

IN BOARD OF SELECTMEN
TUESDAY, MAY 4, 2004

Present: Chairman John C. Drobinski and Selectmen Lawrence W. O'Brien and William Keller.

The statutory requirement as to notice having been complied with, the meeting was convened at 7:30 p.m. at the Lower Town Hall, 322 Concord Road.

Opening Remarks

Chairman Drobinski welcomed Selectman William Keller to the Board of Selectmen. He also thanked Town staff for a successful Town Meeting.

Chairman Drobinski thanked all residents and employees who participated in the Annual Town Cleanup Day held on Saturday, May 1st. Town Manager Valente thanked Raytheon Company for its organization of an employee work crew and donation of t-shirts to all Raytheon participants.

Acting Fire Chief MacLean

Present: Kenneth J. MacLean, Acting Fire Chief.

Acting Fire Chief MacLean introduced himself and briefly described his background and experience, as well as proposed projects during his time as Acting Chief. He stated he intends to better prepare the community for challenges before it, through communication and preparedness. Formerly a captain in the Sudbury Fire Department, he indicated his tenure would last approximately four months, while a search is conducted for a permanent Fire Chief.

The Board thanked him for his increased service to the community.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular and executive sessions of March 30, 2004, as drafted, special meetings of April 7, 12, 13, and 14, 2004, as drafted, and the minutes of special meetings of March 21, and December 2, 2003, as drafted.

Donation – Sherri Cavanaugh Fund

It was on motion unanimously

VOTED: To accept a donation of \$1,000 from the Sudbury United Methodist Church Rebecca Circle and church members to be deposited in the Sherri Cavanaugh Fund and to authorize expenditure for its intended purpose.

Alcoholic Beverage Sales – Primary and State Elections

It was on motion unanimously

VOTED: To grant permission to the holders of alcoholic beverages restaurant and package store licenses to sell alcoholic beverages during the polling hours of the September 14, 2004 State Primary and the November 2, 2004 State Election, in accordance with G.L. Ch. 138, sec. 33.

Sudbury Water District – Land Transactions

It was on motion unanimously

VOTED: To approve and sign a Release Deed transferring Parcel 239, Town Property Map H07, off Blueberry Hill Lane, consisting of approximately 1.6 acres granted to the Sudbury Water District, pursuant to vote of the October 3, 1988 Special Town Meeting under Article 3 and Chapter 64 of the Acts of 1989, and further

VOTED: To approve and sign an Easement granted to the Sudbury Water District as a 20' wide utility easement on property located at the easterly side of Nobscot Road containing approximately 1.96 acres and shown as Parcel 015 on Town Property Map L07, pursuant to vote of the 2002 Annual Town Meeting under Article 35.

Metropolitan Planning Organization (MPO)

The Board briefly expressed disappointment with the Metropolitan Planning Organization (MPO) as having interests only within the Route 128 corridor, and virtually ignoring suburban communities. It was noted that, while the MBTA Advisory Board voted to revamp the election procedure, no transportation services have been considered for Sudbury.

It was on motion unanimously

VOTED: To cast the Board's vote for the Framingham representative, Christopher Ross, Selectman, while withholding support for the Everett representative, David Ragucci, Mayor, and further

VOTED: To direct the Town Manager to write a letter for the Board's signature expressing concern that communities which did not embrace the Community Preservation Act are now attempting to gain access to CPA funds available through state agencies.

Annual Appointments

Town Manager Valente suggested the Board hold reappointment of Board of Appeals, Board of Appeals Associates and Earth Removal Board members as some of those positions are still open. The Board concurred.

It was on motion unanimously

VOTED: To hold reappointment of individuals on the Board of Appeals, Board of Appeals Associates and Earth Removal Board until further communication is received from pertinent parties.

It was on motion unanimously

VOTED: To make the following annual appointments (all appointments are subject to acceptance):

Council on Aging: To appoint Tamilyn Cheverie and Edward W. Ross, each for a term of three years ending on April 30, 2007, and to reappoint Joseph Bausk for a term of three years ending on April 30, 2007.

Cable Television Committee: To reappoint Mark W. Thompson (ex-officio), Frederick G. Walker (ex-officio), Robert Kavanagh (ex-officio), Margaret R. Fredrickson, Michael Daitzman, Martin Greenstein, Peter Boers, Jeff Winston, and Linda M. Wade, each for a term of one year ending on April 30, 2005.

Civil Defense, Assistant Director of: To reappoint I. William Place for a term of one year to end on April 30, 2005.

Radio Operator, Civil Defense: To reappoint James S. Idelson for a term of one year to end on April 30, 2005.

Community Housing Committee: To reappoint Patrick Rosseel for a term of three years to end on April 30, 2007.

Community Preservation Committee: To reappoint Mark A. Kablack for a term of three years to end on April 30, 2007.

Commission on Disability: To reappoint David J. Mortimer for a term of three years to end on April 30, 2007.

Fair Housing Committee: To reappoint Thomas W. H. Phelps for a term of three years to end on April 30, 2007.

Fence Viewers: To appoint William J. Keller for a term of one year to end on April 30, 2005, and to reappoint John C. Drobinski and Lawrence W. O'Brien, each for a term of one year to end on April 30, 2005.

Historic Districts Commission: Sandra Heiler for a term of five years ending on January 1, 2010.

Mass. Bay Transportation Authority Designee: To reappoint Maureen G. Valente for a term of one year ending on April 30, 2005.

Memorial Day Committee: To reappoint William R. Duckett and Winifred C. Grinnell, each for a term of three years ending on April 30, 2007.

Permanent Building Committee: To reappoint Elaine L. Jones and James M. Cummings, each for a term of three years ending on April 30, 2007.

Preservation and Management of Town Documents: To reappoint Curtis F. Garfield for a term of three years ending on April 30, 2007.

Sealer of Weights and Measures: To reappoint Courtney W. Atkinson for a term of one year ending on April 30, 2005.

Septage Committee: To reappoint Robert A. Gottberg for a term of one year ending on April 30, 2005.

Sudbury Water District Water Resource: To reappoint James F. Occhialini for a term of one year ending on April 30, 2005.

Surveyor of Lumber & Measurer of Wood: To reappoint Russell DiMauro for a term of one year ending on April 30, 2005.

Town Historian: To reappoint Curtis F. Garfield for a term of one year ending on April 30, 2005.

Town Report Committee: To reappoint Beth Farrell, Margaret M. Castoldi, Mary-Ann Gavin, Anne Hollows and Carol A. Whitney, each for a term of one year to end on April 30, 2005.

U.N. Day Chairman: To reappoint Elaine K. McGrath for a term of one year ending on April 30, 2005.

Veterans' Advisory Committee: To reappoint Edward P. Rawson, Winifred C. Grinnell, Robert G. Mugford, William R. Duckett, Fred H. Hitchcock, Jr., and Spencer R. Goldstein, each for a term of one year ending on April 30, 2005.

Youth Commission: To reappoint Alan R. Jefts, Susan C. Asbedian-Ciaffi, Catherine A. Dill and Michael W. Precourt, each for a term of one year, ending on April 30, 2005.

Special Constables, Non-Paid: To appoint Kenneth J. MacLean for a term of one year, ending on April 30, 2005, and to reappoint James F. Kelly, Earl D. Midgley, and Arthur J. Richard each for a term of one year ending on April 30, 2005.

Special Constable, Paid: To reappoint Joseph D. Bausk for a term of one year ending on April 30, 2005.

Special Constables, Traffic Duty Only, Raytheon: To reappoint Steven Materia, Brian O'Halloran, James Vandenakker, Richard Metivier, John Wilson, Peter Pierce and Norman DeSalvo, each for a term of one year, ending on April 30, 2005.

Chairman Drobinski announced various resignations and thanked those committee members for their service to the Town of Sudbury.

It was on motion unanimously

VOTED: To accept the resignations of the following individuals at the close of their terms on April 30, 2004, and to direct Town Manager Valente to send each person a letter of appreciation for their service to the Town:

Donald Ziter – Cable Television Committee
David Wallace – Capital Improvement Planning
Sean B. McCarthy -- Constable
John Fraize – Historical Commission
Russell P. Kirby – Preservation & Management of Town Documents
Laurie J. Triba – Youth Commission

Dissolution of Committees

After discussion, it was on motion unanimously

VOTED: To dissolve the Blue Ribbon Housing Site Selection Committee and direct that thank you letters be sent to each member, as well as encourage the at-large members to stay active in Town affairs.

After discussion, it was further on motion unanimously

VOTED: To dissolve the Land Use Priorities Committee and direct that thank you letters be sent to each member.

The Board stated its intention to postpone dissolution of PTERC until their next meeting, in order to give the PTERC an opportunity to meet one last time.

Ch. 61A Notice of Intent – Lettery Property

Present: David A. Wallace, Attorney, Whittemore and Wallace; Theresa Letteri, Joseph Lettery, Frank Letteri, George F. Lettery, Mary Lettery Finelli, and Elizabeth Lettery Ferrante.

At 8:00 p.m. Chairman Drobinski welcomed Attorney David Wallace and members of the Lettery family to a discussion concerning a Notice of Intent dated March 4, 2004, relative to the sale of property under G.L. Chapter 61A for residential use; said property shown as Parcel 600 on Town Property Map L10, approximately 27.98 acres at 216 Landham Road with the exclusion of the two-family dwelling and certain wetlands.

Mr. David Wallace, Attorney, introduced Lettery family members, and stated the family has been farming this property for many years and is now retired. He said the property has been under 61A provisions (agricultural use) and is now for sale with a bona fide offer pending, and further, they have notified the Town of this Intent and offer right of first refusal. Mr. Wallace briefly reviewed the major aspects of the proposed subdivision on the property, if sold to the developer, i.e., 9 building lots on approximately 40,000 sq. ft., with access road, plus a wetlands portion gifted to the Town. The selling price is \$3 million.

Mr. Wallace noted that a letter, dated April 23, 2004, from Town Counsel, presents the opinion that the Purchase and Sale agreement for the property does not constitute a bona fide offer as it is not possible to determine what is being offered. Specifically, it does not define how much land is to remain with the two family dwelling or land the Seller anticipates gifting to the Town. Mr. Wallace disagreed, stating the offer defines the basic “four corners” of the sale.

Chairman Drobinski reiterated Town Counsel’s concerns from a legal standpoint, while expressing sympathy for the time concerns of the Lettery family and the developer. He suggested Mr. Wallace communicate with Town Counsel to alleviate any questions regarding defining the parcel accurately.

Mr. Frank Letteri stated the family submitted a sketch to the Conservation Commission initially and assumed it would be shared with other Town boards. Mr. Joseph Lettery stated the family was not notified when the Board initially discussed this matter at a previous meeting, and stated some of the confusion could have been avoided as they have been working with the developer for a couple of years.

Chairman Drobinski stated the Board typically solicits input from all Town boards and commissions, which aids the Board in making its decision whether to purchase the property for the Town. A unified approach will make the process easier for all parties.

Selectman Keller stated there is a question as to whether there are eight or nine buildable lots on the property: As the Purchase and Sale specifies nine lots, would the Town have to pay \$3 million if only eight lots are determined? Mr. Wallace responded one lot is questionable, due to a man-made drainage pool, which could be eliminated. He stated further that, if only eight lots are available, the family would renegotiate with the developer.

The Board thanked the Lettery family for their many years of agricultural involvement in the community and for bringing this offer to the Town.

Maple Avenue Development

Present: Jody Kablack, Town Planner; Michael Fee, Planning Board.

Chairman Drobinski convened a joint meeting with the Planning Board to discuss a possible easement for public right-of-way through Feeley Park, approved at the 2004 Annual Town Meeting under Article 53, and noted the Planning Board is presently working with a developer on a proposed Senior Residential Community (SRC) at the end of Maple Avenue.

Selectman O'Brien expressed concern about building a public road to serve as access to a private community. He also expressed concern about losing the scenic properties of Maple Avenue as well as overall impact to a narrow residential street, plus the shift of traffic from one road to another.

Mr. Michael Fee, Planning Board, indicated the neighborhood expressed many concerns at a recent Planning Board public hearing concerning Maple Avenue being used as the access to the proposed SRC. He stated the Planning Board could not make the decision whether the issue of public access over Town recreation land was in the Town's best interest. He believed this decision must fall to the Board of Selectmen, and the Park and Recreation and Conservation Commissions should also be involved and offer input.

Ms. Jody Kablack, Town Planner, stated that until the Town indicates it supports an alternative access concept the developer is unwilling to submit an engineered plan so the location of the access road is unknown.

Chairman Drobinski stated the State Legislature must approve taking recreational land and using it for another purpose. He opined the developer would technically benefit, and asked what he would be willing to do to offset the potential loss of trees and other impacts to the community.

Selectman Keller opined that an overall assessment of public gains to the Town as well as difficulties; i.e., traffic impact, increased use of Feeley Park amenities, etc., must be made before the Board can come to an opinion on this matter.

Selectman O'Brien echoed those concerns, noting that Park and Recreation activities will be especially impacted.

Ms. Kablack stated the present traffic study only analyzes the volume from the SRC and turning movements onto Maple Avenue. There is concern that the larger trees in the neighborhood would be lost if the street must be widened. Maple Avenue is presently 17' at its widest point, with a 20' width being preferred for safety reasons. Ms. Kablack stated she expects to have an arborist's report within a month.

Chairman Drobinski stated that the developer has also asked for a temporary construction easement across the Feeley parking lot near the tennis courts. He opined a fee plus conditions should be applied to any approval of a construction easement. He stated one condition could require the area used be put back to its original state, noting that Goodnow Road was virtually destroyed by construction vehicles.

Selectman O'Brien suggested the Town Engineer submit several ideas for the access road so that the Board could investigate police and fire concerns with a southerly access. Ms. Kablack stated both accesses are being considered at the moment, though no specific plans have been submitted. A sketch was submitted only to the Conservation Commission. She stated a site walk has been scheduled for May 12. Discussion followed. Mr. O'Brien opined there is no unified effort on this matter, and entities are not aware of what other groups are looking at. All parties should have the same information.

Chairman Drobinski opined the Planning Board is charged with specific duties under state statute, and the Selectmen will make its decisions based on information presented.

Ms. Kablack opined single-family homes generate more traffic than an SRC, and if traffic impact from the SRC is a concern, it will be significantly higher with homes.

It was agreed to request input from the Town Engineer, Conservation Commission and Park and Recreation with regard to wetlands mitigation, impact on recreation programs, and impact on increased use of roads in their present condition.

Kirsten Van Dijk, 37 Landham Road, expressed concern that Maple Avenue could be part of a future Historic District, and utilizing this street for primary access to the proposed SRC could seriously impact that.

Steven Bradford, 25 Maple Avenue, expressed concern that the Conservation Commission had not communicated issues beyond its own office. Chairman Drobinski stated that typically Town boards do not share information unless there is a public hearing.

Cheryl Salatino, 14 Maple Avenue, asked if there was something more the neighborhood could be doing to stay informed on this matter. It was suggested that interested parties attend public hearings or meetings, check the website for updates, and read the newspaper for relevant articles.

Selectmen Liaison Assignments

Town Manager Valente asked the Board to review current liaison assignments and indicate any changes anyone wishes to make now that Selectman Keller has joined the Board. She explained the purpose of liaison assignments and requested all information be funneled through her office to avoid violating open meeting laws. Discussion followed. Board members will forward comments to Ms. Valente, who will prepare a revised draft for review at the next meeting.

Chamber of Commerce Banners

The Town Manager reported the Board of Appeals had sent a letter to the Chamber of Commerce, stating approval of banners falls under the Board of Selectmen according to the revised Bylaw passed by the 2004 ATM. The Chamber has requested an extension of the permit for the current banners. Town Manager Valente asked the Board to consider allowing the current Chamber banners to remain, while a new sign bylaw is awaiting approval from the Attorney General's office.

It was on motion unanimously

VOTED: To approve allowing existing Chamber of Commerce banners to remain in place until no later than November 13, 2004.

Proclamations and Pledges

Town Manager Valente asked for the Board's input on dealing with requests for proclamations and other honorary designations, some of which have no direct connection to Sudbury and that handling such proclamations can be a significant demand on staff time. She suggested limiting them to retiring Town employees, lengthy terms of service, and Eagle Scouts, where the proclamation has already been prepared, and authorize the office staff to sift through requests to determine appropriate action. It was agreed the Safe Drinking Water Week request will be forwarded to the Sudbury Water District.

It was on motion unanimously

VOTED: To continue with the present policy of Town staff using its discretion to bring only pertinent requests for proclamations and pledges to the Board's attention and to forward.

Willis Lake Pond Study Grant Request

Town Manager Valente reminded the Board that this request for grant funding to The Sudbury Foundation was previously tabled until after the Environmental Summit which was held March 15. The study request was briefly mentioned at the summit, at which time Stephen Meyer opined the changes in the Lake to be natural and not in need of being studied. The Sudbury Foundation would like to see a master plan or larger framework to see how the study fits into Park and Recreation priorities. Discussion followed on points of access, user groups, recreational activities and potential use of grant monies. The Board members declined to vote to endorse this grant request, and the Town Manager indicated she would discuss the matter further with the Park and Recreation Commission and Conservation Commission.

PTERC

Town Manager Valente asked the Board to consider dissolving the Property Tax Equity Review Committee, and perhaps creating a new Committee or Task Force charged with a different mission. She reported many members indicated an interest in continuing to work on related issues. Selectman O'Brien suggested the members be polled for their input on proposed legislation at the state level and share their assessment and knowledge.

After discussion, it was on motion unanimously

VOTED: To delay dissolving the PTERC until May 18, and direct the Town Manager to follow through on her proposal for a new task force and report back to the Board.

Pay Per Throw Advisory Committee

Town Manager Valente reported the Pay Per Throw group was looking for direction on whether the Town should develop an RFP (Request for Proposals) on a curbside recycling program. She expressed an opinion that such action could be time-consuming with little indication of positive results. The Board indicated this was not a high priority project for them.

Selectman O'Brien suggested he would instead like to see some suggestions on how to get more residents involved in the current transfer station program. Chairman Drobinski opined there are many of residents who are very happy with the transfer station and would be distressed if it should close in favor of a curbside program.

Ms. Valente stated she would touch base with the group and report back to the Board.

Volunteer Recognition

Town Manager Valente asked the Board for its thoughts on incorporating a volunteer recognition into the Sudbury Day event, perhaps via a pin with the year on it. Ideally this would include all Town volunteers and not just those involved with Sudbury Day. The Board was in favor of it, and Ms. Valente will pursue various ideas with the Sudbury Day Committee.

Executive Session

At 10:15 p.m., it was on roll call

VOTED: To go into Executive Session for the purpose of discussing litigation matters.

Chairman Drobinski stated regular session would not reconvene following Executive Session.

There being no further business, the meeting adjourned at 11:17 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk