

IN BOARD OF SELECTMEN  
TUESDAY, JULY 7, 1992

Present: Chairman John C. Drobinski and Lawrence L. Blacker.

The statutory requirements as to notice having been met, the meeting convened at 7:30 p.m. at the lower Town Hall.

Chiswick Park Theatre - Trailer

Present: Theodore Pasquarello, Chiswick Park Theatre.

The Board acknowledged receipt of a communication dated June 29, 1992 from Theodore Pasquarello, Chiswick Park Theatre, requesting permission to install, on a temporary basis, an office trailer for theatre support staff. In addition, the Board is in receipt of a copy of the Selectmen's regulations for temporary business or industrial trailers which state that Board approval and a plan be submitted where temporary use shall exceed three months are required. The Board is in receipt of a map of the location of the trailer on the Chiswick Park Theatre property.

Mr. Pasquarello noted the trailer is necessary for office support of the Theatre because of a shortage of space in the building and that a twelve month period will probably be sufficient as there are plans to add space to the building.

Secretary Thompson informed that approval of the temporary office trailer has been received from Health Director Robert C. Leupold in a communication dated July 2, 1992; approval by Fire Chief Michael Dunne in a communication dated July 2, 1992, and a verbal approval from Building Inspector John Hepting on July 2, 1992.

On the recommendation by Executive Secretary Thompson and on motion by Chairman Drobinski, it was unanimously

VOTED: To approve a request dated June 29, 1992, from Theodore Pasquarello, Chiswick Park Theatre, for permission to place an office trailer at 490 Boston Post Road on the northwest side of the theatre for a period of up to twelve months; trailer installation being subject to final inspection and approval by the Building Inspector.

Fuel Oil Bid - Direct Gas Supply Corp.

With regard to a communication dated June 16, 1992, relative to Oil Bid Award - FY 1993 from the Education Cooperative to TEC/MPAA Oil Bid Participants, it was on motion unanimously

VOTED: To contract with Direct Gas Supply Corp., 150 Motor Parkway, Suite 400, Hauppauge, NY 11788, to supply the Town with #2 fuel oil for the period July 1, 1992, through June 30, 1993, at the price of +\$.0442/gal. to be added to the New York Oil Buyers Guide weekly average calculated in accordance with bid specifications and award of The Education Cooperative/Massachusetts Plan Administrators Association.

Metropolitan Area Planning Council (MAPC) - EOCB Strategic Planning Grant Program

Present: Town Planner Jody Kablack, MAPC Representative and Planning Board member Ursula Lyons.

The Board acknowledged receipt of a communication dated June 30, 1992 from Town Planner Jody Kablack informing the Board of the MAPC's interest in Sudbury participating as a "case study" community in the mixed use neighborhood study they are proposing for funding under the Strategic Planning Program, as indicated in their communication dated June 25, 1992 to Town Planner Jody Kablack. In addition, the Board is in receipt of a copy of the vote of the Planning Board, dated June 29, 1992 endorsing the MAPC's application for funding and Sudbury's participation in the project.

Selectman Blacker questioned what is meant by a Mixed Use Neighborhood District as proposed for this study. Mr. Thompson commented that it is related to the Sudbury Village Project on Route 20; and defined by Mrs. Kablack as a neighborhood that incorporates both residential and commercial.

It was on motion unanimously

VOTED: To authorize the Chairman to sign an endorsement of a grant application by the Metropolitan Area Planning Council (MAPC) under the Executive Office of Communities and Development (EOCD) Strategic Planning Program for a project to design model Mixed Use Neighborhood District bylaws and guidelines for application in several divergent local settings; and endorsement of Sudbury's participation in the project as a case study community and a member of a regional task force (relative to the Sudbury Village area).

Planning Board Application - EOCB Strategic Planning Program

Present: Town Planner Jody Kablack.

The Board acknowledged receipt of a communication dated July 2, 1992 from Town Planner Jody Kablack indicating that the Planning Board has taken the initiative to apply for a grant for one aspect of the Sudbury Village Project which includes a proposal to increase the involvement of the business community in taking a more active role in the creation of a new village center, and to prepare implementation strategies for mitigation of the wastewater disposal problems in the Route 20 business area.

Ms. Kablack has noted in her communication that the grant application requests letters of support from various town boards, committees and citizens groups, and has drafted a support letter for the planning grant and requested interested groups send a letter of support by July 17, 1992.

It was on motion unanimously

VOTED: To authorize the Chairman to sign an endorsement of the Sudbury Planning Board's application for funding under the EOCB Strategic Planning Program for a proposal to study and resolve two critical issues relative to the Sudbury Village project - fostering better relations with and more involvement by the business community and the endemic wastewater disposal problems.

for rezoning. The Busheys have made several attempts to sell their property, which is zoned residential, only to be beset with the zoning issue because they are the immediate abutters to the Longfellow Glen housing whose septic system venting pipes vent on the Bushey property.

Selectman Blacker commented he does not think a rezoning would pass at Town Meeting, because it is a classic case of spot zoning which in most cases rarely passes.

Mr. Thompson commented that at some point in time it is the Town's responsibility to correct a situation that is creating a hardship if at all possible. Mr. Thompson continued that even if the property sold at a discount rate as residential zoning, future problems will continue to occur.

Mr. Blacker suggested that perhaps the Busheys construct an article and submit it to the Planning Board for a future Town Meeting.

Secretary Thompson commented he is not asking the Board to make a decision one way or another but simply to offer the Busheys support and work with them toward a viable solution. Chairman Drobinski asked if there was anything Health Director Robert Leupold could do to help out the situation with regard to the pipes venting on their property. It was noted the pipes are located within the proper setback distance, but does not necessarily justify the venting on an abutter's property.

Mr. Thompson noted that the property was sold a couple of times under the condition that it be zoned commercial. Selectman Blacker asked if the vents could be relocated as a possible solution. It was agreed the Board would give the Busheys the support they can, and that Secretary Thompson would check with Mr. Leupold with regard to the venting pipes and with Town Counsel.

#### Group Health Insurance - Cook & Company and MED TAC

The Board acknowledged receipt of a communication dated June 29, 1992 from Account Executive Arthur L. Bomengen of Cook & Company with regard to consulting services for group health insurance, and a communication dated July 1, 1992 from Vice President Lance Hopkins of MED TAC offering to develop a self-funded health insurance program for the Town.

Selectman Blacker informed he has met with Cook & Company, whose primary function is acting as insurance advisors. Mr. Blacker noted that upon review of the Town's census, Cook & Company viewed ways the Town could save money right away relative to the MEDEX coverage. Their conversation included discussions regarding other towns in the area and the different options being exercised by those towns.

The second group Mr. Blacker met with is MED TAC, whose primary function is acting as third party administrators. According to Mr. Blacker MED TAC runs self-insured plans for several companies, but are not insurance advisors. Since Mr. Blacker believes MED TAC is no different from Tufts, Pilgrim, etc., he would not be inclined to commit to them because he would prefer to have the other HMOs bid and present their programs to the Town.

Mr. Blacker would like to hire Cook & Company for \$6,000 to be the Town's insurance advisor. Cook & Company committed to being able to begin right away even if the Town has to give notice to the existing insurance advisor.

Chairman Drobinski commented that the Town has an insurance advisor, John Foran, whose rehiring may have just taken place.

Secretary Thompson responded that he hopes the Board does not make a decision tonight, and requested the Board talk with Budget and Personnel Officer Terri Ackerman because she has had some reservations with regard to taking the MEDEX group and self insuring it.

Selectman Blacker commented he feels the Town is very reluctant to self-insure. Mr. Blacker noted the previous meeting with Labor Counsel Richard Murphy, who stated he did not know of very many towns who do not self-insure. Being self-insured is no different than what the Blue Cross Blue Shield program is all about, according to Mr. Blacker.

Chairman Drobinski commented that the outcome of one of the Board's meetings was to agree to establish a data base, which is being done. Selectman Blacker commented that he thought the data base was to determine viability with regard to doctors and hospitals used by those in each plan, but that it does not change the question of needing a new advisor. Mr. Blacker feels the Town needs an advisor who is going to be positive and proactive and he said the question remains as to whether the current insurance advisor is the right person at this point in time. There are only three insurance advisors available to the Town right now, according to Mr. Blacker's study of the insurance market.

Secretary Thompson noted that there is a process to be followed and suggested asking Town Counsel to draft a vote and at the same time check all technicalities, but in addition, would like to allow time for Mr. Blacker and Mrs. Ackerman to discuss this issue.

Mr. Thompson noted that Insurance Advisor, John Foran seems competent but may not be proactive enough. Chairman Drobinski suggested that perhaps we have not questioned Mr. Foran with regard to different possibilities. Mr. Blacker's response was that the Town should not have to ask obvious questions.

Mr. Drobinski suggested Town Counsel review the options, and Mr. Thompson suggested postponing this discussion and put it on the July 20, 1992 agenda, when all Board members will be present.

#### Sudbury Housing Authority - Appointment

Present: Sudbury Housing Authority Chairman Steven J. Swanger; Sudbury Housing Authority Members: Virginia M. Allan, Renee Reiner, Sidney Wittenberg; and Housing Authority Director Jo-Ann Howe.

Chairman Drobinski called to order a joint meeting with the Sudbury Housing Authority; and the Board and the Authority thereupon appointed Executive Secretary Richard E. Thompson to act as Clerk for the purpose of this meeting.

The Sudbury Housing Authority members and the Board of Selectmen met jointly for the purpose of voting for one candidate to fill the vacancy on the Sudbury Housing Authority occasioned by the resignation of Stephen Garabedian. The Board acknowledged receipt of a communication dated June 3,

1992 from Housing Authority Director Jo-Ann Howe, requesting a joint meeting to appoint Virginia Howard to fill the vacancy, and in addition, receipt of application from Virginia Howard.

The members present from the Sudbury Housing Authority noted that Ms. Howard was not able to attend the meeting, but they had met with her on June 1, 1992 and feel very fortunate to have her as an applicant.

Chairman Drobinski opened the floor to nominations. Steven Swanger's nomination of Virginia Howard received a second.

It was moved to close nominations; and nominations were so closed.

The Executive Secretary asked for a roll call vote, which was called as follows:

Virginia M. Allan	VOTED TO ELECT	Virginia Howard
Lawrence L. Blacker		Virginia Howard
John C. Drobinski		Virginia Howard
Renee Reiner		Virginia Howard
Steven J. Swanger		Virginia Howard
Sidney Wittenberg		Virginia Howard

Executive Secretary Thompson notified Chairman Drobinski that Virginia Howard, 16 Walkup Road, has been elected to serve on the Sudbury Housing Authority, until the effective date of the next Town Election, and noted that she must win the election at that time to continue serving on the Sudbury Housing Authority.

Executive Secretary Thompson asked that all who voted sign the appointment form, and that he would arrange to have Ms. Howard be sworn in.

The Sudbury Housing Authority introduced Ms. Jeanne L. Rowlands, 40 Wagonwheel Drive, as a candidate to fill Virginia Allan's vacancy on the State Housing Authority when Ms. Allan's resignation has been approved by the Governor.

#### Howe Trust Property

Present: Town Planner Jody Kablack.

Selectman Blacker asked about the progress of the cluster development with regard to the Howe Trust Property and if continued delays will jeopardize the development of the property. Town Planner Jody Kablack responded the Planning Board is trying to find solutions which will not set precedents for future subdivisions, as each is unique, and is conferring with Town Counsel.

#### James Franchek - 129 Mossman Road

Present: James Franchek, 129 Mossman Road; Conservation Commission Chairman Frances Clark, and Conservation Commission Coordinator Deborah Montemerlo.

Selectman Blacker noted he has received a letter and a call from Mr. James Franchek, who is in the process of trying to correct a problem on his property, which is a flooding problem at certain times of the year resulting from his neighbor's property being designated as wetlands. Mr. Franchek would like to correct the problem by planting grass in an area that is designated as wetlands. Mr. Blacker said he wanted to comment on Mr. Franchek's behalf and understands that Mr. Franchek has been in contact with the Conservation Commission, which is working with him in trying to resolve the problem.

Secretary Thompson stated that Mr. Franchek has talked with the Selectmen's office and Conservation Coordinator Deborah Montemerlo and both have been working with him; accordingly, he has a hearing with the Conservation Commission on July 13, 1992. Ms. Montemerlo has also spoken with Health Director Robert Leupold in an effort to come to a resolution.

Conservation Commission Chairman Frances Clark informed the Commission acts under the jurisdiction of the State Wetlands Protection Act, and also works with the Department of Environmental Protection Agency. Ms. Clark noted that wetland matters are very often complicated, which makes it all the more difficult; however, the Commission is trying to work with Mr. Franchek so there will be no conflict with the State laws.

Secretary Thompson advised the Conservation Commission that Mr. Franchek was not on the agenda tonight and it was not fair to others who are on the agenda to have to wait. Chairman Drobinski concurred with Mr. Thompson and emphasized that Mr. Franchek will have to first deal with the Conservation Commission since this is a conservation issue; however, the Board is open and willing to hear concerns of Town residents.

Mr. Franchek stood up and expressed his appreciation to the Board and the Conservation Commission for the time and effort they had spent on this matter.

#### The Trust for Public Land (TPL)

Present: Regional Manager Peter Forbes, TPL; Town Planner Jody Kablack, Conservation Coordinator Deborah Montemerlo; Conservation Commission Chairman Frances Clark; Planning Board Chairman L. Michael Meixsell, and Planning Board member Ursula Lyons.

Executive Secretary Thompson informed the purpose of this meeting was to discuss Mr. Forbes' letter of June 18, 1992 with regard to the Unisys land parcel being auctioned on July 24, 1992.

Chairman Drobinski asked if Mr. Forbes would give a general update. Mr. Forbes noted that it was the original agreement before closure with Sudbury and Concord, to market the development parcel, and TPL was faced with two alternatives, 1) Sell the parcel to an investor or, 2) Follow suggestions given by the people in the Town to market the parcel for use as an adult care facility. TPL did present a few offers to Unisys before they closed but none were satisfactory to Unisys. TPL then hired Northland Developers to explore adult care facilities and found it to be a good market, but also found it would require significant financing and a longer holding period. In January TPL began negotiating with Unisys to modify the mortgage to provide for a longer holding period which resulted in no resolution, and then again in March which resulted in two choices for TPL: 1) Hold the property for thousands of dollars each month and 2) Discuss with Unisys their willingness to go through an auction process. Neither Unisys nor TPL want to be a long-term holder--their goal is to obtain a long-term owner for the property.

Secretary Thompson commented a concern that has been discussed with the Planning Board and the Conservation Commission is that of the easement that divides the property. The Town of Sudbury would like to see the easement follow a natural line which would entail modifications. Mr. Forbes assured that this was an original commitment by TPL and that commitment remains the same, and should they find a buyer, it is their intent to negotiate the easement for the Town.

Conservation Coordinator Deborah Montemerlo asked if the easement could be negotiated before the auction. Mr. Forbes responded that he could not guarantee this could be done before the property is sold. Ms. Montemerlo encouraged Mr. Forbes on behalf of the Town to negotiate with Unisys for the easement. Mr. Forbes commented that both TPL and Unisys agree that selling the property by auction is probably the easiest way, but TPL is not in the driver's seat.

Selectman Blacker prefaced his comments by commending TPL for the work that was done in resolving the Town's problems with the property, but stated that in reality this is not an auction sale, but a foreclosure sale. Mr. Blacker believes no one will buy a commercial piece of property at a foreclosure sale when there is pollution on the land, and further that there will be no bidders at an auction sale thinking they can steal residential property. Mr. Blacker believes that Unisys will probably buy back the property and thinks this would be acceptable; however, he thinks no zoning change will happen as a result of this kind of sale.

Mr. Forbes responded that TPL always knew about the environmental problems and would not keep investing time in this project, nor would Unisys have gone this far if whatever Mr. Blacker suggests could happen. Mr. Blacker continued that he believes Unisys wants the property and has wanted it all along--they now have resolved the lawsuit and shedded the land they did not want. Mr. Forbes responded that he does not think Unisys thinks this way.

Mr. Ralph Tyler, 1 Deacon Lane, asked Mr. Forbes if he would share just how financially distressed TPL is and what it would take to break even. Mr. Forbes responded that TPL is paying \$12,000 a month which does not include costs incurred for the original transaction and marketing. Mr. Forbes thinks much has been accomplished with regard to solving problems for the Towns of Sudbury and Concord, and Unisys and at the same time preserving conservation land; however, their end goal is to be able to sell the property to a responsible long term buyer, and to see the parcel cleaned up as well.

It was noted that Northland is marketing the parcel for \$2.1 Million. Mr. Tyler presented some information he had with regard to TPL's purchase profitability, and commented it is unclear why TPL states they are distressed, when on paper the figures show a substantial profit.

Chairman Drobinski commented that the purpose of the meeting is not to determine TPL's profitability on this transaction and that it is entirely up to Mr. Forbes if he wishes to respond or not.

Planning Board Chairman Mike Meixsell commented that he is concerned about the fact that finances are being openly discussed and the effect it may have on the transfer of property. Chairman Drobinski responded that these are public numbers but that the purpose is not to discuss profits of TPL, but rather what is going on with the property.

Mr. Forbes noted that the numbers are not right as presented by Mr. Tyler. Concord paid TPL \$300,000 and received a promise of an exchange of land which has no economic value because it is a

Mr. Meixsell concurred with Mr. Tyler's comments, but unfortunately because of resources and time, it is not always possible to accomplish what should be done in advance.

Chairman Drobinski thanked all for attending.

Performance Reviews

**Town Engineer I. William Place**

Present: Town Engineer I. William Place.

The Board is in receipt of a performance report, dated May 12, 1992, from I. William Place concerning his Annual Performance Review.

In addition to what is noted in Mr. Place's report, he added that the Department is working on the Goodman's Hill walkway and Peakham Road walkway from the railroad tracks to Robert Best Road hoping to finish it before school starts in the fall.

Chairman Drobinski noted that Mr. Place is responsible for many projects in the Town and has performed very well, despite the cutbacks in the Engineering Department.

On behalf of the Board, Chairman Drobinski expressed appreciation for all the time and effort Mr. Place gives to the Town.

Secretary Thompson concurred with the Board that Mr. Place gives a lot to the Town.

It was on motion unanimously

VOTED: To accept the Annual Performance Report of Town Engineer I. William Place, dated May 12, 1992, and to set his FY93 annual base salary in accordance with the Sudbury Supervisory Association contract at the Step 6 rate of \$60,387 effective July 1, 1992.

**Administrative Assistant to the Board of Selectmen Janet Silva**

Present: Administrative Assistant to the Board of Selectmen Janet Silva.

Secretary Thompson expressed his appreciation for Mrs. Silva and all her help and support.

Selectman Blacker concurred and expressed thanks for all the work done in the office, which many times requires additional hours, which she so freely gives. Mr. Blacker asked Mrs. Silva why the offices are using recycled paper when it is more costly.

Mrs. Silva responded that the offices want to do their part in recycling and if anyone is going to make a statement, then government should do it and take a leadership role. Mr. Blacker commented that if enough people start using it, perhaps it will bring the price down. Mrs. Silva stated that recycled paper has been purchased only fairly recently, since the price has become reasonable.



Highlighting her report, the news is the change in personnel, according to Mrs. Silva, referring to the decision by Elaine Jones to retire. In addition, the telephone negotiations have taken a lot of her time this past year.

Chairman Drobinski expressed the Board's appreciation for all the effort Mrs. Silva puts into her work which includes everything that makes Town government work.

It was on motion unanimously

VOTED: To accept Mrs. Silva's performance review report, dated June 29, 1992, as submitted.

Maynard Rod and Gun Club

Selectman Blacker commented he has spoken with Town Counsel Paul Kenny with regard to receiving a rough draft of a proposed settlement with the Maynard Rod and Gun Club. Mr. Blacker stated he wants to have a draft to review and see if there will be a basis for discussion in an attempt to resolve this issue.

Hop Brook Ponds - Marlborough Wastewater Treatment

The Board acknowledged receipt of a communication dated June 26, 1992 from the Environmental Protection Agency in response to the Resolution that was forwarded to the EPA on May 18, 1992 by Sudbury, and informing of their intention to work with Marlborough to evaluate alternatives to reducing the phosphorus loading to the receiving stream.

Mr. Thompson reported a meeting was held with the mayor of Marlborough last week and it was determined that the EPA is working out a solution with the Town of Marlborough. Mr. Thompson asked if it is still appropriate to send DEP/EPA a complaint as called for in the resolution. It was decided to have Town Counsel review the situation.

Unisys/Melone Bonds - Signing

Secretary Thompson informed that Unisys and the Melone Property Bonds will be signed on July 14, 1992 at approximately 8:00-8:30 a.m. in the Town Clerk's office.

MAPC - EOCD's Municipal Incentive Grants Program - Subregional Job Bank

The Board is in receipt of a communication dated July 2, 1992 from Judith C. Alland, MAPC, requesting a letter of support for funding under the Executive Office of Communities and Development's (EOCD) Municipal Incentive Grants Program to create a subregional job bank.

Secretary Thompson recommends supporting this funding and the Board agreed that Mr. Thompson should send a letter of support.

Tax Possession Properties

The Board acknowledged receipt a list of Tax Possession parcels, dated July 1, 1988, recorded and updated by the Treasurer's office.

Selectman Blacker suggested the Town review the list for auction possibilities and perhaps assign the Town Treasurer and Town Planner to work together. Mr. Thompson informed that procedures have been changed with regard to disposal of land and in addition, internal notification is required to the different departments.

It was suggested to send a memo asking for Town departmental input as to which lots could be sold through an auction.

Robert Noyes - Letter to Resource Recovery Committee

The Board acknowledged receipt of a communication dated June 29, 1992 from Highway Surveyor Robert A. Noyes to Resource Recovery Committee Chairman Elizabeth G. Van DeKerkhove responding to her letter concerning Drew Goodwin's layoff.

There being no further business, the meeting was adjourned at 10:00 p.m.

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