

IN BOARD OF SELECTMEN
MONDAY, MARCH 11, 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 7:40 p.m. in the Town Hall.

Public Hearing - Town Ways for Acceptance by 1996 Annual Town Meeting

Present: Residents Peter Abend, 4 Bowker Drive and Steven Berkowitz, Bowker Drive.

The Board convened a public hearing on the question of laying out the following Town Ways for acceptance by the 1996 Annual Town Meeting under Article 6: Bowker Drive, Brownstone Lane, Codman Drive, Ruddock Road and Saunders Road. Interim Town Manager Thompson noted that all abutters of the ways listed were notified under date of Feb. 28, 1996, as attested to by Robert A. Noyes, Highway Surveyor.

The Board acknowledged receipt of the following:

1. Letter to the Board from Jody Kablack, Town Planner, dated Feb. 13, 1996, in which she stated that the Planning Board has no objection to the acceptance of Codman Drive, Brownstone Lane and Ruddock Road, as these streets and the subdivisions they serve have been fully constructed to the approved specifications. However, Ms. Kablack furthered that the Planning Board believes that the inclusion of Bowker Drive and Saunders Road on the list of street acceptances is "premature since there are still outstanding issues relating to the drainage system in this subdivision (Bowker VIII). The applicant has been making progress to address the drainage issues, however the early winter and heavy snow cover have halted work on the project. It is anticipated that these streets and the drainage will be completed sometime in 1996." Ms. Kablack concluded that the Planning Board does not wish to see the Town inherit the drainage problems in the Bowker subdivision and for that reason does not recommend acceptance of Bowker Drive and Saunders Road until the problems are alleviated.

2. Memo to the Board from Deborah Dineen, Conservation Coordinator, dated March 11, 1996, in which she stated that there is an outstanding Order of Conditions regarding Codman Drive, and no as-built plan has been received as yet. Ms. Dineen further stated that the same is true for Brownstone Lane and the status is unknown but there are no current violations. Finally, regarding Bowker Drive and Saunders Road, there are outstanding Orders of Conditions but the work is expected to be completed within 90 days (depending upon weather conditions) and that the work is proceeding according to plan. Ms. Dineen said there are no issues regarding Ruddock Road.

3. Letter to the Board from I. William Place, Town Engineer, dated March 11, 1996, in which he stated, on the subject of Bowker Drive and Saunders Road, that these "streets have been constructed and inspected in accordance with the Planning Board's Rules and Regulations Governing the Subdivision of Land. The only outstanding issue with this subdivision are two ponds located on site. Mr. Quirk, in a letter dated March 6, 1996, states that these two ponds will be completed within 90 days. There currently is a performance bond in the amount of \$60,000 for the completion of these ponds and a case bond in the amount of \$9,000 for the maintenance of Saunders Road and Bowker Drive."

Selectman Clark brought up the fact that Jody Kablack stated that Bowker Drive and Saunders Road are incomplete and Deborah Dineen stated that all of the roads proposed for acceptance have outstanding Orders of Conditions. Interim Town Manager Thompson responded that he recommends that the Board

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accept the layout of these roads, subject to the problems mentioned by various Town boards being corrected and subject to the vote of Town Meeting. Mr. Thompson said that there is a period of 120 days after a Town Meeting votes to accept roads during which problems can be corrected. Mr. Thompson said that he had spoken to Ms. Kablack and she said that the performance bond is sufficient to complete the ponds in the Bowker subdivision.

Chairman Drobinski opened the hearing to comments from the public. Peter Abend, of 4 Bowker Drive, stated that in addition to the issue of the ponds, he is concerned about safety issues such as guard rails and sidewalk drop-off and asked if there is a bond for these issues as well. Mr. Abend clarified that there is a section of sidewalk along the pond that has a steep drop-off, with no guard railing; he said that there are many children in the neighborhood and that something should be done before someone is hurt. Chairman Drobinski asked if Mr. Abend was discussing pedestrian safety more than vehicle safety and Mr. Abend responded in the affirmative. Mr. Thompson stated that this problem should be referred to the Planning Board. Mr. Abend said that he had already talked to the Town Engineer about this problem.

Chairman Drobinski asked Mr. Abend if there were any other concerns and Mr. Abend said that the fire hydrants in the subdivision are too low; he said that when there is a large amount of snow, the hydrants are difficult to locate. He opined that the hydrants should be raised. Mr. Abend concluded by saying that the lack of a protective railing along the pond and the low fire hydrants are the only two issues of concern to him other than the drainage problems already mentioned to the Board in Town correspondence.

Steven Berkowitz of Bowker Drive stated his concerns about the steep-sloped sidewalk, which has been made more dangerous by erosion. He said that he had been told that the original plan had been for that sidewalk to be on the opposite side of the street. He reiterated that the situation is precarious for pedestrians. As to the drainage issue, Mr. Berkowitz asked about the procedure for correcting the problem. Mr. Thompson responded that the Planning Board is in control of a bond in the subdivision, and that the agent of the Planning Board is the Town Engineer. These two Town agencies periodically ask for inspections and progress reports on subdivisions; once projects have been completed then certain amounts are released from the bond. If projects are not completed, then the Planning Board will hold those amounts required to complete the work. Mr. Thompson recommended that Mr. Abend and Mr. Berkowitz stay in touch with Ms. Kablack and Mr. Place to make sure that amelioration of their concerns does happen. Mr. Thompson said that the Town Planner receives copies of the Board of Selectmen minutes and will thus already be made aware of the concerns of the two residents present at this meeting.

Mr. Drobinski assured the residents that because of the longevity of the issue the Town Engineer will be following the developments with these roads very closely.

Interim Town Manager Thompson then recommended that the streets be approved for acceptance subject to the conditions discussed this evening being remedied.

It was on motion unanimously

VOTED: To approve and sign the layouts of the following Town Ways for acceptance by the 1996 Annual Town Meeting under Article 6: a) Bowker Drive, from Ford Road to Elsbeth Road (1,195 ft. +/-); b) Brownstone Lane, from Old Lancaster Road to a dead end (563 ft. +/-); c) Codman Drive, from Morse Road to a dead end (1,108 ft. +/-); d) Ruddock Road, from the end of the 1975 public layout of Ruddock Road northerly to Willis Road (963 ft. +/-); e) Saunders Road, from Bowker Drive to a dead end (500 ft. +/-), subject to the remediation of the following problematic conditions:

drainage issues mentioned by the Town Planner, fire hydrants that are too low, lack of guard rail on an eroded slope along the pond, dangerously eroded sidewalk along the pond, and placement of that sidewalk on the wrong side of the street.

Executive Session

At 8:00 p.m., it was on motion by Chairman Drobinski, and by roll call unanimously

VOTED: To go into Executive Session to discuss grievances dated January 26, 1996 and December 25, 1996 (sic.) of Highway Local 1156 Steward James H. Lee and Highway employee Barrie Gilson respectively concerning payment of non-union employee.

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

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

Joint Meeting with Sudbury Housing Authority

Present: Jo-Ann Howe, Executive Director, and Steven J. Swanger and John R. Heerwagen, of the Sudbury Housing Authority.

Mr. Swanger stated that he and Ms. Howe are present this evening to ask for the Board's support for Articles 39 and 40 of the Annual Town Meeting Warrant and specifically to ask the Board's endorsement of the Sudbury Housing Authority's position on those articles and to speak on the Housing Authority's behalf at Town Meeting.

Mr. Swanger said that these articles would transfer four parcels of Town-owned land to the Housing Authority for the construction of five single-family houses. He said he wished to emphasize that this is a different type of project from what the Housing Authority has undertaken in the past. He said that the current project would not be for rental housing or for low-income families, but for first-time home buyers and would be moderately-priced houses that would be available to first-time home buyers. He said that the homes would carry with them deed restrictions to ensure that over time, as the houses are sold, they would remain affordable.

Mr. Swanger continued to address the Board as follows: The Housing Authority has had a long-standing interest in the Fort Devens Annex property and even up until last Fall was looking into using a parcel of that land for building moderately-priced homes. When that land became unavailable, it was urged to re-direct its sights to Town-owned parcels; after reviewing every parcel the Town owned, it pared the choice down to ten or fifteen parcels which Housing Authority members then visited to investigate them further. The four parcels now before Town Meeting are the ones which seemed to have no other competing interest, were buildable and seemed suitable for this type of single family housing purpose (clearly, on scattered sites).

In considering how to approach this project, the Authority recognized the publicity in Town about the fact that, for all the development that is being done of high-priced houses, these are not sufficiently raising real estate taxes to pay for the cost to the Town of services needed for the owners of these houses. The Authority is now considering the possibility of lower-priced housing on which will presumably be

levied even lower real estate taxes! How responsible is this kind of a project and what kind of chance of passing would it have at Town Meeting? The notion that the moderately-priced homes would only be built on Town land is one answer to this problem. Also, the Authority developed a plan that would allow it to build the houses and sell them considerably below market rate and still realize a profit; the profit could then be put into an escrow account and the interest used to supplement the taxes paid by the homeowners (a voluntary payment by the Authority to the Town).

This plan is clearly a departure from the usual business of the Housing Authority, but at the time this idea was being considered, there was an opening on the Housing Authority board and John Heerwagen stepped forward as a candidate; Mr. Heerwagen is a banker and one of his first jobs for the Authority was to do some reality testing as to whether the novel idea being presented this evening would really be viable.

Mr. Swanger then introduced Mr. Heerwagen to the Board. Mr. Heerwagen stated that his first order of business in pursuing the above notion was to do a development cost pro forma. He said that the Authority put together a simple house design (Cape style, 3 bedrooms, 2 baths, 1300 gross square feet of living space) which led to the figure of \$125,000 to bring this house to market. The Authority decided on a selling price of \$144,000 (the maximum purchase price that could be financed by the Massachusetts Housing Finance Agency). The MHFC was chosen as a frame of reference for this project, as it is the chief source of financing for low and moderate income clients seeking to buy homes in Massachusetts. At the purchase price just mentioned, clients in an income range of \$45,000 would be able to afford one of these homes. Further, the Authority wished to make this project revenue-mutual to the Town; therefore, selling the property for \$144,000 when it cost \$125,000 to construct provides a profit of \$19,000. If this \$19,000 is put into a bank account which earns 4% interest, this would provide income sufficient to make supplemental payments to the Town to augment taxes being paid by the homeowners. Since the owner would be paying taxes based on the \$144,000 purchase price, and the market value of the home would be approximately \$190,000, with the interest payments the Housing Authority would be earning on the \$19,000 proceeds, the Authority would be able to make payments in addition to those made by the owners, so that the total tax contribution for the property would be equivalent to those paid for homes sold at market value.

Selectman Blacker asked how the proposed homes would be kept moderately-priced in the future. Mr. Heerwagen replied that there is a standard form of deed restriction used by the Massachusetts Housing Partnership; this records the deed restriction, and binds the new owner and successive owners to resale prices set by formula. Mr. Heerwagen offered the example of a property sold for \$140,000, but with a market value of \$200,000, the Authority would calculate a figure of 70%, so that later, if the first owner chooses to sell the property, even if at that time the market value has risen to \$220,000, the most that the owner could ask would be 70% of that \$220,000. Selectman Blacker commented that with this plan, the homeowner does share in the benefit of appreciating values and experiences the benefit of home ownership. Mr. Blacker said it is important that the owner not be "trapped" into a different form of a rental situation, with the \$144,000 standing over time.

Mr. Blacker then stated his support for this current proposal of the Housing Authority, and said it is a good opportunity for Sudbury residents to continue to be able to live in Town. Mr. Swanger mentioned here the Authority's priority for persons who live or work in Sudbury to be able to use this method to become first-time home buyers. Selectman Clark agreed that this idea sounds very promising.

Chairman Drobinski asked about the fact that one Hudson Road parcel is only 0.12 +/- acre (5,000 +/- square feet) and asked if this would be sufficient space to build the proposed home. Jo-Ann Howe said that the lots in question are "grandfathered" as buildable lots. Selectman Blacker had a question on another

proposed site, commenting that it seemed to be a large lot for a modest home; Mr. Swanger replied that most of the land in question is wet and the Authority is proposing to use only a portion of it for building purposes.

Resident Edward Sooper suggested that the stipulation be made that the land must first be offered to Town employees or residents not only at the outset but at each subsequent sale. Interim Town Manager Thompson stated that past record shows that Town residents and employees have been shown preference by the Housing Authority in its projects. Selectman Clark said that it might not be possible to find a first-time home buyer from the Town and so might not be wise to lock the Authority in to such a course of action.

Interim Town Manager Thompson then recommended that the Board support the Sudbury Housing Authority as to Articles 39 and 40. The Board concurred, provided that the Building Inspector and Board of Health are consulted and all building permits are obtained. Chairman Drobinski mentioned that his only concern is the small size of some of the lots related to house size.

It was on motion unanimously

VOTED: To support the Sudbury Housing Authority at the Annual Town Meeting relative to Articles 39 and 40 which request sale of land on Hudson Road, Pinewood Avenue, and Robbins Road to the Sudbury Housing Authority by the Town.

Continued Public Hearing - Application for Limousine and Taxi License

The Board continued a public hearing (continued from January 22 and February 26, 1996) to consider the application of Drew W. Goss, 23 Davis Rd., Apt. 5C, Acton, MA, d/b/a Yellow Cab of Sudbury, 928 Boston Post Road, Marlborough, MA, to be granted a license to operate a taxi and limousine service in the Town of Sudbury.

In addition to materials already acknowledged in this matter, the Board acknowledged receipt of a letter to the Board from Raymond E. Butler III, Vice President of Sudbury Limousine Service, dated February 7, 1996, clarifying a letter of the same date from him to the Board on this subject. Mr. Butler stated that he had quoted statistics based on airport service because two of the three vehicles owned by Mr. Goss are stretch limousines and very unlikely vehicles for door-to-door taxi service. He said that the only vehicle Mr. Goss listed which would be suitable for a taxi is a 1985 Buick, a twelve-year-old car. He questioned Mr. Goss' hours of operation and his method of dispatching the taxi. Also, Mr. Butler stated that livery operations accept all types of reservations, not only airport trips. He said his company has never refused service to anyone based on the distance or cost of a trip. Finally, Mr. Butler said that he takes issue with Mr. Goss' statement to the Board that because the taxi business is not a lucrative one, most taxi drivers have been arrested; Mr. Butler cited personal experience to refute this position. Enclosed with Mr. Butler's letter was a list of all ground transportation providers found under the heading "Taxi Cabs" in the Framingham and Marlborough Nynex Yellow Pages Directory; Mr. Butler annotated this list with information received by him after personally calling each company.

Selectman Blacker stated that he had looked into the matter in question and had spoken to a few people about it. He said that it appears that three companies already service the Town for both airport and door-to-door taxi service and therefore, there is not a need for an additional taxi company in Town at this time. Mr. Blacker said that if in the future the office begins to receive calls from residents stating that additional service is needed, then the Board can re-examine this issue.

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It was on motion unanimously

VOTED: To deny a license to operate a taxi and limousine service in the Town of Sudbury to Drew W. Goss, 23 Davis Road, Apt. 5C, Acton, MA, d/b/a Yellow Cab of Sudbury, 928 Boston Post Road, Marlborough, MA, based upon the lack of need for the additional service.

Continued Public Hearing - MoonShadow Cafe & Catering Licensing

Present: Applicants Deborah R. Taylor and Dixie Lee W. Esseltine, of MoonShadow Cafe & Catering; Judith and Gary Finerty, 28 Maple Ave., and several other residents of Maple Avenue.

The Board continued a public hearing (continued from Feb. 26, 1996) on the application of MoonShadow Cafe & Catering, Mill Village, 385 Boston Post Road, Building G, Store 2, for Licenses to Sell All Alcoholic Beverages as a Common Victualler on the premises; for a Common Victualler License; and a License to Conduct Live Entertainment on Friday, Saturday and Sunday.

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

1. Memo to the Board from Robert Leupold, Health Director, dated March 7, 1996, in which he stated that the Board of Health, on Feb. 28, 1996, "discussed septic system/water usage issues pertaining to the proposed food service establishment at Mill Village with Randy Goldberg, Interim Corporation, representing management of Mill Village. Further information and inspection of the septic system was requested before final approval of the restaurant seating capacity and its water usage. Since the meeting, the Health Director met on site with Mr. Goldberg and a consulting engineer to inspect the septic system leaching area and review septic usage. Information will be presented at the Board of Health meeting on March 13, 1996. It is expected that the septic tank will be upgraded and water usage will be restricted as for previous tenants."
2. Copy of information gleaned by Gary Finerty from discussions with the Board of Health on water usage at the proposed site, dated Feb. 26, 1996.
3. Letter to the Board from Judy and Gary Finerty, 28 Maple Ave., dated March 11, 1996, and given to the Selectmen this evening. The letter stated that the Maple Avenue abutters met with the applicants of MoonShadow Cafe & Catering on March 6, 1996, to discuss the proposed restaurant, its location along Hop Brook, and the request for a permit for "Live Entertainment" in a Limited Business District Area without a sufficient buffer zone to abutters. The Finertys stated that both parties involved have made sincere efforts to listen to the needs and concerns on all issues. The letter concluded with the listing of five restrictions requested by the abutters concerning the "Live Entertainment" permit: 1) A three (3) month trial period for the permit; 2) The permit not to be transferable; 3) "Live Entertainment" to be for subdued background music only; 4) No outdoor music when dining tables are permitted outside; and 5) Every effort to be made by the restaurant owners and employees to control the noise level keeping in mind the close proximity to the residential homes.
4. Letter to the Board from Judy and Gary Finerty, 28 Maple Ave., dated March 11, 1996, and given to the Selectmen this evening. The letter stated that the Maple Avenue abutters met with Randy Goldberg, owner and supervisor of Mill Village and discussed the issues of lighting shields on pole lights, dumpster

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and trash problems, police surveillance, and the problems of incessant burglar alarms sounding at all hours. The Finertys stated that Mr. Goldberg will contact Boston Edison and have the light shields reinstalled, Maple Avenue residents desire this to be done within sixty (60) days. They said that Mr. Goldberg will re-fence the dumpster enclosure in an effort to control and contain the unrelenting amount of trash overflowing into Hop Brook and he will address trash disposal problems with his tenants. Mr. Goldberg will also try to have the pick-up times changed so that residents will not be subjected to loud noises very early in the morning, including week-ends. The letter further stated that Mr. Goldberg will request increased frequency of police car patrols behind the rear building and lower parking lot, and that he will speak to the tenants for more immediate responses to alarms and the need to reduce the noise level of some of the alarms which seem to ring for no apparent reason. Finally, the Finertys stated that Mr. Goldberg had assured the residents that he will be available to respond to future concerns regarding the sensitivity of the relationship between the Maple Avenue residents and Mill Village.

Applicant Deborah Taylor, manager/owner of MoonShadow Cafe & Catering addressed the Board, saying that she and the co-owner have met with the Board of Health and learned that there are additional trenches needed on the property. She said that they have met as well with the neighborhood association on the subject of problems with trash disposal and that both sides have benefited from these meetings. Ms. Taylor said that the owners have also worked out a plan with the Maple Avenue residents for the granting of the entertainment licenses, that there be a three (3) month probationary period on these. She said that the owners have hired a sound consultant to advise them on what can be done to keep the sound within the building. Ms. Taylor concluded by saying that she and Ms. Esseltine are willing to work with the residents in order to maintain a good relationship with them.

Judy Finerty, of 28 Maple Avenue, addressed the Board, giving the Selectmen the two letters referenced above. As to the first letter, she said that the neighborhood residents had met with the applicants and felt very satisfied that the applicants listened to their concerns about the lack of a buffer zone. She said that the residents do not wish to stifle a new business from coming into Town. She said that the residents are concerned about a basic element of trust; she said that the restrictions of sixteen years ago put upon the restaurant at that time did not hold true over the years, that there is no record at the Board of Health as to the septic system. Mrs. Finerty said that the residents are asking that the restrictions on entertainment be honored, that the music be only subdued, background music and no outdoor music allowed. She said that she feels the neighborhood/owner relationship is off to a good start; that she feels it is necessary to write in the hours that the entertainment will be allowed when the license is granted. She said that she does have concerns about the Sunday entertainment, that it be conducted quietly. She said the residents wish to be able to trust the Town boards to back them up. She stated that as problems with Mill Village business escalated in the past, not one Board took the responsibility to go into the file to ascertain what the original restrictions were.

As to the second letter, Mrs. Finerty said that the neighborhood group had met with Mr. Goldberg, of Mill Village, and the concerns addressed with him have been ongoing for 16 years: the lack of lighting shields, the need for the dumpster to be re-enclosed, the need for a new pick-up time for trash so there are not loud noises emanating from Mill Village at very early morning hours, the need for increased frequency of police car patrols, and the incessant sounding of burglar alarms. On this last point, Mrs. Finerty said the residents asked that the alarms be re-wired into the owners' homes or to the police station, so that they will not be ringing and disturbing the neighborhood (sometimes for as long as 30 minutes!).

Chairman Drobinski brought up the issue of the hours for the Sunday Entertainment License. He asked if the residents would prefer a later starting time than the 10 a.m. which is listed on the application.

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Ms. Taylor stated here that because the entertainment is to begin before noon, she does need to specify Sunday morning hours, but that 11 a.m. would be acceptable to her as a starting hour. Mr. Drobinski said that the Sunday hours should be listed as 11 a.m. to 3 p.m.

Selectman Blacker clarified here that the Board agrees with the granting of an entertainment license for three months, with the holding of another hearing after that time to evaluate compliance of the restaurant with the restrictions on type and hours of entertainment. Mr. Thompson recommended that in the vote this evening the requirement of a subsequent hearing be stated. Selectman Clark furthered that the purpose of a later hearing would be to review any adjustments that might have to be made as to entertainment. Mr. Finerty offered that the hearing should be scheduled three months after the restaurant's opening, not three months from this evening, as this will allow time for a valid trial of the restrictions stated as a condition of the entertainment licenses. He also stated that he wished to reiterate that the abutters had never received notifications on past hearings which augmented the original licenses on the site of this restaurant. He asked that in the future the residents receive notification of any future hearings and be kept abreast of any issues relating to Mill Village. He asked if the lighting issue would be incorporated in the vote this evening and Chairman Drobinski responded that the property owner will be made aware that the issues discussed by Mr. Goldberg and the residents of Maple Avenue are issues that the Board of Selectmen wishes to see corrected immediately.

Selectman Clark said that she had some issues to address as well. She said that there is uncertainty as to the amount of water that is used on site and that she would like to see a separate water meter installed for the restaurant, with readings to be submitted to the Board of Selectmen for the first three months of operation, to ascertain if the applicants will be able to reasonably operate a business on site. Selectman Blacker said here that he believes that the Board does not intend to put restrictions on the first two licenses applied for by Ms. Taylor (those for Alcohol and for Common Victualler) but only for the two entertainment licenses requested. However, Ms. Clark said that she wished follow-up data from the Board of Health to ensure the Board of Health is doing its job in this case. While acknowledging that in this case the "ball was dropped" somewhere along the line, Selectman Blacker said that he would be opposed to this, since the Selectmen do not ask for cross copies from every Town board.

Selectman Clark also stated that she has concerns about the dumpster; she suggested moving it to another place on site, nearer to where the office condos are, so that the back building in Mill Village would act as a natural sound barrier during trash collection. Mrs. Finerty said that this issue had been discussed with Mr. Goldberg, but that he felt that moving the dumpster would place it too far away for the tenants to be able to carry their trash there. Mr. Goldberg felt that the dumpster is now located in a central location for all tenants of Mill Village. Chairman Drobinski inquired as to whether or not the dumpster is currently enclosed and was told that it is not. Selectman Blacker said that the residents have proposed to Mr. Goldberg that it be enclosed. Selectman Clark said that perhaps the dumpster could be partially moved, rather than all the way to the end, at least half-way down the site and showed the Board a suggested placement. She said that the metal-on-metal sound of trash collection is very noisy. Chairman Drobinski wondered what mechanism the Board would have to force compliance with this issue and Mr. Blacker suggested "friendly persuasion" and/or a visit from the Building Inspector, as this is not a site plan specific. Mr. Thompson suggested that the Board tell the owners of Mill Village that this issue will be reviewed in three months and ask that they re-evaluate the location of the dumpster in order to use the rear building as a sound barrier. Ms. Clark mentioned the lighting shields and Mr. Thompson suggested that this issue also be brought up in the evaluation done after three months. Ms. Clark remembered that when she was serving on the Zoning Board of Appeals the shields had been required then and said she does not understand why they were removed. Mr. Finerty said that either new lights had been installed, or the shields were removed from

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the old ones. Selectman Clark suggested that the wording requesting lighting shields be made stronger, to say that the shields were part of the requirements made by the Zoning Board of Appeals decision on this parcel.

Interim Town Manager Thompson recommended that the Board send a letter to the Board of Health, asking them for monthly water meter readings and for a record of same to be given to the Board for its subsequent hearing after the restaurant begins operation. However, he recommended that this action not be part of the vote taken this evening, but a separate letter. Selectman Clark felt that when such directives are not made part of the vote, the directives get "lost". However, she agreed to try this course of action as a directive, and not as a requirement of the vote to be taken this evening. Mrs. Finerty said that the Water District only reads water meters every six months, but Mr. Blacker explained that these readings are for billing purposes, but what is being discussed here is a special reading for water flow and can be done more frequently than at six month intervals. Ms. Taylor added that she and Ms. Esseltine would like to be kept abreast of any correspondence between the Board of Selectmen and the Board of Health pertaining to their restaurant.

It was on motion unanimously

VOTED: To grant to applicant Deborah R. Taylor, Manager, MoonShadow, Inc., d/b/a MoonShadow Cafe & Catering, Mill Village, 385 Boston Post Road, Building G, Store 2, a License to Sell All Alcoholic Beverages as a Common Victualler, for the licensing period to expire December 31, 1996;

and unanimously

VOTED: To grant to said applicant a Common Victualler License, for the licensing period to expire December 31, 1996;

and unanimously

VOTED: To grant to said applicant a Weekday Entertainment License (non-transferable) for taped background music indoors during all hours of operation, and live music indoors (no more than three musicians) on Friday and Saturday from 7 p.m. to 10 p.m., subject to the restrictions incorporated in a letter to the Board from Gary and Judith Finerty, 28 Maple Avenue, dated March 11, 1996, with the exception of item 1, for the licensing period to expire December 31, 1996;

and unanimously

VOTED: To grant to said applicant a Sunday Entertainment License for live music indoors (subdued background music with no more than three musicians) from 11 a.m. to 3 p.m., subject to the restrictions incorporated in a letter to the Board from Gary and Judith Finerty, 28 Maple Avenue, dated March 11, 1996, with the exception of item 1, for the licensing period to expire December 31, 1996.

It was further unanimously

VOTED: That the Interim Town Manager send a letter to Mr. Goldberg, indicating the Board's concurrence with the restrictions listed in the letter of March 11, 1996 from Gary and Judith Finerty and adding the Board's comments this evening on the dumpster and the fact that the lighting shields have not been re-

installed, such situation being in non-compliance with the Zoning Board of Appeals decision for this site and that the situation be remedied within 30 to 60 days;

and unanimously

VOTED: To direct that a public hearing be held three (3) months from the date of the opening of the restaurant for the purposes of the Board review of the status of compliance with the restrictions listed in the March 11, 1996 letter of Gary and Judith Finerty which were voted as conditions of the granting of the entertainment licenses to MoonShadow Cafe & Catering, and for the purposes of the Board review of the status of compliance of Mill Village with the agreements reached between Mr. Goldberg and the Maple Avenue abutters, as stated in the March 11, 1996 letter of Gary and Judith Finerty;

and unanimously

VOTED: To direct that all abutters shall be notified of any future hearings in this matter and copies of all communications relating to issues discussed in this evening's hearing be sent to Gary and Judith Finerty as representatives of the Maple Avenue neighborhood group;

and unanimously

VOTED: To direct the Interim Town Manager to send a letter to the Board of Health, updating them on the status of the MoonShadow Cafe & Catering licenses and requesting that the Board of Health do specific readings and monitoring of water flow for the three months following the restaurant's opening and supply said data to the Board of Selectmen for perusal at the subsequent hearing to be scheduled after said restaurant has been in operation for three months.

Minutes

It was on motion unanimously

VOTED: To approve the regular and executive session minutes of February 26, 1996, as written;

and unanimously

VOTED: To approve the executive session minutes of February 12, 1996, as amended.

Council on Aging - Van Donation

It was on motion unanimously

VOTED: To accept \$110.65 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.

Authorization of State Aid Anticipation Note and Sale of General Obligation Bonds

On recommendation of Town Treasurer and Collector Mary Ellen Normen Dunn, in accordance with her communications dated Feb. 29, 1996, it was on motion unanimously

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VOTED: To authorize the renewal of State Aid Anticipation Note issued September 29, 1995, and coming due March 29, 1996, in the amount of \$466,000;

and unanimously

VOTED: To authorize the sale of General Obligation Bonds for the balance of the 1994 Annual Town Meeting Articles issued as Bond Anticipation Notes on September 29, 1995, and coming due May 29, 1996, in the amount of \$1,975,000 (Nixon School \$1,681,000, Walkway Construction \$189,000, Drainage \$50,000, Curtis School Roof \$40,000, Feeley Tennis Courts \$15,000).

Memorial Day Committee Resignation

The Board acknowledged receipt of a letter from Winifred Grinnell, Secretary of the Sudbury Memorial Day Committee, dated March 4, 1996, with which was included a copy of the letter of resignation from that committee of Elizabeth M. Foley, dated Feb. 26, 1996. Ms. Grinnell stated that the Memorial Day Committee requests that Martha J. Coe be appointed by the Board of Selectmen to take the place of Elizabeth Foley.

It was on motion unanimously

VOTED: To accept the resignation of Elizabeth M. Foley, effective January 1, 1996, from the Memorial Day Committee, and to thank her for her service to the Town;

and unanimously

VOTED: To appoint Martha J. Coe, 14 Churchill St., to fill said vacancy on the Memorial Day Committee, for a term to expire April 30, 1997, at the request of said Committee.

Drainage Easement - Hudson Road

The Board acknowledged receipt of a Drainage Easement, dated January 8, 1995, and signed by Allan and Kara Hendrickson, 336 Hudson Road.

It was on motion unanimously

VOTED: To accept on behalf of the Town a Drainage Easement, granted by Allan R. and Kara J. Hendrickson, shown on "Plan Showing Proposed Drain Easement over lands of Hendrickson & Nugent, Hudson Road, Sudbury, MA", dated September 12, 1995, drawn by the Town of Sudbury Engineering Department.

Reserve Fund Transfer - Town Manager Moving Expenses

It was on motion unanimously

VOTED: To approve Reserve Fund Transfer Request No. 96-15 for Selectmen's General Expense Account in the amount of \$4,000 for the purpose of reimbursing the new Town Manager for moving expenses; additionally \$500 remaining from the Town Manager Search transfer will be utilized for the same.

Authorization of Increased Ambulance Service Fees

The Board acknowledged receipt of a memo from Fire Chief Michael Dunne, dated March 6, 1996, in which he stated that the Town's billing company has advised the Fire Department of new rate approvals by Medicare and Blue Cross for ambulance service. Chief Dunne asked the Board to authorize the Fire Department to begin charging these new rates effective April 1, 1996. A copy of the communication from the billing company (Comstar) listing the new rates, and dated Feb. 23, 1996, was enclosed with Chief Dunne's letter.

Selectman Clark asked for clarification of some of the acronyms listed on the communication from Comstar.

After a short discussion, it was on motion unanimously

VOTED: To authorize the establishment of increased ambulance service fees, in keeping with new Medicare and Blue Cross allowed charges, as set forth in a communication dated February 23, 1996, from Comstar, the Town's billing agency.

Communication from Executive Office of Environmental Affairs

The Board acknowledged receipt of a letter from Trudy Coxe, of the Executive Office of Environmental Affairs, dated Feb. 29, 1996, in which Ms. Coxe states that Sudbury has received a grade of "C" on the 1996 Municipal Recycling Report Card for recycling 18% of its solid waste. However, Ms. Coxe furthered that the Town had been given an "Excellent" rating for the amount of effort that the community has displayed in developing its recycling program.

A short discussion ensued on a comparison of report card ratings given surrounding towns. Selectman Blacker asked if other towns accept haulers from their communities and Mr. Thompson stated that they do not. Mr. Blacker opined that this perhaps accounts for their higher ratings. Mr. Thompson stated that when the "Put and Take" is in operation in Sudbury this should help increase the Town's rating in the future.

Sudbury Public Schools Disposition of Furnishings

The Board acknowledged receipt of a memo from Patricia Hambelton, of the Sudbury Public Schools, dated March 7, 1996, in which she requests permission to transfer, sell, or dispose of school furnishings now stored in the old fire station section of the Flynn building. Ms. Hambelton listed the items in question: 75 student desks, 6 teacher desks, a refrigerator, a large electrical switch and a table suitable for a workshop. Ms. Hambelton concluded her memo by stating that the plan is to first offer these items to other Town departments and then to the public for sale; if items still remain after these actions, they will be disposed.

Interim Town Manager Thompson informed the Board that this request is related to removing the old voting machines out of the Loring School and space is needed for their storage in the Town Hall.

It was on motion unanimously

VOTED: To grant permission to the Sudbury Public Schools to transfer, sell or dispose of school furnishings, as set forth in a communication dated March 7, 1996, from Patricia H. Hambelton.

Confirmation from Massachusetts Highway Department - Nobscot Road Traffic Signal

The Board acknowledged receipt of a letter from Peter Donohue, District Highway Director, dated Feb. 27, 1996, in which he stated official confirmation that the Project Review Committee of the Massachusetts Highway Department has approved the Traffic Signal Installation and Geometric Improvements for the Intersection of S.H. Route 20 (Boston Post Rd.) at Nobscot Road. Mr. Donohue continued his letter by delineating several steps the Town should take to expedite the undertaking of this project.

Interim Town Manager Thompson said that this project needs District 3 support and the letter received from Mr. Donohue provides this support, and allows the Town to move ahead with plans. Chairman Drobinski asked if the Board should respond to the letter and Mr. Thompson said it would not be necessary.

Star Market Traffic Signal

Selectman Clark informed the Board that she and ten others had met with Mr. Donohue earlier today on the subject of the signalization at Star Market. She stated that it was her belief that progress had been made in coming to agreement with Mr. Donohue on this issue, due to effective presentations by all those present (representatives of the Town, of Star, and of Raytheon). Mr. Donohue requested a traffic analysis of volume from 3:30 to 5:30 p.m. and Ms. Clark said she believes that this information will be in Mr. Donohue's hands very shortly. She said that the issue of "safety" was emphasized over "convenience", especially by the Raytheon personnel present. Ms. Clark stated that the best strategy on the Star signalization issue would be to try the light at Star/Raytheon and ascertain how it affects the flow of traffic coming along Rte. 20 and then do an impact study to see if the light is needed. Ms. Clark stated that at the time the Rte. 20/Nobscot Road signalization was requested, the Town did not know about the enlargement of the Star Market site.

Finance Committee Request for Joint Meeting with Board of Selectmen

It was decided to give the Finance Committee the two dates of March 18 or March 20, 1996 as possible times for the joint meeting requested by that committee. (A scheduling conflict with Ms. Clark prevents the Selectmen from scheduling this meeting for March 21, 1996.)

Continued Discussion - Board Positions on Town Meeting Articles

Interim Town Manager suggested to the Board that it review the first page of the list of Annual Town Meeting articles, as these would encompass the first few evenings of the meeting. Selectman Clark stated that she withdraws from Articles 7 and 8, as she is opposed to both. Mr. Thompson said that Articles 2A and 2B will take care of themselves; Mr. Blacker said that 2B will be indefinitely postponed. Mr. Thompson said Article 3 will be part of the discussion at the joint meeting between the Selectmen and the Finance Committee. Chairman Drobinski said that as to Article 5, the unpaid bills have been paid. Article 6 was considered earlier this evening. As to Articles 7 and 8, Selectman Blacker reiterated that Selectman Clark is listed as speaking on these but is opposed to them; Mr. Blacker said he supports them as they would bring in revenue to the Town. Mr. Drobinski stated support for the articles; Selectman Clark said she considers this a "rush to judgment" as the issue has not been examined enough and her vision for this Town is not to see it become full of condominiums. Ms. Clark allowed that the tax base must be increased, but believes that there are other ways of doing this. Mr. Thompson said that the Moderator will call on the Board of Selectmen on this issue; Ms. Clark said she wishes to reserve time to speak on both articles. Mr. Thompson stated that something must be decided as to the Board's position on these articles and it appears to be a majority position (2 to 1) to support them. He asked whether Mr. Drobinski or Mr. Blacker would articulate that support; Chairman Drobinski said that he would talk with Mr. Blacker to decide this and also said he wished to discuss the matter further with Ms. Clark. Mr. Thompson also said that reserving time for Ms. Clark to speak on these articles will come up at the Warrant Review on March 27, 1996. Mr. Thompson then continued with the article list and said that Article 9 will be discussed at the joint meeting with the Finance Committee and Articles 10 through 19 are Consent Calendar items. As to Article 20, Selectman Blacker said he sees no benefit to the Town; Chairman Drobinski and Selectman Clark concurred in a position to oppose. Ms. Clark said that the Board has already taken the position that this article will be presented to Town Meeting as a courtesy to the petitioners, so it is up to them to do their own presentation; they should not look to the Selectmen for support. Selectman Blacker said that rather than scheduling a meeting with the petitioners as they request, it should be put in writing why the restriction should be removed when it was originally imposed by agreement; Mr. Thompson said he would relay this request to the petitioners. The Board agreed that further review of the list of articles will be taken up after the Warrant Review of March 27, 1996.

Communication from Police Chief

In reference to the communication to the Board from Police Chief Lembo regarding Mr. Sorett's request for data relative to Article 52 and the charge for same, Selectman Blacker stated that before he can react to this letter, he needs to see the original letter that Mr. Sorett sent to the Police Chief.

East/West Railroad Right of Way Proposal

Selectman Clark stated Rep. Hasty Evans spoke to her about the East/West Rail right of way and requested two things: (1) a meeting of Selectmen from all towns affected by and using the rail; and (2) that a question on the rail be put on the fall referendum. Mr. Drobinski and Mr. Blacker both stated that the idea

of an area-wide meeting is a good one as is a fall referendum question and Selectman Clark said she would get back to Ms. Evans with what was discussed this evening.

Transfer Request from Town Accountant

Interim Town Manager Thompson gave the Board a copy of a Request for a \$5000 Reserve Fund Transfer sent by the Town Accountant to the Finance Committee regarding the Sudbury Public Schools. Formerly, the Schools had agreed to budget \$5000 for Town computer costs, but the current Superintendent now states that this money was not budgeted. Selectman Blacker suggested that this item be discussed at the joint meeting between the Selectmen and the Finance Committee later in the month, to ensure that this situation not occur in the future.

League of Women Voters Annual Town Meeting Preview

Interim Town Manager Thompson reminded the Selectmen that March 19, 1996 is the date for the League of Women Voters' evening for preview of the upcoming Annual Town Meeting. Selectman Blacker agreed to attend this meeting and Chairman Drobinski said he would join Selectman Blacker if possible. Mr. Thompson told the Board that the meeting will be at 7:30 p.m. at the Fairbank Community Center.

There being no further business, the meeting was adjourned at 9:45 p.m.

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