

IN BOARD OF SELECTMEN
MONDAY, JANUARY 24, 1994

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 Judith A. Cope at 7:30 p.m. in the Senior Center, 40 Fairbank Road.

Utility Petition 94-1 - Old County Road

Present: Edmond Kelly, Boston Edison Company.

The Board convened a public hearing to consider Utility Petition 94-1 from Boston Edison Company for installation of approximately five feet of conduit in Old County Road, which is being requested in relation to Boston Edison's installation of fibre optic cable between Station 416 in Sudbury and Station 342 in Maynard. Petition for the fibre optic cable is being prepared and will be submitted separately.

Executive Secretary Thompson noted that all appropriate abutters had been notified of the hearing and approval recommended by the Inspector of Buildings and Wiring Inspector under dated of January 13, 1994.

It was on motion unanimously

VOTED: To approve Utility Petition 94-1 of Boston Edison Company for permission to install approximately five (5) feet of conduit in Old County Road as follows: southwesterly approximately 170 feet northeast of Boston Post Road, as shown on "Plan of Old County Rd. Sudbury Showing Proposed Conduit Location", dated December 16, 1993.

Utility Petition 94-2 - Fairbank Road

Present: Edmond Kelly, Boston Edison Company.

Continuing its public hearing, the Board also considered Utility Petition 94-2 of Boston Edison Company for installation of approximately five feet of conduit in Fairbank Road to provide service to a refreshment stand at Haskell Field.

Executive Secretary Thompson noted that appropriate abutters had been notified and approval recommended by the Inspector of Buildings and Wiring Inspector under date of January 13, 1994.

It was on motion unanimously

VOTED: To approve Utility Petition 94-2 of Boston Edison Company for permission to install approximately five feet of conduit in Fairbank Road as follows: northwesterly approximately 480 feet northeast of Hudson Road, as shown on "Plan of Fairbank Rd. Sudbury Showing Proposed Conduit Location", dated December 16, 1993.

Minutes

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It was on motion unanimously

VOTED: To approve the minutes of January 10, 1994, as amended by Selectmen Cope and Blacker after lengthy discussion, and connected therewith to take the following amending votes at the request of Chairman Cope:

- 1) To amend the fifth paragraph on Page 2 on the subject of the Loring School property, deleting the vote as such, so that it reads: "It was the consensus of the Board to reserve a portion of the Loring School property, 1.89 acres located at the rear of the entire parcel which includes a paved area and basketball court, for future development by the Sudbury Housing Authority for affordable housing, shown on 'Plan of Land in Sudbury, Massachusetts known as the Loring School Property', Town of Sudbury Engineering Department, dated December 28, 1993, as Parcel 2."; and
- 2) To amend the vote on Page 8 on the subject of the Dunkin Donuts site plan Decision, by inserting the words, "the site plan is" in line 8 between the words, "similarly limited;" and the words, "subject to compliance with all governmental laws..", and to similarly amend said Decision filed with the Town Clerk.

During discussion, Chairman Cope indicated her desire to discuss the matter of reserving the Loring School parcel for the Housing Authority with the Finance Committee before making a definite decision, because of the possibility of wanting to seek proposals for the entire parcel. Selectman Blacker made it clear his position is that he wants to retain the playgrounds for the Town no matter what revenue they would produce, and the entire Board concurred. Chairman Cope still hesitated to tie up the parcel for the Housing Authority at this time. Upon soliciting his position, Finance Committee Chairman Michael Fitzgerald indicated that he was most concerned with having complete information; (i.e., what a prospective bid would be for all or various portions of the site) to see if the parcel becomes much more valuable with increased land, so that voters could be fully informed and head off any concept of a sweetheart deal, and also to get a good bid. He indicated that this information might be sought previously and not included in the Request for Proposals. Executive Secretary Thompson informed that much of this data has already been obtained.

Council on Aging Van Donations

It was on motion unanimously

VOTED: To accept \$143.81 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.

Conservation Commission Grant

It was on motion unanimously

VOTED: To accept on behalf of the Town a grant of \$860 to the Conservation Commission from the Sudbury Foundation to be expended under the direction of the Conservation Commission for designing and printing a booklet of trail maps for Town-owned conservation land.

Interfaith Fuel Assistance Program Donation

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It was on motion unanimously

VOTED: To accept on behalf of the Town a donation in the amount of \$1,000 from the Memorial Congregational Church to be deposited into the Interfaith Fuel Assistance Program Account; and to authorize the Community Social Worker to expend same for said purpose.

League of Women Voters - Housing Study

The Board acknowledged receipt of a letter dated January 19, 1994, from the League of Women Voters relative to their upcoming joint meeting with the Selectmen on February 7, which informed the Board the League will be holding a focus group meeting on January 26 to gather views on the Town's housing options for the February 7 meeting.

Grant Sewage Disposal Easement to SHA

It was on motion unanimously

VOTED: To grant and sign an Easement for Sewage Disposal Purposes to the Sudbury Housing Authority, shown on a plan entitled, "Easement for Sewage Disposal Purposes over the land of the Town of Sudbury", dated December 14, 1992, revised December 20, 1993, and drawn by Town of Sudbury Engineering Department, located on the Sudbury Fire Department property, Hudson Road.

Accept Sudbury Water District Easements

It was on motion unanimously

VOTED: To accept on behalf of the Town the following interests in land from the Sudbury Water District:

- A. Drainage Easement, dated January 18, 1994, shown on a plan entitled, "Proposed Drainage Easement over land of The Sudbury Water District", dated October 18, 1993, drawn by Town of Sudbury Engineering Department, located southerly of Wash Brook Road; and
- B. Walkway Easement, dated January 18, 1994, shown on a plan entitled, "Proposed Walkway Easement over land of The Sudbury Water District", dated August 4, 1993, drawn by Town of Sudbury Engineering Department, located on the northwesterly side of Raymond Road on Town Property Map L08-001.

Dunkin Donuts Common Victualer and Entertainment Licenses

Following discussion concerning the typical hours for local restaurant hours and other Dunkin Donuts shops, it was on motion unanimously

VOTED: To grant to Donut Management, Inc., d/b/a Dunkin Donuts, Constantine Scrivanos, President, 394 South Main Street, Bradford, MA 01835, a Common Victualer License and an Entertainment License for background music only, in accordance with applications dated January 2, 1994, to be exercised during the

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hours of 5:00 a.m. to 11:00 p.m. seven days per week at the Dunkin Donuts establishment to be built at 378 Boston Post Road; said licenses to be issued subject to payment of fees and approval of the Building Inspector, Fire Chief and Board of Health following inspection of completed premises and submission of appropriate plans and data to said officials.

Stop Signs at Peakham/Old Lancaster Roads

The Board received a report dated January 14, 1994, from Police Safety Officer Ronald Conrado stating it appears the four-way stop signs at the Peakham Road/Old Lancaster Road intersection are working well, but recommending continuing their operation on a trial basis for an additional six months. The Board concurred.

Hydrant Snow Removal

Present: Fire Chief Michael C. Dunne.

The Board met with Fire Chief Michael C. Dunne concerning his letter dated January 10, 1994, in which he expressed the difficulties with accomplishing the removal of snow around fire hydrants. Chief Dunne explained the history of the situation - that formerly funds were furnished by the Town to the Water District for shoveling the hydrants out, then those funds were cut and a program was started to have neighbors and civic groups take over the job. Chief Dunne stated that program was fairly successful for a while, but this is not the case presently and hydrants are buried with frozen snow in many areas.

Executive Secretary Thompson expressed his thoughts that some cooperative agreement had been made with the Water District at the time funds were cut. He suggested he meet with the Fire Chief and Water District Superintendent to resolve the problem; he did not recommend budgeting any funds for this purpose.

It was agreed by the Board that the Town should continue its present policy of asking neighbors to shovel out the hydrants near their homes and that an effort be made to promote and organize this.

Town Forum - 209th Session

At 8:00 p.m. Chairman Cope convened the 209th session of the Town Forum.

A special presentation was made by Michael Coutu of Ron Boucher Associates of a Conceptual Plan for the Fairbank Community Center and Haskell Field Site Improvement Project, for which initial funding is being sought at the April Annual Town Meeting. There followed reports by the various boards and departments. This Town Forum was televised over the local cable network and a copy of the video tape is available in the Selectmen's Office.

Street Acceptances

Present: Town Engineer I. William Place.

The Board was in receipt of letters it solicited relative to the streets being proposed by the Town Engineer for acceptance at the 1994 Annual Town Meeting, as follows: a) dated December 29, 1993, from

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the Highway Surveyor, agreeing with the list of streets and recommending the addition of Babe Ruth Drive; b) dated January 6, 1994, from the Conservation Commission recommending: 1. **Atkinson Lane and Petersen Circle** - an as-built plan and wetland status report be submitted so the Commission can be sure that wetlands replication was done according to plan; 2. **Perry Circle** - in addition to an as-built plan needed as above, there is a violation involving drainage and slope on two lots and partially in the right-of-way; and thus they do not feel the street is ready for acceptance; 3. **Firecut Lane Extension** - that acceptance be delayed another year to determine whether replication of wetlands has been properly executed; 4. **Raymond Road** - two new lots at the town line have controversial Order of Conditions; 5. **Stagecoach Drive** - outstanding Order of Conditions exists; recommend as-built plan and inspection to determine of Certificate of Compliance can be issued prior to Town Meeting; and 7. summarizing that all work should be completed before streets are accepted; and c) dated January 7, 1994, from the Planning Board concurring with acceptance of Powder Mill Road, Raymond Road and Spiller Circle and withholding recommendations on other streets until input is received from the Conservation Commission, and recommending that the jurisdictional issue of wetlands as related to street acceptances should be resolved prior to recommendations on acceptance by the various boards.

Selectman Blacker expressed his opinion that he would rather not proceed with any acceptances if there are issues which will cause later decisions to not go forward at Town Meeting.

Town Engineer I. William Place explained there were no issues outstanding related to several of the streets, such as McLean Drive, Powder Mill Road, Raymond Road, Spiller Circle, and Stagecoach Drive, and that there were bonds which could be applied to complete work if necessary on all streets where there are problems. He strongly recommended that the Board proceed with the acceptance of all of the streets, including Babe Ruth Drive.

Selectman Blacker asked whether road bond money could be applied to wetlands replication.

The Town Engineer replied that Town Counsel has opined that such bond money can be used provided the work is related to road construction, which is the case concerning Babe Ruth Drive.

On recommendation of the Town Engineer and Highway Surveyor, with the request that the Conservation Commission work out its concerns with the Town Engineer, it was on motion unanimously

VOTED: That the Board states its intention to lay out the following streets on March 14, 1994, for acceptance by the 1994 Annual Town Meeting, and refers said streets to the Planning Board for its report prior to March 14, 1994:

Atkinson Lane	From Dutton Road to a dead end, a distance of 2,608 feet, more or less;
Babe Ruth Drive	From Hudson Road to Atkinson Lane, a distance of 1,301 feet, more or less;
Firecut Lane Ext.	From Aaron Road to a dead end, a distance of 360 feet, more or less;
McLean Drive	From Pratt's Mill Road to a dead end, a distance of 1,024 feet, more or less;
Perry Circle	From Atkinson Lane to a dead end, a distance of 451 feet, more or less;
Petersen Circle	From Atkinson Lane to a dead end, a distance of 352 feet, more or less;
Powder Mill Road	From North Road northerly, a distance of 100 feet, more or less;
Raymond Road	From the Framingham Town Line northerly, a distance of 631 feet, more or less;
Spiller Circle	From McLean Drive to a dead end, a distance of 270 feet, more or less;
Stagecoach Drive	From Landham Road to a dead end, a distance of 276 feet, more or less.

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Comprehensive Permit - A. Marrone

Present: Developer Alan Marrone.

The Board met with Alan Marrone at his request preliminary to his submission of an application for a Comprehensive Permit. Mr. Marrone explained that he and Stephen E. Grande, III, are in the process of designing and engineering an affordable housing development entailing 15 single units on Stuart Street, for which a state Comprehensive Permit will be required involving local endorsements by the Town's Selectmen and Board of Appeals. The application has been submitted to the Executive Office of Communities and Development for approval, following which it will be submitted to the Town. He stated that approximately 25% of the units will be below 80% of the moderate income level, selling at approximately \$95,000, the balance to sell at a market rate of approximately \$150,000. The number of units is subject to testing for septic systems.

Mr. Marrone displayed a plan of the lots and furnished the Board with a copy of the guidelines relative to the Comprehensive Permit process.

Public Opinion Advisory Question - League of Women Voters

The Board was in receipt of a letter dated January 19, 1993 (1994), received January 19, 1994, from Linda Wallace, Co-President of the League of Women Voters, and Virginia Howard, Housing Task Force, requesting that the Selectmen place a Public Opinion Advisory Question on the ballot for the March Town Election.

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

VOTED: To place the following Non-Binding Public Opinion Advisory Question on the March 28, 1994 Annual Town Election Ballot:

"Should the Town amend the Town's Zoning Bylaw to provide more residential diversity, since 91% of Sudbury is zoned Single Family Residential and the remainder is zoned Commercial or Open Space?
YES____ NO____"

Public Opinion Advisory Question - Solid Waste Disposal

The Board discussed the question of placing additional Non-Binding Public Opinion Advisory Question(s) on the March ballot relative to future disposal of solid waste. The Resource Recovery Committee had responded with four different wording alternatives for the Board's consideration. Executive Secretary Thompson stated that he has been working with the Town Clerk to determine the legal limitations on the question wording, and according to her we can only have the "bare" question - no introduction, comment or explanation of cost factors.

Selectman Blacker strongly questioned the wisdom of placing this question on the ballot, because it is the Selectmen's responsibility to make the decision on future solid waste disposal methods based on

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environmental concerns and cost, and thus the opinion survey is likely to be a futile exercise. Executive Secretary Thompson stated that at the Board's meeting with the Resource Recovery Committee the Committee had stated it wanted to seek some direction from the townspeople.

Concern was expressed as to providing the voters with adequate background and cost alternatives to make an informed decision. The Executive Secretary was requested to work on this matter and bring the subject back to the Board as soon as possible.

Small Commercial Exemption - Real Estate Taxes

The Board acknowledged receipt of a memorandum dated January 5, 1994, from Assessor Appraiser Daniel Loughlin providing guidelines from the Department of Revenue concerning a Small Commercial Exemption, allowed under a new law, Chapter 110, sections 112 and 187 of the Acts of 1993. This provides an additional option under the property tax classification law to give preferential treatment to commercial properties occupied by small businesses. Mr. Loughlin's communication advised that if the Selectmen wish to adopt this exemption for fiscal year 1995, the Assessors must be notified before July 1, 1994, in order to provide enough time to properly identify and classify all eligible property.

The Board agreed not to pursue this exemption and to so notify the Board of Assessors.

FY94 Trust Fund Authorizations

The Board was in receipt of a communication dated January 21, 1994, from Town Treasurer and Collector Mary Ellen Normen Dunn requesting a vote of the Trustees of Town Donations to set up dedicated trust fund accounts from which to charge expenses for FY94.

Selectman Blacker expressed concern that the Treasurer discuss this proposal with the affected departments. Executive Secretary Thompson stated that this had been done - the authorization is for the current fiscal year.

On recommendation of Co-Trustee of Town Donations Mary Ellen Normen Dunn, dated January 21, 1994, voting in absentia, it was on motion unanimously

VOTED: Acting as Co-Trustees of Town Donations, to authorize the transfer of the following amounts into dedicated accounts on the General Ledger, subject to there being no objection from the users; said accounts to be charged for all expenses during FY94 supported by the Trust Funds:

Account	\$
Goodnow Library	11,746.99
Lydia Raymond Fund	51.39
Bradshaw Memorial	150.00
Rhoades Memorial	150.00

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Annie Thorpe/Public Health	669.76
Discretionary/Charity Fund	5,000.00
Town Cemeteries	14,000.00
Total	31,768.14

FY95 Budget Approvals

Treasurer/Collector: The Board reviewed the final budget submission, revised 12/29/93, for Account 563 and noted an error in the Personal Services increase total for FY95, it being \$10,000 too low. Relative to the Tax Title Expense line item, Selectman Blacker suggested that only ten tax title cases be processed by Town Counsel under his retainer, which he believed would serve the same purpose and not leave the Town with many foreclosed properties. He expressed his preference to take only those properties without houses. Executive Secretary stated that there were some cases that needed to be addressed, and that Town Counsel was presently working on 12-15 properties, of mixed nature.

The Selectmen directed the Executive Secretary to meet with the Treasurer/Collector and rework her budget taking into consideration the Board's comments.

Debt: The Board approved the budget, as revised 1/7/94.

Landfill Enterprise Fund: On recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To approve the Landfill Enterprise Fund FY95 Budget, as revised December 6, 1993, for recommendation to the Annual Town Meeting, as follows:

Total Direct Costs	\$358,487
Indirect Costs	\$ 75,513
Total Budget	\$434,000
Estimated Receipts	\$434,000

Atkinson Pool Enterprise Fund: On recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To approve the Atkinson Pool Enterprise Fund FY95 Budget, as revised January 6, 1994, for recommendation to the Annual Town Meeting, as follows:

Total Direct Costs	\$281,484
Indirect Costs	\$ 42,412
Total Budget	\$323,896
Estimated Receipts	\$323,896

Dudley Road - Letter from R. Lowry

Concerning the letter dated January 16, 1994, from Mr. Reed Lowry, Mr. Thompson informed the Board that he has had several telephone conversations with Mr. Lowry and will be sending him the minutes of January 10 responding negatively to Ms. Papas' new request for traffic regulations, with a copy and note

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to the Town Engineer and Safety Officer asking them to clarify their recommendations and provide any alternative recommendations they may have.

Goodman's Hill Road - Letter from P. Anderson

The Board discussed briefly the letter received, dated January 12, 1994, from Pamela Anderson, requesting another meeting with the Board to discuss other Goodman's Hill Road safety measures previously suggested: "new signing, enforcement, speed limits, and several of the amendment items". The Selectmen concluded that their position on these matters has not changed and therefore they saw no need for a meeting. The Executive Secretary was requested to send a letter to Ms. Anderson to inform her of this decision.

Fort Devens Sudbury Annex Meeting

Chairman Cope stated she would try to attend the February 2nd meeting of area towns in Maynard to discuss the waste cleanup and disposition process for the Sudbury Annex.

Cummings Property - Board of Health

The Board discussed a letter dated December 29, 1993, from the Board of Health to the President of Cummings Properties, owner of the 25-acre former Unisys parcel off Rt. 117. The Board expressed its belief that some of the stipulations made by the Board of Health could not be complied with and appeared to be unrealistic and inappropriate. The Board expressed strong feelings on the total appropriateness of the letter.

Unclassified Postage Budget

The Board concurred with a memorandum dated January 20, 1994, from J. Silva, recommending postponement of the purchase of a folding/stuffing machine and a reduction of \$7,000 in Line Item 950-815 Postage.

Annual Town Meeting Warrant

It was mentioned that the Finance Committee had suggested obtaining paid advertisements from local organizations and businesses to help defray the cost of printing and mailing the Town Warrant. Executive Secretary Thompson stated that Town Counsel would be looking into this, but it was too late to do this for the 1994 Warrant.

Vacant Commercial Sites

Chairman Cope reported on a recent survey by former Mayor Mike Hogan's office, which recorded Sudbury as having 32 vacant commercial sites available for development.

Designate School Collective Bargaining Agent

With the concurrence of the Board, Chairman Judith A. Cope

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VOTED: In accordance with M.G.L. Ch. 150E, as amended, to designate Selectman Lawrence L. Blacker to be the Town's Collective Bargaining Agent to participate and vote in all School Committee (Sudbury K-8 and regional high schools) bargaining matters, reconfirming the Board's previous vote on this subject.

Selectmen Blacker requested that Town Counsel clarify for him what his function/mandate is in regard to voting procedures under this designation. I.e., Is his vote required for approval of contracts, etc.?

Dunkin Donuts Architectural Design

Executive Secretary Thompson will look into obtaining a photograph of the West Brookfield Dunkin Donuts for review by the applicants.

Town Reorganization Blue Ribbon Committee

Following review of names recommended by Chairman Cope, the Executive Secretary and William Katz, it was on motion unanimously

VOTED: To appoint a Town Reorganization Blue Ribbon Committee to evaluate the Board of Selectmen-Town Manager form of administration being proposed to the 1994 Annual Town Meeting pursuant to the MMA Management Study and help arrive at a consensus at Town Meeting, to be made up of the following members, subject to their acceptance: David Wilson, David Pettit, Robert B. Palmer, Peter Buxton, Peter Berkel, David Fitts, Helen Casey, Gilbert Wright, Thomas Phelps, Joseph Klein, Linda Wallace, Richard Davison, Judith Cope, William Katz, Kathleen Precourt, Richard Bryant, John Burns, Steven Stolle, Michael Fitzgerald, Ralph Tyler, Patrick Delaney, Russell Kirby, and Ronald Stephan.

Order Annual Town Meeting Warrant

Following discussion, it was on motion unanimously

VOTED: To order the 1994 Annual Town Meeting Warrant as drafted by the Executive Secretary with the exception of changing the Town Reorganization Special Act to become Article #7, subject to comment from the Moderator and Finance Committee Chairman.

There being no further business to come before the Board, the meeting was adjourned at 11:30 p.m.

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk