

IN BOARD OF SELECTMEN  
MONDAY, NOVEMBER 8, 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.

Utility Petition #93-19

Present: Sheila Burke, Boston Edison Company; George Sharkey, 16 Haynes Road and Philip Sharkey, 55 Pantry Road.

The Board convened a public hearing to consider Utility Petition #93-19 from Boston Edison Company and New England Telephone and Telegraph Company for permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein to provide electric service for #24 Haynes Road.

The Board acknowledged receipt of a communication dated October 30, 1993 from Denis J. Deagle, Supervisor, Rights, Permits & Survey, Boston Edison Company, and a communication dated November 1, 1993 from Patrick J. Lovett, Manager, Rights of Way NET requesting permission to install approximately 9 feet of conduit to service a home at 24 Haynes Road.

On motion by Chairman Cope, it was unanimously

VOTED: To approve Utility Petition 93-19 of Boston Edison Company and New England Telephone Company for permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, indicated on Boston Edison Company Plan of Haynes Rd., Sudbury, dated October 18, 1993, and New England Telephone and Telegraph Company Plan for Conduit, dated November 1, 1993, under the following public way of the Town:

Haynes Road - northeasterly approximately 215 feet northwest of  
Pantry Road, a distance of about 9 feet - conduit.

Minutes

It was on motion unanimously

VOTED: To approve the regular session minutes of October 24, 1993 as amended by Chairman Cope, and the executive session minutes of October 24, 1993.

Council on Aging - Van Donation

It was on motion unanimously

VOTED: To accept \$130.90 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.

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Town Vehicles

In response to a communication dated October 27, 1993, from Carolyn Duff, Secretary to Town Counsel, it was on motion unanimously

VOTED: To approve transfer of the 1984 Ford Crown Victoria VIN#173945 to the Building Department (formerly authorized for sale), and to approve the sale of the 1983 Honda Accord VIN#124063 of the Building Department by soliciting bids, and it was further on the recommendation of Robert A. Noyes, Highway Surveyor, in a communication dated November 5, 1993,

VOTED: To approve the sale of the following vehicles from the Highway Department:

1. MB Cruiser I Sweeper
2. #7 Chassis No. B813 SX 1844 (1962) Mack Tractor
3. #19 MB Cruiser Sweeper
4. M-10 Elgin White Wing Sweeper Model 478 Serial #T832D
5. 5 ton wrecker Serial # M-620174

Common Victualler License - Thai Avenue Restaurant

Upon receipt of an application for a Common Victualler License for Thai Avenue Take-Out Restaurant, 621A Boston Post Road, dated November 1, 1993, and verbal recommendations of approval from the Fire Chief and Health Director, it was on motion unanimously

VOTED: To grant a Common Victualler License to new owner Wiroz Sritrai of Thai Avenue Restaurant, 621A Boston Post Road, for remainder of calendar year 1993 subject to performing the recommendations set forth by the Building Inspector through the Selectmen's office in a communication dated November 8, 1993.

Edwin Barrett Hosmer Memorial Fund - Hosmer House Brochure

At the request of the Sudbury Historical Commission, and upon receipt of a voucher, dated November 2, 1993 for the Hosmer House Fund in the amount of \$390.00, it was on motion unanimously

VOTED: To approve an expenditure of \$390.00 from the Edwin Barrett Hosmer Memorial Fund for Design/Layout services for a brochure being produced for the Hosmer House.

Annual Town Report - Print Bid

Upon receipt of a Bid Form received from Graphic Illusion, Dennisport, MA, pursuant to bid opening of November 4, 1993, and on the recommendation of the Town Report Committee, it was on motion unanimously

VOTED: To accept the bid, to print the 1993 Annual Town Report in accordance with specifications dated October 22, 1993, of Graphic Illusions/Crane Duplicating, Dennisport, MA, dated November 11, 1993, in the amount of \$48.73 per typeset page and \$36.94 for camera-ready pages.

Water District - Formation of Town Committee for Aquifer Protection

The Board received a communication dated October 27, 1993, from the Board of Commissioners, Sudbury Water District, relative to establishment of a Town Committee for Aquifer Protection requesting appointment of a representative by the Selectmen for same. Chairman Cope mentioned the name of James Occhialini as a good possible appointee. Also mentioned was the name of David Wallace.

After discussion, it was on motion unanimously

VOTED: To table further discussion of appointments until the list of possible interested parties is available from the Water District.

Resource Recovery Committee - Joint Meeting with CONCEWM (Coalition for North Central Waste Management)

Present: Resource Recovery Committee Chairman Sue W. Pettengill, Sanitary Landfill Agent Robert A. Noyes, and Don Leistikow, Executive Director for CONCEWM (Coalition for North Central Waste Management).

The Board acknowledged receipt of a communication dated September 15, 1993 from CONCEWM explaining the purpose and history of the organization, an application for membership, and a notification of assessment.

Mr. Leistikow informed that he has spoken with the Highway Department and the Resource Recovery Committee about membership in the Coalition for North Central Waste Management. This organization has been taking care of coordination efforts to market paper, glass and plastic waste for a number of communities. He explained that there are about 15 neighboring communities included in the Coalition with three more expecting to join within the month--the total population being around 120,000 to date.

The Coalition provides technical assistance to the solid waste manager, which may be the Resource Recovery Committee, the Board of Health or the Highway Department noted Mr. Leistikow. Over the last few years, CONCEWM has improved the marketing of recyclables to allow solid waste managers to discuss with Finance Committees a reduction in solid waste budgets. Mr. Leistikow is offering the Town of Sudbury a membership in the Coalition for 15 cents per capita for 1994, the total for the year would be \$2153.70. He believes that the marketing assistance for paper alone, would save the Town of Sudbury \$1500, and the glass would save around \$300-\$400 under the current marketing structure.

CONCEWM is a technical assistance organization, explained Mr. Leistikow, with a budget of around \$40,000, half of which are donations and they try to operate as a non-profit cooperative for waste reduction. Through the use of economics, CONCEWM is trying to show the taxpayer that this is a better way to take care of the solid waste problem. The organization has approached the Department of

Environmental Protection (DEP) with regard to staff positions and to obtain support from them to be the technical support for this region added Mr. Leistikow.

Mr. Thompson reported that he and Chairman Cope attended a previous presentation by CONCEWM this past summer and with the Town's Resource Recovery Committee and the Highway Department. Mr. Thompson recommended proceeding to become a member of this coalition if the Highway Department and the RRC support this recommendation.

Ms. Pettengill commented that the figures presented seem to make a lot of sense, and that the 15 cents per capita is current with the services provided at the present time. If services are expanded that amount will increase.

Chairman Cope asked about the quality of Sudbury's solid waste as it is presented for recycling. Mr. Leistikow responded that it seems to be in line with other towns and that in the future, a CONCEWM staff person could work with them in this regard.

Mr. Thompson responded that the Town is continuously working at trying to improve the quality control. Because the markets seem to be so volatile, Mrs. Pettengill believes a membership in CONCEWM will help insure that someone is watching out for the Town's best interests.

Highway Surveyor Robert Noyes stated that he thinks it requires more study and thinks other towns should be investigated regarding their membership in CONCEWM. Mr. Leistikow suggested that Mr. Noyes talk with solid waste managers in other towns, Selectmen, etc.

Mr. Blacker asked about the mechanics of the service, and Mr. Leistikow explained that CONCEWM makes recommendations in terms of competitive prices--they try to obtain the best prices and markets for the Town.

Ms. Pettengill pointed out that the Town is under no obligation to accept the markets that are recommended--the Town is free to pick and choose.

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

VOTED: To approve a membership in the organization CONCEWM (Coalition for North Central Waste Management) for the purpose of receiving technical assistance with solid waste disposal, subject to no adverse recommendations by Highway Surveyor Robert A. Noyes after surveying several towns; the Town member-representative to be appointed by the Highway Surveyor and the alternate to be a member of the Resource Recovery Committee, for a period from December 1, 1993 to June 30, 1994.

Joint Meeting with Planning Board - Amend Research District Zoning - Cummings Property

Present: Town Planner Jody Kablack; Chairman Lael M. Meixsell, Ursula Lyons, John O. Rhome, and Richard A. Brooks, Planning Board.

Chairman Cope expressed that the purpose of meeting with the Planning Board tonight is to discuss and begin the process to amend the Research District zoning relative to the Cummings Property, Rt. 117. It was noted by Chairman Cope that the Selectmen's presentation, prepared for the Special Town

Meeting held on September 27, 1993, includes many pertinent facts relative to this property and the zoning on this property. She asked if any Planning Board members had read the presentation. The response was in the negative.

Mrs. Cope asked what the main issues of the Planning Board are regarding this type of re-zoning. Mr. Rhome responded that, as a Board, they have come to no consensus.

Mr. Meixsell indicated that one of his concerns is that there is not much evidence that anyone had reviewed the Town bylaws to see how the proposed article would relate to the other existing Town bylaws--are there other portions of the bylaws which should be revised. In addition, the article seemed to be very short and did not seem to recognize the implications of re-zoning. There was no in-depth analysis of the implications of the bylaw, added Mr. Meixsell.

Mr. Rhome commented that he would have voted in favor of it had it been presented at Town Meeting. He thinks the Town needs to be practical, in terms of amending a bylaw to fit the use of land, rather than theoretically correct.

Chairman Cope asked the Planning Board if they want the Selectmen to go forward with the inclusion of an article to amend the zoning at this site for the Annual Town Meeting. Mr. Rhome stated that the Planning Board will put it on their agenda. Mr. Meixsell stated he does not see how the Town could lose by putting it on the Warrant; otherwise, it will not be considered.

Mr. Blacker believes more thought needs to be given to amending this zoning bylaw. He stated that the Planning Board knows what the Town is trying to do, and in trying to accomplish this change he requested, the Planning Board revise the article on their own to make it happen before coming back to the Selectmen--there is more than enough time to do it before Annual Town Meeting.

Ms. Ursula Lyons remarked that some issues are still unresolved with regard to the type of housing and cost of housing. Mr. Thompson stated that he hopes this site will not be used for subsidized housing, rather it will be private housing which will put revenues back into the Town. There is a need in Town for private housing, added Mr. Thompson.

Mr. Brooks proposed a concept of satellite independent living in conjunction with congregate care on this site for the elderly, which would allow for the natural progression of the elderly going from independent living to congregate living. Mr. Blacker disagrees with this concept because if condominium housing would ever be constructed on this site, why should it be limited to only the elderly--why not to other residents who are 50-60 years old and whose children are gone and do not want the responsibility of a house.

Mr. Blacker mentioned the meeting that the Board had with the Conservation Commission relative to this entire site and summarized Ms. Montemerlo's recommendations, specifically mentioning that a back northwest portion of the property was discussed for possible housing development. Mr. Blacker suggested the Planning Board check with Ms. Montemerlo to determine if the Planning Board thinks the proposed use of the land is a good use, and be concerned not only with the Cummings property but the entire parcel as well, as they relate to each other.

Chairman Cope asked that the Planning Board also consider the tax benefits to the Town. At present, Cummings Properties would be developing for profit.

Mr. Rhome cautioned that if condominiums or apartments are allowed in one part of Town, what is to stop it from occurring in other parts of Town. He believes it may be a concern if the Town is trying to hold the line on multiple dwellings. Mr. Rhome believes that people will consider this when casting a vote. Mr. Blacker stated he does not agree with Mr. Rhome's premise because if you allow apartments in a certain area does not mean that you must allow them in another area.

Selectman Drobinski reminded that Town Meeting will decide the issue of multiple dwellings in Town.

Mr. Meixsell clarified that the arguments for re-zoning are based on two things: 1) taxes, and 2) meeting a need. He asked if the Town had data to support that this type of elderly housing would be meeting a need in Town. Chairman Cope pointed out that taxes are just a consideration. While most everyone agreed that there is a need for this type of housing, there are no statistics to prove it. Mr. Meixsell asked if there was any way the data could be in writing and asked if the Town could be polled prior to Town Meeting perhaps through the newspaper or have a questionnaire sent out with the notice for Annual Town Meeting thereby satisfying the data on the need. It was pointed out that there is no available data on the financial implications. Mr. Meixsell explained that a financial analysis can be done, but there is no one to perform it. The concern is that the outcome at Town Meeting will most likely be determined on the presentation made before Town Meeting, and the presentation should include such an analysis.

Mr. Rhome mentioned that the Senior Center is conducting a poll of the Town's seniors at the present time, and stated that there may still be time to add questions or information to their poll.

Chairman Cope reiterated the Selectmen's hope of having a plan presented before Town Meeting which reflects what the Town wants, but would like to have all arguments settled beforehand.

Mr. Brooks suggested that Secretary Thompson and Town Planner Jody Kablack jointly instigate a plan of action. Mr. Thompson agreed and noted it is important to work with the League of Women Voters as well because they are involved with similar senior issues and concerns.

#### Disposition of Loring School - Public Meeting

Present: Building Inspector John B. Hepting; Finance Committee Chairman Michael Fitzgerald and approximately 40 concerned Town residents.

The Board convened a public meeting at 8:40 p.m. to discuss the disposition of the Loring School. Chairman Cope explained why the disposition of the Loring School was not considered at the Special Town Meeting held on September 27, 1993, stating that the school was to have been accessed to the Board of Selectmen to maintain, but is now still with the School Committee because of a technical issue with the vote. Mrs. Cope continued that two members of the Board were present at the School Committee meeting held on Wednesday, November 3, 1993, and learned that the School Committee did not think at this time they would be needing Loring School as a school, but that a definite decision has not been made in this regard. She further noted that Stephenie Cook had telephoned her to say that later in the meeting of November 3, the School Committee deduced that if Nixon expansion costs were indeed \$6 million, they might possibly reconsider a plan to rehabilitate Loring School.

Mrs. Cope further explained that the Town is currently leasing the school to Congregation B'nai Torah, and they in turn are sub-leasing to others. The school is in need of several repairs and is in poor condition. The Town receives very little rental income because it has been offset with major repairs. Mrs. Cope discussed the report available that was to have been read at Town Meeting which explains the past and present history of the school, and includes opinions of value from the Town Assessor/Appraiser Daniel A. Loughlin.

Estimates to demolish the building have been received, as well as estimates of income if we sell the building, stated Chairman Cope. The annual cost to maintain the building is \$15,000-\$25,000, and an estimate for a complete roof repair is estimated over \$200,000. The Board is interested in receiving input from residents who are gathered here tonight.

Selectman Blacker stated he would not be in favor of selling all of the property with the Loring School--only the school itself and a minimal amount of land. He continued that it has always been his understanding that disposition of the building would include the existing parking lot, but easements would be granted to the Town for a parking area in perpetuity, and in addition, the turnaround area would require easements to allow for flow of traffic. Selectman Drobinski concurred that he would like to see as much open space as possible. Chairman Cope added that the Board has tried to present all the options available. It is her understanding that the bids for the school will probably be low with the omission of the open space.

Selectman Blacker explained that the purpose of the sale is not to have the Town be in the real estate business. He believes there have been many misconceptions about the value. With regard to how people determine the value of land, Mr. Blacker commented that the value of the land is the fair market value of the land plus the cost of what a developer will have to do to the land to develop it minus what he would have to pay to demolish the existing structure. This is the land aspect. The building aspect relative to value concerns the amount to repair vs. build a new structure. In addition, the existing building has limited use because of the zoning; therefore, the bids will most probably be low.

In conclusion, the property is available for anyone to bid on, and it will go to the highest bidder, if the Selectmen accept a bid, continued Mr. Blacker. These are the selling options. Another option is to board it up, which really does not do anything for anyone and only postpones any action. The last option would be to demolish the building, added Mr. Blacker.

Mr. Steve Blanchette, Hopestill Brown Road, wished to clarify two points: 1) the \$30,000 figure for boarding up and securing the building does not include any roof repairs, and 2) the three acres mentioned for possible building sites are only available if the building is demolished. These points were confirmed by the Board.

Mr. Ray Middleton, 21 Woodside Road, expressed the concern that he is outraged that another Town Meeting is being scheduled to deal with the Loring School right in the middle of the holiday season when many people have other family and religious commitments. He added that Annual Town Meeting is only a few months away, and believes that this matter can be taken care of then. With regard to the School Committee meeting held last week, Mr. Middleton remarked that it was clear that the schools do not currently have the demographic projections necessary to make a decision and future school funding may be impacted as a result of the outcome of the projections.

Selectman Blacker explained that the reason for not delaying is the concern of the condition of the roof and its ability to make it through the winter without having to perform costly repairs, which are not budgeted; and also, that the Town owes the people who lease the building an explanation of what the future holds for them as tenants of this building. There is a concern, added Mr. Blacker that something might occur between now and Town Meeting, and that it is prudent to care for any problem at the earliest possible time.

Mr. Middleton commented that, it is perceived that if between now and March the roof will incur significant water damage, then why not vacate the building now. He asked if patch work could be done.

Mr. Laurence Hammel, 610 Peakham Road, representing the Sudbury Arts Center which sub-leases from Congregation B'nai Torah, reviewed some of the facts about the building. He believes that a service to the children is being provided through the programs at the Loring School and that they are not at great risk because they can be moved around; despite the fact that the building and tenants have experienced major problems. He would like to see the current tenants remain even though some have been lost because of the problems. The problems cannot wait until next April, according to Mr. Hammel, who believes the use of the school is a valuable community asset and should be preserved.

Mr. Hammel stated that he believes the building can be repaired for much less money than is currently being considered, because they do not have the same requirements as the schools with regard to public bidding construction work.

One resident expressed his concern that such a valuable Town asset was being given away, and concluded that the reason most people are concerned is because they do not have all the correct information. This resident stated he had no problem with holding a special Town Meeting as long as all the facts are disclosed and the residents understand the information. Chairman Cope concurred.

According to Mrs. Cope, there is now a remote possibility that the schools may want to use Loring School, but the Board thought it would be better to hold a special town meeting rather than go through the winter repairing the building.

Mr. Ralph Tyler, 1 Deacon Lane, pointed out that the schools believe they will need to expand their facilities and have talked with an architect regarding a Nixon School expansion after opening it. Also, Mr. Tyler stated he disagrees with Town Counsel's interpretation of what the State reimbursement might be should the Town decide to sell Loring School, he believes the schools could be at risk in terms of future reimbursement. Mr. Tyler also believes that the tenants, as they expressed, can probably make repairs for around \$100,000 rather than the \$1 million being proposed.

Mr. Norman Burke, 18 Flintlock Lane, discussed an Engineering Report which was prepared for Congregation B'nai Torah and dated February, 1993. According to Mr. Burke, the report concluded that 1) the building constructed in 1959, is in sound condition; 2) minor repairs of the non-supporting curtain walls would improve energy and comfort factors; 3) it is unknown whether the roofing material is asphalt or coal tar; 4) there are no major structural defects that might create an unsafe environment for the building's occupants.



The general condition of the school, continued Mr. Burke and according to the report, shows that the foundation walls are in good condition; the masonry bearing walls are in sound condition, and all roof beams appear to be in sound condition.

In conclusion, Mr. Burke would like to have the Town work with Mr. Hammel and does not believe it is a good idea to have a Special Town Meeting particularly when many residents may not be available. He believes the building can be self-sufficient and pay for itself and would like to go to Town Meeting in April and prove that it can.

Mr. Hendrik Tober, 12 Ames Road, expressed that he believes the situation seems to hinge on the desire of the tenant to buy the building, and that there are many people who are very sympathetic to the school being sold. He believes the Selectmen will run into resistance if they try to sell it and he wants the Board to follow the recommendation by many to not sell the school.

One resident suggested that the Board meet with the tenants relative to the lease to discuss the economics of the whole situation and if the tenants can make the situation economically feasible for themselves, then perhaps they might want to spend the money required for repairs.

Mr. Hammel commented that there is no desire on the tenants' part to purchase the building--no one is trying to do a land grab on Loring School, rather the Town needs to have trust and support for the people occupying the building. There have been too many crises situations, added Mr. Hammel, who cited from a report on the condition of the Loring School that code and life safety issues should be addressed, and they need to be addressed now!

Mr. Ray Middleton surmised that there are many problems now because there was never enough rent charged to make it self-sustaining. He also referred to the opinion from Town Counsel's office regarding reimbursement saying that the clock starts to tick when the property is sold, and the schools may not get reimbursed if they have to open another school. Mr. Thompson explained the statute and stated that this is the reason why they have asked the schools what they want to do. Mr. Middleton reminded that the School Committee does not have sufficient information for long-range demographics.

Mr. Russell Kirby, 244 Boston Post Road, commented that he has been working with the Town Clerk on the development of software for census information. He noted that they may be able to supply the schools with initial demographic information within the next week or two, in order for them to be able to make their own judgments and projections. The Town should not eliminate the possibility of the schools needing the Loring School before the School Department obtains the necessary information to make that decision. Mr. Kirby believes the school needs to reconcile census data information with the school enrollment records, and make certain this effort is not compromised. What is done with the property should be tempered by what the School Committee determines, added Mr. Kirby.

Selectman Blacker concurred with Mr. Kirby, and added that the school needs to determine where they want the schools located--centralized or spread out in the neighborhoods.

Mr. Drobinski asked Mr. Hepting who would be responsible for the school, if the Town did not act on a plan. Mr. Thompson stated that the Town would be even though it is still under the School's jurisdiction.

The question posed by Mr. Drobinski regarding the cost of repairs to the roof of the building to get it through the winter prompted Building Inspector John B. Hepting to offer some past and present history related to the condition of the Loring School. Mr. Hepting explained that his main concern is the health, safety and welfare of the occupants of this building and what benefit the Town of Sudbury derives from this facility. Mr. Hepting proposed the following options relative to repairing the facility: 1) if the Town chooses to repair the building, funds have to be obtained to do this; 2) because repairs take time, what happens to the tenants in the meantime; and 3) consideration of the timeframe to complete the repairs.

Mr. Richard Brooks asked if this fourth option--repair the building--could be included in one of the other three articles. Finance Committee Chairman Michael Fitzgerald stated that the Finance Committee has a strong sentiment against the Town being in the real estate business. The budget is under pressure and there are a lot of demands for new services. He continued that the Town has a very poor history of maintaining its buildings and would not be a good landlord because of other pressing needs in Town.

Mrs. Cynthia Salamone, 10 Wright Road, asked if the Town was considering selling all of the land surrounding the school or a portion of it. Mr. Thompson remarked that the Conservation Commission has done a report to determine the wetlands in the area, and he believes that the area to the rear of the property is questionable with regard to development. Mr. Thompson continued that one of the reasons the School Department rejected the Loring School in the past was because they could not expand it at the site. Mrs. Salamone's concern is that if the Town sells it as a school, how marketable would it be and she is also concerned about the future values in the neighborhood.

Mr. Stephen Walch, 59 Hopestill Brown Road, commented that the conflicting views reported tonight regarding the condition of the building, leads him to believe that all the options have not been explored sufficiently to justify a special town meeting.

Ms. Dorothy Wright, 155 Woodside Road, informed that she belongs to the sixth generation of Wrights to reside in this area, and is concerned what might happen to the school. She commented about the Fairbank School and Horse Pond School--Fairbank School has had a very good outcome for the Town and Horse Pond has not. She would like to see the Town keep the school and the land surrounding it, or demolish the school and keep the land regardless of the cost to the Town.

Mr. Ralph Tyler, 1 Deacon Lane, suggested the Board request from the School Committee not only a letter stating if they do or do not intend to use the Loring School in the future, but obtain the School Department's plans for expansion and the cost of the expansion for Nixon School. It was noted that the School Committee has not yet met with the Finance Committee.

In conclusion, Selectman Blacker asked if the School Committee makes a decision that they want to keep Loring School, will it be possible to cancel the Special Town Meeting. The time schedule for the Special Town Meeting was reviewed and discussed.

Mr. Thompson opined that the Selectmen should either proceed with this Special Town Meeting or postpone it. Selectman Drobinski expressed concern about Mr. Hepting's comments that the condition of the Loring School is such that potential hazards could occur at any time. Mr. Hepting stated he would like to have some direction from the Board on how to proceed in the winter months, should repair

problems arise. It was noted that the Town is liable for the repairs and condition of the school, but regarding the contractual obligation, the Town is not obligated to continue any lease.

Mr. Russell Kirby suggested that a Special Town Meeting be held in January, in order to allow enough time for the School Committee to respond.

The question came up relative to available funds to pay for repairs should they be needed. It was suggested that the rental fees be used to pay for the repairs. A member of B'nai Torah explained that the rental fees have been used to pay for the repairs over the last four years and the repairs have averaged over and above the rental income.

Mr. Fitzgerald stated that with the school issue still unresolved and with the large amount of interest expressed in the Loring School, more homework should be done relative to the building before any decisions are made.

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

VOTED: To cancel the Special Town Meeting scheduled for December 13, 1993.

Massachusetts State Ethics Commission Advisory No. 11 - Police Department

The Board acknowledged receipt of a communication dated November 5, 1993 from Lieutenant Ronald J. Nix concerning the Police Department's hiring of his son, Richard S. Nix, for the position of Police Dispatcher. Lieutenant Nix is requesting approval from the Board pursuant to the Conflict of Interest Law and particularly Commonwealth of Massachusetts State Ethics Commission Advisory No. 11 concerning nepotism.

On motion by Chairman Cope, it was unanimously

VOTED: To approve the hiring of Richard S. Nix, son of Lieutenant Ronald J. Nix, for the position of Police Dispatcher in the Sudbury Police Department, pursuant to the Conflict of Interest Law and the Commonwealth of Massachusetts State Ethics Commission Advisory No. 11 concerning nepotism, and provided any supervisory or other duties are undertaken by someone other than Lieutenant Nix.

1994 Annual Town Meeting

With regard to consideration of the draft of articles to be placed on the Warrant for the 1994 Annual Town Meeting, the Board discussed and agreed to the following:

1. To submit the following Articles:

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| Article 3  | Town Buildings Repairs - \$37,400.   |
| Article 4  | Town Buildings Accessibility - \$60,000.   |
| Article 5  | Adopt Town Flag.   |
| Article 6  | Appropriation for July Fourth Parade.  |
| Article 7  | Amend Bylaws: Article XX, Prohibition and Regulation of Overhead Utilities, to delete Section 2 requiring rules and regulations. |
| Article 11 | Amend Zoning Bylaw: Research District Bylaw/Unisys Property.   |

Article 13 Amend Zoning Bylaw: Eliminate potential for drive-up window food selling.

2. To hold on the following Articles:

Article 1 Town Reorganization - Special Act: Home Rule Charter Act Referendum Question.  
Article 8 Amend Bylaws: Personnel Bylaw - Sick Leave Bank, regarding cap and procedure for use.  
Article 9 Amend Zoning Bylaw: Design Review Board.  
Article 10 Amend Zoning Bylaw: Inclusionary Zoning Bylaw.  
Article 14 Amend Zoning Bylaw: Eliminate potential for locating unsafe/noxious business.

3. No support for the following Articles:

Article 2 Voting Equipment.  
Article 12 Amend Zoning Bylaw: Eliminate multiple-zoning on lots.

4. To add two Articles as follows:

- a. Bylaw to prohibit commercial septic system in a residential zone. Chairman Cope will check further.
- b. Loring School Articles - pertaining to transfer, sale, demolish boarding-up and repair (new).

5. To approve Standard Articles as follows:

1. Hear Reports. (Selectmen)
2. Street Acceptances. (Selectmen)
3. Stabilization Fund. (Selectmen/FinCom)
4. FY94 Budget Adjustment. (Selectmen Fin/Com)
5. Personnel Class. & Salary Plan. (Personnel Board)
6. Budget. (Finance Committee)
7. Unpaid Bills. (Town Accountant)
8. Goodnow Library Revolving Fund. (Library Trustees)
9. Mass. 1991 Transportation Bond Issue. (Highway Surveyor)

Health Insurance - Memorandums of Understanding

Present: Building Inspector Secretary Bobbi Slomski, Community Social Worker Martha Lynn.

The Board acknowledged receipt of the following relative to health insurance:

Mrs. Slomski and Ms. Lynn were present to discuss with the Board their concerns regarding the health insurance changes and how they will be affected by the changes.

Following discussion, it was on motion by Chairman Cope

VOTED: To ratify the Memorandums of Understanding signed November 4, 1993, with the following unions relative to new health insurance plans to become effective January 1, 1994:

1. Sudbury School Committee and Sudbury Education Association.
2. Sudbury Permanent Fire-Fighters Association, Local 2023, International Association of Fire-Fighters, AFL-CIO.
3. International Brotherhood of Police Officers, Local 315.
4. Sudbury Supervisory Association.
5. Association of Engineers, Architects, and Draftsmen, Local 105, International Federation of Professional and Technical Engineers, AFL-CIO.
6. Massachusetts Laborers' District Council in behalf of Public Employees Local #1156 of the Laborers' International Union of North America, AFL-CIO.

#### Partial Payment on Excise Tax Bills

The Board acknowledged receipt of a communication dated November 2, 1993, from Town Treasurer and Collector Mary Ellen Normen Dunn regarding Selectmen Blacker's request for a copy of the statute relative to the Town accepting partial payment on excise tax bills.

Mrs. Dunn noted in her communication that the Motor Vehicle Excise does not by statute have a provision to allow for partial payments and added that the Motor Vehicle Excise courses teach that an administrative order from the Department of Revenue does not recommend partial payments. She included a copy of a communication dated March 31, 1992, from the Massachusetts Department of Revenue clarifying this point.

#### Sunset Path Culvert

In response to Selectman Blacker's inquiry relative to the outstanding culvert issue on Sunset Path, Mr. Thompson reported that a meeting is being set up with Town Counsel, Conservation Commission and the Highway Department to try to resolve the long-standing issues.

#### Proposed Forum for Town Meeting Operations

Chairman Cope reported that a resident volunteer, Ann Procopio, has offered to set up, in conjunction with the League of Women Voters and maybe the Newcomers a forum which would include Town elected officials for the purpose of educating Town residents on Town Meeting procedures.

#### Education Reform - School Assessment Data Sheets

It was on motion unanimously

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VOTED: To authorize Chairman Cope to sign the Department of Revenue, Division of Local Services, Education Reform Regional School Assessment Data Sheets for Lincoln-Sudbury Regional School District and Minuteman Technical School.

There being no further business, the meeting was adjourned at 11:30 p.m.

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