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IN BOARD OF SELECTMEN
MONDAY, JULY 18, 1988

Present: John C. Drobinski, Judith A. Cope.

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:30 p.m. by Acting Chairman John C. Drobinski at the Lower Town Hall.

Resource Recovery/Landfill Matters

Present: Resource Recovery Committee members Theodore A. Barten, Neal M. Drawas, George E. Martin, Catherine A. Rader and Thomas M. White; Highway Surveyor Robert A. Noyes.

Resource Recovery Committee member Theodore A. Barten stated that the Committee was desirous of discussing two inter-related issues this evening: the recycling program and Landfill expansion/operations. Citing recent problems at the Landfill, Mr. Barten expanded upon the Committee's current concerns relative to the recycling program as stated in Resource Recovery Committee Chairman Bolton's letter of June 23, 1988:

1. permanent, easily accessible location for recyclables - one that is constant for a minimum of six months;
2. unambiguous, visible signs at the Landfill entrance and at the trailer/bin indicating where recyclables are to go and what is or is not acceptable;
3. personnel training to increase motivation to support recycling efforts and to enhance public relations - the Committee could provide assistance to the Highway Surveyor in this area, if desired.

Mr. Barten continued to say that with modest publicity and signs at the Landfill, there has been a three-fold increase in newspaper recycling, which the Committee would like to see used as the basis to build upon for further recycling efforts, but realizing the program's interconnection with and dependence on future landfill expansion and operations.

Mr. Barten stated his belief that Mr. Noyes has no real issue with the concept of the program, but that the problems are more in the area of implementation. Mr. Noyes concurred, reiterating his willingness to work with the Committee relative to trailer placement and other noted problems, as stated in his letter of July 15, 1988.

Relative to Landfill expansion, Mr. Barten stated that the Committee's pleasure in the progress of the Town and the DEQE toward resolving the compliance issues, which would allow the Landfill to proceed with its expansion into another cell area, has been somewhat dampened by the results of the latest tests which revealed that the permeability of the clay liner was deficient by almost two orders of magnitude. In the opinion of the Committee, it is probable that DEQE will not allow expansion until improvements are made, possibly resulting in a more rapid consumption of the existing volume in the area in which we are forced to remain.

Mr. Barten set forth the Committee's recommendation, printed in the handout distributed to the Selectmen this evening, that the Town Engineer be requested to:

- develop a cost estimate and schedule for placing an adequate clay liner or man-made liner in the expansion area;
- review present Landfill operations with respect to cover use, working face area, compaction, etc. and compare to standard practices, recommending improvements as necessary;
- investigate the feasibility of a resident drop-off area (paved area, trailers, etc.) to eliminate resident access to the landfill proper and reduce safety hazards associated with current practices;
- develop a plan for a permanent expandable recycling area (ideally to be co-located with a refuse drop-off area).

It was further suggested that the Town Engineer report back to the Board of Selectmen and Resource Recovery Committee by August 30. If necessary, Mr. Barten also suggested hiring a consulting engineer to supplement Town resources and assist in dealing with the DEQE.

Relative to Selectman Cope's inquiry as to the extent of unauthorized "outside" use, Mr. Noyes opined that he believes it is much less than people think, and that the use of the sticker system and presence of the Monitor make it much more difficult. Mr. Barten noted that Mr. Place's operational study might provide the definitive answer to her question.

Reference was made to the Town Engineer's letter to Resource Recovery Chairman Linda Bolton, dated July 14, wherein he asserts that it is not practical at this time to set aside an area for resident refuse drop-off because of the present and proposed configuration of the Landfill, nor is the capital available for such an operation. While it might be practical to set aside an area in the future for recycling and refuse drop-off, Mr. Place is also of the opinion that the nature of the Landfill operation itself would preclude such a place from being a permanent location. Selectman Cope was advised by Mr. Barten that the Town could, in fact, rent or purchase roll off containers, and that with the increase in fees and operation of the Landfill as an Enterprise Fund, such capital equipment/improvements could be made.

In answer to Selectman Cope, it was not known whether the Town of Wayland would be amenable to accepting Sudbury's recyclables if we were not able to accommodate a program. Mr. Thompson stated that a joint composting program was being worked out with Wayland for possible fall operation. Mr. Thompson stated that the Board should be aware that it costs a Town money to recycle, but that the cost must be weighed against the value of the Landfill. In this regard, he continued, savings are difficult to quantify, but it is generally agreed that 16% of the Landfill can be saved if paper, glass, wood and brush are recycled.

Mr. Thompson stated that until we are operating in a new area, our options are limited. Mr. Thompson informed the Board and the Committee that Town Counsel has concerns about signing the Agreement and is in the process of responding to the DEQE. Mr. Thompson expressed his belief that at the last meeting the DEQE seemed to have a more flexible position on the liner, noting that the cost of replacing the liner might be prohibitive. Mr. Noyes added that we must keep in mind that since the cover's implacement the DEQE has also changed the criteria. Mr. Barten reiterated that the cost must be determined by the Town Engineer to enable the Town to make an intelligent decision.

With the concurrence of those present, at the suggestion of Selectman Drobinski, it was on motion unanimously

VOTED: To refer the recommendations of the Resource Recovery Committee with regard to the present recycling program to Highway Surveyor Robert Noyes to work out with the Committee directly, and to request the Executive Secretary to assist with financial arrangements should the program require additional funding.

Mr. Noyes was invited to attend the next Resource Recovery meeting to be held on July 28, at 7:30 p.m., in the second floor conference room in the Flynn Building,

With regard to the Resource Recovery Committee's recommendations for action by the Town Engineer, it was on motion unanimously

VOTED: To refer the four items as noted above to the Town Engineer for report by August 30.

The Board noted receipt of the July 12, 1988 communication from Douglas C. Priest, Vice Chairman of the Town of Millis Board of Selectmen, to the Sudbury Board of Selectmen stating the intent of Millis to enter into a public/private partnership with a contractor to construct and operate a materials recycling facility in Millis, and seeking Sudbury's intent to participate in this regional materials recycling program. Mr. Barten stated that the Board had no recommendation at this time; however, the general feeling was against initial participation.

Mr. Thompson recommended tabling the item until August 1 to provide opportunity for the Resource Recovery Committee to make its recommendation and to allow Town Counsel an opportunity to review the letter of intent and the accompanying terms and conditions. The Board concurred.

Mr. Thompson suggested that the Board consider further amendments to the Landfill Rules and Regulations as recommended by the Resource Recovery Committee at the August 1 meeting also.

Meeting with Town Clerk and School Department/Location of Polling Places

Present: Town Clerk Jean M. MacKenzie; School Superintendent David Jackson; School Committee Chairman Stephen L. Bober and member James W. Flanagan.

Executive Secretary Richard E. Thompson stated that at the May 23, 1988 meeting of the Board, which had been attended by Town Clerk Jean MacKenzie and School Committee member James Flanagan, the location for the September 15, 1988 State Primary was settled and the subject of determining a location for future elections, particularly the November Presidential Election, was slated for further discussion.

Dr. Jackson expressed his opinion that while the conditions and concerns raised initially are still germane, the School Committee would not preclude the use of the Noyes School for the Presidential election in November. He noted that the School Committee has not had an opportunity to investigate alternative sites.

Town Clerk Jean MacKenzie stated that she had looked at Fairbank and concluded it was not an alternative site and, in her opinion, there is no alternative site in Sudbury. Given the time in which to prepare for the Presidential Primary, which may involve 8,000 voters, she opined that it is too late to change the site even if possible otherwise. Mrs. MacKenzie stated that historically, elections were held at one time in the Town Hall, then moved to Noyes School when State law was changed. She reported that, in fact, part of the Noyes School addition plan was to provide space for election machines. The major problem, from her viewpoint, is the machines themselves, which are antiquated and can not be replaced. She has already expended \$2,000 on preventive maintenance and still has had maintenance problems. The machines themselves drive the preparation time and thus require additional use of Noyes School which is a concern of the School Department. There are two issues involved which ultimately will need resolution: storage and use on election day. Mrs. MacKenzie opined that the election officials do not go into other areas of the school and a police paid detail is present in the lobby which should alleviate some of the School Department concerns.

All agreed that if the machines were replaced with a different system other options would be available. Mrs. MacKenzie stated that the next major election was not until the fall of 1990 and that it would cost approximately \$18,000-\$20,000 to purchase a different system to be operable for that election. Selectmen Drobinski suggested that the Selectmen, School Committee and Town Clerk jointly present a warrant article for voter consideration to purchase a new system.

Relative to the time frame by which a decision must be made on site location for the spring 1989 election, Mrs. MacKenzie stated that while there are no legal requirements, it would have to be settled by November 1988.

Mr. Flanagan recommended that discussions continue between Mrs. MacKenzie and the authorized representatives of the Board of Selectmen and School Committee to explore various sites and possibilities. It was agreed that the representatives would be Richard E. Thompson and David Jackson, respectively. Mr. Bober stated that the School Committee endorsed this endeavor and would be willing to delegate a member to work with the group if Mrs. MacKenzie desires the participation of an elected official. Mrs. MacKenzie expressed her willingness to work with the representatives as designated.

In response to Mr. Thompson, Mrs. MacKenzie stated that she will send a formal request relative to setting the time and place of the November Presidential Election.

Performance Review - James Vanar, Director of Finance/Town Accountant

Present: Town Accountant James Vanar.

Mr. Thompson prefaced the performance review by stating that Mr. Vanar's position was a very complex one and that he regarded Mr. Vanar as one of his better finds over the years. He commented further that one of Mr. Vanar's first suggestions was about to come to fruition with the appointment of a joint Treasurer/Tax Collector.

Relative to Mr. Vanar's Performance Report, dated June 20, 1988, Mr. Vanar stressed that he would like the support of the Board in the development of a Comprehensive Annual Financial Report (CAFR) which would, among other things, identify the value of the Town's infrastructure and other fixed assets, and recognize true pension costs and the cost of accumulated sick time; this would be one of the key components of a long-range financial plan. He suggested that assistance of the auditors in the development of the CAFR would involve a one-time expenditure in the first year of approximately \$5,000 and would need further contact with the Department of Revenue in the process of development.

Mr. Thompson stated that he, Mr. Vanar, Budget Analyst Terri Ackerman, and Finance Committee Chairman Jack Hepting have met several times to prepare a preliminary draft document to facilitate the development of a Town Financial Plan; this draft will be reviewed at the joint meeting of the Board of Selectmen, Finance Committee, Treasurer, and School representatives scheduled for July 28.

In response to Selectman Cope's question relative to what is inferred by a community's bond rating and why Mr. Vanar seeks improvement in Sudbury's, Mr. Vanar stated that attainment of a "AAA" bond rating would mean lower borrowing costs. Sudbury has had limited borrowing in the past and has an "A" rating currently.

After discussion, it was on the recommendation of the Executive Secretary on motion unanimously

VOTED: To accept the Annual Performance Report dated June 20, 1988, submitted by James Vanar, Director of Finance/Town Accountant, and to thank Mr. Vanar for a job well done.

Mr. Thompson advised the Board that Mr. Vanar's salary would be set under the Collective Bargaining Agreement with the Supervisory Association.

Fall Special Town Meeting

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

VOTED: To call a Special Town Meeting to be held on Monday, October 3, 1988, at 7:30 p.m. in the Lincoln-Sudbury Regional High School Auditorium, with a warrant closing date of Friday, August 26, 1988, at 5:00 p.m., and to so inform all Town officials, departments, boards and committees.

The Executive Secretary reviewed the list of possible articles for the Special Town Meeting, stating that since some required the initiative of other Boards and Committees, he would like the direction of the Selectmen to request that these Boards do not use this opportunity to submit articles which are dollar intensive or complex. The Board concurred.

With regard to specific articles on the list, Mr. Thompson suggested that he proceed to develop those to be submitted by the Board of Selectmen with the exception of that listed relative to a drainage problem which could be resolved by other means.

Relative to Aquifer Zone Protection, he proposed that articles be drafted to accomplish both verification of Zones 2 and 3 relative to the Water Resource Protection Districts Bylaw adopted under Article 64 by the 1988 Annual Town Meeting, and delineation of Zones 1, 2 and 3 relative to the Pantry Brook watershed. Mr. Thompson noted that the Water District has appropriated approximately \$25,000 for testing in this area.

After an explanation of what would be proposed under the Town Centre curbing article, Ms. Cope stated that she was opposed to changing the curbing around the Town Common but would not be opposed to placing granite curbing adjacent to the Hosmer House. Mr. Thompson suggested changing the title to read "Town Centre Area Curbing".

Appointment of Election Officers

Since no information was available, it was on motion unanimously

VOTED: To table the question of appointing Election Officers for the year commencing August 15, 1988, to the August 1 meeting.

Police Department - Patrolman Requisition/Sergeant Examination

Relative to Police Chief Peter Lembo's communication before the Board to request the Town's inclusion in a Division of Personnel Administration's (DPA) promotional examination for sergeant and for requisition of a patrolman because of the three Sergeant vacancies predicted within the fiscal year, Mr. Thompson stated that, in order to meet the deadline, he had drafted the request for inclusion in the examination and forwarded it to the DPA under date of July 6.

Therefore, in accordance with the request of Police Chief Peter Lembo, dated July 6, 1988, and on the recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To confirm the action requesting that Sudbury be included in the promotional examination for police sergeant to be conducted by the Division of Personnel Administration on October 15, 1988;

and it was further on motion unanimously

VOTED: To authorize the Executive Secretary to sign and file all pertinent documents relative to requesting a certification list for appointment of a police officer from the Division of Personnel Administration.

Chapter 81 Certification - State Aid Highways

Mr. Thompson informed the Board that the certification to the Massachusetts Department of Public Works that Sudbury has authorized a total of \$1,725,012 by Town Meeting votes to be incurred during FY89 for constructing, maintaining and policing of Town streets and roads, as prepared by the Town Accountant, will be used by the State for the purpose of applying a distribution formula for Cherry Sheet reimbursement to the Town.

Accordingly, it was on motion unanimously

VOTED: To sign Form HED077 for the Massachusetts Department of Public Works certifying the amount expected to be incurred during FY89 for constructing, maintaining and policing Town streets or roads, in accordance with M.G.L. c.81, §31.

Transient Vendor License/Amendment of Rules & Regulations

Mr. Thompson informed the Board that the Park and Recreation Commissioners were desirous of getting the concession stand, built in conjunction with the Atkinson Pool, into operation. Accordingly, before the Board this evening was an agreement for such operation, approval of the required Transient Vendor license, and proposed amendment of the Hawkers & Pedlers/Transient Vendors Rules and Regulations which would allow this operation in a residential district on Town-owned land.

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

VOTED: To enter into an Agreement with Neal and Debra Schertzer to operate the concession stand located on the grounds of the Fairbank School on Fairbank Road; to approve the granting by the Town Clerk of a Transient Vendor license for such purpose; and to amend the Town of Sudbury Rules and Regulations for Hawkers & Pedlers/Transient Vendors so that Section 4.A. and 4.E. shall read as follows:

- 4.A. No sales, exposure for sale or bartering shall take place in any residential district of the town, as such districts are defined in the Town of Sudbury Zoning Bylaw, except that such sales, exposure for sale or bartering are allowed in a residential zone in conjunction with a municipal facility if approval of the Town officials responsible for the property is obtained in writing.
- 4.E. No vehicle used by a licensee shall stop upon any public or private way in the Town of Sudbury, where such stopping is allowed, for more than fifteen minutes. No vehicle shall be parked, and no sales, bartering or exposure for sale shall be conducted upon town owned property, including, without limitation of the foregoing, school grounds, park grounds, parking areas, cemeteries, conservation lands and historic sites, except such sales, bartering or exposure for sale in conjunction with a municipal facility when approval of the Town officials responsible for the property is obtained in writing.

Minutes

The minutes of the regular and executive sessions of June 27, 1988, and the regular session of July 5, 1988 were approved as amended.

Landfill - DEQE Memorandum of Agreement

Relative to the vote taken on July 5, 1988 with regard to the signing of the Letter of Agreement drafted by the DEQE concerning resolution of Landfill problems, Mr. Thompson recommended that the Board hold execution of that

document until such time as Town Counsel and the Town Engineer have worked out their concerns with the Selectmen and DEQE.

Meeting with Sudbury Valley Trustees - Peirce Property

Present: Sudbury Valley Trustee John Taft and Executive Director Allen Morgan; Planning Board Chairman Russell P. Kirby and member Richard A. Brooks; Steven Bradford representing the Maple Avenue neighborhood.

Mr. Thompson stated that Town Counsel had advised that discussion of this subject could not be held in Executive Session since the Town itself was no longer a party to the negotiations because of the assignment of its option to the Sudbury Valley Trustees (SVT). Sudbury Valley Trustee John Taft had no problem with that opinion.

Mr. Taft prefaced his update of the status of Peirce land acquisition by providing background information pertinent to the ability of SVT to put together a viable purchase package, to wit: a disapproval of an ANR plan by the Planning Board in 1967; a 1967 recorded covenant in connection with an approved subdivision which does not allow houses to be built until the rest of Maple Ave. is constructed; results of 21E testing which reveal low levels of hydrocarbons in two areas which are above the DEQE limits and may require a site clean-up in addition to tank removal; the Town appraisal did not consider the Planning Board Rules and Regulations pertaining to the length of deadend streets and it was performed at the time of Sudbury's peak in real estate values, thus providing a much higher valuation (\$490,000, based on the development of four lots). Further problems were noted by Mr. Taft pertaining to the lack of hard data on percability and the possibility of/necessity for development of a common septic system for four lots. The parcel is not suitable for cluster development since it cannot meet the size and buffer criteria.

Mr. Taft stated that the State Fisheries & Wildlife Department is very interested in the back twenty-three acres provided it was given access; the offer of \$245,000, which would take six months to consummate, is also contingent upon removal of the greenhouses for which Mr. Peirce has no money.

Mr. Taft tried to convince Mr. Peirce that the better approach for the front acreage would be to produce three frontage lots, including his own, which would involve only an ANR plan, but he was not interested. Mr. Taft has tried to interest developers in the property but the price is too high; therefore, SVT can not put a package together to get \$490,000 for the front acres and cannot consummate the agreement by July 30.

Mr. Taft conjectured that Mr. Peirce will put the total parcel on the market and stated that he is aware that Mr. Peirce has already been in touch with persons interested in developing the parcel under c.774.

Selectman Cope urged Mr. Taft to try to convince Mr. Peirce to take the Fisheries and Wildlife offer which not only would protect the wetlands for the Town, but would be a financial bonus to Mr. Peirce in light of the recent SVT offer of \$500/acre on another comparable piece which Mr. Morgan had noted. Mr. Taft replied that he would be informing Mr. Peirce that SVT was unable to consummate the agreement and would urge him to accept the State's offer.

Mr. Taft stated that the location of the back land in the Town's Flood Plain would accomplish preservation if all were diligent.

The Board expressed its very great appreciation to Mr. Taft and the SVT for the time and effort expended on this project.

Hydrogeologic Investigation - Well #5

The Board noted the memorandum of Janet Silva, Administrative Assistant to the Board of Selection, dated July 12, with regard to receipt of a letter from William W. Cooper, Chairman, Wastewater Advisory Committee (WAC, formerly RWTFAC), dated July 8, suggesting that the Water District hydrogeologic study requested by the DEQE in connection with the design of a treatment system for Well #5 be expanded to include the area north of Rt. 117 affected by the proposed development of the Sperry site, and the subsequent decision made with regard to the intended distribution of the letter.

Mr. Thompson explained, in reply to Selectman Cope, that the Water District had already contracted with Dr. Chiang to perform the study and design the treatment system under a deadline imposed by the DEQE. The decision not to go forward with WAC's suggestion was based on this information and other contractual complications, adding that the immediate objective of the Water District is to get Well #5 on line without further delay. It was noted that Dr. Cooper was a party to the decision, and that Mr. Thompson will discuss it further with WAC member Robert Sheldon. Selectmen Cope emphasized her interest in the Town being party to the analysis. Mr. Thompson suggested that Dr. Cooper's proposal could be considered after Dr. Chiang's study, if all parties are still not satisfied.

Relative to obtaining information on the flow of trichloroethylene contamination in that area, Selectman Cope stated her intention to pursue the matter of reviewing and copying pertinent DEQE files on the subject and further contacting the firm of Arthur D. Little with regard to its research findings, if any, when purchase of the property was being considered by that firm. Mr. Thompson suggested that Health Director Robert Leupold be involved since he is new to the job and this would be a good opportunity for him to become informed relative to this subject.

Donation - Fire Department

It was on motion unanimously

VOTED: To accept with appreciation, on behalf of the Fire Department, a donation in the amount of \$50.00 from Dr. and Mrs. Nicholas Dainiak of Sudbury to be used for the purchase of medical equipment for the Town's ambulance.

Voter Registration Session

At the request of Town Clerk Jean MacKenzie, dated July 13, 1988, it was on motion unanimously

VOTED: To authorize the Town Clerk to hold a special voter registration session for the Presidential Election at the Atkinson Pool on Tuesday, September 13, 1988, from 6:00 p.m. to 9:00 p.m.

Atkinson Pool Liaison Year End Report

The Board noted receipt of the Year End Report, dated June 28, 1988, from Atkinson Pool Liaison Peter A. Berkel. Mr. Thompson suggested that on the recommendation of the Town Accountant and Budget Analyst it be forwarded to the auditors, who are to be employed immediately, and be further discussed upon receipt of the report of the auditors relative to Pool financial management matters.

Middlesex County Home Rule Charter

The Board acknowledged receipt of a memorandum from Julia A. Werbinski, Middlesex County Advisory Board (MCAB) Coordinator, dated July 11, 1988, requesting that the Board contact local legislators and urge a vote against House Bill #5833 which provides for the establishment of a Home Rule Charter for the County of Middlesex. In response to Selectman Cope as to why the MCAB would not be in favor of the Bill, Mr. Thompson replied that it would take away some of MCAB's control, particularly with regard to its veto power of the County budget and its appointment powers. Mrs. Cope suggested that Selectman Wallace, as the Town's designated representative to the MCAB, contact other Town representatives to get their viewpoints.

Contract - John P. Foran Employee Benefit Specialists, Inc.

Further to the Board's direction of July 5 relative to the contract with John P. Foran for renewal of the Group Accident and Health Insurance Advisory Agreement to seek Town Counsel review of the termination clause as it relates to pro-rata refunds, Mr. Thompson informed the Board that Town Counsel had advised that although an addendum could be presented to Mr. Foran, his assent was discretionary. Town Counsel had also advised that he had been informed by the Budget Analyst that Mr. Foran's advisory services are performed in such a manner that would make pro-rata payments difficult to determine. The Board, satisfied that the matter had been reviewed, directed Mr. Thompson to so inform Selectmen Wallace upon his return.

Planning Board v. Board of Appeals - Raytheon Tower

Mr. Thompson informed the Board that the Planning Board had officially requested appointment of Counsel in order to allow the Planning Board to proceed with their appeal of the Zoning Board of Appeals' Decision #88-8 relative to the Raytheon tower. Mr. Thompson reported that he had been indirectly informed that Selectman Wallace did not support the appointment of Counsel and desired the matter to be referred to the Finance Committee for funding approval. Mr. Thompson recommended that he advise the Planning Board to seek the services of an attorney of their choice and obtain a cost estimate for those services, after which the Selectmen would make the appointment subject to the Finance Committee approval of a Reserve Fund transfer request which would be jointly submitted. The Board concurred with this approach.

Cable Reception

Selectman Cope reported complaints from her Plympton Road area neighbors with the intermittent and poor cable television reception and suggested that the Selectmen's Office pursue the matter with Adams-Russell.

Wastewater Advisory Committee/Town Counsel

Selectman Cope requested that if Town Counsel has not already responded to Wastewater Advisory Committee Chairman William Cooper's letters relative to various wastewater issues, that it be made a priority to do so, noting that Dr. Cooper has worked very hard on these issues.

There being no further business to come before the Board, the meeting was adjourned at 10:05 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk