

IN BOARD OF SELECTMEN
MONDAY, AUGUST 28, 1989

Present: Vice Chairman Judith A. Cope and David A. Wallace.

The statutory requirements as to time and place having been fulfilled, Vice Chairman Judith A. Cope called the meeting to order at 7:35 p.m., at lower Town Hall.

Utility Petition 89-25 - North Road

Present: Stephen Kane, Boston Edison Company.

The Board reviewed Utility Petition No. 89-25 submitted by Boston Edison Company and New England Telephone and Telegraph Company for pole relocation at two locations on North Road at or near the intersection of Dakin Road and for one guy wire and anchor.

Executive Secretary Thompson noted that all appropriate abutters had been notified and approval had been recommended by the Inspector of Buildings and Wiring Inspector.

The Executive Secretary reminded the Board that emergency approval had been granted on November 9, 1987 relative to road safety improvements. Stephen Kane, representative for Boston Edison Company, further explained that this work was being done at the request of the Town.

It was on motion of Selectman Wallace unanimously

VOTED: To approve Utility Petition 89-25 of Boston Edison company and New England Telephone and Telegraph Company for permission to relocate poles at the following locations:

North Road - northeasterly side at Dakin Road, one pole (one existing pole to be removed) and one guy wire and anchor;

North Road - northeasterly side approximately 60 feet northwest of Dakin Road, one pole (one existing pole to be removed);

all as shown on plan of Boston Edison Company entitled "Plan of Private Property and North Rd. Sudbury", dated February 16, 1988.

Town Counsel

Executive Secretary Thompson explained that due to illness, Town Counsel Paul Kenny was unable to attend this evening's meeting.

Upon discussion relative to the question of setting the Fiscal Year 1990 retainer and fee for Town Counsel and Assistant Town Counsel, it was on motion unanimously

VOTED: To confirm the Fiscal Year 1990 retainer of \$27,560 for Town Counsel and the Fiscal Year 1990 fee of \$23,675 payable in twelve monthly installments to the firm of Paul L. Kenny for the provision of Assistant Town Counsel services.

It was on further motion unanimously

VOTED: To table the question of setting the hourly billable rate for matters involving litigation for Town Counsel and Assistant Town Counsel until Attorney Kenny is able to attend the discussion.

It was on further motion unanimously

VOTED: To table review of pending legal matters until Attorney Kenny is able to attend the discussion; and to request the Executive Secretary to communicate to Attorney Kenny Selectman Cope's desire to be provided with some kind of breakdown of the estimated time the pending legal matters will take.

Executive Secretary Thompson assured Selectman Cope that he would comply with her request; however, he pointed out to her that very often a matter that on its face may appear to only take an hour, may end up taking fifty hours because of complications. Thus, he believes it would be difficult for Attorney Kenny to provide the information she is seeking. Mr. Thompson suggested that if Selectman Cope so desires, she can review the past hourly sheets submitted by Town Counsel's Office relative to court work for her own information. Mr. Thompson added that he would try to comply with estimating times for pending legal matters.

Appointment of Two Permanent Fulltime Police Sergeants

Present: Police Officer Allan Houghton.

Upon consideration of the interviews held, relative to the appointment of two Permanent Fulltime Police Sergeants from Certification List dated August 8, 1989, Requisition Number 890140, and the recommendations of Police Chief Peter B. Lembo, it was on motion of Selectman Wallace unanimously

VOTED: To appoint Peter S. Langmaid and William B. Carroll to the position of Permanent Fulltime Police Sergeant, effective August 29, 1989, subject to approval by the Massachusetts Department of Personnel Administration; and to authorize the Executive Secretary to sign and file all appropriate documents relating thereto in order to effectuate same.

Executive Secretary Thompson noted the presence of Police Officer Alan Houghton, who was interviewed on August 14, 1989, and informed the Board that Officer Houghton had come into his office and Mr. Thompson had made known what the recommendations for appointment were going to be.

Selectman Cope invited Officer Houghton to address the Board, and Officer Houghton stated that he wanted to inform the Selectmen that he intends to exercise his right to appeal the appointments to the Civil Service Commission.

Walkway Easement - 200 Concord Road

It was on motion of Vice Chairman Cope unanimously

VOTED: To accept grant of Walkway Easement given by Maurice J. Fitzgerald and Winifred C. Fitzgerald relative to property located at 200 Concord Road, as set forth in Grant of Easement executed by the Fitzgeralds on August 21, 1989; and

as shown on plan entitled "Plan showing Walkway Easement over land of Maurice J. and Winifred C. Fitzgerald, Concord Road, Sudbury, MA" dated November 21, 1988, by Town of Sudbury Engineering Department.

Long Range Planning Committee - Candidate Interview/Appointment

Present: Candidate Stephen Bohac.

The Board reviewed application of Stephen Bohac for appointment to the Long Range Planning Committee and acknowledged receipt of communication dated August 24, 1989, from Robert J. Weiskopf, Chairman of the Long Range Planning Committee, informing that the Committee has unanimously voted to recommend Mr. Bohac.

Vice Chairman Cope expressed her pleasure that Mr. Bohac is willing to serve; and in response to inquiry from Selectman Wallace, Mr. Bohac informed that he met the Committee about two weeks ago and was pleased at the interest they expressed in him.

Following discussion and upon recommendation of the Long Range Planning Committee, it was on motion unanimously

VOTED: To appoint Stephen Bohac of 28 Mary Catherine Lane, to the Long Range Planning Committee, replacing former member Robert G. Johnson, for a three-year term to expire April 30, 1992.

Resource Recovery Committee - Appointment

The Board reviewed application of Eileen Gallagher Glovsky for appointment to the Resource Recovery Committee, and her attached cover letter and resume. The Board further acknowledged receipt of letter dated August 15, 1989, from Jeffrey H. Jacobson for Thomas M. White and Neal Drawas, Co-chairmen of the Resource Recovery Committee, informing that the Committee voted unanimously to recommend Ms. Glovsky.

Following review and based upon recommendation of the Resource Recovery Committee, it was on motion unanimously

VOTED: To appoint Eileen Gallagher Glovsky of 53 Thompson Drive, to the Resource Recovery Committee, replacing former member Michael LaRow, for a three-year term to expire April 30, 1992.

Board of Assessors

The Board considered the question of scheduling a joint meeting with the Board of Assessors for the purpose of interviewing candidates and appointing a member to serve until the next Annual Town Election, in accordance with General Laws c. 41, §11, to fill the vacancy occasioned by the resignation of Robert E. Tellis, as requested by the Board of Assessors in communication dated August 15, 1989.

Executive Secretary Thompson informed that he met with Assistant Assessor Daniel Loughlin earlier this day and a result of that meeting, Mr. Thompson will be meeting this Thursday with the members of the Board of Assessors in order to

discuss budgetary matters to be taken up at Special Town Meeting. At that time, he will discuss available dates for scheduling a joint meeting for the purpose of appointment and will report back to the Board.

Mr. Thompson stressed the importance of having this vacancy filled and in addition to the Town advertising same; he urged the press to make the importance of filling this vacancy known to the public. Town Crier reporter Keith Woodward noted that there had been two prior candidates that had been interviewed for this position, and in response to his inquiry, Executive Secretary Thompson stated that the Selectmen is cognizant of that fact and would hope those individuals would indicate if they have a present interest to be reconsidered.

New Town Cemetery - Transaction Requests

Pursuant to letter dated August 8, 1989, from Robert A. Noyes, Superintendent of Cemeteries, setting forth various requests received, it was on motion of Selectman Cope unanimously

VOTED: To repurchase two graves in New Town Cemetery, Section 1, Lot 9A, Deed #541 dated July 24, 1985, from Mrs. Raymond M. Foster, 45 Beacon Street, Gloucester, Massachusetts 01930, for the amount of \$300.00 (\$75.00 from Sale of Lots; \$225.00 from Perpetual Care), as set forth in letter dated August 8, 1989, from Superintendent of Cemeteries Robert A. Noyes.

And it was further on motion unanimously

VOTED: To repurchase two graves in New Town Cemetery, Section 3B, Lot 35A, Deed #446 dated July 2, 1982, from Mrs. Mary A. Holland, 111 Brigham Street, #21A, Hudson, Massachusetts 01749, for the amount of \$300.00 (\$75.00 from Sale of Lots; \$225.00 from Perpetual Care), as set forth in letter dated August 8, 1989, from Superintendent of Cemeteries Robert A. Noyes.

Mr. Noyes further informed in his aforementioned letter that he has received a letter from Richard E. Blumsack, Esquire, attorney for Kenneth Fertig of 32 Willow Road, enclosing a letter authorized by lawyers for both Mr. Fertig and Elaine Sokoloff (formerly Mrs. Fertig) that their four graves be divided (two each) and separate deeds issued.

It was on motion unanimously

VOTED: To authorize the Superintendent of Cemeteries to comply with the request contained in letter from Richard E. Blumsack, Esquire, attorney for Kenneth Fertig of 32 Willow Road, enclosing a letter authorized by lawyers for both Mr. Fertig and Elaine Sokoloff (formerly Mrs. Fertig) that their four graves be divided (two each) and separate deeds issued, for graves located in New Town Cemetery, Section 9, Lot 11, Deed #382 dated January 23, 1979.

Council On Aging - Van Donations

It was on motion unanimously

VOTED: To accept \$82.85 in miscellaneous donations for deposit into the Council On Aging Van Donation Account; and to authorize the Council On Aging to

expend the same for purposes of operating and maintaining the Council On Aging van.

Town of Brookline - Suit Regarding State Aid

Upon review, it was on motion unanimously

VOTED: To support and join in Class Action suit initiated by the Town of Brookline to ensure that the full allocation of state aid approved by the legislature is distributed in accordance with usual and established distribution formula, with all costs to be borne by the Town of Brookline, as more fully set forth in letter dated August 15, 1989, from Brookline Town Administrator Richard T. Leary.

Questionnaire on State Aid Cuts and Local Budgets - Minuteman Tech

The Board reviewed package of materials forwarded by Superintendent of Minuteman Tech School, Lexington, Ron Fitzgerald, concerning state aid cuts and local budgets.

Executive Secretary Thompson highly praised Mr. Fitzgerald for his perseverance and tenacity in keeping communities financially conscious of the effect of state cuts in local aid funding, and proposing remedial action that may be taken.

After discussion, it was on motion unanimously

VOTED: To request the Executive Secretary to use his best efforts to complete the Questionnaire on State Aid Cuts and Local Budgets prepared by Minute Man Tech Superintendent Ron Fitzgerald; and to request the Executive Secretary to communicate to Mr. Fitzgerald that the Selectmen support his efforts and will make certain Sudbury's local representatives are made aware of the Town's support and desire to assist however it can.

Upon inquiry by Vice Chairman Cope, Executive Secretary Thompson confirmed that Dr. Lawrence Ovian, Sudbury's representative on the Minuteman School District Committee, is kept apprised of relevant issues and he will make certain Dr. Ovian be informed of this data and become involved.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the meeting of August 14, 1989, as corrected; and to approve the minutes of the executive session held August 24, 1989, as presented; subject to comment by Chairman Drobinski.

Fairbank Facility - Design Services

Based on urgent request dated August 28, 1989, of Bruce Ey, Chairman, Permanent Building Committee, in order to expedite the required roofing work to the Fairbank building; and further based on assurance that the contract has been reviewed and approved by Town Counsel's Office, it was on motion unanimously

VOTED: To execute in duplicate the design services contract between the Town and Rizza Associates, Inc., for roofing design work included in Phase II additions and renovations to the Fairbank facility; and to authorize the Chairman or Vice Chairman to sign the contract for the other portion of work for the Fairbank facility upon presentation.

Ft. Devens Land Application

It was on motion unanimously

VOTED: To confirm the signing by Vice Chairman Judith A. Cope of the Application to the National Park Service prepared by the Conservation Coordinator, as authorized by the Board on August 14, 1989.

Carding Mill Building - Meeting with Sudbury Valley Trustees

Present: John Taft, Robert Anderson, Richard Davison and Allen H. Morgan of Sudbury Valley Trustees; Conservation Coordinator Deborah Montemerlo; Frances H. Clark, Robert A. Lancaster and John P. Nixon, Jr. of the Conservation Commission; Frank Stewart of Northland Development.

Vice Chairman Judith A. Cope convened a meeting with the Sudbury Valley Trustees (SVT) relative to their interest in using the Carding Mill Building.

The Board acknowledged receipt of the following:

1. Letter dated June 15, 1989 from Allen Morgan for SVT, expressing interest in working out an agreement with the Town to lease the Carding Mill building;

2. Memorandum dated August 2, 1989, from Conservation Commission Chairman Gordon Henley offering recommendations for use of the Carding Mill building based on the Commission's discussions, inspection of the building and discussions with Arden MacNeill, Jr.;

3. Memorandum dated August 22, 1989, from Sudbury Housing Authority Chairman Jo-Ann Howe, outlining disadvantages the Housing Authority believes to exist concerning use of the Carding Mill building either as rental property to a Town employee or to a qualified family on their affordable housing list.

At the invitation of the Vice Chairman, John Taft introduced himself and fellow officers of the Sudbury Valley Trustees, which included Robert Anderson, President; Richard Davison, Treasurer and Vice President; and Allen Morgan, Executive Director. Mr. Taft noted that Richard Davison is also a member of the Wayside Inn Trustees.

Mr. Taft stated that the SVT was interested in meeting with the Selectmen at this time because SVT's situation has changed since the last meeting regarding Carding Mill, as well as the Town's situation. Mr. Taft went on to say that the Town now has title to the Carding Mill Building; and SVT has sold their headquarters at the Smith House on Boston Post Road.

Mr. Taft informed that SVT has leased office space at 215 Boston Post Road for a period of one and one-half years. This action was taken by them with the

view of ultimately being located in the Carding Mill building by the time the lease expires.

Mr. Taft displayed polaroid photographs to refresh the Selectmen's recollection of the physical characteristics of the building and its surroundings. Mr. Taft further stated that the building is 100 feet long and 25 feet wide, for a total of 2,500 square feet of space.

Mr. Taft stated that SVT cannot think of a better place for its operations, since it is a spot that not only would represent a materialization of the philosophies of SVT, but also is very near and dear to the townspeople and the Wayside Inn.

As a point of history, Mr. Taft explained that as best as he could tell, this building was put up by Henry Ford about sixty years ago, and chestnut timbers were used. A slate roof was put on at a later date, which proved deleterious to the building; but the situation was corrected by the MacNeill family. There was an apartment area built for use by Mrs. MacNeill's mother and sister; but the furnace is not operational at this point in time.

Mr. Taft further pointed out that SVT would expect to replace the electrical service and would need to hook up to Town water, since it appears water has been supplied by a well on the property. Mr. Taft stated that he believes the septic system is probably a cesspool and thus a new septic system will have to be installed.

Mr. Taft informed that the space is bigger than the present needs of the SVT and they would start by renovating 1,500 square feet, although they would thoroughly clean out the entire building, and provide full insulation, new windows, etc. Mr. Taft was pleased to note that the roof appears to be fine and the foundation is sound.

Mr. Taft continued by stating that although the SVT has talked in the past of spending \$100,000 for this project, they would go into this project with their eyes open and they realize it is not an inexpensive proposition. For that reason, the SVT would hope for a ten-year lease from the Town, and that some wording could be placed in the lease to let future Selectmen know it was not the intention of the Town to necessarily end the tenancy at the conclusion of the ten years, but leave the option for renewal open to both parties.

Mr. Taft reminded that pursuant to the deed from Northland to the Town, the Town has the obligation to maintain the building and the surrounding grounds. Mr. Taft believes that everyone is concerned that if nothing is done the building will become subject to vandalism, as there are already signs of additional trash being scattered about the property. Mr. Taft opined that as soon as the building is occupied, it will become unattractive to vandals; and he further expressed his opinion that most of the vandalism appears to take place during the day.

Mr. Taft further informed that prior to Mrs. MacNeill's mother and sister living in the building, Mrs. MacNeill recollected that it was rented for about \$200 per month. He cited a SVT current rental at \$250 a month, and a Town lease at Haynes Meadow for \$450 a month. Thus, Mr. Taft concluded, he does not believe a residential rental of the property by the Town would be a "money

maker", since the Town would have to expend substantial monies to make it habitable.

Mr. Taft stated that the SVT is very fortunate to have a lot of support from people concerned about that property and what it means to the Town. He mentioned Daniel Coolidge, Chairman of the Trustees of Wayside Inn and Frank Koppeis as two individuals who think occupation of the building by SVT would be marvelous.

Mr. Taft stated that the SVT is looking this evening for the Selectmen to say "yes, we want to work out an arrangement with the Sudbury Valley Trustees." This declaration would then allow the attorney for SVT to work with Town Counsel and address particular concerns.

Mr. Taft concluded his presentation by displaying a plan showing the area and the building in question.

Vice Chairman Cope stated that she had a lot of questions she needed addressed, such as how other members of the SVT feel about spending SVT money on this project. As a member herself, Ms. Cope queries whether the money should go into protection of land rather than restoration of a building.

Mr. Taft pointed out that although Mrs. Smith had given the former headquarters of SVT to them, they still had to pay a life-long stipend to her for their occupancy. Additionally, SVT has now had to enter into a lease agreement for office space and will be paying rental monies on that. He concluded by stating that some of the money for the project would come from the proceeds realized on the sale of the Smith house. Mr. Davison further pointed out that if the Carding Mill building occupancy were not to happen, then SVT would still be in the position of having to use capital to buy some other place, since leasing would not really be the wise thing to do. Mr. Davison stated that he agrees with Ms. Cope that the goal of SVT is land preservation, but he believes the dilemma is rather that SVT would have to discontinue leasing and try to find a place for purchase rather than pay rent. Mr. Davison concluded by stating that he believes the money that would be spent on renovation of the Carding Mill building would not be as much as SVT would have to expend to purchase another building.

Selectman Wallace stated that he recalls at the joint meeting held two years ago, the discussion concerning length of lease revealed that by law the lease could be no longer than ten years. Mr. Wallace asked if SVT is willing to take the risk that after such a substantial investment of money into improving the building, and even with language that would give SVT an option to renew by mutual agreement of the parties, if the Town does not wish to renew, SVT will have to vacate. Mr. Wallace further pointed out that it appears that SVT is looking for the Town to commit the occupancy of the building by SVT for ten years without SVT having to make any leasing payments of any kind. Mr. Wallace calculated that even if the SVT were to expend \$100,000 in improvements, over a ten-year period that would only amount to \$1,000 a month.

Mr. Wallace stated that his concern is therefore a financial one. He agrees that it is a lovely spot for SVT and acknowledges that realistically the Town does not have the money to develop it into housing at this time. Mr. Wallace said that he is glad that SVT is interested in it and is willing to

spend the money to put it into good condition. However, Mr. Wallace continued, he does not believe the property should be tied up forever; he is concerned with the perpetuity aspect of the suggestion Mr. Taft made that wording be used that the present Selectmen mean the occupancy to extend beyond the ten years.

Mr. Wallace stated that as a Selectman he has a responsibility to think of the financial impact on the Town. His thought is that an arrangement with SVT would fit; and having a tenant would provide continuity and be beneficial not only to the Town but Northland as well. But Mr. Wallace suggests that the Town should possibly realize some income from the property after a couple of years.

Executive Secretary Thompson suggested the lease could be divided five years without payment and five years with lease payment, and Mr. Wallace concurred that this is an avenue that could be explored.

Frank Stewart of Northland Development stated that he believed it was important for him to be here this evening, because the way the deed is written, Northland does have a responsibility to provide input as to use of that property.

Mr. Stewart gave a brief summary of the history of the purchase by Northland of this property; and he stressed the important role SVT has played in bringing this about from the beginning. As a result of many discussions and great interaction and communication, Northland was able to gradually evolve its project into the first cluster development in the Town of Sudbury.

Mr. Stewart reiterated his concern about the Town's use of the land deeded to them and stated that early in discussions Northland felt SVT would be an appropriate organization to manage the land. Mr. Stewart assured that he was here this evening trying to be an impartial third party, knowing that it is always difficult to get a perfect use for a particular property. However, Mr. Stewart continued, as far as Northland is concerned, the proposed use by SVT is one of the more desirable alternatives for that building.

Mr. Stewart stated that Northland is concerned about how the building is used, whether residential or commercial, and he echoed the comments that he is aware of the increased vandalism. Mr. Stewart stated that he is very concerned about the dam, and cited the vandalism caused by a fisherman who removed the drainage boards; thus causing the entire pond to be covered completely with algae. Mr. Stewart stated that he therefore believes having either a tenant or occupant who would be in residence during the daytime would be very important. Mr. Stewart went on to say that Northland thinks it appropriate for SVT to be there on Carding Mill Pond, and to have them there to help all parties to clean the Carding Mill Pond and watershed.

In conclusion, Mr. Stewart stated that Northland is not concerned about a commercial use of the building; but there would be concern about some other types of uses.

Mr. Taft interjected a reminder that there is a requirement that the Town maintain the fields as well as the building, and the SVT thinks it only appropriate that they would take on this responsibility.

Mr. Stewart wished to make a final comment and reiterated that there may be no perfect use for that structure. His concern with a residential use would be that the people would be gone for the day. Mr. Stewart concluded by saying that it should be kept in mind that one of the reasons that this development has come about is the work of all of the parties involved; but especially the assistance rendered by SVT, whose input and guidance has been a great help.

Frances Clark of the Conservation Commission referred to the Commission's memorandum dated August 21, 1989, and stated that based on that memo and further information she would take issue with some of the points raised by Mr. Taft, countering:

1. There are two furnaces, one of which needs to be replaced;
2. The septic system is in very good shape because Mr. MacNeill had planned to use that building for possible community use as a day care center;
3. The MacNeills have rented the building for \$750 per month with no utilities included. Ms. Clark calculated that at that rate, over ten years, that could generate \$90,000.00 to the Town.

Ms. Clark went on to say that the Conservation Commission is favorable to its suitability for use by a Town employee. Ms. Clark further stated that she believes Mr. MacNeill was very concerned about having somebody there during the nighttime, since the prior tenancy saw no problem with vandalism.

Ms. Clark stated that the Commission's essential position has been that the Town should consider the property as a rental site versus a long-term commitment. She continued by stressing that the Commission does not mean to malign the intent of the SVT, and the Commission definitely wants to continue cooperation with them to come up with the right use.

Ms. Clark concluded by stating that the Conservation Commission believes its position has to be to recommend the Board of Selectmen look at a year-to-year tenant option as opposed to what SVT is looking for.

Conservation Coordinator Deborah Montemerlo wondered if there was a possibility that the building could be occupied by a residential tenant, such as a caretaker, at the same time it is occupied by SVT. Vice Chairman Cope opined that that would take care of the night/day coverage issue and stated that it would be something to explore.

Executive Secretary Thompson expressed his opinion that any discussion with the Conservation Commission regarding rental of the building for affordable housing is totally inappropriate, since that is the field of endeavor of the Housing Authority.

With regard to Town finances, Mr. Thompson assured that within the next five years, the Town simply would not have the money to do any repairs to that property. Ms. Montemerlo opined that spread out over the next ten years, however, the net gain to the Town might be worthwhile.

Executive Secretary Thompson suggested that verification is needed with regard to the septic system, since there appear to be two different opinions concerning it.

Ms. Clark noted specific wording in the deed itself grants the site to the Town "...acting by and through its Conservation Commission." Mr. Thompson stated that Town Counsel Paul Kenny has determined on numerous occasions that only the Board of Selectmen may lease. Since Mr. Kenny is not present this evening to address the issue of the specific wording of this deed, Mr. Thompson stated that he would bring this to Attorney Kenny's attention.

Selectman Cope referred to memorandum dated August 22, 1989, from Jo-Ann Howe, Chairman of the Sudbury Housing Authority, and the Conservation Commission stated they were aware of said memorandum. Ms. Cope quoted the four issues raised by Ms. Howe, which the Housing Authority cites as disadvantages to the idea of rental to a Town employee. Ms. Cope stated she attempted to reach Ms. Howe for clarification, but has been unable to do so. Thus, Ms. Cope would like further discussion regarding the Housing Authority's position.

Mr. Taft apologized to the Selectmen for bringing this discussion to the meeting and stated that if the SVT and Conservation Commission had been able to discuss the matter prior to this evening, many of the issues raised might have been addressed. Both Vice Chairman Cope and Selectman Wallace concurred that it is an excellent idea that SVT and the Conservation Commission meet and hope they will plan to do so soon.

Selectman Wallace stated that he believes all points are well made and stressed that the Town has a legal obligation to maintain that property. It is agreed that the property has shown increased vandalism and has been vacant, so some tenant must get in there soon. Mr. Wallace concurred with the suggestion that a co-tenancy might be a viable solution; but the whole plan needs more coordination.

Ms. Clark stated that the Conservation Commission would be glad to work with SVT and assured that its position is not cast in stone. To that end, Ms. Clark, on behalf of the Conservation Commission, extended an invitation to the SVT to attend its meeting scheduled for September 18, 1989; and Mr. Taft, on behalf of the SVT, accepted said invitation.

The meeting concluded with the intent that if the meeting between the Conservation Commission and the SVT is held as scheduled, the Selectmen will schedule a follow-up meeting either the end of September or the beginning of October.

Performance Review - Town Treasurer/Collector

Present: Chester Hamilton, Town Treasurer/Collector.

The Board met with Town Treasurer/Collector Chester Hamilton for the purpose of conducting a performance review and receipt of Mr. Hamilton's report dated May 30, 1989, was acknowledged.

In Mr. Hamilton's opening remarks, he reminded the Board that this is the first time as an appointed official that he was required to prepare such a Report, and offered to expand or clarify any item he may not have included.

Despite the concurrence by the Board that Mr. Hamilton has done an outstanding job, Mr. Hamilton felt compelled to point out some of the negative factors of his position. Most notably, Mr. Hamilton expressed his continuing concern and frustration regarding delinquent taxpayers and stated that a great part of the problem is that the majority of those delinquent taxpayers are developers who have developed a working knowledge of the systems and boundaries of just what action may be taken against them by the Town. Unfortunately, Mr. Hamilton stated, those individuals know that time is on their side and thus feel comfortable in taking their time in paying their legal obligations. In spite of this, however, Mr. Hamilton promised continued aggressive pursuit of all delinquent taxpayers and stated that contrary to past practices, he is prepared to immediately take the next step as statutory time limits expire.

Mr. Hamilton also stressed his belief that optimum performance for the Town will not occur unless and until the physical locations of the Town Accountant, Assessors and Town Treasurer/Collector are brought together.

Selectman Wallace again commented that Mr. Hamilton is doing a great job; and Vice Chairman Cope thanked Mr. Hamilton for all the work he has done for the Town.

It was on motion unanimously

VOTED: To accept Performance Report dated May 30, 1989, submitted by Town Treasurer/Collector Chester Hamilton; and to approve Mr. Hamilton's salary for FY 1990 as voted at the 1989 Annual Town Meeting, at \$47,160 per annum.

Fairbank Facility - Approval of Borrowing

Present: Town Treasurer/Collector Chester Hamilton.

Upon review of memorandum dated August 21, 1989, from Town Treasurer/Collector Chester Hamilton, concerning borrowing for the renovations, construction, roofing, and asbestos removal at the Fairbank facility, it was on motion unanimously

VOTED: To authorize borrowing a total of \$875,000 for renovations and new construction (\$720,000), roof repairs (\$100,000) and asbestos removal (\$55,000), as voted at the 1989 Annual Town Meeting under Articles 8, 9 and 10.

Old Meadow Road - Continued Public Hearing Re: Street Layout

Present: Laura B. and Frederick F. McCarthy; Susan Bistany; Stephen P. Garabedien and Richard D. Paris of the Sudbury Housing Authority.

At 9:15 p.m. Vice Chairman Cope convened a continued public hearing on the question of the Board taking a vote to lay out a portion of Old Meadow Road, from Elliot Road southerly to a dead end, a distance of an average of 197 feet, more or less, to be submitted to the September 12, 1989 Special Town Meeting for acceptance as a public way.

Executive Secretary Thompson stated that although he was not present at the hearing held August 14, 1989, he has read the minutes of same and been made familiar with the questions and concerns raised at that time. Mr. Thompson reiterated the comments made at last week's hearing that its purpose is to solicit and bring out concerns of interested parties and townspeople.

Mr. Thompson informed that since that last meeting, Assistant Town Counsel David Doneski has contacted the McCarthys' attorney and as a result of those discussions Attorney Doneski prepared memorandum dated August 28, 1989. The memorandum was distributed, and Mrs. McCarthy queried whether the memorandum means that if there is a Town taking of a portion of their property, then the remaining property will not become a non-conforming use. Mr. Thompson urged the McCarthys to consult with their attorneys concerning details of same.

Mr. Thompson urged those present to understand that the vote in question is part of a formal procedure that must be followed precisely in order to allow an article concerning this street acceptance to go before the Special Town Meeting. For that reason, Mr. Thompson informed that he recommends the Board vote the layout. Between now and the Special Town Meeting, Mr. Thompson continued, if there is something asked, then the article would either have support of the Selectmen withdrawn, or it would not be voted by the townspeople.

The revised plan dated August 14, 1989, was displayed and compared with the old plan. All parties reviewed the revised plan and confirmed that all revisions were made in accordance with the concerns raised at the last meeting. Mrs. McCarthy further confirmed that she has a copy of said revised plan.

In answer to inquiries by Mrs. McCarthy, Executive Secretary Thompson explained that the plan would be displayed at Special Town Meeting; and further, that full portion of the road would become a public way if approved.

Susan Bistany of 21 Old Meadow Road pointed out that one of the concerns raised at the last meeting was if a perc test was done and, if so, when it was done and what the results were. Vice Chairman Cope conceded that this information was promised, and the Executive Secretary apologized for not having this information this evening. Mr. Thompson pointed out, however, that this information is irrelevant to the issue of this hearing and vote.

In an attempt to address the issue of the perk tests, Stephen Garabedien and Richard Paris of the Sudbury Housing Authority read from notes left them by Chairman Jo-Ann Howe, who was on vacation. According to the notes, Mr. Paris stated it appears that the land was perked on August 10, 1988 and performed just fine. Mr. Garabedien added that he believes Board of Health Director Robert Leupold and Town Engineer I. William Place are aware of the perk tests and that neither of them saw any problem.

Mr. McCarthy strongly opposed the conclusions reached by Messrs. Garabedien and Paris, and stated that it is his belief that the test was a failure. Rather than debate the matter, since neither Mr. Leupold or Mr. Place was present, Mr. Thompson stated that he would personally follow up on the issue and report back to the Selectmen and the McCarthys. In the meantime, he suggested that the McCarthys themselves contact the Board of Health directly so that they may receive an immediate response to their questions.

After further discussion, it was on motion unanimously

VOTED: To lay out a portion of Old Meadow Road, from Elliot Road southerly to a dead end, a distance of an average of 197 feet, more or less, to be submitted to the September 12, 1989 Special Town Meeting for acceptance as a public way.

Performance Review - Executive Secretary

Present: Executive Secretary Richard E. Thompson.

The Board reviewed Performance Report dated August 21, 1989, submitted by the Executive Secretary.

Vice Chairman Cope was joined by Selectman Wallace in her praise of the continuing good work that Mr. Thompson is doing on behalf of the Town.

It was reported that, although Chairman Drobinski was unable attend this evening's meeting, he wished it be made known that he highly commends Mr. Thompson for his performance.

Vice Chairman Cope praised Mr. Thompson's eight stated objectives for this year; and at her request, and after discussion, Mr. Thompson amended his objectives list by adding a number 9 to read as follows:

"9. To assist in meeting the goals of Selectmen as finalized on August 14."

The Board acknowledged receipt of letter from townsperson Ralph Tyler of One Deacon Lane, who gave a strong endorsement of Mr. Thompson, stating that the Town is "lucky to have him working on behalf of our community".

It was on motion unanimously

VOTED: To accept Performance Review dated August 21, 1989; and to authorize the Chairman to sign Employment Contract for Richard E. Thompson, Executive Secretary, Fiscal Year 1989-90, as presented, which includes a base annual salary of \$66,914, plus 4% longevity of \$2,677 and \$3,000 annuity.

Massachusetts Municipal Association

The Board noted receipt of the MMA's legislative proposals and funding goals and strategies under letter dated August 10, 1989 from Executive Director Sheila Cheimets and indicated its intention to seek legislative support for the pending legislation.

Eagle Scout - Jeffrey L. Williams

The Board acknowledged with pride letter dated August 23, 1989, from M. Eileen DePompei, advising that resident Jeffrey L. Williams, 35 Haynes Road, has advanced to rank of Eagle Scout.

The Board directed the Executive Secretary to prepare a congratulatory letter for signing to be presented at the award ceremony on September 24.

There being no further business to come before the Board, the
Chairman adjourned the meeting at 10:30 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk