

IN BOARD OF SELECTMEN
MONDAY, AUGUST 23, 1999

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

The statutory requirement for notice having been met, the meeting convened at 7:30 p.m. at the Town Hall, 322 Concord Road.

Resignation – Town Manager

Town Manager Steven Ledoux submitted his resignation as Town Manager for the Town, effective October 1, 1999, as he has accepted the position of Town Manager for Westford, beginning October 4, 1999. Mr. Ledoux stated he was proud to have served as Sudbury's first Town Manager, and that significant progress has been made in reorganization. He stated that his decision to leave is no reflection on Sudbury's residents, Town staff or volunteer committees but that the Town of Westford presents some new and different challenges for him.

On behalf of the Board, Chairman John Drobinski accepted Mr. Ledoux's resignation, with regret, and stated that it has been a pleasure to work with him, both as a Selectman and a citizen. He expressed gratitude for Mr. Ledoux's offer of assisting in the search for his replacement. Selectmen Clark and Roopenian echoed Mr. Drobinski's sentiments in wishing Mr. Ledoux success in his new endeavors.

Concrete Retaining Wall – George Sharkey

Present: I. William Place, Town Engineer; George Sharkey, 16 Pantry Road; Philip Sharkey, 55 Pantry Road.

The Board met to review a letter from I. William Place, Town Engineer, dated August 19, 1999, and plan titled "Intersection Improvement Program – Pantry/Haynes/Deacon", dated May 15, 1989, revised October 1, 1991, showing the relationship between George Sharkey's concrete retaining wall and the Town's right-of-way. Mr. Sharkey is unwilling to accept the retaining wall offered by the Town.

Mr. George Sharkey briefly related the events involving placement of a traffic island at the intersection of Pantry/Haynes/Deacon, pushing the traffic onto his land when turning around the island. When the work was completed, he inquired about his wall, and that I. William Place, Department of Public Works, asked him what kind of wall he wanted four different times. Mr. Sharkey stated that his main concern is protection of his property from walls of snow after the plows have been past, and from the traffic that now speeds down Pantry Road, often cutting across his property. He stated that school busses and big trucks have a difficult time making the turn, and also drive up on his property. Mr. Sharkey opined that a wall even with the lowest step of his store would be the ideal height to protect his property from both traffic and piles of snow. He stated that Mr. Place has given him excuses as to why the wall has not been constructed.

Mr. Sharkey stated that he then approached the Town Manager about the situation, with the response being that the funds were not available. Mr. Sharkey opined that funds for a project should surely include reparation to the abutters' property. He stated that Mr. Ledoux indicated to him that after July 1 funds should be available in the new budget. When someone came out to look at the site, Mr. Sharkey told him he wanted a fieldstone wall for adequate protection. Mr. Sharkey indicated there was some misunderstanding as to the type of wall he desired, and that Mr. Ledoux advised him to come before the Board to straighten it out. He

maintained that the cost of his wall should have been included in the total construction cost of the traffic island. He stated that he should not have to suffer if adequate funds were not budgeted.

Chairman Drobinski suggested that a guardrail might be more appropriate if cars are driving on his property, as a stone wall could be knocked down. Philip Sharkey pointed out on the plan exactly where the wall should be placed, beginning at one side of the store, rounding the corner, and ending on the other side, fully protecting his property from the traffic.

Chairman Drobinski asked Mr. George Sharkey to confirm just what he wants from the Town. Mr. Sharkey specified a fieldstone wall, starting at a height of approximately two feet with a gradual increase to about five feet on the other side, filling in space with loam.

I. William Place, Town Engineer, stated that the intersection was scheduled for improvement after abutter Ralph Tyler, 1 Deacon Lane, expressed much concern for its safety, citing numerous accidents. He stated that the intersection was lowered by two feet, pushing the vertical curve back. He stated further that the cost estimate was submitted to District III, signed by Robert Noyes and Steven Ledoux. Mr. Place stated that the property line of Mr. Sharkey's property was taken from a plan drawn for Mr. Sharkey by Thomas Land Surveyors, showing portions of the retaining wall in the public way. He stated that the Town prepared and seeded a portion of Mr. Sharkey's property as well as paved a driveway and rectified utility pole issues with Boston Edison. Mr. Place stated that the wall originally proposed would cost \$3,000 to \$7,000, but that Mr. Sharkey rejected this plan for a larger wall.

Selectman Clark asked about curbing in the area. Mr. Place submitted photographs showing how the traffic is turning the corner, and stated that drivers come onto Mr. Sharkey's property by about six inches, at the most. He submitted the project request, complete with monies expended, and stated that the unused portion had been transferred to another project.

Mr. Place stated that, if the project costs more than \$10,000, he has to put the project out to bid, and pay prevailing wages, and if it is less than \$10,000, he can obtain three quotes. Mr. Sharkey and the Board reviewed a brochure featuring various wall designs.

Following discussion, it was agreed that Mr. George Sharkey, Mr. Place, Chairman Drobinski and Town Manager Ledoux would get together within the next few weeks to reach a solution. Mr. Drobinski stressed that the Selectmen should not be designing walls and intersections.

Hawkers and Pedlers License – Juniper Farms of Hudson

Present: Mary E. Loureiro, Juniper Farms Ice Cream Company, Inc.

The Board met to consider granting a Hawklers and Pedlers License for Juniper Farms of Hudson, subject to satisfactory records check of individual drivers and issuance of identification cards of each driver by the Police Department.

Town Manager Ledoux stated that Juniper Farms intends to use one driver this summer season.

Selectman Clark asked about the proposed hours of operation, citing the Selectmen's Rules and Regulations regarding hours for ice cream vendors. Ms. Loureiro stated that, at the time of application, they were unaware of the Rule and that they had listed their normal hours of operation. She added that Juniper Farms is willing to amend their hours to that listed in the Rule and Regulation.

With regard to Social Security numbers for drivers, Ms. Loureiro stated that that information for James Quinn had been faxed over to the Town Manager's office. Town Manager Ledoux confirmed that he did have a copy and that it had been approved by the Police Department.

Selectman Roopenian stated that Juniper Farms has been operating in Town for several weeks. Ms. Loureiro responded that they received a phone call from the Board of Health which they mistook as a "go ahead" to sell. She added that they have been selling at private locations for several years.

It was on motion unanimously

VOTED: To grant the Hawkers and Pedlers License to Juniper Farms of Hudson, in accordance with the Selectmen's Rules and Regulations, for a period of one year.

Cable Television Committee – Legal Counsel

Present: Douglas E. Smith, Chairman, Cable Television Committee; Margaret Fredrickson, member.

The Board met to consider a contract with Peter J. Epstein, Esq. in the amount of \$175 per hour to assist the Town in the cable television renewal and licensing processes currently underway.

Mr. Douglas Smith, Chairman, stated the Cable Television Committee would like to engage the services of a lawyer to assist them in contract negotiations with Cablevision and RCN. He opined that the Committee needs the expert advice to sort out some problems with the licenses. He requested that the Board approve up to \$15,000 for this purpose.

Selectman Clark suggested inserting the words "total cost for" in the second sentence of the Compensation section, which would clarify that additional funds must be requested from the Board. With regard to expenses, Ms. Clark suggested a ceiling amount, such as \$500 for any one occurrence, to maintain control over the expenditures. Ms. Fredrickson stated that Mr. Epstein would provide an itemized bill each month.

Chairman Drobinski asked if the cable companies would reimburse the Town for these costs after the licenses are granted. Mr. Smith stated that what typically happens is the cable companies pay a percentage fee to the Town, which would support the studio and capital equipment. He opined that these monies could be as much as \$70,000 per year and would more than repay the costs spent for legal advice.

Town Manager Ledoux stated he is acquainted with Mr. Epstein and his abilities, citing that he has observed him as representative for the Town of Brookline. Mr. Ledoux advised the Board to approve this contract, but on the contingency that the Finance Committee will appropriate the funds.

The Board thanked the Cable Television Committee for their efforts. Mr. Smith encouraged citizen participation to discover what services people would like from the cable companies.

It was on motion unanimously

VOTED: To approve the Client Fee Agreement, as amended, with Peter J. Epstein, Esq. at the hourly rate of \$175 per hour, to assist the Cable Television Committee and the Town in the cable television renewal and licensing processes underway, subject to the Finance Committee appropriating the funds.

Minutes

It was on motion unanimously

VOTED: To approve the regular session and executive session minutes of August 9, 1999, as amended.

Regarding the regular session minutes of July 12, 1999, Selectman Clark submitted the following amendment so that the first paragraph of Conflict of Interest, page 10, will read:

Referring to a newspaper article published in the Sudbury Town Crier on Thursday July 8, 1999, Selectman Clark asked Chairman John Drobinski if the article was correct in saying he had spoken to both of the other Selectmen about the contract that his employer, ERM, has with Unisys and that he brought it up at a Selectmen's meeting, to which John said yes. Then Selectman Clark denied that Chairman Drobinski ever spoke to her about this contract. Selectman Clark said she asked Town Manager Ledoux as Clerk of the Board of Selectmen and keeper of records to check the Selectmen's meeting minutes back to March 1, 1999, which he did and found nothing.

Selectman Clark submitted the additional amendment to the July 12, 1999 regular session minutes, page 11, third paragraph from the bottom of the page:

Selectman Roopenian stated that Town Counsel has declared that no conflict exists. Ms. Clark stated that opinion did not count as he is an insider, and further that Town Counsel said the contract ERM has is with the State, which is incorrect. Chairman Drobinski has confirmed tonight that the contract by ERM is with Unisys.

It was on motion unanimously

VOTED: To accept Selectman Clark's amendment to the regular session minutes of July 12, 1999.

Council on Aging Donations

It was on motion unanimously

VOTED: To accept \$174.00 in miscellaneous donations to be deposited into the Council on Aging Van Donation Account, and to authorize the Council on Aging to expend same for the purposes of operating and maintaining the Council on Aging vans.

Salamander Population Study – Briarwood Construction Donation

The Board met to review information from the Conservation Commission and the Accounting Department regarding a salamander study performed at Lots 40A and 41A, Marlboro Road and work at the vernal pool on Marlboro Road. The study was funded by a \$7,500 donation from Briarwood Construction.

Town Manager Ledoux stated this property is across the street from the Meachen property.

It was on motion unanimously

VOTED: To accept a \$7,500 donation from Briarwood Construction, to be separately accounted for and expended under the direction of the Conservation Commission to conduct a salamander population study on Lots 40A and 41A, Marlboro Road.

Relocation of Geheran Dog

Town Manager Ledoux stated that the Selectmen had previously granted John and Christa Geheran, 21 Saddle Ridge Road, up to 60 days to relocate the dog. The original 60 days expired on August 14, 1999. He stated that Mrs. Geheran reported that a home for the dog has been found. However, the fence at that location has not been installed yet due to contractor scheduling. Mr. Ledoux stated that Mrs. Geheran requests permission to keep the dog until September 30, if necessary. He stated that the Dog Officer has received no complaints since the June 14th hearing.

Chairman Drobinski suggested approving the extension to allow the Geherans to keep the dog until the fencing can be installed. Selectman Roopenian stated that the dog has not been out very often, but added that someone reported to her that the dog was seen without a muzzle, in violation of the Selectmen's ruling. She asked that the Geheran family be reminded of that requirement.

It was on motion unanimously

VOTED: To grant the Geheran family an additional period of time, until September 30, 1999, in which to keep the dog, to allow time for the fencing at the dog's new home to be installed, and to remind the Geherans that, in accordance with the Selectmen's vote on June 14, 1999, the dog shall always be muzzled when on a leash and inside the fence.

Land Parcels – Benny F. Ferigno

Concerning the gift of three parcels of land by Benny F. Ferigno, 60 Bates Street, Mendon, identified as Lots 66A on Cedar Creek Road, Lot 67A on Cedar Creek Road, and Lot 7 off Powers Road, it was agreed to table this matter until more information is available.

Boston Edison Pole Relocation – Woodside Road

The Board discussed granting emergency approval for the relocation of Pole 12/15 on Woodside Road four (4) feet back from the roadway to accommodate new curbing relative to the Loring School construction. A public hearing is not required.

It was on motion unanimously

VOTED: To grant emergency approval, subject to receipt of formal petition, for the relocation of Pole 12/15 on Woodside Road 4 feet back from the roadway, in accordance with Boston Edison work order #1030837, to accommodate new curbing relative to the Loring School construction.

Appointment – Fair Housing Committee

It was on motion unanimously

VOTED: To appoint Kelley A. French, designee of the Sudbury Housing Authority, to the Fair Housing Committee, for a term to expire April 30, 2002, to fill vacancy created by the resignation of Virginia Allan.

Resignation – Town Report Committee

It was on motion unanimously

VOTED: To accept the resignation of Jane McDonald from the Town Report Committee and to send a letter thanking her for her service to the Town.

Election Officials

The Board acknowledged that Beverly Mullen has not accepted appointment as a Republican Election Officer.

Bushey House Lease

Present: Lee Swanson; Lawrence O'Brien, Chairman, Planning Board.

The Board reviewed a report, dated August 20, 1999, from Robert C. Leupold, Health Director, stating that the existing septic system at 641 Boston Post Road would not pass Title V inspection criteria, and advising that it not be used in the winter months when replacement would be difficult. Mr. Leupold advised that, if the property is to be occupied, soil testing be conducted and a new septic system installed this fall. Those costs were estimated to be between \$10,000 and \$15,000.

Town Manager Ledoux stated that the Health Director and a representative from Sears & Schofield Company inspected the septic system recently and found evidence that it has been in failure and is currently empty. Mr. Ledoux stated that a discharge pipe near a former washing machine location discharges to the surface ground behind the dwelling, which would not be allowed if a washing machine were installed now. Mr. Ledoux advised the Board to discuss these potential costs before considering a lease to Mr. Lee Swanson.

Mr. Swanson stated that the report does not mention "graywater" discharge pipes leading out to the west side of the house as well as a tank. He stated that Mr. Leupold indicated those pipes would be considered legal because they would be grandfathered. Mr. Swanson stated that a dishwasher is currently connected to this pipe but that a washing machine was not.

Chairman Drobinski asked if the house can be "grandfathered", whether or not it "percs". Mr. Ledoux opined that the tank is in such a questionable condition that the winter months are a concern. Mr. Swanson stated that a homeowner might be able to obtain additives for the cesspool but, in a tenant situation, that might not be possible. Mr. Drobinski stated that the system would have to be brought into compliance at some time to avoid a health risk.

Chairman Drobinski asked if the Building Inspector had submitted a report on the property. Town Manager Ledoux reported he had not. Mr. Swanson stated that Mr. Hepting indicated that it was occupiable

in its existing condition, but that any changes had to comply with the Sixth Edition of the Building Code, Chapter 36.

Selectman Clark asked if the Town had equipment to do the soil testing. Town Manager Ledoux responded yes and that testing had been done at school locations. Mr. Swanson stated there were test wells approximately 35 feet from the cesspool. Ms. Clark asked if the previous testing results were available. Mr. Ledoux stated he would inquire at the Board of Health.

Chairman Drobinski expressed concern and caution for the potential magnitude of septic system problems. He suggested postponing a lease agreement until the "perc" tests are completed. Selectman Clark suggested approving the lease agreement, conditional on favorable "perc" results. Mr. Drobinski stated that, in order to comply with Title V requirements, the cesspool would need to be taken out of service and a new septic system installed, with a back-up reserve area.

Selectman Roopenian asked if the Town wants to get into the property management business. She opined that the potential cost is a lot of money for a building that the Town has little use for, other than leasing it to Mr. Swanson. She expressed concern for Item 17 in the lease agreement, regarding reimbursement. She stated she has been approached by another individual about the Bushey House. She expressed concern for fairness in determining who should get the lease option.

Chairman Drobinski expressed concern for the potential demolition costs if the property does not pass the testing. He stated that the Frost Farm house has been improved greatly by its current tenant, but recalled that when the bid was issued for the Bushey House, no responses were received. Mr. Ledoux stated that disposal of the material would be a large portion of the demolition costs.

Selectman Roopenian stated that this house is pretty much "a dump" and that the Board needs to decide whether it wants to lease it, use it as a museum or office space, or whatever. She opined that Mr. Swanson needs to know his options so that he could pursue something else, if necessary.

Mr. Swanson suggested that, if graywater tanks are allowed, two legal dry composting toilets be installed, at his expense, which would eliminate the need for a cesspool. He stated that all the drains in the house are currently piped into the graywater tank. Town Manager Ledoux stated that many state parks are using this type of toilet successfully.

Lawrence O'Brien, Planning Board, suggested selling the house and land it occupies to a developer solely for the purpose of tearing down and rebuilding. Chairman Drobinski opined that the Town Meeting vote declared the property to be open space. Mr. Ledoux stated that the house was excluded from the vote. Mr. O'Brien stated that there are at least half a dozen "tear down and rebuild" sites in Town now. Selectman Clark expressed concern that, in a new house situation, a young family with school age children might move in, and that a lease agreement with Mr. Swanson provides an opportunity for several years of work on a structure with some historical significance. Mr. Swanson stated that the house was built in 1921.

Mr. Swanson asked how long it would take before test results could be available. Chairman Drobinski stated that, if a new test were performed, it would be at the discretion of the Board of Health, as the Health Inspector must witness the testing process.

After discussion, it was on motion unanimously

VOTED: To research for existing test results, to “perc” the property if no test results can be located, and to hold the discussion on a lease agreement until any test results (existing or new) are available.

Intersection Improvement – Lincoln Road at Weir Hill Road

The Board met to consider a plan entitled, “TOWN OF SUDBURY DEPARTMENT OF PUBLIC WORKS INTERSECTION IMPROVEMENT PROGRAM – LINCOLN ROAD AT WEIR HILL ROAD”, prepared by the Town of Sudbury Engineering Department, dated November 6, 1998, in connection with a proposed highway easement over land owned by the United States of America, Great Meadows National Wildlife Refuge Tract 300F.

Town Manager Ledoux stated that this particular intersection presents a blind curve, and that residents on Weir Hill Road have requested improvement. The plan indicates how the curve will be eased out a little. Mr. Ledoux requested approval of this project so that the Town can proceed in its discussions with the U.S. Fish and Wildlife Department.

Selectman Clark asked if there was a cost involved with getting the easement. Mr. Ledoux responded he did not believe so.

It was on motion unanimously

VOTED: To approve the plan entitled, “TOWN OF SUDBURY DEPARTMENT OF PUBLIC WORKS INTERSECTION IMPROVEMENT PROGRAM – LINCOLN ROAD AT WEIR HILL ROAD”, prepared by the Town of Sudbury Engineering Department, dated November 6, 1998, in connection with a proposed highway easement over land owned by the United States of America, Great Meadows National Wildlife Refuge Tract 300F.

BYOB

Town Manager Ledoux stated that Mr. Stapleton of the Alcoholic Beverages Control Commission (ABCC) informed the office that once an application for a liquor license is filed, the applicant is governed by M.G.L. Chapter 138 and that the pending licensee would not be allowed to have patrons bring their own bottle. Given this, the proposed clause to allow restaurants to institute a BYOB policy during the approval period would be illegal. He recommended that Board finalize the policy as originally drafted.

Selectman Roopenian asked how other towns could offer BYOB. Chairman Drobinski opined that those towns may have a BYOB policy in place, and not just for during the approval period.

It was on motion unanimously

VOTED: To approve the BYOB Policy as follows:

No permission shall be granted to restaurants to allow patrons to bring their own beer, wine, or other alcoholic beverages for their own private consumption onto the premises while restaurant licenses to sell alcoholic beverages are available in the Town of Sudbury. When all such licenses available for issuance under the General Laws have been issued, the Board of Selectmen will reconsider the matter.

Selectmen Policies and Procedures

After discussion, it was on motion unanimously

VOTED: To approve Selectmen Policies and Procedures as follows:

- A. MEETING POLICY – recently revised/no change.
- B. AGENDA PROCEDURES – recently revised/no change.
- C. TREASURY WARRANTS & TAX ANTICIPATION NOTES – retained and amended to correspond with Town Manager Act.
- D. APPOINTMENT POLICY – approved as drafted.
- E. HEARING POLICY – approved as drafted.
- F. MINUTES POLICY – approved as drafted.
- G. PERFORMANCE REVIEW POLICY – retained and amended to review only Town Manager and Town Counsel.
- H. SELECTMEN’S LIAISON AND WORK ASSIGNMENTS – approved as drafted.
- I. SITE PLAN SPECIAL PERMIT RULES AND REGULATIONS – recently revised/no change.
- J. DEED AND EASEMENT PROCEDURE – approved as drafted.
- K. COLLECTIVE BARGAINING – approved as drafted.
- L. LICENSING OF OUTDOOR AMUSEMENTS POLICY – Hold; concerns for safety, too many circuses and carnivals in town, current policy could prevent church/school groups from applying.
- M. FLAG CODE – approved as drafted.
- N. TRAFFIC CONTROL SIGNS POLICY – approved as drafted.
- O. POLICY FOR USE OF TOWN HALL FACILITIES – approved as drafted.
- P. ENTERTAINMENT LICENSE – WEEKDAY ONLY – no change.
- Q. ADVERTISING AND DIRECTIONAL SIGNS POLICY – no change.
- R. REGULATIONS GOVERNING ELECTRIC COMPANIES – approved as drafted.
- S. AFFIRMATIVE ACTION POLICY – approved as drafted.
- T. ACCEPTANCE OF GIFTS – no change.
- U. GRIEVANCE POLICY – eliminated.
- V. USE OF TOWN VEHICLES – approved as drafted, except in 1.b, keep authorization by Board of Selectmen; add with recommendation of Town Manager.
- W. LIFE-THREATENING ILLNESSES – approved as drafted.
- X. RECYCLED PRODUCT PROCUREMENT POLICY – no change.

It was further on motion unanimously

VOTED: To approve the Fee Schedule, without change.

Selectman Reports

Selectman Clark stated that the MetroWest Growth Management Committee, in studying all their communities, would like to know what issues concern the Town of Sudbury. This list is to assist them in developing their agenda. Ms. Clark stated that the Committee will soon be interviewing for an Executive Director and that feedback will be very useful. Chairman Drobinski and Selectman Roopenian listed their concerns as the environment, education, economic development, transportation, open space, land use, growth, and water resources.

Selectman Roopenian stated that she and the Town Planner met with School Superintendent William Hurley regarding utilization of communications systems in reaching school parents. The hope was to utilize these avenues in publicizing work on the Master Plan and other projects, and not rely solely on the newspapers. Ms. Roopenian also spoke with Mr. Hurley about using the existing Curtis Middle School as space for user groups, including office space for the Youth Coordinator, Teen Programs and others. She recommended using a portion of the building instead of demolishing it entirely. She has been contacting various departments for their input.

Chairman Drobinski stated he met with the Sudbury-Wayland Septage Facility staff who reported they would be hiring additional staff to deal with outstanding issues. On another matter, Mr. Drobinski stated that the Board would be attending the Planning Board meeting on August 24, 1999 at 8:30 p.m. for a hearing on the Brimstone Lane situation.

Hawes Property – Notice of Intent

Present: Myron J. Fox, Esq.; Lawrence J. O'Brien, Chairman, Planning Board.

The Board was in receipt of a letter, dated August 20, 1999, from Paul L. Kenny, Town Counsel, stating that, in his opinion, the purchase and sale agreement for the Hawes property does not achieve the status of a bona fide offer under Section 14 of Chapter 61A, due to the discrepancy of acreage. The offer itself involves 25 acres while only 21 acres fall under Chapter 61A provisions.

Town Manager Ledoux stated that Myron Fox, Esq. disagreed with Mr. Kenny's opinion, but Mr. Kenny was standing firm that his opinion was legally correct.

Selectman Clark stated that accepting a purchase and sale agreement with an undefined purchase price would be setting a precedent for potential problems down the line. She opined that it should comply with state statute and should be a calculable amount.

Lawrence O'Brien stated that the Assessors Office figures there are thirty-seven, 40,000 sq. ft. building lots on the property and a possible 38th, if it "percs". He stated that the purchase and sale agreement contains a calculation of \$100,000 sale price per front door, or \$3,700,000, for SRC units. If the lots were developed as a subdivision, 15 single-family homes could be built.

Selectman Clark asked if the property owners could, at this time, sell the building lots under an approved preliminary plan. Mr. O'Brien stated they cannot. Chairman Drobinski stated that they could sell the land, but that another developer could get a definitive plan approved. Mr. Drobinski opined that preparing the property for playing fields would cost the Town a million dollars, and opined further that a Senior Residential Community was really the way to go. Selectman Clark stated she was not comfortable making a decision until the documents are correct.

Mr. Fox stated that he questioned the third paragraph of Mr. Kenny's letter, with the verbiage "at any price", and wondered specifically what that meant. He stated he sent a letter over to Mr. Kenny questioning this, but that Mr. Kenny had not seen it yet. He suggested that the word "reasonable" should be used. Mr. Fox opined that the Selectmen's vote from August 9, 1999 is valid. Discussion followed.

Chairman Drobinski suggested amending that vote to include the word "reasonable" so that progress can continue. Selectman Clark disagreed, stating there should be a definite opinion as to the validity of the offer before that type of change can be made. Selectman Roopenian suggested asking Mr. Kenny for a more

specific definition and to inquire if the word “reasonable” was understood. She stated she is not interested in the Town purchasing this property and would prefer seeing an SRC go in there.

Mr. Fox suggested that the Board inform Mr. Kenny of their individual preferences and proceed from there. Selectman Clark disagreed, stating that making a decision before receiving Town Counsel’s official, clarified opinion would be unfair. She opined that Town Counsel must make his opinion based on the information provided and how it applies to state and local laws.

Mill Village

Selectman Roopenian commented that the design of the new Mill Village has changed from the plans offered to the Board, and the Design Review Board is unhappy that the builders have not kept their part of the bargain. She suggested sending a memo to the Building Inspector requesting his review of the situation.

Town Manager – Search and Replacement

Town Manager Ledoux stated he will develop a transition plan toward securing a replacement and suggested contacting the Massachusetts Municipal Association’s Consulting Group for input. He stated that the Board should decide if they would like to appoint a Search Committee, handle the interview process themselves or some combination. He opined that a Search Committee can sometimes be cumbersome, but recommended that, if such a committee is desired, the Selectmen should be on it. He did not know whether the Open Meeting Law would be violated if the Selectmen declared themselves the Search Committee.

It was on motion unanimously

VOTED: To direct the Town Manager to draft a transition plan and contact various agencies to begin a search process.

The Board reiterated their support for Mr. Ledoux and wished him much success in his future endeavors.

There being no further business to come before the Board, the meeting adjourned at 10:25 p.m.

Attest: _____
Steven L. Ledoux
Town Manager-Clerk