

IN BOARD OF SELECTMEN
MONDAY, FEBRUARY 22, 1999

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.

Late Warrant Articles – James Halverson

Present: Lawrence O'Brien, Chairman, Planning Board; James Halverson, 109 Dakin Road; Ralph Tyler, One Deacon Lane.

Mr. James Halverson, 109 Dakin Road, asked if the Board had had an opportunity to review the Warrant article he had submitted and asked further if there was a problem with the timing of its submission. Chairman Drobinski stated the deadline for article submission was February 8, 1999, and clarified that once the Warrant has closed no additional articles can be considered. Mr. Halverson asked the Board to consider making a "business decision" to accept this and two additional articles he is preparing. He stated, if the Board chooses not to accept them at this time, he will prepare them for a Special Town Meeting.

Selectman Clark wanted to know why the articles were not submitted before the deadline. Mr. Halverson stated the Town Clerk's office told him he had until the end of this week. Selectman Roopenian stated that the Town Clerk's office has nothing to do with the Warrant for Town Meeting and stated further that the Warrant was going to the printer the following day. Mr. Halverson stated his belief that the Board was going to sign the Warrant on March 1. Ralph Tyler, One Deacon Lane, stated he had been told by the Town Manager's office that the Warrant would be signed on March 1. Town Manager Steven Ledoux stated the physical book is going to press tomorrow.

Chairman Drobinski stated there is a process by which the Warrant is prepared which necessitates several deadlines in order for it to be completely prepared and printed in time for Town Meeting. He stated again that the Warrant closed on February 8, 1999. Mr. Halverson stated he knows of several articles that have been changed since that date; Mr. Drobinski pointed out that those changes were wording changes to "bookmark" articles that had been properly submitted before the deadline. Chairman Drobinski pointed out that submission dates had been publicized. He stated that all Town boards, commissions and committees had been notified of the deadline for their articles, and there was also a deadline for petition articles. He stated he had no problem with the content or merit of the articles Mr. Halverson was submitting, but stated the deadlines must be adhered to in order to be ready for Town Meeting. Chairman Drobinski stated his reluctance to reopen the Warrant for a late article, as it would set a dangerous precedent. Mr. Halverson asked where the deadline dates are published. Chairman Drobinski stated the information is published in the newspaper and all Town boards, committees and commissions are also notified. Mr. Halverson wanted to know how the Town Clerk's office missed this. Mr. Drobinski stated he did not know.

Selectman Clark described the article Mr. Halverson wishes to submit as a non-binding resolution rather than something that would become a bylaw. She asked if the same result could be achieved by requesting an "administrative policy" by that particular Town board to include what he is proposing. He stated that, while that might work for this one, he has two additional articles that do involve bylaws.

Selectman Roopenian described this action as an "end run" toward a political platform, and reminded Mr. Halverson that he had attended a Selectmen's meeting the week earlier where work had been done on Article 34 and where it had been stated that the Warrant was closed. She reminded him further he had

attended the Selectmen's meeting on February 8, 1999 when it was announced that the Warrant was extended from 5 p.m. on February 8 to 5 p.m. on February 9 with no exceptions. She pointed out to Mr. Halverson that he was within his rights to call a Special Town Meeting. Mr. Halverson asked if it was appropriate for the Town to be misled.

Mr. Halverson wanted to know, from a printing point of view, what the difference is between changing wording and adding an article. Town Manager Ledoux stated the Warrant must be camera-ready for the printer the next morning and there simply is not time to keep "monkeying around" with it, and pointed out that deadlines keep the process on track.

Chairman Drobinski stated the effect of his article could be accomplished administratively. He pointed out that anyone in Town can call a Special Town Meeting if the required 100 signatures are obtained. Mr. Halverson stated he had been attempting to work "administratively" for six months without success. Both Selectman Clark and Selectman Roopenian stated they had not seen this article before. Mr. Halverson stated he wanted to hold a Special Town Meeting six months ago and was convinced not to do so. Mr. Halverson stated these deadlines should be publicized better. He stated further that a news article about the Town Warrant was printed in *The Town Crier* on December 17, 1998, but that was long before he had any interest in preparing an article for Town Meeting. The Board stated it did not know what additional notices had been published.

Mr. Halverson insisted these additional articles were important ones that needed to be bylaws in the Town of Sudbury. Selectman Clark asked what other articles he wished to introduce. He stated they were zoning articles. Chairman Drobinski stated all zoning articles must be presented through the Planning Board complete with public hearings. Lawrence O'Brien, Planning Board, stated that even though the Planning Board was meeting the next day, publication of the public hearings must occur in the previous two issues of *The Town Crier*. This requirement of two weeks' notice is required by statute. Mr. O'Brien specified this requirement applies for all zoning articles, even if it is a citizen petition.

Ralph Tyler, One Deacon Lane, stated he had also been told at the Selectmen's Office that the Selectmen were signing the Warrant on Monday, March 1, and stated further that Town bylaws state that the Warrant closes on January 1. He contended that it could be construed that any articles submitted after January 1 could be rejected. Selectman Roopenian stated that, after looking at the bylaw, the closing date of the Warrant is at the discretion of the Selectmen.

Chairman Drobinski asked the Board if there was any interest in reopening the Warrant. Selectman Clark stated the statutory requirement for two weeks' notice must be adhered to and inclusion of new zoning articles in the Warrant is simply impossible. Selectman Roopenian stated Mr. Halverson was not being fair in implying the Board has acted inappropriately and opined he is well aware of the warrant article process. She stated other people submitted their citizen petition articles in time. Mr. Tyler stated he was told at the Selectman's Office on Friday, February 19, that articles had been rejected because they were late. Chairman Drobinski stated articles submitted after the deadline are rejected because they are late. He stated further that any Warrant article or citizen petition submitted before the deadline is accepted regardless of whether the Board agrees or disagrees with its content.

Mr. Tyler repeated his assertion that the Board was not signing the Warrant until March 1. Selectman Clark pointed out that the closing of the Warrant and the signing are two different administrative phases. She stated the Warrant has to be prepared and the Selectmen sign the last page of the completed and final draft.

Selectman Roopenian stated there may be reason for a Special Town Meeting regarding codification issues and that there is sufficient time for Mr. Halverson to properly prepare items for inclusion at that time. Mr. Halverson insisted a public announcement of closing dates be posted in the Town Clerk's office. The Board assured him it had been posted; Mr. Halverson disagreed. Chairman Drobinski stated people are not happy with certain things in Town and stated further that the only way to solve problems is working together to arrive at a solution. Mr. Halverson insisted he has tried to work with the Selectmen for six months and has been talked to and placated, and asserted that the Board does not understand the concept of working together. Chairman Drobinski disagreed, stating that the last communication the Board received from Mr. Halverson contained the words "thank you for working with us".

Minutes

It was on motion unanimously

VOTED: To approve the regular and executive session minutes of February 8, 1999, as drafted.

Council on Aging Donations

It was on motion unanimously

VOTED: To accept \$116.16 in miscellaneous donations to be deposited into the Van Donation Account, and to authorize the Council on Aging to expend said funds for the purpose of operating and maintaining the Council on Aging vans.

Ambulance Gift Account

It was on motion unanimously

VOTED: To accept the donation of \$100.00 from Charles Fowler, 15 Woodberry Road, to be deposited into the Ambulance Gift Account and expended under the direction of the Fire Chief.

Red Cross Month

It was on motion unanimously

VOTED: To proclaim the month of March 1999 as Red Cross Month in the Town of Sudbury.

Sale of Alcoholic Beverages – 1999 Annual Town Election Polling Hours

It was on motion unanimously

VOTED: To grant permission to the holders of alcoholic beverages restaurant and package store licenses to sell alcoholic beverages during the polling hours of the March 29, 1999 Annual Town Election, in accordance with General Laws Chapter 138, s.33.

Melone Property – Sprint Communications

Present: Lawrence O'Brien, Planning Board; Ralph Tyler, One Deacon Lane.

The Board acknowledged a letter, dated February 4, 1999, from Brem Hyde, Consultant, Sprint PCS, to Chairman Drobinski, asking the Board to consider use of the former Melone property as a location for a multi-carrier telecommunications monopole. Sprint accedes that the Sudbury Water District permitted Cellular One to install a monopole in its adjacent borrow pit, and that Cellular One has not responded to their request to rebuild the pole for multi-carrier use.

Town Manager Ledoux stated, if the Town decides to open the Melone property for this use, it would have to go through an RFP process. Selectman Clark asked if more antennae could be added to the monopole. Mr. Ledoux stated the original site plan was limited to 12 antennae with the condition it could be sublet only for municipal use. That condition was waived for Bell Atlantic.

Lawrence O'Brien, Planning Board, stated the wireless bylaw passed last year contained language that encourages companies to co-locate. Ralph Tyler, One Deacon Lane, suggested moving the pole from the Water District pit to the Melone property, and noted that moving it further west might improve the visual impact of the pole while driving down Concord Road. Chairman Drobinski expressed concern for having another tower at that particular location.

The Board directed the Town Manager to communicate to the companies involved the Board's desire that they work it out between themselves. Selectman Clark suggested camouflaging the pole as a fir tree or something similar.

Site Plan No. SP96-328 – Auto Diagnostic Center

The Board was in receipt of a letter, dated January 20, 1999, from I. William Place, Town Engineer, stating the following comments regarding the as-built site plan: (1) the catch basin and leach pit in the northwest corner were not installed; (2) more landscaping was installed than had been shown on the plan, resulting in a reduction in runoff; and (3) the plan does not show a monitoring well as described in the legend, but four monitoring wells are shown as solid circles with elevations. The Board acknowledged a report, dated February 5, 1999, from John Hepting, Building Inspector, agreeing with Mr. Place's comments.

Town Manager Ledoux advised the Board to table this matter, as there are some zoning violations that need to be addressed. The Board concurred.

Nobscot Road/Dudley Road – Elimination of Left Turn Prohibition

Present: Ralph Tyler, One Deacon Lane.

The Board acknowledged receipt of a letter, dated January 22, 1999, from Peter B. Brassard, 172 Prides Crossing Road, requesting that the Board reconsider its prohibition of a left-hand turn from Nobscot Road onto Dudley Road.

Chairman Drobinski stated there is a great deal of frustration at the intersection of Nobscot Road and Route 20 and stated further it is unknown when the traffic light will be installed at that location. Selectman Roopenian stated she spoke with several residents who believed they could bring this issue to Town Meeting, and stated further that would be inappropriate as the Selectmen serve as the Road Commissioners.

Chairman Drobinski stated that in 1995 a petition was introduced to remove the left-hand turn prohibition, which was evaluated. At the time it was believed that the traffic light at the Route 20/Nobscot Road intersection would be installed shortly. Selectman Roopenian opined that the preference at the Nobscot/Dudley corner would be a "No Left Turn During Hours of . . ." restriction. Selectman Clark stated this had been an issue when she came onto the Board.

Ralph Tyler, One Deacon Lane, suggested installing stop signs on Route 20. Selectman Clark stated the Town could not do so as Route 20 is a State highway. Chairman Drobinski stated that, while a three-way sign might seem like a good idea, the havoc it could cause would be overwhelming.

Selectman Clark stated the No-Left-Turn sign is posted next to her driveway, and stated further she accepts the aesthetic impact of that sign.

Mr. Tyler asked about a traffic light at Longfellow Drive and opined that location to be of higher priority.

Selectman Roopenian asked if a "No Left Turn During Hours of " sign was considered when the discussion took place. Chairman Drobinski stated it had, but added that enforcement was a concern. He suggested the Safety Officer research the types of traffic problems at that location. Ms. Roopenian expressed an interest in the number of accidents at the location.

Town Manager Ledoux stated that the State Right-of-Way people are putting all the right-of-way permits into place, but added that these folks are often months ahead of the actual construction phase.

Town Forum – 237th Session

At 8:00 p.m. Chairman John Drobinski convened the 237th Session of the Town Forum.

Town Manager Steven Ledoux presented commendations from the Board of Selectmen to Peter Lembo, Police Chief, and Michael Dunne, Fire Chief, for their departments' valiant and unwavering service to the Town of Sudbury during the Mill Village fire on January 2, 1999.

State Representative Susan W. Pope presented citations authored by herself and signed by Thomas Finneran, Speaker of the House, House of Representatives, Commonwealth of Massachusetts, to Peter Lembo, Police Chief, and Michael Dunne, Fire Chief, for their departments' dedicated service during the Mill Village fire on January 2, 1999.

State Representative Susan W. Pope reported that the traffic light at the intersection of Route 20 and Nobscot Road is scheduled for late spring. She further reported that Chapter 90 money has been decreased. Representative Pope announced that she has a new phone number, 617/722-2305, Ways and Means, 2nd Floor, State House.

Various representatives of the Town's boards and departments updated the Town on their activities.

Reports were presented by Marilyn A. MacLean, Historical Commission; Gilbert P. Wright, Board of Appeals; June E. Allen, Permanent Landscape Committee; John B. Hepting, Building Inspector; Lawrence W. O'Brien, Planning Board; and Michael C. Dunne, Fire Chief. Selectman Roopenian presented a report from Stephenie Cook and Greg Lauer, Sudbury School Committee, who were unable to attend. The Selectmen and Town Manager updated the Town on their activities. Town Manager Ledoux thanked everyone for their support and expressions of sympathy in the recent loss of his father.

Reports concluded at 8:50 p.m.; Chairman Drobinski declared Town Forum closed. Refreshments were enjoyed by those present.

In addition to a taped recording, this Town Forum was broadcast live over the Cable network. Copies of the videotape are available for a period of one year by contacting the Selectmen's Office.

1999 Town Meeting Warrant Articles – Selectmen Positions

The Board reviewed the final list of Warrant articles and made no changes in positions.

Environmental Summit

Present: Lawrence O'Brien, Chairman, Planning Board.

Selectman Clark stated this was something that should be set up between the Planning Board, the Selectmen and the Conservation Commission. Lawrence O'Brien, Chairman, Planning Board, suggested that a meeting be scheduled for sometime after Town Meeting, as everyone is currently involved in public hearings and warrant issues. He stated an important issue for discussion concerns stormwater as the drains are located in the streets. As the Selectmen serve as Road Commissioners, it is vital they participate in this discussion. He stated that when catch and retention basins are located on parcels themselves, the Planning Board sometimes requires that a portion of the maintenance and upkeep be done by the landowners.

Town Manager Ledoux stated if the acquisition of a street sweeper is successful, it will enable timely pickup of leaves and sand. Currently, one pass through the Town costs \$40,000, for whatever the sweepers pick up.

Selectmen and Town Manager Reports

Selectman Roopenian stated she attended the Senior Property Tax Relief Meeting at the Senior Center. She stated reports were presented on various programs in other towns around the area.

Selectman Roopenian stated she had the pleasure of presenting *The Boston Post* Cane Award to 96-yr-old Carrie Waite. Ms. Waite was in the hospital at the time so her daughter and granddaughter accepted the award on her behalf. Ms. Roopenian asked the Board to consider giving the cane to the Senior Center for display. Town Manager Ledoux stated the award is stored at the Parsonage and stated further that he would discuss appropriate arrangements with the Senior Center.

Selectman Roopenian asked that the Chamber of Commerce be invited to the next Town Forum. Mr. Ledoux stated his belief that anyone can come to Town Forum, but stated he would extend the invitation.

Chairman Drobinski asked that any comments regarding the Meachen-Meggs conservation restriction be forwarded to Town Manager Ledoux and Town Counsel.

Town Manager Ledoux stated he has been in touch with Marlborough Mayor Mauro's office regarding the Hop Brook situation. The following dates have been suggested for a meeting: March 1, anytime after 11:30 a.m.; March 11, between 9:30 and 11:30 a.m.; or anytime on March 12. The Board decided on March 11. The location is unknown. Selectman Clark suggested sending a letter to Robert Durand expressing concern for delays, and requesting his assistance in getting DEP to sign the permit.

Selectman Clark expressed concern for the proposed traffic light at Nobscot Road and Route 20. Town Manager Ledoux opined that the Boston and Worcester offices of the Mass. Highway Department are not communicating with each other. He suggested working with Representative Pope as she is very supportive and a good contact. Selectman Roopenian suggested getting a letter of commitment from the Right-of-Way people and presenting it to Margaret O'Meara, District 3, Highway Department. Ms. Clark stated leftover money from paving projects is often used for other traffic projects.

There being no further business to come before the Board, the meeting was adjourned at 9:40 p.m.

Attest: _____
Steven L. Ledoux
Town Manager-Clerk