

IN BOARD OF SELECTMEN
MONDAY, DECEMBER 4, 1995

Present: Chairman John C. Drobinski, Selectmen Maryann K. Clark and Lawrence Blacker.

The statutory requirements as to notice having been met, the meeting was convened at 7:45 p.m. in the Town Hall by Chairman Drobinski.

Public Hearing Continuance - Interstate Gas & Oil Revised License

Present: George Bell, Owner, and Dave Eagle of Interstate Gas & Oil.

Chairman Drobinski opened the Continued Public Hearing on the subject of the application of Interstate Gas & Oil Corp. for a revised license to store inflammables, underground, on property located at 239 Nobscot Road. (See minutes of November 20, 1995.)

Selectman Clark stated that the plot plan submitted to the Board on November 20, 1995 showed five underground storage tanks, but the application states that there are only three; as the plan is dated October 4, 1995, it should be a current statement as to what is on the property. She also noted that there is no engineer's seal on the plan. Mr. Eagle told Ms. Clark that a 2,000 gallon tank and a 10,000 gallon tank had been removed and that Fire Chief Dunne has copies of those removal statements. Selectman Clark requested that the plan on file with this application be amended accordingly to show the remaining three tanks.

Selectman Clark stated that since the tank that had ruptured in the past was fiberglass lined and the current tanks are also fiberglass lined what has Mr. Bell done to prevent such an occurrence in the future? Mr. Eagle responded that there is an audible and visual alarm installed; he said that Mr. Bell can push a button and run a tape to get a reading and that he can run a reconciliation at any time. Ms. Clark inquired as to how an alarm system can be installed without having double-walled tanks. Mr. Eagle responded that the only thing a double wall will do is that a leak on the inner tank will leak into the outer one instead of the environment. He reiterated that Mr. Bell has updated the tanks with cathodic protection and overfill protection. He emphasized that Mr. Bell is in conformance now with State regulations which will not take effect until 1998.

Selectman Clark asked about the \$135,000 that Mr. Bell stated at the previous hearing was spent to update the tanks. She asked if this amount was not to replace tanks, then was it to put in a computer system? Mr. Eagle replied that the amount was closer to \$165,000, and that it had been spent to put in the computer system, and also for clean-up, new pipes, cathodic protection, etc.

Chairman Drobinski noted here as to the past leak: Robert Leupold and Mr. Drobinski spent an entire day inspecting the property and Mr. Bell was more than cooperative with the Town. Selectman Clark said that her only concern here is that the Town is dealing with tanks on the property that are of the same vintage as the one that ruptured.

Selectman Clark brought up her concern that there is no clear delineation of the property and street line. She said that if this were coming to the Board now, as a new application, the Bylaws would require a 20' buffer, but this property is "grandfathered"; however, sometime in the near future, something should be done to delineate where the property ends and the street begins. Interim Town

Manager Thompson interjected here that it is not clear where the street line ends and whether it is Town or County property.

Selectman Clark compared this site (Industrial District #8) with one in another Industrial District (#2) where it appeared, operating under Zoning Bylaw Art. IX, III, C2d, a new hearing process before the Zoning Board of Appeals was required each time a change of use was made; but none was ever required for Mr. Bell each time his tenant's use changed. Chairman Drobinski stated that this is a separate issue from what the Board is considering in this case, but that Ms. Clark has pointed out another deficiency in the property and that he hopes that sometime in the near future Mr. Bell will look into putting in a berm.

Interim Town Manager Thompson told Mr. Bell that he hoped he would comply with the wishes of the Board on a voluntary basis, and that Mr. Bell could call on the Selectmen's Office for help with surveying for such an improvement.

It was on motion unanimously

VOTED: To approve the application of Interstate Gas & Oil Corp. for a revised license to store inflammables, underground, on property located at 239 Nobscot Road, Sudbury, MA, as follows: 40,000 gallons of #2 fuel oil to be stored in two 20,000 gallon fuel tanks and 9,900 gallons diesel fuel oil, to be stored in one under-10,000 gallon fuel tank, for a total storage of 49,900 gallons in three tanks. The new license will replace the 1953-approved storage of 59,900 gallons comprised of 40,000 gallons #2 fuel oil, 10,000 gallons #1 fuel oil (eliminated), and 9,900 gallons gasoline (changed to diesel fuel oil).

Sudbury Plaza Trust Site Plan Special Permit - Continuance

The Board acknowledged receipt of a letter from Stephen E. Grande, Attorney for Gravestar and Star Market Site Plan, dated November 30, 1995, asking for a continuance of the scheduled Monday, Dec. 4, 1995 meeting with the Board to January 8, 1996. Mr. Grande stated that postponing the hearing until January would allow time for the "splinter group" of Ted Pickering and Dr. Chiang on behalf of Sudbury and the "splinter group" of John Bierschenk (ENSR) and Thomas C. Houston (CID Associates, Inc.) on behalf of Gravestar and Star Market to have more time with their issues so that final and complete information can be brought before both the Selectmen and Planning Board.

The Board also acknowledged receipt of a letter from I. William Place, Town Engineer, dated November 9, 1995, which stated that the Engineering Department had received a set of plans for Star Market, prepared by CID Associates, dated Aug. 17, 1995 and October 30/31, 1995, containing 13 sheets and a Storm Water Management Report for Sudbury Plaza by CID Associates, dated October 30, 1995. Mr. Place commented as follows:

1. The traffic signal pole, span wire, signal heads and pedestrian signal poles for the traffic signal at the main entrance should be shown on the layout plan, grading utilities plan and landscape plan.
2. The catch basin gas and oil trap, hood should be referenced NEENAH Type R-3705 or equivalent.
3. To promote pedestrian safety, he suggested a walkway along the frontage to Sudbury Plaza in the area shown as reserved parking spaces.

4. Concerning a Wetlands Notice of Intent for the referenced project, three of the seven areas of concern have been adequately addressed to date.

5. He would like to go on record in opposition to the letter received from Mr. Peter Donohue, District Highway Engineer, dated October 5, 1995, which in part states: "A traffic signal control is not desirable at this location, at this particular time." His letter further stated that in 1986, the Route 20 Task Force Phase I Report on Route 20 mitigation measures contained recommendations for "Reconfiguration of existing Star Plaza Curb Cuts to operate as right turn in and out only together with the opening of a new access opposite the eastern Raytheon driveway creating a four way single managed intersection". He also stated that a town wide circulation study prepared by HMM Associates, dated 1988, found the easterly Star Market entrance operating at a Level of Service D and the westerly entrance operating at a Level of Service E, the easterly entrance at Raytheon operating at a Level of Service F and the westerly entrance operating at a Level of Service D. He concurred with the findings of the Route 20 Task Force, and noted that major development in Marlboro will only exacerbate existing conditions along Route 20.

Interim Town Manager Thompson recommended that the Board concur with the request of Attorney Stephen Grande to postpone the continuance of the public hearing on Star Market's application for a Site Plan Special Permit to January 8, 1996.

Selectman Clark stated that previously Selectman Blacker had questioned as to what authority the Selectmen had to request the elimination of a right-hand turn on the CVS side of the Star parking lot (Minutes of November 6, 1995). Ms. Clark then quoted the definition of "Interior Driveway" from page 133 on parking standards in the Bylaws; and from page 123 of the Zoning Bylaws on site design standards which state that the Selectmen must be satisfied with plans for traffic flow from a site, including number of access points to public streets.

Selectman Blacker stated that to eliminate a second egress would be unnecessary at most times of day and late at night; it is only at peak times of ingress to and egress from Raytheon that a problem with Star traffic flow would be created.

Interim Town Manager Thompson stated here that there will be a traffic study done to which the Selectmen will have the opportunity to respond. Chairman Drobinski concurred, saying that there are other parties who have not yet responded to Selectman Clark's suggestions and that all responses will come before the Board for its consideration at the continued hearing.

It was on motion unanimously

VOTED: To continue the public hearing on the application SP95-324 of Sudbury Plaza Trust for a Site Plan Special Permit for expansion of the Star Market Company store, 509 Boston Post Road, to the date of January 8, 1996, at 8:30 p.m., as requested in a letter dated November 30, 1995, from Stephen E. Grande.

Joint Meeting - Board of Selectmen and Goodnow Library Trustees

Present: Hans Lopater, Ivan Lubash, Phyllis Cullinane, and Carol Hull of the Goodnow Library Trustees; and Thomas Arnold, candidate.

Chairman Drobinski opened the joint meeting of the Board of Selectmen and the Goodnow Library Trustees for the purpose of interviewing and electing by roll call vote one member to the Goodnow Library Board of Trustees to serve until the effective date of the next Annual Town Election to fill the vacancy left by the resignation of Howard Goldsmith, in accordance with General Laws Chapter 41, section 11, as amended. Mr. Drobinski stated that by statute the vote must be public and by roll call. All present agreed that Interim Town Manager Thompson should serve as clerk for taking this vote. Mr. Thompson then recommended that the nominations commence.

Hans Lopater, Chairman of the Goodnow Library Trustees began by thanking Mr. Thompson and Janet Silva for expediting getting this joint meeting on the agenda for this evening. He said that the Trustees had advertised in The Town Crier and The Tab for candidates to fill the vacant slot on the Board of Goodnow Library Trustees and the result was the application of one candidate, Mr. Thomas Arnold. In nomination of Mr. Arnold, Mr. Lopater said that Mr. Arnold is not new to the library interests; this past July Mr. Arnold called Mr. Lopater to offer to help after the Library's grant application was denied. Mr. Arnold will help in the next application process to ensure getting a grant. Mr. Lopater said Mr. Arnold has demonstrated interest in the library, and as a lawyer, Mr. Arnold will be helpful to the Trustees in the application process.

Chairman Drobinski asked Mr. Arnold how long he has lived in Sudbury and Mr. Arnold answered two years. Mr. Arnold further stated that he and his family are heavy users of the library; he said he is very impressed with the library staff. In Carlisle, where he had lived for 20 years, he had been involved in Conservation matters and had served on the Concord/Carlisle Community Chest.

Selectman Clark asked how our library compares with that in Carlisle and Mr. Arnold answered that Carlisle has a population of 4,000, that he did not know the number of total volumes in the Carlisle library, but that the physical plant is much smaller than the Goodnow Library.

Following discussion and a second of the nomination of Thomas B. Arnold by Selectman Drobinski, Interim Town Manager Thompson, acting as clerk for this joint meeting, then called a roll vote, recorded as follows:

Hans Lopater--aye.
Ivan Lubash--aye.
Phyllis Cullinane--aye.
Carol Hull--aye.
Lawrence Blacker--aye.
Maryann Clark--aye.
John Drobinski--aye.

Clerk R. E. Thompson declared Mr. Thomas B. Arnold to be duly elected to fill the vacancy of Howard Goldsmith on the Goodnow Library Board of Trustees, to serve until the effective date of the next Town Election. Chairman Drobinski congratulated Mr. Arnold and noted that if he wishes to continue to serve on the Goodnow Library Board of Trustees, he would have to run for office during the next annual Town Election.

Contract for Disposal of Solid Waste

Present: I. William Place, Town Engineer; Craig E. Blake, Chairman of the Resource Recovery Committee and members of the Earth Decade Committee; Robert Noyes, Sanitary Landfill Agent; and representatives of the Earth Decade Committee.

The Board met with the Town Engineer, Sanitary Landfill Agent, and Chairman of the Resource Recovery Committee and members of the Earth Decade Committee to discuss resolution of the method for disposal of the Town's solid waste after the landfill closes in early Spring 1996.

A letter had been received from I. William Place, Town Engineer, dated November 20, 1995, which stated that on October 14, 1995 the Sudbury Engineering Department opened seven requests for proposals for the Transportation and Disposal of the Town's Solid Waste. Mr. Place listed the seven companies responding to the RFPs and their bids on hauling and disposal. He then stated that upon review of the bids submitted, he would suggest that the Board enter into a one-year contract for the disposal of the Town of Sudbury's solid waste to SEMASS Partnerships, Rochester, MA, subject to review by Town Counsel. Mr. Place further stated that he believed the Town currently has the ability to haul its solid waste to SEMASS, as a trailer was purchased for the purpose of hauling recyclables to market and can also be used to truck solid waste. Finally, Mr. Place stated that since the yearly tonnage of solid waste is unknown at this time, he would recommend that the Town haul its own solid waste until it can better ascertain transportation costs and that arrangements should be made with E .L. Harvey or a private hauler in the event that breakdowns and shortage of manpower occur.

The Board also was in receipt of a letter from Robert A. Noyes of the Highway Department, dated December 1, 1995, which stated his agreement with the above referenced letter of Town Engineer William Place, but recommended the Town contract with United Waste Systems of Massachusetts to haul its solid waste to SEMASS for \$12.50 per ton because the labor, fuel and the amortization of the tractor rolloff vehicle for in-house hauling exceeds the contract price of \$12.50/ton. He expressed his opinion that the Town Highway Department does not have the manpower or equipment necessary to haul solid waste to SEMASS.

The Board also acknowledged verbal input from Craig Blake, Resource Recovery Committee Chairman, dated November 30, 1995, concerning solid waste disposal bids: Mr. Blake urged that the term of agreement be longer than one-year with SEMASS, because he understands that some places will be shutting down, and competition may mean rates will rise in following years. He believes this would be practical even if the Town goes to curbside, as the Town could incorporate receipt by SEMASS. It is his belief that special legislation allows up to a 25-year contract for solid waste disposal. Mr. Blake is reluctant to support transportation to SEMASS by the Town unless there is a solid agreement by Mr. Noyes for the commitment of trucks and manpower.

The Board also acknowledged receipt of a letter from Jane Coddington, Chairperson of the Sudbury Earth Decade Committee, dated November 30, 1995 in which she stated in part the following: "The Sudbury Earth Decade Committee wishes to go on record in favor of Town Engineer Bill Place's proposal that Sudbury enter into a one year contract with SEMASS for the disposal of trash from the Town's new transfer station. The Resource Recovery Committee's option of a transfer station for Municipal Solid Waste along with continuation of the current recycling center requires as little change from the present system as possible and seems to us a cautious and sensible first step into a new venture

whose progress is difficult to predict. Citizen reaction and cooperation as well as changing markets for recyclables will necessitate careful monitoring of the program and, probably, a certain amount of adjustment as the program gets underway. The Earth Decade Committee advocates some sort of 'Pay by the Bag' plan as the best means of meeting the expenses of the Town's transfer station. Recognizing that 'Pay by the Bag' requires an efficient system that must be run with the minimum of manpower, the Earth Decade Committee offers to help study the process and investigate the many resources the State has to offer on how to implement such a program most effectively. Besides advocating 'Pay by the Bag', the Committee would hope to see in the not too distant future a covered, year-round Put and Take area and recycling of lumber and chipping of brush."

Interim Town Manager Thompson stated that as of last week there was a difference of opinion among internal staff on how to proceed; he said that this morning he met with Mr. Noyes, Mr. Place, and Terri Ackerman and at that meeting they tried to look into all the information available to arrive at a consensus on what to recommend to the Board of Selectmen. As a result of that meeting, Mr. Thompson said he would like to present five recommendations to the Board: 1) he recommends that Paul Kenny be asked to draft a contract with SEMASS with a five-year option, to adjust or buy out after two years. Mr. Thompson said the Town needs at least a year to learn what will be the volume of trash and another year to turn around; Mr. Thompson said that it would be to the Town's advantage to have a two-year buy-out option. 2) Mr. Thompson also recommended that the Selectmen commission an independent study that would evaluate curb-side pick-up (Town vs. private). 3) Mr. Thompson also recommended contracting with a private hauler for hauling rubbish from the landfill to SEMASS, and, as a back-up, he recommended maintaining a volunteer list of private haulers to be paid at the same rate as for haulers under contract. 4) Mr. Thompson further recommended (in reference to the advice of the Earth Decade Committee in its above-referenced letter) that the Board not proceed on the "Pay per Bag" idea for the first year, as there will be enough problems with implementing the transfer station, evaluating the volume of trash tonnage, etc. Mr. Thompson said that he recommends continuing the enterprise fund as the best mechanism to keep the landfill running in good fashion and the recycling going on, however, he recommended that the independent study being commissioned explore the option of "Pay per Bag" by including that idea (or just a fee system) in that study. 5) Finally, Mr. Thompson said that in following-up on the recommendations of the Earth Decade Committee and in talking with Mr. Place and Mr. Noyes, he believes that the Town should give priority to implementing this Spring an upgrade to the "Put and Take" section and put some kind of shelter arrangement in to make this area a twelve-month operation. Mr. Thompson later added that the Town should try to add to its negotiations with NYNEX on the mobile communication towers some assistance in building a shelter for the "Put and Take" area.

Chairman Drobinski asked if SEMASS as an incinerator facility stores its ash on site. Mr. Blake replied that it generates two different types of ash--fly ash out of the top and the bottom ash which is made into building blocks; the fly ash SEMASS landfills on site.

Chairman Drobinski asked if the Enterprise Fund would be used to pay for the private, independent study, and Mr. Thompson replied it has sufficient funds for the study. Mr. Drobinski asked if the "Pay per Bag" idea would be considered after the first year and Mr. Thompson responded that the Town still needs three people at the landfill as there is a lot to be done the first year and a public uproar over fees would be detrimental during this initial phase.

Mr. Drobinski said that the Earth Decade Committee had also raised the issue of recycling lumber and chipping brush. Mr. Thompson responded that this had also been discussed at the meeting

with Mr. Noyes, Mr. Place and Ms. Ackerman. He said that the container the Town currently has is not road safe or durable enough for that kind of extended use, so it was decided to use that container for wood and other household remodeling-type items and to try to find a better market for this item in the future.

Selectman Blacker inquired as to whether or not, all things considered, Waste Management of Central Massachusetts would not in reality cost the same as using SEMASS and another hauler, and using Waste Management of Central Massachusetts would address the concerns expressed by Mr. Noyes and Mr. Place on needing private haulers as back-up. Mr. Noyes responded that the office is trying to evaluate this issue with Town Counsel and with Mr. Blake.

Mr. Thompson said he had not talked to Mr. Kenny yet, but right now the recommendation is to go with SEMASS, based on the bid they gave; he said that if the thinking of the in-house committee changes, the issue will be brought back to the Board.

Mr. Blacker stated that if the Town goes with a five-year contract with SEMASS, it will tie itself up; he questioned paying a penalty if the Town decides not to continue using SEMASS before the contract expires. Mr. Blake clarified here that the \$45 per ton cost is for disposal only, not to transport the waste; that SEMASS is a quasi-municipal organization that would like 10- to 20-year contracts. He opined that if the Town chooses to enter into a contract where it can terminate with SEMASS after one year, then SEMASS, because it cannot bond or take this to the bank, will charge more than the \$45 to dispose of the trash. Selectman Blacker said that his only concern is that after contracting with SEMASS, perhaps the Town will discover it is not satisfied with the service provided, or discover an organization that charges less. Mr. Blake responded that the market will not go down, but up, as more and more landfills close; he said it is a supply/demand situation--when there are less landfills available, incinerators will be able to charge more. Mr. Blake said that it is a safe bet that if we could enter into a long-term contract, it would be in the Town's best interests. He said he has no problem with a three to five year contract, but that the Town should understand that at the end of the 3 to 5 year period, it will end up paying more.

Selectman Blacker inquired as to the cost for total tonnage of trash per year using SEMASS. Mr. Blake said that it is important to realize that business trash figures are not included in the estimate--meaning trash in addition to that which is residential is brought in to the landfill on commercial trucks--but that the figure for SEMASS would be approximately \$104,000, with another \$40,000 for hauling, for a total of \$150,000 to \$160,000 per year. Mr. Thompson added that if the Town chooses Waste Management of Central Massachusetts, the figure would be \$50,000 to \$60,000 more.

Selectman Clark asked if Waste Management of Central Massachusetts uses its own trucks, and if they use the same incinerator as SEMASS; Mr. Blake responded that they shop around.

Mr. Thompson said that it is difficult to know what technology will be developed to handle trash disposal in the future; being tied into one contract for 15 to 20 years would concern him greatly.

Selectman Blacker inquired as to whether or not many incinerators are actively seeking trash now; he said he understands that they are seeking trash as a means of converting it to fuel source. He said he would be inclined to give any of the four or five in Massachusetts who recently have so advertised a long-term contract at \$35 per ton. Mr. Blake stated here that after putting out the RFPs, the Town

received seven bids. Mr. Blacker said it was a mystery as to why there were not more bids if it is indeed true that several places are actively seeking trash.

Robert Noyes spoke of the possible benefits of a ten- to twelve-town effort and both Selectmen Blacker and Clark said the idea of regionalized rubbish disposal was a good one. Ms. Clark brought up the subject of nearby Hudson and the fact that it will hold a hearing on December 14 to determine whether or not to accept waste from outside the town. She said that this will be a decision on whether or not to modify a 1978 special permit which limited the landfill to waste from only Hudson and Stow since there are some who would like to expand the number of towns allowed to bring in waste. Ms. Clark said she would like to see what the results of this Dec. 14 meeting will be, since Hudson is much closer to us than Rochester, and hauling there would be much cheaper. Interim Town Manager Thompson alluded to the long history of the Hudson landfill and said that there were volunteers picketing at their landfill today. Chairman Drobinski asked when the Hudson landfill is scheduled to close and Mr. Blake said it would be a long while before it closes, but that Sudbury's landfill must close in March or April next. He stated further that the Hudson issue has been in the fray for years because there is so much controversy in the town, and that Sudbury cannot wait for Hudson to make a decision. Mr. Blake said he is concerned that if the Town misses entering into a contract now, it will end up paying more money later. Ms. Clark said that she is not suggesting we only wait for Hudson's decision, but keep our options open. Mr. Blake responded that if we enter into a 5-year contract, we would have time during that period to be learning about the annual volume of our trash, and being in such a contract would not prevent us from at the same time exploring other options for when the contract expires.

Chairman Drobinski asked for any comments from the floor and Peg Whitemore of the Earth Decade Committee spoke here to support the process of contracting for waste removal from the Town and also said: the committee is very interested in procedures which would lead to less waste and saving the Town money; the committee is offering to help the Town with research; all on the committee were in favor of the Put and Take being given a shelter and the other two items on recycling; and finally, the committee urges that the Town accept all plastics (numbers 1 through 7) to complete the recycling process.

Resident Betty Steudel asked a question regarding SEMASS--if the Town contracted with them would it have to guarantee a certain amount of trash per year? Mr. Place answered in the negative.

Mr. Blacker questioned whether or not instead of a five-year contract with the hauler it would be possible to contract with a trucker on a yearly basis and Mr. Thompson agreed that the Town would want the shortest contract possible with a hauler. Mr. Thompson said that the committee knows there are haulers who can be put on an alternate list. Mr. Blake stated that when bids were first being sought the exact distances to incinerator sites were not known, or in which direction the trash would ultimately be taken, but that if the Town enters into a contract for an exact disposal spot, it should be able to get a better price.

Earth Decade Committee member Timothy Coyne of Taylor Road addressed the Board: He said that he had attended some of the meetings of the Earth Decade Committee (EDC) on the issue under discussion; he said he respects the need of the Town to save money but that one positive reason to choose SEMASS is for the fact that they will recycle the incinerated trash. Mr. Coyne offered to build a shelter for the Put and Take (since he is a carpenter). He said that the point is that what Interim Town Manager Thompson is proposing is a remarkably lean version of possible alternatives for the Town. He further

said that people on the EDC are willing to contribute their expertise, e.g. in an effort to get smaller and medium-sized businesses to contribute to a recycling effort. He concluded by urging the Selectmen to accept the proposal given to them this evening by Mr. Thompson.

Selectman Clark asked for a clarification as to who will do the hauling and was told that the proposal is for SEMASS to be the destination and for Waste Management of Central Massachusetts to do the hauling (or someone cheaper).

Chairman Drobinski asked if the Board wished to vote to give the administrative staff in Town the go-ahead to prepare something that the Board can sign. Selectman Clark asked for a clarification on figures from Waste Management--why they come in lower on hauling but higher on disposal and Chairman Drobinski pointed out that Waste Management would be taking the trash to someone else's incinerator and want to make a profit in the process. Mr. Blake said that Waste Management has a massive overhead. Ms. Clark said that the Saugus Disposal ends up with a product and Mr. Blake responded that SEMASS makes electricity also, that all incinerators generate electricity, but that SEMASS goes one step further, using some of the ash generated to make a commercial product instead of burying it all in the landfill.

Interim Town Manager Thompson recommended that the Board concur with his recommendation and said that he would get back to the Board once the staff concurs on haulers. Selectman Clark asked that where Mr. Thompson had indicated "contract with private hauler" if it could be identified there as being "Waste Management of Central Massachusetts or someone better" and received an affirmative answer. Chairman Drobinski stated that it was the consensus of this meeting to choose SEMASS as the destination with the hauler being the least expensive contractor, and recommended that the Board vote to give the Interim Town Manager the mandate to expedite this decision.

It was on motion unanimously

VOTED: To authorize the Interim Town Manager to begin the process of drawing up a contract for disposal of the Town's solid waste pursuant to bid opening of October 14, 1995, such contract to be with SEMASS Partnership, Cranberry Highway, Rochester, MA for trash incineration and with Waste Management of Central Massachusetts or a less expensive contractor for hauling trash to SEMASS.

Minutes

It was on motion unanimously

VOTED: To approve the regular session minutes of November 20, 1995 as amended.

Council on Aging - Van Donation

It was on motion unanimously

VOTED: To accept \$98.72 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.

Acceptance of Gifts to the Town

The Board is in receipt of a memo from Fire Chief Michael Dunne, dated November 21, 1995, advising the Selectmen of gifts to the Town and recommending that the Selectmen authorize the acceptance of these gifts.

It was on motion unanimously

VOTED: To accept with gratitude a donation of \$50 to the Ambulance Gift Account from Mrs. Connie Waldron and Mrs. Theresa Waldron-Burke, 591 Hudson Road, in memory of George Waldron;

and unanimously

VOTED: To accept with gratitude the donation of four vehicles from Post Road Auto Parts, 785 Boston Post Road, Marlboro, to be used for vehicle extrication training by the Fire Department.

Extended Serving Hours for Holders of Alcoholic Beverages Restaurant Licenses - New Year's Eve

It was on motion unanimously

VOTED: To grant permission to holders of alcoholic beverages restaurant licenses to extend serving hours on December 31, 1995, New Year's Eve, to 2:00 a.m. on January 1, 1996.

Walkway Easements

It was on motion unanimously

VOTED: To accept Walkway Easement dated Sept. 9, 1995, granted by Stephen and Carolyn Lee Gabeler, 28 Mossman Road;

and unanimously

VOTED: To accept Walkway Easement dated August 4, 1995, granted by Owen J. and Sheila D. Boyle, 3 Phillips Road;

and unanimously

VOTED: To accept Walkway Easement dated July 31, 1995, granted by Clarence G. and Alice W. Dunsford, 123 Fairbank Road;

and unanimously

VOTED: To accept Walkway Easement dated Aug. 11, 1995, granted by Barbara A. Frizzell, Trustee of the Barbara A. Frizzell Trust, 4 Butler Road.

Resource Recovery Committee Resignation

The Board acknowledged receipt of a letter from Paul J. Ward, of the Resource Recovery Committee, dated November 14, 1995, by which he resigned from said committee, effective immediately.

It was on motion unanimously

VOTED: To accept the resignation of Paul J. Ward from the Resource Recovery Committee and to thank him for his service to the Town.

Question of Input to Board of Appeals on Bell Atlantic/NYNEX Mobile Proposed Towers

The Board acknowledged receipt of a letter from Patrick J. Delaney, Chairman of the Board of Appeals, dated November 28, 1995, stating that the Board of Appeals voted to continue the Public Hearing on the Bell Atlantic/NYNEX Mobile Site Plan Hearing in order to receive input and recommendation from the Board of Selectmen. Mr. Delaney stated that the hearing has been continued to December 12, 1995 and that the Board of Appeals would appreciate input from the Board of Selectmen prior to that date.

Interim Town Manager Thompson said that since the Board of Selectmen voted to continue the public hearing until January 8, 1996, this would delay input from the Selectmen to the Board of Appeals another 30 to 60 days. He asked the Board if it wishes to inform the Board of Appeals that it is disposed to support this Site Plan, in order to expedite the hearing process.

Selectman Clark inquired if Mr. Thompson was able to gather any information on an idea mentioned by her previously of camouflage for the towers. Mr. Thompson stated that the only information he had been able to glean was on towers in Vermont or New Hampshire and in the mid-West, but not any in this area. Ms. Clark suggested that between now and next Monday's Board meeting, information on such camouflage could be solicited from the NYNEX consultants involved in this hearing.

Chairman Drobinski stated his concern with the visual impact of the proposed towers, as he has observed such towers on the Sudbury/Wayland line and they are quite noticeable.

Selectman Blacker moved that the Board advise the Zoning Board of Appeals that it supports the Site Plan subject to location and other concerns as to visual impact.

Selectman Clark suggested that since the Selectmen will meet again before the scheduled Dec. 12, 1995 meeting of the Board of Appeals, the issue be tabled until the next meeting and that NYNEX consultants be contacted for further information in the interim.

It was on motion unanimously

VOTED: To continue the discussion on the question of informing the Board of Appeals of the support of the Board of Selectmen for the Bell Atlantic\NYNEX Mobile Towers Site Plan to December 11, 1995, in order to gather further information on possible camouflage of the proposed towers.

Question of Advising Board of Assessors on Proposed Small Commercial Exemption

Chairman Drobinski stated that he originally was in favor of this proposal, but after discussing the issue with Selectman Blacker, he had changed his opinion. He said he now feels that this exemption would not be worth the negative effect it would have on larger businesses.

Interim Town Manager Thompson stated that Chamber of Commerce Chairman Ron Stephan's opinion was that such an exemption might cause divisiveness among the business community, and there may be other ways of reducing the tax rate.

Chairman Drobinski stated that this small commercial exemption would only shift the burden to larger commercial enterprises and that the Board should decide not to support this idea, at least for this year.

It was on motion unanimously

VOTED: To decline to support the idea of a small commercial exemption in the setting of the FY1996 tax rate, and to so inform the Board of Assessors.

Annual License Renewals - 1996

The Board acknowledged receipt of the following:

1. Copy of the Licensee List, Renewals for Calendar 1996 (three pages).
2. Copy of application for License for Public Entertainment on Sunday from Papa Gino's Acquisition Corporation, for juke box, on premises at 104 Boston Post Road, for Sundays, Calendar 1996, and signed by Jayne Adams of 600 Providence Highway, Dedham, MA.
3. Memo to the Board from Fire Chief Michael Dunne, dated November 20, 1995, stating that the Fire Department has inspected all the businesses on the Licensee List except McPet, Inc. and requests that the following licenses be held pending resolution of outstanding issues: Charcuterie, Inc., 525 Boston Post Road, Alden Merrill Corp., 447 Boston Post Road, Ho-Tai Sudbury, Inc., d/b/a Lotus Blossom, 394 Boston Post Road, Biela Corporation, 684 Boston Post Road*, and McPet, Inc., d/b/a Sudbury Wine Co., 621C Boston Post Road (which was closed each time an inspection was attempted). (*Note: Biela Corp. did not submit application for renewal, and last year's license was never issued.)
4. Memo to the Board from Robert C. Leupold, Health Director, dated November 20, 1995, stating that there are currently no violations or deficiencies for the November 1, 1995 list of Common Victualler applicants and that approval is recommended.
5. Summarized report from Earl Midgley, dated November 24, 1995, from the Building Inspection Department, stating that it had no problems to report other than working with Bullfinch's to correct an obstruction in the front walkway.
6. Information from the Tax Collector on a list of unpaid taxes by licensees: The Coach House Inn, Marrone's Bake Shop, Sudbury Pizza, Automotive Diagnostic Center, and Biela Corporation.

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Interim Town Manager Thompson recommended that the Board renew the licenses for calendar year 1996 according to the draft vote distributed to the Board. He updated the Board on the fact that since they had received information for this meeting, Marrone's Bake Shop had paid their taxes due.

Chairman Drobinski moved that the Board vote to renew licenses according to the draft vote prepared by Mr. Thompson, subject to the resolution of issues raised by Fire Chief Dunne (licenses to be held until Fire Chief Dunne verifies that the issues he raised have been resolved).

It was on motion unanimously

VOTED: To renew Alcoholic Beverages, Common Victualler, Entertainment, Automatic Amusement Device, and Second Hand Motor Vehicle Licenses, which expire December 31, 1995, for calendar 1996, as listed on the December 4, 1995 "Licensee List Renewals for Calendar 1996", attached and incorporated herein; and to forward the appropriate renewal forms to the Alcoholic Beverages Control Commission where applicable; said licenses to be held until payment of the required license fees, compliance to any/all outstanding health, safety or zoning violations, receipt of verification of Workers' Compensation Insurance for the licensing period, and payment of all outstanding personal property taxes and real estate taxes; said licenses shall also be subject to all previous restrictions;

and unanimously

VOTED: To renew Sunday Entertainment License of Papa Gino's Acquisition Corporation, d/b/a Papa Gino's, 104 Boston Post Road, for operation of a juke box during calendar 1996, for the hours of 11:00 a.m. to 10:00 p.m.

Board of Assessors Forms Signed

Interim Town Manager Thompson brought forms, dated December 4, 1995, for signing by the Board of Selectmen for the Board of Assessors. 1) The Board signed a joint letter with the Assessors requesting permission from Deputy Commissioner Robert Marsh, Department of Revenue, to allow the Town to issue third quarter fiscal 1996 preliminary tax bills. 2) The Board signed FY96 Bureau of Accounts Local School Spending Worksheet (draft), Regional School District Data Sheet, and Enterprise Funds Schedule A-2 for both the Landfill and the Pool.

Selectmen Articles for 1996 Annual Town Meeting

Interim Town Manager Thompson emphasized to the Board that the proposed Selectmen's Articles do not involve the Board's taking a position on the articles, but approving them only for submission and as to wording of article and report. Mr. Thompson then answered questions from the Board as clarification on articles on the Stabilization Fund, Codification of Bylaws, and Conveyance of land to Water District. Selectman Clark then asked to have two articles she had written regarding Zoning Bylaw amendments relating to Industrial Districts to also be included and clarified for the Board her reasons for writing these articles. The Board then voted unanimously to include Selectman Clark's amendments (as two separate articles) with the proposed Selectmen's Articles.

Since the Board had not had the opportunity to review the proposed Personnel Administration Plan and the proposed Selectmen's Budget for FY97, these were tabled until the Board meets on December 11, 1995.

It was on motion unanimously

VOTED: To approve the following articles for submission by the Board of Selectmen for the 1996 Annual Town Meeting Warrant:

Appropriation Articles

Stabilization Fund
Street Acceptances
Codification of Bylaws
Sudbury History Sequel

Non-Appropriation Articles

Hear Reports
Budget Adjustments FY96
Amend Bylaws, Art. XI, Personnel Bylaw
Amend Bylaws, Art. I.1 - Town Meetings
Amend Bylaws, Art. III.9 - Town Affairs
Amend Bylaws, Art. XIX.1 - Appoint Tree Warden
Amend Bylaws, Art. XVII.2, Wiring Permit Fees - Reinspection fee
Convey land to Water District (Draft holding article)
Amend Zoning Bylaw, Art. IX, III,C,2,a - Industrial Districts
Amend Zoning Bylaw, Art. IX, III,C,2,c - Industrial Districts;

and unanimously

VOTED: To indicate concurrence with the submission of articles by the Building Inspector and the Town Engineer as follows:

Appropriation Articles

Building Maintenance
Resurfacing Parking Lots/Playgrounds

Non-Appropriation Article

Amend Zoning Bylaw - Flood Plains

Extension of Contract of Interim Town Manager

Present: Myron Fox, Attorney for Mr. Thompson.

Mr. Myron Fox, attorney for Mr. Thompson, stated that Interim Town Manager Richard E. Thompson's contract expires on December 31, 1995, and that if, as indicated at the last meeting held with the Board, the Selectmen wish to extend his contract, Mr. Thompson is willing to do so until February 28, but cannot continue after that date.

Selectman Clark said that she was thinking the contract should be extended at this time until January 31, 1996, as the new Town Manager should be in place by mid-February at the latest. Selectman Blacker concurred with the January 31 date, which could be extended as needed.

In extending the contract, Mr. Fox asked the Board to consider three small changes, as follows:
1) Payment of severance/benefits is due on January 31, 1996 under the current contract, and Mr. Thompson would like to keep the same payment date. 2) It is requested that vacation carryover be changed to two years (from one year) to allow carryover into 1996. 3) Under the current contract Mr. Thompson has to decide whether to retire into the system within thirty days; he would like to change that to ninety (90) days, which he needs to make the decision.

It was on motion unanimously

VOTED: To extend the appointment and contract dated November 21, 1994, as amended on June 26, 1995, July 24, 1995, August 21, 1995, and October 2, 1995, of Richard E. Thompson as Interim Town Manager for the Town of Sudbury, to serve only until a new Town Manager is appointed and such appointment becomes effective, but not later than January 31, 1996; and to incorporate Mr. Fox's three aforesaid requests for vacation carry-over for two years, wording to allow ninety (90) days in lieu of thirty (30) days for a retirement decision, and payment on January 31, 1996, into said contract.

MAGIC Breakfast

Interim Town Manager Thompson reported to the Board that a breakfast meeting of the MAGIC Regional Group is scheduled for 7:30 a.m. on December 7, 1995 at the Colonial Inn in Concord. He said that the meeting should not last more than one and 1/2 hours.

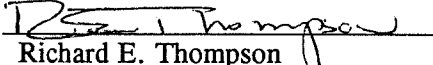
Budget Forecast Meeting Agenda

Interim Town Manager Thompson asked if the Board had received a copy of the agenda of the Budget Forecast Meeting of November 29, 1995. He said that Chairman Drobinski had attended that meeting. Mr. Thompson further stated that in his opinion the meeting had been very productive; he said that the forecast showed the Town to be in excellent financial shape; however, it also showed that down the road the Town will have difficulty in anything other than level funding. He said that new revenue sources need to be worked on immediately. Mr. Thompson further suggested that in considering the Selectmen's Report to be approved at the next Board meeting the Selectmen include their own thoughts as to new revenue sources.

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Selectman Clark had a question as to the "Unclassified" category and the figure of over \$3M on page 1 of the data. Mr. Thompson replied that the bulk of that amount is for group health insurance and other related insurance costs and also retirement funds.

There being no further business to come before the Board, the meeting was adjourned at 9:40 p.m.

Attest: 
Richard E. Thompson
Interim Town Manager-Clerk

LICENSEE LIST

Renewals for Calendar 1996

BUSINESS

TYPE OF LICENSE

YBF, Inc.
d/b/a Kappy's Distributors
474 Boston Post Road

AA Package

Sudbury Super Market, Inc.
d/b/a MacKinnon's Liquors
5 Concord Road

AA Package

Roche Bros. Supermarkets, Inc.
d/b/a Sudbury Farms
439 Boston Post Road

W&M Package

McPet, Inc.
d/b/a Sudbury Wine Co.
621C Boston Post Road

W&M Package

Bullfinch's, Inc.
d/b/a Bullfinch's
730 Boston Post Road

AA Restaurant
Common Victualler
Entertainment (inc. Sunday) expires 9/15/96

Lamijo Corporation
d/b/a Jezebel's
8 Village Green

AA Restaurant
Common Victualler
Entertainment (inc. Sunday) expires 3/10/96

Ho-Tai Sudbury, Inc.
d/b/a Lotus Blossom
394 Boston Post Road

AA Restaurant
Common Victualler
Entertainment

99 West, Inc.
d/b/a "99"
694-8 Boston Post Road

AA Restaurant
Common Victualler
Entertainment

Philip Magiannis
Philip's Pizza & Restaurant, Inc.
447 Boston Post Road

AA Restaurant
Common Victualler
Entertainment

Matt Garrett's of Sudbury, Inc.
d/b/a San Antonio Grill
120 Boston Post Road

AA Restaurant
Common Victualler (Hrs. restricted)
Entertainment

Sierras, Inc. d/b/a Sierras 470 North Road	AA Restaurant Common Victualler Entertainment
Wayside Inn Corp. d/b/a Longfellow's Wayside Inn 72 Wayside Inn Road	AA Restaurant Common Victualler/Innkeeper Entertainment
Chiswick Park Theatre, Inc. d/b/a Chiswick Park Theatre 490 Boston Post Road	W&M Restaurant Common Victualler Entertainment (inc. Sunday) expires 9/1/96
Papa Gino's Acquisition Corporation 104 Boston Post Road	W&M Restaurant Common Victualler Entertainment (inc. Sunday) expires 12/31/96
American Legion #191, Inc. 676 Boston Post Road	AA Club Common Victualler Entertainment Automatic Amusement Devices
Alden Merrell Corporation d/b/a Alden Merrell Cheesecake Company 447 Boston Post Road	Common Victualler (hrs. restricted)
Oliveira Enterprises, Inc. d/b/a The Bagel Baker 621C Boston Post Road	Common Victualler
Scott Sobel, Owner Boston Daily Bread of Sudbury, Inc. 525 Boston Post Road	Common Victualler Entertainment
The Charcuterie, Inc. d/b/a The Charcuterie 525 Boston Post Road	Common Victualler Entertainment
Commonwealth Hospitality Corp. of Sudbury, Inc. d/b/a The Coach House Inn 738 Boston Post Road	Common Victualler/Innkeeper Entertainment
D'Angelo, Inc. d/b/a D'Angelo Sandwich Shops 435 Boston Post Road	Common Victualler

L.L.G., Inc. d/b/a Delectables Old Tyme Bakery-Cafe 365 Boston Post Road	Common Victualler Entertainment
Donut Management, Inc. d/b/a Dunkin Donuts 378 Boston Post Road	Common Victualler Entertainment
Friendly Ice Cream Corporation 457 Boston Post Road	Common Victualler Entertainment
Philip K. Lewis d/b/a Herbie's Home Made Ice Cream 103 Boston Post Road	Common Victualler
Alan Marrone, Owner d/b/a Marrone's Bake Shop 418 Boston Post Road	Common Victualler
James A. Moore d/b/a Sudbury Coffee Works 15 Union Avenue	Common Victualler Entertainment
Nikolaos Ourdas, Manager d/b/a Sudbury Pizza 426 Boston Post Road	Common Victualler
Wiroj Sritrai Thai Avenue Take-Out Restaurant 621A Boston Post Road	Common Victualler

USED CAR CLASS 2 AND 3 LICENSES

Automotive Diagnostic Center 100 Boston Post Road	Used Car Class 2 (Special Permit)
Station Road Auto Body & Garage 40 Station Road	Used Car Class 2 (Special Permit)
Mosher Auto Body 34 Station Road	Used Car Class 3

12/4/95