

IN BOARD OF SELECTMEN
SPECIAL MEETING
MONDAY, MARCH 8, 1982

Present: Chairman Anne W. Donald, William J. Cossart, and John E. Murray.

The statutory requirements as to notice having been fulfilled, the special meeting was called to order by Chairman Anne W. Donald at 3:00 p.m. at the Loring Parsonage.

Proposals - Excessed Schools

It was on motion unanimously

VOTED: To acknowledge receipt of the following two proposals, and to recommend the same for Town Meeting action, as follows:

- Laury Hammel, Chairman, Board of Directors, Longfellow School, dated March 7, 1982, a proposal to purchase and use the Loring School and property for a private new school - to be used as a summer camp during the summer months. Purchase price - \$125,000-150,000 range; and
- Massachusetts Cerebral Palsy of Greater Boston, dated March 4, 1982, a proposal to purchase and use the Loring School as an educational-vocational school for multi-handicapped children and adults. Purchase price - \$150,000.

Executive Secretary Richard E. Thompson confirmed the meeting on March 16th at the Curtis Middle School to discuss all of the proposals received for the Horse Pond, Fairbank and Loring School buildings at 7:30, 8:30 and 9:30 p.m., respectively. Mr. Thompson reviewed the information that the Selectmen wanted included in the letters to the abutters and the bidders relative to that meeting.

There was a brief discussion during which Selectman Murray expressed his opinion that all of the proposals for each excessed school should be brought to Town Meeting with the Selectmen's recommendation. Town Counsel Paul L. Kenny stated that it should be in the form of a motion, including the price and use acceptable to the Selectmen, Mr. Kenny continued to say that Town Meeting could condition the sale on a specific price, as well as determine whether the property should be sold at all. Mr. Kenny further stated that any purchase and sale agreement negotiated prior to Town Meeting would be made subject to any necessary/required zoning change or variance or whatever else was required and could contain a clause stating "for a sum of not less than . . .".

Chairman Donald commented that some problems will be solved by the meeting on the 16th.

Relative to the Horse Pond School, Selectman Murray stated that he had been in touch with Senator Chester Atkins regarding the status of the legislative process to obtain State funds (from three different sources) to aid in the purchase of the Horse Pond School by the Massachusetts Firefighting Academy, State Department of Education. Selectman Murray continued to say that the Selectmen's office should be receiving a proposal package within the week

and asked that the Board concentrate its efforts on that property so that the legislative process could be stopped should the Selectmen's position be to not recommend the proposal by the Massachusetts Firefighting Academy.

South Annex School Bids

On March 1, 1982, the Board acknowledged receipt of eight bids submitted for the purchase of the South Annex real estate on Massasoit Avenue, in accordance with an invitation to bid advertised January 15-17 and opened on March 1, 1982, and took the matter under advisement until March 8 to discuss the proposals on an individual basis.

Following discussion of all bid offers, it was on motion by Selectman Cossart unanimously

VOTED: To reject the following bids, based on other offers being higher:

- Theodora and Joseph Koziol \$10,000
- Mark S. and Diane C. Greenbaum \$15,000

and it was further

VOTED: To accept the following bids, subject to Town Meeting approval:

- Richard A. and Sara P. Mayo \$60,000
- Thomas F. Jenkins \$51,050
- Robert D. and Rose M. McCart \$45,100
- C. John and Dianne E. Bernas \$31,516
- Brooks A. and Patricia M. Mostue \$31,100
- Michael J. Quinn \$28,001

and, further, to waive the \$4,000 deposit requirement under item number 12 of the bid documents, since more than one bid is being accepted and the acceptance is subject to Town Meeting approval. The above-listed six bids are accepted in accordance with all other provisions of the Information to Bidders and Conditions of Sale as itemized in the bid documents.

A meeting to discuss individual bids received was scheduled for Monday, March 22, 1982, at 9:00 p.m. in the lower Town Hall as part of the Selectmen's regular meeting. All bidders are requested to attend and abutters notified of the meeting.

Town Counsel stated that the following matters should be brought to the attention of the bidders:

- 1) The bids are accepted for presentation to Town Meeting and are subject to Town Meeting approval.

- 2) Concerning the proposal of Mr. and Mrs. Richard Mayo, a) the inclusion of work space and use by the Sudbury Food Cooperative would not be an allowed use under the Town's Zoning Bylaw, and b) a ballet school is an allowed use only if it has a non-profit and educational status.
- 3) The Thomas F. Jenkins proposal does not present a zoning issue IF the school has a non-profit, educational status, but may require State approval depending on number of persons involved.

Responding to Selectman Cossart, Town Counsel stated that if more specific information is required by the Selectmen on each of the proposals, this could be discussed during Executive Session with the bidder. Mr. Thompson expressed his opinion that the Selectmen do not need to become involved with conditioning a purchase and sale agreement.

Mr. Thompson was directed to notify all the bidders - two, that their proposals has been rejected and six, that their's had been accepted, to explain the Board's position(s) and to inquire as to their current status (some may want to withdraw after learning of the higher bids) and to return the two deposits for the rejected proposals.

Selectman Murray asked for an opinion from Town Counsel if he felt there were any problems with any of the bids, and a lengthy discussion followed, summed up by Town Counsel's remarks that:

- the Selectmen may approve a bid for a proposed use (whether it be, as submitted, for a residence or non-profit, educational school) at a price acceptable by them;
- handled by a purchase and sale agreement, would be requirements that the purchaser would, at his own expense, obtain the required local, and in some cases, State, approval(s) in order to use the building/property as proposed. Town Counsel had responded to Chairman Donald earlier that, once a bid is awarded, the purchaser could be restricted to a limited number of days (i.e., 60 days) to apply for and/or obtain those required approvals.

Executive Session

At 4:20 p.m. it was on motion by roll call

VOTED: To enter into Executive Session for the purpose of discussing strategy for collective bargaining where open discussion of the same may have a detrimental effect.

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

Chairman Donald stated that Open Session would not reconvene following the Executive Session; also, that the Executive Session would be continued, if necessary, later this evening at the Board's 7:30 p.m. meeting.

Attest:

Richard E. Thompson
Executive Secretary-Clerk

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IN BOARD OF SELECTMEN
MONDAY, MARCH 8, 1982

Present: Chairman Anne W. Donald, William J. Cossart, and John E. Murray.

The statutory requirements as to notice having been fulfilled, the meeting was called to order by Chairman Anne W. Donald at 7:30 p.m.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Special Session of March 1, 1982, as drafted, and the minutes of the Regular Session of that date, as amended.

Resignation

The Board accepted with regret the resignation of Gordon P. DeWolf, Jr., dated March 1, 1982, from the Permanent Landscape Committee, and directed the Executive Secretary to send Mr. DeWolf a letter of appreciation for his service on that Committee.

Sale of Alcoholic Beverages During Polling Hours

It was on motion unanimously

VOTED: To allow the sale of alcoholic beverages by common victuallers and retail package stores during the polling hours of the Town Election on March 29, 1982, in accordance with the amendment to G.L., chapter 138, section 33.

Earth Week/Roadside Cleanup Day

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

VOTED: To declare May 9 through May 16, 1982, Earth Week, and to designate May 15 and 16, 1982, Spring Cleanup Weekend in the Town of Sudbury, May 15 - Town Annual Roadside Cleanup, and May 16, Neighborhood Projects.

Reschedule Meeting

It was on motion unanimously

VOTED: To reschedule the Regular Meeting of Monday, March 29, Election Day, to Tuesday or Wednesday or Thursday, March 29, 30 and 31, respectively, and to set a time for the 1982 Annual Town Meeting Warrant Review, preferably 8:00 p.m., both subject to the availability of the Town Moderator.

Request to Waive Provision - Site Plan Submission

Present: Owner Richard J. Moore, and potential buyer, Robert Blanck.

The Board considered a request, dated February 22, 1982, from Mr. and Mrs. Richard Moore for the Selectmen to waive provision I.1.h of the Selectmen's Site Plan Submission Rules and Regulations requiring the seal and signature of a

Registered Professional Engineer and/or Registered Land Surveyor, concerning the submission of a site plan for property at 18 Hudson Road. The request included a brief explanation of the proposed use and stated that denial of the request would cause undue financial hardship.

Also available for the Board's review was a copy of the proposed application for a use variance to be submitted to the Board of Appeals at the appropriate time, given to the Board as it further explains the proposed use of said property.

Mr. Richard Moore reiterated his request.

Mr. Robert Blanck stated that the site plan before the Board tonight may not be the final copy submitted to the Board of Appeals but illustrates what they want to do. Mr. Blanck stated that he had discussed this plan with both the Town Engineer and the Building Inspector. Mr. Blanck stated that he proposes to use the house for professional office space; no changes will be made to the premises inside or outside with the exception of parking requirements in conjunction with current zoning bylaws. Mr. Blanck went on to say that in many small towns, a number of older homes in the center of town have been transformed into office space while maintaining the historical features of the property and the area. Mr. Blanck said that his four-person marketing company would be the primary occupant and in the future his hope is to totally occupy the building. Mr. Blanck further explained that a maximum of seven people would use the proposed offices (rooms) in the house; this number could increase in the future if the shed/barn were converted or if he put on an addition to the house.

Mr. Blanck stated that he had discussed the parking requirements with Mr. Merloni, who had some recommendations on how he should proceed.

Selectman Cossart stated his reluctance to approve this request stressing the significance to both the Town and the applicant of having the signature and stamp of a professional engineer and/or registered land surveyor on the plan.

Mr. Blanck commented that his plan had been traced from a certified 1973 site plan drawn in conjunction with a request for a use variance application to the Board of Appeals, and further commented that there is an indication of hardship here and requested that the Board take into account that there is no intention to change the premises, i.e., walls, drainage, septic system, except to line out some parking spaces in an area already used for parking.

Responding to Chairman Donald, Mr. Blanck stated that his business would not generate any incoming traffic; that they provide marketing advice to consumers; that most of their work is done by telephone and memorandums; that there would be no retail trade or traffic impact; and that his clients visit no more than once a month.

Selectman Cossart stated that, because of the location (as Selectman Murray pointed out, the site is within the Historical District) and abutters, at some point there is going to be a great amount of interest in this site plan and expressed his opinion that if the Selectmen shorten the process, they would not be doing him any favor.

Selectman Cossart stated he was of the inclination that the Selectmen should do it right every step of the way; that he would rather have an engineer involved; otherwise, it would appear that the Selectmen are not serious in having the process done properly.

Selectman Murray commented on the site plan procedure itself, explaining that the Selectmen had unsuccessfully attempted to change the process so that the applicant would not have the expense of having to have a costly site plan drawn up (and approved by the Selectmen) in order to simply apply to the Board of Appeals.

Selectman Murray also commented on other site plans which had come before the Board, and how the Board's attempt to assist the applicant in terms of the site plan process were a detriment to the applicant.

Mr. Blanck stated that the cost to have a site plan drawn up professionally is approximately \$1,000-1,500, and that it would create a hardship for Mr. Moore to have to incur this expense. Mr. Blanck reiterated that there would be no changes made to the premises and that they were working with the Town Engineer regarding parking to make sure it conforms with current engineering practices.

At the conclusion of discussion, it was on motion by Selectman Cossart unanimously

VOTED: To disapprove the request, dated February 22, 1982, from Mr. and Richard Moore, as noted above.

Mr. Moore stated that the Selectmen's Policies and Procedures for site plan submission rules and regulations I.l.h. clearly states and refers to the applicant's hardship and does not pertain to use of the property.

Advisory Opinion Ballot Questions

Present: Katie Abrams and Lois C. Kane, League of Women Voters; John A. Stearns, Pelham Island Road; and Gertrude Scott of Pratts Mill Road.

The Board reviewed a drafted informational notice prepared by Town Counsel's office for publication relative to the two advisory opinion ballot questions for the Town Election on March 29, 1982.

Additionally, the Board reviewed, and disagreed with, two recommended amendments by the Board of Assessors, received March 5.

Selectman Cossart questioned whether the explanation of question #2 should explain that the Assessors and the Selectmen chose to use the residential factor in an effort to be fair; that without the residential factor there would be approximately One Million Dollars that would have to be shifted to residential.

Katie Abrams of the League of Women Voters informed the Board that the League had prepared some basic voter information, with no point of view, regarding the two ballot questions, and that information on the first question would be published this week in The Town Crier and on the second question, the following week.

Mrs. Abrams gave the Executive Secretary a copy of their information.

The Selectmen agreed that it was imperative that correct information be published well in advance of the Town Election so that voters would have accurate knowledge.

Mr. Stearns of Pelham Island Road was present and expressed his agreement; later in the evening, Mr. Stearns expressed his opinion that this does not seem like the appropriate time for the Assessors to bring this up for voting. Mr. Thompson stated that the ballot questions were the Assessors' idea.

Following comments from Gertrude Scott of Pratts Mill Road regarding her taxes, Town Counsel explained that a person's 100 acres of land including a house would be valued at the residential rate and the house and house lot taxed at the residential rate, but the remaining land - separate from the so-called house lot - would be taxed at the commercial rate - further explaining, that a buildable lot is considered to be a holding commercial enterprise - therefore, the commercial tax rate.

Selectman Cossart offered suggestions to change the tax status of her property, by recommending that Mrs. Scott speak with the Town Engineer and/or the Board of Health for a possible determination that her land is non-developable. Some discussion followed.

On the recommendation of Selectman Cossart, the Board agreed to table taking any action on the drafted explanations for one week in order to review information received tonight from the League of Women Voters, and to possibly add to the notice information, in dollar amounts, showing the burden shift by groups of classes of property.

Joint Meeting - Committee on Town Administration

Present: Chairman Eric F. Menoyo, Anne Bigelow, Bernard Bonn, Committee on Town Administration.

Chairman Donald convened a joint meeting with the Committee on Town Administration relative to their communication of February 22, 1982, outlining projects it intends to undertake.

On the subject of a Public Safety Commissioner, Chairman Donald stated this might be an ideal time to study the subject in view of the fact that the Police Chief will be retiring in October of 1982 and the Fire Chief will be retiring as of January 1, 1983.

Chairman Eric Menoyo asked what the Selectmen had in mind as a time schedule on this research.

Selectman Murray felt that the CTA could take about 4-5 months to deal with this issue, bearing in mind that, if a Town Meeting article is required, these are generally prepared in the fall. (This would also be a budgetary issue.)

Selectman Murray referenced a newspaper article dealing with the merger of police and fire in another community and stated that the CTA should look into the consolidation of these two departments under a public commissioner,

not the merger of the two departments, and that the individual departments would be headed by another professional, i.e., a captain, Selectman Murray stated that the Police Department comes under Civil Service; the Fire Department does not, and that to his knowledge the exam for the Police Chief is given once a year by the State.

Mr. Menoyo asked about the gap between the Police Chief's retirement in October of 1982 and the (April) 1983ATM. Selectman Murray stated a deputy/temporary chief could be appointed.

Responding to Mrs. Bigelow, Selectman Murray stated that a Special Town Meeting in September would not be necessary, that for several reasons, it would be better to wait until the '83ATM.

Mrs. Bigelow asked for the Selectmen's reaction to the CTA's intention to explore the subject of selection of assessors and assessing practices. Chairman Donald responded, on behalf of the Board, that the public safety commissioner should have priority. Chairman Donald stated that the League had studied assessing practices, and that the CTA may want to speak to them, and that the Selectmen have talked on more than one occasion about getting professional help in the Assessor's office.

Selectman Murray stated that in the near future the Board will be talking to the Assessors about this kind of thing and commented that in his travels around the state he finds Sudbury's problem is not unique - the main problem being that all towns are forced to go to the 100% revaluation. Selectman Murray stated that the towns who appear to have the least problems have paid professional persons to aid their assessors. Selectman Murray expressed his opinion that an assessor is a full-time job, and that the Town has to address that - one way to address it is to discuss the problem with the assessors and recommend professional help.

Selectman Cossart expressed his personal feeling that there is a need for a full-time assessor.

Chairman Donald stated that the Selectmen's office had prepared a survey of assessing practices in surrounding towns and suggested the CTA might want to see that information.

Mr. Thompson clarified, and the Selectmen agreed, it is their intention to have the CTA put their efforts into exploring the advantages of a commissioner and not necessarily into the assessing matter because the Selectmen are already deeply involved with that issue.

At the conclusion of discussion, Chairman Donald thanked the members of the CTA for attending this evening.

Current Items of Interest

Performance Reviews

Chairman Donald stated that she had attended a WEMO meeting and had received some information, which she would pass along to Mr. Thompson, regarding department head evaluations/performance reviews.

Meeting with Police Chief

Mr. Thompson confirmed that the Board will be meeting with the Police Chief on March 31st to discuss his communication of February 25, 1982, regarding transfer requests and his FY82-83 budget.

Gypsy Moths

Selectman Cossart informed the Executive Secretary that he read a recent publication on the subject of gypsy moths indicating that the State had mapped every community and, in conjunction with a response Mr. Thompson is drafting regarding concerns on the subject by Mr. John Powers, Selectman Cossart suggested that Mr. Thompson contact him for the information.

Urban Design Proposal (Horse Pond School)

Selectman Murray expressed his opinion that there were not six buildable lots at Horse Pond School, as suggested in the proposal from Urban Design Team, Inc., dated February 13, 1982.

Utility Petition #81-15, Brimstone Lane

Following a public hearing held on November 16, 1981, the Board approved UP81-15 on December 7, 1981.

Mr. Thompson reported that an amendment to that petition had been received showing alterations in pole locations resulting from corrected figures for the location and footage between the poles; the wrong scale had been used in conjunction with the original plan. Mr. Thompson stated that the location of the poles on the amended plan are the same as on the original plan but the figures showing the footage between the poles have been corrected.

On the recommendation of the Executive Secretary, it was on motion by Selectman Cossart unanimously

VOTED: To approve the amended Utility Petition #81-15 of Boston Edison Company and New England Telephone and Telegraph Company, as described below, and as shown on an amended plan entitled, "Plan of Brimstone Lane, Sudbury, Showing proposed pole locations", dated February 3, 1982.

Brimstone Lane: southwesterly side, approximately 80 feet southeast of Boston Post Road, One (1) pole;

Brimstone Lane: northeasterly side approximately 400 feet southeast of Boston Post Road, One (1) pole;

Brimstone Lane; northeasterly side approximately 690 feet southeast of Boston Post Road, One (1) pole;

Brimstone Lane: southwesterly side approximately 1,430 feet southeast of Boston Post Road, One (1) pole;

Brimstone Lane: southeasterly side approximately 2,180 feet southwest of Boston Post Road, One (1) pole; and

Brimstone Lane: southeasterly side approximately 2,530 feet southwest of Boston Post Road, One (1) pole; and

Brimstone Lane: northwesterly side approximately 2,897 feet southwest of Boston Post Road, One (1) pole.

Longfellow Glen

Mr. Thompson reported to the Board that Lucy Crist, Executive Director of the Sudbury Housing Authority, had informed him that there will be a hearing before the Massachusetts Finance Home Administration on April 6th to discuss the Longfellow Glen project application for construction funding. The current housing mix is 50 elderly and 70 low income, and Mr. Thompson stated that the Town has received no official notification to date.

Communication to Dante Germanotta, Chairman LSRSDC

The Board approved a draft of a letter to Chairman Dante Germanotta of the Lincoln-Sudbury School Committee as amended.

Eagle Scout Invitation

Earlier in the day, Mr. Thompson presented the Board with invitations received from Troop 60 Boy Scouts to attend a triple Eagle Scout Court of Honor, to be held March 25.

Executive Session

At 10:00 p.m. it was on motion by roll call

VOTED: To enter into Executive Session for the purpose of discussing strategy for collective bargaining where open discussion of the same may have a detrimental effect.

(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 10:55 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk