOTED: To approve the 2nd Annual Lincoln-Sudbury Springthing Triathlon sponsored by The Spoke 'N Wheel Group, for May 12, 1990, beginning at 8:00 a.m., as outlined in its flyer and accompanying route map supplied by Fiske Independent Race Management.

Letter From Resident Henry P. Sorett

The Board acknowledged receipt of copy of letter dated April 24, 1990, from Henry P. Sorett, Esquire, 58 Longfellow Road, to Town Clerk Jean McKenzie enclosing copy of Land Court docket in the matter of Unisys Corporation v. Town of Sudbury.

Raytheon

Chairman Cope requested an update with regard to the upgrading of the railroad crossing and Raytheon's contribution. Executive Secretary Thompson informed that negotiations are currently being conducted with the State about the repaving situation.

West of The Hub Realty

At the request of Chairman Cope, Executive Secretary Thompson will obtain an update on the West of The Hub Realty litigation and report to the Board.

Chairman Cope acknowledged the hard work of Scott Lewis, owner of West of the Hub Realty, concerning Earth Day activities.

Sudbury Housing Authority

Executive Secretary Thompson advised that the Housing Authority is requesting a meeting with the Board of Selectmen to discuss goals. The Selectmen requested the Executive Secretary to inform the Housing Authority that they welcome such a meeting, and Mr. Thompson will schedule same.

Executive Session

At 10:00 p.m., it was on motion by roll call unanimously

VOTED: To go into Executive Session to discuss the grievance matter involving Police Officer Neil McGilvray; and to discuss collective bargaining.

(Chairman Cope, aye; Selectman Wallace, aye; Selectman Drobinski, aye).

Chairman Cope announced the public session would not reconvene following Executive Session, and the regular session was adjourned.

Attest:

Richard E. Thompson
Executive Secretary-Clerk