

IN BOARD OF SELECTMEN  
TUESDAY, OCTOBER 21, 2003

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

The statutory requirement as to notice having been complied with, the meeting was convened at 7:35 p.m. in the Lower Town Hall, 322 Concord Road.

**Opening Remarks**

Chairman Roopenian announced the following:

- 1) the Property Tax Equity Review Committee has posted many documents on the Town website, and she encouraged residents to learn about this committee's activities;
- 2) the Blue Ribbon Housing Site Selection Committee has been meeting regularly on investigating potential sites for affordable housing;
- 3) the League of Women Voters will hold a forum on affordable housing on October 22 at the Goodnow Library;
- 4) the Community Preservation Committee will be reviewing applications for funding in the coming weeks; and
- 5) the HOPEsudbury Telethon will be held on Saturday, November 15.

Chairman Roopenian cautioned motorists on safe driving during the wet weather while leaves are on the pavement, and expressed concern for motorists and pedestrians during Halloween trick-or-treating.

**Minutes**

It was on motion unanimously

VOTED: To approve the following minutes: page 1 and 2 of the executive session of August 15, 2003 (page 3 having been approved on 10/7/2003); the executive sessions of October 1 and 2, 2003; the regular and executive sessions of October 7, 2003; and amendments of the minutes of September 16, 2003 and October 3, 2003.

**Sudbury Cultural Council**

It was on motion unanimously

VOTED: To appoint William J. Nicholson as Chairman of the Sudbury Cultural Council per request of the Council, and, further, to appoint Bronek Dichter, 16 Stone Road, to the Sudbury Cultural Council, upon recommendation of said Council, for a 3-year term to expire October 21, 2006.

**Special Liquor License – Sudbury Rotary Club**

It was on motion unanimously

VOTED: To grant a one-day liquor license to Theresa M. Rosen, President, Sudbury Rotary Club,

33 Lettery Circle, to be exercised on November 8, 2003, from 6:00 p.m. to 9:00 p.m. at Orchard Hill Assisted Living Facility, 761 Boston Post road, for a fundraiser wine tasting event.

**Contract – Air Cleaning Specialist**

It was on motion unanimously

VOTED: To approve a contract with Air Cleaning Specialist, Hanover, Mass., in the amount of \$35,980.00 for installation of Vehicle Exhaust Ventilation Systems in Fire Stations 2 and 3.

**Contract for Lease Purchase – Department of Public Works**

It was on motion unanimously

VOTED: To approve a five-year lease purchase contract with John Deere AG and C&CE Products for a utility tractor (LV5220T325082), loader (W00541D023261) and backhoe (LV0049X020129) at a total cost of \$33,245.24.

**Historic Districts Commission – Appointment**

The Board considered the application of Sandra Heiler for appointment to the Historic Districts Commission to fill a vacancy. Ms. Heiler was unable to attend tonight's meeting. Selectman O'Brien expressed the opinion that her credentials prove her to be more than qualified for the position and that an interview was not necessary. Chairman Roopenian and Selectman Drobinski concurred.

It was on motion unanimously

VOTED: To appoint Sandra Heiler, 16 Rice Road, to the Historic Districts Commission to fill the position vacated by Steven Goldberg for a term to expire January 1, 2005.

**Sudbury Housing Authority – Appointment**

Present: Kelly Cronin, 244 Lincoln Road; Maria Fraser, 180 Morse Road, Candidates; Jo-Ann Howe, Executive Director, John Darcey, Steven Swanger, Stephen Shugrue, Sudbury Housing Authority; Bettie Kornegay.

At 7:45 p.m. Chairman Roopenian convened a joint meeting of the Board of Selectmen and the Sudbury Housing Authority to interview candidates to fill a position occasioned by the resignation of Bettie Kornegay. The appointed candidate will serve until the effective date of the 2004 Annual Town Meeting.

It was on motion unanimously

VOTED: To appoint Maureen G. Valente as Clerk for this joint meeting.

The candidates, Kelly Cronin and Maria Fraser, briefly introduced themselves and informed the Board on their relevant experience dealing with housing issues.

The Board asked the candidates questions on challenges facing the Sudbury Housing Authority, perceptions of affordable housing, communication to prospective homeowners, public awareness, diversity in housing and community reach-out.

The Board was impressed at the qualifications of both candidates. Selectman O'Brien asked if the present Associate member [Cronin] were appointed to the SHA, would the other candidate be able to take the Associate position? Chairman Roopenian clarified that action would be within the jurisdiction of the Sudbury Housing Authority, not the Board of Selectmen. Mr. Swanger stated the SHA has interviewed both candidates, but had not taken a vote within their own group. Town Manager Valente reminded Ms. Kornegay she is not allowed to vote for her replacement.

It was on motion unanimously

VOTED: To nominate Kelly Cronin and Maria Fraser for consideration for appointment to the Sudbury Housing Authority.

It was on motion by roll call

VOTED: By a vote of 4-2, to appoint Kelly Cronin, 244 Lincoln Road, to the Sudbury Housing Authority to serve until the effective date of the 2004 Annual Town Election to fill the vacancy occasioned by the resignation of Bettie Kornegay. (John Darcey, Cronin; Selectman Drobinski, Cronin; Selectman O'Brien, Fraser; Chairman Roopenian, Fraser; Stephen Shugrue, Cronin; Steven Swanger, Cronin)

#### **Site Plan Application #03-371 – T-Mobile (Omnipoint)**

At 8:20 p.m. Chairman Roopenian convened a Public Hearing to consider Site Plan Application #04-371 of Omnipoint Holdings, Inc., a wholly-owned subsidiary of T-Mobile USA, Inc., in accordance with Town of Sudbury Bylaw Article IX.6000, Section 6300, Site Plan Review, to construct a wireless communications facility consisting of a power mount pole erected through the center of an existing 100'5" Boston Edison/NStar power utility tower, on property located at 163 Boston Post Road, (shown on Town Property Maps K10-014 and K11-402), owned by Boston Edison Company, zoned Industrial #4 and Residential A-1.

The Board reviewed a letter, dated October 16, 2003, from the Applicant requesting an extension until December 2, 2003, to allow time for other Town boards to review updated information.

It was on motion unanimously

VOTED: To continue the Public Hearing for consideration of Site Plan #03-371 to December 2, 2003, time to be determined.

#### **Stearn's Mill Dam**

Present: Deborah Dineen, Conservation Coordinator; Marilyn MacLean, Sudbury Historical Commission.

The Board reviewed the following information: (1) letter, dated May 22, 2003, from Gerald S. Cournoyer, Jr., Cournoyer & Associates, P.C., stating Mr. William Smith's desire to convey to the Town a parcel of land containing the Stearn's Mill Dam, along with the right to control and maintain the dam. Mr. Smith would like to maintain 180 consecutive feet of frontage. (2) report, dated October 14, 2003, from the

Town Engineer/DPW Director stating Town ownership of the dam would allow for repair and maintenance to prevent dam failure and possible loss of property downstream. (3) report, dated October 14, 2003, from the Park and Recreation Director stating his support of such conveyance. (4) report, dated October 17, 2003, from Town Counsel, stating he has no problems with accepting deed to the Stearn's Mill Dam property. (5) report, dated October 17, 2003, from John Fraize, Sudbury Historical Commission, stating an informal poll of members showed favorable support of deed acceptance. (6) report, dated October 17, 2003, from the Director of Assessing, stating the 2003 taxes on the entire parcel of 2.9 acres were \$10,224.05, and the tax loss on approximately 1.0 acre of wetland to be no greater than \$200. Ms. Hafner states further that the Board of Assessors did not meet to discuss this matter and therefore has no recommendation at this time. (7) report, dated October 20, 2003, from John Fraize, Chairman, Sudbury Historical Commission, reporting research gathered by Marilyn MacLean about the parcel and Mr. Pratt [original owner].

Deborah Dineen, Conservation Coordinator, briefly described the parcel, noting access for kayaking and fishing, and the ability to repair and maintain the dam. She estimated the cost of the appraisal to be \$4,500 - \$5,500. She opined the Conservation fund would be used to cover the cost. Ms. Dineen clarified the Conservation Commission is reluctant to spend any funds on repair or appraisal until hearing an opinion from the Board of Selectmen. She reported the Town Engineer is concerned about potential property damage if the dam fails. There are presently some trees and rocks that need to be cleared.

Responding to a question from Selectman O'Brien, Ms. Dineen said the Town would gain water rights and the ability to control the height of the pond. Town ownership would also halt large trucks drawing water from Hop Brook.

Town Manager Valente distributed a report from the Director of Assessing and some research gathered by Marilyn MacLean of the Sudbury Historical Commission. Ms. MacLean stated the area is presently used for kayaking and fishing, and stated a lumber mill was there in the 1920's which was then used to make apple boxes in the 30's.

Selectman Drobinski asked if a Conservation Restriction would be sought. Ms. Dineen responded the land would be owned by the Town "for conservation purposes." The land is not buildable so does not have to be protected with a CR.

Ms. Dineen stated a dam safety appraisal would not be sought until the land conveyance transaction is complete. The Board expressed concern for expending funds without knowing the condition of the dam and any costs to repair. It was suggested Town Counsel should investigate the liability if the dam fails and if any subsequent damage is typically covered under an individual's homeowners insurance. Concern was also expressed whether the Town would be liable even before the conveyance could take place. Mr. O'Brien wondered what the present owner's responsibility for dam maintenance is.

It was suggested the Town Engineer could examine the dam and surrounding area to make a basic determination as to potential repairs in the short term, and perhaps to replace the dam if necessary.

Selectman O'Brien asked about the structure on the property. Ms. Dineen responded it is an apartment house, with two units currently rented. She reiterated the owner's desire to maintain legal frontage along the front of the property. Mr. O'Brien expressed concern that the legal frontage maintains the ability to develop the property maintained by Mr. Smith, and would this increase the value of his land by now being next to conservation land.

Selectman Drobinski summarized that this is primarily a gift, there may be some risks involved, and it is critical to learn those risks and their financial implication before moving forward. Town Manager Valente stated she would take the Board's questions to Town Counsel.

### Town Forum

At 8:50 p.m. Chairman Roopenian convened Town Forum, a time during which various Town boards and committees present reports. Tonight's reports will be presented by the Sudbury Historical Commission and the Sewer Assessment Technical Advisory Committee.

Mr. John Fraize presented the report of the **Sudbury Historical Commission**. He updated the Board on the group's activities regarding matters of historical significance: The Commission is submitting a project request to the Community Preservation Committee to conserve and restore the Revolutionary War Cemetery. The request also seeks suggestions for a new maintenance plan for the Cemetery. The Hosmer House is badly in need of paint, and there is little money to put toward this project. Painting is considered maintenance, not "restoration", making Community Preservation Act (CPA) funding unlikely. Staffing the Hosmer House during the Christmas holidays is also difficult, making extended hours impossible. Other recent activities include working with the Historical Society to purchase a historical quilt and work on the September 11 Memorial Garden. The Hosmer House now has a computer and is linked with the Fire Department in the event of an emergency.

Ms. Lisa Eggleston and William Cossart represented the **Sewer Assessment Technical Advisory Committee**. They pointed out the difficulty in locating suitable land for a water treatment facility. Various parcels previously considered are either not available or are unsuitable due to poor soil conditions.

Reports concluded at 9:30 p.m. Refreshments were served.

### Selectmen's Fee Schedule Changes

Town Manager Valente stated the fee schedule is examined on an annual basis to make sure fees are appropriate and reasonable, as well as covering the costs of delivering those services. She stated the revised fee schedule would be placed on the Town website where appropriate. The Board reviewed a list of present license and application fees, and proposed changes. Discussion followed.

It was on motion unanimously

VOTED: To amend the Selectmen's fee schedule in its Policies and Procedures, for the following licenses and applications, as provided below, effective for all licenses and permits commencing January 1, 2004:

#### Licenses:

|   |              |
|---|--------------|
| Alcoholic Beverages:                    |              |
| Restaurant or Innholder (All Alcoholic) | \$ 3,500     |
| Restaurant or Innholder (Wine and Malt) | 1,500        |
| Auctioneer, resident                    | \$ 50/annual |
| Auctioneer, non-resident                | \$ 25/day    |
| Common Victualler                       | \$ 50        |
| Entertainment – Weekday                 | \$ 50        |
| Hawkers & Peddlers                      | \$ 50        |

|                            |                |
|----------------------------|----------------|
| Outdoor Amusement, Weekday | \$ 50          |
| Taxi Drivers               | \$ 20/operator |
| Taxi/Limo Operation        | \$ 50          |
| Transient Vendor           | \$ 50          |

Applications:

|                        |  |
|------------------------|--|
| Site Plans             | \$ 25/1000 sq. ft.<br>of Gross Floor Area<br>[\$500 Minimum Fee] |
| Minor Site Plan        | \$300  |
| Site Plan Modification | \$ 250 (w/public hearing)<br>\$ 100 (no public hearing)          |

It was further on motion unanimously

VOTED: To approve the following statement which shall appear at the heading of the Selectmen's Fee Schedule:

Policy: The Board of Selectmen is responsible for setting the fees for the issuance of the certain permits, licenses and certificates. In doing so, the Board has the following objective: to set the amount of the fee so as to recover a reasonable approximation of the costs to the Town in processing the requested item. Further, the Selectmen require that staff annually review these fees and make recommendations to the Board before December 31 of each year if they believe an increase or decrease is warranted.

**2004 Annual Town Meeting -- Selectmen Articles**

The Board reviewed a list of potential articles for submission to the 2004 Annual Town Meeting. Brief discussion followed. Town Manager Valente stated approval of the list tonight allows staff to begin research and developing the article, and that this is not a final submission.

It was on motion unanimously

VOTED: To approve the following potential Selectmen articles for 2004 Annual Town Meeting:

Hear Reports  
FY04 Budget Adjustment  
Street Acceptances  
Stabilization Fund  
Cutting Property Development Rights Purchase  
EPA Storm Water Phase II Final Rule Compliance (DPW Director)  
Sewage System – Rt. 20 area  
Scenic Roads Bylaw – minor changes  
Amend Bylaws – Town Meeting Procedures  
Sign bylaw  
Town Center Improvements  
Police Station Feasibility Study and Preliminary Design Services

PTERC recommendations  
Blue Ribbon Housing Site Selection Committee recommendations  
CPA projects – Revolutionary War Cemetery

**Selectmen's Goals**

The Board briefly discussed the Board of Selectmen FY04 Goals as determined in a previous meeting. Minor changes were made.

It was on motion unanimously

VOTED: To approve the Board of Selectmen FY04 goals, as amended.

**Bike Trail Committee**

The Board reviewed a letter drafted by the Town Manager, intended to go to Bike Trail Committee members to inform them the committee is being suspended while formal review of its mission is complete.

IT was on motion unanimously

VOTED: To approve the letter to be sent out to Bike Trail Committee members.

**Environmental Summit**

Town Manager Valente reminded the Board an Environmental Summit is being planned by the Planning Board for sometime this fall and distributed a list of potential topics suggested by the Planning Board. The Board agreed the issue of studying the water quality of Willis Lake should be suggested to the Planning Board. Additional discussion topics should be forwarded to the Town Manager.

**Financial Summit**

Town Manager Valente reported the Financial Summit is scheduled for November 6 at 7:30 p.m. in the Lower Town Hall.

**2004 Annual Town Meeting – Article Submission Deadline**

There was brief discussion on changing the deadline for petition article submission. A late deadline allows major citizen petition articles to come in very close to the warrant printing date, thus reducing time for staff, boards and committees to study such proposals. The Board will be considering the implications of various dates for accepting petition articles.

There being no further business, the meeting adjourned at 10:30 p.m.

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