

B-K

IN BOARD OF SELECTMEN
MONDAY, JUNE 6, 1988

Present: Chairman David A. Wallace, John C. Drobinski and Judith A. Cope.

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:30 p.m. by Chairman David A. Wallace at the lower Town Hall.

Permanent Landscape Committee - Resignation

After review of letter dated May 31, 1988 from Julia Barker, it was on motion of Selectman Judith A. Cope unanimously

VOTED: To accept with regret the resignation of Julia Barker of 12 De Marco Road, from the Permanent Landscape Committee; and to request Executive Secretary Thompson to send a letter of thanks to Mrs. Barker for her service to the Town.

Walkway Easement

After review, it was on motion of Chairman David A. Wallace unanimously

VOTED: To confirm the signing and acceptance of Walkway Easement, Lot 15, Mossman Road, dated May 24, 1988, given by Adam Ames and Lois Ames in accordance with a "Plan of Land in Sudbury, Mass. Prepared for Adam Ames", dated May 20, 1988, by Schofield Brothers, Inc.

Reserve Fund Transfer Request No. 88-34

After review of bills for legal services, previously estimated to require a Reserve Fund transfer of \$14,000, it was on motion of Chairman Wallace unanimously

VOTED: To approve Reserve Fund Transfer Request No. 88-34, dated May 27, 1988, for transfer of \$15,335.00 to Account 503-256, Legal Expense.

Powder Mill Road - Concern For Potential Increased Traffic

The Board reviewed letter dated May 19, 1988, from Barbara A. Goldsmith of 16 Alta Road, which expressed her concern that the Digital Equipment Corporation's construction of a second, larger building at its MSO facility on Route 62 in Maynard will result in increased traffic problems. Selectman Cope stated that it is her understanding that Town Planner Lee Newman has been advised of this concern and has made initial contact with officials from the Town of Maynard.

After discussion, it was on motion of Chairman Wallace unanimously

VOTED: To request Executive Secretary Thompson to contact Town Planner Lee Newman and ask her to communicate with the appropriate officials of the Town of Maynard and Digital Equipment Corporation concerning Digital's construction of on Route 62 in Maynard; and to request Ms. Newman to report her findings to the Board for review.

Town Elections - Incident of March 28, 1988

Present: Town Clerk Jean MacKenzie; Police Chief Peter B. Lembo; Richard Brooks, Chairman of the Lincoln-Sudbury Regional District School Committee.

The Board reviewed letter dated April 8, 1988, from Town Clerk Jean M. MacKenzie, and report to the Board of Selectmen dated June 3, 1988, from Executive Secretary Thompson, regarding the handling of a complaint received by Mr. Thompson from Richard Brooks, Chairman of the Lincoln-Sudbury Regional District School Committee. Both Ms. MacKenzie and Mr. Thompson declined further comment as to what occurred on March 28, 1988; however, Ms. MacKenzie did state that her concern is that it be understood that she runs the elections according to the law, and does not wish her authority usurped.

By invitation of the Chairman, Police Chief Lembo gave an accounting of what he believed happened and explained that the reason he personally appeared at the elections on that date was because the individual assigned to the elections, Richard MacLean, is a Special Police Officer, and therefore not fully trained in elections procedures.

Mr. Brooks explained that he telephonically requested Mr. Thompson's assistance because Mr. Brooks received a call at his place of employment from Geraldine Nogelo, a member of the Lincoln-Sudbury Regional District School Committee, advising him of the situation regarding the disposal of the pamphlets; but he could not leave his office to go to the school. Mr. Brooks further explained that there was no intent to circumvent the election laws when the pamphlets were left in a box in the school; rather, he stated, it was a situation where an individual not familiar with election laws was dropping off the materials for volunteers to hand out. That individual was on his way to work, and left the box inside the building, expecting the volunteers to pick them up and hand them out within the legal zone. It was Mr. Brooks' opinion that although it was legally wrong to have the box of materials where it was, some consideration could have been given to the fact that many volunteers put in long and hard hours over the year and election-day handouts were the culmination of their labors.

Ms. MacKenzie and Selectman Cope pointed out that the materials were causing litter problems because they were being blown about by the wind and a decision had to be made immediately. It was Selectman Cope's observation that Officer MacLean appeared to know what he was doing. Ms. MacKenzie emphasized that it is the way these complaints are handled that is upsetting to her and related an incident that occurred during the presidential elections that she believed also was handled inappropriately by Mr. Thompson.

Chairman Wallace stated that he believed the actions taken by Ms. MacKenzie were appropriate and that it is in the Town's best interests for the election laws to be complied with. However, he pointed out that none of the actions taken by any of the individuals involved was intentional or malicious. Mr. Wallace concurred with an earlier statement by Ms. MacKenzie that communication is the key to avoiding unpleasant confrontations.

Police Chief Lembo stated that it is his opinion that for the past twenty-three years there had been approximately five officers "working the polls". That number has now been reduced to one, and he believes this may be a factor in the handling of situations that may occur. Ms. MacKenzie disputed this.

The discussion was closed with Chairman Wallace and Selectman Drobinski reiterating the importance of communication and hoping the parties will put aside personal differences in an effort to serve the interests of the Town.

Landfill - Response to DEQE

The Board reviewed letter dated May 27, 1988, from Town Engineer I. William Place addressing the issues that were outlined by the Department of Environmental Quality Engineering in its letter dated May 10, 1988, and the recent meeting held with them and Town officials. Chairman Wallace opined that he could see no major substantive issues that remain outstanding, but that there were still areas that require clarification.

After discussion, it was on motion of Selectman Drobinski unanimously

VOTED: To request Executive Secretary Thompson to contact Town Engineer Place and DEQE and arrange a follow-up meeting at the earliest possible time so that a written understanding of the Town's agreement with DEQE may be forwarded as soon as possible.

Minutes

The Board reviewed the minutes of its meeting held May 23, 1988, and Selectman Cope requested that two items be clarified for the record. It was acknowledged that these additions were to clarify the record, and do not necessarily reflect comments specifically made at the meeting.

After review, it was on motion of Chairman Wallace unanimously

VOTED: To approve the minutes of the May 23, 1988, as presented, with the addition of the following for clarification purposes:

1. On page 3, second line from the bottom, after the words "...Sudbury has only one well that is legally shut down," the following words shall be added in brackets: "[Selectman Cope believes there are two wells officially closed]"; and

2. On page 4, paragraph beginning "In response to inquiry,...", after the words "He stated that the water is monitored four times a year for about twelve organisms; twice a month for bacteria.", the following words shall be added in brackets: "[Selectman Cope believes this program has just begun and to date, there has been only one such test]".

Fairbank Community Center - Meeting With Park and Recreation Commission

Present: Park and Recreation Commission Chairperson Rosalyn J. Drawas and members Donald R. Soule and Jane A. Neuhauser; Chairman of the Lincoln-Sudbury Regional District School Committee Richard Brooks and member Geraldine C. Nogelo; Peter Berkel.

The Board acknowledged receipt of memorandum dated May 25, 1988, from Rosalyn Drawas, Chairperson, Park and Recreation Commission, advising that at the Commission's meeting held May 9, 1988, it was voted to move forward in its plans to make the Fairbank School a Community Center.

Chairperson Drawas stated that the purpose of the letter and follow-up meetings with the Executive Secretary and School Committee is to make it known that the Commission wishes to pursue a long-range plan to utilize the Fairbank School. Ms. Drawas stressed that there are no immediate plans and the Commission is not ready to take over the building this fiscal year. But it is the Commission's hope that by Town Meeting 1989 they will have a comprehensive plan to present for making a community center out of the building. Ms. Drawas stated that the Commission has been receiving many requests for use of the building, including the Council On Aging as well as expanded use for teens.

Ms. Drawas wished to stress, however, that the Commission is concerned as to the relocation of the Lincoln-Sudbury West ("L-S West") program and it is for that reason the Commission wishes to let L-S West know in advance that should the Commission's plans be approved, it is unlikely that the L-S West lease will be renewed or renegotiated after June 30, 1989.

Richard Brooks, Chairman of the Lincoln-Sudbury Regional School District Committee, stated that it was his understanding that the reason for the short-term renewal of the L-S West lease was to enable a space needs study to be conducted, and wondered what the final report shows. Mr. Brooks further stated that the concerns of L-S West are two-fold: (1) to maintain its posture at Fairbank or similar building; and (2) whatever location is decided upon, L-S West be given a long-term lease so that stability may be maintained.

Resident Peter Berkel commented that he believed another issue that must be addressed is to assess the value of recreation versus educational needs. It is Mr. Berkel's opinion that the Commission is not in a position to take over the building and suggested that the Town should consider the hiring of a full-time Commissioner.

Chairman Wallace acknowledged that all the above were good points, but did not agree that there are competing interests. Chairman Wallace believes it is a matter of working out the logistics of two very good programs that can and must co-exist in the Town; and, he added that he personally would never recommend either one be discontinued. Ms. Drawas added that the suggestion for a paid position is viable, but it is her opinion that the need would be for a part-time person who can handle the recreational programs. Mr. Brooks expressed his opinion that although he philosophically agrees with Mr. Wallace about the value of both programs, he does fear that in time the Town will have to make decisions which will ultimately favor one over the other.

In response to inquiry by Selectman Cope, Mr. Brooks stated that the L-S West program handles forty students, five of whom are from outside Sudbury. At Fairbank, L-S West currently uses seven rooms, four of which are for classrooms.

Commission member Donald Soule asked if the Town of Lincoln may be approached to provide space for the L-S West program. Mr. Brooks responded that Lincoln certainly may be approached; however, he pointed out that it had been approached before, with no success.

Chairman Wallace thanked those present for their input and expressed the Board's hope that with so much advance notice, a beneficial and equitable resolution may be reached in the future.

Carding Mill Pond Building - Meeting With Sudbury Valley Trustees

Present: Robert Anderson, President, John Taft, Vice-President, Richard Davidson, Treasurer and Allen Morgan, Executive Director of Sudbury Valley Trustees; Conservation Coordinator Deborah Montemerlo.

Sudbury Valley Trustees ("SVT") Vice-President John Taft introduced himself and the other officers of SVT and gave a brief history of the SVT. Mr. Taft stated that SVT, established in 1953, now has 2,700 members, 500 of which are from Sudbury. They are involved with 700 acres of land in the Sudbury River Valley and have added Whitney Beals as Assistant Executive Director, whose attention will be focused on the Watertown Dairy Project. SVT is currently housed on Boston Post Road in a unique antique structure. This house is currently on the real estate sales market and SVT is thus looking for new quarters. A couple of months ago, the Trustees toured the Carding Mill building, which he understands is to be deeded to the Town by Northland Development Company, who will be developing what is known as the "MacNeill Property". It is the opinion of the Trustees that this building would be ideal for use as an office, since it is not only desirable size and location-wise, but embodies what Sudbury Valley Trustees stands for. Although it appears to the Trustees that the building is structurally sound, they do perceive extensive renovation work, including heating and electrical, as well as possible septage work. Their requirements would be for a 6-10 car parking lot and will involve approximately \$100,000 worth of work. For that reason, SVT would be looking for a long-term lease of forty years or more. In response to inquiry, Mr. Taft stated that SVT would be ready "to go" as soon as the Town officially acquires the property.

Executive Secretary Thompson pointed out that the agreement between the Town and Northland contains a proviso that use of the Carding Mill building be restricted to residential. Mr. Taft stated that he had approached Northland about SVT's desire to use this building as its headquarters and Northland had been enthusiastic about it. For this reason, he does not believe there will be a problem with them agreeing to change that wording to include use by them. There also was a question raised as to the requirements of a variance or special permit; Selectman Drobinski believes that since it will be Town property, no such requirement exists. However, he stressed this is his personal opinion and the Board requested the Executive Secretary to make inquiry to Town Counsel concerning this point. Selectman Drobinski further stated that exemptions from permits or permits aside, if the neighbors do not wish SVT to be in the building, then he would be opposed to its use by them.

Also for Town Counsel's opinion is the length of any long-term lease. It is Mr. Thompson's understanding that the term is statutorily limited to ten years, a time period that would be unacceptable to SVT due to the large amount of investment they would have to make. Conservation Coordinator Deborah Montemerlo asked SVT if they would be willing to assume responsibility for maintenance and mowing of the fields which would be responsibility of the Town under its agreement with Northland; Mr. Taft said they certainly would consider that. It was also pointed out by Mr. Morgan that SVT would re-attach the water wheel, which appears to have been repaired, to the building.

Chairman Wallace summarized the meeting by stating that the presentation set forth by SVT has feasibility. Mr. Wallace stressed that this meeting was informational only and no action would be taken by the Board at this time. It was agreed that a joint planning committee should be formed that would include the Historic District Commission and input from the neighborhood residents. Conservation Coordinator Deborah Montemerlo stated that the Conservation Commission has no position at this time.

Chairman Wallace thanked all for their attendance and expressed pleasure that dialogue has commenced.

Appointments

After discussion and review of applications and recommendations, it was on motion of Chairman Wallace unanimously

VOTED: To rescind vote of May 16, 1988, appointing James Vanar as Director of Finance/Town Accountant for a one-year term; and further to appoint Mr. Vanar to said position for a three-year term, to expire April 30, 1991; and it was further

VOTED: To appoint Anne W. Donald for a two-year term, to expire April 30, 1990, and Daniel L. Claff for a one-year term, to expire April 30, 1989, to the Council On Aging; and it was further

VOTED: To appoint Director of Health Robert C. Leupold as Municipal Coordinator to meet the requirements of G.L. c. 111F (enacted by c. 470 of the Acts of 1983), the so-called Right-to-Know legislation, and to appoint Fire Chief Michael Dunne as Mr. Leupold's alternate (Acting Municipal Coordinator); and to further appoint Director of Health Robert C. Leupold as Hazardous Waste Coordinator and Fire Chief Michael Dunne as alternate Hazardous Waste Coordinator, and to respectfully request that these two Town officials share the responsibilities of this job as much as possible.

The Board reviewed 1986 applications from individuals then interested in a position on the Veterans Advisory Committee. After discussion, it was on motion of Chairman Wallace unanimously

VOTED: To request Executive Secretary Thompson to communicate with 1986 applicants to the Veterans Advisory Committee to ascertain if they still wish to be actively considered to service on said Committee; and to report the results of same to the Board.

Landfill - Resource Recovery Committee Proposals

Upon recommendation of Executive Secretary Thompson, it was on motion of Selectman Cope unanimously

VOTED: To request Town Counsel to review input from Landfill Agent, Town Engineer and Board of Health concerning proposals by the Resource Recovery Committee for changes in Landfill regulations and fees, and to prepare draft Rules and Regulations for distribution to all interested parties incorporating such input; it is further requested that such draft be submitted on or before June 13, 1988, for review.

Fire Department - Purchase of Vehicle

Upon review of memorandum dated June 3, 1988, by Fire Chief Michael Dunne, it was on motion of Chairman Wallace unanimously

VOTED: To accept the bid from Natick Auto Sales, Inc. for supplying one 1987 Ford Bronco equipped as per specifications and options of the Greater Boston Police Council Collective Bid as provided in M.G.L. c. 7 §22B, in the amount of \$17,198 including light bar, but excluding radio transfers, switches and sirens; and it was further

VOTED: To accept the recommendation of Fire Chief Dunne and not trade the 1983 Crown Victoria currently owned by the Fire Department, but instead offer the vehicle to other Town departments.

Request for Applicants to Town Committees

Executive Secretary Thompson stated that notification of openings on various Town Committees will be advertised in Bentley Community Calendar, Town Crier and Middlesex News; and will be posted at Town Hall, Flynn Building and Goodnow Library.

At the suggestion of Judith Cope, Executive Secretary Thompson will see that copies are sent to area clubs, service organizations, churches, etc.

Post Office - Requests for New Site

The Board noted the public request advertised by the United States Postal Service for possible sites to relocate its Post Office currently located on Union Avenue. There was a general discussion about the parking problem and a concurrence that a larger site is appropriate to serve the needs of the Postal Service and the Town.

Executive Secretary Thompson brought to the Board's attention the fact that the former Honeywell property on Union Avenue has been discussed as a possible site. Mr. Thompson stated that he and Town Engineer I. William Place are familiar with the site and have concerns about parking and traffic flow at that location.

The Selectmen requested Mr. Thompson to keep them advised of developments as they occur.

Maynard Rod and Gun Club

Selectman Drobinski reported receiving a complaint from an abutter to the Gun Club and asked the status of the situation. Executive Secretary Thompson reported that he has spoken with another abutter earlier in the day and has had a conversation with Town Counsel, who stated that the appropriate papers are being prepared and will hopefully be filed this week in the courts.

Hilco

In response to an inquiry from Selectman Cope, Executive Secretary Thompson reported that he has been advised by Building Inspector Joseph E. Scammon that Hilco has filed for renewal of its permit with the Board of Appeals for its property on the Boston Post Road adjacent to the bridge at Hop Brook.

Loring School - Wetlands Study

Executive Secretary Thompson reported that he has been informed by Schools Superintendent David Jackson that IEP has been engaged to do the wetlands study of the Loring School area relative to its impact on building/program expansion should the schools wish to reactivate the building as a school. A report is expected by June 16, 1988.

Meeting With Finance Committee

Executive Secretary Thompson reported that a joint meeting with the Finance Committee and School Committee concerning Town Finances has been scheduled for July 28, 1988.

New Health Care Bill - Letter From City of Cambridge

Executive Secretary Thompson brought to the Board's attention copy of letter dated May 4, 1988, from City of Cambridge Manager Robert W. Healy to the Regional Director of Blue Cross/Blue Shield, putting BC/BS on notice that Cambridge will not reimburse payments made beyond the provisions of its current plan design, or the administrative charges attached thereto.

It was the consensus of the Board that the City of Cambridge's position has merit and if litigation or other action is mandated by Cambridge in the future, the Town should consider joining in its actions or otherwise show support therefor.

After discussion, it was on motion unanimously

VOTED: To support the position of the City of Cambridge contained in its letter dated May 4, 1988, from City of Cambridge Manager Robert W. Healy to the Regional Director of Blue Cross/Blue Shield, that, pursuant to Article CXV of the Constitution of the Commonwealth of Massachusetts, the new legislation mandating new health insurance coverage by Massachusetts employers, i.e., c. 363 of the Acts of 1987; c. 349 of the Acts of 1987; c. 683 of the Acts of 1987; and c. 711 of the Acts of 1987, are not effective.

Water District Procedures

The Selectmen acknowledged receipt of copy of Chapter 100, Acts of 1934, and Water District Bylaws sent by Winthrop Fairbank, Executive Secretary of the Water District, as response to inquiry of procedures employed in conducting Water District business.

Selectman Cope noted that section 11 of such Acts states that the Town has the ability to develop rules and regulations pursuant to the the laws, but she still does not know what Sudbury's rules and regulations are.

It was therefore on motion of Selectman Cope unanimously

VOTED: To request Executive Secretary Thompson to communicate with Winthrop Fairbank, Executive Secretary of the Water District, and request a detailed statement of the rules and regulations in effect for the Town of Sudbury, pursuant to the provisions of Chapter 100 of the Acts of 1934, as amended.

Raytheon - Joint Meeting with Planning Board and Board of Appeals

Present: Members of the Board of Appeals.

A meeting having been called for 9:00 p.m. among the Selectmen, Planning Board and Board of Appeals, and it being 9:40 p.m., with no members of the Planning Board present, it was on motion of Chairman Wallace unanimously

VOTED: To cancel the scheduled meeting with the Planning Board and Board of Appeals relative to litigation involving Raytheon, and to request Executive Secretary Thompson to reschedule said meeting for June 27, 1988, at a time convenient to all parties.

[N.B. Members of the Planning Board appeared at 10:00 p.m., and were advised of the rescheduling of said meeting].

Executive Session

At 9:45 p.m., it was on motion by roll call unanimously

VOTED: To go into Executive Session for the purpose of discussing a collective bargaining matter.

(Chairman Wallace, aye; Selectman Drobinski, aye; Selectman Cope, aye.)

The Chairman announced that public session would not reconvene following Executive Session.

There being no further business to come before the Board, the meeting was adjourned at 10:15 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk