

OK

IN BOARD OF SELECTMEN
MONDAY, MARCH 18, 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 7:30 p.m., at the Fairbank Community Center.

Wood-Davison House Restoration Task Force - Resignation

It was on motion unanimously

VOTED: To accept the resignation of Richard Simon, 33 Fox Run, dated March 11, 1991, from the Wood-Davison House Restoration Task Force; and to request the Executive Secretary to forward a letter of thanks to Mr. Simon for his service to the Town.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular session minutes dated March 11, 1991, as corrected, with the exception of the discussion relative to the Town Crier articles written by Patrick J. Delaney III, and as to that discussion, to withhold approval until further review; and to approve the minutes of the executive session minutes dated March 11, 1991, as presented.

Council On Aging - Van Donations

It was on motion unanimously

VOTED: To accept \$81.00 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.

Site Plan Special Permit - 407 Boston Post Road

Present: William J. Cossart.

In conjunction with the filing of an application for a Site Plan Special Permit concerning property at 407 Boston Post Road, the Board considered the question of waiving submission of a new plan and the question of setting application fee, as set forth in a communication dated March 14, 1991, from William J. Cossart.

Executive Secretary Richard E. Thompson informed that Town Counsel Paul Kenny was consulted concerning this matter and he prepared a draft vote for the Board which would address the issue. There was concurrence that the rules are ambiguous and it was not believed to apply to this type of situation.

William J. Cossart, who is planning on leasing the property for his residence as well as conducting his business, was present and explained that

there will be no change to the outside of the building; and the parking requirements will be substantially reduced. Mr. Cossart went on to say that while a change of signs will be necessary, he will work with the Design Review Board to accomplish this and his new sign will in fact be less obtrusive than the large one presently on the property. For these reasons, Mr. Cossart concluded, he would like to save the time and expense of having new site plans drawn and submitted, since the one already on file reflects the building and grounds as he intends to keep them.

The Selectmen reviewed copy of the site plan currently on file; and Executive Secretary Thompson informed that Building Inspector John B. Hepting and Town Engineer I. William Place have been consulted regarding this situation and they have no objections.

It was on motion unanimously

VOTED: To accept an application for a site plan on property located at 407 Boston Post Road utilizing the existing site plans for the property which have been filed and approved as SP85-294; and to deny the request for waiver of the application fee and require a payment of the Special Permit extension fee of \$50.00, so long as the property has no external changes and is brought into conformance with the existing site plan.

Loring School - Subleases

The Board reviewed sublease between Congregation B'nai Torah and the Sudbury Community Arts Center, Inc., for a portion of the Loring School. Upon inquiry by Chairman Cope, Executive Secretary Thompson explained that all subleases have to incorporate the provisions of the lease between the Town and Congregation B'nai Torah.

It was on motion unanimously

VOTED: To authorize the Chairman to sign a sublease between Congregation B'nai Torah and the Sudbury Community Arts Center, Inc. for a portion of the Loring School.

Conservation Restriction - Concord Road

Upon review, it was on motion unanimously

VOTED: To authorize the Chairman to sign IRS Form 8283 receipt acknowledgment as donee of a conservation restriction on 3.5 acres of land on Concord Road from Karl D. and Barbara R. Kirk.

Department of Public Works - Availability of Clay Material

The Board considered the question of responding to a communication dated March 7, 1991, from the Massachusetts Department of Public Works advising of the availability of clay material from the pending excavation for the Central Artery/Tunnel and process of expressing interest in same; and reviewed draft letter prepared by Town Engineer I. William Place to the Central Artery/Tunnel Project Office.

Chairman Judith A. Cope expressed concern over accepting this material because she has heard that it may be contaminated. Executive Secretary Richard E. Thompson explained that the Town has accepted such materials on two past occasions and received verification slips concerning contamination. Selectman John C. Drobinski stated that he believes the State does allow landfills to take some level of contamination, so long as it meets Department of Environmental Protection criteria.

Due to the substantial savings to the Town, which was estimated at approximately \$500,000.00, Executive Secretary Thompson recommended the Selectmen not outright reject the offer without some further investigation.

It was on motion unanimously

VOTED: To authorize the Town Engineer to prepare his draft letter dated March 15, 1991, expressing interest in the clay material and glacial till available from the pending excavation work, in final form and to forward same to the Central Artery/Tunnel Project Office.

Sudbury Housing Authority - Street Numbering

The Board reviewed communication dated March 13, 1991, from the Sudbury Housing Authority Director requesting deviation from street numbering regulations and the naming of the cul-de-sac relative to the duplex housing off Fairbank Road under construction.

Executive Secretary Thompson informed that he has spoken with Town Engineer I. William Place concerning this matter and although there is no objection, the Town Engineer questioned whether this can in fact be done.

At the request of Selectman John C. Drobinski, Executive Secretary Thompson will ask Mr. Place if a "paper road" can be shown on the official Town map periodically updated and adopted by the Board.

It was on motion unanimously

VOTED: To support the recommendations of the Sudbury Housing Authority, contained in its letter dated March 13, 1991, requesting deviation from the street numbering regulations and the naming of the cul-de-sac relative to the duplex housing off Fairbank Road under construction; and to request the Executive Secretary to work with the Town Engineer to implement these recommendations.

Proclamation - Honorarium For Police Officer George T. Burney

It was on motion unanimously

VOTED: To recognize and honor Police Officer George T. Burney for his long and outstanding service to this community; and to sign a Proclamation on the occasion of his retirement from the Sudbury Police Department on March 22, 1991.

Board of Assessors - Press Release

The Board acknowledged receipt of copy of Press Release prepared by the Board of Assessors, entitled "Property Assessments Down - Taxes Up".

Town Treasurer and Collector - Retirement Party

The Selectmen announced a reception has been planned for retiring Town Treasurer and Collector Chester Hamilton at the Wayside Inn on Sunday, April 14, 1991, from 6:00 p.m. to 8:00 p.m., and urged those wishing to attend to purchase their tickets from the Selectmen's Office or Town Treasurer's Office.

Massachusetts Municipal Association - Repeal of Anti-Rollback

The Board reviewed bulletin from Massachusetts Municipal Association requesting its action needed on the question of repeal of the anti-rollback legislation.

Executive Secretary Thompson informed that in response to this bulletin, he contacted House Representative Thomas Finneran, Senator Patricia McGovern and Senator Robert A. Durand, to express the Town's support of the MMA's position. Mr. Thompson is also attempting to reach Representative Nancy "Hasty" Evans.

The Board endorsed the Executive Secretary's efforts.

Middlesex County Selectmen's Association

The Selectmen will advise Executive Secretary Thompson if any of them is able to attend the Middlesex County Selectmen's Association Annual Winter Dinner Meeting to be held at The Ramada Inn in Bedford on Wednesday, March 27, 1991.

1991 Annual Town Meeting - Acceptance of Street Layouts

Present: Steve Hansen, Developer of Twin Pond Lane.

At 8:00 p.m., Chairman Judith A. Cope convened a Public Hearing for the purpose of receiving public comment and to vote on the question of layout of certain Town ways, which are proposed for acceptance as public ways at the 1991 Annual Town Meeting under Article 10.

Executive Secretary Thompson noted that all appropriate abutters had been properly notified, and the Board acknowledged receipt of the following:

1. letter dated December 27, 1990, from Town Engineer I. William Place, advising that Twin Pond Lane, Frost Lane, Jack Pine Drive and Red Oak Drive should be considered for acceptance as public ways; that these ways have not received certificates of compliance from the Conservation Commission; and further advising that since the shade trees have not yet been planted on Twin Pond Lane, the Planning Board requests that a bond in an amount to cover cost of the trees be held for one year to guarantee survival.
2. letter dated February 25, 1991, from Town Planner Lee Newman, advising that the Planning Board has voted to recommend acceptance of Frost Lane, Red Oak Drive, Jack Pine Drive and Twin Pond Lane; the latter provided shade trees have been planted and security provided to ensure their survival for a one-year period.

The developer for Twin Pond Lane, Steve Hansen, was present and was informed that the Selectmen's acceptance of this way would be subject to the condition that the shade trees be planted and security be given to assure their survival for one year.

