

IN BOARD OF SELECTMEN
MONDAY, DECEMBER 6, 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.

Boy Scout Troop 63

Selectman Roopenian welcomed members of Scout Troop 63 and Leader David Alvey to the Selectmen's meeting and distributed a handout describing Town government. She introduced herself, Chairman Drobinski, Selectman Clark, Interim Town Manager, and Recording Secretary. Ms. Roopenian briefly described the history of Sudbury, Selectmen duties, and how the Town is run.

The Board thanked the troop for their interest in Town government, invited them to stay for the remainder of the meeting, and to feel free to ask questions.

LSRHS Committee

Present: John Ritchie, Superintendent, Lincoln-Sudbury Regional High School; Sharl Heller, Lauri Wishner, John Ryan, Ragnhild Fredriksen, LSRHS Committee.

Dr. John Ritchie, Superintendent, Lincoln-Sudbury Regional High School, briefly updated the Board on current activities. He stated new staff members have brought new energy to the school, which is beneficial to the students. He stated MCAS performance was substantially improved, and opined that some students may not have taken it seriously the first time around.

Dr. Ritchie stated much energy is being funneled into the renovation and expansion plans for the school. The School Committee and Building Committee have been working hard at defining things that need to be done in order to bring the school up to code to be eligible for state reimbursement. A feasibility study confirmed significant amounts of work need to be done in order to accommodate the 1700 students anticipated ten years from now. Dr. Ritchie stated the Committee has spent time speaking to parents and community groups to stress the importance of this expansion.

Dr. Ritchie stated an architectural firm will develop plans for an expansion, based on the needs presented to them. He stated further the firm may come back with a recommendation to build a new school rather than invest the money into the existing one. Discussion followed.

The Committee introduced their new member, Ragnhild Fredriksen.

Selectman Clark asked about "red flags" for students with a high number of detentions. Dr. Ritchie stated the school is divided into "houses" with a housemaster for each, and guidance counselor, student psychologist and parents are also involved. The school staff meets on a weekly basis. He stated there is a newly revised School Safety Plan to assist them to deal with serious situations.

Selectman Roopenian asked about a transition plan during renovation, whether portable classrooms are being considered, and if playing fields will be used for those classrooms. Dr. Ritchie stated their intent is to have as little disruption as possible, but cannot know until the architectural plans are available. He opined that "less disruption means more money".

Lauri Wishner stated the first informational meeting would be held on December 9, 1999, in the Rodgers Theatre at Lincoln-Sudbury Regional High School to present information to the public.

Selectman Roopenian asked if the 1700 student estimate is based on full build-out. Dr. Ritchie stated many factors were considered, including the remaining buildable lots in Town.

Dr. Ritchie stated the job market for teachers is changing, and a shortage will become prevalent as more teachers retire from the profession. He stated they must continue to be aggressive in recruitment.

The Board praised Dr. Ritchie, his staff and the Lincoln-Sudbury Regional High School Committee for their efforts and their fine reputation.

“No Place for Hate” Program

Present: Elaine Kirschenbaum, Anti Defamation League; John Ritchie, LSRHS Superintendent.

Chairman Drobinski offered condolences on the recent death of Leonard Zakim, a leader in the Anti Defamation League. Ms. Kirschenbaum stated that Mr. Zakim’s funeral was very uplifting, with much discussion of the work he had accomplished in his efforts to eliminate hate in the community.

Ms. Kirschenbaum briefly described the Anti Defamation League’s mission, stating there is a coalition of 50 organizations backing the program, including the support and cooperation of the Mass. Municipal Association. Suggested activities range from community wide human rights day, newcomer’s guide, diversity quilt, etc. Mr. John Ritchie stated he has discussed holding an event at LSRHS sometime in the spring of 2000.

Interim Town Manager Valente briefly outlined the procedure for getting the Town involved, beginning with a proclamation. The Board reviewed a packet of sample proclamations and sample activities. Selectman Roopenian stated many of the K-8 schools already have a “Core Value” structure involving respect.

It was on motion unanimously

VOTED: To direct the Interim Town Manager to draw up a proclamation declaring the Town of Sudbury participating in the “No Place for Hate” Program.

SP99-351 AT&T Wireless PCS, LLC – Landfill

Present: Stephen D. Anderson, Anderson and Krieger; Peter Jeffrey, Radio Frequency Engineer, AT&T Wireless PCS; Lawrence O’Brien, Chairman, Planning Board.

At 8:05 p.m. Chairman Drobinski convened a Public Hearing for the purpose of considering the application of AT&T Wireless PCS, LLC, for a Site Plan Special Permit in accordance with Bylaw Art. IX.V.A, to construct a wireless communications facility consisting of a 150’ flagpole style monopole and a 22’ x 30’ equipment shelter at Sudbury Landfill, Boston Post Road, owned by the Town of Sudbury, zoned LID#5 and Wireless Overlay District.

Interim Town Manager Valente stated that notice of this Public Hearing was published in the *Sudbury Town Crier* and *TAB* on November 18 and 24, 1999, posted at the Town Hall and Flynn Building, and abutters and area Planning Boards notified by U.S. Mail.

The Board was in receipt of the following:

1. Application for Site Plan Special Permit, dated October 29, 1999.
2. Request for Waiver from Site Plan Special Permit Rules and Regulations, dated October 29, 1999.
3. Plans T1, A1, A2, and A3, entitled "AT&T Wireless Services, Sudbury Landfill, Boston Post Road, Sudbury Massachusetts E 346", prepared by Greenman-Pedersen, Inc., 28 Lord Road, Marlborough, Massachusetts 01752, dated October 25, 1999.
4. Letter, dated September 28, 1999, from the Town of Sudbury awarding the Request for Proposal for Wireless Communications Facility at the Sudbury Landfill to AT&T Wireless PCS, LLC.
5. Copy of check in the amount of \$300 made payable to Town of Sudbury for the filing fee.
6. Color renditions (undated) of the proposed facility illustrating visual effects of the facility from prominent areas.
7. Report, dated September 10, 1999, from AT&T Wireless engineers, presenting the following information: (a) description of the facility and the technical, economic and other reasons for the proposed location, height and design; (b) confirmation that the facility complies with all applicable Federal and State standards; (c) description of the capacity of the facility including the number and type of panels, antenna and/or transmitter receivers that it can accommodate and the basis for these calculations; and (d) coverage charts providing a general description of AT&T Wireless Services' build-out plan of other wireless communications facilities that it plans to install in Sudbury within the next five years.
8. Report, dated August 29, 1999, from SRS Engineering Applications, Inc. Colchester CT, stating that the proposed facility complies with, or is exempt from applicable regulations administered by the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Massachusetts Aeronautics Commission and the Massachusetts Department of Public Health.
9. Proposed rent schedule (undated).
10. Letter, dated October 8, 1999, from Stephen Anderson, Anderson & Krieger, to David Adams, Massachusetts Department of Environmental Protection (DEP).
11. Report, dated December 3, 1999, from I. William Place, Director of Public Works, with several comments, including: the pole will occupy the only virgin area of the site, requesting that revenue be used to offset operation and maintenance of landfill site, utilities must be underground, illumination of flag should be reviewed, and DEP permit will be required for development.
12. Report, dated November 19, 1999, from Lawrence W. O'Brien, Chairman, Planning Board, stating the Planning Board's approval of the application and advising 1) the approved height of the

tower should be the minimum necessary to adequately accommodate three carriers, but not higher; in no instances should the height exceed 150 feet, and 2) all utilities should be placed underground.

13. Report, dated November 15, 1999, from John Hepting, Building Inspector, stating he has no problems or issues with this Site Plan.

14. Report, dated November 15, 1999, from Frank W. Riepe, Chairman, Design Review Board, raising no objections to the application but strongly recommending the flag be eliminated. Mr. Riepe stated the scale of the monopole exceeds that of a normal flagpole and the flag will only call attention to the structure.

15. Verbal report, dated December 2, 1999, from Michael Dunne, Fire Chief, stating he has no concerns, provided the Department of Public Works is satisfied.

16. Verbal report, dated December 2, 1999, from Robert Leupold, Health Director, stating the Board of Health has no comments.

Mr. Stephen Anderson, Anderson and Krieger, representing AT&T Wireless PCS, LLC, briefly described the facility as proposed. He stated the application is currently in the Zoning Board process, and opined a decision would be coming from them shortly. He briefly described the facets of the application, a 150' pole designed to accommodate three carriers. He clarified that AT&T Wireless Services does not require the pole to be 150' in height, but that other carriers who co-locate would require the increased height for their equipment and those carriers will have to justify their height requirements.

Mr. Peter Jeffrey, Senior Radio Frequency Engineer, AT&T Wireless Services, presented a map with overlays depicting existing coverage areas of each facility, as well as how proposed facilities will fill coverage gaps. Mr. Anderson stated the landfill site is superior to the Boston Edison site and that it would provide the necessary coverage.

With regard to the landfill, Mr. Anderson stated they have contacted the Department of Environment Protection (DEP), conducted drilling tests, and performed an environmental investigation. He opined the landfill to be an appropriate location for a wireless communications facility and urged the Board to approve the application.

Selectman Clark suggested the flag at the top of the pole be eliminated from the plans, concurring with opinion from Frank Riepe, Design Review Board. Mr. Anderson agreed to the aesthetic value of having no flag there, but stated the pole could be built to accommodate flag raising for ceremonial purposes. He added that the minimal costs saved in eliminating the flag have been built into the initial costs, split between three carriers and cannot be passed back to the Town. Interim Town Manager Valente stated that the costs of lighting as well as staff to raise a flag had been discussed with staff, whose preference was to eliminate the flag entirely.

Selectman Roopenian asked about installation of underground utilities. Mr. Anderson stated that, unless there is environmental reason not to install utilities underground, they will do so. He submitted a letter addressed to the Board of Appeals, containing (1) a shop drawing of the monopole, (2) boring logs from the environmental investigation (includes map of proposed utility location); and (3) letters to other carriers interested in co-location.

Mr. Anderson stated the equipment shelter has been designed to accommodate three carriers.

Chairman Drobinski asked about fire suppression and if sprinklers are located within the equipment shelter. Mr. Jeffrey responded no, as there is nothing combustible within, and water and electricity do not mix.

Lawrence O'Brien, Chairman, Planning Board, suggested eliminating the ball on top of the pole as its size is not included in the 150' pole height.

Selectmen Clark asked how long AT&T Wireless plans to be in Sudbury. Mr. Anderson stated the RFP called for a ten-year deal, but added they plan to renew that lease to be here at least twenty years. He stated the useful life of a pole is greater than twenty years.

Chairman Drobinski asked if AT&T Wireless will build the pole for all three carriers. Mr. Anderson stated the pole will be built to accommodate all three carriers, both for the height requirements and internal cable space. He added there are more than three carriers interested in co-locating and the pole will undoubtedly be filled. He stated poles are typically gun-metal gray in finish to attract the least amount of attention and blend into the background.

Regarding pole height, Mr. Anderson stated AT&T Wireless would prefer to build the pole for only as tall as it absolutely necessary, accommodating the other co-locators, and added the Board of Appeals has requested evidence of height requirements from other interested carriers before making its decision. He stated that, according to bylaw, anything over 100' requires a variance. Variations in pole height depend on topography of the site relative to the distance from the road.

Mr. O'Brien opined that each carrier requires approximately 8 feet of pole space for its equipment, with a ten-foot buffer between carriers, making a total of 44 feet for three carriers plus buffer. Mr. Anderson concurred, and added that each carrier is seeking appropriate height to accomplish seamless coverage.

Chairman Drobinski asked that the Board and Town Counsel consider that the height of the pole be predicated on the Board of Appeals decision, the coloring of the flagpole be determined from input from Design Review Board, communication from the Fire Chief be received stating he is satisfied with the structure and adequacy of fire suppression, and elimination of the flag and ball from the top of the pole.

It was on motion unanimously

VOTED: To direct Town Counsel to draw up an affirmative Site Plan Special Permit for the Board to review and comment, with the following caveats: (1) the height of the pole be predicated on the Board of Appeals decision; (2) the color of the pole be reviewed with the Design Review Board; (3) the Fire Chief approve plans for the structure and its fire suppression capabilities; and (4) elimination of both the flag and ball from the top of the pole.

And it was further unanimously

VOTED: To continue this hearing at the Board's meeting of December 20, 1999, at 8:00 p.m. in the Town Hall, for the purpose of voting upon said Decision.

AT&T Wireless PCS – Willis Hill vs. Fire Station

Present: Stephen Anderson, Anderson and Krieger; Pete Jeffrey, Radio Frequency Engineer, AT&T Wireless PCS; Lawrence O'Brien, Chairman, Planning Board.

Stephen Anderson stated pre-trial conference and trial are scheduled for early January 2000. He stated AT&T believes the Willis Hill location to be far superior to the Fire Station, but that they are trying to work within Sudbury's wireless communications bylaw. He requested the Board consider the long-term benefits the Willis Hill facility can offer to the Town, i.e., rent to the Town, rent to the Water District, etc.

Mr. Anderson referred to visibility studies submitted earlier, depicting views of the facilities from different perspectives. He stated the crane tests showed the Willis Hill site to be more camouflaged by the tree foliage, compared to the fire station where the pole would be out in the open. He reported the Fire Chief does not want the pole at the fire station and that the Town Planner concurred. Mr. Anderson stated new technology has allowed the diameter of the pole to be reduced to 10" from 12", making the pole still less conspicuous.

Mr. Anderson stated half of the Fire Station property is located within the Historic District and opined some people have commented on whether this facility is appropriate for a pole of this type. He stated Willis Hill is tucked away from the Town, not close to the Historic District, and opined it would be much better for all parties. He urged the Board to consider settling the litigation as the trial date is quickly approaching.

General Meeting -- Sudbury Housing Authority

Present: Jo-Ann Howe, Executive Director; John Darcey, Chairman; Kelley French, Carol Hamilton, Bettie Kornegay, Sudbury Housing Authority.

John Darcey, Chairman, Sudbury Housing Authority, stated the SHA took possession of a home on Landham Road, which was donated in a will. He stated the SHA used \$30,000 from their reserves, as well as a \$10,000 grant, in order to renovate this house, and that a family took residence in early November.

Mr. Darcey stated Musketaquid Village has had a high turnover this year; they have exhausted the Sudbury resident list and are advertising for affordable housing tenants. He clarified that the family housing has not experienced this type of turnover.

Mr. Darcey stated water pipes at Musketaquid Village are failing and must be replaced at a cost of up to \$130,000. The State will pay for approximately half the cost, with the remaining cost covered by SHA reserves. He opined it would take at least a year to complete the work.

Mr. Darcey stated the Town of Sudbury was the 1999 recipient of the Murray Korman Award for Outstanding Achievement, a result of the housing built adjacent to the Fairbank Community Center eight years ago.

Mr. Darcey stated there are currently 21 families housed in SHA housing, and 64 residents at Musketaquid Village. This comprises 3.8% toward the 10% affordable housing requirement. Ms. Howe said they get credit for Longfellow Glen, but it is outside their jurisdiction. She stated that, once the current contract expires, it does not have to stay affordable upon renewal. Discussion followed.

The Housing Authority expressed appreciation for input received from the Housing Task Force, the Master Plan Committee, and the Planning Board, as well as notification of potential properties as they become available.

Chairman Drobinski asked if there was interest in the Bushey House. The SHA expressed interest, but their reserves have been significantly depleted, and it would be several years for their finances to be recovered enough to invest in another house project.

Selectman Roopenian asked about age restrictions at Musketaquid Village. Ms. Howe replied that age 60 qualifies a resident as a senior, but added there is no restriction for disabled individuals. She continued to state that the Legislature put a cap, at 13.5%, on the number of people under age 50.

Mr. Darcey stated an initiative for increased affordable housing was soundly defeated several years ago, and opined it may have to be accomplished on a home by home basis. Otherwise, it would involve an offer of Town land as the SHA cannot compete with developers.

Chairman Drobinski thanked the Sudbury Housing Authority for their efforts.

Fiscal Year 1999 – 2000 Tax Rate/Classification Hearing

Present: Maureen Hafner, Director of Assessing; Cynthia Gerry, Assistant Assessor; David Berry, Trevor Haydon, Joseph Nugent, Jr., Board of Assessors; Paul Kenny, Town Counsel; Lawrence O'Brien, Chairman, Planning Board; Ron Stephan, Chamber of Commerce; Marianne D'Angelo.

At 9:15 p.m., Chairman Drobinski convened a Public Hearing for the purpose of receiving public input and determining what percentage of the local tax levy will be borne by each class of real and personal property relative to setting the Fiscal Year 1999-2000 tax rate.

Maureen Hafner, Director of Assessing, briefly reviewed the packet distributed to the Board, containing all pertinent comparison figures of FY1999 and FY2000.

Open Space Classification. Open space is defined as all land that is vacant. The Board of Assessors decided that placing all vacant land into the open space classification, by definition, would be the only way to avoid discrimination among landowners. The effect of the open space classification would be to lower the tax burden on open space parcels while *increasing* taxes on other residential taxpayers.

Selectman Roopenian asked if there was a way to assign this exemption only to Chapter 61A and 61B properties. Ms. Hafner stated Chapter 61 properties already get a much more substantial discount by being classified as Chapter 61. Such properties are typically involved in agricultural pursuits.

After discussion, it was on motion unanimously

VOTED: To **NOT** adopt the Open Space Classification.

Residential Exemption. This is an exemption typically in communities with large numbers of rental or tenant properties and in seaside communities with "second homes". This exemption redistributes the tax burden within the residential class from owner-occupied residents to tenant or rental units. In a small town like Sudbury, there would be little effect.

After discussion, it was on motion unanimously

VOTED: To **NOT** direct the Board of Assessors to pursue the Residential Exemption.

Small Commercial Exemption. This exemption was created in an effort to provide tax relief to small businesses. In order to qualify, a commercial property must meet the following conditions: (1) the commercial parcel must be occupied by an eligible business as of January 1; (2) a business must be certified as having an average annual employment at all locations of ten or fewer people during the prior calendar year; and (3) the parcel must have a valuation of less than one million dollars. This exemption shifts the tax burden within the commercial and industrial classes away from small eligible parcels onto larger non-eligible parcels. In the case of a strip mall, one business employing more than ten people would render the entire mall ineligible for the exemption.

Selectman Clark expressed dismay that small businesses do not benefit more from tax relief measures. David Berry, Board of Assessors, stated there are currently 79 of 159 businesses that would qualify for this exemption. Ms. Clark requested a report featuring 1-10% exemption that would show impact to the Town. Mr. Berry pointed out that the parcel owner would reap the benefit, and that benefit would not necessarily get back to the small business.

Ms. Hafner suggested preparing a report, based on this year, featuring the actual numbers to provide input in preparing for next year. Selectman Roopenian stated she would not encourage time spent on a report if the exemption were to have so little benefit. Interim Town Manager Valente stated it would be a two-step process, first identifying which businesses would qualify and then attaching the dollar implications. Ms. Hafner stated the report would take a couple of days to prepare but that she would not be able to do it until January 2000. She added the Board must vote on the rate tonight because of the timing of the tax bills.

After discussion, it was on motion unanimously

VOTED: To **NOT** exercise the option of a Small Commercial Exemption for FY00, but subject to the workload of the Interim Town Manager and Director of Assessing, based on schedule and timing for a decision for FY01, report back to the Board a study of the actual exemption options and their impact on the Town and businesses, as well as identify comparable communities.

Residential Factor/CIP Factor. Ms. Hafner stated the maximum shift for Commercial, Industrial and Personal Property (CIP) classes is 1.50. She briefly discussed various factors and reviewed tax shifts from neighboring communities. She reviewed the final page of the packet which featured sample tax bills for both Residential and CIP Properties. Various rates were presented, indicating the impact on each category. She recommended the Board consider maintaining the 1.40 shift, which would result in a residential tax increase of 8.40% and a CIP increase of 7.83%. Discussion followed.

Ron Stephan, Chamber of Commerce, stated that for several years the shift has remained at 1.40 and that commercial properties have not grown in Town. He stated that surrounding towns charge a lower rate for commercial properties and opined this as an unfavorable factor in attempting to attract new business to Sudbury. He stated further that the valuation of commercial property has not increased at the same rate as residential property and requested that the Selectmen consider lowering the commercial shift.

Another resident stated there are approximately 196 businesses valued at under one million dollars, with the average valuation being \$206,000. He opined increasing the shift at this time would be detrimental, strongly affecting small business owners. He requested the Board leave the shift at 1.40.

Selectman Clark noted that, during the past nine years, there have been four decreases in the business tax rate. Discussion followed.

Selectman Roopenian stated various initiatives would help to increase Town funds without raising taxes, such as Senior Residential Communities. She opined that businesses would not leave Town if the tax rate should be increased, reasoning that the business chose to locate here for other considerations. She opined conversely that it would be devastating if a large company like Raytheon would relocate as their tax bill is significant. She concluded by stating she was uncomfortable changing the rate at this time.

Chairman Drobinski opined that large businesses seem to be uninterested in these discussions as they have yet to attend a meeting. Ron Stephan stated that many businesses are ruled by other factors, such as franchises. Ms. Hafner stated she intends her report to show the actual tax impact on all businesses, not just small or large ones.

Selectman Roopenian stated a flat rate is worth considering for the future, provided the appropriate research and groundwork are prepared ahead of time. She stated that it is difficult to rezone residential area for commercial use and opined that this needs to be pursued more aggressively. She opined the permitting process may discourage some individuals from developing businesses in Town.

Chairman Drobinski stated rezoning can help, as well as the possibility of sewerage, and that feasibility studies on Route 20 area development can provide useful information.

Selectman Roopenian asked Ms. Hafner for more information on flat rate levies. Interim Town Manager Valente asked specifically what she was interested in. Ms. Roopenian stated her initial interest is in Wayland and Weston as those communities have a small commercial base and use a flat tax rate. Ms. Hafner opined that, in good times, big businesses care very little about tax rates whereas it presents more concern when the economy has slowed down. She opined the type of product or service a company offers may be of more concern than the tax rate when it is looking to relocate. Ms. Roopenian opined that the Economic Development Committee may be in a better position to collect this kind of information.

Mr. Berry stated that 700 senior citizens currently have difficulty paying health insurance bills and opined if the rates were to increase, those people would undoubtedly leave Town. The impact of that would be families with school age children would move in, putting more stress on the school system.

After discussion, it was on motion unanimously

VOTED: To set the CIP factor at 1.400 (9.37% levy), and the residential factor at 0.971 (90.63% levy), with the tax rate for CIP and personal property set at \$24.01 per \$1,000 valuation and the residential rate at \$16.66 per \$1,000 valuation.

Excess Levy

Present: Maureen Hafner, Director of Assessing.

Maureen Hafner, Director of Assessing, stated that, with the tax rate established, there is excess levy of close to \$21,000. She stated the excess is due to rounding and the fact that a one-cent change in the tax rate could result in the Town being over the Levy Limit. She submitted the appropriate forms for signature.

It was on motion unanimously

VOTED: To sign the forms declaring the excess levy capacity as provided by the Director of Assessing.

Chairman Drobinski and Interim Town Manager Valente thanked the Director of Assessing, Assistant Assessor and the Board of Assessors for their hard work in preparing for this hearing. She further acknowledged the efforts of Sue Petersen, Town Accountant.

Omnipoint Communications – Feeley Park

Present: Peter Cooke, Omnipoint Communications.

Interim Town Manager Valente stated Town Counsel has prepared an acceptance vote, which she distributed to the Board. She recommended the Board move forward and accept this proposal.

Peter Cooke, Omnipoint Communications, submitted the technical letter Selectman Clark requested at the last meeting. He stated the radio frequency coverage maps were included in the RFP response as well as to the Selectmen. He offered to obtain additional copies if the Board required them. He showed Ms. Clark coverage maps featuring the facility at Nobscot Mountain and how it relates to Feeley Field. Mr. Cooke presented a photo rendering of what the pole and equipment shelter will look like.

Mr. Cooke stated discussions with Park and Recreation are ongoing. He stated Patricia Savage indicated to him they would prefer a financial donation in lieu of a larger cabinet.

Mr. Cooke specified that the pole will accommodate two carriers, with Omnipoint occupying the top position.

After discussion, it was on motion unanimously

VOTED: To accept the proposal of Omnipoint Communications MB Operations LLC, dated September 17, 1999, subject to agreement of the Selectmen and other Town officials with regard to the final location of the facility; and to authorize the Interim Town Manager to sign a Notice of Intent to Award Contract, to be drawn up by Town Counsel, which shall include the requirement of a mutually acceptable lease approved by Town Counsel and the requirement that all necessary permits and approvals shall be applied for and obtained prior to the execution of the final lease.

Minutes

It was on motion unanimously

VOTED: To approve the regular session minutes of November 22, 1999, as drafted.

Council on Aging

It was on motion unanimously

VOTED: To accept \$105.64 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.

Constable – Resignation

It was on motion unanimously

VOTED: To accept the resignation of Stephen P. Kaup as Constable for the Town of Sudbury, effective November 22, 1999.

Bike Trail Committee – Resignation

It was on motion unanimously

VOTED: To accept the resignation of Dr. Daniel Buttner, dated November 20, 1999, from the Bike Trail Committee, and to send a letter thanking Dr. Buttner for his service to the Town.

Ambulance Gift Account

It was on motion unanimously

VOTED: To accept a \$5 donation from Phyllis Houghton, 55 Hudson Road, Apt. 10C, to be deposited into the Ambulance Gift Account and expended under the direction of the Fire Chief.

Department of Public Works Contract – Backhoe

It was on motion unanimously

VOTED: To approve contract #2000-E-2 with Schmidt Equipment, Inc., of North Oxford, in accordance with bid submitted on August 3, 1999, for the purchase of a loader/backhoe for the Department of Public Works at a cost of \$83,997, to be expended under the direction of the Director of Public Works from Chapter 90 funds.

Eagle Scout – Paul Toran

It was on motion unanimously

VOTED: To send a letter of congratulations to Paul Toran, 24 Peakham Road, on achieving the rank of Eagle Scout.

Interests in Land

Present: Bridget Hansen, Conservation Commission.

After discussion, it was on motion unanimously

VOTED: To accept a Deed, dated November 10, 1999, granted by Robert D. Quirk, Trustee, Willis Hill Trust, of 5.11 +/- acres of land located off Boston Post Road and Dudley Road adjacent to the former Weisblatt property and Boy Scout reservation, shown as Parcel 2 on “Plan of Land in Sudbury, Mass. Prepared for: Jane A. Levin”, dated October 30, 1997, by Schofield Brothers of New England, Inc., to be

designated as conservation land under the provisions of M.G.L.ch. 40, section 8C, subject to certification of title by Town Counsel or certification from an attorney which Town Counsel has deemed acceptable.

It was on motion unanimously

VOTED: To accept a Deed, dated October 22, 1999, granted by Maillet & Son, Inc. of 132,244 sq. ft. of land, located on Concord Road, shown as Lot 4 on "Plan of Land in Sudbury, MA", dated June 20, 1991, revised August 2, 1991, by Bruce Saluk & Associates, Inc., subject to certification of title by Town Counsel or certification from an attorney which Town Counsel has deemed acceptable.

It was on motion unanimously

VOTED: To approve acceptance of a Revised Conservation Restriction, dated November 29, 1999, granted by Kevin M. and Karen A. Thompson, on property located at 340 Dutton Road, as shown on "Easement Plan of Land in Sudbury, Massachusetts", dated July 31, 1997, prepared by Connorstone Consulting Civil Engineers and Land Surveyors.

The Board agreed to table discussions on the following land interests: Easement – Drain and Record Conservation, Dakin View subdivision; Easement – Driveway & Utility and Proposed Driveway, Dakin View subdivision; and Easement – Drainage and Conservation and Record Construction, Dakin View subdivision, pending additional information.

Selectmen's Report for Annual Town Report

Selectman Roopenian submitted corrections/revisions to the Board and Interim Town Manager Valente. Ms. Valente stated that a listing of FY99 receipts has been included, and all charts will be updated for year-end activity.

It was on motion unanimously

VOTED: To approve the draft Selectmen's Report, inclusive of Selectman Roopenian's comments.

Selectmen's Articles for Annual Town Meeting 2000

Present: Paul Kenny, Town Counsel; Lawrence O'Brien, Chairman, Planning Board.

Interim Town Manager Valente stated the articles marked with asterisks have been drafted for the Board's approval.

Articles discussed included: #13 – Acceptance of G.L. Chapter 59, s.59A – Brownfields. Ms. Valente stated this particular bylaw would have little impact on those properties considered by this action, as back taxes and penalties are not the issue. She recommended not moving forward with this article at this time.

#10 – Dissolution of Traffic Management Committee. Selectman Clark questioned whether this Committee should be dissolved as traffic issues are still important in Sudbury. Ms. Clark stated she would contact Thomas Phelps, Chairman, for his input.

#7 -- Banishment of Dogs After Three Violations. Selectman Clark will prepare a draft.

#8 – Place for Dogs to Roam Free. Selectman Clark advised an article was not necessary for this action, and she would approach the Conservation Commission for agreement to set aside an area for this purpose.

#17 – Land Bond. Ms. Valente stated she had some reservations as to the intent of this article and suggested discussion with Town Counsel. She described it as a bonding authorization for future land purchases and clarified that, from an accounting perspective, it has to be reported as an authorized but unissued bond. She stated further that, even if the article were approved, a vote at Town Meeting would still be necessary to acquire the specific piece of land. Discussion followed. Selectman Clark volunteered to contact other towns that have voted such a bonding authorization for further information.

#18. Land Bank. Selectman Roopenian opined action on this article would force the State Legislature to move on the Community Preservation Act (CPA). Current wording will not give Sudbury the latitude it is seeking. Therefore, it is hope Sudbury's Special Act will cause amendment to the CPA, or provide an alternative for Sudbury. Discussion followed. Ms. Valente stated there are some minor corrections to be made from a treasurer/collector standpoint, and she would pursue resolution of same with Town Counsel before recommending approval by the Board.

It was on motion unanimously

VOTED: To approve and submit the following articles for the 2000 annual Town Meeting Warrant, and to continue discussion of remaining articles on December 20:

1. Hear Reports
2. Stabilization Fund
3. Street Acceptances
4. FY00 Budget Adjustment
5. Extend Sudbury Center Historic District
6. Special Act - Amend Chapter 131 of the Acts of 1994 to increase membership on Board of Selectmen to 5 members.
10. Dissolution of Traffic Management Committee
16. Special Act -- Amend Chapter 131 of the Acts of 1994 to place the Health Director and department employees under the Town Manager.
18. Special Act - Land Bank
21. Technical correction -- Gruber conservation restriction.

License Renewals

It was on motion unanimously

VOTED: To renew Alcoholic Beverages, Common Victualler, Entertainment, Automatic Amusement Device, and Second Hand Motor Vehicle Licenses, which expire December 31, 1999, for calendar 2000, as listed on the December 6, 1999, "Licensee List Renewals for Calendar 2000", attached and incorporated herein; and to forward the appropriate renewal forms to the Alcoholic Beverages Control Commission where applicable; said licenses to be held until payment of the required license fees, compliance with the Selectmen's Alcohol Training Policy, correction of any/all outstanding health, safety or zoning violations,

receipt of verification of Workers' Compensation Insurance for the licensing period, and the payment of all outstanding personal property taxes, real estate taxes, and Water District payments; said licenses shall also be subject to all previous restrictions; and

it was further on motion unanimously

VOTED: To renew Sunday Entertainment License of Papa Gino's Acquisition Corporation, d/b/a Papa Gino's, 104 Boston Post Road, for operation of a juke box during 2000, for the hours of 11:00 a.m. to 10:00 p.m.

Transfer Station Sticker Price

The Board was in receipt of a letter, dated December 3, 1999, from I. William Place, Director of Public Works, advising the \$50 sticker fee and the pay-per-bag cost currently in effect will cover Sudbury Transfer Station operating costs January 1, 2000 through July 31, 2000.

Interim Town Manager Valente stated there are not enough hard numbers to reflect the effectiveness of the pay-per-throw program, but stated there has been a decrease in solid waste disposal tonnage. She stated it is difficult to know how many people have contracted with independent haulers after the purchase of the sticker.

After discussion, it was on motion unanimously

VOTED: To set the Sudbury Transfer Station sticker fee at \$50 per household plus retain the cost of mandatory Sudbury trash bags at \$1.50 for 30 gallon trash bag and 75 cents for 15 gallon bag, effective January 1, 2000 through July 31, 2000, as recommended by the Director of Public Works.

1700s Mile Marker – Route 20

The Board reviewed copies of letters written by State Representative Susan Pope to the Mass. Highway Department and Mass. Historical Commission with regard to moving the 1700s mile marker to make way for the Nobscot Road/Route 20 intersection redesign. The Board asked Interim Town Manager Valente to draft similar letters for the Board to sign.

Fire Tragedy in Worcester

Interim Town Manager Valente stated the Sudbury Fire Department has been assisting in staffing the Worcester Fire Department while Worcester firefighters continue to search the fire scene. Chief Dunne reported to her they will send a fire crew several times during this transition period, and that a Worcester crew chief will be on watch with each assisting crew.

Lawrence O'Brien, Chairman, Planning Board, stated he heard a radio broadcast this evening thanking all area Fire Departments for their assistance during this tragedy. One caller stated he saw very prominently displayed three engines from Lincoln, Wayland and Sudbury.

The Board agreed to send a letter of condolence to the City of Worcester.

Y2K Meeting

Interim Town Manager Valente stated a meeting is scheduled for Friday, December 10, 1999, to address readiness for community needs, such as shelters, staffing, fuel deliveries, etc., in case of Y2K related problems.

Capital Improvement Committee

Interim Town Manager Valente stated the Committee is still struggling with its mission, but has a full Committee now, which is meeting every week to gather information and develop strategies for Town Meeting article development.

Sudbury, England

Interim Town Manager Valente stated the Town of Sudbury received a Christmas card from Sudbury, England, signed by the Mayor and Mayoress. The Board signed a card to send back.

Executive Session

At 11:25 it was on motion by roll call unanimously

VOTED: To go into Executive Session to discuss expenditures from the Discretionary Fund and litigation filed by AT&T. (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 was adjourned at 12:05 a.m.

Attest: _____
Maureen G. Valente
Interim Town Manager-Clerk