

IN BOARD OF SELECTMEN
MONDAY, SEPTEMBER 23, 1991

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

The statutory requirements as to notice having been complied with, Chairman Wallace convened the meeting at 7:30 p.m. at the Senior Center.

Resignation - Conservation Commission

It was on motion unanimously

VOTED: To accept with regret the resignation dated September 12, 1991, of Muriel C. Plonko from the Conservation Commission.

Selectman Cope praised Ms. Plonko for her accomplishments as a Commissioner and it was directed that a letter of appreciation be sent.

Proclamation - Retiree June A. Kelley

The Board approved and signed a proclamation honoring Assistant Town Accountant June A. Kelley for her seventeen years of outstanding service to the community, on the occasion of her retirement on October 3, 1991.

Minutes

This subject was tabled, as the minutes of September 16 had not been completed.

Appointment - Youth Commission

On recommendation of the Sudbury School Department, it was on motion unanimously

VOTED: To appoint Thomas E. Lopez, Curtis School Physical Education Teacher, to serve on the Youth Commission as Ex-officio member representing the Sudbury School Department replacing Joan McKenna, for a term to expire April 30, 1992.

Special Town Meeting

Executive Secretary Richard E. Thompson stated that there were articles on the Special Town Meeting Warrant he was bringing again before the Board for their consideration: 1) two articles related to deferral of teacher salaries and 2) articles concerning the Unisys property, (there are presently four articles - a rezoning article and a \$1M 76-acre purchase article both proposed by the Trust for Public Land, a rezoning amendment repeated from the September 10, 1990 Special Town Meeting, and an article to purchase the entire Unisys properties in Sudbury and Concord for \$1.8M, the latter two submitted by the Selectmen).

Concerning the teacher salary deferral matter, Mr. Thompson reported both the local and regional school superintendents had agreed September 17 upon withdrawal of the articles, and that new legislation had been passed (Ch. 223 of the Acts of 1991) which eliminated the need for Town Meeting action in the

determination of this subject. Thus, in accordance with the vote of the Selectmen on September 16, the two articles (originally 5A and 5B) are withdrawn from the Warrant. Mr. Thompson stated the new statute and guidelines now require only the votes of regional school committees and boards of selectmen; this subject is scheduled on the Selectmen's agenda of October 8 and he understood the school committees, Finance Committee and Selectmen would probably vote not to defer teacher salaries for FY92.

Regarding the Unisys articles, Mr. Thompson informed that, since the Board's last meeting, he, Town Counsel, Conservation Coordinator and Town Engineer met with Daniel Taylor of Hill & Barlow, attorney for the Trust for Public Land, to assist in revising their proposed rezoning article, which is now in final form.

Mr. Thompson stated that the question before the Board was whether to keep in the Warrant the \$1.8M purchase article and the second repeat rezoning article, which Town Counsel had clarified could properly be put before the town meeting. Since the Selectmen's last meeting, the Board had received a letter dated September 18, 1991, from Richard J. L'Ecuyer, Real Estate Asset Management, Unisys Corporation, informing that "the offer by Unisys to sell the entire parcel to Sudbury expired with the defeat of the Article at the Annual Town Meeting and is not available to the Town for reconsideration." The letter further stated its unqualified support of the option agreement it had entered into with the Trust for Public Land. Mr. Thompson reported that at the meeting at Hill & Barlow, at which Town Counsel was present, request was made on behalf of the Trust for Public Land to withdraw these two articles, which request had been relayed to the Selectmen.

Selectman Cope requested clarification on the question of whether the Trust for Public Land articles provided access for the Concord parcel, which would have a bearing on the value of the Concord parcel. After discussion it was concluded from previous input from Town Counsel that the articles themselves do not now grant access, but the question is complicated and should be reviewed again.

Mr. Thompson said the estimated build-out that would be allowed under the new zoning article is 250,000 sq.ft. - approximately three times that currently allowed.

Mr. Thompson summarized the goals and results of the Trust for Public Land proposal:

- TPL requires rezoning in order to be able to market the 25 acres it will retain. It must market that land to fund the purchase. The result will be acquisition of land for open space by both Concord and Sudbury.
- Except for the special permit process areas, the rezoning article is mostly compatible with the Town's previous zoning article.
- Offsetting the rezoning, Sudbury will acquire approximately 76 acres of land, receive indemnification relative to contamination, and the court case will be settled.

Selectman Drobinski expressed his opinion that, because of certain aspects, the articles might be difficult to sell to the townspeople. Executive

Secretary responded that it would not be appropriate at this juncture to attempt any major restructuring of the proposed zoning bylaw as the Trust for Public Land was insisting on elimination of strings which would jeopardize marketing the land. He further expressed his opinion that, if the Selectmen did not support these articles, the package proposed by TPL would collapse and the town meeting might as well be cancelled. He suggested, instead, that Town Meeting be allowed to decide. Mr. Thompson stressed the goal of meeting the court challenge relative to zoning and damages. He did, however, point out that there would be meetings between TPL and the Town prior to Town Meeting at which the Selectmen's concerns could be discussed for possible resolution, and he would also see if there is any room for change prior to presstime.

Chairman Wallace expressed his opinion the Selectmen's two articles should be withdrawn from the Warrant, as they would take away from the two TPL articles. He strongly believed that if the TPL zoning article could be resolved, their package would be a better one.

Selectman Drobinski agreed that at least the \$1.8M purchase article should be withdrawn.

Selectman Cope replied that she was nervous about the TPL articles passing and would prefer to leave in all four articles as insurance, and that it would demonstrate sincerity of purpose to allow other options.

Chairman Wallace stated he believed this approach was not realistic since the Town has been told point-blank purchase of the entire parcel by Sudbury is not negotiable.

It being after 8:00 p.m., the Selectmen agreed to continue discussion of this subject following the Town Forum.

196th Town Forum

At 8:10 p.m., Chairman Wallace convened the 196th session of the Town Forum.

The following representatives of the Town's boards and departments updated those present on their activities: Town Engineer I. William Place, Town Clerk Jean M. MacKenzie, Goodnow Library Director William Talentino, Council on Aging member Anne Donald, Lincoln-Sudbury Regional District School Committee member Geraldine Nogelo, Resource Recovery Committee Chairman Elizabeth Van De Kerkhove, Planning Board Chairman Peter Anderson, Sudbury Historical Commission Marilyn MacLean, Thomas Phelps for the Earth Removal Board and Board of Appeals, Town Treasurer and Collector Mary Ellen Normen Dunn, Building Inspector John Hepting, Long Range Planning Committee Chairman Robert Cusack, Finance Committee Chairman Roy Sanford, Fire Chief Michael Dunne, Personnel Board member Bradford Brown, and Amy Lepak of the League of Women Voters.

Reports were read by Chairman Wallace from the Park and Recreation Commission and Board of Assessors who were not able to send a representative.

Highlight of the Forum was the presentation of Employee Recognition Awards to Conservation Coordinator Deborah Montemerlo and Elaine L. Jones, Secretary

for the Selectmen's Office and Law Department, for their extraordinary and outstanding performance. Mr. Bradford Brown of the Personnel Board explained that the Personnel Board had formed a committee involving department heads to establish, with a commitment to excellence, a program for recognizing deserving employees for their contributions. This presentation is to be the first of many.

An engraved Paul Revere bowl and \$100 bond were given to each award recipient, Mr. Brown making the presentation to Mrs. Jones and Chairman Wallace making the presentation to Mrs. Montemerlo, and their accomplishments summarized.

There following a period of conversation and refreshments among town officials, employees and family members of the honored employees.

At 9:30 p.m., the Board continued its regular meeting.

Senior Citizens Club Fair

Present: James Green.

Although this subject was not on the Selectmen's agenda for this evening, the Board met with Mr. James Green, representing the Senior Citizens Club, at his request to discuss the Club's desire to conduct a Fair during the last week of October to include carnival rides.

The Board explained that, in accordance with its letter of October 18, 1991, to Ms. Josephine Poe, the Selectmen's Policies and Procedures, do not permit operation of a carnival; and the fact that the area desired for the fair is in a residential zone is a further problem. Mr. Green was informed that abutters to the Haskell Field/Town Pool site did file complaints about last year's Senior Citizen Fair.

Following a lengthy discussion, the Board informed Mr. Green that, regretfully, they could not issue a permit for a carnival with rides.

Letters from Patrick Delaney

The Board was in receipt of a letter dated September 15 from Patrick J. Delaney discussing "open ended permits and licenses" and the related matter of the Sudbury Automotive Inflammables Storage License. The Board directed Mrs. Silva, Administrative Assistant to the Board, to advise Mr. Delaney that his letter had been referred to Town Counsel to combine a response to this letter with his pending reply to Mr. Delaney's August 9th letter. In addition, Mr. Delaney should be informed by Mrs. Silva of the current site plan provisions which relate to his questions.

An additional letter from Mr. Delaney dated September 18 concerning purchase of a computer and collections system for the Tax Department were referred by the Board to the Town Treasurer and Collector for response.

Special Counsel - Environmental

The question of engaging special counsel to advise concerning environmental issues related to the Unisys suit was brought up by Selectman Cope. Chairman Wallace felt there would be no need for same during the October hearings, but perhaps later. Selectman Cope requested that contact be made to have someone on tap, and Executive Secretary Thompson will check with Town Counsel to accomplish.

Water District Reports

Selectmen Drobinski requested that copies of a report made to the Water District Friday of last week and a summary report made three weeks ago be provided to the Selectmen concerning testing relative to the Unisys property and Well #5, and that it be stressed the Selectmen should continue to receive copies of all such reports.

Sudbury Historical Commission Grant Request

The Board acknowledged receipt of copy of application dated September 13, 1991, from the Sudbury Historical Commission to The Sudbury Foundation for a grant in the amount of \$10,000 to upgrade the basement of the Hosmer House.

Shelter for Teenage Girls

Selectman Cope inquired as to whether a hearing would be held concerning the proposed emergency shelter for troubled/homeless teenage girls on Nobscot Road. Executive Secretary Thompson replied that the Selectmen's Office would be the catalyst if one is requested by the citizens and that he has informed neighbor Marjorie Wallace and the Building Department of the project and the Selectmen's availability to facilitate any meetings desired.

Special Town Meeting (continued discussion)

Discussion continued on the question of removing Articles 3 and 4 from the Warrant (Selectmen's rezoning and purchase articles related to the Unisys land).

Selectman Drobinski reiterated his concern that Article 1 would be difficult to pass at Town Meeting, expressing his reservations about the permitting process language and the easements to be granted on the proposed Town purchase - in particular the septage easement.

Conservation Coordinator Deborah Montemerlo joined the meeting and expressed her opinion that the full purchase article should not remain on the warrant, and brought out the fact that an indemnification agreement would not be available for the entire parcel, which was something which the voters had wanted the specifics on last April.

It was on motion by Chairman Wallace

VOTED: To withdraw Article 3, Amend Zoning Bylaw - Research, Professional Park and Conservation Districts, and Article 4, Purchase Entire Unisys Property \$1.8M, from the October 21, 1991 Special Town Meeting Warrant.

(Chairman Wallace and Selectman Drobinski in favor; Selectman Cope in opposition.)

It was further on motion unanimously

VOTED: That the Selectmen's report for the Warrant should state under Article 1 that the Board will report at Town Meeting; and further

VOTED: To support Article 2 and report that unanimous support in the Warrant.

The Executive Secretary with the assistance of the Conservation Coordinator will approach the Trust for Public Land to see if there is room for change before Warrant presstime in those areas of concern expressed by Selectman Drobinski.

There being no further business to come before the Board, the meeting was adjourned at 10:15 p.m.

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk