

IN BOARD OF SELECTMEN
MONDAY, FEBRUARY 12, 1996

Present: Chairman John C. Drobinski, Selectmen Lawrence L. Blacker and Maryann K. Clark.

The statutory requirements as to notice having been met, the meeting was convened by Chairman Drobinski at 7:35 p.m. in the Town Hall.

Presentation on Proposed History Trail

Present: Maria von Brincken, Coordinator of Friends of Historic Town Center; several Town residents who support idea of a History Trail.

The Board acknowledged receipt of a letter from Maria von Brincken, dated January 1, 1996, asking for its support of a warrant article for a minimum of \$22,698 for the walkway installation and Historic District Signs to be part of the proposal by the Friends of the Historic Town Center for a History Trail.

Attached to Ms. von Brincken's letter was a copy of the proposal (four pages) for the historic walkway, including 1) the working concept, 2) the proposed sites, 3) an outline of financing methods, and 4) the cost estimates for the first phase of the project.

In her letter, Ms. von Brincken named several Town boards and several interested organizations and individuals who have been apprised of the plans and have provided input. Finally, Ms. von Brincken stated that if the Town funds part of the costs, the Sudbury Foundation, the Cultural Commission (State and Local) and others would be interested in contributing to the project.

Chairman Drobinski welcomed Ms. von Brincken; she then noted that there were several Town residents present who have come to this meeting in support of the History Trail. She began by saying that a History Trail would be a focus of community pride and proceeded to give an easel presentation on several alternatives for construction of such a trail, e.g. a short walk around a peripheral area, a longer walk to include Heritage Park, or a walk longer still to include Old and New Town Cemeteries and up to Candy Hill Lane. Ms. von Brincken said the tour would be self-guided and showed the Selectmen samples of the signs proposed by the committee to guide tourists. The signs would be of a quality that would withstand the elements and yet be inexpensive to replace, and would contain a map and brief description of each site on the tour. Ms. von Brincken told the Board that imbedded in the walkway would be oval bronze medallions containing the name and date of each building on the trail. She said that for these medallions the committee favors artifacts or icons to stimulate curiosity and representing the history of each site.

Ms. von Brincken stated that she has come to the meeting this evening to ask for the support of the Selectmen so that her committee can have a stronger position from which to seek funding. She said that some interested parties have indicated that they would be willing to give funds in partnership with a financial commitment by the Town. Selectman Clark asked if this project is represented in an article for Town Meeting and Chairman Drobinski answered in the affirmative, that it is #37.

Selectman Blacker inquired as to how much is in the Wood/Davison Fund and Interim Town Manager Thompson stated that \$46,000 is in the fund, but that this amount cannot currently be used; Mr. Thompson said that he recently had sent a memo to the Sudbury Foundation stating that of the \$46,000, the Town should give back to the Foundation \$10,000, leaving approximately \$36,000 in the fund. Mr. Thompson said he has spoken with Town Counsel about the possibility of using the remaining \$36,000 for other historical projects, e.g. the history sequel, but that this history trail would be a good project also. Mr.

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Thompson stated that the legal process of freeing up the Wood/Davison funds could take from six months to one year.

Ms. von Brincken said that the Sudbury Foundation had stated that support did not necessarily have to be in the form of cash, e.g. if the Boy Scouts wished to help in constructing the trail, if the Garden Club wished to help with beautification, if the schoolchildren did plaster casts for the icons--this would demonstrate community involvement. She said that although the Sudbury Foundation would not give her a firm figure of funds she should raise, it indicated that community involvement would make the project more attractive in meriting financial support.

Mr. Thompson said that in the past the Selectmen have supported the idea of a history exhibit in the historical Town Center, but that this evening the Committee seeks specific commitment; therefore, Mr. Thompson recommended that the Board offer its support of this project depending on the funding becoming available.

Ms. Clark said that if the Wood/Davison Fund is defunct, common sense dictates that a project such as this one go after that money as this project represents such a similar use. Mr. Thompson reminded the Board that in the past it had supported using the Wood/Davison funds for refurbishing of the Loring Parsonage and then turn the remainder over to the Historical Society so that projects such as this one would have some backing.

Mr. Drobinski then said that the first issue would be to free up the Wood/Davison Fund and then prioritize the list of possible projects compatible with the intent of original donors to that fund. He said that the Board should direct Town Counsel to work on this. Mr. Thompson then said that if this History Trail project could receive perhaps \$10,000 from the Wood/Davison Fund, along with the support of the other organizations mentioned this evening by Ms. von Brincken, then that would give the Committee a funding commitment to seek a State grant or Foundation matching grants. Ms. von Brincken suggested that any monies contributed to the project go into a special account for this project by the Town, so that the Friends of the Historic Town Center would not have to become a non-profit organization. Mr. Thompson clarified that the reason "Friends" organizations are instituted (e.g. Friends of Sudbury Senior Citizens) are so that projects can be expedited at less cost, because if the Town does the project, it would cost approximately 30% more. Therefore, Mr. Thompson suggested that the group Ms. von Brincken heads now become incorporated and deal with the IRS form to enable them to receive tax deductible contributions. Selectman Blacker suggested that "The Friends" of the historic Town Center initiate the commitment of groups such as the Boy Scouts, as it is easier for them to do this than to have the Town do it; Ms. Clark clarified here that the Town must pay prevailing wage, as opposed to the donation of services a "Friends" group could request.

Chairman Drobinski summarized by saying that the Board supports the concept presented this evening by Ms. von Brincken, and that the Board will direct Town Counsel to look into the freeing up of Wood/Davison funds. Selectman Blacker clarified here that the Town received the donations of many individuals to the Wood/Davison Fund, but that since the project was never executed, it would be impossible to give back the money to the contributors, as they are too numerous, and in some cases unknown, therefore the Town would like the courts to acknowledge that the Town will use this money for other historical purposes. The Town would ask the court's blessing for this "as near as" possible to the original purpose or intent of the donors; Mr. Blacker said that the key issue is that the Town show that the people who made the donations had a general charitable intent (vs. a specific intent); in this case, such a conclusion may be somewhat difficult, but the Town should pursue the freeing up of the funds in this manner.

Interim Town Manager Thompson suggested to the Board that if it is disposed to use money from the Wood/Davison account for the proposed History Trail, then perhaps the Harry Rice Fund could be used to renovate the Loring Parsonage; Mr. Thompson said he has already spoken to the Historical Society about using the Harry Rice Fund (original intent for "museum purposes") for the Loring Parsonage.

Chairman Drobinski then thanked Maria von Brincken for her presentation; he said that the Board would wait to see what happens with Article 37 at Town Meeting, as to whether or not there will be any funding available.

Interview of Candidate for Long Range Planning Committee

Present: Charlotte Broussard, Candidate.

