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IN BOARD OF SELECTMEN  
MONDAY, JANUARY 29, 1990

Present: Chairman John C. Drobinski and Judith A. Cope.

The statutory requirement as to time and place having been fulfilled, the meeting was called to order by Chairman Drobinski at 7:30 p.m., at lower Town Hall.

Municipal Legal Services Financial Survey/Pending Legal Matters

Executive Secretary Thompson informed the Board that Town Counsel Paul Kenny was unable to attend this evening's meeting.

The Board reviewed Municipal Legal Services Financial Survey prepared by the Selectmen's Office, and Mr. Thompson called the Board's attention to Wayland in particular because of the very low figures. Mr. Thompson expressed his surprise at the figures because Wayland has always greatly exceeded Sudbury's Legal Expense budget in past years.

Selectman Cope commented that she believed it would be helpful to provide the Finance Committee with a copy of the Survey.

Executive Secretary Thompson recommended the Board table the matter of review of Town Counsel's quarterly report until Attorney Kenny and Selectman Wallace may be present. Selectman Cope concurred with this recommendation, but asked Mr. Thompson to communicate to Attorney Kenny that she would like to have notations made on the report which would indicate those matters considered by Town Counsel to be "minor" and those considered to be "major". Mrs. Cope explained that she feels this information would allow her to "get a handle" on things, to see in what areas Town Counsel's Office may be overburdened. Chairman Drobinski commented that although he concurs with Mrs. Cope's suggestion, he would like Mr. Thompson to make it clear to Attorney Kenny that if compliance with this request would take too much additional time, then Attorney Kenny should say so and the Board would understand. Mr. Thompson added that it might help the Board to know that everything goes to Town Counsel's Office through the Selectmen's Office; thus he is able to assist in a screening process so that the more important matters are copied for the Board of Selectmen each week.

It was on motion unanimously

VOTED: To table the matter of review of Town Counsel's quarterly report to February 5, 1990, or as soon as Attorney Kenny is next available.

Fairbank Building - Change Order #1

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

VOTED: To authorize the Chairman to sign Change Order #1 (asbestos removal in boiler room, lounge and storage room containing H&V unit) amending the Construction Contract between P&H General Contractors, Inc. and the Town by the

addition of \$8,704.00 for the work at the Fairbank facility as recommended by the Architect and Permanent Building Committee.

There followed a brief discussion concerning recent news reports indicating that a growing number of experts believe it is not only unnecessary to remove asbestos from old buildings, but may in fact cause more harm than good. Selectman Cope opined that in light of this information, and given the severe financial constraints of the Town, it might be wise to review the necessity for going forward with the asbestos removal. Executive Secretary Thompson pointed out that until or unless new legislation is passed, the Town is mandated to comply with the rules and regulations as currently enacted. Furthermore, Mr. Thompson explained, the company contracted to do the boiler work refuses to perform any services until the asbestos is removed.

The Board next discussed the question of modifying the current policy of change orders having to come before the Board for a vote before work can continue. Mr. Thompson explained that this has already become a problem because it delays work being done for the week or so it takes for the request to come before the Board; and may in fact result in losing a subcontractor, who had to move on to another project.

It was on motion of Selectman Cope unanimously

VOTED: To grant blanket authorization for the Chairman to sign all change orders as presented relative to the construction contract between P&H General Contractors, Inc. and the Town in connection with the renovations and additions to the Fairbank Community Center, provided that they are approved by the Architect and the Permanent Building Committee and funding is certified as available by said Committee.

#### Board of Assessors - Conservation Deed Restrictions

The Board reviewed copy of memorandum dated January 26, 1990, from Assistant Town Counsel David J. Doneski, to the Board of Assessors, stating in effect that the Town cannot compel a conservation organization/charitable organization to do more than is required by State law in order to obtain its exemptions from property taxation. Chairman Drobinski complimented Attorney Doneski for a fine job in clarifying this matter.

It was on motion unanimously

VOTED: To support the concept of protecting undeveloped land in Sudbury by execution of conservation deed restrictions in perpetuity.

#### Sudbury Water District - Well #9 Off Raymond Road

The Board reviewed memorandum dated January 25, 1990 from the Sudbury Water District requesting waiver of fees for a building permit on its project of building a pumping station off Raymond Road.

Executive Secretary Thompson reported that the fee amounts to approximately \$1,785.00; and he noted that in the past the Water District has paid for such building permits.

Mr. Thompson further informed that he has discussed this matter with Building Inspector Joseph Scammon, who indicated that although he has no problem of allowing such a waiver of fee per se, he would like to be able to record same so that his budget can reflect the "true" collection of fees. Selectman Cope requested the Executive Secretary to see if Mr. Scammon's request can be effectuated.

It was on motion of Chairman Drobinski unanimously

VOTED: To approve waiver of Building Permit fee as requested by the Sudbury Water District in connection with a pumping station for Well #9 off Raymond Road.

Fiscal Year 1991 Pool Enterprise Fund Budget

The Board reviewed revised Fiscal Year 1991 Pool Enterprise Fund Budget. Executive Secretary Thompson reported that he met with Pool Director Sheila Stewart, who informed that compared with other community pools, such as in Wayland, Atkinson Pool membership is still below the norm. Mrs. Stewart acknowledged that Atkinson Pool would probably not attract Wayland residents away from their pool, or vice versa; however, she did point out that Atkinson Pool does enjoy the benefits of being a newer facility.

Mr. Thompson continued by stating that this revised budget upgrades yearly membership cost and increases other fees by 30%; this would still be below the Wayland membership dues and fees. Mr. Thompson reminded the Board that there is a Membership Committee consisting of about ten or eleven individuals; and it is their consensus that if the Pool can hold its current membership at its current level, then those fees would show the projected income of \$348,700.00.

Mr. Thompson stated that he recognizes that the Pool still has a deficit of \$24,978.00 that has to be made up; thus, the Budget will have to be amended again to reflect that. However, Mr. Thompson explained, he would like to discuss this matter first with the Finance Committee to get some direction on how this might be handled.

It was on motion of Chairman Drobinski unanimously

VOTED: To approve revision of page XIV Revenues of the Fiscal Year 1991 Pool Enterprise Fund Budget, as presented.

Cleaning Service/Wiring Inspector

The Board reviewed memorandum dated January 22, 1990, from Building Inspector Joseph E. Scammon regarding funds available to pay increase to Wiring Inspector Warren E. Boyce and All-brite Cleaning Service.

Executive Secretary Thompson stated that in essence what is being proposed is to take the final portion of the newly-retired custodian's budgeted salary and use part of that amount to upgrade the Wiring Inspector's salary and the remainder to pay for the cleaning service retained on a two-month trial basis.

With regard to All-brite Cleaning Service, Mr. Thompson stated that he feels even if that service works out satisfactorily, the Town will still be

"short" a half-time person to accommodate all the Town buildings. Mr. Thompson informed that the cleaning service will start out with a once-a-week service.

Regarding the Wiring Inspector, Mr. Thompson stated that Mr. Boyce has been working out well and his salary should be upgraded.

It was on motion of Chairman Drobinski unanimously

VOTED: To request the Executive Secretary to take whatever steps are necessary in order to accomplish the funding of cleaning services by All-brite Cleaning Service and upgrading the salary of Wiring Inspector Warren E. Boyce.

Loring Building - Meeting With Congregation B'Nai Torah

Present: Robert Snyder, President, Congregation B'Nai Torah and two Temple members.

It being 8:00 p.m., Chairman Drobinski convened a meeting with representatives of Congregation B'Nai Torah concerning lease of Loring Center.

Executive Secretary Thompson updated the Board on his meetings with Congregation B'Nai Torah's President, Robert Snyder, and others; and called the Board's attention to communication dated January 25, 1989[sic] from Mr. Snyder outlining its proposal for entering into a new lease with the Town.

At the invitation of Chairman Drobinski, Mr. Snyder gave a brief outline of Congregation B'Nai Torah's history with the Loring Center, and he commented that its last five-year lease with the Town expired in June of 1989. Mr. Snyder stated that it was their intent to secure another lease with the Town, for a term of ten years. Mr. Snyder pointed out that without longevity, his Congregation, as in any organization, can feel no sense of security.

Mr. Snyder stated that in terms of negotiating the terms of this lease, the procedure has been a departure from the norm. Ordinarily, Mr. Snyder pointed out, the landlord sets the terms and the tenant responds. In this situation, Mr. Snyder explained, the Congregation was asked to make a proposal.

In response to this request, Mr. Snyder prepared his January 25th communication, which offers to enter into a ten-year lease with the Town at a base annual rental of \$20,000, plus 20% of all sublet income the Congregation derives. Mr. Snyder stated that the Congregation has always tried to maximize its sublease income, keeping in mind that it is a community building. Mr. Snyder further stated that because the Town has apparently reached some major decisions concerning its schools and other Town space needs, he feels that many of the factors that had stood in the way of securing a long-term lease are now resolved.

Executive Secretary Thompson concurred with Mr. Snyder's opinion that the Town's movement is not toward the Loring building; and that the request by the Congregation for a long-term lease is timely and should be discussed in order to get "off dead center". Mr. Thompson recommended that the Board allow him to request Town Counsel to prepare some draft documents, which will include "escape valves" for the Town so that if some drastic event occurs, the Town can take

back use of the building. Mr. Thompson further commented that securing long-term tenants would ultimately provide more income for the Town.

In answer to inquiry by Selectman Cope, a discussion ensued concerning market rates for rental of Town property. Mr. Thompson stated that a breakdown of the proposed rent by the Congregation would show an approximate figure of \$4.24 per square foot; and this amount is comparable with current Town rentals at the Lincoln-Sudbury Regional High School, when you take into consideration the condition and location of Loring School.

After further discussion, it was on motion of Chairman Drobinski unanimously

VOTED: To request the Executive Secretary to (1) inquire of Selectman Wallace as to his comments and suggestions with regard to a long-term lease arrangement with Congregation B'Nai Torah at Loring Building; (2) present Congregation B'Nai Torah's proposal dated January 29, 1989[sic] to Town Counsel for his review; and (3) request Town Counsel to draft preliminary documents setting forth lease arrangements which might be acceptable to all parties concerned.

In response to inquiry by Mr. Snyder, the Board assured him that this matter would be given immediate attention and that the Congregation should hear back from the Board within the next couple of weeks.

#### Minutes

It was on motion of Selectman Cope unanimously

VOTED: To approve the minutes of the January 22, 1990; subject to comment by Selectman Wallace.

#### Physical Accessibility - Public Policy

The Board reviewed communication dated January 17, 1990, from Jim Gleich, Director, Office of Handicapped Affairs for the Commonwealth of Massachusetts, which enclosed a copy of a public policy recently implemented by the Town of Dennis which requires physical accessibility as a condition for the issuance or transfer of a victualler license.

It was on motion of Selectman Cope unanimously

VOTED: To adopt the following public policy:

No application for any new alcoholic common victualler license or for the transfer of such a license shall be approved by the License Board unless the Board determines that the licensed premises are accessible to the public. Factors to be considered by the License Board shall include, without limitation, whether such premises have handicapped accessible ramps, toilets and parking spaces which comply, at a minimum, with applicable requirements, and have appropriate signs which designate such parking spaces. Exceptions may be granted by the Licensing Board if it finds that such access is architecturally impossible or economically unfeasible.

Voter Registration Sessions For Annual Town Election

Upon review of request dated January 24, 1990, from Town Clerk, and memorandum dated January 26, 1990, from Assistant Town Counsel David J. Doneski, it was on motion of Chairman Drobinski unanimously

VOTED: To direct Town Clerk Jean MacKenzie not to conduct voter registration sessions for the 1990 Annual Town Election and Annual Town Meeting in each precinct, pursuant to the provisions of Massachusetts General Laws Chapter 51 §30.

July Road - Request For Temporary Trailer

Upon review of request dated January 29, 1990, from David and Joanne Hachey, it was on motion of Chairman Drobinski unanimously

VOTED: To grant Mr. and Mrs. David Hachey a special permit for use of a house trailer at 17 July Road for dwelling purposes for six months while fire damage repairs are being made, subject to obtaining a building permit for repair of the damaged home and subject to Board of Health approval involving connection of the trailer to septic system and water.

1990 Annual Town Meeting - Acceptance of Petition Article

It was on motion of Selectman Cope unanimously

VOTED: To accept a petition article for the 1990 Annual Town Meeting relative to acceptance of a provision of the General Laws to enable quarterly billing of property taxes, and to number the same as Article 46 on the Warrant.

Former Coatings Engineering Site

Executive Secretary Thompson reported that the Commonwealth's Department of Environmental Protection has contacted the Board of Health, and informed that the former Coatings Engineering site has started to be worked on.

Ft. Devens Land

Executive Secretary Thompson informed that he and Conservation Coordinator Deborah Montemerlo had a productive telephone conference with a representative from the National Park Service in Washington, D. C., concerning the Ft. Devens land.

Mr. Thompson further informed that David Soule, Director of Metropolitan Area Planning Council, telephoned from Washington, D. C. this day to report that things are moving along and the National Park Service is continuing to support the Town's position.

Junior League of Boston - Proposal for Showcase at Plympton Road

Executive Secretary Thompson reported that the Selectmen's Office has received many communications concerning the proposal by the Junior League of Boston to conduct its annual Decorators' Showcase in Town.

In response to discussions with the representative from the Junior League, Mr. Thompson informed that the Junior League has reserved lower Town Hall on Thursday, February 1, 1990, for a public meeting.

At the request of the Selectmen, Mr. Thompson will contact Building Inspector Joseph Scammon for an update and will report back to the Board.

Data Regarding Proposed Salary Freeze

The Board reviewed report prepared by Budget and Personnel Officer Terri Ackerman showing that a total potential savings from a salary freeze of steps and longevity only during Fiscal Year 1991 would be in the amount of \$40,561.00; which amount includes Union and Non-Union Town employees (excluding Schools).

Executive Secretary Thompson informed that although he does not believe Mrs. Ackerman should be asked to disseminate random information concerning the proposed salary freeze, this report is important because it counters a lot of misinformation that is leaking to the public.

Mr. Thompson stated that although it is important to keep all options in mind, it is his personal belief that if the Town suffers a reduction in workforce, the Town should be fair to those who remain that are going to have an additional work load.

Unisys Property

The Board acknowledged receipt of Conservation Coordinator Deborah Montemerlo's "Suggestions For Proceeding With Unisys" dated January 11, 1990.

Finance Committee - Position On Budgets

Chairman Drobinski and Selectman Cope each reported hearing negative feedback from many departments and boards concerning the harsh personal positions being expressed by the Finance Committee.

At the request of the Selectmen, Executive Secretary Thompson will communicate to the Finance Committee the Selectmen's concern that positions not become polarized so early concerning the budgetary issues that are being raised.

Proclamation - "We Believe In Marriage Week"

It was on motion unanimously

VOTED: To declare February 11 thorough 17, 1990, "We Believe In Marriage Week", as requested by Worldwide Marriage Encounter of Billerica, Massachusetts.

There being no further business to come before the Board, the meeting was adjourned at 9:00 p.m.

Attest:

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Richard E. Thompson  
Executive Secretary-Clerk