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IN BOARD OF SELECTMEN  
MONDAY, MARCH 11, 1991

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

The statutory requirements as to notice having been met, the meeting was convened by Chairman Judith A. Cope at 7:40 p.m., at the Fairbank Community Center.

Fairbank Community Center and Senior Center - Policies and Procedures

Following review, it was on motion unanimously

VOTED: To approve an amendment to the Selectmen's Policies and Procedures relative to procedures for rental and use of the Fairbank Community Center and Senior Center.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular session of March 4, 1991, as corrected, and the minutes of the executive session of March 4, 1991, as presented.

Matt Garrett's of Sudbury

At 7:45 p.m., the Board considered the question of granting a license for operation of three Automatic Amusement Devices to Matt Garrett's of Sudbury, 120 Boston Post Road.

Executive Secretary Richard E. Thompson informed that the application submitted by Matt Garrett's of Sudbury is in order and all applicable fees have been paid. It was further noted that on March 7, 1991, Building Inspector John Hepting visited the site and talked with the manager. Mr. Hepting approves the request, subject to his overseeing the installation to assure placement of the machines does not block the exit.

There being no one present in opposition, it was on motion unanimously

VOTED: To grant a license for operation of three Automatic Amusement Devices to Matt Garrett's of Sudbury, 120 Boston Post Road; subject to installation of same being approved by the Building Inspector.

Council On Aging - Donations

It was on motion unanimously

VOTED: To accept \$102.00 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.

ATM Public Hearing - Unisys and Melone Land Purchases

Upon consideration, it was on motion unanimously

VOTED: To schedule a public hearing on March 18, 1991, at 8:30 p.m. at the Senior Center, 40 Fairbank Road, to discuss the following Annual Town Meeting articles:

- Article 35 - Purchase Unisys Property, Route 117;
- Article 36 - Purchase Melone Property, Route 117.

Unisys - Open House

Upon review, it was on motion unanimously

VOTED: To support the suggestion of Richard J. L'Ecuyer, Real Estate Asset Manager, Unisys, contained in his letter dated March 7, 1991, for an Open House to be held at the Unisys site in order to familiarize residents with the property; to accept the offer of Unisys to provide refreshments therefor; and to approve the date for said Open House of Saturday, March 30, 1991.

At the request of the Selectmen, Executive Secretary Thompson will contact Mr. L'Ecuyer and confirm the time for the Open House to be 10:00 a.m.

Conflict Of Interest Law

Executive Secretary Thompson explained that, based upon suggestion by the Ethics Commission that the Town update its classifications list of Regular and Special employees, Town Counsel's office prepared same for review by the Selectmen.

It was on motion unanimously

VOTED: To adopt Conflict of Interest designations, dated March 11, 1991, classifying the positions of all current Town officials, boards, committees, commissions, and employees, in accordance with M.G.L. c. 268A.

At the request of the Selectmen, Mr. Thompson will inquire of Town Counsel whether it is necessary to distribute the list to anyone or if it is sufficient to make same available through the Town Clerk's Office and Selectmen's Office.

Massachusetts Municipal Association

Upon review of report from the Massachusetts Municipal Association Director Sheila Cheimets, dated March 4, 1991, relative to local aid, it was on motion unanimously

VOTED: To sign Local Aid Pledge Card prepared by the Massachusetts Municipal Association pledging to continue to do whatever the Board of Selectmen can to reduce costs and promote fiscally sound changes to municipal government, and seeking a pledge in return from Sudbury's legislators to vote in favor of level-funding state local aid.

Reserve Fund Transfer Request No. 91-15 - Highway Department

Upon review, it was on motion unanimously

VOTED: To support Finance Committee approval of Reserve Fund Transfer Request No. 91-15 of the Highway Department for \$1,000.00 for Vehicle Maintenance; but to recommend transfer of funds only after depletion of said maintenance account.

Voting at Peter Noyes School

The Board acknowledged receipt of memorandum dated March 4, 1991, from the Peter Noyes School staff, detailing reasons why they feel the site of Town elections should be relocated or the school closed for Election Day.

At the request of the Selectmen, Executive Secretary Thompson will refer this memorandum to the Finance Committee for their information. The Board expressed its hope that the Finance Committee will reconsider its position concerning the purchase of voting machines in light of the points raised by the staff of the Noyes School.

Lincoln-Sudbury Regional High School FY92 Budget

The Board acknowledged receipt of letter dated March 4, 1991, from Sarah Cannon Holden, Chair of the Lincoln-Sudbury School Committee, requesting the Board support an override.

At the request of the Selectmen, Executive Secretary Thompson will communicate with Mrs. Holden in order to clarify that no formal request has yet been received to place an override question on a Town Election ballot. The Selectmen continue to publicly state that as Town officials, they will vote to call a Special Town Election to consider such a ballot question at such time as the townspeople declare their desire for same, but take no position on supporting such an override at present.

D.A.R.E. Program - Donation

Present: Joan Paglieroni and Josiah Frost, representing the Kiwanas Club; Safety Officer Tony Deldon.

Joan Paglieroni, President of the Kiwanis Club, and Josiah Frost, former selectman and member of the Kiwanis Club, were present to officially offer a donation for the Drug Abuse Resistance Education (D.A.R.E.) Program in the amount of \$400.00.

Ms. Paglieroni informed that the Kiwanis Club is a community-based group which provides help to the elderly and disadvantaged, and is supporting a local program to educate the public about drug awareness. Ms. Paglieroni went on to explain that when Safety Officer Tony Deldon spoke to their group about the D.A.R.E. program, which teaches the young children about drug awareness, the Club decided to assist Officer Deldon through a donation in obtaining the audio-visual materials he needed to get the program off the ground in the Sudbury schools.

Josiah Frost commented that the Kiwanis Club contributes to many worthwhile causes such as the high school scholarship fund and the Pediatric Institute in

Boston; and he expressed the Club's appreciation to the townspeople for their support at the Club's craft fair and flea market held annually in October as its chief fund-raising event.

Later in the evening Officer Deldon presented himself and reported that the initial stages of the D.A.R.E. program have been enthusiastically met at the schools and he believes it will be a worthwhile venture. Officer Deldon explained that he currently teaches four hours on Thursday mornings and four hours on Fridays, for seventeen weeks. The D.A.R.E. program was developed in California and Officer Deldon follows the established curriculum.

Chairman Judith A. Cope expressed the concurrence of the Board in thanking the Sudbury Kiwanis Club for their efforts in drug awareness and their generous contribution.

Ms. Cope further noted that the Lions Club has also offered a donation in the amount of \$200.00 for implementation in the D.A.R.E. program.

It was on motion unanimously

VOTED: To accept on behalf of the Town and the Sudbury Police Department donations from the Sudbury Kiwanis Club in the amount of \$400.00 and Sudbury Wayland Lions Club in the amount of \$200.00, to be used for the D.A.R.E. Program (Drug Abuse Resistance Education Program); to deposit said donations into a separate account to be established for the D.A.R.E. Program; and to authorize expenditure of the same under the director of the Police Chief.

Board of Appeals - Annual Town Meeting Article 11

Present: Lawrence L. Blacker, Chairman, MaryAnn K. Clark, Board of Appeals; Thomas W. H. Phelps, Associate Board of Appeals member.

At 8:00 p.m., Chairman Judith A. Cope convened a joint meeting with members of the Board of Appeals to discuss Annual Town Meeting Article 11, which proposes to amend the Town Bylaws to reduce the term of Board of Appeals members from five to three years.

Board of Appeals member MaryAnn K. Clark informed that the Board of Appeals does not find any problem with the proposed change in the length of the term; however, the Board of Appeals is concerned with the fact that their current membership may be down in numbers to a full membership of only four. Ms. Clark stated that in the past the associate members would fill the gap, but the associate membership is also down to four. If one of the associates were to be placed on the Board, it would leave them without a quorum for the Earth Removal Board.

At the request of all present, Executive Secretary Thompson will immediately make arrangements for applications and interviews for the Board of Appeals and Associate Board of Appeals as necessary in order to maintain full membership in both.

Edwin Barrett Hosmer Memorial Fund - Expenditures

It was on motion unanimously

VOTED: To authorize the expenditure of \$158.40 from the Edwin Barrett Hosmer Memorial Fund for curtains and window treatments for the Hosmer House.

Representative "Hasty" Evans - Request for Priorities List

Executive Secretary Richard E. Thompson informed that he received a telephone call from State Representative Nancy "Hasty" Evans, who requested the Selectmen provide her with a priorities list relative to upcoming State action on local aid and mandates for her edification.

Mr. Thompson provided a draft list suggested by Budget and Personnel Officer Terri Ackerman. Following review and discussion, the Selectmen requested the Executive Secretary forward a list of priorities to Ms. Evans as follows:

1. Level Funding/Local Aid;
2. Equal Percentage Health Insurance Contributions;
3. Firefighters' Cancer Program;
4. Proposition 2½ Indexing;
5. Primary Indemnity Plan; and
6. Special Education.

A Hero's Welcome

The Board acknowledged receipt of letter dated March 4, 1991, from John P. "Jake" Comer, President, "A Hero's Welcome Charitable Trust" requesting support of the towns in achieving the goals of the A Hero's Welcome Drive.

Chairman Judith A. Cope informed that she attempted to reach Veterans' Advisory Committee Chairman Mary Jane Hillery, without success.

At the request of the Selectmen, Executive Secretary Thompson will contact Ms. Hillery and request her participation in this Drive on behalf of the Town of Sudbury.

Park and Recreation Commission - ATM Articles 32 and 33

Present: Gerald B. Berenson, Chairman, Donald R. Soule and Thomas Haggerty, Recreation Director, of the Park and Recreation Commission; Robert A. Cala, Philip Ferrara and Robert Cusack of the Long Range Planning Committee; Resident Charles R. Schwager.

At 8:30 p.m., Chairman Judith A. Cope convened a joint meeting with the Park and Recreation Commission, other boards and citizens, to discuss Annual Town Meeting Articles 32 and 33 relative to construction and operation of a Golf Driving Range on the Davis Land located off Route 117.

There was an announcement that a public meeting of the Park and Recreation Commission concerning this proposed golf driving range is scheduled for Monday, March 25, 1991, at 8:00 p.m., at Lower Town Hall. It was noted that this meeting was rescheduled from March 18, 1991, so that it will not conflict with the Conservation Commission hearing on March 18th.

Executive Secretary Richard E. Thompson reminded that the Board of Selectmen has already indicated its support for these articles; and he expressed his hope that this evening's meeting would result in a consensus being reached before going to the floor of Town Meeting.

Gerald B. Berenson, Chairman of the Park and Recreation Commission, opened the discussion by displaying a new drawing of the proposed golf driving range and Donald R. Soule of the Commission explained that the plans keep within the boundaries set by the Conservation Commission.

Mr. Berenson informed that there was a productive meeting with the Conservation Commission last week, and he is waiting to hear word from them. Mr. Berenson went on to say that even taking into account a worst-case scenario, the Commission believes the range will show a minimum profit of about \$2,000-\$3,000 a year for the first five years.

Mr. Berenson stated that the Commission understands that concerns have been expressed by the Long Range Planning Committee that there is no firm business data to support the Commission's projections; and he informed that the Committee has made many attempts to obtain comparison information from other golf driving ranges, but without success. Park and Recreation Director Thomas Haggerty added that he contacted the Massachusetts Golf Association and was told that these private enterprises refuse to give out such financial information.

Mr. Berenson concluded his presentation by stating that the biggest expense for such an endeavor is the purchase of the land, and that the Park and Recreation Commission sees a golf-driving range as a profitable venture for the Town for two reasons: 1) recreation; and 2) no budget problems.

Long Range Planning Committee members stated that based on their estimates, assuming a charge of \$4.00 per bucket of balls, with 25% usage, the range would stay in the black by making approximately \$34,000. However, they cautioned, if the usage drops to 20%, then the range would be in the hole.

Resident Charles Schwager commended the Park and Recreation Commission for being incredibly responsible and responsive to questions and concerns about the range. Mr. Schwager stated his chief concern continues to be about the use of the money. It is Mr. Schwager's opinion that the land is Town land and the Commission is the agent for the Town. In these fiscally-strained times, Mr. Schwager believes that if money is to be made from use of this land as a golf driving range, the Town should have a say in how the profits are used, rather than the Park and Recreation Commission.

Mr. Berenson explained that he has spoken with the Finance Committee concerning this issue and it is his understanding that by establishing a revolving fund, whatever comes back to Park and Recreation Commission is Town money. At Town Meeting, the Commission's budget could be reduced by a certain amount and that excess money would be put into the General Fund.

Town Counsel Paul Kenny explained what a revolving fund means and compared this type of fund to an enterprise fund, which would be more restrictive.

Long Range Committee member Robert Cala reiterated the Committee's view that the townspeople will be looking for a rational business basis and urged the Commission to be prepared to address this at Town Meeting.

Chairman Cope thanked all present for their attendance and accommodation with the Selectmen's schedule.

Executive Session

At 9:15 p.m., it was on motion by roll call unanimously

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

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

Chairman Cope announced that public session would reconvene immediately following Executive Session.

Town Crier Articles by Patrick J. Delaney, III

The Board reviewed the three-part series of articles in the Sudbury Town Crier by Patrick J. Delaney, III, a former Sudbury assessor and current associate member of the Board of Appeals.

Chairman Judith A. Cope reported that she has spoken directly with Mr. Delaney and she has highlighted many of his statements for comment by the Selectmen.

With regard to the first article, dated January 31, 1991:

- Meeting Agendas Widely Distributed: These are posted every Friday at the Selectmen's Office, Town Hall, Flynn Building and Fairbank Center. At the suggestion of Chairman Cope, Executive Secretary Thompson will investigate the possibility of using the Cable Television Channel to "run" the agendas.

- Electronic Bulletin Board: This is a good suggestion, but when investigated it was determined to be too costly to the Town at present;

- Reduce Redundancy in Town Government: Many groups are mandated by State law. The specific examples proffered by Mr. Delaney, i.e., the need for a Housing Partnership Committee, a Fair Housing Committee and a Housing Authority, are cases in point. Establishing sub-committees also assure specific issues being addressed in a more expeditious manner.

- Limiting Term of Public Office: This matter is currently being addressed, as evidenced by 1991 Annual Town Meeting Article 11. This asks to reduce the term of the Board of Appeals from five years to three years; thus possibly enabling Associate members (of whom Mr. Delaney is one) the opportunity to serve on the Board sooner.

With regard to the second article, dated February 7, 1991:

- Legal Services Contract Out to Bid: This is being addressed by the Legal Services Review Committee;

- Award of Contracts through the "Old Boy" Network: The Selectmen urge Mr. Delaney to come forward with specific allegations concerning this since they are not aware of any such abuse of the process;

- Appointment of a Citizens Advisory Panel to Negotiation with Sudbury Supervisors Union: Although this was done through the Personnel Board years

ago, the duty currently rests with the Executive Secretary. Chairman Cope suggested this be placed on a future agenda for discussion with the Personnel Board. Executive Secretary Thompson expressed his personal affront to Mr. Delaney's intimation that Mr. Thompson does not negotiate for the best interests of the Town; and the Selectmen concurred in their support of Mr. Thompson's performance for the Town.

- Uncompensated Use of Public Space: The Selectmen believe it to be in the Town's best interest to allow such groups as the Sudbury Visiting Nurses Association and Sudbury Foundation to utilize some space, since they give back so much to the community.

- Personal Use of Public Vehicles: This issue is currently being investigated;

- Program For Cost-Savings Suggestions: This was an item on Chairman Cope's "Wish List" and has been printed in the Town Report; a program is being developed;

- Moonlighting: The Selectmen are not aware of any problems and urge Mr. Delaney to come forward with specific allegations of current abuse;

Referring to the third article, dated February 14, 1991, the Selectmen commented as follows:

- Financial Disclosure Recommendations: Not a bad idea - will examine;

- Personal Service Contracts Out to Open Bid: Should be done on a case-by-case basis. Selectman John C. Drobinski questioned what Mr. Delaney meant by his comments, and it was suggested that if Mr. Delaney has a specific allegation of abuse he should come forward with same;

- Buffer Period [between time when a person occupies positions of conflicting interests within the Town]: This is mandated by State law, and the Selectmen are aware of only one past situation where the appearance of impropriety existed;

- Town Property Should Not be Rented or Sold to Any Town Employee During Their Tenure: This should be determined on a case-by-case basis with a view to what is best for the Town.

- Closed Meetings Should be Employed Rarely: Selectmen agree. Executive Sessions are only used when absolutely necessary, and the State has clear mandates on use of same;

- Equal Enforcement of Town Zoning Laws: This issue has been vigorously addressed and the Executive Secretary continues to work with the Building Inspector to assure compliance. The latter expresses concern for the strictest enforcement in some cases during these times; the Selectmen rely on his good judgment.



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

Attest:

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Richard E. Thompson  
Executive Secretary-Clerk