

IN BOARD OF SELECTMEN
TUESDAY, MAY 26, 1992

Present: Chairman John C. Drobinski, Judith A. Cope and Lawrence L. Blacker

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

Utility Petition 92-6 - Mossman Road

The Board convened a public hearing to consider Utility Petition 92-6 from Boston Edison Company and New England Telephone and Telegraph Company for permission to install four (4) feet of conduit at pole 57/29 Mossman Road, Sudbury, to service a new home. Executive Secretary Thompson informed that all abutters have been properly notified and in addition, the Board is in receipt of a communication dated May 18, 1992 recommending approval from the Wiring Inspector and Building Inspector.

On motion by Chairman Drobinski, it was unanimously

VOTED: To approve Utility Petition 92-6 of Boston Edison Company and 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 the following public way of the Town:

Mossman Road - westerly approximately 440 feet south of Willis Road, from Pole 57/29, a distance of about 4 feet - conduit; as shown on New England and Telegraph Co. 92-5 "Plan for Conduit" dated May 7, 1992, and Boston Edison Company Plan of Mossman Road - Sudbury, dated April 27, 1992.

Utility Petition 92-7 - Concord Road at Pantry Road

The Board convened a public hearing to consider Utility Petition 92-7, dated May 1, 1992 from Boston Edison Company for permission to install twenty (20) feet of conduit at pole 2/150 Concord Road, Sudbury, to service a New England Telephone vault. Secretary Thompson informed the Board received approval from the Building Inspector and the Wiring Inspector on May 22, 1992.

On motion of Chairman Drobinski, it was unanimously

VOTED: To approve Utility Petition 92-7 of Boston Edison Company for permission to lay and maintain, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, under the following public way of the Town:

Concord Road - approximately 15 feet southwest of Pantry Road, a distance of about 20 feet - Conduit; as shown on Boston Edison "Plan of Concord Road - Sudbury showing proposed location of Customer Conduit", dated April 17, 1992.

Minutes

It was on motion unanimously

VOTED: To approve the regular session minutes of May 11, 1992 as amended by Selectman Blacker, and the executive session minutes of May 11, 1992.

Council on Aging - Van Donation

It was on motion unanimously

VOTED: To accept \$152.00 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.

Park and Recreation Commission - Resignation

In response to a communication dated May 7, 1992 from Robert E. Maher, it was on motion unanimously

VOTED: To acknowledge receipt of Robert E. Maher's resignation from the Park and Recreation Commission and to send a thank you for his service to the Town.

Grant Request - Fairbank Community Center

The Board is in receipt of a communication dated May 19, 1992 from Secretary Thompson to the Board of Trustees of The Sudbury Foundation requesting a grant for drainage repair and completion of the Atkinson Pool additional parking lot. Secretary Thompson informed these final actions will complete the Fairbank Community Center Project outlined in the Stanmar contract revised and dated January 7, 1987, and never completed at that time.

It was on motion unanimously

VOTED: To endorse a request dated May 19, 1992, prepared by the Executive Secretary for a grant from The Sudbury Foundation in the amount of \$22,169, to complete drainage work and parking lot at the Fairbank Community Center.

Fire Department - Prime Computer Donation

At the request of Fire Chief Michael Dunne and the Permanent Building Committee in a communication dated May 13, 1992, it was on motion unanimously

VOTED: To accept, on behalf of the Town, furniture donated by Prime Computer, Inc., for the New Fire Headquarters, as detailed in a letter dated May 13, 1992, from the Fire Chief and to send a letter of appreciation to Prime Computer.

1992 Annual Town Meeting - Action Required

With regard to a communication dated May 15, 1992 from Executive Secretary Thompson relative to action required as a result of the 1992 Annual Town Meeting, the Board commented on the following:

1. Article #10 - Finance Department - In addition to the Town Accountant working with the schools, the Board requested the special Joint Town/School Sharing of Administrative Services address this subject as well.

Mr. Thompson commented this is just a preliminary discussion, and that Budget and Personnel Director Terri Ackerman is working on it.

2. Article #22/23 Town Building Repairs - Selectman Cope asked if information was available regarding the Juvenile Restitution Program Committee working with young offenders to possibly help and work with the Building Inspector.

Selectman Cope noted Mr. John Power's suggestion of placing an ad in the paper and offering a \$100 reward for any information leading to someone that has damaged mail boxes, cemetery property, etc.

3. Article #31 - Accessory Dwellings Bylaw - Selectman Cope indicated that Mr. Peter Endicott will be administering this bylaw and the records will be kept through Jo-Ann Howe.

4. Article #35 - Marlborough Wastewater Treatment - It was noted that a copy of the resolution was sent to Marlborough; but in addition, a complaint or report needs to be sent to the EPA. Secretary Thompson recommended referring this issue to Town Counsel and await his recommendations for proceeding.

Fire Department - Reserve Fund Transfer - No. 92-16

At the request of the Fire Department in order to fund overtime through June 30, 1992, it was on motion unanimously

VOTED: To approve Line Item Transfer Request No. 92-16 in the amount of \$6,500 from four Fire Department accounts to Fire Overtime Account 310-120 as follows:

\$3500 from 310-310
1000 from 310-710
1000 from 310-210
1000 from 310-510

Building Department - Reserve Fund Transfer No. 92-15

At the request of Building Inspector John Hepting, to repair damage to the Fairbank building caused by vandals, it was on motion unanimously

VOTED: To approve Reserve Fund Transfer Request No. 92-15 in the amount of \$1,000 to cover the Town's insurance deductible.

Sanitary Landfill - Fee Increase

Present: Highway Surveyor Robert A. Noyes, and Highway Operations Assistant Jamie Pianka.

The Board is in receipt of a communication dated May 8, 1992 from Highway Surveyor Robert Noyes requesting to increase the residential and commercial permit rates for the landfill.

Mr. Noyes explained that he believes the economy is in part the reason for the decrease in receipts which started dropping off in February. A couple of big accounts have been lost, according to Mr. Noyes, and the Department has assessed their situation in light of this and determined that internal cuts would have to be made in order to balance the FY93 budget, or they would have to defer \$46,000 which would eventually wipe out their capital fund. Mr. Thompson noted that if the Board votes to increase the fees, the Department will have to submit a revised budget.

Selectman Blacker asked what percentage of the fees is residential and commercial. Mr. Noyes responded it is 2 to 1 commercial. Mr. Blacker commented that the accounts lost inevitably are going to another landfill, and that raising the fees would lose even more revenues, thus, self perpetuating the problem.

Mr. Thompson indicated that the operation costs need to match the receipts.

Jamie Pianka commented that probably the accounts that were lost are going to someplace that will take mixed loads, which Sudbury does not allow. He further commented that some are taking their loads as far as Connecticut in an effort to find a place that will take mixed loads at the cheapest rate.

Mr. Noyes stated he has done some averaging in the various Towns and found that Sudbury is actually a little bit below average with regard to its fees.

Chairman Drobinski commented Mr. Blacker brings up a good point and the main concern is keeping the landfill a viable operation.

Secretary Thompson reported that he is in the process of setting up a meeting with the DEP and Town Counsel with regard to the vertical expansion of the landfill.

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

VOTED: To authorize Sanitary Landfill Agent Robert A. Noyes to increase the Landfill fees as follows:

- a) Increase commercial permit rate from \$12.50 to \$14.00 per cubic yard;
- b) Increase annual residential sticker fee from \$55 to \$65.

200th Town Forum

At 8:00 p.m. Chairman Drobinski convened the 200th Session of the Town Forum. Executive Secretary Thompson took everyone back in time to the first Town Forum which occurred on April 28, 1966, by reading an excerpt from the minutes of that meeting which included the names of those attending and what groups they represented and reiterating the group's intent to meet on the third Thursday of the month, and the fact that they are still meeting.

In addition to the various representatives of the Town's boards and departments updating the Town on their activities, the Board took advantage of this special Town Forum to honor former Selectman David A. Wallace for his service to the Town; and in addition, present awards to seven students whose artwork was selected to be included in the 1991 Town Report.

Chairman Drobinski spoke on behalf of the Board commenting about Mr. Wallace's many accomplishments, not only as a Selectman, but his many services to the Town. After presentation of an inscribed gavel, and a framed Sudbury Police Badge including an honorary membership in the New England Association of Chiefs of Police, which was presented to Mr. Wallace by Police Chief Peter Lembo in absentia, Mr. Wallace commented how rewarding his experience as a Selectman had been, and expressed much gratitude and thanks to the Selectmen's staff.

Patricia Huston, Town Report Committee member presented the awards for artwork in the Town Report to the following students: Tanya Koshy, Lauren Barth-Cohen, Erin Gervais, Joey Lingley, Brian Duggan, Eric Searle and Cristin Anne Marriott.

School Committee Report

Present: School Committee Chairman Edward Campbell.

In response to a request to close the schools on voting day, November 4, 1992, Mr. Campbell expressed the Committee's views that they are reluctant to close the schools, because the calendar is running late and they do not know how many snow days will occur. Mr. Campbell continued that the Committee is offering Nixon School as a voting location. Nixon School is available, according to Mr. Campbell, and he noted that he had plans to show it to Town Clerk Jean MacKenzie.

Following reports by the various Boards and departments Town Forum was adjourned and refreshments, including a special cake, 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.

Line Item Transfer - Account 950-510

Present: Administrative Assistant Janet Silva.

The Board is in receipt of a communication dated May 22, 1992 from Janet Silva regarding a line item transfer request for new equipment 1) copier and 2) personal computer and printer for the Selectmen's office.

Mrs. Silva reported the copier has had several problems and despite several attempts to repair it have been successful only for a short period of time. The additional personal computer and printer were part of the original plan for the office, and are needed to prevent backups for time on the computers particularly with a new legal secretary coming on board, according to Mrs. Silva.

Selectman Blacker asked how much a new copier would cost. Mrs. Silva estimated under \$10,000, but had not received estimates in two years.

Mr. Blacker suggested the possibility of leasing a copier. It was noted by Mr. Thompson that you may end up paying more by leasing because of the interest charged. Mr. Blacker commented that it may be feasible if you could deduct the interest, but as a municipality you cannot.

Selectman Blacker explained the system that he has in his office and wondered if buying a file server in order to be able to tie all the machines to one main terminal would be feasible, but concluded that it would not work with the existing equipment.

Mr. Thompson stated Town Accountant Jim Vanar is planning a \$50,000 equipment replacement program to begin now and is working with the Finance Committee who is very supportive of his efforts.

Chairman Drobinski suggested buying a copier whose capacity is large enough to handle needs in the future.

On motion by Chairman Drobinski, it was unanimously

VOTED: To approve Line Item Transfer No. 92-18, dated May 22, 1992 within Unclassified Accounts to Account #950-510 Equipment in the amount of \$13,420 approx., to purchase replacement copier and personal computer/printer for the Selectman's Office as follows:

From Line Item 950-804, Town Report, year-end balance:	\$1,339
From Line Item 950-814, Town Meeting Exp., year-end balance estimate:	\$5,903
From Line Item 950-951, Copying, year-end balance estimate:	\$6,178

Intellipath Digital Centrex Service - Town and School Telephone System

Executive Secretary Thompson reported that School Administrator John Wilson and Administrative Assistant Janet Silva have been working together to achieve their goals with regard to a telephone system for the Town and Schools for the past eight months. This is the first phase, and the bids were opened for the internal key system today, according to Mr. Thompson.

Chairman Drobinski commented if this system will save the Town money and serves the best interests of the Town, the Board should approve it.

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

VOTED: To authorize the Chairman to sign an agreement, subject to final approval by Town Counsel, with New England Telephone and Telegraph Co. for Intellipath Digital Centrex Service, to be entered into jointly with the Sudbury School Department to service a new telephone system.

Communication - Roy Sanford

The Board acknowledged receipt of a communication dated April 15, 1992 from then Chairman Roy Sanford of the Finance Committee with regard to contract negotiations.

With regard to the Finance Committee's recommendation of establishing a Negotiations Committee, the Board suggested that Marjorie Wallace and Charles Schwager be asked to serve. Mr. Thompson commented that he should be included on the Committee.

Chairman Drobinski concurred that Mr. Thompson should be involved in the process and act in an advisory capacity on the Negotiations Advisory Committee.

It was on motion unanimously

VOTED: To appoint Marjorie Wallace and Charles Schwager to represent the Town to serve on the Negotiations Advisory Committee subject to their acceptance, and to complete appointments and establish a charge for said committee at a future meeting.

1992 Annual Town Meeting Article 32 - Water Resource Protection Bylaw Amendment

The Board is in receipt of a communication dated May 13, 1992 from Planning Board Water Resources Coordinator Mike Meixsell and Water District Commissioner Robert Sheldon regarding the 1992 ATM Water Resource Protection Article.

Chairman Drobinski explained the State has set new guidelines for development in proposed Water Resource areas and the Water District and the Planning Board is recommending accepting these guidelines for the Town. Mr. Meixsell is attempting to bridge these guidelines to the State Statute.

Selectman Blacker stated he is not familiar with this issue and would like to learn more about it. Mr. Thompson stated he would forward copies of the supplements to him and suggested he talk with Mr. Sheldon for further explanation and understanding.

Police Chief - Benefit Package

The Board acknowledged receipt of a communication dated May 21, 1992 from Police Chief Peter Lembo requesting a meeting with the Board with regard to the Chief's benefit package.

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

VOTED: To postpone discussion of the Chief's benefit package until Mr. Lembo's annual review.

Peter Hoffman - Letter

Selectman Blacker reported he received a communication from Peter Hoffman, an attorney in Town, issuing a complaint regarding a response he received from the Assessors after requesting an abatement.

Mr. Blacker noted he did not have the letter present, but would forward it to Mr. Thompson.

Secretary Thompson stated he would follow up and examine both sides of the story and report back to Mr. Blacker.

State Police Crime Lab - Planning Board Letter to OEA

In response to a communication dated May 12, 1992 from Town Planner Jody Kablack to

Ms. Jacki Wilkins, Associate Environmentalist - MEPA Unit with regard to ENF for State Police Crime Lab, Selectman Cope noted that more questions need to be asked with regard to the following: 1) How frequently will the helicopter pad be used; 2) Plans for disposal and storing of toxic' wastes, and where it will be hauled; and will Ms. Kablack be meeting with the State Police Crime Lab to discuss these concerns.

Mr. Thompson will follow-up and report back to the Board.

Virginia Kirshner

Selectman Cope reported she talked with Anita Pearson, who is putting together a video for Ms. Kirshner, who is ill. Mrs. Cope expressed not only her admiration for Ms. Kirshner, but the Town's as well, for Ms. Kirshner's many talents and contributions in the high school and Town.

Mrs. Cope reported Ms. Pearson requested the Selectmen speak on the tape for a period of two to five minutes, and asked the Board for ideas. The taping is taking place on Friday, May 29, 1992 and Wednesday, June 3, 1992.

Middlesex County Selectmen's Association - Dinner Meeting

The Board is in receipt of an invitation to the Middlesex County Selectmen's Association Annual Dinner Meeting on June 10, 1992. Chairman Drobinski commented that he may attend. Selectman Cope and Selectman Blacker declined.

Police Career Incentive Program

The Board acknowledged receipt of a communication dated April 30, 1992 from Budget and Personnel Officer Terri Ackerman with regard to state reimbursements received for the Police Career Incentive Program under the Quinn Bill and the IBPO contract.

Executive Secretary Thompson stated he would keep the Board updated.

Unisys Land Purchase Celebration - June 28

The Board acknowledged receipt of a communication dated May 15, 1992 to Concord Selectman Carolyn Flood from Executive Secretary Thompson with regard to the Unisys Land Purchase Celebration on June 28, 1992, requesting names of persons from Sudbury to be invited to the celebration.

John C. Powers - Communication

The Board acknowledged receipt of a communication dated May 11, 1992 from John C. Powers regarding his comments about Town Meeting and concerns of Town government.

Edwin Barrett Hosmer Memorial Fund

It was on motion unanimously

VOTED: To approve an expenditure in the amount of \$217.52 for glass sheets to protect antique dish display; repair of broken china cabinet and upgrade of office panels, from the Edwin Barrett Hosmer Memorial Fund.

Melone Property - Gravel Pit

The Board acknowledged receipt of a proposed grading map of the Melone Property prepared by the Sudbury Engineering Department and dated May 19, 1992. Secretary Thompson reviewed the map with the Board for the purpose of receiving their approval to begin excavation because of the need for cover at the landfill.

Selectman Cope suggested Town Engineer William Place review the plan with the Conservation Commission.

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

VOTED: To approve the Sudbury Engineering Department plan dated May 19, 1992, to begin excavation, subject to the Town Engineer increasing the buffer zone to 100 feet.

Health Insurance - Town Counsel

The Board acknowledged receipt of a communication dated May 14, 1992 from Labor Relations Counsel Richard Murphy, responding to questions with regard to Town Counsel Paul Kenny's Health Insurance coverage.

In summary, Mr. Murphy's response stated it is legal for a town to provide health insurance coverage to an individual providing services to the town; and that the individual would be required to work a minimum of twenty hours per week regularly; and if Town Counsel works regularly at least twenty hours per week, he is deemed an employee and entitled to coverage as any other Town employee would be.

With agreement of the Board, the Executive Secretary will make a copy available to Town Counsel.

Maynard Rod & Gun Club

The Board acknowledged receipt of a communication dated May 22, 1992 from Town Counsel Paul Kenny regarding Hepting v. Maynard Road & Gun Club, Inc., Land Court Case No. 128640, advising that notice of appeal must be filed within 30 days.

Executive Secretary Thompson asked if the Board wanted to appeal this case. Selectman Blacker expressed his opinions that he believes the case is appealable, but may not be worth the cost to appeal because the chances of winning would not be favorable; however, it may be advisable to ask Town Counsel what the cost would be to appeal.

Selectman Blacker explained a case #409MASS317 that he believes is very similar to this one, and suggested Mr. Thompson ask Mr. Kenny to review it.

It was the consensus of the Board not to appeal this case at this time, however it would leave it open for further review knowing that a decision has to be made within 30 days of receipt of the Decision. In the meantime, Selectman Blacker will privately review the same with Town Counsel and report back to the Board.

There being no further business to come before the Board, the meeting was adjourned at 10:45 p.m.

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