

IN BOARD OF SELECTMEN
MONDAY, DECEMBER 13, 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. in the Fairbank Senior Center.

Tax Classification Hearing - FY 1994 Tax Rate

Present: Assessor/Appraiser Daniel Loughlin; Chairman Fred N. Haberstroh, David E. Tucker, Board of Assessors; approximately 20 residents and business property owners.

At 7:30 p.m. Chairman Cope convened a public hearing jointly with the Board of Assessors, in accordance with General Laws Chapter 40, s.56, to determine what percentage of the local tax levy will be borne by each class of real and personal property in setting the Fiscal Year 1994 tax rate. Notice of the hearing was published in the Sudbury Town Crier on December 2, 1993, and in The Middlesex News on November 29, 1993.

Assessor/Appraiser Daniel Loughlin distributed an informational handout which showed effects of possible shifts in the tax burden and compared property values by class. Previous to tonight's hearing, information was distributed to the Board, setting forth the considerations for setting the tax rate, which he explained in detail. Mr. Loughlin informed that the Town's budget for FY1994 has been set and Sudbury needs to raise approximately \$30,994,945 in order to cover Fiscal 1994 expenses. The Town needs to apply tax rates against approximately 6,300 properties in Town added Mr. Loughlin.

Mr. Loughlin explained the table that shows the possible shifts that could occur and what the resulting tax burden would be for both residential and commercial. He added that there has been a shift of the tax burden in Sudbury since 1980 and the idea of shifting the tax burden was created by the legislature in the late 70's or early 80's by the Massachusetts courts which required towns to reassess every so many years because of the inequities of the values of residential property versus commercial property--residential climbing much higher and more rapidly than commercial. This change allowed a more appropriate sharing of the tax burden. In the 1980's the legislature created a shift which allowed the towns to offset the huge increase that residential property owners would be faced with and apply a higher rate to commercial properties.

The law has been revised to allow for a maximum shift of 175% for Commercial. Residential properties declined in value in the early 90's but are now on the increase, thus causing a shift in the tax rate. As a result, the Town has seen the shift work both for residential and commercial depending on the current assessments of these properties. A reassessment of residential and commercial property values is required by law to be done every three years with 1995 being the next reassessment year. Mr. Loughlin expects residential properties to increase 5 - 20%. Since there is no such thing as a typical commercial property, Mr. Loughlin suggests that it is more important to look at the percent of change rather than the dollar amount.

There are two other provisions in the law to take into consideration when setting the tax rate for residential properties only:

1. Open Space Classification means towns could tax open space property at a lower than residential tax rate, which could amount to up to a 25% discount on their tax bill. The purpose of this open space classification is to slow down development of land in an effort to preserve it. Mr. Loughlin pointed out that land values are quickly recovering and there are some large scale subdivisions being planned in Sudbury. At present, there is no land classified as open space and it would take about a year to accomplish implementing the Open Space Classification.

2. Residential Exemption is designed to help out the homeowner. This is accomplished through a reduction in owner-occupied property assessments up to 20% of the average assessed residential property value. Because the difference in the tax burden will need to be shifted, land owners and all other properties that are not owner occupied would take on the extra burden. Since Sudbury has very few properties that are not owner occupied, the residential exemption would not work in Sudbury--it is mainly suitable for larger towns that have large numbers of tenant properties and higher assessed properties. Lower assessed properties would pay less taxes. This effect would not be what is intended for Sudbury.

Walter Parfenuk, 808 Concord Road, asked about the 4.1% increase indicated as an increase in the residential tax bill and what the dollar amount of difference might be compared to last year.

Mr. Ronald Stephan, Sudbury Chamber of Commerce President, spoke on behalf of the business community updating those present with the following information: 1) Of the 351 cities and towns in Massachusetts, only 104 charge a different rate for commercial; 2) Out of 16 surrounding towns, 8 differentiate between the commercial and residential and Sudbury is the third highest of its population size behind Hudson and Maynard. He talked about the distinction between net percent vs. gross percent of the residential rate and asked the Board to look at the differences in the increments and the fact that taxes have come down in smaller increments. Mr. Loughlin explained what the rate would be at the current 155% shift and that Mr. Stephen is measuring the current rate as a percentage of the adjusted residential rate which has fallen, which shows a higher percentage of the rate falling on commercial.

Selectman Blacker commented that no one at Town Meeting ever suggests lowering the budget, and he does not think the problem of spending all the money should be falling on the commercial. It goes up fast and goes down slow.

Selectman Drobinski commented that the budget limit always goes up and the Town usually spends it to the maximum.

Town Clerk Jean MacKenzie stated she does not believe that Town Meeting attendance of around 200 residents is representative of the entire Town. As a resident of the Town, she would like to see the tax rate go down. She asked about depreciation on commercial property and what the rate might be. She believes retail properties have done very well while many residential properties will be slow to appreciate. Ms. MacKenzie noted that there is still much unemployment in the Town and that many employment situations are only temporary.

Mr. Steven R. Wishner, 92 Fox Run Road, indicated, as a private citizen, that he would argue against shifting more of the burden on to private citizens because he believes there are many who are still experiencing difficult times because of being out of work. Residents had a large increase in their taxes last year which was partially due to reassessments, and does not believe that shifting more on the homeowner is the route to take at this time.

Chairman Cope expressed that she is glad to see businesses in Town doing better and looking better. She is very proud of the Town. She believes that it is important that the news media understand that there is a bottom line, that if the commercial rate goes down, the residents have to make up the difference. The Board needs to be sensitive to all and attempt to make a judgment which will result in the best interests of all in the Town.

Selectman Drobinski's feeling is that, notwithstanding how calculations are performed, he would like to see homes continue to gain equity, and he would like to keep the rate where it is right now.

Mr. Blacker stated he would like to see the shift lowered to 150%, and Chairman Cope stated she would like it to remain the same.

Mr. Thompson emphasized that Town Meeting determines what is to be spent and at what level. Town Meeting has been pressured and has voted in good conscience and has spent up to the maximum. He and others are not recommending that the Town spend the maximum, rather keep larger reserves and not spend at the maximum.

On motion by Selectman Blacker, it was unanimously

VOTED: To assess no Residential Exemption and to assess no Open Space Exemption.

On motion by Selectman Drobinski, based on a commercial shift of 155%, it was

VOTED: To compute the Fiscal Year 1994 tax rate based on the minimum residential factor, .947131, which will result in a tax rate of approximately \$16.15 for residential (+4.1%) and a tax rate of approximately \$26.43 for commercial, industrial and personal property (+3.9%).
Chairman Cope and Selectman Drobinski in favor; Selectman Blacker opposed.

Library Trust Fund

Present: Hans J. Lopater, Goodnow Library Trustee.

The Board recognized the request of Mr. Lopater to share a concern he has relative to the amount of investment income being earned in the Library Trust Fund. His concern is that the Trust Fund earnings have been falling over the last few years with a rate of return on investments this year being only 3.71%. Mr. Lopater surmised that one of the following three possibilities exist to explain this decline in earnings: 1) Shift in accounting for all trust fund money; 2) The Treasurer hired a manager for the investments; and 3) The manager's fee is being taken out of the fund. Mr. Lopater stated it was his understanding that the Investment Advisory Committee was not consulted with regard to an investment manager. His request is that the Board of Selectmen examine the situation to determine what might be happening.

Mr. Blacker asked if the Library Trust funds are separate from Town funds. Mr. Lopater explained that the trust fund consists not just of library funds, but that a certain portion is designated for the library. Mr. Blacker commented that the lawful investments for a municipality might be different and

the portion designated to the library might be different depending on what the goals are with regard to income and growth.

Mr. Lopater responded that at one time there were no restrictions as to the investments.

Mr. Thompson stated that he would talk with the Town Treasurer, but noted that a recent audit of the trust funds has not yet been signed by the auditor and, therefore cannot be released. When this is accomplished, the Board agreed to meet with the Goodnow Library Trustees as well as the Investment Advisory Committee early next year.

Atkinson Pool Enterprise Fund Budget Review

Present: Recreation Director Patricia Savage, Atkinson Pool Director Jamie Lamoreaux, Park and Recreation Commission Chairman Patricia Burkhardt, and member Elizabeth Nikula.

Ms. Savage explained that most budget items have been decreased with the exception of a slight increase in personnel--the budget is basically level funded. She continued that the Pool budget is operating with a slight upward trend--income is just slightly above expenses. A number of changes have been made in attempting to increase revenues.

Chairman Cope asked about pool maintenance and how it is handled. Ms. Savage informed that one cost-cutting measure that has been initiated is the purchase of chlorine for the pool in larger quantities than has been done in the past. Jamie Lamoreaux and Jack Braim have been keeping the equipment in good working order rather than hire outside maintenance. She explained that two fire bricks were recently replaced, and does not foresee any major maintenance other than the norm in the immediate future.

Mr. Lamoreaux commented on some cosmetic maintenance that needs to be done, in particular carpeting, rusted lockers repaired, counter tops in the locker rooms replaced. Ms. Savage noted that many of these items could be fixed in-house and were not in the budget for the coming year.

Chairman Cope expressed concern that cosmetic issues, if not repaired, might deter from the attractiveness of the pool and thus a decrease in those using the pool. Ms. Savage commented that there are still some funds left over from the Sudbury Foundation, plus possibly other sources.

Secretary Thompson commented that the Pool has improved immensely and that it is one of the cleanest pools in the area. With regard to the locker room and the cosmetic problems they are experiencing, Mr. Thompson agreed that locker rooms are very difficult to maintain, but he is happy with their budget and wishes them well.

Chairman Cope asked what Park and Recreation is doing to further utilize the facilities. Ms. Savage noted that they are working on combining programs with the Park and Recreation Department and the Pool. In addition, Mr. Lamoreaux is working with a fitness center for an exchange of offerings, and exploring corporate packages.

Selectman Drobinski asked what the pool membership was now. Mr. Lamoreaux responded that it is now around 550. With regard to health insurance discounts, Atkinson Pool did not qualify at this time because the facility is not a multi-use facility including enough other athletic-type programs.

Building Department

Present: Building Inspector John B. Hepting, Finance Committee Liaison Steven D. Stolle.

Mr. Hepting informed that the Building Department budget is within \$200 of being level funded.

A request for an additional custodian is indicated on Line Item 150. Mr. Hepting explained that this is the lowest grade and step, and very much needed in order to maintain the Town Buildings as they should be. He continued that the Town currently employs two custodians to handle six Town buildings. This situation goes back a few years relative to his request for additional custodial help. In addition to maintaining the buildings, the custodians also handle the mail.

Mr. Hepting added that there is no coverage for when employees are out sick or on vacation, which results in a backlog of work to be done and an ever-present "catch up" condition. The Building Department has saved the Town money in utility bills with the replacement of energy-saving bulbs and also has accomplished saving money for oil for the Town.

With regard to Personnel Services B, Page 7, Mr. Hepting is requesting an additional sum of money for hiring extra help for filing. These additional funds were taken away and then given back last year, but were all spent in the first half of the year because of the volume of filing needed to be done.

Mr. Thompson reported that the Town has privatized some cleaning services, but it has not accomplished the task of keeping up. Mr. Hepting concluded that the biggest concern is coverage when someone is out, which always results in playing "catch up".

Law Budget

Present: Finance Committee Liaison Steven R. Wishner.

There were no comments made on the Law budget.

Accounting Department Budget

Present: Finance Committee Liaison Steven D. Stolle.

There were no changes made to the Accounting budget, therefore, no comments were made.

Dog Officer Budget

The only comment made on the Dog Officer budget was that Selectman Drobinski wanted to confirm that the Dog Officer's salary was what the Selectman had agreed on.

Unclassified/Transfer Budget

Present: Janet Silva, Administrative Assistant to the Board.

Mr. Thompson reported that the State has changed how to determine Retirement unfunded liability, and that the Selectmen's office is still negotiating this budget. The Postage budget shows a large increase for a folding machine which they anticipate to save the Town and Schools money on their mailings, and a report by Mrs. Silva will be forthcoming.

Mrs. Silva reported that telephone costs are coming down to where they had hoped, and that an additional \$200 will be needed for life insurance.

Minutes

It was on motion unanimously

VOTED: To approve the regular and executive session minutes of November 29, 1993.

Chairman Cope added the following requests from the regular and executive session minutes of November 29, 1993:

1. With regard to plantings in the Traffic Islands, page 5, Mrs. Cope requested a letter be sent to Mr. Paul Cavicchio with regard to the Board's decision and to confirm the use of tasteful small signs.

2. Mrs. Cope reminded that the Board had agreed to discuss the Dunkin Donuts issues in open session.

Council on Aging - Van Donation

It was on motion unanimously

VOTED: To accept \$102.47 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.

D.A.R.E. Program - Kiwanis Club Donation

It was on motion unanimously

VOTED: To accept with thanks a \$400 donation from the Kiwanis Club for the D.A.R.E. Program and to authorize expenditure under the direction of the Police Chief for said program.

1994 Annual Town Election

At the request of Town Clerk Jean MacKenzie, in a communication dated December 6, 1993, it was on motion unanimously

VOTED: Relative to the 1994 Annual Town Election and Annual Town Meeting:

- 1 - To set the 1994 Annual Town Election for the four precincts in Sudbury for Monday, March 28, 1994, from 7:00 a.m. to 8:00 p.m. at the John Nixon Elementary School;
- 2 - To establish that the Annual Lincoln-Sudbury Regional School District Committee Election shall be combined with and held as part of the Annual Town Election of Sudbury, and that the ballot for the Annual Lincoln-Sudbury Regional School District Committee Election shall be included with and prepared as part of the ballot for the Annual Town Election;
- 3 - To establish that the listing of the offices shall be the same as set forth in the Warrant for the Lincoln-Sudbury Regional School District Committee Election and shall be printed as the last office on the ballot;
- 4 - To set the opening session of the 1994 Annual Town Meeting for Monday, April 4, 1994, at 7:30 p.m. in the auditorium of the Lincoln-Sudbury Regional High School.
- 5 - To approve allowing the Board of Registrars to hold special voter registration sessions prior to the Annual Town Election and Town Meeting in the Town Hall, in accordance with chapter 51, section 30 of the General Laws.

Eagle Scout Awards

In response to two communications, both dated November 29, 1993, from Advancement Chair Elizabeth J. Nikula, relative to the achievement of the rank of Eagle Scout by Scout David C. Hammer and Scout Dana N. Rock from Boy Scout Troop No. 63, it was on motion unanimously

VOTED: To send a letter of congratulations to Scout David C. Hammer and Scout Dana N. Rock for their achievement of the rank of Eagle Scout. Chairman Cope expressed a desire to attend the Eagle Court of Honor to be held in their honor at Our Lady of Fatima church on December 30, 1993 at 7:15 p.m., but could not confirm that she would be attending at this time.

Sudbury Housing Authority - Resignation

Upon receipt of a communication dated December 8, 1993, from Sudbury Housing Authority Director Jo-Ann Howe relative to a vacancy on the Sudbury Housing Authority; a letter of resignation dated October 1, 1993, from Housing Authority member Renee Reiner; and an application for appointment to the Housing Authority dated November 3, 1993, from Bettie H. Kornegay, it was on motion unanimously

VOTED: To acknowledge the resignation of Renee Reiner from the Sudbury Housing Authority, and to agree to meet with the Sudbury Housing Authority at the Board of Selectmen's meeting scheduled for January 10, 1994, at 7:30 p.m. in the Senior Center, for the purpose of appointing a replacement for Ms. Reiner.

Walkway Easement - Peakham Road

It was on motion unanimously

VOTED: To accept the grant of a walkway easement from Robert Kleine and Suzanne Kleine, 229 Peakham Road, dated October 25, 1993, located on the northerly side of Peakham Road, shown on a plan entitled: "Walkway Easement over land of Robert & Suzanne Kleine", dated March 23, 1992, by the Town of Sudbury Engineering Department.

Land Management Reports - Conservation Commission and Park and Recreation Commission

The Board acknowledged receipt of a communication dated November 29, 1993, from John B. Braim, Superintendent, Parks and Grounds Management, and Patricia Burkhardt, Park and Recreation Chairperson, relative to 1993 reports on the use and land management of Feeley Park, Heritage Park and Haskell Recreation Area.

Selectman Blacker commented that he would like to see a Warrant article sent by the Park and Recreation Commission addressing the need for and preparation of a plan whereby the tennis courts will be resurfaced.

The rubbish problem at Feeley Park was discussed as well as overall field maintenance.

In addition, the Board acknowledged receipt of a communication dated November 29, 1993, from the Conservation Commission relative to their 1993 Land Management Reports which include the following: Surrey Lane Parcel, Raymond Road - East and West, and Parkinson Parcel.

On motion by Chairman Cope, it was unanimously

VOTED: To accept Land Management Reports from the Conservation Commission dated November 29, 1993, and the Park and Recreation Commission dated November 29, 1993.

Haynes Meadow House - Lease Agreement

The Board acknowledged receipt of a Lease Agreement for the Haynes Meadow house which is currently being leased by Gregory Sobel and Elizabeth Altman.

Secretary Thompson encouraged the Board to sign the lease for one year, at which time the Town will re-evaluate the fate of this Town-owned property.

