

IN BOARD OF SELECTMEN  
MONDAY, NOVEMBER 25, 1996

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

The statutory requirements as to notice having been complied with, the meeting was convened by Chairman Blacker at 7:32 p.m. in the Sudbury Town Hall.

Site Plan Special Permit Application SP96-330 - Cellco Partnership, d/b/a Bell Atlantic NYNEX Mobile - Maynard Road

At 7:33 p.m., the Board re-convened a public hearing on Site Plan Special Permit Application SP96-330 to construct a facility for wireless communications to include antennae placed on top of existing water tank and an approximate 12-foot by 32-foot one-story equipment shelter, on the southwestern corner of property located off Maynard Road, Town Property Map E07-003, Residential A-1 District, owned by the Sudbury Water District.

The Board was in receipt of the following:

1. A communication, dated November 20, 1996, from Jan Silva informing that the applicants' health physicist will not be available on November 25, but is able to attend the Board's next regularly scheduled meeting on December 9, 1996. She furthermore noted that the neighbors had been notified of the need to continue this matter.
2. An excerpt of the Telecommunications Act of 1996, that is, section 704, part 7B.iv which provides:

"No state or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning emissions."

Additionally, a legal analysis of that pertinent section was provided.

3. A communication, dated November 21, 1996, from Michael S. Giaimo, Attorney for Cellco Partnership, noting that it was his understanding that the hearing would be continued until December 9, 1996, at 8:30 p.m.
4. A copy of a report, dated August 7, 1996, requested by Bell Atlantic NYNEX Mobile, from Donald L. Haes, Jr., Consulting Health Physicist.

As mutually agreed upon with the applicants, on motion, duly seconded, it was unanimously

VOTED: To continue the public hearing on the above site plan until Monday, December 9, 1996, at 8:30 p.m.

Chairman's Opening Statement

Chairman Blacker turned to the other Selectmen for their comments.

Selectman Clark noted that there is a reception for Leo A. Amendola, long time pharmacist and local businessperson, on December 5, 1996, from 7-9 p.m. at the Fairbank Center. She stated that the Board's Proclamation honoring him should be presented to him in person. Both she and Selectman Drobinski agreed to be at the reception and thereby able to present the proclamation in person.

Proclamation - Leo A. Amendola

It was on motion unanimously

VOTED: To issue a Proclamation honoring Leo A. Amendola, owner and pharmacist of Post Road Apothecary, who has closed his business after serving the Town for many years, and declaring December 5, 1996, "Leo Amendola Day".

Minutes

It was on motion unanimously

VOTED: To approve the minutes of November 12, 1996, as amended.

Donations - Council on Aging Vans

It was on motion unanimously

VOTED: To accept \$124.54 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.

Donations - D.A.R.E. Account

It was on motion unanimously

VOTED: To accept \$300 from the Kiwanis Club of Sudbury and Wayland for deposit into the D.A.R.E. special account and to authorize the Police Chief to expend same in accord with the D.A.R.E. program.

Grant - Town Data Link

It was on motion unanimously

VOTED: To accept a grant in the amount of \$1,000 from the Lincoln-Sudbury Town Employees Federal Credit union to be deposited into the Technology Management Grant Account and to authorize the Town Manager to expend the same for the installation of local area networks in the Flynn Building and the Fairbank Community Center.

Grant - S.A.F.E. Training and Support

It was on motion unanimously

VOTED: To accept a \$3,000 grant from the Executive Office of Public Safety for S.A.F.E. training and support relative to the school programs teaching fire prevention and safety and to authorize the Fire Chief to expend the same for said purposes.

Appointment - Council on Aging

It was on motion unanimously

VOTED: To appoint Joseph M. Proud, 15 Brewster Road, to the Council on Aging, replacing W. Maurhoff, for a term to expire April 30, 1997.

Appointment - Cable Television Committee

It was on motion unanimously

VOTED: To appoint Jeffrey Winston, 118 Barton, to the Cable Television Committee for a term to expire April 30, 1997.

Approval of Expenditure - E. B. Hosmer Memorial Fund

It was on motion unanimously

VOTED: To approve the expenditure of \$400 from the E. B. Hosmer Memorial Fund for house signs.

Release of Funds - Forrest Bradshaw Memorial Fund

On request from the Director of the Goodnow Library, the Board, acting as Co-Trustees of Town Donations, upon motion, duly seconded, unanimously

VOTED: To approve the release of an additional \$100 for distribution in FY97 from the Forrest Bradshaw Memorial Fund and to authorize the Director of Library to expend same to purchase books in the memory of Catherine Bradshaw.

Reserve Fund Transfer Request No. 97-06

The Board was in receipt of a transfer request in the amount of \$2000 from the Reserve Fund to the Selectmen's General Expense Account. The Town Manger noted that the current balance in the Selectmen's General Account is \$287.25. The depletion of this account is attributed to no recent inflationary increases, increased activities and needs of a new Town Manager and certain unforeseen expenditures in the amount of \$1,607. Furthermore, anticipated expenditures for the last seven months of the fiscal year are estimated at \$2,250.

It was on motion unanimously

VOTED: To approve Reserve Fund Transfer Request No. 97-06 for the Selectmen's General Expense Account in the amount of \$2,000.

Installation of Stop Signs on Ruddock Road at Thunder Road and on Mossman Road at Route 117 (North Road)

The Board was in receipt of the following:

1. A communication, dated April 25, 1996, from I. William Place, Town Engineer, addressed to Ronald Conrado, Safety Officer, informing that he had received letters from Edward C. Kenealy, 12 Ruddock Road, and Brooke White Sandford, 2 Ruddock Road, regarding excessive motorist speeds on Thunder and Balcom Roads. Town Engineer Place reported that he had viewed the site and noted that an outcropping of ledge at the northeast corner of Thunder Road and Ruddock Road limits the sight distance of those motorists entering Thunder from Ruddock. For this reason he found that the installation of a stop sign on Ruddock Road at Thunder Road is warranted. Regarding the excessive speeds, he noted that stop signs should not be used for speed control and suggests increased police patrol to reduce speeding in this area. Officer Conrado concurs with the Town Engineer's request in this matter.
2. A communication, dated November 20, 1996, from Robert A. Noyes, Highway Surveyor, requesting that the Board approve the installation of a stop sign at Mossman Road and Route 117 (North Road). Ronald Conrado, Safety Officer, and I. William Place, Town Engineer, concur in this request.

It was on motion unanimously

VOTED: To approve amendments to the Traffic Rules and Orders of the Town of Sudbury by adding at the end of section 8 in Article VII, OBEDIENCE TO ISOLATED STOP SIGNS, the following locations: "Southbound drivers on Ruddock Road at Thunder Road"; and "Northbound drivers on Mossman Road at Route 117 (North Road)".

Request by Sudbury Historical Society for Certain Use of Town Hall

The Board was in receipt of a communication, dated July 21, 1996, from Lee Swanson, Acting Chair of the Sudbury Historical Society, requesting permission (1) to use a room or rooms in the Sudbury Town Hall for the Trustees' meeting room; (2) to use some areas for curatorial space, so that the Society's collection of artifacts, documents and antiques might be stored in one place; and (3) to display certain items of the collection on the walls and in cases in the Town Hall.

The Board was further informed that arrangements have been made through Selectmen staff to permit the use of the Town Hall for meetings at no charge, other than heat surcharge, when not being used by a Town board.

Town Manager Ledoux reported that within the next month a structural engineer's report on the load capacity of the Town Hall will be available. He also noted that the library had previously requested use of the basement for temporary storage. He further noted that any displays by the Historical Society would have to be coordinated with the library. For each of these reasons, the Town Manager suggested that the request be reconsidered in early January after receipt of the engineer's report and any conflicts might be ascertained. The Board concurred, noting that it was of a mind to grant the request so long as it would not conflict with the needs of the library.

Request by Committee for the Preservation and Management of Town Documents for Certain Use of Town Hall

The Board was in receipt of a communication, dated July 21, 1996, from Lee Swanson, Chair of the Committee for the Preservation and Management of Town Documents, requesting the use of the former Fire Department lounge and kitchen area in the Town Hall for the preservation of ancient documents. Mr. Swanson noted that work space was needed to place ancient documents in acid free boxes and treat some in mylar encapsulation.

Town Manager Ledoux informed that Board that he had no problem with this request and the Board concurred.

Transfer Station

Town Manager Ledoux reported that further analysis of the financial situation suggests that the Board might set the second half of the transfer station sticker fee at \$85 thereby maintaining an annualized consumer price of \$170. He presented a spread sheet noting income of \$293,000 and expenses of \$425,000, resulting in the need to use \$132,000 of retained earnings. He noted that the use of \$98,000 in retained earnings was authorized at the Town Meeting. He suggested that the shortfall could be made up through the proceeds of the upcoming sale of Town equipment formerly used at the landfill operation, noting that one trailer has been noticed with a minimum bid of \$25,000. He also stated that he is reviewing the possibility of working with Wayland in order to reduce costs on the recycling aspect of the current operation. He said if such could be arranged the Town might save \$10,000 on that portion of the Transfer Station expenses. He finally noted that savings could be attained by eliminating the second day of the hazardous waste program, if necessary.

Regarding the Town's options for FY 98, the Town Manager said that, if the Town were to consider town-wide curbside pick-up, bids need to be prepared. He also reiterated that SEMASS would have to be notified by March 1, 1997, of the Town's intent to cancel its contract. He said that he may be able to negotiate continuation of service to July 1, 1997.

Chairman Blacker inquired as to how the Town can require its residents to use the Town pick-up.

Town Manger Ledoux responded that he did not believe that the Town could force residents to use the service.

Chairman Blacker expressed his concern to obtain reasonable bids unless the whole Town were included. He stated that the only way it will work is if the service is included in the property tax bills. Chairman Blacker suggested that it would be an easy "sell" since the consumer would pay \$192 per year for curbside pick-up compared to the current cost of \$170 for the transfer station. He did opine that some people would be concerned that the tax increase would remain despite the possibility that the service might be terminated at some point in the future.

Selectman Clark inquired if the increase might be made conditional or with some fixed time limit.

Town Manager Ledoux responded that he did not believe that such could be done.

Selectman Drobinski suggested running it as an enterprise fund.

Selectman Clark said it only made sense to attach it to the property tax bills. She noted that about 1/3 of the households in the Town currently use the Transfer station.

Chairman Blacker directed the Town Manager to research the matter and report back to the Board as soon as possible.

On motion it was unanimously

VOTED: To establish the transfer station sticker price of \$85 for the period of January 1, 1997 through June 30, 1997, and to maintain the current second sticker fee and senior citizen 50% waiver as previously ordained by the Board.

Dog Complaint - Williams/Guarente

Present: Ann E. Guarente, formerly Ann E. Clemens; Betsy DeWallace, Dog Officer, and others.

At 8:00 p.m., the Board re-convened a hearing on a complaint, dated August 26, 1996, of B. Robert Williams, 11 Bradley Place, against three dogs owned by Ann E. Clemens, 14 Bradley Place, contending that such dogs are a nuisance by reason of vicious disposition, excessive barking and other disturbance.

The Board was in receipt of the following:

1. A telephoned communication, dated November 21, 1996, from Dog Officer Betsy DeWallace reporting that the only complaint she had received since the institution of the restraining order was that shortly after the hearing the aging female dog had gone out the front door and across the street, immediately followed by Ms. Guarente and returned home.
2. A communication, dated November 23, 1996, from B. Robert and Sandra Williams, complainants, noting that they would be unable to attend the hearing on November 25, 1996, due to a previously scheduled trip out of state. They requested that the order remain in effect and noted that in mid-October one of dogs had gotten loose and charged across the street onto their property. They related that they remain concerned regarding the safety of their infant and other children in the neighborhood.

Ms. Guarente stated she had no problem abiding by the order, but requested that it be modified to allow the oldest dog to be able to relieve herself in the front yard without having to be on a leash. She noted that the dog is old and arthritic and that the complainants were chiefly concerned about the two younger dogs. She also noted that it is difficult for the oldest dog to access the back yard due to her aged condition.

Chairman Blacker noted that the complaint concerned all three dogs. Selectman Drobinski noted that recently the oldest dog had entered the property of the complainants.

Dog Officer Betsy DeWallace reported that Ms. Guarante's front yard runs down toward the street and toward the complainants' property. She said that the neighborhood is very densely populated.

Selectman Clark inquired about the possibility of installing invisible fencing.

Ms. Guarente responded that she had considered that, but the cost of \$1500 is prohibitive.

Selectman Drobinski related that, although he had not participated in the public hearing on September 9, 1996, and therefore was not familiar with the facts of the case, he did note that Ms. Guarente was being permitted greater freedom with her dogs than the Board usually permits.

Chairman Blacker inquired of Ms. Guarente why the order should not be made permanent so that she would not have to return for future hearings if the order were continued in three-month increments.

Ms. Guarente responded that she would prefer a permanent order.

On motion, duly seconded, it was unanimously

VOTED: To extend and maintain the restraining order on the three dogs owned by Ann E. Guarente, 14 Bradley Place, entered by the Board on September 9, 1996, for an indefinite period of time.

#### Longfellow Glen - Cable Television Hookup

Town Manager Ledoux stated that he would be meeting with tenants of Longfellow Glen along with Mr. McNeil of the management firm for Longfellow Glen, on December 5, 1996, to discuss the cable television hookup at Longfellow Glen. He also noted that the newly constituted Cable Television Committee is well aware of the issues surrounding this matter and will discuss further at their December 18 meeting.

#### Draft Selectmen's Annual Town Report

Chairman Blacker presented the Board with a draft of the Selectmen's Annual Town Report and elicited comments, modifications and additions from the other Selectmen.

He suggested that the Town should consider doing things differently, i.e., greater privatization of Town services in order to reduce Town expenses; using professional development teams to raise funds for specific projects; and reconsider only bonding for capital projects. He opined that the Town can not continue to operate without change and by just adding to the tax rate.

Chairman Blacker specifically suggested that site of the former landfill should be considered for a golf driving range. He said that the use of the land should be put out for bid and that process moved forward, working on closure as quickly as possible with the Department of Environmental Protection. He said that those in the golf driving range business need to be contacted and review the site to confirm such a use. He said with the Board's approval he would make some contacts in that regard.

Selectman Clark suggested that attempts should be made to "regionalize" certain services, such as the Fire Department, with other adjoining towns.

Chairman Blacker also suggested that sale of gravel from the Melone property should commence, stipulating that the gravel be removed to the grade level of Route 117 (North Road). He suggested bids be sought from gravel companies. He said that the funds derived from this operation should really go into capital projects instead of the general fund.

Selectman Drobinski noted that the Town no longer needs the gravel since it has closed the landfill.

Metropolitan Planning Organization

Selectman Clark informed the Board that she had been contacted by Representative-elect John Stasik of Framingham seeking the Board's support of their seeking one of the three Town seats to the Metropolitan Planning Organization. She stated that Representative-elect Stasik describes Framingham as a "ring city" in that it employs many individuals from the surrounding towns including Sudbury. Selectman Clark expressed her agreement with this description noting Bose, BioTech and Staples all have their corporate offices in Framingham. She also commented that Framingham has the staff to follow through with its agenda.

Town Manager Ledoux noted that the nominations are to be made in December and the vote is taken in February.

Chairman Blacker noted that he was not adverse to the selection of Framingham.

Town Manager Ledoux informed the Board that such would necessitate the Town aligning with MetroWest instead of MAGIC for the vote.

Selectman Clark commented that MAGIC always works from the defensive and that that puts our residents at a disadvantage. She also noted that MetroWest has an experienced and hardworking staff.

Selectman Drobinski stated that MetroWest seems to be largely concerned with Framingham's needs.

It was a consensus of the Board that Framingham should be informed that it will have the Town's support.

Acceptance of Drainage Easement - Willis Hill Subdivision

The Board was in receipt of a communication, dated November 22, 1996, from Jody A. Kablack, Town Planner, requesting the Board to accept a drainage easement granted by Robert D. Quick, Trustee of Willis Hill Trust, pertaining to Lots D, 8, 22, 23, 28, 29, 30, 32, 33, 34 and 72, shown on a plan entitled "Definitive Plan Willis Hill Subdivision Plan of land in Sudbury, Massachusetts (Middlesex County)", dated November 12, 1996.

It was on motion unanimously

VOTED: To accept the above drainage easement for Willis Hill Subdivision.

Allocation of State Education Aid - League of Women Voters Proposal

The Board was in receipt of a communication, dated November 18, 1996, from the Town of Sandwich informing the Board that the Massachusetts League of Women Voters (hereinafter MLWV) has published a proposal to change the allocation of State Education Aid. Under the MLWV's proposal it is estimated that Sudbury would receive \$840,000 more in FY98. Legislation to enact the provisions of the proposal will be introduced soon and the Town of Sandwich seeks the Town of Sudbury's support on this



legislation. It further noticed the Board that a joint meeting will be held on December 5, 1996 at 7:00 p.m. in the Sandwich School Auditorium.

Town Manager Ledoux explained that Sudbury would received more money under the MLWV's proposal since Sudbury would be designated a "growth community."

The Board directed the Town Manager to review the proposal and to issue a letter endorsing the proposal.

There being no further business, the meeting was adjourned at 9:01 p.m.

Attest: \_\_\_\_\_  
Steven Ledoux  
Town Manager-Clerk