

IN BOARD OF SELECTMEN  
MONDAY, OCTOBER 25, 1993

Present: Chairman Judith A. Cope, Lawrence L. Blacker, and John C. Drobinski.

The statutory requirements as to notice having been met, the meeting was convened by Chairman Cope at 7:30 in the Fairbank Senior Center.

Chairman Cope announced that Boy Scout Troop #60 is present with Scout Leader Douglas Zanzot to observe the meeting tonight as part of a requirement of a badge on Town Government that the scouts are working toward. Mrs. Cope explained what the Board would be discussing tonight.

Sierra's, Inc., M.G.L. ch. 38, s15A - Stock Transfer

The Board convened a public hearing on the application of Sierra's, Inc., dba Sierra's, 470 North Road, for permission from the Licensing Authority acting under M.G.L. ch. 138, s15A, to transfer 40% of its stock to current Treasurer and Manager Samuel J. Cannarozzi, from President John A. Ouellette, who will retain 60% of the stock.

The Board acknowledged receipt of the following:

Communication dated October 1, 1993, from Janet E. Boyle from the law offices of Steven J. Marullo including the following necessary documents:

1. Form 983
2. Five-page application for alcoholic beverage license
3. Vote of the Board of Directors authorizing the changes
4. Form C
5. Tax Attestation Form

On motion by Chairman Cope, it was unanimously

VOTED: In accordance with M.G.L. C.138, s.15A, to approve the application of Sierra's, Inc., dba Sierra's, 470 North Road, Sudbury, for permission to transfer 40% of its stock to current Treasurer and Manager Samuel J. Cannarozzi, from President John A. Ouellette, who will retain 60% of the stock.

Minutes

It was on motion unanimously

VOTED: To approve the regular and executive session minutes of October 12, 1993, as amended.

Council on Aging - Van Donation

It was on motion unanimously

VOTED: To accept \$122.70 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 vans.

Sudbury, Suffolk, England - Visit by the Mayor

In response to a communication dated October 18, 1993, from Goodnow Library Director William R. Talentino, relative to an exhibit that will be displayed at the Library in April, which will include photographs of the people of Sudbury, Suffolk, England, taken by Janine Wiedel, and a request to extend an invitation to the Mayor of Sudbury, Suffolk, England, it was on motion unanimously

VOTED: To extend an official invitation to the Mayor of Sudbury, Councillor Elizabeth Wiles of Sudbury, Suffolk, England, to attend the opening of an exhibit called "Faces with Voices" to be displayed at the Goodnow Library in mid-April.

Dog Officer

The Board acknowledged receipt of a communication dated October 20, 1993, from Executive Secretary Richard E. Thompson regarding the current situation of the Animal Control/Dog Officer and Animal Inspector, and the proposed recommendations.

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

VOTED: To rescind the votes of July 12, 1993, concerning appointment of Dog Officer/Animal Control Officer and Assistant Dog Officer, and re-vote as follows:

- 1) To appoint Betsy DeWallace as Dog Officer/Animal Control Officer and Paula Adelson as Assistant Dog Officer/Animal Control Officer, both appointments to be effective November 1, 1993, for terms to expire April 30, 1994.
- 2) To approve the pay rate for Paula Adelson at \$10 per hour for her services.
- 3) To revert the pay rate for Betsy DeWallace back to a classification of Grade 6, Step 7, at the rate of \$16.35 per hour plus 4% longevity based on a previously budgeted rate of 24 hours/week.

As explained in Mr. Thompson's memorandum of October 20, the following job assignments and actions have been agreed to:

- 1) Betsy DeWallace will assume all dog control activities, perform pick-ups, do boarding of animals. The animal control vehicle will be transferred back to Betsy DeWallace, and all official phone systems concerning dog control will be moved to Betsy DeWallace's home.
- 2) Paula Adelson's duties will be approximately as follows:
  - a) Perform paperwork and back-up for Betsy DeWallace; issue monthly reports of statistics concerning calls, pick-ups, etc. The estimated time commitment will be 2-3 hours month.

- b) Perform quarantines for the Board of Health - approximately 3-4 hours per week.
- c) Paula will also perform barn inspections for the Board of Health for approximately 15 hours per year.

Note: The Board requests that the above assignments and actions be monitored in order that this arrangement run smoothly.

Reserve Fund Transfer #94-04, Animal Control - Board of Health

Because of the current rabies epidemic indicated in the Rabies Summary Report of September, 1993, from the Massachusetts State Laboratory Institute, and a communication dated October 7, 1993, from the Sudbury Board of Health, it was on motion unanimously

VOTED: To support a request from the Board of Health for Reserve Fund Transfer #94-04 in the amount of \$5400 for a new line item, Animal Control, to contract for rabies control duties and dead animal pick-up.

Reserve Fund Transfer - #94-05 - Dog Officer

On the recommendation of Executive Secretary Thompson in his memo dated October 20, 1993, it was on motion unanimously

VOTED: To approve Line Item Transfer #94-05, dated October 21, 1993, in the amount of \$14,300 from Dog Officer *Contracted Services*, #5236, to *Dog Officer Salary*, #5100.

Special Town Meeting - Warrant Articles

With regard to Article 4 - Sale of Former Loring School, Chairman Cope expressed that she would like to have a specific figure amount be stated for the sale of the Loring School. It was suggested that in lieu of a figure, it be stated that it is to be sold by public bidding.

The Board agreed with Mr. Thompson's suggestion to include the words similar to, "to be sold by public bidding process according to statute", be included in the Article.

Selectman Blacker questioned why Article 3 is needed in addition to Article 2. Mr. Thompson asked that all articles be kept in at this time and be reviewed by Town Counsel.

With regard to Article 5, Demolish Former Loring School, there was some question as to the amount of \$100,000 being the last best estimate of a fee for demolition. It was pointed out that the latest quote for demolition was more like \$270,000. Mr. Thompson informed that the latest quote would be put in the article. It was also noted that the Finance Committee opposes demolition. Chairman Cope stated she would like to review all the possible scenarios with regard to the Loring School. Mr. Thompson remarked that the only new information received concerns the figures received for the cost of demolishing the school.

With regard to Article 7 - Voter Information, Mr. Thompson explained that this is compromise language that was recommended by the State Local Affairs Committee Chairman to the Town. Selectman Blacker expressed his view against this article, while Mr. Thompson, with the support of Town Counsel asked that the Board of Selectmen support it.

Mr. Thompson explained that the Citizens for Limited Taxation opposed the Special Act as it was passed by Town Meeting which authorized the inclusion of competing information relative to local issue questions to be included on the ballot. The legislature decided not to allow this, and said that only a summary of the question prepared by Town Counsel be included in the warrant on the ballot questions.

Selectman Blacker pointed out that he would rather see the Town go back next year and refile and present a stronger case for the original legislation, and asked that Mr. Thompson inquire about the possibility of the Town being able to refile for the original legislation, if they decide not to act on Article 7. In any case, Mr. Blacker said he would bow to the wishes of the majority, and added that if a summary would allow the Town to understand a ballot question, then it would probably suffice. Since Lincoln-Sudbury Regional School District member Geraldine Nogelo was present, the Board explained the situation and asked for her comment. She expressed her opinion that the compromise was better than nothing.

Continuing with discussion with regard to the procedure to follow for disposing of a public facility, the Loring School, the Selectmen paraphrased the procedure to be followed which would include showing maps, and explaining at Town Meeting exactly what the Town intends to dispose of. In addition, the Town should be notified that all information is available to review. Mr. Drobinski suggested that a public hearing be held to further explain this action being proposed. The Board agreed and Mr. Thompson announced that a public hearing will be held on November 8, 1993, at 8:30 p.m. at the Fairbank Senior Center for the purpose of conducting an in-depth discussion regarding the Articles for disposition of the Loring School.

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

VOTED: To confirm its approval and ordering of the Warrant for the special Town Meeting on December 13, 1993.

#### Commission on Disability

It was on motion unanimously

VOTED: To appoint Robert B. Williams, 187 Pratt's Mill Road, to the Commission on Disability for a three-year term to expire April 30, 1996.

#### Board of Selectmen - Meeting Time Rescheduled - December 13, 1993

It was on motion unanimously

VOTED: To reschedule the Board of Selectmen's meeting of December 13, 1993, to commence at 7:00 p.m. at the Lincoln-Sudbury Regional High School Library, prior to the Special Town Meeting.

208th Town Forum

At 8:00 p.m. Chairman Cope convened the 208th Session of the Town Forum.

Following a presentation by the Finance Committee Chairman on budget preparation and reports by various Boards and Departments, Town Forum was adjourned, and refreshments and conversation were enjoyed by those present. This Town Forum was televised over the local Cable network and a copy of the video tape is available by contacting the Selectmen's office.

Joint Meeting with Conservation Commission - Management Plan for Unisys Property

Present: Chairman Cheryl Baggen, members Loring LaBarbera Schwarz and Steven C. Roderick, Coordinator Deborah Montemerlo, Conservation Commission; and Sudbury resident Ralph Tyler.

The Board acknowledged receipt of a draft Land Use and Management Plan of the "Frost Farm" Conservation Area, a concept plan for public use of the former Unisys Land located on North Road. At 9:15 p.m. the Board of Selectmen met jointly with Conservation Commission members and Conservation Coordinator to discuss the same.

Mrs. Montemerlo explained she had gathered all the information on the site to formulate a concept plan to present to the Selectmen, and the Commission would like to receive their input. As a result of a public hearing which she held on July 15, 1993 regarding this property, as well as meetings with other people, she was able to formulate a rough proposal for recommendations relative to the use of this property.

An aerial view of the property was shown in which Mrs. Montemerlo had outlined specific areas such as the Cummings property, wetlands, buffer zones, trails, easements, the former Frost Farmhouse, etc. She pointed out an area north and west of the Cummings property that could be developed, based on initial soil evaluation. Other areas were shown to be wetlands, fields, easements, and otherwise undevelopable and were recommended by Mrs. Montemerlo to be designated conservation land. She continued that in order to incorporate the existing trail system she also proposes that the existing trails and cart paths be designated in perpetuity as trail easements.

With regard to the old Frost Farmhouse located on the property, Mrs. Montemerlo informed that the house is not in good condition, but commented that there has been some interest expressed in renovating it. One of the proposals of the plan is to renovate the house without much cost to the Town and make it a focal point on the property. She pointed out that adjacent to the house is a parking area.

In discussing the relationship with Concord and their joint concerns relative to this property, Mrs. Montemerlo stated that Concord is concerned about what Sudbury will do with the property and the impact that it might have on Concord's adjoining property and White Pond. Concord's hope is that Sudbury will permit and promote only a passive use.

The fields were checked by a farmer and found to be valuable for agriculture, according to Mrs. Montemerlo, who recommends that whatever the Town decides to do long-term, the fields should be maintained. There has been conversation and a positive response from Cummings Properties regarding the surrounding property and how they may help in maintaining whatever trails are proposed.

Because Mrs. Montemerlo believes the residents in Sudbury have a right to access this property, she recommends posting the property to indicate that it can be walked and include posting the parking but install gates to limit vehicle access to certain areas.

If the Selectmen should decide to endorse the proposed concept, Mrs. Montemerlo stated she would like to proceed to work on more linking of other trails adjacent to this property. She then explained other trails and conservation land in the area.

Selectman Blacker supported the concept of constructing condominiums or town houses in certain areas that Mrs. Montemerlo stated were most likely developable in an effort to introduce "other" kinds of housing in Sudbury. It was noted that the Town's current zoning would have to be changed to allow this and it was also mentioned that the Town of Concord would not be pleased about such a proposal and might likely back down on their offer to connect with their trail system.

Mrs. Montemerlo noted that if the Selectmen are in agreement with her proposals, the next step would be to finalize the document and take the plan to the Engineering Department to determine more concrete delineations. With regard to areas on the property for possible development, it was determined that available resources within the Town be used as beginning steps in determining if this is feasible.

Mr. Ralph Tyler commented that many areas need the brush trimmed, and it is not just conservation land that needs attention. He expressed concern that the property will be abandoned and will grow into woods. Mrs. Montemerlo stated that the Commission is currently reviewing plans of all the conservation lands in Town to develop a maintenance plan and schedule for necessary trimming. She added that the Park and Recreation Department used to perform this function but because of cutbacks no longer does this. In addition, the Commission is working on developing a Trail Booklet that will be available to all residence in the Town in the near future.

The consensus of the Board is to agree with the Conservation Coordinator's recommendations and to direct the Conservation Commission to move forward to implement the recommendations presented.

Mrs. Montemerlo commented that it is very important that an effort be made on the Town's part to establish a continuing dialogue with the Town of Concord and to try to understand each others' concerns.

#### Executive Session

At 10:25 p.m., it was on motion by roll call unanimously

VOTED: To go into Executive Session to discuss collective bargaining matters; a litigation matter, Constantine Scrivanos vs Sudbury; and expenditures from the Discretionary Fund. (Chairman Cope, aye; Selectman Blacker, aye; Selectman Drobinski, aye).

Chairman Cope announced that public session would reconvene immediately following Executive Session.

At 10:50 p.m. open session reconvened.

Tax Department - Statute

Selectman Blacker requested a copy of the statute that says the Town Treasurer and Collector may not receive a part-payment of an excise tax bill. He believes that the Tax Department should accept all part-payment checks and place them in an account rather than send the check back stating that the Town cannot accept it.

Landfill Classification - Department of Environmental Protection

The Board acknowledged receipt of a communication dated October 20, 1993, from Philip Weinberg, Acting Director, Division of Solid Waste Management for the Department of Environmental Protection, stating that the DEP has classified the Sudbury landfill, in accordance with the amendment to Chapter 111, section 150A, as posing a Potential Threat to public health and the environment. This communication was accompanied by a report from the DEP relative to classifying unlined landfills.

Mr. Thompson reported that it is the Town Engineer's opinion that the Board of Selectmen should appeal the DEP's classification of the landfill as a Potential Threat.

Selectman Blacker expressed concern that an appeal might result in a worse classification for the landfill, and asked what the procedure is as a result of this classification. It was noted that what might have to happen is to pump and treat the groundwater as a result of what the monitoring wells might show and this is a very costly procedure.

Secretary Thompson stated he will continue to work with the Town Engineer to determine if an appeal is the best action to take.

Town Management Study

Chairman Cope reported on a meeting held relative to the recent Town Management Study and commented that the report needs to be made available to all the residents in Town. It was suggested this might be accomplished by having a series of articles about it written in the local paper in addition to having the report available in the library. Chairman Cope reported the final report is due around November 15, 1993.

The Board discussed the fact that the study recommended the Town change the way the Town Clerk and Highway Surveyor gain office--that they should be appointed rather than elected. Also, the Selectmen feel the ATM should have the opportunity to act on all of the recommended changes, not just some of them.

MetroWest - EOEALuncheon Meeting

Chairman Cope informed she will be attending a luncheon meeting on Wednesday, October 27, 1993 at the Wayside Inn, featuring Trudy P. Coxe, Secretary of Environmental Affairs, from EOEAL, and

set up by MetroWest, to try to understand Town and regional environmental problems. She asked the Board for their concerns and stated she would raise these issues at the meeting. Selectman Drobinski mentioned the following concerns: 1) Closing of the landfill, 2) Ft. Devens Annex, 3) Title 5 concerns, 4) Rt. 20 Bypass.

There being no further business, the meeting was adjourned at 11:20 p.m.

Attest: \_\_\_\_\_  
Richard E. Thompson  
Executive Secretary-Clerk