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IN BOARD OF SELECTMEN
MONDAY, NOVEMBER 6, 1989

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

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:45 p.m. at lower Town Hall.

Utility Petition 89-27 - Wayside Inn Road

Present: Edmund F. Kelly, Right of Way Agent, Boston Edison.

The Board reviewed Utility Petition No. 89-27 submitted jointly by Boston Edison Company and New England Telephone and Telegraph Company for the installation of pole 194/17, which had been previously approved for removal, to provide electric for Wayside Inn Road. In response to Selectman Cope's query, Boston Edison Right of Way Agent Edmund Kelly informed the Board that the project to underground service on a portion of Wayside Inn Road was continuing.

Executive Secretary 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 24, 1989.

It was on motion of Selectman Wallace unanimously

VOTED: To approve Utility Petition 89-27 of Boston Edison Company and New England Telephone and Telegraph Company for the installation of one pole with appropriate fixtures on Wayside Inn Road at the northeasterly side approximately 320 feet southeast of Dutton Road, in accordance with Boston Edison Company "Plan of The Wayside Inn Road - Sudbury", dated July 27, 1989.

Contract Award - Sr. Center/Renovations

Present: Michael E. Melnick and D. Bruce Langmuir, Permanent Building Committee.

Permanent Building Committee member Michael Melnick informed the Board that pursuant to the duly advertised Invitation to Bid for construction of an addition and minor renovations to the former Fairbank School for inclusion of a Senior Center, fourteen general contracting bids were opened on October 26, a summary of which was before the Board for information. The three lowest base bids were G.V.W., Inc. at \$579,000, P&H General Contracting at \$580,690, and Built Form, Inc. at \$610,000. Bids also included prices for Alternate 1, renovations of the main bathrooms, and Alternate 2, site work which includes earth moving and asphalt paving for the entrance and parking.

Mr. Melnick provided the Board with cost projections for the project, dated October 27, 1989, showing that in order to have a 7.6% construction contingency, it would be necessary to except Alternates 1 and 2 from the award. Mr. Melnick stated that if there were unspent funds at the completion of the project, it is the intention of the PBC to recommend its use for bathroom renovation and/or site work. In the case of the site work this could be accomplished by requesting the Highway Department to do in-house work and charge to the Article, charging paving completed through Highway contract to the Article; or in the alternative, request additional funding approval of Town Meeting within the Highway budget or as an article. Mr. Melnick informed the

Board that the contract award had been discussed with the Senior Center Building Committee, comprised of the Fairbank building user group, and had been approved as presented this evening. Mr. Hepting of the Finance Committee had also been contacted relative to contract award and possible future funding and had recommended that the Town proceed with the award of contract excepting Alternates 1 and 2. The Board expressed its support of the PBC's intentions to complete the project in total.

Mr. Melnick reported that two bid protests had been received relative to G.V.W.'s use of its own firm as the filed sub-bidder on the plumbing and HVAC work when, in the opinion of the protestors, the company was not qualified in those categories nor was it the lowest sub-bidder. Both Mr. Melnick and the architect, Rizza Associates, have been in contact with the state Department of Capital Planning and Operations (DCPO) relative to the firm's qualifications and financial status, and have checked references provided in the documentation.

Mr. Melnick informed the Board that it is the unanimous voted recommendation of the Permanent Building that the contract be awarded to G.V.W., Inc., the lowest, eligible bidder.

Therefore, in accordance with the recommendation of the Permanent Building Committee, it was on motion of Selectman Cope unanimously

VOTED: To award the contract for construction of a Senior Center at Fairbank, inclusive of renovations to the Fairbank building, excepting Alternates No. 1 and 2, to the low bidder G.V.W., Inc. 256 Marginal St., East Boston, MA 02128, at the base bid of \$579,000, in accordance with "Specifications for Senior Center at Fairbank, Fairbank Road for the Town of Sudbury, Sudbury, Massachusetts", dated September 25, 1989, inclusive of Addenda 1-4 and associated plans, said award subject to compliance with bonding and insurance requirements; and further, to authorize the Chairman to sign all documents relative thereto.

In response to Mr. Thompson's query, Mr. Melnick informed the Board that there were no funds for a Clerk of the Works. Mr. Melnick expressed his hope that some assistance in this regard might be provided to the Permanent Building Committee by the Supervisor of Town Buildings. The Board concurred with this approach and Mr. Thompson stated that he would look into this issue.

Relative to Selectman Cope's inquiry about the townwide solicitation relative to the Sr. Center, Mr. Melnick stated that the construction will give the Seniors an empty building and the solicitation by The Friends would enable the Seniors to purchase furniture, office equipment, a kiln, and other furnishings desired.

The Board thanked Mr. Melnick and the Committee for their very great effort expended in bringing this project to fruition.

Minutes

It was on motion of Chairman Drobinski unanimously

VOTED: To approve the minutes of October 17 and 23, 1989, including the Town Forum of October 23, as drafted.

Flood Insurance Rate Maps

On the recommendation of the Town Engineer in a communication dated October 31, 1989, it was on motion of Selectman Cope unanimously

VOTED: To direct the Executive Secretary to request an update of the Town's Flood Insurance Rate Maps through the Federal Emergency Management Agency.

Wood-Davison House

Relative to a request dated October 20, 1989 from Laura Scott, Chairman of the Wood-Davison House Task Force, for erection of a sign on the future Town-owned site of the house between the Loring Parsonage and the Flynn Building, it was on motion of Selectman Wallace unanimously

VOTED: To approve the same and direct the Executive Secretary to work with Ms. Scott in consultation with the appropriate Town agencies to do so.

In connection with the project, Town Counsel Paul L. Kenny provided an update on the status of the Petition for Instructions filed in the Probate Court relative to incorporating the funds left to the Town in the will of the late Harry Rice to house his collection of artifacts within the Wood-Davison project which would serve both purposes. By law, the Attorney General must be a party to matters of this nature and was duly notified. However, upon the filing of a subsequent motion, which would have an effect similar to that of a Motion for Summary Judgment, the Attorney General's office in review of the case wanted certification from a museum expert that museum standards, such as fireproofing and humidity control, could be met for the purpose of housing the collection in the Wood-Davison House before they would agree not to oppose the Motion. Mr. Kenny stated that he had the name of such an expert and would determine the cost involved in such an investigation. Selectman Wallace volunteered to discuss the situation with someone knowledgeable in the fire protection field.

Repurchase of Cemetery Lots

It was on motion of Selectman Wallace unanimously

VOTED: To repurchase two graves in New Town Cemetery, Section 9, Lot 8 (Deed 376) from Dr. and Mrs. Harris Finberg, 3412 East Valley Vista Lane, Paradise Valley, Arizona 85253, for the amount of \$300 (\$75 from Sale of Lots; \$225 from Perpetual Care), as set forth in a letter dated October 23, 1989 from the Superintendent of Cemeteries.

Fairbank School Renaming

Executive Secretary Richard E. Thompson informed the Board that at the 1983 Annual Town Meeting the Board of Selectmen had stated its intention to rename the Fairbank School the "Harvey Fairbank Community Center" and had never formally done so. Stating that this would not affect the Atkinson Pool name or the Senior Center, Mr. Thompson indicated his intention to investigate the cost

of a small plaque to be placed at the interior entrance of the building and to change the exterior lettering at some time in the future to Fairbank Community Center, if so approved.

Therefore, it was on motion of Selectman Cope unanimously

VOTED: To rename the Fairbank School the "Harvey Fairbank Community Center".

Mr. Thompson stated his intention to advise the Fairbank family of the Selectmen's action.

Insurance Dividend

The Board acknowledged receipt of a dividend in the amount of \$14,990 from Middlesex Insurance Company relative to the Town's property/liability insurance for deposit in the Town's General Fund and expressed their appreciation to Charles Hall of the Hall Insurance Agency for the service provided to the Town which resulted in production of this dividend.

Resignation - Sudbury Housing Partnership Committee

It was on motion of Selectman Wallace unanimously

VOTED: To accept the resignation of The Rev. John Van Siclen from the Sudbury Housing Partnership Committee, effective October 20, 1989, and to direct the Executive Secretary to send a letter of appreciation for his service to the Town.

Health Insurance Benefits - Nelson

In order to insure that health insurance coverage equivalent to that of retirees from Town employment who are eligible for coverage at 50% cost through OME is available to Mr. Nelson upon cessation of his Town employment, upon the recommendation of the Executive Secretary, it was on motion of Selectman Wallace unanimously

VOTED: That Alf E. F. A. Nelson and his spouse are eligible for group health insurance benefits as if he were a regular retiree.

School Renovation Ballot Question

On the question of the Board taking a position on the Ballot Question on the November 20, 1989 Town Election Warrant relative to the school renovation project approved by the October 17 Special Town Meeting, Chairman Drobinski expressed his opinion that the Schools are a vital part of the community and need the support of the community in this endeavor. He further stated his belief that this investment will result in a long-term financial benefit to the townspeople. Selectmen Wallace and Cope expressed their concurrence and it was on motion unanimously

VOTED: To support the debt exemption ballot question relative to the School renovation projects as presented on the ballot for the November 20 Town Election.

Resident Trailer Permit

It was on motion of Selectman Wallace unanimously

VOTED: To grant Mr. and Mrs. Alan W. Cherish a special permit for use of a house trailer at 50 Barton Drive for dwelling purposes for twelve month while fire damage repairs are being made, subject to obtaining any required building permit and Board of Health approval involving the requirement to connect the trailer to septic system and town water.

The Board expressed its sympathy with regard to the situation in which the Cherish family has been placed.

Conservation Restriction - 605 Concord Road

Relative to approval of a Conservation Restriction as requested by the Conservation Commission, it was on motion of Selectman Cope unanimously

VOTED: To approve a Conservation Restriction on approximately 3.5 acres of land located at 605 Concord Road, granted by Barbara R. Kirk and Karl D. Kirk, Jr., subject to receipt of document and plan approved by Town Counsel.

Site Plan 89-311, Paris Realty Tr., 490 Boston Post Rd.

Chairman Drobinski requested that the applicant designate the placement of the monitoring wells on the plan before the plans are signed by the Board since they are particularly noted in the Board's Decision relative to Chiswick Trading Company Site Plan 89-311. Chairman Drobinski suggested that the Board sign off on the architectural renderings after the Design Review Board has had an opportunity to meet with the applicant and the plans are finalized. The Board concurred.

Chairman Drobinski informed the Board that he had reviewed the material submitted to the Planning Board relative to the Chiswick application for a Special Permit under the Water Resources Protection District Bylaw and reported that a one-week extension had been mutually agreed upon.

Initiative Petition

Relative to the Initiative Petition sponsored by the MMA and Committee to Save Our Cities and Towns, a coalition of citizens and elected officials, seeking a share of present state revenues by regulation of the distribution of the Local Aid Fund for the cities and towns in the Commonwealth to help support basic local services, copies of the petition will be placed at various locations in Town by Selectman Cope.

Unisys Property

Selectman Wallace informed the Board that an organizational meeting of the Committee formed to study the rezoning of the Unisys property, comprised of representatives from Sudbury and Concord, was held and he was elected Chairman. He reported that he had spoken with Mr. Greenberg of Unisys the following day to apprise him of the meeting. Selectman Wallace and Mr. Tyler will be viewing the site on November 7, and another Committee meeting is planned for

November 8. Selectman Wallace reported that the Water District attendees of the first meeting expressed interest in testing the property to determine its suitability for a future well site.

Meeting Reports

Selectman Wallace reported that he had attended an update on municipal law at the MMA Annual Conference at which numerous Sudbury cases were noted.

Selectman Cope reported on being a member of an MMA panel on "Growth" last Saturday and further reported that Lee Newman and Frank Riepe had been invited to speak about the Sudbury Village concept at the next MAPC meeting. Relative to any Sudbury concerns about development of the Massachusetts Broken Stone property in Weston, the Board agreed that the only effect on Sudbury might be connected with traffic generated along Rt. 20.

Zoning Violations

Selectman Cope stated she had spoken with the Zoning Enforcement Agent relative to the status of several businesses on Station Road and Union Avenue possibly in violation of the Zoning Bylaw. Mr. Scammon had indicated that if the uses were "grandfathered" and those uses were determined to be harmful, the Town could request to have them moved.

Selectmen's Meeting Cancellation

On the recommendation of the Executive Secretary, it was unanimously

VOTED: To cancel the Board's regular meeting of November 13, 1989 because of the holiday weekend.

Accept Donation - Council on Aging

It was on motion unanimously

VOTED: To accept \$126.25 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.

Submittal of Legislative Petitions

The Board signed the petitions to the Legislature relative to the refund of certain property taxes approved under Articles 2 and 3 of the October 17, 1989 Special Town Meeting.

Landfill

In response to a question from Selectman Cope, Mr. Thompson stated that he would investigate the reason for the poor October 31 report relative to the Sanitary Landfill.

H. 2101 - Local Mandate Legislation

On the recommendation of the Executive Secretary and in accordance with the MMA Legislative Update and recommendation on House 2101, which would place certain kinds of cancer contracted by firefighters under the state's presumption laws thus mandating costs to the Town, it was on motion unanimously

VOTED: To direct the Executive Secretary to contact Representative Hicks and Senator Cellucci to urge that they vote against House 2101.

Correspondence

The Board acknowledged receipt of the following:

- Nobscot Rd. Well #6 Volatile Organic Compound Analytical Results of 10/24/89;
- Memorandum of Town Counsel to Town Clerk dated October 31, 1989 relative to Use of Fairbank Community Center by Citizens for Sudbury.
- Newspaper article relative to Wayland Charter Commission.

Relative to the subject of a Charter Commission, Selectman Cope inquired as to when Sudbury had last studied the issue. Mr. Thompson stated that a petition had been circulated in 1973 but had been withdrawn. He suggested that Selectman Cope review the Board's file on the subject which includes a flow chart which he helped develop as a Town of Brookline employee working with the Massachusetts League of Cities and Towns on the subject. Mr. Thompson stated that he felt very strongly that the Town needs to improve and consolidate for efficiency noting that a Department of Finance could replace three business managers employed by the High School, Sudbury Schools, and the Town and save the Town money. Mr. Thompson stated that the Charter process is a long one and involves specific procedures which he would provide to Selectman Cope. Selectman Cope stated that she was interested in pursuing the same for two main reasons: 1) To save scarce Town funds; 2) It makes good sense to look at your organization periodically and update or improve wherever possible.

SCAC Fun Run

At the request of sponsor Laury Hammel, it was on motion of Chairman Drobinski unanimously

VOTED: To approve the Sudbury Community Arts Center Fun Run to support SCAC activities to be held on November 12, 1989, subject to Police approval of the route.

Proclamation

The Board signed a Proclamation recognizing and honoring John Robert MacLean, Jr., for his twenty-eight years of service to the Town as a Police Officer. The Proclamation will be presented at a retirement party to be held on November 17. Selectman Cope and Mr. Thompson expressed interest in attending.

Discretionary Fund

It was on motion unanimously

VOTED: To confirm an expenditure from the Discretionary Fund Petty Cash Account for food assistance in the amount of \$100 as requested by Town Social Worker Martha Lynn in a communication dated October 31, 1989.

There being no further business to come before the Board, the meeting was adjourned at 9:00 p.m.

Richard E. Thompson
Executive Secretary - Clerk