

IN BOARD OF SELECTMEN
MONDAY, MARCH 13, 2000

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

The statutory requirement for notice having been met, the meeting convened at 7:30 p.m. at the Town Hall, 322 Concord Road.

Election

Chairman Drobinski reminded residents to vote on March 27, 2000 in the Annual Town Election. He stated there were a number of offices on the ballot as well as a budget override question. He added a number of informative articles have been printed in the *Town Crier* and that an informational meeting will be held on March 20, 2000 to discuss the override.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of February 28, 2000, as drafted.

Council on Aging

It was on motion unanimously

VOTED: To accept \$102.19 in miscellaneous donations, to be deposited into the Van Donation Account and to authorize the Council on Aging to expend said funds for the purpose of operating and maintaining the Council on Aging vans.

12th Annual Spring Triathlon

The Board was in receipt of a letter, dated March 5, 2000, from William H. Fiske, Fiske Independent Race Management, requesting permission to hold the 12th Annual Sudbury Spring Triathlon on Sunday, May 7, 2000, using the Atkinson Pool and the same course as last year. A report, dated March 10, 2000, from the Police Dept. stated there were no objections to the proposed race, based on compliance with the Police Dept. requirement to hire a three-man detail for the event.

It was on motion unanimously

VOTED: To grant permission for the 12th Annual Sudbury Spring Triathlon, a swim/bicycle/foot race event on Sunday, May 7, 2000, utilizing the loop of Fairbank Road, Maynard Road, and Hudson road for a bicycle race and the loop of Fairbank Road, Butler Place, Willis Lake Drive, Basswood Avenue, Crystal Lake Drive and Hudson Road for a foot race, beginning and ending at the Atkinson Pool, subject to reasonable conditions imposed by the Sudbury Police Department, including provision for a paid police detail to direct traffic.

Woodside Estates

Present: Deborah Dineen, Conservation Coordinator.

The Board reviewed a memo, dated March 3, 2000, from Jody Kablack, Town Planner, relative to the subdivision of land known as Woodside Estates, specifically (1) Grant of Easements, (2) Land Use Restriction and (3) Quitclaim Deed from Woodside Estates LLC. Said documents were attached.

Selectman Clark asked if the restrictions require renewal after 30 years. Selectman Roopenian opined they did not, as the documents state "in perpetuity". Interim Town Manager Valente reported Town Counsel has reviewed and approved the documents.

Selectman Clark expressed concern for the Town being able to erect a utility pole or fence if such were deemed necessary in the future. Discussion followed.

The Board reviewed the plan of the subdivision. Ms. Dineen stated that, if a parcel is placed under a Conservation Restriction, said parcel cannot be deeded to the Town as the Town cannot hold a restriction on its own property. She stated a Land Use Restriction has been designed instead. She clarified a Land Use Restriction is good for only 30 years, unless recorded again for 20-year periods. She stated the words "in perpetuity" do not necessarily mean the restriction will be honored in its original intent, as it must be protected specifically by reference to Ch. 184.s.31-33 of the General Laws, or the courts will not recognize it. Ms. Dineen stated the Conservation Commission's preference is that the parcels remain within the cluster development so that the Conservation Restrictions are applicable and enforceable.

Ms. Dineen stated Parcel B is of particular interest to the Conservation Commission as a vernal pool is located in the middle of it. She opined a play area might be suitable for one of the other parcels.

It was on motion unanimously

VOTED: To accept the following interests in land relative to the Woodside Estates subdivision, off Landham Road: a) Grant of Easements by Woodside Estates LLC, dated March 2, 2000, including walkway easement on Lots 20 and 21 and walkway and utility easement on Lots 13, 14, and 15; b) Land Use Restriction by Woodside Estates LLC, dated March 2, 2000, for Lots 18, 19, and 27; c) Quitclaim Deed by Woodside Estates LLC, dated March 2, 2000, for Lots 18, 19, 27, 28; all as shown on a plan of land filed with the Land Court of Boston as Land Court Plan 20900I, entitled "Plan of Land in Sudbury, Massachusetts, Being a Subdivision of Lot 11 on L.C. Plan 20900H" drawn by Central Mass. Engineering & Survey, Inc., dated Aug. 23, 1999, revised Sept. 17, 1999.

Wireless Communication Legislation

The Board was in receipt of various communications regarding the proposed wireless communications legislation. Interim Town Manager Valente stated MMA has scheduled a meeting for March 23, 2000 in Marlborough. After discussion, the Board agreed to postpone this matter until after the meeting on March 23.

Hosmer Barn

Present: I. William Place, Director, Public Works; Deborah Dineen, Conservation Coordinator.

The Board was in receipt of a letter, dated February 4, 2000, from John H. Rossio, of Sutton, MA, expressing interest in acquiring the Hosmer Barn foundation stones located in Heritage Park. He stated he is in possession of the barn timber frame and would like the stones for eventual reconstruction.

I. William Place, Director, Public Works, stated the barn was removed in 1974 and that the foundation stones are buried in Heritage Park. He opined their exact location is unclear.

Interim Town Manager Valente opined Mr. that Rossio intends to raise the barn somewhere in the future and wants the original stones to maintain the historical nature of the barn.

Chairman Drobinski suggested contacting the Historical Commission to determine the historical significance of the stones before allowing anything to leave Town. Selectman Roopenian opined Mr. Rossio may not realize the stones are buried underground.

After discussion, the Board agreed to hold this matter until the Historical Commission can provide additional information as to the historical value of the foundation stones and the Historic Districts Commission is also consulted. Ms. Valente was requested to apprise Mr. Rossio.

Street Acceptances

Present: I. William Place, Director, Public Works; Deborah Dineen, Conservation Coordinator; Robert Allison, 146 Old Lancaster Road; Jim Williamson, Barberry Homes; John Cutting.

At 8:00 p.m., Chairman Drobinski convened a Public Hearing for the purpose of considering layout of various Town Ways for acceptance by the 2000 Annual Town Meeting. The Board was in receipt of (1) a memo, dated January 10, 2000, from Deborah Dineen, Conservation Coordinator, stating Conservation Commission concerns for certain proposed streets; (2) a memo, dated February 25, 2000, from Jody Kablack, Town Planner, offering comments and recommendations regarding proposed streets; and (3) a letter, dated March 10, 2000, from I. William Place, Director, Public Works, offering recommendations.

Chairman Drobinski stated minor issues with proposed streets are often resolved prior to Town Meeting, and sometimes the streets wait another year before acceptance.

The Board reviewed the list of streets, considering comments and recommendations by I. William Place, Director, Public Works, and Deborah Dineen, Conservation Coordinator. Mr. Place stated all streets in the Willis Hill development need further improvement before they can be accepted. Reasons for non-acceptance included improper or inadequate drainage (catch basins), lack of conservation restrictions, as-built plans not filed, conservation violations, pending litigation, wetland replication, etc.

Robert Allison, 146 Old Lancaster Road, stated he and his wife own the property involved in litigation on Plantation Circle and that the superceding order from DEP expired a year before the work was done, resulting in a bizarre legal situation. He stated his driveway sits on a piece of Plantation Circle and has since 1972, allowing for adverse possession by the owner, and agreed with Ms. Dineen's recommendation to hold acceptance until a potential outcome of the litigation is known.

Jim Williamson, representing Barberry Homes, requested acceptance of the street as litigation is involved with wetlands replication and not the structure of the street itself. He stated pavement has been added which exceeds DPW recommendations and that the street has survived three winter seasons. Chairman Drobinski stated street acceptance is based on the entire package, utilizing input from all departments and boards. Mr. Williamson showed the Board a plan of the area.

After discussion, it was on motion unanimously

VOTED: To lay out the following streets for acceptance by the 2000 Annual Town meeting:

Julian's Way (from Haynes Road to Greystone Lane, 1,460 feet, more or less),
Greystone Lane (from a dead end to a dead end, 4,000 feet, more or less),
Cobblestone Place (from Greystone Lane to a dead end, 500 feet, more or less),
Anselm Way (from Landham Road to a dead end, 1,204 feet, more or less),
Camperdown Lane (from Fairbank Road easterly, 1,000 feet, more or less), and
Elderberry Circle (from Fairbank Road, to a dead end, 296 feet, more or less).

Dog Revolving Fund

Interim Town Manager Valente informed the Selectmen that litigation expenditures for the Frene dog complaint case had exceeded \$12,000 in this fiscal year and costs were continuing. She recommended using \$14,000 from the Dog Revolving Fund, as this expense to enforce the Dog Bylaw would be an appropriate use, and adequate funds were available in the Fund.

It was on motion unanimously

VOTED: In accordance with M.G.L. Chapter 44, Section 53E ½, to increase the authorized amount voted at the 1999 Annual Town Meeting under Article 23, Dog Revolving Fund, from \$20,000 to \$34,000, subject to approval of the Finance Committee.

Brimstone Estates

The Board reviewed a letter to the Framingham Planning Board, dated March 13, 2000, drafted by Lawrence W. O'Brien, Chairman, Planning Board, stating serious concerns for the development of the parcel, recommending a full Environmental Impact Report be prepared to determine potential impacts from this development on the surrounding land uses and resources.

Selectman Clark stated Mr. O'Brien's letter was very well written and covered all the necessary points of concern and opined the Board should be a part of it.

It was on motion unanimously

VOTED: To direct the Interim Town Manager to contact the Planning Board to add the Selectmen to the signature block of this letter.

Legislative Caucus – Education Funding

Selectman Clark distributed copies of a letter, dated March 6, 2000, from David Magnani, State Senator, and Barbara Gardner, State Representative, to the Senate and House Committees of Ways and Means, requesting attention to various matters with regard to the fiscal year 2001 budget. Discussion followed.

Metricom

Interim Town Manager Valente reminded the Board of Metricom's request to install small pieces of apparatus to a number of the Town's Boston Edison poles in order to bring wireless Internet access to the Town. She now asked the Board's approval to enter into an agreement with other MetroWest towns to develop and negotiate an agreement with Metricom in order to protect the interests of and minimize the cost to each community.

Ms. Valente reported Mr. William Solomon, an attorney specializing in cable television issues, is working to put together an agreement with all interested towns. His proposed fee is a maximum of \$6,000. Metricom is so eager to place their equipment they are offering up to \$1,500 per town to assist with legal fees. Ms. Valente opined a group arrangement would decrease each town's legal expense. She stated the towns of Needham, Dover, Weston, Framingham, and Medfield have preliminarily agreed to enter into this shared legal approach. She added that Paul Kenny, Town Counsel, approves this action.

After discussion, it was on motion unanimously

VOTED: To authorize the Interim Town Manager to enter into an agreement with other MetroWest towns to develop and negotiate a model agreement with Metricom regarding installation of small pieces of apparatus to Boston Edison poles to bring wireless Internet access to the Town.

Ti Sales

The Board reviewed letters, dated February 22 and March 10, 2000, from Patricia A. Savage, Director, Park and Recreation, stating Park and Recreation's interest in the Town-owned Parkinson property behind Ti Sales and requesting a joint presentation to discuss action plans.

Interim Town Manager Valente stated there are numerous issues regarding this property, but it needs closer investigation. She cited urgency as the Little League is seeking a new location for the lacrosse field before the new Little League improvements can be made.

Selectman Roopenian suggested all interested user groups be invited to this presentation, especially the Little League.

MMA Action Newsletter

Interim Town Manager Valente distributed "MMA Action" listing local government accounts in the House budget bill for fiscal year 2001. She suggested the Selectmen individually contact elected officials to offer their comments and stated she would do the same.

Piper Property

Interim Town Manager Valente announced the “walk-through” for the Piper property was scheduled for March 23 at 4 p.m. She stated she would confirm a meeting place prior to that date.

Town Warrant

The Board unanimously agreed the Warrants, printed on newsprint, came out very nicely and they were impressed with the quality.

Firefighting Reimbursement

Interim Town Manager Valente reported Michael Dunne, Fire Chief, indicated that the Federal Emergency Management Administration (FEMA) has turned down Sudbury’s request for reimbursement of overtime and operating expenses during coverage of Worcester fire stations during their recent tragedy. She requested the Board’s approval to draft a letter to appeal the decision, reiterating Sudbury’s involvement in supporting a neighboring community in its time of need. The Board agreed.

Executive Session

At 9:08 p.m. it was on motion by roll call unanimously

VOTED: To go into Executive Session to discuss AT&T litigation and Cablevision negotiations. (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 10:00 p.m.

Attest: _____
Maureen G. Valente
Interim Town Manager-Clerk