

IN BOARD OF SELECTMEN
MONDAY, JULY 8, 2002

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

The statutory requirement for notice having been met, the meeting was convened at 7:30 p.m. in the Town Hall, 322 Concord Road.

Opening Remarks

On behalf of the Board, Chairman O'Brien expressed sympathy for the family of Louis Hough, who recently passed away. Mr. Hough was a long time member of the Historic Districts Commission.

Chairman O'Brien acknowledged the efforts of both the Police and Fire Departments on a safe and enjoyable Fourth of July parade.

Chairman O'Brien announced a Level 1 Water Ban in effect and explained the odd-even system. He cautioned residents on unnecessary water consumption on warm days and urged people to exercise conservation methods. He stated residents can contact the Water District for additional information.

Sudbury Water District

Present: Robert Sheldon, Commissioner, Sudbury Water District.

Mr. Robert Sheldon, Commissioner, Sudbury Water District, urged residents new to the Town of Sudbury to contact the Water District for information, and pointed out that the Water District is a separate entity from Town Government. Residents should not be contacting the Town Manager or the Selectmen with water quality questions or issues.

Mr. Sheldon stated the average usage is approximately 1.5 million gallons per day. On hot days that total zooms to 6 million gallons per day, a significant jump, placing strain on the water resources. Such demand requires 24-hour pumping. He cautioned that a major fire at such a time would be seriously jeopardized as reserve water may be at a lower level and at low water pressure.

Mr. Sheldon explained the red or "brackish" water residents have complained about is caused by several factors. He stated the increased water usage forces the use of reserve wells, some of which contain high levels of iron and manganese, causing the reddish color. He stated the increased use of water stirs up minerals that may have settled in water pipes. Mr. Sheldon stated the reddish color is not a health problem. He stated residents will see improved water quality if they cut back on the usage, and their water bills will decrease as well. He stated treatment facilities will be operational in a year which will help keep the water quality controlled. Those facilities are presently being constructed.

Sudbury Water District website is sudburywater.bx.com, which contains many informative topics. Mr. Sheldon announced the Water District office is open from 9 – 4 weekdays.

Town Donation Trust Funds

Present: Kerry A. Speidel, Finance Director/Treasurer-Collector; David Wilson, Investment Advisory Committee.

The Board reviewed a memo, dated June 12, 2002, from Kerry A. Speidel, Finance Director and Treasurer/Collector, providing investment recommendations made by the Investment Advisory Committee at its June 11th meeting.

Mr. David Wilson, Investment Advisory Committee, briefly explained the recommendations set forth by the committee. He stated the committee recommends purchase of US Treasury Notes with varying lengths of term, using funds from a variety of sources. This will keep the portfolio balanced, while maintaining a good rate of return.

It was on motion unanimously

VOTED: Acting as Co-Trustees of Town Donations, to approve recommendations for investment changes from the Investment Advisory Committee as set forth in a letter, dated June 12, 2002, from the Director of Finance, as follows:

1. The Treasurer should withdraw \$200,000 from the T. Rowe Price Capital Appreciation fund account and purchase a 3-year US Treasury Note in July.
2. The Treasurer should purchase a 3-year, \$35,000 US Treasury Note in August. The purchase should be paid for through the maturing \$35,000 Treasury (matures 8/15/02).
3. The Treasurer should purchase a 3-year, \$35,000 US Treasury Note in November. The purchase should be paid for through the maturing \$20,000 and \$15,000 corporate bonds (Bank America on 10/15/02 and Ford Motor Credit on 11/15/02).

Site Plan #02-366 – Sprint Spectrum and Voicestream Wireless

Present: Joseph Giammarco, Consultant, Sprint Spectrum; Scott Lacy, Attorney, Brown, Rudnick, Berlack, Israels LLP, representing Sprint Spectrum; Jody Kablack, Town Planner.

At 7:55 p.m. Chairman O'Brien reconvened a Public Hearing for the purpose of further consideration of Site Plan #02-366 of Sprint Spectrum and Voicestream Wireless, in accordance with Sudbury Zoning Bylaw Section 6300, for installation of a wireless communications facility consisting of a 100-foot flagpole-style monopole and associated equipment shelters (approximately 624 total sq. ft.) sufficient to house three carriers, on property located on the former Melone parcel, North Road, Town Property Map C12-100, owned by the Town of Sudbury, zoned Research District. This matter was previously heard on May 20 and June 10, 2002.

The Board and applicant reviewed a Draft Decision prepared by Town staff. Comments are as follows:

Condition #2 – Selectman Drobinski opined the Mass. Dept. of Environmental Protection does not have the jurisdiction to approve placement of utilities. He suggested Town Counsel be consulted.

Condition #5 – Mr. Lacy stated the Mass. Dept. of Public Health no longer requires a permit, as of March 2002. It has been determined that RF emissions pose no health threat. He submitted a notice concerning the new policy from the Dept. of Public Health for the Board's review, and stated they [applicant] must comply with the federal standard. This condition can be deleted as Condition #12 states the applicant will supply an annual report of RF emission levels. **It was agreed to delete Condition #5 and renumber subsequent conditions accordingly.**

Condition #12 – After discussion, this condition will read as follows: “The applicants shall annually measure radio frequency emission levels, **in accordance with FCC protocol**, and report same to the Board of Health and Board of Selectmen.”

Condition #16 – Mr. Lacy emphasized that service for Town communications would be provided with whip antennas which would be attached to the exterior of the monopole and would be visible.

Condition #21 – Town Manager Valente clarified the funds would be deposited into a gift account, and said funds would be used only for the expressed purposes on that site.

Condition #23 – Condition #5 was deleted from the list of conditions required to be completed before the building permit can be issued.

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 approve Site Plan Application No. SP02-366 of Sprint Spectrum and Voicestream Wireless for installation of a wireless communications facility consisting of a 100-foot flagpole-style monopole and associated equipment shelters (approximately 624 total sq. ft.) sufficient to house three carriers, on Town of Sudbury property (the former Melone property) located on North Road, Property Map C12-100, as shown on site plan entitled, "MELONE PARCEL NORTH ROAD SUDBURY, MA BS13XC620", last revised July 2, 2002, comprised of Sheets 1-6 (T1, A1, A2, A3, A4, S1) plus Sheet C1, drawn by Greenman-Pedersen, Inc., subject to compliance with all governmental laws and regulations including, but not limited to, the Wetlands Protection Act and Sudbury Wetlands Administration Bylaw, zoning, building and health laws and regulations, and further subject to the following amendments and conditions:

1. Approval of the drainage system, including traps, catch basins, and periodic maintenance as required by the Director of Public Works/Town Engineer.
2. Placement of all utilities underground, unless prohibited by the Massachusetts Department of Environmental Protection (DEP) or DEP designee, due to impacts on the remediation efforts on site. The applicants shall be required to submit this proposal to the DEP for review. This condition is waived if DEP prohibits undergrounding the utilities; however, applicants shall relocate utilities underground if DEP approval is obtained in the future and so requested at that time by the Board of Selectmen. The utility line shall be located on the plan as approved by the Town Engineer/ Director of Public Works working in conjunction with NStar and the applicants.
3. No wells for water supply to be installed on the site.
4. The grant of an Earth Removal Permit by the Earth Removal Board, if applicable.

5. 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 thereunder.
6. No use of salt or chemical de-icers.
7. Any disposal or removal of effluent and wastes generated on the site shall conform to the requirements of the Board of Health, Town Engineer and/or Conservation Commission, as appropriate.
8. If required by the Board of Health, Conservation and/or Board of Selectmen, the applicants shall install one or more monitoring wells, or other protective device, on the site, including the Town's right of access for periodic testing and monitoring thereof.
9. There shall be no lighting either on the pole or illuminating the pole. Exterior lighting on the equipment shelter shall be directed away from adjacent properties and have shields and shall conform to requirements of Zoning Bylaw Section 3427.f.
10. Any air conditioners or generators, as applicable now or in the future, shall not produce undue noise, shall be consistent with average noise levels for residential use, and shall conform to the Sudbury Zoning Bylaw.
11. The applicants shall annually measure radio frequency emission levels in accordance with Federal Communications Commission (FCC) protocol and report same to the Board of Health and Board of Selectmen.
12. Relative to design of the flagpole-style monopole:
 - a. Height shall be no greater than 100 feet and shall accommodate three carriers.
 - b. Color of monopole shall be light gray.
 - c. Both the flag and ball on top of the pole shall be eliminated.
13. The gate to the facility shall be made accessible to the Sudbury Fire Department, Sudbury Police Department, and Sudbury Department of Public Works.
14. Compliance with the provisions of lease agreements, which includes requirements concerning collocation of an additional carrier, acting through its Board of Selectmen and Sprint Spectrum and Voicestream Wireless.
15. The applicants shall provide space on the pole and in the equipment shelter for public communication needs by the Sudbury Police, Fire and Public Works Departments, and applicants shall also provide appropriate conduit and access to power as required by said departments in accordance with final construction drawings, all at no cost to the Town.
16. In accordance with Sudbury Zoning Bylaw Section 4369, the applicants shall furnish a bond in the amount of the estimated cost plus 25% of dismantling and removing the facility.
17. The transformer and CSC cabinet shall be relocated within to the lease area. The "as built" site plan shall reflect the new location.

18. The existing trails on the site shall not be blocked during the term of the lease. Public access on the trails around the lease area shall remain open.
19. For construction purposes, any clearing of land pursuant to this proposal shall be limited to not more than five feet beyond the lease line and that necessary for access and utility line placement.
20. In lieu of the proposed arborvitae plantings, the applicants agree to furnish a donation of \$4,000 for the Town to use for landscaping or other improvements in connection with future use of the adjacent land. The "as built" plan shall reflect elimination of said plantings.
21. 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.
22. No building permit shall be issued until the site plans are approved and signed by the Board of Selectmen and certain items noted above (1, 16, and 20) as specified by the Board, are complied with.
23. No occupancy permit shall be issued until the site plans are approved and signed by the Board of Selectmen and certain items noted above (2, 4, 5, 7, 8, 9, 10, 12, 13, 17, and 21) as specified by the Board, are complied with.
24. This approval 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 approval.

Fugakyu Café – All Alcoholic Beverages License

At 8:15 p.m. Chairman O'Brien convened a Public Hearing for the purpose of considering an application of Fugakyu Café Corporation, d/b/a Fugakyu Café, 621 Boston Post Road, in accordance with Mass. Gen. Laws Ch. 138, for a License to serve All Alcoholic Beverages as a Common Victualler, replacing its currently held Wine and Malt Beverages Restaurant License. No change in ownership or the licensed premises is involved.

This hearing was advertised in the *MetroWest Daily News* on June 20, 2002. Abutters were notified by certified return receipt mail.

The Board reviewed the application, dated June 25, 2002, of Fugakyu Café Corporation, d/b/a Fugakyu Café, 621 Boston Post Road. Town Manager Valente reminded the Board they had previously approved this change, but clarified this change in license is actually a new license, thereby requiring the public hearing. She stated that, prior to the licensing, there are currently 10 licenses issued and there are 17 All Alcoholic Beverage Licenses available.

It was on motion unanimously

VOTED: To grant a License to serve All Alcoholic Beverages to Fugakyu Café Corporation, d/b/a Fugakyu Café, 621 Boston Post Road.

Land Use Priorities Committee

Present: Sigrid Pickering, Land Use Priorities Committee; Jody Kablack, Town Planner.

Ms. Sigrid Pickering, Land Use Priorities Committee, stated the committee waited to complete its report until after the Facilities Study had been completed. She briefly described the major themes of their report, dated May 2002, which had been previously delivered to the Board for their review.

Town Planner Jody Kablack complimented the Land Use Priorities Committee on its very informative and comprehensive report, noting 2.5 years of effort and thoughtful discussion.

Chairman O'Brien stated the committee's study of the Master Plan is apparent in this report, and noted the two documents present a vision for the Town of Sudbury. He announced that this report will soon be available on the Town website.

The Board thanked Ms. Pickering and the Land Use Priorities Committee for their hard work. Ms. Pickering stated officials from other communities have requested copies of their report.

Site Plan #02-367 – Willow Hill School

Present: John McManus, McManus Peterman Architects, Inc.; Judith Vaillancourt, Property Owner; Sandy Brock, Judith Nitsch Engineering, Inc.; Jody Kablack, Town Planner.

At 8:35 p.m. Chairman O'Brien reconvened a Public Hearing for the purpose of continued consideration of application #SP02-367 of Willow Hill School for approval of a Site Plan, in accordance with Town of Sudbury Zoning Bylaw Article IX.6000, Section 6300, Site Plan Review, to demolish one of its three buildings and replace it with an addition connecting the remaining two buildings for classrooms, offices and a new gymnasium, construct a three-bay garage, build an athletic field, and modify entrance and exist, driveway and parking area, with associated landscaping, lighting, and septic system improvements, on property located at 98 Haynes road, owned by Willow Hill School, zoned Residential A1. This matter was previously heard on June 24, 2002.

New information received includes:

1. Letter, dated June 28, 2002, from McManus Peterman Architects, Inc. responding to questions/issues raised in reports from Town departments, which is attached hereto and made a part of these minutes.
2. Report, dated July 8, 2002, from the Planning Board, recommending approval with the following conditions:
 - (a) Conduct a site visit to the property to assess the sight distance at the northern access point. The landscaping plan may need to be revised to allow only low growing vegetation along the frontage of the property to increase safety of vehicles entering and exiting the site.
 - (b) By the applicant, construction of a walkway on either side of Haynes Road, or if a walkway is not feasible in either of these locations, contribution to the Town-wide walkway account in an amount commensurate with what would have been spent on site. (The Planning Board encourages the construction of walkways by applicants, as it is typically less costly than if the Town constructs. The current practice of requiring walkways on public ways adjacent to development should be continued, as it relates to the Public Way Access Permit Bylaw and the need to mitigate the impact of traffic from development on local roads.)

(c) Further discussion should continue regarding the proposed athletic field prior to closing the public hearing. (What will its most intensive use be? Will there be night lighting? Will the school allow Town use of the field? Will it be privately rented out? Will fencing be installed? How will the access driveway work? Will there be overflow parking on the field?)

Additionally, The Planning Board recommended the granting of waivers by appropriate boards and commissions in consideration of the applicant permitting Town use of the field, given the Town's current lack of adequate field space due to the high school construction.

Town Manager Valente stated she had received word from both the Fire Chief and DPW Director they are both in favor of keeping the driveway width at 18 feet.

The Board and Mr. John McManus, Architect, reviewed the letter, dated June 28, 2002, from McManus Peterman Architects, point by point. The responses and subsequent actions referred to issues raised by Selectmen and Town departments.

Ms. Vaillancourt stated there is a weekend Open House on a Saturday in June, and evening events are quarterly Parent Nights, which are typically attended by approximately 30 parents. She opined proposed parking to be more than adequate for the Parent Nights, while the Open House attendees may utilize the proposed athletic field for overflow. The athletic field access will continue to be via a gravel road, presently used by septic service companies.

Plans for the 5000-gallon septic tank have been submitted to the Board of Health.

Chairman O'Brien stated the site visit took place on June 27, including himself, Town Manager Valente, the Town Planner, and Christopher Morely and Elizabeth Eggleston of the Planning Board.

Ms. Sandy Brock, Judith Nitsch Engineering, stated the athletic field will be "phased in" at a later date when all Conservation Commission issues have been resolved. There are wetlands and riverfront issues, and buffer concerns.

Selectman Roopenian asked about the size of the athletic field. Ms. Brock responded it is approximately 100 yards x 50 yards, noting it would not be adequate for any tournament activity due to its small size. Ms. Vaillancourt stated it is used for physical education activities and hopefully games with other schools of similar nature and size. She added that it is used for baseball practice but there is no intention to mark out a baseball diamond.

Responding to a question from Selectman Drobinski, Ms. Brock stated resolution of the conservation issues may actually make the athletic field smaller than anticipated. Activities are allowed within the buffer zone, but that has yet to be finalized.

Referring to questions from the Planning Board report, Ms. Brock stated the only fencing around the athletic field area will be at the rear of the property and would be of post-and-rail construction. Ms. Vaillancourt stated the field is never "rented out" to other groups, and there is no intention to do so after the proposed athletic field is completed. Selectman Drobinski expressed concern for parking during multi-school events. Ms. Vaillancourt responded the visiting students arrive by passenger van or small school bus

and opined the available parking should be more than adequate. At the time these athletic events take place, many teachers will have left for the day.

Basketball is the primary activity intended for the gymnasium, Ms. Vaillancourt stated. There are few games with other schools, and no permanent seating is proposed for this area.

Selectman Roopenian asked if the gym could be used for practice by Sudbury school or recreational groups as practice space is very limited. Ms. Vaillancourt stated there is no intention to make the gymnasium available for use by Town groups, but stated she would refer the matter to the Willow Hill School Board for discussion.

Selectman Drobinski asked if the school's financing includes construction of the athletic field. Ms. Vaillancourt responded the athletic field is an important part of the proposal and is included in their financing. Also, the revised tuition rate has been set, based upon the total plan and budget costs.

There was brief discussion regarding sight distance at the entrance. Town Planner Jody Kablack stated the sight distance becomes better further south, and stated it should work out at the new entrance. Ms. Brock stated there is no intention to block access to the school with a chain or gate.

Peter McCann, Haynes Road, asked about the access to the athletic field. Ms. Brock illustrated on the drawings approximately where the gravel road is. Regarding a fence at the rear of the property, she stated the post-and-rail fence will be augmented with screen or mesh to adequately block the area yet not be visible. It will be a minimum of 42 inches high.

Tom Greenwood, Haynes Road, asked about the length and location of the proposed sidewalk. Using the drawing, Ms. Brock pointed out the southerly property line and stated the sidewalk would continue approximately 800 feet past the front of the school. Town Planner Jody Kablack stated this was not exactly correct as there is a wetlands buffer area on the southern end and permission has not been granted from the Conservation Commission to construct a walkway there. Ms. Kablack stated the sidewalk should begin after the wetlands buffer area, and continue past the school, extending further on the northern end. The sidewalk will connect with the existing sidewalk. To provide continuous sidewalk along Haynes Road, future sidewalk construction could include a crosswalk/crossover to continue the sidewalk on the opposite side of the street from the wetlands area.

It was on motion unanimously

VOTED: To instruct the Town Manager to direct Town Staff to prepare a Draft Decision, with inclusion of the athletic field, including permission for the Public Way Access Permit, incorporating comments raised this evening and in reports, and to continue this matter until July 22, 2002 at 7:45 p.m.

Order of Taking (Streets) – 2002 Annual Town Meeting

Present: Jody Kablack, Town Planner.

Town Manager Valente stated sixteen streets, accepted by the 2002 Annual Town Meeting under Article 10, are on the list for taking by the Town. Reports have been received from the Town Engineer, Town Planner and Conservation Commission, stating conditions that have been fulfilled or need to be completed, and including recommendations for acceptance/non-acceptance. There was discussion on conservation issues, performance bonds, pros and cons of acceptance, and related issues.

After discussion, it was on motion unanimously

VOTED: To approve and sign Orders of Taking for the following streets accepted by the 2002 Annual Town Meeting under Article 10: Wyman, Widow's Rite, Michael, Cudworth, Briant, Meachen, Hunter's Run, portion of Hampshire, Plantation Circle, Fieldstone Farm Road, portion of Camperdown Lane, Cortland, portion of Taintor, Ironworks, and Thornberry.

It was further on motion unanimously

VOTED: To continue discussion of South Meadow Drive (Marrone Meadows Subdivision) until Tuesday, July 9, 2002, to determine whether a parcel of land intended to be deeded to the Water District had been so transferred.

Overhead Utility Installation – 277 Peakham Road

Present: Dennis and Patricia Vano, 277 Peakham Road, Property Owner.

The Board reviewed the following: (1) letter [and map], dated June 28, 2002, requesting permission to install a telephone pole on their property to allow the existing overhead wires to connect, then run the electric service underground from that pole to their home. The service presently runs from their home to a pole across the street, a distance of approximately 90 feet. (2) memo, dated July 5, 2002, from the Building Inspector, stating the Building Department does not recommend the installation of another pole on Peakham Road, citing no hardship or unusual condition that would warrant doing so. (3) report, dated July 5, 2002, stating Town Counsel opinion that, if wiring exists overhead from an existing pole to the home at 277 Peakham Road, and the new pole would be located on private property and not within the public way, the request does not fall within the Selectmen's purview under Sudbury Bylaws. Town Counsel recommends the Board approve the waiver and notify applicant that a new pole would be a deviation from the intent of the bylaw, and that if poles were all to be placed underground in the future, they [applicants] would be required to put this installation underground at that time. (4) report, dated July 5, 2002, stating the DPW Director advises he would prefer this installation to go underground, but does not want the newly paved road to be cut. If the Board required the applicant to install utilities underground, a trench would need to be bored under the road.

Mr. Dennis Vano, 277 Peakham Road, briefly described what he would like to accomplish with this request, eliminating approximately 60 feet of overhead utility wiring by installing a new telephone pole on his property and running the service underground from the pole to their home. He stated the long length of existing wire is constantly subject to icing during winter, tree branches hitting it and other situations that sometimes cause power outage.

Town Manager Valente clarified that the Board of Selectmen can regulate the usage of a pole in the public way, but the utility company regulates the electric service itself. She reiterated Town Counsel's opinion that the waiver may not be required.

Mr. Vano stated that, while the technology exists to bore under the road, it is very expensive and he would prefer not to do that.

It was on motion unanimously

VOTED: To grant permission to Patricia and Dennis Vano, 277 Peakham Road, to bring utility wires overhead from Pole 79 on the opposite side of the street to a new pole within their property and thereafter underground to their home.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the executive session of June 24, 2002, and the special session of June 19, 2002, as drafted, and the minutes of the regular session of June 24, 2002, as amended.

Council on Aging Donations

It was on motion unanimously

VOTED: To accept \$152.50 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.

Waterfowl Hunting – Michael Higginbotham

It was on motion unanimously

VOTED: To grant permission to Michael Higginbotham of Concord to hunt waterfowl on property owned by the Town of Sudbury, Tax Possession Parcel #172 (Parcel 013 on Property Map G12) during the Massachusetts 2002-03 waterfowl season.

Drainage Easement – Forestside Estates

It was on motion unanimously

VOTED: To accept on behalf of the Town a Drainage Easement granted by Newbridge Homes at Forestside Estates, LLC, on land designated as “Drainage Easement to Town of Sudbury, Area = 1529 SF +-“ on plan entitled “Forestside Estates Definitive Subdivision Plan of Land in Sudbury, Massachusetts” Applicant: Newbridge Homes Inc., Owned by: Waldron Burke Realty Trust Bk 27,644 Pg 558 William and Ingeborg Waldsmith Bk 28,940 Pg 334, drawn by Central Mass. Engineering & Survey Inc., 45 River Street, Marlborough, MA. 01752, dated: April 1, 2002, Rev.: May 7, 2002, May 20, 2002, and May 30, 2002, located on a portion of Lot 3, Spruce Lane.

Contracts – Department of Public Works

It was on motion unanimously

VOTED: To approve execution by the Town Manager of the following contracts for the Department of Public Works pursuant to bid opening May 29, 2002 for FY2003:

(1) Contract 2003 M-2 for Type I in place/Adj. CB MH Structures with E. H. Perkins Construction (total bid \$123,650).

- (2) Contract 2003 PM-1 for Milling Resurfacing & Related Work with E. H. Perkins Construction (bid total of \$225,526.15).
- (3) Contract 2003 M-4 for Infra-red Bituminous Restoration with Felix A. Marino Co. Inc. (total bid \$13,460).
- (4) Contract 2003 ER-1 for Street Sweeping with American Sweeping Co. Inc. at \$78.50/hr.
- (5) Contract 2003 TLP-1 for Line Marking with Markings Inc. (total bid \$10,588).

Gasoline Contract – FY03

It was on motion unanimously

VOTED: To approve execution by the Town Manager of a contract to furnish 92 Octane gasoline for FY2003 pursuant to bids received July 1, 2002, with low bidder Volta Oil Company at \$0.067 per gallon increment based on the Platts Oilgram Price Report U.S. Wholesale low posting for Boston throughout the supply period.

Amend Vote – DPW Contract

It was on motion unanimously

VOTED: To amend regular session minutes of June 10, 2002 by deleting the FY03 Contracts section entitled Contract 2003-M-1 Bituminous Materials, and substituting a new section to reflect approval of the following contracts for the purchase of Bituminous Materials, contract 2003-M-1:

Contract 2003-M-1 Bituminous Materials (5-16-02 bid opening)

- 1) Class I Bit. Conc. Type I-1 @ \$29.00/ton at the Plant and \$34.00/ton Delivered – E.H. Perkins Corp.
Type I Dense Mix @ \$29.00/ton at the Plant and \$34.00/ton Delivered – E.H. Perkins Corp.
Type I Dense Mix @ \$29.50/ton at the Plant – Brox Industries
- 2) Asphalt Cold Patch w/additive @ \$70.00/ton at the Plant and \$74.00/ton Delivered – Aggregate Ind.
Asphalt Cold Patch w/o additive @ \$32.00/ton at the Plant and \$36.00/ton Delivered – Aggregate Ind.
- 3) Tar Cold Patch @ \$58.50/ton at the Plant and \$63.50/ton Delivered – E.H. Perkins Corp.
- 4) Mag. Cold Patch 70 @ \$58.50/ton at the Plant and \$63.50/ton Delivered – E.H. Perkins Corp.

Great Meadows Refuge

The Board reviewed the following information: (1) letter, dated June 19, 2002, from the Fish and Wildlife Service, stating its intention to add two parcels of land totaling 18.09 acres to the Sudbury Division of the Great Meadows Refuge, and describing each parcel's attributes. (2) memo, dated July 1, 2002, from the Conservation Coordinator, recommending favorable comment on the acquisition, and suggesting a Conservation Restriction to eliminate potential of further staff housing construction on currently undisturbed areas. Ms. Dineen notes that although wetlands issues preclude large-scale development, it may be possible to subdivide for one or two additional housing lots. (3) memo, dated June 26, 2002, from the Planning Board, stating it has no objection to this proposal, and recommending the Sudbury Water District be contacted with regard to determining viability for a public water supply on either of these parcels. (4) memo, dated June 26, 2002, from the Town Engineer, stating that, due to an overwhelming percentage of the land lying within the Sudbury River Flood Plain, there is no value of these parcels for Public Work purposes, such as recreation, parks, cemeteries, or roadways. (5) memo, dated July 3, 2002, from the Park and Recreation Department, stating it has no objection to this proposal. (6) memo, dated July 3, 2002, from the Land Use Priorities Committee, expressing doubt this parcel has any priority for municipal uses, and stating its use as

permanent protection as wildlife habitat seems most appropriate. (7) memo, dated June 28, 2002, from the Sudbury Water District, stating its interesting in testing this area for volume and quality as a public water supply. Mr. Cossart also stated the land could be useful in negotiations regarding a land swap for a parcel under control of Mass. Division of Fisheries and Wildlife known to be a suitable site for a future water well.

Town Manager Valente asked the Board for comments, noting the comments received from various Town boards and commissions.

Chairman O'Brien stated researching water viability for the Sudbury Water District is an important step to request. He also expressed interest in utilizing the existing homes for housing needs and suggested the Sudbury Housing Authority could be contacted, once it is determined whether the single family homes already on the property are included in the purchase. If the existing homes will be demolished or not used for refuge staff, they could be used for affordable housing or other municipal use. Also, the Board agreed to recommend the Fish and Wildlife Service grant a Conservation Restriction as suggested by the Conservation Commission.

It was on motion unanimously

VOTED: To direct Town Manager Valente to compose a letter of support responding to the Fish and Wildlife Service's proposal, incorporating the three requests discussed above by the Board.

Sudbury Day Committee – Appointments

It was on motion unanimously

VOTED: To appoint Aruna Pundit, Paul Schejtman, Veronique Schejtman, Mary Beth Sherrin, Chris Van Leer, and Karen Van Leer to the Sudbury Day Committee, each for an indefinite term, as recommended by the Town Manager.

CPA Committee Interview Questions

The Board and Town Manager briefly discussed possible questions to be used during the screening process for interviewing potential at-large members of the Community Preservation Act Committee.

Cable Television

Town Manager informed the Board of a correspondence from Jeff Winston, Chairman, Cable Television Advisory Committee, asking for support concerning a loan applied for by Pro Speed, a provider of broadband service.

The Board agreed with Mr. Winston's concerns and directed the Town Manager to respond in opposition to the agency's (RUS) recommendation not to approve the loan program as described.

There being no further business, the meeting adjourned at 10:58 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk