

IN BOARD OF SELECTMEN
TUESDAY, JANUARY 21, 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.

Teacher Salary Deferral

With regard to a communication dated January 8, 1992 from Elaine Sweeney, Chairperson, Minuteman School Committee, relative to a vote by the Minuteman School Committee rejecting deferral of teachers' compensation for FY93, and on the recommendation of the Minuteman School Committee, it was on motion unanimously

VOTED: To reject the deferral of a portion of Minuteman Regional Vocational School District school teachers' compensation for fiscal year 1993 as authorized by Section 3 of Chapter 336 of the Acts of 1991.

On the recommendation of the Lincoln-Sudbury Regional School Committee in a communication dated January 15, 1992 to the Board of Selectmen, and in accordance with the committee's vote at a meeting on January 14, 1992, it was on motion unanimously

VOTED: To reject the option of deferring a portion of Lincoln-Sudbury Regional School District teacher salaries for FY '93 as provided in Section 3 of Chapter 336 of the Acts of 1991.

Orders of Taking - Emerson Way, Twin Pond Lane, Carriage Way and Henry's Mill Lane

It was on motion unanimously

VOTED: To sign Orders of Taking relative to the street layouts of Emerson Way, Twin Pond Lane, Carriage Way, and Henry's Mill Lane, pursuant to the October 21, 1991 Special Town Meeting vote under Article 5.

Inclusionary Zoning Study Committee - Resignation

It was on motion unanimously

VOTED: To accept the resignation of Stephen P. Garabedian, dated January 6, 1992, from the Inclusionary Zoning Study Committee, and to send a letter of appreciation for his service to the Town.

Town Report Committee - Appointment

On the recommendation of the Town Report Committee, it was on motion unanimously

VOTED: To appoint Patricia A. Guthy, 24 Pinewood Avenue, to the Town Report Committee for a term to expire April 30, 1992.

Gift to Goodnow Library

The Board acknowledged receipt of a communication, dated January 8, 1992, from William R. Talentino, Library Director relative to accepting a donation in memory of Patricia Tennant Gorman. On the recommendation of the Board of Library Trustees, it was on motion unanimously

VOTED: To accept a donation in the amount of \$545 made in memory of Patricia Tennant Gorman, to be deposited into an account to be used for the purchase of books on birds, art, sewing and gardening; and to authorize the Goodnow Library Trustees to expend the same, as specified above.

Ambulance Gift Account - Donation

The Board is in receipt of a communication, dated January 13, 1992 from Fire Chief Michael Dunne, requesting the Board's acceptance of a gift to the Ambulance Gift Account in accordance with the wishes of donor, retired Fire Chief Albert St. Germain, in a communication to Chief Dunne dated January 8, 1992. On the recommendation of the Fire Chief, it was on motion unanimously

VOTED: To accept a donation of \$200 from the family of Idabelle St. Germain, to be deposited in the Ambulance Gift Account and expended under the direction of the Fire Chief.

Council on Aging - Van Donation

It was on motion unanimously

VOTED: To accept \$57.75 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.

Drainage Easement - Haynes Road

On the recommendation of the Town Engineer, it was on motion unanimously

VOTED: To accept a drainage easement, dated November 8, 1991, granted by William J. Dowie, Trustee of Liberty Ledge Real Estate Trust, for a 20-foot drain easement on Lot 166A and a 20-foot drain easement on Lot 16A, located on the westerly side of Haynes Road in Sudbury, and shown on a plan entitled, "Modified Definitive Subdivision of Liberty Hill Estates in Sudbury, Massachusetts", dated April 10, 1990, revised April 8, 1991, by Colburn Engineering Inc.

Presidential Primary 1992 - Vote Action

On the recommendation of the Town Clerk, Jean M. MacKenzie, in a communication, dated January 6, 1992, it was on motion unanimously

VOTED: 1. To approve allowing the Board of Registrars to hold special voter registration sessions prior to the Presidential Primary at the Town Hall, in accordance with chapter 51, sections 26, 27, and 28 of the General Laws.

2. To set the time and place for the Presidential Primary for the four (4) precincts in Sudbury for Tuesday, March 10, 1992 from 7 a.m. to 8 p.m. at the Peter Noyes School auditorium.

3. To authorize the Town Clerk to group precincts for voting at the Noyes School auditorium for the Presidential Primary on March 10, 1992, as allowed by section 70C of Chapter 53 of the General Laws.

Blue Cross and Blue Shield - Agreement

The Board is in receipt of a communication, dated December 31, 1991, to Budget and Personnel Officer Terri Ackerman from Paula Magee, Sales Representative, Blue Cross and Blue Shield, relative to the MEDEX program and the medical indemnity program for the 1992 Agreement between the Town of Sudbury and Blue Cross and Blue Shield.

Selectman Drobinski asked if Town Counsel has reviewed the agreement. Executive Secretary Thompson stated the Town has been holding the contract for a number of months because there were concerns regarding the contract. Secretary Thompson further stated that Blue Cross and Blue Shield has revised the 1991 agreement and Town Counsel has reviewed the revised agreement and recommends signing it.

Selectman Cope asked if we have received the new rates. Secretary Thompson stated the new rates were requested a couple of weeks ago, and was told the new rates will average around 15 - 20% higher.

On the recommendation of the Executive Secretary, Town Counsel Paul Kenny, Budget and Personnel Officer Terri Ackerman, and the Town's Insurance Consultant, it was on motion unanimously

VOTED: To authorize the Chairman to execute the 1991 Agreement between the Town of Sudbury and Blue Cross and Blue Shield covering the MEDEX program for the term May 1, 1991 through April 30, 1992, and the medical indemnity program for the term May 10, 1991 through May 9, 1992.

Minutes

It was on motion unanimously

VOTED: To approve the special session minutes of January 3, 1992, and the executive session minutes of January 6, 1992, and to approve the regular session minutes of January 6, 1992, as amended.

Street Acceptances - Schedule for Action

It was on motion unanimously

VOTED: To approve a schedule for action relative to the acceptance of streets by the 1992 Annual Town Meeting, as prepared by J. Silva and dated January 16, 1992.

Intention to Lay Out Public Ways

It was on motion unanimously

VOTED: Intention to lay out the streets known as Jason Drive, Trailside Circle, Bridle Path, Carding Mill Road, Bigelow Drive, Tavern Circle, Cranberry Circle, Run Brook Circle, Webster Circle, and Phillips Road at its meeting on March 16, 1992, at 8:00 p.m., for their acceptance as public ways at the 1992 Annual Town Meeting under Article 9; and to refer same to the Planning Board for its report and recommendation prior to the March 16 hearing date.

Article 10 - Finance Department

It was on motion unanimously

VOTED: To table review of the draft of Article 10 relative to the establishment of a Finance Department and report therefor.

Executive Secretary Thompson stated the Board must vote to place a question on the ballot for the 1992 Annual Town Election for approval to adopt the optional form of municipal administration authorizing a consolidated department of municipal finance which may include the offices of accountant, auditor or comptroller, treasurer, collector and assessors. Mr. Thompson explained this is one of the two steps that need to be taken in order to implement a Finance Department: 1) approval of a ballot question to adopt this reorganization; and 2) approval of a Bylaw at Town Meeting. On the recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To submit to the voters of the Town of Sudbury a proposal for the acceptance of a plan to provide for a director of Municipal Finance by placing the following question on the ballot for the 1992 Annual Town Election:

Shall the Town of Sudbury adopt the optional form of municipal administration summarized as follows, according to the provisions of chapter forty-three C of the General Laws providing for optional plans of municipal administration?

"Section eleven of chapter forty-three C of the General Laws authorizes the legislative body to provide, by ordinance or by law, for a consolidated department of municipal finance which may include the offices of accountant, auditor or comptroller, treasurer, collector and assessors."

Town Report Cover - Statement

Chairman David Wallace read a statement, dated January 21, 1992, prepared by Janet Silva, Administrative Assistant, relative to a decision not to spend the extra money to print a colored cover for the Town Report, as had been previously considered.

Selectman Drobinski stated the Town Report Committee has cut its budget by 8 per cent by taking this action, even though the funds were in the budget to print a colored cover. He noted the Committee had asked the Board of Selectmen for its opinion when they considered printing the colored cover and the

Board was in favor of the colored cover particularly since the Committee's budget allowed for the extra expense. Selectman Drobinski was impressed that the committee had the courtesy to come to the Board of Selectmen to ask their permission to spend their budget monies for a colored cover.

Chairman Wallace stated the report is always an excellent report and a very important document to the Town and should be the best that the Town can afford. The Committee is a volunteer effort, and this year the Committee is being asked to "give back" part of its efforts. Chairman Wallace supported the savings, only on the basis that every phase of the budget is important.

Selectman Cope explained that Pat Huston went back to the printer and discovered the colored cover would likely cost more money than the committee had anticipated in the beginning. Ms. Cope expressed her thanks to the Committee for all its efforts in putting the Town Report together and added that the same number of people who were concerned about the extra cost of the colored cover also complained about the elimination of the vital statistics. Ms. Cope also wished to announce that the vital statistics are on file at the Town Clerk's office and are free to anyone wishing a copy.

Wayland-Sudbury Septage Disposal Facility

In response to a communication dated January 10, 1992, from Highway Surveyor Robert A. Noyes relative to the cost of leachate treatment at the Wayland-Sudbury Septage Disposal Facility, Executive Secretary Thompson reported that he relayed this communication to Michael W. Guernsey, Chairman of the Septage Facility Operational Review Committee and member Board of Health, who commented that charging the Wayland-Sudbury Septage Facility for leachate treatments may be a feasible thing to do. Secretary Thompson stated he will confer with the Operational Review Committee to see if there was any stipulation in the original agreement at the time of construction.

Executive Secretary Thompson further reported that he has discussed this with Health Director, Robert Leupold, who wrote a letter to Town Engineer I. William Place with regard to this subject.

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

VOTED: To support the recommendation of the Highway Surveyor, dated January 10, 1992, to charge the Wayland-Sudbury Septage Disposal Facility for the deposit of its solid waste in the Sudbury Sanitary Landfill, to compensate for the increasing expense of leachate treatment by said Facility, subject to review by Town Counsel with regard to the legality of doing so.

Insurance Options

The Board acknowledged receipt of a communication dated January 2, 1992, from the Sudbury Employees Group Insurance Advisory Committee relative to insurance options available and the Committee's recommendation to make no changes in health insurance offerings at this time.

The Committee stated in their communication they would meet on a regular basis and keep the Board of Selectmen advised of any recommendations for changes in the future.

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

VOTED: To acknowledge receipt of a memorandum dated January 2, 1992, from the Sudbury Employees Group Insurance Advisory Committee, reporting on the Committee's position relative to group health insurance coverage.

Parkinson Land -- Lease Extension

With regard to a communication, dated January 10, 1992, from John C. Cutting, President, Sudbury Nurseries, Inc., requesting renewal of the lease on the Parkinson Land for a four-year period, Executive Secretary Thompson reported that he had contacted the Sudbury Housing Partnership Committee and does not see a near term problem with renewing the lease for 2-3 years.

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

VOTED: To authorize the chairman to sign an extended lease of the Parkinson Land to John C. Cutting, Sudbury Nurseries, Inc. for the period August 31, 1991, up to August 31, 1993, subject to concurrence by Mr. Cutting.

(Note: Lease was subsequently executed for a term to expire August 31, 1992, since the one additional year was not adequate growing time for Mr. Cutting's crop.)

Gasoline Bid

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

VOTED: To reject all gasoline bids received on January 15, 1992, because of an oversight or discrepancy in the low bid from C. K. Smith & Company, Inc.

Massachusetts State Ethics Commission

With regard to a communication, dated January 16, 1992, from the Commonwealth of Massachusetts State Ethics Commission, relative to conflict of interest opinion affecting Warren E. Boyce and Elaine L. Jones, it was on motion unanimously

VOTED: To approve an exemption under the Conflict of Interest statute to allow Warren E. Boyce to serve as Supervisor of Town Buildings/Wiring Inspector and as a member of the Permanent Building Committee in accordance with M.G.L. C.268A, s.20(d); and it was further

VOTED: To approve an exemption under the Conflict of Interest statute to allow Elaine L. Jones to serve as a member of the Permanent Building Committee and Legal Secretary in the Office of the Board of Selectmen, effective October 31, 1988, under the provisions of MG.L. c.268A, s.20(d).

Rental Business

Executive Secretary Thompson reported he was asked to communicate to the Board from Budget and Personnel Officer Terri Ackerman and the Finance Committee that the Conservation Commission should turn the rental business of Carding Mill, Haynes Meadow, etc. over to the Building Department or

the Board of Selectmen. Secretary Thompson stated it would be discussed further in their meeting scheduled for Saturday, January 25, 1992.

Sudbury, Assabet and Concord Wild and Scenic Rivers Study Committee - Application

The Board acknowledged receipt of an application, dated January 16, 1992 from H. Alexander Porter to serve on the Wild and Scenic Rivers Study Committee. Chairman Wallace commented that he knows Mr. Porter and that Mr. Porter has applied for this position in an effort to eliminate power boats (jet skis) from the Sudbury River where he resides. Chairman Wallace stated Mr. Porter is a conservationist and suggested he speak to the person in charge at Great Meadows.

Executive Secretary Thompson cautioned that the Board only submits nominations to this group, and that Mr. Lael M. Meixsell will probably be accepted for this appointment, but perhaps Mr. Porter could become an alternate member of the Committee.

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

VOTED: To nominate Mr. H. Alexander Porter as a second candidate for appointment to the Sudbury, Assabet and Concord Wild and Scenic Rivers Study Committee by the U.S. Secretary of the Interior, and if an appointment is not available on this Committee, to try to find a comparable position in an effort to utilize his interests and talents.

Telephone Message - Jay McCarthy

The Board acknowledged receipt of a communication with regard to a telephone conversation that occurred on January 15, 1992, between Jay McCarthy, 92 Butler Road, and the office of the Board of Selectmen.

Executive Secretary Thompson reported he gave a copy of the conversation summary to Health Director Robert Leupold and asked Mr. Leupold to follow up with Mr. McCarthy with regard to his main concern which is Willis Lake.

Selectman Cope stated she also had conversation with Mr. McCarthy and he was happy that someone would contact him and talk with him about his concerns. There was some question as to whether Willis Lake is classified as a great pond. Mr. Thompson stated that a public access may now exist, which he believes was accepted by the Town in the recent past, or received by the Conservation Commission; but this would have to be verified by the office.

Legal Services Committee

With regard to a communication from Patrick J. Delaney, III, dated January 9, 1992 requesting 1) a copy of the report of the legal services review committee, and 2) a copy of the article submitted by the Board for the reorganization of Town Government under a Director of Finance, Executive Secretary Thompson reported both requests were being forwarded to Mr. Delaney.

Relative to Mr. Delaney's proposal that the Town install a Computerized Bulletin Board, Ms. Jan Silva, Administrative Assistant to the Board of Selectmen, responded in a memo dated January 15, 1992

to the Board. Following discussion, it was determined by the Board that the Town does not have the computer capability or the funds to consider such a concept at this time, but expressed its appreciation to Mr. Delaney for his suggestion and effort.

Sherman's Bridge Reconstruction

Selectman Cope reported that all issues relative to the reconstruction of Sherman's Bridge have been resolved for now.

Building Department - Repair Projects

Selectman Cope had a concern that Building Inspector Jack Hepting be prepared to separate out, if necessary at Town Meeting, those repair projects which are vital, and those not so vital. Mr. Thompson replied that this would be done.

Metropolitan Area Planning Council

The Board acknowledged receipt of a communication dated, November 25, 1991 from Metropolitan Area Planning Council (MAPC) relative to potential funding for Economic Development Projects.

Executive Secretary Thompson reported that on recommendation of Selectman Cope, he will be drafting a request for funding to have a feasibility study done for the projects the Town has requested in the State Transportation Improvement Program (TIP) and the Sudbury Village concept plan.

Dog Officer Budget

With regard to recent conversation Executive Secretary Thompson has had with Buddy Dog relative to care and shelter of stray dogs, Mr. Thompson reported he reviewed the situation with the Finance Committee and has surveyed policies and procedures used by surrounding towns. Secretary Thompson further stated he has met with Buddy Dog, who discussed the situation with their Board of Directors who indicated an interest and agreed to arrange a meeting with their small Executive Board of Directors and Executive Secretary Thompson sometime in the middle of February.

Secretary Thompson stated he would come back to the Board with a recommendation.

MetroWest Demographic Study

Selectman Cope received a copy of a demographic analysis study prepared by a planner for the Metropolitan Area Planning Council (MAPC). Selectman Cope commented how interesting it is to see how the towns' demographics have changed during the last decade with regard to ages, ethnic groups, etc. She gave the copy to Executive Secretary Thompson to keep as a resource.

Melone - 21E Process

Selectman Cope asked Selectman Drobinski about the progress being made for the 21E Process on the Melone land. Selectmen Drobinski reported there were questions and clarifications the consultant (Woodard and Curran, Inc.) needed to address.

Executive Secretary Thompson reported that Town Counsel Paul Kenny has reviewed it very closely and follow up is being done.

Selectman Drobinski stated he is not overly concerned with the Melone land as long as Unisys keeps their remedial system operational, because if they do not, it will impact the entire area.

Fire Station - IRS

Selectman Drobinski expressed concern over the possibility of being penalized by the IRS for the Fire Station borrowing. The Long Range Planning Committee also had expressed concern. It was reported by Secretary Thompson that Town Counsel Paul Kenny is reviewing the situation for possible appeal.

Sewer System/South Sudbury

The Board acknowledged receipt of a communication, dated January 10, 1992 to David C. Soule, Executive Director for Metropolitan Area Planning Council (MAPC), from Executive Secretary Thompson requesting support for inclusion in the regional Capital Investment Program (CIP) /Bureau of Municipal Facilities (BMF) sewer priority list of a project entitled, "Sewer System/South Sudbury".

Selectman Cope and Selectman Drobinski both concurred that it is feasible to get the Town's bid in if money becomes available and that it would be good to have a sewer system in case anyone wishes to hook up to it.

Executive Secretary - Salary Increase

The Board acknowledged receipt of a communication to Selectman Cope, dated January 16, 1992, from Gilbert P. Wright, Jr. requesting Ms. Cope reconsider her vote for the Executive Secretary's salary increase; and in addition, a communication dated January 21, 1992, from the Long Range Planning Committee (LRPC) to the Board of Selectmen expressing their disappointment in the action taken by the Selectmen relative to the Executive Secretary's salary increase.

Executive Secretary Thompson had responded to the LRPC with a communication, dated January 21, 1992, stating he had informed the chairman of the Board of Selectmen that it is his intention to have the Selectmen revote his salary in accordance with any salary give back plan on the part of the Town. It was agreed that a copy of this letter should also be sent to Mr. Wright.

Trust Fund Investment Program

Present: Treasurer/Collector Mary Ellen Norman Dunn.

Treasurer/Collector Mary Ellen Norman Dunn presented the Board with the Trust Fund Investment Program's semi-annual report, dated January 17, 1992 which outlines the investment program recommended by the Informal Investment Advisory Group (IIAG) and is currently being implemented.

Ms. Dunn reported the IIAG met and submits the above plan for review and finalization by the Board, and pending the Board's support, to take two additional votes as Trustees of Town Donations toward investment of the Trust Funds.

Selectman Cope asked Ms. Dunn to oversee that all technical details are very clear and closely monitored by the IIAG.

Ms. Dunn stated that the group is still settling the last stock sale and they are working on getting all investments marked and accounted for in each fund. The documents will show what each sale produced for each fund.

Selectman Cope expressed some concern with regard to the wording of the third vote, and it was agreed Ms. Dunn would change the wording.

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

VOTED: As Co-Trustees of Town Donations to approve the following, as amended and clarified, for implementation of the Town of Sudbury Trust Fund Investment Program:

- 1) The Trustees of Town Donations agree with the Investment Program set forth by the Treasurer and the Informal Investment Advisory Group and support immediate implementation.
- 2) The Trustees of Town Donations agree to invest \$60,000 of Trust Fund assets into the T. Rowe Price Fund. It meets all set criteria of the approved Investment Program.
- 3) The Trustees of Town Donations approve the investments of \$311,809.28 in U.S. Treasury Notes for periods of 3, 4, 5, & 10 years. (Note: Due to reports that the Federal Reserve Bank was going to lower the Discount Rate: \$100,000 in 5-year (6.20%) and \$100,000 in 10-year (7.19%), Treasury Notes were purchased on 12/18/91. The Discount Rate was lowered on 12/20/91. The objective was to obtain the highest yield possible.)

Corley - Internal Affairs Investigation

The Board acknowledged receipt of communication, dated January 17, 1992 from Police Chief Peter Lembo, and a communication dated January 16, 1992 from Fire Chief Michael Dunne with regard to a complaint to the Board of Selectmen from Mr. and Mrs. Richard Corley dated January 13, 1992 about policies and procedures exercised by both the Fire Department and Police Department that took place during an accident timeframe.

Executive Secretary Thompson reported that the Police Chief will not issue a report with regard to the complaints until the Department has received a formal written complaint from the Corleys, which has to be done within one week from January 17, 1992.

Executive Session

At 8:50 p.m. it was on motion by roll call unanimously

VOTED: To go into Executive Session to discuss collective bargaining matters, and land negotiations relative to the Unisys property and the Town of Concord.

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

Chairman Wallace announced that public session would not reconvene following Executive Session.

There being no further business to come before the Board, the meeting was adjourned at 8:50 p.m.

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