

IN BOARD OF SELECTMEN  
MONDAY, AUGUST 9, 1993

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

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

Great Meadows National Wildlife Refuge - Meeting with Edward S. Moses

Present: Edward S. Moses, Manager, Great Meadows National Wildlife Refuge.

At the request of Mr. Moses, the Board agreed to meet with him with regard to two issues: (1) payment in lieu of taxes and, (2) Fort Devens Sudbury Annex.

Mr. Moses explained that from time to time he likes to meet with the Board, to keep them up-to-date and to explain to new Board members about federal in lieu of tax payments to Sudbury. The Government pays to the Town in lieu of taxes a maximum of 3/4 of 1% of the total land evaluation. Mr. Moses presented the payment for 1992 in the amount of \$38,315.00. In the past few years there have not been sufficient funds to pay this maximum payment, said Mr. Moses, who noted that this year's payment represents 81.1% of the 3/4 of 1%, due in part to the decline in land values. As land continues to be added in Sudbury and as land values increase, the payment will increase. The amount of pay-out is re-evaluated every 5 years.

Mr. Moses continued that the funds for the payments in lieu of taxes come from the sale of the products of the land such as timber, haying, grazing, etc., but the largest revenues are received from oil and gas leasings. When the funds have fallen, Congress has appropriated money to supplement the fund.

In response, Selectman Drobinski thanked Mr. Moses for his efforts on the Town's behalf and noted that he enjoys reading the newsletter that is published by the Wildlife Refuge and exclaimed that he thinks the Refuge is doing a great job expanding the existing open space. Mr. Moses remarked that because of the efforts of several agencies in promoting and acquiring open space, there will be quite a heritage left to future generations.

The second issue Mr. Moses wanted to share with the Board was the current status on the Fort Devens Annex in Sudbury. He referenced a meeting he attended on July 27, 1993, relative to the Sudbury Annex, in which the Department of Defense was represented, including staff from Senator Kennedy's office and the park services. The U. S. Fish and Wildlife Service (U.S. F & WS) had been working closely with former Congressman Atkins on the entire Department of Defense holdings and the excessing of Fort Devens to write into the Department of Interior Appropriations Bill language that directs the U.S. F & WS to do a complete base survey. The working of the survey referenced only Fort Devens as a whole and not the Sudbury Annex specifically. Mr. Moses noted that, in the survey, U.S. F & WS has requested doubling the amount of conservation land at Oxbow National Wildlife Refuge in Harvard.

Mr. Moses continued to explain that former Congressman Atkins asked U. S. F & WS to take the second step at the Sudbury Annex to do a biological reconnaissance--a copy of the findings is being left for the Board tonight. In summarizing the findings, Mr. Moses remarked that U.S. F & WS has identified an area of about 650 acres as prime wetlands or wetlands related to a buffer protection area. As

left for the Board tonight. In summarizing the findings, Mr. Moses remarked that U.S. F & WS has identified an area of about 650 acres as prime wetlands or wetlands related to a buffer protection area. As far as the timing on acquiring land, the period identified at the briefing according to Mr. Moses, was that no work would be concluded until 1996-97.

Mr. Moses also mentioned a concern he has with regard to the Department of Defense identifying certain pieces of property for specific persons. No formal application is generally made for the land until the Government makes the announcement that the land is being excessed. There is a definite process followed with regard to excessing government land, stated Mr. Moses. The U.S. F & WS has picked up wildlife land from military bases, concluded Mr. Moses, who said that if the military cannot justify the land's use, they have to divest themselves of it. He added that the U.S. F & WS will work very closely with the Town relative to the Annex and as excessing it becomes closer to a reality, they will coordinate with the Town's interests.

#### Minutes

It was on motion unanimously

VOTED: To approve the regular session minutes of July 26, 1993, as amended by Chairman Cope, and to approve the executive session minutes of July 26, 1993, the regular session and executive session minutes of August 2, 1993.

#### Council on Aging - Van Donation

It was on motion unanimously

VOTED: To accept \$210.30 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.

#### Chapter 90 Reimbursement Request - M.A. #34989

Upon receipt of a Chapter 90 project final report, and reimbursement request from the Highway Department, it was on motion unanimously

VOTED: To confirm the signing by Chairman Cope of Chapter 90 Reimbursement Request relative to Chapter 90 Project Final Report, M.A. #34989, for work started May 20, 1993 and completed June 28, 1993 in the amount of \$130,025.00, reimbursed 100% by state funds.

#### Park and Recreation Commission - Donation

In response to a communication dated July 27, 1993, from Pat Burkhardt, Chairman, Park and Recreation Commission, it was on motion unanimously

VOTED: To accept on behalf of the Town a donation in the amount of \$20.00 from Diane and Robert Dacey in recognition of Randi Simpson and Anna Roughsedge, instructors in the "Terrific Two's" program; and to deposit said sum in the Park and Recreation Department's Revolving Account Programs

(422) and authorize the Park and Recreation Commission to expend same for the Terrific Two's Program as requested.

Letter of Support for Grant Applications - Fire Department

In response to a communication received August 4, 1993, from Fire Chief Michael Dunne asking for support of two grant applications, it was on motion unanimously

VOTED: To send a letter of support relative to two grant applications filed with the Executive Office of Communities and Development by Fire District Fourteen - one to further develop emergency plans and the second to provide additional hazardous material equipment and a person to coordinate District funds.

White Pond

Secretary Thompson reported that Concord has invited Sudbury to walk the Unisys easement at White Pond tomorrow, August 10, 1993 at 5:00 p.m. The purpose is to allow Debbie Montemerlo, Conservation Coordinator, to gain input for our proposed land use report; we have state grant money to help prepare the report.

Orders of Taking and Easements - Whitetail Lane and Run Brook Circle

On motion by Selectman Blacker, it was unanimously

VOTED: To sign Orders of Taking relative to the street layouts of Whitetail Lane and Run Brook Circle, pursuant to the 1993 Annual Town Meeting under Article 17.

And it was further

VOTED: To accept a Drain and Access Easement and Conservation Easement dated July 21, 1993, granted by Thomas R. and Theresa M. Sommerfield of 23 Run Brook Circle, on Lot 6A, shown on a plan entitled "GREAT POND WOODS IN SUDBURY, MASS.", dated December 21, 1984, revised May 7, 1985, drawn by Colburn Engineering, Inc.

And it was further

VOTED: To accept a Utility Easement dated July 25, 1993, granted by Elliott Mark and Harriett Shirley Gartner of 14 Run Brook Circle, Lot 8, shown on a plan entitled, "Great Pond Woods", dated December 21, 1984, revised May 7, 1985, drawn by Colburn Engineering, Inc.

Congressman Meehan - Fairbank Senior Center Meeting

Selectman Blacker reported he would be willing to introduce Congressman Meehan at the meeting scheduled at the Fairbank Senior Center on August 30, 1993 at 7:00 p.m. Chairman Cope has a conflict.

Long Range Planning Committee - Six-Year Capital Plan

In response to a communication dated July 11, 1993 from the Long Range Planning Committee relative to FY1995 capital requests and six year capital plans, it was on motion unanimously

VOTED: To approve the Board of Selectmen's submission to the Long Range Planning Committee of capital items for a six-year capital plan, as prepared by the Executive Secretary.

M.G.L. Ch. 61A, S. 14 - Janet H. and Roger E. Cutler

The Board acknowledged receipt of a communication dated July 9, 1993 from Janet H. Cutler with regard to a notice of intent pursuant to Section 14 of Chapter 61A to sell the captioned land which is valued, assessed and taxed on the basis of its agricultural or horticultural use; and in addition, a bona fide purchase and sale agreement dated June 22, 1993.

For the record, the following communications were acknowledged:

1. Communication dated July 27, 1993 from the Board of Assessors, who voted to recommend that the Board of Selectmen not exercise the Town's first refusal option to purchase this land.
2. Communication dated July 28, 1993 from Town Planner Jody A. Kablack informing that the Planning Board voted to take no position on the exercise of the Town's option.
3. Verbal communication received on August 5, 1993 from the Conservation Coordinator recommending to not exercise the Town's option.

On the recommendation of Executive Secretary Thompson, and in response to the above mentioned communications, it was on motion unanimously

VOTED: To decline to exercise the Town's first refusal purchase option under General Laws Chapter 61A, Sec. 14, to purchase approximately 1.19 acres of land including the garden center buildings and fixtures thereon, owned by Janet H. and Roger E. Cutler; said property located on Landham Road, shown on Town Property Maps as Parcel L10-030 and as Lot 3 on "Plot Plan of Land in SUDBURY, MASS.", dated December 7, 1992, drawn by Guerriere & Halnon, Inc.

Mr. and Mrs. Thomas K. Gerbe - Trailer Permit

In response to a communication dated August 6, 1993, from Mr. and Mrs. Thomas K. Gerbe of Edgartown, MA, it was on motion unanimously

VOTED: To grant a special permit to Mr. and Mrs. Thomas K. Gerbe of Edgartown, MA for use of a house trailer at 105 Firecut Lane for dwelling purposes until December 1, 1993, while construction of their new home is being completed, subject to Board of Health approval involving connection of the trailer to septic system and water; and occupancy permit by the Building Inspector.

Chairman Cope asked if the neighbors had been notified, and Mr. Thompson responded that abutters are not usually notified for approval of trailer permits because it is permitted in the bylaw.

Sudbury Cultural Council - Appointments

The Board acknowledged receipt of five applications for appointment to the Sudbury Cultural Council. On the recommendation of the Sudbury Cultural Council, it was on motion unanimously

VOTED: To appoint the following persons to the Sudbury Cultural Council for a three-year term to expire August 9, 1996:

- Donna Kruse, 6 Partridge Lane
- Anthony A. Martinelli, 289 Willis Road
- Ruth Howey, 18 Hudson Road
- Paul Fredrickson, 170 Haynes Road
- Dorothy Carter, 24 Old Meadow Road

#### Japan and Sudbury - Sisterhood Town of Shimoto

A verbal communication, dated August 9, 1993 was noted by the Board of Selectmen's office relative to a former Sudbury resident who now resides in Japan and is arranging to set up a Sisterhood with the town of Shimoto in Japan and Sudbury.

The arrangement is for the Selectmen from Shimoto to visit Sudbury and have dinner with the Selectmen in Sudbury at the Wayside Inn on Friday, October 8, 1993.

All three members of the Board responded in the affirmative. Chairman Cope and Mr. Thompson will be coordinating these efforts, and will be in contact with Andy Reisburg, the liaison to Japan.

#### Sharkey Property

The Selectmen asked Executive Secretary Thompson to inquire of Town Counsel as to the appropriateness of the Board of Assessors' decision with regard to the split assessment (commercial/residential) of the Sharkey property located at the corner of Haynes Road and Pantry Road.

#### Dudley Road

Secretary Thompson informed that he received a call from Adams Road resident David Portney who was upset about the Board's decision to not allow a right turn on Dudley Road off of Rt. 20. Mr. Portney requested that Mr. Thompson relay the following information to the Board:

1. A group of residents wishes to appeal this decision.
2. The group would like a public hearing to hear both sides.
3. Requested that the Board hold on implementation until after a public hearing.

Mr. Portney has stated to Mr. Thompson that these requests will be put in writing to the Board. Selectman Blacker said he believes the Board's decision to not allow a right turn on Dudley Road is the best one to make because it deals with the safety issues and the safety of the neighborhood.

Mr. Thompson reminded the Board that the implementation was not scheduled to occur until the Town Engineer had an opportunity to devise a plan for implementation that included signage, etc., and that the Town Engineer has just recently received the necessary information.

Conrail

Mr. Thompson reported that Conrail contacted Town Engineer, I. William Place, and stated they were sending out bids for the work to be done at the intersection of Rt. 20 and Nobscot Road relative to the signage, underground cables, etc. for the railroad crossing.

Loring School

The Board acknowledged receipt of a communication dated August 4, 1993, from tenants of the Loring School, addressed to Congregation B'Nai Torah, their lessor, relative to the condition of the roof. Since the Loring School is owned by the Town, this situation is also a concern of the Town's.

Mr. Thompson reported he met with Building Inspector John Hepting and representatives from Congregation B'Nai Torah which was very productive and resulted in a mutual recommendation. He informed that he will be drafting a copy of a summary of a recommendation on how the Town should proceed from the Town's standpoint as well as the Temple's.

Special Town Meeting

Secretary Thompson reported that there is a possibility of calling a special Town Meeting in October to address the following imminent concerns:

1. To request permission to sell Loring School.
2. To request permission to demolish Loring School if there are no buyers.
3. To include a possible third Article to address the issues of Loring School, if neither #1 or #2 are successful.
4. Distribution of funds received back to the schools from the State relative to the Education Reform Bill, which requires Town Meeting appropriation.

Metropolitan Area Planning Council - Draft Transportation Plan (MAPC)

With regard to a communication dated August 2, 1993, from Executive Director of the MAPC, David Soule, Secretary Thompson reported he would be attending the Council meeting on Tuesday, August 10, 1993, at 7:30 p.m. in Natick Town Hall, relative to the Draft Regional Transportation Plan for the Boston Region. Mr. Thompson stated that a copy of this document is available in the Selectmen's office.

New Town Cemetery - Plot Purchase by Janice Peltz

In response to a communication dated July 31, 1993, from Janice Peltz of Coral Springs, FL, a former resident of Sudbury for 21 years, requesting to purchase a cemetery plot in New Town Cemetery, it was on motion by Chairman Cope unanimously

VOTED: To allow Janice Peltz of Coral Springs, FL, a former resident of Sudbury for 21 years, to purchase a cemetery plot in the New Town Cemetery.

Town Treasurer/Collector - Merit Raise

With regard to reconsideration of Mary Ellen Dunn's merit raise, Chairman Cope remarked that she is very satisfied with the way she has done her job. Selectman Blacker remarked that he still does not understand why she does certain things the way she does and expressed that he wishes she displayed more flexibility in her dealings with the residents of Sudbury.

Selectman Cope responded that she was hired to do a job which is what she is doing. Mr. Thompson stated that other traits and abilities should be considered when evaluating for merit raises, and he would like to agree with Mr. Blacker, but cannot. While Mr. Blacker believes Mrs. Dunn's actions relative to tax title are strict, there are many people in Town who support her efforts in obtaining back taxes.

There was discussion on what the prerequisites are for obtaining a merit raise or step increase and if every Town employee automatically receives one. Mr. Thompson replied the performance reviews are an important part of substantiating these raises. Mr. Blacker questioned whether these raises are a result of "above and beyond" the call of duty for the job, or if they have been given automatically. Mr. Thompson responded that some department heads in the past have not received merit increases.

Selectman Drobinski stated that all the Board's issues have to be addressed, because even one member of the Board should not feel uneasy about an employee. Mr. Thompson stated that Mrs. Dunn wants to accommodate everyone, and Mr. Drobinski commented that he understands she has to work within the statutes, but some flexibility may be in order.

On motion by Selectman Drobinski, with the above understanding, it was

VOTED: To approve a step increase for Town Treasurer/Collector Mary Ellen Normen Dunn, retroactive to July 1, 1993, establishing her annual base salary at \$46,701 (Step 2 of the Supervisory Association contract). (Chairman Cope, aye; Selectman Drobinski, aye; Selectman Blacker, nay.)

There being no further business, the meeting was adjourned at 9:15 p.m.

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