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IN BOARD OF SELECTMEN
MONDAY, MARCH 21, 1988

Present: Chairman Anne W. Donald, John Drobinski and David A. Wallace.

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

Webolos Cub Scouts - Town Government Informational

Chairman Donald welcomed Webolos Troop 62 and its leaders and parents, and after introductions presented the boys with a packet of information. Mrs. Donald then elaborated briefly upon the chart showing the structure of Town Government stressing, in particular, the role of the voters and that of the Board of Selectmen.

MacNeill Land - Agreement with Northland Investment Corp.

It was on motion of Selectman Donald unanimously

VOTED: To record joint action with the Conservation Commission of the Board's signing an Agreement with Northland Investment Corp., dated March 10, 1988, concerning development on approximately 129 acres of land owned by the Arden B. MacNeill Real Estate Trust - 1959, off Wayside Inn Road, Dutton Road, French Road and Garrison House Lane; and as subject to and incorporated within the Agreement, to release the Town's Notice of Intent to Exercise Option under M.G.L. c.61A, §14, recorded in the Middlesex South Registry of Deeds, relative to three parcels owned by the Arden B. MacNeill Real Estate Trust - 1959, and described as a portion of Lot 300 on Town Property Map K04, a portion of Lot 400 on Town Property Map K03, and a portion of Lot 10 on Town Property Map K03, and to waive any option to purchase the MacNeill "Homestead Property" of approximately 24 acres.

Bigelow Nurseries, Inc., Landham Road - c.61A Notice

Executive Secretary Richard E. Thompson stated that the Board of Selectmen had received on February 10, 1988, through its attorney, George E. Pember, notice of Bigelow Nurseries, Inc., owners of approximately 7.79 acres of land off Landham Road (Map M10, parcel 015), taxed under c. 61A, giving the Town first refusal option to meet the bona fide offer of William Senecal, or his nominee, to purchase the land for use other than agricultural or horticultural. Mr. Thompson reported that the Town had waived its right to purchase the property in 1986, but that the conversion did not take place and the owner reapplied for tax treatment under c.61A.

Mr. Thompson noted for the record that the Planning Board, by letter dated March 2, recommends that the Town not exercise its option, and that the Board of Assessors, by letter of March 1, has no recommendation, but has provided an opinion of value for the Board's information. Further, the Conservation Commission has indicated verbally that, while it has no interest in the Town's acquisition of the parcel, it has been informed that the Sudbury Valley Trustees wish to consider the purchase with the idea of reducing the extent of

development and perhaps retaining trail easements, but require more time to meet for discussion than afforded if the Selectmen intend to vote on March 21.

Determining that the Board's voting does not preclude the Sudbury Valley Trustees from negotiating with the developer, it was on motion of Selectman Wallace unanimously

VOTED: To waive the Town's first refusal option, under G.L. c.61A, §14, to meet a bona fide offer with respect to a notice of intent of Bigelow Nurseries, Inc., to sell a parcel of land, approximately 7.79 acres on Landham Road (Map M10, parcel 015), assessed on the basis of agricultural or horticultural use, to William Senecal, or his nominee, for use other than agricultural or horticultural.

Marlborough Easterly Advanced Treatment Works - NPDES Draft Permit

The Board reviewed the draft National Pollutant Discharge Elimination System Permit (NPDES) #MA0100498, State Permit M-109, for the Marlborough Easterly Advanced Treatment Works discharge into the Hop Brook System and the Board of Health response to the Department of Environmental Quality Engineering (DEQE), dated March 21, 1988.

The Board noted that the Board of Health comments were based on the preliminary report, dated March 18, 1988, from the Town's consultant, Whitman & Howard, Inc., commissioned by the Board of Health to study the Hop Brook System, which presented evidence invalidating Marlboro's presumption concerning the winter month's discharge of phosphorus.

After discussion and on the recommendation of the Executive Secretary and Town Counsel, it was on motion of Selectman Drobinski unanimously

VOTED: To request that a public hearing be held by the U.S. Environmental Protection Agency (EPA) Water Management Division and the Massachusetts DEQE Division of Water Pollution Control to address the nutrient loading from the Marlboro Easterly Advanced Treatment Works on the waters in Sudbury, and to express to those agencies the Board of Selectmen's support for the position of the Board of Health in its letter to the DEQE of March 21, 1988 requesting: that a public hearing be held to further investigate the implications of the phosphorus loading; that the renewal of the discharge permit be withheld until the completion of the Whitman & Howard, Inc. study; that the Marlboro Easterly Treatment Plant be put on year round tertiary treatment immediately; and that consideration be made for the addition of new equipment or procedures to further reduce the amount of phosphorus being discharged from the plant.

Selectman Donald requested that the information be forwarded to MetroWest.

Line Item Transfer and New Hires - Fire Department

Present: Fire Chief Michael Dunne.

It was on motion of Selectman Wallace unanimously

VOTED: To approve the Fire Chief's request dated March 7, 1988, to transfer \$4,110 from Acct. 310-140, Fire Dispatchers, to Acct. 310-151, Fire Sick

Buyback, to pay for the sick leave buyback retirement benefits which will be owed to Firefighter/EMT Daniel Nardini, effective upon his retirement, April 2, 1988.

Fire Chief Dunne noted that this line item transfer will allow reduction of the Fire Department FY89 budget, Line 310-151, by \$5,047.

After discussion, it was on motion of Selectman Donald

VOTED: To acknowledge the retirement of FF/EMT Daniel Nardini, effective April 2, 1988, and to express the Town's appreciation for his exemplary eighteen years of service;

and further

VOTED: To acknowledge the appointment of former Dispatcher Kevin Moreau as Firefighter/EMT and the appointment of Gregory Halfpenny as Dispatcher.

Tax Anticipation Notes

Present: Town Treasurer Chester Hamilton.

On motion of Selectman Donald it was unanimously

VOTED: To authorize the Treasurer to borrow, if necessary, up to \$500,000 in Tax Anticipation Notes, to come due May 13, 1988, as requested in a letter from Mr. Hamilton dated March 16, 1988.

Transfer Requests

The Executive Secretary brought to the Board's attention the need to fund purchase of additional intermediate cover material for the Landfill, beyond the \$70,000 purchase appropriated under ATM87 Article 10, to comply with the Enforcement Order of the State DEQE. The Town Engineer has calculated that an additional expenditure of \$40,000 is required.

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

VOTED: To direct the Executive Secretary, Town Engineer, and Town Accountant to find the means to fund purchase of intermediate cover material, up to the amount of \$40,000, for the Landfill, including but not limited to a Reserve Fund transfer.

Mr. Thompson explained that the Town has responsibility for all custodial and interior maintenance at Fairbank, but that in FY88 the High School and the Atkinson Pool are contributing toward the cost in the amounts of \$10,000 and \$2,500 respectively. The transfer requested seeks to cover a shortfall in the Town's share of the cost.

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

VOTED: To approve Reserve Fund transfer request No. 88-20 seeking \$1,071 for Acct. 340-150 Building Custodial to cover the Town's agreed share of custodial services at the Fairbank Community Center.

Relative to a request for funds to supplement the Legal Expense account and noting that an additional transfer request would undoubtedly be forthcoming because of the continuing collective bargaining process and extensive litigation in which the Town is involved, it was on motion of Selectman Wallace unanimously

Voted: To approve Reserve Fund transfer request No. 88-19 seeking \$5,000 for Acct. 503-256, Law Department Legal Expense.

Relative to a shortfall in the amount budgeted for Fidelity Bonds for the Town Clerk, Treasurer, Assistant Treasurer and Tax Collector, it was on motion of Selectman Donald unanimously

VOTED: To approve inter-line transfer of \$328 from Unclassified Acct. 950-803, Property/Liability Insurance, to Unclassified Acct. 950-802, Fidelity Bonds.

Police Chief - Benefits

On the recommendation of the Executive Secretary, based on procedural information from the Town Accountant, it was on motion of Selectman Wallace unanimously

VOTED: To amend the compensation/benefits package voted for the Police Chief in FY88 to include a \$75 membership in the Massachusetts Police Association Legal Defense Fund, effective immediately.

Senior Center

The Board acknowledged receipt of a letter from Mark Reich, expressing the Sudbury Association of Disabled Citizens' support for construction of the proposed Senior Center which would provide handicapped accessibility for other users of the building.

Resignation - Historical Commission

It was on motion of Selectman Donald unanimously

VOTED: To accept the resignation of Lillian W. Balch from the Sudbury Historical Commission, dated March 1, 1988, and express to Ms. Balch its appreciation for her work on the Commission.

Minutes

It was on motion of Selectman Drobinski

VOTED: To accept the minutes of the special meeting of March 2, 1988, as presented.

(Chairman Donald abstained from voting.)

It was on motion of Selectman Donald

VOTED: To accept the regular minutes of March 7, 1988, as presented; and to approve the executive session minutes of March 7, 1988, as corrected.
(Selectman Drobinski abstained from voting.)

Legal Matters

The Board expressed its appreciation to Town Counsel Paul Kenny for his successful appeal of the Superior Court's decision in Town of Sudbury v. Wayside Package Store, Inc. and the Alcoholic Beverages Control Commission, thus completing five years of litigation.

Mr. Thompson informed the Board that an appeal has been filed in the Superior Court relative to the compliance of the final Environmental Impact Report with the requirements of the Massachusetts Environmental Policy Act for the Willis Hill Subdivision.

In connection with the subject of residential wastewater package treatment plants, the Board confirmed its unanimous support for Senator Golden's Bill, S.955, and the institution of a one-year moratorium on permitting and construction of residential wastewater package treatment plants in order that further study may be accomplished and local and state officials might arrive at a consensus on how to proceed. This support had been expressed to Senator Cellucci and Representative Hicks in letters dated March 14, 1988.

Mr. Thompson stated that he will be arranging a meeting between Town Counsel and Atty. Doliner relative to his work for the Residential Wastewater Treatment Facilities Advisory Committee. Selectman Wallace noted his desire to attend if the time is mutually convenient.

Space Needs Study - Library

Mr. Thompson noted receipt of a bill in the amount of \$1,200 from Fish, Fish and Katz, Library Consultants, for preparation of a Space Needs Study commissioned by the Goodnow Library forwarded by Library Trustees Carol Hull under date of March 12, seeking payment by Selectmen. Mr. Thompson suggested that he contact Ms. Hull and inform her of the options available to the Trustees for payment of the bill. The Board agreed.

Landfill - Privatization

Present: Town Engineer I. William Place, Landfill Agent Robert A. Noyes, Resource Recovery Committee member Linda Bolton, and Robert Grierson.

Mr. Thompson stated that this meeting was called for a brief, preliminary discussion on the concept of a portion of the Landfill being used on a privatization basis for the disposal of all building materials, brush and stumps, with the possibility of this being done in concert with the Town of Wayland. Because of the competitive nature of any business proposal relative to accomplishing this and because the discussion could not be held in Executive Session under the Open Meeting Law, Mr. Thompson responded to Mr. Grierson that the discussion would be kept general in nature for the purpose of this meeting.

Mr. Thompson and Mr. Grierson explained the way the program would work: a portion (approximately one-half acre) of the Landfill would be reserved for

private use by a contractor, essentially providing a transfer station, who would utilize this portion for the collection of building materials, brush and stumps; a fee would be received by the contractor from the public disposing of such material and he would operate the disposal area; the contractor would then remove the materials for recycling. The waste could come from the general public, not just Sudbury residents, but recycling credits would all go to the Town.

Mr. Thompson noted that under State legislation the Town will have to demonstrate that 20% of its Landfill operation is resource recovery in order to be eligible for State monies for Landfills. Ms. Bolton of the Resource Recovery Committee stated that regionalization between two or more towns was also a requirement.

Responding to a query from the Selectmen, Mr. Noyes reported that the present stump dump at the Davis land has almost reached capacity; this area has only been open on Tuesdays and Fridays for dumping by special permit only. The Town Engineer has looked into a regional approach to stump dumping, but found that it is too expensive.

Mr. Thompson reported that the Resource Recovery Committee is in the process of a review of the Rules and Regulations for use of the Landfill and suggested to them that they might consider the elimination of building materials entirely. Mr. Grierson suggested that a means of generating revenue is to take tree butts (whole trunks) in lengths of eight to ten feet, truck them to a whole tree chipper and sell the chipped material for power generating burning.

The Executive Secretary suggested to Mr. Grierson that, after he completes his program in Wayland, a meeting should be scheduled with Wayland and Sudbury to explore a common approach to the problem. The Board agreed that the Executive Secretary should coordinate the same.

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 expenditures from the Discretionary Fund, collective bargaining and litigation.

(Chairman Donald, aye; Selectman Wallace, aye; Selectman Drobinski, 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 10:00 p.m.

Attest:

Richard E. Thompson
Executive Secretary - Clerk