

IN BOARD OF SELECTMEN
MONDAY, FEBRUARY 24, 1992

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

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.

Utility Petition 92-3 - Concord Road

Present: Patrick J. Lovett, New England Telephone.

The Board convened a public hearing to consider Utility Petition 92-3 from New England Telephone and Telegraph Company for permission to lay and maintain, and a location for, a line of conduits and manholes with the necessary wires and cables therein, under Concord Road.

Mr. Patrick Lovett explained New England Telephone wishes to extend the existing conduit under ground 135 ft. and install a fiber optics cable.

Upon receipt of notification of this hearing, several ladies representing the Grange Hall were present and expressed concern that this action would affect the Grange Hall. Mr. Lovett explained there will be some excavating in the area, but will not affect the Grange Hall.

On the recommendation dated February 20, 1992 of Warren E. Boyce, Wiring Inspector and John B. Hepting, Inspector of Buildings, it was on motion unanimously

VOTED: To approve Utility Petition 92-3 of New England Telephone and Telegraph Company for permission to lay and maintain, and a location for, a line of conduits, manholes and connections with the necessary wires and cables therein, under the following public way of the Town:

Concord Road - On the west side, beginning approximately 569 feet north of Old Sudbury Road, and running northerly for 135 feet to existing Pole No. 74 - Conduit; as shown on New England and Telegraph Co. No. 92-3 "Plan for Conduit" dated January 27, 1992.

Wayside Inn

The Board acknowledged receipt of a communication dated February 15, 1992 from Richard H. Davison, President, Longfellow's Wayside Inn, with regard to the recent agreement for payment in lieu of taxes, between the Town and the Wayside Inn and payment in the amount of \$40,000 representing the years 1989 and 1990.

It was on motion unanimously

VOTED: To accept \$40,000 from the Wayside Inn, as payment in lieu of taxes for Fiscal Years 1990 and 1991.

Council on Aging - Van Donation

It was on motion unanimously

VOTED: To accept \$107.75 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.

Election Officers - Resignations

In response to a communication dated February 8, 1992 from Jane C. Carroll, Chairperson, Sudbury Democratic Town Committee, it was on motion unanimously

VOTED: To accept the resignations of Madeleine Gelsonon, 520 Concord Road, and Victor Neumeier, 52 Haynes Road, as Election Officers and to send letters of appreciation for their contributions as Election Officers.

Election Officers - Appointments

In response to a communication dated February 8, 1992 from Jane C. Carroll, Chairperson, Sudbury Democratic Town Committee, it was on motion unanimously

VOTED: To appoint or reassign the following Election Officers for the Democratic Party for the election year commencing August 1, 1991:

1. Reassign Beverly B. Guild from Emergency Inspector to Inspector for Precinct One
2. Appoint Donna A. Ellis, 15 Flintlock Lane, as Emergency Inspector
3. Appoint Ann G. Vanderslice, 96 Dudley Road, as Emergency Inspector

Minutes

It was on motion unanimously

VOTED: To approve the regular and executive session minutes of February 3, 1992, and the regular session minutes of February 10, 1992.

Federal Reimbursement Grant - Hurricane Bob

The Board acknowledged receipt of a communication dated February 14, 1992, from Michael Dunne, Civil Defense Director, informing that the Town has been approved for \$30,523 of a requested \$40,306 reimbursement grant for costs incurred as a result of Hurricane Bob. (\$29,349 was received by the Town on February 18, 1992.)

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

VOTED: To accept the Federal Reimbursement Grant for costs incurred from Hurricane Bob, in the amount of \$29,349, and to authorize the Town Accountant to make appropriate journal entries to credit the following accounts:

Police:	Overtime 320-120	\$ 1927.00	
Fire:	Overtime 310-120	\$ 2202.00	
Highway:	Roadwork Account #410-218	\$23,984.00	
Building	Town Building	\$ 369.00	(to be spent on emergency light batteries Maintenance 340-320 with receipt returned to the CivilDefense Director.)
General Fund:		\$ 867.00	

Town Cemeteries - Part-Time Summer Help

Present: Highway Surveyor Robert A. Noyes.

In a communication dated February 24, 1992 from Highway Surveyor Robert A. Noyes with regard to disbursement of monies received from a reimbursement grant for costs incurred as a result of Hurricane Bob in the amount of \$23,984 targeted for the Highway Department, Mr. Noyes requested the following:

The total amount, \$23,984, be placed in Roadwork Account #410-218 per above vote on reimbursement of funds received as a result of Hurricane Bob to be dispersed approximately as follows: a) \$18,000 be expended for the replacement of the Dutton Road Bridge and b) \$6,000 be expended for summer maintenance of Town cemeteries by carrying forward same to FY93 and then transferring from the Roadway Acct. to Extra Hire.

With regard to summer maintenance of Town cemeteries, Selectman Cope asked if Mr. Noyes had put out bids for the cost of maintaining the cemeteries. Mr. Noyes responded he had not, but utilizes summer help for maintaining the outside appearance of other Town buildings as well.

Executive Secretary Thompson remarked that Mrs. Cope's point with regard to obtaining bids should be pursued. Mr. Noyes agreed to do.

Mr. Noyes commented that he had conversation with State Representative, "Hasty" Evans with regard to her support and influence in obtaining funds for replacing the Landham Road bridge. Mr. Noyes further explained the Town has a better chance of obtaining funding

for one bridge rather than for both Landham and Dutton Road bridges. Mr. Noyes feels confident that the Town of Sudbury will be able to replace the Dutton Road bridge with the above mentioned funds.

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

VOTED: To concur with Highway Surveyor Robert Noyes' recommendation in his memo of February 24, 1992 concerning funding repairs at the Dutton Road Bridge and summer hire for 1992.

Department of the Army - Fort Devens

With regard to a communication dated February 14, 1992 from Richard W. Hoover, Colonel, U.S. Army inviting elected officials to a dinner on March 11 at 6:30 p.m. at the Officers and NCO Club at Fort

Devens for a briefing on the current status of closure plans and progress being made in the environmental area at Fort Devens and the Sudbury Annex, Chairman Wallace expressed an interest in attending and asked Secretary Thompson to so respond to Colonel Hoover.

Enterprise Fund Budgets

With regard to the Landfill Enterprise budget, Executive Secretary Thompson noted there was no change other than across the board salary reductions; however, if receipts do not match expenditures, they will be adjusted in April. The Board confirmed its approval of the Finance Committee's recommended budgets containing adjusted appropriation and revenue totals of \$442,188.

With regard to the Atkinson Pool Enterprise Fund, Executive Secretary Thompson explained that the Atkinson Pool Advisory Committee has met and found ways to decrease the expenditures in order to decrease the amount of the deficit in the Pool budget. On the recommendation of Secretary Thompson, it was on motion unanimously

VOTED: To approve, for recommendation to Town Meeting in accordance with G.L. ch. 40, s. 39K, the Finance Committee's recommended budget for the FY93 Pool Enterprise Fund, Account 701, which contains a total appropriation for expenditures of \$353,537 and projected revenues of \$348,500, amended from previous vote of January 6, 1992.

199th Town Forum

At 8:00 p.m., Chairman Wallace convened the 199th Session of the Town Forum. Various representatives of the Town's boards and departments updated the Town on their activities, following which Town Forum was adjourned and refreshments and conversation were enjoyed by those present.

This Town Forum was televised over the local Cable network, and a copy of the videotape is available by contacting the Selectmen's office.

Town Meeting Action - Ballot Question #1

Present: Fred N. Haberstroh, Board of Assessors.

Mr. Haberstroh expressed concern over Ballot Question # 1 with regard to the formation of a consolidated department of municipal finance and the fact that the wording includes assessors, which would be interpreted as appointed positions rather than elected.

Secretary Thompson assured Mr. Haberstroh that the Finance Department Article for the Warrant does not include Assessors. Chairman Wallace explained that the ballot question is merely an enabling statute to place the bylaw article on the Warrant for Town Meeting.

Selectman Drobinski stated the Board is not intending to include the Assessors in the Finance Department Article because they are an elected Board, and further their goal in trying to consolidate with a Finance Department is not to do anything adverse to the best wishes of the community. Mr. Drobinski further stated, the Town knows what they want, and will vote it the way they think is best for the Town.

Mr. Haberstroh stated there are other ways to consolidated services other than through legislation. Selectman Cope stated it is an intangible thing to maintain a good credit rating. Mr. Haberstroh explained that he has been researching this and found that not to be necessarily true.

Chairman Wallace informed Mr. Haberstroh about the March 16 hearing regarding this article and urged him to attend. Mr. Wallace believes the Board has to give the Town the option of voting on this article.

Mr. Haberstroh continued that he does not believe the public has been informed about this article and thinks the voters will automatically vote if the Selectmen support it. Selectman Cope responded that there was an article in the paper. Chairman Wallace stated once again about the March 16 Selectmen's meeting at which time they will allow public discussion of all the ballot questions.

The Board requested Executive Secretary Thompson to take the following action:

1. Confirm with Town Counsel if assessors can be deleted from Ballot Question # 1, without destroying its meaning.
2. Confirm with Town Counsel the law regarding ballot questions as explained in a communication dated July 26, 1992, Page 3, from the Office of the Secretary of State and a possible required mailing of this law to the voters.
3. Confirm that Assessors are not included in the Finance Department bylaw.

Articles 32 and 33

At the request of the Planning Board in a communication dated February 13, 1992, from Town Planner Jody A. Kablack, with regard to the numbering of Warrant articles, it was on motion unanimously

VOTED: To approve reverse numbering of Articles 32 and 33 as requested by the Planning Board.

Articles 6 and 11

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

VOTED: To withdraw Article 6, Stabilization Fund, and Article 11, MetroWest Funds, from the Warrant for Town Meeting.

Article 4 - Warrant Report

It was on motion unanimously

VOTED: To amend Warrant report for Article 4 to read as follows:

We are aware that some funds will be needed to supplement certain FY92 accounts and that other accounts may have excess funds which can be utilized as offsets. At present it is anticipated that the Health Insurance and Unemployment Compensation accounts may need increases. This article will allow us flexibility to review all accounts within the FY92 Operating Budget to make adjustments at the Annual Town Meeting as necessary. The Board will report at Town Meeting.

Petition Article - Public Works

In response to a communication dated February 13, 1992 from the Massachusetts Department of Revenue, Division of Local Services, Mariellen P. Murphy, Director of Accounts, with regard to funds for capital improvements on local roads and "Transportation Bond Issue" apportionments available through the Massachusetts Department of Public Works, and on the recommendation of Executive Secretary Thompson, it was on motion unanimously

VOTED: To approve petition article to be included as # 39 on the Warrant for Town Meeting to read as follows:

To see if the town will vote to raise and appropriate the sum of \$319,713, or any other sum, to be expended under the direction of the Highway Surveyor, for the construction, reconstruction and maintenance projects of Town and County ways pursuant to Chapter 33 of the Acts of 1991, and to determine whether this sum shall be raised by transfer from 1991 Transportation Bond Issue of the Commonwealth.

The Board took a position of support on the same.

Articles 34 and 38

With regard to Article 34 relative to Legal Services Procurement and Implementation, Selectman Cope stated she needs more time to take a position on this Article. It was on motion unanimously

VOTED: To report at Town Meeting on Articles 34 and 38.

Primary Election Warrant

It was on motion unanimously

VOTED: To sign the Warrant for the March 10, 1992 Primary Election.

Melone Property

Present: Anthony Melone, Sr. and Joseph Melone, Jr., Esq., and Health Director Robert Leupold.

Executive Secretary Thompson stated that some time ago the Board of Selectmen made a decision to have a third party do a 21E report on this site. This report has just been completed and given to the Board the latter part of last week. Mr. Thompson continued that he read the report and believes there are some issues in the report that need addressing particularly, the effect that Unisys has had on the surrounding area; however, he believes that since we have this report in place, the Town should proceed to purchase of this property.

Selectman Drobinski stated he has done a preliminary reading of the report and concurred with Mr. Thompson that there are some outstanding issues, one of which deals with the Unisys property and what the impact Unisys has had on ground water in the area. Mr. Drobinski continued that the soil quality looks reasonably well and the analysis of the gravel pit showed signs of heavy metal near the surface, but overall he could see no major concerns in the report. Mr. Drobinski did remark that he would like to give the report a more detailed reading.

Selectman Cope shared the same comments as Mr. Drobinski and expressed concern with regard to the mining activity taking some of the soil away and the impact this action would have on the quality of the ground water.

Selectman Drobinski noted that the Board is still waiting for data from Unisys with regard to Zone II. Concern over Well #5 and the impact mining activity would have with regard to ground water was discussed. A treatment system is now in place for Well #5 and the system is protected, but concern was discussed over the costs of on-going treatment.

Health Director Robert Leupold reported if the soil is stripped from the surface during mining activity, there is threat of accelerated migration and a distance of at least 8 ft. from the water table will need to be maintained to guard against it.

Executive Secretary Thompson stated this data should not hold up purchasing this property. Mr. Thompson further reminded the Board the Melones have been paying taxes on this property while the sale is pending.

Selectman Drobinski stated he believes delaying and waiting for the Unisys report is a good idea to make sure there has been no significant change in ground water chemistry--which if there were a change for the worse, always clouds real estate transactions.

Mr. Leupold reported he will discuss the issues of certain chemicals being released on the Melone property with the Department of Environmental Protection (DEP) and mentioned the possibility of needing monitors for the wells. As a result of the report, the consultants have recommended performing certain tests on the property, according to Mr. Leupold. He further stated he has taken some soil samples, costing the Board of Health budget around \$900, and he anticipates additional expenses for further testing on the Melone property. Mr. Leupold stated he would put together a report on further testing needed and get back to Secretary Thompson.

Mr. Joe Melone, Jr. responded that time has been a factor and asked the Board if they could give them a timetable to come to closure. He further stated they have been paying the taxes, and have received no reimbursement for the extension of time. Mr. Melone expressed concern over the uncertainty of this purchase and wondered if the Melones should do something else to protect their interests.

Secretary Thompson remarked that discovering that further testing is required is something he was not aware of, and in light of this information, Mr. Thompson stated he would put together a schedule and get back to the Melones with it in the next week or two.

Mr. Leupold suggested perhaps the testing yet to be done may be accomplished in-house. He stated he would estimate the costs and report back to the Board.

Selectman Drobinski concurred that a deeper soil test should be performed in order to address the issue of accelerated migration.

Police Department Budget

The Board approved a communication dated February 20, 1992 to Sgt. Peter S. Langmaid, President, Local 315, I.B.P.O. from Chairman Wallace with regard to allocation of funds, and asking support for an override and salary adjustment.

Atkinson Pool Advisory Committee

The Board acknowledged a memorandum dated February 14, 1992 from the Park and Recreation Commission requesting to include Aquatics Director, Jamie Lamoreaux on the

Advisory Committee and any other pool related committees. Commissioner Patricia Burkhardt, and Recreation Director Thomas Haggerty were appointed on February 10, 1992.

It was on motion unanimously

VOTED: To appoint Aquatics Director, Jamie Lamoreaux to the Atkinson Pool Advisory Committee.

Department of Environmental Protection

The Board acknowledged receipt of a communication dated February 10, 1992 from the Department of Environmental Protection (DEP) with regard to a phone call from Mr. Jay McCarthy relative to his concerns about possible contamination of Willis Pond, and the testing the Army intends to perform.

It is noted on the letter that the DEP contacted Health Director Robert Leupold on February 10, 1992 to discuss the letter.

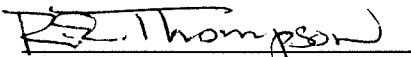
Space Analysis Committee

Selectman Cope asked when the Committee would begin discussing space plans. Executive Secretary Thompson responded he would try to set up a preliminary meeting with those on the Committee prior to Town Meeting, but nothing more could be done until after Town Meeting.

Legal Services

Selectman Cope asked when the Board would begin to interview candidates for Legal Counsel. Secretary Thompson reported that Mr. Edward Glazer, and Mr. Eric Elfman have read and reviewed the applications, and he is waiting for Mr. Eric Menoyo and Mr. David Fitts to review them.

There being no further business, the meeting was adjourned at 11:00 p.m.

Attest: 
Richard E. Thompson
Executive Secretary-Clerk