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IN BOARD OF SELECTMEN
MONDAY, FEBRUARY 12, 1990

Present: Chairman 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 by Vice-Chairman Judith A. Cope (Chairman John C. Drobinski arriving at 7:45 p.m.).

Bond Anticipation Notes

Present: Town Treasurer/Collector Chester Hamilton; Town Clerk Jean M. MacKenzie.

It was on motion unanimously

VOTED: To sign Bond Anticipation Notes, dated February 23, 1990 and due July 11, 1990, in the amount of \$500,000 for borrowing for school architectural and design services pursuant to Article 4 of the April 4, 1988 Special Town Meeting; said Notes awarded to BayBank Middlesex at the rate of 6.32%, as more particularly set forth in memorandum dated February 8, 1990, from Town Treasurer/Collector Chester Hamilton.

Sudbury Housing Partnership Committee

The Board reviewed memorandums dated January 19 and February 2, 1990 from Thomas P. Sokol, Chairman, Sudbury Housing Partnership Committee, enclosing copies of the resignations of three members and recommending the appointment of Christine McLeod to fill one of the vacancies.

It was on motion unanimously

VOTED: To accept the resignations of Stephen Garabedian of 66 Robbins Road, Steven Peck of 30 Canterbury Drive, and Anne Strauss of 42 Surrey Lane, from the Sudbury Housing Partnership Committee; and to request the Executive Secretary to prepare letters of thanks to said individuals, to be signed by the Selectmen, thanking them for their dedicated public service to the Town.

Applicant Christine McLeod was present and stated her desire to make her contribution to the Town through membership in the Committee.

It was on motion unanimously

VOTED: To appoint Christine C. McLeod of 238 Old Lancaster Road to the Sudbury Housing Partnership Committee, for a term to expire April 30, 1991.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular and executive sessions of February 5, 1990, as presented.

Council On Aging - Van Donations

It was on motion unanimously

VOTED: To accept \$177.61 in miscellaneous donations to be deposited in the Council On Aging Van Donation Account; and to authorize the Council On Aging to expend the same for purposes of operating and maintaining the Council On Aging van.

Utility Petition 90-3 - Fairbank Road

Present: Christine Cosby of Boston Edison Company.

The Board reviewed Utility Petition 90-3 of Boston Edison Company and New England Telephone and Telegraph Company for permission to construct one guy wire and anchor to support Pole 191/7 on Fairbank Road.

Executive Secretary Thompson noted that all appropriate abutters had been notified and approval had been recommended by the Inspector of Buildings and Wiring Inspector under date of February 2, 1990.

Christine Cosby, representative for Boston Edison Company explained the work is necessary in order to provide additional support to existing pole 191/7 and also proposed pole 191-7/1X, which is being installed for the new addition to the Fairbank Community Center.

It was on motion unanimously

VOTED: To approve Utility Petition 90-3 of Boston Edison Company and New England Telephone and Telegraph company for permission to construct one guy wire and anchor to support Pole 191/7 in the following public way of the Town: Fairbank Road - northwesterly side approximately five feet southwest of Butler Road.; as shown on plan entitled "Plan of Fairbank Rd. Sudbury" dated December 4, 1989.

1990 Annual Town Election and Annual Town Meeting

Upon review of request for action contained in memorandum dated February 2, 1990, from Town Clerk Jean M. MacKenzie, it was on motion unanimously

VOTED: To set the 1990 Annual Town Election for the four precincts in Sudbury for Monday, March 26, 1990, from 7:00 a.m. to 8:00 p.m. at the Peter Noyes School;

and it was further

VOTED: To establish that the Annual Regional School District Election shall be combined with and held as part of the Annual Town Election of Sudbury, and that the ballot for the Annual Regional School District Election shall be included with and prepared as part of the ballot for the Annual Town Election;

and it was further

VOTED: To establish that the listing of the offices shall be the same as set forth in the Warrant for the Lincoln-Sudbury Regional School District Committee Election and shall be printed as the last office on the ballot;

and it was further

VOTED: To set the opening sessions of the 1990 Annual Town Meeting on Monday, April 2, 1990, at 7:30 p.m. in the auditorium of the Lincoln-Sudbury Regional High School;

and it was further

VOTED: To approve allowing the Board of Registrars to hold special voter registration sessions prior to the Annual Town Election and Town Meeting in the Town Hall, in accordance with Chapter 51 §30 of the General Laws.

Placement of Signs on Town Common

It was on motion unanimously

VOTED: To authorize placement of voter registration, election and Town Meeting signs on the Town Common, as set forth in memorandum dated February 2, 1990, from the Town Clerk.

Board of Assessors - Conservation Restrictions

The Board acknowledged receipt of communication dated January 25, 1990, from the Board of Assessors relative to conservation restrictions and the Sudbury Valley Trustees.

Upon inquiry by the Selectmen, Assistant Town Counsel David Doneski affirmed his legal opinion as set forth in his memorandum to the Board of Assessors dated January 26, 1990, which in essence states that a Town may not set or require additional qualifications for tax-exempt status of charitable organizations other than those the State sets forth.

It was on motion unanimously

VOTED: To request the Executive Secretary to refer the Board of Assessors to Assistant Town Counsel's memorandum dated January 26, 1990; and to request that the Executive Secretary meet with the Assessors at some future date in order to assist them in gaining a better understanding of the inability of towns to force perpetual conservation restrictions on tax-exempt charitable corporations.

Five-Year Financial Plan - Press Release

It was on motion unanimously

VOTED: To approve Press Release dated February 12, 1990, as revised by Selectman Cope, informing of the purpose and findings of the Five-Year Financial Planning Committee, and further informing of the Selectmen's support for an Override of some magnitude.

1990 Annual Town Meeting - Consent Calendar

It was on motion unanimously

VOTED: To remove 1990 Annual Town Meeting Articles numbered 27 (Amend Zoning Bylaw - Technical Correction - Wayside Inn Historic Preservation Zone), 28 (Amend Zoning Bylaw - Technical Amendments DEP) and 29 (Amend Zoning Bylaws, Article IX.V.N.7 - Wastewater Treatment Facilities) from the Consent Calendar, pursuant to request dated February 8, 1990, from Town Planner Lee Newman on behalf of the Planning Board.

1990 Annual Town Meeting - Request Of Town Clerk

Town Clerk Jean MacKenzie requested that the Board consider placement of bylaw amendment articles as near the center of the Warrant as possible. Mrs. MacKenzie stated that the reason for her request is because her Office has a very limited amount of time following the close of Town Meeting within which to comply with the statutes for effectuating the amendments. Since time is of the essence, Mrs. MacKenzie stated it would facilitate matters if those articles are not put at the end of the Warrant.

Chairman Drobinski assured Mrs. MacKenzie that the Selectmen will take this into consideration; if possible.

1990 Annual Town Meeting - Designation of Speakers

It was on motion unanimously

VOTED: To designate Chairman Drobinski as Speaker at 1990 Annual Town Meeting concerning Articles 46 (Accept Ch. 653, Sec. 41, of the Acts of 1989 - Quarterly Tax Billing) and 47 (Accept Ch. 653, Sec. 40, of the Acts of 1989 - Assessment Date Change).

1990 Annual Town Meeting - Change In Order of Articles

Executive Secretary Thompson informed that the Finance Committee and Treasurer have requested that Article 46 regarding quarterly tax billing be moved up in the Warrant so that it can be voted on before the Budget. In that way clerical funds needed can be added to the Tax Collector's and Assessors' budgets only if necessary, depending upon passage.

It was on motion unanimously

VOTED: To renumber Article 46, Accept Ch. 653, Sec. 41, of the Acts of 1989 - Quarterly Tax Billing, as Article 3, and renumber Articles 3 through 47 accordingly.

1990 Annual Town Meeting - Update of Positions on Articles

It was on motion unanimously

VOTED: To take no further positions at this time on the 1990 Annual Town Meeting articles placed on hold at the Selectmen's last meeting. Reports where desired will be made at Town Meeting.

