

IN BOARD OF SELECTMEN
WEDNESDAY, SEPTEMBER 23, 1998

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

The statutory requirements as to notice having been complied with, Chairman Drobinski called the special meeting to order at 8:30 a.m. in the Loring Parsonage, 288 Old Sudbury Road.

PowerOptions/PECO Contract for Electricity

Present: S. Russell Sylva, General Manager, PowerOptions; and Lynn Duffner, Account Manager, PECO Energy Company.

At the Board's request S. Russell Sylva, General Manager, PowerOptions, the Massachusetts Nonprofit Energy Purchasers Consortium organized and administered under the auspices of the Massachusetts Health and Educational Facilities Authority; and Lynn Duffner, Account Manager, PECO Energy Company, met with the Selectmen and Town Manager to explain their proposed contract options for the purchase of electricity.

Town Manager Steven Ledoux reviewed the report received from consultant Warren Rutherford, which reviewed possible contracts under either PowerOptions or the Massachusetts Municipal Association MunEnergy Program, from which it was clear that larger discounts were being offered by PowerOptions. He explained the Selectmen were trying to decide which term period to contract for, and that they are also interested in an agreement to cover the entire town down the road.

Russell Sylva described the history of the two programs (PowerOptions and MunEnergy). Two years ago the PowerOptions program was started to organize service for nonprofit institutions – educational, human services and cultural – the State then made cities and towns, any public entity, also eligible. By bringing together this sector, there was an opportunity for savings. Its goals were to provide viable power and at the lowest price possible. He stressed, while they were in a sense in competition with MunEnergy, he did not mean to speak in opposition to that program.

Mr. Sylva described in detail the contract options offered by PowerOptions: a two-year agreement with a one-year extension clause, a five-year fixed-rate agreement, and a five-year agreement with the first two years at fixed rates and the next three years at an indexed price. He said he was very comfortable with both offerings, in particular noting the five-year program as being aggressively priced. Fixed rates are based on varying discounts from the "Benchmark Rate". He explained that at the end of next year the marketplace will be reviewed, and the last three years of the indexed contract will be based on the marketplace; if, in the third year, the Town wants to go off the fixed rate, it could do so at 98% of the index.

Mr. Sylva said that PECO offers a full array of energy services. Such services are contracted separately from commodities. They will do an initial cursory survey for the Town's follow-up. In-depth studies must be contracted and paid for.

Mr. Sylva further stated Ford Foundation has nominated the PowerOptions Program as one of the best in the country.

Power will be supplied by the Local Distribution Company until March 1, 1999, or later if the Referendum Petition is not resolved favorably. The contract, however, will start when signed. Savings which would have been realized under the contract during this time period will be paid into an escrow

account by PECO, and disbursed to the Town with interest. Mr. Sylva mentioned that some businesses will budget the full "Standard Offer" rate and apply savings to energy conservation measures.

Chairman Drobinski inquired as to where PECO's power would come from. The response was, from all over New England. They would own the power after the point of generation. On further question of the Chairman, Ms. Duffner stated PECO has been in business for eight years and was 99.8% reliable.

Upon inquiry from Selectman Clark, Mr. Sylva replied that at the moment townwide service was not in their plans to provide. He noted the credit risk becomes different for such service and would require a different pricing structure. During further discussion, both Mr. Sylva and Ms. Duffner surmised a program for all residents was 3-5 years away. Ms. Duffner thought the end product for townwide service would eventually be all inclusive of energy, cable, voice and data.

Selectman Roopenian asked if it would be possible to add certain residents, such as handicapped residents, to the contract. Mr. Sylva replied that anyone other than the Town agencies and its fulltime employees could not be covered. He noted that there may be a program available for such individuals. He went on to explain that fulltime employee could contract individually with PECO under the Town's rate structure, wherever they might live. It was noted that the goal would be to handle this as a non-benefit item, as the offer may be available only temporarily.

Regarding the Board's desire to aggregate for the entire Town, at this time Mr. Sylva suggested it might be more important to watch to see if there are any groups left out eventually and identify any public concerns; i.e., small businesses, etc.

On the issue of street lights, Mr. Sylva stated that, when the cost of power is separated from the facilities, it is a small factor, and he was not sure if they will enter into a program for street lights, there being many physical problems having to do with the street lights and wiring.

Ms. Duffner stressed that rates are based on the current Standard Offer; if the Standard Offer by Boston Edison goes up, the Town's savings will increase.

At the close of discussion, the Town Manager stated consideration of the contract options would be placed on the Selectmen's agenda of September 28.

Site Plan 98-346 – Andria Grant, d/b/a Quilted or Not

Abutters having been notified by first class mail, Chairman Drobinski called to order the continued hearing on Site Plan Application #98-346 of Andria Grant, d/b/a Quilted or Not, for property at 344 Boston Post Road.

Based upon a determination that the 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 grant a Site Plan Special Permit to Andria Grant, d/b/a Quilted or Not, in accordance with Application No. 98-346, for property located at 344 Boston Post Road, owned by Thomas A. Varriale, as shown on a plan entitled, "Site Plan in Sudbury, Mass., Prepared for Andria Grant, 'Quilted or Not', Sudbury, Mass.", Plan #98-026, dated June 9, 1998, and revised July 29, 1998, drawn by Ludwig Surveying Assoc., Inc., 3 Littleton Road, Westford, MA, including architectural drawings of the exterior of proposed rebuilt

structure (barn), subject to compliance with all governmental laws and regulations including, but not limited to Wetlands Protection Act and Sudbury Wetlands Bylaw, zoning, building and health laws and regulations, and further subject to the following conditions:

1. Approval of the drainage system, including traps, catch basins, and periodic maintenance as required by the Director of Public Works/Town Engineer; submission of drainage calculations including the additional paved surface from the parking lot, stamped by a Registered Professional Engineer;
2. Placement of all utilities underground;
3. Extension of Sudbury Water District lines to the site by the owner; 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. Approval of signs or advertising devices as required under the applicable provisions of the Zoning Bylaw;
6. 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;
7. Final approval by the Selectmen of an accurate architectural rendering of the proposed building or change, showing the front and side features as they will appear from the public way or private access;
8. Approval of the landscaping plan by the Board of Selectmen; the landscaping plan shall address the creation of a vegetative buffer along the eastern property line and the preservation of existing vegetation;
9. Exterior lighting to be directed away from adjacent residences and have shields;
10. No use of salt or chemical de-icers on site;
11. If applicable, the grant by the owner to the Town of a restrictive covenant to run with the land, governing, restricting or prohibiting the following which shall conform to requirements of the Board of Health, Town Engineer and/or Conservation Commission as appropriate:
 - (a) the disposal or removal of effluent and wastes generated on the site;
 - (b) the use of salt or chemical de-icers on the site;
 - (c) the installation by the owner of one or more monitor wells on the site, including the Town's right of access for periodic testing and monitoring thereof, or another protective device as may be required by the Board of Selectmen;
12. The grant of a Certificate of Appropriateness by the Historic Districts Commission, if applicable;

13. The grant of a Water Resource Protection District Special Permit by the Planning Board;
14. The owner shall improve the walkway along the frontage of the property, as required by the Director of Public Works;
15. 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;
16. No building permit shall be issued until certain items noted above (1, 7, 8, 12, 13) as specified by the Board, are complied with;
17. No occupancy permit shall be issued until certain items noted above (2, 3, 4, 5, 6, 9, 11, 14, 15) as specified by the Board, are complied with;
18. This Special Permit 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 Permit.

The Board signed the Decision as prepared by Town Counsel.

Executive Session

At 10:30 a.m., it was on motion, by roll call, unanimously

VOTED: To enter into executive session for the purpose of discussing strategy relative to litigation as follows: Rebecca R. Shapiro and Marc A. Shapiro, as they are the Trustees of Rosebud Realty Trust v. Town of Sudbury and John Hepting, Building Inspector and Rebecca R. and Marc L. Shapiro, Trustees of Rosebud Realty Trust v. Gilbert P. Wright, Jr., et al, and Meachen, et al v. Trevor A. Haydon, et al.
(Chairman Drobinski, aye; Selectman Clark, aye; Selectman Roopenian, aye.)

Chairman Drobinski announced public session would not reconvene following executive session.

The meeting was adjourned at 11:05 a.m.

Attest: _____
Steven L. Ledoux
Town Manager-Clerk