

IN BOARD OF SELECTMEN
MONDAY, SEPTEMBER 28, 1998

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

The statutory requirements for notices having been met, the meeting convened at 7:00 p.m. at the Senior Center, 40 Fairbank Road.

Utility Petition 98-10 – Landham Road

It was on motion unanimously

VOTED: To approve Utility Petition 98-10 of Bell Atlantic-New England, for the installation of conduit beginning at pole 15/22 on Landham Road, southerly approximately 115 to Anselm Way, continuing approximately 40 feet across Anselm Way, then approximately 246 feet to Pole No. 15/24, as shown on Plan entitled "New England Telegraph & Telephone Company No. 98-08", dated August 25, 1998.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular and executive sessions of September 14, 1998, as amended.

Council on Aging Donations

It was on motion unanimously

VOTED: To accept \$87.72 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.

World Population Awareness Week Proclamation

This matter was tabled on September 14, 1998.

It was on motion unanimously

VOTED: To proclaim October 24 – 31, 1998 as World Population Awareness Week in the Town of Sudbury, and to sign the revised Proclamation.

Congratulatory Letter – Troop 63 Eagle Scout

Chairman Drobinski remarked the Eagle Court of Honor will be held on November 9, 1998, the same evening as the Selectmen's meeting, and stated the Board will be unable to attend.

It was on motion unanimously

VOTED: To sign and send a letter of congratulations to John Reese of Boy Scout Troop No. 63 for attaining the rank of Eagle Scout.

Walkway – Willis Road

Present: Melina Murphy, 261 Willis Road, petitioner; I. William Place, Dept. of Public Works; David Herlihy, 239 Willis Road; Steven Murphy, 261 Willis Road; Maureen Wattley, 312 Willis Road; Mark Hileman, 298 Willis Road; other area residents.

The Board acknowledged receipt of a citizen petition requesting inclusion of an Article regarding the construction of a walkway, approximately 4,440 feet, along Willis Road, from Briant Drive to Mossman Road, in the Warrant for the April 1999 Annual Town Meeting. Signed petition was accompanied by a list of walkways (prioritized, not prioritized, and planned) in Sudbury, as well as recently completed walkways.

Melina Murphy, 261 Willis Road, summarized concerns over pedestrian safety on Willis Road, citing heavy commuter traffic as well as construction trucks traveling in excess of the posted speed limit. She pointed out persons attempting to walk along Willis Road include children on foot, bicyclers, walkers and joggers, and parents with strollers. She declared it not safe, stating it was a tragedy waiting to happen.

Ms. Murphy presented an area map procured from the Department of Public Works, which indicated existing walkways, and she pointed out how this proposed walkway would connect with the existing system. She also indicated walkways currently being installed. She stated the construction of a walkway along Willis Road would connect the north side with the south side.

Selectman Clark asked if any part of Willis Road had a walkway; Ms. Murphy replied there were none. Ms. Murphy continued on to state that every homeowner along Willis Road has given an easement for the construction of a sidewalk so permission is not an issue. Selectman Roopenian asked if Ms. Murphy had spoken with the people who lived along this road. Ms. Murphy stated she had been waiting for a traffic count, but proceeded without it, obtaining signatures for the petition between Thursday and Monday. She stated she has obtained 28 signatures, representing 23 homes. She stated she was able to obtain every signature on Willis Road from Briant Drive up through Ford Road, the properties that would be affected. She added the signatures represent Willis Road, Willis Hill Estates as well as Belcher Drive. Ms. Murphy opined she could obtain many more signatures from the area if she had more time, citing overwhelming support from area residents. Ms. Murphy submitted an additional petition with signatures.

Selectman Roopenian wanted to know what the different colored lines on the map represented. I. William Place clarified which ones were existing, and currently under construction.

Chairman Drobinski commended Ms. Murphy for her efforts, stating every area in Town would like to have walkways, but pointed out the Town has limited funds. He stated there is a Walkway Subcommittee under the supervision of the Planning Board, whose job is to prioritize which walkways need to be done and determine cost estimates. He indicated there are seven walkways currently on the priority list. He suggested Ms. Murphy speak with the Walkway Subcommittee to see if they would place Willis Road on the priority list. Mr. Place indicated Willis Road is on the walkway list, but not at a priority level.

David Herlihy, 239 Willis Road, wanted to know what factors determine priority. Chairman Drobinski stated there were a number of factors, including safety, ease of constructability, need for children walking to school, ease of obtaining easements to allow construction, citing safety is the most important factor. Mr. Drobinski stated there are many narrow roads in Sudbury, and opined many residents would like to have a walkway in their neighborhoods, but limited funds makes walkway completion a slow process.

Steven Murphy, 261 Willis Road, stated there seems to be clusters of construction activity in this area, and indicated Willis Road is taking much of the traffic that is attempting to avoid construction snags and get to Routes 117 and 27. He added Willis Hill Estates is substantially built at this time. Selectman Roopenian remarked there has been a substantial change in traffic patterns in Town because of Route 20 being heavily traveled, and motorists looking for alternate routes. She added Willis Road is on the list of walkways, citing that Willis Road is also the most expensive because of its length. Mr. Murphy asserted Willis Road is an important link in a much larger network of walkways, justifying other expenses on walkways in Town. He cited the ability for soccer players to walk the entire way to Fairbank and other soccer fields on walkways would be invaluable.

Maureen Wattle, 312 Willis Road, wanted to know about the expense and if there was a reasonable chance to get this project done in the next year. Chairman Drobinski stated an average of \$100,000 per year is allocated for the construction of walkways, following a vote at Town Meeting, and added there are sometimes other issues that come in at a more urgent need. He urged the residents to talk to the Walkway Subcommittee and then to bring the article to Town Meeting. He opined if the Finance Committee were in favor of budgeting funds for this item, this project might be approved at Town Meeting. He indicated the walkways on the priority list have been there for years and not yet funded. Mr. Drobinski cautioned against the possibility of pitting one neighborhood against another for preference in walkway construction, stating the purpose of the Walkway Subcommittee was to consider the Town as a whole and prioritize need.

Ms. Murphy wanted to know if the Board supported this walkway. Chairman Drobinski stated the Board supports construction of all walkways in Town, but there is not enough money to support every project requested. He cited the Town recently had difficulty funding \$500,000 for a new highway barn.

Mark Hileman, 298 Willis Road, wanted to know whom they should contact to reach the Walkway Subcommittee. Chairman Drobinski responded the Town Planner Jody Kablack would be the first person to contact, and she would be able to set up a meeting with the Walkway Subcommittee. Ms. Murphy commented that Ms. Kablack had sent the residents to the Selectmen.

Mr. Hileman urged the Board to not issue any further building permits along Willis Road without suggesting the developer contribute to the costs of constructing walkways. He stated when walking along the road he has had to jump into the woods or onto a fence to avoid being hit by construction traffic, especially those travelling 20 mph over the speed limit. Ms. Murphy stated there have been a number of accidents, and opined Safety Officer Ronald Conrado could pull together some information.

Selectman Roopenian re-emphasized there are many high traffic areas in Town due to motorists seeking alternate routes. She stated building permits cannot be restricted for walkway construction, no matter how desirable that might be. She added the Planning Board is working with developers to install walkways within new developments and possibly exterior portions as well. She opined it is to the developers' benefit to do this as it enhances that particular development. She stated the Willis Road area is as important as other high traffic areas and in time it will be accomplished.

Melina Murphy wanted to know how the funding process works. She understood Town Planner Jody Kablack to say the Willis Road residents should go to the Selectmen, who would approve the project and approve the funding for it. Selectman Roopenian replied the Selectmen cannot approve funding for any project, that all appropriations must go through Town Meeting.

Ms. Murphy asked how to get onto the priority list. Chairman Drobinski replied the Walkway Subcommittee determines and presents the priority list to the Planning Board. If funding is viable, the

Planning Board submits an article for Town Meeting. He suggested the residents talk to the Subcommittee, and then, if necessary, prepare a petition article for inclusion on the Town Meeting warrant. He added they might want to confer with Town Counsel for appropriate wording. He opined the Town Planner might have sent them to the Selectmen for a general opinion, possibly to avoid surprises at Town Meeting.

Mr. Herlihy wanted to know if all the construction permits for that area have been issued, stating if all permits are out, then the residents have no leverage to get agreement from a developer to assist with walkways. Chairman Drobinski stated it would depend on what type of approval was needed to get each permit, specifying subdivision approval from the Planning Board always requires walkway construction, but a permit for a single lot does not fall into the Planning Board's jurisdiction regarding walkways.

Mr. Murphy pointed out the proposed walkway between Briant Drive to Mossman Road is along existing lots and not new construction. He stated he did not know of any area in Town where developers were required to make off-site improvements. Chairman Drobinski stated it has happened, though the Town has to be careful in how those improvements are brought about. He added the Town could not require a developer to install walkways in an area other than where he is building in exchange for the permits.

The Board assured the Willis Road residents they supported their efforts to install walkways, and advised them to contact the Town Planner and Town Counsel.

Joint Meeting – Lincoln-Sudbury Regional District School

Present: John M. Ritchie, Superintendent; Pauline Paste, Business Manager/Treasurer; Sharl Heller, Janet Miller, Charles Schwager, and Chairman Stephen Silverman, Lincoln-Sudbury Regional District School Committee.

Chairman Drobinski explained the Board's policy of meeting with many Town Departments and Boards in order to gain better communication.

Mr. Schwager stated the major concern is budget issues, and added there is discussion by the Committee concerning the need for a tax override. The High School student enrollment increases by approximately 80 students every year, with no major building changes to accommodate these increases. He stated the school is considering a feasibility study to help determine future enrollments and the changes necessary to meet long-range needs. He remarked Pauline Paste has been working very hard within the school, reclaiming space as it becomes available.

Pauline Paste stated this is the fifth year of reclaiming space. The highest enrollment of the school was 1,964 students back in the 70's, prior to special education, computer labs, and other things that require significant space. She stated the Carroll School rented space from the school and vacated it two years ago, allowing two rooms to go back to the Science Department and the L-S Central Program. There are three classrooms rented by a day care that will be moving in April, and the school will renovate that space into classrooms. She stated the school could comfortably house 1,300 – 1,400 students with some modifications. She added the school's unofficial enrollment is now 1,150 students.

Mr. Silverman emphasized that the school is doing everything possible to avoid expanding the school. Chairman Drobinski commented the K-8 enrollments are quite high. Mr. Schwager stated the school officials would prefer to plan logically and not on an emergency basis.

John Ritchie stated they are dealing with state mandates regarding time spent in class, and added they were being cautious about making changes with respect to how costs are impacted. He stated the number of courses students are required to take has also been increased, forcing the hire of new staff members. He remarked the school has done a tremendous job the past few years in realizing savings, avoiding costs, partly due to using custodial staff to do renovation work when classrooms are reclaimed. He emphasized that Lincoln-Sudbury High School is a quality high school, and quality costs money. He added the Town cannot afford to compromise the quality of education.

Chairman Drobinski stated the reputation of the high school precedes itself in all areas, and as the parent of two Lincoln-Sudbury students, he agreed that reputation is well deserved. He stated the school is a credit to the Town, and a main reason why people move to Sudbury. He added, the 90% rate of students going on to college speaks well for the school and the commitment of the citizens for its support.

Mr. Schwager expressed his concern for “bubbles” in school population that result in school closing and later needing those facilities. He wondered whether any expansion could be considered with “reuse” built into the planning, which would allow for Town use in any space not used by the school. He commented this would make the taxpayers feel their dollars were put to good use. Mr. Drobinski agreed that was a good idea, adding the task would be to identify what Town function could be housed there on a somewhat temporary basis.

Selectman Clark commented on recent Education Reform reports indicating education costs of \$6,300 per student per year in the Sudbury elementary schools, and \$12,100 per student per year at Lincoln-Sudbury High School. She added the report states the high school population at around 950 students, lower than the Committee has indicated. She commented three years remain in the Ed. Reform timeframe and wanted to know how the Committee plans to deal with those issues, noting answers may be difficult to find. Mr. Ritchie stated their costs are closer to \$10,000 per student. Pauline Paste remarked the \$12,100 figure may include regional fixed costs such as health insurance. Janet Miller stated that, as a district, they are responsible for costs that an individual school system is not responsible for, such as insurance and fringe benefits. Mr. Schwager added the district and local school figures are not comparable unless the overhead costs are added back in. Mr. Ritchie pointed out one must consider the “economy of scale” – Sudbury gets the full benefit of a high school while the costs are split between two communities.

Selectman Clark stated property taxes should not be the only way to fund education costs.

Mr. Schwager remarked there is an inequity in the structure of Ed. Reform in that money is taken from schools on the high end, spread to schools on the low end, thus lowering the high-end schools. He opined it should work the other way, bring the Lowell and Lawrence level of school up to the Sudbury level of investment, not a compromise point in the middle. Selectman Roopenian stated the Sudbury schools should not be compromised while waiting for the Lowell/Lawrences to move up. She remarked she has been an opponent of the Education Reform method of funding and added Lincoln-Sudbury High School is a good example of the ER method of funding not working. She expressed concern for the lack of a yardstick by which to measure need and success, and cited an example of giving \$100K to a school and then trying to measure the success of what they did with the money. She commended the teachers and administrators in the Lincoln-Sudbury School District for being able to make a few dollars go a long way. She mentioned various coalitions and grassroots efforts going to the Statehouse and speaking on alternate funding formulas.

Selectman Roopenian asked if there was any initiative at L-S that will join with a suburban coalition or with legislators to discuss Education Reform funding formulas at the Statehouse level. Mr. Ritchie stated the District is involved in the EdCo Collaborative.

Selectman Roopenian wanted to know if there were any efforts to share services. Mr. Ritchie stated he and William Hurley met with Town Manager Steven Ledoux this summer to look at the potential of sharing services, only to discover it is more difficult than it looks. They made a list of areas for consideration such as busing and purchase of supplies. Ms. Roopenian inquired about the purchasing process for supplies through the EdCo Collaborative, and wondered if each school is considered its own entity. Pauline Paste stated the schools submit a needs list, all lists are combined for a joint purchase, and then "bid out" to get the lowest price for the quantity. She pointed out these lists come from all the member communities, not just the Sudbury schools.

Selectman Clark wanted to know if the school has considered allowing businesses to come in and use the school for advertisement in exchange for services. Ms. Miller stated the practice of businesses using the school during vacation times has been done, but opined the idea of advertising is a turnoff and delivers minimal benefit. Ms. Clark stated this is being done in the western part of the country, but did not have any particulars as to the structure of the program. Mr. Schwager agreed with Ms. Miller that individually people may disagree with the idea, but the Committee would certainly look over any information about this kind of program. He added they have given up the idea of asking the Town to invest money to fix up the Rogers Theatre. He expressed hope that the needs of the arts will be considered along with other needs. He continued to state the school would be investing money to fix things like broken seats and other minor maintenance repairs.

Mr. Ritchie stated the school has given more thought to revenues this year, increasing the athletic user fees from \$100 to \$125 per student. He added they have also started charging students a \$50 parking fee, noting that particular policy had been in effect some years ago. Speaking for the Committee, he stated they adopted those measures reluctantly, and expressed caution at charging the public for things they should receive through tax dollars. Selectman Roopenian inquired about the possibility of using school space in summer programs sponsored by the Park and Recreation Department as an additional source of revenue. She added teachers at schools could be hired for these summer programs.

Mr. Silverman expressed concern for misinformation regarding student enrollments, referring to the high enrollment in the 70's and the current student figures. He stated the schools will have to do some heavy public relations work to emphasize how much education has changed since the 70's, and convince the public that education cannot be accomplished the same way.

Chairman Drobinski agreed the public must be informed of the changes in the structure of education. He acknowledged the difficulty of their task and thanked the Committee for their efforts.

Sale of Ordinary Borrow – North Road

Present: I. William Place, Director of Public Works.

Mr. Place stated some capital purchases were put on hold in anticipation of this sale. He specified items such as vehicles for the Police Department, Fire Department, Highway Department and others. He stated two bids were received, with the contract going to J. Melone and Sons. He stated the president of J. Melone and Sons passed away last week, and his sons plan to honor the contract.

Mr. Place outlined the hours of operation as 7:00 a.m. to 3:30 p.m. and estimated it would take J. Melone and Sons approximately 16 months to remove 200,000 cubic yards of borrow. He added the removal would be sporadic, on an "as needed" basis. He presented a site map, and pointed out where various parts of the removal operation were located.

Selectman Clark asked about the price. Mr. Place stated DPW would have liked to get \$3.00/yard, but added the contractor will have to haul the borrow as well as process it. He stated the Town could rebid remaining material after this contracted 200,000 cubic yards has been removed.

Selectman Clark commented on the varying gradations and wanted to know what the site looked like. Mr. Place stated a 100-ft. buffer has been maintained along Route 117 so that the activity cannot be noticed from the road.

Selectman Clark wanted to know what the word "borrow" meant. Mr. Place stated it is a mixed material comprised mostly of sand and gravel, and primarily used in embankments. He added it could also be processed for cement sand and other things.

It was on motion unanimously

VOTED: To approve the contract for the sale of ordinary borrow from North Road land to J. Melone of Stow at the total price of \$450,000 for 200,000 cubic yards of materials at \$2.25/yard.

Chairman Drobinski suspended the meeting at 8:20 p.m. so that everyone could attend Town Forum.

Town Forum – 234th Session

At 8:21 p.m. Chairman John Drobinski convened the 234th Session of the Town Forum.

"Pay-per-Bag" Presentation

Present: Richard Beaudoin, Northeast Recycling Initiative; Joanne Bissetta, Regional Solid Waste Planner, Department of Environmental Protection.

Town Manager Steven Ledoux presented a slide show outlining various pricing options, benefits, and implementation of a "Pay-per-Bag" system of trash collection. He stated there has been ongoing concern for keeping the transfer station going with reasonable costs. He referred to the Pay-per-Bag system as unit pricing of municipal solid waste.

Mr. Ledoux began the presentation with a depiction of the waste hierarchy pyramid. On the top is waste prevention, composting and recycling in the middle, and landfilling and combustion is on the bottom. He stated the emphasis must be on waste prevention and waste reduction. He added that landfilling and combustion, while common practices, are actually the least desirable because of the impact on the land.

Mr. Ledoux identified the components of waste reduction as the Three R's – Reduce, Reuse, and Recycle. Pay-per-Bag directly supports waste prevention and recycling because residents pay for whatever they throw away, forcing them to consider recycling or reusing. He stated the potential benefits are the Three E's – Environment, Economics and Equity. Less waste means less combustion, disposal costs would be reduced, and costs equated to the size of household.

Mr. Ledoux cited examples of other towns around the country significantly reducing their waste by as much as 70%, as well as an increase in recycling. He stated various programs use different colored bags, stickers for bags, or a stamp system.

Mr. Ledoux posed some questions to consider with this program: (1) Will the program meet the Town's solid waste goals? (2) Will residents support the program? (3) Will costs and revenues balance? He opined the latter two would be the important ones to determine success of the program.

Goals include sufficient revenues to keep the Town in the trash service business, to encourage solid waste reduction, to convey a better understanding of the social costs of trash to citizens, charging for recycling and other complimentary programs, and try to keep the program simple to run and use.

Education and outreach is important for this program to work. The support of residents is crucial. He cited handouts, cable television, video, and even a replica of a pioneer house as a graphic example of a household's annual trash as examples of educational tools used when he helped start a pay-per-bag program in Williamstown. Public meetings, press releases, working with retailers will all be important ways to educate the public and businesses on the program.

Mr. Ledoux stated beginning a program like this is no easy task. When he worked in Williamstown, people picketed the transfer station the first day of the program because they did not understand what it was all about. He stressed in order to successfully launch the program with proper public education, a target date of July 1, 1999 is reasonable. When presenting the pricing options, he pointed out the cost per bag includes cost of the disposal of the trash, transfer station heavy equipment operator salary and benefits, and a one-year lease payment on a Town vehicle to transport the trash. Questions to consider: Will people continue to use BFI? Will people still go to the transfer station? Will there be more recycling and increased recycling costs?

Mr. Ledoux stated the purpose of tonight's presentation was to get the Selectmen's opinion of whether or not they approve a pay-per-bag system, and if so, a Citizens Advisory Committee should be created to begin gathering feasibility data.

Selectman Roopenian inquired about stickers. Mr. Ledoux related an example where one town reported stickers did not adhere well in cold weather. He added, from the view of the attendant, a uniquely colored bag would be better than many different bags with stickers applied.

Joanne Bissetta stated they generally see use of more bags than stickers and sometimes grants are awarded to encourage recycling. Brightly colored bags like orange are popular. She stated the Town has to consider people who like to use a barrel instead of a bag. She added that the stickers work well for curbside pickup.

Lawrence O'Brien wanted to know how much time would be required to have a committee evaluate the program and if the July 1 date allows enough time. Mr. Ledoux stated the information should get out as soon as possible. He added the transfer station budget would not be determined until Town Meeting in April.

Hans Lopater opined the program would work if it were mandated. He expressed doubt that the people who are unconcerned about their high water bills for watering the lawn are going to be concerned with the fee the trash haulers charge. He wondered what would happen if such a program were adopted, but proved unsuccessful. Mr. Ledoux responded that might drive the Town out of the trash business.

Tim Coyne opined it would bring more money to the Town, keeping trash collection costs off property taxes. He expressed concern for "cloaked" or illegal debris hidden inside the bags and opined people may try harder to disguise their trash this way. As a person who generates construction waste, he is well aware of this practice. He suggested a separate dump permit issued at the time the building permit is issued, just for people with that type of need, which would accommodate people who regularly do repairs and renovations on their own homes. He opined the Town will never be out of the trash business as there will always be items the private haulers will not remove.

Peg Whittemore, speaking on behalf of the Earth Decade Committee, stated they definitely support Pay-per-Bag to encourage recycling and reduce solid waste impact on the environment. She expressed support for Option 3 in Mr. Ledoux's presentation. She commented the Town has been considering this for a couple of years and should make a firm decision now.

Another resident wondered about the demographics of other towns using it and how they compare to Sudbury. Ms. Bissetta stated there are over 80 Massachusetts cities and towns currently using this program, Worcester, Gloucester, Concord, just to name a few. The same resident wanted to know if there was any way haulers like BFI could be involved in this program, and how would they conform. Mr. Ledoux stated BFI has its own facility and does not bring trash to the transfer station. He added there are also legal issues involved with regulating private haulers and indicated the Board of Health is the agency that licenses haulers in Sudbury. He stated in Needham there is even a law prohibiting bags and trash containers being on the curbside, requiring haulers to pull into the drive to collect trash.

Mr. Ledoux stated educating new residents is important, perhaps getting involved with the Welcome Wagon, to let people know what other options for trash collection are available.

Jane Coddington, a member of the Earth Decade Committee, recapped a recent collection of plastics numbered 6, 7 and unmarked. She stated one truck was not enough for the amount people had stored in their basements. She stated they collected 1,686 pounds of plastic from 168 people. She expressed concern for how the increased collection of plastic 6 and 7 would be handled as the transfer station currently does not accept them.

Lawrence O'Brien, Planning Board, asked the DEP representative for a list of methods employed by other towns. She stated there were guidebooks and handouts available, as well as a list of mentors. There were also flyers publicizing a one-day workshop in Boston on October 15.

The resident who inquired about involvement by haulers expressed skepticism about how well people will respond to the initiative. She stated she has been at the transfer station and observed people throwing recyclable items into the trash bins without the slightest hesitation. She noted these were items such as newspapers and cardboard. She opined people who are not using the transfer station properly now are not going to care one way or the other. She suggested putting out a questionnaire or survey to get residents' response to the idea. Chairman Drobinski stated a similar thing had been done when there was talk of closing the landfill. It was instrumental in showing that the residents were in favor of keeping the transfer station open.

Chairman Drobinski thanked everyone for their input and urged people interested in serving on the Citizens Advisory Committee to contact the Town Manager.

Town Reports

Various representatives of the Town's boards and departments updated the Town on their activities. Reports were presented by I. William Place, Director of Public Works; Lawrence W. O'Brien, Planning Board; Hans J. Lopater, Goodnow Library Trustees; Michael C. Dunne, Fire Chief; Peter B. Lembo, Police Chief; Kathleen D. Middleton, Town Clerk; and Marilyn A. MacLean, Historical Commission.

Reports concluded at 9:33 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.

Conservation Restriction – Former Ashley Property on Willis and Maynard Roads

Present: Steven Johnson and Tracie Hines, Sudbury Valley Trustees, Inc.

The Board acknowledged receipt of the conservation restriction and the state required conservation restriction application form, dated Sept. 8, 1998, from the Sudbury Valley Trustees, Inc., regarding 41.4 acres in Sudbury entitled "Mineway Brook". Sudbury Valley Trustees holds fee title to the property and is in the process of conveying a conservation restriction to The Trustees of Reservations, and such restriction must receive endorsement from the Selectman prior to the signature of the Secretary of the Executive Office of Environmental Affairs.

Mr. Johnson briefly described the property located off Maynard and Willis Roads in Sudbury, pointing out various points on a plan entitled "Town of Sudbury, Mass., Conservation Linkage Plan – 1989". He commented this conservation restriction will protect wildlife and their habitats, as well as extremely productive vernal pools. One of the commitments made to the landowner bestowing the gift was to agree to maintain it in its natural state and to never develop it in any way. Mr. Johnson stated the best way to protect the land from development is to split the rights between two trustee groups – one holding the land in fee simple and the other holding the conservation restriction on the same land. He added, pending their Board approval next week, the Trustees of Reservations will hold the conservation restriction. He stated Ms. Hines negotiated the terms of the agreement, and previewed it with the Executive Office of Environmental Affairs.

Mr. Johnson outlined the conservation restriction process as follows: First, the agreement between the principal parties; second, the application form describes in detail the land which is to be restricted; third, the Conservation Commission must certify there is public benefit from the granting of the restriction; fourth, it comes to the Selectmen of the Town to review and certify public benefit from the restriction; and finally to the Secretary of Environmental Affairs. He emphasized the restriction is perpetual, staying with the land for all time, regardless of subsequent ownership. Mr. Johnson pointed out that no other state goes through this detailed a plan to create a restriction, noting the Selectmen's role is significant.

Using the plan, Mr. Johnson pointed out surrounding lots that have been developed. He noted there is an access easement across Lot 4, but the question of public trail is awaiting completion of a natural resource inventory to see whether the land can accommodate walking trails and not disturb natural habitats and vernal pools. Selectman Roopenian commented that a trail system and signage is apparently not a sure thing. Mr. Johnson stated that decision would be worked out with the Trustees of Reservations. He expressed doubt that walking trails through sensitive areas are a good idea. Ms. Roopenian wanted to know how many walking trails on conservation land are currently in use in Sudbury. Mr. Johnson stated Sudbury

Valley Trustees owns several hundred acres of conservation land in Sudbury, most of which have informal walking trails, but he did not know specifically how many miles they covered. Selectman Clark commented that Elm Bank is building a bridge over a vernal pool in order to educate the public on the habitat. Mr. Johnson stated at the Women's Club Memorial Park which the SVT will take title to in October there are a series of vernal pools, and the Conservation Commission has existing trails near the vernal pools, providing abundant opportunities for educational programs.

Selectman Clark wanted clarification of the Public Benefit section of the application which asks "Is the restriction for the preservation of land areas for outdoor recreation by, or the education of, the general public?", to which the answer was Yes. Mr. Johnson stated there would most likely be organized outings through the area, but could not guarantee public access.

Chairman Drobinski recommended the Board sign the restriction. Mr. Johnson asked the Board to hold their signing until the documents are officially signed by the Sudbury Valley Trustees and the Trustees of Reservations.

It was on motion unanimously

VOTED: To approve and sign the Conservation Restriction for 41.4 acres in Sudbury, the former Ashley Farm Estates, now entitled "Mineway Brook", being shown as Parcel B on a Plan of Land entitled "Compiled Plan of Land in Sudbury, Mass.", drawn by Thomas Land Surveyors, Inc., 118 Forest Avenue, Hudson, Mass; dated November 6, 1997, in order for Sudbury Valley Trustees, Inc. to convey said restriction to The Trustees of Reservations.

Youth Commission – Appointment

It was on motion unanimously

VOTED: To appoint Susan G. Johnson, 51 Normandy Drive, to the Youth Commission, representing the Curtis Middle School PTO, for a term to expire on April 30, 1999, as recommended by the Town Manager.

Land Use Priorities Committee – Appointments

The Board acknowledged John Cutting (citizen-at-large/landowner) has declined appointment.

Town Manager Steven Ledoux received word recently that the Chamber of Commerce is recommending Nicholas Palermo, 284 North Road, as their representative on this committee. Selectman Roopenian recommended appointment of the following people: Carole Wolfe, 637 Concord Road, Saul M. Bloom, 169 Powers Road, and Kenneth A. Zito, 104 Longfellow Road. She remarked Mr. Bloom is a relative newcomer to the process and is very interested. She noted he has been active in some conservation initiatives but could not speak to any other experience.

Selectman Clark stated she is not acquainted with Ms. Wolfe nor Mr. Bloom and expressed concern for appointing people whose experience is unknown. She asked that these individuals complete the information sheets that all people on the Strategic Planning Committee were asked to complete and return them before the October 13th meeting.

Selectman Roopenian indicated she has been more active with this committee than she will likely be after the kick-off. She has asked the Sudbury Valley Trustees for copies of Stephen Small's book on estate planning as well as another book.

Selectman Clark expressed disappointment that John Cutting declined appointment. Ms. Roopenian stated Mr. Cutting had indicated he would be happy to serve in an advisory capacity but could not commit to another committee obligation.

Chairman Drobinski ask the Town Manager to send a note to Ms. Wolfe and Mr. Bloom with the resume sheets so all committee members' experience would be known. He stressed the importance of having all the Selectmen in favor of the individuals appointed.

It was on motion unanimously

VOTED: To appoint Nicholas Palermo and Kenneth A. Zito to the Land Use Priorities Committee for a term to expire on April 30, 1999, and to table the appointments of Carole Wolfe and Saul Bloom, pending receipt of their information sheets in the Town Manager's office.

Strategic Planning Committee – Resignation

It was on motion unanimously

VOTED: To accept the resignation, dated September 17, 1998, from Geraldine Nogelo from the Strategic Planning Committee, thanking her for her past service to the Town.

Special Act – Rollback Taxes

Pursuant to vote of the 1998 Annual Town Meeting under Article 9, it was on motion unanimously

VOTED: To sign the Petition to the General Court for passage of a Special Act for the Town of Sudbury authorizing the establishment of a separate fund known as the Rollback Tax Fund of which the Treasurer shall be custodian, allowing all rollback or conveyance taxes received by the Town to be placed in said fund and disbursed under the direction of the Board of Selectmen for the purpose of acquiring and managing properties for conservation purposes.

Ballot Question – House Bill Number 4669

Town Manager Steven Ledoux stated Town Counsel has approved the language of the ballot question and noted it would be placed on the March 29th ballot.

It was on motion unanimously

VOTED: To submit a ballot question for the March 29, 1999 Annual Town Election to adopt the provisions of House Bill Number 4669, enacted as Chapter 203 of the Acts of 1998 (M.G.L. Chapter 59, s.2D), which would allow the Town to fully assess newly constructed property at the time of occupancy, rather than wait for publication of new assessment lists in January; said ballot question shall read as follows: ***Shall the Town of Sudbury accept section 2D of Chapter 59 of the General Laws, which provides for taxing certain improved real property based on its value at the time an occupancy permit is issued?***

PowerOptions Contract

The Board continued its review of contracting for electric supply, tabled on September 23.

Town Manager Steven Ledoux focused on the term the Town should contract for. He indicated he originally was in favor of the two-year with a third-year renewal, but now believes the five-year option might be the best choice with the most savings. He noted PowerOptions may not be able to provide load aggregation for 5 – 8 years. Selectman Clark wanted to know if a clause could be included which would allow for renegotiation of the contract when load aggregation does become available.

Mr. Ledoux expressed some concern over PowerOptions billing practices. He stated Town Counsel has not finished reviewing the contract. Selectman Roopenian stated she liked PowerOptions because of the potential for savings to municipal employees. She noted Russ Sylva was not receptive to clauses for seniors, non-public schools, or nursing homes. Mr. Ledoux noted some of those things may need to be worked out with Peco, the supplier, and not with PowerOptions. He added that the City of Worcester is seriously considering PowerOptions, and will undoubtedly seek coverage for those special groups.

Selectman Clark noted the proposed contract is effective January 1, 1999. Mr. Ledoux stated it is effective the next billing period after the contract is signed. He stated he has asked Jan Silva to research the Boston Edison bills to determine when the meters are read for all the Town accounts. Selectman Clark asked if this would cover the schools.

Mr. Ledoux stated MunEnergy has moved their sign-up date to October 23rd, and added there is no deadline to contract with PowerOptions. Selectman Clark opined this change in date meant their enrollment was not as heavy as hoped so they have extended the enrollment period.

Selectman Clark wondered when Town Counsel would be finished reviewing the contract. Mr. Ledoux stated he would find out, and suggested the Board hold off with a specific charge until the billing cycles are determined.

The Board directed the Town Manager to research the electric billing cycles, billing information, and look into the PowerOptions contract review.

Zoning Bylaw Codification – Mark Bobrowski

The Board was in receipt of a proposal, dated September 15, 1998, from Mark Bobrowski regarding revision of Town Bylaws.

Town Manager Ledoux briefly recapped Mr. Bobrowski's proposal, broken into phases with a fee for each phase. Mr. Bobrowski has quoted a price of \$12,000 for completion of Phases 1 and 2, with Phase 3 charged at an additional \$3,000. Mr. Ledoux stated \$15,366 is available through "carryovers" so the Finance Committee does not have to approve the expenditure.

Chairman Drobinski wanted to know what Phase 3 entailed. Mr. Ledoux opined it would involve substantive changes in bylaws, but could not cite specifics. All phases required Town Meeting approval.

Selectman Clark requested a change in #1 of Mr. Bobrowski's Proposed Approach, stating it should read "Ten days before my first meeting with the Selectmen and/or Planning Board" instead of or. She asked that a similar change be made in the Cost section on page 3– (2) consultation with your town planner; to add

after town planner, "Board of Selectmen, and Zoning Board of Appeals". She noted they will be getting first-hand experience in trying to resolve problems with bylaws. Mr. Ledoux commented these statements were simply to identify how Mr. Bobrowski arrived at his fee. Ms. Clark felt these groups should be specified somewhere within the document. She suggested all references should read "Board of Selectmen, Planning Board and/or Zoning Board".

Chairman Drobinski suggested the Town Manager get some clarification as to Phase 3, and recommended approval of Phases 1 and 2. Mr. Ledoux indicated he would ask for the bylaws on computer disk so the Town can make the changes themselves and not have to hire it out again.

It was on motion unanimously

VOTED: To contract with Mark Bobrowski for bylaw codification, as outlined in his proposal in Phases 1 and 2, and as amended herewith, and to request clarification of Phase 3.

Selectmen Reports

Selectman Roopenian stated she attended Kids Day America which was hosted by local chiropractors. She stated various rooms were hosted by different groups including the Conservation Commission.

Selectman Roopenian also attended a program on Senior Tax Relief on September 7. She noted it was well attended by representatives of many communities. The presentation was well done, and prompted many questions regarding Clause 18. She stated a committee was formed that day to look into ways to help seniors pay their taxes.

Hunting and Fishing Licenses

Town Manager Ledoux stated the sale of hunting and fishing licenses at the Town Clerk's office has been decreasing; licenses are now available at numerous retail outlets in the area. The Town Clerk is recommending the Town cease to provide this service, because it is very time consuming and the Town is able to retain only a small percentage of the fees (\$360 in 1997).

Chairman Drobinski suggested an announcement in the newspaper that licenses will no longer be available at the Town Clerk's office and see what the public thinks about it. He expressed doubt the public will show a strong interest either way.

It was on motion unanimously

VOTED: To concur with the request of the Town Clerk to cease the sale of hunting and fishing licenses at the Town Clerk's office, to publicize such cessation in the local papers.

Emergency Phone Numbers

Selectman Clark expressed concern for the lack of home phone numbers of Town employees, and related an incident where she needed to contact someone. She stated the list of employees does not always include a home address, and some employees are listed with their office location instead. Town Manager Ledoux stated the Emergency Call List should contain all emergency information, and agreed to check. Ms. Clark stated a home address could be matched with the local phone book for a telephone number.

Executive Session

At 10:41 p.m. it was on motion by roll call unanimously

VOTED: To go into Executive Session to discuss the LEAP School litigation. (Chairman Drobinski, aye, Selectman Clark, aye, Selectman Roopenian, aye).

Chairman Drobinski announced that public session would not reconvene following Executive Session.

There being no further business to come before the Board, the meeting was adjourned at 10:43 p.m.

Attest: _____
Steven L. Ledoux
Town Manager- Clerk