

IN BOARD OF SELECTMEN
MONDAY, AUGUST 24, 1998

Present: Chairman John C. Drobinski, Maryann K. Clark and Kirsten D. Roopenian, Selectmen.

The statutory requirements for notice having been met, the meeting convened at 7:30 p.m. at the Senior Center, 40 Fairbank Road.

Conservation Commission – Roder/8 Axdell Road

Present: Paul Roder, 8 Axdell Road.

Mr. Roder stated he has experienced some difficulty with Town officials and, in particular, the Conservation Commission, listing the following: 1) the Town not responding to his needs; 2) serious conflicts of interest within the Conservation Commission; 3) conflicting reports from the Conservation Commission; and 4) improper conduct of the Conservation Commission Chairman.

Mr. Roder continued, as follows:

He and his family moved into the house at 8 Axdell Road in January. The only problem with the house is the lack of a back yard, as it is all woods. He had no knowledge of wetlands in the area when he purchased the property, and there are no visible bodies of water in the area. He hired a tree company to cut down some trees on May 21, and during his absence that day, Conservation Coordinator Deborah Dineen shut down the tree removal operation. Ms. Dineen subsequently notified him he was in violation of the Town Wetlands Administration bylaw, requiring a Notice of Intent, and indicated she would send him information. The package contained bylaws, and conservation pamphlets. When he approached Ms. Dineen with questions, she instructed him to hire someone to define the wetlands. The materials stated houses built before July of 1994 were exempt from this ruling, as are improvement projects that pose no harmful effect to the wetlands.

Mr. Roder's plan was to clear a few trees in order to set up a swing set for his children, ages 2 and 5. He submitted photos of the swing set and a plot plan of the property. He pointed out that the area to the right is owned by an abutter, property to the left is also in trees owned by a neighbor, leaving the only area available for his project at the rear of the property. Mr. Roder hired a biological engineer to define the wetlands. The engineer wanted to know how removing a couple of trees at the edge of the wetlands would be harmful to the wetlands, and suggested Mr. Roder ask other members of the Conservation Commission to look at the site.

Mr. Roder did not know why Ms. Dineen was giving him such a hard time, and he wanted to go over her head. He discovered he could not go over her head because she is in a relationship with the Conservation Commission Chairman. This is the first conflict of interest. Deborah Howell and Richard Bell, both from the Conservation Commission, came out and deferred to Ms. Dineen's ruling. When Mr. Roder asked them to explain the bylaw, they stated they had never read the bylaw and were unable to answer his questions.

Mr. Roder stated filing the Notice of Intent is a complex procedure, declaring it not for an amateur to complete alone. He hired someone to assist him with this. The Notice of Intent involves a public hearing, and notifying all abutters of said hearing. At this time he learned both Stephen Meyer, Conservation Commission Chairman, and Deborah Dineen, Conservation Coordinator, used to live in this neighborhood.

This is the second conflict of interest. Mr. Roder declared the neighbors were against his cutting down any trees, and they have a loyalty to Mr. Meyer and Ms. Dineen as former neighbors. Mr. Meyer's and Ms. Dineen's involvement in this issue was unfair and unethical, insisting they should have backed away from it.

A hearing was held on August 17, and permission to cut the trees was denied. Mr. Roder does not know why two trees are such a problem, as their removal does not affect the salamanders and the vernal pool, and they are only a couple of feet inside the 100-foot wetlands buffer. During the hearing he attempted to point out all he wanted to do was put up a swing set for this children in the back yard as the front yard slopes, and he does not want his children playing in the street. Conservation Commission member Bridget Hanson suggested he replace the trees elsewhere on the property and consider putting up a restraint along the buffer zone so future owners would not have the same problem. Mr. Roder was willing to do this.

The next day, however, Conservation Commission negated those suggestions, declaring no one has ever been allowed to cut down trees in a buffer zone. Chairman Meyer walked the site, and stated he could suggest a few ways to make the yard safe for Mr. Roder's children, if safety was his concern, and further stated his own children had played in the street without any trouble. Mr. Roder felt this was totally in appropriate for the situation. When Mr. Roder explained the type of activities he and his family wanted to enjoy in their back yard, Mr. Meyer told him "you bought the wrong house if that's what you want to do". Mr. Roder stated Mr. Meyer made this comment three times during the conversation and declared it was stated in a condescending manner each time. The only reasonable person was Michael Stiller who suggested putting up a boundary of trees which would become the new borderline, cut the few in front of it to accommodate the playspace, but that idea was shot down. The only good thing that came from the meeting was the Conservation Commission told Mr. Roder he had done no harm to the wetlands by the tree removal he had already done.

Another meeting is scheduled for August 31, and Mr. Roder does not believe they will consider his request at all. He stated their actions to be reprehensible, and believes this conflict of interest to be affecting other areas in Town besides his own. Mr. Roder stated he has incurred expenses thus far, and will now have to hire a lawyer to get him through this, all for a couple of trees out of hundreds of trees in the buffer zone.

Chairman Drobinski asked Mr. Roder if the Conservation Commission asked him to file for a Determination of the Applicability under the Wetlands Protection Act, stating that would be the first step. Mr. Drobinski indicated this account of events is disturbing, but both sides of the story must be heard. He did acknowledge the presence of vernal pools that cannot be ignored. Mr. Roder referred to the plot plan, pointing out two dotted lines in dispute. He opined he would have to hire yet another engineer to determine which of the dotted lines is the correct one to use as the edge of the buffer zone.

Chairman Drobinski suggested Mr. Roder not hire anyone else until the Board has an opportunity to look into the matter. Selectman Clark asked Mr. Roder where he would put additional trees if he were to replicate them. He stated he would use the line he had marked for the tree company and pointed it out on the plan. Mr. Drobinski suggested Mr. Roder file for the Determination for the Applicability of the Act. Selectman Clark clarified this determines if the Act applies to his land. Selectman Roopenian opined that much of this dispute has to do with education and sometimes it is assumed people are well versed in the bylaws, adding that it is impossible for a new resident to have knowledge of all the bylaws. She added it was appropriate for Mr. Roder to come to the Board to present his situation.

The Board requested the Town Manager schedule another meeting with Mr. Roder when the Conservation Commission could be in attendance. Mr. Roder thanked the Board for their time.

Boston Edison – George Sharkey

Present: George Sharkey, 16 Haynes Road; Christine Cosby, Boston Edison Company.

Mr. Sharkey recapped an earlier decision of the Board regarding Boston Edison removing a dead tree and stump. He said Maureen Carroll of Boston Edison promised to look into it, and did phone Mr. Sharkey the following day, but stated she had no jurisdiction in this area. Mr. Sharkey thanked the Board, stating this was the first time anyone had ever followed through. Ms. Carroll indicated a Ms. Cosby, representing the Framingham/Sudbury area, would contact him, stating Ms. Cosby would research the files first. Mr. Sharkey wondered whether there was any record of the illegally placed cable. He never heard from Ms. Cosby. He continued to state Boston Edison must not have much respect for the Selectmen if they were to ignore the earlier decision.

Acknowledging Ms. Cosby's presence, Mr. Sharkey wanted to know what her authority is, and if she can make a decision about taking down the tree that Boston Edison destroyed. He wondered why Boston Edison keeps wasting everyone's time if no one can speak to the issue.

Christine Cosby stated she did speak with Ms. Carroll, went through the files, finding paperwork from 1993 and 1994 referring to agreements made. She indicated many agreements also involved New England Telephone Company. Mr. Sharkey clarified there was no written agreement between himself, Boston Edison and Bell Atlantic-New England (New England Telephone at the time). Ms. Cosby stated some of the notes were from Selectmen minutes. Ms. Cosby apologized for not contacting him, saying she had been on vacation. She indicated she had read through much of the file, adding she is not sure Boston Edison is the company who said they would take care of the tree removal.

Chairman Drobinski suggested Ms. Cosby and Mr. Sharkey get together, share the documents they have, and determine an appropriate course of action. He instructed Mr. Sharkey to return to the Board if he does not get the situation resolved. Selectman Roopenian clarified that he wants the tree and stump removed. Mr. Sharkey responded the first person he spoke with about removing the tree was going to leave the stump, and that's where the problem started. Ms. Roopenian pointed out to Ms. Cosby this situation was to be resolved before Boston Edison came before the Board with another utility petition. Ms. Cosby stated she was unaware of that condition, and promised to take care of it.

Proclamation – George Abrahamson Retirement

Fire Chief Michael C. Dunne presented a Proclamation signed by the Selectmen to George R. Abrahamson in grateful appreciation of his 32 years of service to the Fire Department and the Town of Sudbury, proclaiming September 10, 1998 as George Abrahamson Day in Sudbury. Firefighters in attendance were Frank Avery, Ted Morrell, Dan Wells, Russell Place, Steve Rennie, George Moore, Mike Carroll, Tim Choate, and John Young.

Utility Petition 98-6 – Moore Road

Present: Christine Cosby, Boston Edison Company; Susan and Thomas Plati, 22 Moore Road; Chris Mutti, Doe Builders.

The Board of Selectmen tabled this matter on August 10, 1998, pending resolution of the tree removal/replacement issue at 22 Moore Road.

Chairman Drobinski asked Susan Plati if the tree issue had been resolved. Mrs. Plati stated she has contacted two landscapers, Sudbury Nurseries and Weston Nurseries, who referred her to Greeno, Inc., a landscape contractor in Concord. Mrs. Plati stated she has obtained price lists from the nurseries, and made arrangements for a Greeno representative to come out for an estimate. Christine Cosby of Boston Edison, who had also been in touch with builder Chris Mutti, contacted Mrs. Plati to discuss what had been done. Mrs. Plati emphasized she and her husband have no problem with the conduit, but rather with the digging and the tree replacement.

Mrs. Plati stated she was contacted earlier today by Sherry Lazarus, representing Bob Quirk, the site developer. Mrs. Plati showed her the photographs and the nursery estimates, adding that 22 of the 24 trees cut down were white pine with an approximate diameter of 4 inches, and over 20 feet tall. Trees with smaller trunk diameters were 10-15 feet tall. Mrs. Plati stated replacement cost of a 4-inch diameter white pine tree 10 feet in height is \$240, not including labor, and over \$300 to replace trees over 12 feet high. She faxed the nursery estimate to him on Sunday.

Susan and Thomas Plati, on the advice of counsel, Peter Hoffman of Sudbury, suggested the following: The Board of Selectmen delay the granting of all permits, occupancy, other releases, and including this utility petition until financial compensation is provided by Robert Quirk or Doe Builders to cover the expense of site preparation, estimate preparation, tree replacement, preparation for planting and any legal fees incurred during investigation. They further suggest the following timetable: when both sides meet with counsel, a financial agreement would be drawn up to include financial compensation, and if such an agreement is acceptable to the Platis, they would be amenable to that resolution. Mrs. Plati emphasized their concern that if permits are granted, they will be unable to get any compensation without going to court. She stated she would prefer to settle it out of court.

Chairman Drobinski stated the Board could not agree to the Platis' suggestion without conferring with Town Counsel, but stated the Board would agree to continue the utility petition question until the Selectmen meet on September 14. Selectman Roopenian asked Mrs. Plati for a copy of the suggestions made by Peter Hoffman; Mrs. Plati delivered a typed copy to the Selectman before the meeting adjourned.

Chris Mutti expressed concern for stopping the work as their livelihood was being hurt by delays. He was disturbed that work could be held up based on hearsay, adding that the situation had been blown out of proportion. Mr. Mutti acknowledged some trees had been removed, adding some things had been removed before he purchased the property, and stated further he did not remove any trees on abutting property. Chairman Drobinski asked if anyone connected with the construction removed the trees. Mr. Mutti acknowledged some trees had been removed, corrected himself to say "undergrowth". Thomas Plati stated his photographs contain measurements as well as the trees' position on the property. Mr. Mutti stated that area of the property has nothing to do with what he's doing.

Susan Plati stated she does not know exactly who owns what part of this property, adding it was her understanding this property was initially purchased by Chip Detweiler and Robert Quirk with Mr. Quirk retaining site development rights, with Doe Builders entering into it at a later date. She stated she also has a photo of the crew who cut down the trees and was informed by Ms. Lazarus, Mr. Quirk's representative, this crew has been working for Mr. Quirk for years.

Selectman Roopenian nutshelled the issue: somebody cut down trees and it has to be resolved. Mr. Mutti asked what he could do to help. Chairman Drobinski stated the developer has a responsibility in that he is the one who comes before the Board to obtain permission to install electricity to a subdivision. He added the Board is not inclined to grant that permission until the private citizen gets some understanding of what happened in a dispute like this, and resolution of the issue requires communication between the parties. Mr. Mutti stated there had been some question as to where the property line was, adding some of the trees that had been cut down were not even on the Plati property. Mrs. Plati insisted further investigation revealed even more of her trees had been cut than previously thought. Mr. Mutti maintained he is not responsible.

Selectman Clark asked if he purchased the property from Robert Quirk, and asked if anyone walked the property after he bought it. Mr. Mutti responded he did not walk the entire property, stating this area is on a very small corner directly adjacent to the Plati garage and he had no reason to go over there. Mr. Mutti estimated a replacement cost for 24 white pines would be under \$2,000.00, if that's what was taken down and the situation not exaggerated. He indicated he would be happy to replace them for that price.

Selectman Clark suggested Mr. Mutti, Mr. Quirk, and the Platis sit down with counsel to determine a solution, pointing out it would be to Mr. Mutti's benefit to avoid further delay. Mr. Mutti asked what would happen if one of the parties is unreasonable and refuses to agree to anything. Selectman Clark stated she did not want to hear of any stonewalling. Chairman Drobinski stated the Board would ask the Building Inspector to go out and take a look. Mr. Mutti stated he did not close on the property until May 31, and could not say what had been done before that date. Mrs. Plati stated she did not know when the trees were taken down, and reported it when she noticed they had been cut.

Mrs. Plati suggested having an independent person come in to evaluate the stumps, type of tree, and to prepare a separate estimate of what replacement would cost. Mr. Mutti asked if they were all healthy trees, and not leftover storm damage. Mrs. Plati declared the trees to be healthy, even if they were bent a little from the wind.

Chairman Drobinski asked Town Manager Steven Ledoux to send the Town Engineer to 22 Moore Road to determine the property line. Thomas Plati stated a Conservation meeting had been scheduled for May 18 to meet with Mr. Quirk, but they were never contacted about it. He stated further they have been home all summer, and no one made an effort to contact them.

Chairman Drobinski suggested this matter be continued until September 14, and if the parties can resolve it before then, things can proceed faster. Selectman Clark asked Mr. Mutti what status the property had been in at the time he purchased it, and asked if Mr. Quirk had done any site preparation before then. Mr. Mutti did not know of any work that had been done other than surveying and testing. Mrs. Plati stated there were no "perk" holes in the disputed area, only further back. This area is 3-4 feet away from the roadway, directly adjacent to the existing driveway and garage. Mr. Mutti pointed out an area on a map where the trees had been, noting these trees had been tipped over from a storm. Selectman Clark stated the photographs speak for themselves, and advised the parties to work it out.

It was on motion unanimously

VOTED: To continue Utility Petition 98-6 of Boston Edison Company and Bell Atlantic-New England until the tree replacement issue is resolved.

Utility Petition 98-7 – Dakin Road

Present: Christine Cosby, Boston Edison Company; James Halverson, 109 Dakin Road, Abutter; Ralph Tyler, 1 Deacon Lane.

The Board of Selectmen tabled this matter on August 10, 1998, in order for Boston Edison to provide answers to area residents regarding this proposed work.

James Halverson wanted specific details about the project, whether there would be a road cut and asked Ms. Cosby to explain the drawing. Ms. Cosby stated at least two poles, #25 and #16, would be coming down after the utilities are installed underground, but did not know what would happen to the two poles located at 109 Dakin Road. Mr. Halverson stated those poles are 24 inches apart and only one has wires now. Ms. Cosby suggested one could be a stub pole, promised to go out to see them, and to contact Mr. Halverson when she plans to visit.

Ralph Tyler, 1 Deacon Lane, wanted to know what the transformer would look like, citing the transformer in the Historic District does not look the least bit historic. He suggested the Board not grant permission until they can see a drawing and not deal in generalities. Ms. Cosby stated it would look similar to the one that is currently there. She continued to state it would be on private property, set back behind trees, and less than 3' x 3'. Chairman Drobinski stated the Board would be hesitant to condition something going on private property for public permit. Mr. Tyler insisted the Board has the authority to oversee it. Mr. Drobinski declared it was not in the Board's purview to regulate in that fashion.

Selectman Clark asked how close to the road the transformer would be. Ms. Cosby stated it would be less than five feet, right next to the shoulder, just over the property line. She had asked the Acting Supervisor at Boston Edison to show her various transformers so she would know the size in question. She stated the transformer is approximately 30 inches in height. Mr. Tyler wanted to know why they referred to them as underground utilities if the transformer was still above ground.

Selectman Roopenian remarked the Town is in a situation with this property, and asked the Board what their next move should be. Selectman Clark suggested conditioning the utility petition subject to whether a preliminary injunction is issued. She made it clear to Ms. Cosby that this had nothing to do with Boston Edison. Ms. Roopenian indicated she would not feel comfortable granting the petition knowing there are unresolved issues.

It was on motion unanimously

VOTED: To continue Utility Petition 98-7 of Boston Edison Company until September 14.

Utility Petition 98-9 – Intersection of Maynard Road and Marlboro Road

Present: Kathryn Craig, Bell Atlantic-New England; Patrick and Elizabeth Kinney, 4 Marlboro Road, Andrew Fox, 71 Widow Rite's Lane.

The Board was in receipt of the following:

1. Bell Atlantic-New England Petition for Conduit, dated July 17, 1998, showing proposed conduit locations: Maynard Road – on the northerly side, place new equipment cabinet approximately 45

feet east of the intersection of Maynard Road and Marlboro Road, place conduit from existing manhole #120, approximately 35 feet east and north to new equipment cabinet; and Marlboro Road – place conduit from existing pole 8/55, approximately 60 feet south and east to new equipment cabinet. This work is necessary to bring fiber optics to the area.

2. Verbal report, on August 10, 1998, from Wiring Inspector Arthur Richard of the Building Department, and John Hepting, Building Inspector, stating they have no objection to this petition.

Ms. Craig stated the petition was to replace an existing cabinet with a new, expanded cabinet enabling them to handle all the growth in the neighborhood, not just for new development, but also for residents adding second and third lines. The new cabinet is a “light span cabinet” for fiber optics.

Chairman Drobinski asked if there would be landscaping to screen the cabinet from view. Ms. Craig indicated there would be, and it is also set back from the road. She added that there is an area where the service trucks can pull off the road when they need to service the unit.

Patrick Kinney, 4 Marlboro Road, wanted to know what the project would entail. Chairman Drobinski showed them the diagrams and explained the proposed work. Ms. Craig stated Bell Atlantic intends to keep the brush, landscape the rest, using the existing tree line. Selectman Clark had some questions about the dimensions; Ms. Craig clarified them.

Andrew Fox, 71 Widow Rite's Lane, asked if this had anything to do with Bell Atlantic wireless business. Ms. Craig specified this was strictly land lines. Mr. Fox asked about power increases. Ms. Craig explained it was not to increase power but to increase capacity, utilizing fiber optics. Selectman Clark wanted to know if Bell Atlantic had a plan for updating the Town. Ms. Craig stated this box is only for this neighborhood. Her overall plan has been to approach landowners who have large expanses of property where the cabinets could be well hidden, and she admitted she has not been very successful so they are approaching the Town for permission. Ms. Clark asked whether fiber optics can go underground or if they have to be above ground. Ms. Craig responded fiber optics can be installed using whatever is currently there.

Selectman Roopenian asked Ms. Craig if there was a marketing plan to bring high speed internet access to the Town. Ms. Craig stated she has a list of locations she has targeted for next year, specifying ADSL will be available in the fall.

Ms. Craig stated it will take 2-3 months before the old cabinet can be removed, as the new cabinet has to be fully spliced first. This provides a continuous supply of power while the cabinets are being changed over.

It was on motion unanimously

VOTED: To approve Bell Atlantic-New England Petition 98-9, dated July 17, 1998, showing proposed conduit locations: Maynard Road – on the northerly side, place new equipment cabinet approximately 45 feet east of the intersection of Maynard Road and Marlboro Road, place conduit from existing manhole #120, approximately 35 feet east and north to new equipment cabinet; and Marlboro Road – place conduit from existing pole 8/55, approximately 60 feet south and east to new equipment cabinet, as shown on Plan No. 98-05 for Maynard Road and Marlboro Road, conduit, pad, service terminal, dated July 17, 1998, subject to landscaping and removal of old cabinet within 3 months.

Orchard Hill Assisted Living Residence – Overhead Utility Change

Present: Clifford T. Hughes, Drumlin Development LLC; Christine Cosby, Boston Edison Company; Ralph Tyler, 1 Deacon Lane; Robert Graham, 64 Tanbark Road.

This matter was continued from August 10, 1998. The Board was in receipt of a communication, dated August 16, 1998, from Clifford T. Hughes, Drumlin Development LLC, presenting cost analysis and various reasons why Drumlin Development is pursuing overhead utilities instead of underground.

Clifford Hughes submitted a Utilities Plan #CE 3.1, explaining the existing utility line for temporary power is marked in blue while the existing telephone poles on site are marked in green. Their plan is to put underground utilities on site, removing three poles, but connect to overhead utilities crossing Route 20. He explained that Boston Edison told them they could not connect to the original pole as it already had too many connections on it, and asked that Orchard Hill be connected to a pole farther west. Mr. Hughes pointed out that in excavating the site, they discovered a large amount of ledge and felt this would compromise any attempts to go underground. He also stated it would be extremely cost prohibitive.

Selectman Roopenian asked if there is any way to determine whether or not they could get under Route 20. Mr. Hughes replied that without boring and actually digging in there, it is impossible to say for certain. He stated what they found on site gave every indication of ledge or huge boulders in the immediate area. Chairman Drobinski asked Christine Cosby what the cost would be for boring under a state highway. Ms. Cosby stated a recent situation in Norfolk where the contractor was asked to look into it, citing various utilities already installed. The contractor indicated workers can lose control of the equipment, and can actually disturb the road more by boring.

Mr. Hughes explained boring involves driving a pipe through underground, and the conduit would have to be concrete encased, using special piping. He stated the only practical way to do it is through trenching, and if ledge is discovered, blasting would have to be done, requiring Route 20 to be closed for a period of time.

Selectman Clark commented the temporary overhead utilities are very visible, while the proposed utilities will be less visible in the trees. Selectman Roopenian stated her preference for underground. Chairman Drobinski announced that the Board will be looking at overhead waivers very carefully, stating people must have a very compelling reason to ask the Board to “bury the bylaw” regarding underground utilities. Mr. Hughes stated the Zoning Board did ask him to go underground if he could.

Ralph Tyler, 1 Deacon Lane, urged the Board to require Drumlin Development to go underground for a lot of reasons. He remarked if Boston Edison had typically gone underground with everything and this was an exception, special treatment would be acceptable. He continued to state that Boston Edison rarely goes underground. He implied that Drumlin Development was content with overhead wires as long as they could move them away from the front of the project. He expressed concern for the Wayside Inn Historic Area down the road, suggested this project be done with that in mind, and not take the easy way out. Mr. Tyler related his experience on Deacon Lane in 1975, stating he insisted the utilities go underground at the time, eliminating the pole from his front yard. He concluded by stating it should be required for all subdivisions and big projects like this.

Selectman Clark inquired about the new house on the south side of Boston Post Road and expressed concern for the low wires. She wondered if Boston Edison could send someone to check it out, adding that a big truck would possibly pull them down. Ms. Cosby agreed to look into it.

Chairman Drobinski thanked Mr. Tyler for his input, noting there had been four utility petitions this evening, three of which were going underground, and added there had been few overhead waivers recently. Selectman Clark remarked this is an improvement over the existing overhead wires at the Orchard Hill site.

Chairman Drobinski recommended approving the waiver and asked for Board comments. He emphasized the Board will be looking at overhead waiver petitions seriously in the future. Mr. Tyler expressed concern that the waiver was approved before ledge was actually discovered. Mr. Hughes stated borings have been done and it is difficult to determine if it is ledge or a large boulder, adding there is a financial hardship involved.

Robert Graham, 64 Tanbark Road, recalled a presentation put together by Ralph Tyler, featuring slides of various types of utility poles around Town. Mr. Graham wondered if the Selectmen had ever followed up with Boston Edison for an interim report. Christine Cosby stated it was not her area, but would pass it along to Joanne O'Leary, Community Relations Representative.

Mr. Hughes stated he would further investigate the opportunity to go underground, within reason, without incurring great expense, but requested the waiver at this time.

It was on motion unanimously

VOTED: To grant permission, in accordance with Sudbury bylaw Art XX.3.E, to Clifford T. Hughes, Drumlin Development, LLC, to install overhead utility wires extending across Route 20 from Pole 18/142 to a new pole on property at 761 Boston Post Road to service Orchard Hill Assisted Living Residence, as shown on Boston Edison Company Work Order No. 687179, dated July 6, 1998, conditioned upon removal of existing overhead installation located approximately 100 feet east of this location.

MetroWest Chamber of Commerce

Present: Ted Welte, President; Gary Cogley, Economic Development Director.

Ted Welte, President, distributed packets of information and stated they are in the midst of an infrastructure study. He described the packet as introducing the third phase of their MetroWest Momentum Program, featuring the peak of employment in 1986, followed by a drop until employment began to climb again in 1993 in the nine towns known as MetroWest. He pointed out that during this time period Sudbury lost 2,000 jobs and is still losing jobs.

Chairman Drobinski asked who was doing the study. Mr. Welte identified the MetroWest Economic Research Center at Framingham State University as having studied the Department of Employment Training data. Selectman Clark wanted to know if the study included the impact of DEC over the years. Mr. Welte stated the names of companies used in the study were anonymous, but he suspects they were included. He remarked the packet also included summaries of Phase One and Phase Two of the MetroWest Momentum Program, and announced they have almost reached the one million dollar mark in fundraising for the next five years. He stated MetroWest Chamber of Commerce wants to work closely with Sudbury to slow the loss of jobs in this area.

Gary Cogley stated there are a number of areas that need attention, specifically, quality work force, school career issues, postsecondary school choices, as well as a pool of people who have been home raising children. He stressed the importance of working with companies to increase flex time, develop the concept of telecommuting, and all different kinds of alternatives to bring a potential work force into play. Mr. Cogley believes with a little "reskilling" or finetuning old skills, this can be accomplished. He continued to state parts of the infrastructure study focuses on telecommunication, energy, waste, water, and transportation. The transportation issue concerns carpooling and the number of cars carrying only one person. He maintained they believe streamlining the permitting process in towns can work toward increasing jobs in business expansion as well as business retention.

Mr. Cogley stated James Watner of IDP Companies in Sudbury had just received an award from Deloitte & Touche as one of the top 50 fastest growing businesses in New England. High technology seems to be an area of tremendous growth. The final piece of the study concerns business startups and home based businesses, making it easier for people with business ideas to get started. He identified the Entrepreneurial Center at Framingham State featuring 8-10 weeks focussed on developing a business plan. He referred to the Frederick A. Rubin Micro-Loan Fund, a consortium of banks who have put together a loan pool for people in small businesses who may need money. This loan fund offers a maximum loan of \$10,000 to help a small business handle temporary shortages. Mr. Cogley left a supply of these brochures for distribution at Town Hall, noting they were available in several languages. Mr. Cogley stated one of the first things they want to work on is to put together a Work Force Preparedness Skills Task Force to try to determine what skills are needed for the jobs in MetroWest.

Mr. Welte presented the Board with copies of "MetroWest", a book published on the area. Selectman Clark commented the onset of high speed fiber optics may change some of the employment statistics. Selectman Roopenian commented on the Master Plan, Comprehensive Plan, Strategic Planning Committee working on economic sustainability issues, and offered to pass this information on to them. Mr. Cogley offered to help in any way he could. He stated they have met with the Sudbury Chamber of Commerce and hopes to keep that relationship ongoing. Mr. Welte announced they hold a task force meeting the first Thursday of every month at the Bell Atlantic facility near the Framingham Mall. Kevin Sullivan of the Highway Department is on the agenda for September 3rd at 8 a.m. with coffee and danish at 7:30. He pointed out that Jim Watner from IDP Companies in Sudbury will be on the agenda the same day.

Joint Meeting – Permanent Building Committee

Present: Bruce Ey, Chairman; Elaine L. Jones and Michael E. Melnick, members.

Chairman Drobinski announced these meetings were an effort to establish better communication with various groups in Town. Bruce Ey presented a brief overview of what the Committee has been working on, meeting two nights a week, most of it with the School Committee as well as with the Goodnow Library. He stated Frank Schimmoller has been working very hard with the library. The library project became complicated when some grant money was approved, and melding that money into the purchasing plans was tricky but they worked it out. Mr. Ey stated the library project is on target, expecting to open at the end of the year, and the project is within budget. He added some of the historic renovation work may be done later so may open the library before all the work is complete, leaving one or two rooms undone. Michael Melnick stated some of this historic work is difficult to give to a general contractor, so the Committee decided to hold it for specialized contractors to handle at a later date. Mr. Ey stated they did have to relocate some utilities for an abutter, but had no real problems and no surprises.

Mr. Ey identified the ongoing ADA work at the schools almost complete. Loring School is well under construction, with the foundations in place. He identified the contractor to be an excellent one, the same one who worked on the Nixon school. Mr. Melnick stated the steel should be up by mid-September. Mr. Ey stated the Committee will need some help from Town Counsel in writing a letter to one of the abutters concerning a fence that is well over the property line on school grounds, but overall the project is going well.

Mr. Ey specified the Curtis Middle School is still in the design phase, with the construction estimates higher than anticipated, so they are looking at ways to perfect the design and keep costs under control. He added they expect to bid it out sometime in late fall. Mr. Melnick stated they expect to start construction in November or December, with the school complete by September, 2000.

Chairman Drobinski asked if construction costs were high because of all the activity in Boston. Mr. Ey replied the construction market is fairly competitive, but other costs, such as bonding, need to be kept in mind. Mr. Melnick commented there are a lot of school construction projects going on throughout the area, and postulated they had gotten a jump on many of them when hiring architects and engineers.

Mr. Ey stated the Haynes School was well under construction, but believes they are the victim of a general contractor being spread a little too thin. The Committee has been working with Town Counsel on the issue. The quality of the work the contractor has done to date is not the issue, but rather the quantity of work. The Haynes project is a complicated, phased project on a tight schedule, and items from Phase 1 had to be moved into Phase 2. He continued to state the parking lot is not paved yet, but the school will open. The cafeteria will not be ready, but the general contractor will provide a serving area and food will be brought in from another school. Selectman Roopenian asked if the paving will be done before school starts. Mr. Melnick spoke with the contractor this morning who indicated he was waiting for the grader to come. In the meantime parking is permitted in a play area next to Julian's Way via a construction easement granted by Alba Taylor. Mr. Ey stated this project is a difficult one that requires tolerance on all sides, but slowly it is coming together. Mr. Melnick praised the efforts of Town officials, specifically Robert Leupold and John Hepting, saying they have always been available when the Committee needed them.

Selectman Roopenian asked about communication with parents about the school's construction. Ms. Jones indicated the Superintendent of Schools sent a letter to all parents, updating them on the school's progress, adding the parents are invited to attend the Committee meetings. Mr. Ey stated it was the school administration's job to keep the parents informed. Mr. Melnick added the meetings with the contractor are open to the public, and last time only two parents were there. He believes the parents are aware the project is complicated, and realize the Committee is doing the best they can.

Mr. Ey stated they have an excellent relationship with the School Committee. Unfortunately, they must deal with a difficult contractor, and had to hire a project manager in addition to William Hufnagel who is already on site. The Permanent Building Committee was not confident the contractor was giving them accurate deadline information and decided assistance was needed. This is for a six-week consulting period. Mr. Ey stated that even after the school opens, there is still much to be done, especially with the new section in back. Mr. Melnick indicated the asbestos would be removed during Christmas vacation.

Selectman Clark wanted to know if the Permanent Building Committee inquires how busy general contractors are when the bids are solicited, specifically, how many other projects are they involved in. Ms. Jones stated general contractors must have a Certificate of Eligibility, obtained from the Department of Capital Planning and Operations (DCPO) after meeting the DCPO's qualifications; however, the Permanent

Building Committee is required to accept the lowest bid. Mr. Melnick stated the DCPO qualifies in several ways, including limiting the total amount of contract work any one contractor can work on at any given time. For example, if a contractor is qualified for \$30 million worth of work and is contracted for \$20 million, he can accept another \$10 million project. Selectman Clark suggested questioning contractors as to their workload; Ms. Jones stated it is illegal to do so under the current public bid process. Mr. Melnick added they must award to the lowest responsible bidder, noting the "responsibleness" is qualified by the DCPO. At the completion of the project, Ms. Jones noted, a form is completed to rate the contractor on his performance. Mr. Ey stated they have been fortunate to have good contractors for the most part, as there is a lot of work being done in Town right now. The roofing contractor was difficult, but was a good contractor in other respects. Contractors currently doing work include Mello of Taunton, and P.J. Stiller.

Mr. Melnick stated the School Committee is totally pleased they are not going through a renovation process at the Curtis Middle School. Mr. Ey concurred, saying it would be a nightmare to attempt renovation with that many children in the school. They simply could not develop a good phasing plan from the architect. It was a good decision to take the old school down.

Selectman Roopenian asked if the Permanent Building Committee is satisfied with the number of people on their committee, adding that the qualifications of committee members is quite good. Ms. Jones stated there are currently seven people on the committee, serving for a three-year term. She noted Mr. Melnick has been on for twenty years, Mr. Ey on for fifteen, and she has been on for ten years. Ms. Roopenian praised the committee for their hard work and dedication. Selectman Clark concurred, adding the committee works in a specialized area and members need to know what they are doing.

Michael Melnick noted the committee could really use some secretarial help, stating that Elaine Jones has been doing all the paperwork. Selectman Roopenian asked if they could tap into the senior incentive or contact the high school for student help. Ms. Jones stated they do have a \$500 budget. Mr. Ey remarked everyone on the Committee pitches in and works very hard, in particular, Frank Schimmoller at the Library, Michael Melnick at the schools, and Elaine Jones with paperwork. Mr. Ey stated the school administration has also been very supportive.

Mr. Melnick remarked the school administrators have almost as much to do as the committee, as they must move all the furnishings, develop a relocation plan, and make sure everything is in order on September 1. Selectman Roopenian noted it must be a relief to school officials to have this committee as a backup to seeing plans to completion.

Selectman Clark wanted to know if the community room at the Goodnow Library would be wired for live cable television broadcast; Mr. Ey stated it would.

Chairman Drobinski asked the Committee what the Board could do to make their job easier. Mr. Ey remarked he enjoys chatting with Town Manager Steven Ledoux about various issues. They must also work closely with the Town Treasurer and have access to Town Counsel, who will help them work through some accounting issues as well as provide answers for odd situations.

Martin Greenstein, 9 Brookdale Road, wanted to know about the design for the new Middle School since the previous one did not last long, and could it last as long as fifty years. Selectman Roopenian noted many laws have changed, and schools simply were not up to code. Mr. Ey stated these new buildings are very different than the previous ones because the technology is different, noting these buildings will be energy efficient. Mr. Melnick noted the rules for funding have also changed. Mr. Greenstein expressed concern for cutting corners if the budget is exceeded. Mr. Ey stated things are proceeding well, and are

nowhere near exceeding budget. He added, in addition to being a school, the buildings will be used by the community with auditoriums, playing fields, and other things available.

The Board praised the Committee for all their hard work, stating many people have commented favorably.

Joint Meeting – Cable Television Committee

Present: Jacob Kuykendall, Chairman; Martin Greenstein and Daniel Rosen, members; Nathan Cantino, Cablevision.

The Cable Television Committee presented a status report, dated August 24, 1998, containing objectives in the renewal of the existing license with Cablevision and in the issuance of a second license to RCN. They previously submitted the Town of Sudbury Issuing Authority Report, as presented to Michael J. Mahoney of RCN-BecoCom, LLC, dated August 12, 1998.

Mr. Kuykendall stated Cable Television Committee members have a well-rounded background. Three members are working as electrical engineers in communication, two marketing individuals are in communications, and two are working with the studio and distribution system. He remarked he is also involved in a project to install Internet into 100 universities in Europe.

Mr. Kuykendall identified the objectives as follows:

- * Create a CATV environment within the town that is an asset to the taxpayers
- * Improve property values by providing services equivalent or superior to other towns
- * Define and negotiate a “level of service” that is industry standard or better
- * Obtain a quality local origination studio to meet the Town’s needs
- * Obtain an Institutional Network (I-Net) interconnecting the Town buildings, schools and public buildings via fiber optics, provided by a second licensee without cost to Town
- * Build an audit mechanism into licenses to allow monitoring of licensee performance

Mr. Kuykendall noted the I-Net had been before Town Meeting two years ago at a cost of \$900,000 and was defeated, so the Cable Television Committee has found a way to get it without cost to the Town. He stated the audit mechanism is important as the last one was issued over 13 years ago, citing the need to keep track of performance by licensees.

With regard to Cablevision:

- * Current 15-year franchise expires on April 16, 2000.
- * Cablevision wrote the mandatory renewal request letter to begin renewal within the 36-month period prior to expiration. The CATV committee is proceeding on an informal basis and is now in ascertainment.
- * A public hearing was held on June 17, 1998, duly announced in two publications and the meeting was videotaped as required.
- * The ascertainment process must be completed in order to issue an RFP to Cablevision
- * For competitive reasons, Cablevision is interested in renewing its license early.

The other interested provider is RCN. The opportunity for another provider has always existed, but up to now no one has come forward. With regard to RCN:

- * Invitation to bid issued March 9, 1998, duly announced it two publications, with RCN the only response
- * Public hearing held on June 17, 1998, with appropriate legal notices
- * Issuing Authority Report issued to RCN on August 12, 1998 with a response date of September 25, 1998
- * If submitting a bid, "boiler plate" bid due from RCN by 9-25-98
- * After bid, the Town will draft a license response that will serve as the negotiation document, sometime in October
- * In November, a final contract and license will evolve from negotiations.

Mr. Kuykendall stated RCN has indicated they would be willing to build the I-Net system as part of the expense of coming into town, and have completed similar projects in other towns. The Cable Television Committee would like to have a studio, be able to support it, and get all the buildings wired with fiber. He commented that it makes sense to have RCN wire buildings, have Cablevision run the studio, and ideally have the two cooperate on programming and studio operation.

Mr. Kuykendall described the I-Net system as follows: It involves running fiber to each building, fibers with enough bandwidth to accomplish many things, including running a live television broadcast from any connected building, run control operation for various facilities from a centralized location, run the phone system over the same fibers when the Town is ready to replace the current system. This is an inexpensive way to run it because there are not multiple connections running services throughout the Town.

Selectman Clark distributed a list of issues she would like to see covered in negotiations. She presented them as follows:

(1) Fair selection of channels at a fair price. Ms. Clark had read that Hudson has just accepted RCN with the basic monthly charge being a great deal higher than that of Cablevision's. Mr. Kuykendall responded that the rates are, unfortunately, not controllable by the towns in which these companies provide service. Mr. Greenstein stated the Department of Energy and Technology (DET) approves the rates. Mr. Kuykendall indicated price can become a bargaining tool in negotiations. Ms. Clark noted the threat of competition would surely bring the rates down.

(2) Construct telecommunications systems to: a) expand the number of channels, and b) upgrade to fiber optics and offer high-speed Internet access. Mr. Greenstein stated high-speed Internet access cannot be required, although it can be requested. There is little control over things beyond the basic services. Chairman Drobinski stated it should be requested, as the presence of a second provider may yield results.

(3) Priority use of a mobile van for town events. Ms. Clark expressed dismay at having to "beg" for mobile television coverage of various events when that should be part of the agreement.

(4) Improvements to the Sudbury Cable Studio: upgrade equipment, enlarge studio site, and employ a full-time person. Nathan Cantino, Cablevision, stated the Sudbury Studio had just received \$18,000 in new equipment. Nathan added he is not full time yet.

(5) Provide town buildings such as the Police, Fire, Library, Fairbank, Town Hall, Parsonage, Flynn Building, DPW and Town & Regional Schools, with connected system for Voice, Video and Data Service, to

allow live broadcasting of meetings such as recent meetings on LEAP by ZBA, meetings on Weisblatt land by the Planning Board, meetings on cell towers by Selectmen, and the like. Ms. Clark cited an example of someone at one location needing information from a computer at a different location and have remote access to it. Mr. Kuykendall stated he requested to have the system also connect the houses of worship in Town as they are public meetings and the buildings used for meetings, though it has not been done in other towns. Ms. Clark commended the Committee for their forward thinking. She commented a live broadcast might encourage people to come out and volunteer for committees.

(6) Cable service to outlying roads. Ms. Clark expressed concern for all houses being reached, even if some are in remote locations. Mr. Kuykendall stated there must be a certain number of houses per mile before the company is obligated to wire the service. Selectman Roopenian opined it must not be financial feasible for the company to wire each and every house regardless of location. Mr. Kuykendall stated there are rules regulating this issue within the laws of Massachusetts. Daniel Rosen stated Sudbury can ask for it in their negotiations and see what happens.

(7) If we go early with either company, will they give Sudbury top priority in wiring business zones for fiber optics in order to attract clean business requiring fiber optics speed to conduct business. Ms. Clark stated this would make Sudbury very attractive to businesses, before other towns are similarly wired. Mr. Kuykendall stated wiring businesses versus residents is not the issue, but rather getting the infrastructure in first. He remarked it is an easy task to add more wires to a location, after the spine is laid in. Chairman Drobinski commented Raytheon already has fiber optics service in their phone system. Ms. Clark wanted to know what the term "ascertainment" meant and if it was a specialized industry term. Mr. Kuykendall stated the term merely meant gathering all the information about the company, reports the company issues, and other things that indicate how well the company did on their last license.

(8) Need legal advice early, especially on the meaning of specialized industry terms, before tentative agreement of any terms. Mr. Kuykendall stated the Cable Television Committee contacted the Mass. Cable Commission who came out twice, offering to provide legal advice to help towns through this process. Ms. Clark remarked the Sudbury Town Counsel would have the Town's best interests at heart. Chairman Drobinski suggested retaining specialized counsel. Ms. Clark suggested utilizing counsel sent by the Mass. Cable Commission who would be well versed in this area, but also have Town Counsel review materials before contracts are drawn.

(9) Appoint a spokesperson for the committee who is skilled in the art of negotiating as well as industry technology. This is a difficult request and may require two people as co-spokepersons, one skilled in negotiating and one versed in technology. Mr. Kuykendall stated he has been involved in over one hundred of these negotiations.

(10) Any other relevant issues.

Selectman Roopenian commented there is tremendous resource within the Cable Television Committee as far as knowledge and experience about this technology. She remarked the whole issue requires a great deal of knowledge to adequately understand it and praised them for their efforts. She stated further her interest in high-speed Internet access, as having that ability enhances property values. She opined RCN has many types of technology to offer, while Cablevision may not have the capability at this time, and it is in everyone's best interest to see if we can get them to use that technology to wire the whole Town. Ms. Roopenian wanted to know what the Committee was excited about and what they would like to see happen.

Mr. Kuykendall stated their first goal is the high-speed Internet access. Their efforts are a basic evolution of the initiative two years ago to get the Town wired and connected. Selectman Roopenian asked if it will be less expensive now. Mr. Kuykendall replied there will be no cost for the fibers.

Ms. Roopenian wanted to know if RCN will be working in new subdivisions as they are developed. Mr. Kuykendall stated the I-Net is independent of residential wiring, but it can be written into the contract that specific areas must be completed within a schedule of deadlines. He indicated the initial infrastructure should be completed in 18-36 months. Ms. Roopenian wondered what kind of a track record RCN has because they are in so few towns. Mr. Kuykendall indicated RCN has signed 18-20 deals so they are committed to providing service in all those locations, and added RCN has spent a tremendous amount of money on advertising. Daniel Rosen commented Boston Edison has invested millions of dollars in RCN, and added, towns that may be considering RCN may be towns whose electrical service is provided by Boston Edison. Mr. Rosen stated RCN also likes a high population density like they found in Somerville. Mr. Kuykendall added RCN is going into Framingham, has signed a deal with Hudson, so it is an easy thing to come into Sudbury.

Selectman Roopenian wanted to know how robust the Cablevision offering was. Mr. Kuykendall indicated they will offer the same thing RCN is offering. Chairman Drobinski asked if a response was issued to Cablevision the same as it was to RCN. Mr. Kuykendall stated they would not ask them for the same things. Ms. Clark wanted to know how the two companies could be compared if they are not measured the same way. Mr. Kuykendall stated a dollar value can be assigned to each piece. Ms. Clark opined the earlier Sudbury can get fiber optics, the better it will be, as it will serve as a lure for new businesses.

Daniel Rosen cautioned the Board on the concept of business access to fiber optics, adding it is not clear that RCN will make any differentiation between residences and businesses. The cable companies do not generally go into businesses to offer services due to licensing issues. Many businesses instead use a satellite distribution system.

Chairman Drobinski inquired whether the cabling will be above ground or underground. Mr. Kuykendall stated it can be either way, depending on how cables are currently installed. Underground cables will stay underground; cables on poles may stay on poles. Mr. Kuykendall commented one of the advantages of fiber optics is that the smaller, more efficient ones will replace many existing wires. Martin Greenstein stated the problem with two different companies providing services is there will be duplicate construction efforts.

Mr. Greenstein expressed surprise that the Selectmen's meeting was not broadcast live and that the Town did not encourage live broadcast. He postulated that the cost would be fairly small. He commented the new middle school being constructed should have a television studio, saying students that age will soon be at the high school and are perfectly capable of operating the computer systems. Mr. Kuykendall stated they would ask RCN to pay 5% of their total revenue to support the I-Net hardware. Mr. Greenstein stated in some towns RCN and Cablevision were operating the studios jointly, and suggested it be considered here.

Selectman Clark wanted to know if there was a possibility both companies would provide equipment and space for the studio. Mr. Greenstein stated each company will come back with a counter proposal so it is difficult to say what the potential is.

Chairman Drobinski asked Town Manager Steven Ledoux if specialized counsel should be retained, even with Mass. Cable Commission assistance. Mr. Ledoux stated he has used specialized counsel in

negotiations in the past, and added it depends on what the specific need is. Mr. Kuykendall indicated it would be unnecessary until such time as the license is ready to be issued; then all materials need review.

The Board thanked the Committee for its time and hard work, stressing efforts now will have vast ramifications on the residents of Sudbury.

Minutes

It was on motion unanimously

VOTED: To approve the regular and executive session minutes of August 10, 1998, as drafted.

Council on Aging Donations – Vans

It was on motion unanimously

VOTED: To accept \$115.25 in miscellaneous donations to be deposited into the Van Donation Account; and to authorize the Council on Aging to expend same for purposes of operating and maintaining the Council on Aging vans.

Warrant for State Primary Election – September 15, 1998

It was on motion unanimously

VOTED: To sign the Warrant for the State Primary Election on Tuesday, September 15, 1998, for polling to be done at the Fairbank Community Center and Peter Noyes School from 7:00 a.m. to 8:00 p.m.

Kids Day America/International Proclamation

It was on motion unanimously

VOTED: To sign the Kids Day America/International Proclamation, proclaiming September 26, 1998 as “Kids Day America/International” in Sudbury, with the following amendment: to add the words “and all other professionals” after “Doctors of Chiropractic”.

Drainage Easement – 136 Nobscot Road

It was on motion unanimously

VOTED: To accept on behalf of the Town a Drainage Easement dated August 11, 1998, granted by Stephen M. Glover, 136 Nobscot Road, relative to the Marrone Meadows Subdivision, as shown on plan entitled “Marrone Meadows” dated March 2, 1998, revised July 20, 1998, drawn by Thomas Land Surveyors and Engineering Consultants.

Pine Lakes/Great Lake Drive and Lakewood Drive -- Intersection Stop Signs

This matter was originally presented to the Board on June 22, 1998. The Board is in receipt of a communication, dated August 17, 1998, from Safety Officer Ronald Conrado of the Sudbury Police Department, stating he has monitored traffic in the Pine Lakes area for six weeks with no violations observed. He indicated he had checked the accident data for the past several years for this area and found no accidents reported. He further stated he does not feel stop signs are warranted at this time and that a continued police presence is sufficient.

Selectman Roopenian expressed concern for Oakwood Street and wondered if Officer Conrado could continue to monitor that particular area after school begins, especially at dinnertime. She stated this is the time when residents are typically returning home from work, and students returning after school activities. She indicated she had driven it recently, noting it is a heavily traveled area.

Selectman Clark suggested speed bumps be installed. Town Manager Ledoux stated the streets in that area are fairly narrow and very densely populated. Ms. Clark stated she prefers "self policing" methods, such as the installation of speed humps, consisting of a gradual rise and fall in the road, forcing the motorist to control his speed to safely travel the area, and added she studied the issue when it was proposed on Goodman's Hill Road.

In conclusion, the Board agreed with the advice of Officer Conrado, and requested he continue to monitor the area, in particular during the early evening dinnertime hours.

Youth Commission – Appointments

Town Manager Steven Ledoux stated Assistant Town Manager Terri Ackerman recently met with several individuals interested in working on behalf of the Youth Commission. He indicated there will be a Youth Coordinator who will receive direction from this Commission. It is intended that one middle school student and one high school student will also serve on the Commission. He added the committee has suffered a lot of burnout so the Town would like to expand the committee in an effort to revitalize it.

It was on motion unanimously

VOTED: To appoint the following individuals to serve on the Youth Commission, subject to their acceptance, with their term of appointment expiring on April 30, 1999:

Martha Lynn	Town Social Worker
Marie Sigman	Guidance Counselor at Curtis Middle School
Patricia Savage	Park and Recreation Director
Rosemary Colson	Lincoln-Sudbury Regional High School Counselor
Ronald B. Conrado*	Juvenile Officer
Thomas E. Lopez*	Sudbury School Dept. liaison
David Gotthelf*	Lincoln-Sudbury Regional High School liaison

*Changing status from Ex-officio members to full voting members

Youth Commission – Resignation

It was on motion unanimously

VOTED: To accept the resignation of Neal S. Shifman from the Youth Commission, after 12 years of service and to send a letter of appreciation for his dedicated service.

Building Department – Donation

It was on motion unanimously

VOTED: To accept on behalf of the Town the donation of an IBM Self-Correction Selectric Typewriter from Carol Duff, Office Supervisor in the Building & Inspections Department, for use in that department, and to send a letter of appreciation to Ms. Duff, 14 Bennetts Crossing, Ayer, MA.

License for Public Entertainment on Sunday (Renewal) – Bullfinch's Restaurant

It was on motion unanimously

VOTED: To renew and sign a License for Public Entertainment on Sunday for Bullfinch's, Inc., d/b/a Bullfinch's, at the premises located at 730 Boston Post Road, for a jazz trio from 11:00 a.m. to 2:30 p.m. on Sundays for the period of September 20, 1998 to September 12, 1999.

Land Use Priorities Committee Appointment

Selectman Roopenian expressed surprise that the Board had neglected to add Town Planner Jody Kablack to the list of persons appointed to this Committee. Ms. Kablack has a tremendous working knowledge because of her contact with the landowners and developers, access to the bylaws, and should be a part of the Committee in at least an ex-officio capacity. Ms. Roopenian contacted Ms. Kablack who was surprised she had not been included. Ms. Roopenian pointed out Ms. Kablack brings with her a wealth of knowledge the Committee can benefit from, and help get things organized. She suggested adding the Selectmen and the Town Planner to the Committee as ex-officio members.

Selectman Clark expressed concern that this Committee would be overloaded with members from one particular area, and pointed out the Planning Board can appoint Ms. Kablack as their representative. She commented it is beneficial to have diversity in membership, and avoid duplication. She opined other Town Boards may want their coordinators to serve, and this is not the intent of the Committee. Ms. Roopenian stressed the body of knowledge the Town Planner can provide, and it would be foolish not to place her on this Committee. Chairman Drobinski agreed, stating Ms. Kablack should represent either the Planning Board or the Town. Mr. Ledoux acknowledged Ms. Kablack's qualifications, but cautioned the Board on whether they want staff people on committees or the staff support the committees. He suggested it might be more appropriate to serve as ex-officio.

Chairman Drobinski asked whether the Selectmen should serve on this committee or have it report to the Selectmen. Selectman Clark stated the Selectmen should not be on the committee, and, in the case of the Planning Board, suggested only elected officials serve as members. Mr. Ledoux suggested the Selectmen

serve in an advisory capacity as it is a new committee. Ms. Clark stated anyone can attend the meetings, and ex-officio members are allowed to present views and comments.

Selectman Roopenian suggested Ms. Kablack's knowledge and experience to be invaluable, especially concerning her involvement in the Open Space Plan and her relationships with landowners. Chairman Drobinski stated he had no problem with Ms. Kablack serving in an ex-officio capacity.

It was on motion by Selectman Roopenian

VOTED: To appoint Town Planner Jody Kablack to the Land Use Priorities Committee as an ex-officio member, for a term to expire April 30, 1999. (Chairman Drobinski – aye; Selectman Roopenian – aye; Selectman Clark – abstain).

Selectman Clark expressed concern that Ms. Kablack has been very visible and her voice heard so much on numerous issues, and felt new voices would bring fresh perspective. She postulated other individuals may be discouraged from stepping forward into responsible positions because of this visibility and the belief their own efforts will be ignored. Chairman Drobinski suggested monitoring the progress of the committee.

Housing Task Force/Planning Board

Selectman Roopenian and Town Manager Ledoux attended a Planning Board hearing during which the Housing Task Force discussed the Northwood Senior Residential Community. Selectman Roopenian indicated the meeting was attended by developers, landowners, realtors, seniors, and a variety of others. She related an incident in which a realtor spoke about rentals within the SRC. Ms. Roopenian stated she stressed the importance of establishing a successful SRC in Sudbury before considering rentals. After the meeting, she was approached by landowners with significant concerns relative to selling their land to the Town. They indicated they would be willing to share these concerns with the Selectmen only in a closed venue to protect their confidentiality. Ms. Roopenian wanted to know what kind of meeting could be set up for these individuals, and what kinds of discussions should the Selectmen be having with regard to the 61A properties that may become available.

Ms. Roopenian continued to list concerns, including some of the new initiatives by the Board of Health, and conservation issues. Chairman Drobinski stated it would be difficult to sit down with a landowner not at a public session, as that would be a violation of the Open Meeting Law. Mr. Ledoux commented the Selectmen can go into executive session to discuss negotiations regarding real estate, but doubted whether a private landowner discussion could take place. Mr. Drobinski suggested the landowners communicate with the Town Manager, though that would not protect their identities. Selectman Roopenian said she had suggested to the landowners they write to the Town Manager with a list of general concerns. Selectman Clark indicated their identities may not be protected as anyone can ask for copies of correspondence, as allowed in the Freedom of Information Act, and as town officials, they must abide by those rules.

Selectman Roopenian expressed concern for building up credibility with the landowners. Mr. Drobinski suggested inviting the large landowners interested in protecting the essence of Sudbury to a meeting, as the Board has done with various Town Boards, and find out what these concerns are. Selectman Clark stated it would be helpful to find out what the landowners' intent and purpose was when the land was originally purchased. She expressed concern that the issues may be specific to a particular landowner, and

addressing a group may still not resolve it. Ms. Roopenian stated her belief the issues were fairly generic, and a commonality among with landowners that may be revealed if addressed as a group.

Chairman Drobinski suggested kicking off the Land Use Priorities Committee with a meeting with the large landowners, as the issues shared would be beneficial to both groups.

Selectman Roopenian remarked one 61A property, the Hill property, is in the process of being subdivided. She suggested the Town give serious thought as to what would be done with it, stating the main problem with the property is the road. Chairman Drobinski stated the Town has not received the right of first refusal yet. Selectman Clark remarked this parcel is adjacent to the Sears property. Ms. Roopenian stated the Hill property is in litigation, regarding a Planning Board decision focusing on a brook and drainage onto an abutter's property. She stressed that while this property has issues, it presents opportunities.

Selectman Clark wanted to know if there were any other entities besides Sudbury Valley Trustees (SVT) that can act as an assignee of their rights. Chairman Drobinski stated The Trust for Public Land and Trustees for Preservation are a couple.

School Committee

Selectman Roopenian reported she had met with the School Committee briefly and was asked when the School Committee was scheduled to come before the Selectmen. Town Manager Ledoux indicated it was September 14. Mr. Ledoux stated William Hurley of the Finance Committee had suggested the September 14 and 15 meetings be rolled into one held on September 14, but Mr. Ledoux opted not to combine them. He will contact the School Committee to finalize their position on the calendar.

Codification

Town Manager Ledoux stated that over the past few years, through carry-forwards, the Town has amassed approximately \$10,000 for codification. He stated he has received a quote for \$10K - \$11K, but expressed concern it would be a "boiler plate" process. He has also received a similar quote from an attorney and feels that individual would perform the codification of zoning bylaw and not deal with the general bylaw. Mr. Ledoux asked the Board for their comments. Selectman Clark stated the zoning bylaw should remain the governing bylaw as the general bylaw handles supplemental issues.

Selectman Roopenian wanted to know if these individuals were local. Mr. Ledoux stated the attorney is Mark Bobrowski, who wrote the handbook of Massachusetts Land Use and Planning Law, and has done codifications for Chelmsford, Carver and Mendon. Selectman Clark commented she has attended a couple of his seminars and stated he is very knowledgeable on the subject. She added Mr. Bobrowski is also a law professor.

The Board suggested Mr. Ledoux contact Mr. Bobrowski for an estimate for his services.

Executive Session

At 10:57 p.m., it was on motion by roll call unanimously

VOTED: To go into Executive Session to discuss legal matters relating to the Meachan litigation and the acquisition of the property. (Chairman Drobinski, aye, Selectman Clark, aye, Selectman Roopenian, aye).

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

There being no further business to come before the Board, the meeting was adjourned at 11:01 p.m.

Attest: _____
Steven L. Ledoux
Manager-Town Clerk