

IN BOARD OF SELECTMEN
MONDAY, DECEMBER 21, 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.

Drobinski Announcement

Chairman Drobinski stated he would seek re-election to the Board of Selectmen in the upcoming election.

Overhead Connection -- 589 North Road

The Board acknowledged receipt of a request, dated December 15, 1998, from Ron Ham, requesting waiver of Sudbury Bylaw Article XX for an overhead connection of electric service to a new home at 589 North Road via a pole on the same side of the street as shown on plan entitled "Certified Foundation Plan -- Lot 1, Sudbury, Massachusetts", dated September 23, 1998, drawn by Sullivan, Connor & Associates.

Town Manager Ledoux stated requests of this nature would ordinarily be approved by the Wiring Inspector, but because the pole is slightly in the public way (North Road), the matter must come before the Board.

It was on motion unanimously

VOTED: To grant permission under Bylaw Article XX, Sec. 3.E, to Ron Ham, Portside Realty Trust, to install overhead utilities, from a pole on the same side of the street, to a new home being built at 589 North Road.

Council on Aging Donations

It was on motion unanimously

VOTED: To accept \$159.80 in miscellaneous donations to be deposited into the Van Donations Account, and to authorize the Council on Aging to expend said funds for the purpose of operating and maintaining the Council on Aging vans.

Sudbury United Methodist Church – Women's Rebecca Circle

It was on motion unanimously

VOTED: To accept a donation in the amount of \$220 from the Sudbury United Methodist Church Rebecca Circle to be deposited into the Discretionary Fund to help needy families during the holiday season.

1999 Annual Town Election and Annual Town Meeting

Selectman Roopenian wanted to know if the Town Hall would be available for the Annual Town election. Town Manager Ledoux stated the tentative date for the Goodnow Library to vacate the Town Hall is March 15, but as it is uncertain, Town Clerk Kathleen Middleton has requested the use of the Peter Noyes School for Precincts 3 and 4.

It was on motion unanimously

VOTED: (1) To set the 1999 Annual Town Election for the four precincts in Sudbury for Monday, March 29, 1999, from 7 a.m. to 8 p.m.; Precincts 1 and 2 at the Fairbank Facility and Precincts 3 and 4 at Peter Noyes School; (2) To establish that the Annual Lincoln-Sudbury Regional School District Committee Election shall be combined with and held as part of the Annual Town Election of Sudbury, and that the ballot for the Annual Lincoln-Sudbury School District Committee Election shall be included with and prepared as part of the ballot for the Annual Town Election; (3) To establish that the listing of the offices shall be the same as set forth in the warrant for the Lincoln-Sudbury Regional School District Committee Election and shall be printed as the last office on the ballot; (4) To set the opening session of the 1999 Annual Town Meeting for Monday, April 5, 1999, at 7:30 p.m. in the auditorium of the Lincoln-Sudbury Regional High School; and (5) To approve allowing the Board of Registrars to hold a special voter registration session prior to the Annual Town Election and Town Meeting in the Town Hall, on Tuesday, March 9, 1999, until 8 p.m., according to Chapter 475 of the Acts of 1994.

Strategic Planning Committee Recommendations

Present: Ralph Tyler, One Deacon Lane.

The Board acknowledged receipt of a communication, dated December 8, 1998, from Town Planner Jody Kablack, outlining recommendations regarding the Route 20 Revitalization Task Force, the Housing Task Force with regard to the former Unisys site, and the Downtown Initiative Technical Assistance Program.

Town Manager Ledoux stated the Route 20 Revitalization Task Force recommended creating an economic development committee to inventory available commercial and industrial land, to interview businesspeople about their likes and dislikes of doing business in Sudbury, and to act on the Town's behalf to promote/attract business to Sudbury. He stated this type of committee could be created by the Selectmen without Town Meeting approval in order to get a quick start on economic development issues. He stated further the Strategic Planning Committee endorsed this concept at its meeting on December 7, 1998.

Selectman Clark stated an Industrial Development Commission already exists, though it may not have met for some time. She stated she perceives this issue to focus on development of Route 20, yet further development basically hinges on the widening of Route 20 in order to support the development and added traffic. She stated she would prefer to have this matter be addressed at Town Meeting as this decision impacts the entire Town and should not be made by only the Selectmen.

Selectman Roopenian wanted to know why shopping centers could not be connected with a road independent of Route 20, avoiding the "go out to come in" activity that happens all along Route 20. She suggested a road behind the centers somehow, noting there are some environmental concerns. She stated her preference for establishing some sort of entity to look into alternate options, determining where the commercial development will locate, and stated further the Selectmen need to take a stand on it. She opined that any recommendations this entity should develop would have to be presented at Town Meeting anyway.

Chairman Drobinski suggested this entity might serve as a "buffer" -- to meet people interesting in doing business in Sudbury, help them with the pre-application process and meeting with Town boards, and basically walk them through the process, without going to Town Meeting. He expressed concern that, other than marketing and assisting in the development process, the entity would have little to do. He suggested that having this entity focus on marketing might be the appropriate course of action. He stated the formation of the committee/entity would not have to go to Town Meeting.

Selectman Clark stated this is an issue (widening of Route 20) the Town has spoken against very strongly in the past. She reiterated her belief that the widening is a focal point of development along Route 20. She stated that, while it was not included in the memo from the SPC, since it is a Route 20 Task Force, how can it not be a consideration. Selectman Roopenian stated all commercial business is located along Route 20, hence the name of the task force. Ms. Roopenian stated business has been in other parts of Town in the past, and as they closed down, those areas were rezoned for residential use, leaving Route 20 a primary location for businesses.

Chairman Drobinski opined development is possible, but noted the environmental issues must be considered as well as making the road easily accessible for everyone. He stated that this task force would be a step in the right direction toward making the Route 20 area user-friendly. He agreed with Selectman Clark that he did not want to see Route 20 widened. Ms. Clark stated if the area becomes more dense with commercial enterprises, the road will have to provide access or the development will not succeed.

Chairman Drobinski opined the road itself is not the whole problem, but also the way the area was developed. Each business has its own entrance/exit with no connecting roads, forcing people to go back and forth along Route 20 to conduct their business affairs. Selectman Clark stated putting a road behind will impact the Town wells. Selectman Roopenian stated this is the case on Raymond Road, but it would not be an issue in Mill Village. She stated further that no matter what the Board decides, the Strategic Planning Committee will move forward and it will inevitably come to Town Meeting. Ms. Roopenian opined that residents and business people in Sudbury are looking for a way to meet the needs of the residents. She stressed the importance of developing business without widening Route 20 and finding alternate solutions.

Chairman Drobinski suggested having the Route 20 Revitalization Task Force meet with the Selectmen to further discuss their plans and objectives. He suggested having more information would be helpful. Town Manager Ledoux stated a booklet had just been completed and will be copied for the Board.

Selectman Clark stated she had no information in her packet regarding the Downtown Initiative Technical Assistance Program. Selectman Roopenian stated some information came out several weeks ago.

Ralph Tyler, One Deacon Lane, stated at Town Meeting a few years ago, it was suggested to disband the Industrial Development Commission, and the Selectmen at the time insisted it was a vital group. Mr. Tyler went on to state that, instead of creating a new entity, simply reactivate the old one. He stated also that traffic, both current volume and projected, is a critical issue to development, and any business coming into the area will want to know that. He stated the commercial tax rate will also be an issue, noting that Sudbury taxes businesses lightly compared to Boston rates. He stated that to increase the revenue (raise commercial taxes) would alleviate the pressure to attract more business to Sudbury, and appease the residents who have adamantly objected to the widening of Route 20 and increased traffic. He suggested parameter studies might reveal the direction the commission or other entities might focus on. Chairman Drobinski agreed that this Task Force looks more to be a marketing group, but should consider elements such as traffic, environmental issues, and so forth.

Selectman Roopenian stated even though an organization for industrial development already exists, the proposed Route 20 Revitalization Task Force sounds like more of a marketing group, which would be different from industrial development. She stated she was in favor of all three recommendations.

Chairman Drobinski asked the Board if they would be interested in meeting with the Route 20 Revitalization Task Force to get an idea of what the group believes their mission to be. Selectman Clark stated she would like to see more information and asked Town Manager Ledoux to provide whatever he could. She noted she

has no objection to the second recommendation (Housing Task Force) but would like to see the details, including dollar figures.

Chairman Drobinski recapped the discussion: Item 1: packet of information to be distributed for the next meeting; Item 2: more information is necessary; and Item 3: information on grant funding the Downtown Initiative Technical Assistance Program. He asked Mr. Ledoux if the RFP (Request for Proposal) has gone out on the former Unisys site; Mr. Ledoux responded it had not.

Selectman Roopenian wanted to know if a placemaker article was on the Town Meeting warrant for the Housing Task Force recommendation. Mr. Ledoux responded there was. She wanted to know if the Board was to vote on these recommendations tonight or if this was merely to present information. She stated if action was required, she would definitely support action on the Housing Task Force recommendation. Chairman Drobinski stated if a placemaker is on the warrant, the Board need not make a decision tonight and can wait for more information to be presented.

The "99" Restaurant -- Floor Plan Change

Present: Julianne Wells, General Manager, 99 Restaurant.

At 7:50 p.m. Chairman Drobinski convened a public hearing in accordance with General Laws Chapter 138, consideration of the application of Charles F. Doe, Jr., President, 99 West, Inc., d/b/a "99", holder of a Common Victualler All Alcoholic Beverages License, for permission to change the floor plan of the premises located at 694-698 Boston Post Road, by enclosing the bar area with glass walls to create a separate lounge. Notice of this public hearing was duly posted and advertised by the Town Manager.

The Board was in receipt of the following:

1. Letter, dated November 16, 1998, from Charles F. Doe, Jr., President, 99 Restaurants-Pub, requesting permission to renovate the bar area at 698 Boston Post Road in anticipation of the January 1, 1999 changes in the local smoking ordinances.
2. Certificate of Vote, received December 8, 1998, from John E. Cussen, Assistant Clerk of 99 West, Inc., certifying a unanimous vote on November 25, 1998 to change the premises at 698 Boston Post Road in Sudbury.
3. Undated Floor Plan.
4. Memo, dated December 7, 1998, from Robert C. Leupold, R.S., Health Director, recommending approval, noting rest rooms are accessible only along the perimeter of the smoking area, and stating the Board of Health will inspect the completed enclosure.
5. Memo, dated December 1, 1998, from John B. Hepting, Building Inspector, stating he has no problem with the suggestion renovation, but stated Board approval should be contingent on satisfying applicable requirements of the 6th edition of the State Building Code.
6. Memo, dated December 7, 1998, from Michael C. Dunne, Fire Chief, stating three exits from the bar area are necessary, stating that the glass should be of a non-breakable type, and stating further that the non-breakable glass should be a condition of the approval.

Ms. Julianne Wells, General Manager, 99 Restaurant, explained that the renovations were necessary to bring the building into compliance with the new smoking regulations. She explained that enclosing the bar would allow smoking in the bar area only, and designate the remainder of the restaurant as non-smoking.

Selectman Clark asked about the rest rooms being accessible only from the bar area. Ms. Wells stated they have asked the Board of Health for a waiver because it would be very expensive to change the rest rooms. Ms. Wells presented a floor plan of the proposed renovations, and pointed out rest rooms, entrances, and dining areas. She stated as a person enters from the east side, the customer will enter a waiting area enclosed in glass. This area will be serviced by "clean air technology". She noted that on the side, the customer will enter a glassed area, but approaching a smoking environment. Ms. Wells stated they have asked the Board of Health to allow signage which would label each entrance as being non-smoking or smoking.

Selectman Clark asked about ventilation. Ms. Wells pointed out on the plan where the units are located throughout the restaurant to prevent the smoke from entering the dining areas. Town Manager Ledoux stated the Fire Chief stated the approval should be contingent on the glass being non-breakable, and the Building Inspector asked that approval be contingent on satisfying applicable requirements of the 6th edition of the State Building Code.

The Board complimented Ms. Wells and the 99 Restaurant for bringing their establishment into compliance with the new regulations.

It was on motion unanimously

VOTED: To grant permission to Charles F. Doe, Jr., President, 99 Restaurants-Pub, d/b/a "99", holder of a Common Victualler All Alcoholic Beverages License, to change the floor plan of the premises located at 694-698 Boston Post Road, Sudbury, by enclosing the bar area with glass walls to create a separate lounge, subject to comments from Fire Chief and Building Inspector in memos dated December 7, 1998, and December 1, 1998, respectively.

Fiscal Year 1998-99 Tax Rate/Levy

Present: Maureen Hafner, Director of Assessing; Cynthia M. Gerry, Assistant Assessor; David B. Berry, Chairman, Board of Assessors; Joseph H. Nugent, Jr., Trevor A. Haydon, Members, Board of Assessors; Ronald Stephan, President, Sudbury Chamber of Commerce; Ralph Tyler, One Deacon Lane; Steven Wishner, 92 Fox Run Road.

At 8:00 p.m. Chairman Drobinski convened a public hearing for the purpose of receiving public input and determining what percentage of the local tax levy will be borne by each class of real and personal property relative to setting the Fiscal Year 1998-99 tax rate. Consideration will also be given as to whether to allow a residential property exemption, a small commercial exemption, or an open space exemption. Notice of this public hearing was duly posted and advertised by the Town Manager.

The Board was in receipt of a news release from the Massachusetts Taxpayers Foundation entitled "MTF Report: Businesses shoulder Higher Property Tax Burden Under State's "Classification" Law", dated November 19, 1998; and copies of the Assessors Report entitled "Fiscal 1999: Classification Hearing - December 21, 1998".

Maureen Hafner, Director of Assessing, distributed additional information to the Board for their review: listing of area towns with their populations and tax rates, and Average Single Family Assessment figures for FY98

and FY99, along with actual and proposed levy. She stated that even though the valuations have increased by 2.1%, she informed the Board that using the same factors as last year, would result in a 2.18% increase. This would shift the tax burden around a little.

Ms. Hafner stated the purpose of this hearing was for the Selectmen to determine how they wanted the tax burden to be shifted between various classes of property. Using the Classification Hearing Handout, she recapped the taxation process as follows: Each year, prior to the mailing of the tax bills, this meeting is held to determine how to distribute the tax burden. At last year's Town Meeting \$40,460,685 was voted as the Town Budget, with other charges at \$1,500,271, making the total budget almost \$42 million. Local receipts were approximately \$9.6 million, leaving the amount to be raised through taxation \$32.5 million. The values this year have gone up by, overall, 2.1%. Our residential properties increased by 2.1%. Commercial increased by less than 1%, industrial by almost 2%, and personal property increased by over 5%.

Ms. Hafner stated the Board of Assessors would answer questions and provide information to assist the Selectmen to choose the factors that will produce the tax rates. Toward this end, she briefly explained the four items: open space classification or exemption, residential exemption, small commercial exemption, and the commercial shift.

Open Space Classification: Open space, by definition, is all land that is vacant and in an open and natural condition and includes residential properties, commercial properties, and industrial properties, all vacant land determined to be open space. As long as it is not classified as something else it could be considered open space. If the Board decided to give a special tax break to open space properties, the taxes not generated by those parcels would be shifted to residential properties.

Residential Exemption: This would allow for a discount to property owners who live in their houses. Ms. Hafner pointed out this type of exemption is usually allowed in resort communities or communities with high rentals. As Sudbury has little rental property, the effect of this discount would be minimal.

Small Commercial Exemption: This exemption shifts the tax burden within the commercial and industrial classes away from small eligible parcels onto larger non-eligible parcels. Ms. Hafner noted this exemption does not give the break to all small business owners if they have more than ten employees or a valuation of less than one million dollars. She noted a business located in a mall would not qualify as the entire parcel of land has to meet the criteria.

Tax Factors: The *Residential Factor* is the number that calculates the percentage of tax burden the residential class will bear. The *Minimum Residential Factor* is the lowest factor allowed to be used in determining the residential share of the tax. The *Maximum Share* (150%) is the maximum factor allowed for shifting taxes to the Commercial, Industrial and Personal Property classes. Ms. Hafner noted Chapter 200 allows certain communities to tax commercial properties at a maximum share of 175%, but Sudbury does not qualify this year.

Referring to the handout again, Ms. Hafner stated that neighboring communities of Marlborough, Framingham, and Maynard are using a split tax rate while other communities are using a single tax rate.

Ms. Hafner noted that, using the same factors as last year, the CIP (Commercial, Industrial and Personal Property) factor will be 1.4 and the residential factor was .971, delivering an estimated tax rate of \$16.32 for residential, and \$23.53 for CIP. The residential share remains at 90.56, the same as last year. She stated this information is presented on the last two pages of the handout.

Selectman Roopenian asked if personal property tax refers to property inside a business. Ms. Hafner stated it includes movable, tangible property, such as cellular phone services, satellite dishes, etc. Ms. Roopenian asked if

that would include home-based businesses. Ms. Roopenian stated her belief there were over 150 home businesses in Sudbury. Mr. Nugent, Board of Assessors, stated it had been previous practice not to have many of the smaller accounts accounted for as it was more of a cost than profit to the Town. He went on to state a typical home business has a computer, telephone, file cabinet, etc. and the depreciated value of such equipment is not worth the cost and effort to issue a bill.

Ms. Hafner stated the Assessors are reviewing personal property throughout the Town, but could not state which home businesses may have been reviewed. She noted businesses that have been in Town for a while are reviewed first, and stated that over the next couple of years the Board of Assessors will have a better handle on the home business situation. She explained the difference between a home business office situation with a very small tax bill for personal property compared to the home business of a landscaping operation where personal property included tractors and other equipment. She added that many large "home businesses" like that may not even be considered home businesses though they are operated from the owner's residence.

Selectman Roopenian wanted to know if open space/vacant land classification would be the Town's tool for land acquisition. Ms. Hafner stated subdivided parcels of land may be given a tax break for six months or a year while they sit without a building permit. Trevor Haydon, Board of Assessors, stated lowering the valuation of open space is a disincentive for the landowner to pursue a Chapter classification that would ultimately give the Town the right of first refusal. Chairman Drobinski stated a reduction in tax for one group results in shifting that tax burden to another group, most likely residential.

Mr. Berry, Board of Assessors, stated there are only two towns, Paxton and Bedford, in the State that have given a discount to large parcels of open space. Selectman Clark asked if these towns had been successful in preventing the landowners from selling the land. Mr. Berry responded that the fact only two towns were using this type of exemption indicated it did not work well.

Chairman Drobinski suggested going through the exemptions, discussing and voting on each before moving on to the next. Regarding the **open space classification**, Selectman Clark stated her belief it would not help. Mr. Berry stated it would take at least a year before any result would be seen. Mr. Drobinski stated the fact that only two towns are doing it speaks volumes.

It was on motion unanimously

VOTED: NOT to adopt the open space classification.

Regarding the **residential exemption**, Selectman Clark stated this exemption only works if a Town has a lot of rentals, which Sudbury does not have. Mr. Berry stated it works better in a more urban community.

It was on motion unanimously

VOTED: NOT to adopt the residential exemption.

Regarding the **small commercial exemption**, Selectman Roopenian stated she understood the concept but could not see how it would be beneficial, because an increase in a small business' taxes may have an impact on rents. Ms. Hafner stated that not all small businesses would benefit because the criteria are difficult to meet. Knowing what kind of rents a business pays on their lease is not public information and therefore cannot be used to determine use of the exemption. Mr. Nugent stated there are three communities in the state using this exemption.

Ralph Tyler, One Deacon Lane, stated this exemption might be beneficial to small business owners, especially those who are Sudbury residents, and suggested it would shift the tax burden to very large companies like Boston Edison and AT&T. Ronald Stephan, Sudbury Chamber of Commerce, stated franchises would be disqualified, as part of the criteria involves all locations of the business. Ms. Hafner stated if there were ten tenants in an office building, each tenant would have to meet the criteria before the parcel could be granted the exemption. If one of those businesses were a franchise, the entire parcel would be disqualified. Mr. Nugent clarified that it is the business that qualifies, but the building or the landlord who receives the exemption.

It was on motion unanimously

VOTED: NOT to adopt the small commercial exemption.

Regarding the **commercial shift**, Chairman Drobinski asked for public input. Ronald Stephan, Sudbury Chamber of Commerce, distributed handouts and stated he compiled a list of 25 area towns and discovered that 7 of them charge a different rate for commercial property, meaning 72% do not charge a different rate. Of these 7 towns, Framingham and Marlborough are much larger in population, while Hopkinton and Maynard are much smaller. Hudson and Acton have a much larger industrial base, and both are larger than Sudbury. He continued to state that for the past 18 years of the tax rate shift the Chamber has been coming to these meetings for setting the tax rate. He stated that commercial growth for the last 8 years has been next to nil and opined this is related to the tax rate. He stated the Strategic Planning Committee recommends commercial growth, but opined this growth is difficult if the tax rate is 40% more than the competition. The surrounding towns have either lowered their commercial tax rate or done away with it as Concord and Acton have done. He opined a Town trying to attract business and encourage growth will defeat that purpose with a "soak business" approach.

Mr. Stephan reminded the Selectmen that commercial businesses do not overburden schools, and the Town services requested are often less than those offered to the residents. He stated overrides cost the business owner at least 140% more, and noted many business owners also live in Sudbury and pay residential taxes as well. He stated towns like Marlborough offer sewerage and trash collection in their tax base, while in Sudbury business owners pay a premium for both septic and trash collection, just because they are commercial. Business owners also contribute to schools and local programs which helps defray costs to the Town budget. He urged the Selectmen to vote for lower commercial taxes.

Ralph Tyler, One Deacon Lane, stated if the Town adopted Mr. Stephan's suggestion, 44% more businesses would be required to bring the level of tax receipts back up, from \$2.8 million to \$3.6 million now. He noted that large an increase of business in Sudbury would definitely add to the traffic congestion. He suggested raising the rate for existing businesses is a more efficient method, while not adding to strains on roadways and Town services. He opined businesses do not choose location based on commercial tax rates. Using Mr. Stephan's chart, he pointed out that new industrial buildings are going up in Maynard, and yet Maynard's industrial taxes are higher than Sudbury's. He stated Sudbury offers a business a viable, high income, residential population that businesses want to provide services to, and the tax rate is inconsequential. He noted a break given to companies like Boston Edison, cellular towers, etc. is paying that company's high taxes in Boston. Mr. Tyler urged the Board to use their discretion to go up to 150%, exercising a gradual progression toward that rate. He noted that an increased rate might move low-income, warehouse-type operations out of Sudbury, and free up space for more income-producing businesses. He stated to go lower than 140% would be a drastic mistake.

Mr. Berry, Board of Assessors, stated they support the Assessor and recommend the commercial shift remain at 140%. He stated all the calculations support this, and noted if a change is voted at this late date, those calculations would all have to be redone, and the tax bills may not go out in time.

Mr. Nugent stated a clarification in that the Board of Assessors supports Ms. Hafner, but the Board of Assessors voted not to make any recommendation in terms of the shift. He stated that is a decision made by the Selectmen, and it should not be a political decision. Chairman Drobinski stated it is clearly a Selectmen decision, and thanked the Board of Assessors for their valuable information and guidance. Mr. Nugent stated that even if a change were voted, every effort would be made to have the tax bills go out on time.

Steven Wishner, 92 Fox Run Road, stated that while he does work for a company located in Sudbury, he was speaking as a resident. He stated his belief that the shift should not change this year, noting that the impact of a shift is his concern. He agreed with Mr. Tyler that a company does not make a decision on where to locate based on commercial tax rates. He stated Mr. Stephan's handout does not support the statement that Sudbury's rate is 40% higher than the competition. He pointed out on the 8-year tax shift history page that there was no year where the commercial tax rate went up more than the residential. He stated that many times both tax rates went up in tandem, especially when there was no change in shift. If there was a change in shift, however, tremendous dislocation in the tax rate is created. If the intent is to create a stimulus, it is fine, but if that is not the intent, it should not be done. He opined Sudbury is not in a situation where such a stimulus is necessary, noting an almost non-existent vacancy rate. He also pointed out that the burden of the override passed last year has not yet hit residents, and stated an additional increase would be a shock. He urged the Selectmen to keep the status quo and stay at 140%.

Mr. Stephan, Chamber of Commerce, stated the Maynard industrial buildings were purchased from DEC at a very good price and have gained back whatever they paid in the higher taxes. He noted there is a vacancy rate of approximately 10%. He stated a larger population base such as Framingham means there is larger group of people to sell the product to so the higher tax rates are not as critical. He stated the Chamber of Commerce gets phone calls monthly regarding available space in Town, and opined if similar spaces are available in Sudbury and Wayland, Wayland is chosen because the tax rate is lower.

Mr. Tyler stated now would be a good time to increase the taxes, in the good times, because no one will want to do it during the bad times. By that time it may be too late. He reiterated his suggestion to increase the rate for existing businesses, though there is a major movement to attract new business to the area. He noted the Board should not sanction an increase above 150%, and wondered what must happen to be able to go to 175%.

Ms. Hafner responded to Mr. Tyler's question, giving an explanation of the complex combination of circumstances and previous tax burden distributions that need to occur in order to possibly consider using a CIP factor of 1.75. She stated she estimates the residential share could go up due to the change in value. She noted that may cause a favorable shift in the commercial rate.

Mr. Stephan stated the commercial rate did not drop, even in the bad years. He reiterated his belief that the rate in Sudbury does compete with more favorable rates in nearby towns.

Selectman Clark noted that in 1991 the tax bill changes were fairly even, while in 1992 the changes were much farther apart. Selectman Roopenian stated she studied all the figures provided, understood the disparities and the political impact to the Town. She stated the last thing anyone wants is an "us vs. them" climate between the business and residential community. She stated further that she was looking for a balance between residential and business. She opined a business considering Sudbury will not first look at the tax rate, but will look at some of the zoning bylaws and action by some of the Town boards. This action has been called "business unfriendly", noting Osco Drug as a good example. She stated she is not convinced the tax rate is a defining factor in business location, and stated further that zoning bylaw changes and economic sustainability efforts will help to attract more business. She suggested going toward a flat rate in the coming years, but doing so this year would not be prudent. She challenged the residents to be more aware of these annual tax levy meetings, and to become more knowledgeable on how these policies are set rather than just complain about the taxes.

Chairman Drobinski stated the Board in 1991 attempted to create some equity. He suggested the Board should not lower the ratio, but to at least hold the line this year.

It was on motion unanimously

VOTED: To establish the FY99 commercial shift at 140%, setting the residential factor at 0.971.

Hop Brook Protection Association

Present: Francis T. Lyons, President; Ken Abrams; Ron Riggert; L. Mike Meixsell; Ursula Lyons.

Francis T. Lyons stated that there are 90 acres of pond in Sudbury which have been polluted by nutrients from the Marlborough Wastewater Treatment Plant since 1973. He stated further that the present pollution occurred after the latest changes in processing at the Marlborough plant. The effect of the pollution is known as hypereutrophication -- eutrophication means that nutrients are dissolved at a level where animal life cannot be supported in the pond, but plant life is supported vigorously. He pointed out that if the problem is not solved, these ponds will turn into swamps. The ponds involved include Stearns Mill Pond (25 acres), Carding Mill Pond (40 acres) and the Gristmill Pond (25 acres).

Mr. Lyons stated these particular problems are the most prevalent during the warm weather months. Floating algae is prominent on all the ponds, and in the past few years, Carding Mill Pond and Stearns Mill Pond have developed serious problems with *elodea canadensis*, a rooted pond weed. He stated the Hop Brook Protection Association has become quite active in attempting to deal with this problem, with almost no expense to the Town.

Mr. Lyons stated the Association has federal tax exempt status under IRS regulation 501C. The group has engaged a local attorney, Thomas Arnold, to work with them. Mr. Arnold advised them to work through the EPA for a permit to sue the treatment plant for the pollution problem. Legal fees of \$3,000 were incurred, and the group heeded Mr. Arnold's advice. A petition with 6,000 signatures has been forwarded to the EPA, and the group, with Attorney Arnold, has met with the EPA. Mr. Lyons stated the group became involved in a pilot project for constructed wetlands in the hope they would learn of some innovative methods and technology to assist Marlborough in solving their problem. He stated volunteers spent many hours working on this project, learning about constructed wetlands technology which utilizes plants and various types of filters. He described this as a fairly natural method to process the effluent from the sewerage treatment plant at a cost in the 5 million dollar range compared with 20 million for standard techniques.

Mr. Lyons stated the Hop Brook Protection Association put \$5,000 of their money into it, without a penny coming from Sudbury taxpayers, and also received a matching funds grant for \$20,000 from the Department of Environmental Management. The group worked with the University of Mass-Amherst who served as principal investigators. Another round of funding cost \$2,500 which was matched by \$7,500 from the City of Marlborough, and the group was successful in securing another \$20,000 grant to help Marlborough.

Mr. Lyons stated several years ago they became involved in harvesting activity designed as an experimental project on Gristmill Pond using crude techniques with conveyor belts, rakes and trucks which proved ineffective. The next year the group sponsored MIT students to look at harvesting techniques, and later hired students from UMass-Amherst. This last effort successfully removed 50 tons of wet-weighted algae. The following summer students were again utilized, along with dump trucks and drivers from the City of Marlborough, with 100 tons of algae being removed. Each of these removal efforts cost approximately \$7,000 - \$8,000.

Mr. Lyons stated additional work has been done with students from MIT as well as two students working on harvesting projects as their undergraduate thesis projects. Another student was sponsored to look into the technique of using barley straw for algae growth inhibition; another student studied the release of nutrients in the sediment of the ponds which may be used toward redemption of the ponds. Mr. Lyons noted the time and technique of redemption depends somewhat on the release of nutrients from the sediment.

Mr. Lyons stated last spring the group sponsored Weslyne Ashton, a senior environmental engineering student, in a study on Remediation Options for Elodea Dominated Ponds Along the Hop Brook. The information from this study can be used for the pollution problem in Carding Mill Pond and Stearns Pond as it brought attention to nitrogen treatment as well as phosphorous that has been identified as the limiting nutrient.

Mr. Lyons stated the group has been working with Micro Mag Corporation, a company that has developed a process called High Gradient Magnetic Separation (HGMS) which will help reach the desired phosphorous level for effluent discharge by removing nutrients. Last fall, the Association provided a grant of \$15,000 to Micro Mag Corporation to fund a design project in which Micro Mag will work with Woodward & Curran Environmental Services to complete a design which will successfully integrate the HGMS process specifically into the current processes at the Marlborough Easterly Waste Water Treatment Plant. He noted a pilot operation at the plant last spring appeared promising.

Mr. Lyons stated the permit they have been seeking will be issued in January. The permit designates a .1 mg/l phosphorous limit in the effluent discharge at the Marlborough plant. He stated this is a precedent-setting permit as it designates a very stringent level, and stated 90% of the flow comes from the sewage treatment plant, going directly into the brook at a rate of 4 million gallons a day.

Mr. Lyons stated the Association has not asked much from the Town, and opined they have done a lot more than other groups have done on their own as good citizens toward helping solve the pollution problem. He opined these treatment efforts should save Marlborough over \$10 million.

Mr. Lyons stated they are now asking the Town to become more involved. They want the Selectmen to understand the problem, and to take ownership of the problem as much as the Hop Brook Protection Association. He emphasized that 90 acres of ponds in Sudbury are severely polluted, not just an eyesore, but rotting algae with a horrendous rotten egg smell. This reaction also kills fish, and drives away waterfowl. He stressed that it not only involves environmental issues, but affects the image of the Town. He stated the Gristmill Pond gets thousands of visitors every year, and people walk away holding their noses.

Mr. Lyons stated the Association would also like the Board's support in dealing with Marlborough. He stated that on December 30 he will meet with Marlborough Mayor William Mauro, and stated further he wants to be able to tell Mr. Mauro that the Town of Sudbury, not just the Hop Brook Protection Association, supports this action. He stated the City of Marlborough can address the problem and comply with the permit, or declare it costs too much and appeal the permit. If an appeal is filed, it will first go to the EPA, which will be unsuccessful as it supports the Association's efforts. Next appeal level would be civil court.

Mr. Lyons stated the Association would like involvement from the Town with Town Counsel and outside counsel with expertise in environmental law. Marlborough was successfully sued by their own residents for an odorous sludge problem, and had to pay legal fees of over \$150,000. He suggested the Board consider the appropriateness of suing the City of Marlborough should they appeal the permit. He stated he would like to take to Mayor Mauro a letter from the Board in support of the EPA-sanctioned permit. He requested this letter indicate that the Town of Sudbury intends to forcefully act should the permit be appealed.

In another matter, Mr. Lyons presented a matching-funds grant application for another Environmental Management harvesting project at Carding Mill Pond. Previous studies revealed the limiting nutrient is phosphorous and the cause is the Marlborough plant. If the phosphorous is reduced, the ponds can be dredged. Dredging can be traumatic to the watershed, and it can take two or three years to get the permit to dredge. The Association hopes that once the pollution is reduced, nutrient-laden biomass can be removed from the ponds, and dredging may not be necessary. A large harvester owned by U.S. Fish and Wildlife Service can be "rented" for two weeks for an estimated \$8,200 -- \$4,100 from the Town of Sudbury and \$4,100 from the Department of Environmental Management. The Association would also like the Town to supply a truck. Mr. Lyons asked for assistance in completing the application and for the Town to take ownership of the application/proposal.

Ken Abrams stated the problem with Marlborough and Hop Brook has been going on for years. He described the effort exerted, exploring technologies and remedies, and opined this matter would have national visibility. He stated further this is a ground-breaking permit level, and as it is returning a recreational resource to the Town, it might behoove the Town to take advantage of the opportunity to get involved.

L. Mike Meixsell stated it is very necessary for the Town of Sudbury to support the EPA's decision and prepare for an appeal, which means getting advice from expert environmental legal professionals. He stated this permit will prevent the pollution from being introduced into the brook, leading to the ponds, and added that the "muck" that has been deposited into these ponds needs to be removed. He stated the Association needs an idea of what the Town of Sudbury is willing to do toward these solutions within the coming years.

Selectman Clark asked what the application deadline is. Mr. Lyons stated it was December 31.

Chairman Drobinski stated the Board is very much in favor of putting this permit in place, but doubted whether it would be prudent to threaten legal action. Selectman Clark opined that the letter should show that the Town is behind this permit and perhaps suggest an appeal is not in their best interest. Mr. Drobinski suggested the letter state the Town supports the permit and its discharge limit and that the Town may pursue appropriate legal action if an appeal is filed. Selectman Roopenian expressed concern over mentioning legal action and asked Ms. Clark what she knew about Mayor Mauro. Selectman Clark stated he served on a committee she chaired with the MetroWest Growth Management Committee and stated further that she had spoken with him about this issue. She stated he indicated that it is an issue but did not commit to anything. Ms. Clark stated Peter Panagores, Marlborough Economic Development, would not even discuss the matter. She stated further Mr. Panagores was leaving the city's employ, that a town planner would be hired, and opined that this could be a very good time to proceed with the Association's plans.

Selectman Roopenian asked what Mayor Mauro's environmental agenda is. Chairman Drobinski stated his belief that the City of Marlborough will undoubtedly appeal the permit. Mr. Lyons stated the project would cost approximately \$5 million, but opined that Marlborough could get a lot of outside money due to the uniqueness of the method and being the first to implement the new technology.

Selectman Roopenian suggested including those points - outside money and new technology - as key points of the letter instead of a heavy-handed threat of legal action. She suggested further adding support for what the Hop Brook Protection Association has done for the Town and toward solving Marlborough's problem. At this time Chairman Drobinski praised the Association for their efforts. Mr. Lyons stated his intent was to tell Mayor Mauro what they have done and their expectation that Marlborough will comply with the permit. He expressed his intent to state this in a very matter-of-fact way.

Mr. Lyons stated this meeting on December 30 will include himself, Mayor Mauro, the president of Micro Mag Corporation, and their Chamber of Commerce President, Suzanne Leeber. Chairman Drobinski reiterated his

suggestion of stating the Town's support for the EPA decision, that they would like to see it implemented, and if something changes, that the Town would be within their rights to seek appropriate action. Selectman Clark opined there may already be a letter in the file that could be used as a model.

Mr. Meixsell asked how the Association would obtain funds if an appeal is filed, and court action resulted. Chairman Drobinski stated they would have to convince the Finance Committee that the expenditure was in the best interests of the Town, and opined it may be a difficult sell. Mr. Drobinski stated his belief that the Town may not have the resources to actively pursue legal action through several court levels.

Mr. Meixsell stated the Association could benefit from the advice of counsel with expertise in this area. Chairman Drobinski stated existing counsel is on retainer, and if a full appeals situation develops, expert counsel may become necessary. He reiterated his concern that the Finance Committee would need to support this expenditure. Town Manager Ledoux stated the Town is already involved in a number of appeals and declined to predict the Finance Committee's position. Mr. Lyons stressed the fact that much time and effort has been invested in this matter and that effort should not be lost. Chairman Drobinski stated facts regarding the appeal process and what financial commitment would be expected or required. Selectman Clark stated she knows of someone the Town could use who is well-versed in environmental law.

Chairman Drobinski suggested sending the letter first and see what happens regarding the possibility appeal. He opined a risk management approach is a more prudent course at this time. He stressed to the Association that the Board is not refusing assistance if legal action is warranted, but things should proceed one step at a time. He wondered what Town entity would be the best group to help the Association complete the grant application. Discussion centered around the Conservation Commission, as they are knowledgeable on these issues and should be made aware of changes in wetlands areas.

Town Manager Ledoux stated many Town departments and boards are busy with budget issues before December 31. He stated further that the dollar amount previously presented to him was \$2,500, not \$4,100, and that amount was included in the FY00 budget to go to Town Meeting in April. Mr. Lyons stated the Association has allotted \$3,600 for a dump truck and driver, and suggested if that could be provided by the Town, the amount needed is significantly less, and the Association could come up with the difference. He stated further he could complete most of the application, but needed someone to sign it. Mr. Abrams wondered if outside sources of money were available to preserve the Town funds. Sudbury Valley Trustees was suggested.

Mr. Ledoux stated it was important that the Department of Environmental Management understand that the money is being appropriated at the Town Meeting in April and is not yet secured. Mr. Lyons stated the grant award would most likely come before then, and added the project is scheduled for August.

Discussion followed regarding Marlborough's recent legal woes, and the repercussions of costing a Mayor and Councilwoman their positions. Mr. Abrams stated the High Gradient Magnetic Separation technique would actually have international publicity and work in both communities' favor.

Town Manager Ledoux stated he will compose the letter.

On behalf of the Board, Chairman Drobinski praised the Hop Brook Protection Association for all their hard work, stating they have done an amazing job on a very difficult task.

Selectmen's Report for Annual Town Report

This matter was tabled until a later date.

Warrant Articles for 1999 Annual Town Meeting

It was on motion unanimously

VOTED: To submit the following warrant articles for the 1999 Annual Town Meeting, on the condition the Board may amend or withdraw any of all of them at a later date.

Hear Reports
Stabilization Fund (deposit)
FY99 Budget Adjustment (include retroactive pay for Engineering union)
Purchase Second Meachen-Meggs Parcel (\$310,000)
Special Act - Amend Chapter 40 of the Acts of 1963 establishing Historic Districts
 Commission and Historic District zoning - to eliminate requirement of an architect
Designate Surrey Lane parcel as Conservation Land, to be managed by the Conservation
 Commission as part of the Hop Brook Conservation Area.
Amend Zoning Bylaw -- Flood Plains.
Amend Zoning Bylaw -- relative to site plan REVIEW process.
Excess and lease or sell 35 acres of former Unisys property for senior housing.
Amend Bylaw Article V, Section 3, Regulation of Dogs to increase fines. (subj. to Town Counsel)
Special Act - Land Bank (resubmission of 1997 article).
Special Act - Kaplan Conservation Restriction (resubmission of 1997 article -- placeholder in case
 Governor's filing is not processed).
Nuisance Bylaw - Zoning Enforcement Agent John Hepting is researching bylaws of other towns.

Site Plan Applic. 98-347 -- Community National Bank, 450 Boston Post Road

Present: Myron Fox, Esq.; John McNulty, M & M Realty and Development LLC; Richard K. Bennett, Executive Vice President, Community National Bank; Raymond Murphy, Facilities Coordinator, Community National Bank; Fredric King, Schofield Brothers of New England, Inc.

At 10:10 p.m. Chairman Drobinski convened a Public Hearing for the purpose of considering a Site Plan Special Permit Application No. SP98-347 of Community National Bank, 17 Pope Street, Hudson, MA 01749, in accordance with Sudbury Zoning Bylaws Art. IX.V.A, to remodel and enlarge (with three additions) the existing building, including a drive-up teller window and drive-up ATM (automatic teller machine) on the westerly side, for use as a branch office, reconfigure parking area and driveways, and make landscape, drainage and septic system changes on property located at 450 Boston Post Road, owned by M & M Realty and Development LLC, 896 Boston Post Road, Marlborough, MA 01752, zoned Business District.

Notice of the Public Hearing was duly posted, and advertised in the Sudbury Town Crier and TAB on December 3 and 10, 1998. Parties of interest, being abutters within 300 feet according to the Assessors, were provided written notice by first class mail. Additionally, the Planning Boards of Acton, Concord, Framingham, Hudson, Lincoln, Marlborough, Maynard, Stow and Wayland were provided written notice by first class mail.

The Board was in receipt of the following:

1. Application for a Site Plan Special Permit, No. 98-347, dated November 9, 1998, from Community National Bank for property at 450 Boston Post Road, including 1) consent of owner, 2) request for waiver

of regulation IX.V.C.9.c to allow driveways a distance of 116 feet apart, 3) drainage plans, 4) sign plans, and enclosing:

- a) Plans 1-4 entitled "Site Plan of Land in Sudbury, Mass.", for Proposed Site Layout, Existing Conditions Map, Grading and Drainage, and Detail Sheet, Reference No. 19641, dated November 9, 1998, drawn by Schofield Brothers of New England, Inc.;
- b) Plan SP-2 "Landscape Plan & Details", dated August 31, 1998, drawn by KFP Architects, Inc.;
- c) Plan A-1 "First Floor Plan", dated August 31, 1998, drawn by KFP Architects, Inc.;
- d) Plan A-3 "Building Elevations", dated August 31, 1998, drawn by KFP Architects, Inc.;
- e) Plan A-4 "Building Elevations", dated August 31, 1998, drawn by KFP Architects, Inc.

2. Letter, dated December 18, 1998, from Lawrence W. O'Brien, Planning Board, stating unanimous approval of the site plan, subject to various conditions, as follows:

- 1) Mature vegetation on site should remain to the extent practicable and in consultation with the Design Review Board;
- 2) Receipt of a Water Resource Protection District Special Permit from the Planning Board;
- 3) Compatibility of the site plan with the Mass. Highway Dept. design plans for the Nobscot Road intersection;
- 4) Installation of screening landscaping along the property lines, where necessary due to removal of vegetation for construction;
- 5) Planting of street trees every 40 feet along frontage of property, if deemed necessary; and
- 6) Recordation of an enforceable covenant requiring maintenance of the stormwater management system by applicant in conformance with Mass. Department of Environmental Protection guidelines.

3. Letter, dated December 18, 1998, from Frank W. Riepe, Design Review Board, stating approval of the site plan, with an amended landscaping plan recommended which requires retention of most of the mature and established plants.

4. Memo, dated December 21, 1998, from John B. Hepting, Building Inspector, noting the absence of lighting fixtures and street trees on the site plan, correct names for plants, and that zoning opinions regarding appearance before the Board of Appeals and signage had been forwarded to the Bank's attorney.

5. Memo, dated November 30, 1998, from I. William Place, Department of Public Works Director, noting the Massachusetts Highway Department has plans for reconstruction of the curb and recommending approval be conditioned on Mass. Highway Dept.'s agreement to keep the westerly curb cut open, and further noting eastbound traffic will need to cross two lanes of traffic to enter the premises. He further questioned whether a M.G.L.c.21E report had been prepared.

6. Memo, dated December 8, 1998, from Michael C. Dunne, Fire Chief, stating the Fire Department has no objection to the proposal.

7. Memo, dated December 15, 1998, from Robert C. Leupold, Health Director, stating the Board of Health has approved the use of the existing septic system and will issue a permit for a septic tank and pump chamber replacement/upgrade.

8. Memo, dated December 16, 1998, from Deborah Dineen, Conservation Coordinator, stating the Conservation Commission's comments and that an Order of Conditions will be issued regarding the plan.

Myron J. Fox, Esq., on behalf of the applicant, stated Community National Bank has nine branch locations in addition to its home office in Hudson, Massachusetts. He briefly outlined the changes to the site, noting the additions, the drive-up teller and ATM, and describing the parking areas. Mr. Fox stated the building has been empty since 1991 when Commercial Federal closed.

At this time Mr. Fox complimented the Board and Town Manager on the pre-application process, as it worked well for them in preparation of their proposal. He stated much time and money is saved if an applicant meets with various boards before plans progress too far.

Continuing the presentation, Mr. Fox responded to comments contained in letters from Town boards. He stated the square footage being added for the ATM, the drive-up teller window, and the rear addition is 867 square feet. He stated the parking lot will be reconfigured slightly as suggested by the Building Inspector and Director of Public Works, the drain in Route 20 will be upgraded as requested by the Conservation Commission, and the landscaping suggestions laid out by the Design Review Board will also be integrated into the plan. Mr. Fox further informed that the site will be regraded, the stormwater management system will be brought up to new DEP standards, and the existing walkways will be modified in accordance with the plan. He stated there will be no dumpster on the site, as waste paper will be taken to other branches.

Concerning curb cuts, Mr. King stated the Massachusetts Highway Department did not realize the site was being redeveloped and now advises the westerly curb will not have to be closed. John McNulty, M & M Realty, stated they had received notification regarding this change and presented a confirming letter from Schofield Bros. to Mass. Highway District 4, dated November 18, 1998. Selectman Clark stated the stop line is important, as customers will have to stop before they exit. Mr. McNulty stated the State has indicated they are adding a traffic light at Nobscot Road and Boston Post Road. Town Manager Ledoux responded the bids for the highway project will go out in January. Selectman Roopenian stated she had spoken with Representative Susan Pope, who assured her the project would be completed in a timely manner.

Mr. King stated all the suggestions listed in John Hepting's memo, dated December 21, 1998, will be incorporated into the plan, and that a 21E Hazardous Waste Report is included with a Wastewater Report submitted to the Planning Board. He noted they had already met with the Planning Board for a Water Resource Special Permit, which will be issued shortly. He added that the Conservation Commission will soon issue the Order of Conditions, as they are also meeting tonight. He stated they did not have to go before the Zoning Board because the addition is in the rear of the building and is in conformance.

Mr. King asked if Chairman Drobinski had seen the report from Jody Kablack, Town Planner. Selectman Clark asked to see the letter from the Mass. Highway Department.

Selectman Clark asked if the water quality swale is the same as a "pocket wetland". Mr. Fox replied it would be similar, and stated this will be shallow with a maximum depth of 18 inches. He stated the water drains from the parking lot to the catch basin which overflows to the swale, and the swale overflow runs into the existing drain ditch which runs alongside the property. He stated the main outlet actually goes through the bottom of the swale into the ground; during high groundwater season a central island in the middle of the drain has a subdrain so the water has to percolate through the soil; and this particular swale will have a wetland bottom (vegetative) with grass on the side.

Chairman Drobinski asked about drainage gradients. Mr. Fox stated that, from the building forward, everything drains toward the street. He stated that M & M Realty has agreed to retrofit the catch basin by the street. This will be coordinated with the Mass. Highway Dept. and the reconstruction of the intersection.

Selectman Roopenian asked if asphalt was being used for the curbing, or if it was granite or concrete. Mr. Fox stated all three were being used in different places: going around most of the parking lot is an asphalt rim, the entryways from the street are granite but the walkways and the curb around the island are concrete. The area in back is all bituminous as it is less expensive.

Selectman Clark asked who would maintain the drainage system. Mr. King stated the property owner would be responsible for that. He stated there is an Operation and Maintenance Plan which will be approved by the Conservation Commission in the Order of Conditions, and it will need to be a recordable document for long-term maintenance. Ms. Clark stated her concern was based on the previous presentation by the Hop Brook Protection Association on maintaining the waters.

Chairman Drobinski questioned a notation regarding an abutter on the easterly side -- "Area occupied by Abutter". Mr. Fox stated the West Sport gas grill business is using the area for storage.

Mr. McNulty stated the existing pavement for the veterinarian and the grass slope for the septic system will remain.

Chairman Drobinski asked if the drive-through will have a canopy. Replying in the affirmative, Mr. Fox stated the Fire Department had given its approval.

Selectman Clark suggested making the vote subject to receiving a letter from the Mass. Highway Department confirming the installation of a traffic light at Nobscot Road and Boston Post Road.

Expressing satisfaction with the application, it was on motion unanimously

VOTED: To continue this hearing on Site Plan Special Permit Application No. SP98-347 for Community National Bank, 450 Boston Post Road, to January 11, 1999, at 8:15 p.m., for the purpose of approving a draft Decision to be prepared by Town Counsel incorporating comments from the Building Inspector, Planning Board, Design Review Board, Conservation Commission, Sudbury Department of Public Works, and receipt of a letter from Mass. Highway Department confirming compatible redesign of the intersection and installation of traffic light at Nobscot Road and Route 20.

MCAS -- School Committee

Selectman Roopenian stated she attended a recent School Committee meeting at which the MCAS test results were discussed. She stated Assistant Superintendent Patricia Grenier had compiled a very comprehensive

report. Ms. Roopenian stated she requested that the School Committee provide the Board with reports of this kind so that the Board is more aware of school issues.

Chairman Drobinski stated he read the MCAS results with interest and opined further that the community should consider these results in a positive light and not a fractious interpretation.

Bullfinch's Restaurant

It was on motion unanimously

VOTED: To grant a License for Sunday Entertainment to Bullfinch's Restaurant, 730 Boston Post Road, for the month of January, 1999 only, to have a swing band play during the hours of 6:00 - 10:00 p.m.

Town Report Committee -- Appointment

It was on motion unanimously

VOTED: To appoint Carrie Lepordo, 7 Great Lake Drive, and Sherri Melamut, 31 Thunder Road, to the Town Report Committee, each for a term to expire on April 30, 1999, as requested by Town Report Committee Chairman, Jane McDonald.

Bid Review and Selection Committee -- Housing Task Force

Town Manager Ledoux stated that Lawrence Blacker has agreed to serve as the Member-at-Large for this committee and requested the Board decide who will represent the Selectmen. Selectman Roopenian expressed her desire to serve as the Selectmen representative. Chairman Drobinski stated he has some reservations concerning some environmental issues this particular committee may have to deal with, but declined further comment.

It was on motion unanimously

VOTED: To designate Kirsten D. Roopenian as the Selectmen's representative to serve on the Bid Review and Selection Committee of the Housing Task Force.

D.A.R.E. Donation Fund

It was on motion unanimously

VOTED: To accept the donation of \$100.00 from David Teicholtz and Sandra Ayres of 18 Nashoba Road to be deposited into the D.A.R.E. Donation Fund and to authorize the Police Chief to expend same for the D.A.R.E. program.

Yvonne Fox Day

Town Manager Ledoux stated Yvonne Fox will be retiring on December 30, 1998 and requested the Board sign a Proclamation declaring Wednesday, December 30, 1998, as Yvonne E. Fox Day. Mr. Ledoux stated Ms. Fox has worked as Census Documentation Coordinator for the Town Clerk's Office, and Secretary and Senior Clerk for the Board of Selectmen in her twelve years of service.

It was on motion unanimously

VOTED: To sign the Proclamation declaring Wednesday, December 30, 1998, as Yvonne E. Fox Day in the Town of Sudbury, in honor and recognition of her long and outstanding service.

Kaplan Conservation Restriction

Town Manager Ledoux stated the Kaplan Conservation Restriction remained unresolved, as the State Legislature has taken no action on it during the 1998 session. He requested the Board sign a duplicate petition defining the legislation in order to forward the same article to the Governor's Office which will resubmit the Special Act for the Town. Mr. Ledoux stated Representative Susan Pope was instrumental in getting this matter brought to attention.

Executive Session

At 10:42 p.m., it was on motion by roll call unanimously

VOTED: To go into Executive Session to discuss the Discretionary Fund and a real estate matter. (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 11:05 p.m.

Attest: _____
Steven L. Ledoux
Manager-Town Clerk