The Board acknowledged receipt of a communication from William Katz, of the Long Range Planning Committee, dated December 22, 1995. Mr. Katz stated that there are four members remaining on the Committee (out of five) due to the resignation of one member in the spring of 1995. He further stated that the Committee has reviewed the applications of two candidates (Herbert Shanzer and Charlotte Broussard) who wish to serve on the Committee and then requested that the Selectmen approve both candidates, as both applicants would make excellent LRPC members. Finally, Mr. Katz offered to have the LRPC choose one of the two applicants if retaining six members of the Committee is impossible.

Interim Town Manager Thompson reminded the Board that he had replied to Mr. Katz that according to Art. 14 (1986) there are to be only five members of the Long Range Planning Committee, and that the Board of Selectmen would interview both suggested candidates and pick one of them for the position. Mr. Thompson also reminded the Board that it had interviewed Mr. Shanzer at its last regular meeting and said that this evening the second candidate, Ms. Broussard, is here to be interviewed.

Chairman Drobinski welcomed Ms. Broussard; Selectman Blacker asked her how she became interested in the issues of the Long Range Planning Committee. Ms. Broussard replied that she had moved to Town five years ago from the Chicago area; that before that she had lived in Lexington for many years; that she has experience in corporate law; and she is retired and has the time to devote to Town affairs. Selectman Clark asked the candidate if she had served in any elected capacity while living in Lexington and Ms. Broussard replied that she had not but had some historical society involvement there. She reiterated that most of her work had been in the corporate world. Chairman Drobinski asked her what made her pick the LRPC as an interest and Ms. Broussard replied that she keeps abreast of Town affairs in the local newspapers and volunteered because she has experience in number-crunch analysis and long-range planning in industry.

Chairman Drobinski asked whether or not the number of members on the Long Range Planning Committee is controlled by statute and received an affirmative answer from Mr. Thompson that a Town bylaw governs. Mr. Drobinski further asked whether or not a decision must be made this evening; he stated that the Board has now interviewed two good candidates and it is a difficult decision to choose between the two. Selectman Clark said she would like further input from the LRPC as to its preference; Mr. Thompson said that one option would be to hold one candidate for the next vacancy to arise on the Committee. Ms. Clark suggested that the LRPC use an "alternate" member to attend meetings and become familiarized with Committee agenda and to thus be ready to move into place on the LRPC when a vacancy arises. Mr. Thompson concurred, saying that (as an example) the Conservation Commission operates in this manner.

Mr. Thompson stated that he will suggest this method of operation to the Long Range Planning Committee, so that whichever candidate is chosen, the other will be the next person in line for membership. He further stated that as all appointments come due on May 1, 1996, it is likely that on this Committee, as on several others, a vacancy will arise. Mr. Thompson concluded by saying that he will call William Katz for his recommendation, as the Board agrees that either Mr. Shanzer or Ms. Broussard would be an excellent committee member for the LRPC. Chairman Drobinski then thanked Ms. Broussard for becoming a candidate and thanked her in advance for her service to the Town.

License Application - Jezebel's Steak House & Grill

Present: Paul LaCava, Robert Gentile, William Roche and Robert Sherman of Jezebel's Steak House & Grill; Linda Mury, 623 Peakham Road, abutter.

The Board convened a public hearing to consider the applications, dated January 19, 1996, of Jezebel's Steak House & Grill, 8 Village Green, Hudson Road, to operate two pool tables and a pin ball game, weekdays (Mon.--Sat.) only.

The public hearing was advertised in the Sudbury Town Crier on February 1, 1996. Interim Town Manager Thompson noted that all appropriate abutters had also been notified, as well as the Building Inspector, Fire Chief and Health Director.

The Board acknowledged receipt of a memo from John Hepting, Inspector of Buildings, dated January 29, 1996, stating that there are two separate means of egress in the restaurant; lit exit signs are provided and emergency lighting is in working order. Therefore, Mr. Hepting stated he found no building code violations to restrict the use requested by the applicant.

The Board is also in receipt of a memo from Robert Leupold, Health Director, dated February 8, 1996, stating that the proposed new use of the loft area in the restaurant will reduce available seating, and that it is expected that septic system flows would be reduced. Mr. Leupold concluded by saying that approval should be subject to Board of Health approval of the total number of restaurant, lounge and loft area seats.

Finally, the Board acknowledged receipt of a memo from Fire Chief Michael Dunne, (no date listed), in which he states that 1) the pool tables and pinball machine would not interfere with required exit access space and that 2) the area next to the tables is open to the floor below, protected by a railing approximately three feet high. Mr. Dunne said that it would be possible for items to fall from the loft area to the floor below if patrons were sitting along the rail waiting turns or if a ball were to leave the table and bounce. Mr. Dunne said he had spoken with a person at the restaurant who stated that Jezebel's intends to enclose this area with mesh or plexiglass to prevent items from to the area below; Mr. Dunne concluded that such alterations should be a requirement.

After the representatives of Jezebel's staff introduced themselves, abutter Linda Mury of 623 Peakham Road spoke, saying that as she lives in very close proximity to the restaurant, the voices of patrons leaving at the end of the evening were very loud and she is able to hear conversations as if she were with the diners. She also said that the headlights of cars penetrated the dark of her bedroom at very late hours. Ms. Mury said that these conditions are worse in summer but are a year-round problem. She asked if

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the restaurant could plant a row of hemlocks or pine trees or construct a fence to separate her home from these intrusions. She mentioned some plantings of trees which would not lose their leaves in winter.

Chairman Drobinski said that the owners of the restaurant are not present this evening and Mr. LaCava said that he would definitely bring these points up with the owner. Interim Town Manager Thompson offered to send a letter to the owner with this request by the Town.

Selectman Clark mentioned the input from the Board of Health and the Fire Chief, especially the safety issue of enclosing the loft. William Roche stated that Jezebel's intends to install a tight netting all the way up to the ceiling to keep objects from falling from the loft to the floor below. He also said that sliding doors would be installed to separate the loft area from the other upper floor area.

Chairman Drobinski recommended that the licenses applied for be granted, subject to the restaurant's acting on the recommendations of the Fire Chief and the Board of Health. He asked if these are annual licenses and received an affirmative answer.

Selectman Blacker asked for information on the difference in applying for Sunday licenses and was told that the cost is much greater than for weekday licenses.

Subject to enclosure of the loft area with mesh or plexiglass as recommended by the Fire Chief, and subject to Board of Health approval of the seating capacity of each area, it was on Chairman Drobinski's motion unanimously

VOTED: To grant to Jezebel's Steak House & Grill, 8 Village Green, Hudson Road, a license to operate two pool tables (weekdays Monday to Saturday only), such entertainment to be located in the loft (mezzanine) of the restaurant, for a period to expire according to M.G.L.ch.140, sec. 202, on May 1, 1996;

and unanimously

VOTED: To grant to Jezebel's Steak House & Grill, 8 Village Green, Hudson Road, a license for one Automatic Amusement Device (weekdays Monday to Saturday only), such entertainment to be located in the loft (mezzanine) of the restaurant, for a period to expire Dec. 31, 1996, subject also to receipt of the Dept. of Public Safety approval number for the particular machine to be installed.

Health Insurance Consultant Contract

Present: Christine Gundling, Benefits Coordinator; members of Employees Insurance Advisory Committee.

The Board remains in receipt of a memo (4 pages) from Benefits Coordinator Christine Gundling, dated December 6, 1995, reporting on the four proposals received on November 13, 1995 from Cook & Company, Sterling, Group Benefits Strategies, Inc., and Coopers & Lybrand. Ms. Gundling (along with the Budget & Personnel Officer, Town Treasurer & Collector, and Assistant Town Accountant) recommended contracting with Group Benefits Strategies, as they offer the same basic services as the present provider (Sterling) at less cost and they offer the analytical and computer expertise which will be needed in the future. The memo continued by listing the pros and cons of all four companies and summarized Ms. Gundling's recommendations.

The Board also remains in receipt of a memo from the Sudbury Employees Group Insurance Advisory Committee, dated December 8, 1995, which enumerated their reasons for agreeing with the choice of Group Benefits Strategies, Inc.

Interim Town Manager Thompson reminded the Board that it had tabled this item on December 11, 1995, as Selectman Blacker had expressed a desire to investigate the matter. Selectman Blacker then stated that he had wanted to explore the reasons for changing from the present contractor (Sterling), which in his opinion had done a good job for the Town. Mr. Blacker said he had spoken with Art Bomengen, who realizes that reports Sterling did were not always 100% accurate, but that the problem was that the data base tapes were not done by his office but done by a firm in Tennessee. Sterling also had not had access to a large data base. However, Mr. Bomengen said that he no longer uses this Tennessee data base but does it in-house and says that he currently has access to a data base that is as extensive as the data base of any other consultant. Mr. Blacker furthered that it has always been his feeling that there were certain problems with the reporting system, i.e. with which staff member was Mr. Bomengen supposed to confer?

With these considerations in mind, and acknowledging that Sterling would be slightly more expensive than Group Benefits, Mr. Blacker then proposed that the Town enter into a contract with Sterling for six months (not for a whole year) to investigate (now that there is a Benefits Coordinator) what the problems are (or are not!). If after six months there are still problems, then the Town should look elsewhere for a contractor. Mr. Blacker concluded by saying that he believes the \$3500 extra for Sterling for six months is an insignificant difference, given the size of the health insurance fund.

Selectman Clark stated that it appears that the company recommended by Ms. Gundling has a consultant who is a former Town Manager, who has Massachusetts governmental experience, as well as access to a large data base; Ms. Clark then asked Ms. Gundling why a large data base is important in making the choice of a consultant.

Ms. Gundling stated that Sterling has done a very good job last year in bringing the Town to its current position. The Town now has been self-insured for about two years; now is the time to analyze the data, e.g. where is the trust fund going? what are other municipalities doing? Comparisons are needed and Group Benefits Strategies works with many municipalities and they have the information we need. Ms. Gundling said that the Town went out to bid, the committee did close comparisons among companies and chose Group Benefits because the consultant with whom Sudbury would be working is a former Town Manager. Ms. Gundling said she had personally met with all four companies for over one hour each, and asked them all the same questions. All the companies do a good job, but with Group Benefits there is less cost, and they deal with many more municipalities (Sterling deals with 20 to 22 clients; Group Benefits deals with more than 200).

Selectman Blacker reiterated his question to Ms. Gundling as to what information she seeks from the data base; his personal feeling is that some information does not exist with certainty anywhere, no matter which consultant the Town should choose. Ms. Gundling responded that the Board should keep in mind that not only did she do the research on the four consultants, but also this entire process was done "by the book". Ms. Gundling said she made her recommendation along with Ms. Peterson, and Ms. Ackerman based on the feedback they gleaned; they also took this problem to the Insurance Advisory Board and although Ms. Gundling had no input on the IAB decision, it too came back with the same conclusion to contract with Group Benefits. Therefore, Ms. Gundling said there are three groups of people all agreeing that it is time to move on to Group Benefits Strategies.

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Chairman Drobinski stated that he does not believe it is up to the Selectmen to "micro-manage" this issue or to second-guess the staff recommendation. Ms. Gundling reiterated that the Insurance Advisory Committee had put much time and effort into this matter. Selectman Clark noted that Framingham and Weston (representing a broad spectrum) both are "on board" with Group Benefits Strategies.

It was on Chairman Drobinski's motion

VOTED: To contract with Group Benefits Strategies, Inc. to be the health insurance consultant for the Town of Sudbury, effective February 1, 1996 through January 31, 1997, pursuant to proposals received on November 13, 1995.

(Chairman Drobinski - aye; Selectman Clark - aye; Selectman Blacker - opposed)

Continued Public Hearing - Application for Site Plan Special Permit of Bell Atlantic/NYNEX Mobile

The Board acknowledged receipt of a draft Decision to grant a Site Plan Special Permit to Bell Atlantic/NYNEX Mobile (BA/NMCC), 600 Unicorn Park Drive, Woburn, MA, for a Site Plan Special Permit for erection of a communications tower, a radio equipment building and a two-bay garage for the Town on property located at 20 Boston Post Road, Sudbury's Sanitary Landfill.

Selectman Clark stated that she had several changes to the draft to propose before she would consider signing the Special Permit. Ms. Clark then enumerated her comments as follows:

Relative to Condition #6 on page 7 of the draft, the Board had approved no signs whatsoever to be displayed on the tower; therefore this number should be deleted and language inserted that no sign shall be displayed or attached to the tower.

Relative to Condition #9 on page 7 of the draft, the Board had stipulated that the tower shall not be lighted in any way. Interim Town Manager Thompson mentioned that BA/NMCC would like some security lighting, and Ms. Clark stated that lighting could be at the base, but not higher, on the tower. Selectman Blacker suggested the words "exterior base lighting." Ms. Clark stated that she would also like it specified in writing that the tower itself shall not have any lighting on it. Selectman Blacker queried as to whether or not it would be agreeable to have lights on the tower, but facing downwards in order to provide security lighting at the base; Mr. Thompson said that there were not to be any lights at all on the tower, according to previous Board discussion. Ms. Clark then stated that language should be inserted to stipulate that security lights may be installed on the tower but at no higher than ten feet above the base.

Relative to Condition #11 on page 7 of the draft, sentence should read "...the grant by the owner to the Town of a restrictive covenant..." rather than "...the grant by the owner of the Town of a restrictive covenant...".

Relative to Condition #12 on page 7 of the draft, Ms. Clark stated that in previous notes, the Board had stated that the tower base should be no greater than 16 square feet. Ms. Clark said that the Board had definitely specified a limit on the size of the base and that it was her understanding that the architects would come back to the Board with a drawing that would be within the limits specified by the Board. Therefore, Ms. Clark said that the wording of Condition #12 should be

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changed from "The tower base shall be in accordance with application plans...." to "The tower base shall be no greater than 16 square feet..."

Relative to Condition #8 on page 7 of the draft, Chairman Drobinski recommended that the wording be changed from "final approval by the Selectmen of an accurate architectural rendering of the proposed building or change" be changed to "final approval by the Selectmen of an accurate architectural rendering of the proposed building and of the tower....".

Relative to Condition #19 on page 8 of the draft, Ms. Clark thought the lease should be drafted prior to site plan approval, but she agreed, after an explanation by Mr. Thompson, that it would be in the Town's best interests to wait until the applicant is ready to implement the site plan, which is not expected to happen immediately. Preliminary negotiations have already taken place between NYNEX, Town Counsel and the Town Engineer.

It was on Interim Town Manager Thompson's recommendation, and including the revisions suggested by Selectman Clark to Conditions #6, #9, #11, and #12, and by Chairman Drobinski to Condition #8, unanimously

VOTED: To grant and sign a Site Plan Special Permit to Bell Atlantic/NYNEX Mobile (BA/NMCC), 600 Unicorn Park Drive, Woburn, MA, for a Site Plan Special Permit for erection of a communications tower, an 11'3" x 26' radio equipment building, and a 30' by 36' two-bay garage for the Town, on property located at 20 Boston Post Road, Sudbury's Sanitary Landfill, LID5, in accordance with Application No. SP95-325, as shown on a plan entitled, Sudbury Landfill, Sudbury, Massachusetts, (Four Sheets: Topographic Plan, dated 8/21/95, revised 9/95, Site Plan A-1, dated 9/95, Tower Elevation, dated 9/95, Site Plan C-1, location sketch, dated 10/95) and prepared for Bell Atlantic/NYNEX Mobile by R. E. Cameron & Associates, Inc., subject to compliance with all governmental laws and regulations including, but not limited to, zoning, building and health laws and regulations, and further subject to the following conditions:

1. An Order of Conditions under the Wetlands Protection Act by the Conservation Commission, if applicable;
2. Approval of the drainage system, including traps, catch basins, and periodic maintenance as required by the Town Engineer.
3. Placement of all utilities underground (utility pole shown on plan to be removed from plan);
4. Extension of Sudbury Water District lines to the site by the owner; no wells to be installed on the site;
5. The grant of an earth removal permit by the Earth Removal Board, if applicable;
6. No sign or advertising devices to be displayed either at ground level or attached to the tower;
7. No storage or use of chemicals on site except in conformity with guidelines and requirements of the Board of Health and the Fire Chief; the owner or operator of the site shall comply with the Massachusetts Oil and Hazardous Materials Release Prevention and Response Act, M.G.L. Chapter 21E, as amended, and all regulations issued thereunder;

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8. Final approval by the Selectmen of an accurate architectural rendering of the proposed building and of the tower, showing the front and side features as they will appear from the public way or private access;
9. Exterior security lighting only (security lighting at the base of the tower or no higher up on the tower than ten feet and projecting downwards) to be directed away from adjacent residences and have shields; if security lighting is affixed to Town property, it must be approved by the Town Engineer.
10. No use of salt or chemical de-icers on site;
11. If applicable, the grant by the owner to the Town of a restrictive covenant to run with the land, governing, restricting or prohibiting the following which shall conform to requirements of the Board of Health, Town Engineer and/or Conservation Commission as appropriate:
 - (a) the disposal or removal of effluent and wastes generated on the site;
 - (b) the use of salt or chemical de-icers on the site;
 - (c) the installation by the owner of one or more monitor wells on the site, including the Town's right of access for periodic testing and monitoring thereof, or another protective device as may be required by the Board of Selectmen;
12. Tower height shall be a maximum of 125 feet. The tower base shall be no greater than 16 square feet;
13. Tower space be given, at no cost, to the Fire, Police and Highway Departments, if ever needed in the future;
14. To prohibit unauthorized entry, a security gate shall be installed for the fenced enclosure with one lock only, accessible by NYNEX, Highway Department, Fire Department and Police Department;
15. Equipment/antennas located on the tower shall be limited to that approved by the Town Engineer, and subleasing of space on the tower shall be prohibited for any purpose other than municipal uses;
16. There shall be no use of microwaves;
17. Submission of an "as built" site plan. Any change in the physical condition of the site, including changes in the location or design of structures or systems, following approval of the site plan, will require approval of the Board of Selectmen;
18. Actual use of the property is subject to a "lease" to be negotiated at a later date;
19. No building permit shall be issued until certain items noted above (1,2,8,18) as specified by the Board, are complied with;

20. No occupancy permit shall be issued until certain items noted above (3, 4, 5, 6, 7, 9, 11, 14, 17) as specified by the Board, are complied with;
21. This Special Permit shall lapse if construction and a substantial use therefore, have not commenced except for good cause within one (1) year from the effective date of said Permit.

Appeals of the grant of the Special Permit, if any, shall be made pursuant to Section 17 of Chapter 40A of the Massachusetts General Laws and shall be filed within twenty (20) days after the date of filing of notice of this Special Permit in the office of the Town Clerk.

The Board will sign the Decision and plans when prepared with the foregoing revisions.

Continued Public Hearing - Application for Site Plan Special Permit of Sudbury Plaza Trust

Present: G. Gamache, T. Houston and P. Paradis of C.I.D. Associates; S. Grande, Attorney for Star Market; J. Bierschenk and J. Civilinski of ENSR Consultants; several residents and abutters of Star Market.

The Board continued a public hearing (continued from January 10, 1996) to consider the application, SP95-324, dated August 15, 1995, of Sudbury Plaza Trust, c/o Gravestar, Inc., 1 Broadway, Cambridge, MA, for a Site Plan Special Permit for expansion of the Star Market Company store at 509 Boston Post Road.

In addition to all materials already acknowledged by the Board in this matter, the Board also acknowledged receipt of the following:

1. A memo to the Selectmen from Paul Bisson, 55 Highland Avenue, (no date) asking that the Board request of Star a six-foot high stockade fence and arborvitae trees to be used on the entire western perimeter of the property (adjacent to Highland Avenue) to ameliorate the strong and constant wind blowing litter into the pond and onto Highland Avenue;
2. A copy of a letter drafted at the Board's request by Interim Town Manager Thompson to Mr. Peter Donohue of the Massachusetts Highway Department, dated January 29, 1996, requesting a meeting to address the issue of signalization of Route 20 at the Sudbury Star Market Plaza site. Mr. Thompson informed Mr. Donohue that all three Selectmen, the Sudbury Town Engineer and all present at the public hearing of January 10, 1996 believe that a traffic light at this location is needed. Mr. Thompson outlined in this letter the reasons why a traffic light is being requested and mentioned the strong support of Raytheon for traffic signalization at this site. Mr. Thompson differentiated between signalization at the Star Market site and at the Nobscot Road site and said that both can be justified independently, but that they would work in tandem for smoothly-flowing traffic along Route 20.
3. A memo to the Board from John Hepting, Inspector of Buildings, dated January 24, 1996, on the subject of the easterly entrance/exit to proposed Star Market Site Plan. Mr. Hepting stated in the memo: "As regards the Board's request for a zoning interpretation of Article IX.V.i.a. and b. Access Driveway and Interior Driveway; a. and b. are only definitions and should not be considered as design criteria. At the easterly entrance/exit, two maneuvering aisles converge with an access driveway which only has a right turn exit onto Boston Post Road. Minimal back-up into the maneuvering aisles should occur due to only right turn exiting. The Zoning Bylaw is not in violation by the proposed configuration and there is no Interior Driveway in this location.";

4. A letter to Selectman Clark from Town Engineer William Place and Building Inspector John Hepting, dated January 22, 1996, on the Star Market Layout Plan. Mr. Place addressed the Board on the issue of the easterly exit from Star Market and whether or not the interior driveway complies with the Town's Zoning Bylaws. In reference to Section IX.V.A.7.b. (Vehicular and Pedestrian Circulation): Mr. Place said that the current Star Market Parking and Traffic Circulation Plan does not conform to this section of the bylaw, because there are no sidewalks for pedestrians within the parking area; there are no pedestrian crosswalks; and the turning radius at the easterly and westerly entrances is not adequate. Mr. Place furthered that the proposed site plan submitted for Star Market is an improvement, because the turning radius at the easterly and westerly entrances have been corrected; there is a pedestrian walkway internal of the parking area and pedestrian crosswalks have been added along with handicap ramps. However, Mr. Place said he still advocates a walkway along Route 20 along the full frontage of the property as a safety measure. In reference to Section IX.V.C.1.b. (Interior Driveway): Mr. Place said that on the original site plan the only interior driveway would include the driveway located directly in front of the market; that under the proposed parking plan the interior driveway would include a portion of the access driveway from Nobscot Road, the driveway located immediately to the front and rear of Star Market and the main entrance. He said that the remaining driveways would be considered maneuvering aisles by definition. Therefore, Mr. Place concluded, the easterly entrance would comply with Section V.A.7. & V.C.1.b., as these sections are definitions and not requirements under Site Plan Special Permit. Mr. Place stated that presently the queue at the easterly entrance is excessive during peak times and will block cars parked at CVS; this is caused by a shared left and right turn exiting Star Market, insufficient gaps, volume of Route 20 traffic and left turns from that route. Mr. Place offered that the proposed right turn out and in with no left turn and no left turn from Route 20 will improve queues in the parking area and with the installation of a traffic light will create a greater gap for free flow of traffic and that the radius at the traffic light should be increased to 30 feet to facilitate right turns in and out of Star Market and Raytheon. Regarding correspondence received from Mr. Donohue, District Engineer, Mr. Place opined that there already exists a problem for left turning traffic, so Mr. Donohue's suggestion of waiting to see if a problem develops is ludicrous. Mr. Place concluded his letter by suggesting a meeting between the Town, Star Market, Raytheon and the District Highway Engineer.

5. A letter to Chairman Drobinski from Town Planner Jody Kablack, dated January 31, 1996 on the Star Market Site Plan Application. Ms. Kablack asked that her following recommendations be incorporated into the final decision on Star expansion made by the Board: 1) a walkway should be constructed along the entire frontage of the parcel to allow safer pedestrian access (Conservation will probably allow this in conjunction with creation of a wetland detention area); 2) Ms. Kablack recommends that the Board make no decision on this Site Plan Application until a final determination has been made by the Mass. Highway Dept. regarding the traffic control device and it is also her recommendation that access be limited to two points along the frontage in the absence of the light, and that without a light an additional curb cut would be problematic; 3) that a condition of the Site Plan Special Permit should be that no work commence until a Water Resource Special Permit has been obtained from the Planning Board (this board is still in the process of reviewing the Water Resource Special Permit and a consultant has been retained by them to review technical aspects); and finally, 4) that the table showing parking requirements on the Site Plan must be revised to indicate the new totals.

6. The Board received this evening from Mr. Thompson a copy of a letter to him from Peter J. Donohue, District #3 Highway Director, dated February 7, 1996, in which Mr. Donohue stated his willingness to meet with the pertinent parties to discuss the installation of traffic signals at the Star Market location, such meeting to be held at his District Office. Mr. Donohue said that one of his staff members would call Mr. Thompson with possible dates and times for this meeting.

Interim Town Manager Thompson had provided the Board and the representatives of Star Market with a draft of a Notice of Decision. Mr. Grande thanked the Board for this draft decision and introduced Mr. Houston of CID Associates, who would be making a presentation for Star this evening in response to the draft. Mr. Houston then addressed the Board using an easel presentation of site plan drawings and addressed several points on the draft by number.

Relative to Condition #3, Mr. Houston said that it would be a problem for Star to have to place recently-replaced utilities underground and said all utilities would be underground except for two--an overhead pole at CVS and a line of 5 poles along Highland Ave. to transformer in rear recently replaced.

Relative to Condition #4, Selectman Blacker told Mr. Houston that #4 should be taken out of the decision as it has no applicability to this site.

Relative to #9, Mr. Houston said that it is his understanding that the landscaping plans are acceptable to the Town. Ms. Clark stated here that the Conservation Commission has indicated that Star may not be able to put trees along the easterly sideline of the septic system area where it meets with the wetlands, as roots may get into the leaching field; in lieu of trees, Ms. Clark said she recommends that Star put in a six foot stockade fence. Mr. Houston responded that he would like to see the language changed from "six foot arborvitae trees" to "different tree species" to achieve the screen desired.

Relative to #12 (a), Mr. Houston said that Star is prohibited by covenant from doing any such disposal; Selectman Clark said she has deleted 12 (a). Selectman Blacker stated here that a change in wording must be made in line one of this condition #12, from "of the Town" to "to the Town".

Relative to #14, Mr. Houston said that Mr. Place's and Ms. Kablack's letters had been in relation to the original site plan; thus, the points made in these letters were no longer applicable. Because of this clarification, Mr. Houston said that:

Item (a) should be taken out of the Decision, as Star has an entirely new storm drainage system as part of its plans (Chairman Drobinski noted here that the Town Engineer should be asked to review the new plans to add any additional appropriate language needed).

Item (d): Star is proposing a single walkway to be connected with a crosswalk to provide pedestrian access to the front of the store. Mr. Houston proposed to have a second walkway would not be a good idea from a safety point of view; Star is proposing a walkway on the westerly side only. He said that Star would be willing to put in a walkway along the entire frontage of the parcel but suggested several problems with its design. Ms. Clark asked if the proposed traffic signal would have a pedestrian indicator on it and Mr. Houston responded in the affirmative.

Item (e): has already been addressed in the revised site plan;

Item (f): Star has no issue with waiver being given for parking spaces; however, the number of spaces Star requested was 12 and not 50 as listed; the last sentence should be removed for clarity, since it is already reflected in the current site plan;

Item (g): a narrowing to 30 feet of the main entrance would not accommodate one lane in and two lanes out as Star is proposing. The further request for a narrowing of the front isle from 28 to 24

feet probably came from Mr. Place's letter on the original site plan when the proposed islands were relatively narrow; due to re-spacing proposed by Star, the islands are now quite wide; Star agreed to a 36' wide entrance consisting of 3 lanes of 12 feet each of driveable travel lane;

Item (i): on the suggestion that the radii on the entrance be 30 feet (also recommended by the Town Engineer); Star has shown 25 (ingress) and 50 feet (egress) on its drawings, because Star will not encourage trucks coming from the west to turn in at the main entrance, and also wishes to force vehicles turning in to do so very slowly, however, the wider 50 foot egress should allow space for the exit turns without any encroachment on traffic on Route 20. Ms. Clark mentioned a problem with the island being impossible to negotiate with a large vehicle and Mr. Houston responded that Star will make a modification if it is necessary. Ms. Clark stated that this issue must be agreed upon by both the Board and Star before the Selectmen will sign the site plan special permit.

Item (j): a clarification is needed so that the item reads: "curb cuts that allow traffic into the plaza from Route 20 at the westerly end of the parcel and into the site and out onto Route 20 at CVS". Ms. Clark said that she thought it would be clearer to say: "at the westerly and easterly ends of the parcel" and Mr. Houston agreed. Mr. Blacker requested that the item be rewritten as the language still is not clear.

Item (k): Star was not aware that a restriction in the use of the access road would be a condition of approval. Ms. Clark said that at the very first hearing on this issue she had made such a comment and asked for the enforcement by the Sudbury Police for such a restriction. Mr. Gamache acknowledged that this issue had been discussed but said that confusion was created by the issue of signalization. Mr. Houston said that Star has no problem with restricting truck traffic; Mr. Bierschenk said that the issue is moot because Star had proposed that the permit be approved contingent with signalization for left-hand turns. Chairman Drobinski noted here that it would be difficult to get the police to enforce the restriction; Ms. Clark felt that it would be a similar situation to their enforcement of handicapped parking violations, fire lane violations, etc. Ms. Clark reiterated that enforcement language is needed as part of the site plan. A discussion ensued between Ms. Clark, Mr. Blacker and Mr. Thompson as to the procedure for notifying the police of violations. Mr. Blacker felt that if restrictive conditions of an approved site plan are not met, the Selectmen can shut down the site; therefore there would be no need for specifying enforcement procedures in the Decision. Mr. Bierschenk proposed that language be inserted to the effect that "the shopping center will take reasonable steps to ensure that vehicular traffic will be warned...."

(l): relates only to the old site plan and should be stricken;

(q): the landscape buffer cannot be made appreciably wider unless Star acquires land that it does not now own or demolishes a section of the existing building; it is impossible to provide a 20' buffer all the way along the site. The buffer is 6' wide where it abuts Residential Zone A1 in rear of Star building and ranges from 18' on the west to 26' on the east along Route 20. Chairman Drobinski said that if a site plan does not meet an existing zoning bylaw, the Zoning Board and Building Inspector should be consulted.

Interim Town Manager Thompson asked, in light of the many revisions suggested by Star and to be suggested later in the hearing, if Star would get the new wordings suggested to the Selectmen's Office as soon as possible. Mr. Bierschenk responded that the revised material would be submitted tomorrow or the next day.

Chairman Drobinski then opened the hearing to comments from residents and/or abutters.

Dorothy Holmes of 47 Highland Ave. asked about the process for abutters to give input on their opinions of, e.g. the buffer to be placed between their properties and Star. Chairman Drobinski told Ms. Holmes that abutters would get a notice on any Board of Appeals hearings to be held.

Paul Bisson of 55 Highland Ave. asked if there would be a double buffer of shrubs and stockade fence used as a buffer and received an affirmative answer. He also asked if a left turn would be permitted off Route 20 onto Highland Avenue and also received an affirmative answer. Mr. Bisson asked if there would be increased truck flow into the westerly entrance of Star and Mr. Gamache answered that theoretically there should be less. Mr. Bisson concluded by asking if there could be some break in the buffer to allow residents of Highland Ave. to walk onto the Star Market site and was told that a gate could be provided in a fence (or other such measures), but that even though there is a hill between the properties, Star wishes to avoid the use of stairs as a potential hazard.

Selectman Clark responded to Mr. Houston's presentation by also addressing the draft on several points by number. She suggested several revisions to the draft decision, while acknowledging that some of her points would now be altered in light of Mr. Houston's preceding presentation. Ms. Clark's comments were as follows: that Clause 14 be revised and amended thusly: "(d) Delete in third line 'along both sides' and insert 'along only the Westerly side'; (g) Delete in the first line 'is to be narrowed to 30 feet' and insert 'shall be 36 feet in width.'; Delete the 2nd and 3rd sentences and the rest of this item and add: 'The radius of the easterly and westerly curves at the southerly Star Market end shall be 30 feet to facilitate turns by autos and long wheel based trucks in and out of the Center.' Note that the 36 foot width provided 3 lanes at 12 feet each, being one less 12 foot lane than proposed in the 1986 report by HMM Consultants for the town. (h) For clarification purposes, in the first line, insert after the fourth word 'for the principal 4 way entrance to the Star Shopping Center and Raytheon Company' (i) Ms. Clark had asked for the following in relation to this item: 'Delete the second sentence and insert 'The radius at the traffic light shall be increased to 30 feet to facilitate right turns in and out of Raytheon.' However, in light of an explanation by Mr. Houston on Raytheon traffic, Ms. Clark said to delete her comments on this item. (j) Add to line two after the word westerly 'and easterly ends' (k) Add at the end of the sentence, 'and enforcement by the owner through use of the Sudbury Police.' Ms. Clark acknowledged that this issue had already been discussed at this hearing and some sort of enforcement language will be added. (o) Add after the words 'cleaned of' the words 'fallen trees, debris.' Ms. Clark said that the wetland in question is an abused wetland, that with Star, Raytheon and Chiswick contributing there is a choking and clogging of this area. Mr. Civilinski and Mr. Houston offered here that many conservation commissions look negatively upon disturbing the natural cycle of biodegrading. Star would like language inserted to the effect that "we will be judicious in removing litter and debris and fallen trees in accordance with the policies of the Conservation Commission." Ms. Clark said that at a recent seminar it was recommended that channels be maintained and kept open in the wetlands in order to keep the wetlands alive. Mr. Grande agreed, suggesting adding language that "Star would keep the channels open as would be recommended by conservation guidelines. (r) Add after the word 'shortened' in line one, 'and lights shall be shielded.' (s) Add at the end of this paragraph, 'In lieu of trees along the Easterly sideline of the septic system leaching field adjacent to the wetland, and in addition to the trees along the Westerly sideline adjacent to Highland Avenue, install and maintain a 6 foot high Stockade Fence."

Ms. Clark's revisions continued with her addition of the following clauses: (t) Sprinkler system must be accurately coded to the annunciator lights on the building. (u) The entrance to the parking area located over and on top of a portion of the septic system shall be narrowed to 20 feet. This will allow 3-4

feet of additional landscape width to each of the islands on the side of this entrance which will reduce the deficiency in open space and provide protection for the main store entrance to Star Market, its Outdoor Seating and Parking in this area. Because Mr. Houston said he felt that the entrance in question could not be appreciably narrowed, a discussion ensued on safety issues for patrons seated outside the market and Mr. Houston said he will review this width. (v) If in the opinion of the Selectmen, the exit from the shopping center onto Route 20, at CVS, shall become an internal, on-site, traffic circulation problem causing the blocking of parking spaces by autos waiting to exit, among other things, or shall become an external, off-site traffic circulation problem causing interruption with the traffic flow and safety on Route 20, among other things, then the owner shall close off this exit.

Selectman Clark also wished to go on record in reply to Mr. Hepting's and Mr. Place's letters of January 24, 1996 and January 22, 1996, respectively (referenced above). Ms. Clark stated that she is in "total disagreement with their opinion that the definitions recited under Site Plan Standards 'are not to be considered as design criteria and are not requirements under Site Plan Special Permit, respectively.' These definitions appear in Article IX, V, C, 1 of the Sudbury Bylaws and are an integral and necessary part of design standards, without which there would be no standard on which to base these design terms. To interpret this otherwise, makes the definitions meaningless. Regarding the Easterly exit onto Route 20, all I am able to agree to and this shall be a condition of the Site Plan Decision, is that if this exit becomes an internal, on-site, traffic circulation problem in the opinion of the Selectmen, causing the blocking of parking spaces by autos waiting to exit, among other things, or if it becomes an external, off-site traffic circulation problem in the opinion of the Selectmen causing interruption with the traffic flow and safety on Route 20, then the applicant-owner shall close off this exit." Mr. Grande asked if Ms. Clark's statements represent a unanimous opinion of the Board; Chairman Drobinski asked Ms. Clark who would identify any future problems and Mr. Blacker and Ms. Clark said that anyone could identify the problem, but the Board of Selectmen could decide to take a vote and decide to close off the exit. Ms. Clark reiterated that this condition was a necessary one to her approval of this site plan. Mr. Grande asked if the owners might hire an outside consultant to make a study of the exit in question. Chairman Drobinski countered that in his opinion, Ms. Clark's stipulation represents a good compromise and that it would be in Star's interests to agree with the stipulation in order to move the site plan along.

Chairman Drobinski then offered his questions and comments. On the traffic light at Raytheon-- would it have a manual override so that a traffic officer could direct traffic at rush hours? He received an affirmative answer. Mr. Drobinski asked about the water resources protection permit from the Planning Board, as per its recommendations in letters received from them; Mr. Houston replied that this issue is not a problem.

Mr. Drobinski again asked for any input from the public and Dorothy Holmes, 47 Highland Avenue again spoke, saying it was her understanding that Star is under a five year plan to answer in terms of ground water contamination. Mr. Drobinski answered that the Board of Health will keep the Board up- to-date on what is happening with this issue. Ms. Holmes asked, as an abutter, when she would know that there is no contamination going to her land? Mr. Bierschenk replied that all Star's DEA filings are a matter of public record. Chairman Drobinski asked how the ground water flows on the site, and was told that water does not flow toward the abutters' properties, but away from them. Ms. Holmes asked about the Nobscot side; Mr. Houston said that Mr. Bierschenk could address this issue, but that under the Phase II Clean-up Plan, Star is required to locate and clean up any contaminants whether they are on Star's property or on nearby properties. Ms. Clark asked about the timetable of the clean-up and was told that for Phase II it was two years and for Phase III, five years. Ms. Clark clarified that Star had indicated a Tier IB classification, but that DEA has this listed as IC; Star has corrected this.

Ms. Clark asked one further question as to the interior parking lot opening at CVS: as Star is giving up four parking spaces to allow cars to flow through east to west would it not be more prudent to make an opening further down closer to Route 20 so that cars could come through, going north and then west, parallel to Route 20. Mr. Houston explained the reasoning behind the current design of this opening.

Chairman Drobinski asked how long this hearing should be continued; Selectman Blacker said that he may not be able to attend the next Board meeting and if so, this hearing would have to be postponed until March 11, as all three Selectmen must be present for a Site Plan decision. Mr. Grande said that Star will get back to the Board within a few days with its revisions on the points covered this evening, with the language added as requested of them, and that if a full Board is present on February 26, all will be ready for the Selectmen to make a decision on the site plan.

It was on motion unanimously

VOTED: To continue to February 26, 1996 (or in the absence of a full Board on February 26 until March 11, 1996) the hearing on the Application for Site Plan Special Permit (SP95-324) of Sudbury Plaza Trust for expansion of the Star Market store at 509 Boston Post Road and the question of approving Decision for same, for the purposes of allowing time for the incorporation of changes discussed this evening into the draft Decision.

Annual Town Meeting - Warrant Reports, Positions, and Speaker Assignments

Present: Robert Noyes, Highway Department.

The Board is in receipt of several new petitions and revisions of articles since the Annual Town Meeting Article List was prepared. These newly submitted articles were accepted and confirmed as to order for the warrant: a citizens' petition Article 2B (FY96 Selectmen's Budget), a revised citizens' petition relating to Article 8 (Amend Zoning Bylaw - Attached Single Family Housing District), a citizens' petition Article 54 (Goodnow Library Revolving Fund), a citizens' petition Article 55 (Amendment to "Act Establishing a Board of Selectmen-Town Manager Form of Administration in the Town of Sudbury" - Limit Terms of Selectmen), a citizens' petition now labeled as Article 56 (Convey Land to abutter - Powers/Powder Mill Road Intersection), a revised report by the Board of Selectmen on Article 19 and the same on Article 20, and a report relating to Article 32 by the Fire Chief. The revised Article 8 (zoning by-law amendment) was referred to the Planning Board pursuant to Ch.40A, sec.5.

The Board declined to co-sponsor the History Trail article but agreed to co-sponsor the Highway Garage Construction article, it being its #1 priority for special projects this year.

Interim Town Manager Thompson then reviewed one-by-one the entire list of Articles with the Board in order to ascertain if it wished to take a position on each article and to decide on Selectmen's speaker assignments for each one. Positions to be printed in the Warrant are as follows: support 3, 10 through 19, 21 through 27, 30, 44, 45, 46, and 54. All other articles will be reported on at Town Meeting.

Minutes

It was on motion unanimously

VOTED: To approve the regular session minutes of January 22, 1996, as written,

and unanimously

VOTED: To approve the special sessions minutes of January 29, 1996, January 31, 1996, and February 6, 1996, as written.

Council on Aging - Van Donation

It was on motion unanimously

VOTED: To accept \$152.30 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.

Sale of Alcoholic Beverages during State Primary and Town Election

It was on motion unanimously

VOTED: To grant permission to the holders of alcoholic beverages restaurant and package store licenses to sell alcoholic beverages during the polling hours of the March 5, 1996 State Primary and the March 25, 1996 Town Election, in accordance with G.L.ch. 138, s.33.

Arts and Crafts Show Permit

The Board acknowledged receipt of a letter, dated January 25, 1996, from Joyce M. Endee, of Joyce Endee Productions, requesting approval to hold a juried Spring Arts & Crafts Show in the West Field at Wayside Inn. Ms. Endee stated that she had already talked with the Sudbury Police Department and will be hiring police for traffic control and parking; she also stated that she will be obtaining a Health Permit, and that the show will carry its own liability insurance and be subject to rental fees and the regulations of the Wayside Inn.

It was on motion unanimously

VOTED: To grant a permit to Joyce M. Endee, Joyce Endee Productions, 1 Oxbow Lane, Gilford, NH 03246, to conduct an arts and crafts show in the West Field at Wayside Inn on May 5, 1996, subject to meeting the requirements of the Health Director and Police Department.

Fire Department Request - Hose Dryer Disposal

The Board acknowledged receipt of a memo from Fire Chief Michael C. Dunne, dated January 29, 1996, seeking authorization to dispose of two pieces of equipment (hose dryers) per bylaw Article XII, Section 1. Mr. Dunne stated that the equipment has not been needed or used for the past 15 years, but that the Lincoln Fire Department has expressed an interest in obtaining these hose dryers which are being discarded by Sudbury.

It was on motion unanimously

VOTED: To authorize the disposal, under Town Bylaw Article XII, of two hose dryers by transfer from the Sudbury Fire Department to the Lincoln Fire Department, subject to transport being provided by the Town of Lincoln.

Warrant Signing - 1996 Presidential Primary Election

Upon request of the Assistant Town Clerk, it was on motion unanimously

VOTED: To sign the Warrant for the March 5, 1996 Presidential Primary Election.

FY97 Landfill and Pool Enterprise Funds

In accordance with Chapter 306 of the Acts of 1986, it was on motion unanimously

VOTED: To approve the recommended budget of \$528,275 for the FY97 Landfill Enterprise Fund, using \$430,184 in estimated receipts and \$98,091 of retained earnings;

and unanimously

VOTED: To approve the recommended budget of \$319,691 for the FY97 Pool Enterprise Fund, including estimated receipts at \$319,691.

Conservation Restrictions - Sheingold and Brannen properties

After discussion, and locating the properties in question on their respective plot plans as being near wetlands, it was on motion unanimously

VOTED: To approve, for acceptance by the Conservation Commission, a Conservation Restriction granted by Barry J. and Carol B. Sheingold, dated January 22, 1996, pertaining to land on Maynard Farm Road, described as Lot 40-A and Parcel A on plan entitled, "Plan of Land in Sudbury, Mass. Prepared for: Dr. Richard & Nancy Grentzenberg 125 Powers Road Sudbury, Massachusetts 01776", by On-Line Engineering Company, Boylston, MA;

and unanimously

VOTED: To approve, for acceptance by the Conservation Commission, a Conservation Restriction granted by Robert Brannen, dated January 29, 1996, pertaining to land on Pantry Road, described as approximately 170,820+/-square feet shown on Exhibit A attached thereto, and also shown as Lot 1A on "Plan of Land in Sudbury, Massachusetts", by Colburn Engineering, Inc., dated April 14, 1992.

FY96 Health Insurance Budget Communication

The Board acknowledged receipt of a communication from Terri Ackerman, Budget & Personnel Officer, dated February 7, 1996, informing the Selectmen of a surplus of almost \$200,000 in the current year's health insurance line item. Ms. Ackerman reminded the Board that one year ago an 8% increase in working rates was projected, but that this increase was never needed. She also suggested that the \$196,881 surplus could be used in a FY96 Budget Adjustment article, or it could be carried forward into FY97, freeing up those funds for the FY97 budget. She said that a third option would be to allow the money to revert to General Fund.

Proposal for Formation of Blue Ribbon Committee on Revenue

The Board acknowledged receipt of a letter, dated February 8, 1996, from Karen Palmer, member of the Finance Committee, by which she proposes the formation of a Blue Ribbon Committee on Revenue. Ms. Palmer stated that the data indicate that conflict between growth in demand for services and limits on available resources will escalate and that a Blue Ribbon Committee on Revenue, which would be convened after April Town Meeting with the goal of providing final analysis and recommendations in November 1996, would be in the interests of the Town. Ms. Palmer delineated what would be the focus of the Committee, explained the distinction between such a Committee and a "Growth Committee", explained her ideas on the membership of such a Committee, and asked for the Board's support in commissioning this Blue Ribbon Committee.

Interim Town Manager Thompson recommended that the Board take this suggestion under advisement until after the Annual Town Meeting. Chairman Drobinski stated that he would like to give the new Town Manager a chance to consider this idea also. Selectman Blacker questioned the percentage of residential tax base (94% as quoted by Ms. Palmer) and opined that the figure is closer to 84%. The Board concurred with Mr. Thompson in deciding to take this suggestion under advisement for now.

Priority Rating for Special Projects

Selectman Clark asked for the other Selectmen's help in a priority ordering of special projects to be discussed at Town Meeting. After some discussion, it was decided to order the projects thusly:

1. Highway Department Garage
2. Flynn Building Renovations
3. Sudbury Public Schools Extraordinary Repairs
4. Renovations to Haynes Elementary School
5. Rogers Theatre Renovation

Proposal to Representative Hasty Evans on Senior Homeowner Exemption

Selectman Clark asked the opinions of the other two Selectmen of her proposal (distributed to the Board in their packets for this evening's meeting) to State Representative Hasty Evans for a tax exemption for the senior homeowner. Chairman Drobinski told Ms. Clark that he believed that Daniel Loughlin of the Board of Assessors' office would be willing to work with her on this idea. Chairman Drobinski and Selectman Blacker agreed that Selectman Clark's proposal of a Senior Homeowner Exemption is a good idea.

Special Board Meetings Scheduled during Annual Town Meeting

Interim Town Manager Thompson informed the Selectmen that he would like to schedule special meetings of the Board each night of Annual Town Meeting in the Lincoln/Sudbury Regional High School Library at 7:00 p.m. The Board concurred.

Warrant Review - League of Women Voters

Interim Town Manager Thompson informed the Board that the League of Women Voters will be sponsoring a Warrant Review of Annual Town Meeting Articles on March 19, 1996, at 7:30 p.m.

Executive Session

At 11:00 p.m., it was on motion by Selectman Blacker, and by roll call unanimously

VOTED: To go into Executive Session to discuss contract negotiations for new Town Manager Steven Ledoux and litigation issues on severance pay for Interim Town Manager Thompson.

(Chairman Drobinski, aye; Selectman Blacker, aye; Selectman Clark, aye).

Chairman Drobinski announced that public session would not reconvene following Executive Session.

There being no further business, the meeting was adjourned at 11:40 p.m.

Attest: _____
Richard E. Thompson
Interim Town Manager-Clerk