

IN BOARD OF SELECTMEN
FEBRUARY 10, 1992

The statutory requirements as to notice having been met, the meeting was convened at 7:30 p.m. by Chairman Wallace at the Fairbank Senior Center.

Sudbury Rotary Club - Donation to D.A.R.E.

The Board acknowledged receipt of a communication dated February 7, 1992, to Executive Secretary Thompson from Anthony M. Deldon, Drug Abuse Resistance Education Program (D.A.R.E.) Officer with regard to a donation given to D.A.R.E. by the Sudbury Rotary Club.

It was on motion unanimously

VOTED: To accept a donation from the Sudbury Rotary club in the amount of \$1,000 to be used for the D.A.R.E. Program (Drug Abuse Resistance Education Program), for deposit into the account established for the D.A.R.E. Program, and to authorize expenditure of the same under the direction of the Police Chief.

Council on Aging - Van Donation

It was on motion unanimously

VOTED: To accept \$64 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 vans.

Reserve Fund Transfer - Veterans Acct. 900-613

On the recommendation of Col. Leahy in a communication with the Selectmen's Office dated February 4, 1992, and with the approval of the Finance Committee, it was on motion unanimously

VOTED: To approve an additional amount of \$2275 to be added to Reserve Fund Transfer Request No. 92-8, dated January 27, 1992, for Veterans Benefits Acct. 900-613, for assisting a third veteran for this Fiscal Year for five months (February - June) times \$455, equaling \$2275. The total transfer amount required for assistance is \$4863.00.

Executive Secretary - Salary Increase - Amended

With regard to FY93 amended employment contract for Executive Secretary Thompson, Selectman Cope asked if the add-ons were to be unchanged. Secretary Thompson responded in the affirmative.

Chairman Wallace added that the action to amend the employment contract was Mr. Thompson's own doing in the spirit of givebacks that the Town is asking for. Chairman Wallace commended the Executive Secretary for so doing and Selectman Drobinski concurred with Chairman Wallace's comments.

It was on motion unanimously

VOTED: To amend the FY93 employment contract for Executive Secretary Richard E. Thompson voted on January 6, 1992, by changing the base salary increase of 6.1% (4% effective 7/1/92 plus 4% effective 1/1/93) to: 4% effective July 1, 1992, and thus establish a base salary of \$69,591.

[A copy of the finalized employment contract is attached hereto and made a part of these minutes.]

Town Meeting Action

Article 21

The Board acknowledged receipt of a Warrant report for Article 21 which calls for an adoption of a bylaw with regard to registration, removal and installation of underground storage tanks. Selectman Cope asked how the Town would know the tanks are registered. Executive Secretary Thompson responded that the Town bylaws, of which this will be a part, if passed, have a penalty section for enforcement.

It was decided that the Selectmen would present this article and Fire Chief Michael Dunne would be available to answer questions, as he is most familiar with the subject.

It was on motion unanimously

VOTED: To approve Article 21 warrant report as amended.

Article 34

Selectman Cope stated she would like to change her position to be in favor of Article 34 - Amend Bylaws - Article VII, Section 5, after reviewing and understanding the Article more clearly. Chairman Wallace and Selectman Drobinski maintained their opposition to Article 34, and it was thus agreed there would be a majority position of the Board to oppose the Article, and Chairman Wallace will be the assigned speaker.

Article 38

With regard to a new petition article: Amend bylaws, Art. VII, Legal Affairs - Selection of Town Counsel, Chairman Wallace asked Ms. Cope if the people who signed the petition of the new article are supporting both articles on Legal services. Selectman Cope responded that it is unclear, but understands that the new article was written because the petitioners were unhappy with the first one.

Selectman Cope continued that Planning Board member Mr. Meixsell, expressed his wish to keep them both on the Warrant because the Planning Board needs to have a better handle on legal advice when they are presented with something they have to comment on as when dealing with Unisys. Ms. Cope expressed the Planning Board's thoughts that they do not think they have always had access to expert legal advice.

With regard to this article, Mr. Drobinski commented that the idea is fine, but it will have a financial impact on the Legal Services, and the way it is worded, there is no control of financial budgets.

Chairman Wallace concurred with Mr. Drobinski's comments. No position was taken by the Board, except Selectman Cope stated she would support the same.

It was on motion unanimously

VOTED: To accept Petition Article: Amend Bylaws, Art., VII, Legal Affairs - Selection of Town Counsel, and to order same as Article #38 on the Warrant.

Articles 29/30

The Board received a communication dated February 7, 1992 from Pauline Paste, Business Manager/Treasurer, Lincoln-Sudbury Regional School District with regard to a report for the District's warrant article on Debt Authorization - Article 29, and acknowledged their WITHDRAWAL of Article 30, the High School's second debt authorization article, as requested in said letter.

Ballot Questions

Executive Secretary Thompson stated that the Lincoln-Sudbury Regional School District Committee has requested via the above-mentioned February 7th letter for the Selectmen to vote to place a question on the ballot for the 1992 Annual Town Election for approval to exempt from the provisions of proposition two and one-half, the amounts required to pay for the Town's apportioned share of the bonding under Article 29. Executive Secretary Thompson stated he discussed the LSRHS debt authorization with the School Committee and Finance Committee. The Board also discussed the question of placing a general override question on the ballot relative to the FY93 operating budget. Secretary Thompson explained that because of the overall picture, the Selectmen may be remiss if they do not proceed with the questions at the Annual March Election and give the Town the option of voting for an override. Mr. Thompson further stated, that if the Town is not given this option, a special election may be required later.

Secretary Thompson continued that in order to close the Town's \$1Million + gap, three options were being considered: 1) salary givebacks, 2) further reductions, and 3) an override. Mr. Thompson thinks the Finance Committee will support an override if it is in the range of \$300,000. It was noted that an amount much higher than that, would probably not have a chance of passing.

On the recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To submit to the voters of the Town of Sudbury the following Proposition 2 1/2 Debt Exclusion Question by placing the question on the ballot for the 1992 Annual Town Election:

Shall the Town of Sudbury be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the Town's apportioned share of the bonds issued by the Lincoln-Sudbury Regional School District in order to finance costs of reconstructing, equipping, remodeling and making extraordinary repairs to the regional high school, as proposed under Article 29 in the 1992 Annual Town Meeting Warrant?

NOTES: Article 29 has been finalized by the Lincoln-Sudbury School Committee in the amount of \$2,134,424. Wording of this debt exclusion ballot question is subject to approval by the Secretary of State.

And it was on motion unanimously

VOTED: To submit to the voters of the Town of Sudbury the following General Override Question by placing it on the ballot for the 1992 Annual Town Election:

Shall the Town of Sudbury be allowed to assess an additional \$300,000 in real estate and personal property taxes for the purposes of providing for the general administrative cost of operating the schools, police department, fire department and other town departments for the fiscal year beginning July 1, 1992?

NOTES: The amount of \$300,000 is voted as a maximum and is subject to reduction depending upon the outcome of Finance Committee deliberations. Wording of the question relative to purposes for which the funds will be used is also subject to change.

Public Hearing -Transfer of Restaurant License for the Sale of Wine and Malt Beverages from Papa Gino's of America, Inc., to Papa Gino's Acquisition Corp.

Present: James J. Finnegan, Finnegan and Stanzler, P.C., Brian Leger, Area Manager, Papa Gino's Acquisition Corp., George Parello, Manager, Papa Gino's Acquisition, Corp. 104 Boston Post Road, Sudbury, MA.

Chairman Wallace convened a public hearing, in accordance with General Laws Ch. 183, s.12, to consider the application dated December 26, 1991, for transfer of the Restaurant License for the Sale of Wine and Malt Beverages, from Papa Gino's of America, Inc. to Papa Gino's Acquisition Corp., George Parello, Manager, for property located at 104 Boston Post Road, Sudbury; for approval of pledge of stock as collateral to Fleet National Bank/Barclay's Bank for financing; approval of change in Manager; and further for a grant of a Common Victualler License and of an Entertainment License for a jukebox, (as previously authorized for former owner) weekdays from 11 a.m. to 11 p.m.

Executive Secretary Thompson reported the Building Inspector commented that, upon inspection of said premises located at 104 Boston Post Road, the banner signs and neon "Columbo Yogurt" sign must be removed. Secretary Thompson further stated the Board of Health and Fire Chief cited no problems on February 7, 1992.

With regard to transfer of Restaurant License for the Sale of Wine and Malt beverages, from Papa Gino's of America, Inc. to Papa Gino's Acquisition Corp.; for approval of pledge of stock as collateral to Fleet National Bank/Barclay's Bank for financing; and for change of Manager, the Board is in receipt of a communication dated December 20, 1992 from Alcoholic Beverages Control Commission (ABCC) noting receipt of and acceptance of the following required documents and instruments: 1) Form 983 (Transfer Application, 2) ABCC 5 page application, together with Schedule A (describing the officers, directors and stockholders of Papa Gino's Acquisition Corp.) and Form C (describing the purchase price and the financing of the acquisition), 3) Articles of Organization of Papa Gino's Acquisition Corp. (and

Qualification to do business in Massachusetts), and 4) Votes of the Board of Directors of Papa Gino's Acquisition Corp.

In addition, the Board is in receipt of a communication dated December 26, 1991 from James J. Finnegan, Finnegan and Stanzler, P.C., Attorney representing Papa Gino's Acquisition Corp., including Change of Manager Form A with citizenship documentation.

It was on motion unanimously

VOTED: To approve the transfer of the Restaurant License for the Sale of Wine and Malt Beverages from Papa Gino's of America, Inc. to Papa Gino's Acquisition Corp., subject to removal of banner signs and neon "Columbo Yogurt" sign as requested by the Building Inspector upon inspection on January 29, 1992, and it was further

VOTED: To approve a pledge of stock as collateral to Fleet National Bank/Barclay's Bank for financing, and it was further

VOTED: To approve Change in Manager to Joseph Parelo, 17 Green Street, Waltham, MA.

With regard to a grant for a Common Victualler License and of an Entertainment License for a jukebox, the Board is in receipt of a completed Application for Common Victualler License, and a completed Application for Entertainment License.

It was on motion unanimously

VOTED: To approve a Common Victualler License and an Entertainment License for a jukebox, (as previously authorized for former owner) weekdays from 11 a.m. to 11 p.m.

Gasoline Bid

With regard to Gasoline Bids for supplying gasoline to the towns of Sudbury and Lincoln, Ms. Janet Silva, Administrative Assistant to the Board of Selectmen, in a communication dated February 7, 1992, noted that only one bid was received. Subject to review by Town Counsel, it was on motion unanimously

VOTED: To award the contract for supplying the Town of Sudbury with premium unleaded gasoline for the period March 1, 1992 through December 31, 1992, to Marane Oil Corp., 501 Park Avenue, Worcester, Massachusetts 01610, in accordance with the Town of Sudbury specifications and bid of Marane Oil Corp., dated February 6, 1992, at \$.0068 per gallon increment over the tank car price throughout the supply period, with the understanding that payment of the Federal gasoline tax and filing for reimbursement for such payment shall be the responsibility of the vendor.

Town Vehicles

Present: Chairman Robert J. Cusack, Philip Ferrara and David Palmer, Long Range Planning Committee.

A joint meeting of the Board of Selectmen, the Long Range Planning Committee and other interested officials was called to discuss the Vehicle Policy adopted by the Board regarding authorization of use of Town vehicles.

Mr. Robert Cusack, Chairman, Long Range Planning Committee (LRPC), stated the Committee stands by its recommendations outlined in the policy with regard to categories and rationale as to who should take vehicles home, which is dated September 19, 1991 and begins on page 7 of the report.

Selectman Cope expressed concerns with regard to the necessity of taking Town vehicles home, and questioned the number of cars that go home in the Building Department. Mr. Cusack replied that two cars go home in the event they may be called in case of emergencies, and that the cars contain equipment necessary to make repairs if need be.

Ms. Cope asked about cars going home from the Police and Fire Departments. Executive Secretary Thompson informed that the Board has no jurisdiction over the use of Town vehicles for those departments. Mr. Thompson continued that Police Chief Peter Lembo has legislation behind him and has submitted cases tried in courts that justify importance and use of cars available at all times. Fire Chief Michael Dunne has also informed that he has cases in point, according to Secretary Thompson.

Mr. Cusack responded that the LRPC did not investigate State statutes which may overrule local policy or regulations.

Selectman Cope asked if these cases specifically state any connection with cars going home--that taking a car home is part of the job, and requested Secretary Thompson to obtain copies of the cases the Police and Fire Departments are referring to. Ms. Cope further stated other towns eliminate the use of Town vehicles to strictly Town business and going home is not included. Executive Secretary Thompson stated he would check with Town Counsel Paul Kenny with regard to Mrs. Cope's concerns.

Mr. Cusack addressed the issue of excess cars--cars that would not be used on a regular basis--by responding that many of the cars would go into a motor pool, but many are old and, therefore, would not have much value or amount to any savings to the Town by disposing of them

Selectman Cope asked if the Town would save money on registration and insurance by eliminating some of the cars. Roy Sanford, Finance Committee member, responded that a savings of around \$10,000 to \$12,000 could be saved by eliminating the 3 or 4 long distance drivers, one of which is under the control of the Board of Selectmen.

Selectman Cope questioned under whose control are the various cars. Highway Surveyor Robert Noyes explained the cars being taken home in the Highway Department. It was noted by Mr. Thompson from his memo of January 24, 1992 the various other departments that have control of cars.

Selectman Drobinski suggested looking at other towns in the area to examine what their policies are with regard to use of their vehicles. Mr. Drobinski stated it might shed some light on what is going on in other towns and give them a mechanism to address this issue and discuss it in open session.

The towns of Concord and Wayland were discussed with regard to the number of cars used for town purposes and how many go home. Secretary Thompson stated Wayland had called him and asked

what Sudbury was doing with regard to use of town vehicles. Mr. Thompson also mentioned Sudbury's policies resulted from policies set forth from Wayland and Concord.

Selectman Drobinski noted that Concord is more centralized which may be reflected in a fewer number of cars, whereas, Sudbury is not like that and no one group has control of all the vehicles.

Mr. Cusack explained that most of the cars are separate entities in individual budgets which have their own Board. Selectmen Cope stated her desire to see all departments adopt the same policy as the Selectmen adopt.

Selectman Cope asked how the cars would be protected if they were not allowed to be taken home. Mr. Cusack responded that the parking area behind the Flynn Building could be fenced in, because it is not seen from the road, and the other possibility would be the old fire station.

Selectman Cope further commented she talked with Town Accountant Jim Vanar with regard to W2's value for cars and reporting to the IRS. Ms. Cope stated Mr. Vanar is waiting for direction from Town Counsel with regard to the IRS. Secretary Thompson stated he would talk with Town Counsel Paul Kenny and get back to the Board.

Sherman's Bridge

Executive Secretary Thompson reported he received a call from the Chairman of the Board of Selectmen in Wayland, requesting the Board of Selectmen in Sudbury send a letter that supports moving ahead as quickly as possible with the reconstruction of Sherman's Bridge.

Highway Surveyor Robert Noyes, reported the Wayland Board of Road Commissioners is appealing the Wayland Board of Appeals decision. Mr. Noyes further reported he has asked the Engineers to follow through with the specification changes and revised plans for reconstruction of the Bridge as outlined in the Wayland Board of Appeals decision. Mr. Noyes stated Sudbury has done some of the things, but others they were not able to do.

Mr. Noyes stated Sudbury wants to keep to the Bridge bid and reconstruction schedule outlined in a communication dated January 30, 1992, and has already advertised for bids.

Executive Secretary Thompson reported Sudbury Town Counsel Paul Kenny received a call from Wayland Town Counsel and has agreed to join in the appeal of the Wayland Board of Appeals decision.

With regard to a letter to the Chairman of Wayland's Board of Selectmen, from Sudbury's Board, Mr. Thompson suggested he write and sign the letter for the Board and send it out as soon as possible. The Board so directed.

Traffic Control Signals - Rt. 20 at Concord Road

Executive Secretary Thompson commented he was pleased to see the District Highway Engineer Laurinda T. Bedingfield, respond to a letter from a concerned citizen of Sudbury with regard to traffic control signals on Route 20 at Concord Road in a communication dated January 31, 1992. The Board happily acknowledged the same.

Metropolitan Area Planning Council - MAPC

The Board acknowledged receipt of a communication dated February 5, 1992 from Executive Director, David Soule of MAPC with regard to the Sudbury Village Project as a Suburban/Rural Center in MetroPlan 2000.

According to Mr. Soule, in order for review of this project to begin, Sudbury must submit the proposal at the February 26, 1992 Council meeting to be held at the Museum of Science.

Selectman Cope reported that Planning Board member Ursula Lyons will be attending and giving a presentation for this proposed project.

Lafayette Drive and Boston Post Road - Reconstruction

The Board acknowledged receipt of a communication dated January 31, 1992 from Mr. Jack Scholbe, Scholbe Consulting Services, Inc. with regard to reconstruction of the intersection of Lafayette Drive and Boston Post Road, informing that Lt. R. J. Nix, Police Department, Fire Chief Michael Dunne, Town Engineer I. William Place and representatives of Ryder Student Transportation recommend proceeding with reconstruction of this intersection to improve vehicle and pedestrian safety.

Selectman Cope responded that the neighbors in the area are very much opposed to any reconstruction.

Executive Secretary Thompson recommended the Board respond to Mr. Scholbe saying the Board is not predisposed to pursue it right at this time, and add at Ms. Cope's request that the neighbors are adamantly opposed to the reconstruction.

Selectman Drobinski commented that the issue is to make the neighborhood reasonably safe, and if the reconstruction is recommended, perhaps it should be considered regardless of what the neighbors think, because, after all, they are not in charge of public safety.

Selectman Cope stated the neighbors think there is no safety issue. Chairman Wallace responded he thinks there should be a public hearing, and Mr. Thompson responded any hearing should be scheduled for after Town Meeting to give it full justice.

Chairman Wallace suggested putting the hearing on a future agenda possibly in March, if there is anything to be gained by doing it in March.

Finance Committee member, Richard Brooks, suggested checking files with the Planning Board in an effort to determine what the original subdivision plans called for.

Executive Secretary Thompson stated he would let the Board know as soon as a date has been set for the hearing.

Willis Lake

Selectman Cope asked if there was any report received from the Water District with regard to any testing done on Willis Lake. Secretary Thompson informed he received a call from Mr. McCarthy, stating he saw brown staining on the Army side of the lake. Mr. Thompson called Health Director Robert Leupold to report this and Mr. Leupold responded he received a letter from the Department of Environmental Protection (DEP) stating they were going to do some testing on Willis Lake. Secretary Thompson stated he would respond to Mr. McCarthy with this new information.

Atkinson Pool - Subcommittee Report

Selectman Cope asked if the Board was scheduled to act on the subcommittee's recommendations for the Atkinson Pool as outlined in the subcommittee's report.

Executive Secretary Thompson responded that it will be on a future agenda, and if any FY93 Budget numbers should change the Board would have to revote it.

At the request of Finance Committee member Roy Sanford, since the Finance Committee is voting on final budget numbers in a day, the Board expressed its full support of the subcommittee's report and was assured by Executive Secretary Thompson the Board would be voting on the same at the next Board meeting.

Selectman Cope expressed her desire that the pool subcommittee continue to be encouraged and applauded for the fine job they did in coming up with solutions for decreasing expenses and increasing estimated receipts. Mr. Sanford concurred the committee needs to be encouraged to keep meeting to review progress and be accountable and responsible for actions taken now and in the future.

Selectman Cope suggested this subcommittee become the Atkinson Pool Advisory Committee and retain its original members. It was noted, however, by Ms. Cope that Finance Committee Chairman Barbara Pryor, would not have time to devote to this committee.

On the recommendation of Executive Secretary Thompson, it was on motion unanimously

VOTED: To appoint the following persons to serve on an Atkinson Pool Advisory Committee, set up originally to address the pool deficit in FY93, but needed to meet and review Pool finances on a continuing basis:

John Ryan - Finance Committee, Patricia Burkhart - Park and Recreation Commission, Thomas Haggerty - Recreation Director, Peter Berkel - former Park and Recreation Commission member and member of original pool committee; and Roy Sanford - Chairman, Finance Committee, ex officio member.

It was agreed further members could be added as recommended.

Town Planner - Budget

The Board approved and sent a letter to the Finance Committee supporting the budget for the Town Planner.

There being no further business, the meeting was adjourned at 9:00 p.m.

Attest: Richard E. Thompson
Richard E. Thompson
Executive Secretary