Junior League of Boston - Public Meeting

Present: Judy Harrington, President of the Junior League of Boston; Building Inspector Joseph E. Scammon; Police Chief Peter B. Lembo; Fire Chief Michael Dunne; approximately 45 residents and Junior League members.

At 8:00 p.m., Chairman Drobinski convened a public meeting with the Junior League of Boston at their request concerning the League's proposed Decorators' Showhouse at 41 Plympton Road.

At the invitation of Chairman Drobinski, Junior League of Boston president Judy Harrington made a presentation concerning the history, goals and activities of the Junior League of Boston, and specifically concerning the Decorators' Showhouse.

Ms. Harrington stated that the League is a non-profit women's organization whose stated goals include the training of volunteers for the community. Ms. Harrington further stated that the Decorators' Showhouse is the League's largest fundraiser and that the net proceeds of this project are given back to the community in the form of support to many programs in the Greater Boston area.

Ms. Harrington informed that the Decorators' Showhouse has been in existence for twenty years and has earned a very well deserved high reputation both locally and nationally. The problem of insufficient parking, Ms. Harrington went on to say, is normal to the Showhouse projects, and the League has developed a methodology of having the parking of vehicles take place at some remote site and having the guests bused in to the Showhouse.

Ms. Harrington explained that the League recognizes the concerns and moral dilemmas of area residents, and it has taken steps to develop a dialogue with neighbors and Town officials in order to address those concerns. Ms. Harrington opined that there are three principal areas of concern: (1) the nature of the event - some individuals have contended that the Showhouse is a commercial venture; (2) the status of the Junior League of Boston as a non-profit charitable and education organization; and (3) traffic and safety issues.

With regard to the nature of the event, Ms. Harrington countered statements made by some individuals that contend the Showhouse is nothing more than a trade show by pointing out that the decorators are specifically prohibited from being in the rooms while the Showhouse is open to the public; and thus there is no direct selling opportunity with the public. Contrary to what is being told, Ms. Harrington explained that the majority of items in the rooms are not for sale; and those items that are for sale are sold through the League at the end of the Showhouse tour. Ms. Harrington stated that the proceeds from that sale help the decorators to defray some of the immense expense incurred by them in participating in the Showhouse; and a portion of the sale proceeds are given to the League. Ms. Harrington further pointed out that the Showhouse venture is run entirely by volunteers, and takes about a year to plan and prepare for.

Ms. Harrington stated that gift items are sold in an on-site boutique, which is a subcontract with the Women's Educational and Industrial Union; and that food is served in the on-site Cafe Pineapple, run by volunteers.

As to the question of whether the League is properly an educational organization, Ms. Harrington took strong issue with Town Counsel's opinion that

the League does not qualify as a non-profit education organization. Ms. Harrington stated that the League's entire premise for existing is based on its members being trained for going out into the community. Ms. Harrington informed that the League has prepared a packet of data for the Building Inspector and Town Counsel which outlines projects the League has undertaken in the past ten years that clearly show the League's educational, non-profit activities.

Ms. Harrington next addressed the issue of traffic and safety and stated that the League shares a keen concern with the residents with regard to these matters. Ms. Harrington advised that as a result of a recent meeting which included residents, the Chief of Police and Highway Surveyor, many solutions were discussed and a number of concrete, tangible ways of addressing the issues continue to evolve.

Chairman Drobinski asked Ms. Harrington to describe some of the traffic and safety solutions more specifically. Ms. Harrington prefaced her comments by saying that the proposed solutions she will enumerate are not necessarily the final solutions, as there will probably be further discussions. Ms. Harrington estimated from past Showhouse ventures that there will be approximately 20,000 visitors to the Showhouse over a four-week period. The Showhouse will be closed Mondays; Tuesdays through Fridays open 10:30 a.m. - 3:00 p.m., and 6:00 p.m. - 8:00 p.m.; Saturdays and Sundays 10:00 a.m. - 5:00 p.m. It is hoped that there will be a posting of "No Parking" and "Tow Area" signs not only on Plympton Road, but on all side access roads as well. Transporting guests from the remote off-site parking will enable the League to control the number of people at the Showhouse at any given time. League volunteers will be travelling on the buses, and will be positioned at the entrance to the Showhouse to effectuate crowd control and turn away those not properly on the premises.

A number of residents voiced their concerns about traffic and safety and indicated their opposition to having the Showhouse held on Plympton Road. Among the concerns raised were: nothing to prevent people from walking to the Showhouse; neighborhood children riding their bicycles and playing in the streets; frequency of busing; poor condition of Plympton and area roads; fear of housebreaks; and increased exposure to realtors.

Other residents voiced their support for the Showhouse and for the League. Among the comments made were that the League is even more necessary in these dire financial times to provide services to programs being "cut" by the lack of State and local funds; allowing the Showhouse in Sudbury is a way that the townspeople can "give without giving"; i.e., without having to dig into their pockets but rather to look into their hearts to help others more needy; although Sudbury may not see a tangible benefit to allowing the League to hold its Showhouse here, assisting those more needy results in long-term benefits to every citizen.

In response to a question, Assistant Town Counsel David Doneski reiterated Town Counsel's opinion that technically the League's Articles of Organization do not make it an educational non-profit organization. Although Attorney Doneski concedes that this matter is a "classic lawyer's argument", even if the League were considered a non-profit educational corporation one would be strained to consider the Showhouse an educational venture. Attorney Doneski pointed out that Ms. Harrington herself states that the Showhouse is a fundraising activity.

In answer to inquiry, Ms. Harrington stated that unfortunately the Showhouse cannot accommodate the handicapped.

Selectman Wallace stated that discussion of traffic and safety issues, while certainly important, are premature until a decision is reached by the Building Inspector regarding the Showhouse being an allowed use in that area. Mr. Wallace reminded those present that if the Building Inspector, taking into consideration Town Counsel's opinion, states the Showhouse is not an allowed use, the League would have to go to the Board of Appeals. Mr. Wallace continued by stating that if the Building Inspector states the use is allowed it may be appealed to the Board of Appeals, or if he does nothing, his inaction could also be appealed to the Zoning Board of Appeals. Given the time periods involved in having a matter heard before the Board of Appeals, any such scenario could render the matter moot. Mr. Wallace made a point of the fact that the outcome of the matter may rest with the neighborhood.

Selectman Wallace went on to say that putting aside legalities and technicalities, what this matter comes down to is whether the residents can accept this venture. If they do, then a long, hard look will have to be made to determine if traffic and safety plans would be adequate. Mr. Wallace expressed his personal opinion that if the neighbors and abutters can live with it, then he believes the Showhouse should be allowed; and he commended the League for doing a very good job of showing how they intend to mitigate the concerns.

Selectman Cope voiced her safety concerns, but also wished to make it clear that she supports charitable organizations and their goals. Ms. Cope further reiterated a concern expressed by another resident about the flooding that takes place on Water Row. Ms. Harrington responded to that issue by stating that the League would be consulting a local resident who has kept detailed charts of the times and extent of flooding in the area.

Selectman Drobinski thanked those present for their attendance and input, and stated that the decision of the Building Inspector will be made known as soon as he is informed.

The public meeting adjourned at 9:10 p.m. and the Chairman called a ten-minute recess, after which the Selectmen's meeting continued at 9:20 p.m.

1990 Annual Town Election - Ballot Questions

Present: League of Women Voters Co-Presidents Virginia Howard and Catherine Rader, and another member; Town Clerk Jean M. MacKenzie; Town Treasurer/Collector Chester Hamilton; one resident.

Chairman Drobinski convened a meeting with the League of Women Voters representatives and considered the question of approving ballot questions for the 1990 Annual Town Election.

League of Women Voters Co-President Virginia Howard expressed the League's gratitude for being allowed to become involved with regard to an override vote. Mrs. Howard stated that the League is in the process of organizing and pulling together a campaign for supporting an override vote.

Mrs. Howard informed that the League's recommendation to the Selectmen is to do a one-question general override ballot rather than a "menu" or "pyramid" presentation, and she referred the Selectmen to her letter dated February 8, 1990, which set forth the League's position with greater particularity.

Mrs. Howard further expressed the League's opinion that the Town should go for what is needed, and that a figure of \$1,000,000 is not enough.

Mrs. Howard advised that the League will be holding a forum on March 14, 1990, wherein it will present a panel to discuss the override. In addition to those on the panel, the League has invited the Planning Board, Park and Recreation Commission, Goodnow Library Trustees, the Board of Health, and other boards to be present and prepared to make a statement from the floor, if necessary.

Chairman Drobinski thanked the League for its intensive involvement and stated that it is heartwarming to know that there are people willing to give of their time to achieve something for the good of the Town.

Selectman Wallace pointed out that there is now a new State law that will be in effect which will allow the Town to vote a contingent budget at Town Meeting, then have the question placed on the Ballot without the necessity of calling a Special Town Meeting. For this reason, Mr. Wallace believes it is vital that the public be educated so that they can understand the process and the ramifications of whatever action they take.

Executive Secretary Thompson informed that the Finance Committee has stated its intent to print in the Warrant the contingency budget (recommending an override), and the absolute budget (no override). Mr. Thompson further advised that the Finance Committee has voted to recommend to the Selectmen that there be a Special Election following Town Meeting; and that they voted 6-2 in favor of a pyramid presentation on the ballot. Selectman Wallace expressed his reservations about the pyramid option, stating that he believes it would be too confusing to the voter. Selectman Cope stated that she would like to hear from the Finance Committee their reasons for preferring the pyramid option.

Town Clerk Jean MacKenzie expressed her concern regarding timing of the proposed procedure and felt it would place an extreme strain on her office personnel to implement a special election within the statutory time limits. At the request of the Chairman, Mrs. MacKenzie stated that she would supply the Selectmen with detailed information regarding time mandates.

Town Treasurer/Collector Chester Hamilton stated that he believed it is important for the townspeople to understand the difference between the Debt Exemption Question regarding the new Fire Headquarters and the Override Question.

The Board agreed that, instead of placing a general override question on the March Annual Town Election ballot, a Special Town Election would be called for that purpose to be held after the close of the Annual Town Meeting.

After further discussion, it was on motion unanimously

VOTED: To place the following Debt Exemption Question on the March 26, 1990 Town Election Ballot:

Shall the Town of Sudbury be allowed to exempt from the provisions of Proposition Two and One-Half, so-called, the amounts required to pay for the bond issued in order to construct a new Fire Headquarters to be located on Town-owned land off Hudson Road and adjacent to Musketahquid Village, to purchase equipment and furniture for use therewith, to landscape said facility, and to pay for all expenses connected therewith?

And it was further

VOTED: To express the Board's preference for the Single Question option for the Override Question; a definitive vote to be taken at a later date.

Fairbank Community Center

The Board reviewed Sales Agreement with Boston Gas Company for service to the Fairbank Building. Executive Secretary Thompson informed that Town Counsel has approved same, subject to deletion of certain wording on page 2 of said Agreement.

It was on motion unanimously

VOTED: To enter into a sales agreement with Boston Gas Company (JOB #NO8998) to sell and deliver natural gas at the required pressure and to install the appropriate gas service lines, meters and regulators to service the Fairbank Community Center in connection with the addition and renovations under the direction of the Permanent Building Committee, together with the right to enter the premises at 40 Fairbank Road for such purposes; and to authorize the Chairman to sign the agreement; subject to deletion as recommended by Town Counsel.

Conservation Restriction - Barry Construction Co.

Upon review, it was on motion unanimously

VOTED: To approve the Conservation Restriction granted by Barry Construction Co., Inc. on lots 146 and 147 located at the corner of Raynor and Moore Roads, as requested by the Conservation Commission; subject to Town Counsel approval of the final document.

There being no further business to come before the Board, the meeting was adjourned at 10:30 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk