

IN BOARD OF SELECTMEN
TUESDAY, MAY 18, 2004

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

The statutory requirement as to notice having been complied with, the meeting was convened at 7:40 p.m. in the Lower Town Hall, 322 Concord Road.

Clerk Pro Tem

It was on motion unanimously

VOTED: To appoint Kerry A. Speidel, Finance Director/Treasurer-Collector, as Clerk Pro Tem until such time as Town Manager Valente arrives from the Finance Committee meeting.

Opening Remarks

Chairman Drobinski stated the same-sex marriage law was well received in Sudbury as several couples applied for licenses.

Chairman Drobinski reminded citizens they may vote at the Sudbury Water District Annual Meeting this evening until 8 p.m.

Minutes

It was on motion unanimously

VOTED: To approve minutes of the regular and executive sessions of May 4, 2004 and special meeting of May 12, 2004, as drafted.

Donation to Townwide Walkway Account – LEAP School

It was on motion unanimously

VOTED: To accept a donation of \$4,200 from The LEAP School for deposit into the Townwide Walkway Donation Account and authorize expenditure by the Director of Public Works for its intended purpose.

Select Energy Donation

It was on motion unanimously

VOTED: To accept a donation of \$44,690.41 from Select Energy for the purpose of paying future energy costs of the Town of Sudbury, to be deposited into the appropriate Building Department utilities settlement account (No. 202148/481000) and expended by the Building Inspector for its intended purpose.

Eagle Scout Recognition

It was on motion unanimously

VOTED: To sign and send a letter of congratulations to Alexander Samuel Daly, 28 Codman Drive, Boy Scout Troop 60, on attaining the rank of Eagle Scout.

DPW Contracts

It was on motion unanimously

VOTED: To approve award by the Town Manager of the following annual DPW contracts to the lowest bidder(s) in accordance with the requirements set forth in the bidding documents and as reviewed by Town Counsel:

Contract 2005-TLP-1 Traffic Line Painting & Stenciling
Contract 2005-ER-1 Street Sweeping
Contract 2005-M-4 Infrared Bituminous Restoration
Contract 2005-T-1 Trees & Stumps, Removal and Disposal
Contract 2005-CM-1 Cemetery Mowing
Contract 2005-PM-2 Milling, Leveling, Resurfacing and Related Work on Various Streets
Contract 2005-M-2 Bituminous Concrete Type I in Place (Top) and Adjust to Grade:
C.B. or M.H. Structures
Contract 2005-M-1 Bituminous Materials
Contract 2005-M-3 Borrow Materials
Contract 2005-F-1 Diesel 2 Fuel

Bond Sale

Present: Kerry A. Speidel, Finance Director/Treasurer-Collector.

The Board reviewed a report, dated May 13, 2004, from Kerry A. Speidel, Finance Director/Treasurer-Collector, on the upcoming sale of \$340,000 in bond anticipation notes with bid tabulation summary included. This is a partial renewal of monies used for the purchase of the Dickson property under the Community Preservation Act. Fleet Bank offered the low bid of the five bids received.

After discussion, on recommendation of Finance Director Kerry Speidel, it was on motion unanimously

VOTED: To approve the sale of \$340,000 in bond anticipation notes of the Town of Sudbury, at net interest cost of 1.38%, dated May 11, 2004, payable July 31, 2004, at par and accrued interest, to Fleet Bank.

Town Donations – Raymond Scholarship Distribution

Present: Kerry A. Speidel, Finance Director/Treasurer-Collector and Co-Trustee, Town Donations.

The Board reviewed a memo, dated May 7, 2004, requesting disbursement of \$1,101.32 from the George J. Raymond Scholarship Fund to this year's recipient, Beth Ann Columbo, upon completion of her first semester at Bowdoin College.

After discussion, it was on motion unanimously

VOTED: Acting as Co-Trustees of Town Donations, to approve disbursement of \$1,101.32 from the George J. Raymond Scholarship Fund to the 2003-2004 recipient, Beth Ann Columbo, as requested by Lincoln-Sudbury Regional High School and Co-Trustee Kerry Speidel.

Joint Meeting – Planning Board

Present: John D. Riordan, 12 Pendleton Road; Ralph F. Verni, 30 Tantamouse Trail; Jody Kablack, Town Planner; Michael Fee, Chairman, Lisa Eggleston, Michael Hunter, Planning Board.

At 7:48 p.m., it was on motion unanimously

VOTED: To appoint Kerry A. Speidel, Finance Director/Treasurer-Collector, as Clerk Pro Tem for the duration of the joint meeting of the Board of Selectmen and Planning Board or until such time as Town Manager Valente arrives.

Candidate Interviews -- Chairman Drobinski convened a joint meeting of the Board of Selectmen and the Planning Board for the purpose of interviewing candidates and appointing a new member to the Planning Board to replace William Keller, who is now on the Board of Selectmen.

Two candidates, Mr. John D. Riordan and Ralph F. Verni, introduced themselves and briefly described their experience and desire to serve on the Planning Board. A third candidate, Eric Poch, presently serving as Associate on the Planning Board, was unable to attend tonight's meeting.

Michael Fee, Chairman, Planning Board, asked both candidates for their views on the Master Plan. Both indicated they were not very familiar with it but stated a need for finding a balance in taxation between residential and business concerns, Route 20 sewer issues, economic sustainability and affordable housing.

At 8:12 p.m., it was on motion unanimously

VOTED: To appoint Maureen G. Valente, Town Manager, Clerk Pro Tem for the remainder of the joint meeting between the Board of Selectmen and the Planning Board.

The Board asked whether the candidates had previous Town experience; they responded little or none outside of occasional assistance with recreational teams, but indicated they would also be willing to serve in other capacities than the Planning Board, if not appointed. The Board thanked the candidates for their willingness to serve and willingness to consider other positions.

After discussion, it was on motion unanimously

VOTED: To nominate Eric Poch, John D. Riordan and Ralph F. Verni for the vacant position on the Planning Board, occasioned by the resignation of William J. Keller.

Michael Fee, Chairman, Planning Board, spoke briefly in support of Eric Poch, stating Mr. Poch had attended most Planning Board meetings, participating even without voting privileges as an Associate, and adding a lot of useful information to discussion. Selectman Keller concurred, noting that it is gratifying to see individuals step forward when positions become available.

At 8:25 p.m., it was by roll call of Board of Selectmen and Planning Board members

VOTED: To elect Mr. Eric D. Poch, 154 Nobscot Road, to the Planning Board, replacing William Keller, to serve until the 2005 Annual Town Election takes effect. (Chairman Drobinski, Verni; Lisa Eggleston, Poch; Michael Fee, Poch; Michael Hunter, Poch; Selectman Keller, Poch; Selectman O'Brien, Riordan.)

Selectman O'Brien suggested that, based on the fact that Mr. Poch's parents reside in the Frost Farm housing development, Mr. Poch recuse himself from any and all discussions regarding Frost Farm. He referred to an opinion by Town Counsel on conflict of interest. Chairman Drobinski responded the Town cannot direct the actions of any Town Board member, but agreed to forward Town Counsel's opinion both to the Planning Board and Mr. Poch.

It was noted that the procedure to select an Associate would take place within the Planning Board's jurisdiction.

Maple Avenue Discussion – At 8:30 p.m., Chairman Drobinski opened the discussion regarding access for The Meadows development on Maple Avenue.

The Board reviewed the following information: (1) letter, dated April 30, 2004, from Myron J. Fox, Rollins, Rollins & Fox, attorney for Linbrook Properties [developer], requesting a temporary construction easement over Feeley Field as shown on the attached sketch plans as well as an easement to loop water lines in Feeley Field as suggested by the Sudbury Water District. (2) memo, dated May 13, 2003, from the Town Planner, identifying issues the Planning Board would like to discuss with the Selectmen, i.e., temporary construction access, easement to Water District, emergency access and Feeley Field permanent easement. (3) letter, dated May 14, 2004, from Cheryl Salatino, 14 Maple Avenue, expressing concern that much information is still necessary yet unknown, and that no Town board is taking the lead to see the project through. (4) memo, dated May 14, 2004, from Gail Kessler-Walsh, 236 Raymond Road, expressing concern for safety issues relating to a possible access road through the tennis courts at Feeley Field and suggesting the Lower Feeley Field option be considered. (5) memo, dated May 15, 2004, from Dennis Mannone, Park & Recreation Director, advising a temporary construction access road should require a bond to protect the Town, ensuring repair of any damage to the parking lot or tennis courts, and suggesting a windscreen net for the tennis court fences to protect the courts. Mr. Mannone further suggests limiting construction access to lessen impact on recreational activities in spring and summer.

Jody Kablack, Town Planner, stated the Planning Board, lacking an approved alternate access, is considering only the Maple Avenue access to the proposed SRC development. She anticipates a decision sometime in the next four to six weeks.

Selectman O'Brien recalled the Planning Board asking the Selectmen for input while on the site walk. He made note there is great concern for preserving the character of Maple Avenue if no other permanent access is approved. On the other hand, he cautioned against moving the traffic burden from one neighborhood to another, although he opined traffic from SRC would be minimal traffic increase. He expressed his opinion that creating a public road over recreational land was a less attractive option.

Selectman Keller opined the net gain to the community needs to be large enough to offset the loss of a playing field. He stated that Town boards and commissions have not indicated such a move is better than doing nothing.

Chairman Drobinski reminded everyone the state must approve the change in use of the land. A construction access road can also do considerable damage to the area, plus impact use of the fields.

Ms. Kablack stated an arborist has been hired to assess the health of the trees along Maple Avenue to determine which ones can withstand road widening, and those that may be in poor health already, and those that can be trimmed to prevent storm damage. She stated she had contacted the Town Engineer as to whether the road can be less than the 20' width in some spots in order to avoid large trees and then increase out to

20'. Ms. Kablack stated the arborist will also make recommendations on replanting trees in more appropriate locations.

Ms. Kablack opined the heaviest construction traffic would last approximately 60 days, with the entire development taking eighteen to twenty months.

Chairman Drobinski suggested the Town Manager work with Town Counsel to draft some language pertinent to a construction access, allowing for an appropriate way to compensate the Town for access across Town property. Town Manager Valente added she is waiting for a Town Counsel opinion whether the Town must approach the Legislature relative to a temporary construction easement. It was agreed the subject would be rescheduled on the Board's agenda when information and documents are available.

Steven Bradford, 25 Maple Avenue, expressed frustration that there has not been a public hearing allowing for input from the neighborhood. Chairman Drobinski opined many residents spoke at a recent meeting and encouraged Mr. Bradford to submit any additional information to the Town Manager.

Selectman O'Brien acknowledged that traffic woes is one of the issues neighborhoods face when their properties abut large parcels of land that are later developed. Chairman Drobinski stated he has seen this type of conflict numerous times over the years, and noted that change is often troublesome to many.

The joint meeting with the Planning Board adjourned at 8:57 p.m. Chairman Drobinski thanked the Planning Board and interested parties for attending.

Sudbury Day Committee

Present: Wayne Walker, Assistant Town Manager; Lisa Vitale Barth, Marybeth Sherrin, Ellen Gitelman, and Abby Ward, Sudbury Day Committee.

The Board reviewed a memo, dated May 7, 2004, from Wayne R. Walker, Assistant Town Manager, requesting the Board's approval on the following: (1) reserving the Common area in Town Center, the Town Hall/Noyes School parking lot and adjacent Town property and grounds, and Heritage Park; (2) hanging an aerial banner between utility poles spanning Route 20 near its intersection with Union Avenue the first week of September, and installing a sandwich board sign the week prior to the event on the Town Common; (3) allowing a hot air balloon to be tethered on Town property on event day to provide rides in accordance with safety regulations; (4) allowing limited access to Town Hall for rest room facilities in the front foyer area, and food vendor and handicapped access to rest room in the meeting room area; (5) providing electrical power from a Town facility of facilities to the event site as safely determined by the Wiring Inspector.

The Board also reviewed minutes from a meeting with department heads, held on May 4, 2004, a proposed month-by-month timeline, and an estimated budget for Sudbury Day 2004.

Lisa Vitale Barth presented the Mission Statement of the Sudbury Day Committee, and reviewed the very successful 2003 Sudbury Day statistics as follows: 2,500+ attendees, 13 performances, 6 international food vendors, 60 exhibitors and vendors, 500+ participants at Children's Pavilion and 20 sponsors.

Committee members reviewed various portions of plans being made. Selectman O'Brien asked if more activities could be visible to attract passersby. Ms. Barth stated the stage cannot be near the road by Town Hall as the slope makes it nearly impossible to level the stage. She stated other activities plus signage will help point out the celebration.

It was noted that, while most activities are aimed at families or children, the committee would like to have a movie, perhaps a foreign film on Saturday evening.

The Board suggested the committee publicize the event on the cable television bulletin board, and possibly create an infomercial to put the event into viewers' homes.

Ms. Gittleman stated the committee met with Town department heads and pertinent parties which proved very informative and helpful in outlining duties and tasks.

Selectman O'Brien suggested designing a pin that volunteers could wear, and perhaps putting the year on it so that volunteers could collect them year to year.

After discussion, it was on motion unanimously

VOTED: To grant permission to the Sudbury Day Committee to use the Common area in Town center, the Town Hall/Noyes School parking lot and adjacent Town property and grounds, and Heritage Park for use in connection with the event, with access to the parking lot closed to other than Sudbury Day vendors and exhibitors from 7:00 a.m. to 7:00 p.m. on event day, subject to all necessary approvals, insurance coverage and safety issues being addressed.

It was further on motion unanimously

VOTED: To grant permission to the Sudbury Day Committee to hang an aerial banner between utility poles spanning Boston Post Road (Route 20) in the vicinity of its intersection with Union Avenue in the first week of September and installing a sandwich board sign the week prior to the event on the Common at Old Sudbury Road (Route 27) and Concord Road, subject to all necessary approvals, insurance coverage and safety issues being addressed.

It was also on motion unanimously

VOTED: To grant permission to allow a RE/MAX hot air balloon to be tethered on Town property on the day of the event to provide tethered rides to attendees in accordance with terms and conditions to be determined by the Fire Chief, Building Inspector and the Assistant Town Manager as designee.

The other two requests made by the Committee will be addressed by the Town Manager.

Town Forum

At 9:30 p.m. Chairman Drobinski convened Town Forum, during which reports were presented by the Cable Television Committee, Board of Health, Council on Aging, Permanent Landscape Committee and Septage Committee – Wayland/Sudbury Facility.

Jeff Winston, Chairman, **Cable Television Committee**, stated things are going well, and the studio has been completely revamped within the new Lincoln-Sudbury Regional High School. He opined customer service by Comcast has dramatically improved over the past few months.

Dr. Donald Kern updated the Selectmen on **Board of Health** activities. He stated a hazardous waste collection day has been scheduled for Saturday, November 13. There has also been a significant increase in licenses for therapeutic massage businesses in Town, one of the few licenses the Board of Health issues.

Discussion followed. He reported the Board of Health has also participated in some programs for emergency preparedness.

Joseph Bausk, Chairman, and Ruth Griesel, Director, presented the **Council on Aging** report. He updated the Board on recent activities including program registration, the Bridges program at the elementary schools, and development of a five-year plan for the Senior Center. Ms. Griesel stated the Senior Center is looking into ways of sharing space with the K-8 School Department at Fairbank. A volunteer appreciation lunch will be held on June 3, with over 300 individuals invited.

June and Clay Allen, **Permanent Landscape Committee**, reported the traffic islands have been planted, but encouraged residents to volunteer to maintain upkeep. Ms. Allen stated they are interested in learning more about replacing trees in Town. Town Manager Valente stated other groups have expressed interest and that the Town's Tree Replacement Account is a step in developing a program for replacement.

The **Septage Committee – Wayland/Sudbury Facility** report was represented by Robert Gottberg and Ted Pickering. Mr. Gottberg stated a larger flow has been processed this year than past two years together, getting close to maximum capacity. He expressed concern that capacity needs to be increased.

Reports concluded at 10:00 p.m. Refreshments were served.

Annual Appointments

It was on motion unanimously

VOTED: To approve the following appointments by the Town Manager:

Conservation Commission – Bridget Hanson and Richard O. Bell, each for a term of three years to expire on April 30, 2007.

Historical Commission – Adolf P. Bahlkow and Michael H. Rubin, each for a term of three years to expire on April 30, 2007, and Marilyn MacLean for a term of two years to expire on April 30, 2006, completing the term of John Fraize who resigned.

Labor Relations Counsel – Sean P. Sweeney for a term of one year to expire on April 30, 2005.

It was also on motion unanimously

VOTED: To approve the following appointments to the September 11th Memorial Garden Oversight Committee by the Town Manager: Deborah Kruskal, Rachel Goodrich, Bette Cloud, Beth Farrell, Kathy Newman, Barbara Clifton, Kirsten Roopenian, Lawrence O'Brien, Maureen Valente and I. William Place, as recommended by the Town Manager in a memo, dated May 17, 2004.

It was further on motion unanimously

VOTED: To appoint Selectmen as members or representatives to the following committees, replacing Kirsten Roopenian:

Community Preservation Committee - John C. Drobinski (member)
MetroWest Growth Management Committee - William J. Keller (representative)
Economic Development Committee - Lawrence W. O'Brien (member)

And it was further on motion unanimously

VOTED: To make the following annual appointments:

Appeals, Bd. Of (Associate) – To reappoint Stephen A. Garanin for a term of one year to expire on April 30, 2005.

Appeals, Board of – To reappoint Jonathan G. Gossels for a term of five years to expire on April 30, 2009.

Selectmen Liaison Assignments

Town Manager Valente asked the Board to review the revised list of liaison assignments as discussed at the last meeting. Discussion followed.

It was on motion unanimously

VOTED: To approve the Board of Selectmen Liaison Assignments 2004-2005 as detailed in a memo from the Town Manager dated May 18, 2004.

Board of Health Grant

It was on motion unanimously

VOTED: To accept a Public Health Emergency Preparedness Regional Funding Grant in the amount of \$4,109.20 from the Mass. Dept. of Public Health Region 4A Emergency Preparedness Coalition to be expended by the Board of Health for its intended purpose.

Metropolitan Area Planning Council – Absentee Voting

It was on motion unanimously

VOTED: To vote for Donald A. Walsh, Gordon Feltman, Grace S. Shepard, and Jeanne E. Richardson as Officers of the MAPC, and further, to vote for representatives from the Towns of Scituate, Lincoln, Framingham, Stow and Hopkinton as Town Members on the Executive Committee.

Budgetary Adjustment

Town Manager Valente asked for the Board's approval of a transfer of \$40,000 from various salary line items within the public works department into an expense line within the highway division of DPW, as recommended in her memo dated May 14, 2004, to replace and upgrade gasoline pumps in dangerous condition. In order to complete the transfer, the Finance Committee must also approve the transfer.

It was on motion unanimously

VOTED: To approve a transfer of \$40,000 from salary line items within the Public Works Department into the highway division of the Department of Public Works, as recommended by the Town Manager in a memo dated May 14, 2003, subject to approval by the Finance Committee.

Walkway Easement – Haynes Road

Upon presentation by the Town Manager of a Walkway Easement prepared for signature by Town Counsel, it was on motion unanimously

VOTED: To accept a Walkway Easement, dated May 11, 2004, from Thomas A. and Karen M. Greenwood, said easement being 15' in depth along the entire frontage of said parcel on 126 Haynes Road.

Open Space Plan

Town Manager Valente stated the Town will be updating its Open Space & Recreation Plan as recommended by the Conservation and Park and Recreation Commissions. The previous one is dated 2000-2005. Residents interested in this project are encouraged to contact Deborah Dineen, Conservation Coordinator. Discussion followed.

Loring Parsonage

Town Manager Valente stated she has started the process of deciding on the disposition of the Loring Parsonage as she believes the offices of the Board of Selectmen and Town Manager will be relocating within a year. She stated Town bylaw dictates that Town-owned historical buildings come under the purview of the Historical Commission. She has asked this group for their thoughts, and it was suggested that the Parsonage would make a good museum for collections of the Historical Society. Ms. Valente asked the Board to forward any comments or ideas to her soon.

NStar – Double Poles

Town Manager Valente expressed her frustration with the number of double utility poles still standing in Sudbury. She reported the following from surrounding communities: Lincoln -64, Lexington - 206, Framingham – 202, Sudbury - 611, and Wayland – 659. She suggested a “full court press” consisting of weekly letters, email, publicity and other types of passive pressure. Jim Gardner, formerly of the Blue Ribbon Housing Site Selection Committee, and his wife, Jennifer, have agreed to spearhead this effort, if the Board approves. Discussion followed.

It was on motion unanimously

VOTED: To approve the Town Manager’s recommendations set forth in a memorandum dated May 14, 2004, to enlist the assistance of Jim and Jennifer Gardner to organize an effort to maintain constant and consistent communication with NStar in the matter of double utility poles, as directed by the Town Manager; and further to pursue the levying of fines if this effort is unsuccessful.

Executive Session

At 10:57 p.m., it was on roll call

VOTED: To go into Executive Session for the purpose of discussing litigation regarding preparation for the Town’s appeal of the Marlborough Easterly Wastewater Treatment Plant Final Permit, expected to be issued June 2004. (Chairman Drobinski, aye, Selectman O’Brien, aye, Selectman Keller, aye).

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

There being no further business, the meeting adjourned at 11:12 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk