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IN BOARD OF SELECTMEN
MONDAY, OCTOBER 2, 1989

Present: Chairman John C. Drobinski and David A. Wallace.

The statutory requirements as to time and place having been fulfilled, the meeting was called to order at 7:40 p.m. by Chairman Drobinski at lower Town Hall.

Kiwanis Flea Market

On recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To grant permission, in response to verbal request from Innkeeper Francis Koppeis, for the Kiwanis Flea Market to be held on grounds of the Wayside Inn on October 7, 1989 (rain date October 8), subject to approval by the Board of Health, Building Inspector, Fire Chief and Police Chief.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the meeting held September 25, 1989, as corrected; subject to comment by Selectman Cope.

Voter Registration - Placement of Signs on Town Common

It was on motion unanimously

VOTED: To approve the request of Assistant Town Clerk Kathleen Middleton for permission to place voter registration signs on the Town Common as set forth in her memorandum dated September 27, 1989.

Site Plan Special Permit No. 88-307 - 740 Boston Post Road

The Board reviewed an as-built plan for Site Plan Special Permit of Nancy C. Grellier, Want Advertiser, 740 Boston Post Road.

Selectman David A. Wallace informed that since approval of this Site Plan by the Board in August of 1988, he has had business dealings with Mrs. Grellier. Although his professional association with Mrs. Grellier was in no way connected with the subject property, he expressed his opinion that he should abstain from signing the as-built plan at this time in order to avoid the appearance of a possible conflict of interest.

Therefore, Chairman Drobinski signed the as-built plan for Site Plan Special Permit No. 88-307 of Nancy C. Grellier, Want Advertiser, 740 Boston Post Road. It was noted that Selectman Cope would sign same immediately upon her return to Sudbury.

Improvements to Powder Mill Road Area

Upon review of communication dated September 25, 1989, from Town Engineer I. William Place, it was on motion unanimously

VOTED: In accordance with the provisions of Chapter 89, §9 of the General Laws, Powder Mill Road is designated a stop street for north and southbound drivers at the intersection of Powers Road;

and it is further

VOTED: That the Traffic Rules and Orders of the Town of Sudbury, adopted by the Board on September 12, 1941, and subsequent amendments thereto, be and are hereby amended as follows:

By adding at the end of Section 8 in Article VII, OBEDIENCE TO ISOLATED STOP SIGNS, the following locations:

"North and southbound drivers on Powder Mill Road at Powers Road."

The Board next discussed a request to initiate the process for installing a "Do Not Enter 7a.m.-9a.m. Excluding School Buses and Local Residents" sign for northbound travellers entering Powder Mill Road at Powers Road.

Executive Secretary Thompson expressed concern relative to this proposal, since there are certain legal requirements that have to be fulfilled before proceeding with any approvals.

Mr. Thompson reminded that Board that they initially approved the recommendations of the Save Our Streets group, to the effect that same would be feasible. Town Engineer Place has indicated that the major reason for his recommending approval of the "Do Not Enter" sign referred to herein is because of the school buses.

After discussion with Assistant Town Counsel David Doneski, who outlined the requirements pursuant to the provisions of Massachusetts General Laws Chapter 85, §2, in order to receive input, it was on motion unanimously

VOTED: To request the Executive Secretary to proceed under the provisions of Massachusetts General Laws Chapter 85, §2 with regard to scheduling and properly publicizing a public hearing concerning the question of installing a "Do Not Enter 7a.m.-9a.m. Excluding School Buses and Local Residents" sign for northbound travellers entering Power Mill Road at Powers Road; and to communicate with the Town of Maynard in an attempt to obtain its concurrence with installation of such a sign.

School Committee - Articles for Special Town Meeting

Chairman Drobinski reported that he had a conversation with School Committee Chairman James Flanagan, who expressed his concern that the Selectmen did not have the opportunity at Town Forum to question or comment upon the presentation made by Mr. Flanagan on behalf of the two alternative articles being presented by the School Committee at Special Town Meeting.

At the suggestion of the Executive Secretary, if the Selectmen have any questions or issues they wish to discuss with the School Committee prior to Special Town Meeting, Mr. Thompson will invite the School Committee to attend the Selectmen's regularly scheduled meeting on Monday, October 16, 1989.

Fort Devens Land

Present: Health Director Robert Leupold.

Chairman Drobinski acknowledged receipt of copy of letter dated August 29, 1989, from Paul G. Keough, Acting Regional Administrator, United States Environmental Protection Agency, to United States Representative Chester G. Atkins, outlining procedures (an agreement among State of Massachusetts, Federal government, and EPA; a Community Relations Plan; and a Technical Review Committee on which local authorities may sit) for public involvement relative to hazardous waste at the Fort Devens Annex site.

There followed a brief discussion as to how to proceed with regard to community representation, and Executive Secretary Thompson opined that since so many communities are involved, he does not believe the number of representatives should be overwhelming. Mr. Thompson suggested that the communities should limit themselves to one coordinator; and he further informed that he discussed this matter with Conservation Coordinator Deborah Montemerlo, who concurred with Mr. Thompson's recommendation that Sudbury's representative be Board of Health Director Robert Leupold. Mr. Thompson stated that his reasons for this recommendation is two-fold: (1) many of the meetings will in all likelihood be held during daytime hours and the Town would therefore need someone who can consistently attend same; and (2) Mr. Leupold is also the Town's Hazardous Waste Coordinator and would have to be involved in any event.

It was agreed that this matter would be placed on a future agenda for action when a formal request is received.

Chairman Drobinski next discussed letter dated September 14, 1989, from the General Services Administration, which had been acknowledged at a prior meeting, and which had informed that it would not be willing to go along with the National Park Service's recommendation that the subject property be utilized for recreational usage.

Executive Secretary Thompson informed that he has met with Conservation Coordinator Deborah Montemerlo to discuss the situation, and he has asked Mrs. Montemerlo to arrange a private meeting with Metropolitan Area Planning Council Director David Soule and the Town of Hudson Town Manager to discuss strategy and where the Towns should go from here. Mr. Thompson further reported that MAPC has been interfacing with Senator Kennedy's Office.

At the request of the Chairman, Mr. Thompson will update the Selectmen following said meeting, if held.

Special Town Meeting - Honorarium to Wayside Innkeeper Koppeis

Upon recommendation of Town Moderator Thomas Dignan, it was on motion unanimously

VOTED: To request the Executive Secretary to request Wayside Innkeeper Francis Koppeis to give the Pledge of Allegiance at the commencement of Special Town Meeting on October 17, 1989; and to assist the Moderator to prepare a fitting honorarium for Mr. Koppeis expressing Sudbury's deep appreciation for his contribution in preserving the traditions and landmarks of this Town.

Chamber of Commerce - Testimonial for Wayside Innkeeper Koppeis

The Executive Secretary reported that he has received a communication from the Chamber of Commerce, advising that they are organizing a testimonial for Wayside Innkeeper Francis Koppeis, and requesting the Selectmen to provide whatever anecdotes or information the Town's archives may contain.

Mr. Thompson stated that his Office is updating its data and, at the request of the Selectmen, will prepare an appropriate Resolution or Proclamation.

The Selectmen expressed their wish to attend the testimonial which is scheduled for Monday, October 30, 1989, and present the Resolution personally to Mr. Koppeis.

It was therefore on motion unanimously

VOTED: To cancel the Selectmen's meeting scheduled October 30, 1989, in order that the Selectmen may pay their respects to Wayside Innkeeper Francis Koppeis at a testimonial dinner being held that night on the occasion of his retirement.

Zoning Enforcement Agent - Reports of Possible Violations

Chairman Drobinski reported that he has received two complaints of possible zoning violations that he would like Zoning Enforcement Agent Joseph Scammon to be made aware of:

1. A neon sign at the video store at either the Barnstead Shoppes or Dudley Square shopping centers; and
2. The row of Mobil flags interspersed with the American flags at the Mobil station located at the corner of Landham Road and Route 20.

Mr. Drobinski wished to take the opportunity to once again commend the fine work being done by Deputy Inspector Earl Midgley.

Board of Health - Hop Brook Ponds System Study

Present: Health Director Robert Leupold; Board of Health Chairman Hugh Caspe and members Michael Guernsey and Donald Kern; Frank Strouse of the Hop Brook Protection Association; George D. Gustafson of Whitman & Howard.

A meeting was convened by the Chairman with the Board of Health to discuss the Hop Brook Ponds System Study by Whitman and Howard, Inc., dated July 1989, and implementation of recommendations by the Board of Health related thereto.

By way of background, Executive Secretary Thompson stated that sometime ago the Board of Health asked for this meeting in order to discuss how to proceed; and what method or mechanism might be used to bring more pressure to bear on the secondary treatment facility in Marlboro.

Health Director Robert Leupold referred the Board to his memorandum dated September 27, 1989, which provided a brief synopsis of the Whitman & Howard report. Mr. Leupold stated that the Board of Health requests assistance from

the Selectmen in its efforts to implement the recommendations contained in that report. Mr. Leupold opined that he does not believe this situation is completely a Board of Health issue.

In answer to inquiry by Chairman Drobinski, Mr. Leupold informed that the City of Marlboro has just been issued another permit last year. Mr. Leupold added that on a positive note the permit adds two conditions from prior years' permits: (1) year-round removal of phosphorous growth; and (2) initiation of facilities planning the first time that the average plant flow exceeds 70% of design flow during each month of any consecutive three-month period.

Mr. Leupold introduced George D. Gustafson, P.E. of Whitman & Howard, who is also a resident of Sudbury.

Board of Health member Michael Guernsey stated that it must be kept in mind that DEP (formerly DEQE) has always praised Marlboro as having one of the best-run plants in the State; and it is being maintained that the Marlboro plant is being operated with the best technology available today. Mr. Guernsey stated that there is proof that there are four plants in Michigan that are using a more advanced, but not complicated, technology that is producing amazing results, with readings falling far below the .4 level set by DEQE. Sudbury must be concerned with the operations at the Marlboro plant, since as the study shows, that plant is responsible for 50%-90% of the flow in Hop Brook. Mr. Guernsey also pointed out that if one were to look at the flow of ice melting at Hager Pond, the outflow can be clearly seen. In conclusion, Mr. Guernsey opined that there are some options that should be and can be looked at.

Mr. Leupold pointed out that the situation at the treatment plant can be corrected, but it will not straighten out the ponds immediately. Mr. Leupold also pointed out that there are no State funds available and he does not believe the Town can come up with the monies that would be required to accomplish anything significant. For these reasons, the Board of Health has suggested getting different interest groups involved, such as Sudbury Valley Trustees and Northland Development; and to look into the possibility of dredging and using the sludge as landfill cover. In order to implement this latter suggestion, Mr. Leupold stated that a pilot study would have to be conducted to determine if this is feasible.

With regard to State funding, Mr. Gustafson explained that he does not believe there is any state or federal funding available for any body of water that does not allow public access; thus, for example, the Grist Mill Pond would definitely be excluded. Mr. Gustafson pointed out that the condition placed upon the new permit that requires Marlboro to look into treatment alternatives when the plant reaches 70% capacity should be closely monitored, since the plant is currently running at about 65% capacity. Mr. Gustafson believes that at that point there would be funds available to the City of Marlboro for that type of work.

Executive Secretary Thompson informed that at a meeting in Marlboro a few years ago, Marlboro's engineers, Metcalf & Eddy, had pointed out that there would be continuing problems with downstreams; and Mr. Thompson recalled a statement being made to the effect that Marlboro could always consider diverting the flow of water in order to obviate that problem. Messrs. Leupold and Gustafson reported a similar statement made to them by Marlboro representatives

at a recent meeting; however, there was a consensus by those present this evening that this was not really a viable alternative to Marlboro because of the expense and legal implications of attempting same.

Frank Strouse of the Hop Brook Protection Association handed out a letter dated October 2, 1989, to the Selectmen, requesting the Selectmen appoint a committee for the purpose of implementing the actions and recommendations contained in the Whitman & Howard report to improve the water quality of the Hop Brook Water System. Mr. Strouse's letter further contained a recommendation of the make-up of said committee for the Selectmen's consideration.

Mr. Strouse opined that there is no simple solution to the problem and that there would have to be a "give and take" on all sides in order to effectuate anything meaningful.

Selectman Wallace stated that he believed the concept of a committee makes a lot of sense; and Mr. Thompson agreed, but believed it would be wise for Sudbury to wait until after Marlboro's elections before approaching them concerning formation of such a committee.

The Selectmen were buoyed with the knowledge that there is new technology available; and Mr. Strouse commented that with regard to state or federal funding, he believes abutters might be willing to grant some public access if that is what it would take to get the places cleaned up.

Ursula Lyons stated that her group has taken a "biological" rather than "technical" approach to the problem and thanks to Northland Development, a survey was conducted at Northland's expense. Northland is hopeful that a Notice of Intent will be filed with the Conservation Commission for a permit that will give them two years to do herbicide treatments. Mrs. Lyons opined that this should be considered as an option, since it may be the least expensive and most effective solution. Mrs. Lyons stated that according to aquatic control people, this form of treatment would only affect the trout.

Mrs. Lyons further pointed out that she believes there are certain things that must be done in November, such as the lowering of the ponds; thus she expressed her concern that the communications process not slow down things that can and must be done now. Mr. Strouse stated that he believes such things as lowering water levels of the ponds are within the sole jurisdiction of Sudbury and would not have to be delayed because of what is being discussed this evening.

Mrs. Lyons also stated that she has had conversations with Richard Davison, who is not only a member of the Sudbury Valley Trustees and a Wayside Inn Trustee, but also works for John Devillars, Secretary of Environmental Affairs. Mr. Davison has indicated, according to Mrs. Lyons, that if Sudbury communicates its concerns to DEP, then he might be able to move things along. Mr. Guernsey reiterated his feeling that since DEP feels the Marlboro plant is one of the best run in the State, he does not think they will place this situation on its priority list.

In response to Mrs. Lyons' concerns, Mr. Thompson assured that the Selectmen do not intend to drag the matter out. There is a concurrence that it

would not do much good to talk to the present Marlboro officials because changes may occur during the elections.

At the request of the Selectmen, Health Director Leupold agreed to send a letter on behalf of the Board of Health to the Wayside Inn Trustees and Conservation Commission to request them to do a timely "draw down", if necessary; and any other short-term recommendations that need not require official "okays". The Selectmen believe that their best role is to form a committee and coordinate the efforts of same.

At the request of the Selectmen, Executive Secretary Thompson will communicate with the City of Marlboro after its elections are held on October 23, 1989, and see if they would be willing to talk about the situation and join with Sudbury in the formation of a committee. Further, Mr. Thompson will communicate with Conservation Coordinator Deborah Montemerlo concerning any wetlands issues.

Marilyn Novak of 11 Raynor Road stated that she is an abutter to the Stearns Mill Pond. Mrs. Novak stated that at a meeting where this Whitman & Howard study was presented, she believes the Conservation Commission stated that before the water levels can be manipulated, DEQE has to be notified, because of the Wetlands Protection Act. Mrs. Novak expressed her confusion and concern as to what can and cannot be done, and by whom.

In response, Mr. Thompson reiterated that as soon as Marlboro's elections are over, he will communicate with the newly-elected officials and attempt to get them to meet with the Selectmen and form a committee to study the problem and solutions. In the meantime, the Board of Health will be sending letters out to interested groups and will obtain the necessary approvals to do whatever short-term things that can be done.

Chairman Drobinski added that this whole subject is a sensitive one with Marlboro and is something that the Town of Sudbury will have to work out with them in a cooperative and helpful spirit.

After further discussion, Chairman Drobinski thanked the Board of Health for their continuing efforts and thanked Mr. Gustafson of Whitman & Howard for their comprehensive report. Mr. Drobinski further thanked those individuals who attended for their comments and input.

Resource Recovery Committee

Present: Resource Recovery Committee Co-Chairman Neal Drawas and members Elizabeth Van De Kerkhove and Eugene L. Ratner.

Chairman Drobinski convened a meeting with the Resource Recovery Committee for an update to the Board relative to recycling and composting plans.

Executive Secretary Thompson parenthetically stated for the Board's information that the present status of the Landfill expansion request to DEQE is that although the matter is still pending, it is expected that DEQE will approve same.

Mr. Thompson stated that he and Resource Recovery Committee Co-Chairman Neal Drawas had a conversation earlier and concurred this evening's meeting should focus on two matters: (1) composting and (2) the resource recycling center.

Mr. Drawas informed that DEQE had asked for more details concerning a recycling center at the Landfill, and such information was provided on September 18, 1989. Mr. Drawas explained that basically a configuration shows an area along the asphalt access area along the side of the Wayland Landfill. This area will allow for approximately six or seven rolloff boxes situated at a height just about the ground level, so that residents may drive up and deposit their recyclables without getting out of their vehicles. Mr. Drawas further explained that they believe this site to be ideal when looking at a long-term plan which would include vertical expansion of the Landfill.

Mr. Drawas continued by stating that with the interim final plans submitted to DEQE, the Town has to basically sit and wait for them to respond. Co-Chairman Thomas White reported to Mr. Drawas that such a response can come somewhere between three months and two years. With that in mind, Mr. White is attempting to do what he can to expedite the process.

Mr. Drawas stated that another consideration of the Committee was the purchase of rolloff bins. The Committee believes purchase of these bins would in the long run prove more fiscally sound for the Town, and he has been looking into the "used market" in the hope of locating used bins. Mr. Drawas pointed out, however, that he does not expect much success in locating used bins, as by the time they are discarded, they are in pretty rough shape.

Another item the Committee is looking into is the purchase of a rolloff trailer attachment that could go on a Town-owned tractor. Again, Mr. Drawas informed, the Committee is looking at the "used market", but is finding it difficult to locate one.

Mr. Drawas stated that with the assistance of Committeeman Eugene Ratner, they have been looking into designing a recycling center. Mr. Ratner explained that he was involved with designing a recycling center for the Town of Weston and is presently involved with designing one for Nantucket. It is Mr. Ratner's opinion that these centers can be profitable to the community.

Mr. Drawas went on to say that the Committee has recently met and each person has been given a recyclable product to research. The data collected will be turned over to a possible new position/person called Landfill Recycling Manager for evaluation and implementation.

Mr. Ratner stated that he believes the greatest asset Sudbury has is a Town Landfill, and commented that if the Town secures it and treats it properly, it can be very profitable.

Mr. Drawas reported that the newspaper recycling is moving along nicely, and the Town is on the positive end of the cash flow. There was a discussion of some logistical problems, but Mr. Drawas assured that problems are being worked out.

As a point of information, Mr. Thompson told the Committee that the Selectmen are working through collective bargaining in order to upgrade the

position of Landfill Monitor to Landfill Supervisor. Mr. Thompson further informed that the Town Engineer is looking into the possibility of reinstating a Town Stump Dump.

Mr. Drawas reported that thanks to Administrative Assistant Janet Silva and Committeeman Elizabeth Van De Kerkhove, the Committee is moving forward in instituting a paper recycling program for all Town offices and the Town's school systems. In association with this effort, Mr. Drawas explained, the Committee is also looking into educational programs concerning the value of recycling.

With regard to the composting issue, Mr. Thompson stated that he understands that Wayland is so involved with their internal problems that they do not want to give the joint composting proposal much attention. Mr. Thompson expressed his personal opinion, which was concurred by those present, that it simply does not make sense to utilize precious Landfill space for the dumping of brush, leaves, etc.

Mr. Thompson advised that he has spoken with a private vendor and suggested that person submit a proposal for a privately-owned and operated composting operation in Sudbury. Mr. Thompson further commented that he hoped the media will give this matter attention so that the public might be made more aware of the situation.

Mr. Drawas informed that it is his understanding that Wayland's Landfill has been closed until their expansion is approved. This is causing that Town a greater expenditure of monies than they anticipated; and he believes the Town officials are focusing on more immediate concerns such as roads, etc. It is Mr. Drawas' opinion that Wayland has made a decision that the composting project is a good long-term program for both towns, but they have more immediate needs that must be addressed.

Mr. Thompson stated that he and Town Engineer Place will continue to pursue the joint composting program with Wayland, and suggested that the Selectmen might consider corresponding with their Wayland counterparts to propose to them that if Wayland would allow use of the land, Sudbury would undertake all the "legwork" that would be required to effectuate the operation.

Mr. Drawas concurred with Mr. Thompson that that would be an option; but added that if Wayland will not change its mind, that another option would be to look for another piece of property within the boundaries of the Town and/or perhaps go with a joint venture with Maynard or Stow. Another option, Mr. Drawas continued, is to find a private developer and have him run it at his own cost and to his own benefit, as mentioned previously by Mr. Thompson.

There was a comment made that locating another parcel of land for siting such a composting project would not only be difficult within the Town, but would mean starting from Point One with DEQE.

There was also a suggestion that a section of the Landfill might be taken for composting, and this would not require DEQE approval. Mr. Drawas stated that he sees a difficulty in giving up Landfill space, and pointed out that Town employees would have to be available to do the chipping, etc.

There was a discussion as to the size required for siting a composting operation, and it was estimated that if the composting were for Sudbury alone, it would require a couple of acres. If, however, a private operator were involved or other communities, a five to six acre site would be more appropriate.

Mr. Drawas also expressed his opinion that the Selectmen should consider placing a ban on leaf disposal for this season. It was concurred that enforcement would be difficult, and unless an alternate site for disposing the leaves were offered, the ban would not be effective. Mr. Thompson suggested that since there will be a meeting soon regarding the Stump Dump, it might be wise to consider use of the Davis land for use as a temporary stockpile for the leaves. Mr. Drawas pointed out that, unlike a Stump Dump, having the residents use another location for disposal of leaves would require a monitor in order to control what actually is left on the site.

After further discussion, it was on motion unanimously

VOTED: To request the Executive Secretary to draft a letter to be signed by the Selectmen to the Selectmen of the Town of Wayland, informing them of this evening's discussion and asking them if they could assist Sudbury in making the joint composting program a reality; and to assure the Wayland Selectmen that if they would be willing to make the land available, Sudbury would be willing to do the footwork necessary in order that Wayland might concentrate on their own priorities.

The meeting concluded with Chairman Drobinski thanking all for attending and for their input and comments.

Executive Session

At 9:15 p.m., it was on motion by roll call unanimously

VOTED: To go into Executive Session for the purpose of discussing Discretionary Fund expenditures.

(Chairman Drobinski, aye; Selectman Wallace, aye.)

The Chairman announced the public session would not reconvene following Executive Session.

There being no further business to come before the Board, the meeting was adjourned at 9:30 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk