

IN BOARD OF SELECTMEN  
MONDAY, NOVEMBER 9, 1998

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

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

**Minutes**

It was on motion unanimously

VOTED: To approve the executive session minutes of October 13, 1998 and the regular session minutes of October 26, 1998, as drafted.

**Council on Aging Donations**

It was on motion unanimously

VOTED: To accept \$151.50 in miscellaneous donations to be deposited into the Council on Aging Van Donation Account; and to authorize the Council on Aging to expend same for purposes of operating and maintaining the Council on Aging vans.

**E. B. Hosmer Memorial Fund**

It was on motion unanimously

VOTED: To authorize expenditure of \$1,000.81 from the Edwin Barrett Hosmer Memorial Fund to pay for restoration of the Child's Bedroom at Hosmer House and preservation material for storage of paintings.

**Restaurant Alcoholic Beverages – New Year's Eve**

It was on motion unanimously

VOTED: To grant permission of Restaurant Alcoholic Beverages Licensees to extend serving hours on New Year's Eve until 2:00 a.m. on January 1, 1999.

**Municipal Recycling Grant**

It was on motion unanimously

VOTED: To accept the award of a Municipal Recycling Grant of one roll-off container valued at \$4,495 from the Executive Office of Environmental Affairs and the Department of Environmental Protection.

**Eastern Minerals, Inc. – Sodium Chloride**

It was on motion unanimously

VOTED: To approve contract with Eastern Minerals, Inc. to furnish the Town with sodium chloride in accordance with its bid dated October 14, 1998, to the towns of Acton, Berlin, Bolton, Boxborough,

Concord, Harvard, Hudson, Lincoln, Littleton, Maynard, Southboro, Stow, Sudbury, and Wayland, as follows: 1) mined salt delivered @ \$26.14/ton; 2) solar salt delivered @ \$26.14/ton; 3) premixed salt 50%/50% mined salt delivered @ \$26.14/ton, and 4) liquid calcium chloride picked up by Town trucks @ \$26.14/ton.

### **Firecut Lane – Stop Sign**

Present: Michael Quinn, 46 Stearns Lane.

Chairman Drobinski noted the matter of installing a stop sign on Firecut Lane at Stearns Lane had been tabled on October 26, 1998 to allow the Board to view the site.

Michael Quinn stated he has been working with Safety Officer Ronald Conrado for the past six months gathering information on use of the intersection. A car count revealed over 50 cars passing through on a Saturday, substantially increased from 5 cars a day four years ago when he moved in. He opined people see a backup of traffic from Moore Road onto Hudson Road and think cutting through this way is a shortcut. He noted about one third of those 50 cars are people who live in the area but exercise caution because they are familiar with the potential danger of the intersection. Mr. Quinn submitted photos of the intersection, showing the wide angle of the turn and tire marks of vehicles rounding the corner at high speed. He stated he has been at the intersection many times, asking motorists to stop. They respond there is no stop sign so are not required to stop. Mr. Quinn stated there are many people who regularly walk through this area as well as children playing in their yards. He noted there are 24 children living on Stearns Lane.

Selectman Clark stated she drove out to see the intersection and expressed surprise at how wide the turn is. She noted it appears to be an acute angle on the street map. She stated the school bus was in the area when she was there, and noted it proceeded very cautiously when approaching this intersection. Ms. Clark asked Mr. Quinn if Safety Officer Conrado would be able to find time to get an officer out to the intersection to enforce the stop sign. Mr. Quinn stated Officer Conrado had stated this, and added he (Mr. Quinn) would pay for a detail himself to help get control of this situation. Chairman Drobinski stated the Board had received a recommendation from Officer Conrado supporting this stop sign.

Selectman Roopenian stated the corner is conducive to speed, because it is a wide turn. Mr. Quinn stated most people touch their brakes to slow briefly and then zoom around the corner.

It was on motion unanimously

VOTED: To amend the Town of Sudbury Traffic Rules and Orders by adding a stop sign on Firecut Lane at Stearns Lane, as recommended by Safety Officer Ronald Conrado in response to a citizen petition dated September 23, 1998.

### **Northwood at Sudbury**

Present: Richard Welch, Conant-Welch Group.

Chairman Drobinski stated the matter of signing the Master Deed and Condominium Trust documents had been tabled on October 26, 1998 to allow the Board to review the documents.

Chairman Drobinski stated he spoke with Hugh Caspe, Chairman, Board of Health, and Mr. Caspe indicated that, because of a flow issue, a full-use kitchen could not be allowed. Mr. Caspe had asked that Mr.

Drobinski convey that information to the Board, and asked further that all questions be forwarded to the Board of Health.

Selectman Clark stated she reviewed the records and found the Board had agreed the facility should have a dining room. She stated the issue of the kitchen, in this case a dining room and reheat area, satisfies the language.

It was on motion by Chairman Drobinski and subsequently

VOTED: To sign approval of the Master Deed and Condominium Trust documents prepared by the Conant-Welch Group for the "Northwood at Sudbury" development on North Road. (Chairman Drobinski and Selectman Roopenian, aye, Selectman Clark, abstain).

**George Pizzuto Electric Co. – 236 North Road**

Present: Ralph Tyler, One Deacon Lane.

Chairman Drobinski stated the matter of the installation of overhead utilities at 236 North Road had been tabled on October 26, 1998 pending clarification of proposed versus existing poles and the possibility of a public hearing.

Chairman Drobinski acknowledged receipt of a revised Boston Edison plan showing one proposed pole installation on the private property near the driveway. He stated he had driven past the property, remarked there are a number of existing overhead wires, and added few were visible even with most of the leaves off the trees.

It was on motion unanimously

VOTED: To confirm permission granted to George Pizzuto Electric Co. on behalf of Graziano Galante for the installation of an overhead connection to service a new house at 236 North Road, in accordance with the revised plan of Boston Edison, dated October 30, 1998, Work Order #687507.

**Andrew J. Fay – Permission to Hunt Waterfowl**

Town Manager Ledoux stated Mr. Fay had been granted the same permission to hunt waterfowl last year and noted there were no problems.

Selectman Roopenian wanted to know the exact location of Town Possession Parcel 172. Chairman Drobinski pointed it out on a map, and noted it must be accessed via the river. Selectman Clark expressed concern for other hunters, but acknowledged the river access would make other hunters aware of each other.

Selectman Roopenian stated there had been recent calls regarding shooting near Davis Field during soccer games and added the calls had been noted in the police log the following week. Selectman Clark stated no shooting could occur on Davis land without coming to the Board. Ms. Roopenian opined that people might not be aware they must come to the Board for permission to hunt on selected parcels. Town Manager Ledoux stated discharge of firearms is allowed on farm property. Ms. Clark stated private property owners can give permission to hunters to hunt on their land.

Selectman Roopenian expressed concern for children or families being in the area of shooting and wondered how to make hunters aware someone may be nearby. Mr. Ledoux suggested press releases announcing hunting seasons and vigilance in posting Town property. Chairman Drobinski stated there are ordinances prohibiting discharge of firearms within 500 feet of a dwelling. He stated any unexplained shootings should be reported.

It was on motion unanimously

VOTED: To grant permission to Andrew J. Fay, 30 Philemon Whale Lane, to hunt waterfowl within 50 feet of the shore line of the Sudbury River on Town Land, Tax Possession Parcel 172, one-half hour after dawn and one-half hour before sunset, during the waterfowl season (October 15, 1998 – November 28, 1998 and December 16, 1998 – January 16, 1999).

### **PowerOptions Contract**

Present: Ralph Tyler, One Deacon Lane.

Chairman Drobinski stated the matter of the PowerOptions contract had been continued on October 26, 1998, pending clarifications of specific issues.

Town Manager Ledoux stated all providers of electricity must have a “green” alternative lined up by a date specified by regulation. This “green” alternative must be power generated by wind, geo-thermal, solar, or methane gas types of renewable energy. Mr. Ledoux stated further PowerOptions has until March 1, 1999 to offer the green alternative to the Town with a pricing structure. He opined it may be a more costly alternative compared to the standard offer formulated by deregulation.

Mr. Ledoux stated Town Counsel concurred with some language changes within the contract, specifically “primarily liable” in provision of power. Selectman Clark stated her concern centered on the possibility PowerOptions could conceivably assign the responsibility to another supplier and leave the Town without power. Mr. Ledoux stated PowerOptions had not yet responded to this correction.

Selectman Roopenian reiterated her concern for power supplied to non-profit groups and “those in need”. Mr. Ledoux stated that issue has not been clarified. He opined it might be something PowerOptions is simply unable to provide at this time. Selectman Clark suggested adding the words “at the earliest possible time” or something to that effect. Chairman Drobinski suggested adding a rider to the contract. Ms. Clark stated it should just be something PowerOptions will have to address at a future date. Selectman Roopenian stated the option should exist for non-profit groups like Sudbury Valley Trustees who are located in Sudbury. Ms. Roopenian stated there are 150 non-profit groups located in Sudbury.

Chairman Drobinski suggested writing the coverage into a rider or special memo for Town Counsel to review. Selectman Roopenian suggested it could be included in a section within the contract itself.

Selectman Clark questioned the term “reasonable” in Section 3.2 and wanted clarification. She stated she would hate to see the Town left without any supply of electricity should PowerOptions default for some reason. Town Manager Ledoux stated the supply would revert back to Boston Edison. Ralph Tyler, One Deacon Lane, wanted to know if there was any way to get PowerOptions to pay the Town if they should not provide the power. Selectman Clark commented the contract states PECO is responsible for any losses.

Mr. Tyler wanted to know when residents would possibly benefit from this supplier. Selectman Clark stated they were trying to get the residents included at a later date. She expressed dismay that PowerOptions was willing to provide power to Town employees who could live anywhere in the area, yet would not consider supplying all Sudbury residents within a concentrated locale.

Mr. Tyler suggested the entire town go municipal in order to aggregate. Ms. Clark pointed out in order to set up a municipal facility is that one must go through the new Telecommunications Department that has replaced the DPU.

Town Manager Ledoux stated the issue tonight is the term of the contract, either a two-year with an option for a third, or a five-year contract. He stated the shorter option might be a better choice if the feeling is that the industry will open up more in the next three years. He noted that PowerOptions is a product being offered by MHEFA (Massachusetts Health and Educational Facilities Authority), a consortium of colleges and hospitals buying electric power together, and have recently added municipalities. Mr. Ledoux added that, according to Russ Sylva, load aggregation might be possible in three years, and being in a long contract is not desirable. Selectman Clark commented more competition will also be available at that time.

It was on motion unanimously

VOTED: To contract with PowerOptions for furnishing energy for Town owned facilities, for a term of two years with an option for a third year, subject to review by Town Counsel and pending clarification of issues raised in discussion.

### **Budget Issues – Susan Pope**

Present: Ralph Tyler, One Deacon Lane.

Chairman Drobinski acknowledged receipt of a communication, dated October 27, 1998, from State Representative Susan W. Pope, requesting the Town's input on priorities for the upcoming budget season, and promising to work toward those goals. He noted particular areas mentioned include special education, education reform, environmental issues, and senior tax base issues.

Selectman Clark stated all four issues were important. Chairman Drobinski suggested passing Ms. Pope's letter on to officials at K-8 and LSRHS for comment. Town Manager Ledoux stated that, under Education Reform, communities involved in regional high schools like Lincoln-Sudbury are not getting level funding. Chairman Drobinski wondered if it would be worthwhile inviting both Susan Pope and Susan Fargo to a Board meeting to discuss budget issues. Selectman Roopenian commented a School Committee meeting might be better, or perhaps Town Forum.

Ralph Tyler, One Deacon Lane, stated most suburban communities are getting shortchanged on funding as compared with Boston communities. He noted that commercial property in Boston is taxed at such a high rate that the schools start out with a much higher funding level before state funding enters the picture. He suggested legislators from suburban areas should band together to work toward a common goal of equalizing this funding. Selectman Roopenian noted the Suburban Coalition is becoming more active. She stated it is made up of legislators and local officials and looked at primarily education issues but are starting to look at senior issues as well.

Selectman Roopenian noted Ms. Pope did not mention Chapter 90 monies in her letter, and she expressed concern for the Town taking out loans and paying interest when money is available, just not

delivered in a timely fashion. Chairman Drobinski stated the cherrysheets could be distributed sooner. Town Manager Ledoux stated years ago cherrysheets were available by March 1 because the Legislature voted the budget first, making the money available, but the Legislature no longer operates that way.

Selectman Roopenian stated people cannot help but feel as though they are being punished, even though they work hard at their jobs, volunteer time with the schools and around Town, and still be told Sudbury is too affluent to get increased funding.

Town Manager Ledoux stated he would contact Susan Fargo and Susan Pope to arrange a mutual meeting time with the Board.

### **Cablevision – Live Selectmen Broadcast**

Present: Nathan Cantino, Cablevision; Ralph Tyler, One Deacon Lane.

The Board acknowledged receipt of a communication, dated October 28, 1998, from Nathan Cantino, Access Coordinator for Cablevision, regarding the possibility of live broadcast of Selectmen meetings.

Town Manager Ledoux noted people might come down to the meetings if they see something of interest on the evening's agenda. This is not possible when the meeting is taped and broadcast at a later date. Ralph Tyler, One Deacon Lane, stated having the agenda posted on the access channel would also be a good idea, at least until the website is corrected. Mr. Tyler noted the website states that Larry Blacker is still a Selectman. Mr. Ledoux stated work is being done to correct it, and the Technology Administrator is working at getting the home page away from the company that designed it.

Chairman Drobinski noted the meeting agenda does not come out until late Friday afternoon before a Monday meeting. Mr. Tyler stated that would still give residents the weekend to view it before the meeting.

Nathan Cantino stated he needs a couple more pieces of equipment in order to do the live broadcast, but it will still take several weeks to put it all together.

It was on motion unanimously

VOTED: To notify Cablevision of the Board's interest in live broadcast of its meetings.

### **Joint Meeting – Board of Assessors**

Present: Maureen Hafner, Director of Assessing; Joseph H. Nugent, Jr., David G. Berry, Trevor A. Haydon, Board of Assessors.

Chairman Drobinski explained the Board's goal of establishing better communication with Town Committees and Boards by meeting with each group in the hope of improved working relationships and identifying pertinent issues.

Mr. Haydon stated the Board of Assessors is currently gathering information from various Town offices to begin putting together data for setting the tax rate to present to the Selectmen.

Maureen Hafner, Director of Assessing, stated it has been a busy year, much of it connected with Clause 18. She explained that Clause 18 is a hardship exemption available through the Assessor's office when citizens meet the criteria of being aged, having a medical problem and have difficulty meeting their tax responsibility. These individuals complete the application, which is reviewed by the Board of Assessors to determine whether they meet the criteria for exemption. She noted this year there were 34 applications, up from 4 – 6 the previous year. She praised her Board for their efforts in evaluating each application.

Chairman Drobinski wondered why there were significantly more Clause 18 filings. Ms. Hafner stated there is a Senior Tax Relief Committee that put a resolution forward at the Town Meeting, and this has publicized the opportunity for assistance. Selectman Roopenian suggested the resolution opened the door to people who had previously hesitated seeking assistance. Ms. Hafner opined that many people simply did not know Clause 18 even existed.

David Berry stated this tax relief was approved by the Legislature and is not just for Sudbury residents, but across the state. He noted many senior citizens are in the same situation. Clause 18 is specifically for individuals with hardship, and they must show cause for exemption. He stated further the tax burden is not ignored, but simply redistributed and garnered from other sources. Selectman Clark stated this issue is similar to the discussion on education funding.

Joseph Nugent stated they arranged a joint meeting of area assessors. He stated Ms. Hafner chaired the meeting in Sudbury, which was attended by representatives of 30 communities. The consensus at the meeting was that senior tax relief is an issue across the area. He opined the amount of the exemption needs to be increased as well as the total assets level in order to qualify.

Ms. Hafner stated another consensus of the assessors was that legislation coming forward should have monetary support from the State. If either the exemption or the total assets figure is increased, Sudbury is liable for the entire exemption cost, anything beyond what has been approved by the State.

Mr. Berry stated there is a shift in senior population as the population boomers of the 50's reach retirement age and opined the situation will become worse than it is today. He added that as more people relocate to warmer climates or areas with lower taxes, the burden to the homeowners will be even greater. He opined the impact might hit the Town three to five years from now. He wondered if the Board of Assessors will see Clause 18 applications from all 700 seniors in Sudbury by that time.

Selectman Roopenian commented, if the senior tax burden is shifted to the people who can afford it now, their own senior tax burden will be that much greater in years to come. She stated there are people who are currently employed and are very concerned about their retirement forecast. She suggested making more noise at the state and federal levels regarding senior tax issues. Mr. Berry agreed that it must take place at higher levels of government. He stated the determination of hardship is sometimes an issue, and added each application is reviewed very carefully, identified only by number.

Selectman Clark stated many states give breaks for seniors at a certain age and income and expressed concern for this not happening in Massachusetts. Mr. Berry agreed that seniors are not putting children into the school systems, and not using Town services a great deal, but the argument remains that when *their* children were in school someone paid those taxes. He commented that school costs are certainly higher now but that opinion does prevail in many quarters. Ms. Clark asserted there must be a more equitable way of assessing educational cost, such as sales tax. Those with an ability to buy more goods and services will be improving educational services.

Mr. Berry stated he had lunch with a state legislator from New Hampshire who stated they fund education solely from property tax and have serious funding problems now. Selectman Roopenian stated Michigan previously funded education from their sales tax but, due to a poor sales year, recently expanded it to include property taxes. She stated a proactive approach must be used to keep in touch with the legislators, and basically raise the level of consciousness on this issue.

Mr. Berry stated he fields many of the calls about assessment issues, and noted that many people do not realize the Board of Assessors only sets the tax rate but does not assess the taxes. The tax rate is actually set by Town Meeting, and monies expended at Town Meeting have an impact on those taxes. He stated every time the tax bills come out, the number of phone calls to the Assessor's Office increase substantially.

Chairman Drobinski stated the Town has authorized a number of bond issues for purchase of property and school construction projects so tensions may rise. Ms. Hafner estimated the tax increase for this year to be about 2%. She stated she intends to do an interim tax bill next year to alleviate some of the debt implication of FY2000. New properties will be assessed at a higher rate, while property owners who are fully assessed will receive an increase due solely to market conditions and will not be impacted by the re-evaluation program.

Chairman Drobinski asked Ms. Hafner about the large parcels of open land in Town. He stated the Land Use Priorities Committee will be looking at various parcels in Town and knowing assessment guidelines might be of use. He stated there is a possible Open Space exemption but as yet the Town is reluctant to do that, as the tax burden will be shifted somewhere else. Mr. Nugent noted some properties are protected under Chapter 61A, but even those parcels will be assessed at a higher level due to a rising market for land, though the increase is small due to Chapter 61A protection. Ms. Hafner pointed out the assessment for Chapter 61A land is set by the state according to what the land is used for. She noted, however, that when someone is coming out of the Chapter 61A category, the tax implication will be significant as the difference between current taxation and 61A level will be large.

Town Manager Ledoux stated the rollback taxes can be used for land acquisition. Chairman Drobinski stated the proposed Communities Preservation Act will give communities the option to have a debt exemption or levy a flat percentage increase in the real estate tax. He commented that might be one way to purchase open space, provide municipal improvements, or preserve historic buildings. He clarified the money could not be used to build a fire station but could be used to purchase the land for the fire station, or if it were a historic building, the funds could be used for preservation.

Mr. Berry stated the Board of Assessors revalues property once every three years, but added that doing it annually would alleviate the impact of increased taxes. Mr. Nugent stated three incremental increases are easier to deal with than one huge increase.

Selectman Roopenian stated economic sustainability is another issue involving tax revenue. Funds coming from commercial development, senior residential communities, and other business endeavors will help while not drawing on Town services.

Mr. Berry refuted popular opinion that Sudbury is not friendly to business, but noted there is a limited amount of land available to commercial development. He added, many times when these lands come up for development, it is often rezoned for residential use. He noted that businesses occupying commercial space do not send children to school, and have little requirement for other services. He opined the Town would be better off with a larger commercial base of 17 – 18%.



Chairman Drobinski stated the community at large has not been behind the retention of the commercial base, noting the "character of the community" or the "Sudbury picture" often takes precedence. Mr. Berry stated the Northwoods project is a perfect example of loss of industrial space, as it is now zoned residential for the Northwoods at Sudbury condominium community.

Mr. Berry noted some of the other available exemptions should be upgraded as their values are very low. Many of these exemptions were first voted in many years ago and are not realistic. He opined if seniors are not kept in Town, the tax base will be destroyed.

The Selectmen thanked the Board of Assessors for their time and hard work.

**Public Hearing: Utility Petition 98-13 – Orchard Hill Assisted Living Residence**

Present: Michael Coutu, Abutter.

At 9:00 p.m. Chairman Drobinski convened a public hearing for consideration of Boston Edison Company and Bell Atlantic-New England Utility Petition 98-13, for installation of approximately 105 feet of conduit across Boston Post Road from Pole 18/142 to provide service to Orchard Hill Assisted Living Residence at 761 Boston Post Road.

The Board was in receipt of the following:

1. New England Telephone and Telegraph Co. Plan No. 98-11, entitled "Sudbury - Conduit Location – Lafayette Drive – Boston Post Road", dated October 28, 1998.
2. A communication, dated November 2, 1998, from Margaret L. Lanoix, One Lafayette Drive, expressing concern about receiving adequate shut-off notice for repairs and requesting Thanksgiving and December holiday periods be avoided.
3. Boston Edison Plan entitled "Proposed Conduit Location – Boston Post Road, Sudbury", dated October 13, 1998.

Michael Coutu, 740 Boston Post Road, wanted to know if these utilities were required to be underground. Chairman Drobinski explained the events up to now. Mr. Coutu stated that as part of the site improvements when he took over the building at 740 Boston Post Road, he repaved the entire intersection of Lafayette Drive and Boston Post Road. He expressed surprise Boston Edison would choose to come off a pole that would require opening two streets in underground installation. There have already been two openings, one for gas, and one for water.

Mr. Coutu's concern includes the trees located on the island in the street, which he feared would be demolished for this installation. He wanted to know why the installation could not be made from one or two poles further east, more directly across from the Orchard Hill facility. His basic question is whether other alternatives have been explored. Chairman Drobinski pointed out on the plans why various options had been eliminated. Mr. Coutu wondered why the work could not have been organized a little better as it has been going on for over three months. He expressed concern for the poor patch jobs on the openings so far.

Chairman Drobinski reminded the Board they granted Clifford Hughes and Drumlin Development emergency approval to install underground utilities. Selectman Clark wondered if it would be possible to bore under Lafayette Drive without opening the road. Chairman Drobinski stated the Town does not have

control over the crossing of Route 20, but only Lafayette Drive. Mr. Coutu stated that while he does not own the trees in the island, he does maintain them. Selectman Clark stated there is no easy answer and something will simply be the tradeoff.

Mr. Coutu stated his basic issues: 1) the poor paving job, and 2) destruction of trees on the island. Mr. Drobinski stated the other available poles have too many cables already on them so Boston Edison went further west. Mr. Coutu stated if the crossing were made right near Orchard Hill's driveway there is no vegetation to be disturbed and it would be a single road crossing.

Selectman Roopenian suggested Mr. Coutu get together with Mr. Hughes to work out some agreement as to the quality of repair and schedule of work.

Chairman Drobinski stated the street must be returned to the condition it was in before utility work. Mr. Coutu estimated the length of road involved could be 100 feet. Selectman Roopenian suggested Drumlin Development be asked to repave the area, across the office openings. Mr. Coutu opined that by the time all the utility crossings are patched, it might be cost effective to repave the entire area instead. Selectman Clark suggested asking for a good cold patch now, and a quality repaving in the spring.

Chairman Drobinski directed Town Manager Ledoux to contact Clifford Hughes of Drumlin Development regarding this discussion.

It was on motion unanimously

VOTED: To approve Utility Petition 98-13 of Boston Edison Company and Bell Atlantic-New England, for installation of approximately 105 feet of conduit under Boston Post Road from Pole 18/142 to provide service to Orchard Hill Assisted Living Residence, as shown on Boston Edison Company "Plan of: BOSTON POST ROAD, SUDBURY Showing PROPOSED CONDUIT LOCATION", dated October 13, 1998 (Work Order 689088), subject to restoring the pavement of Lafayette Drive, Boston Post Road and intersection to its current condition, and not disturbing the trees in the traffic island.

**Storage Trailer/Container: Alexander Automotive – 316 Boston Post Road**

Present: Paul Alexander; James Alexander; James A. Marotta, 14 Massasoit Avenue; Spencer Goldstein, 40 Indian Ridge Road.

The Board was in receipt of a letter from James Alexander on behalf of Algy Alexander requesting permission to place a storage container for the period of one year at 316 Boston Post Road. The application was accompanied by drawings showing approximate location of the container. Reports from the Fire Chief and Building Inspector indicating no objection to this endeavor; and a letter from Jerome Tuck, abutter, stating no objection were also acknowledged.

Paul Alexander stated their intent is to help their father Algy Alexander put the business back on its feet and to restore the building. He noted his father has collected many automotive parts over the years, and they would like to store those parts while the inside of the building is being worked on. He stated his father will be selling off automotive parts to car restorers, and would like to store these in the container until sold.

Mr. Alexander stated the west and north sides of the building have been painted white, and the container is also white, and would be virtually invisible. They would like to put the container on the west side of the building up against the fence. He noted the windows in the west side of the garage will not be

blocked in case of fire and emergency exit. James Alexander stated no flammables would be stored in the container. He stated toolboxes, equipment, tools, and automotive parts would be the items stored there.

Paul Alexander stated they would like to restore a bay at a time so they will not disrupt their father's business. He apologized for the appearance of the building in the past and expressed hope they will be able to restore it to its original appearance. Mr. Alexander stated the dead trees have been removed. He noted the front of the building is porcelain block.

James A. Marotta, 14 Massasoit Avenue, stated he has no problem with the property being cleaned up but expressed concern for the clearing of the trees, making the building much more visible. He noted the building has been an eyesore in the past and alluded to problems with vehicles.

Spencer Goldstein, 40 Indian Ridge Road, stated he has no problem with the Alexander project, and added he has lived there for 35 years.

Chairman Drobinski stated the Board typically likes to ask for a bond to insure the container will be removed and suggested they begin with a six-month period, followed by a six-month renewal if no problems have been reported. He explained to the Alexanders that this does not mean the Board is not favorable to their plan, but that it is protection for the Town to make sure the project goes as planned.

It was on motion unanimously

VOTED: To grant permission to James Alexander on behalf of Alexander Automotive to place a storage trailer/container on property at 316 Boston Post Road for a period of six months, to facilitate property cleanup and renovations, with a six month renewal if no problems have been reported. Removal of storage trailer/container shall be secured by a bond in the amount of \$1,000.

#### **Site Plan Review – Zoning Bylaw Amendment Article**

Town Manager Ledoux stated the Planning Board is considering this issue seriously and would like comments from the Board. Selectman Clark suggested review of her written comments submitted this summer. Selectman Roopenian wanted to know if this was something Mark Bobrowski would write. Mr. Ledoux stated that could be made part of Mr. Bobrowski's contract.

Selectman Roopenian distributed copies of a bylaw in the City of Newton regarding childcare facilities. She stated certain parts of this bylaw would be appropriate for including in Sudbury's bylaw, specifically section 2. She noted items like enlargement, reconstruction, parking, alterations, reasonable regulations, and public access are some things that need to be made more specific. She suggested using parts of this bylaw in what Sudbury will develop. Selectman Clark stated input is always welcome but the final decision on what should be included should fall to the Selectmen.

Selectman Roopenian stated, in an article on childcare facilities in *Lawyers Weekly*, it states childcare facilities can be held to reasonable dimensional regulations. She suggested the Board review it and pass it along to Town Counsel. Selectman Clark expressed concern over the term "reasonable" in that what is reasonable one day may not be reasonable a year later. Ms. Clark stated Sudbury's bylaw needs to be updated.

Selectman Roopenian suggested using the Newton Bylaw and Selectman Clark's written comments as a basis for drafting a bylaw amendment. Selectman Clark suggested writing a draft, then asking Mark

Bobrowski to review it. Chairman Drobinski suggested the Town Manager and Town Planner work together to coordinate the effort and have the amendment sponsored by both groups.

### **Reports**

Selectman Clark stated she attended the October 14 meeting of MAPC, and there were some pertinent sessions concerning water quality. She reported on it at the Chamber of Commerce meeting last week. On another matter, Ms. Clark noted that on November 20 the MetroWest Growth Management Committee will be moving its offices from the old Natick Town Hall to the Jonathan Maynard School in Framingham.

Referring to various *City and Town* publications, Selectman Roopenian stated the I-495 issue was given a \$5,000 grant to conduct an infrastructure survey into communities. She wondered if Selectman Clark could get a copy of the survey. Ms. Clark stated their initial purpose was to get an I-495 exit into the Marlborough industrial area which has since been approved. Ms. Clark noted businesses such as Digital and Fidelity were at first reluctant to give up the space for the exit.

Chairman Drobinski stated he attended a MMA Environmental Policy Committee meeting. He noted Senator Robert Durand is sponsoring the Communities Preservation Act, based on home rule, allowing each community to decide for itself.

### **Memory Tree – Randall Hoes**

Town Manager Ledoux reported the Town of Wayland is delighted at the donation of a tree in memory of Randall Hoes, and they will match it with another tree. Planting will be in the spring; location yet to be determined.

### **Codification**

Mr. Ledoux noted there had been some question regarding Phase 3 of Mark Bobrowski's proposal. Mr. Ledoux stated Phase 3 is basically a \$3,000 "catch-all", in case there is additional work or items not covered in Phases 1 and 2. He reminded the Board money is available for all three phases.

It was on motion unanimously

VOTED: To contract with Mark Bobrowski for bylaw codification, as outlined in Phases 1 and 2 of his proposal, and to direct the Town Manager to keep track of his progress and to come before the Board again if Phase 3 issues arise.

### **Quilted or Not – Site Plan #98-346**

Mr. Ledoux stated he has the site plan ready for signature and noted it now includes the landscaping plans, previously omitted. The Board viewed the revised plans.

It was on motion unanimously

VOTED: To approve the revised site plans for Quilted or Not, 344 Boston Post Road, and to sign same.

**Group Health Insurance Advisory Committee**

Town Manager Ledoux stated the Town is required to have an Employee Group Health Insurance Advisory Committee. Each union of the Town is represented on this committee and a vacancy exists from the Sudbury Supervisory Association. That union is recommending Suzanne Peterson, Town Accountant, fill that vacancy.

It was on motion unanimously

VOTED: To appoint Suzanne Peterson, Town Accountant, to the Employee Group Health Insurance Advisory Committee representing the Sudbury Supervisory Association.

**Joint Police/Fire Dispatch**

Town Manager Ledoux recommended Burke Management Company be awarded the \$10,000 contract to study the joint police/fire dispatch. He stated the proposal was reviewed by Fire Chief Dunne, Lt. Nix and himself. Monies for this study were included in both fire and police budgets.

It was on motion unanimously

VOTED: To award the contract to study the issue of joint police/fire dispatch to Burke Management Company, for a cost not to exceed \$9,000.

**Capital Improvement Planning Committee**

Town Manager Ledoux stated there are now enough people interested in serving on this committee. Three people are to be appointed by the Selectmen, three people by Mr. Ledoux and one by the Finance Committee. He stated capital request forms are being compiled right now to be reviewed by this committee.

It was on motion unanimously

VOTED: To close applications and to appoint the following individuals to the Capital Improvement Planning Committee:

Diane A. Albano, 16 Carriage Way, for a term to expire April 30, 1999;  
Ellen B. Goodman, 46 White Oak Lane, for a term to expire April 30, 2000; and  
David A. Wallace, 15 Hilltop Road, for a term to expire April 30, 2001.

**Land Use Priorities Committee**

Town Manager Ledoux announced the first meeting/kickoff of this committee will be Thursday, November 12, 1998, at 7:30 p.m. at Curtis Middle School. The speaker will be Almondo Carbonelle of the Cape Cod Land Use Commission.

Selectman Clark stated the "Sudbury Landowners Survey" is outrageous. First, since it is going out to large landowners, it should be named for what it really is . . . the Sudbury Large Landowners Survey. She stated the questions are far too personal, and queried whether homeowners other than large landowners, such as John, Kirsten and Steve, would be willing to disclose such personal and private estate information. She stated all this information would be available to the public under the Freedom of Information Act, and would

unduly discriminate against the large landowner. It would be highly prejudicial toward the large landowner to have this available. Since the Land Use Priority Committee has not even held its first meeting/kickoff, it's highly presumptuous for one person to prepare this survey as she has recited in her e-mail dated 11/5/98, 2:13 p.m., to Town Manager. One person does not constitute a Committee. Mr. Ledoux stated much of the survey content came from Stephen Johnson of the Sudbury Valley Trustees and Town Planner Jody Kablack. Selectman Roopenian suggested the committee review this and devise their own survey. Ms. Clark stated she showed this survey to members of other groups she belongs to and they were all astonished at the personal nature of the questions.

### **Town Technology**

Town Manager Ledoux stated there was a Computer Advisory meeting today at which a policy regarding e-mail use and Internet access was drawn. Several cities in the state have been cited for illegal use of e-mail in discussing municipal issues, violating open meeting bylaws.

### **Bushey House**

Town Manager Ledoux stated Town Counsel agrees that the house and land can be sold together without numerous complications. He advised a decision be made on the property soon. Selectman Clark stated a restoration expert who is handy with a hammer would be the perfect tenant to work on the premises in lieu of rent. That individual could live on the second floor while the first floor could be used to display the Harry Rice artifacts. Mr. Ledoux stated he has been approached by one individual.

### **Longfellow Glen**

Selectman Clark wanted to know if the affordable units still come into the Town's formula for affordable units now that the complex has been sold. Town Manager Ledoux stated they do, as long as they have been plugged into a state program. Ms. Clark stated it had been her understanding those units revert to market value after a period of time.

### **Executive Session**

At 10:12 p.m. it was on motion by roll call unanimously

VOTED: To go into Executive Session to discuss litigation filed by Doe Builders. (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 10:25 p.m.

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