

**IN BOARD OF SELECTMEN
MONDAY, DECEMBER 20, 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.

Happy Holidays

On behalf of all the Town boards, commissions and staff, Chairman Drobinski wished viewers and attendees a happy holiday season.

Boy Scout Citizenship Badge

Chairman Drobinski welcomed Kyle Campbell to the meeting, stating Kyle is working on his Citizenship Badge. Selectman Roopenian introduced the Selectmen, the Interim Town Manager, and Recording Secretary and also briefly described the history of Sudbury, Selectmen duties, and how the Town is run. Mr. Campbell asked questions about political parties, and volunteer opportunities.

Y2K Preparedness

Interim Town Manager Valente briefly updated the Board on what other towns are doing to prepare for potential problems on January 1. She stated Sudbury's plan is of a medium level of response for preparedness the first 24-hour period, including a diesel generator for electricity and heat at the Fairbank Community Center, the designated shelter. A critical employee list has been prepared, with individuals on call and various Town employees will be handling specific areas of concern in much the same way as for a Nor'easter winter storm.

Ms. Valente encouraged residents not to use their phones or computers at midnight to avoid a circuit overload, to use 911 only for true emergencies, and use the business lines for other purposes, and to be aware of their elderly neighbors and to be of assistance to them if necessary.

Selectman Roopenian asked about using schools as shelters. Ms. Valente stated their generators are not designed to provide heat enough for shelter, only emergency lighting. She stated further that Lower Town Hall is the backup shelter but, due to its size, few people could be accommodated. People typically want to spend the day at a shelter but sleep in their own homes. The Fairbank Community Center would not be opened at midnight but rather at 4:00 p.m. the following day.

Frost Farm

Present: Jody Kablack, Town Planner; Lawrence O'Brien, Chairman, Planning Board.

Jody Kablack, Town Planner, briefly updated the Board on the Frost Farm project, stating the definitive special permit plan has been submitted by Bay Avary to the Planning Board. The Planning Board's hearing on the project will be on January 12, 2000. She stated further 25 units have been reserved to date, which constitutes First Phase. She opined groundbreaking will be sometime in early to mid summer.

Ms. Kablack stated eligibility has been extended to relatives of Sudbury residents in order to help pre-sell units. She stated the Housing Task Force is reluctant to open the project to residents of other

communities at this time but is considering dropping the age limit to 55. Lawrence O'Brien, Chairman, Planning Board, opined more interest will surface once a unit is available for walk-through.

Ms. Kablack stated a Letter to the Editor has been included in the newspaper, as well as a press release in the Senior Center newsletter, posters around Town, and a sign on the property on North Road. A descriptive flyer was prepared for a Town-wide mailing by the Housing Task Force. She opined this mailing might bring the project to the attention of residents whose parents might be eligible. She requested the Board approve the use of the Town's postal permit to send this mailing, as it would allow the bulk postage rate. She clarified that all costs incurred would be reimbursed to the Town. Discussion followed.

Mr. O'Brien stated a Senior Housing Forum is being considered to discuss all the senior housing options available in Town, which would include developers and realtors.

Ms. Kablack asked the Board to think about how the farmhouse should be handled. She stated it could be kept as a separate parcel, owned by the Town, or designated as a reserve area, and leased back to the Town by Bay Avary. She stated it would never be a conforming lot as it is within the Research District and a minimum of 8 acres are required. She stated further potential uses might include a meeting house of sorts, a Conservation Commission trail head, museum, office space, etc. Discussion followed.

It was on motion unanimously

VOTED: To allow the Housing Task Force to use the Town postage permit for the Town-wide mailing on the Frost Farm project, subject to reimbursement of all costs and opinion by Town Counsel that this action is not in violation of any State law.

Minutes

It was on motion unanimously

VOTED: To approve the regular session minutes of December 6, 1999, as amended, and the special executive session minutes of December 2, 1999, and executive session minutes of December 6, 1999, as drafted.

Council on Aging

It was on motion unanimously

VOTED: To accept \$174.01 in miscellaneous donations, to be deposited into the Van Donation Account, and to authorize the Council on Aging to expend said funds for the purpose of operating and maintaining the Council on Aging vans.

Sudbury Foundation – Atkinson Pool

It was on motion unanimously

VOTED: To accept on behalf of the Town, a grant of \$15,000 from the Sudbury Foundation, to be separately accounted for and expended under the direction of the Park and Recreation Commission for improvements to the Atkinson pool, as outlined in a memo, dated December 9, 1999, from Pat Savage, Director, Park and Recreation.

Sudbury Foundation – History of Sudbury

It was on motion unanimously

VOTED: To accept on behalf of the Town, a grant of \$3,000 from the Sudbury Foundation, to be separately accounted for and expended under the direction of the Town Manager for design work for publishing Town Historian Curtis Garfield's History of Sudbury sequel, as outlined in a letter, dated December 3, 1999, from Derry Tanner, Executive Director, The Sudbury Foundation.

It was further on motion unanimously

VOTED: To send a letter of thanks to Historian Curtis Garfield for his hard work on writing the sequel and preparing the grant applications.

Sudbury Foundation – Flynn Building Kitchen

It was on motion unanimously

VOTED: To accept on behalf of the Town, a grant of \$5,000 from the Sudbury Foundation, to be separately accounted for and expended under the direction of the Town Manager for expenses in renovating the Flynn Building Kitchen, as outlined in a letter, dated December 3, 1999, from Derry Tanner, Executive Director, The Sudbury Foundation.

William Wharton Trust – Conservation Commission/Salamander Study

It was on motion unanimously

VOTED: To accept on behalf of the Town, a grant of \$7,000 from the William Wharton Trust, to be separately accounted for and expended under the direction of the Conservation Commission for the purpose of conducting a salamander population study, in accordance with a letter, dated November 19, 1999, from the Trustee of the William P. Wharton Trust to the Conservation Commission.

Eagle Scout – Erik G. Jenson

It was on motion unanimously

VOTED: To sign a letter of congratulations to Erik G. Jenson, 14 Petersen Circle, on his achievement of attaining the rank of Eagle Scout.

Interests in Land

Present: Jody Kablack, Town Planner; Lawrence O'Brien, Chairman, Planning Board.

It was on motion unanimously

VOTED: To accept an Easement (Drain and Record Conservation), dated November 29, 1999, granted by Dakin Ridge Corp., on Tantamouse Trail, Dakin View subdivision, shown on "Plan of Land in Sudbury,

Mass. Owned by Telliam Trust”, by Thomas Land Surveyors & Engineering Consultants, inc., dated December 22, 1997.

It was on motion unanimously

VOTED: To accept an Easement (Driveway & Utility and Proposed Driveway), dated November 29, 1999, granted by Dakin Ridge Corp., on Tantamouse Trail, Dakin View subdivision, shown on “Plan of Land in Sudbury, Mass. Owned by Telliam Trust”, by Thomas Land Surveyors & Engineering Consultants, Inc., dated January 12, 1999.

It was on motion unanimously

VOTED: To accept an Easement (Drainage and Conservation and Record Construction), dated November 29, 1999, granted by Joseph Maillet, Trustee of Telliam Trust (formerly Candlewood Trust), on Tantamouse Trail, Dakin View subdivision, shown on Lots 1, 4, 5, 6, 8, 12, 13, 14, “Definitive Subdivision Plan of Dakin View, Sudbury, Mass.”, by Thomas Land Surveyors & Engineering Consultants, Inc., dated January 8, 1999.

It was on motion unanimously

VOTED: To accept a Deed, dated December 29, 1999, granted pursuant to M.C. G. Chapter 40, Section 8C, by Robert D. McCart and Rose M. McCart, Trustees, McCart Children’s Trust, 13 acres + 7,830 sq. ft. of land (Lot 2) off Union Avenue shown on “Plan of Land in Sudbury, Mass. prepared for Robert B. McCart”, dated November 5, 1987, by Schofield Bros., Inc., and .14 acres of land bordering the New York New Haven and Hartford Railroad, Wash Brook, and Wayside Inn property (Parcel 2, Lot 2) shown on "Plan of Land of Webster Cutting, Sudbury, Mass.", dated November 1, 1946, by E.W. Pettigrew, Surveyor. [Note: the Board signed said deed on December 30, 1999.]

2000 Annual Town Election and Annual Town Meeting

It was on motion unanimously

VOTED: Action required for the 2000 Annual Town Election and Annual Town Meeting as set forth in a communication, dated December 6, 1999, from the Town Clerk, as follows:

- 1) To set the 2000 Annual Town Election for the four precincts in Sudbury for Monday, March 27, 2000, from 7 a.m. to 8 p.m., Precincts 1 and 2 at the Fairbank Community Center and Precincts 3 and 4 at the Town Hall;
- 2) To establish that the Annual Lincoln-Sudbury Regional School District Committee Election shall be combined with and held as part of the Annual Town Election of Sudbury, and that the Ballot for the Annual Lincoln-Sudbury Regional School District Committee Election shall be included with and prepared as part of the ballot for the Annual Town Election;
- 3) To establish that the listing of the offices shall be the same as set forth in the warrant for the Lincoln-Sudbury Regional School District Committee Election and shall be printed as the last office on the ballot;

4) To set the opening session of the 2000 Annual Town Meeting for Monday, April 3, 2000, at 7:30 p.m. in the auditorium of the Lincoln-Sudbury Regional High School; and

5) To approve allowing the Board of Registrars to hold a special voter registration session prior to the Annual Town Election and Town Meeting in the Town Hall, on Tuesday, March 7, 2000, until 8 p.m., according to Chapter 475 of the Acts of 1994.

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

At 8:15 p.m. Chairman Drobinski reconvened a Public Hearing, originally heard December 6, 1999, for the purpose of considering the application #SP99-351 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.

The Board was in receipt of (1) Notice of Decision for the Landfill, for their review; and (2) Memo, dated December 16, 1999, from Michael Dunne, Fire Chief, stating that the site is satisfactory to the Fire Dept., there is adequate water supply to handle potential fire in the service building, and the Town should consider requiring AT&T to allocate space on the pole for future public safety radio antennas.

Referring to Item #8 in the Notice of Decision, Selectman Clark asked that the words "on the equipment shelter" be inserted after the words "Exterior lighting" as the pole itself will not be lighted. The Board agreed.

Selectman Clark asked for clarification of Item #16, with reference to height limitations for future Town of Sudbury communications. Interim Town Manager Valente stated the issue of Town communications came up after the Board of Appeals had ruled on the height of the pole, and stated this clause was added just in case there should be any Town needs for space on the pole. Discussion followed, and it was agreed to amend Item 16 to assure it does not negate the decision of the Board of Appeals.

Selectman Roopenian asked about AT&T being responsible for dismantling the pole when it is no longer necessary. Chairman Drobinski stated that issue is addressed in the lease agreement.

Based upon a determination that the foregoing evidence, together with the plans submitted, conformed to the intent and purpose of the Zoning Bylaw requirements, a motion was made and unanimously approved as follows:

VOTED: To grant a Site Plan Special Permit to AT&T Wireless, PCS, LLC, in accordance with Application No. 99-351, to construct a wireless communications facility on property located at the Sudbury Landfill, Boston Post Road, Town Property Map K12-002, owned by the Town of Sudbury, as shown on plans comprised of four sheets dated October 25, 1999, and drawn by Greenman-Pedersen, Inc., 28 Lord Road, Marlborough, MA 01752: 1) T1, Title Sheet, entitled "AT&T Wireless Services, Sudbury Landfill, Sudbury, Massachusetts E 346", 2) A1, Property Plan, 3) A2, Site Plan, and 4) A3, Elevation, subject to compliance with all governmental laws and regulations including, but not limited to Wetlands Protection Act and Sudbury Wetlands Administration Bylaw, zoning, building and health laws and regulations, and further subject to the following conditions:

1. Approval of the drainage system, including traps, catch basins, and periodic maintenance as required by the Town Engineer/Director of Public Works;

2. Placement of all utilities underground;
3. No wells for water supply to be installed on site;
4. The grant of a permit from the Mass. Department of Environmental Protection;
5. The grant of an earth removal permit by the Earth Removal Board, if applicable;
6. The grant of a propane gas permit, if applicable;
7. No storage or use of chemicals on site except in conformity with guidelines and requirements of the Board of Health and the Fire Chief; the owner or operator of the site shall comply with the Massachusetts Oil and Hazardous Materials Release Prevention and Response Act, M.G.L. Chapter 21E, as amended, and all regulations issued hereunder;
8. Exterior lighting on the equipment shelter to be directed away from adjacent residences or businesses and have shields; security lighting in conformance with Section IX.V.A.7f, "Special Regulations for Site Plan Special Permit", shall be maintained;
9. No use of salt or chemical de-icers on site;
10. If applicable, the grant by the owner to the Town of a restrictive covenant to run with the land, governing, restricting or prohibiting the following which shall conform to requirements of the Board of Health, Town Engineer and/or Conservation Commission as appropriate:
 - (a) the disposal or removal of effluent and wastes generated on the site by AT&T Wireless PCS, LLC;
 - (b) the use of salt or chemical de-icers on the site by AT&T Wireless PCS, LLC;
 - (c) the installation by AT&T Wireless PCS, LLC, of one or more monitor wells on the site, including the Town's right of access for periodic testing and monitoring thereof, or another protective device as may be required by the Board of Selectmen;
11. The gate to the stockade fence enclosure and equipment shed shall both be made accessible to the Sudbury Fire Department, Sudbury Police Department and Sudbury Department of Public Works; the applicant shall install a Knox key box for quick access to the site;
12. Compliance with the provisions of a lease agreement, which includes requirements for co-location of additional carriers, between the Town of Sudbury acting through its Board of Selectmen and AT&T Wireless PCS, LLC;
13. AT&T Wireless PCS, LLC shall provide space on the tower and in the third bay of the equipment building for public communications by the Sudbury Police, Fire, and Public Works Departments, and AT&T Wireless PCS, LLC shall provide appropriate conduit and access to power as required by said departments, all at no cost to the Town as proposed and offered by AT&T Wireless PCS, LLC;

14. Any air conditioners or generators shall not produce undue noise and shall be consistent with average noise levels for residential uses;
15. AT&T Wireless PCS, LLC shall annually measure radio frequency emission levels and report same to the Board of Health and Board of Selectmen;
16. Relative to design of the flagpole style monopole:
 - (a) Height of pole shall conform to the decision of the Board of Appeals, but shall not be greater than 150' and shall be no higher than necessary to accommodate three carriers; this height limitation does not apply to any installations required for Town of Sudbury communications, however, such Town installations shall require approval by the Board of Appeals;
 - (b) Color of pole shall be recommended by the Design Review Board and approved by the Board of Selectmen;
 - (c) Both the flag and the ball at top of pole shall be eliminated;
17. Submission of an "as built" site plan. Any change in the physical condition of the site, including changes in the location or design of structures or systems, following approval of the site plan, will require approval of the Board of Selectmen;
18. The following site plan submission requirements of the Selectmen's Site Plan Special Permit Rules and Regulations are waived: 5.1.4 Construction Detail Plan, 5.1.5 Landscape Plan, 5.1.7 Floor Plans, 5.2 Coverage, Drainage and Earth Removal Calculations under Zoning Bylaws IX.V.A.5.a, Additional Plan Details under Zoning Bylaw IX.V.A.5.b, and Traffic Calculations;
19. No building permit shall be issued until certain items noted above (1, 4) as specified by the Board, are complied with;
20. No occupancy permit shall be issued until certain items noted above (2, 5, 6, 7, 8, 10, 11, 12 as applicable, 14, 16, 17) as specified by the Board, are complied with;
21. This Special Permit shall lapse if construction and a substantial use thereof have not commenced except for good cause within one (1) year from the effective date of said Permit.

Rubbish Contract

Interim Town Manager Valente stated the rubbish collection bids were opened that afternoon with Waste Management of West Boylston being the low bidder. She stated all bidders show a significant increase for 2000. Chairman Drobinski opined the tipping fees are increasing.

Ms. Valente stated half the cost will be for FY00 and the other half in FY01. She recommended approving a contract with Waste Management, and stated Art Richard, Supervisor of Town Buildings, also recommends approval.

It was on motion unanimously

VOTED: To approve execution by the Interim Town Manager of a contract for calendar year 2000 with Waste Management, West Boylston to provide rubbish pickup for Town and school facilities, in accordance with Town of Sudbury specifications and the individual pickup costs, totaling \$38,152.80, as stated in the bid dated December 17, 1999, subject to concurrence by School building maintenance supervisor and Town Counsel.

Waste Ban Compliance Plan/Revised Rules and Regulations

The Board was in receipt of a communication, dated December 12, 1999, from I. William Place, Director of Public Works and Town Engineer, forwarding a copy of 310 CMR, Department of Environmental Protection's Solid Waste Management Regulations, Section 19.017(3) setting forth restricted materials at transfer facilities, effective April 1, 2000, a copy of a Waste Ban Compliance Plan for the Sudbury Transfer Station, and revised "Rules and Regulations for the Recycling and Disposal of Solid Wastes at the Transfer Station", recommending approval of same, in accordance with Department of Environmental Protection regulations.

Interim Town Manager stated the only change in Sudbury's current regulations and practice is the ban on disposing of cathode ray tubes from televisions and computer monitors. Chairman Drobinski stated residents are given lists of accepted materials when a transfer station sticker is purchased.

After discussion, it was on motion unanimously

VOTED: To approve the revised "Rules and Regulations for the Recycling and Disposal of Solid Wastes at the Transfer Station", effective January 1, 2000, and to approve the Waste Ban Compliance Plan, dated December 16, 1999.

2000 Annual Town Meeting Warrant Articles

The Board discussed remaining articles for possible inclusion for the Annual Town meeting (ATM).

-- Banishment of dogs after three violations: Selectman Clark requested this article be deleted from consideration.

It was on motion unanimously

VOTED: To submit the following articles for the 2000 Annual Town Meeting Warrant, with the caveat that no positions have been taken by the Board on these and previously submitted articles:

-- Bylaw amendment-Prohibition and Regulation of Overhead Utilities: Approved as drafted.

-- Land Bond: Selectman Clark stated she would get some information from Southborough on the bond article recently enacted there. The Board agreed to leave it in as it could be pulled at a later date.

With reference to the Land Bank article approved at the Board's last meeting, Selectman Roopenian stated the Senate wording should be used instead of the House version, and advised Ms. Valente to contact Sigrid Pickering or Senator Susan Fargo's office for appropriate wording.

-- Demolition of Historically Significant Buildings: A draft has been prepared. Town Counsel is reviewing it and will need to rework portions. There was question concerning what age should be considered "old enough" to be designated a historic property.

-- Comprehensive facilities study: Approved as drafted. Possibility of grant funds discussed.

-- Easements for Bell Atlantic: In order to enhance service to the western part of Town, a small box needs to be installed on Fairbank Road and an easement is necessary to proceed with the service. Art Richard recommends approval. Chairman Drobinski asked that as much concealment as possible be provided. Ms. Valente offered to contact other communities to find out how Bell Atlantic handled contract agreements. Town Counsel will finalize wording.

Wastewater Management Needs Assessment for the Route 20 Business District – RFP

Chairman Drobinski asked the Board to review the draft and forward comments to Interim Town Manager Valente. He stated Town Counsel's comments are attached.

Fairbank Senior Center – Automatic Door Opener

It was on motion unanimously

VOTED: To accept on behalf of the Fairbank Senior Center, the donation of an automatic door opener by Sudbury Senior Activities, Inc., for the purpose of improved accessibility for the disabled, as requested by Ruth Griesel, Director, Council on Aging.

Chapter 90 Funds

On behalf of the Town, the Board signed Mass. Highway Agreement MA38186 to accept \$179,599.10 Chapter 90 funds under Chapter 127 of the Acts of 1999.

Wayland Septage – Old Raytheon Site

Interim Town Manager Valente stated the Town of Wayland has approached Sudbury to ask if the Wayland-Sudbury Septage Facility staff might assist in operation of another wastewater treatment plant in Wayland. She stated she has no paperwork at this time and will keep the Board informed as details are made available. Concern was expressed at the expense of Sudbury time and money purely for the benefit of Wayland residents, as well as financial and legal impacts.

Auditor's Report

Interim Town Manager Valente stated the report was quite favorable on the whole, with suggestions for continued improvement in various areas. The Auditors recommended the Town begin planning for the requirements of GASB Statement #34, which will require significant new financial reporting obligations for the Town. An implementation strategy should be prepared first, working toward full implementation in 2004.

Conservation Commission

Interim Town Manager Valente stated Stephen Meyer has notified her of his intent to resign as Chairman of the Conservation Commission, yet continue to serve on the Commission. She stated he cited his five years of serving as chair during significant activities, and he feels it is time for someone else to lead. Ms. Valente stated Bridget Hansen will serve as Acting Chairman now, with the Vice Chairman position open for the time being.

MMA – Annual Meeting

After discussion, it was on motion unanimously

VOTED: To designate Maureen Valente as the representative from the Town of Sudbury to MMA's Annual Meeting.

Executive Session

At 9:15 p.m. it was on motion by roll call unanimously

VOTED: To go into Executive Session to discuss negotiations in real property. (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 9:50 p.m.

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