

**IN BOARD OF SELECTMEN
MONDAY, MAY 4, 1998**

Present: Selectmen Maryann K. Clark, John C. Drobinski and Kirsten D. Roopenian.

The statutory requirements for notice having been met, the meeting convened at 7:30 p.m. at the Fairbank Senior Center.

Organization of the Board

The first order of business conducted was the election of a new Chairman, Vice Chairman and Clerk for the Board.

It was on motion unanimously

VOTED: To elect John C. Drobinski as Chairman, Maryann K. Clark as Vice Chairman and Steven L. Ledoux as Clerk of the Sudbury Board of Selectmen.

Planning Board

Present: Jody Kablack and Lawrence O'Brien of the Planning Board.

Jody Kablack and Lawrence O'Brien took time to speak with the Selectmen about future goals of the Planning Board. Mr. O'Brien stated he was the newly elected Chairman of the Planning Board and explained one primary focus would be to enhance communication with other boards and committees, specifically the Board of Health. Throughout the year, Mr. O'Brien stated the Planning Board would focus on the following:

1. Planning's articles for next Town Meeting;
2. Collaborate with developers allowing Jody Kablack extra time for subdivision review;
3. Partner with Public Works to discuss maintenance of the increased number of drains and sumps; and
4. Compromise with the Board of Health to reach reasonable regulations concerning Senior Residential Communities.

Chairman Drobinski responded the Board is open to ideas and suggestions and stated the Board will conduct a goal setting session in the near future. The Board of Selectmen will meet with all major boards and committees to discuss primary concerns, such as the Town's growth, school issues, and public health. Selectman Clark expressed open communication with boards and committees will be thought provoking and would be the beginning of new ideas. Selectman Roopenian added it would be vital for the Town's boards and committees to commence discussions regarding the future impact on the Town's revenue. Chairman Drobinski concluded the Board of Selectmen might not be able to meet with each board and committee.

Minutes

Selectman Clark questioned the vote on page 3 of the April 2, 1998, minutes. She believed the intent of was to include the December 31, 1998, deadline as a contractual item for Town Counsel. Selectman Clark stated the contract term would be until December 31, 1998, as a trial period for Paul Kenny and Pickett and Miyares to determine if this arrangement will work satisfactorily for the Town. Town Manager Ledoux stated this was not relayed to Paul Kenny because it was not in the vote. Chairman Drobinski stated that was the intention, but it was not included in the motion. Selectman Clark believes this was an oversight and Town Manager Ledoux suggested continuing this discussion when he presents the skeleton contract items for Town Counsel to the Board.

Selectmen Clark called attention to the April 7, 1998, minutes regarding SP98-343, Sudbury Plaza Trust (Gravestart, Inc.) and noted the attorney listed for this site plan in the minutes was Myron Fox when Bob Landry should be listed as the attorney. Selectman Clark also called attention to the April 13, 1998, executive session minutes, for the figure on page 2 shown as \$4,080,000 is supposed to be shown as \$4,070,000.

It was on motion unanimously

VOTED: To approve the following minutes as drafted: April 2, 1998, regular session, April 6, 1998, regular session, April 8, 1998, regular and executive sessions, April 13, 1998, regular and P.M. executive sessions, April 14, 1998, regular and executive sessions, April 15, 1998, regular session; and to approve the following minutes as amended: April 7, 1998, regular session and April 13, 1998 A.M. executive session.

Council on Aging

It was on motion unanimously

VOTED: To accept \$185.81 in miscellaneous donations for deposit into the Council on Aging Van Donation Account and to authorize the Council on Aging to expend the same for purposes of operating and maintaining the Council on Aging vans.

Nursing Home Week

The Board of Selectmen received a communication dated April 16, 1998, from Activities Volunteer Director, Catherine E. Sabatini representing Wingate at Sudbury, a Rehabilitative & Skilled Nursing Residence, asking for their recognition and support of Nursing Home Week.

It was on motion unanimously

VOTED: To proclaim May 10-16 Nursing Home Week in the Town of Sudbury, and encourage our community's citizens to honor and serve the individuals who laid the foundations of Sudbury by participating in this year's Nursing Home Week observance at one of our Town's nursing facilities.

Constables

It was on motion unanimously

VOTED: To reappoint Stephen P. LaRoche and Sean McCarthy as Constables for the Town of Sudbury, each for a three-year term to expire on April 30, 2001.

