

IN BOARD OF SELECTMEN
MONDAY, MAY 12, 1997

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

The statutory requirements for notice having been met, the meeting was convened by Chairman Blacker at 7:16 p.m. at the Town Hall.

Opening Statement

Chairman Blacker urged the townspeople to vote on the Town's debt exemptions on Monday, May 19.

Powder Mill Road STOP Signs

Present: I. William Place, Director of Public Works/Town Engineer, was present during the latter half of the Board's consideration of this matter.

The Board was in receipt of the following:

1. A communication, undated, from Sharon Forde, 62 Cedar Creek Road, stating that on April 9 at 4:30 p.m. she was involved in a motor vehicle accident at the intersection of Powder Mill Road and Powers Road. Her letter explained she had been traveling west on Powers Road and had stopped at the intersection, allowed a car to proceed through the intersection from Powder Mill Road, and when she proceeded into the intersection she was hit by a car coming off Route 117. The intersection had previously been a four-way stop and she opined the accident would not have happened if it were still a four-way stop. She requested that the intersection be returned to a four-way stop. She also complained that a telephone pole at the intersection obstructs one's sight line.
2. A communication, dated April 10, 1997, from Parker Coddington, 29 Plympton Road, suggesting that stop signs be posted on Powder Mill at Singing Hill Circle, Virginia Ridge Road and Tavern Circle. He stated that such would improve safety and divert traffic. He also suggested that neighborhood volunteers be enlisted to enforce the stop signs by being able to report license numbers of violators and testify in traffic court.
3. A communication, dated April 14, 1997, from Steven L. Ledoux, Town Manager, requesting the Town Engineer and Town Safety Officer to review these suggestions for the installation of STOP signs on Powder Mill. Town Manager Ledoux also notes that pursuant to the Town's Traffic Rules and Orders the intersection at Powder Mill Road and Powers Road is currently designated a four-way stop and an adjustment is needed if it has been reconfigured.
4. A communication, undated, from I. William Place, Town Engineer, and Ronald Conrado, Safety Officer, stating the following:
 - (1) At the intersection of Powder Mill Road and Powers Road, the northbound stop sign was removed during the intersection redesign. A temporary sign was installed on the telephone pole

located in the traffic island on Powers Road. However, this created an unsafe situation when northbound Powder Mill traffic was stopped, southbound Powder Mill traffic could not take a left onto Powers Road and westbound traffic on Powers Road could not cross Powder Mill Road. For these reasons, Town Engineer Place and Safety Officer Conrado recommend the installation of a warning intersection sign and a 30 mph speed limit sign be installed rather than the suggested stop sign. They further suggest that Article VII, Section 8, Traffic Rules and Orders, be amended to delete the stop sign for northbound traffic on Powder Mill Road at Powers Road.

(2) Regarding the request for the installation of a stop signs on Powder Mill Road at Singing Hill Circle, Virginia Ridge Road and Tavern Circle, both Town Engineer Place and Safety Officer Conrado concluded that all three intersections do not warrant stop signs at this time per the *Manual on Uniform Control Devices*.

Selectman Clark noted that the issue regarding the telephone pole at the intersection of Powder Mill Road and Powers Road was not addressed by either the Town Engineer or Safety Officer and inquired if it did obstruct the motorists vision at the intersection.

Director of Public Works William Place stated that Boston Edison has been requested to relocate the pole and that such requests are generally carried out in within several months. He stated that he would again contact Boston Edison and request more immediate action on this relocation given the safety issues.

Mr. Place recommended the Powder Mill/Powers intersection be made a three-way stop since there is no good place for northbound traffic on Powers Road to stop due to the traffic island location.

Concurring with placement of a "warning intersection" sign and a 30 mph speed limit sign at the intersection of Powder Mill Road and Powers Road as recommended by Messrs. Place and Conrado, it was on motion unanimously

VOTED: In accordance with the provisions of Chapter 89, Sec. 9, of the General Laws, the designation of Powder Mill Road as a stop street for northbound drivers at the intersection of Powers Road is rescinded; and it is further

VOTED: That the Traffic Rules and Orders of the Town of Sudbury, adopted by the Board on September 12, 1941, and subsequent amendments thereto, be and are hereby amended as follows:

By deleting from Section 8 in Article VII, OBEDIENCE TO ISOLATED STOP SIGNS, the following location:

"Northbound drivers on Powder Mill Road at Powers Road."

Minutes

It was on motion unanimously

VOTED: To approve the minutes of April 14, April 15, as amended, and the regular and executive sessions minutes of April 28, 1997.

Donations - Council on Aging Vans

It was on motion unanimously

VOTED: To accept \$102.35 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.

Board Liaison Assignments for 1997-1998

The Board was in receipt of proposed liaison assignments for each selectman to various Town commissions, committees, and departments, which were a continuation of the previous year's assignments.

It was on motion unanimously

VOTED: To maintain the Boards existing liaison assignments for the year 1997-1998.

H.B. 837 - Modify Accounting Procedure for Property Assessments

The Board was in receipt of a communication, dated April 24, 1997, from Theodore D. Kozak, Executive Secretary, Town of Hopkinton, urging the Board to support legislation that would allow local communities to modify accounting procedures to collect revenues on the full value of new construction in a timely manner. Current tax procedures incorporate a lag period of six to eighteen months, in which time revenues do not reflect current values of property. Mr. Kozak notes that these differences are substantial in the aggregate and estimates that the Hopkinton loss was \$300,000 in FY 1995. To correct this loss, Hopkinton legislators have introduced H.B. 837 and Mr. Kozak urged this Board to support such legislation.

The Board was also in receipt of a memorandum, dated May 8, 1997, from Daniel Loughlin, Director of Assessing, stating that the legislation would be financially beneficial to Sudbury. He estimates an additional \$50,000 to \$100,000 to the Town annually if the local option were adopted.

Chairman Blacker commented that it was a "no lose" proposition; it would not be detrimental to anyone. The Board concurred.

It was on motion unanimously

VOTED: To support H.B. 837 and to direct staff to issue a letter to the Town's legislative delegation asking for their support for this bill.

Meeting with Wayland Selectmen

Town Manager Ledoux informed the Board that the joint meeting with the Selectmen from Wayland is tentatively scheduled for June 4. He stated that he is still working on the agenda and suggested the Board members feel free to make suggestions.

Selectmen Clark suggested the deregulation of electrical generation might be of mutual concern. She said that the Town may wish to join a consortium for the purchase of power.

Chairman Blacker agreed noting that the Towns would not have to be contiguous.

Town Manager Ledoux concurred and informed the Board that he knew that Lexington was interested in assuming a leading a role in developing such a community consortium.

Executive Session

On motion by Chairman Blacker, by roll call vote, unanimously

VOTED: To enter into Executive Session for the purpose of discussing the collective bargaining agreement with the Fire-Fighters Local 2023.

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

Chairman Blacker stated that the Board would return to open session at approximately 8:00 p.m.

Temporary Sales Trailer - Barberry Homes - Anselm Way

Present: Deidre Aronson, Customer Service Representative, Barberry Homes, Inc., and others.

At 8:00 p.m., the Board reconvened a public hearing to consider the request of Barberry Homes, Inc., to locate a temporary sales trailer at the entrance to the new Anselm Way Estates, on the easterly side of Landham Road, north of St. Anselm's Church.

Notice of this public hearing was provided to abutting residents.

Deidre Aronson informed the Board that the Church would not allow the use of its property for the siting of the proposed sales trailer. However, given the concerns raised by the abutters, she stated that Barberry Homes, Inc., was willing to site the trailer on Lot 1, where a 7' high berm would screen the trailer from adjoining property owners. She reiterated that the trailer would be on site for a maximum of 12 months and hopefully only for six months. She said that once all the lots are sold and

the individual selections made, the trailer would be moved from the property. She stated that parking for customers using the trailer would be immediately adjacent to the trailer.

Chairman Blacker expressed his appreciation for the company's cooperation in this matter.

It was on motion unanimously

VOTED: To approve the request of Barberry Homes, Inc., to locate a temporary sales trailer on lot 1 of Anselm Way Estates for a maximum period of 12 months from this date.

Starbucks Coffee Co., 509 Boston Post Road - Common Victualler and Entertainment Licenses

Present: David Merrill, representing Starbucks Coffee Co., and others.

At 8:15 p.m., the Board convened a public hearing on the applications of Steven Ovian, Project Manager, Starbucks Coffee Company, seeking a common victualler license and an entertainment license (taped music from 6:00 a.m. to 12:00 p.m.) for a Starbucks "bean" store to be located at 509 Boston Post Road.

The Board was in receipt of the following:

1. A communication, dated May 8, 1997, noting that John B. Hepting, Building Inspector, recommends approval of the licenses subject to final inspection.
2. A communication, dated May 8, 1997, noting that Michael C. Dunne, Fire Chief, recommends approval of the licenses subject to final inspection.
3. A communication, dated May 9, 1997, from Robert C. Leupold, Health Director, informing that the Board of Health voted not to approve the Starbucks Coffee Shop until the new septic system is installed. Health Director Leupold states that the proposed septic system will be adequate for the Starbucks store, however, installation has not yet begun, and therefore the Board of Health refuses to grant approval of the subject licenses.

David Merrill, on behalf of Starbucks Coffee Co., stated that Starbucks plans to open a store in Sudbury which would sell whole bean coffees, retail hardware, gift merchandise and provide cafe seating for 26 patrons. He stated that the store would be located in the Star Market Plaza subject to the completion of the new septic system there.

Dominic Zaia, 818 Concord Road, asked what hours the store would be open.

Mr. Merrill responded 6:00 a.m. to 11:00 p.m., seven days a week.

When one resident commented that the Town already had a number of coffee shops,

Selectman Clark responded that competition was good and, regardless, it is not within the Board's purview to make marketing decisions.

It was on motion unanimously

VOTED: To approve the applications of Steven Ovian, Project Manager, Starbucks Coffee Company, for a common victualler license and an entertainment license (taped music from 6:00 a.m. to 12:00 p.m.) for a Starbucks "bean" store to be located at 509 Boston Post Road, subject to installation of a new septic system at Star Market Plaza, and further subject to final inspections and approvals by the Board of Health, Building Inspector and Fire Chief.

Public Meeting: Discussion of Options for Solid Waste Disposal

At 8:30 p.m., the Board convened a public hearing to consider options for solid waste disposal.

Town Manager Ledoux noted that about a year ago, the Town had closed its landfill and established a transfer station. At the outset, there were a lot of uncertainties involved in this new operation. Recently, the sale of transfer stickers has dropped by 28% and the operation has become increasingly reliant upon retained earnings. As a result, the Board requested that the operation be submitted for bids to develop a range of available options. Those options include: town-wide curbside pickup; continued operation of the transfer and recycling center; operation of the recycling center only; privatization of the transfer station and recycling center; and elimination of town-sponsored solid waste service altogether. Additionally, Town Manager Ledoux stated that Wayland may be willing to work with Sudbury on the recycling issue to further reduce costs to both communities. Finally, he noted that both Waste Management and BFI were interested in operating the landfill site as a multi-community transfer station for solid wastes and would in exchange provide solid waste disposal for the Town at a reduced charge. He cited Leominster as a community which has reached such an arrangement. He stated that if the Town were interested in pursuing such that it would be one to two years off given the lengthy DEP permitting process which would be involved.

Town Manager Ledoux stated that continued operation of the transfer station and the recycling center by the Town's Department of Public Works is feasible if the hours of operation are reduced to two - three days a week. Those savings in labor costs, together with the sale of some equipment and with the Town taking on the hauling aspects, make the Town's operation very competitive with the private sector bids. Sticker prices could be maintained at \$170 per annum and also a small fee charged, perhaps \$35 per annum, for merely recycling. He suggested that the Town consider such a solution while it continues to explore other potential options including privatization and working with other adjoining communities.

Chairman Blacker opened the discussion to the floor.

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Dominic Zaia, 18 Concord Road, asked if the cost for the curbside pickup option was for a one-year contract; Town Manager Ledoux responded that it was.

Hans Lopater, 43 Winsor Road, stated that there was enough traffic on Boston Post Road and that he was not interested in having the transfer station be used as a regional transfer site. He also noted that the seniors do not have the income stream to take advantage of the tax benefit if curbside pickup is tacked onto the property tax assessments. He also raised concerns regarding the costs of the stickers if sticker participation dropped from 1500 to 1000. He also suggested that the recycling center fee be established at the rate of \$10.

Herbert Matthews, 39 Willard Grant Road, stated that he had reviewed previous sticker sales and found the following: FY95 - 2099 were sold; FY96 - 2080 were sold; and first half of FY97 - 1745 were sold and second half of FY97-1428 were sold. He noted that there had been a drop of 16% in the first half of 1997 and an 18% drop in the second half. He agreed that it was difficult to project, but suggested that the figure used by Town staff, that is 1500, to factor the costs of maintaining the operation, was a reasonable one. He opined that a drop to 1000 would be unreasonable. Based on his studies, he recommended that the Town consider option five (Town continues the Transfer Station and Recycling Center three days a week). He concluded that such is financially feasible on at least a break even level. He stated that if Wayland agrees to take some of the recycling it might even make some money. He opined that the clerical costs could be reduced. He also pointed out that it was time the Town separated the Landfill monitoring costs from the transfer station and recycling center. He said that those monitoring costs were the liability of the entire Town and not just those who use the transfer station. He also suggested that the recycling center should be separated from the transfer station and that it should carry its own weight, and those that use the transfer station should not be singled out to subsidize the recycling center. He opined that \$10 for recycling was a very optimistic figure. He recommended that the Town consider option five.

Gene Berkowitz, 52 Lincoln Lane, stated that since the hauling costs are the same for both recycled trash and nonrecycled trash, recycling efforts reduce the cost of solid waste disposal since the tipping charges are less for recycled trash.

Department of Public Works Director Place reported that some of the recyclables have less of a tipping charge, but some cost more than nonrecycled trash. He said, for example, mixed paper has a tipping fee of \$60 per ton while nonrecycled trash is charged \$40 per ton.

Jane S. Coddington, 29 Plympton Road, spoke on behalf of the Earth Decade Committee. She recommended that the Town maintain control over the operation of both the Transfer Station and the Recycling Center. She said that humans are unique in creating waste and the Town should accept responsibility for its solid wastes. She suggested that the facilities be open three days a week.

Mary C. Wagner, 324 Peakham Road, suggested that much can be learned from other communities that have successful recycling programs. She said that it is important to teach our children about the need to recycle.

Robert K. Coe, 14 Churchill Street, stated that in the past it was accepted that the Town would provide and support solid waste disposal. Initially, he championed the concept of defraying *some* of the costs with sticker fees. He said that it has only been in the last five years or so that the sticker fees were considered to defray the *entire* costs of the service. Given this change in attitude, he regrets his role in establishing sticker fees. He said that the Town should set a reasonable sticker fee and that the balance should be subsidized by the Town. He opined that unless such a program is provided there will be a lot of illegal dumping in the Town.

Sharon Tramaer, 3 Greenwood Road, suggested the Town consider joining a consortium with other towns in the region, such as Wayland and Concord, to reduce the costs.

Department of Public Works Assistant Director Robert A. Noyes commented that the two major solid waste companies had informed the public the transfer station was closing and opined that that had effected a reduction in sticker sales.

Elizabeth Steudel, 14 Tanbark Road, stated that she was one of the few members of the Earth Decade Committee that used a private hauler. She stated that she favored option number one, annual price-curbside pickup. She said that she favored such since it involved the entire Town and the bill would be on the tax assessment. She said that she hoped there would be some way to insure that the annual price would be kept down.

Peter Anderson, 113 Landham Road, suggested that consideration be given to having the transfer station and recycling center open on Sundays in consideration of people's working hours.

Stephen J. Blanchette, 460 Concord Road, questioned the equity of tying the costs of curbside pickup to the assessed value of a home. Those with high valued homes will pay more for the same service. He suggested that the cost be simply added to the tax.

Chairman Blacker stated that it is similar to being assessed for school construction when you have no children in the school system. He said that it is just one more service provided by the Town.

Brian Clifton, 45 Mill Pond Road, raised concerns regarding contracting with a private hailer. He said that he lives on a cul-de-sac and has witnessed the trash trucks dumping the recyclables into the big refuse trucks. He questioned what oversight the Town would have to make certain recyclables are shipped to a recycling center.

Chairman Blacker turned to the Board for its comments.

Selectman Clark stated that the current operation is not self-sufficient. She said that the market for recyclables has gone down and until an inventor comes up with some ideas it is going to be a struggle. She agreed that the Town must look to its neighboring communities in resolving this problem,. She said that in the past there have been problems with illegal dumping and she is very concerned about that. She concluded that she favored the Town maintaining the Transfer Station and Recycling Center, to be open three days a week, and if that does not work to reduce its hours of

operations to two days a week. She said that she agreed with Mr. Lopater in that she is opposed to using the Transfer Station as a regional center, wanting to see how other uses, such as a golf driving range, would compare financially for the Town.

Selectman Drobinski agreed, saying that the Transfer Station and Recycling Center should be maintained. He said that he also agreed that use of the landfill as a regional center is not an option due to existing heavy traffic on the Boston Post Road. Furthermore, he agreed with the cited need to separate the different ventures - landfill monitoring, Transfer Station and Recycling Center.

Chairman Blacker agreed, saying that he had come to realize that the Town should in fact subsidize some of the costs of solid waste disposal. He agreed that the Transfer Station and Recycling Center should be maintained by the Town and open three days a week. He stated that the cost of closing the landfill is an obligation of the entire Town and should be reflected in its tax rate. He said that the recycling effort is also an obligation of the Town and that some of those costs, perhaps \$20-\$30, should be reflected in the tax rate. He stated that perhaps the costs of the transfer stickers should come down to maybe \$140 per year. He suggested that the Town consider option five at a special Town Meeting. Although such would have no effect on the tax rate, the meeting would be necessary because of the need to increase the appropriation for the enterprise fund. He suggested that perhaps at the next annual town meeting additional consideration be given to the reflecting of these obligations in the tax assessments. He suggested maybe \$10 a household to raise \$52,000 to offset the recycling center. In the mean time, he suggested that Mr. Place consider issuing maybe a \$2-\$5 coupon to help defray the costs of the recycling efforts.

Miriam L. Rubin, 1 Linden Road, suggested that the fees should be commensurate with amount of trash a family generates. She also reiterated the need to make sure that the hours of operation are compatible with working families.

Ralph Tyler, 1 Deacon Lane, stated that competition is good. He suggested that the sticker price under option five should be reduced to maybe \$110-\$120. He said that it is unfortunate that the price had to increase so quickly.

Beverly Grant, 375 Old Landcaster Road, stated that the Townspeople should be proud of its Transfer Station and Recycling Center.

Chairman Blacker closed the public comment period, thanking the community for its valued input on this matter.

Calling a Special Town Meeting on June 17, 1997

Chairman Blacker moved to have option five (Town Maintained Transfer Station and Recycling Center, open three days a week) with some payment for use of the recycling center, considered at a Special Town Meeting in June.

The motion was duly seconded and it was unanimously

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VOTED: To call a Special Town Meeting to be held on June 17, 1997, at 7:30 p.m. in the Lincoln-Sudbury Regional High School Auditorium for the purpose of funding solid waste disposal for FY98, and to close the warrant for said Special Town Meeting at 5:00 p.m. on Friday, May 23, 1997.

There being no further business to come before the Board, the meeting adjourned at 10:06 p.m.

Attest: _____
Steven Ledoux
Town Manager-Clerk