

at

IN BOARD OF SELECTMEN  
MONDAY, FEBRUARY 5, 1990

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

The statutory requirements as to time and place having been fulfilled, the meeting was called to order by Chairman Drobinski at 7:35 p.m., lower Town Hall.

Bond Anticipation Note

It was on motion of Selectman Wallace unanimously

VOTED: To authorize the Town Treasurer/Collector to renew a Bond Anticipation Note in the amount of \$500,000 for School Architectural and Design Project funded under Article 4 of the April 4, 1988 Special Town Meeting, as requested by Treasurer/Collector Chester Hamilton in his memorandum dated January 29, 1990.

Inter-line Transfers

Upon review, it was on motion unanimously

VOTED: To approve inter-line transfers within the Building Department Budget to fund an hourly increase to \$20.00 per hour for the Wiring Inspector and a weekly cleaning service for three Town buildings, as follows:

From Account 340-150, Building Custodial, \$2,088.00 to Account 340-190, Wiring Inspector; and

From Account 340-150, Building Custodial, \$3,630.00 to Account 340-255, Contracted Services [Chairman Drobinski signed approval of Finance Committee Transfer Request No. 90-12].

Selectman Cope requested that the matter of cleaning services be placed on an agenda for re-evaluation after two months.

Mr. Thompson, in reply to Selectman Cope, informed that the potential savings to the Town with this contracted cleaning service versus a full-time position is \$10,000.00.

Long Range Planning Committee

The Board acknowledged receipt of communication dated January 29, 1990 from Robert Cusack, Long Range Planning Committee, relative to funding options for the proposed new Fire Station construction and a proposal to approach the Water District for contribution to this year's Town Meeting, Article No. 15, requesting \$50,000 for replacement of gasoline tanks and pumps.

The Selectmen concurred with the comment made by Executive Secretary Thompson that the communication contains some good ideas. Selectman Cope suggested that the Article 15 contribution might be a matter that should be placed on the Warrant for the Water District's Annual Meeting.

After discussion, it was on motion unanimously

VOTED: To request the Executive Secretary to communicate with Fire Chief Michael Dunne and Water District Superintendent Richard Carroll concerning the Long Range Planning Committee's suggestion that the Water District contribute to Article 15 of the 1990 Town Meeting Warrant, as outlined in letter dated January 29, 1990, from Committee member Robert J. Cusack; and to request the Executive Secretary to forward a copy of said letter to the Finance Committee for its review and comment.

State Surplus Property - Former Lowell Secondary Track off Peakham Road

The Board acknowledged receipt of letter dated January 16, 1990 from the Massachusetts Division of Capital Planning and Operations and Town Engineer I. William Place's correspondence dated January 29, 1990; and considered the question of responding to the Massachusetts Division of Capital Planning and Operations relative to the Town's interest in approximately 25,000 square feet of the former Lowell Secondary Track off Peakham Road at Hudson Road, which has been declared temporarily surplus, for a direct public use identified by the Town.

Executive Secretary Thompson provided the Selectmen with memorandum dated February 5, 1990, from Conservation Coordinator Deborah Montemerlo, which outlined matters for consideration by the Board relative to this property. Selectman Cope commented that although she is fully aware of the financial constraints of the Town, she would hate to see the Town lose something that it may need in the future.

After discussion, it was on motion unanimously

VOTED: To authorize the Executive Secretary to notify the Massachusetts Division of Corporate Planning and Operations that the Town of Sudbury has identified a direct public use for the 25,000 square feet of surplus property off Peakham Road at Hudson Road, the former Lowell Secondary Track, for the purpose of highway changes recently constructed for Peakham Road; and, further, that the Town requests that the Division reserve said property for the Lowell-Sudbury Bike Trail which is now under design by the Commonwealth and, if necessary, convene a public hearing concerning the same.

The Board requested that the response also note that local funds are not available for lease or purchase of the property.

Millis Consortium - Regional Recycling Program

The Board acknowledged receipt of communication dated January 23, 1990 from George Russell, Supervisor, Sanitation/Landfill Divisions for the Millis Consortium, requesting all interested municipalities take whatever steps are necessary to prepare a warrant article for their Spring 1990 Town Meetings addressing the issues of mandatory recycling, joint recycling program with other municipalities, and appropriate funds for costs associated in such a regional recycling program.

Executive Secretary Thompson advised that on January 31, 1990, Resource Recovery Committee Co-Chairman Neal Drawas stated that the Resource Recovery Committee does not recommend any monetary contribution toward engineering or consultant expenses for the Millis recycling project because the Committee

believes that what is being proposed at present would not be cost-effective for the Town, and would be prohibitively expensive. The Committee's position is that, at present, the Town would be better off continuing with its own recycling center.

The Board concurred and requested the Executive Secretary to reply that, because of the Town's present favorable landfill situation, it will not be economical for the Town to contribute toward the Millis project at this time.

#### Resource Recovery Committee - Composting Program

Mr. Thompson informed that he attended a meeting with Town Engineer Place, Town of Wayland Selectman Lewis Russell, Resource Recovery Committee members and Road Commissioner William J. Murphy from the Town of Wayland, and others. Mr. Thompson opined that it was a productive meeting and that Mr. Russell had indicated that he would seek from the Board of Selectmen of the Town of Wayland permission for Sudbury to conduct testing of the cap on their Landfill. Wayland's Executive Secretary would coordinate this with the Board of Health and Road Commissioners.

Mr. Thompson further reported that Mr. Russell informed that the Board of Selectmen in Wayland were unanimous in their support of Sudbury's proposal, with the exception of one member who had been unofficially told by a representative from DEP that the plan would not be approved. Mr. Thompson commented that the representative from DEP that Sudbury has been dealing with indicated the the plan would be supported. Mr. Thompson surmised that the reason for the conflicting opinions is because of a DEP communication breakdown between the Woburn and Boston offices.

Mr. Thompson stated that he requested the Wayland Selectmen respond within two weeks; after which Sudbury would require approximately three weeks in order to prepare and submit plans and proposal to DEP.

#### Resource Recovery Committee - Plastics Recycling

Selectman Cope requested the Executive Secretary to make inquiry of Resource Recovery Committee Chairman Jeffrey H. Jacobson concerning the status of plastics disposal/recycling.

#### Town Counsel's Quarterly Report

The Board thanked Town Counsel Paul Kenny for his more-detailed Quarterly Report/List of Activities, which further broke down those items considered "Major" versus "Minor"; and Selectman Cope commented that this was very helpful.

#### 1990 Town Election - Ballot Questions

The Board acknowledged receipt of memorandum dated January 31, 1990, from Trustees and Director of the Goodnow Library, which was written in response to request from the Selectmen for comments and preferences concerning the options of Single Question, Multiple Questions (MENU), or Pyramid, for presentation of the Proposition 2½ Override Ballot Questions at Town Election.

It was noted that the Library Trustees and Directors expressed their preference for the MENU approach. Mr. Thompson informed that the consensus of most of those he has spoken with appears to be in favor of the Pyramid approach, if done in a straightforward fashion.

At the request of Selectman Cope, Mr. Thompson will endeavor to locate a community that has employed the Pyramid approach to discuss its effectiveness.

Sierras, Inc. - Transfer of Stock

Present: Town Counsel Paul Kenny; Samuel J. Cannarozzi, Treasurer and Manager of Sierras, Inc.

Chairman Drobinski convened a public hearing at 8:00 p.m. to consider application of Sierras, Inc., d/b/a Sierras, 470 North Road, for approval of the transfer of 40% of its stock from sole owner John A. Ouellette to Samuel J. Cannarozzi, Treasurer and Manager.

Executive Secretary noted that notice was duly advertised.

In addition, before the Board was a request to approve a pledge of 100% of the stock of Sierras, Inc. as loan collateral to Guaranty-First Trust Company.

Attorney Kenny advised that a review of the documents indicates that John A. Ouellette owns 100 shares of stock in the corporation and thus the corporate vote authorizing its Treasurer to sign and file the application for change of stockholders and to waive the restriction on the transfer of stock are correct and the Board may therefore vote to approve same, if they wish. However, Attorney Kenny cautioned, the corporate vote would have to be amended, or a new corporate vote would have to be taken and certified, to show that the transfer of the shares of stock is approved by the entity to whom said shares are pledged; or, in the alternative, with the sequence of the stock transfer processed first, the stock pledge would have to be amended to include authorization by new stockholder Samuel J. Cannarozzi.

Sierra's Treasurer and Manager Samuel J. Cannarozzi was present and stated that he would see that the corporation's legal counsel takes care of this matter immediately.

It was therefore on motion unanimously

VOTED: To approve transfer of 40 shares of the stock of Sierras, Inc., d/b/a Sierras, 470 North Road, from sole owner John A. Ouellette, President to Samuel J. Cannarozzi, Treasurer/Manager; and it was further

VOTED: To approve the pledge of stock of said company; subject to receipt of proper documentation either through an amended "Stock Pledge" which includes the individual to whom the 40 shares are transferred or by an additional "Stock Pledge" from the person to whom the stock is transferred in the same form as that executed by John A. Ouellette.

Selectman Cope brought to the attention of Mr. Cannarozzi information she received that Sierras is still not in compliance with the Wetlands Protection Act. Mr. Cannarozzi assured Mrs. Cope that they have been attempting to resolve

this issue, but has not received return telephone calls from the Conservation Commission. Selectman Cope expressed her belief that all that remains to be done is for Sierras to have its engineers file their septic plans with the Conservation Commission.

Junior League - Decorators Show House

Present: Town Counsel Paul Kenny; resident Douglas A. Zingale; approximately five residents.

The Board reviewed Petition expressing opposition to a proposed Decorators Show House by the Junior League of Boston at 41 Plympton Road. The Board further reviewed copy of communication dated January 30, 1990, from Inspector of Buildings Joseph E. Scammon to Town Counsel Paul Kenny, and responsive memorandum dated January 31, 1990, from Attorney Kenny.

Executive Secretary Thompson explained that this matter was before the Board this evening as a precautionary step in case the abutters wished to informally discuss procedure or other matters with the Selectmen concerning the proposal by the Junior League of Boston to hold their annual Decorators Show House on Plympton Road.

Selectman Cope wished to note that she observed the results of an automobile accident in the area where the League wishes to sponsor its Show House; and she commented that it is her opinion that this is an unsafe area for traffic.

Mr. Thompson informed that the Building Inspector has indicated that he will take into consideration Town Counsel's opinion, as well as any data the Junior League wishes to provide him with before giving his formal opinion. Attorney Kenny stated that he has spoken with James J. Finnegan, Esquire, of the law firm of Ropes & Gray, the attorneys for the Junior League and Attorney Kenny has advised that attorney that from what he has seen, it is his opinion that the Show House is not an "educational pursuit" but rather a fund raiser.

Selectman Wallace commented that it would be a good idea to schedule a public meeting on this matter next week and for the Selectmen to have received as much input as possible prior to such meeting. Mr. Thompson informed that although Town Counsel would be out of town, Assistant Town Counsel David Doneski would be asked to attend.

Selectman Drobinski requested the Executive Secretary to communicate with the Police and Fire Chiefs, as well as Safety Officer Anthony Deldon, so that they may address the safety issues.

Selectman Cope mentioned the fact that Water Row, which is part of the area that would be needed for the Show House traffic, very often is flooded in the Spring; thus there may be no choice but to use Concord and Plympton Roads because the Show House area would be inaccessible via Water Row.

In answer to inquiry by Douglas A. Zingale of 96 Plympton Road, Chairman Drobinski stated that the Selectmen's role in this process is that they have direct "say" in prohibiting the Junior League's proposal if there is a real safety issue for the Town.

It was on motion unanimously

VOTED: To request the Executive Secretary to schedule a public meeting concerning the proposal by the Junior League of Boston to sponsor a Decorators Show House at 41 Plympton Road.

1990 Annual Town Meeting - Positions on Articles

Upon review, it was unanimously

VOTED: To support Articles numbered 1, 2, 6-10, 14-16, 18, 19, 23, 27-29, 35-38, and 46; to withdraw Articles numbered 13 and 17; to report at Town Meeting on Articles numbered 31-34, 42-45; and to take no position at this time on Articles numbered 3-5, 11, 12, 20-22, 24, 25, 30, 39-41.

The Board accepted a request dated January 30, 1990, to withdraw Article numbered 26, LSRHS Maintenance Assessment Study, from the Lincoln-Sudbury Regional School District Committee.

With regard to Article numbered 13, MetroWest and MAGIC Planning Funds, the Selectmen expressed their intent to include a notation in the Warrant explaining that the Selectmen continue to support the concept of MetroWest and MAGIC, and that if funds become available to the Town in the future, the Selectmen would welcome the opportunity to recommend financial support for these worthwhile endeavors.

With regard to Article numbered 25, Noyes/Curtis/Haynes Asbestos Removal, it was on motion of Selectman Cope unanimously

VOTED: To request the Executive Secretary to meet with Budget and Personnel Officer Terri Ackerman and John Wilson to advise them of an offer by resident Henry P. Sorett of 58 Longfellow Road to investigate if the asbestos removal for the schools may be done at no cost to the Town; and to request Mrs. Ackerman and Mr. Wilson to meet with Mr. Sorett concerning same.

With regard to Article numbered 30, Unisys/Research District, it was on motion unanimously

VOTED: To request Town Counsel to confirm whether the Article as written is sufficient to cover what the Selectmen and Planning Board wish to achieve.

Upon review of petition article proposed by the Board of Assessors, it was on motion unanimously

VOTED: To sign and co-sponsor with the Board of Assessors an article requesting that the Town adopt the provisions of Section 40 of Chapter 653 of the Acts of 1989 regarding assessment date changes for new growth and to accept and place said article on the 1990 Annual Town Meeting Warrant as number 47, subject to completion and certification of signatures.

Selectmen's Revised Schedule

It was on motion unanimously

VOTED: To cancel the meeting of February 19, 1990; to cancel February Town Forum; to change the time (8:30 p.m. instead of the usual 7:30 p.m.) of the Selectmen's meeting of February 26, 1990, to accommodate Water District Annual Meeting to be held that date in the lower and upper Town Hall; to reschedule the meeting of March 26, 1990, to Wednesday, March 28, 1990; and to set the time of the Warrant Review for 8:00 p.m. on March 28, 1990.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of meeting of January 29, 1990, as presented.

Loring School - Asbestos Removal

Upon review of communication and recommendation dated February 5, 1990, from Supervisor of Town Buildings Warren E. Boyce, it was on motion unanimously

VOTED: To accept the bid of East Coast Environmental, Inc., 37B Academy Avenue, Atkinson, New Hampshire 03811, in the amount of \$4,800 for asbestos abatement and encapsulation of the No. 1 boiler, two steam lines and breeching at the Loring School in accordance with the requirements of the Town, as stated in the Invitation to Bid, and the Massachusetts Department of Environmental Protection; and to authorize the Chairman to sign a contract therefor, subject to review of the required documents by Town Counsel, and subject to funding availability.

Atkinson Pool - Revised Budget

As a follow-up to discussion and vote at Selectmen's meeting of January 29, 1990, it was on motion unanimously

VOTED: To approve the newly-revised Account 701 Atkinson Pool Budget in the total amount of \$331,024, with a projected revenue of \$356,700, which budget includes Reduction Expenditures and Revised Fees.

School Bus Stop - Letter From Resident

The Board acknowledged receipt of copy of letter dated January 30, 1990, from Arden B. MacNeill Jr. of 35 Bowditch Road, to the Superintendent of Schools concerning location of Mr. MacNeill's daughter's school bus stop.

Unisys

The Board acknowledged receipt of letters dated February 1, 1990, from Ralph S. Tyler, President, Cold Brook Development, Inc., pertaining to the following:

1. Request for regular and executive session minutes of meetings;
2. Unisys Groundwater Remediation Program Presentation.

Executive Session

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

VOTED: To enter into Executive Session for the purpose of confirming expenditures from the Discretionary Fund Petty Cash Account.

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

The Chairman 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 10:15 p.m.

Attest:

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Richard E. Thompson  
Executive Secretary-Clerk