

IN BOARD OF SELECTMEN  
MONDAY, JUNE 26, 2000

Present: Chairman Kirsten D. Roopenian, Lawrence W. O'Brien, John C. Drobinski, Selectmen.

The statutory requirements as to notice having been complied with, the meeting was convened at 7:35 p.m. at the Town Hall, 322 Concord Road.

**Minutes**

It was on motion unanimously

VOTED: To approve the regular session minutes of June 12, 2000, as drafted.

**Council on Aging**

It was on motion unanimously

VOTED: To accept \$144.32 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.

**Fields Pond Foundation Grant**

It was on motion unanimously

VOTED: To accept, on behalf of the Town and Conservation Commission, a grant of \$5,000 from the Fields Pond Foundation, Inc., to be deposited in a separate account and used for trail work on the Piper Land, and to send a letter of thanks to the Fields Pond Foundation, Inc.

**Land Use Priorities Committee – Reappointment**

The Board acknowledged Mr. John O. Rhome declined re-appointment to the Land Use Priorities Committee, as stated in a telephone call to the Selectmen's office on June 21, 2000, and to send a letter of acknowledgement, thanking him for his years of service to the Town.

**FY99 Town Audit Reports**

It was on motion unanimously

VOTED: To accept FY99 Town Audit Reports prepared by Powers & Sullivan comprised of: "Town of Sudbury, Massachusetts, Report on Examination of General Purpose Financial Statements, Fiscal Year Ended June 30, 2000", "Town of Sudbury, Massachusetts, Reports on Federal Award Programs, Year Ended June 30, 1999", "Town of Sudbury, Massachusetts, Management Letter, June 30, 2000".

**Street Acceptances – 2000 Annual Town Meeting**

It was on motion unanimously

VOTED: To sign Orders of Taking relative to street acceptances approved under Article 9 of the 2000 Annual Town Meeting for Anselm Way, Camperdown Lane, Cobblestone Place, and Elderberry Circle.

**Vidbel's Olde Tyme Circus**

The Board reviewed a request, dated June 13, 2000, from Jennifer Coash, Co-Chair, Circus Fund-Raiser, Sudbury Education Resource Fund, Inc. (SERF), asking permission to sponsor 3 shows of Vidbel's Olde Tyme Circus at the Peter Noyes School field on Wednesday, August 9, 2000.

Town Manager Valente stated the Fire Dept. and Health Director have no objections or requirements on this request, aside from the specific checks and permits each department provides for the day of the event. The Building Inspector and Police Department have no objections either. She stated the only real issue is that of the field left in bad shape after the circus has left, requiring the Dept. of Public Works to aerate the trampled grass and repair ruts if it rains during the event. Last year the Board voted to require SERF to leave the field in its original condition.

Chairman Roopenian offered to contact SERF to find out how much they might be willing to pay toward the potential damage. She opined a \$500 bond had been required one year, but waived last year. Discussion followed as to whether the circus and SERF should share the expense of reparation. Selectman Drobinski acknowledged the event is a fundraiser for SERF, but expressed concern for the Town bearing the costs of field reparation.

Selectman Drobinski asked if the circus' liability insurance is in force. Town Manager Valente clarified a copy of the coverage will be requested, and the Town should be covered.

Chairman Roopenian stated she would abstain from the vote as she is a member of the Board of Directors for SERF.

After discussion, it was on motion by Selectman Drobinski, and

VOTED: To grant a special permit for the Sudbury Education Resource Fund, Inc. (SERF) to sponsor Vidbel's Olde Tyme Circus at the Peter Noyes School field on August 9, 2000, as requested in a communication dated June 13, 2000, from Jennifer Coash, Circus Fund-Raiser Co-Chair, subject to approval by the Sudbury School Committee, Police Chief, Fire Chief, Building Inspector, Public Works, and Board of Health, contingent upon proof of satisfactory liability insurance (also naming the Town as insured) and resolution of the potential field reparation costs after contact by Chairman Roopenian. (Chairman Roopenian, abstain, Selectman O'Brien, aye, Selectman Drobinski, aye).

**AAA Limousine, Inc.**

The Board reviewed the rate schedule and list of vehicles used by AAA Limousine, Inc. Chairman Roopenian asked if airport trips to Logan constitute the only type of service available. Selectman O'Brien wondered if this company will drive to Providence, Worcester, or Hanscom. Town Manager Valente stated she would look into the matter.

After discussion, it was on motion unanimously

VOTED: To renew Livery and Limousine License of AAA Limousine, Inc., 39 Union Avenue, in accordance with application, dated June 20, 2000, and to approve rate schedule set forth therein (unchanged from previous year), subject to approval of individual driver licenses and satisfactory inspection of 8 vehicles by the Police Department.

#### **Walkway Easement – Fairbank Road**

Town Manager Valente stated this matter would be tabled as the completed document is not available.

#### **Sewer Technical Advisory Committee**

Selectman Drobinski announced any resident interested in serving on the Citizen Advisory Committee, subcommittee of the Sewer Technical Advisory Committee, to contact the Town Manager's Office.

#### **Storm Drains**

Selectman O'Brien expressed concern for storm drains being so calcified that the water is unable to drain properly. He wondered whose responsibility (Mass. Highway or the Town) it is to make sure these drains along Route 20 are cleaned up. Town Manager Valente responded a request would be made to Mass. Highway and then checked on to see how the matter progresses from there.

#### **Nobscot/Route 20 Intersection**

Chairman Roopenian remarked that Matthew Amorello, Mass. Highway Commissioner, has committed to working on getting the Nobscot/Route 20 intersection improvement programmed in the FY2001 Transportation Improvement Program (TIP), as stated in a letter, dated June 13, 2000, to Senator John Kerry. She clarified that the Board had not made this contact, instead Maryann Clark had written to Senator Kerry as a resident. Discussion followed.

#### **Sudbury Training Annex**

Chairman Roopenian stated the Board has received a copy of a letter regarding vandalism at the Sudbury Training Annex. She opined people using their ATV's or snowmobiles may not be aware this property belongs to the Federal Government and is not abandoned and available for use. Ms. Roopenian cautioned residents using this property for their personal enjoyment to be on notice that prosecution will occur.

#### **Town Forum – 245<sup>th</sup> Session**

At 8:10 p.m. Chairman Roopenian convened the 245<sup>th</sup> Session of the Town Forum.

Ted Welte, President, and Gary Cogley, Economic Development Director, of the MetroWest Chamber of Commerce, briefly updated the Board on their activities in the area. Mr. Welte announced presentation of "The Phoenix Award" (rising from the ashes) to the Mill Village owners and the Sudbury Chamber of Commerce for their efforts in getting Mill Village back on its feet after the devastating fire,

describing it as a remarkable public/private partnership. Mr. Welte briefly described "MetroWest Momentum 3", their current program of community involvement. Mr. Cogley spoke on issues such as ESL, transportation, housing, employment and mentoring for schoolchildren. He invited the Board and Town officials to various Chamber meetings once they begin again in the fall.

Various reports were presented. The Economic Development Committee briefly updated the Board on their activities, centering on meeting the goals set forth within the Master Plan. Winifred Grinnell, Memorial Day Committee, thanked the Board for their Proclamation for the Korean War Veterans and for their attendance at the ceremony for the 50<sup>th</sup> Anniversary of the Korean War. Chairman Roopenian presented the Board's report, welcoming Town Manager Valente back from her trip to Montenegro, and announcing the recent hire of Wayne Walker as the new Assistant Town Manager, due to start in August.

Town Manager Valente publicly congratulated Suzanne Petersen, Town Accountant, on successfully passing examinations to become a Certified Governmental Accountant. The certification program is sponsored by the Massachusetts Municipal Auditors & Accountants Association.

Reports concluded at 9:12 p.m. Chairman Roopenian declared Town Forum closed. Refreshments were served.

In addition to a taped recording this Town Forum was televised over the local Cable network. Copies of the videotape are available for a period of one year by contacting the Selectmen's Office.

**Public Hearing: Site Plan 00-355, Sudbury Gulf**

Present: Richard Elkhoury, Applicant; John T. Smolak, Attorney, Peabody and Arnold LLP; Wendy Regan, Project Manager, Cumberland Farms.

At 9:30 p.m., Chairman Roopenian reconvened a Public Hearing for the purpose of continued consideration of application SP00-355, received April 19, 2000, from Richard Elkhoury, d/b/a Sudbury Gulf, for a Site Plan Special Permit in accordance with Sudbury Zoning Bylaws Art. IX.V.A, to modify site plan approved July 11, 1983, to upgrade underground gasoline storage tanks to include overfill prevention valve and Stage II vapor recovery, inventory probe/monitor, and submersible pump with leak detector; replace the two gas pump islands having one dispenser on each; remove gas island light fixture; install Stage II vapor recovery line; install double-wall flexible fuel lines; install canopy protecting fire suppression system; and revise parking; on property located at 470 Boston Post Road, owned by Cumberland Farms, Inc., Business District #5. This matter was originally heard on May 22, 2000.

The Board was in receipt of a revised Plan, dated June 22, 2000, reflecting Conservation Commission comments.

Mr. John Smolak, Attorney, representing the Applicant, briefly updated the Board on progress made toward resolving questions, specifically with Conservation Commission and wetlands delineation, buffer plantings, landscaping, Notice of Intent filing, debris and oil drum removal as brought up by Selectman Drobinski on May 22, and stormwater management improvements.

Selectman O'Brien cautioned Mr. Smolak that Sudbury typically observes more stringent guidelines with respect to stormwater management than the Department of Environmental Protection (DEP) and advised him to pay close attention to the Town guidelines.

Regarding a donation of funds for walkway improvements, Mr. Smolak stated the applicant will contribute \$3,500 toward those improvements.

Considering suggested structural improvements, Mr. Smolak stated the applicant is more inclined to limit improvement to repainting trim to complement other nearby buildings. He asked for suggestions on painting schemes from the Board and Design Review Board.

Ms. Wendy Regan, Cumberland Farms, indicated she had attempted to contact the Design Review Board numerous times, without success, concerning the exterior color and landscaping. There seemed to be some confusion as to whether the DRB had to review this matter a second time.

Regarding the placement of the sign, Mr. Smolak stated the existing sign would remain, that it is sufficient for the present. Selectman O'Brien pointed out there will be many improvements in the nearby area and suggested the applicant consider sign replacement when other improvements are being done.

Mr. Smolak stated the stormwater improvements will be reviewed with the Conservation Commission and the Town Engineer.

Selectman O'Brien expressed concern for young patrons coming to purchase cigarettes and advised the applicant of Police Department stings. Mr. Elkhoury stated they have been involved with five stings in the past and have passed them all without incident.

Selectman O'Brien suggested keeping the Design Review Board informed of the Board's comments regarding appearance. Chairman Roopenian suggested forwarding a copy of a letter from Mr. Elkhoury to the Design Review Board and asking them to respond as necessary. Discussion followed.

It was on motion unanimously

VOTED: To authorize the Town Manager and Town Counsel to prepare a Draft Decision approving the site plan modification, Site Plan 00-355, for Sudbury Gulf, subject to approval of the Conservation Commission, Fire Chief, and Design Review Board on safety issues, trim color, landscaping choices, and exterior appearance; and removal of any debris, including oil drums; and to continue this hearing until July 10, 2000, at 8:30 p.m.

### **Cablevision License Renewal**

Present: Jeffrey Winston, Cable Television Committee Chairman.

The Board met with Jeffrey Winston, Cable Television Committee Chairman, for an update on the progress of the Cablevision license renewal.

Mr. Winston stated he and Cablevision representatives will come before the Board in about six weeks to approve a license renewal and a transfer. Mr. Winston asked the Board if there are any issues they wish to pursue at this time, as in six weeks, it will be too late to do so.

Chairman Roopenian explained the purpose of the Cable Television Committee to Selectman O'Brien. Selectman O'Brien stated he has reviewed some documents in order to be current on the licensing procedure. Mr. Winston stated their mission was to have complete cable coverage for all areas of the Town, to secure and enhance public access, and to leverage the rebuild to give the Town a data network.

Mr. Winston opined the Town would have high speed Internet access by the end of the year.

Mr. Winston stated the Committee hired special counsel, Mr. Peter Epstein, with a lot of experience in these matters. He reported Mr. Epstein is preparing the license draft this week. He stated the issues are both money, contractual (services, definitions of different types of revenues, modem access, etc.) and non-money. The contract will be for up to ten years, standard length at this time.

The Board will be asked to sign a 30-day extension of the existing license at the next Selectmen's meeting. The current license expires on July 17. AT&T is buying all Massachusetts locations of Cablevision with a regional transfer hearing occurring in Maynard on July 25. Sudbury will have to approve the transfer at the same time as the license renewal.

Mr. Winston opined the license renewal should go through without difficulty. He opined little reason why it should not, as long as the cable company holds up their end of the agreement. He stated AT&T will own the system, but it is unclear whether the new cable service will be AT&T or MediaOne, as AT&T recently purchased MediaOne.

Mr. Winston stated residents have been contacting him about getting cable modems. He stated he has to tell them it is outside the function of the Cable Television Committee as the Committee's mission is to provide cable television coverage before branching to other services.

Mr. Winston asked the Board to forward any questions and issues as soon as possible. He stated he would distribute a draft license as soon as he had one, probably mid-July.

The Board thanked Mr. Winston and the Committee for their efforts.

### **225 Water Row – Overhead Wire Waiver**

Town Manager Valente stated the builder, Trask, Inc., for property at 225 Water Row, is now proposing the Town share the cost of underground utility installation, as stated in a letter, dated June 20, 2000. The costs were estimated at \$4,000. The Director of Public Works concurred with this estimate in a report, dated June 22, 2000, but stated the Town cannot become involved in performing private work.

Ms. Valente stated the Wiring Inspector recommends approving the original request, which was an improvement over what is presently there.

Selectman O'Brien expressed concern for contractors, builders, electrical contractors, etc. claiming to not know the Town's bylaw regarding underground utility installation and stated the word needs to get out quickly to avoid more of these waiver requests. Selectman Drobinski suggested putting the information with the building permit so there would be no question, and groups like Boston Edison will not get the blame. Chairman Roopenian opined it is also unfair to put these costs on the homeowner just because the builder did not do his homework.

Chairman Roopenian suggested sending a letter to the Building Inspector instructing him to begin putting notices with building permits.

After discussion, it was on motion unanimously

VOTED: To instruct the Town Manager to write a memo to the Town Engineer, Building Inspector, and Wiring Inspector that all utilities must be placed underground, instructing them to make this requirement known to all parties interested in constructing, reconstructing, or remodeling a home in Sudbury.

It was further on motion unanimously

VOTED: To rescind the Board's vote of June 12, 2000, and to approve the request, dated May 25, 2000, from Benjamin T. Stevens, Trask, Inc., for permission to modify existing overhead wire to a home at 225 Water Row, by eliminating one overhead line of wires and two poles, bringing wires overhead from existing pole across the street to a new pole on private property to connect with underground service to the home.

Chairman Roopenian expressed concern about receiving more similar overhead requests. Selectman O'Brien suggested sending a letter to all builders and contractors listed with the Building Inspector, notifying them directly of the Town bylaw requiring underground utility installation, to avoid situations like this in the future.

#### **Curtis Middle School – Leftover Furniture**

Town Manager Valente stated the school will soon be demolished and excess furniture is available to anyone who wants it. She stated she and Jan Silva selected a few pieces for the Parsonage. She stated inner-city schools and non-profit groups have been contacted and encouraged to help themselves to what is left. She indicated many things are not in the best of shape but serviceable. Items are free of charge. Anything left at demolition time will be demolished along with the building.

Ms. Valente stated an asbestos mitigation must occur before demolition, and opined that demolition could occur as early as mid-July.

#### **Omnipoint**

Town Manager Valente stated Omnipoint Communications has expressed interest in another wireless communications facility along Route 117 (North Road) to add to their coverage area and asked the Board's input.

Selectman Drobinski stated his preference for no more cell towers, and expressed concern for trading aesthetic quality for cash. Ms. Valente stated this particular location is in the farthest corner, the gravel pit, and may not be visible from the road. She added that it is also near the Concord line.

Selectman O'Brien reported hearing about a plan to take down the present tower on Water District land and rebuild it to allow for three carriers. Ms. Valente stated she understands the Water District is not interested in pursuing that plan.

After discussion, it was agreed to direct the Director of Public Works to investigate potential sites and forward his comments to the Board.

**Executive Session**

At 10:43 p.m. it was on motion by roll call unanimously

VOTED: To go into Executive Session to discuss litigation matters. (Chairman Roopenian, aye, Selectman O'Brien, aye, Selectman Drobinski, aye).

Chairman Roopenian announced public session would not reconvene following Executive Session.

There being no further business to come before the Board, the meeting was adjourned at 11:30 p.m.

Attest: \_\_\_\_\_  
Maureen G. Valente  
Town Manager-Clerk