

AK

IN BOARD OF SELECTMEN
MONDAY, JUNE 25, 1990

Present: Chairman Judith A. Cope and David A. Wallace.

The statutory requirements as to notice having been met, the meeting was called to order by Chairman Cope at 7:35 p.m., at lower Town Hall.

Highway Reimbursement Anticipation Note Renewal

Present: Town Clerk Jean A. MacKenzie and Town Treasurer/Tax Collector Chester Hamilton.

It was on motion unanimously

VOTED: To sign Highway Reimbursement note with BayBank Middlesex, at a rate of 6.10% for a period dating from June 29, 1990 to August 28, 1990 in the amount of \$31,884.98, pursuant to memorandum dated June 21, 1990, from Town Treasurer/Tax Collector Chester Hamilton.

Nixon/Noyes School Project - Borrowing

Present: Town Clerk Jean A. MacKenzie, Town Treasurer/Tax Collector Chester Hamilton.

The Board reviewed memorandum dated June 21, 1990, from Town Treasurer/Tax Collector Chester Hamilton requesting approval to borrow \$700,000 in Bond Anticipation Notes for the Nixon/Noyes School Project.

Mr. Hamilton was present and further explained that this amount in part of the \$3,000,000+ that was authorized at Town Meeting/Election; that \$550,000 would be used for asbestos removal; and the remaining \$150,000 is for expenses connection with relocation of the administrative offices.

It was on motion unanimously

VOTED: To authorize the borrowing of \$700,000 in Bond Anticipation Notes, to be sold on July 3, 1990 with the proceeds available July 13, 1990, with a maturity date of July 12, 1991; as set forth in memorandum dated June 21, 1990, from Town Treasurer/Tax Collector Chester Hamilton.

Mr. Hamilton took this opportunity to bring to the attention of the townspeople that the new quarterly tax bills will be going out in the mails tomorrow and that they will be due by the close of business Wednesday, August 1, 1990.

Performance Review - Town Accountant James Vanar

Present: Town Accountant James Vanar.

A Performance Review meeting was held with Town Accountant James Vanar and the Board reviewed his FY90 Annual Performance Report dated June 4, 1990.

Mr. Vanar stated that one of the most significant events that will affect his department is the retirement in the next year or so of his two office assistants. Mr. Vanar noted that these individuals are quite excellent and will be sorely missed by him.

Chairman Judith A. Cope stated that she is very pleased with what Mr. Vanar has done; she believes some of the goals he set forth in his Performance Report are exciting; and she urged the media to review the Report.

Mr. Vanar stated that he and the Executive Secretary met a number of months ago to see if a five-year funding plan could be put together to achieve some of his stated goals. Mr. Vanar pointed out that he has been able to upgrade his department's software packages. Mr. Vanar also explained that his desire to obtain a Comprehensive Annual Financial Report (CAFR) will greatly enhance the Town's ability to earn a "AAA" Moody's Rating. In summary, Mr. Vanar stated that he has been working to get the Town's "financial house" in the best order it can be.

Selectman Wallace concurred with Chairman Cope's praise of Mr. Vanar; and Executive Secretary Thompson reported that Selectman John C. Drobinski, who was unable to be present this evening, wished Mr. Thompson to express his pleasure with Mr. Vanar's performance and his hope for a continuation of same.

Town Treasurer/Tax Collector Chester Hamilton was present and expressed his strong support for Mr. Vanar's request for an audit this year, and he stated that he believes this is almost essential in this strong borrowing year. Mr. Thompson opined that a possible solution would be to authorize a financial audit only, which would greatly reduce the amount for same.

Chairman Cope thanked Mr. Vanar for his fine performance on behalf of the Town.

It was on motion unanimously

VOTED: To accept the Annual Performance Report dated June 4, 1990, submitted by James Vanar, Director of Finance/Town Accountant; and to set Mr. Vanar's salary in accordance with the Sudbury Supervisory Association contract, already being at Step 6 (maximum) of his salary range.

Minutes

Executive Secretary Thompson reported that Selectman Drobinski, who was unable to attend this evening's meeting, reviewed copies of the June 4, 11 and 18, 1990, minutes, and approved same as presented.

Chairman Cope wished to correct page 8 of the June 18, 1990, minutes of the regular session, and approval of said minutes was therefore tabled for review by Selectman Drobinski.

It was on motion unanimously

VOTED: To approve the following minutes, as presented: June 4, 1990 executive session; June 11, 1990 regular and executive sessions; and June 18, 1990 executive session.

Town Historian Laura Scott Lowell - Meeting and Resignation

Present: Town Historian Laura Scott Lowell and Wood-Davison Restoration Committee member James Lowell.

Chairman Judith A. Cope convened a meeting with Laura Scott Lowell, Chairman of the Wood-Davison House Restoration Task Force, and Task Force member James Lowell.

Mrs. Lowell first submitted her resignation as Town Historian, dated June 25, 1990, and read same into the record as follows:

"With this letter I am officially resigning my position as Town Historian. My relocation to Rockport, Massachusetts makes it impossible to continue in my present capacity. I do, however, want to take this opportunity to thank the Selectmen's office - Ed, Jan, and Yvonne - for their constant help and support in the three years I have served. I also want to thank the Selectmen themselves for their encouragement and for their faith that a newcomer to Sudbury would have any idea how to be a Town Historian. It has been a challenging, productive, and thoroughly enjoyable three years."

It was on motion unanimously

VOTED: To accept resignation dated June 25, 1990, of Town Historian Laura Scott Lowell.

Chairman Cope expressed the Town's gratitude for Mrs. Lowell's service to the Town as its Historian. Executive Secretary Thompson announced that Town Counsel has confirmed that although Mrs. Lowell and her husband James Lowell will be living in Rockport, they may continue to serve on the Wood-Davison House Restoration Task Force; and Mr. and Mrs. Lowell expressed their continuing commitment to same.

Mrs. Lowell stated that she is incredibly encouraged by the progress made concerning the Wood-Davison House restoration project; and she requested the Board to authorize an increase in membership of the Task Force from seven to twelve. Mrs. Lowell informed that the Task Force has formed three subcommittees: (1) fund-raising and public awareness; (2) building/moving; and (3) museum. Mrs. Lowell stated that there are already four individuals who wish to join the Task Force, and she believes the additional vacancy would be filled in the coming months by the new chairman of the Task Force.

It was on motion unanimously

VOTED: To increase the membership of the Wood-Davison House Restoration Task Force from seven to twelve; and appoint the following individuals to said Committee, subject to their acceptance:

Karen E. Poll of 20 Kendall Road;
Richard E. Simon of 33 Fox Run;
Johanna Porter of 17 Musket Lane; and
Holly Vaughn Hunt of 43 Pine Street.

Mrs. Lowell further reported that the Task Force is in the process of hiring an excellent architect, and it is their belief that the move and restoration will go smoothly this Fall.

In conclusion, Mrs. Lowell reminded that the "One Step Closer" campaign will culminate on Saturday, June 30, with the foot-painting festivities, and urged all to attend; and further invited all interested individuals to attend the Task Force's meeting tomorrow evening.

The meeting concluded with a statement by Executive Secretary Richard E. Thompson on the volume of work accomplished by Mrs. Lowell including the authoring of Sudbury A Pictorial History; that he has had the pleasure of working with both Laura and her husband James A. Lowell; and that he will personally miss Mrs. Lowell's vitality as Town Historian and her departure is a real loss to the Town.

Council On Aging - Van Donations

It was on motion unanimously

VOTED: To accept \$352 in miscellaneous donations for deposit into 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.

Public Hearing - Something Simple - Transfer of Licenses

Present: Transferors Deborah Getrost and Tracey Lee Harrington, Partners, d/b/a Something Simple; proposed transferee Joanne M. Frate; approximately seven residents.

