

IN BOARD OF SELECTMEN  
MONDAY, JANUARY 25, 1982

Present: Chairman Anne W. Donald, William J. Cossart and John E. Murray (arrived at 7:50 p.m.).

The statutory requirements as to notice having been fulfilled, the meeting was called to order by Chairman Anne W. Donald.

One-Day Auctioneer License

It was on motion by Selectman Cossart unanimously

VOTED: To grant a one-day Auctioneer License to Thomas Herried of Collier Art Corporation for the purpose of conducting an Art Auction for the benefit of the Lincoln-Sudbury Student Exchange Committee scholarship on April 3, 1982, at the Sudbury Town Hall, and to waive the customary fee, as requested by Anne Strauss, Treasurer, in a communciation dated January 13, 1982.

Transfer Request - Acct. 340-12, Building Department Overtime and Extra Hire

It was on motion by Selectman Cossart unanimously

VOTED: To approve Request for Transfer #1026, dated January 22, 1982, from the Building Department, Account #340-15 Custodial, to Account #340-12 Overtime and Extra Hire, for the purpose of paying the salary of the temporary secretary in the Building Department through April 16, 1982, as noted on the numbered transfer.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Special Meeting of December 12, 1981, and of the Regular and Executive Sessions of January 18, 1982, all as drafted, subject to Selectman Murray's approval.

When Selectman Murray arrived later in the evening, he expressed no change to the above minutes as drafted.

1982 Annual Town Meeting Articles

During discussion regarding 1982 Annual Town Meeting articles, it was on motion unanimously

VOTED: To approve the wording of the following articles:

Town Meeting Quorum, as amended; and

Town Meeting - Order of Articles.

And it was further

VOTED: To approve the article wording and the Warrant report for the following article:

Flood Plains Bylaw.

And it was further

VOTED: To approve the Warrant report for the following articles:

Disposition of Fairbank School

Disposition of Horse Pond School

Disposition of Loring School

Disposition of South Annex.

Assignment of Articles to Board Members

The Board proposed that Virginia Howard be the honorary guest speaker to present the first article at the 1982 Annual Town Meeting.

During discussion, it was on motion unanimously

VOTED: That the 1982 Annual Town Meeting articles would be addressed as follows:

Selectman Cossart:

- # 2 Temporary Borrowing
- 3 Classification and Salary Plans
- 4 Personnel Administration Plan
- 7 Town Audit
- 15 Gypsy Moth Control, if necessary
- 22 Art. IX,I,G & III,E - Flood Plains
- 27 Accept G.L.c. 32B, s.17 - Extension of Insurance Coverage
- 28 Insurance for Surviving Spouse

Selectman Murray:

- # 10 Sanitary Landfill
- 11 Ambulance and Equipment
- 12 Art. V - Inflammables Storage Bylaw
- 13 Smoke/Heat Detectors in Apts/Motels
- 16 Town Meeting Quorum (presentation only)
- 17 Town Meeting - Order of Articles (presentation only)
- 26 Accept G.L.c.90, s.20A½ - Parking Fines
- 33 Disposition of South Annex
- 34 Disposition of Fairbank School
- 35 Disposition of Horse Pond School
- 36 Disposition of Loring School

Selectman Donald:

- # 8 Street Acceptances
- 9 Street Acceptance - Dudley Road
- 18 Transfer TP 174-182 to Water District
- 19 Grant Easement to Water District
- 29 Accept G.L.c.44, s.53E - User Fee Budget Offsets

Acting Town Accountant Richard E. Thompson:

# 6 Unpaid Bills

Town Accountant Paul L. Kenny:

# 20 Art. IX,V,A - Special Regulations - Temporary Trailers  
21 Art. IX,III & IV - Technical Corrections

And it was further

VOTED: To speak individually on the following 1982 Annual Town Meeting Articles:

# 16 Town Meeting Quorum  
17 Town Meeting - Order of Articles

Selectman Murray informed the Board that he had spoken to Finance Committee Chairman Michael Cronin who indicated that it may be necessary to have an article dealing with the Haynes School roof; a further recommendation to come later.

#### Town Fathers Forum - 143rd Session

At 8:00 p.m. Chairman Donald convened the 143rd Session of the Town Fathers Forum, a copy of which is attached and is a part of these minutes.

Selectman Cossart noted that Karen Rasile, Chairman of the Board of Health could not be present this evening. Mr. Thompson noted that Chief Frost was in Washington, D.C., thus would not be present this evening.

#### Current Items of Interest

##### South Annex School Information

The Board concurred with the wording of information to bidders and the conditions of sale for the disposition of the South Annex School, as prepared by Town Counsel's office.

##### BAYS Soccer at Fairbank School

At the request of Selectman Cossart on January 18, Mr. Thompson stated he spoke with Mr. Pat Mullen and arranged for him to use the gym at the Fairbank School for the BAYS Soccer program, beginning February 3, and each Wednesday from 5:15-6:45 p.m. through March.

##### Wednesday Half-Day of School

Regarding a communication dated January 22, 1982, received from Mr. & Mrs. Roger L. Freeman expressing concern regarding early release on Wednesdays, and on the recommendation of Selectman Cossart, it was on motion unanimously

VOTED: To direct the Executive Secretary to correspond to Dr. LoPresti, Superintendent of the Sudbury Schools, by requesting clarification regarding the School Committee's decision to return to the policy of early release on Wednesdays.

### Ambulance Charges

Mr. Thompson stated that, subsequent to the Board's request at its January 11 meeting, Town Counsel had reviewed and confirmed approval of the concept of the Fire Chief's request, dated December 31, 1981, to contract for collections of overdue ambulance charges in terms of cash flow and individual handling of accounts.

### Donation to Africare

The Board acknowledged receipt of a communication dated January 19, 1982 from the Fire Chief/Civil Defense Director, Josiah F. Frost, to Mr. Peter M. Persell of the Africare Health Support Program, stating he had recommended to the Selectmen that all of Sudbury's hospital package, which is not usable by our Civil Preparedness Agency, be donated to Africare.

The Board supported the recommendation of Chief Frost and directed the Executive Secretary to provide the Board with further information about Africare.

### Middlesex County Selectmen's Association (MCSA) Meeting

At Chairman Donald's request, the Executive Secretary clarified for the Board some questions brought up at the recent past meeting of the MCSA concerning legislation pertaining to the Middlesex County Advisory Board (MCAB). Mr. Thompson informed the Board that he had confirmed with the Massachusetts Municipal Association that the Governor had signed the late-filed legislation which included the following major provisions: 1) that in Fiscal 84, the voting weight of an individual city or town will be based on county assessment; 2) that in Fiscal 84, any member of the Board of Selectmen may be designated to serve as representative to the MCAB (current legislation only provides for the Chairman to serve); and 3) that in Fiscal 84, the county budgets must be approved by the MCAB prior to June 1; however, due to a conflict of drafting this legislation, a February 1 budget deadline also exists. It is expected that this contradiction in the legislation will be corrected.

Later in the evening, the following current items were discussed:

### Longfellow Glen

The Board noted receipt of a communication dated January 22, 1982, from Town Engineer James V. Merloni, with a preliminary plan attached, relative to the status of the Longfellow Glen project, which explained that funding for the project had been approved and the plan has been changed by a reduction of the number of units from one hundred forty to approximately one hundred twenty and increased setback from the Boston Post Road due to sewerage system considerations.

### Possible Sudbury/Wayland Boundary Change

Regarding the possible boundary change between Sudbury and Wayland, a communication, dated January 20, 1982, had been sent from the Selectmen's office to five area property owners. Mr. Thompson reported that Mr. Stuart R. Rosenthal of 40 Griscom Road had responded that he preferred to continue living in Wayland.

Petition for Referendum Questions

The Board acknowledged receipt of a petition received today from the Assessors regarding the inclusion of two non-binding public opinion advisory questions on the 1982 Annual Election Ballot.

Since the petition as submitted did not meet the petition requirements as provided under G.L.c.53, s.18A, upon motion, the Board unanimously

VOTED: To place on the ballot for the 1982 Annual Town Election, two non-binding public opinion questions, as follows:

- 1) Should the Town use an "open space factor" in property taxation, which would reduce the share of the tax levy up to fifteen percent on property classified as open space, and resulting in that reduction being absorbed by property classified as residential?
- 2) Should the Town continue to use a "residential factor" in property taxation, which reduces the share of the tax levy on property classified as residential, and resulting in that reduction being absorbed by properties classified as commercial, industrial and personal?

The Board directed the Executive Secretary to place a public notice in The Sudbury Community Calendar explaining the purpose of the questions, and further directed Mr. Thompson to request the assistance of the League of Women Voters in informing the public as to a better understanding of the ballot questions.

Communication from The Middlesex News

On the recommendation of the Executive Secretary relative to complying with procedural requests for supplying agenda material to the press, as requested in a communication from Patty Morin, Bureau Chief of The Middlesex News, and following discussion, the Board directed that Mr. Thompson prepare a response to the above-mentioned communication for the Board to review.

Police Station

Selectman Murray expressed his concern relative to the two following matters concerning the Police Station addition project; 1) the problem of water pipes freezing in the new addition, and 2) if a television monitor is to be installed in the outside rear parking area. Mr. Thompson stated that he will contact the Permanent Building Committee or Kubitz and Pepi and report back to the Board.

Meeting with John C. Cutting - Use of Parkinson Land

Present: John C. Cutting, Sudbury Nurseries; Chairman Joan C. Irish, H. Rebecca Ritchie, Richard O. Bell, and Judith A. Cope, Conservation Commission.

With reference to a request to use a field area of the Parkinson Land for Nursery stock, dated January 8, 1982, from John C. Cutting of Sudbury Nurseries, and a subsequent communication, dated January 15, 1982, from the Conservation Commission supporting Mr. Cutting's request, subject to the Town receiving a fair return for the use of the property, consistent with the rental of other

Town properties for agricultural purposes, and, since this is Town property under the jurisdiction of the Conservation Commission, subject to an arrangement being worked out with Mr. Cutting regarding using the periphery of the fields and the wooded areas for passive, outdoor recreation - cross country skiing, nature study, nature walks, etc., Executive Secretary Richard E. Thompson updated the Board as follows:

- current land rental contracts involve Stephen Verrill's use of both Conservation and Park and Recreation lands;

- the Conservation Commission agreement is \$150 for approximately five acres per growing season - Davis Land;

- the Conservation Commission recommends that the rental fee should be determined in line with what the Town would realize in taxes if the land were under Chapter 61A; and

- Chapter 61A rate is \$34.66 - the commercial rate. This assessment would be within the state guidelines for such type of agricultural use.

Selectman Cossart stated that the Board had expressed concern that there should be no change in the public access to the Parkinson Land if Mr. Cutting were to use a portion of it.

Mr. Thompson suggested that Mr. Cutting plant a group of evergreen trees adjacent to the area he plans to use - the trees would later be used for the Town's purposes. Mr. Cutting replied in the affirmative.

Mr. Cutting stated that he generally pays a per acre fee, which is usually \$60 per acre per year, for a 5-year period and further stated that there would be no problem as far as public access is concerned.

Following discussion, it was on motion

VOTED: To approve the use of a portion of the Parkinson Land by Sudbury Nurseries, Inc, for the growing of nursery stock for a period of five years, at a cost of \$60 per acre per year, subject to confirming the acreage, and executing an agreement for the rental, which is to be drawn up by Town Counsel.

(Vote: Chairman Donald, present; Selectman Cossart, in favor; Selectman Murray, in favor.)

At Selectman Cossart's request, the Executive Secretary was directed, in the interest of being equitable to everyone, to publish a public notice of the intent and purpose of renting a portion of the Parkinson Land, and to proceed with the rental arrangements on the basis of no objections within seven days of publication.

Mr. Cutting stated he would not be ready to do any planting until September at the earliest.

Shick Property

Present: Chairman Joan C. Irish, H. Rebecca Ritchie, Richard O. Bell, Judith A. Cope, Conservation Commission; Allen H. Morgan, Judith Mack, and John E. Taft, Sudbury Valley Trustees; and Wesley Ward, Assistant Director of Massachusetts Farm and Conservation Lands Trust.

Conservation Commission member H. Rebecca Ritchie introduced all who were present and stated that the Board of Selectmen had asked for assistance from the Sudbury Valley Trustees (SVT) to look into the possibility of matching a One Hundred Fifty-two Thousand Dollar bid within a February 15-18 deadline for the purchase of parcel #3 of the Shick property on Lincoln Road, approximately thirty-nine acres in Sudbury. Under Chapter 61A, the Town has the first option to purchase the land.

Mr. Allen H. Morgan, Executive Director of the Sudbury Valley Trustees stated that the SVT might offer Ten to Fifteen Thousand Dollars as a loan to the Town of Sudbury, and will help raise the difference needed to match the bid, by challenging Sudbury residents for donations (approximately five people at Six Thousand Dollars) - the intention being (by a "gentlemen's agreement") that Town Meeting would be asked to appropriate funds to repay the loan from the Sudbury Valley Trustees and any private loans made to SVT for this project. All donors would have to be aware of the risk involved - that Town Meeting may not appropriate the required funds.

Mr. Morgan suggested the alternative that the Sudbury Valley Trustees give the approximate Forty-two Thousand Dollars needed to the Town; the Town in return would convey one or two house lots to them at some future time following the purchase.

Ms. Ritchie explained the financial situation as follows:

The goal is \$ 152,000	\$19,500 Conservation Commission (money from 1981 ATM article)
*MFCLT package <u>110,000</u>	60,500 State Food & Agriculture (under C.780 Agricultural Preservation Restriction Act)
needed 42,000	<u>30,000</u> private farmer
SVT <u>\$10-15,000</u>	<u>\$110,000*</u>

\$32-27,000 to be raised by private donations.

Ms. Ritchie expressed concern that the Thirty Thousand Dollars is contingent upon a transfer of farming land for private ownership, while the Eighty Thousand Dollars (Conservation and State monies) is for the purchase of development rights. Under the Chapter 61A purchase option, the Conservation Commission would become the title owner, and it would be difficult to convey land out for the private ownership; likewise, it would be difficult to convey two lots (to SVT), as suggested above in lieu of payment.

Ms. Ritchie stated that it has been the policy of the Conservation Commission in the past not to expend monies on one purchase over Ten Thousand Dollars without Town Meeting approval, and she would not like to set a precedent by doing differently in this instance.

Responding to Mr. Taft, Ms. Ritchie stated that the Conservation Fund has an uncommitted balance of approximately \$52,000. Mr. Taft suggested that, if it were acceptable, the Conservation Commission pledge the \$42,000 (or the remaining balance required - up to \$42,000 - for the purchase of the land), subject to Town Meeting appropriation or approval at a later date.

Town Counsel Paul L. Kenny stated that there are some potential legal problems - one being the different shares (Town, State, and private) in the purchase, and another being the intent of the purchase for conservation land and the conveyance of a portion of the same, which is in conflict with Article 97 of the State Constitution, without a 2/3 legislative vote.

Chairman Donald asked if the Conservation Commission had to state that the intention for purchasing the land is for conservation purposes. Mr. Ward responded that they are working on how to proceed and expressed concern regarding any restrictions which may be placed on the land in terms of a future conveyance for private ownership.

Town Counsel responded that the constitutional amendment does not address what it (the conservation land) is being sold for; it simply addresses whether or not it is being sold.

Responding to the Executive Secretary, Mr. Ward stated that he had spoken to the prospective buyer (high bidder) who is interested in conservation but also in a maximum return which is consistent with his definition of good development land and says that, as a high quality developer, he would have reserve open space and is interested in a combination of farm and development land. Mr. Ward stated that they are not sure how developable the land is, but it appears it would be suitable for six house lots; the prospective buyer feels that there are between nine and twelve house lots . . . the concern being that the land was perked during a low water table season. Ms. Ritchie added that approximately two years ago Health Director John V. Sullivan's opinion was that only the frontage area would test well for building purposes. Ms. Ritchie further commented that one third of the land is in the flood plain.

Mr. Ward stated that partial development (two lots conveyed to SVT) would reduce State (Food and Agriculture) monies by approximately \$20,000, which would raise the money needed by private donors to approximately \$62,000.

At the conclusion of discussion, the Board agreed to the following:

- that Town Counsel's office should verify the options available to the Town and confirm the deadline date;
- that it should be determined what percentage is needed for a downpayment;
- that it should be determined whether there is a verbal purchase option available, which would then allow the Town to condition the purchase on the approval of the 1982 Annual Town Meeting; (Town Counsel commented that the Town could have exercised that option under the sixty day deadline by calling a Special Town Meeting - asking for an appropriation for the land. Selectman Murray indicated on behalf of the Selectmen that they would be willing to go to Town Meeting for an approximate \$45,000 appropriation because they feel it is



in the best interest of the Town to purchase this land. Selectman Cossart commented that a potential donor would feel more assured knowing that there is a firm obligation on the part of the Town to repay the donation/loan.)

- that Ms. Ritchie should draft a proposed method for purchase, with the help of the Executive Secretary, and confirm the amount of money remaining in the Conservation fund;

- the Executive Secretary was directed to reschedule the matter for the Board's next meeting on February 1.

Chairman Donald thanked everyone for their attendance this evening.

#### Cable Advisory Committee

Present: Mr. and Mrs. Kircher.

The Board agreed to appoint a five member Cable Advisory Committee to the Selectmen.

Executive Secretary Richard E. Thompson referenced the applications before the Board representing the Board's individual choices out of a total of forty-one applications received.

Mr. Kircher, one of the forty-one applicants, was present and briefly talked with the Board regarding his qualifications and interest in serving on the Committee and in having cable television in Sudbury.

During discussion, it was on motion by Selectman Cossart unanimously

VOTED: To appoint Joseph D. Bausk of 50 Pratts Mill Road, and Roger Allan Bump of 9 Wilson Road, to the Cable Advisory Committee;

and it was further

VOTED: To direct the Executive Secretary to request that the following applicants come in for interviews with the Board at its next meeting on February 1: Anthony Kreisel, Michael J. Shapanka, Kenneth Brown, Peggie Anne Ward, William H. Eburn, Jr., and P. Jeremy Smith.

Additionally, the Executive Secretary was directed to extend an invitation to Mr. Bausk and Mr. Bump to attend the interviews.

Mr. Thompson stated that he may not be able to spend a great deal of time with the Cable Advisory Committee and asked that Assistant Town Counsel Thomas M. French act as liaison to the Committee. The Board agreed.

#### Executive Session

At 11:05 p.m. it was on motion by roll call

VOTED: To enter into Executive Session for the purpose of discussing strategy for collective bargaining or litigation where open discussion of the same may

have a detrimental effect, and to discuss the Discretionary Fund.

(Roll call vote: Chairman Donald, in favor; Selectman Cossart, in favor; Selectman Murray, in favor.)

Chairman Donald announced that Open Session would not reconvene following the Executive Session.

There being no further business to come before the Board, the meeting was adjourned at 11:35 p.m.

Attest: \_\_\_\_\_

Richard E. Thompson  
Executive Secretary-Clerk