

IN BOARD OF SELECTMEN
MONDAY, SEPTEMBER 13, 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.

Boston Edison Company – Joint Meeting

Present: JoAnne O’Leary, Boston Edison Co. Public Relations; I. William Place, Director of Public Works; Ralph Tyler, One Deacon Lane.

The Board met with Ms. O’Leary to discuss the following: (1) removal of an extra pole at Pantry & Haynes Road intersection, (2) progress on the removal of double poles in Town, and (3) relocation of two transformers opposite the Town Common on the First Parish Church property.

JoAnne O’Leary, Public Relations Manager for Boston Edison Company, stated the company is in the process of upgrading the circuits in town to improve reliability, replacing some poles and converting double poles to single poles.

Chairman Drobinski asked what percentage of transfer from double to single poles has been made thus far. Ms. O’Leary could not provide a number but stated that crews have been working as time permits. She stated she could not answer for Cablevision whose cables are on some of the poles.

Town Manager Ledoux apprised Ms. O’Leary of the Pine Lakes situation regarding sight obstruction from double poles. Ms. O’Leary promised to get a supervisor out to the area to inspect the poles, and stated that if a cable riser is still on a pole, the pole cannot be removed.

Ralph Tyler, One Deacon Lane, asked about a timetable to have all double poles converted. Ms. O’Leary stated that Boston Edison’s focus this summer was on reliability and that few crews were available to concentrate on pole conversion.

Mr. Tyler stated he made a presentation at Town Meeting several years ago, in which he presented photographs of all the overhead utility connections and poles in Town, and opined that if those photographs were taken today, the poles would still be in place. He stated that Boston Edison is again stonewalling on removing the poles because there is no financial incentive to do so. He suggested that the Town, via Town Meeting or Selectmen Rules, initiate a fine assessment schedule for projects not being completed within a reasonable length of time, such as 90 days. He opined that significant progress would then be made.

Selectman Clark asked what authority Boston Edison had to place two poles when their vote only allows one. Ms. O’Leary opined that a Grant of Location allows Boston Edison to replace poles “as need be” and therefore allows double poles during the replacement process. She stated she would bring these concerns to the attention of the appropriate people, the ones who can make decisions on them, but added that there will always be double poles because some cannot be changed. Chairman Drobinski suggested that the poles obstructing view at dangerous intersections, or very near the public way, be given top priority.

Mr. Tyler asked if 90 days was a reasonable length of time to expect work to be completed. Ms. O’Leary disagreed, stating that each pole is different and some may require two crews instead of one. She stated that scheduling for both crews and equipment can be difficult.

Chairman Drobinski asked if applying pressure to the phone and cable television companies would help accomplish this task. Ms. O'Leary stated this too is difficult to assess, and added better communication between the companies would be helpful.

Selectman Clark asked how many double poles have been removed in the past two years. Ms. O'Leary stated very few have come out this summer, and that last year a "dedicated Friday" was scheduled in order to accomplish the work. She opined that the effort last summer was successful in removing approximately 40 poles. I. William Place, Director of Public Works, stated that there were at least two dozen poles removed.

Ms. O'Leary stated that sometimes the ownership of the pole presents difficulty in its removal. If a pole is owned by New England Telephone, for example, Boston Edison cannot remove it.

Mr. Tyler suggested devising a schedule for pole removal and sticking to it. He opined that, as long as Boston Edison does not commit to removing poles, they will drag their feet on it. Ms. O'Leary stated that, even with a schedule, unplanned emergencies such as storm-related power outages can prevent work from being completed.

Regarding the transformer on the Unitarian Church property, Chairman Drobinski asked if that transformer could be relocated and possibly put underground. Ms. O'Leary stated that there is a steel plate (owned by Boston Edison) which will need to be reconstructed and will be flush with the ground. The pad mount transformer (green box) is placed on top of the plate even though the system is underground. She stated that, in a new development, the transformers are placed where the contractor requires it.

Mr. Tyler stated that there was an agreement to place all utilities underground in Sudbury Centre to maintain the village atmosphere. He stated that, without going to the Historic Districts Commission, an enormous 7-ft. transformer was installed. Ms. O'Leary stated that, in order to place a piece of equipment, a Grant of Location is required. If the equipment is to service private property (the church), Boston Edison would most likely apply for a license. If more than one party is to be served with this equipment, an easement would be drafted, signed and approved, and later recorded at Land Court. She stated that Boston Edison places the equipment most suitable for the load required by the customer being serviced. She stated further that even with underground utilities, there still must be an access point that is above ground. Ms. O'Leary stated she would be willing to sit on the Sudbury Centre Steering Committee to assist them in addressing these situations and asked that she be invited to their meetings.

Selectman Roopenian asked about the plantings around this ugly transformer. Ms. O'Leary stated the plantings can be done by the homeowner or town officials, but that 6 ft. of clearance around the transformer should be allowed. She stated this allows the technicians to open the doors and access the equipment without having to cut back plantings. She stated that particular tools, a "hot stick", for example, is ten feet long and difficult to use if overgrown plantings are blocking access.

Mr. Tyler expressed concern for new poles continually coming into Town and whether or not the Selectmen have properly approved them.

The Board thanked Ms. O'Leary for coming and asked her to keep them informed of progress in removing double poles as well as other topics discussed this evening.

Victoria Road – Pole Relocation

Present: JoAnne O’Leary, Boston Edison Co. Public Relations; I. William Place, Director of Public Works; Alexander Sanda, 32 Victoria Road; Ralph Tyler, One Deacon Lane.

At 8:10 p.m. Chairman Drobinski convened a Public Hearing for the purpose of considering the petition of Boston Edison Company and New England Telephone and Telegraph Co. for permission to alter the location of Poles 168/2 and 168/3 on Victoria Road (easterly side at Stock Farm Road).

The Board was in receipt of the following:

1. Petition, dated August 20, 1999, from Boston Edison Company and New England Telephone and Telegraph Company, d/b/a Nynex, and plan entitled “VICTORIA RD. & STOCK FARM RD., SUDBURY”, dated August 2, 1999, showing “PROPOSED POLES & ANCHOR GUY RELOCATIONS”.
2. Memo, dated September 7, 1999, from Deborah Dineen, Conservation Coordinator, stating that the relocation of the southerly pole (168/2) may be within 100’ of wetlands and stating that a Request for Determination of Applicability must be filed with the Conservation Commission.
3. Memo, dated September 8, 1999, from Arthur Richard, Wiring Inspector, stating that there appears to be no problem moving the poles as the land adjacent to the area is owned by the state and that there are no plans to build the road.

Alexander Sanda, 32 Victoria Road, asked where the poles would be going. Chairman Drobinski pointed out the locations on the plan. Town Manager Ledoux stated there is a wetland issue for the new location on one of the poles.

Chairman Drobinski suggested tabling this issue until clarification is received from the Conservation Commission. The Board agreed.

Overhead Utility – New Bridge Road

Present: JoAnne O’Leary, Boston Edison Co. Public Relations; I. William Place, Director of Public Works; Ralph Tyler, One Deacon Lane.

The Board was in receipt of (1) a letter, dated September 1, 1999, from Peter Karassik, Eligius Homes Company Inc., requesting permission for two overhead wiring connections on New Bridge Road from across the street to new poles (26/1X and 25/1X) on private property (Lots 2A and 3B), accompanied by Plan of Land and Plan of Easement; and (2) a report from Arthur Richard, Wiring Inspector, recommending approval.

Ralph Tyler, One Deacon Lane, asked to see the plan of new pole placement. He asked why the developer did not attempt to put the utilities underground. Chairman Drobinski asked I. William Place if the pavement down there was fairly new. Mr. Place stated the road is fairly narrow and, to his knowledge, the builder did not attempt underground placement. Mr. Tyler opined the builder is placing new poles to avoid going under the road, and that is the type of thing the new bylaw is supposed to handle.

After discussion, it was on motion unanimously

VOTED: To continue this hearing until the builder can provide reasons why underground placement is impossible.

Park and Recreation Commissioners – Joint Meeting

Present: Patricia Savage, Director, Park and Recreation; Peter Buxton, Chairman, Park and Recreation Commission; Leonard Noce, and Francis Logan, Commissioners; Ruth Griesel, Director, Council on Aging.

The Board was in receipt of (1) a report, dated August 18, 1999, from I. William Place, Town Engineer, in which he states that the lights at Feeley Field were installed at the proper height and location to provide for nighttime baseball, and that the light poles were either not visible from abutters' property or were of no concern to the homeowners. He recommended that, if a communications tower is proposed for this location, lights should be prohibited with the exception of a security light for the communications building; and (2) a memo, dated August 30, 1999, from I. William Place, Town Engineer, in which he inventories Parks & Grounds Maintenance Areas, with current budget figures and proposed maintenance costs.

Peter Buxton, Chairman, Park and Recreation Commission, distributed a handout listing goals, objectives and initiatives, and achievements in 1998 and 1999. He listed major objectives as Atkinson Pool, the skateboard park, playing field requirements, field enhancements and maintenance, Heritage Park, and their participation on various Town Committees. He expressed thanks to the garden clubs and the Public Works Department for all their hard work in bringing Heritage Park back from the brink of death. He stated the new pool ventilation system at Atkinson Pool was paid for out of retained earnings, proving that the pool is now self-sufficient. Mr. Buxton asked that more attention be paid to the youth programs in Town, citing the huge popularity of the Teen Center and its lack of space.

Mr. Buxton expressed great concern for the playing fields in Town and the fact that they are used so much, they have no time to "rest". He stated that half the playing turf is weeds. He stated there are some Town-owned properties that may be available for use, but not anytime soon. Field maintenance is greatly improved due to an additional DPW person allocated for Park & Recreation projects.

Mr. Buxton expressed appreciation for the efforts of Patricia Savage, Director of Park and Recreation. He stated there are many fine programs offered at the Fairbank Building, but that more space is needed. The gym is not large enough to accommodate all the people interested in the exercise classes.

Chairman Drobinski asked if Park and Recreation would be coming to Town Meeting for capital expenditures. Mr. Buxton stated various expenditures would be submitted, especially involving Haskell Field. Patricia Savage, Director, Park and Recreation, stated there would be a request with regard to Atkinson Pool, specifically indoor space needs and expansion of the locker rooms.

Selectman Roopenian asked how much enrollment has increased in the past five years. Ms. Savage stated the Park and Recreation programs are operating at capacity, as well as the senior programs. She stated the summer programs for first through fifth graders were full, including a full wait list all summer long, and that the counselor-in-training programs were also limited. She stated the Teen Center is well attended, and there is not enough room for everyone. She stated the need for indoor space is crucial and that she hates to turn people away. Ms. Savage stated that the Youth Coordinator needs office space as well.

Selectman Roopenian asked how many offices are currently being used in the Fairbank Center and if it would help if those were relocated. Ms. Savage stated that it would help significantly, as even she shares her office with four other people. She stated she has to ask people to leave in order to hold a confidential meeting, which also means the phones are not being covered. She added that she occasionally holds a meeting outside on the bench.

Ms. Savage stated there are programs, such as pottery, that cannot be offered to the community because there is no space. She stated that a kiln is available but there is nowhere to put it.

Selectman Roopenian suggested that space in the existing middle school might be salvaged for use by the Park and Recreation as well as the possibility of field space behind the school. Ms. Savage stated the Teen Center could be moved over there, and that is the age group they are trying to serve.

Selectman Roopenian stated that, because education needs hold such a high priority, it would be difficult to meet municipal needs, and expressed doubt that an override would be successful. She stated it is important to make good use of the space that is available, and make that determination before a building is torn down.

Ms. Savage asked what problems the existing Curtis Middle School has that would make it unusable for recreational needs. Chairman Drobinski stated there are some serious structural concerns, as well as the need for a new septic system if a portion of the school remains. He stated that the Town Meeting vote was to demolish the building and opined the issue will have to be revisited.

Selectman Roopenian stated that though the school population is exploding, there are many other segments of the population that must be considered. She stated that a hockey rink and outdoor pool have been suggested. Ms. Savage suggested a "water area" where sprinklers come off and on for toddler play.

Regarding a driving range on the former landfill, Ms. Savage stated it would be a good revenue source for the Town, but that there is a gas issue due to the type of surfacing that would have to be put down. Chairman Drobinski suggested they contact the Chamber of Commerce in locating appropriate developers.

Chairman Drobinski asked I. William Place, Director of Public Works, to update the Board on the Feeley Field lights. Mr. Place stated that he walked the area and found that the light poles were either not visible from abutters' property or were of no concern to the homeowners. He suggested a row of pine or arborvitae would serve as a visible barrier in a couple of locations, costing \$1200 – \$1700 for 25 trees. Mr. Place stated that most of the lights have been adjusted to point directly at the field.

Leonard Noce stated that a couple of the lights are bent and the frame must be readjusted. Mr. Place concurred, stating the entire light has to be taken down, new holes drilled, and put back up. A crane will need to be rented for a day.

Ms. Savage stated that lighting technology has greatly improved, providing greater illumination with fewer poles, but that the lights have to be higher on the poles with the lights directly down.

Selectman Roopenian stated that there is a private initiative to improve some of the Little League fields at Featherland. She expressed appreciation for those individuals willing to donate money to get some of these projects going.

Elana Marsland, Pympton Road, stated that this was her first Selectmen's Meeting, and she wanted to know how the system works and just what the Park and Recreation Department was looking for. Ms. Savage explained that the Department looks for public and private funding. Public funding must go to Town Meeting through the budget process, in order to get the funding and have work done by Town departments. Mr. Buxton added that user fees help to fund the Department's activities, but that it is not enough. Selectman Roopenian explained that the Board periodically meets with all Town boards and committees to hear about their projects so that the Board can offer any assistance possible.

Mirena Reilly, 12 Lincoln Lane, asked about a typical timeframe for budgetary requests. Town Manager Ledoux explained capital expenditure requests are submitted by November 1 to the Town Manager for review, recommendations are made to the Finance Committee by December 31, and then the Finance Committee makes their recommendations at Town Meeting in April.

Continued Dog Hearing – Zelamsky/Cordaro vs. McCart

Present: Betsy DeWallace, Dog Officer.

At 9:00 p.m. Chairman Drobinski reconvened a Public Hearing, continued from June 28, 1999, for the purpose of reviewing the Zelamsky and Cordaro complaint against the dogs owned by Patti and Robert McCart, 67 Oakwood Avenue. The Board was in receipt of (1) a report, dated September 10, 1999, from Betsy DeWallace, Dog Officer, stating that the situation is greatly improved and recommending no further action be taken; and (2) a report, dated September 13, 1999, forwarded by the Dog Officer, that the McCart dogs had been left outdoors and had been barking for 1½ hours and that no one was home.

Betsy DeWallace, Dog Officer, stated that the dog known as Digger has been relocated outside of Sudbury, and that she has not had an opportunity to speak with the McCarts since the barking complaints.

After discussion, it was on motion unanimously

VOTED: To send a letter to the McCarts notifying them of the complaint, and to continue the hearing for no more than sixty (60) days.

Wireless Communications RFP's for Landfill and Central Fire Station

Present: Stephen Anderson, Anderson & Krieger LLP, for AT&T; Michael Dunne, Fire Chief.

The Board was in receipt of the following:

1. Memo, dated September 10, 1999, from Town Manager Steven Ledoux, presenting proposals for wireless facilities at the Fire Headquarters, 77 Hudson Road, and the former Sanitary Landfill, Boston Post Road, and recommending that AT&T be designated the preferred provider. A spreadsheet listing monetary breakdowns was included.
2. Memo, dated September 7, 1999, from I. William Place, Director of Public Works, citing bylaw requirements and potential problems regarding equipment on proposals for the Fire Station.
3. Memo, dated September 7, 1999, from I. William Place, Director of Public Works, citing bylaw requirements and potential problems regarding equipment on proposals for the former Landfill.

4. Letter, dated September 10, 1999, from Bell Atlantic mobile, requesting that a second flag pole be placed at both locations in order to allow more carriers to locate there.

Town Manager Ledoux stated that the Town received RFP's on September 3, 1999 for both locations, specifically AT&T, Bell Atlantic, Omnipoint, Sprint, and Cell One (Fire Station) and AT&T, Bell Atlantic, Sprint, and Cell One (Landfill). He stated that all proposals were in compliance with the RFP, but that some issues exist. These are noted in memos from I. William Place, Director of Public Works. He stated there are also issues with proximity to childcare facilities and residences (Fire Station). Further, it is vital that the cap at the former landfill not be disturbed, and it is unknown whether DEP will allow a wireless facility on a capped landfill.

Mr. Ledoux briefly reviewed the financial analyses presented in the spreadsheet. He stated that Town Counsel advised to resolve the primary locator before considering co-location issues. He reiterated his recommendation to designate AT&T as the preferred provider, and that Town staff meet with AT&T representatives to work at resolving the locational issues at both sites.

Chairman Drobinski generalized that tonight's vote would basically authorize Town staff to pursue resolution of issues and, if those issues cannot be handled, the process would begin all over again.

Stephen Anderson, Anderson & Krieger, representing AT&T, asked that the decision be made as soon as possible so they can resolve things quickly. He stated the trial date is November 3, 1999, and in order for that to be set aside, proof of resolution must be supplied to the court, specifically, that AT&T is in the permitting process at another site. He respectfully requested that AT&T be awarded the contract, subject to working with Town staff to resolve existing issues, so that the permitting process can begin immediately.

Mr. Anderson stated that AT&T proposes two different sites at the landfill, neither of which has ever been used for trash dumping so the restriction regarding the capped landfill should not be a problem. He stated the area would be appropriately tested before any work is begun.

After discussion, it was on motion unanimously

VOTED: To award AT&T Wireless PCS, Inc., by and through its agent AT&T Wireless Services, Inc., d/b/a AT&T Wireless Services the contract to construct wireless communications facilities at the Fire Headquarters, 77 Hudson Road, and former Sanitary Landfill, Boston Post Road, subject to working with Town staff to resolve equipment and variance issues at both sites.

Traffic Signs – Pine Lakes Area

Present: I. William Place, Director of Public Works; Patrolman Alan Hutchinson, Safety Officer, Sudbury Police Dept.; Robert Cargill, 33 Oakwood Avenue; Marianne Lynch, 39 Great Lake Drive; Patricia Guthy, 24 Pinewood Avenue; John Sisk, 68 Basswood Avenue; Leslie Lewis, 37 Great Lake Drive.

The Board was in receipt of (1) a memo, dated August 3, 1999, from William Place, Director of Public Works, in which he lists the sight distance obstacles in the Pine Lakes Area; and (2) a letter, dated August 11, 1999 sent to all Pine Lakes area residents, informing them of the Selectmen's July 26 decision and suggesting residents clear roadside brush and obstacles bordering the street on their properties, closely supervise their children, and ask visitors to exercise caution when driving in the area.

Town Manager Ledoux summarized that the Public Works Department inventoried sight obstructions and that the Town contacted all residents of the neighborhood to be more safety conscious.

William Place, Director of Public Works, briefly recapped his inventory of sight obstructions at various intersections. He stated that "Caution – Children" signs have been installed at each entrance off Hudson Road. He stated that cars parked out in the street will make it difficult for fire apparatus to get through and advised residents to park on the side streets or in driveways when possible. He stated further that ornamental shrubbery has not been touched and residents will be advised to move those plantings.

Selectman Roopenian asked if the cost of moving a fence is the responsibility of the homeowner. Town Manager Ledoux responded that the Board has the authority to order anything in the public way be moved at the expense of the homeowner. If a tree is in the public way, there must be a hearing with the Tree Warden, after which time the Town could remove the tree. If an objection was raised about the removal, the Selectmen must hold a tree hearing.

Patrolman Alan Hutchinson, Safety Officer, stated he toured the area last week with Mr. Place, and began prioritizing the intersections deemed most dangerous. He recommended four-way stop signs be placed at the intersection of Willis Lake and Oakwood. He stated further that a stockade fence at the corner of Oakwood and Great Lake is of particular concern. He asked whose job it is to notify the resident if there are ornamental plantings that need to be moved. Chairman Drobinski stated it would most likely fall to the Selectmen to enforce the removal of ornamentals, after the Town Manager's office has notified the homeowners.

Regarding the bicycle officers, Patrolman Hutchinson stated it has been difficult to get them into the neighborhood as those officers are funded by grant money, currently unavailable. He stated that regular police presence has been increased somewhat.

Robert Cargill, 33 Oakwood Avenue, expressed appreciation for the efforts made by the Town thus far, and stated that the letter sent to the neighborhood has been very helpful to heighten safety awareness. He stated he has noticed drivers proceeding slowly and even stopping at intersections. He stated further that the neighborhood group met last week and developed a list of stop signs they deemed necessary, significantly fewer than the 22 originally requested.

Marianne Lynch, 39 Great Lake Drive, briefly recapped the safety issues concerning young drivers, children at play, pedestrians (lack of sidewalks) and speed through the neighborhood. She noted that due to the lack of sidewalks, children and parents waiting for school busses must wait in the street. She expressed doubt that the "Parking This Side Only" signs would actually help in resolving basic safety issues. The recommendations of the neighborhood group are as follows:

1. Continue to remove all remaining visual impediments.
2. Stop signs placed at the following intersections (in order of safety importance):
 - a. Four way stop at the intersection of Great Lake Drive and Oakwood Avenue
 - b. Four way stop at the intersection of Lakewood Drive and Oakwood Avenue – there is a hill that prevents drivers from seeing oncoming traffic.
 - c. Two way stop (east-west) at the intersection of Lakewood Drive and Basswood Drive
3. Yield sign at the intersection of Arborwood and Birchwood

4. Define the status of the dirt road at the end of Great Lake Drive. It was once blocked by large stones but is now being used by people.

Mr. Place stated that the dirt road is actually a private way, and the boulders were placed to deter illegal dumping. He stated there is now an abutter at the end who is using it as his private driveway; there should be no one else using it.

Patricia Guthy, 24 Pinewood Avenue, stated that speed is the issue, not excessively at 50 – 60 mph, but as Pine Lakes is so densely populated, the speed limit is 30 mph. She stated her husband drove down one street at 30 mph, which turned out to be very fast. She suggested a speed limit of 15 – 20 mph would be better. She asked if the area was properly posted, even at 30 mph. She opined that stop signs might just move the problem to a street without stop signs. She wondered if Officer Hutchinson could conduct his own speed study.

Town Manager Ledoux suggested signs such as “Dangerous Curve”, “Dangerous Intersection”, etc. may help, though they are not enforceable by the police. Officer Hutchinson stated he has since learned that the Sudbury Police Department has the authority to conduct a speed study, with the results being approved by the State. He stated it is suggested conducting the study during off peak hours, noting the speed of 85% of the drivers.

Officer Hutchinson stated that all densely populated areas in Town might benefit from whatever happens at Pine Lakes and suggested that a regulation be written or amended to declare “Parking This Side Only” in all those areas.

John Sisk, 68 Basswood Avenue, stated he has lived in the area for ten years and, except in a few cases, seldom noticed parking on both sides of the road. Selectman Roopenian stated those signs are more a long-range plan, with removing sight obstructions, possible placement of some stop signs and determining an appropriate speed limit to be of higher priority. Chairman Drobinski stated that, before stop signs can be placed, the Board must see a report from the Safety Officer. Mr. Drobinski asked Mr. Place to also submit recommendations.

Selectman Roopenian expressed concern for “over-signing” a densely populated area. Mr. Cargill stated that signs are important on the entrances from Hudson Road, as well as the internal intersections. If stop signs are not approved, then “Dangerous Intersection” signs would be necessary.

Leslie Lewis, 37 Great Lake Drive, wanted to know how to get the speed study started. Chairman Drobinski advised stop signs first, and if the problems shift to side streets, a speed study may be in order.

Ms. Guthy asked about a timetable for other issues, such as sight obstructions. Mr. Place stated the abutters (residents) must be notified that plantings are in violation and that a “tree list” must be published in the newspaper before action can be taken. He opined the process could take a couple of months. Chairman Drobinski suggested that the neighbors help by chatting to their neighbors about plantings.

Mr. Ledoux stated that, even if stop signs are approved, a Traffic Order must be issued and posted in the newspaper before anything can happen.

Ms. Guthy opined that many residents may not be aware of exactly where the public way ends. Chairman Drobinski suggested everyone look at their deeds for the precise measurement.

After discussion, it was agreed to consider the reports of Officer Hutchinson and I. William Place, Director of Public Works, at the Selectmen's meeting on September 27, 1999.

Hop Brook Protection Association – Budget Expenditures

Present: Ursula Lyons, Sheila MacKinnon, Robert Maher.

Town Manager Ledoux stated that the FY00 budget included \$2,500 to be used for harvesting algae from the ponds, some of which was accomplished this summer.

Robert Maher stated that he coordinated the harvesting project at Carding Mill Pond, and with a lot of cooperation from Town boards, some expenses were incurred. He presented the list of expenses totaling \$1,575.97. He asked that this amount be approved for expenditure, with the remaining funds carried over for future use. He also asked that another \$2,500 be included in the FY01 budget. He stated the project took about a week, with significant progress, and they would like to work on the other two ponds.

Mr. Ledoux stated that if the harvesting had been considered a Town project, administered by the Hop Brook Protection Association, the liability insurance costs would have been nil, and this can be kept in mind for the future. In order to carry forward the funds, all the paperwork (encumbrances) for next year with Fish and Wildlife needs to be processed before the end of the fiscal year.

It was on motion unanimously

VOTED: To approve the expenditure of \$1,575.97 from the Selectmen's "Hop Brook Weed Program" line item, to carry forward the remaining funds, and to include a \$2,500 amount in the FY01 budget.

Easterly Wastewater Treatment Plant

Present: Ursula Lyons, Hop Brook Protection Association.

Ms. Lyons stated that Marlborough appealed the DEP and EPA permit, and the lawyers representing the Hop Brook Protection Association also appealed the EPA permit on the grounds that it did not go far enough. She stated the EPA has thirty days to make a decision on the appeal.

Minutes

It was on motion unanimously

VOTED: To approve the regular session minutes of August 23, 1999, as amended.

Council on Aging Donations

It was on motion unanimously

VOTED: To accept \$256.43 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 purpose of operating and maintaining the Council on Aging vans.

Conservation Commission – Resignation

It was on motion unanimously

VOTED: To accept the resignation of Michael Stiller, dated August 30, 1999, from the Conservation Commission, and to send a letter thanking him for his service to the Town.

Cable Television Committee – Appointments

It was on motion unanimously

VOTED: To appoint Harold L. Barnett, 11 Middle Road, and Richard R. Pinal, 45 Massasoit Avenue, to the Cable Television Committee, each for a term to expire April 30, 2000, as recommended by said Committee.

Legal Counsel – Blue Cross Blue Shield Contracts

It was on motion unanimously

VOTED: To approve a contract with Attorney Philip Collins, of Collins, Loughran & Peloquin, 320 Norwood Park South, Norwood MA 02062, at a cost of \$135 per hour, to assist the Town in resolving Blue Cross Blue Shield contract issues.

World Population Awareness Week

After discussion, the Board decided not to act on this matter.

Disposal of Unneeded Computers

The Board was in receipt of a memo, dated August 24, 1999, from Martha E. Lynn, Town Social Worker, proposing that computers stored in the Flynn Building basement be donated to children “in need” in the Town of Sudbury. Ms. Lynn offered to investigate resources regarding printers for the computers.

It was on motion unanimously

VOTED: To direct Mark Thompson, Technology Administrator, and Martha E. Lynn, Social Worker, to effectively distribute the unneeded computers from the Flynn Building basement to “in need” children as recommended by Martha Lynn, the need to be determined/recommended by school guidance counselors.

Bullfinch’s Restaurant – Sunday Entertainment License Renewal

It was on motion unanimously

VOTED: To renew the Sunday Entertainment License for Bullfinch’s Restaurant, 730 Boston post Road, for jazz trio and swing band, for the period September 19, 1999, through September 17, 2000, noting that evening swing band changed from five Sundays in January to one Sunday per month throughout year.

Brimstone Estates

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

The Board discussed a draft letter to the Framingham Planning Board expressing great concern with the usage of narrow Brimstone Lane as an access road, and requesting a complete title search, and exploration of alternative roadway configurations.

Town Manager Ledoux presented the preliminary plan of Brimstone Estates. Selectman Clark stated she has heard that this plan will not be approved. Chairman Drobinski suggested signing the letter.

Lawrence O'Brien stated the letter would be faxed the following morning with the original letter hand delivered to the Framingham Planning Board meeting in the evening.

It was on motion unanimously

VOTED: To sign the letter from the Selectmen and Planning Board to the Framingham Planning Board, as drafted.

Haying – Meachen Property

A letter from Joseph Landis, Esq., dated September 2, 1999, to Town Counsel granting haying permission from Mr. John Meachen to the Town, was presented.

Town Manager Ledoux explained that, when the Conservation Commission had the field hayed, a portion still owned by Mr. John Meachen was also hayed. Mr. Meachen expressed concern that if he does not write this type of letter giving permission, the Town may claim adverse possession. He asked that the Town acknowledge his consent to any future haying of his property.

It was on motion unanimously

VOTED: To authorize Town Counsel to respond to the letter from Joseph Landis, Esq. that the Town acknowledges it is haying on Mr. Meachen's land only with his consent.

Bushey House

Present: Lawrence O'Brien, Chairman, Planning Board; Lee Swanson; Ursula Lyons; Sheila MacKinnon.

The Board was in receipt of (1) a letter, dated September 1, 1999, from I. William Place, stating that the discharge pipe must be replumbed, the cesspool must be replaced with a new septic system, and a deep hole test will need to be performed; plus cost estimates; (2) a memo, dated August 20, 1999, from Robert Leupold, Health Director, stating no septic system records exist, the current system is in failure, and that a new system with associated costs would total in the \$10,000-15,000 range; and (3) a memo, dated September 10, 1999, from John Hepting, Building Inspector, stating that the structure requires a level of renovation that does not warrant the Town's time, effort, cost and liability.

Town Manager Ledoux briefly updated the Board on Green Company test results from Robert Leupold, Health Director. Mr. Ledoux stated there is no question the property will "perc" as it is very sandy soil. He stated further that when the Central Fire Station was built, a new septic system was installed, and

those figures are estimated for the Bushey House as well. He noted that labor costs are not included in the estimate. He stated further that Mr. Swanson reported to him that the cesspool was covered only with a piece of plywood.

Selectman Clark stated she researched her files and discovered that three "perc" tests were done on the property and one on the driveway, all favorable. She asked Mr. O'Brien if the Planning Board had those results in their files; he responded that the Board of Health did not share the results.

Selectman Roopenian reiterated her reluctance to get into the real estate business, given the poor condition of the house and the Building Inspector's report. Mr. Ledoux stated the Finance Committee questions budget allowances for buildings not currently used for Town business. Selectman Clark stated there are a number of historic houses that have been renovated over the years and maintained by the Town.

Lee Swanson stated that, while the Board is reluctant to make a decision, he has nowhere to live and is currently living with friends. He stated he understood from the vote weeks ago that it was merely a formality to sign the lease. Selectman Roopenian disagreed, stating the vote was in favor of leasing to Mr. Swanson, but only after receiving appropriate information as to whether or not the property was worth salvaging. That information has not yet been fully provided.

Chairman Drobinski asked if Town Counsel had reviewed the lease agreement. Mr. Ledoux stated he did not think so and opined that Mr. Swanson had drafted the agreement.

Selectman Roopenian stated the house is in serious disrepair and the cost to the Town for a new septic system is significant, given that there will be no return on that expenditure. Chairman Drobinski stated it would cost the Town money to dispose of the building if it were demolished.

Chairman Drobinski stated he had not been inside the house and asked Mr. Swanson if repairing the house is really plausible. Mr. Swanson stated that the Building Inspector advises tearing the house down, but he (Mr. Swanson) brought in an architect who said the building could be renovated.

Chairman Drobinski asked if Mr. Swanson occupies the building whether he is covered by the Town's insurance if something goes wrong. Mr. Ledoux stated all Town property is covered for liability, but recommended that Mr. Swanson have renter's insurance as well.

Mr. Swanson stated that he could not state in the lease agreement what he plans to do, which is to designate the first floor as a museum, and make it handicapped accessible. He stated his belief that the Historical Society cannot afford to do that.

Mr. Ledoux stated he did not know where the estimated costs of \$3,230 for the septic system would come from, but stated he would research it.

Lawrence O'Brien asked whether the RFP should be reissued, if the Board decides to expend the funds to replace the septic system. He expressed concern for fairness to other individuals who might be interested in occupying the property with that provision. Mr. Ledoux stated that the individuals who walked through the house in the spring were more concerned with the general condition of the house, and not the septic system.

Chairman Drobinski suggested that the Board ask the Building Inspector if he would approve the costs from his building maintenance fund. He stated he would also like to walk the property to see for himself what condition it is in. Mr. Swanson agreed to accompany the Board on their tour.

Nextel Communications

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

The Board was in receipt of a letter, dated August 24, 1999, from Thomas Murphy, Nextel Communications, inquiring about a wireless antenna facility in the Sudbury wireless services district on Route 117, and requesting use of the rooftop of the "Northwood at Sudbury" for a structure, if town-owned land were not available.

Town Manager Ledoux stated that Nextel had previously approached the Town about locating at the Frost Farm, which was not pursued. He stated they would like to install a "whip antenna" at Northwood. Lawrence O'Brien, Planning Board, stated there are four proposals scheduled to be reviewed by the ZBA. He stated that at tonight's Planning Board meeting, they agreed they were not in favor of any installation at Frost Farm.

After discussion, Chairman Drobinski suggested informing Nextel the Town is not interested in a facility at Frost Farm and that the Town is sympathetic to their problems.

Turkish American Cultural Society of New England

The Board was in receipt of a letter, dated August 31, 1999, requesting financial donations in their joint campaign with the American Red Cross of Massachusetts Bay to assist the victims of the August 17th earthquake in Turkey.

Town Manager Ledoux announced that interested individuals could phone 617/536-4418 or email to tacs@world.std.com for more information.

Town Manager Search/Transition

Town Manager Ledoux stated that three agencies responded to the RFP: MMA Consulting, DMG Maximus and Bennett Associates. Their proposals are included in his memo, dated September 10, 1999. He advised that the Selectmen speak to each firm individually for best assessment.

Selectman Clark asked if the Board could negotiate a better deal with MMA Consulting because the Town had used their services before. Mr. Ledoux opined there is room for flexibility in their proposal.

Mr. Ledoux stated that, in his personal opinion, MMA Consulting was easy to work with, offered information quickly and was very up front in their operation. Selectman Roopenian stated that, while a national network of offices was impressive, the Board is interested in a candidate with experience within the Massachusetts municipal system. Chairman Drobinski stated that his experience with MMA Consulting was also good, but added he is willing to interview all agencies. He suggested Selectman Clark interview the Chairman of the Westford Selectmen as they used Bennett Associates in their town manager search. Mr. Ledoux advised making a decision soon so that appropriate advertisements can be published.

After discussion, it was on motion unanimously

VOTED: To contract with MMA Consulting to begin the search process for a new Town Manager, subject to any pertinent information Selectman Clark may obtain in her call to Bennett Associates.

Search Committee – Town Manager

Regarding the structure of the search itself, Mr. Ledoux suggested the Selectmen could act as a search committee, or a combination of Selectmen and citizens. He advised that a search committee needs to have the Selectmen involved in some way, as the Town Manager will work with the Board very closely. Mr. Ledoux stated that, in his interviews in Westford, he insisted on meeting with department heads to get a feel for those individuals. This was after the candidate field was reduced to three people. He suggested asking the department heads what skills and talents they would look for in a Town Manager and use that information in making the cuts.

After discussion, it was on motion unanimously

VOTED: To create a search committee comprised of the Selectmen and entertain input from Town boards and staff at the appropriate time.

Interim Town Manager

Selectman Clark suggested using someone already on staff as that person will have specialized knowledge of current operations. Selectman Roopenian expressed concern whether the Interim Town Manager should be considered a viable candidate for the actual TM position, and if an insider is appointed Interim TM, whether that would deter qualified candidates from applying. Selectman Clark agreed that the perception of other people might narrow the field of applicants.

Town Manager Ledoux listed attributes for two individuals already in the Town's employ. Selectman Roopenian stated she had spoken with these people and stated she would be comfortable with one or a combination of the two, but that it would have to be worked out. Mr. Ledoux stated that one person needs to be designated as the Interim Manager, as one person must be responsible for making decisions. The Board felt that both individuals would do a good job for the Town.

After lengthy discussion, it was on motion unanimously

VOTED: To appoint Maureen G. Valente, Finance Director, as the Interim Town Manager, for a term to expire when a new Town Manager has been hired and a transition period is concluded, subject to her willingness to serve. A letter of understanding will be prepared including a salary increase for the time period served as Interim Town Manager.

Selectmen Meetings

Selectman Roopenian suggested scheduling meetings for every Monday night, where appropriate, to keep things moving along and to assist the Interim Town Manager in acclimating to new duties. The Board took it under advisement.

League of Women Voters – Master Plan

Chairman Drobinski stated that the League would like the Board to forward a list of their goals to be included in a public forum on September 16. The League will present the draft of the Master Plan and show how it meets the needs of the Town. The Board agreed that their list of short and long-term goals would be forwarded.

There being no further business to come before the Board, the meeting adjourned at 11:30 p.m.

Attest: _____
Steven L. Ledoux
Town Manager-Clerk