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IN BOARD OF SELECTMEN
MONDAY, OCTOBER 31, 1988

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

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

Utility Petition 88-12 - Digital Equipment Corporation, Marlboro Rd. Location

Present: Michael Bresnahan, NYNEX Assistant Project Manager, representing Digital Equipment Corporation; Angelo D'Lamola, Sheila Stewart, Sandra Miller, residents.

The Board reviewed Utility Petition No. 88-12 submitted by Digital Equipment Corporation for conduit installation under the surface of Maynard Road for the placement of conduit with fiber optic and/or copper communication cable therein.

Executive Secretary Richard E. Thompson noted that all appropriate abutters had been notified and approval had been recommended by the Inspector of Buildings and Wiring Inspector under date of October 26, 1988, and by the Fire Chief with the condition that Digital fully reimburse the Fire Department for any expenses incurred by the Department as a result of moving fire alarm cable, if necessary.

Mr. Bresnahan explained that in order for Digital to make the transition from the previously approved aerial cable to underground cable, a riser from the existing New England Telephone manhole #120 must be installed to pole #8/55 on Marlboro Road. Upon questions from residents, Mr. Bresnahan represented that the work, involving a small amount of trenching, would be done on the soft shoulder, would not affect the trees, and the area would be restored to its original condition.

It was on motion by Selectmen Wallace unanimously,

VOTED: To approve Utility Petition No. 88-12 of Digital Equipment Corporation dated October 3, 1988, for permission to lay and maintain underground conduit with fiber optic and/or copper communication cable therein, under the surface of Marlboro Road for a distance of approximately 65 feet, beginning at existing NET Pole #8/55, along the soft shoulder to existing NET manhole #120 on the easterly side of the intersection of Marlboro and Maynard Roads; as shown on plans dated June 3, 1988, entitled "DEC Plan 101" and "DEC Plan 102", subject to Digital Equipment Corporation bearing all costs associated with moving fire alarm cables, if necessary, and meeting all requirements of the Fire Chief in the process of installation.

DPW Salt Abatement - Route 20

Executive Secretary Richard E. Thompson informed the Board that the Massachusetts Department of Public Works had responded, by letter dated October 12, to the Board's September 16, 1988 request for abatement of the use of sodium chloride on Route 20 in the vicinity of Raymond Road informing the

Board that DPW data indicates that an average rate of 280 lbs. per lane mile had been used (maximum 300 lbs.), and providing a list of information required to be furnished by the requesting municipality for the Department's evaluation. This material was duplicated in subsequent mailing, dated October 20, 1988, which was forwarded to all municipalities requesting salt abatement.

As an aside to the discussion concerning data to be submitted, Mr. Thompson informed the Board that Richard Carroll, former DPW Superintendent in the Town of Lincoln, had been selected by the Sudbury Water District as the new Executive Secretary and would be assuming his duties as such on November 15. Mr. Thompson will keep the Water District abreast of the current matter and solicit assistance if required.

Upon motion of Selectman Wallace it was unanimously

VOTED: To authorize the Executive Secretary to complete and sign the Public Water Supply Well Data Form required by the DPW incorporating the comments made by Selectman Cope, specifically, that the response stress the importance of the Raymond Road well field volume of water to the total used in Sudbury, and that information relative to potential as well as existing well fields be addressed.

Overlay Surplus

Upon the recommendation of Executive Secretary Thompson that the Board take action under a new law, St.1987, c.712, §2, amending c.59, §25, pertaining to Assessors' overlay accounts, the use of which would facilitate the Town's financial planning process, it was on motion by Selectman Cope unanimously

VOTED: To request that any excess balances in the Overlay Account(s) be transferred by the Board of Assessors to a reserve fund for appropriation in accordance with M.G.L. c.59, §25.

Land Gift Acceptance

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

VOTED: To accept a gift of land from Eisner Land Corporation, Frederick J. Eisner, Jr., President, shown as Parcel 407 on Town Property Map F07, at the corner of Maynard Road and Mark Lane, containing 0.01± acres, also shown as Parcel G on a plan entitled "Definitive Subdivision Plan of Twenty Acres Farm - Section II in Sudbury, Mass. " by Colburn Engineering, dated April 20, 1983, revised July 21, 1983.

Noting the parcel's potential use for highway purposes, Mr. Thompson was directed to express the Board's appreciation to Mr. Eisner.

Congratulatory Letter - Eagle Scout Gustafson

The Board noted receipt of invitation to the Eagle Court of Honor for Eric Gustafson to be held on November 30, 1988. Selectman Cope indicated that she will be pleased to attend and present the Selectmen's written congratulations which the Board then signed.

Resignation - Conservation Commission and Design Review Board

On motion of Selectman Cope it was unanimously

VOTED: To accept the resignation received October 26, 1988 from Adam B. Ames from his position on the Conservation Commission and acknowledge his concurrent resignation from the Design Review Board, praising and extending thanks to Mr. Ames for his service on these Town Boards.

Resignation/Appointment - Permanent Building Committee

On motion of Selectman Wallace, it was unanimously

VOTED: To accept the resignation received October 31, 1988 from Robert H. Ropp from his position on the Permanent Building Committee; and to appoint Elaine L. Jones, 21 Bent Brook Road, to serve the remainder of Mr. Ropp's term until April 30, 1989, upon recommendation of the Permanent Building Committee Chairman Eugene M. Bard, dated October 28, 1988.

A letter of appreciation for his service to the Town will be forwarded to Mr. Ropp.

Minutes

On motion of Selectman Wallace, it was unanimously

VOTED: To approve the minutes of October 24, 1988, as presented.

Bid Acceptance - Asbestos Removal, Fairbank Boiler

Executive Secretary Thompson noted that in conjunction with the repair of one of the two boilers at the former Fairbank School, asbestos removal was required and was contracted by Supervisor of Town Buildings Douglas Lewis.

Therefore, it was on motion of Selectman Wallace unanimously

VOTED: To accept the bid, dated June 14, 1988, from Coastal Energy, Inc. of Worcester for removing asbestos from the right side boiler in the Fairbank facility at a cost of \$5,600, in accordance with specifications provided by the DEQE, M.G.L. c.149, §6A, as requested by Supervisor of Town Buildings.

FY89 Tax Rate Classification Options

The Board noted receipt of memoranda and informational packet from Board of Assessors Chairman Patrick J. Delaney III and Assistant Assessor Dan Loughlin, dated October 26 and 25, 1988 respectively, relative to the FY89 tax rate and classification options. Executive Secretary Thompson suggested that the Board review the material in detail and express any questions to him in the next few weeks in advance of the joint meeting with the Board of Assessors. The Board voiced its appreciation to the Assessors for the clarity of the information presented.

WAC/Board of Appeals Meeting

Selectman Cope expressed her desire to attend the joint meeting of the Wastewater Advisory Committee and the Board of Appeals scheduled for November 2 for the purpose of discussing the establishment of regulations pertaining to wastewater treatment plants for an environmental review by the Board of Appeals at the time of a comprehensive permit application.

Local Arts Council Application for Lottery Funds

In conjunction with the application for Massachusetts Arts Lottery funds by the Local Council to fund its approved applications, including a disclosure form required for member Agostino DeBaggis' absence on voting upon the application of the Opera Lovers Group of which he is an officer, it was on motion unanimously

VOTED: To authorize Chairman Wallace to sign a waiver relative to Agostino DeBaggis' membership in the Opera Lovers Group as it would affect his participation as a member of the Local Arts Council, stating that the interest disclosed is not so substantial as to be deemed likely to affect the integrity of services expected from Mr. DeBaggis as a Council member.

It was noted that Mr. DeBaggis has no financial interest in the project and, in fact, the proceeds exceeding operating costs will be returned to the Local Arts Council.

Landfill Use - Model Airplane Club

The Board discussed use of the Landfill, specifically, the far rim away from Rt. 20, by a model airplane club, requested by Bill Martin through the Engineering Department. Such use, by three or four members at a time, may require the application of loam to prepare a landing strip, and possibly a graveled access which would be accomplished by the club at its own expense. Relative to Selectman Cope's queries regarding safety and access, Executive Secretary Thompson stated that the Town would be provided with a Certificate of Insurance covering the Town as owner of the property, and he would have no objection to providing the Club with a key.

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

VOTED: To approve the use of the far rim of the Landfill by the model airplane club represented by Mr. Bill Martin subject to comment from the Town Engineer and the Highway Surveyor, and further subject to receipt of a Certificate of Insurance.

On further discussion, the Executive Secretary was directed to make sure no conflict arises concerning Resource Recovery activities.

Auditor's Report - Atkinson Pool

Executive Secretary Richard Thompson called to the Board's attention auditor Arthur Young & Company's report on its recent audit of the Pool Enterprise Fund with suggestions for strengthening internal controls over

bookkeeping and money handling at the Pool as provided by Director of Finance/Town Accountant James Vanar under cover of memorandum dated October 26, 1988. Mr. Thompson stated that he would be meeting with Mr. Vanar and Budget Analyst Terri Ackerman to discuss the same and would up-date the Board after that meeting. Mr. Thompson informed the Board that the pool was functioning more smoothly, but is operating at a deficit of which the Finance Committee is aware. The Board generally discussed Ms. Cope's and Mr. Thompson's suggestions relative to marketing the pool program to increase membership and use to schools as part of a physical education program, to swim teams, to USA local teams, and to businesses and perhaps the Town as employee benefits.

Senior Citizen Christmas Party

Selectman Cope indicated that she would attend the December 6 Senior Citizen Party at the Wayside Inn.

School Building Architectural Expenditures

The Board acknowledged receipt of a copy of a communication from Marjorie Wallace, dated October 24, 1988, to Town Counsel Paul Kenny seeking his opinion relative to her contention that the vote(s) (both ballot bond exemption and April STM appropriation vote to expend funds for school building architectural services) were based upon the implied if not explicit premise that 64% would be reimbursed by the SBAB and that, since these funds are not forthcoming, any expenditure for such services is a misuse of these funds.

Reacquisition of Former Horse Pond School Building

The Board noted receipt of a communication from Thomas G. Younger, Property Transactions Manager, Office of the General Counsel, Division of Capital Planning and Operations (DCPO), dated October 20, 1988, requesting specific information regarding the Town's expressed interest in reacquisition of the former Horse Pond School building which the Massachusetts Firefighting Academy is expected to vacate in the near future, and enclosing procedures for disposition of surplus state-owned property.

At his suggestion, the Board authorized the Executive Secretary to respond in general terms relative to the municipal space needs being explored at this time and to emphasize that the sale of the building to the State originally beneficially accommodated the State's needs.

MetroWest

Selectman Cope informed the Board that she would probably attend the first MetroWest Water Analysis Committee meeting since the Town has not yet made its appointment to the Committee. Ms. Cope suggested that Ursula Lyons may have an interest in serving on the Committee and should be contacted. Sudbury will host the MetroWest Growth Management meeting on December 14 and Ms. Cope will make arrangements through the Selectmen's Office for use of the Town Hall.

Loring School Lease - Congregation B'Nai Torah

Present: President Robert Snyder and Dr. Margaret Peppercorn representing Congregation B'Nai Torah.

Robert Snyder, President of Congregation B'Nai Torah, prefaced his reading of a portion of an opinion he had submitted for publication in the Town Crier in June to clarify the Temple's position by stating that he was acutely aware of the dilemma in which the Town found itself with regard to space needs. The position paper in summary represented that: the use of the Loring School for religious, educational and enrichment programs for over 650 individuals on a regular basis and to other community groups as requested is not "outside of towns [sic] needs" and, in fact, makes a "significant contribution...to the character of the town"; a significant economic burden has been removed from the Town by its use; building improvements have upgraded the property; the tenants have been "good neighbors"; finding alternative sites for non-profit organizations is prohibitive given the cost of real estate and may force some tenants to cease operation.

All three Selectmen expressed their satisfaction with the current use of the building and their consternation that they are not able to be definitive with regard to renewal of that use at this time.

Mr. Snyder stated that he understood the Board's position and requested that if the Board had a choice of space it would consider Loring as viable as it is and good for the Town.

Ms. Cope informed those present that she had contacted School Committee Chairman Stephen Bober who represented that the Schools hoped to have an outline of its needs by mid-November. Mr. Thompson recommended that the tenants consider that any proposed use of Loring on the part of the Schools may only be temporary; there may be possibilities for coexistence on a temporary basis; and it may be that any actual discontinuance of use by the tenants would be for a short-term. None of the Selectmen queried by Mr. Snyder had any problem philosophically with shared use of the building by religious and educational entities.

Mr. Thompson reiterated his feeling that there has been a recognition of community benefit and that public support was expressed for the tenants at the public hearings held by the Schools. In addition, he stated his belief that the School Administration is sensitive to the issues.

Relative to notice in the most timely manner, Chairman Wallace suggested that the Selectmen meet with Mr. Snyder in mid-January for an update on how plans are progressing. While plans will have to be prepared for Town Meeting, Mr. Thompson added, Town Meeting itself will have an impact since several overrides are required and there are no guarantees of passage. Mr. Snyder requested that whatever the Town could do timewise as to notice would be very much appreciated.

Hughes Property Development

Executive Secretary Thompson updated the Board on his meeting with Roy Smith, the proposed developer of the Hughes property off Concord Road, which was attended by SHA Director Jo-Ann Howe and Conservation Coordinator Deborah Montemerlo. Mr. Smith is in the process of exploring his plans with the State and has nothing definitive at this time. He has been given no encouragement from the Town.

Landfill - Disposal of Appliances

Relative to Selectman Cope's query and concerns regarding the disposal of appliances and other items containing PCB's, Mr. Thompson stated that the Board had voted to amend the Landfill Rules and Regulations to prohibit acceptance of those items effective January 3 to provide opportunity to inform the public and work out an interim solution. Mr. Thompson informed the Board that he has since learned that the DEQE has issued guidelines which will allow licensed companies to take the material for processing and disposal which may mean that the items could be received at the Landfill and segregated there. Mr. Thompson will keep the Board informed.

Selectmen's Wish List

In keeping with the development of a Town-wide wish list, Selectman Cope provided her list to the Executive Secretary. Selectmen Wallace and Drobinski will provide input to the Executive Secretary for the development of the Board's list for review at its next meeting. Mr. Thompson informed the Board that Mr. Pendleton working for The Sudbury Foundation had met with him and reviewed the office wish list file.

Golf Driving Range

In response to a query from Selectman Cope concerning Conservation Commission and Planning Board concerns relative to the development of the proposed golf driving range on the Davis Land off Rt. 117, the Executive Secretary informed the Board that he had walked the site with the Conservation Coordinator and Town Engineer and the decision was made to mark the wetlands in-house rather than hire a consultant to do so. Mr. Thompson informed the Board that the Town has prepared the Special Permit application for submission to the Board of Appeals which Mr. DeFranco is in the process of reviewing with his attorney before signing. Relative to its inclusion in Zone 3 of the Water Resource Protection Districts, a Special Permit will be sought from the Planning Board if the application of fertilizers are required.

Employee Identification Cards

Selectman Drobinski suggested that the Town should provide its employees with identification cards which could be used for official business. The Executive Secretary stated that he will pursue the idea and advise the Board at a future meeting.

Performance Review - Executive Secretary

The Board reviewed Executive Secretary Richard E. Thompson's report, dated September 12, 1988, outlining the major activities and accomplishments of the office over the past year. All three Selectmen praised the Executive Secretary for the diligence, fortitude, and patience which he invests in his work on the Town's behalf; the Board concurred with Selectman Cope's opinion that "his position is the Town's best investment". Selectman Cope also suggested, with concurrence of the other Board members, that Mr. Thompson continue to work on improving the effectiveness of the Building Office/Zoning Enforcement.

Mr. Thompson informed the Board that there are basically two changes in his request for renewal of his employment contract with the Town: (1) salary increase to \$63,126 plus 4% longevity of \$2,525; and (2) request for additional \$3,000 annuity (ICMA plan) which will allow him to supplement his County retirement plan. In response to Chairman Wallace, Mr. Thompson provided further background and stated that this amount will continue on a yearly basis.

Following discussion, it was on motion of Selectman Wallace unanimously

VOTED: To approve the objectives set forth in Mr. Thompson's annual report and as noted above, and further, to renew Mr. Thompson's employment contract for FY89 as presented.

There being no further business to come before the Board, the meeting was adjourned at 9:45 p.m.

Attest: _____

Richard E. Thompson
Executive Secretary-Clerk