At 8:00 p.m., Chairman Cope convened a public hearing in accordance with General Laws Chapter 138, to consider application dated June 7, 1990, for transfer of the All-Alcoholic Beverages license held by Deborah Ann Getrost and Tracey Lee Harrington, Partners, to Joanne M. Frate of Winchester, d/b/a Something Simple, for property located at Mill Village, 385 Boston Post Road, Building G, Store 2.

Executive Secretary Thompson informed that in accordance with statute the application had been advertised and abutters and nearby church noticed. Mr. Thompson further reported that the application and all relevant documents were in order.

A letter dated June 21, 1990, from Judy and Gary Finerty of 28 Maple Avenue was read in their absence, at their request, which objected to the issuance of an All Alcoholic license and entertainment license at this location.

Mr. Thompson reminded that the current proprietors already have a full liquor license and entertainment license, with conditions; and that all that is being requested is a transfer of these present licenses, with no new requests.

In response to inquiry by Selectman Cope, transferor Tracey Lee Harrington stated that their establishment has been in close contact with Board of Health Director Robert Leupold and to the best of her knowledge and belief the restaurant uses only between 50-75 gallons of water a day, which is far below

the 710 gallons of water approved by the Board of Health. Ms. Harrington further stated that the total seating capacity is 46, which includes 16 outdoor seats.

With regard to issues raised in the Finertys' letter, Ms. Harrington reiterated Mr. Thompson's comment that the restaurant has had a full liquor license for six to eight years, as well as an entertainment license. "Hard" liquor is not advertised on their menu and has only been served in a few isolated instances where the customer desired a particular drink. The entertainment was and will remain background music.

Transferee Joanne M. Frate added that she does not intend to change the operation of the restaurant from what is already in place. In response to inquiry by Selectman Wallace, Ms. Frate informed that she formerly owned the Cafe Fiorella in Harvard Square, Cambridge, and that she will be on the premises of Something Simple most days, with her family continually helping out. Ms. Frate concluded by stating that she is currently working part-time for Arthur D. Little & Co.

Ex-Selectman and resident Josiah F. Frost of 51 Maynard Road was present and voices his strong support for the transfer of the licenses, citing his many pleasant experiences as a customer of the restaurant over the years.

Abutter Mary Jane Ainsworth of 44 Maple Avenue made inquiry of the restrictions for entertainment and she was advised that no live entertainment is allowed under the requested license, just background music. Further, the restaurant cannot operate solely as a bar. Mr. Thompson added that for any changes as to interior or use, State law requires public hearings.

Abutter Robert Toabe of 31 Maple Avenue commented that he sincerely hopes the new owners will continue to keep the background music to a soft noise level as the previous owners have. In response to his further comments regarding the trash situation, Ms. Harrington admitted that this has been a continuing problem with them as well as other occupants of the buildings. Ms. Harrington stated that there has been a concentrated effort to improve the situation and she trusts their increased diligence is paying off with a visibly-improved situation. Executive Secretary Thompson advised the new owners of the strict enforcement procedures in place to make sure businesses assume responsibility for their outside trash; i.e., \$50.00 ticket fines.

It was on motion unanimously

VOTED: To approve application dated June 7, 1990, for transfer of the Common Victualler License to Sell All Kinds of Alcoholic Beverages under M.G.L. c. 138, §12, held by Deborah Ann Getrost and Tracey Lee Harrington, Partners, to Joanne M. Frate of Winchester, d/b/a Something Simple, for property located at Mill Village, 385 Boston Post Road, Building G, Store 2; and to approve Common Victualler License and Entertainment License for background music only for said establishment restricted to the following hours of operation: Monday through Saturday, 9:00 a.m. to 12 Midnight, and Sunday 11:00 a.m. - 6:00 p.m.

Transferor Deborah Ann Getrost expressed her and her partner's thanks to the townspeople for their support in the last ten years.

Hilco Liquidation

Present: Town Counsel Paul Kenny.

The Board reviewed confidential letter dated May 30, 1990, from Stephen B. Darr, Assignee of the assignment for the benefit of creditors of Hilco Supply, Inc., requesting Sudbury to execute an assent to said assignment.

Town Counsel Paul Kenny advised that he believes it would not be in the Town's best interests to execute such an assent. Attorney Kenny pointed out that tax creditors enjoy a priority status by law, and page 3 of the Assignment, paragraph Sixth, would seriously jeopardize any such claim the Town may wish to make.

It was on motion unanimously

VOTED: To request the Executive Secretary to forward a letter to Stephen B. Darr, Assignee, BDO Seidman, One Financial Center, Boston, that the Town of Sudbury does not assent to the Assignment dated May 16, 1990, entered into between Hilco Supply, Inc. and Stephen B. Darr, and others; and to further advise Mr. Darr that the Town believes it has priority status for any claims that may remain outstanding against Hilco Supply, Inc.

Utility Petition 90-10 - Old Garrison Road

Upon notification by the Executive Secretary that Boston Edison Company is conducting further research and review of its proposed installation of six poles along Old Garrison Road, it was on motion unanimously

VOTED: To indefinitely postpone consideration of Utility Petition 90-10 of Boston Edison Company and New England Telephone and Telegraph Company for permission to erect six poles along Old Garrison Road.

Impact Evaluation Procedures - Memorandum of L. M. Meixsell

Present: Town Counsel Paul Kenny.

The Board acknowledged receipt of memorandum dated June 7, 1990, from L. Mike Meixsell regarding the Unisys Subdivision Plan, Impact Evaluation.

Chairman Judith A. Cope advised that she has spoken with Mr. Meixsell concerning this and his memorandum. Town Counsel Paul Kenny expressed his belief that this is basically a request for a mini-environmental impact study. Attorney Kenny stated that this would be a reasonable request since the Planning Board's Rules and Regulations provide for some sort of impact study being done. The problem is, Attorney Kenny stated, the subdivision has already gone through the hearing process and such a study cannot be done at this point in time.

In response to inquiry by Selectman Wallace, Attorney Kenny opined that this would have no impact whatsoever on the pending litigation as it is a moot point. In conclusion, Attorney Kenny stated that the situation regarding clean-up should not be of concern since that problem clearly "goes with the property" and will not be obviated by any transfer.

Cold Brook Development Route 117

Chairman Judith A. Cope provided the Selectmen with a copy of letter dated June 15, 1990, to Town Planner Lee Newman from John W. Wood, Section Manager, Hydrogeology, HMM Associates, Inc. regarding Cold Brook Development, Route 117.

Executive Secretary Thompson will make a copy of said letter for review by Town Counsel.

Honey Pot Hill Orchards of Stow - Request for Directional Sign on Route 27

Upon review of letter dated June 14, 1990, from Richard S. Martin of Honey Pot Hill Orchards, 144 Sudbury Road, Stow, it was a concurrence of the Board that the ways of Sudbury should remain as free of obtrusive advertisements as possible.

It was therefore on motion unanimously

VOTED: To deny request dated June 14, 1990, from Honey Pot Hill Orchards of Stow concerning installation of directional sign on Route 27.

Hosmer House - Sale of Items at Yankee Doodle Yard Sale

It was on motion unanimously

VOTED: To approve sale of non-usable items from the Hosmer House at the Yankee Doodle Yard Sale, Heritage Park, on July 4, 1990, as listed in a request from the Sudbury Historical Commission of June 20, 1990; subject to prior notification to the Ancient Documents Committee.

Interim Superintendent Search Committee

At the request of Ann Loos, Chairman of the Sudbury Schools Committee, for a member of the Board of Selectmen to serve on the Interim Superintendent Search Committee, it was on motion unanimously

VOTED: To designate Chairman Judith A. Cope to serve on the Interim Superintendent Search Committee.

Eagle Scout Project - Jay Williamson

Eagle Scout Candidate Jay Williamson.

At 8:30 p.m., Chairman Judith A. Cope convened a meeting with Jay Williamson to discuss his Eagle Scout project.

Eagle Scout Candidate Jay Williamson, who will be entering the Ninth Grade in the Fall of 1990, informed that his Eagle Scout project is an Hostage Awareness Campaign; and that he is being sponsored by American Legion Post 191 in Sudbury as well as private donations. Mr. Williamson provided the Selectmen with a packet of informational materials which detail his objectives and an outline of activities he hopes will help him to raise public awareness of the plight of the hostages who are being held prisoner for no reason.

Mr. Williamson requested that the Selectmen issue a Proclamation declaring July 20-22 "Hostage Awareness Weekend". Mr. Williamson invited the Selectmen to attend the July 22 Hostage Awareness Evening at Our Lady of Fatima Church, at which time one of the Selectmen would read the Proclamation.

Mr. Williamson further requested permission to distribute memoranda and informational materials to various Town offices and at various Town locations. Mr. Williamson stated that he has enlisted the assistance of fellow Troop members to put together and distribute the materials.

It was on motion unanimously

VOTED: To proclaim July 20 through July 22, 1990, Hostage Awareness Weekend; to allow Eagle Scout Candidate Jay Williamson to distribute memoranda and informational materials to the various Town offices and at various Town locations; and to allow Mr. Williamson to advertise Hostage Awareness Evening on July 22, 1990, at 7:00 p.m. at Our Lady of Fatima Church by placing a sign at the Fire Stations located on Route 20 and Route 117, if available.

Sudbury Water District - Voluntary Water Ban

The Board reviewed notice dated June 18, 1990 from the Sudbury Water District concerning guidelines for voluntary water ban, which notice was mailed to all residents.

It was noted that reports have already been coming in of people who are ignoring the guidelines; and also report of water discoloration, silty water and the like.

Chairman Judith A. Cope requested that the media highlight the guidelines and stress the importance of all residents adhering to them. Mrs. Cope suggested that it might be helpful to remind the residents that, unlike surrounding communities, Sudbury relies solely on ground water, not reservoirs, for its needs.

Executive Secretary Richard E. Thompson pointed out that the Water District already notified, some months ago, that there will be a restriction of water usage for conservation purposes. Mr. Thompson further informed that Water District Superintendent Richard Carroll has done a lot to help with the problems that might arise in the future with regard to in-place emergency hook-ups; however, Mr. Thompson stressed that vigilant conservation is of utmost importance.

At the request of Chairman Cope, Mr. Thompson will attempt to learn the source of the water discoloration that is occurring in certain areas of Town and what the procedure is for rectifying this problem, and he will report his findings to the Board.

Resource Recovery Committee - Appointment

The Board reviewed application of Janelle Winston for appointment to the Resource Recovery Committee; and acknowledged receipt of letter dated June 15, 1990, from Committee Chairman Jeffrey Jacobson, which informed that the Committee voted unanimously to recommend Ms. Winston's appointment.

Executive Secretary Richard E. Thompson reported that Selectman John C. Drobinski, who was unable to attend this evening's meeting, informed that he has reviewed Ms. Winston's application and would support her appointment.

It was on motion unanimously

VOTED: To appoint Janelle Winston of 395 Boston Post Road to the Resource Recovery Committee, to fill the vacancy created by the resignation of Neal Drawas, for a term to expire April 30, 1992.

Sherman's Bridge

The Board reviewed communication dated June 21, 1990, from George R. Turner, Jr., P.E., Chief Engineer, Commonwealth of Massachusetts Executive Office of transportation and Construction, Department of Public Works (DPW) regarding funding for Sherman's Bridge rehabilitation.

Executive Secretary Thompson reported that he spoke with Thomas Landry late this afternoon. Mr. Landry informed that he contacted Peg Zilinsky at DPW, as Mr. Turner suggested, who recommended the Towns "hold" and take no action as it is her opinion that to pursue this matter now would jeopardize the towns "down the line" with regard to Federal reimbursement. Mr. Thompson noted that this appears to be in disagreement with the opinion expressed by Highway Surveyor Robert Noyes.

Chairman Cope reported that she met with some of the abutters last week to chat about the progress. Mrs. Cope reported that, although the abutters would rather see the width of the bridge be 18', they would not let this factor delay reconstruction plans.

Later in the evening Mrs. Cope again brought up the matter of Sherman's Bridge and at her request Executive Secretary Thompson will place on a future agenda the matter of making a decision concerning tonnage limitations.

Scenic River Legislation Meeting

Executive Secretary Thompson informed that the Scenic River Legislation Meeting by Congressman Atkins, has been re-scheduled to Saturday, June 30, 1990, at 9:00 a.m. at the Great Meadows Wildlife Refuge.

Sperry Research Center - Town Well #5

The Board acknowledged receipt of letter dated June 20, 1990, from Stephen M. Johnson, Environmental Analyst, for Richard J. Chalpin, Regional Engineer, Commonwealth of Massachusetts Department of Environmental Protection (DEP), Woburn, concerning the Sperry Research Center and Town Well No. 5 and the DEP's inability to give the matter full, priority attention.

Executive Secretary Thompson reported that he had a conversation concerning this with Selectman John C. Drobinski and they concurred that among themselves and Health Director Robert Leupold, they may be able to get something going in this matter.

Marlborough - New City Hall

Executive Secretary Thompson informed that the Selectmen have been invited to attend the dedication of the new City Hall in Marlborough.

Chairman Cope took the invitation.

Senate Bill No. 909 - Proposed Amendments to M.G.L. c. 40A, §6

The Board again reviewed memorandum dated June 1, 1990, from Assistant Town Counsel David J. Doneski, regarding Massachusetts Senate Bill No. 909, relating to proposed amendments to M.G.L. c. 40A, §6, which the Executive Secretary further clarified.

It was on motion unanimously

VOTED: To confirm support for Massachusetts Senate Bill No. 909 (1990 Session), which contains proposed amendments to Massachusetts General Laws Chapter 40A, section 6, regarding zoning change regulations.

Fort Devens Annex

The Board acknowledged receipt of letter dated June 18, 1990, from Anthony M. Corbisiero, Associate Regional Director, Planning and Development, United States Department of the Interior, concerning the Fort Devens Training Annex property.

At the request of the Selectmen, Executive Secretary Thompson will forward copies of this letter to resident Gordon Tucker, Conservation Coordinator Deborah Montemerlo and Town Counsel Paul Kenny, for their review and comment. When Mr. Thompson receives response from these individuals, he will report back to the Board.

Junior League of Boston Decorators' Show House

The Board acknowledged receipt of letter dated June 21, 1990, from Alan J. Grace, Esquire, Bernkopf, Goodman & Baseman, advising that the Junior League of Boston, Inc. will assume no responsibility for filling in any pot holes allegedly caused by traffic generated by the Show House.

Fairbank Building

Executive Secretary Thompson updated the Board on the Fairbank Building project and was pleased to report that talks among the Permanent Building Committee, the School, Park and Recreation and other interested parties have been very positive.

Mr. Thompson further informed that possible funding may be presently available; and he opined that this would allow the current contractor to do additional work now, saving the Town future inflationary costs.

Complaints Received By Building Inspector

At the request of Chairman Judith A. Cope, Executive Secretary Thompson will advise the Building Inspector to be careful about using the names of a complainant when informing an individual of a possible zoning violation.

DeWallace's Construction Company

At the request of Chairman Judith A. Cope Executive Secretary Thompson will request the Building Inspector to investigate a possible zoning violation of the DeWallace Construction Company on 56 Dakin Road.

Fourth of July Celebration - Car Wash

Chairman Judith A. Cope reported the Fourth of July Celebration Committee held a car wash this past Sunday. Chairman Beverly Bentley told Mrs. Cope that the car wash was so successful that there may be enough money to hire an additional band for the Fourth of July Parade.

Landfill

At the request of Chairman Judith A. Cope, Town Counsel Paul Kenny will research the question of whether the Town may prohibit recyclables from being left at the Landfill, and will report his findings to the Board.

Executive Session

At 9:20 p.m., it was on motion by roll call vote unanimously

VOTED: To enter into Executive Session for the purpose of discussing the Unisys litigation matter.

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

Chairman Cope announced that the regular session would not reconvene.

There being no further business to come before the Board, the meeting was adjourned at 9:30 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk