

IN BOARD OF SELECTMEN
MONDAY, AUGUST 7, 1995

Present: Chairman John C. Drobinski and Maryann K. Clark

The statutory requirements as to notice having been met, the meeting was convened at 7:30 p.m. in the Lower Town Hall.

Sudbury Food Pantry

Present: Ed Gottman, Director of Sudbury Food Pantry

The Board acknowledged receipt of a request from Mr. Ed Gottman, Director of the Sudbury Food Pantry, for the use of a Town truck, for approximately two hours per week. A driver would also be needed. When large quantities of food are donated by local businesses a truck is needed (often at short notice). Volunteers do all the loading and unloading. The truck presently used is donated by Our Lady of Fatima Church, where the Food Pantry is located. However, this truck has recently failed to pass inspection.

Chairman Drobinski asked if the present truck can be fixed, but Mr. Gottman replied that the truck has seen many hard miles and he has been advised that it would not be a good investment for the Food Pantry to do repairs. Mr. Drobinski wanted to know if the truck would have to leave Sudbury and Mr. Gottman stated that sometimes a pick-up is necessary out of town, but if a Town vehicle could not leave the town he could still use a Town truck for in-town pick-ups. Selectman Clark asked for the year of the present truck and Mr. Gottman thought it was seven or eight years old. Mr. Drobinski said that the Board would ask Interim Town Manager Thompson to check into the liability issue of having a Town truck leave Sudbury.

Discussion concluded with recognition by Mr. Drobinski of the fine work done by Mr. Gottman in this worthy endeavor. Approximately 95 to 100 families in Sudbury are served by the Food Pantry. Mr. Drobinski further noted that Mr. Gottman has been a Citizen of the Year and that the Board will take his request under advisement.

99 West, Inc. - Change in Manager

Present: Andrew J. Robinson, Manager, 99 Restaurant

The Board acknowledged receipt of a Petition for Change of Manager for 99 West, Inc., 698 Boston Post Road.

Following a brief interview with new manager Andrew J. Robinson, it was on motion unanimously

VOTED: To approve a Petition for Change of Manager from 99 West, Inc., dated July 14, 1995, for Andrew J. Robinson to replace Martin E. McDonald as their Sudbury manager.

Federal COPS FAST Grant Award

Interim Town Manager Thompson stated that since Selectman Blacker is not present at this meeting, this discussion should be postponed until the Board meets on August 21, 1995, as Mr. Blacker has stated that he would like to be present for this discussion. The Board concurred.

State Grant Application for Library Construction Funding

Present: Hans Lopater, Chairman, Goodnow Library Trustees

Mr. Lopater informed the Board that since the Trustees were not awarded the State grant, he wanted the Board to know what the Trustees are doing to address reapplication issues. Mr. Lopater stated that Sudbury was denied for two reasons: we should have tried to get additional land for parking for a larger facility, and we proposed corridors that were too long between the old and new buildings. The Trustees will meet with the state's library building consultant to go over the criticisms in preparation for next year's application. Of the approximately \$21 million allocated for library renovation, \$7 million went to the City of Boston. Next year the applications will match cities and towns by size so as not to be in competition with much larger or smaller cities and towns.

Selectman Clark suggested that perhaps a videotape of the existing structure and how it relates to the land would be helpful and would help our proposal to stand out from all the others. Mr. Lopater acknowledged the usefulness of this idea and said that next year we would have an additional twenty pages to our application. Mr. Lopater stated that there are five months before the next application is due, and a Sudbury attorney has volunteered to help the Trustees with the new draft.

In response to Mr. Drobinski's query, Mr. Lopater informed the Board that the debt exclusion vote is still valid, so no further action is required by Town Meeting unless the amount voted is not enough to meet the Town's project cost projected at the time of reapplication.

Public Hearing on Wastewater Disposal Options Report

Present: Jody Kablack of the Planning Board, and Members of the Wastewater Options Task Force, George Gustafson, Bill Fitch, Frank Vana, Maryann Clark, Steve Meyer, Marianne D'Angelo, Ursula Lyons and Frank Sherman.

The Board acknowledged receipt of a transmittal memo from Jody Kablack, Town Planner, regarding the Draft Report of the Wastewater Disposal Options Task Force, prepared by the firm of Woodard & Curran, Inc., and dated July 31, 1995. The Board also acknowledged receipt of a communication dated August 7, 1995, from the League of Women Voters on the same subject.

Interim Town Manager Thompson distributed to the Board copies of a letter dated August 7, 1995, from I. William Place, Town Engineer, in reference to this draft report. Also, as suggested in the Town Engineer's letter, Mr. Thompson gave a copy of the draft to the Sudbury Water District.

Steve Fogg and Paul Weissman of the firm of Woodard & Curran, Inc., 990 Washington St., Dedham, MA, presented an audio-visual report of the results of their four-month study of wastewater

treatment options open to the Town. A final report will be forthcoming within ten days and will incorporate any comments received by Woodard & Curran at this meeting.

The following comments were received:

--Comments by the League of Women Voters were read by Katherine Rader from their prepared statement that there have been changes in the last 30 years and there will be changes in the next 30 years, and that they want a build-out analysis.

--George Gustafson, a Task Force member, stated that the main disposal method in the downtown business area should be subsurface systems. The Town should put its efforts into the existing sites sustaining their systems. He commented that those wanting build-out, are putting the cart before the horse. The wastewater issue and business expansion are two different issues. But, business expansion must be based on wastewater capabilities as you cannot separate the two. He noted that sewers or wastewater treatment plants would be very costly.

--Hugh Caspe, Chairman of the Board of Health, indicated the town should focus its planning based on septic system capacity which should be considered for any growth. Later, he commented that if we have systems that work, why do we want sewers.

--Frank Vana said he gets unsolicited questions from developers on what they can do. He said the business people in town want status quo--no more business. The question is do we want to increase business. He agrees with the LWV on business expansion.

--Jody Kablack, Town Planner, agreed with Frank Vana and the LWV that a zoning build-out should now be done and that a more comprehensive study should also be done analyzing different disposal options and zoning and their potential revenue impact. She noted that there has been no active participation of the business district.

--Chairman Drobinski stated that the Board will be looking at the financial, environmental and traffic issues in reference to growth in town when the Growth Management Study Committee gets underway this Fall; hopefully, the town will look at all issues and the wastewater issue is a key component of that.

--Selectman Clark noted that there are only five vacant parcels in all three business zones, and that the town's business land is near saturation.

--John Baronowsky noted that the Town Planner is saying that if we have more business our troubles will be over, but do we want what Natick has.

--William Cossart, of the Planning Board, agreeing with Hugh Caspe, commented that there seems to be a compulsion, an attitude to sewer on the part of some, no matter what are the report's conclusions. He noted that the town has the benefit of the Nitrogen-Loading Study which was favorable, and now has the favorable results of this Wastewater Disposal Options study, which gives the town something definitive. He further indicated the economics are against sewerage. He congratulated the firm on a well-done study and said it shows that we don't have a problem of septic system failures in the business areas of town.

--Frank Sherman, a member of the Task Force and a former member of the Planning Board thirty years ago, proposed site plan regulations that incorporate conditions of maintenance of septic systems, as well as zoning regulations that restrict the type of businesses. He indicated that no one considers sewerage to be an option.

--Richard Brooks of the Planning Board asked that this study not be put on the shelf, but invest to continue the study to go further.

--Selectman Clark thanked Woodard & Curran for their report which allays the fears that surfaced as a result of misinformation, as their study found that there are no presently known failing systems in any of the three business areas: West, Central or East. Ms. Clark noted that the report indicates the service life of a septic system is estimated to exceed 30 years with proper maintenance and asked if a statement could

be added to the report's conclusions, that with proper maintenance the service life of these septic systems can be extended significantly. She requested the report include maintenance recommendations.

--Hugh Caspe of the Board of Health noted that the statement in the report of 18.6 years between installation and maintenance of septic systems is a misstatement, and that it should read 18.6 years for upgrade, repairs or modifications. This doesn't mean the average system failed at 18.6 years.

--Ms. Clark suggested business septic systems be maintained on a regular basis.

--Ursula Lyons of the Planning Board mentioned that the Health Director, Bob Leupold, only inspects systems as they are being repaired; he doesn't inspect all systems annually.

--Hugh Caspe stated that the Board of Health needs additional employees to institute annual business septic system inspections.

--Chairman Drobinski thanked the firm of Woodard & Curran for an excellent report, and noted that the Board will further discuss the report, but for the first time, there is something concrete in hand from which to work.

Town Trust Fund Year End Report and Raymond Scholarship Fund

Present: Mary Ellen N. Dunn, Town Treasurer; David Pettit, David Wilson and Kenneth Ritchie, all of the Investment Advisory Group

The Board acknowledged receipt of a notice from Janet Silva, Secretary to the Trustees of Town Donations, regarding their agenda of accepting the Town Trust Fund Year End Report and of approving expenditure from the Raymond Scholarship Fund. The Board also received a copy of the Year End Report and notice of interest earned over the calendar year by the Raymond Scholarship Fund with two communications of May 8, 1995 from Lincoln/Sudbury as to the award of the Raymond Scholarship.

It was on motion unanimously

VOTED: To approve disbursement from the George J. Raymond Scholarship Fund of \$777.47 to Suzanne Rotz, 1994-95 recipient of the scholarship award, and it was further

VOTED: To accept the Year End Report of the Town Trust Fund for the period ending June 30, 1995 with the understanding that certain minor revisions would be made to the Report and be resubmitted to the Board by Town Treasurer Mary Ellen N. Dunn.

Interim Town Manager Thompson requested that Ms. Dunn also send the revised report to the Chairman of the Finance Committee.

Chairman Drobinski thanked the Committee for its work for the Town.

Sunrise Development, Inc.

Present: David Wallace, Consultant for Sunrise Development and Clifford T. Hughes, Vice President of Finance and Development of Sunrise Development, Inc., and approximately 30 town residents of the Washington Drive, Easy Street and Lafayette Road area.

The Board acknowledged receipt of a memorandum dated August 7, 1995 from Mr. Wallace in support of issuance of a Comprehensive Permit for a Sunrise Development project off Route 20 West.

The Board also acknowledged receipt of a communication from Sunrise Development of August 3, 1995, relative to the Sudbury Zoning Board of Appeals' denial of a request for special permit for an assisted living building proposal and notice of Sunrise Development's intent to move forward with a proposal to apply to the State for a Comprehensive Permit. Both Mr. Wallace's communication and Mr. Hughes' communication included an August 3, 1995 letter to them from Jo-Ann Howe, Sudbury Housing Authority Director, as to the number of housing units in town that are available as affordable housing.

At the request of Mr. Wallace, Sunrise Development was put on the agenda for tonight's meeting to make an informational presentation to the Board. Mr. Wallace first outlined his communication for the Board. Mr. Clifford Hughes then made a presentation which included a description of his project with schematic drawings, project layouts, and floor plans which indicated that total capacity of the building could accommodate up to 94 residents. His report stated a minimal traffic impact and previous attempts to get neighborhood support. The whole thrust of the presentation was to express a serious intention to work with the Town to build a structure that is compatible with the neighborhood and the site.

Edward Sokoloff, a resident of Washington Drive, voiced the position of many of the neighborhood residents that since Mr. Hughes presented his proposal as an informational meeting to the Selectmen, the residents wanted equal time to present their point of view to the Board. Many residents spoke expressing concern and opposition to the project due to size of building, traffic concerns, location of the building on the site, and that it represents a further intrusion on their neighborhood by business development.

Selectman Clark recommended that Mr. Wallace not go the route of requesting a Comprehensive Permit as this is a long and arduous process and promotes bad feelings in the process, recommending instead that they pursue a zoning change through Town Meeting to allow the use desired. Mr. Wallace responded that a final decision has not been made yet on which way to proceed -- to go for an appeal of the Board of Appeals decision, to pursue a Comprehensive Permit, or to go to a Special Town Meeting -- but all three alternatives are being considered. He reiterated that they will aggressively pursue this project.

Mr. Sokoloff asked if the Board will vote to endorse this project and, if so, residents want their input heard first.

Ms. Clark assured the residents that this is purely an informational presentation. She further advised that any application discussed by the Board of Selectmen would be posted as an agenda item so that residents would know to be present at the meeting.

Minutes

It was on motion unanimously

VOTED: To approve the regular session minutes of July 24, 1995, as amended.

Council on Aging - Van Donation

It was on motion unanimously

VOTED: To accept \$102.56 in miscellaneous donations for deposit into the Council on Aging Van Donation Account and to authorize the Council on Aging to expend the same for purposes of operating and maintaining the Council on Aging vans.

Matt Garrett's of Sudbury, Inc. - Change in Name

The Board acknowledged receipt of a Petition for Change in d/b/a from Matt Garrett's of Sudbury, Inc., submitted by Charles J. Jaffe, Clerk of the Board of Directors.

It was on motion unanimously

VOTED: To approve a Petition for Change in d/b/a from Matt Garrett's of Sudbury, Inc., 120 Boston Post Rd., dated August 2, 1995, for the name San Antonio Grill to replace the name Matt Garrett's.

Training of Fire Personnel for Hazardous Waste Cleanup.

The Board acknowledged receipt of a communication from Fire Chief Michael Dunne regarding training of fire personnel for hazardous waste clean-up at the Fort Devens Annex site. The Fire Chiefs of Hudson, Maynard, Stow and Sudbury have been repeatedly, by letter and telephone, requesting training from the U. S. Army to conform with 29 CFR 1910.120(7). Fire personnel from the four towns believe that the Army's proposal of one eight-hour block of instruction is inadequate; at least 24 hours per man are necessary (the Chiefs have been willing to reduce the total hours required from the forty stated in the Code of Federal Regulations, based on the already high degree of preparedness within their departments), but at least 24 are necessary, not the eight that the Army proposes.

On recommendation by Interim Town Manager Thompson, it was on motion unanimously

VOTED: That the Board support Michael C. Dunne's position of agreement with Hudson Fire Chief Garrity's letter to H. Carter Hunt at Fort Devens, and that we send a letter to Mr. Hunt to express this support.

Chapter 61A Option - Estate of Anne W. Donald, 102 Hudson Road

The Board acknowledged receipt of a Notice of Intention, dated July 13, 1995, in accordance with Massachusetts General Laws Ch. 61A, s.14, from the Estate of Anne W. Donald, to withdraw from Ch. 61A classification and convert from agricultural to residential use, approximately 7.54 acres of land shown on Town Property Map G08 and further described as Parcel 1B and Parcel Z on plan entitled, "Plan of Land in Sudbury, MA", dated June 28, 1995, drawn by Connorstone, Inc., Northborough, MA.

The Board also acknowledged receipt of communications from the Planning Board taking no position on this matter, from the Board of Assessors recommending that the Town of Sudbury not exercise its option to purchase the above referenced property, and from the Conservation Commission recommending that the Town not exercise its option to purchase or to assign the option concerning the Donald property.

Interim Town Manager Thompson recommended that the Board concur with the positions of the Planning Board, Board of Assessors and Conservation Commission as outlined above. Selectman Clark

asked about the Sudbury Valley Trustees' interest and Mr. Thompson replied that they were consulted and expressed no interest, as stated in the communication of August 4, 1995 from the Conservation Commission. Chairman Drobinski said that the Town is not interested because this parcel doesn't connect with any trails or other Town land.

Following review pursuant to M.G.L. Chapter 61A, s.14, and Notice of Intent postmarked July 13, 1995, it was on motion unanimously

VOTED: To decline to exercise the Town of Sudbury's first refusal option, or to assign said option to purchase the approximately 7.54 acres of land off Hudson Road owned by the Estate of Anne W. Donald, 102 Hudson Road, as shown on Town Property Map G08 and further described as Parcel 1B, containing approximately 312,263 square feet, and Parcel Z, containing approximately 14,354 square feet, on plan entitled, "Plan of Land in Sudbury, MA", dated June 28, 1995, drawn by Connorstone, Inc., Northborough, MA.

Sudbury's Community Action Statement

The Board acknowledged receipt of a notice from Town Planner Jody A. Kablack regarding changes to the Community Action Statement voted on July 11, 1995 by the Planning Board. The notice also outlined the process for adding any new projects to the Community Action Statement, should the Board or any other department wish to do so.

Selectman Clark proposed that under the heading: "What Factors Contribute to the Need(s)" on page 7, the following be added: "The Sudbury Village Project and Route 20 Bypass are not recommended by the Selectmen as pollution would increase from storm water drainage, road salt and other deicing chemicals due to the enlarged pavement of a Route 20 Central Business District Bypass crossing Hop Brook; cost of taking prohibitive; more development not advised in Water Resource Zone II which protects town wells." Ms. Clark further suggested that under the heading "Potential Ways for Meeting the Need(s)", also on Page 7, the following be added: "Route 20 from Chiswick driveway to Raymond Road has been much improved and reconstructed with turning lanes, rubberized railroad crossing, new sidewalks and granite curbs. Sewer study has been concluded by Woodard and Curran which concludes that use of on-site septic do not pose a threat to town wells."

It was on motion unanimously

VOTED: To approve the above revisions as presented by Selectman Clark, subject to any input by Selectman Blacker.

Appointment of Election Officers for the 1995-96 Election Year

It was on motion unanimously

VOTED: To appoint Election Officers for the 1995-96 Election Year commencing August 15, 1995, as recommended by the Democratic and Republican Town Committees in correspondence dated July 28, and June 1, respectively, as set forth by the Assistant Town Clerk.

Special Meeting to Interview Consultants for the Town Manager Search

In response to a question by Ms. Clark, Mr. Thompson reported that an ad appeared in the Middlesex News, Sunday edition, on July 30, 1995, relative to Requests for Proposals from consultant firms for the search for a new Town Manager. The ad stated that such RFP's are due by August 14, 1995. The Board agreed to schedule a special meeting to interview consultants, preferably during the week of August 14, 1995.

EPA Meeting

Upon question from Selectman Clark, Interim Town Manager Thompson responded that he would call the Selectmen and give them a date, believed to be August 24, 1995, at 9:00 a.m. at the Marlborough Sewage Treatment Plant, for the local meeting with the EPA on the subject of salting Route 20 and adjacent roads. (The following day this was confirmed by Mr. Thompson.)

Fort Devens Annex

Interim Town Manager Thompson acknowledged that the Board received a copy of the Notice of Potential Availability of Federal Excess Real Property, an internal Federal notification, in reference to the Fort Devens Training Annex. After discussion, Mr. Thompson emphasized that no official notice has been given to the Town. The Board also acknowledged receipt of a Report on Wildlife Species Observed on the Fort Devens Annex (South), dated June 24 to July 31, 1995, from the Sudbury Conservation Commission.

Interim Town Manager Duties

Chairman Drobinski reported that he spoke with Mark Morse of the Massachusetts Municipality Association (MMA) as to the Board's position to allow Mr. Thompson to proceed to implement Ch. 131. Mr. Drobinski reported that no concern was expressed by the MMA as to proceeding in this manner; if anything, it would be beneficial to the Town and any new manager coming in at a later date. Selectman Clark concurred with Mr. Thompson's proceeding with instituting a Finance Department, but preferred to put on hold, Mr. Thompson's appointing of a Town Clerk and the setting up of a Public Works Department. These matters will be discussed at a future meeting.

Executive Session

At 10:55 p.m. it was on motion by roll call unanimously

VOTED: To go into Executive Session to discuss expenditures from the Discretionary Fund.
(Chairman Drobinski, aye; Selectman Clark, aye).

Chairman Drobinski announced that public session would reconvene immediately following Executive Session.

There being no further business, the meeting was adjourned at 11:00 p.m.

Attest: Richard E. Thompson
Richard E. Thompson
Interim Town Manager-Clerk