It was on motion unanimously

VOTED: To lay out the following as Town ways, which are proposed for acceptance as public ways at the 1991 Annual Town Meeting under Article 10:

Twin Pond Lane, subject to shade trees being planted and security given to assure their survival for one year, and further subject to issuance of Certificate of Compliance under the Wetlands Protection Act by the Conservation Commission, drainage and utilities easements; except as to conditions that do not relate to the lots.

Frost Lane;

Jack Pine Drive, subject to issuance of Certificate of Compliance under the Wetlands Protection Act by the Conservation Commission, drainage and utilities easements; except as to conditions that do not relate to the lots.

Red Oak Drive, subject to issuance of Certificate of Compliance under the Wetlands Protection Act by the Conservation Commission, drainage and utilities easements; except as to conditions that do not relate to the lots.

1991 Annual Town Meeting - State of the Town Address

Chairman Judith A. Cope handed out to the Selectmen copies of her draft State of the Town Address to be presented at Town Meeting.

The Selectmen will review Chairman Cope's draft and provide comment and suggestions.

Sudbury Town Crier

The Board reviewed article written by Debra Paget regarding the distribution of Town Report.

Selectman John C. Drobinski expressed the concurrence of the Board that the Town Report is valuable to the community and the most effective and cost-saving way to provide same is to pass them out prior to Town Meeting.

Executive Secretary Thompson reminded the Board that the matter of the Town Report has come before at least two prior Town Meetings, and the townspeople have made it clear that they do not want publication of, or access to, the Town Report severely restricted or eliminated. Mr. Thompson also stated that costs for the Report have already been reduced by publishing a smaller, more streamlined edition.

Chairman Judith A. Cope handed the Selectmen a draft response she prepared. At the Selectmen's request Mr. Thompson will have the response prepared in final form and given to the Board for review and signature next week.

Loring Parsonage - Proposed Handicap-Access Changes

The Board reviewed letter from Selectmen's Administrative Assistant Janet Silva dated March 11, 1991, opposing some proposed changes to the Loring Parsonage to make the building accessible to the handicapped.

The Board concurred with Mrs. Silva's thoughts and comments.

Bushey Property

On the subject of finding a buyer for the Bushey property on Route 20, at the request of the Selectmen, Executive Secretary Thompson will recontact MacNeil Associates to explore options; and the Selectmen expressed their intent to explore making personal contacts concerning this matter.

1990 Town Report

Present: Resident John M. McMorrow.

Resident John M. McMorrow of 26 Chanticleer Road posed questions and concern about the Town Report. In particular, Mr. McMorrow was concerned that different formulas were employed by the elementary schools and the high school, making it difficult to make any valid comparisons of costs. Additionally, Mr. McMorrow expressed his belief that it is important to know the actual per capita costs.

Mr. McMorrow further expressed frustration in his inability to obtain any meaningful feedback or response to his concerns, which he has taken to a number of school officials in the past. The Selectmen and Executive Secretary suggested Mr. McMorrow contact Pauline Paste at the Regional High School.

At the request of the Selectmen, Mr. Thompson will follow up with Mr. McMorrow's comments relative to the diversity of reporting among the schools in the Town Report.

Chairman Cope thanked Mr. McMorrow for bringing this to the Board's attention and for his interest on behalf of the Town.

Public Hearing - Annual Town Meeting Articles 35 and 36

Present: Water District Commissioner Lee H. Goodstone; Industrial Development Commission Chairman Joseph Dudrick, Board of Health Chairman Michael Guernsey; Concord Unisys Committee member Judith Sprott; residents Hale Lamont-Havers, John M. McMorrow, William M. Wagner, Jr., and Hank Tober.

At 8:35 p.m., Chairman Judith A. Cope convened a public hearing to facilitate public discussion relative to Town Meeting Articles 35, Purchase of the Unisys Property, and 36, Purchase of the Melone Property.

The public was reminded that the Finance Committee will be meeting on Thursday, March 21, 1991, concerning the Unisys property.

Executive Secretary Richard E. Thompson reported that he met this morning with the Town Manager and the Town Planner of Concord.

Regarding the draft Purchase and Sale Agreement received from Unisys, Mr. Thompson informed that Town Counsel is reviewing same and it is expected that his comments and recommendations will be placed on next week's agenda for consideration by the Board.

Mr. Thompson expressed the sincere hope of all Town officials that there will be a substantive package to present to Town Meeting. In looking at the financial arrangements, Mr. Thompson proposes that a motion should include that the purchase would be subject to a Prop. 2½ debt exemption. He explained that other options were explored, but this appears to be the most feasible. Mr. Thompson pointed out that there will only be about \$350,000 in Available Funds and he concurs with the opinion of the Finance Committee that it would not be wise to go much below that figure.

In answer to the question of what the Town will get in return for the purchases, Mr. Thompson stated that there would be an immediate payback on the Melone property; but a longer payback period on the Unisys property because of the contamination issue.

Mr. Thompson stated that the Concord Town Manager will be updating Concord's Selectmen this evening and Mr. Thompson believes the Manager is upbeat about the proposal. The Manager agreed that Sudbury should take the lead in the Unisys matter; and he also expressed his opinion that the Concord Selectmen might decide to call a Special Meeting within the Annual Town Meeting concerning same.

With regard to the contamination issue on the Unisys property, Mr. Thompson informed that some preliminary documentation has been received and it is being reviewed by the Town's consultants. Chairman Cope expressed the concurrence of the Board that it is critical to have some definitive information for Town Meeting, and Mr. Thompson stated that he would contact Board of Health Director Robert Leupold to see when the Selectmen might expect some information.

Hale Lamont-Havers of 173 Morse Road expressed her concern about a general override and this debt exemption both being on the same ballot. Selectman David Wallace explained that it would not be fiscally responsible to hold separate elections for each question; but emphasized that the questions are kept separate and distinct and one should have no bearing on the other. Ms. Lamont-Havers also expressed her concern for the potential additional tax burden to residents already suffering from adverse financial times.

In answer to inquiry as to why there is a rush to place the purchase of the Unisys property before this Town Meeting, Selectman Wallace explained the reasons are three-fold: 1) the Town was presented with a 90-day offer to purchase, which technically expires prior to Town Meeting; 2) given the current low property values, it would be extremely fortuitous for the Town to purchase the property now; and 3) the suit brought against the Town by Unisys is scheduled in Land Court for trial in June 1991. Resolution of this issue at Town Meeting would save the Town considerable litigation expense.

John M. McMorrow of 26 Chanticleer Road stated that he understands that Unisys may go bankrupt and has reneged on contractual agreements with others. Mr. McMorrow is therefore concerned that any agreements reached with Unisys concerning their responsibility for the contamination issue would be unenforceable in the future. Selectman Wallace assured that the Selectmen are aware of the potential problems and that is one of the major items Town Counsel is working on so that in the event of a bankruptcy by Unisys, the Town will be protected. Board of Health Chairman Michael Guernsey opined that since Unisys owns other property in Massachusetts, the Department of Environmental Protection would probably not be averse to attaching their other property to assure contamination cleanup.

Mr. McMorrow also expressed concern about the Town "going into business" and voiced his skepticism in purchasing the Unisys property and having to carry it for an uncertain number of years. Mr. Thompson suggested that one way to look at the situation is that the purchase of the Melone property could pay for the Unisys property.

Upon inquiry, the Selectmen requested the Executive Secretary to look into what security and insurance for the buildings would cost the Town.

William M. Wagner, Jr. of 26 North Road stated that he also believes the electrical work that will probably be required will be very costly because of the current configuration.

Mr. Guernsey expressed his opinion that even if Unisys were to go bankrupt and was unable or unwilling to complete the cleanup of the property, the Town would in all likelihood clean it up anyway because of the hazards involved. Mr. Guernsey stated that he sees the purchase as a golden opportunity for the Town, if only for the benefits as far as Landfill cover are concerned. Mr. Guernsey explained that about eight years ago Maynard incurred a cost of approximately \$500,000.00 to cover their landfill.

In answer to inquiry, the Selectmen stated that if the Town were to purchase the property and the Town then wished to sell it, that question would have to go back to Town Meeting.

Mr. Wagner stated that he believes the greatest economic value to the Town in the purchase of the Melone property is its use as a gravel pit. Mr. Wagner suggested that either the present owners, if allowed, or the Town, could make very good use of that, pay for the property and be a source of tremendous revenue to the Town.

Chairman Cope announced that an "open house" will be held at the Unisys site on Saturday, March 30, 1991, at 10:00 a.m. to allow residents an opportunity to become familiar with the site prior to the Annual Town Meeting.

Concord Unisys Committee member Judith Spratt stated that Concord is willing to coordinate a view of the Unisys land in Concord.

Chairman Cope thanked all for their attendance and input.

Town Meeting Articles

The Board reviewed the positions of the Long Range Planning Committee and took the following positions:

<u>Item</u>	<u>LRPC Position</u>	<u>Selectmen's Position</u>
Voting Machines	No	Yes - Stabilization Fund
Engineering Survey Vehicle and Copier	No	No
Gas tanks	Yes	Yes - Stabilization Fund
Police Communications	Yes	Yes - Capital Exemption
Engineering Total Station	Yes	Yes - Stabilization Fund

The Long Range Planning Committee is still developing positions with regard to Article 23, School Facilities, and Article 24, School Roofs. The Selectmen concurred that they will follow the recommendations of the Committee.

With regard to their taking a different position concerning the voting machines, Mr. Thompson stated that the funding could be from the Stabilization Fund.

With regard to Article 35, Purchase of Unisys Property, the Long Range Planning Committee had no position at the present time but expressed concern about protection relative to contamination.

With regard to the proposed golf-driving range, the Selectmen noted that the Long Range Planning Committee has not recommended same, unless there is data which supports it to be a profitable venture.

On the question of developing a position regarding an override, after discussion, it was on motion unanimously

VOTED: To reaffirm the position of the Selectmen expressed at the March 11, 1991 meeting that as Town officials, they will vote to call a Special Town Election to consider an override ballot question at such time as the townspeople declare their desire for same, but take no position on supporting such an override at present.

Annual Town Meeting Petition Articles 37-41

It was on motion unanimously

VOTED: To table the question of developing positions and designating speakers relative to Petition Articles 37 through 41 for the Annual Town Meeting, to March 26, 1991, or until receipt from the Planning Board of its vote following its public hearing concerning these articles.

Unisys

At the request of Chairman Cope, Executive Secretary Thompson will clarify some points raised by Planning Board Chairman Richard Brooks concerning the purchase and sale agreement from Unisys relative to approval of Town Meeting Articles 38 and 39; and also as to his questions raised relative to the Melone property and its relation to Zone 2 and the proposed future gravel operations.

Letter to President Bush

Chairman Cope provided the Selectmen with copies of her draft letter to President Bush concerning the setting of national priorities on economic issues. Final letter to be prepared for March 26 meeting.

Proposed Golf Driving Range

Chairman Cope reported that she spoke with resident Walter Lankau of Belcher Drive over the weekend concerning the proposed golf driving range on the Park and Recreation Land and a golf course on the Unisys property.

Mrs. Cope stated that it was Mr. Lankau's opinion that the area may become overbuilt for golf courses and up-front costs for development could be in the \$4,000,000-\$7,000,000 range. He further suggested that at the present time, a mini-golf course, driving range, etc. should be good money makers.

At the request of Chairman Cope, Executive Secretary Thompson will contact Mr. Lankau for further input and recommendations, and for his assistance in providing financial information regarding the profitability of the proposed golf driving range.

Town Vehicle Use

Chairman Cope reported that she had a conversation with Robert Cusack of the Long Range Planning Committee regarding the subject of Town vehicle use. Mrs. Cope states that the study is ongoing and the Committee will report as soon as possible after Town Meeting because of their priority workload relative to Town Meeting articles.

Town Counsel's Office - Legal Secretary

Chairman Cope recommended, and the Board concurred, that in the next fiscal year budget process the Selectmen will break down the time for Town Counsel Office's Legal Secretary Elaine Jones and split her pay accordingly between the Selectmen's Office and Legal Budget, for better accountability.

Group Insurance

Chairman Cope expressed concern that the Selectmen stay on top of group health insurance matters and maintain a key person in that role, since Budget and Personnel Officer Terri Ackerman is to provide interim support and services to the Town Treasurer and Collector's Office.

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