

IN BOARD OF SELECTMEN
MONDAY, MARCH 15, 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.

Chairman Donald informed the Board that she had agreed to have the Lincoln-Sudbury Regional School District Committee meet with the Board briefly, at its request, at 8:15 p.m., relative to a proposal to use a portion of Loring School for L-S West.

Inflammables Storage Bylaw

Present: Fire Chief Josiah F. Frost.

Chief Frost informed the Board that, because of State fire regulations, pending legislation, and intervention by the Department of Environmental Quality Engineering, perhaps the local committee should indefinitely postpone an article for the 82ATM regulating fuel tank storage.

On the recommendation of the Executive Secretary, based on information set forth in a March 9, 1982, communication from Assistant Town Counsel, and following discussion, the Board reached a consensus with the Fire Chief that the Town should continue to pursue local regulations as committed by the 81ATM under Article 13 - to designate the Chief with the assistance of a committee to study and bring the fuel tank storage article back to the 1982ATM.

Regulations - Closing Hour, Liquor Licenses

Present: Ronald Griffin, American Legion.

Executive Secretary Richard E. Thompson called the Board's attention to a communication dated March 4, 1982, from Town Counsel enclosing a draft set of regulations concerning the closing hour procedures for liquor licensed establishments.

Mr. Thompson presented Town Counsel's recommended changes, as follows:

- #1. Definitions: e. Closing Hour - changed to read, "The hour after which alcoholic beverages may not be served or consumed as set forth on the alcoholic beverages license." (Selectman Cossart added the words, "or consumed".)
- #5. The end of the sentence was reworded so that the whole sentence reads, "No patron shall be allowed to enter the premises during the time the premises are required to be closed."

Selectman Cossart further amended the regulations, as follows:

- Add a new #5 to read, "At the time designated as the closing hour, all glasses, bottles and unconsumed drinks will be removed."

- The old #5 to become #7. "No patron . . . "
- Numbers 7-10 become 8-11. "The local . . . "

It was on motion by Selectman Murray unanimously

VOTED: To approve regulations concerning the closing hour procedures for liquor licensed establishments, prepared by Town Counsel under date of March 4, 1982, as amended above.

Mr. Ronald Griffin of the American Legion expressed his opinion that the closing hour for liquor licensed establishments should be moved back to twelve midnight on Friday and Saturday evenings (now 1:00 a.m.) in the best interest of the Town. The Board took no action but agreed to take this issue under advisement.

At the request of Mr. Griffin, it was on motion by Selectman Murray unanimously

VOTED: To grant permission to the American Legion to serve free hotdogs and drinks on May 31, 1982, in the parking lot of the Town Hall to those people who march in the Memorial Day Parade.

Co-holders Agreements and Agricultural Preservation Restrictions - off North Road

Present: H. Rebecca Ritchie, Conservation Commission.

Following a brief explanation of the agricultural preservation restrictions by Ms. Ritchie and Town Counsel's explanation of the changes in the Co-holders Agreements, it was on motion unanimously

VOTED: To sign Co-holders Agreements and Agricultural Preservation Restrictions in accordance with Article 29 of the 81ATM for Parcels 1 (84+ acres) and 3 (12+ acres) located off North Road, dated March 15, 1982.

Lincoln-Sudbury West

Present: Chairman Dante Germanotta, Alan H. Grathwohl and Richard F. Brooks, Lincoln-Sudbury Regional School District Committee (LSRSDC) and John H. Wilson, Director, Administrative Services.

Mr. Dante Germanotta stated that the LSRSDC plans to meet with the Sudbury School Committee Wednesday night regarding the use of a portion of the Nixon School for Lincoln-Sudbury West, and that this evening they would like to present to the Selectmen another option regarding Lincoln-Sudbury West.

Mr. John H. Wilson distributed a preliminary work sheet, dated March 15, 1982, providing the rationale for Lincoln-Sudbury West being located at the Loring School beginning September, 1982, summarized as follows:

- 1) It is in the best interest of the Town not to sell or dispose of the Loring School at this time;

- 2) located at the Loring site, Lincoln-Sudbury West's budget will absorb maintenance and operating costs - use of rental income can be used to offset the budget (revolving account);
- 3) rental space would be available to educational or civic groups;
- 4) this alternative would maintain the educational use of the building which is favorable to the neighborhood and community;
- 5) the land was originally given for educational purposes; and
- 6) from the educational point of view:
 - a. there is adequate space at Loring School; therefore it is
 - b. superior to the Flynn Building (another option)
 - c. gym, cafeteria, right sized classrooms available
 - d. building can be shared with others
 - e. it is separate from Lincoln-Sudbury and other facilities; therefore, has the desired atmosphere.

Financially speaking, Mr. Wilson stated the following:

- the cost to the Town to use the Fairbank School for the total program of Lincoln-Sudbury West is \$262,000; to share the building, the cost would be 250,000.
- Loring School 279,000
 shared 258,000
- Nixon (shared) 258,000
- Fairbank (shared) 258,000
- To dissolve L-S West 366,000*

Mr. Wilson concluded that all of the alternatives will cost the Town approximately the same, but it will cost approximately \$20,000 more per year at the Loring School with no rentals.

*To dissolve L-S West, would mean that those students currently attending would have to be tuitioned out at a cost of \$108,000-110,000 per year over the alternative school idea. (Day students tuitioned out cost approximately \$9,000-10,000 per student; resident students tuitioned out, \$22,000 approximately, per student)

It was noted by Mr. Brooks that there are forty-two students at L-S West of which approximately fifteen would be tuitioned out on a day basis and two would probably be tuitioned out on a resident basis.

Mr. Grathwohl pointed out that a day student at L-S West costs between \$7,500-12,000 per student; the cost per student at L-S is approximately \$4,000.

LSRSDC member Richard Brooks stated that he has been working on the history of the Loring School property, and that he has been speaking to the neighbors in the area, as well as to some of the people who have proposals in for the use of

that land. He explained that the neighborhood has taken a stance inasmuch as they do not want the school to be disposed of at this time, adding his opinion that it is the Town's obligation to maintain the land for the purpose for which it was donated to the Town - for educational/recreational public use by the residents of the Town. Mr. Brooks pointed out that the Cutler family donated approximately 80% of this land to the Town for public use which makes it a moral issue.

Mr. Grathwohl pointed out that many towns in which land and buildings have become available there has been an over-riding attempt to make the same available for community use if that need is demonstrated. Mr. Grathwohl further stated that, unless the money were absolutely needed immediately, that it may not be necessary for Sudbury to dispose of three schools.

Chairman Donald reiterated that Town Meeting would have the final say on that.

Selectman Murray pointed out that, last year when these excessed school buildings were turned over to the Selectmen, there was a certain amount of money to work with in terms of maintaining these buildings. Selectman Murray stated that the Selectmen met with neighbors of these area schools regarding their use, and that he was surprised that nobody stepped forward and requested the use of one of these buildings for public/community use. Selectman Murray stated that the Selectmen should go to Town Meeting with one proposal that makes the most money sense, and if Town Meeting disagrees, another motion for a different proposal would be in order. Mr. Grathwohl expressed his opinion that the Selectmen's initial recommendation would carry weight at Town Meeting.

Responding to Chairman Donald, Mr. Germanotta indicated that Loring School would be put into Lincoln-Sudbury's budget for the use of four classrooms, one office, and they would sublet the rest of the building.

Mr. Grathwohl stated that Loring School, effective July 1, could be within the confines of their budget for the Fairbank operation (in place of). Mr. Grathwohl pointed out that a revolving account is used when a school is used partially for school use and partially for other uses. He also pointed out that the Regional Committee has voted a budget which they cannot increase at this time, and, therefore, do not have the money to tuition out the kids if the Lincoln-Sudbury West program is dissolved.

Mr. Thompson asked for a consensus of the Board on this proposal, reminding the Board that they will be meeting tomorrow evening, March 16, with abutters and people who submitted proposals for the excessed schools.

Chairman Donald stated that the Board may or may not have an opportunity later in the evening to review this proposal and/or take a position on the same.

Later in the evening, the Board briefly acknowledged the proposal presented by members of the LSRSDC and Mr. Wilson, regarding the relocation of L-S West to the Loring School, but took no official position on the same, not having had sufficient time to review details with the proposal.

Advisory Opinion Ballot Questions

Present: Katie Abrams, League of Women Voters.

Executive Secretary Richard E. Thompson stated that the Board tabled acting on 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, at its March 8th meeting for review and correction. Mr. Thompson stated that Town Counsel had reviewed the revised draft and was satisfied with the information as now written.

Selectman Cossart asked if the Assessors had seen the revisions. Mr. Thompson stated that they had not seen the most recent revision and that he would be sure they reviewed it before he sent the notice to the newspaper.

Mr. Thompson referenced receipt of information from the League of Women Voters on the subject and gave League member Katie Abrams some notes/comments on the same.

It was on motion unanimously

VOTED: To approve the final draft of the 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, subject to final review by the Board of Assessors;

and it was further

VOTED: To authorize the Executive Secretary to submit the same for publication to The Town Crier, The Middlesex News and The Bentley Community Calendar.

Responding to Katie Abrams regarding comparative commercial and industrial tax burdens (before and after revaluation), Mr. Thompson suggested that she contact Assistant Town Counsel Thomas M. French or the Selectmen's office for the information she needs.

Responding to Chairman Donald regarding the Board's stand on the tax rate in the future, Selectman Murray reiterated that these are advisory questions and that the Selectmen should not take a position until the Town has voted.

Communication from Myron J. Fox, Board of Appeals

The Board acknowledged receipt of a March 9, 1982, communication from Myron J. Fox of the Board of Appeals, requesting that the Selectmen not reconsider him for reappointment to another five-year term. The Board directed the Executive Secretary to contact Mr. Fox verifying the Board's understanding that he intends to complete his term, which expires April 30, 1982, and serve until a replacement is appointed, and thereby continuing, as long as possible, his involvement in the Longfellow Glen project.

Further, it was noted by the Board that recommendations for new members to the Associate Members of the Board of Appeals have been requested from the Board of Appeals - it being a priority to have the required membership on the Earth

Removal Board/Board of Appeals Associates. Chairman Donald suggested that reference also be made to the Talent Search list in considering replacements to the Board of Appeals, Associate Members.

The Board took no action at this time on the March 10 recommendation from the secretary of the Board of Appeals to appoint Harvey Peters or Maryann Clark as permanent Board of Appeals members. They are both Associate Members to the Board of Appeals.

One-Day Antique Show and Sale Permits

It was on motion by Selectman Murray unanimously

VOTED: To approve a request dated January 18, 1982, for two one-day antique show and sale permits from Stephen R. Allman of Stephen R. Allman Promotions, to be held at the East Field of the Wayside Inn, sponsored by the Wayside Inn Corporation and the Suburban Antiques Dealers Association, on Saturday, May 15, 1982, from 8:00 a.m. to 6:00 p.m., and Saturday, August 14, 1982, from 8:00 a.m. to 6:00 p.m., subject to approval by the Building Inspector, the Fire and Police Chiefs, and the Board of Health.

Innkeeper Francis Koppeis confirmed approval of the above request under date of March 9, 1982.

Resolutions - Eagle Scouts

The Board signed resolutions congratulating Mark Crosby, Gregory Cooke and David Scholefield for attaining the rank of Eagle Scout.

Chairman Donald stated that she would attend the Court of Honor to be held March 25 at the Methodist Church at 7:45 p.m. and present the resolutions to the Eagle Scouts on behalf of the Board.

Minutes

It was on motion by Selectman Cossart unanimously

VOTED: To approve the minutes of the Special Meeting of March 8, 1982, as amended, and the Executive Session of March 8, 1982, and the Regular Session of March 8, 1982, all as drafted.

Selectmen's Meetings During Annual Town Meeting

It was on motion by Selectman Cossart unanimously

VOTED: To schedule Selectmen's meetings at 7:00 p.m. each night of the Annual Town Meeting (Monday, Tuesday and Wednesday of each week, as required, beginning April 5) at the Lincoln-Sudbury Regional High School Library.

Current Items of Interest

Horse Pond School Proposal

The Board acknowledged receipt of an addendum dated March 10, 1982, to the State Firefighting Academy, Department of Education's proposal to purchase the Horse Pond School dated January 28, 1982. The March 10 communication lists the following two proposals: 1) the purchase of building and land consisting of 12.81 acres - purchase price \$182,000; and 2) the purchase of the building and eight acres of land, four acres of land would be retained for Town use - purchase price \$160,000. The Board agreed that these proposals would be . . . recommended.

On the recommendation of Chairman Donald, there was a consensus of the Board to announce at the March 16 public meeting that it would accept no further proposals for the excessed elementary schools.

Communications

Chairman Donald stated that she had received information regarding the Middlesex County Selectmen's Association's appointment of a committee to review current county budgets; she also informed the Board of a press conference to be held on March 25 at the State House at 2:30 p.m. on taxation by a group called "Change Middlesex County".

Women's Federation

Mr. Thompson informed the Board that he agreed to meet with the new president of the Women's Federation, Dutton Road, regarding consideration of a more extensive use of land owned by the Federation.

Sealer of Weights and Measures

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

VOTED: To appoint Richard C. Gleason, 54 Baldwin Avenue, Framingham, as temporary Sealer of Weights and Measures, effective immediately, to June 30, 1982, and to authorize payment for his services to that date in the amount of Five Hundred Dollars (\$500).

Mr. Thompson stated that he had spoken to Mr. Gleason on three separate occasions and that Mr. Gleason's intention during this period of time is to have all the Town's scales and gasoline pumps re-sealed and have the Town's scales and weights certified by the State; Mr. Gleason also has agreed to be "on call" for the same period of time at no extra cost to the Town.

Mr. Thompson stated that there is a balance in the account of \$649.36; therefore, a transfer will not be necessary.

One-Day Auctioneer's License

Following review of a communication received under date of March 12, 1982, from Robert Marcus of Modern Images, One Evergreen Road, Natick, requesting a one-day Auctioneer's License, to be exercised at the Northern Farms Country Store on March 31, 1982, the Board tabled the matter for further clarification and a recommendation from Town Counsel.

Communication

The Board acknowledged receipt of a communication dated March 12, 1982, from Stephanie Bishop, a student (senior) at L-S West asking for the Board's support for continuing the Alternative School in Sudbury.

Executive Session

At 9:30 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.

(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 10:40 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk