

IN BOARD OF SELECTMEN  
MONDAY, JANUARY 30, 1989

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

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

Post Office - Trailer Request

The Board continued its consideration commenced at the Selectmen's meeting of January 9, 1989, of an application dated December 30, 1988, from Sudbury Postmaster Ronald H. Packard, to place a 32-foot trailer behind the post office on Union Avenue to be used for storage purposes; and they acknowledged receipt of the following:

1. Letter dated January 24, 1989, from Town Engineer I. William Place, commenting that: (a) applicant must submit a scale-drawing of the plan, pursuant to Zoning Bylaw Section 5.b; (b) it is unclear whether the trailer could be situated on the proposed area and meet the required five-foot sideyard setback; (c) current zoning requires one space per 200 square feet of gross floor area, or approximately 35 parking spaces, and the Post Office currently has only 32 parking spaces. The letter concluded with a recommendation that a permit be granted for one year with the understanding that an expeditious effort be made by the Postal Service to find a suitable facility.

2. Memorandum dated January 27, 1989, from Police Chief Peter B. Lembo suggesting that if a one-year permit is issued, there should be a stipulation that the permit will not be renewed at the end of the one-year period because of the severe traffic and parking congestion problems caused by the cramped post office facility.

3. Memorandum dated January 27, 1989, from Fire Chief Michael Dunne, supporting a one-year permit provided the United States Postal Service agrees to efforts to find a suitable facility.

4. Note dated January 28, 1989, from Postmaster Ronald Packard attaching sketch addendum to show placement of an 8 x 32 trailer on the grassy area behind the Post Office.

In response to inquiry by Selectman Cope, the Executive Secretary stated that the Grande property on Union Avenue was the property the Postal Service thought ideal for its purposes; but it is his belief that negotiations have ceased. Mr. Thompson continued by stating that he believes the Chiswick site on Union Avenue was also looked at but negotiations were put on hold. Mr. Thompson concluded by stating that it is his understanding that the Sudbury Post Office is on the high priority list for the Postal Service to find a new location.

In response to further inquiry by Selectman Cope, Mr. Thompson stated he understands that the Post Office will need access to the materials it intends to store in the trailer; thus it would not be feasible to use an off-site location for the trailer.

Chairman Wallace indicated that he would be willing to allow a one-year permit so long as it is expressly understood that the permit will not be renewed unless for some exceptional, unanticipated reason.

It was on motion of Selectman Drobinski unanimously

VOTED: To grant a one-year permit to the United States Postal Service for the placement of an 8' x 32' trailer behind the post office at 16 Union Avenue to be used for storage purposes and to waive the \$50 filing fee therefor; subject to the comments expressed by the Town Engineer in his letter dated January 24, 1989, and Police Chief and Fire Chief in their letters dated January 27, 1989; with the express agreement that the United States Postal Service will use its best efforts to actively seek a larger and more suitable location for the post office and with the understanding that said permit will not be renewed except for extraordinary circumstances.

Unclassified Budget - Amendment

Upon review, it was on motion of Chairman Wallace unanimously

VOTED: To amend the Fiscal Year 1990 Unclassified Budget by increasing Account No. 311, Worker's Compensation, from \$110,000.00 to \$125,000.00.

Wood-Davison House - Donation

It was on motion of Selectman Drobinski unanimously

VOTED: To accept on behalf of the Town a donation of \$500.00 from the Sudbury Companys of Militia and Minute, which will be deposited in an account to be established in the name of the Wood-Davison House Restoration Fund and used for the project of moving and restoring the historic Wood-Davison House.

Election Officer - Resignation

It was on motion of Selectman Cope unanimously

VOTED: To accept the resignation dated January 24, 1989, of Marilyn E. Palmer of 370 Peakham Road, as Republican Election Officer, Emergency Inspector, for the term 1988-1989 Election Year.

Conservation Restriction - Borden Hill Subdivision

It was on motion of Chairman Wallace unanimously

VOTED: To confirm the signing on December 14, 1988, of a Conservation Restriction granted by Ponchatoula Ltd., Philip Y. DeNormandie, General Partner, to the Sudbury Valley Trustees on Lots 2 and 3 of the Borden Hill Subdivision off Goodman's Hill Road.

Minutes

It was on motion of Selectman Drobinski unanimously

VOTED: To approve a portion of the minutes of January 23, 1989, as corrected.

Fire Department

Upon review of letter dated January 27, 1989, from Fire Chief Michael Dunne, it was on motion of Chairman Wallace unanimously

VOTED: To accept a donation of ten fire extinguishers from the General Electric Company, Lynn, Massachusetts, through the assistance of resident Joseph Skinnion of 49 Brookdale Road; and to request the Executive Secretary to send an appropriate letter of thanks for same.

Ft. Devens Annex Land - Sudbury Valley Trustees

The Board reviewed letter dated January 27, 1989, from Barbara Mackey of the Sudbury Valley Trustees, enclosing package describing the Trustee's application process for a grant to do a master plan of the Ft. Devens Annex, and requesting the support of the Selectmen for such application.

Executive Secretary Thompson explained that once the final application is prepared for submission by the Sudbury Valley Trustees, it will require the signature of the Chairman of the Board of Selectmen in order to be properly considered. Mr. Thompson pointed out that this land is the subject of a joint meeting later this evening with the Sudbury Housing Authority and the Sudbury Housing Partnership Committee, to which the public is invited. Mr. Thompson expressed his belief that the Sudbury Valley Trustee's request would not conflict with any plans or desires the residents, the Housing Authority or the Housing Partnership Committee might discuss; and in fact, may assist the Town in the long run.

It was on motion of Selectman Drobinski unanimously

VOTED: To authorize the Chairman to sign the Sudbury Valley Trustee's application to the Massachusetts Council for the Arts and Humanities for a grant to fund a master plan of the Ft. Devens Annex property in Sudbury, Maynard, Stow and Hudson, if and when prepared and presented by the Trustees to the Selectmen.

The Board requested that the Executive Secretary request the Sudbury Valley Trustees to keep all interested parties, the names of which are on file at the Selectmen's Office, notified of developments as they occur.

Resource Recovery Committee - Landfill Enterprise Fund

Executive Secretary Thompson reported that the Resource Recovery Committee is still attempting to re-work the Enterprise Fund for the Landfill, and there is a recommendation that the Commercial and Special Permit Fees voted at the Selectmen's meeting of January 23, 1989, be changed from a 35% to 45% increase. Mr. Thompson explained that the Highway Department feels the projected estimate of \$300,000 based on this year's receipts was too high, and a recalculation shows the figure to be closer to \$260,000.

Mr. Thompson further reported that late last week and over this past weekend, the Resource Recovery Committee has revised its figures relating to the proposed Resource Recovery Center to \$79,650, which still excludes final cover material. Mr. Thompson has spoken with Committee member Linda Bolton and that the Highway Department and Resource Recovery are meeting this evening with the Finance Committee to discuss the same. It is Mr. Thompson's recommendation that the Selectmen continue to support the figure of \$75,000.

It was on motion of Selectman Cope unanimously

VOTED: To amend its vote of January 23, 1989, relative to increasing the Commercial and Special Permit Fees for the Landfill, by changing the increase of thirty-five (35%) percent to an increase of forty-five (45%) percent commencing Fiscal Year 1990.

Sudbury Water District February 1989 Annual Meeting

Executive Secretary Thompson handed out copies of two petition articles which will be on the warrant for the February 1989 Water District Annual Meeting. Mr. Thompson informed that he reviewed the same with Water Superintendent Richard Carroll this date and subsequently with Town Counsel Paul Kenny. Mr. Thompson suggested that an alternate motion to be made at the Annual Meeting might be considered in order to have this article enacted, if approved, in a beneficial manner.

Regularly Scheduled Meeting of February 27, 1989

Due to the fact that the Sudbury Water District's Annual Meeting is scheduled for 8:00 p.m., Monday, February 27, 1989, and upon a concurrence by the Selectmen that it is important for them to attend same, it was on motion unanimously

VOTED: To cancel the Town Forum scheduled during the Selectmen's meeting of February 27, 1989; to reschedule all agenda items currently scheduled for said meeting; and to convene said meeting at 7:30 p.m., for discussion of miscellaneous or emergency items only.

At the request of the Selectmen, Executive Secretary Thompson, when notifying cancellation of the agenda items scheduled for February 27, 1989, will urge attendance at the Sudbury Water District's Annual Meeting to be held at Upper Town Hall, Monday, February 27, 1989, at 8:00 p.m.

Fort Devens Training Annex Land - Joint Meeting with Sudbury Housing Authority and Sudbury Housing Partnership Committee

Present: Jo-Ann Howe, Virginia M. Allan, Steven J. Swanger, Sudbury Housing Authority; Stephen P. Garabedien, Sudbury Housing Partnership Committee; approximately twenty abutters and residents.

The Chairman convened a joint meeting with Sudbury Housing Authority and Sudbury Housing Partnership Committee relative to the Sudbury Housing Authority's application, dated January 4, 1989, to the Division of Health Facilities Planning for lease of the federal surplus land known as the Fort Devens Training Annex, consisting of approximately 254 acres, for construction of low-income and affordable housing projects.

Executive Secretary Thompson apologized for the short notice inviting the public to attend, stating that the Government's fast deadline for submission of the application caused the Selectmen to believe it would be in the Town's best interests to meet as soon as possible in order to conduct a preliminary discussion and receive input from Town boards and the residents.

Sudbury Housing Authority (SHA) member Steven J. Swanger opened the discussion by stating that there have been discussions going back many years concerning the military land. At some point, the Town heard mumblings that Fort Devens land might become available, as the General Services Administration was thinking about "excessing" the land. The SHA expressed interest for affordable housing on some of the land; and the Conservation Commission expressed concern about preservation of open space on some of the land. Mr. Swanger stated that late in the Fall, the SHA received word that the disposition process had been halted temporarily because of a lawsuit filed on behalf of the homeless, which argued that before any federal land is excessed, the land be evaluated for its potential use for the homeless.

Mr. Swanger explained that while SHA is not in the business of building temporary shelters, affordable housing is the long-term solution for the homeless. In fact, Mr. Swanger continued, there have been a number of studies in recent years indicating that one of the major causes for the increase in homelessness has been the fact that the federal government has gone out of the business of producing affordable housing; thus, the SHA thought this would be an opportunity to present to the federal government a plan for affordable housing which would indirectly address the issue of homelessness. Mr. Swanger pointed out that there has been a lot of media discussion about what is meant by the term "homeless" as it relates to the wishes of the SHA. Mr. Swanger stated that he wished to make it clear from the outset that the SHA has never talked about setting up a homeless shelter on the property or transporting hordes of people from the streets of Boston and bring them out to Sudbury. What the SHA proposes, ultimately, is to build a new neighborhood on some of that land, a mixed-income neighborhood.

Mr. Swanger continued by stating that the SHA feels strongly that the entire property would not be used by them, but that the Town could become involved by making certain a portion remains as open space, or is used for other Town needs.

Mr. Swanger explained that the SHA had to move quickly on submitting something to the government, because it faced a very short time frame within which to respond. It is the understanding of the SHA that once HUD deems this and several other pieces of property throughout the country eligible or suitable for use for the homeless, any proposals for that use would be entertained and any properties which were not would then be turned over to General Services Administration for excessing. Mr. Swanger stated that he has heard that if this occurs, the GSA will want to dispose of these properties at the market rate.

Mr. Swanger expressed the concern of the SHA, and he believes which should also be a concern of the Town, is that with the luxury-home market bottoming out, the kind of developer who could buy the land at market value might be one who would develop it into a high-density project, because as long as the Town is not up to the ten percent affordable-housing figure, a developer could come

in, use a State subsidy program and override the Town laws by obtaining a comprehensive plan permit.

Mr. Swanger stressed that the proposal submitted by the SHA is enormously preliminary, put together on very short notice, that the SHA would build 200 units of housing, 60 of which would be owned by SHA and subsidized by the State, the others offered for moderate or upper income housing. The SHA has communicated to the Selectmen that while the proposal does not speak directly about open space, it is clearly the intent of the SHA to provide for same; and they want to discuss with Town boards this aspect of the property.

Mr. Swanger went on to say that the SHA had heard that HUD had deemed the property unuseable for the homeless; however, communication with the National Coalition for the Homeless confirmed that to the contrary, HUD had determined this property entirely suitable for housing, and in fact HUD is very upset that the Town down-zoned the property some years ago.

Mr. Swanger shared with those present a letter that SHA received from the Department of Health and Human Services, explaining that HUD had taken a look at the property (without physically visiting the site) and deemed it eligible for use for the homeless; the process then moved on to the Department of Health and Human Services, who reviewed proposals from groups such as the SHA and made recommendations to the GSA about the advisability of moving forward with specific plans. Mr. Swanger read from the letter, citing a number of items the Department advised were omitted from the application and suggesting the SHA resubmit the application with this further information and/or response.

A resident inquired as to the definition of "homeless" and Mr. Swanger responded that because of the unusual speed in which this application process is being conducted, guidelines and definitions from the agency are absent. Since there was no particular definition of "homeless" given, the SHA has chosen to define it in fairly broad terms. It is the feeling of the SHA that many of the families on its waiting list, currently living with relatives in over-crowded conditions, are "homeless" in that they have no permanent place to live.

Referring back to the letter by the Department of Health and Human Services, Mr. Swanger opined that it appears the Department may want SHA to restrict its proposal only to units that would directly serve people on the waiting list, rather than a mixed-income type of development. The Department may also not want to hear about open space issues. Mr. Swanger stated that the letter makes it clear that they are only considering temporary construction. Mr. Swanger concluded that the SHA is not sure of where to go from here and he therefore cannot state what the response of the SHA will be to the Department's letter. Mr. Swanger did state, however, that he believes there are a few options: withdraw the proposal altogether; leave the proposal as it is but expand on the issues of utilities and environmental analysis, thus making a stronger case concerning a mixed-income development; or to address the minor issues and scale the proposal down to include only the lower-income homes. Mr. Swanger concluded by stating that the SHA would welcome input from the Town boards and residents.

Selectman Drobinski commented that the Department of Health and Human Services letter appears to state that the property will not be exceeded but

only be leased; and that this is a different message from the HUD agency. Mr. Swanger stated that it is his understanding that if the property is used for the homeless, it will be leased space, and the SHA has heard of a range for the leases from five years to 99 years. It is Mr. Swanger's belief that a 99-year lease would make sense, while a five-year lease would not. While not in writing, Mr. Swanger has been led to understand that if the use is not to be for the homeless, then the property would be transferred to the GSA for disposal.

Chairman Wallace stated that it is his opinion that the aforementioned letter is a very negative one, paying only lip service to the judgment of the Court. Mr. Swanger added that going back to the definition of "homeless", he believes the Department of Health and Human Services is using the definition as set forth in the McKinney Homeless Assistance Act. In that Act, Mr. Swanger explained, "homeless" is defined very, very narrowly; i.e., the people "on the street".

Selectman Cope expressed her desire that the various boards in the Town keep on top of this subject property, because it is her personal belief that the land will be used eventually for residency, and it would be good for the Town to have at least some control over it. Ms. Cope stated that it would be unfortunate to have a private developer come in with a comprehensive permit; she would prefer to see the property developed with homes that the average person could afford, with the Town having some input as to how it is developed. Ms. Cope pointed out that the Sudbury Valley Trustees are looking into the property to see if they can put together a total package that would include the land in other communities that abut this Sudbury portion.

Resident Gordon Tucker of Five Firecut Lane reminded those present that some time ago, at an Annual Town Meeting, the Town passed a unanimous vote to mandate passive recreational use of that land, and wondered why this was not a fourth option that the leadership of the Town should be considering. Chairman Wallace explained that when this was attempted in 1984-1985, the GSA sent a strong letter stating its position that they considered this re-zoning to be illegal and actually demanded we convene a special Town Meeting to reverse the Town's decision. Mr. Wallace pointed out that at the least, these polarized positions will mean protracted and expensive court litigation. Mr. Wallace further stated that he believes the GSA sees this property as an opportunity to make some money, and that selling it for residential housing to a private developer would probably be most lucrative for the government.

In response to comments made by resident John Cochran of 63 Stearns Road, Chairman Wallace stated that he believes the SHA saw this property as an opportunity at no per se cost to the Town to move on the affordable housing issue. Mr. Wallace further clarified that there has been no formal offer to purchase this property; GSA only notified the Town that there was an intent to "excess" the property and if the Town had any interest in it, we should make that known. The lawsuit instituted on behalf of the homeless intervened and allowed the Town some "breathing time" to consider what direction to take.

Executive Secretary Thompson stated that it is his understanding that the SHA only had approximately thirty days to respond formally to the Department of Health and Human Services, and if that deadline were missed, it would have precluded any future proposals the SHA would want to make. Mr. Thompson

further explained that, in reality, for the past twelve years or so, the Town has been fighting to keep this land open space. The Town Meeting vote to change the zoning to mandate the land be maintained as such was passed about four years ago. Mr. Thompson went on to say that it is his belief that when the Department of Health and Human Services responded to the SHA's application by stating it was incomplete and required further information, the Department's intent was to narrowly define "homeless" as contained in the McKinney Homeless Assistance Act. It is Mr. Thompson's opinion that this creates a great dilemma, since he believes it is clear that homeless people are not just those out on the street. Mr. Thompson reiterated Chairman Wallace's views and said that the Town has on record the government demanding re-zoning of the property back to residential.

Mr. Tucker reiterated his position that the Town should take a pro-active stance for passive use; and he would like to see some kind of challenge to the federal bureaucracy. Mr. Tucker further suggested that the Town's federal legislative representatives might get involved. Mr. Tucker further expressed what appeared to be a consensus at this meeting, and that is, that given the slow-moving ways of federal bureaucracy, the unusually-short notice and application process indicate that perhaps something is going on with the government with regard to this parcel.

Mr. Thompson stated that the issue is made even more complex by the fact that there are so many other agencies involved. Mr. Thompson stated, for example, that this site has been looked at, for example, by the Bureau of Prisons, Department of Mental Health, and Police Training Council for the State of Massachusetts.

Mr. Swanger stated that with regard to the sense of the Town, he recalls that when the down-zoning issue came before the Town, there was very little discussion about the precipitous increase of housing costs, pressures from the State to have communities build more affordable housing, etc. Since that time, Mr. Swanger stated, there have been even more changes, which resulted, he believes, in 80% of the townspeople voting at the last Town Meeting that it is time to think about doing something about affordable housing. Mr. Swanger suggested that this may indicate that the Town's view of this subject property may have grown some and changed somewhat over the past few years, so that the Town as a whole may want to see some mixed-use of the land in order that all its needs and obligations may be met.

Resident Steven Salomon of Four Middle Road inquired that since this land is owned by the government, and given the mandate for providing for the homeless, would the government have the right to come in and put up soup kitchens or temporary shelters without approval of the Town. Mr. Thompson stated that he believed the answer to be "yes" and pointed out that there are already existing buildings on the property. Selectman Drobinski added that any such decision could be challenged in the courts if the Town objects.

John P. Nixon, Jr., speaking as a resident and a member of the Conservation Commission, stated that he recalls a plan that had been developed by the State Division of Forestry to develop this as a passive recreation area. Mr. Nixon believes the important thing to remember is that this was a joint effort among the towns in the area (Sudbury, Marlboro, Stow, Maynard and Hudson). Mr. Nixon stated that he believes that if



the Town is going to take the initiative to develop this area in a just way, with some sort of housing being a part of the whole idea, the plan should be developed with input from all of the towns involved. Mr. Nixon also expressed concerns he has with the area with regard to contamination and wetlands issues. Mr. Nixon concluded by stating that as far as the Conservation Commission is concerned, it would want something to be developed with some sort of restrictions put on it.

Stephen P. Garabedian of the Sudbury Housing Partnership Committee addressed the issue of the question of hazardous waste, and stated that there was an engineering report done on this property about the disposal of hazardous waste on the site. The agency that had this report prepared has not made the full report available and Mr. Garabedian believes it would be important to have all the data to see what is going on at that site. Executive Secretary Thompson stated that the Selectmen's office has some reports and they show the contaminants of oil and gas and old transformer poles containing PBC. The last report indicates that DEQE is in Phase 5 of the cleanup of the area. Selectman Drobinski suggested that the Woburn DEQE office would have the full information and Mr. Garabedian stated that he would attempt to obtain same from that office and provide copies to the Selectmen.

Planning Board member Richard Brooks stated that he believes the Town should be thinking about strategy as it relates to comprehensive permit plans. At the request of Chairman Wallace, Mr. Thompson will supply the Planning Board and SHA with copies of the Sudbury Valley Trustees preliminary proposal.

In response to query by Mr. Salomon as to how the Town would support increased school use which would result from the proposed plan by the SHA for 200 units of housing, Mr. Swanger pointed out that the vast majority of these homes would also mean increased tax revenue to the Town, which would offset the increased use of services. Mr. Swanger further stated that affordable housing plans propose no more use of Town services than any other development the Town has approved plans for. Mr. Swanger was compelled to explain that, until it is legislated otherwise, the Sudbury Housing Authority is mandated by law to take the issue of affordable housing very seriously and must expend its best efforts to provide for same.

Mr. Tucker stated that he feels morally compelled as a citizen to provide shelter for the person sleeping on a grate; but he does not believe he should have his tax monies taken nor does he feel morally compelled to subsidize a family who has to live with relatives. Mr. Tucker further stated that he believes the history of families is that the family take care of its own.

Sudbury Housing Authority member Virginia Allan responded by stating that as stated by Mr. Tucker, it would appear that he would prefer the use of soup kitchens and temporary housing in Sudbury, a position she doubts he would want to see in reality. Ms. Allan pointed out that there are many situations beyond a person's control which would put them in extremely cramped quarters with relatives, or where the family is unable to assist a laid-off parent with children. Thus, until someone can provide a better solution, the SHA believes their proposal is the best way to address the affordable housing needs of individuals with the desires of the Town. Mr. Swanger added the fact that Sudbury Town employees, although not homeless, would nonetheless benefit from

the opportunity to own affordable housing in the community they provide services to.

Chairman Wallace expressed his pleasure at the new input received and stated the Selectmen's intent to follow this issue closely. Mr. Wallace stated that although there is no easy solution, he is pleased that the SHA did what it has, because it keeps the options open. Continued input from the townspeople, as well as the various Town boards, will assist in formulating the direction the Town will take.

Executive Secretary Thompson stated that it has always been an objective of the Selectmen to develop this as a coordinated overall plan. Mr. Thompson pointed out that the Town has gone through "excessing" before, and it worked out to the Town's best interests. If something comes to the Board of Selectmen officially, then the Town will have a say in it. Since this property is currently zoned open space, the Selectmen must support that position unless and until the area is re-zoned at another Town Meeting. Mr. Brooks also pointed out that there remains the possibility that if a developer wants to purchase the property from GSA, the Town may have no say in what happens to the land.

Chairman Wallace stated that, although he personally supports the concept as proposed by the SHA, he (and the other Selectmen concurred) is not prepared to give a letter of support to the SHA. The Selectmen wanted to get it out to the public and hear what they have to say. The information adduced at this meeting will have to be assimilated and further data obtained.

Mr. Swanger stated that the SHA has scheduled this matter for discussion at its next meeting, and will get back to the Selectmen as to how they intend to proceed. Selectman Cope suggested that the SHA communicate with Town Planner Lee Newman for her thoughts and comments.

Water Superintendent Richard Carroll asked if he could conduct soil testings, etc., and Selectman Drobinski stated that he believed there is information concerning this in the file. Mr. Thompson indicated that he believes the testings show that the front portion of the property is developable (the part that abuts Hudson Road - approximately 40-50 acres).

Chairman Wallace thanked all for attending and for their input, and the meeting was adjourned.

#### Annual Town Meeting - Selectmen's Positions on Articles

Upon review of the 1989 Annual Town Meeting Article List, it was on motion unanimously

VOTED: To take positions on articles for the 1989 Annual Town Meeting as follows:

To support Articles numbered 1, 2, 4, 5, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 25, 31, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 51 and 55;

To hold for further consideration Articles numbered 3, 7, 11, 12, 20, 21, 22, 23, 24, 26, 27, 29, 30, 32, 33, 34, 41, 47, 48, 49, 50, 52, 53, 54;

To take no position with regard to Articles numbered 6 (Budget) and 28 (Nixon/Noyes Schools Repair and Construction).

At the request of the Selectmen, Executive Secretary Thompson will schedule meetings with the Planning Board and Conservation Commission to discuss their respective articles.

The Selectmen further requested Mr. Thompson to prepare a draft designation of speakers for the articles and place on the agenda for consideration at the earliest possible time.

#### Chanticlair Development in Framingham

At the request of Selectman Cope, Executive Secretary Thompson will look into the developments regarding the proposed construction of 224 apartments off Water Street, Framingham, near Garden-In-The-Woods, and will report his findings to the Board.

#### Building Inspector - Zoning Violations

Upon inquiry by Selectman Cope, Executive Secretary Thompson reported that he had a discussion this date with Building Inspector Joseph E. Scammon and has also spoken with Traffic Management Committee Chairman James McKinley about draft of a letter concerning zoning violations prepared by Mr. McKinley. Mr. Thompson advised that he will scheduling a meeting between the Selectmen and the Traffic Management Committee in early March on the zoning violations enforcement issue; and he expects to receive a progress report concerning this from Mr. Scammon within the next couple of weeks.

#### Atkinson Pool - Stanmar Inc.

The Board reviewed copy of letter dated January 22, 1989, from Sheila A. Stewart, Director, Atkinson Pool, to Stanmar Inc., outlining fourteen items that have not been completed or need attention. Executive Secretary Thompson stated that he is following up on the items relating to the continuing drainage and roof problems. Mr. Thompson informed that this has been discussed with the Finance Committee relating to the Pool's Enterprise Fund and he continues to work with the Park & Recreation Commission.

#### Override Ballot Question

The Selectmen continued discussion commenced at their meeting of January 23, 1989, concerning procedure and results of the override ballot/debt exemption questions. Executive Secretary Thompson reported that Town Accountant James Vanar questioned the Department of Revenue concerning the issue of if a general override question loses, what happens after Town Meeting. Mr. Thompson explained that the feeling of the Town Moderator and Town Counsel is that the General Election is part of Town Meeting; therefore, if a general override question fails, then nothing can be voted at Town Meeting that would exceed Proposition 2½. Mr. Thompson added that it is his belief that this is the prevailing opinion. However, he has been advised that Mr. Vanar was informed by Department of Revenue representative Ms. Murphy that although she agrees that the Election is part of Town Meeting, she feels if a general override questions loses, it can still be brought before Town Meeting, but

nothing can be voted contingent, so the same situation exists, but for different reasons.

Mr. Thompson suggested that if a general override question loses, he, as representative of the Selectmen, and a representative of the proponent of the override question, seek a written opinion from the Department of Revenue as to how to proceed.

At the request of Chairman Wallace, Executive Secretary Thompson will seek an opinion/direction from the Department of Revenue concerning this matter prior to the Selectmen's regularly-scheduled meeting of February 13, 1989, so that this may be discussed and resolved in sufficient time for the voters to know what is facing them and how the actions they take at Annual Town Election will affect Town Meeting.

Mr. Thompson concluded by stating that it is his understanding that the Finance Committee strongly favors the position of placing the override questions on the Town Election Warrant, prior to Town Meeting.

Executive Session

At 10:15 p.m., it was on motion by roll call unanimously

VOTED: To go into Executive Session to discuss the question of ratifying a Memorandum of Understanding relative to the 1988-1990 contract with Engineering Local 105.

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

There being no further business to come before the Board during regular session, Chairman Wallace adjourned the meeting of the Selectmen.

Attest:

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Richard E. Thompson  
Executive Secretary-Clerk