

IN BOARD OF SELECTMEN
MONDAY, MARCH 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.

Town Election

Chairman Drobinski reminded everyone to vote in the upcoming election and to pay special attention to several ballot questions.

Minutes

It was on motion unanimously

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

Council on Aging Donations

It was on motion unanimously

VOTED: To accept \$124.01 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.

Sherry Cavanaugh Fund – United Methodist Church

It was on motion unanimously

VOTED: To accept the donation of \$1,150 from the Sudbury United Methodist Church for deposit to the Sherry Cavanaugh Fund.

James F. Fischer – Troop 63 Eagle Scout

It was on motion unanimously

VOTED: To sign/send letter of congratulations to James F. Fischer, 42 Saddle Ridge Road, for attaining the rank of Eagle Scout.

Release of Easement – Cutler Farm

It was on motion unanimously

VOTED: To execute the Release of Easement as authorized by a vote under Article 48 of the April 15, 1997 Annual Town Meeting relative to Parcel 414 on Town Property Map L10 and shown as Lot 14 on the Definitive Subdivision Plan of Cutler Farm, Sudbury, MA.

Explorer Road Rally – Boy Scouts of America

It was on motion unanimously

VOTED: To grant permission to the Knox Trail Council, Boy Scouts of America, Exploring and Venturing Programs to use the Town Hall parking lot as a checkpoint stop during the Explorer Road Rally on May 23, 1999, subject to any requirements of the Police Dept.

Andrew Fay Resignation – Board of Appeals

It was on motion unanimously

VOTED: To accept the resignation of Andrew J. Fay as a member of the Board of Appeals.

Senate Bill 1675 – The RIDE Act of 1999

Present: State Representative Susan Pope, State Senator Susan Fargo.

The Board was in receipt of a letter from Richard Connors, Chairman, Coalition to Extend The RIDE, dated March 2, 1999, requesting support for Bill 1675 currently pending in the Massachusetts Legislature.

Town Manager Ledoux stated Sudbury is among a number of communities who are assessed for the MBTA but not receiving services. He stated he just received a letter from the Brookline Coalition for Citizens with Disabilities, outlining serious problems with the contractor offering The RIDE in Brookline and poor supervision by MBTA. Mr. Ledoux stated the Town is currently assessed \$349,000 per year for The RIDE, and opined that the problems cited may lie with that particular contractor.

Representative Pope stated she has signed on to two pieces of legislation, one to eliminate assessment for communities not receiving service, and the other to get The RIDE to come to communities being assessed. She stated that on April 12, 1999 she will be attending a hearing on this issue, and promised to forward any information received. She noted that Wayland is in the same situation as Sudbury, and stated that she received as many calls from constituents in Wayland as from those living in Sudbury.

Selectman Roopenian asked if the MBTA had ever come out to the “fringe” communities to discuss possible services. Ms. Pope stated that most of the communities she has spoken to about this matter expressed a desire for either The RIDE or nothing. Ms. Roopenian stated service would be especially helpful in communities around Lincoln, because the parking at the train stop is very limited. Senator Fargo stated that she serves on the Transportation Committee in the Senate and the subject of MBTA has not come up yet.

Selectman Clark asked if the assessment will be revised. Representative Pope opined that a revision would be unlikely as the State is getting a great deal of money for doing nothing. Town Manager Ledoux opined some communities might have a special arrangement with regard to MBTA issues, such as providing a location for a commuter rail stop.

It was on motion unanimously

VOTED: To express support for Senate Bill 1675 through State Senator Susan Fargo, Transportation Committee.

Joint Meeting – State Rep. Susan Pope and State Sen. Susan Fargo

Present: State Representative Susan Pope; State Senator Susan Fargo.

Representative Susan Pope stated the Chapter 90 monies will be less than last year, and stated further that projects already “in the pipeline” will be covered. She stated the “Big Dig” is taking more money than originally anticipated, which means other things will not be done. She estimated money will be diverted to the “Big Dig” for four more years. She reported that the Commonwealth of Massachusetts will receive \$400 million less this year, and suggested that Congressional representatives be contacted. Ms. Pope opined a shift in population to the Southwest might account for the seeming inequity and expressed concern for communities trying to set up budgets with significantly less money.

Senator Fargo opined that people who do not live in these towns and have no understanding of how Chapter 90 funds are used are the ones making the financial decisions. She stated all road, highway and bridge projects are backed up.

Representative Pope stated her office is now in Ways and Means, and stated further that she is privy to more information than before. She opined this issue will be a hot one when it comes on the Senate floor, as many legislators are angry about it. Chairman Drobinski stated it is nice to know ahead of time that the money will be less so that appropriate planning can take place.

On another matter, Town Manager Ledoux inquired about Retirement Costs of County Hospital Employees, related to the dissolution of Middlesex County. He stated that the current assessment practice is unfair, improper and discriminatory as only members of the Middlesex County Retirement System are being assessed. He noted that there is legislation pending that would change the present assessment, and stated that Speaker Finneran is said to be opposed to it. Senator Fargo reluctantly advised that the Town should be prepared to “swallow” these assessments. Representative Pope opined that if Mr. Finneran is opposed to it, the legislation might not even come to the House floor. Ms. Pope stated that slowly more attention is being paid to the areas between Routes 128 and 495.

Selectman Roopenian expressed concern for “cherry sheets” arriving too late to be considered in the Town budgeting process. Selectman Clark asked if there was a way to rectify this, short of sponsoring a legislative bill. Representative Pope suggested getting the MetroWest Managers Association involved.

Senior Tax Relief was briefly discussed, and Representative Pope stated there are approximately 35 bills on this issue currently being considered.

With regard to Education Reform, Selectman Roopenian expressed concern for modifying the funding formulas. Representative Pope stated she and Senator Fargo would continue to work toward equitable distribution. Selectman Clark suggested liaisons with commercial entities that might donate goods or services to the schools. Ms. Pope stated that, in many communities, the business sector is very involved in working with the schools. With regard to increased school populations, Ms. Pope stated she is attempting to get funding for modular classrooms, as some schools do not need to actually build new facilities. She noted that modulares are now fairly nice and work well to handle a “bubble” increase that lasts only a couple of years.

Other matters discussed included full-day kindergarten, the establishment of charter schools, and use of vouchers within the public school system. With regard to Special Education Reform, Senator Fargo stated

there are a number of bills in the House and Senate dealing with this issue, offering varying amounts of money and approaches to the development of standards.

On environmental issues, Selectman Clark updated Ms. Pope and Ms. Fargo on the Hop Brook situation with the Marlborough Wastewater Treatment Facility. Town Manager Ledoux stated the DEP has just approved funding for yet another study of the situation. Representative Pope stated that Senator Robert Durand is now in a better position to help more he could before. She noted that progress is slow: two steps forward, seventeen steps back, and three steps forward. Selectman Clark stated that Marlborough alleges no other town has been able to accomplish the 0.1 mg/liter limit, and she believes several towns have managed to do so.

Representative Pope and Senator Fargo thanked the Selectmen for their continued support and communication.

Roche Brothers – Change of Manager and Transfer of Beverages License

Present: Howard Wayne, Esq., Wayne, Richard, Hurwitz and McAloon; Patrick E. Roche, Jr., and Joseph A. Curtin.

At 8:28 p.m. Chairman Drobinski convened a Public Hearing, in accordance with M.G.L. c.138, for the purpose of considering the application of Roche Brothers Supermarkets, Inc., d/b/a Sudbury Farms, 1776 Plaza, 439 Boston Post Road, holder of a wines and malt beverages package store license, for permission to transfer said license to RBSBW, Inc., d/b/a Sudbury Farms, and to consider the application to change the manager from Joseph A. Curtin to Patrick E. Roche, Jr.

The Board was in receipt of an Application for Alcoholic Beverage License, dated February 10, 1999; Form 983, dated February 10, 1999, requesting transfer of existing liquor license, and Forms A and C, addendums to the license application.

Town Manager Ledoux stated that the Police Dept., Fire Dept., Health Inspector and Building Inspector have no objection to this application.

Howard Wayne, Esq. stated this transfer is caused by a corporate reorganization within the Roche Brothers organization. He stated Patrick E. Roche, Jr. has been working within the business for fifteen years and stated further that Mr. Roche is very familiar with the alcoholic beverages laws.

Chairman Drobinski reminded Mr. Roche that the Police Chief runs a sting periodically for those establishments selling alcoholic beverages to minors. Selectman Clark asked if the TIPS program and regulations apply to those who sell. Mr. Roche stated they participate on an ongoing basis.

It was on motion unanimously

VOTED: To grant permission to transfer the Wines and Malt Beverages Package Store License from Roche Brothers Supermarkets, Inc., d/b/a Sudbury Farms, to RBSBW, Inc., d/b/a Sudbury Farms, in accordance with M.G.L. c.138, and to change the manager from Joseph A. Curtin to Patrick E. Roche, Jr.

Right of First Refusal, c.61A & B – Cutting Property

Present: John Cutting; Peter Buxton, Chairman, Park and Recreation Commission; Patricia Savage, Director, Park and Recreation Commission; and Beth Cosgrove, President, Redspire, Inc.

Chairman Drobinski stated this meeting was a continuation of a discussion on March 8, 1999, to allow for input from the Park and Recreation Commission. At that time, the Selectmen felt the Town did not have the resources to make the purchase.

John Cutting presented the Ironworks Farm site plan and pointed out the open space under discussion. Peter Buxton, Chairman, Park and Recreation Commission, asked whether the total acreage was 46 or 36 acres. Mr. Cutting clarified that the entire parcel in Sudbury is 46 acres and that the portion under M.G.L. c. 61A and B, the subdivision, is approximately 35 acres.

Mr. Buxton stated he has walked the property and thought it very wet, and wondered if it were even suitable for Park and Recreation purposes if it doesn't drain. Mr. Cutting stated there is a high water table but that the tests were good. Mr. Buxton mentioned a local ball field that usually has standing water in the spring, making it difficult to use during baseball season. Mr. Cutting stated that the whole area for the subdivision will be raised substantially (filled) before building can begin. He noted that the open space is the closest to the wetlands and would not have been developable.

Mr. Buxton stated a neighborhood playground would work well in that area because kids could walk or bike down there. He stated that the area is very safe as there is only neighborhood traffic. He suggested a toddler playground, as well as open play land for kids to just play.

Mr. Cutting stated the 100-foot conservation buffer will come part way into the open space. Selectman Clark advised that the Conservation Commission be consulted.

After discussion, it was on motion unanimously

VOTED: To decline to exercise the Town's right of first refusal option to purchase from John C. Cutting and Frank J. Cutting, 35.89 acres off Taintor Drive, consisting of Lots 1-16, the subdivision ways shown as Ironworks Farm Road and Taintor Drive, and open land designated as 'PARCEL "A" OPEN SPACE' on Exhibit, A Locus Map, entitled "IRONWORKS FARM" Cluster Definitive Subdivision of Land in SUDBURY, MASS.", said 35.89 acres being a portion of Parcel 502 as shown on Town Property Map D-6, pursuant to notice of intent to convert said land from taxation under M.G.L. c.61A and c. 61B received January 21, 1999.

Lincoln-Sudbury Regional School Committee – Joint Meeting

Present: John J. Ryan, Andrew M. Schwarz, Members; and Stephen Silverman, Chairman.

Mr. John Ryan stated that a Facilities Planning Committee was charged with examining the current number of students in the current facility, the projected student population increases over the next ten years, the current state of the building, and what needs to be done to accommodate the projected student growth. He opined that Lincoln-Sudbury Regional High School will have an enrollment of 1600 students in four years. The present school facility can hold only 1400 students and does not meet various building and life safety codes, is not compliant with the Americans with Disabilities Act and other requirements. Mr. Ryan explained that a project would be eligible for reimbursement by the School Building Assistance program

only if it included both renovations for code compliance and reconstruction to accommodate the student population increase. The reimbursement would be approximately 62% of all design and construction costs.

Mr. Ryan stated that the Facilities Planning Committee is made up of members with construction and architectural experience, people who have worked on design aspects of the K-8 system, as well as Finance Committee members from both Sudbury and Lincoln.

Mr. Ryan stated there are individuals who are skeptical concerning the need for more space since the school housed over 1900 students during the 1970s. He stated the committee spoke with teachers who recalled class sizes of 35 students, and that students were sitting on the radiator because there was no place to sit. He explained that the Education Reform Act of 1993 requires 990 hours of learning time while students in the 1970s were committed to only 750 hours. Other changes since the 1970s include the advent of Special Education requirements and technological advances in computer courses.

Mr. Ryan stated costs just to bring the school up to code would be about \$16 million, with an additional \$11 million to accommodate the increase in student population. A letter has been received from the School Building Assistance program stating Lincoln-Sudbury is an approved site for state funding. State reimbursement at 62% covers furniture and computers, as well as the architectural fees, interest on the short-term bond, and actual construction.

Mr. Ryan explained that the Regional School Committee is now seeking the estimated architectural fee of \$1.5 million through Article 13 on the warrant for Annual Town Meeting, convening April 5, 1999. He stated they have been told the reimbursement should come within five years, and if it is delayed, the School Building Assistance program can go to the legislature to get an emergency act passed so that no principal or interest is paid until the reimbursement comes through.

Andrew Schwarz stated the architect will use spatial formulas, which means a specific amount of space for classrooms, cafeteria, and other areas, and opined that space will be made as multi-functional as possible. Mr. Ryan reported the SBA will not approve a project unless it is designed to account for the next ten years. Stephen Silverman stated the SBA has had instances where schools came to them for money, and then came back a few years later to add on to the same building.

Selectman Roopenian stated that the subject of modular classrooms may arise at Town Meeting, opined an approximate cost of \$50,000 just to place the unit, and stated that the \$50,000 would not qualify for reimbursement. Mr. Ryan stated that modulars may work well as a short-term solution in some towns, but added that the growing student population in Sudbury does not follow that pattern.

After discussion, it was on motion unanimously

VOTED: To support Article 13 on the warrant for Annual Town Meeting.

Stop Signs – Clifford Road and Warren Road

Town Manager Ledoux acknowledged receipt of (1) a letter, dated March 9, 1999, from Albert Jencyowski and Loraine Falls, requesting the installation of a 4-way stop sign at the corner of Warren Road and Clifford Road; (2) a letter, dated March 15, 1999, from I. William Place, Town Engineer, advising against a 4-way stop sign and advocating stop signs on Clifford Road at Warren Road; and (3) a letter, dated March 19, 1999, from Safety Officer Ronald Conrado, recommending stop signs on Clifford Road at Warren

Road. Officer Conrado further states he will monitor the intersection when the new school opens in September.

It was on motion unanimously

VOTED: To install stop signs on Clifford Road at Warren Road, in accordance with Article VII, Section 8 of the Town of Sudbury traffic rules and orders.

Annual Town Meeting – Warrant Articles

The Selectmen briefly reviewed the warrant, and after discussion, it was on motion unanimously

VOTED: (a) To **SUPPORT** Warrant Articles No. 13, 29, 38, 49, 50, and 51; and

(b) To **INDEFINITELY POSTPONE** Warrant Articles No. 14, 41, 42, 43 and 48.

MPO Representative

It was on motion unanimously

VOTED: To support Christopher Petrini as the MPO Representative for this area.

Fireside Café – New Tenant/Site Plan Special Permit

Town Manager Ledoux stated an individual wishes to open a business at the Fireside Café building recently vacated, 103 Boston Post Road, selling 19th Century American Reproduction furniture. The business owner would make no changes to the building other than signage, and the use of the building. Mr. Ledoux asked if these conditions warrant a Site Plan Special Permit. Chairman Drobinski stated any change in use may require a Site Plan Special Permit, even though it is a permitted use for that area. Mr. Drobinski suggested the Building Inspector and Town Counsel be consulted.

Article 1 Presenter – Annual Town Meeting

Town Manager Ledoux stated the first two individuals approached about presenting Article 1 at Annual Town Meeting have declined. The Board directed Mr. Ledoux to approach the remaining individual on the list.

Reports

Town Manager Ledoux stated the RFP for the **Bushey House** will be going out soon. A site visit for interested bidders is scheduled for April 12.

Town Manager Ledoux stated the Town did not budget for the \$83,000 payment for the Middlesex County Retirement System and asked the Board for guidance. After discussion, the Board decided to hold this matter until Town Counsel can be consulted.

Selectman Roopenian expressed concern for consistent two-way communication with various Town departments and boards.

Proclamation – William F. Baldwin

The Board signed a Proclamation honoring William F. Baldwin for his forty-two years of service to the Sudbury Schools. Selectman Roopenian will be present the Proclamation at his retirement celebration on March 31, 1999.

Executive Session

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

VOTED: To go into Executive Session to discuss litigation matters. (Chairman Drobinski, aye, Selectman Clark, aye, Selectman Roopenian, aye).

Chairman Drobinski announced that public session would be reconvene following Executive Session.

There being no further business to come before the Board, the meeting was adjourned at 10:47 p.m.

Attest: _____
Steven L. Ledoux
Town Manager-Clerk