

IN BOARD OF SELECTMEN
MONDAY, JULY 8, 1996

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

The statutory requirements for notice having been met, the meeting was convened at 7:30 p.m. in the Sudbury Town Hall.

Utility Petition 96-4 - Boston Post Road

At 7:30 p.m., the Board convened a public hearing on Utility Petition 96-4 of Boston Edison Co. and New England Telephone and Telegraph Co. The petition requests the location of one pole and one stub pole on Boston Post Road at the intersection of Peakham Road in order to accommodate grading plans at such intersection.

Town Manager Steven Ledoux reported that the abutters were notified in accordance with statutory requirements.

Approval of this petition has been recommended by John Hepting, Inspector of Buildings, and Arthur Richard, Wiring Inspector, under date of July 5, 1996.

Chairman Blacker called for public comment and hearing none, the Board of Selectmen noted that the grading of this intersection was a welcome and long overdue improvement to the community.

It was on motion unanimously

VOTED: To approve Utility Petition 96-4 of Boston Edison Co. and New England Telephone and Telegraph Co. for permission to locate two poles, 18/159 and 18/159S, on Boston Post Road at the intersection of Peakham Road, Sudbury, as shown on Boston Edison Company "Plan of Boston Post Road, Sudbury," dated May 3, 1996.

Minutes

It was on motion unanimously

VOTED: To adopt the regular session minutes of June 24, 1996, as amended, and of June 11, 1996, December 16, 1995 and November 28, 1995.

Council on Aging - Donations

It was on motion unanimously

VOTED: To accept \$58.40 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.

Negotiating Advisory Committee - Appointment

It was on motion unanimously

VOTED: To appoint Steven R. Wishner to the Negotiating Advisory Committee for a term to expire April 30, 1997, as the Finance Committee representative, replacing C. Schwager.

Sudbury Housing Authority - State Appointee

It was on motion unanimously

VOTED: To issue to the Executive Office of Communities and Development an endorsement of the appointment of Kathleen Phillips to fill the vacancy on the Sudbury Housing Authority resulting from the resignation of State representative Jeanne Rowlands.

Sudbury Participation in the Massachusetts Town Clerks Association's request to Refuse to Issue Hunting and Fishing Licenses

Town Manager Steven Ledoux informed the Board that although state hunting and fishing licenses increased in January from \$17.50 to \$27.50, the issuing town's share was not increased and remains at \$0.50 per license. He noted that the Town of Sudbury had issued some 350 such licenses in the past year. The Massachusetts Town Clerks Association has appealed to towns throughout the state to refuse to issue such licenses as a means of protest. The Association contends that individual towns should receive a greater share for the processing of these licenses. Town Manager Steven Ledoux informed the Selectmen that some one-third of the towns across the state have joined in the protest. He also noted that state legislation is pending to resolve some of the inequities. He furthermore noted that individuals seeking licenses would not be unduly burdened as they are able to obtain such licenses from various retail stores and other towns.

Chairman Blacker and Selectman Clark noted that town clerks may face potential liability claims. Under a recent law change, town clerks must certify that hunters have taken a safety course. Selectman Clark indicated that the towns should receive a greater portion of the fee given the burdens involved. She also confirmed through the Town Manager that the Association had attempted to resolve this issue with the state prior to calling for a strike. Selectman Drobinski stated that it was good to be rebellious every once and a while.

It was on motion unanimously

VOTED: To authorize the Acting Town Clerk to participate in the protest organized by the Massachusetts Town Clerks Association and to immediately refuse to issue hunting and fishing licenses.

Review of Inventory of Town-owned Land in Excess of Ten Acres for Inclusion in the School Committee's Space Planning Study

Town Manager Steven Ledoux presented the Board with an inventory and map designating town-owned parcels in excess of ten acres for inclusion in the School Committee's Space Planning Study. He noted that much of the land is designated conservation land and re-designation of such land for school

expansion needs would require a two-thirds vote of the Conservation Commission, a two-thirds vote of the Town Meeting and a two-thirds vote of the state legislature. He suggested that the most promising acreage included the Loring School site, Parkinson land, Nixon School site, Howe property and former Melone property. He also noted that the Curtis Middle School and L. S. High School properties allowed for some expansion but suggested that the latter should perhaps be preserved for future L.S.H.S. expansion.

Chairman Blacker agreed that the release of conservation land is an involved process, including approval by a two-thirds vote of the state legislature, but expressed that the School Committee might consider such in view of the resulting savings for the Town. Selectman Drobinski suggested the possibility of acquiring some of the Fort Devens land. Chairmen Blacker agreed that consideration should be given to acquiring some of the 140 acres of the Fort Devens property within the township for this purpose. Selectman Drobinski noted that some of the Fort Devens land was polluted and that school use might require more stringent clean up standards than open space use.

Chairman Blacker expressed his position that all of the parcels should be accessible to the School Committee if needed for the good of the Town.

The Board of Selectmen concurred that the entire inventory should be given to the School Committee for its review and directed the Town Manager to provide the information.

Site Plan Special Permit Application SP96-328 - Auto Diagnostic Center, 100 Boston Post Road

Present: Bruce Ey, of Schofield Brothers of New England, Inc., professional engineers and land surveyors, representing the applicant; William King, the applicant; Hans Lopater, and others.

At 8:00 p.m., the Board convened a public hearing on Site Plan Special Permit Application SP96-238 of William King, Foreign Performance LTD., d/b/a Auto Diagnostic Center, to construct a 2,475 square foot addition for two new service bays, four fuel pump islands with canopy, new subsurface sewage disposal system, drainage and landscaping for operation of automotive repair, convenience store and gasoline sales business, on property at 100 Boston Post Road, Town Property Map K11-010 in Bus, Dist. #1, owned by George Gordon, and additional parking on the rear of property at 86-88 Boston Post Road, Town Property Map K11-010, owned by M. Alice Genna.

Notice of this public hearing was issued by Town Manager Steven Ledoux on June 5, 1996, and published in the *Sudbury Town Crier* on June 13 and June 20, 1996. Furthermore, parties of interest, being abutters within 300 feet according to the Assessors, were provided written notice by first class mail. Additionally, the Planning Boards of Acton, Concord, Lincoln, Maynard, Framingham, Marlboro, Stow, Wayland and Hudson were provided written notice by first class mail.

The Board was in receipt of the following:

1. Communication, dated July 8, 1996, from Deborah Dineen, Conservation Coordinator, Conservation Commission, relating that a hearing was held under both the Wetlands Protection Act and the Wetlands Bylaw for the proposed alterations. Although Commission requirements that the first one inch of rainfall be filtered prior to entering wetland resource areas cannot be met at this site due to high groundwater, proximity to Route 20 and an abutting septic system, and large extent of pavement, the proposed plan does substantially improve the existing conditions on the site and the quality of runoff

entering the wetland resource. The plan includes a first flush basin that filters runoff from one-quarter of the site. A new leaching catch basin is to be installed in the northeast corner that will contain an oil and grit separator that will separate oils and sediments from the runoff prior to discharge into the wetlands. Runoff from a small portion of the site in the northwest corner will also be filtered. The proposed landscape area in the front will reduce a small amount of runoff sheet flow. An Order of Conditions will be issued this week allowing the project with requirements for monitoring and maintaining the drainage structures.

2. Communication, dated July 3, 1996, from John Hepting, Building Inspector noting that two handicapped parking spaces are required if the total number of required spaces is between 25 and 50; zoning district line between BD-1 and ID-12 should be shown, as well as gasoline storage tanks, proposed and existing, and dumpster area; there must be a unisex handicapped toilet in addition to regular toilets for men and women; in addition to the variances listed in the proposal the following variances will also be required: gas pump setback, proposed freestanding sign location, special permit for freestanding sign, and landscape features, i.e., 3 street trees greater than three feet in height.

3. Communication, dated June 10, 1996, from Town Engineer I. William Place noting that: the existing septic system is not shown, a curb cut permit is required from the Engineering Department and the Massachusetts Highway Department; the refuse disposal area is not shown; for pedestrian safety, he suggests a 5 foot wide bituminous concrete walkway be constructed along the entire frontage; the storm water runoff from the oil and grit separator discharges onto land n/f Alice Genna, 88 Boston Post Road, without an easement; zoning district should be added, existing runoff volume to catch basin 1, watershed 3, should be recalculated using a weighted runoff coefficient of 84; and increased runoff onto Route 20 should be reduced to pre-development rate of runoff.

4. Communications, dated June 25 and July 1 1996, from Fire Chief Michael Dunne stating requirement that the location for the proposed gasoline storage tanks be shown; and the used oil storage tank currently on site be shown.

5. Communication, dated July 2, 1996, from Robert C. Leupold, Health Director, Board of Health, noting that the proposed sewage disposal system meets Sudbury Board of Health regulations and Title 5 for the proposed four island gas station with five automobile service bays and 1,025 square feet of retail space. Additionally he noted that the proposed gasoline station is not located in a Zone II aquifer protection area.

6. Communication, dated July 2, 1996, from Carmine L. Gentile, Chairman, Planning Board, relating that at its meeting the Planning Board voted unanimously to support the Site Plan/Special Permit application, contingent on the applicant securing a substantial contractual agreement for off-site parking. Also the Board referred the Selectmen to the following administrative and procedural requirements noted in an enclosed memorandum dated June 27, 1996, from Jody A. Kablack, Town Planner: (1) The application must contain a written statement indicating the proposed use, building coverage, open space and stormwater management; the use should be described as to the volume of fuel storage, location of fuel tanks, hours of operation of the convenience store, and number of employees. No septic system and dumpster are shown. (2) Bylaws require standards for stormwater runoff, outdoor lighting and open space landscaping; the applicant should fully describe how the plan complies with these or indicate why compliance is unattainable. No calculations have been submitted to indicate the amount of open space on the site or proposed. (3) Bylaws state that no structure greater than 3 feet high shall be located within 75%

of the required front and street centerline setbacks. The canopy, freestanding sign and gas pump are non-conforming. (4) Additional information should be submitted to indicate that the proposal to locate required parking spaces on the adjacent lot does not interfere with the parking requirements and traffic circulation of that site. (5) The applicant should be required to construct a walkway across the frontage of the property. (6) Landscaping details should be submitted for all areas where open space is proposed and the western property boundary appears to be a prime candidate for landscaping. (7) The height of the freestanding sign should be indicated. The new use will render the lot more non-conforming. (8) A question was posed as to whether the width of the entrances could be reduced to decrease pavement. (9) Front yard setbacks cannot be achieved and the majority of the parking is off-site. However, there are advantages: landscaping will be added, curb cuts reduced in width, the building renovated and parking shielded from view along Route 20. The key issues are: proper oversight as to the off-site parking so that a parking dilemma is not created in the future if the adjacent business seeks to expand; determining the amount of the open space on the property currently and as proposed; and need to obtain variances for the front yard set backs. If these issues can be addressed, it is my recommendation that the site plan be approved.

7. Communication, dated July 2, 1996, from Frank W. Riepe, Chairman, Design Review Board, noted that the DRB met on June 25, 1996, and reviewed the proposed plan dated January 14, 1996 and revised June 20, 1996. The revised plan was improved in that the size and roof pitch of the canopy were reduced and the general aesthetics of the long front wall enhanced by the addition of flower boxes and lighting. The original request for a freestanding Sunoco sign has been withdrawn in favor of a 4' x 4' double faced projecting sign to be mounted on the front of the canopy. A small 3' x 4' wall sign for Auto Diagnostics is to be mounted at the far east end of the building. The two entities are separate businesses and therefore allowed two signs. The DRB is pleased with state approval that two well defined curb cuts will replace the existing indefinite entrance to the site. By unanimous vote, the DRB recommends approval of the plan as revised on June 20, 1996.

8. Communication, dated July 8, 1996, from William King, applicant, and Robert Genna, representing 88-92 Boston Post Road, noting that an agreement has been reached between the applicant and Robert Genna regarding additional parking for the applicant. A five-year lease will be written which allows for a minimum of 23 additional parking spaces for the applicant to the rear of the building located at 88-92 Boston Post Road. A copy of the lease will be made available to the Board of Selectmen.

Bruce Ey presented an overview of the plan and the status of the application. He said he had met with the Conservation Commission and was dealing with the Commission's comments regarding drainage. He said he had met with the Design Review Board and had marked up their comments on a site plan which he presented to the Board. He said he had been in communication with the Town Engineer, Building Inspector and Planning Board. He said he filed for and obtained from the State Department of Public Works a curb cut permit.

He said that the site encompassed a 24,000 square foot area. He said that the site had previously had a Shell Station and that the applicant wished to return the site to a gas station with a convenience store and auto repair shop. He said that the plan incorporated the relocation of existing service bays, and adding a convenience store and four island gas pumps with canopy. He related that the Design Review Board had required larger pillars for the canopy structure and had changed the pitch of the roof line.

He indicated that the proposed plan would bring the site closer to code. He said that the site was currently non-conforming. For example, he said that the site did not have the required 30% open space. It has 15% open space. After the proposed renovation, the site will have 21% open space. Additionally, although the plan calls for installation of landscaping along the front and improving the landscaping between the site and Papa Gino's, it will not have the required 20' landscaping area in the front. He stated that in order to bring it as close to code as possible some landscaping will occur on state land. The proposed plan would result in a 20' wide front landscape bed, but not all of it would be on the sited property; some state land will be used. He said that the two planned entrances will also not comply with code in that the distance between the two entrances will be less than 200 feet. He also noted that at present the site does not have a bicycle rack. He also pointed out that the gas pumps and canopy will be located within the minimum front yard set back. Thus, Mr. Ey stated that the applicant intends to seek numerous zoning variances with the Board of Appeals including (1) a 21% open space; (2) reduced landscape in the front; and (3) reduced curb cut since the two entrances will be closer than 200'.

Despite the fact that the property will not be brought up to code, Mr. Ey stated that under the plan the property will be brought closer to code and will be aesthetically enhanced. He also noted that the site was situated in Business District No. 1 and therefore appropriate for the use and design proposed. He stated that this site is not next to any residential property and is not close to any aquifers. He contended that the proposed plan provided for good land use.

Mr. Ey indicated that there would be eight parking spaces, one of which would be reserved for the handicapped, on the side of the proposed addition. He noted that parking could not be provided in the rear since the existing building is situated on the rear property line. He said a variance will be needed to use this location for parking. He suggested that such parking would be more than adequate for the traffic generated by the small convenience store. He stated that an adjacent landowner had agreed to leasing a minimum of 23 parking spaces on land abutting to the site. He said that an access road will have to be provided to this parking area and a variance will be needed to permit such. Those parking spaces would be utilized by the nine anticipated employees and for the temporary storage of vehicles being repaired at the Auto Diagnostic Center. He presented the Board with a letter of agreement, dated July 8, 1996, signed by William King and Robert Genna, representing property owner 88-92 Boston Post Road, and stated that, as requested by the Planning Board, a formal agreement for the leasing of such space (five-year lease) is being drafted. He said that an easement for stormwater runoff is also being drafted.

He related that he was aware of the fact that an additional handicapped parking space was being required by John Hepting, Building Inspector. Mr. Ey said that he wished an opportunity to discuss such with the Inspector. He related that 12 parking spaces are really to be utilized for the storage of vehicles. He contended that, if you subtracted those from the total, only one handicap space would be needed. He stated that they could designate another space for handicapped parking, but did not believe that such was necessary given the unique parking scheme proposed.

He stated that currently water is shed to the vernal pond, Boston Post Road and toward Papa Gino's on the west. Under the proposed plan water runoff would be directed to the rear corners of the site. He said that gutters would be installed on the canopy and the water run through an oil and grit separator before entering a leach basin and then drained into the vernal pond. He said that another catch basin would be installed near the west corner of the site near Papa Gino's. He reported that such drainage plans met with the concerns expressed by the Conservation Commission.

Mr. Ey stated that the dumpster is currently located to the rear of the building and its placement will be shown on the forthcoming revised plan.

Mr. Ey presented elevations of the proposed structure showing that the structure would be brick veneer and clapboard. The west side of the proposed structure will have metal siding, but will not be visible from Boston Post Road.

He indicated the placement of two signs that had been approved by the Design Review Board. One sign would be for the service station and placed on the canopy and another sign for the Auto Diagnostic Center which would be on the front of the structure.

He said that a new 1000 gallon septic system will be installed and that such meets code for a service station and convenience store. He said that two new steel tanks, one holding 12,000 gallons and another holding 8000 gallons, will be installed for the storage of gasoline. He noted that the applicant currently holds permits for such tanks. He said that the original plan called for two handicapped accessible bathrooms but that the Building Inspector only required one.

Mr. Ey indicated that he intends to present the Board with a revised plan once he has heard from all the various boards and commissions.

Chairman Blacker asked for public comment.

One resident, Hans Lopater, testified in favor of the permit. He stated that this was a locally owned and operated business, and such businesses needed to be encouraged in the community. He said that the business provides very reliable service and was an asset to the community.

The Board indicated that it was favorably disposed to granting the permit and continued the public hearing until August 12, 1996, at 8:00 p.m.

Permit for Blockbuster Video Store to Hold an Outdoor Event:

Blockbuster Video requests a permit to hold a four-hour outdoor event to celebrate the grand opening of its new store in Sudbury. The event is to be held on the afternoon of August 25, 1996. A 10' x 15' tent would be utilized should it rain. The various activities would be positioned to the rear of the Blockbuster Video building and cordoned off. Blockbuster intends to hire a police detail to handle any extra traffic. It also indicates that it will contact neighboring businesses regarding the event.

John Hepting, Building Inspector, reported on July 3, 1996, that he had no objection to the event given its out-of-the-way location, police detail and four-hour length. He also noted that no permit is needed for this size tent.

Michael Dunne, Fire Chief, reported on July 5, 1996, that if a tent is to be utilized, Blockbuster is required to have a flame-proof certificate.

Peter Lembo, Chief of Police, was notified of the permit request, and the Police Department is working with the applicant on traffic control.

Selectman Drobinski related that he had recently driven by the site and that he had noted that a grass knoll fronting Boston Post Road appeared to have been paved for parking and suggested that the Building Inspector may wish to look into this matter.

It was on motion unanimously

VOTED: To approve a permit for the Blockbuster Video Store to hold an outdoor event for four hours on the afternoon of August 25, 1996 at the delineated location to the rear of the Blockbuster building. Blockbuster shall provide a police detail to handle any traffic overflow and shall provide a flame proof certificate if a tent is to be used.

Amendments to the Board of Selectmen's Policies and Procedures

Town Manager Steven Ledoux presented the Board with a proposed amended version of the *Selectmen's Policies and Procedure, Section A. Meeting Policy and Section B. Agenda Procedure*. He explained that the suggested changes resulted from discussions during the Board's recent goal setting session and the Town Manager Act. He also noted that the amendments allowed more time for the Board to discuss policy issues and would establish a designated period for citizens to petition the Board.

It was on motion unanimously

VOTED: To adopt the amendments to the *Selectmen's Policies and Procedure, Section A. Meeting Policy and Section B. Agenda Procedure*.

Confirmatory Decision re: Site Plan Special Permit Application No. 96-326, of Brunjes, Inc., d/b/a The Hitchcock Store, Norwell, MA

Town Manager Steven Ledoux reported that the proposed confirmatory decision would require the applicant to place two trees as close to forty feet apart as possible given the curb cut required by the State. He related that it was his understanding that the State-required curb cut took precedence over the local by-law requirement of placing trees each forty feet.

EXECUTION: The Board of Selectmen executed said confirmatory decision.

Execution Drainage and Walkway Easements - Fairbank Road

Town Manager Steven Ledoux presented two easements for the Board to execute its acceptance on behalf of the Town of Sudbury under authority of Section 3 of Article XII of the Sudbury Bylaws.

One, grants a drainage easement, by John Cutting, Frank J. Cutting, and Louise C. Dorian, to the Town of Sudbury for constructing, maintaining and operating drainage pipe(s) over portions of Lot 3, Lot 4, and Lot 5 shown on the plan of land entitled "PLAN OF LAND IN SUDBURY", dated March 17, 1995, revised 4/5/95 and 1/25/96 and 3/20/96.

Two, grants a walkway easement, by John Cutting, Frank Cutting and Louise C. Dorian, to the Town of Sudbury for the construction, maintenance and use of a walkway and sidewalk over portions of Lots 2, Lot 3, Lot 4, and Lot 5, following the layout of the existing Fairbank Road, shown on a plan of land entitled "PLAN OF LAND IN SUDBURY", dated March 17, 1995, revised 4/5/95 and 1/25/96 and 3/20/96.

It was on motion unanimously

VOTED: To accept and execute said drainage and walkway easements.

EXECUTION: The Board of Selectmen executed said easements.

Strategic Planning Committee

Town Manager Steven Ledoux presented the Board with a proposed charge for the Strategic Planning Committee and a proposed membership.

Selectman Clark stressed that both the charge and membership of the committee must be broad based. Selectman Clark presented the Board and Town Manager with a memorandum outlining various concepts to be included in the charge. One of the concepts was the utilization of surveys and questionnaires and it was agreed this aspect should commence as soon as possible.

The Board concurred with including Selectman Clark's suggestions for the proposed charge. The Board directed the Town Manager to prepare a final version.

As to the membership, Selectman Clark noted that the proposed membership only included nine citizens at large whereas there were thirteen public members. The public members would include representatives from the Selectmen, Sudbury School Committee, Lincoln-Sudbury School Committee, Planning Board, Council on Aging, Chamber of Commerce, Finance Committee, Conservation Commission, Board of Appeals, Board of Health, Park and Recreation Commission, League of Women Voters and the Housing Authority. Selectman Clark suggested that there be at least an equal number of citizen members on the committee. She also had the Town Manager clarify that the four *ex officio* members (Town Manager, Town Planner, Superintendent of the Sudbury Public Schools and the Superintendent of the Lincoln-Sudbury High School) would not have voting privileges and were to serve merely as informational resources.

The Board concurred with Selectman Clark and agreed that there should be fifteen citizens at large together with the thirteen public members, making a total of 28 members.

Selectman Blacker suggested that the Town advertise in the newspapers for the 15 citizen members. He further suggested that applicants be asked why he/she desires to serve, what he/she can offer and why he/she should be selected.

The Board concurred and directed the Town Manager to place the advertisements and immediately commence the selection process.

The Town Manager Steven Ledoux said he planned to apply for an incentive aid grant to obtain funding for a committee facilitator. Selectman Clark urged the use of a facilitator so that a consensus among the members of the committee might be reached.

Reports from the Board and Town Manager on Current Items

Star Market: Town Manager Steven Ledoux reported that Star Market had withdrawn its application for water resource special permit. Chairman Blacker stated that he understood the store had decided to pursue a "specialty" niche rather than a large scale market and that this corporate decision should not be construed as any reflection on the Town's response to its application. Chairman Blacker also stated that Star Market remained interested in an intersection light and curb changes, but would not be willing to pursue such changes if they involved a great deal of time, effort and expense.

Board of Appeals/Earth Removal Board: Town Manager Steven Ledoux noted that at the last meeting the Board had inquired whether the Board of Appeals members could fill vacancies on the Earth Removal Board. He reported that he had apprised the Town Counsel of this inquiry and was awaiting an opinion from him.

Haynes-Pantry Intersection: Town Manager Steven Ledoux reported that the Town was continuing to explore the needed improvements to the Haynes-Pantry Road intersection. He related that it was weighing the signage versus larger scale solutions but that it appeared at the very least that some reduction of grade could not be avoided. Selectman Clark stressed the need to weigh the costs involved in determining the appropriate solution to this problem.

Town Data Link: Town Manager Steven Ledoux reported that due to the Town Accounting Office moving to the Flynn Building it was necessary to establish a cable drop to facilitate communications between town offices. He reported that the Town had two cable channels, channels 54 and 61, and suggested that general education channel 54 be abandoned since channel 61 services the high school and local programming. He reported that channel 54 is not much used and for that reason should be abandoned as a public access channel, to enable the Town to use it for its data link.

Chairman Blacker agreed with the Town Manager's report on use of the Town's cable channels.

It was on motion unanimously

VOTED: To abandon the Town's cable channel 54 as Public Access, in order to create a return path for a Town data link between Flynn (278 Old Sudbury Road) and Fairbank (40 Fairbank Road) buildings.

FY 95 Audit: Town Manager Steven Ledoux reported that the FY 95 audit indicated that financials are in good stead. However, it did reveal a weakness in that no general ledger exists. For this reason, there are no controls over cash and receivables. In order to rectify this situation, the Finance Committee has approved a Reserve Fund Transfer of \$8,500 to contract with a Certified Public Accountant to develop a Chart of Accounts that will correct this deficiency.

Procurement Workshop: Town Manager Steven Ledoux apprised the Board that he had attended a workshop on the Uniform Procurement Law at the Framingham State College on June 26.

Loring Lease: Town Manager Steven Ledoux reported that since the last meeting of the Board he had met with Howard Gordon of Temple B'nai Torah and needed to apprise the Board of certain changed circumstances. He reported that the Temple operates on a June 1-May 31 fiscal year and has closed this fiscal year with a deficit. The Temple projects that its financial position won't improve until September 1996. Therefore, it seeks a rent waiver until September. Town Manager Steven Ledoux reported that he had personally examined the Temple's audit and concurred in the Temple's assessment. He also clarified that the suggested waiver would not relieve the Temple from having to make the payments at some juncture.

Chairman Blacker abstained from discussion, as he had an interest as member of the congregation.

Selectman Clark inquired as to whether the Temple would have the funds to pay any back due rent in September if the waiver were granted.

Town Manager Steven Ledoux indicated that he believed that the Temple would be able to do so. He stated that it had sufficient income and that it appeared to be suffering merely from a momentary cash flow problem.

Selectman Clark also commented that it was important to differentiate major repairs, minor repairs and maintenance costs as set out in the leasehold agreement. Nonetheless, Selectman Clark noted that she had never seen a request come before the Board seeking approval for a major repair. She stressed the importance of adhering to this leasehold term.

The Board did not oppose the Town Manager's recommendation to grant a rent waiver for the Temple B'nai Torah re: the Loring Lease until September 1996.

ADA Compliance: Town Manager Steven Ledoux presented the Board with a copy of a letter received by John Hepting, ADA Coordinator, from Bruce Bruneau, Project Coordinator, Massachusetts Office on Disability. Town Manager Steven Ledoux reported that Mr. Bruneau, who was in Sudbury to inspect the SPEC nursing home for handicap accessibility, had noted that the municipal Flynn Building, a three-story building, has no access for people with mobility impairments. Mr. Bruneau, citing Title II of the Americans with Disabilities Act, recommends that until such time that this municipal building can be made accessible, a site needs to be identified that provides an accessible entrance, an accessible path of travel to the entrance, an accessible restroom, a private space with a telephone, an accessible format with phone numbers of all non-accessible town services and that such site needs to be open at all times when the municipal offices are open. Furthermore, the Town needs to notify the public that this service exists. Finally, he recommends that since there is no access to the Flynn Building that written policies and procedures be established for providing town services to people with disabilities. In conclusion, Mr. Bruneau offered the services of the Massachusetts Office on Disability to assist the Town in meeting its obligations under state and federal law so that services are provided in a nondiscriminatory manner.

Town Manager Steven Ledoux related that he would be working with Mr. Bruneau to resolve these issues. Mr. Ledoux noted that he was aware of a lift that could be installed in lieu of an elevator. He indicated that such a lift costs about \$55,000 and that it was less expensive than installing an elevator.

Selectman Blacker directed Town Manager Ledoux to send a letter to Mr. Bruneau thanking him for the courteous manner in which he brought this issue to the Town's attention.

Cemetery Issues:

A. Space Needs.

Town Manager Steven Ledoux reported a concern from residents regarding the lack of space in the town cemeteries for Jewish burial. Four members of the Jewish Community were present. They expressed no preference for a particular town cemetery so long as appropriate space could be provided somewhere within the Town.

The Board was in receipt of a memorandum from the Highway Surveyor/Superintendent of Cemeteries dated July 3, 1996, in which he set forth a compilation of remaining graves, developed (360) and undeveloped (1046), and his suggestions for possible acquisition of new cemetery property. In it he noted approximately 150 graves are sold each year.

Robert Noyes, Highway Surveyor, reported that there was some additional space contiguous to the existing Jewish section that could be made available in the New Town Cemetery bordering Concord Road. He stated that it contained some ledge and that it would be necessary to rent heavy equipment to excavate the area. He said that this space would provide for a considerable number of grave sites and that if funding were made available it could be opened up within the next year or two.

Chairman Blacker mentioned the availability of land on the former Unisys property, but did not support its use for this purpose at this time.

B. Prohibiting Dogs:

Mr. Noyes reported that the Highway Department had recently posted a sign prohibiting dogs in Wadsworth Cemetery and that there had been some criticism. One citizen had written the Board asking that dogs be permitted so long as they are on a leash and any litter is removed.

The Board agreed that dogs should be permitted so long as they are on a leash and any litter is removed. The Board directed the Town Manager and Mr. Noyes to draft appropriate language and post the signs in each of the three town cemeteries.

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

Attest: _____
Steven L. Ledoux
Town Manager-Clerk