At the request of the Conservation Commission, it was on motion unanimously

VOTED: To sign an agreement with Gregory Sobel and Elizabeth Altman for their lease of the Haynes Meadow house located at 489 Peakham Road, for the conditional term of November 15, 1993 through November 14, 1994.

Conservation Restriction - Twin Ash Farm

It was on motion unanimously

VOTED: To approve and sign an amended Conservation Restriction granted by the Sudbury Valley Trustees, Inc. for property known as Twin Ash Farm, Warren Property, Concord Road, in accordance with memorandum dated December 7, 1993, from the Conservation Commission.

Budget Review - Selectmen

Present: Janet Silva, Administrative Assistant to the Board.

Mrs. Silva pointed out that a total of \$1500 has been requested for an extra hire for summer assistance. The summer hire is the same person that has been here for the past few summers and the office would like to offer her more compensation.

The equipment line item 510 on page 8 shows a request of \$2000 for replacement of a computer monitor and a keyboard, noted Mrs. Silva. Mr. Blacker commented that this amount seemed high, and Mrs. Silva stated she would check with Mr. Vanar and make any necessary adjustments.

Also noted by Mrs. Silva is the inclusion once again of a travel budget. The sum of \$300 has been transferred from general expenses for this purpose.

Town Committee for Aquifer Protection - Appointments

Present: Richard Carroll, Superintendent, Sudbury Water District.

Pursuant to a communication dated October 27, 1993, from the Sudbury Water District, which subject was tabled on November 8, 1993, by the Board, concerning the question of appointments to the Town Committee for Aquifer Protection and the mention of David Wallace as a possible candidate, the Board made the following comments:

Chairman Cope opined that Mr. Wallace may not be the right person to serve on this committee for lack of background and experience in this area. Because of the swale problems behind T. J. Maxx, and the need to come to a conclusion on a solution, it was her impression that Sudbury Water District Commissioner Mr. Robert Sheldon wanted a committee of experts.

Selectman Drobinski commented that Mr. Wallace was chosen because of his familiarity with the subject and procedures. The formation of this committee was originally brought up by Planning Board Chairman Mike Meixsell, who had thought the formation of the committee needed a Town Meeting vote. The Selectmen stated that it did not and suggested that the Water District be responsible for setting it up.

Selectman Blacker opined that he thought the committee should consist of non-technical people also who would look after other people's interests--but not a group that would be fearful of the Town's water resources regardless of what was proposed.

Mr. Carroll remarked that he believes the intent of Mr. Sheldon was to obtain professional advice from a group that could concentrate on aquifer issues. His understanding was that the Planning Board's complaint was that they do not have the time nor expertise to address these issues. It was noted that professionals would be preferred, but concerned, sincere individuals that would study the issues and proposals from consultants and developers from their point of view would be welcome on the committee. According to Mr. Carroll, despite advertisements, no one has come forward to serve.

Mr. Carroll continued that he believes Mr. Sheldon was looking for professional registered engineers that have the time to devote to these issues. Mr. Blacker expressed that he would like to see a mixture of talents on the committee. Selectman Drobinski concurred and added that Mr. Wallace did say he would serve.

On motion by Selectman Blacker, it was

VOTED: To appoint David A. Wallace, 15 Hilltop Road, to the Water Resources Protection Committee for a term to expire May 31, 1995. (Selectman Blacker and Selectman Drobinski in favor; Chairman Cope opposed.)

And it was further, on motion unanimously

VOTED: To appoint Research Hydrologist Stephen P. Garabedian, 66 Robbins Road, as an associate member to the Water Resources Protection Committee, for a term to expire May 31, 1995, subject to his acceptance.

1993 Open Space Bond Bill (H-5568)

At the request of the Conservation Commission, it was on motion unanimously

VOTED: To send a letter in support of the 1993 Open Space Bond Bill (H-5568) to area legislators and the Committee on Natural Resources.

License Renewals - Calendar 1994

Executive Secretary Richard E. Thompson reported that a favorable inspection report for all licensees had been received from Building Inspector John B. Hepting on December 13, 1993; that the Fire Chief, by memo dated December 8, 1993, stated no objection to the renewal of licenses; and that Health Director Robert C. Leupold, by memo dated November 24, 1993, has stated his recommendation for renewal.

It was also noted that several applicants for renewal of various licenses are presently in arrears on taxes. In addition, Chairman Cope requested that the office ascertain whether or not any license has a significant water bill outstanding. (It was later confirmed by Executive Secretary there were none outstanding.)

It was on motion unanimously

1. VOTED: To renew Alcoholic Beverages, Common Victualler, Entertainment, Automatic Amusement Device, and Second Hand Motor Vehicle Licenses which expire December 31, 1993, for calendar 1994, as listed on the December 13, 1993 "LICENSEE LIST - Renewals for Calendar 1994", attached and incorporated herein; and to forward the appropriate renewal forms to the Alcoholic Beverages Control Commission where applicable; said licenses shall be held until payment of the required license fees, compliance to any/all outstanding health, safety or zoning violations and payment of all outstanding personal property taxes; said licenses shall also be subject to all previous restrictions; and further,

1A. VOTED: That licenses of Philip's Pizza and Coach House Inn be held until Town Counsel is satisfied that filings for license revisions relative to ownership, financing, etc. have been completed.

2. VOTED: To renew Sunday Entertainment License of Papa Gino's Acquisition Corporation, d/b/a Papa Gino's, 104 Boston Post Road, for operation of a juke box during calendar 1994.

Sterling Insurance Administrators - Contract

Upon receipt of a contract between the Town of Sudbury and Sterling Insurance Administrators, dated November 15, 1993, it was on motion unanimously

VOTED: To approve and sign a contract with Sterling Insurance Administrators for consulting and advisory services, program review, and monitoring and filing of claims for the Town's group health insurance program, for the period December 1, 1993 through December 31, 1994, in the amount of \$13,000.

"Frost House" - Lease

Present: Water District Superintendent Richard Carroll, and Conservation Commission member Robert Lancaster, and citizen Ralph Tyler.

Before a final step was taken to demolish the Frost House, Selectman Blacker and Selectman Drobinski were encouraged to do a site walk of the property. The site walk resulted in Mr. Blacker's reconsidering his original opinion to have the Frost House demolished. Mr. Blacker stated he is now in favor of the proposal to lease the property over a ten-year period with the provision that the Town has the option of terminating the lease at any time buying back the unamortized portion of the amount that has been spent to renovate the house. He believes that no development of this area is going to happen in the near future, based on past experiences in the Town.

Part of Mr. Blacker's thinking in reconsidering the proposal to lease the house, is that at some point in time, whoever develops the area, may decide they want to use the house--it may have some value.

Mr. Ralph Tyler, 1 Deacon Lane, asked what the Town's liability would be should they decide to buy the house back. Mr. Blacker stated it would be 1/10 of the amount spent each year. Should the Town decide to sell the house, the proceeds would cover most of the cost of renovation.

Mr. Tyler expressed his disappointment that the Board has taken the most scenic area on the property and taken it away from public access. Mr. Blacker responded that the other surrounding areas are just as scenic. Mr. Tyler seemed disturbed by the fact that there is no plan for the property before

going to Town Meeting, and have already committed to the signing of a lease and the fact that there seemed to be limited public notice. Mr. Tyler stated he believes there is a broad spectrum of potential users for this property.

Mr. Tyler questioned what value the house is to the Town and does not understand the purpose of renovating it. Mr. Blacker responded that by taking this action, it bides the Town's options, and again stated that nothing will probably happen very quickly.

It was Mr. Tyler's belief that the Conservation Commission was going to have a public hearing for the purpose of obtaining input on the property. Mr. Blacker stated that the only way to reach consensus would be to have all the Boards and Committees come together at the same time to determine what should be done with the property because they all have different plans.

On motion by Chairman Cope, it was unanimously

VOTED: To authorize Town Counsel to prepare documentation for the signing and acceptance of a proposal from Richard P. Carroll, dated November 10, 1993, for lease of the "Frost House" on North Road.

Goodman's Hill and Concord Road Intersection - Improvements

The Board acknowledged receipt of a communication dated November 18, 1993, from Town Engineer I. William Place that explains the redesign of the above mentioned intersection; a plan for the redesign and a cost estimate. In addition, the Board is in receipt of a communication dated December 7, 1993, from Pamela Anderson on behalf of the residents of Goodman's Hill Road relative to improving this intersection in FY1994.

Selectman Blacker asked if the Board could obtain figures for the number of accidents that have occurred at this intersection in order to determine if improving this intersection is the highest priority compared to other intersections in Town.

Secretary Thompson recommended that the Board support the Highway Department in using Ch.90 roadwork monies or 1994 Roadwork highway budget funds to accomplish this task, keeping within the existing appropriations.

Selectman Drobinski requested that Mr. Thompson ask Mr. Place for his list of priorities for intersection improvements.

Chairman Cope reminded the Board that once the Pavement Management Program is in place, the Town will be in a better position to determine priorities. She asked if something could be done to improve the intersection of Goodman's Hill Road and Old Lancaster because of the lack of proper drainage and resulting icing conditions that occur.

Dudley Road - Traffic Issues

The Board acknowledged receipt of a communication dated November 24, 1993, from District 3, Massachusetts Highway Department, denying the application from the Town of Sudbury to install a "no

right turn" sign at the intersection of Boston Post Road (Route 20) and Dudley Road to prohibit eastbound travelers on Route 20 from entering Dudley Road. The Massachusetts Highway Department enclosed an opposing communication dated November 7, 1993 from David C. Portney which it had received. The District submitted comments resulting from a recent field investigation and a review of the submitted accident data in support of its position.

Selectman Blacker stated he was becoming weary listening to complaints from one group of residents on Dudley Road only to have another group of residents counter with a different solution to present to the Board.

Rubbish Collection - Calendar 1994

Upon receipt and review of several bids for the collection of rubbish for calendar year 1994, it was on motion unanimously

VOTED: To accept the low bid, opened December 3, 1993, of Reliable Rubbish Disposal, Inc., of Saugus, MA, dated November 17, 1993, to remove and dispose of rubbish for Town and School Departments for the period January 1, 1994 through December 31, 1994, in accordance with specifications dated November 18, 1993, at the cost per pickup bid, for a total annual cost of \$14,248; said charge to be reduced or increased on a pro rata basis for reduced or additional pickups respectively; acceptance of this bid is subject to signing a contract to be prepared by Town Counsel which specifies that if Reliable Rubbish Disposal fails to perform under this agreement, the contract will be terminated with seven-day notice.

Selectmen's Annual Report for the 1993 Town Report

It was on motion unanimously

VOTED: To accept the draft of the Selectmen's Annual Report for the 1993 Town Report subject to changes requested by Chairman Cope and Selectman Drobinski.

1994 Annual Town Meeting

Upon review of the Selectmen's Articles for the 1994 Annual Town Meeting, Mr. Thompson recommended deleting Article 2 - Town Buildings Accessibility, which asks for \$60,000 to provide accessibility for the disabled for the Flynn Building and Loring Parsonage. He stated the reasons for deleting this Article are that the study for the Flynn Building has not been completed and that the Loring Parsonage will most likely be given to the Town for a museum. Chairman Cope stated she did not want to delete this Article yet, and asked what the deadline would be for deletions before the Warrant went to press in February.

On the recommendation of Mr. Thompson, the Board agreed to deleting Article 8 - Amend Zoning Bylaw: Prohibit commercial septic system in residential zone.

Selectman Blacker asked why Articles 6 and 7 were assigned to the Selectmen and not the Planning Board. Mr. Thompson responded that it is his hope that they will be joint articles.

With regard to Article 13, Street Acceptances, Mr. Blacker stated he does not want a repeat of what happened last year when the streets were presented, but still had several conditions attached to them. He would like to see them all held pending further information or delete them altogether. Mr. Thompson commented that he would write a letter to determine the status of those being presented.

Mr. Ralph Tyler asked why in Article 5 the rules and regulations were being deleted relative to Article XX, Prohibition and Regulation of Overhead Utilities. He believes the rules and regulations, if enforced, are the only method of getting the utility companies to clean up their wires and extra poles.

Mr. Thompson remarked that Town Counsel views the rules and regulations to be within the article and believes that the Selectmen have the power over the location of poles and wires. Mr. Tyler noted that originally the idea of regulation was to get a group together with the utility companies to set some standards and he does not think the Board should give up on the process; he noted it was his original idea.

Selectman Blacker stated that the Board could issue an edict to the utility companies and say that they want all unused wires and poles removed within a certain period of time; however, the Board does not have the time to police such a demand. Mr. Thompson stated he believes it can be handled in a less formal way with the cooperation of the utility companies. He added that Fire Chief Michael Dunne has finally categorized all double utility poles, and is working on having the utility companies remove them.

Mr. Blacker suggested that Mr. Tyler make a draft of proposed regulations, if reasonable, and bring them back to the Board to review. In the meantime, the Board will submit Article #5.

With regard to two zoning articles prepared and approved by the Planning Board, Amend Zoning Bylaw - Permitted Uses in Research District and Amend Zoning Bylaw, Delete Drive-Through Restaurants, Secretary Thompson reported that the changes requested by the Selectmen were made and the articles were approved by the Planning Board.

Further to the Board's vote of November 8, the following final list of seventeen articles was approved for submission for the 1994 Annual Town Meeting Warrant:

- Town Buildings Repairs - \$37,400.
- Town Buildings Accessibility - \$60,000. (Bookmark)
- Adopt Town Flag.
- Appropriation for July Fourth Parade. [Requested by Chamber of Commerce]
- Amend Bylaws: Article XX, Prohibition and Regulation of Overhead Utilities, to delete Section 2 requiring rules and regulations.
- Transfer Excess Fairbank School to Selectmen.
- Transfer Excess Loring School to Selectmen.
- Transfer Loring School for Purpose of Sale.
- Sale of Loring School.
- Demolish Loring School.
- Secure Loring School.
- Repair Loring School.
- Voter Information Special Act Amendment.
- Hear Reports. (Selectmen)

Street Acceptances. (Selectmen)
Stabilization Fund. (Selectmen/FinCom)
FY94 Budget Adjustment. (Selectmen/FinCom)

Articles Held by Selectmen

With regard to #1, Amend Zoning Bylaw: Inclusionary Zoning Bylaw, Selectman Blacker reported he is opposed to the proposed article as drafted with regard to developers being required to pay money to the Town or forfeit one lot to be set aside for low-income housing. He does not agree with this from an economic point of view.

With regard to #2, Amend Bylaws: Personnel Bylaw - Sick Leave Bank, regarding cap and procedure for use, Mr. Thompson reported that Town Counsel Paul Kenny will be reviewing this article with the Personnel Board to determine if it is feasible to remain on the Warrant.

With regard to #5, Town reorganization, Chairman Cope remarked there are several people who are interested in the inclusion of a "Bookmark" article to bring about the changes. Selectman Blacker commented that special legislation is needed to make the changes--Home Rule Petition--to establish a Town Management form of government. He continued that there is a need to get started and present it for a vote at Town Meeting if the approval of the legislature will not require the change. Mr. Thompson stated he would check on the procedure to follow and report back to the Board, and submit an article for the Board if desired.

Sudbury Historical Commission - Edwin Barrett Hosmer Memorial Fund

At the request of the Sudbury Historical Commission, for decorating the Hosmer House for Christmas and for advertising their Cup Plate Sale, it was on motion unanimously

VOTED: To approve an expenditure of \$800, indicated on a voucher dated December 13, 1993 from the Edwin Barrett Memorial Fund for the purchase of 30 poinsettia plants for holiday decorations at the Hosmer House, and for advertisement in Bentleys for the annual Cup Plate Sale.

Historical Commission Chairman Lyn MacLean noted that the poinsettia plants will be sold after the Hosmer House is closed for the holidays and the proceeds will be deposited back into the account.

Helene Sherman Project

In order to keep the Helene Sherman Project moving forward, and in response to a communication dated December 6, 1993, from Executive Secretary Richard Thompson, the Board concurred with the temporary borrowing of funds from the Discretionary Fund in the amount of \$100-200 to fund the Helene Sherman Project.

Council on Aging - Appointment

In response to a communication dated December 9, 1993, from Council on Aging Chairman Daniel L. Claff, it was on motion unanimously

VOTED: To appoint Anna B. Schoechert, 3102 Longfellow Glen, to the Council on Aging to fill the unexpired term of Anne Donald for a term to expire April 30, 1996.

Landfill

Selectman Drobinski reported he attended a meeting in Lexington related to landfill issues with the Highway Surveyor and Town Engineer, and concluded that the Town seems to be on the right track with regard to its landfill issues. Chairman Cope mentioned the name of Russell Silva, saying he has some ideas about Sudbury's and Wayland's landfills. Mr. Thompson commented that he has asked Town Engineer I. William Place to call him.

Loring School and B'Nai Torah Meeting

Chairman Cope asked when the meeting will take place concerning Loring School and B'Nai Torah because she would like to attend.

State Highway Funds

Chairman Cope reported that State Representative "Hasty" Evans informed her that there would be no highway bonding monies before January.

Executive Session

At 10:35 p.m., it was on motion by roll call unanimously

VOTED: To go into Executive Session to discuss collective bargaining matters and Christmas gifts from the Discretionary Fund. Chairman Cope announced that public session would not reconvene.

There being no further business, the meeting was adjourned at 10:55 p.m.

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk