

IN BOARD OF SELECTMEN
MONDAY, MAY 7, 1984

Present: Chairman Anne W. Donald, Myron J. Fox and Josiah F. Frost.

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

Sign Highway Renewal Notes

Present: Town Clerk Jean M. MacKenzie and Town Treasurer Chester Hamilton.

In accordance with a recommendation dated May 7, 1984, from the Town Treasurer, it was on motion by Chairman Donald unanimously

VOTED: To sign a renewal of a Reimbursement Anticipation Loan for the Highway Department, in the total amount of \$90,046.08, as follows:

BayBank Middlesex	5.58%	\$60,046.08
BayBank Middlesex	6.03%	30,000.00

Responding to Selectman Fox, Town Treasurer Chester Hamilton stated that these were the low bids. As noted in Mr. Hamilton's above-noted communication, this is a second and partial renewal of an existing note of \$140,000 which matures on May 11, 1984; also, the \$60,046.08 note matures July 6, 1984, and the \$30,000 note matures December 31, 1984.

Change in Manager - Ninety-Nine West, Inc.

Present: John C. Wetherbee, Ninety-Nine West, Inc.; Police Administrative Assistant Peter Lembo.

Executive Secretary Richard E. Thompson noted the following communications for the record in regard to a change in manager of Ninety-Nine West, Inc.:

- Petition for Change of Manager to John C. Wetherbee, dated February 17, 1984, and received May 1, 1984;
- Request for a probation report showing no record, received May 7, 1984;
- Certificate of Identification of John C. Wetherbee showing United States citizenship;
- A Corporate vote, signed by the Clerk, dated February 17, 1984, naming Mr. Wetherbee as the new manager of Ninety-Nine West, Inc.

Responding to the Selectmen, Police Administrative Assistant Peter Lembo indicated no concern relative to the petition for change of manager.

It was on motion by Selectman Fox unanimously

VOTED: To approve the petition for change of manager of Ninety-Nine West, Inc., d/b/a "99", 694-8 Boston Post Road, Sudbury, to John C. Wetherbee,

subject to approval of the Alcoholic Beverages Control Commission, in accordance with G.L. Chapter 138.

Sunday Entertainment License Renewal - Ninety-Nine West, Inc.

It was on motion by Selectman Fox unanimously

VOTED: To renew a License for Public Entertainment on Sunday for a folk singer with guitar (one or two), requested by Ninety-Nine West, Inc., for property located at 694-8 Boston Post Road, for the period April 8, 1984, to March 30, 1985, from 7:15 to 11:15 p.m.

Communication from James J. Binder

The Board was in receipt of an opinion on the Binder property from Assistant Town Counsel, dated May 1, which was in response to a communication, dated April 24, 1984, from James J. Binder, 293 Marlboro Road, relative to Mr. Binders's suggestions for procedures for inspection of new homes by the Town to protect a homeowner's investment prior to occupancy.

Town Counsel's opinion indicated that a Town, through its Building Inspector, does not insure to the owner or a subsequent purchaser, that a house is constructed according to plans, but that building and occupancy permits are issued in accordance with the State Building Code, G.L.c.143, s.3A, in order to protect the general public interest and not individual purchasers of specific properties.

Selectman Fox stated he did not disagree with Assistant Town Counsel's opinion regarding the Town's obligation to the individual homeowner, but questioned an occupancy permit being issued if a house is not built according to plans.

Town Counsel Paul L. Kenny stated that an occupancy permit has nothing to do with the plan; an occupancy permit can be issued if the house meets specific requirements of the State Building Code, i.e., that it has two exits, that a smoke alarm is installed, etc.

Selectman Frost expanded by explaining how initial house plans change from time to time during construction, usually to customize the home for the owner and/or prospective buyer. Certain changes, he stated, such as beam structure, or change in the area of the house, require further inspections by the Building Inspector; also, changes in the location of the house, height of the foundation and depth underground, and drainage under foundation, are shown on engineering plans and usually do not show on plans submitted to the Building Department.

Following further discussion, the Board directed the Executive Secretary to respond to Mr. Binder by enclosing a copy of Town Counsel's opinion, dated May 1, along with an In Board letter of tonight's meeting.

Lease - L-S West

The Board acknowledged receipt of a May 1 communication from John H. Wilson, Director, Administrative Services, Sudbury Schools, requesting renewal

of the lease agreement between the Board of Selectmen and the Lincoln-Sudbury Regional School Committee for a portion of the Fairbank Community Center to house L-S West for the 1984-85 school year. Said communication provided information relative to the student body and projected enrollment for 1984-85, utility, maintenance and repair costs and cost justification for the L-S program.

Responding to the Selectmen's question relative to out-of-town students, Executive Secretary Richard E. Thompson stated that those students pay tuition.

(Regarding a school year 1983-84, to April 9, 1984, cost figure of \$32,493.23 for heat, electric, gas, custodial and maintenance costs, Mr. Thompson later confirmed with Mr. Wilson that the Town's share - \$7,500 - toward the cost of utilities was not included in that figure; also, the Supervisor of Town Buildings, Douglas Lewis, devotes some time weekly at the Fairbank Community Center on custodial matters and on the security of the building.)

Mr. Thompson responded to Selectman Fox that the terms of the lease are exactly the same as the previous lease and that the lease is in effect for the school year, from September through June.

It was on motion by Selectman Fox unanimously

VOTED: To authorize the Chairman to sign, and thereby renew, the lease between the Town and the Lincoln-Sudbury Regional School District for a portion of the Fairbank Community Center for the period of September 1, 1984, through June 30, 1985.

Signs - Great Meadows National Wildlife Refuge

The Board acknowledged receipt of a request, dated April 24, 1984, from Barrett Christenson, Acting Refuge Manager, to install signs to direct travelers to the Great Meadows National Wildlife Refuge headquarters off Lincoln Road (Weir Hill Road).

Following discussion the Executive Secretary was directed to request that the Town Engineer locate the signs on maps and provide his recommendations, particularly for a proposed traffic directional sign at the intersection of Concord and Lincoln Roads, and regarding the proposed size of a sign (24" X 50") to be located at Route 27 and Water Row.

Bid - Vehicle for Fire Chief

Present: Fire Chief Michael Dunne.

In accordance with a recommendation dated May 1, 1984, from Fire Chief Michael Dunne, and following a brief discussion, during which the Chief stated that a \$600 trade-in offered for his 1978 vehicle is based on the bid price and that would be equivalent to \$2,000 off the sticker price, it was on motion by Selectman Fox unanimously

VOTED: To accept a bid from Natick Ford, Inc., to furnish one 1984 Ford LTD Crown Victoria vehicle to be used by the Fire Chief, in the amount of \$10,802, less a \$600 trade-in allowance for a 1978 Chevrolet Malibu, for a net delivered price of \$10,202, per a collective bid award by the Greater Boston Police Council under M.G.L.c.7, s.22B; with the suggestion that the Chief's trade-in vehicle be offered for sale at \$600 to the Highway Surveyor and/or any other Town official, to be determined by the Executive Secretary, to replace a Town vehicle which may be in worse condition.

Roof for Minuteman School Building

The Executive Secretary was directed to forward a communication, dated April 25, 1984, from John P. Donahue, Chairman, Minuteman Regional Vocational Technical School Committee, to the Finance Committee, the Building Inspector, and MRVTS Representative, James Kates, requesting input concerning financing of a new roof for the Minuteman School Building, prior to next Monday night's Selectmen's meeting so that the Board can take action on said communication at that time.

Transfer "The War Years" to Sudbury Historical Commission

It was on motion by Selectman Frost unanimously

VOTED: To transfer the custody of the remaining copies of The War Years to the Sudbury Historical Commission, as recommended by the Executive Secretary, under cover letter dated May 2, 1984.

Class 2 License Application - Automotive Diagnostic Center

Present: Applicant George M. Gordon, d/b/a Automotive Diagnostic Center; Fire Chief Michael Dunne; and Police Administrative Assistant Peter Lembo.

Chairman Donald convened a public hearing to consider the application of George M. Gordon, d/b/a Automotive Diagnostic Center, for a Class 2 License to Buy, Sell, Exchange or Assemble Second Hand Motor Vehicles or Parts Thereof, for property located at 100 Boston Post Road.

Executive Secretary Richard E. Thompson stated that abutters had been notified and noted receipt of the following communications:

- from the Fire Chief, dated May 1, stating no objection to granting the requested license;

- from Police Administrative Assistant Peter Lembo, dated May 3, recommending that the Board not issue the requested license on the basis that the lot is too small and overly congested at this time;

- from the Building Inspector, dated May 4, with the following comments:

1) The site is located in Business District #2 which permits garages for the sale or repair of new or used motor vehicles if a permit is granted by the Board of Appeals;

2) There is a question of whether the requested license is a new use being established or an existing use expanded in ground area, either requiring site plan approval;

3) If the requested use were approved by the Selectmen, landscaping and lighting should be addressed, and any new standing sign less than 37½ feet from the street line would need Board of Appeals approval also;

4) The most recent site plan, which expired in March, was for a service station pump island and underground tanks; and

5) Recommending approval only if there were a limit on the number of vehicles on the lot and landscaping were placed along the frontage of the lot.

Applicant George M. Gordon stated that, although he had not installed underground storage tanks in accordance with the Board's March 7, 1983, approval, he would like to have that approval available to him in the future. Mr. Gordon further stated that he had asked about renewing the license for underground storage at the Town Hall about three weeks ago, but that he had not yet received the renewal application.

Mr. Thompson recommended that the Board table any action on this application so that the applicant could consult with Town Counsel during the week.

During a lengthy discussion, it was agreed that the applicant should discuss the following issues with Assistant Town Counsel:

1) whether a special permit is needed to allow this use (Class II License) in a Business District;

2) whether site plan approval is necessary to establish a new use (sale of cars) or for an existing use expanded in ground area.

3) the question of site plan renewal for underground storage of inflammables and a storage license for the same;

Mr. Gordon indicated his agreement to having no more than 2-3 cars for sale at a time on the premises, since the lot is small, and stated that there would be no more cars on the lot than there are at the present time. Mr. Gordon explained that the license application would enable him to purchase, (repair), and re-sell cars as a dealer and this would alleviate the problem he has now of paying sales tax whenever he purchases cars personally for resale. He stated his opinion that the Class II License would enable him to move the cars off his lot faster because with the Class II License he would be able to get rid of the cars on his lot at car auctions.

At the conclusion of discussion, it was on motion by Chairman Donald unanimously

VOTED: To table action on the above-noted application to allow the applicant to discuss the same with Town Counsel.

Mr. Thompson asked Mr. Gordon to contact the Selectmen's office in the morning to schedule an appointment with Assistant Town Counsel Thomas M. French.

Growth Advisory Group

During discussion on the scope of work and appointment of a Growth Advisory Group in connection with the grant award for updating the Master Plan, the Board agreed on the following points:

- that it would be beneficial to appoint such a group whose main purpose and charge would be to act as citizen advisors to the Planning Board's consultant in updating the Town's Master Plan for Route 20; and

- after said Master Plan is completed and accepted by the Planning Board, the group could be dissolved or consideration could be given to appointing a permanent group representing the community which could continue to work with the Planning Board and the new Town Planner beginning July 1.

Following further discussion, it was on motion by Selectman Fox unanimously

VOTED: To appoint, subject to acceptance, the following representatives/ persons to a Growth Advisory Group, in connection with the grant award for updating the Master Plan on Route 20, and to forward the names on to the Planning Board for any further suggestions:

The Chairman of the Board of Selectmen;
A representative from the Planning Board, the Board of Health, the Water District and the Conservation Commission;
A representative from the Sudbury Chamber of Commerce;
Olga P. Reed;
Richard L. Stevens;
John Hogan;
Richard H. Davison; and
Geraldine C. Nogelo.

Responding to a resident who indicated interest in this group, the Selectmen agreed anyone interested could contact the Selectmen's office in the event that a permanent group is established in the future. Selectman Fox pointed out that the reason the Selectmen did not have time to notify the community at large to solicit members was because of the shortness of the time in which the Town had to accomplish updating the Master Plan, i.e., must be completed by June 30.

American Legion Post #191 - Liquor Violation Hearing

Present: Police Administrative Assistant Peter Lembo; Manager Ronald J. Griffin, Commander George Mull, and Treasurer Cletus A. Terwiske, American Legion Post #191.

Chairman Donald convened a public hearing to receive evidence on the question of a violation of the conditions of the Alcoholic Beverages Club

License in the name of American Legion Post #191, Inc., Ronald J. Griffin, Manager, 676 Boston Post Road.

Executive Secretary Richard E. Thompson stated that proper notice of tonight's public hearing had been given to Mr. Griffin by certified letter dated April 26, 1984.

Mr. Thompson noted for the record, receipt of two Police Incident Reports, both numbered 84-435 and dated March 31, 1984, by Police Officers Neil McGilvray and Peter Fadgen.

Mr. Griffin stated that he had spoken to Sergeant Lembo just before the hearing started and agreed to go along with whatever Sergeant Lembo suggests.

Sergeant Lembo stated that, based on the fact that there have been no problems at the American Legion Club in the past and that Post #191 does a lot of public charity, he recommends the bare minimum penalty be imposed by the Board, subject to Mr. Griffin taking care of the problem he has with a certain employee.

Sergeant Lembo went on to say that he had spoken to the Assistant Manager of the American Legion Post #191, who did not do what was asked of him, but that he believed Mr. Griffin, who stated he would take care of the problem. Sergeant Lembo stated there have been no complaints in the past, with the exception of this recent one, and that he anticipates no further problems at the Post.

Following comment and a brief discussion, it was on motion by Selectman Fox unanimously

VOTED: To suspend the All-Alcoholic Beverages License in the name of American Legion Post #191, Inc., Ronald J. Griffin, Manager, 676 Boston Post Road, for one day, Monday, May 14, 1984, for violations, under section 12 of Chapter 138 of the General Laws, specifically the serving of alcoholic beverages outside of the authorized hours of operation, as specified in two Sudbury Police Incident Reports, each numbered 84-434 and dated March 31, 1984, with the understanding that Mr. Griffin will comply with Police Administrative Assistant Peter Lembo's recommendation to take action to terminate employment of the individual (bartender) cited in the above-noted Police Incident Reports.

Dissolve Equal Employment Opportunity Bylaw Committee

It was on motion by Selectman Fox unanimously

VOTED: To dissolve the Equal Employment Opportunity Bylaw Committee established in 1973, since it has been inoperative for the past eight years.

Site Plan Procedures

The Board was in receipt of a communication, dated April 23, 1984, from Russell P. Kirby regarding his observance of removal of earth material from the "Sudbury Crossing" construction site on two occasions, and that, according to the Town Clerk's records, no removal permit had been granted by the Earth

Removal Board as required by the Town Bylaw; and a response, dated May 2, 1984, from the Executive Secretary indicating that he and the Building Inspector had dealt with the situation and reported the same to the Earth Removal Board; also, to avoid similar circumstances in the future, that he would recommend to the Selectmen adding the condition of acquiring an earth removal permit when needed to all site plan approval votes to remind developers of this requirement.

Following discussion, it was on motion by Selectman Fox unanimously

VOTED: To take the following action relative to Site Plan Procedures:

a. To amend the Board's Policies and Procedures to include distribution of site plan applications to the Sudbury Water District for its information and response. In Section 5.c., delete Sign Review Board (fourth line down) and insert instead, Sudbury Water District.

b. To include the following condition in the Selectmen's standard site plan approval votes: "5) the grant of an earth removal permit, as applicable;"

and renumber conditions 5-12 to 6-13.

Renewal Contract - Family Health Plan of Massachusetts, Inc.

During discussion relative to renewing the contract with Family Health Plan of Massachusetts, Inc., Selectman Fox questioned the Town's cost to provide various health insurance plans in comparison to Blue Cross-Blue Shield, and the Board agreed to schedule further discussion in conjunction with a previous issue of employees carrying double health coverage, a subject the Board agreed also required further discussion; the suggested date to discuss both issues was (Board's meeting of) June 4th.

It was on motion by Selectman Fox unanimously

VOTED: To authorize the Chairman of the Board of Selectmen to sign a renewal contract with the Family Health Plan of Massachusetts, Inc., for the year commencing May 10, 1984.

Liaison Assignments

It was on motion by Selectman Fox unanimously

VOTED: To approve liaison assignments for the Board members, per list dated May 7, 1984.

Minutes

It was on motion by Selectman Fox unanimously

VOTED: To approve the minutes of the Regular Session of April 30, 1984, as corrected.

Extend Burning Period

Responding to Selectman Fox, Executive Secretary Richard E. Thompson stated that, as of this afternoon, the Fire Chief had not heard back from the State Environmental Protection Agency, relative to the Chief's request to extend the period for burning in Sudbury for approximately one month (burning period expired May 1) due to the extensive clean-up which is still proceeding around Town from the March 29 storm damage. Selectman Fox suggested that, if approval is granted, that the same be publicized in the Bentley Calendar together with the information that the Highway Garage will continue to accept brush until further notice.

Drainage Easement

Following review of the plans, it was on motion by Selectman Fox unanimously

VOTED: To accept and sign a drainage easement from Jordan S. Einis on Lot 93, North Road, shown as "Prop. 30' Wide Drain Easement" on a plan entitled, "Plan of Easement in Sudbury, Mass.", by Colburn Engineering, Inc., dated March 9, 1984, (DaPrato Farms).

Proclamation - Curtis/Dedham Jr. High Exchange Concert

It was on motion unanimously

VOTED: To sign a proclamation of appreciation to the Dedham Junior High School Band for its Exchange Concert given in conjunction with the Curtis Middle School Band, dated May 10, 1984.

Reserve Fund Transfer

It was on motion by Selectman Fox unanimously

VOTED: To approve Reserve Fund Transfer #48, dated May 7, 1984, to Account 501-13, Selectmen's Clerical Salary, in the amount of \$1,500, as explained on the numbered transfer.

Proposals - Loring School

Present: President Myra Snyder, Thomas Travers, Lawrence Blacker, and Lee Goldstein, B'nai Torah; Vicki Hammel, William J. Adelson, and Christine Hall, SCAC; Finance Committee member Marjorie Wallace, and past Chairman James A. Pitts; Raymond M. Middleton, 21 Woodside Road; and approximately 100 residents.

Chairman Donald convened a public meeting to review and discuss the following lease proposals which had been received by the Selectmen for the Loring School:

- from B'nai Torah, dated May 4, 1984, five years at \$15,000 yearly; and
- from Sudbury Community Arts Center, Inc. (SCAC), dated April 30, 1984, five years at \$10,000 yearly.

Executive Secretary Richard E. Thompson noted for the record receipt of a communication, dated May 4, 1984, from the Building Inspector, summarizing the Loring School operating expenses for FY83-84.

Mr. Thompson stated that he had notified Mr. Middleton, on behalf of the area residents, of tonight's scheduled public meeting.

Dr. William J. Adelson stated that the Loring School building has been leased by the SCAC for the past year and used for various educational purposes and by various art groups, and that there have been others interested in sub-leasing from the SCAC, who have been unable to do so because the SCAC could not grant them a long enough commitment to make it worth their while. Dr. Adelson further stated that occupancy of the building and rental fees have generated enough funds to run various programs, and the SCAC hopes to continue to fund programs that meet a variety of community needs. Dr. Adelson went on to say that the SCAC has been placed in a competitive status with B'nai Torah as far as wanting to possess and develop the building, which has not allowed the SCAC to seek further utilization or occupancy. Dr. Adelson stated, on behalf of SCAC, his hope that the Town will continue to allow the building to be used by SCAC to meet a community-wide set of needs, that the Town will allow SCAC to use the building to develop art-centered programs that appeal to the needs of the Town for which this facility is very adequate and provides a very favorable environment.

Mr. Lawrence Blacker, 15 County Village Lane, stated that the concern of the Town relative to maintenance costs to keep/lease the Loring School would be solved by the proposed five-year lease with B'nai Torah, (which would be responsible for the operating expenses for the building). Mr. Blacker further stated that it is the obligation of the Selectmen to do what is in the best interest of the Town and submitted that it would be in the Town's best interest to have the Loring School leased to B'nai Torah, which is a financially viable organization.

