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IN BOARD OF SELECTMEN
SPECIAL MEETING
TUESDAY, JULY 18, 1989

Present: Chairman John C. Drobinski and Judith A. Cope; and Paul L. Kenny, Town Counsel.

The statutory requirements as to notice having been complied with, the meeting was called to order by Chairman Drobinski at 9:00 a.m. at the Loring Parsonage.

Railroad Crossing at Rt. 20 and Nobscot Road

The Board reviewed a communication dated July 11, 1989, from Michael L. Burke, Director, Bureau of Transportation Planning and Development, Department of Public Works, concerning the Town's inquiry about the status of improving/rubberizing the above-subject railroad crossing. Upon recommendation of Executive Secretary Richard E. Thompson, the Board directed him to contact the Department of Public Works and request that work proceed under the previously approved grant. Mr. Thompson estimated the work will cost approximately \$50,000.

Sudbury Educational Center Proposal

Concerning the Sudbury School Committee's proposal for an after-school child care program at Curtis School, it was agreed after reviewing Town Counsel's opinion dated July 14, 1989, that a second review and discussion regarding the operation of the program should take place. It was noted that the Selectmen, on June 5, 1989, had approved the concept only; and Mr. Thompson pointed out that by statute the Selectmen "shall approve" such an endeavor and that the Selectmen should place the subject on their agenda again. Mr. Thompson broached concern about the idea of making the Sudbury Educational Center's employees Town employees and also concern about the question of liability.

The subject was tabled to take up other matters, and following resumption of discussion, the Executive Secretary was directed to set up a meeting between the Selectmen and the Sudbury Schools and Sudbury Educational Center representatives on July 31, if possible.

Calling of Special Town Meeting - Sept. 12, 1989

Present: Jean M. MacKenzie, Town Clerk.

Executive Secretary Richard E. Thompson stated that a Special Town Meeting would be required to balance the budget for Fiscal Year 1990 to accommodate the local aid picture. He estimated somewhere in the neighborhood of \$350,000 would be needed. This would depend upon the final scenario by the state, and could be cut in half according to present discussions. Receipt of the Cherry Sheet is necessary to determine the final figures.

Mr. Thompson continued to explain that the Town had the following options available to it to make up the money needed:

- 1) reduce budgets at a Special Town Meeting (not a course he recommended);
- 2) amend budget by reviewing estimated charges and receipts; i.e., abatement appropriation reduction, increase abatement surplus, etc.;
- 3) use money from the Stabilization Fund, which now contains approximately \$600,000 (this he would not recommend unless only a small amount is needed);
- 4) approve an override of Proposition 2½ at a Special Election.

Town Counsel was requested to prepare articles which would keep all of the above options open.

Following discussion of dates when the Selectmen and Town Clerk would be available to attend a Special Town Meeting and the need to hold the meeting as early in September as possible in order that tax bills may go out on schedule, it was on motion unanimously

VOTED: To call a Special Town Meeting to be held on Tuesday, September 12, 1989, at 7:30 p.m. in the Lincoln-Sudbury Regional High School Auditorium; and to set the warrant closing time on Wednesday, August 9, 1989, at 5:00 p.m.

The Selectmen requested that all boards and departments be notified of the above vote and that they be informed the meeting is being called solely to make budgetary adjustments and only articles that must be taken up prior to the Annual Town Meeting should be submitted. The Board stated that the Sudbury School Committee might not be ready to submit its construction article for the September 12th meeting, and agreed it would suggest to the Committee that another Special Town Meeting could be called for October or November if necessary.

Town Clerk Jean MacKenzie informed the Selectmen that she is having difficulty finding persons to program the voting machines, and therefore, might need to use paper ballots for a special election, if called.

Fort Devens Annex

Present: Paul L. Kenny, Town Counsel.

The Board was in receipt of a communication dated July 14, 1989, from P. Vaccaro, Director, Office of Real Estate Sales, Federal Property Resources Services, General Services Administration, informing the Town that, with the exception of approximately 20 acres requested by the Commonwealth of Massachusetts for expansion of commuter rail services and approximately 70 acres set aside in Sudbury for potential use to accommodate the homeless, the remaining surplus area at the Fort Devens Annex will be prepared for public sale.

Also received was a publication from the U. S. Environmental Protection Agency stating that the Fort Devens Sudbury Training Annex has been listed as a proposed site to be added to the Superfund National Priorities List for hazardous waste cleanup.

The question was raised as to the legality of the Federal Government disposing of property with hazardous waste and the additional question of whether the property could be subdivided when hazardous waste was involved was raised by Chairman Drobinski.

It was agreed that a meeting involving the Town's state senator and representative, Fort Devens officials, and the other involved towns should be scheduled as soon as possible. Selectman Cope suggested and Chairman Drobinski agreed that a site visit should also take place. Executive Secretary Richard E. Thompson informed the Board that Senator Cellucci's Office will coordinate such a meeting. It was the Board's opinion the matter must be taken up at the Federal level and that, if it is determined there are no significant waste problems at the Sudbury site, the property should be delisted.

Chairman Drobinski posed a question to Town Counsel as to whether the land set aside for public housing would be subject to a lien under the Superfund, expressing concern about liability.

Following further discussion, it was on motion unanimously

VOTED: To authorize Town Counsel to file for an injunction to restrain the Federal General Services Administration from selling the Sudbury Fort Devens Training Annex; and it was further

VOTED: To direct the Executive Secretary to provide a forum for discussion of the issues involving the Fort Devens Annex, and to arrange for a tour of the hazardous waste sites.

Chairman Drobinski stated he believes that Federal Technical Assistance Grant Funds may be available to hire a consultant (\$50,000 cap) concerning the waste sites, if necessary. It was agreed that Director of Health Robert Leupold should be consulted and be included in discussions concerning the hazardous waste sites.

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

Attest:

Richard E. Thompson
Executive Secretary