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IN BOARD OF SELECTMEN  
TUESDAY, OCTOBER 9, 1990

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

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

Minutes

It was on motion unanimously

VOTED: To approve the minutes of September 10 and 24, 1990, as presented.

Budget and Warrant Schedules for 1991 Annual Town Meeting

Upon review, it was on motion unanimously

VOTED: To approve the budget and warrant schedule dated October 9, 1990, for the 1991 Annual Town Meeting as submitted by the Executive Secretary.

At the request of Chairman Cope, Executive Secretary Thompson clarified that December 31, 1990, is the closing date for submission of all articles except petition articles. Mr. Thompson explained that by law petition articles must be accepted by the Selectmen up to the last practical date for inclusion in the Warrant.

Save Our Sports Campaign

The Board acknowledged receipt of letter dated September 23, 1990, from Karen Smith of the Save Our Sports Campaign (SOS) Publicity Committee, requesting that the Lincoln Sudbury High School Boosters be permitted to hang a banner across Route 20 at the intersection of Union Avenue featuring the SOS slogan and the dates of the fund drive (weekend of October 20 and 21, 1990).

Executive Secretary Thompson reminded that the Town cannot grant permission to place anything over a State highway; however, as in the past, the property owner in that area may give approval for placement of the banner alongside Route 20.

It was on motion unanimously

VOTED: To request the Executive Secretary to contact the owner of the property abutting Route 20 at the Union Avenue intersection to obtain his permission for placement of a banner announcing the Save Our Sports Campaign for the weekend of October 20 and 21, 1990.

Reimbursement Anticipation Note

Present: Town Treasurer and Collector Chester Hamilton.

It was on motion unanimously

VOTED: To authorize the Treasurer to borrow \$145,423.00 in anticipation of reimbursement by the Massachusetts Department of Public Works under Agreement #33965.

October 1989 Special Town Meeting Article 5

Present: Town Treasurer and Collector Chester Hamilton; Finance Committee member John Ryan.

The Board considered the question of supporting the Permanent Building Committee in its efforts to utilize funds available under Article 5 of the October 1989 Special Town Meeting, in connection with the use of the Fairbank Community Center by the Sudbury Schools for administrative offices, to convert the remainder of the existing heating distribution system from steam to hot water and to install appropriate ventilation systems.

Chairman Cope reported that she received a telephone call from Ann Loos of the School Committee, who requested that the Selectmen postpone a decision on this matter since the School Committee has questions for various groups and boards and will be meeting with them tomorrow morning. Selectman Drobinski stated that he also received a telephone call from School Committee member Stephen Bober with the same request.

Executive Secretary Thompson stated that he had spoken with Interim Superintendent of Schools Henry DeRusha, Director of Administrative Services John Wilson and a member of the Permanent Building Committee, and it was their joint idea to obtain a consensus of the Board of Selectmen as to whether or not they approve such an effort. Mr. Thompson pointed out that there is an excess of approximately \$800,000.00 in the School's Article 5 account, and the Finance Committee suggested to the Permanent Building Committee prior to Special Town Meeting that they approach the schools, since there is no other money available. Mr. Thompson concluded by stating that there is a meeting concerning this Wednesday evening, that the Finance Committee supports the action, the Permanent Building Committee is recommending it, and he would like to go to the meeting with a consensus from the Selectmen as to whether they think it is a good idea or a bad idea. Mr. Thompson further reported that Town Counsel has opined that it is a proper expenditure.

Town Treasurer and Collector Chester Hamilton stated that he does not believe the money is around, and commented that he believes the Permanent Building Committee was less than candid at Special Town Meeting. Mr. Hamilton expressed his opinion that any such decision should go back before the townspeople for their approval.

Finance Committee member John Ryan explained that when this matter was first presented to the Finance Committee by the Permanent Building Committee, the Finance Committee's response was there was no money. Although he cannot remember who specifically made the recommendation, he does recall that somebody stated that since the schools' bids for Nixon and Fairbank were coming in substantially less than anticipated, there may be extra money from that source. Mr. Ryan recalled that the School Committee, when approached, did not say "no"; and it is his feeling that if the Finance Committee hears the proposal and it makes sense, the Finance Committee will go back to the School Committee for concurrence. Mr. Ryan explained that if the School Committee says they need the

money for, say, books, then the Finance Committee will not go along with the Permanent Building Committee's proposal. In conclusion, Mr. Ryan stated that he does not believe the Permanent Building Committee intended to mislead the townspeople at Special Town Meeting.

Selectman Wallace summarized the events as follows: Town Meeting voted approval for borrowing an amount for specific purposes, one of which was for renovation to move the school administration offices to another location. But at that time, those renovations did not contemplate an overhaul of the heating system for the entire Fairbank building. When the decision to move the administrative offices to Fairbank was made, it became apparent that they would need a better heating system. Mr. Wallace's understanding that what is now happening is there is a need to finish a job in a building where the school's central administration is going.

Upon inquiry by Selectman Wallace, Mr. Ryan stated that the proposed heating renovation would involve the entire building, including common areas.

Upon further inquiry by Selectman Wallace, Town Counsel Paul Kenny explained that when the question of legality of using this money for a total renovation of the heating system at Fairbank was first presented to his office, there was an intent to try to utilize as much of the present heating system as there could be. It is Attorney Kenny's understanding that when renovations began at Fairbank, it became apparent that the present system was worse than anticipated. It is Attorney Kenny's opinion that it is just for situations such as this that bonding is voted the way it is; virtually every construction job has changes. Attorney Kenny also clarified that, although it is his opinion that the money absolutely may be used for this purpose, the money could not be used by the School Committee for a purpose such as the purchase of books. Attorney Kenny concluded by stating that it is his opinion that if the money is not used for renovations as proposed or any other renovations, then the bonding authorization would just "go away".

The Selectmen concurred that this matter warrants further input and discussion. The subject was therefore postponed.

#### Senior Citizens Club - Fair

Present: Josephine F. Poe; James Green.

Executive Secretary Thompson requested that the Board take up a matter not scheduled this evening concerning the advertising of a Fair to be held this weekend by the Senior Citizens Club at the Fairbank grounds this weekend. The Board consented and a discussion was held with Senior Citizens Club representatives.

Mr. Thompson informed that when inquiries were made to his office by representatives of the Senior Citizens Club concerning holding this event, they were advised that they had to speak with Park and Recreation Commission and other Town departments. Mr. Thompson further pointed out that the Selectmen's Policies specifically prohibit carnivals from being held within the Town's limits; and he questioned whether the event is a "Fair" or "Carnival" due to the nature of the advertising. In conclusion, Mr. Thompson stated that Recreation Director Thomas Haggerty was approached by a Club representative and initially

gave permission for the Club to use a small area by the basketball court for what he believed to be a one-day Fair to be held in the daytime hours. Mr. Haggerty is concerned that this is going to be a much larger event for an entire weekend running all day until 10:00 p.m.

Senior Citizens Club representative Josephine F. Poe of 29 Massasoit Avenue, stated that the event would be the same as that held last year, with the exception of the addition of a merry-go-round; and there would be no games of chance.

Senior Citizens Club representative James J. Green of 89 Butler Road stated the Club would do whatever is necessary to run the event, including shortening the hours of operation. Upon inquiry, Mr. Green stated that he believes the company providing the amusement rides has "a Million Dollar policy" with Lloyds of London. Mr. Thompson stated that since the event is to be held on Town property, the Town requires a certified rider specifically naming the Town as insured; with the cost for same being borne by the Senior Citizens Club. Mr. Green stated that this will be done and he will immediately provide documentation for same.

Ms. Poe was advised to contact Lt. Ronald Nix of the Sudbury Police Department concerning the issue of traffic and public safety; and she stated she would do so tomorrow morning.

The Selectmen requested the Executive Secretary to render whatever assistance he can to the Senior Citizens Club to make this event, if held, safe for the public. Chairman Cope informed Ms. Poe and Mr. Green, however, that in the future they should present their plans for events to the appropriate Town officials in a more timely manner.

Executive Secretary Thompson requested that Ms. Poe contact him tomorrow, after she has spoken with Lt. Nix; and Ms. Poe stated she would do so.

#### State Ballot Questions 3 and 5

Present: Esther M. Mann; Maxine Yarborough; Jane Coddington; Town Treasurer and Tax Collector Chester Hamilton; Finance Committee member John Ryan.

The Board conducted a discussion relative to State Ballot Questions 3, the so-called CLT Petition, and 5, which dedicates 40% of State revenue for local aid.

Executive Secretary Thompson explained that this matter had been placed on this evening's agenda for discussion and later the Office had been contacted by resident Jane Coddington who with others believes it is important for the Town to inform its residents what the effects of these questions will have on Sudbury; thus enabling the voters to make an informed decision.

The Board acknowledged receipt of communication dated September 28, 1990, from Sheila Cheimets, Executive Director, Massachusetts Municipal Association, recommending the Town take a position in opposition to Question 3 and in support of Question 5.

The Board further acknowledged receipt of analysis received under letter dated September 21, 1990, from Edward J. Collins, Jr., Deputy Commissioner, Massachusetts Department of Revenue (DOR), Division of Local Services. This analysis presents the potential effects of the CLT petition on Fiscal Year 1991 local aid and local spending, based on the best information and judgment of the Division of Local Services. According to this analysis, Sudbury would lose \$450,694 in local aid if CLT were put into effect; plus \$375,000 in Lincoln Sudbury Regional School aid and \$50,000-\$75,000 in Minuteman School aid.

Jane Coddington of 29 Plympton Road, Esther Mann of 23 Hilltop Road, and Maxine Yarborough of 468 Concord Road, were present and expressed their opposition to Question 3.

Town Treasurer and Collector Chester Hamilton was present and concurred that the townspeople should be made aware of what the impact of the CLT Petition would be if passed. Mr. Hamilton expressed his hesitancy to rely on DOR figures as they relate to Sudbury and offered to work with the Town Accountant to provide a comparison projection of figures. Mr. Thompson informed that Budget and Personnel Officer Terri Ackerman is already working on this with the assistance of Town Accountant James Vanar and Finance Committee member John Ryan. The Selectmen welcomed Mr. Hamilton's input on this project.

Chairman Cope commented that she has heard townspeople express themselves on both sides of the issue of Question 3, and she has a great deal of respect for their opinions. Ms. Cope concurred with the opinion that it would be beneficial to the townspeople to have some figures in mind when they make their decision when voting; and she stated that she, too, is withholding her opinion until more information is known.

It was on motion unanimously

VOTED: To table the question of supporting/opposing State Ballot Question 3, the so-called CLT petition, to Monday, October 22, 1990, at which time a presentation may be made during Town Forum.

It was further on motion unanimously

VOTED: To support State Ballot Question 5, which dedicates 40% of state revenue for local aid; and to request the Executive Secretary to prepare a Resolution Of Support for said Question 5 as drafted by the Massachusetts Municipal Association, to be signed by Selectman Chairman Judith A. Cope.

#### Walkway Easement

It was on motion unanimously

VOTED: To accept Walkway Easement granted by Louis H. Hough and Kate-Alden C. Hough on the southerly side of French Road, shown on plan entitled: Easement Plan of Land in Sudbury, MA Middlesex County", dated June 26, 1990.

#### Easement - Curtis School Land

It was on motion unanimously

VOTED: To table question of signing an easement agreement with New England Telephone & Telegraph Company, pursuant to Article 46 of the 1989 Annual Town Meeting, for placement of a service terminal and pad at the intersection of Pratt's Mill Road and Peakham Road; and to request the Executive Secretary to reschedule same when said easement is received.

Raytheon Company - Antenna Placement at Landfill

The Board conducted continued discussion relative to a proposal to form an agreement with Raytheon Company relative to placement of an antenna at the Sanitary Landfill. As in past discussions relating to Raytheon Company, Selectman John C. Drobinski abstained from same based on his company's business dealings with Raytheon at another location.

The Board acknowledged receipt of the following:

1. Memorandum dated October 2, 1990, from Health Director Robert C. Leupold, recommending approval;
2. Letter dated October 4, 1990, from Highway Surveyor/Landfill Agent Robert A. Noyes outlining several recommendations pertaining to the construction of an equipment shelter at the Landfill;
3. Letter dated October 5, 1990, from Town Engineer I. William Place, expressing full support of the Raytheon proposal, and enclosing copy of a plan showing a proposed 30' x 40' equipment shelter located along the easterly property line of the Sudbury Landfill and north of the access driveway to the Wayland/Sudbury Septage facility.

Executive Secretary Richard E. Thompson informed that a meeting has been scheduled at the Raytheon facility for Wednesday, October 10, 1990, at 2:00 p.m., at which he, Police Chief Peter B. Lembo, Fire Chief Michael Dunne, and Town Engineer Place will be present.

It was noted that Mr. Noyes was using larger dimensions (42' x 60') for the equipment shelter than Mr. Place was (30' x 40'). Mr. Thompson advised that the goal of storage of all equipment may be accomplished with the smaller dimensions, and he will consult with Mr. Noyes on the same.

Chairman Cope questioned the bases by which Health Director Leupold deduced that the proposed antenna poses no threat to public health.

In answer to inquiry by Chairman Cope, Mr. Thompson confirmed that there are no new toilet facilities proposed. In answer to further inquiry by Mrs. Cope, Mr. Thompson stated that he was not certain that Department of Environmental Management approval is directly required. Mr. Thompson pointed out that this project would amend operations at the Landfill; thus, such would be shown on future operational plans submitted to DEP for approval.

At the request of Chairman Cope Mr. Thompson will communicate with Thomas Landry, Executive Secretary for the Town of Wayland in order to update him on this matter and to ask him who he feels should also receive this information.

Civil Service Requisition 901083

Present: Police Chief Peter B. Lembo.

Executive Secretary Edward R. Thompson informed the Board that since its vote to amend Requisition #901083 from one permanent Police Officer to two, Officer Burney has returned from Ireland and notified the Police Chief that he has decided not to retire and in fact expects to remain on the Force for an additional three years or more.

Police Chief Peter B. Lembo and Executive Secretary Thompson jointly recommend that due to this fact, together with the uncertain financial situation of the State and Town, the Selectmen reconsider their action concerning this Requisition and not make any appointments from Requisition #901083. Mr. Thompson advised that Ronald S. Brandolini, the individual appointed by the Board on August 27, 1990, to the position of police patrolman, was able to retain his job as correctional officer at MCI-Framingham.

It was on motion unanimously

VOTED: To rescind vote taken August 27, 1990, appointing Ronald S. Brandolini as police patrolman for the Town.

And it was further on motion unanimously

VOTED: To allow Civil Service Requisition List #901083 for two police officers to expire without making appointments therefrom, and to so notify the Department of Personnel Administration and police officer candidates.

Blue Cross/Blue Shield

It was on motion unanimously

VOTED: To sign Master Health Plus and Medex 3 group health insurance contracts with Blue Cross and Blue Shield of Massachusetts, Inc., for the term May 10, 1990, through May 9, 1991.

Paul D. Johnson Scholarship Dance

Upon review of letter request dated October 9, 1990, from Ethel V. Johnson, it was on motion unanimously

VOTED: To grant a license to Ethel V. Johnson of 242 Peakham Road for a temporary license for beer and wine to be dispensed during the Fourth Scholarship Dance in honor of the memory of Paul D. Johnson, between the hours of 8:00 p.m. to Midnight on October 26, 1990 at the Hall of Our Lady of Fatima; and to waive any fees that may be required therefor.

October 15, 1990 Selectmen's Meeting

It was on motion unanimously

VOTED: To postpone the starting time of the Selectmen's meeting of October 15, 1990, to 8:00 p.m.

Cable Television Committee - Resignation

It was on motion unanimously

VOTED: To accept resignation of Margaret R. Fredrickson of 170 Haynes Road, dated October 9, 1990, from the Cable Television Committee.

Sudbury Valley Trustees - Proposed Joint Purchase

Executive Secretary Thompson reported that he has been in communication with representatives of the Sudbury Valley Trustees, who have suggested a possible joint purchase of the Strand property which could be utilized for a new Landfill and/or gravel supply site, and valuable wildlife sanctuary.

Chairman Cope expressed her concern that the State will not approve of the idea.

Unisys

Executive Secretary Thompson informed that Gary Greenberg has been replaced by Unisys Corporation with Richard L'Ecuyer, and that he and Mr. L'Ecuyer are scheduled to meet on October 18, 1990, at 2:00 p.m.

Conservation Commission - Rental of Carding Mill Building

The Board reviewed tenant proposals and portion of minutes of the October 1, 1990, meeting of the Conservation Commission as it pertains to these tenant proposals for the Carding Mill Building. The Executive Secretary informed the Board that he would recommend Richard Carroll, Superintendent of the Water District, as a tenant.

At the request of Chairman Cope, Executive Secretary Thompson will inquire of Conservation Coordinator Deborah Montemerlo why the Conservation Commission is listing "the willingness of the applicant to perform other caretaker duties at the Haynes Meadow house" as a criteria for selection of a tenant for Carding Mill.

League of Women Voters of Wayland

The Board acknowledged receipt of letter dated September 29, 1990, from Karen Kavet and Mary Jane Sanders, Co-Chairs of the League of Women Voters of Wayland and Sudbury, inviting one Selectman to participate in a three-person panel to question Mark Collins and Nancy "Hasty" Evans, candidates for States Representative, on Tuesday, October 23, 1990. Chairman Cope stated she could not participate, being a close friend of Ms. Evans.

Selectman David A. Wallace requested the Executive Secretary to inform the League that he would be pleased to participate.

Building Inspector - Interviews

At the request of the Selectmen, Executive Secretary Thompson will schedule interviews for the position of Building Inspector during the Board's regular meeting on Monday, October 29, 1990, to be held at Loring Parsonage.



Middlesex County Selectmen's Association Meeting

The Board acknowledged receipt of announcement of Middlesex County Selectmen's Association Annual Fall Dinner Meeting for Wednesday, October 24, 1990, at The Great Wall, 309 B Great Road, Bedford. No-one is able to attend.

Burial of Urns

Executive Secretary Thompson reported that he attended interment ceremonies burying the urns of the late Lydia G. Raymond (1866-1960), Lydia Hoad Brown (1847-1933), William Claus (1864-1930), Frederick A. Lundberg (1877-1952), and Lillian Raymond Lundberg (1879-1970), in Lot 28A, Section E., in the Wadsworth Cemetery.

Also present at the service were:

Superintendent of Cemeteries Robert A. Noyes;  
Robert Bent, Highway Department Foreman;  
Edith and Bill Salisbury of Kansas City, Missouri, and Santa Cruz, California;  
Marion Lundberg of Boston;  
Elizabeth and Dorothy Atkinson of Sudbury.

Unisys - Contamination Issue

Selectman John C. Drobinski reported that he has spoken with Board of Health Director Robert Leupold concerning a proposal for additional site work on the Unisys property concerning contamination issues.

Mr. Drobinski further informed that the proposal submitted by the consultant will be reviewed by DEP and some revisions are expected from them.

Landfill - Plastics Recycling

Chairman Judith A. Cope noted that Town Engineer I. William Place's Landfill Report states that the plastics portion of the recycling area is accumulating at a faster pace than they are being removed.

At the request of Chairman Cope, Executive Secretary Thompson will contact the Resource Recovery Committee to see if they can recommend a solution to the problem.

Executive Session

At 9:10 p.m., it was on motion by roll call unanimously

VOTED: To go into Executive Session to discuss litigation and discretionary fund matters.

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

Chairman Cope announced that public session would not reconvene following Executive Session.

There being no further business to come before the Board, the meeting wa  
adjourned at 10:00 p.m.

Attest:

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Richard E. Thompson  
Executive Secretary-Clerk