

IN BOARD OF SELECTMEN
MONDAY, OCTOBER 26, 1998

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

The statutory requirement for notice having been met, the meeting convened at 7:30 p.m. at the Senior Center, 40 Fairbank Road.

Clerk Pro Tem - Appointment

It was on motion unanimously

VOTED: To appoint Janet Silva Clerk Pro Tem, in the absence of Town Manager Steven Ledoux, for purposes of this meeting.

Short-Term Borrowing

Present: Maureen G. Valente, Finance Director/Treasurer-Collector.

Selectman Roopenian asked if the Chapter 90 highway project funding comes out of the operating budget and wanted to know how the process worked. Ms. Valente stated the process is basically a "spend first, reimburse later" system, and added that because she does not have the cash on hand, it must be borrowed, necessitating interest expense. She continued to state the interest expense is budgeted out of her budget (Finance Dept.) within levy, so the interest is not charged against the Highway Department. Ms. Roopenian asked if this was standard operating procedure. Ms. Valente stated towns that have a lot of cash on hand can do internal borrowing, avoiding interest expense, but they also lose some ability to generate interest income.

Selectman Roopenian wanted to know when the Town would receive the Chapter 90 money. Ms. Valente stated it would be two to three months from the time the reimbursement request is submitted. She added the timing is basically driven by the Town in that when the Town incurs the expenses and the vendor is paid, the Highway Department puts together the paperwork which is verified by the Town Manager, and then submitted. She opined that because of the Big Dig Project in Boston, the reimbursements are not coming through as quickly, slower by two or three weeks. Ms. Valente added she has received \$600,000 - \$700,000 in reimbursements in the last couple months.

Selectman Roopenian wanted to know if there was any way to apply pressure to get this process speeded up. She commented this could eliminate some of the short-term borrowing and interest expense if these reimbursements came through quicker. Ms. Valente stated it is mostly a matter of keeping track of where the paperwork is in the system and not letting it stagnate anywhere.

It was on motion unanimously

VOTED: To approve the sale of a \$4,000,000 3.25 percent Bond Anticipation Note, Series A of the town dated November 3, 1998 and payable August 11, 1999 to BankBoston, N.A., at par and accrued interest plus a premium of \$10,564.

FURTHER VOTED: To approve the sale of a \$3,600,000 3.25 percent Bond Anticipation Note, Series B of the town dated November 3, 1998 and payable April 15, 1999 to BankBoston, N.A., at par and accrued interest plus a premium of \$5,508.

FURTHER VOTED: To approve the sale of a \$550,000 3.50 percent State Aid Anticipation Note of the town dated November 3, 1998 and payable April 15, 1999 to Commerce Capital Markets at par and accrued interest plus a premium of \$242.

Trustees of Town Donations

Present: Maureen Valente, Finance Director/Treasurer-Collector and Trustee of Town Donations.

Chairman Drobinski convened a meeting of the Trustees of Town Donations.

Ms. Valente announced that Leslie S. Schofield, Assistant Town Treasurer and Collector decided not to return to work after her maternity leave, and Yvonne McCandless has replaced her in this position. Ms. Valente stated due to staff changes and subsequent training, some reports are later than usual, but she added they are catching up and will have the September 30, 1998 report to the Board shortly.

Ms. Valente stated it has been a very good year, with most funds in U.S. Treasury and corporate bonds paying a standard dividend on standard dates, a very conservative portfolio. The income is generally in the range of \$55,000 to \$70,000 annually, which supports requests by the beneficiaries.

Ms. Valente stated she is meeting with the Investment Advisory Committee in the next room, and they are putting together an investment strategy after the recall of a \$30,000 bond from DuPont. Selectman Roopenian wanted to know how the decisions are reached. Ms. Valente stated the Investment Advisory Committee is comprised of people with investment experience, looking at spreads between government and corporate bonds, in order to put together some recommendations for the Board to consider. The committee utilizes Morningstar reports and other information, and attempts to replace a corporate bond with another corporate bond, and a government bond with a government bond.

Chairman Drobinski stated the Investment Advisory Committee was formed a few years ago to keep better track of how well investments did to improve the return on Town funds. This committee has set forth some policies and procedures defining what types of investments are most beneficial.

Acting as Co-Trustees of Town Donations, it was on motion unanimously

VOTED: To accept the June 30, 1998 Town Trust Fund Fourth Quarter Report prepared by the Town Treasurer.

Ms. Valente updated the Board on some accounting procedures regarding these funds. She stated when a group did not use their allotted monies, the remainder was usually carried over for the next year. This presented problems for the accountants, and the system was revised. She continued to state, when a group has monies left over, those monies are not lost, but the authorization to spend those monies is terminated until they reapply for the funds the next year. She noted, in particular, that the Library's request is quite large, and the Finance Department is trying to plan for their cash needs as only 5% of the trust is actually kept in cash.

It was on motion unanimously

VOTED: To approve request, dated October 26, 1998, of Co-Trustee Maureen G. Valente, Town Treasurer, to distribute Income Funds for expenditure in FY99, requested by beneficiaries, as follows:

Trust Fund	FY99 Requested
Annie Thorpe	\$ 0.00
Cheri Ann Cavanaugh	3,800.00
Forest Bradshaw Mem	90.00
Goodnow Library	50,000.00
Lydia Raymond	100.00
Rhodes Memorial	320.00
Gertrude Farrell	17.18
Discretionary/Charity	7,000.00
Raymond Mausoleum	500.00
School Fund	0.00
Town Cemeteries	<u>23,000.00</u>
	\$ 84,827.18

George Pizzuto Electric Co. – 236 North Road

Present: George Pizzuto, George Pizzuto Electric Co.

The Board acknowledged receipt of a letter from Mr. Pizzuto, dated October 9, 1998, and plan showing the proposed pole installation at 236 North Road, accompanied by a request for waiver of Town Bylaw Article XX, Section 3.E. Clerk Pro Tem Janet Silva reported John Hepting, Building Inspector, and Art Richard, Electrical Inspector, have no problems with this petition.

Mr. Pizzuto briefly recapped the events, specifically two different rulings from Boston Edison regarding overhead service to this property. He noted that the house is located on Route 117, and there are overhead utilities in the area, so the overhead connection is in keeping with neighboring wiring.

Selectman Clark asked who he had dealt with from the Town. Mr. Pizzuto responded he had spoken with Art Richard, the Electrical Inspector, who approved the job and indicated he would notify Boston Edison for the tie-in. Given that assurance, Mr. Pizzuto proceeded with the project.

Clerk Pro Tem Janet Silva stated the Wiring Inspector wished to clarify whether a new pole is intended to be placed at the street line on the north side, as the plan is not clear. Mr. Pizzuto stated the plan was for one at the opposite side of the street (existing) and one 93 feet inside the property. Ms. Silva cautioned the distance between those poles may be prohibitive and additional support might be necessary.

Selectman Clark expressed regret that the Electrical Inspector did not alert Mr. Pizzuto and the homeowner about the bylaw when he first inspected the project. She asked what the distance would be from the pole at the leaching field to the pole on the opposite side of the street. Mr. Pizzuto stated the street is approximately 40 feet wide, making that expanse over 130 feet long.

Selectman Clark stated she prefers to see utilities going underground, in accordance with the bylaw, but noted this is a single dwelling on a street with overhead lines, not a subdivision.

Ms. Silva noted if a pole is needed on the house side of the street, a public hearing would be required, as that would involve the public way. Mr. Pizzuto stated he would obtain an engineered plan from Boston Edison showing all poles, both existing and proposed.

Selectman Clark asked if there was temporary service. Mr. Pizzuto stated Mr. Galante's daughter lives next door to the work site, and is allowing the workers to run extension cords from her house. He stated the plumbing and heating system is already installed. Ms. Silva reminded Mr. Pizzuto that a public hearing would be required, adding time to the completion of the project. Mr. Pizzuto asked if a hearing is required if the poles are located on Mr. Galante's property. He noted the temporary power is not strong enough to keep the heating system going and expressed concern for lengthy delays now that the weather is turning colder.

Chairman Drobinski stated the Board has no objection to this waiver, but added they would like to see the final plan before ruling.

It was on motion unanimously

VOTED: To grant permission to George Pizzuto Electric Co. on behalf of Graziano Galante for the installation of a pole and overhead connection to service a new house at 236 North Road, in accordance with a request dated October 9, 1998, and Town of Sudbury Bylaws Article XX, Section 3.E., subject to Boston Edison clarifying the number and location of poles required and the possibility of a public hearing.

Minutes

It was on motion unanimously

VOTED: To approve the regular session minutes of October 16, 1998, as amended.

Council on Aging Donations

It was on motion unanimously

VOTED: To accept \$162.73 in miscellaneous donations to be deposited into the Council on Aging Van Donation Account; and to authorize the Council On Aging to expend same for purposes of operating and maintaining the Council On Aging vans.

E. B. Hosmer Memorial Fund

It was on motion unanimously

VOTED: To authorize expenditure of \$365 from the Edwin Barrett Hosmer Memorial Fund to pay Robert Leonard for historic district signs.

D.A.R.E. Donation Fund

It was on motion unanimously

VOTED: To accept \$750 from the Sky Restaurant to be deposited into the D.A.R.E. Donation Fund and to authorize the Police Chief to expend same for the D.A.R.E. program.

Town Report Committee – Appointment

It was on motion unanimously

VOTED: To appoint Jean E. Copp to the Town Report Committee, for a term to expire April 30, 1999, as recommended by said committee.

Disposal of DPW Vehicles

It was on motion unanimously

VOTED: To approve, in accordance with Sudbury Bylaw Article XII, disposal of two vehicles by the Department of Public Works (GMC 1985 truck VIN 1GDHK34M3FJ527380 and 1987 Buick Century VIN 1G4AL11WGHT456532), as set forth in a communication dated October 8, 1998.

Town Forum – 235th Session

At 8:10 p.m. Chairman John Drobinski convened the 235th Session of the Town Forum.

Various representatives of the Town's boards and departments updated the Town on their activities. Reports were presented by John B. Hepting, Building Inspector and Zoning Enforcement Agent; Peter J. Buxton, Park and Recreation; Gregory S. Lauer, Sudbury School Committee; Maureen G. Valente, Finance Director/Treasurer-Collector; and Adolf Bahlkow, Historical Commission. Chairman Drobinski outlined the Board's recent activities and presented a report from the Conservation Commission who was unable to attend.

Reports concluded at 9:05 p.m.; Chairman Drobinski declared Town Forum closed. Refreshments were enjoyed by those present.

In addition to a taped recording, this Town Forum was televised over the local Cable network. Copies of the videotape are available for a period of one year by contacting the Selectmen's Office.

Orchard Hill Assisted Living Residence –Overhead Utility Change

Present: Clifford T. Hughes, Drumlin Development LLC; Ralph Tyler, One Deacon Lane.

Clifford Hughes, Drumlin Development, met with the Board at his request to consider a change of plans to install underground conduit for utilities service to Orchard Hill Assisted Living Residence at 761 Boston Post Road, instead of the overhead connection approved by the Board on August 24, 1998, in accordance with Boston Edison Plan entitled "Boston Post Road, Sudbury", dated October 13, 1998. Clerk Pro Tem Janet Silva stated the Wiring and Building Inspectors have no objection to this request.

Mr. Hughes stated that while the Board had approved his request for an overhead utility waiver, he had promised to continue to look into the possibility of underground installation. He indicated on the plan the intent is to follow a similar line as the proposed overhead connection, with the underground installation eliminating the need for a new pole. Selectman Clark asked if the workers had found any ledge. Mr. Hughes stated they did not find ledge, but new requirements for underground installation will make it just as expensive. He indicated they are

required to use a special cement mixture around the conduit that will not move, but is easily excavatable should future work be required.

Ms. Silva informed Mr. Hughes that a statutory public hearing would be required as the utility work crosses the public way. He had been put on tonight's agenda with too short a notice to properly notify abutters of a public hearing. Selectman Clark commented that a hearing had been held but was continued. Ms. Silva clarified that hearing was for overhead utilities, and added that now a hearing must be held for the underground installation. Mr. Hughes indicated the delay could be a problem, as the State will not allow anyone to dig up the road after November 15.

Ms. Silva stated the Board could grant emergency approval, but made note that the abutters have not been notified. Chairman Drobinski stated the only person at the previous hearing was Ralph Tyler who had expressed support for exclusively underground installation throughout Sudbury. Mr. Hughes asked if there was some kind of communication or letter he could give to Boston Edison. Chairman Drobinski complimented Mr. Hughes on following through on his promise and remarked it speaks well for him and the possibility of future projects in Sudbury.

It was on motion unanimously

VOTED: To grant emergency approval to Clifford Hughes, Drumlin Development, LLC, to install underground utility wires (electric, telephone, cable, fire alarm) in approximately 105 feet of conduit extending from pole 18/142 under Boston Post Road to service the Orchard Hill Assisted Living Residence, as shown on Boston Edison Company "Plan of: BOSTON POST RD, SUDBUDY Showing PROPOSED CONDUIT LOCATION", dated October 13, 1998 (Work Order 689088), subject to conduct of statutory public hearing.

Conant-Welch Group – Northwood at Sudbury

Present: Peter Conant and Richard Welch, Conant-Welch Group; Ralph Tyler, One Deacon Lane.

Mr. Peter Conant of the Conant-Welch Group updated the Board on events prior to now, specifying they are a little behind their original schedule. He indicated they have received approval of the Master Deed and Trust documents by the Board of Health, and added that their attorney and Town Counsel Paul Kenny are looking over the documents. Mr. Conant stated the Master Deed sets up the legal structure, while the Condominium Trust Bylaws and Rules and Regulations speaks to the administrative bylaw and the operation of the property. He provided the Board with copies of the Trust documents which they had not received and still require review by Town Counsel.

Mr. Conant stated the language of last year's permit is repeated verbatim in the Master Deed. He pointed out one change in that prior to the completion of the activities building, all activities would be conducted in one of the condominium buildings. He noted they are strictly adhering to the age requirements of the facility. Mr. Conant stated the recording of this Master Deed is a requirement prior to going to Land Court and deregistering some of the land.

Mr. Conant briefly described the construction in process. He indicated the first residential building is under construction with the floors, exterior and interior walls in place. The activities building is under construction with the septic system being installed recently. The first unit is due to be occupied in January. He noted the first building is 50% reserved. He announced there would be a gathering at a local country club for the people on the waiting list as well as other people involved in the project. Included at this event would be representatives from Parmenter Health Services, the construction company, a mortgage company, a bank that plans to have a

representative and ATM in the activity building, food service provider, and health insurance provider. He noted interviews for staff are being done through Parmenter Health Services which specializes in long term care coordination. He indicated the response to the project has been favorable, but opined many people may be waiting to see what the mortgage rates will do before making a decision.

Mr. Conant distributed programs from the Boston Symphony Orchestra, pointed out Northwood at Sudbury is featured on page 46, and noted three other facilities advertised in the same program.

Selectman Clark read from page 38 of the Declaration of Trust: "The use of the activities building shall be limited as follows: the kitchen in the activities building shall be fitted with a grease trap, and the kitchen shall be a reheat kitchen only. No food shall be stored in the kitchen." She stated she uses the State Building Code definition of a kitchen as an area equipped for cooking, one that has a stove in it. She stated the term "reheat" does not mean "kitchen" and asked for clarification. Mr. Conant stated that language comes from the Board of Health. The developer was asked to permit the flow generated by the dining facility as a restaurant, but the Board of Health stipulated they did not want a restaurant-style kitchen in the building. Mr. Conant indicated the plans were revised to reflect off-site preparation of meals and reheated in the kitchen, if necessary, in various ovens, then plated and served in the activities building. He stated the kitchen has various ovens, dishwasher, and refrigerator, and added that a literal interpretation could mean that a person could cook a meal there, but not store any food in the kitchen, before or after preparation. He stated if a resident wished to have a retirement dinner or birthday party, the most obvious option is to arrange for it to be prepared by the caterer and brought in.

Selectman Clark stated she is bothered by the term "reheat", and gave the example of "reheated scrambled eggs" as an unpalatable meal choice. Chairman Drobinski stated if the Board of Health placed this restriction upon the developer, the Board of Selectmen cannot change it. Ms. Clark stated the Building Inspector and Zoning Enforcement Agent has always used the State Building Code's definition of kitchen, and that definition has been used many times in various construction projects. Mr. Drobinski stated the Board of Selectmen has no statutory authority over licensing and permitting of septic systems or food service while the Board of Health does. Ms. Clark stated the whole purpose of putting older people together is socialization so they do not feel left out, but this prevents a group from getting together for a meal using that kitchen without bringing everything in.

Ralph Tyler, One Deacon Lane, commented that during the planning stages concessions were made regarding size and use of the facilities, designed to avoid the possibility of multi-shift dining, resident dining and preparing for additional groups. He stated the fact that the Board of Health placed restrictions on how the kitchen facilities are to be used is not the Selectmen's problem, but the developer's. He suggested the hearing could be readvertised and reopened in order to modify the decision, and perhaps eliminate a kitchen altogether. Ms. Clark stated she had never seen a copy of the Board of Health decision in this matter. Chairman Drobinski asked her if the issue was that residents could not cook there or if it was because it was called a kitchen. Ms. Clark stated if they cannot cook there, it is not a kitchen and what good is it.

Selectman Roopenian remarked this discussion was of a semantic nature only, and commented to define a kitchen at this late stage of the process is irresponsible. Mr. Conant pointed out the language does not prevent the preparation of food in this kitchen, only the storage of food. Selectman Clark asked Mr. Conant what does "reheat kitchen only" mean. He responded if a resident comes to them for the evening meal, that person will select his meal choice, prepared off-site, and reheated if necessary. He added that a reheat kitchen is used for the purposes of cooking, serving, cleaning, and washing dishes. Mr. Richard Welch stated the caterer Michael's indicated the reheat option made more sense, combining the ingredients into the menu choices at the caterer, and bringing the completed meals into the facility. He opined even without the restriction the facility might have opted to operate the same way, given the reputation and proximity of the caterer. Selectman Roopenian asked if a group of residents could have cake and coffee in this kitchen, bringing in the cake and making coffee, but could not make a

Thanksgiving roast there because of the storage of ingredients, and remarked those people should request the roast from the caterer. Mr. Conant stated the caterer will not perform like a restaurant, preparing food for the facility continuously, but will prepare from established menus. Chairman Drobinski asked if the residents would still be able to cook inside their own units. Mr. Conant responded they would.

Subject to Town Counsel's final review, Mr. Drobinski suggested the Board vote on the documents based on these comments, or review them further for the next meeting. Selectman Clark stated there are two additional pages in this version of the Master Deed. Mr. Conant stated there was some additional language from the Board of Health regarding the septic system bonding requirements.

Ralph Tyler wanted to know if there was a mechanism in place to guarantee provision of the services in the activities building. He opined there should be some protection that it will be delivered as planned. Mr. Conant stated they opted to build the activities building at this point so that it would be completed before the rest of the units are constructed. As for project completion, he stated they are bonded for the road improvements and have installed the septic system. If for some reason, he added, the activities building is not completed as planned, the Building Inspector would be within his rights to void the occupancy permit. He continued to state they have made a considerable investment in this project and will see it through to completion.

Mr. Tyler wanted to know if provision could be inserted into the documents that if the project is not completed as scheduled, residents could leave until it is completed. Selectman Roopenian stated that is not necessary, as the risk is the developer's, not the Town's. Mr. Tyler stated the project had never been planned in stages, and as of a week ago, the permit for the activities building had not been pulled. Chairman Drobinski stated subdivisions in Town are approved and the permits for all the houses are not pulled at the same time. Selectman Roopenian stated the developer has the greatest risk and the greatest loss if the project is not completed.

Mr. Conant stated it was a responsible move on their part to build the activities building second so that residents could begin moving into the first building while the activities building was under construction. He stated it would make no sense to build the activities building first, and then have no one to use it. Chairman Drobinski compared this to the analogy of building the field house before the high school.

Mr. Conant stated he would welcome any dialogue from the Board of Health regarding the kitchen issue. Chairman Drobinski stated the Board could inquire into the Board of Health decision even though they cannot override that decision.

It was on motion unanimously

VOTED: To continue this matter to allow the Board time to review the Master Deed and the Condominium Trust documents, and to direct the Town Manager to receive clarification from the Board of Health regarding the term "reheat kitchen".

Walking Trail Easement/Drainage Easement – Edmund Sears and Leslie Karpp – Rice Road

Present: Edmund Sears; Deborah Dineen, Conservation Coordinator; Ralph Tyler, One Deacon Lane.

Chairman Drobinski noted the matter of easements for the Sears property on Rice Road had been tabled on October 13, 1998.

Conservation Coordinator Deborah Dineen stated the walking trail easement designating two locations had been presented to the Board in order to comply with subdivision approval, but the wording implies public use of the

trail. She opined the Planning Board did not realize all the work done on this property with the Water District, identifying the water main location connecting the Hill property on Plympton Road with the Sears property on Rice Road. She stated the Conservation Commission endeavored to locate the water line so it would have the least amount of disturbance to the area, and worked hard to locate the public walking trail along the same area as the water main. The Commission does not want the second walking trail area, which includes wetlands, to be approved. Ms. Dineen stated the deed will contain a conservation restriction which most likely will be held by the Trustees of Reservations. She stated a walking trail easement for this location is not necessary, if the trail is located on the water line.

Clerk Pro Tem Janet Silva stated that in her last conversation with the Town Planner the walking trail easement over the wetlands would be eliminated, and a new instrument will be drawn to specify only the area over the proposed water line. Mr. Sears stated the utility easement for the water line was in one document and the walking trail easements were in another, and now this document will contain two easements, water and walking.

Ms. Dineen stated the Conservation Restriction being drawn will prohibit public access in any location other than those specified by the easements.

Mr. Sears stated the drainage easement was originally created because they had envisioned the open lands held by a homeowners association subject to a conservation easement, but they have revised their plans to give the open lands to the Town. Ms. Silva stated the drainage easement is not really necessary, but that having it there will not contradict anything else. Ms. Dineen stated the Town will receive approximately 20 acres of land, and noted that 16 acres of it will go under a Conservation Restriction. She stated the area with the drainage structure cannot be placed within the Conservation Restriction because the structure will need to be maintained and serviced. Mr. Sears suggested the Board accept these easements subject to receipt of revised paperwork that reflects recent changes. Ms. Dineen stated the intent is to have the deed, the easements and the conservation restriction all say the same thing. Mr. Sears stated the Planning Board's approval of the subdivision came before the conservation restriction and relocated walking trail could be worked out. He noted the Water District easement is located between Lots 6 and 7 on the plan, and stated they were required to put the water line all the way through to the Hill property line.

Ralph Tyler remarked the Town should take note of the generosity of Mr. Sears and his sister Leslie Karpp for their donation of the land to the Town. He commented further they could have just sold the land to developers and instead chose to protect its natural environment. Selectman Roopenian stated it also speaks well for the Planning Board and the Conservation Commission for their work with the Sears family and the developer.

It was on motion unanimously

VOTED: To accept from Edmund H. Sears and Leslie S. Karpp on behalf of the Town: 1) a revised Walking Trail Easement over the water line only, and 2) a Drainage Easement dated September 22, 1998, and 3) a Quitclaim Deed of approximately 881,082 square feet for Open Space, all as shown on plan entitled "Cluster Layout Plan of Land of Fieldstone Farms in Sudbury, Massachusetts", dated April 3, 1998, last revised September 22, 1998, drawn by Sullivan, Connors & Associates, and located on the northerly side of Rice Road; and documents to be signed subject to receipt of revised paperwork and Town Counsel approval.

Ms. Dineen wanted the Board to know that when Mr. Sears went from the conventional plan to the cluster plan he did lose a lot in order for the Town to maintain a considerable open space area. The Board expressed its appreciation to the Sears family.

Stop Sign – Firecut Lane at Stearns Lane

The Board was in receipt of a petition, dated September 23, 1998, from Michael Quinn, 46 Stearns Lane, and neighbors, expressing traffic concerns on Firecut Lane at Stearns Lane. The Board also received a letter, dated October 14, 1998, from Ronald B. Conrado, Safety Officer, supporting the installation of a stop sign at this location.

Selectman Clark commented this intersection appears to form an acute angle as seen in many other areas in Town. She opined use of a stop sign to control speed would set a precedent. Chairman Drobinski indicated the Safety Officer designated this intersection as a unique situation. He asked the Board if they would like to see the intersection before making a ruling. Ms. Clark commented this would be a good idea, just to clarify the intersection's uniqueness.

It was on motion unanimously

VOTED: To continue this matter to allow the Board time to view the site.

PowerOptions Contract

Clerk Pro Tem Janet Silva stated Town Counsel Paul Kenny has reviewed the contracts. She stated Town Manager Steven Ledoux recommended the Town enter into a two-year agreement with an optional third year with PowerOptions. Selectman Clark referred to page 3 of the contract regarding delivery of electricity: "PECO Energy shall use reasonable efforts to fulfill or assist". Ms. Clark maintains PECO Energy should be "diligent" in their performance, as electricity is such an important part of our lives.

Chairman Drobinski asked what would happen if PECO Energy pulled out. Ms. Clark stated the supply of electricity would revert back to the local supplier at its original rate so there is a safeguard to continually receive power. Ms. Clark wanted to know what the term "green electricity" meant on page 8. Mr. Drobinski opined green electricity to be that which comes from natural gas, combustion of coal or something similar.

Selectman Clark maintained it did not make any difference whether the Town signed up right away or not because of referendum control, and the monies will be put into escrow. Ms. Silva stated the sooner the Town signs on, the sooner savings will accrue. Chairman Drobinski suggested getting clarification on these issues prior to approving, or approve with the caveat subject to clarification.

Selectman Roopenian commented there is no reference to service for non-profit groups as well as service for "those in need". Ms. Roopenian stated PECO's original statement was that there was potential for the offering. She stated further her surprise this request for special services was not included in the contract. Selectman Clark stated this is a standard contract that was offered to everyone. Ms. Roopenian stated the initial discussion had included potential for this, especially for handicapped individuals, those covered by Clause 18.

Chairman Drobinski stated PECO Energy had been receptive to the idea, but had merely promised to look into it. Ms. Silva added her understanding was that such would be handled as a separate contract. The Board suggested the possibility of including a reopener clause.

Selectman Clark noted on page 18 regarding assignment: "This agreement may not be assigned without prior written consent of the non-assigning party except PECO may without consent assign to a corporate affiliate provided PECO Energy remains liable hereunder." She expressed concern for affiliates being divided up, and stated she would like to see language stating that PECO would be "primarily liable".

It was on motion unanimously

VOTED: To table this matter to November 9 to allow the Board time to get clarification of the terms and issues raised.

House Bill #5720

Selectman Clark stated that at the October 14th meeting of the MetroWest Growth Management Committee the speaker was the Legislative Liaison, Frank Micciche, who spoke on House Bill #5720. Ms. Clark stated this bill is about Route 3N from New Hampshire all the way south to Route 128, widening it into three lanes, with a turning lane. She continued to state it was drafted by the Highway Department and James Kerasiotes. She noted the bill includes all kinds of encroachments on the towns due to the right of eminent domain, no concern about development rights, or zoning. She labeled it a design bill project with no percentage of design required. She noted all seven towns on Route 3N support it because of the heavy traffic, but opined if development is allowed along the enlarged roadway, traffic will inevitably increase, defeating the purpose of enlarging the road in the first place. Ms. Clark expressed concern for setting a precedent for similar future projects throughout the state. She referred to it as despotic rule, and not the democratic way.

Chairman Drobinski asked where the bill was within the legislative process. Selectman Clark stated it was in committee, and the concern is the Highway Department could choose the developer and the project does not go out for bid. She stated it is definitely something to keep an eye on. Chairman Drobinski expressed concern for the possibility something similar could be enacted for Route 20 or Route 117.

Education Reform – Legislative Forum

Selectman Roopenian stated she and a member of the School Committee attended a Legislative Forum regarding the Education Reform funding formula. She noted it was very well attended despite the rainy weather. She stated State Senate President Tom Birmingham, Representative Barbara Gardner, Dave Coughlin from Lexington, and Jerry Wasserman from Needham were in attendance, as well as a board of panelists led by a CNC News Political Analyst. She stated there was very specific discussion about the funding formula and how it has done a disservice to suburban communities. She stated further there were many people with questions and concern for the casual attitude of some of the legislators present.

Ms. Roopenian expressed dismay at some of the comments made by Tom Birmingham, specifically that he did not believe in local welfare for seniors, and that towns like Sudbury should stop complaining because towns like Chelsea and Lowell are in greater need of the money. She indicated he said it with a very dismissive attitude. She stated she approached him after the forum and asked him to participate in a similar forum in Sudbury to see the impact the funding formula has had here. She reminded him that the K-8 and the Lincoln-Sudbury Regional High School had very different per student expenditures. She stated she told him the K-8 per student expenditure was \$5,200, a figure far below many of the urban communities. She suggested to him he look over the numbers again.

Selectman Clark wanted to know if the forum discussed finding funds from other than property tax. Ms. Roopenian stated the forum discussed the Michigan model and noted they did not think the public mood was conducive to work on Proposition 2 ½. She stated Michigan funds the schools through the sales tax, but have recently started doing it through the local property taxes as well. Selectman Clark commented the national average is 55% of educational costs are contributed by the State, and Sudbury gets only around 10%. Ms. Clark declared it an inequity, whether or not Sudbury is considered an affluent community. Ms. Roopenian stated Mr. Birmingham spoke specifically about Sudbury due to the recent *Boston Globe* article on senior tax relief, and she opined he could not resist pointing a finger at Sudbury.

Election Day – November 3

Selectman Roopenian encouraged all Sudbury residents to exercise their voting right and go to the polls on Tuesday, November 3, 1998.

Veteran's Day – November 11

Selectman Roopenian invited the Board to attend a Flag Retirement (burning) on Veteran's Day sponsored by the American Legion and the Girl Scouts. The Board will be receiving a notice about the event.

Town Hall Intersection

Selectman Roopenian stated she fielded many telephone calls from residents about this intersection last week. She expressed praise for I. William Place for staying on schedule and completing the project by Thursday. It was noted that Town Manager Steven Ledoux played an important role in keeping people informed by sending flyers home with all Peter Noyes Elementary School students.

LSRHS Committee – Space Committee

Chairman Drobinski stated he spoke with Jack Ryan of the Regional School Committee who stated they are in the process of putting together a Space Committee. Mr. Ryan indicated the Committee could use an additional person to serve. Mr. Drobinski recommended Bruce Ey from the Permanent Building Committee. Selectman Roopenian stated a Space Planning Committee had been used when considering the Curtis Middle School situation, and she suggested Stephen Cebra or Stephenie Cook, if Mr. Ey is unavailable. Ms. Silva will forward these names to Mr. Ryan.

Leap School

Selectman Roopenian stated she drove past the school this afternoon and expressed dismay that the entire parking lot is blacktopped. She stated she had also received numerous phone calls from neighbors.

There being no further business to come before the Board, the meeting was adjourned at 10:40 p.m.

Attest: _____

Janet Silva
Clerk *Pro Tem*