

IN BOARD OF SELECTMEN  
MONDAY, NOVEMBER 8, 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.

**Citizen Petition – Furniture Disposal**

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

Lawrence O'Brien presented a folding chair, indicated no flaws, and noted that sixty chairs, plus the storage rack, were disposed of in the metal recycling bin at the recycling center the previous Saturday. He pointed out that "Sudbury School Department" was clearly stamped on the bottom of the chair. He stated that some other usable items were also deposited. He expressed disappointment that good chairs like these were being thrown away and should, at the very least, be placed in the "put and take" section for residents to take. He suggested they could also be made available to other Town departments or families in Town.

Mr. O'Brien expressed dismay that, at budget time, departments complain about funds not being available and yet good furniture is being disposed of. He suggested that departments could exercise more thought to how items could be used by others before dumping it. Chairman Drobinski stated he would contact the chairman of the Sudbury School Committee.

Interim Town Manager Maureen Valente stated the School Business Director did contact her office about surplus furniture. She directed the Technology Administrator to photograph the furniture and post the picture on the internal web site for departments to view. She stated she did not know that the time period for consideration had ended or that the furniture was being disposed of. She stated she would follow up on internal procedures.

Mr. O'Brien suggested an annual town-wide garage sale. He stated there must be someone who can use chairs like these, and for just a dollar a chair, would be a good purchase. He indicated two more vans of furniture were rumored to be heading to the dump in the near future. Mr. Drobinski stated he would contact the appropriate people.

**Joint Meeting – Walkway Committee**

Present: Lawrence O'Brien, Chairman, Planning Board; Mary Barnett, Sara Houle, Howard Levy; Judith Deutsch, 41 Concord Road.

Lawrence O'Brien stated the Walkway Committee wished to update the Board on its progress in identifying walkway needs in Town. He submitted a Report of the Sudbury Walkway Committee, dated November 1999, as well as a map noting existing and proposed walkway "loops and links". He stated the Committee received assistance in their efforts from Director of Public Works I. William Place, Interim Town Manager Maureen Valente, and many others.

Mr. O'Brien stated that 100% of the design and engineering work would be done in-house, and approximately 15% of the construction done by Public Works and the remaining 85% done by contract through a bid process. He submitted "Town of Sudbury Walkway Program – Identified Needs", revised November 1999, compiled by I. William Place, with "stars" noting the projects that are slated to be

completed by the Department of Public Works. He stated the approximate cost of the entire project to be \$2.5 million.

Mr. Howard Levy briefly explained the map and its markings. He stated criteria for inclusion on the list/map were focussed on safety and how the particular segment fit into the overall plan to connect links and loops in the existing walkway system for the Town of Sudbury as a whole. Mr. Levy opined that homes with authorized and paid easements for walkway construction will undoubtedly be worth more when that home goes up for sale in the future.

Selectman Roopenian asked if the Committee has a backup plan if the initial funds are not approved. Mr. O'Brien stated they are meeting with the Finance Committee the following evening and will have a better sense of how they should proceed. Mr. Levy stated the Committee is prepared to break the project into smaller portions, if that seems the way to get it accomplished. He stated that the project could be bonded or financed over a five- or ten-year period. Mr. O'Brien stated it is preferable to put the whole project before Town Meeting so residents cannot exclude themselves if their street is not featured for completion.

Mr. O'Brien stated the Master Plan refers to walkways numerous times and opined that walkway discussion is a timely issue.

Mary Barnett stated she met with Safety Officer Alan Hutchinson and Fire Chief Michael Dunne who were very supportive of the Committee's efforts. She indicated their major concerns included SUVs lining streets, making the streets nearly impassable, and increased motor traffic because foot traffic is impossible. She reported that older residents have a very difficult time crossing Route 20 in the downtown area to do various errands. Mr. O'Brien stated the highlighted map sections on Route 20 represent the portions that are currently zoned commercial and have no walkways.

Mr. O'Brien stated several homeowners have reported paying school bus fees even though they live within the "walking" distance, as there is no safe place for their children to walk.

Mr. O'Brien stated the purpose of this meeting was to inform the Board of the Committee's progress and to ask for the Board's support at Town Meeting.

Selectman Clark asked why the Committee did not use the concept of "betterments" in their efforts. Mr. O'Brien stated that to assess a betterment only to the people receiving a new sidewalk did not seem fair to others in the proposed system. He stated further including betterments in the Town Meeting article would almost surely guarantee its defeat by those who already have walkways or do not wish to pay a betterment fee in addition to a tax assessment.

Chairman Drobinski summarized three issues: financing/bond mechanism, Town Meeting, and how it fits in with other priorities in Town. Mr. O'Brien noted that large projects like the high school improvements are currently under consideration.

Mr. Drobinski asked Finance Director Maureen Valente if walkways can be included in capital expenditures. She responded yes, but that the borrowing time can be no longer than five years. She stated further that numerous projects being completed at the same time pose a heavy financial burden because of the timing structure of the financing. She clarified that land and school buildings can be financed over a twenty-year period, in accordance with state funding regulations.

Mr. O'Brien stated that I. William Place has included a \$10,000 increase in the Public Works budget to cover costs for walkway maintenance. Mr. O'Brien urged the Board and Finance Committee to support that increase, as existing walkways must be maintained even if no additional walkways are constructed.

Judith Deutsch, 41 Concord Road, expressed concern for the condition of walkways, sometimes unusable. She stated further a resident reported to her he sometimes has to wait fifteen minutes to get across Route 20 at Maple Avenue and opts to use his bicycle as motorists will let him cross quicker. She suggested installing more pedestrian traffic lights. Chairman Drobinski stated that traffic lights are very expensive, and pointed out that portions of Route 20 are State highway and out of the Town's jurisdiction. He suggested that the Master Plan include reclamation of Route 20 for the Town of Sudbury.

The Board thanked the Walkway Committee for its extensive report and hard work.

### **Town Trust Funds**

Present: Ken Ritchie, Investment Advisory Committee.

As Co-Trustees of Town Donations, the Board reviewed the Town Trust Fund Information Report, dated June 30, 1999, as prepared by the Finance Director, and reviewed remaining requests for distribution allocations of income from Town Trust Funds for FY2000.

Interim Town Manager/Finance Director Maureen Valente stated it was a very successful year for Town Trusts with a 4.88% return on capital gains, and an 8.02% return on interest and dividends. She stated that this is an excellent return for a conservatively invested portfolio.

After discussion, it was on motion unanimously

VOTED: To accept the Town Trust Fund Information Report, dated June 30, 1999, as prepared by the Interim Town Manager/Finance Director Maureen Valente.

It was on motion unanimously

VOTED: To approve the remaining request for distribution of income from Town Trust Funds for FY2000, specifically, from the Board of Health, as follows: (1) the Cheri Ann Cavanaugh Fund balance of \$5,803.89 be available as needed by the Community Social Worker in FY2000; and (2) the annual gain in the Annie Thorpe Fund of \$449.00 be available if needed by the Board of Health.

### **Minuteman Regional Vocational Technical School Committee**

Present: Glenn Noland, Sudbury representative, Minuteman Regional Vocational Technical School Committee.

Mr. Glenn Noland stated he is serving as Chairman of the Committee and also serves on the Access Committee, designed to focus on increased access to the school beyond the 16 towns currently in the district.

Mr. Noland noted that enrollment is currently a serious concern due to changing demographics and funding formulas. He stated the average cost of education in Sudbury is approximately \$12,000 per student, while the cost for a School Choice student from outside the district was in the \$5,000 range, creating

inequities. School choice has now been eliminated from Minuteman. He reported there are thirteen students from Sudbury currently attending Minuteman.

Mr. Noland stated Minuteman offers many non-traditional majors, including biotechnology, electro-magnetics, computers, engineering, culinary arts, etc. He reported over 50% of students go on to excellent colleges such as MIT, Johnson and Wales and Boston University. He stated agreements with towns are sometimes difficult to negotiate due to changing interests in education and what the school offers. Chapter 74 funding is often a factor affecting enrollment. Mr. Noland briefly reported on efforts to increase marketing of what the school offers.

Selectman Clark asked what could be done to increase the low enrollment of Sudbury residents. Mr. Noland opined many parents and teachers view the school as a traditional trade school and discourage children from attending and believe it will not prepare them for college. He reported many SPED students who come in actually improve their reading skills by two levels due to a change in instruction. They simply learn differently than the way reading is traditionally taught.

Selectman Roopenian asked if the after-school program at the Curtis Middle School is being used as a marketing tool for increased Minuteman enrollment. Mr. Noland stated many programs get sold out very quickly and staffing is often a problem. He repeated that students are discouraged from attending Minuteman even after becoming interested while participating in the after-school program.

Mr. Noland stated the enrollment capacity is approximately 1000, and that current enrollment is near that figure. He opined there will be a decrease in enrollment due to "choice" no longer being available, especially if there is no new member town enrollment or some revision of Chapter 74. He stated there will be an increased recruiting effort among high school sophomores.

The Board thanked Mr. Noland for his time and effort on behalf of this Committee.

### **Route 20 Sewer Study Technical Advisory Committee**

Present: Lisa Eggleston, Chairman, Route 20 Sewer Study Technical Advisory Committee; and Marianne D'Angelo.

Lisa Eggleston stated the Committee began meeting in late September and has focussed its efforts on putting together a scope of work that will form the basis for a future RFP. She stated she has been working on a public information piece that various parties must approve. She stated further the Committee has met with Department of Environmental Protection (DEP) representatives to keep DEP informed so that potential problems can be resolved in order to stay eligible for State Revolving Fund (SRF) funding.

Ms. Eggleston reported that DEP informed the Committee that SRF funds are very competitive and there were more applicants this year than they could accommodate. She reported further that funds for planning might be available by doing a feasibility study after the needs assessment, along with potential construction money.

Chairman Drobinski asked if Governor Cellucci had cut SRF funding. Ms. Eggleston responded she was not sure. She suggested February as a tentative date for contractors to be contacted. She stated the deadline for applying for SRF funding is early to mid-summer.

After discussion, the Board thanked Ms. Eggleston and the Committee for their efforts.

**Best Friends Pet Care**

Present: Daniel Douridas, General Contractor, for Best Friends Pet Care, Inc.

The Board was in receipt of a report, dated November 8, 1999, from Jack Hepting, Building Inspector, and I. William Place, Town Engineer, listing three items that must be included and/or corrected on the final As-Built site plan for Best Friend Pet Care, namely, a fence enclosure for the dumpster, parking lot light pole, and labeling the catch basin at the southernmost west side of the Route 20 entry drive.

Mr. Daniel Douridas made the required notations on the As-Built site plan. Selectman Clark asked about the drainage if the catch basin in question will not receive it. Mr. Douridas stated the Town Engineer advised changing the curbing to create a swale around the catch basin so that it will receive the drainage. He stated the fence enclosure around the dumpster pad has not been constructed because the gates were scheduled for delivery the next day.

It was on motion unanimously

VOTED: To approve and sign Site Plan 98-342 As-Built Plan for Best Friends Pet Care, 150 Boston Post Road.

**Minutes**

It was on motion unanimously

VOTED: To approve the following minutes, as drafted: executive session of August 23, the special meetings of September 20, September 23, and October 19, and the regular and executive sessions of October 25, 1999.

**Council on Aging Donations**

It was on motion unanimously

VOTED: To accept \$139.85 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.

**Sudbury Historical Commission**

It was on motion unanimously

VOTED: To accept the resignation of Harriet P. Ritchie, dated October 29, 1999, from the Sudbury Historical Commission, and to send a letter of appreciation for her many years of service on the Commission.

It was further on motion unanimously

VOTED: To appoint Kirsten C. Van Dijk, 37 Landham Road, to the Sudbury Historical Commission, for a term to expire April 30, 2001, replacing Harriet P. Ritchie, as recommended by said Commission.

**Commission on Disability**

It was on motion unanimously

VOTED: To appoint Dr. Oscar W. Harrell II, 15 Bent Brook Road, to the Commission on Disability, for a term to expire April 30, 2000, as recommended by said Commission.

**Release Deed – Howell Road**

It was on motion unanimously

VOTED: To execute a Release Deed, releasing the Town's right, title and interest to property on Howell Road, shown as Lot 27, Parcel 304, on Town Property Map K06, to Dean C. Lewis, in accordance with Article 41 of the 1998 Annual Town Meeting.

**Community Preservation Day**

The Board reviewed a letter from Robert Durand, Secretary of the Commonwealth of Massachusetts, dated September 28, 1999, declaring December 8, 1999, as Community Preservation Day, and requesting photographs of community sites desirable of preservation.

Selectman Roopenian stated she had been looking for some slides from the Community Character presentation from Town Meeting without success. Chairman Drobinski suggested she contact Paula Adelson as Bill Adelson had many pictures of old Sudbury in his archives. He suggested further the Town Report Committee might also have some photographs. Ms. Roopenian stated she would do her best.

**AT&T Wireless, PCS**

The Board reviewed a draft lease agreement with AT&T Wireless, PCS, for its use of the Landfill Site, Boston Post Road, to install a wireless communications facility.

Interim Town Manager Maureen Valente stated the changes to the lease agreement that Town Counsel had requested had not been finalized. Chairman Drobinski stated that, in his opinion, the language of the agreement did not seem to protect the Town. Ms. Valente asked the Board to forward all their comments to her office. It was agreed to table this matter until a final lease agreement can be reviewed.

**Draft Master Plan**

Present: Lawrence O'Brien, Chairman, Planning Board; Marianne D'Angelo.

The Board reviewed the Draft Master Plan, *Sustainable Sudbury*, distributed by the Planning Board and the Master Plan Committee in October, 1999.

Chairman Drobinski stated the document captures the direction the Town should be going, though water quality issues may not have been fully discussed. He opined that some items may not be within the Town's control, but under regulatory statutes, and cannot be easily changed.

Selectman Roopenian stated she had some questions concerning the schedule of implementation and asked how aggressive the Committee plans to be in accomplishing these goals. Marianne D'Angelo stated

the items with asterisks are action items, and that prioritization will be made after citizen input from the Master Plan surveys is tabulated. She opined the survey results should be ready in approximately a month.

Selectman Clark asked if the purchase of open space is considered a capital expenditure item. Interim Town Manager Valente stated any item with a multi-year financing should come before the Capital Improvement Program.

Selectman Clark thanked the Committee for using many of her comments with the exception of one concerning "brown fields" development and septic system improvement. She stated that "brown fields" is a separate piece of legislation and yet is still contained within the Master Plan. Ms. D'Angelo stated she did not know why.

Selectmen Clark stated that, on p. 41, Objective B, the first sentence states a conclusion rather than a goal. She suggested the words "must be provided" should instead read "should be explored". She opined the statement is perhaps a conclusion on the part of the Committee.

Chairman Drobinski asked Mr. O'Brien what the Committee wanted from the Board. Mr. O'Brien stated a formal letter of endorsement helps "sell" the document to other Town boards and committees. Mr. Drobinski polled the Board; there was unanimous support for the document. After discussion, it was on motion unanimously

VOTED: To send a letter of endorsement to the Planning Board and Master Plan Committee with regard to the Draft Master Plan, to be read at the public hearing.

Selectman Roopenian suggested other Town boards and committees use this document as a reference to see how their own projects and goals dovetail with that of other departments. Mr. O'Brien stated this document gives the entire community an opportunity to see where the Town, as a whole, is going. He opined this document should continue to evolve as the Town accomplishes various goals. Selectman Roopenian opined citizens interested in serving on Town boards or committees would find this an invaluable source of information about Sudbury.

Chairman Drobinski commended the Committee for the sincere dedication to the late Jane Coddington, stating that it was most appropriate. Mr. O'Brien stated there were no plans to change it.

Chairman Drobinski suggested the Draft Master Plan be put on the Town website. Mr. O'Brien stated the draft is already there and the final copy would be there when it is complete.

### **SuAsCo**

Present: Lawrence J. O'Brien, Chairman, Planning Board; Judith Deutsch, 41 Concord Road.

Selectman Clark stated she attended a recent SuAsCo meeting and one of the issues raised concerned maintaining sufficient water for lawns and irrigation. She stated a company in Concord is processing graywater for just such use.

Lawrence O'Brien, Chairman, Planning Board, asked Selectman Clark to bring the company's name to the Environmental Summit to be held on December 1, 1999, at the Goodnow Public Library. He stated the Environmental Summit is a joint effort with the Conservation Commission, Board of Health, Selectmen, and

the Planning Board. He stated topics such as stormwater management, irrigation systems, etc. will be discussed.

Judith Deutsch, 41 Concord Road, asked if residents are encouraged to utilize plantings that require less water. Selectman Clark stated a couple on New Bridge Road dug up their lawn and planted various plantings that use less water. Chairman Drobinski advised that the Town could not require such action by homeowners.

### **Landfill Driving Range**

Selectman Roopenian stated she had read about the Devens Golf Course and wondered if the Town could approach Mass. Development about developing the old landfill into a driving range. Chairman Drobinski stated Mass. Development comes under EOEAA and opined that private developers are working on the Devens Golf Course. Ms. Roopenian opined Business and Community Services covered these types of projects and might offer additional ideas on what to do with the landfill.

### **Lincoln-Sudbury Pre-Thanksgiving Bonfire**

The Board reviewed a request, dated October 31, 1999, from Jeff Martin, 228 Willis Road, seeking permission to hold a Pre-Thanksgiving Day All-Sports Ceremonial Bonfire at Lincoln-Sudbury Regional High School on Wednesday, November 24, 1999, from 6:30 to 9:00 p.m.

It was on motion unanimously

VOTED: To grant permission to Lincoln-Sudbury Regional High School to hold a Pre-Thanksgiving Day All-Sports Ceremonial Bonfire on Wednesday, November 24, 1999, from 6:30 – 9:00 p.m., provided organizers comply with all Police, Fire, DPW and School Department regulations and guidelines to insure safety.

### **LSRHS Agreement Study Committee**

Chairman Drobinski stated Geraldine C. Nogelo has agreed to serve on this Committee as the third representative from Sudbury.

It was on motion unanimously

VOTED: To appoint Geraldine C. Nogelo to the LSRHS Agreement Study Committee, representing Sudbury.

### **Conservation Restriction – 2 Moran Circle**

The Board received a letter, dated November 1, 1999, from Deborah Dineen, Conservation Coordinator, stating that a Conservation Restriction must be placed on the rear portion of Lot 14A Moran Circle, in accordance with the approval to construct a single-family home. The purpose is to provide a permanent, non-lawn, buffer adjacent to the stream which flows west across the rear of the lot and joins Allowance Brook in close proximity and upstream of the town wells. The area covered is directly adjacent to a permanent conservation restriction on abutting Lots 1 and 2 Raymond Road. The Board reviewed the Conservation Restriction, dated and signed by Robert Gigliotti, Gigliotti Landscaping LLP Co., on October 29, 1999.



Interim Town Manager Valente stated Town Counsel has approved the Conservation Restriction.

It was on motion unanimously

VOTED: To approve acceptance of the Conservation Restriction for Lot 14A Moran Circle, Town Property Map M08-004, granted under date of October 29, 1999, by Gigliotti Landscaping LLP Co., as recommended by the Conservation Coordinator and approved by Town Counsel, and shown on plan entitled, "Plan of Conservation Area" in Sudbury, Mass. Owned by: Wellen Construction, prepared by Central Mass. Engineering & Survey, Inc., dated April 26, 1999.

#### **Conservation Restriction – 11 Carding Mill Road**

The Board reviewed an Amended and Restated Conservation Restriction, dated October 9, 1999, for property located at 11 Carding Mill Road, owned by William C. and Georg-Jean Drake. The builder encroached upon 11,690 sq. ft. of area under the original Restriction, placed in 1984. The Drakes are substituting 12,127 sq. ft. for the portion encroached upon, as voted at 1993 Annual Town Meeting, as amended.

Interim Town Manager Valente stated that the Amended Restriction has been approved by Town Counsel and the Conservation Coordinator.

It was on motion unanimously

VOTED: To approve acceptance of the Amended and Restated Conservation Restriction, dated October 9, 1999, for property at 11 Carding Mill Road, owned by William C and Georg-Jean Drake, substituting 12,127 sq. ft. for 11,690 sq. ft. of area that was encroached upon by the builder, in accordance with vote by the 1993 Annual Town Meeting, and shown on plan entitled, "Easement Plan of Land in Sudbury, MA," dated November 2, 1992, prepared by Colburn Engineering.

#### **Pine Lakes Sight Obstruction**

The Board reviewed a draft letter to Ira Charles Farber, 25 Great Lake Drive, requesting he remove or relocate the stockade fence which is in the public way and presents a safety hazard.

In accordance with MLB Ch. 86, s.3, it was on motion unanimously

VOTED: To sign letter, dated November 8, 1999, to Ira Charles Farber, 25 Great Lake Drive, ordering removal of the stockade fence from the public way, and suggesting he contact the Department of Public Works to determine a location which does not present a traffic safety problem if he wishes to relocate the fence on his own property.

#### **Environmental Summit**

Interim Town Manager Valente stated the Town Planner has forwarded for discussion at the Environmental Summit on December 1, 1999, proposed regulations for in-ground irrigation systems. She distributed a memo, dated November 3, 1999, from the Town Planner enclosing the proposed regulations. The Board will review the regulations at its next meeting of November 22.

**Rezoning of Property – 6 Old County Road**

The Board reviewed a letter, dated November 5, 1999, from Martin and Diane MacArthur, 6 Old County Road, expressing interest in rezoning their property as commercial/industrial/research. The MacArthurs point out that their property is mentioned in the Draft Master Plan as one of the small zones more suitable to additional commercial development, and suggest rezoning as a positive action as well as more appropriate use for the land.

Interim Town Manager Valente stated the MacArthurs have also contacted the Planning Board and that this matter is for the Board's information only, at this time.

**Draft Master Plan – Town of Needham**

Interim Town Manager Valente distributed a Preliminary Financing Plan, prepared by the Director of Finance for the Town of Needham, for financing their Master Plan, as well as an excerpt from their Master Plan. She stated these documents might be useful in formulating an implementation plan for Sudbury.

**Financial Summit**

Interim Town Manager Valente reminded the Board that the Summit will be held at Town Hall at 7:30 p.m. on Tuesday, November 16, 1999, and the agenda has been amended to include some time to discuss capital planning issues. Discussion followed.

**Budget Requests/Hearings**

Interim Town Manager Valente stated budget requests were due November 1, 1999, and that budget hearings have begun. She pointed out that enforcement of existing standards or new standards will have an impact on budget requests, citing accounting regulations revisions. She stated deadlines will be strictly adhered to, pushing Town boards and committees to increase their workloads in order to comply.

**Executive Session**

At 9:38 p.m., it was on motion by roll call unanimously

VOTED: To go into Executive Session to discuss expenditures from the Discretionary Fund. (Chairman Drobinski, aye, Selectman Clark, aye, Selectman Roopenian, aye).

Chairman Drobinski announced that public session would not reconvene following Executive Session.

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

Attest: \_\_\_\_\_  
Maureen G. Valente  
Interim Town Manager-Clerk