MMA Action List

Town Manager Ledoux gave an overview of the pending legislation listed on the "MMA Action" bulletin #5 received on April 29, 1998. The first amendment addressed was *Chapter 70 Aid* for which Representative John Slattery will offer an \$8 million hold harmless amendment for Chapter 70 for the 110 communities affected by the labor market glitch. The second amendment addressed was the *\$125 per student* for which Representative Susan Pope will offer an amendment to increase the minimum aid. The third amendment involves *Pension Costs in Abolished Counties* for which Representative Daniel Keenan will offer an amendment having the state assume the responsibility for the pension costs for active and retired county employees in Middlesex, Worcester, and Hampden counties. The fourth and last amendment addressed was *Payment-In-Lieu-Of-Taxes* for State-owned land for which Representative Stephen Kulik will offer to increase the PILOT line item by \$2.1 million to fully fund the second year of the schedule.

Selectman Roopenian mentioned the minimum per student was currently \$100 and not \$75 and she asked Town Manager Ledoux how the Town could research additional information regarding the proposed amendments. Town Manager Ledoux replied John Robertson of the MMA is an excellent resource, particularly for the school funding pieces. He also mentioned the MMA has a local Internet connection where more information can be found. Chairman Drobinski listed as an action item for Ms. Roopenian to make inquiries and get back to Town Manager Ledoux with her research results.

It was on motion unanimously

VOTED: To support the legislative items set forth on the "MMA Action" bulletin alert #5, dated April 29, 1998, and to direct the Town Manager to communicate our support to the various legislators.

SWC Corp., d/b/a Sudbury Wine Merchant

Present: Mr. and Mrs. Stephen F. Bodell.

In accordance with MGLc.138, a Public Hearing was opened to consider the application of Stephen F. Bodell, Manager, SWC Corp., d/b/a Sudbury Wine Merchant, Sudbury Plaza, 523 Boston Post Road, Store 513A, for a Package Goods Store License for the Sale of Wines and Malt Beverages only.

Town Manager Ledoux stated the Building Inspector recommends approval, subject to his final inspection before issuance of the license.

Mr. Bodell was in attendance and explained his establishment would be a small, service-oriented fine wine and beer retail shop allowing him to utilize his wine expertise to offer consultation, education, and service to customers with all levels of wine knowledge and interest. The hours of operation will be 10:00 a.m. until 8:00 p.m., well within the state regulations. Selectman Clark stated she was glad to see this establishment open and hopes it will be successful.

Chairman Drobinski confirmed Mr. Bodell was aware of the concerns associated with underage drinking and tobacco use. Mr. Bodell reassured his establishment would be using extreme caution checking identifications. Mr. Bodell explained they would contact the Police Department regarding people already under the influence of alcohol who are not able to drive. Selectman Roopenian inquired which other goods would be sold in addition to beer and wine. Mr. Bodell stated they would sell tobacco products, gift bags, glassware and simple crackers and chips.

Mr. Bodell inquired how long it takes to issue a license and Town Manager Ledoux explained it usually takes about four weeks for the ABCC to process the application without any other complications. He also explained there is a yearly renewal for this license and the Selectmen's office sends out notifications of renewal each year.

It was on motion unanimously

VOTED: To approve the application of Stephen F. Bodell, Manager, SWC Corp., d/b/a Sudbury Wine Merchant, Sudbury Plaza, 523 Boston Post Road, for a Package Goods Store License for the Sale of Wines and Malt Beverages Only, for premises described as follows: Store 513A, Sudbury Plaza: One floor, approximately 2,290 square feet; salesroom and two storage rooms; front entrance north side, exit south side.

Liaison Assignments

In review of the liaison list, Chairman Drobinski asked board members to state any questions or concerns. Selectman Clark asserted she would like to continue being liaison for the MetroWest Growth Management Committee because she has been asked to be their Chairman. She would also like to stay with the Strategic Planning Committee.

Selectman Roopenian mentioned she had a particular interest in the Schools because of her natural relationship with them as well as the Planning Board. Chairman Drobinski stated the School liaison is typically the Chairman's responsibility and the Board should keep that as such. Selectman Roopenian stated she would be happy to be an alternate for the Schools when Chairman Drobinski requested. She also asserted she was interested in the Planning Board and Park and Recreation, as well as being on the Strategic Planning Committee and Open Space Committee along with Selectman Clark. At Chairman Drobinski's request, Selectman Clark agreed to be liaison for the Council on Aging.

It was on motion unanimously

VOTED: To keep the liaison lists the same with the exception of the following liaison assignments for 1998-1999: 1) Selectman Clark assigned to the Council on Aging rather than Park and Recreation and Planning; 2) Selectman Roopenian assigned to Park and Recreation and Planning rather than the Council on Aging; 3) Selectmen Clark and Roopenian working together with the Strategic Planning Committee and Open Space Committee; and 4) Chairman Drobinski taking the same liaison list formerly assigned to Chairman Blacker.

Annual Meetings and Goal Setting

Town Manager Ledoux stated a goal the Selectmen set last year was to meet annually with each Town board and committee. He wanted to discuss making a priority list of which boards and committees the Selectmen would like to meet with initially. Chairman Drobinski commented the Board would initially meet with the major policy making boards and committees. Selectman Clark suggested scheduling two each month. She also commented there will be many boards and committees who will seek out the Selectmen's advice for various issues in progress that may need two or three meetings throughout the year.

Selectman Clark stated the Selectmen should meet at least once a year with each board and committee possibly in a Town forum or in a round table discussion as suggested by Selectman Roopenian. Selectman Roopenian would like to get a few boards in as soon as possible, primarily the Board of Health. Selectman Clark would like to begin with the Goal Setting Session to identify objectives and the realistic intent of the goals. She opined this would be easier to measure progress in attaining the goals set.

Chairman Drobinski expressed it was important to speak with the Board of Health, allowing the Board of Health an opportunity to discuss their goals and their vision for Sudbury. He commented their views and ideas would have a dramatic impact on the future of the Town.

The Board spoke of the first week in June to conduct their Goal Setting Session. Town Manager Ledoux stated he would arrange to have an off-site meeting set-up. The Board will get back to Town Manager Ledoux with available dates for the first week in June.

It was on motion unanimously

VOTED: To conduct the Goal Setting Session the first week in June and then schedule meetings with Town boards and committees.

Overhead Utility Waiver

Present: Robert Devlin, Builder.

Mr. Devlin relayed the bylaw states that utility wires have to be underground and he is here to ask for a waiver to install utility wires overhead. Mr. Devlin brought a few pictures to show the Selectmen just where the wires were to be installed and said the Selectmen have, in the past, waived the bylaw for him twice.

Selectman Roopenian asked Mr. Devlin what the differential was between overhead and underground in the present area of construction. Mr. Devlin explained the cost would be a difference of at least \$7,000 because he would have to go across the road and therefore, dig up the road to install underground utility wires. Town Manager Ledoux also mentioned the report from the Town's Building and Wiring Inspectors recommending approval because it is consistent with the other utilities in the area.

It was on motion unanimously

VOTED: To grant Robert Devlin, builder, special permission, in accordance with Sudbury Bylaws Article XX.3.E, to install overhead utility wires extending from an existing pole, across Hudson Road to a new house under construction at 494 Hudson Road.

Selectman Clark Report

Selectman Clark informed the Board she attended two seminars this past week. The first was regarding the WaterShed Issues and the second, which she thought would be beneficial for Sudbury, was the 495 Initiative. She stated Chairman's from area Board are to attend the 495 Initiative conferences. Chairman Drobinski designated Selectman Clark to attend these conferences and she accepted. Selectman Clark stated the next conference will be on May 28. Because of a schedule conflict, Selectman Clark asked Selectman Roopenian if she would attend the next conference and Selectman Roopenian stated she could.

Selectman Clark stated both Senator Magnani and Representative Barbara Gardner are working together, stressing shared services or shared resources. Selectman Clark was excited about the number of neighboring towns in attendance and explained the main reason for her attendance at this meeting was to attain tax equity for Sudbury. She noted Sudbury gets a great deal of the service end of the commercial business, but the Town needs a broader commercial tax base. She pointed out that Sudbury attracts many professional individuals who most likely work within the Marlboro, Framingham and Natick commercial areas. Her objective is to acquire a more equitable distribution of the commercial tax receipts for Sudbury. Selectman Clark explained these tax receipts should be generated on a per capita basis based on where these professionals reside. She stated if Sudbury could accomplish the generation of more commercial tax equity, the Town would be in a very good position. Chairman Drobinski designated Selectman Clark to officially represent Sudbury at the I-495 meeting, and Selectman Clark accepted the assignment.

Selectman Clark continued by addressing the heavy traffic on Sudbury's roadways. She opined this would be more difficult to resolve because we would also be dealing with the state. She was mainly concerned about setting the ground rules up front and having an alternative dispute resolution method set up, as in the legal system. Selectman Clark explained this means being cautious, and setting ground rules up front will prevent the "bully" towns from taking over. As an example, she described how EMC Corporation is financing the Town of Hopkinton's \$107 million dollar lawsuit against the Town of Milford. Selectman Clark stated there are methods to avoid such situations, however it will be difficult to avoid all friction because there will be different interests and concerns. She used Marlboro as a successful example and believes being involved in the 495 Initiative will be a fresh, new start for Sudbury. It was decided that Selectman Roopenian will be attending the next 495

Initiative meeting. In conclusion, Selectman Clark opined it would help relieve some of the tension when communities get other communities' ideas to help solve problems.

Selectman Roopenian Report

Selectman Roopenian reported she attended a Suburban Coalition Hearing at the State House where they spoke about the funding of public education, charter schools, as well as circuit breaker legislation. She said she stood up and spoke about Sudbury's Senior Tax Initiative passed at Town Meeting and the Town's \$500 tax relief program for the seniors. Selectman Roopenian stated representatives of other communities approached her after the hearing and were interested in knowing more about Sudbury's programs. She said she was developing a package and she spoke with the people who delivered the article at town meeting. Selectman Roopenian will be sending this package to those communities, as well as Marie Parente. She stated Senator Susan Fargo and Representative Susan Pope also asked for additional information, specifically because circuit breaker legislation has not been as aggressive as Sudbury's and they want to see how Sudbury developed these programs.

Selectman Roopenian also advised she spoke with representatives at the State House who believed Sudbury is not on top of their affordable housing program. Selectman Clark stated she didn't think she knew of any community that has fully complied with the 10% affordable housing quota and Chairman Drobinski stated that Sudbury was actually ahead of other communities with affordable housing programs. Selectman Roopenian believed there was a difference in perspective between urban and suburban affordable housing compliance.

Selectman Roopenian stated she spoke with the Chamber of Commerce and reported their biggest concern was for senior residential communities. She stated the Chamber of Commerce was also concerned about the elements of the Strategic Planning Committee's master plan, which elements have not yet been communicated publicly. The element Selectman Roopenian is specifically interested in is the economic sustainability component. She stated members of the Chamber of Commerce were excited when she mentioned the future formulation of an Economic Development Task Force to look at the kinds of business Sudbury would like to incorporate into the Town. She opined this would be a lot of work and would be a component of the Master Plan Committee.

Selectman Roopenian handed out to the Board an informal draft of a Land Use Priorities Committee and a memo from the Town Planner for the Board to look through and mark-up and hopefully, after the Goal Setting Session, this will be something to initiate. She also stated she felt a sense of urgency regarding Land Use issues and believes this committee will be an asset to the Town.

Open Space Funding

Town Manager Ledoux explained the Open Space Funding grant application deadline is June 1st, which requires two appraisals as part of the application. He stated we would not know the outcome of the Weisblatt Property until May 27th. Town Manager Ledoux stated he asked the Conservation Coordinator to do an in-house appraisal to go with the appraisal already prepared by former Town Assessor Dan Loughlin. Town Manager Ledoux suggested we could get another appraisal from the new Town Assessor, Maureen Hafner, enabling Sudbury to apply.

Town Counsel

Town Manager Ledoux presented five skeleton requirements to be included in the Town Counsel Agreement/Letter of Understanding. The five elements included: 1) a bi-monthly litigation status report; 2) an activity report listing the Department served and the nature of the consultation and/or opinion; 3) weekly

meetings to establish priorities and review activities; 4) utilize the firm of Pickett and Miyares for Conservation and 21E matters; and 5) to incorporate the Town Counsel Scope of Service in the agreement.

Selectman Clark stated she would like to see the short-term trial period in the beginning as previously discussed. Town Manager Ledoux mentioned he would be meeting with Paul Kenny and Judith Pickett by the end of the week to discuss the details of the relationship. He also stated these details would be included in the final agreement with the consent of the Board. The Board so agreed.

Electric Deregulation

Town Manager Ledoux attended a workshop sponsored by MetroWest Growth Management on Electric Deregulation. He focused Chairman Drobinski and Selectman Clark's attention back to the meeting held with the Wayland Board of Selectmen last year. MetroWest has received an aid incentive grant to hire a consultant to guide MetroWest communities through the deregulation and to help them in their decision making process regarding services. He stated, basically, we will have several options to choose from, including a standard option, go out to bid on our own, join the MMA pool claiming to be better than the standard option, or join a group called Power Options, which is a group purchasing program for non-profit organizations.

Town Manager Ledoux stated the one option that was the main focus at the workshop was not only to go out to bid for municipal accounts, but do a load aggregation bid which means going out to bid for everyone in the Town. He stated this workshop reconvenes in another month and they will be talking about this option further. He stated the Town might want to create a committee because it is a complex and highly technical issue and the Town may have some people with expertise in the field.

Executive Session – Discretionary Fund

It was on motion, by roll call vote, unanimously

VOTED: To go into executive session for consideration of expenditures from the Discretionary Fund.

(Chairman Drobinski, aye; Selectman Clark, aye; Selectman Roopenian, aye)

Chairman Drobinski announced the Board would not return to open session.

The Board adjourned to enter the Executive Session at 9:15 p.m.