Ms. Myra Snyder, President of Congregation B'nai Torah, talked about the formation, location and reputation of the Congregation over the past ten years since it was founded; indicated its desire to have its own home for education, religious and social needs; explained that they had hired an engineer to better understand any future requirements for the maintenance and use limitations of the Loring School. Ms. Snyder stated that the Congregation has established itself both organizationally and financially; that it will comply with any mutually agreed-upon lease arrangement. In her opinion, B'nai Torah's use of the building would have less impact on local traffic than the building's use as a public school or it being leased to a full-time organization. Ms. Snyder explained B'nai Torah's schedule, as follows:

- Friday night services once a month, September through June;
- religious school attended by approximately 45 children two afternoons and one evening per week;
- social functions, adult education seminars, and meetings also held;
- during high holidays (three days each fall) when there is large attendance, obtain assistance from Sudbury Police Department.

Ms. Snyder went on to say that the Congregation offered to purchase the building but the Town preferred to retain the property at this time and offer

it on a lease basis. Ms. Snyder stated the Congregation's desire, therefore, to lease the building, to put it to excellent use in a way which would be beneficial to the entire community. She explained that B'nai Torah is a quiet congregation and is not comfortable with the limelight it has been in lately. She further stated its intention to sub-lease to the SCAC, that B'nai Torah is interested in and supportive of many of SCAC's programs and sensitive to the fact that they are a new organization requiring space and the opportunity to develop. By offering space to the SCAC, Ms. Snyder stated, B'nai Torah is indicating to SCAC and the community that it would be extremely happy to see SCAC succeed. In conclusion, Ms. Snyder indicated B'nai Torah's strong desire to lease the Loring School.

Mr. Raymond M. Middleton, 21 Woodside Road, commented on the concept of the Town doing business with the private sector, questioned the best use for the property consistent with a diverse community need, and referenced the FinCom's recommendation at the 84ATM for a fund for possible future repairs of the Loring School - approximately \$8,500.

Mr. Middleton submitted a petition supporting the SCAC obtaining a five-year lease from the Town for the Loring School, which he stated contains 258 signatures.

Past Chairman of the FinCom, James A. Pitts, 6 Ruddock Road, stated he is speaking as a taxpayer and businessman; he has no affiliation with either would-be tenant. Mr. Pitts stated that, based on 84ATM action, the Selectmen have been placed in the real estate business, and, therefore, need to decide on what merits they are going to pick the tenant(s) for the best financial arrangement to cover the cost of the Loring School building. Mr. Pitts suggested that the following be explored:

- how long the lease will be and what the terms of the lease will be with regard to major repairs, i.e., replacement of a boiler and the replacement of a roof - normal and on-going maintenance will be the responsibility of the tenant; but what about serious deterioration of the building;

- determine an annual rent - the only vehicle to establish a fund for extraordinary repairs, i.e., 5% of the current market value of the building might be an appropriate amount;

- determine the relative financial resources of the tenant(s) - the lease is only as good as the tenant's ability to pay.

Finance Committee member Marjorie Wallace added that the Town has had a policy of generally going with the low bidder when purchasing; likewise, she felt the Town should go with the high bidder in this particular case.

Citizen input, opinions, concerns and questions are summarized as follows:

- Because of SCAC, Loring School was saved - it was the intention of the Selectmen that the school be torn down or sold.

- That the playing fields and adjacent parking, as well as the bathrooms, remain for use by the residents of Sudbury.

- Regarding B'nai Torah and SCAC sharing the building, Mr. Blacker stated that SCAC could use two rooms, but that it was not the intention of B'nai Torah to allow SCAC additional space to sub-lease at this time.

Mrs. Chris Hall stated that SCAC presently uses 3-4 classrooms, plus the kitchen (on occasion), plus storage rooms, plus the rooms they rent out.

Later in the evening, responding to questioning, Mr. Blacker stated B'nai Torah would allow SCAC to use the four rooms they presently use. A question remained as to the availability of the auditorium to SCAC.

Mr. Lee Goldstein, 16 Munnings Drive, stated that one wing of the building is available for sub-leasing, and that perhaps SCAC could negotiate to sub-lease more space.

There was also willingness on the part of SCAC to sub-lease to B'nai Torah, but Mr. Blacker stated that SCAC is not a financially-sound organization, and that a sub-lease is only as good as the master lease.

At the end of most of the discussion, Mrs. Hall suggested that the Selectmen rent the building to both B'nai Torah and SCAC.

- Regarding the parking situation, B'nai Torah felt the facility, in its accommodation of 65 cars, was adequate with the exception of perhaps three days per year.

- SCAC needs to sub-lease in order to raise the money needed to support the operation.

- There was a question of available space at Fairbank or Nixon for the expansion of SCAC - Mr. Thompson indicated three rooms are available at Fairbank Community Center.

- There was a question raised as to SCAC's bills - if any are in arrears. Mrs. Hammel stated that presently between \$2,000-4,000 is outstanding.

- B'nai Torah will not lose its home if Loring is not leased to it, but SCAC will, and SCAC should not be stifled from developing its financial security in this way. SCAC offers a wide variety of programs to the residents, who, as taxpayers, own the building. SCAC is a quiet operation, compatible with to the neighborhood, and should be allowed to continue there.

- Some disagreed that SCAC is serving only Sudbury since some renting space there are organizations from out-of-town; whereas, the Congregation of B'nai Torah is made up of 107 Sudbury families. Later in the evening, Dr. Adelson stated that 45 Sudbury families are members of SCAC.

Dr. Adelson further stated that B'nai Torah would not have any obligation to the community other than to have appropriate activities there that would not be offensive to the community; whereas, SCAC would have an obligation to the Town. He said B'nai Torah would have no overall community-oriented goal other than its own membership. The SCAC does more for the Town by increasing and developing an arts program that involves an increasing number of the entire community, and in order to do that, it is necessary to rent space for

revenues. He went on to say that SCAC has tried to develop use of this space in such a way as to promote that overall goal, and that if SCAC occupies only a small amount of space, which has been generously offered by B'nai Torah, the SCAC would not be in a position to further that goal.

Mr. Middleton added the strong feeling of the neighborhood that it does not want to see undue benefits given to a select party; the neighborhood strongly supports the SCAC.

Selectman Fox stated that the following questions need to be answered:

- How many rooms are available at Fairbank Community Center for the expansion of the SCAC?

- What are the financial resources of Congregation B'nai Torah? (Mr. Blacker stated he would provide the Selectmen with that information during this coming week).

- There is a question of SCAC being in arrears. How much is paid to date, and how much is in arrears?

Selectman Fox felt the Selectmen would continue to take the position that the Town would retain the right to use the ballfield, parking and bathrooms, and that the same would be stipulated in the lease.

Selectman Fox suggested that the Board take the matter under advisement until next week for the purpose of making a decision. Selectman Fox recommended that B'nai Torah and SCAC get together and talk about where their areas of agreement are and where their areas of disagreement are, since "one of them should take a chance" of not being the lessee.

Selectman Fox felt that the following issues had to be defined:

- the specifics of the lease;

- anticipated major repairs (Mr. Thompson stated he had a list of repairs right now totaling approximately \$5,000 which have to be done before fall); and

- the Assistant Assessor should determine the fair market rental value of the Loring School building.

Selectman Frost expressed his opinion that the Selectmen should obtain some ballpark figures on how much the building is worth now.

Responding to Chairman Donald, both SCAC and B'nai Torah indicated no changes would be done to the interior of the building which could not be undone, i.e. ballet floors, religious decor, etc.

Also responding to Chairman Donald, Mr. Blacker stated that there would be a superintendent or administrator responsible for the building at all times; Dr. Adelson stated that SCAC has a maintenance person and also depends on the people who occupy the rooms to police the building.

At the conclusion of discussion, the Selectmen took the matter under advisement until May 14.

Budget Reports

The Selectmen agreed with Selectman Frost's suggestion that they receive budget reports from the Town Accountant on a quarterly, rather than a monthly, basis.

Communication/Legal Case

Responding to Selectman Fox, Town Counsel Paul L. Kenny stated he will respond to a communication from Attys. Golder & Shubow, dated April 25, 1984, regarding Jacqueline and Angelo J. Fergione, Claim under M.G.L.c.258.

Horse Pond Road Fire Academy Proposed Deed

Town Counsel Paul L. Kenny responded to some questions by Selectman Fox relative to the proposed deed for selling the Horse Pond Road School to the State Fire Academy.

Traffic Safety

The Selectmen held a public hearing some time ago to discuss traffic safety - new subdivisions - and specifically, the Oak Meadows subdivision off Peakham Road.

As a follow up to that meeting, the Board reviewed a communication dated February 7, 1983, from Safety Officer William B. Carroll recommending stop signs on certain secondary roads intersecting with Peakham Road as a reasonable solution to traffic safety in that area, it being his opinion that State approval would not be given for any 4-way stop signs.

The Board directed the Executive Secretary to proceed accordingly after input from the Town Engineer, and report back to the Board for a formal vote.

Communication/Highway Department Business

The Board acknowledged receipt of an April 26 communication from Highway Surveyor Robert A. Noyes to the FinCom relative to the bid received for the used shovel dozer and the need for a Highway Department line item transfer.

Meeting with Wayland Selectmen

The Board directed Mr. Thompson to schedule a meeting on Monday, May 21, at 8:00 p.m., if possible, with the Wayland Selectmen to discuss the Wayland/-Sudbury Septage Facility.

Hall Site Plan - Mill Village

Executive Secretary Richard E. Thompson stated that he had met with Charles and William Hall relative to the Board's conditional approval of their site plan (Site Plan 83-271, Mill Village Realty Trust) on May 1. Mr. Thompson stated also that he arranged a joint meeting on May 7 with

Assistant Town Counsel, the Town Engineer, the Building Inspector and Charles and William Hall. The Building Inspector and the Town Engineer have approved the landscaping, now shown on the plan, and, therefore, recommend that the Board sign the plan. Mr. Thompson pointed out the consensus of the meeting was for the Halls to go before the Board of Appeals for a variance because it has now been determined that the proposed Building I (also, Buildings G & H) are partially located in the flood plain zone.

Selectman Fox expressed his opinion that the plan should be signed in public session and, also, that signing should be conditioned on the understanding that the Building Inspector will not issue an occupancy permit until all the conditions of the site plan approval have been met. Town Counsel responded that an occupancy permit can be issued if a structure complies with all the requirements of the State Building Code.

On the subject of Mr. Scammon's recent letter to the Halls, dated April 30, 1984, relative to the handicapped parking, Mr. Thompson stated that the following agreement has been reached:

- next week Mr. Hall will contract for the handicapped parking construction on the southerly side of Building G; and

- at the westerly entrance, the Building Inspector has agreed to allow Mr. Hall to take care of those spaces in July when he also plans to replace the steps and walkway along the entire front of the existing building on Route 20.

The Board looked at the plan, initialed May 7th by the Building Inspector and the Town Engineer; Mr. Thompson pointed out the stockade fence which had been added behind proposed Building I for screening.

Selectman Frost expressed his opposition to the previous Board's condition on the Halls' site plan relative to the installation of speed bumps because of certain interference, i.e., snow plowing, etc. Mr. Thompson stated that Mr. Hall had indicated to him, his intention, at a later date, to petition the Board to reconsider this condition.

Relative to the landscaping, Mr. Thompson further pointed out that there are some problems between the neighborhood and the developer, and he did not think they could reach any conclusion in the foreseeable future; therefore, he suggested that Mr. Hall put on the plan what the Selectmen had voted - "the installation of a combination of stockade fence and landscaping - to screen the residences from Mill Village as much as possible, substantially to take place behind Building 'I'", and that is now on the plan.

Mr. Thompson stated that he is trying to help both sides, keep it moving and protect the Town's interest.

Selectman Fox expressed his opinion that the neighbors should have the courtesy of knowing that the Selectmen are signing the site plan; that Mr. Hall will be petitioning for the elimination of the speed bumps, and that they will be advised of any further meeting to discuss that possibility; that landscaping and a stockade fence is now shown on the plan behind Building I; and that there is a Board of Appeals process which Mr. Hall will have to

proceed with because of construction within the flood plain. At the direction of Selectman Fox, Mr. Thompson stated that he would so inform the petitioners through Mr. Watterson of Maple Avenue.

Selectmen Donald and Frost agreed to sign the plan in the office tomorrow, but Selectman Fox wanted confirmation from both the Town Engineer and the Building Inspector that the landscaping shown on the plan is in compliance with the Town Landscape Bylaw; he stated he would sign the plan next Monday after receiving that information from Mr. Thompson.

Mr. Thompson stated that Assistant Town Counsel will be drafting a communication representing the consensus of the aforementioned joint meeting with Mr. Hall on May 7, 1984.

There being no further business to come before the Board, the meeting was adjourned at 11:50 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk