

**IN BOARD OF SELECTMEN
MONDAY, AUGUST 14, 2000**

Present: Chairman Kirsten D. Roopenian, John C. Drobinski, and Lawrence W. O'Brien, Selectmen.

The statutory requirement for notice having been met, the meeting convened at 7:40 p.m. at the Town Hall, 322 Concord Road.

Chairman Roopenian waived opening statements, except to say that the Town of Sudbury's web site was up and working for all of those who were inquiring.

Cell Tower Request for Proposal – North Road Borrow Pit

Present: Mr. Joseph Giammarco from Sprint and Mr. Peter Cooke from Omnipoint.

Town Manager Valente asked the board to take into consideration the use of the North Road Borrow Pit as a possible site to locate a cell tower. She stated this meeting was called to see if the Board would approve a Request for Proposal in connection with this proposed cell tower on this site. She showed the Board a map of the site prepared by the Engineering Department. The Board, Ms. Valente, Mr. Giammarco and Mr. Cooke discussed, as they looked at the map, where the cell tower would be located on the property.

Mr. Cooke pointed out to the Board the tree line buffer area and explained that there was an existing cart path, which could be used as access to the equipment for installation and maintenance. Selectman Drobinski questioned the buffer and the height of the pole. Mr. Giammarco showed the Board photos of a balloon test that was previously performed on the site, from within 300 feet of the actual location to simulate a 100-foot pole, while Mr. Cooke responded that the cell tower would meet the 100-foot maximum height requirement of the Sudbury Bylaw.

The Board questioned the setbacks, and Selectman O'Brien questioned if they were within 1000 feet of the school. He stated they might need a variance from the school, which abuts the property. When questioned by Selectman O'Brien as to how they came to pick this particular site, Mr. Giammarco responded that it was on recommendation to Sprint and Omnipoint by the Town Engineer, I. William Place. Mr. Cooke added that they are agreeable to the Town's preferences.

Selectman O'Brien was concerned about the Town installing another cell tower and wanted to see the exact measurements as to where this proposed cell tower would be located on the property. The Board discussed the various methods in which to mask a cell tower, advanced technology that could be used in the future, Sudbury's capacity for cell towers and the customer demand. Selectman Drobinski also pointed out that they may need a Federal (DEP/EPA) permit for this particular site and suggested they check into it, as well as alerting the abutters and the Town of Concord of the proposed plans.

Ms. Valente and the Board discussed possible future Town uses of the property when the Town has finished mining gravel, which might not be feasible in conjunction with a cell tower.

It was on motion unanimously

VOTED: To direct the Town Manager to obtain more information from other boards and committees in regard to the proposed cell tower before making the commitment to move forward with the Request for Proposal process and to schedule another meeting with Mr. Giammarco and Mr. Cooke to discuss their feedback on August 28, 2000.

Utility Petition #00-05 – Haynes and Hadley Roads

Consideration of Utility Petition #00-05 of Boston Edison Company for 1025 feet of conduit installation in Haynes and Hadley Roads. (Continued from 7/24/00).

Ms. Dominga Morero, an engineer from Boston Edison Company, was not in attendance as expected.

It was on motion unanimously

VOTED: To postpone until the end of the meeting in the event that Ms. Morero from Boston Edison Company arrives for the public hearing.

Conservation Commission Appointment

Present: Ms. Judith Sheldon and Ms. Bridget Hanson, Chairman, Conservation Commission.

Town Manager Valente handed out copies of Ms. Sheldon's resume to the Board, commented that she was impressed and comfortable with Ms. Sheldon's abilities, and further stated the Conservation Commission has recommended her appointment to the Commission.

In response to questioning from the Board, Ms. Sheldon stated she and her family moved to Sudbury last November from Watertown. She recapped her resume by explaining she has earned degrees in both Biology and Chemistry and further progressed with a Masters Degree in Environmental Policy, as well as having attended law school and passed the bar exam. Ms. Sheldon stated her family has settled in Sudbury, and she hopes to become a member of the Conservation Commission.

Ms. Sheldon stated she has already attended Conservation Commission meetings, and she believed in educating the public with regard to the role of the Conservation Commission. She stated her philosophy was to explain the processes and work to arrive at a mutual agreement.

Selectman O'Brien commented that he attended the last Conservation Commission meeting and commended Ms. Sheldon for her input and involvement. He stated Ms. Sheldon's resume was impressive and questioned her about how a Conservation Commission could work to

balance development favorable for the community and the environment. She responded that the Conservation Commission, through regulations and protection of the wetlands and waterways, should work with each project individually to arrive at the correct balance in each particular situation.

Chairman Roopenian questioned how Ms. Sheldon learned of the vacancy on the Commission.

Ms. Sheldon stated she read about the vacancy in the paper and inquired. Ms. Roopenian added that the Sudbury Conservation Commission was vocal in land purchases and acquisitions. She asked Ms. Sheldon if she would be intimidated or overwhelmed, as the Commission members were very active and strong-willed.

Selectman O'Brien suggested that Ms. Sheldon obtain a copy of the Master Plan, as she can learn further information regarding the direction of the Town.

It was on motion unanimously

VOTED: To endorse the appointment of Judith Sheldon to the Conservation Commission by Town Manager Maureen Valente for a three-year term to expire on April 30, 2003.

Bridget Hanson expressed her happiness in Ms. Sheldon coming forward and was happy to hear how the Board of Selectmen and the Town viewed the Conservation Commission, as well as her excitement about the Conservation Commission's web site.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular and executive sessions of July 24, 2000.

Council on Aging

It was on motion unanimously

VOTED: To accept \$204.41 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.

School Department

It was on motion unanimously

VOTED: To accept \$125.00 from David C. Hoaglin forwarded from the School Department relative to the disposal of surplus computers, for deposit into the School Department General Fund.

D.A.R.E. Donation

It was on motion unanimously

VOTED: To accept on behalf of the Town a donation of \$165.00 from Kappy's Liquors, to be deposited into the D.A.R.E. Program Account and expended under the direction of the Police Chief for the D.A.R.E. Program.

Fire Department

Selectman O'Brien stated that he, once again, would like to thank and commend Scott Pheifer and Michael Wright for the continued hard work and success in raising funds, enabling the Sudbury Fire Department to purchase a thermal imaging camera.

It was on motion unanimously

VOTED: To accept on behalf of the Town and Fire Department donations totaling \$112.62 collected by Scott Pheifer and Michael Wright to be placed in the Fire Department gift account for purchase of a thermal imaging camera.

Goodnow Library

It was on motion unanimously

VOTED: To accept on behalf of the Town and the Goodnow Library a grant from The Sudbury Foundation in the amount of \$9,900, to be placed in the Goodnow Library gift account, for the purpose of increasing public access to the archival database through upgraded technology via the Internet.

Conservation Restriction

Present: Mr. Robert Johnson of the Sudbury Valley Trustees and Ms. Bridget Hanson, Chairman of the Sudbury Conservation Commission.

Chairman Roopenian stated she thought the Town needed to be better organized, as she thought the process to obtain a Conservation Restriction was too long. Ms. Hanson explained that this particular conservation restriction was given to the State for review and approval and now they required a restriction acceptable to the Town, resulting in a lengthy process.

Mr. Johnson stated the restriction for the 17 acres, located on 2 parcels, has already been approved by the State. He explained that the existing farmhouse was originally a parsonage and

the Emmonses have owned the property since the 1930's or 1940's. He stated the Emmonses were going to put the property on the market, but wanted to have a Conservation Restriction in place stating that 5 of the 17 acres would be available for building, with the remaining acres conserved. Selectman Drobinski commented that only 2 additional lots could be built and thought this was reasonable and provided an incentive. Mr. Johnson gave the executed signature copies to the Board.

After questioning from the Board, Mr. Johnson responded the document only protects the lot definition and that no additional building can encroach on the lots. He added, in reference to Parcel A, there was no historic preservation on the building and pointed out the Historic District ends about 80 feet before the property begins. He also stated the document prohibits further subdivision, and the owner can only subdivide for a maximum of two lots on either side of the road.

Selectman O'Brien recapped that the wetlands are going to be put under the covenant so a) they cannot be built on; and b) the owner will be the day-to-day custodian of the property and c) the Sudbury Valley Trustees will oversee how the owners care for the land. Mr. Johnson concurred.

Chairman Roopenian, on behalf of the Board, thanked the Emmons family.

It was on motion unanimously

VOTED: To approve a Conservation Restriction granted by Beverly Emmons Simon, individually and as Executor of the Will of Howard W. Emmons; and across the street from and Scott W. Emmons and Keith H. Emmons to the Sudbury Valley Trustees on property located at 233 Concord Road, Sudbury, and delineated on a Conservation Restriction Plan, dated May 17, 2000, prepared by LandVest, containing 17.42 ± acres.

Cable Television Renewal License to Cablevision of Massachusetts, Inc.

After a brief discussion, it was on motion unanimously

VOTED: To grant a short-term Cable Television Renewal License to Cablevision of Massachusetts, Inc. to extend the current contract for the period August 19, 2000, through September 18, 2000, as requested by the Cable Television Committee.

It was further on motion unanimously

VOTED: To instruct and authorize the Town Manager to negotiate and to communicate to the Cable Television Committee to change the extension period from 30 days to 60 days, removing any undue burden resulting from a time constraint and to further allow added flexibility in the renewal process.

Alexander Automotive, 316 Boston Post Road – Trailer Permit

In consideration of Mr. James Alexander's letter of July 24, 2000 received by the Board of Selectmen on July 25, 2000, it was on motion by the Board, Chairman Roopenian, *aye*, Selectman Drobinski, *aye* and Selectman O'Brien, *nay*

VOTED: To further extend the permit granted to James Alexander on behalf of Alexander Automotive for a temporary storage trailer/container on property at 316 Boston Post Road until January 1, 2001, for the sole purpose of providing time to remove said trailer; this extension being granted upon the conditions that the site is kept neat and clean and there are no complaints from neighbors.

Selectman O'Brien was not in favor of granting the extension and stated he was in favor of retaining the original date of October 2, 2000 for removal of the storage container and opposed the extension to January 1, 2001.

The Board of Selectmen made clear this extension was not a use extension, but strictly time granted for the removal process, and that the Selectmen will not grant a further extension.

Election Officer Appointment

It was on motion by Chairman Roopenian and seconded by Selectman Drobinski

VOTED: To appoint Lauren S. O'Brien as Election Officer for the Town of Sudbury, for the Election Year commencing August 15, 2000.

(Selectman O'Brien abstained from the vote, as Lauren S. O'Brien is his wife.)

Utility Petition #00-05 – Haynes and Hadley Roads

Consideration of Utility Petition #00-05 of Boston Edison Company for 1025 feet of conduit installation in Haynes and Hadley Roads. (Continued from 7/24/00).

Because Ms. Dominga Morero of Boston Edison Company did not attend, as scheduled, the public hearing, it was on motion unanimously

VOTED: To continue the hearing until August 28, 2000, and in the event a representative from Boston Edison Company does not attend as scheduled, to close the hearing and instruct Boston Edison Company to re-file its utility petition for the installation of 1025 feet of conduit in Haynes and Hadley Roads.

Town Manager Reports

1. Cherry Sheet Update: Ms. Valente reported the Town received and additional \$73,000 from the METCO program and the School Department can immediately spend this money this

year without appropriation. She also reported that \$256,746.00 of Chapter 70 monies was allocated to Sudbury, and she spoke with Superintendent William Hurley in regard to the use of these funds and the options available. She explained she believed the money could either go back to the tax payers through available free cash or it can be set aside for the FY02 School budget. Ms. Valente said she will try to find ways to set aside the funds for the FY02 School budget.

2. Lottery Distribution: Previously, Ms. Valente explained, the State said it would annually uncap its lottery earnings, and in the event the lottery does well, the State would give money back to the communities. She said the Town of Sudbury received \$89,000 this year.
3. Foundation Reserve for Enrollment Increases: Town Manager Valente explained this is a one-time revenue that will need to be appropriated at Town Meeting. She said it was for \$131,000, and its purpose will be to help with class sizes.
4. Finance Director: Ms. Valente was happy to report she has hired a new Finance Director, Kerry Bowse, who has prior experience in both Assistant Town Manager and Town Manager positions in other states such as Arizona and Kansas.
5. 2001 TIP: The Town Manager apprised the Board that the Town of Framingham was a MPO representative, and although one selectman had stepped down, another would succeed her.
6. Mass. Highway: Ms. Valente stated Chairman Roopenian has drafted a letter for her review, to be sent to Mr. Matthew Amorello and others, in conjunction with the prior Board of Selectmen's meeting regarding the Nobscot and Rt. 20 intersection.
7. Fleet Bank: Ms. Valente relayed to the Board that she has been invited by Fleet Bank to be on a panel they are forming specifically for process improvement discussions. She stated she spoke with Town Counsel in this regard, as it could be a conflict because Fleet Bank will pay all expenses. She said she wanted to be a part of this panel, as she believed a municipality should be involved and heard.
8. Staff Traffic Committee: The Town Manager stated this committee has been formed and has had its initial meeting. She stated the committee would like to bring information to the Board and invite the public.
9. 27 Powers Road: Town Manager Valente reported the auction for this property has been scheduled and advertised for Friday, August 25, 2000, at 11:00 a.m. in the lower Town Hall. She stated that the minimum bid would be at least \$175,000 and the funds will go back to the Town. She suggested scheduling a future executive session regarding the funds received from the highest bidder.
10. Department Head Meeting: Ms. Valente said a department head meeting will take place next week where she will go over the Board of Selectmen's goals and values and other procedural issues.
11. Lincoln-Sudbury: The Town Manager asked the Board's permission to give a memorandum to the project manager of the Lincoln-Sudbury High School project. The Board agreed and also instructed that copies be sent to Mr. Rosenthal and both school committees.
12. Cablevision Notice: The Town Manager explained that Cablevision has sent a notice regarding its installation of the optimum fiber optic network and would be posting door-to-door notices in this regard throughout Sudbury.
13. Re-Codification Minutes: Ms. Valente stated the minutes from the first two re-codification meetings were completed and available for review.

14. Asbestos Removal: Ms. Valente reported that the asbestos mitigation is complete at Curtis, with one exception of a schedule change by a contractor. Chairman Roopenian questioned whether or not the asbestos mitigation would be completed by September 5 and to confirm this with the Permanent Building Committee.
15. Finance Committee Update: The Town Manager reported that the Sudbury Finance Committee and the Lincoln Finance Committee have, jointly, hired a consultant to look at cost estimates for the High School renovation, i.e., a teardown as opposed to a rebuild plan. She informed the Board their next meeting would be on August 17, 2000 at 7:00 a.m. On another note, Ms. Valente stated that the Finance Committee Chairman, Emil Ragonas, will be resigning his post in the fall, as he will be traveling back and forth to Cleveland four days a week in connection with his job.
16. Reception: Ms. Valente invited the Board of Selectmen to attend a reception, which will be held in Marlboro for a delegation of local officials from Montenegro.
17. Vidbel's Olde Tyme Circus: Ms. Valente reported the circus came and went and that no trash or manure was removed when the circus was over. She stated she would be in contact with SERF in this regard.

Board of Selectmen Reports

Selectman Lawrence W. O'Brien

1. Mr. O'Brien brought up the fax received from H.U.D. (Housing of Urban Development) concerning its position on Gun Safety. He recommended that the Board endorse the use and code of responsible conduct and gun safety. At Chairman Roopenian's suggestion, input will be required from Chief Lembo.
2. Selectman O'Brien provided his suggested comments to the MAPC draft Guiding Principles and Strategies for Plan 2000, and requested the Town Manager put copies of this in the packets for the other Selectmen.
3. Mr. O'Brien relayed he had attended the Conservation Commission meetings on Frost Farm and reported that the Order of Conditions hearing was closed.
4. He suggested that the Board should speak with Town Counsel regarding the Public Hearing for the proposed new daycare facility on Rt. 20, which will have 300-plus people, to include 240 students.
5. Selectman O'Brien commented that the Bylaw Re-Codification process was moving along well.

Chairman Kirsten D. Roopenian

1. Chairman Roopenian stated she would not be able to make the next re-codification meeting and thanked Jeanette Galliardt for doing the minutes, as they really helped to solidify the work.
2. Ms. Roopenian stated she drafted a letter to Commissioner Amorello as previously discussed.
3. Ms. Roopenian suggested the Board read the MMA Bulletin regarding how another line item was added to the budget, how reimbursements raised the cap on charter schools, and the section regarding Chapter 90 funds.

4. Chairman Roopenian reported she drafted a letter to the Governor regarding his veto of the Community Preservation Act, which Ms. Valente reworked and edited.

There being no further business to come before the Board, the meeting was adjourned at 10:45 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk