

IN BOARD OF SELECTMEN
MONDAY, MARCH 31, 1993

Present: Chairman John C. Drobinski, Judith A. Cope.

The statutory requirements as to notice having been met, the meeting was convened by Chairman Drobinski at 7:30 p.m. at the Fairbank Senior Center. Selectman Blacker arrived at 8:00 p.m.

Public Hearing - Utility Petitions #93-7 and #93-8 - Haynes Road

Present: Christine Cosby, Boston Edison Company.

The Board convened a public hearing to consider the above two utility petitions for Haynes Road.

Utility Petition #93-7

Mrs. Cosby explained that petition #93-7 is for the relocation of a pole on Haynes Road to clear access for a new road to service a new development off of Haynes Road. Mr. Thompson informed that all abutters have been properly notified and a letter recommending approval has been received from Building Inspector John B. Hepting and Wiring Inspector Warren E. Boyce dated March 26, 1993.

The Board acknowledged receipt of a communication dated March 8, 1993 from Denis J. Deagle, Supervisor, Rights, Permits & Survey - Western District, Boston Edison Company requesting permission to relocate said pole #30/40.

On motion by Chairman Drobinski, it was unanimously

VOTED: To approve Utility Petition 93-7 of Boston Edison Company for permission to erect or construct, and a location for, such a line of wires, poles and other fixtures including anchors and guys indicated on Boston Edison Company Plan of Haynes Rd., Sudbury, dated March 5, 1993, as may be necessary to sustain or protect the wires of the line upon; along and across the following public way or ways of said Town:

Haynes Road - westerly side approximately 107 feet north of
(Pole 30/40) Wadsworth Road.
One (1) pole
One (1) existing pole to be removed

Utility Petition #93-8

The Board acknowledged receipt of a communication dated March 8, 1993 from Denis J. Deagle, Supervisor, Rights, Permits & Survey - Western District, Boston Edison Company, and a communication dated March 1, 1993 from Patrick J. Lovett, Manager, Rights of Way NET requesting permission to install approximately 5 feet of conduit, Haynes Road, to provide clearance for a proposed road and supply electrical service to a new underground subdivision off Haynes Road.

On motion by Chairman Drobinski, it was unanimously

On motion by Chairman Drobinski, it was unanimously

VOTED: To approve Utility Petition 93-8 of Boston Edison Company and New England Telephone Company for permission to lay and maintain, and a location for, a line of conduits and manholes with the necessary wires and cables therein, indicated on Boston Edison Company Plan of Haynes Rd., Sudbury dated March 5, 1993, and New England Telephone and Telegraph Company Plan for Conduit dated March 9, 1993, under the following public way of the Town:

Haynes Road - northwesterly approximately 107 feet
(Pole 30/40) north of Wadsworth Road
A distance of about 5 feet - conduit.

With regard to utility petitions, Mr. Ralph Tyler, questioned if the Town is operating under the rules and regulations that were supposed to have been adopted by the Town. Mr. Thompson responded that the procedures meet the requirements of the Town bylaws, and that a meeting is taking place with Boston Edison to discuss procedures with regard to utility petitions on April 7, 1993 at 11:00 a.m.

Mr. Tyler commented that it is his opinion that the Town is operating under a bylaw that does not include a new set of rules and regulations relative to the upgrading or replacement of policies regarding utility petitions, and requested his comments be so noted for the record. Mr. Thompson assured Mr. Tyler that Town Counsel has indicated that it is proper to approve this utility petition, and that it is in order and in accordance with the Town bylaws voted at Town Meeting.

Reserve Fund Transfer #93-15 - Accounting

The Board acknowledged receipt of a communication dated March 11, 1993 from Director of Finance/Town Accountant James Vanar, with regard to a request for transfer of funds to balance the budget, because of unexpected expenses, including a sick buyback for retiree Ceil Curran.

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

VOTED: To approve Reserve Fund Transfer Request No. 93-15, dated March 17, 1993, from the Accounting Department for \$2,022 to be transferred to Account #561-130 Accounting Department Salaries, and for \$1,023 to be transferred to Account #561-210 Accounting Department General Expense.

Reserve Fund Transfer #93-16 - Veteran's Agent

In response to a request from Veteran's Agent Mary Jane Hillery, in order to assist an additional veteran, it was on motion unanimously

VOTED: To approve Reserve Fund Transfer Request 93-16, dated March 22, 1993, in the amount of \$3,730.20 to be transferred to Account 900-613 Veterans Benefits, to pay increased benefits to assist an additional veteran on the rolls.

Minutes

It was on motion unanimously

VOTED: To approve the regular session minutes of March 15, 1993, as amended by Chairman Drobinski and Selectman Cope, and subject to amendment by Selectman Blacker, and to approve the regular session minutes of March 1, 1993 as amended further by Selectman Cope.

Sudbury Bowl, 136 Boston Post Road - Licenses Renewal

It was on motion unanimously

VOTED: To renew the following licenses for the Northeast Recreation Co., Limited Partnership, d/b/a Sudbury Bowl, 136 Boston Post Road:

A) License to operate twenty-four bowling alleys on weekdays from 8:00 a.m. to 12 Midnight and on Sunday from 9:00 to 11:00 p.m., and six pocket billiard tables on weekdays from 8:00 a.m. to 12 Midnight, for the period of May 1, 1993 through April 30, 1994; and

B) Sunday Entertainment Licenses for Billiard Tables (six) and Automatic Amusement Devices (six) for the period of March 28, 1993, through March 20, 1994, from 1 p.m. to 11 p.m., subject to approval of the Mass. Dept. of Public Safety.

Landfill Enterprise Fund Budget - Revision

It was on motion unanimously

VOTED: To approve revised Landfill Enterprise Fund Budget and Landfill Commercial and Special Permit Fee for FY94 as follows:

Enterprise Fund Budget	\$333,444	Commercial and special permit
Indirect Costs	73,507	fees \$16.50/cu.yd.
Total 460 Budget	406,951	
Est. Receipts	406,951	

Selectman Cope mentioned that the recycling meeting held at the Highway Department on the morning of March 30, 1993, at 9:00 a.m. was very productive, but that there is still concern with regard to reducing the costs for hauling the recyclables.

Accounting Department - Software Proposal

The Board acknowledged receipt of a proposal dated March 11, 1993, submitted by James Vanar, Director of Finance/Town Accountant, regarding a software contract with Computer Productivity Associates.

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

VOTED: To accept a proposal, dated March 11, 1993, and opened March 12, 1993, from Computer Productivity Associates, to furnish financial software and support services in accordance with Town of Sudbury specifications, at a total cost of \$13,000, comprised of Fund Accounting Software (\$4,000),

Payroll Software (\$5,000), and Personnel Software (\$4,000), subject to the approval of the appropriation at Town Meeting in April.

Chairman Drobinski asked if this was proprietary software or special to the existing system. Mr. Thompson explained that, as he understands it, it is not special to the system but will check with Mr. Vanar and report back to the Board. [On April 6, 1993 it was learned from Mr. Vanar that the software is highly non-proprietary (Fox Pro)].

Massachusetts Department of Revenue - Response to LRPC's Inquiries Regarding Transfer Requests

In response to a communication dated March 16, 1993, from Mass. Department of Revenue Chief Counsel Harry M. Grossman to Long Range Planning Committee Chairman Robert J. Cusack, relative to Finance Committee Transfer Requests, Secretary Thompson recommended that this communication be noted for the record and clarified by a Town Counsel opinion for the Finance Committee before Town Meeting. In addition, Mr. Thompson requested that it also be noted that Town Counsel and the Moderator have discussed it. The Board concurred.

Mr. Thompson commented that all the wrap-up vote does is allow for flexibility for the Finance Committee with regard to transfers in dealing with a \$29-30 million budget. Mr. Thompson noted that Town Counsel disagrees with the Department of Revenue's opinion.

1993 Annual Town Meeting Street Acceptances

As a result of a meeting held March 18, 1993, with Jody Kablack, I. William Place, and Deborah Montemerlo, Mr. Thompson explained that the Conservation Coordinator, Deborah Montemerlo, has requested in her communication to the Board of Selectmen dated March 20, 1993, that the Board remove from the motion for acceptance the following streets located in the Atkinson Farms subdivision -- Atkinson Lane, Babe Ruth Drive, Perry Circle, Petersen Circle, in order to maintain a firm position with the developer in accomplishing completion of the Order of Conditions placed on these properties.

Mr. Thompson further added that a bond cannot be transferred to accomplish conservation work, and recommended that the Board continue as last year to recommend Town Meeting vote to accept these streets but to not record the street layouts, unless and until the Conservation Commission is satisfied that all work has been done.

Since there was mention of possible excess funds to complete conservation work in Ms. Montemerlo's communication, it was agreed that Secretary Thompson check further to clarify this statement. Chairman Drobinski noted that this work and the cost of it should be the sole responsibility of the developer.

Article 12 - Purchase Voting Machines

The Board acknowledged receipt of a communications dated March 15, 1993 and March 23, 1993 from LHS Associates, Inc. to Town Clerk Jean M. MacKenzie, presenting comparisons of the costs for purchasing versus leasing voting equipment and voting booths.

Mr. Thompson noted that it would cost the Town around \$11-12,000 per year if the decision is made to lease both the equipment and the booths versus a cost of \$42,000 to purchase all of it. Mr. Thompson recommended that the Board seriously consider the leasing option, as he believes it would be more likely to pass at Town Meeting because of spreading the cost over a period of time.

The Board discussed the options and worked on determining how much more the Town would be paying to lease rather than buy. Selectman Blacker commented that, according to his calculations, the percentage of additional costs for leasing seemed too high to consider leasing. Mr. Blacker noted that it is a good idea to find an investor who might be willing to lease to the Town rather than a supplier, because the rate would be lower.

Chairman Drobinski suggested that these findings be presented to the Finance Committee for their review and that a hold be put on making a decision at this time. A copy of the leasing information from LHS Associates was given to Finance Committee Chairman James Haughey for this purpose later in the evening.

Annual Town Meeting Warrant Review

Present: Town Moderator Thomas G. Dignan, Jr.

At 8:00 p.m., Chairman Drobinski turned the meeting over to Town Moderator Thomas G. Dignan, Jr., who conducted the Warrant Review for the 1993 Annual Town Meeting which will commence April 7, 1993. Those persons who will present each article and those who desired advance recognition to speak on certain articles identified themselves for the Moderator in order to expedite the town meeting.

1993 Annual Town Meeting

Article 28 Amend Zoning Bylaw, Art. IX.IV.E, Intensity Regulations - Incentive Development

Present: Inclusionary Zoning Study Committee members Amy Lepak, and Sudbury Housing Authority Executive Director Jo-Ann Howe.

Selectman Blacker observed that he believes the intent of the Committee is to present this article to Town Meeting just to see how it will be received; and if passed, it will never be used because there are too many conditions attached to it, thus it will come back once again to Town Meeting with further amendments. Mr. Blacker explained that a developer will be unwilling to spend money to put together a plan, contingent on the Planning Board's approval; rather, a developer needs to know what the criteria are from the start in order for him to make a decision. Realistically, continued Mr. Blacker, a developer will build houses where his bottom line works, and that it may not necessarily coincide with the decisions of the Planning Board. Mr. Blacker asked the Committee to ask themselves the following question: Do you really want affordable housing in Sudbury, or do you just want to pretend and pass a liberal bylaw that is not worth anything?

Town Planner Jody Kablack agreed with Selectman Blacker that the big issue is that criteria for determination needs to be defined and spelled out for the developer. Mr. Blacker stated that the Town

needs to focus on what they are trying to protect and what would they like to see happen with regard to development.

The committee agreed to changes suggested by Mr. Blacker; however, Ms. Amy Lepak stated that changing the article in front of Town Meeting would probably destroy any possibilities of passing. Selectman Blacker offered to make all the necessary needed amendments to the article before Town Meeting. Planning Board member Mr. Rick Brooks asked if these changes would be sufficient in the minds of the Selectmen in order to receive their support with the hope that it will pass and help to alleviate problems that may be encountered with regard to housing development this coming year.

Selectman Blacker commented that substituting the "mays" to "shalls" in Article 28 informs a developer what the rules of the game are from the start, and he expressed his desire to have the amendment pass. There was some discussion on how best to present this Article to insure against defeat, and it was decided that the Article would be reprinted as a handout and explained and moved per the handout at Town Meeting. In addition, the decision was made to have the Inclusionary Zoning Study Committee present the article with Selectman Blacker speaking on behalf of the Board in support.

Chairman Drobinski asked if the Board was comfortable with the changes as presented by Selectman Blacker. Town Planner Mrs. Kablack stated she had some concerns regarding the changes Selectman Blacker made under Alternative Requirements listed in the Article on Page 37 of the Warrant. Ms. Kablack explained that the intent of the bylaw was to create affordable housing within every new development. Mr. Blacker asked Ms. Kablack where in the Town Bylaws there is any requirement that there be low-income housing in every development. Mrs. Kablack stated that there still exists some philosophical differences with regard to the developer's options, which include: 1) The cash payment option not be left up to the builder because they feel that the builder will always choose this option and the Planning Board prefers this not to happen. Mr. Blacker argued that the Sudbury Housing Authority will be able to afford to purchase a lot of affordable housing from the money received as a result of the cash option and 25% penalty the developer is being assessed, so in the long run it works out best for the developer and the Town; 2) In lieu of payment, the donation should go to the Town and be expended by the Sudbury Housing Authority, not the Planning Board.

Under the Alternative Requirements section, the changes made by Mr. Blacker were to remove the wording "approval by the Planning Board," with the intent that the developer is given a choice and may decide to pay the money rather than build affordable units depending on what works best for him. Mr. Blacker stated that this whole section could be removed and would only apply if a developer wanted to include affordable housing in a subdivision. The alternative, that being not to include affordable housing in a subdivision, is probably a better option in realizing the Town's goal of obtaining more affordable housing units, he concluded.

Chairman Drobinski stated it was important to agree on the language before presenting this at Town Meeting. Mr. Blacker commented he would be redrafting the proposed changes and will circulate it. There was some discussion whether to pull it from the Warrant and submit it in a year. Mr. Drobinski commented that if it is in the best interests of the Town to do it this year, it will be worth the effort to pull it together, and that it would be better to move it with the modified wording. There appeared to be a consensus to do so.

**Article 23 - Amend Zoning Bylaw, ART. IX.II - Delete Portion of BD 12 and
Article 24 - Amend Zoning Bylaw, Art. IX.II - Add to BD 12**

These two articles apply to Building District 12. According to Mrs. Kablack, the Planning Board is in support of Article 23, but not 24 because it represents spot zoning and the Planning Board is opposed to an increase in the business district in this area. Mr. Rick Brooks noted that the Planning Board has been reviewing spot zoning within the Town and has targeted isolated business districts that are surrounded by residential districts, with the idea to rezone them to residential.

Selectman Blacker suggested that the Planning Board bring a petition article before Town Meeting and also straighten out all the lots that have multiple zoning, rather than deal with them in one article after another. It may work out that the owner would object, but if it is in the best interests of the Town, then it should be done. Mr. Blacker stated he could go either way--residential to business and vice versa.

Article 30 - Amend Zoning Bylaw, Art. IX.III.G - Water Resource Protection Districts

Selectman Blacker outlined his amendments to Article 30 as follows:

1. Change the 440 gallons per day of leaching material back to 1000 gallons in Zone II and exempt every existing structure in putting any addition on their property, allowing whatever change as long as they comply with the Board of Health regulations. Exempt every lot that already exists as laid out in Town from the requirements of 1000 gallons within the provisions of Title 5.
2. In Zone III--no limits, only compliance with Title 5.

In addition, Mr. Blacker stated he changed some wording, but that it included small changes, i.e. storing of household road salt without a special permit. Once again, Mr. Blacker stated the Town needs to ask who and what the Town is trying to protect.

Mr. Blacker stated, as he understands it, the concept in keeping the 440 figure is the concern over nitrogen loading in the aquifer. Mr. Blacker highly recommends that the Water District spend the money to conduct a study to make an actual determination of what the nitrogen loading is and what the problem is, if any. This study will be site specific for all of Zone II, and the results will determine if the septage is correct for the zone, noted Mr. Blacker, because he believes the effect of the 440 number denies too many people with smaller square footage lots to build on them. The tone of this article is anti-development, and further hinders development of affordable housing units, concluded Mr. Blacker.

Mrs. Kablack stated that the DEP results are based on studies done on the Cape and Long Island and that they concluded that the amount of land area necessary to leach 440 gallons per day is 62,000 sq. ft. rounded off to 40,000. Chairman Drobinski noted that the Town of Sudbury may or may not necessarily compare with other areas and that the best determination will be if the Water District conducts this study for Zone II. He further commented that he could not support the 440 figure last year because it was a random figure with no basis.

Mr. Bruce Ey noted that models for the study of nitrogen have already been developed--they already know where nitrogen comes from--the rain, septic, and from what people put on their lawns. Chairman Drobinski stated that the Town needs to be more vocal with the Water District to make sure

that this study is on their warrant. This is the final data that the Town needs in order to protect the water supply, added Mr. Drobinski.

Mr. Blacker clarified that his changes for Zone II include changing the amount of leaching material from 440 to 1000, and exempting every existing structure and every existing lot, both subject to Title 5. Mr. Meixsell commented that Title 5 (the degree of percolation) does not protect against nitrogen; and in fact, could increase nitrogen because Title 5 could allow a septic system to be built when there is extremely high percolation. Mr. Drobinski remarked that other data enter into a Title 5, not just percolation.

Chairman Drobinski stated that the Water District should do a site specific nitrate loading model to determine land use involved with each aquifer in order to ensure safe water use. Despite comments made that the Water District's only charter is the responsibility for safe drinking water as well as finding the water and distributing it, Chairman Drobinski stated that there are state and federal regulations that the water district must adhere to and he continued that he would attend Water District meetings and address the nitrate problem and make sure that an article is included on the warrant to address these issues. The worst thing the Board could do would be to pass something that does not stand a legal challenge and end up with no water protection, he said.

Mr. Meixsell explained that it would be difficult to put more research and effort into this article. The Planning Board has tried to be compatible with the DEP requirements. Mr. Drobinski responded that the DEP requirements were not site specific. Mr. Meixsell recommended that, instead of Sudbury changing its bylaw, the procedure to take would be to negotiate with DEP to change their requirements because there would be no point in adopting a bylaw that the DEP will not approve.

Mr. Drobinski asked if the changes that Selectman Blacker made would not protect the water supply, and added that any piece of legislation, if you are committed to it, will have compromises, and if Town meeting does not pass it as is, then what happens. Mr. Meixsell responded that the Planning Board's responsibility is to bring forward potential problems to Town Meeting and suggest reasonable remedies.

The question arose as to whether or not the article as is, is a reasonable remedy and that perhaps a reasonable remedy is this article with some modifications with the inclusion of a site specific study by the Water District on each aquifer to address the issue. In addressing these issues, Mr. Meixsell stated that the Planning Board has an amendment that is acceptable to the DEP which contains the 440-gallon figure and specifies that one can increase the allowed flow rate if based upon the nitrogen loading analysis and would not cause any of the affected wells to exceed the maximum limit.

Mr. Blacker asked how long this study would take, when, in the meantime, the Town is holding up development of these smaller lots. Mr. Meixsell stated that there could be exemptions of existing smaller lots. Mr. Blacker stated that this is what he did except change the 440 to 1000.

After further discussion in an effort to come to a resolution, Mr. Meixsell suggested small lots be exempted and that there could be a waiver to the 440, subject to the nitrogen loading analysis, done by each aquifer independently and then a determination made as to how much of an increase over the flow rate per acre can be allowed above the 440 for all of the existing small lots. Mr. Drobinski stated that if the Board passed this, it would be contingent on the Water District performing a nitrogen loading analysis

per aquifer, but the only problem is that the Water District may not appropriate the money to do the analysis at this Town Meeting, but wait until the next one.

Mrs. Kablack stated that DEP will only exempt existing structures and not small lots. Mr. Blacker responded that the only time the 440 number is questioned relative to nitrogen loading is when the Town wants to add another well or add to the existing flow from an existing well. If the Town remains status quo and never changes what exists at the well head, the Town will never come under the DEP concern.

Mr. Ey commented that he thinks it is irresponsible to restrict sewage disposal based on a nitrate problem when there has not been a nitrogen loading analysis done. The study should be done first, and if there is a potential problem, the Town should zone for it. Mr. Ey believes that for this bylaw to have any credibility, the nitrogen loading study needs to be completed in Zone II and the watersheds for Zone II. Selectman Cope asked that this be put on the Warrant of the Water District.

Mr. Ralph Tyler remarked that this bylaw, because of its hearing in January, has put a lot of land owners on hold with regard to further development on their property because of non-conformance to the bylaw. Mr. Drobinski stated he believes the Planning Board is trying to protect the Town's water supply. Mr. Drobinski stated that DEP's mission is sometimes askewed and the Town does not always have to abide by what the DEP says. If there is an impact on public health, it should be looked at very carefully to make sure the decisions are based on science because 99% is based on science.

Mr. Blacker stated he will be working on the wording before Town Meeting and will give it to the Planning Board. Mr. Drobinski stated he also has comments to be included.

The Board directed the Executive Secretary to contact the Water District to give them the Selectmen's strong recommendation that funds be provided at the next annual Water District meeting to perform a study of nitrate loading for Town aquifers.

Article 31 - Amend Zoning Bylaw, Art. IX.I.I - Enlarge & Revise Water Resource Protection Districts

Mrs. Kablack noted that it was reported at a recent Planning Board hearing that there may be an error in the delineation around (Unisys) well #5. In talking with Robert Sheldon, Ms. Kablack stated that they have been advised not to take any action to revise the district, because the Water District will be delineating scientifically Zone II and Zone III in the very near future.

Article 32 - Establish Water Resources Protection Committee

It was noted that a Town Meeting vote is not necessary to appoint a Water Resources Protection Committee. Mr. Thompson noted that the Finance Committee opposes this article. Selectman Cope explained that the reason the Finance Committee opposes it is because of an appropriation section that states that it may cause people to spend more money in these hard times. Mr. Meixsell remarked that the Finance Committee has also advised that the Planning Board make more use of the available professional resources in the Town.

Mr. Blacker explained that the Planning Board can have this committee without Town Meeting or risk the fact that it may not pass at Town Meeting. Mr. Drobinski stated that the Planning Board has the authority to appoint a committee and is concerned that it may not be appropriate to go to Town Meeting.

Mr. Meixsell commented that the Planning Board can appoint a subcommittee, but what they want to appoint is a joint committee. There was some discussion as to the power of the Planning Board to appoint a committee with official standing. Mr. Meixsell stated that the Planning Board needs to be told what committees it can appoint. It was Mr. Thompson's understanding at a recent meeting with the Water District that the Water District would take the initiative and appoint this committee, rather than have Town Meeting appoint the committee. A committee without official standing could not take action, but only be advisory.

Articles 41A - Amend Bylaws, Art. I, Town Meeting - Collective Bargaining and 41B - Home Rule Petition - Collective Bargaining

Mr. Tyler's comment with regard to these two articles was that the intent is to change the structure of how the Town does business within a reasonable approach.

Article 42 - Amend Bylaws, Art. IV. 7,8,9 - Finance Committee

Mr. Tyler believes that this article will accomplish putting all the interests of the Town into a framework for better balance and tradeoffs, and puts more pressure on the boards controlling their own budgets.

Article 44 - Amend Zoning Bylaw - Rezone BD10 to Residential A-1

Since Article 44 does not constitute any change in use, the Board chose a position of support for Article 44.

Article 45 - Amend Bylaws, Art. 1.2 - Start of Annual Town Meeting

With regard to the start of Town Meeting, Selectman Blacker gave suggestions for rewording the Article to read that the meeting will begin the first Monday in April, unless the Selectman vote to start it at another date.

Articles 43A - Request Selectmen to Excess Unisys Land and 43B - Transfer Former Unisys Land to Park & Rec.

With regard to the Unisys property and the request to have the Selectmen excess the Unisys land and transfer the land to the Park and Recreation Department, the Selectmen oppose both 43A and 43B. Chairman Drobinski stated that it is too soon to transfer the land to Park and Recreation, particularly at a time when all other options have not been explored and the fact that Park and Recreation does not, at this time, have the manpower to manage such a project. Mr. Tyler conceded to the Board's thoughts, but thought that Town Meeting might be a good place to start discussions relative to the use of this land.

Mr. Meixsell expressed the following comments regarding Article 43B: If the land is given to the Park and Recreation Department, it would be difficult to retrieve. According to Mr. Thompson, it would take a State Legislative 2/3 vote from both houses to get it back; and also the Conservation Commission is applying for a grant to conduct a study on this property.

Article 46 - Amend Bylaws. Art. VIII.2 - Planning Board Associates

With regard to Planning Board Associates, Mr. Meixsell noted that he does not believe there is opposition to this Article as amended; however, it was pointed out by Secretary Thompson that State law states only one associate member to a Planning Board is allowed and that the associate can only sit with the Planning Board when they sit as a special permit granting authority. Mr. Tyler's argument for this article is primarily for voting purposes when not everyone is present. The Board decided to take the position of support.

Article 47 - Industrial Development Commission

Secretary Thompson recommended the Board oppose this Article. It was so voted.

Articles 48 - Resolution: Sudbury Village, Article 49 - Resolution: Rt. 20 Traffic Improvements, and Article 50 - Resolution: Rt. 117 Intersection

Selectman Cope stated she likes the intent of Article 48, and Selectman Blacker concurred after discovering that they shared the same idea as to what the intent of the Article is. The Selectmen took the position of support for Article 48.

Mr. Tyler noted that the goals for the Sudbury Village project should be made known as suggested by Selectman Cope, and a direction outlined as to how to reach the goals, and to include receiving feedback as to what people think of the goals and the direction.

The Board decided not to support Articles 49 and 50 at this time. While the Board agrees that traffic improvements on Rt. 20 and intersection improvements on Rt. 117 need to be addressed, it is a question of having the money and manpower to proceed at this time.

Article 51 - Peakham Road Walkway

While Selectman Cope stated she would like to support the Peakham Road Walkway, she hesitates because of available funds and to support it may mean going to an override. Mr. Blacker expressed support for this walkway, as it is one that has been in the works for a long time. The Board decided to take a position of support for Article 51.

Status of Elected Officials - Employee Benefits

Present: Marjorie Wallace, Negotiating Advisory Committee Chairman.

The Board acknowledged receipt of a communication dated March 22, 1993 from the Negotiating Advisory Committee (NAC) to the Board of Selectmen with regard to the status of elected officials as it relates to employee benefits. On the question of whether or not the Personnel Administration Plan

amendments that are in the Warrant under Articles 3, 4 and 5 would allow amending the Administration's plan concerning same, the Board asked the Executive Secretary to clarify with Town Counsel and report back to the Board and the NAC.

NAC Chairman Marjorie Wallace noted that elected officials are entitled to retirement and health benefits. Ms. Wallace is unsure if contracted people are entitled to health benefits. Line items for legal services contracts should be highlighted and explained, added Ms. Wallace.

Fire Union Contracts and Negotiations

The Board acknowledged receipt of a communication dated March 9, 1993, to the Selectmen from the Negotiating Advisory Committee (NAC) with regard to the Fire Union Contract; and attached communication dated March 8, 1993, to the NAC from Fire Chief Michael C. Dunne with regard to contract negotiations.

With regard to the NAC's recommendation to adopt a strong position with regard to issues defined by the Fire Chief as crucial to his appropriate management of the department, the Board was in concurrence with the recommendations contained herein, and asked the Executive Secretary to pursue the same and report back to the Board.

Solid Waste Management Conference - Concord

In response to a communication dated March 15, 1993 from Carrie Flood, Concord Selectman and Chair of the Landfill Task Force, relative to attending a solid waste management conference if there is sufficient interest by the neighboring Towns, it was on motion unanimously

VOTED: To recommend a member from the Resource Recovery Committee respond to the Concord Selectman with regard to declaring interest in attending a conference on solid waste management.

Middlesex County Commissioner's Office

The Board acknowledged receipt of a communication dated March 11, 1993 from Middlesex County Commissioner Francis X. Flaherty, Esq. requesting Sudbury's participation in the festivities planned to celebrate the County's 350th Anniversary. After a brief discussion, it was on motion unanimously

VOTED: To decline to participate in the Middlesex County's 350th Anniversary celebration, and to direct the Executive Secretary to respond accordingly.

Negotiating Advisory Committee - Appointment

On the recommendation of the NAC Chairman, Marjorie Wallace, it was agreed to give every consideration to the appointment of Edward Campbell as a permanent member to the Negotiating Advisory Committee after the 1993 Annual Town Meeting concludes and the Board considers its annual appointments.

Concerned Citizens for Solid Waste Reform - Support for House Bills 3053, 3054, and 3055

In response to a communication dated March 15, 1993 from a group of Concerned Citizens for Solid Waste Reform, it was on motion unanimously

VOTED: To send and sign a letter to Representative Evans and Senator Durand, and to attend a hearing slated for April 13, 1993, in support for House Bills 3053, 3054, and 3055 relative to landfill closures.

Settlement Agreement with Unisys Corporation

The Board acknowledged receipt of the Settlement Agreement with Unisys Corporation dated February 16, 1993 from Brown, Rudnick, Freed & Gesmer, P.C., Counselors at Law, to Sudbury Water District Superintendent Richard Carroll.

A check, payable to the Water District, in the amount of \$310,000, in full settlement of all claims against Unisys has been paid and the original signed agreement is attached.

Landfill - Reduction in Work Force

The Board acknowledged receipt of a communication dated March 23, 1993, from Highway Surveyor Robert A. Noyes relative to the consolidation of two Landfill Monitor positions, and the termination of one employee.

Landfill - Finance Committee Communication

The Board acknowledged receipt of a communication dated March 21, 1993, from Finance Committee Chairman James Haughey regarding potential financial problems for the landfill asking that certain questions be answered. The Board directed the Executive Secretary to prepare a response to the same for its review.

Town Meeting Matters

The Board took positions in support of Articles 2, 3, 4, 5, 16, 23, 28, 31, 37, 39, 44, 45, 46, 48, and 51; indefinite postponement of 6, 7, and 8, and in opposition to Articles 40, 41A, 41B, 42, 43A, and 43B.

It was agreed that Chairman Drobinski would speak on Articles 40, 43A, 43B, 50 and 51; Selectman Cope would speak on Articles 42, 44, 47, 48 and 49, and Selectman Blacker would speak on Articles 41A, 41B, 45, and 46.

Used Telephone Equipment - Disposal

The Board acknowledged receipt of a communication dated March 19, 1993 from John H. Wilson, Director, Administrative Services, Sudbury Public Schools, to Superintendent of Schools Henry W. DeRusha with regard to bids received for the disposal of used telephone equipment owned by the School Department and the Town.

The communication stated that the Sudbury School Department received only one written bid from Zenwa, Inc. dated March 12, 1993, offering to provide a data collection system in exchange for removal of the used telephone equipment.

On the recommendation of John H. Wilson, and the vote taken by the Sudbury School Committee on March 24, 1993, it was on motion unanimously

VOTED: To accept a bid proposal from Zenwa, Inc., Sudbury, MA, dated March 12, 1993, offering to provide a data collection system consisting of three computers, modems and software to collect call detail information from the four Norstar telephone switching system currently serving the Sudbury schools and Town, in exchange for the used Mitel and Business Com telephone equipment, the terms being a no-cash/barter basis to the Town or schools.

Reserve Fund Transfer 93-17 - Fire Department

In response to a communication dated March 24, 1993, from Fire Chief Michael C. Dunne, it was on motion unanimously

VOTED: To approve Reserve Fund Transfer #93-17 dated March 29, 1993, in the amount of \$11,428 to Fire Department Overtime Account 310-120, as requested by the Fire Chief for reimbursement of funds expended during the December snowstorm and the blizzard of February, 1993.

Chief Dunne explained that the amount of this request is equal to the amount he expects to receive as reimbursement from the Federal Government/FEMA. He further noted that he has received a commitment from FEMA for \$5914 for the December snowstorm, and has applied for the balance.

Council on Aging - Retirement

Executive Secretary Thompson informed that he learned that Marjorie VanHouten, Co-director for the Council on Aging, has announced her intention to retire effective July 1, 1993.

Dog Officer

The Board acknowledged receipt of a draft letter to Betsy DeWallace, the Dog Officer, prepared by Selectman Cope, and a draft of a letter for submission in the local newspaper for a volunteer/s to perform the re-codification of the Town's zoning bylaws also prepared by Selectman Cope.

Secretary Thompson stated that he believes it may be too premature to ask Ms. DeWallace for her intentions with regard to her retirement, because at the present time, the Town has no alternative plan to provide the same coverage for Town dog control.

After further discussion, the Board directed the Executive Secretary to re-draft the letters and send out on behalf of the Board.

Police Department - Shortage of Manpower

The Board acknowledged receipt of a police roster dated March 30, 1993, and an update of Department personnel dated March 31, 1993 provided by Chief Lembo.

Executive Secretary Thompson noted the Chief's concerns with regard to the coverage shortage in the Police Department due mainly to vacancies and sick leave. In response to the Executive Secretary's request to set a special meeting with the Police Chief to interview two candidates for lateral transfers from other town departments, after discussion, the Board declined to do so.

Because of their questions and concerns dealing with the makeup of the police roster and the Department's inability to use the existing reserve list, on request again from the Executive Secretary, the Board agreed to set up a meeting at a future date to discuss these and other issues with the Police Chief.

Massachusetts Department of Revenue - Division of Local Services

The Board acknowledged receipt of a communication dated March 23, 1993, from Deputy Commissioner Leslie A. Kirwan of the Massachusetts Department of Revenue, Division of Local Services, which explains and includes an application to participate in a pilot program of early budget review and accelerated tax rate approval. As a participant the Town would then have the opportunity to receive a grant award of \$3,000, which may be spent for purposes associated with further management improvements, such as training, hardware or software purchases, etc.

It was on motion unanimously

VOTED: To authorize Chairman Drobinski to sign an application to participate in a Division of Local Services' sponsored pilot program encouraging both early budget review and accelerated tax rate approval.

There being no further business, the meeting was adjourned at 12:30 p.m.

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk