

IN BOARD OF SELECTMEN
TUESDAY, DECEMBER 6, 2005

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

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

Opening Remarks

Chairman O'Brien announced that Jeanette Galliardt, Recording Secretary for the Board of Selectmen, was leaving and a replacement would begin with the December 20, 2005, meeting. On behalf of the Board, he thanked her for her seven years of service to the Town.

Chairman O'Brien announced that Jan Silva, Administrative Assistant to the Town Manager and Selectmen, will be retiring at the end of December, and she will be honored at a retirement dinner on January 5, 2006.

Chairman O'Brien encouraged residents to visit the Hosmer House during open house this holiday season. He stated each room is decorated by a separate community group according to theme.

Easements – The Meadows on Maple Avenue

Present: Myron Fox, Rollins, Rollins & Fox.

The Board reviewed easement documents for The Meadows on Maple Avenue, specifically, a Temporary Construction Access License and an Easement to the Sudbury Water District. This matter was tabled on November 22, 2005.

Mr. Myron Fox, Rollins, Rollins & Fox, reiterated his previous opinion that there is no risk factor in signing the proposed easements at this time. The documents were revised to incorporate the Board's comments from the previous meeting, specifically regarding additional tree removal and/or replacement, police detail on the construction access when heavy equipment comes in, and the use of only water to control dust.

With regard to the easement with the Sudbury Water District, Selectman Drobinski expressed concern that a large maple tree was in the easement area and asked that the pipe placement be adjusted to allow the tree to stay. He directed Mr. Fox's attention to the area on the sketch where the tree is located. Mr. Fox opined the placement of the water lines could be moved to accommodate the tree and stated he would check to be sure. Mr. Fox stated that typically the Water District authorizes the developer to do the work.

After discussion, it was unanimously

VOTED: To accept and sign an easement to the Sudbury Water District under the existing travel lane adjacent to the parking area immediately north of the existing tennis courts in Feeley Field on Raymond Road, for the sole purpose of looping the Sudbury Water District's water mains, in accordance with the vote of Article 53 of the 2004 Annual Town Meeting, subject to confirmation that the maple tree in question does not have to be removed, and, further, if removal of the tree is deemed unavoidable, the matter shall come back to the Board of Selectmen for further review; documents to be held by the Town Manager until all litigation relative to this project or property has been concluded.

It was also unanimously

VOTED: To accept and sign a Temporary Construction Access License to Maple Avenue Meadows LLC, outlining privilege to use the land located in the existing travel lane adjacent to the parking area immediately north of the existing tennis courts in Feeley Field on Raymond Road in the Town of Sudbury; documents to be held by the Town Manager until all litigation relative to this project or property has been concluded.

Local Emergency Planning Committee – Interview/Appointment

Town Manager Valente reported that applicant Richard L. Simon was unable to attend tonight's meeting, and this matter is postponed until December 20, 2005, at 7:35 p.m.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular and executive session of November 22, 2005, as drafted.

Buffet Way Catering – One-Day Liquor License

It was on motion

VOTED: To grant a one-day All Alcoholic Beverages License to Daniel P. Mauro, President, Buffet Way Catering, 31 Curtis Avenue, Marlboro, MA, 01752, to be exercised on December 15, 2005, from 2:00 – 7:00 p.m. at the Clarion Coach House Inn, for a holiday party for Raytheon, subject to the use of appropriately-trained staff and liquor liability coverage. (Chairman O'Brien and Selectman Keller, aye, Selectman Drobinski, abstain).

Christopher's Haven – One-Day Wine and Malt License

It was on motion unanimously

VOTED: To confirm approval of the grant of a one-day Wine and Malts Beverages License to Christopher's Haven, c/o Martha Bernard Welsh, Executive Director, 60 Winsor Road, Sudbury, MA 01776, to be exercised on December 4, 2005, from 4:00 – 9:00 p.m. at the Home Entertainment Expo, for a fundraising event.

Sprint Spectrum LLC: Donation, Feeley Field Improvements

It was on motion unanimously

VOTED: To accept a donation in the amount of \$8,200 from Sprint Spectrum LLC to be separately accounted for and expended under the direction of the Town Manager for Feeley Field improvements in accordance with Site Plan Decision SP05-380.

Package Stores, Restaurants, Etc. – Extended Hours on Election Day

It was on motion unanimously

VOTED: To grant permission to holders of package store, restaurant and club alcoholic beverages to sell alcoholic beverages during the polling hours of the Annual Town Election on March 27, 2006, in accordance with M.G.L. c.183, s.33.

Regional Fire Investigation Grant

It was on motion unanimously

VOTED: To accept a Regional Fire Investigation Grant through FEMA (Federal Emergency Management Administration) in the amount of \$2,847 to the Sudbury Fire Department, and to authorize expenditure by the Fire Chief as specified in said grant.

Executive Office of Elder Affairs – Council on Aging Grant

It was on motion unanimously

VOTED: To accept a Formula Grant for FY06 in the amount of \$13,366 for the Council on Aging from the Executive Office of Elder Affairs, and to authorize expenditure of these funds by the Council on Aging.

BayPath Elder Services – Council on Aging Grant

It was on motion unanimously

VOTED: To accept a Title III Grant from BayPath Elder Services in the amount of \$568.25 for the purpose of conducting five educational sessions on lifestyle changes that may help prevent or delay Alzheimer's disease, and of authorizing expenditure of these funds by the Council on Aging.

Hearse House

Town Manager Valente reported that all issues surrounding the relocation and placement of the Hearse House have been resolved. Discussion followed. It was agreed that Ms. Valente would write to the Sudbury Historical Commission that all issues have been resolved, supplying all pertinent supporting documentation.

Community Preservation Committee – Wayside Inn Application

Present: Fred Pryor, Trustee, Wayside Inn.

Prior to tonight's meeting, the Board reviewed an application of Longfellow's Wayside Inn for Communication Preservation Act monies to fund a comprehensive site study of the parcel. Mr. Fred Pryor, Trustee, The Wayside Inn, utilized an architectural drawing to point out various aspects of the proposed project. He stated the site study would include the preparation of a complete property survey, development of a Landscape Maintenance and Management Plan, and a plan for a signage/graphics system. Mr. Pryor stated traffic calming measures and pedestrian safety will be explored as well. The Board thanked Mr. Pryor

for his informative presentation, and informed him they voted affirmatively in support of the project at the November 22, 2005, meeting based on information presented in the application.

Mahoney/Grouse Hill Properties

Present: William Pezzoni, Mirick O'Connell; William DePietri, Capital Group Properties; Jody Kablack, Town Planner; Michael Fee, Chairman, Planning Board; Ray Bachand, 63 Old Framingham Road; Leigh Dunworth, 78 Old Framingham Road.

The Board reviewed the following information: (1) letter, dated November 15, 2005, from William Pezzoni, Mirick O'Connell, suggesting reconfiguration of lots defined within the settlement agreement on the Mahoney Property due to neighbor concerns; (2) report, dated November 14, 2005, from the Planning Board, stating such reconfiguration helps maintain streetscape of the neighborhood, maintaining natural buffers and recommending the Board consider the requested settlement change favorably; (3) report, dated November 21, 2005, from the Town Engineer/DPW Director, stating the latest proposal from the Planning Board does not affect any future plans proposed for the Mahoney property, noting the Town should reserve the right to develop the 130 ft. buffer and the 50 ft. wide parcel for future development, i.e., housing units, parking, etc. Mr. Place stated a 20 ft. wide utility easement will be required for the proposed water main.

Mr. William Pezzoni, Mirick O'Connell, briefly updated the Board on recent events, in particular meetings with the Planning Board to resolve issues surrounding visual impact of the proposed development. He utilized architectural drawings to point out the suggested adjustments to lot lines to preserve the streetscape and increase landscaping.

Mr. William DePietri, Capital Group Properties, directed the Board's attention to wetland buffer lines and grade differences, noting how unit placement is affected. He opined that the Town's use of the area delineated as Lot 26-3 would be limited due to topography and opined further it would be better to place units in the steeper area, allowing the Town's land to be in the more level areas. He described how the units would be placed, and noted this suggestion has been discussed with the direct abutters. Discussion followed.

Responding to a question from Selectman Drobinski, Mr. DePietri stated the wetlands lines are not flagged, and offered to have someone walk the property to mark all pertinent areas for the Board to review before making a decision. The Board agreed that a site walk would be a good idea, and suggested he contact the Conservation Coordinator, Deborah Dineen, to coordinate such a walk with the Town Manager.

The Board asked Mr. Michael Fee, Chairman, Planning Board, if there was any additional information the Board should have in order to evaluate this proposal. He stated all information contained with the submitted report was sufficient, and added his personal comment that the proposal was the "best of both worlds."

Mr. Ray Bachand, 63 Old Framingham Road, stated the neighbors are in favor of the revised proposal as it retains much of the rural streetscape character that presently exists and noted passive recreation and rural activities that the property has been used for for many years. He submitted a list of signatures of area residents attesting to this support in a petition dated December 4, 2005. Mr. Bachand stated this neighborhood is undergoing a lot of changes, impacting the immediate area and residents, yet for the benefit of the entire community. As mitigation, he asked that the meadow be retained as such.

Ms. Leigh Dunworth, 78 Old Framingham Road, stated she operates a horse farm on her property and expressed concern for units being placed close to the property line. She noted that residents of those

units may have issues with the “natural” odors and charms of a working horse farm, which could create discord between neighbors. She stated further use of motorized vehicles close to her property line is not good for the horses.

Ms. Dunworth stated her support for maintaining buffer areas as presently riders from her farm use those areas for horseback riding. Noting that her riders have become accustomed to riding on the Mahoney property, she asked if those “riding rights” would be retained after the development has been built. Chairman O’Brien stated riders could certainly ride on her property as she deems appropriate, but that neither the Board nor the Town could dictate specific rights on any private property. He suggested she follow the progress of this development, i.e. Planning Board hearings, announcements for anything that will need to come before Town Meeting, and so forth. For the Town-owned land, the Town and various entities will be looking into appropriate uses. Selectman Drobinski opined this is one of the reasons the Board would like to see a fully marked plan noting where all areas will be marked out before making any decisions. Ms. Dunworth stated it is a matter of financial viability for her, as restricting areas where riders can go will affect her livelihood.

Town Manager Valente suggested discussion of votes the Board may choose to take in this matter be done in Executive Session as it involved litigation settlement.

It was on motion unanimously

VOTED: To continue this matter in Executive Session tonight as it involved settlement of litigation, and to schedule this item for a future Selectman meeting, after the site walk has been completed.

Request for Proposal – Sudbury Center “Planning and Design Services”

Present: Jody Kablack, Town Planner.

The Board reviewed a report, dated December 1, 2005, from the Town Planner, and a draft RFP from the Sudbury Center Improvement Advisory Committee for the Town Center project. Ms. Kablack stated the RFP would be advertised in the Sudbury Town Crier, Metrowest Daily News and the Central Register, as well as mailed to several consultants.

Ms. Kablack stated she was available for any questions from the Board, and directed the Board’s attention to the proposed timetable on page 15 of the RFP. She stated if the Board votes on it tonight, they can ask for the proposals to be back to them by January 24, 2006.

Ms. Kablack stated Town Counsel reviewed the document and made several minor changes in a previous draft. Ms. Kablack stated this would provide for an engineering team to look at the intersection, keeping in mind design aspects as well. Once this study is completed, the committee will then be able to assess whether funds will be necessary to be voted at Town Meeting next year.

It was on motion unanimously

VOTED: To authorize the Town Manager to sign the Notice of RFP (Request for Proposal) for the “Planning and Design Services for Improvements to Infrastructure, Commons and Historic Features in Sudbury Center” as submitted by the Sudbury Center Improvement Advisory Committee.

Municipal Affordable Housing Trust Fund

Present: Jody Kablack, Town Planner.

The Board reviewed a report, dated November 22, 2005, from Jody Kablack, Town Planner, urging the Board to establish a municipal housing trust, following the successful passage of state legislation allowing such trust funds.

Ms. Jody Kablack, Town Planner, stated she was representing the Community Housing Committee tonight, and reiterated the main points of her report, focusing on the roles and responsibilities of a Board of Trustees, if such a trust fund were established.

After discussion, it was on motion unanimously

VOTED: To support the establishment of a Municipal Affordable Housing Trust Fund, under Chapter 491 of the Acts of 2004, M.G.L., Chapter 44, x. 55C, which required Town Meeting acceptance of the statute; and

It was further on motion unanimously

VOTED: To authorize the Town Manager to direct Town staff to prepare an article for 2006 Annual Town Meeting.

Tax Classification Hearing

Present: Maureen Hafner, Director of Assessing; Cynthia Gerry, Assistant Director of Assessing; Sue Petersen, Finance Director/Town Accountant; Joshua Fox, Trevor Haydon, Liam Vesely, Board of Assessors.

At 9:00 p.m., Chairman O'Brien convened a Public Hearing in accordance with General Laws Chapter 40, section 56, as amended, to determine what percentage of the local tax levy will be borne by each class of real and personal property relative to setting the Fiscal Year 2006 tax rate.

Ms. Maureen Hafner, Director of Assessing, distributed informational booklets describing the tax classification process and guided the discussion. The booklets contained present and historical information as well as information pertaining to surrounding communities.

With regard to **Open Space**, she stated the Board of Assessors has designated no land as open space.

It was on motion unanimously

VOTED: To approve no discount for Open Space.

With regard to a **Residential Exemption**, Ms. Hafner indicated this exemption could actually hurt low-income senior citizens whose properties are valued higher than the Average FY06 Single Family Assessment of \$661,000. The tax burden for the properties with lower assessments with this exemption would then shift to the remaining properties in the class. Discussion followed.

It was on motion unanimously

VOTED: To approve no Residential Exemption at this time.

With regard to a **Small Commercial Exemption**, Ms. Hafner stated the Board of Assessors has not designated any small business parcels that may be eligible for a small business exemption. She noted that the exemption would go to the property owner, not the owner of the business occupying the space. No entities are known to meet the criteria for such a designation at this time, i.e., 10 or fewer employees, with a property valuation of less than one million, and all businesses in a building must qualify for the exemption.

It was on motion unanimously

VOTED: To approve no Small Commercial Exemption.

The Board briefly discussed aspects of setting the **Residential Factor** which calculates how much of the tax burden will be borne by the residential class. Chapter 200 of the General Laws limits the Town of Sudbury to a maximum CIP factor of 175%. As these factors are determined annually, it is possible to have a significantly higher factor one year than the previous, in order to allow some sort of tax relief from time to time. Any tax relief granted to either the commercial or residential sector would then be shifted to the other for that taxable year.

Ms. Hafner stated the Board of Assessors is now required by the State to revalue property on an annual basis, and must make sure the median assessment/sales ratio is not less than 90% of the fair market value when it is sold.

After discussion, it was on motion unanimously

VOTED: To set the Residential Factor at 96.721 with a CIP shift of 1.55, with an estimated residential tax rate at 13.56, the commercial and industrial and personal property at 21.73, pending certification by the State Department of Revenue.

The Board thanked Ms. Hafner and the Board of Assessors for their hard work in revaluation of properties this year.

Annual Renewal of Licenses

The Board reviewed the following information: (a) list of license renewals; (b) report, dated December 6, 2005, from Mary Daniels, Selectmen's Office, submitting information on license renewal applicants with taxes in arrears and non-compliance with requirements to obtain Certificate of Inspection; and (c) report, dated December 2, 2005, from Many Daniels, Selectmen's Office, stating new regulations from the Alcoholic Beverages Control Commission require Certificates of Inspection signed by both the Fire Chief and Building Inspector, noting both officials have been diligently working with licensees and recommend that approvals for non-compliant licensees be held until December 20.

It was on motion unanimously

VOTED: To renew Alcoholic Beverages, Common Victualler, Entertainment, and Motor Vehicle licenses, which expire December 31, 2005, for calendar 2006, as shown on the "Licensee List 2006", attached and incorporated herein; excepting those in arrears of real estate taxes and in non-compliance for Certificate of Inspection as listed in a report from Mary Daniels, dated December 6, 2005 (Siam Garden and Acapulcos); and to forward the appropriate renewal forms to the Alcoholic Beverages Control Commission where

applicable; said licenses to be held until payment of the required license fees, compliance with the Selectmen's Alcohol Training Policy, correction of any/all outstanding health, safety or zoning violations, receipt of verification of Workers' Compensation Insurance for the licensing period, and the payment of all outstanding personal property taxes, real estate taxes and state taxes; said licenses shall also be subject to all previous restrictions; and

VOTED: To renew Sunday Entertainment License of Papa Gino's Acquisition Corporation, d/b/a Papa Gino's, 104 Boston Post Road, for operation of a juke box during 2006, for the hours of 11:30 a.m. to 10:00 p.m.

40B Project – Sudbury Meadows

Town Manager Valente asked the Board if there would be any additional reports submitted from the Selectmen to the Board of Appeals before the Board of Appeals hearing on December 8. The Board expressed the view that it would stand behind the Planning Board's recommendations.

It was on motion unanimously

VOTED: To direct the Town Manager to write a letter to the Board of Appeals stating the Selectmen support the position of the Planning Board and require no further information before the scheduled hearing.

2006 Annual Town Meeting – Selectmen Articles

Town Manager Valente asked for the Board's input on three draft articles Town Counsel prepared for the 2006 Annual Town Meeting. Specifically, said articles include Senior Tax Relief, Transfer of Interest in Town Land to Sudbury Foundation, and Professional Services-New Police Station. After brief discussion, the Board

VOTED: To unanimously approve these three articles for submission for the 2006 Annual Town Meeting.

FY07 Preliminary Budget Discussion

Town Manager Valente distributed preliminary budget information to show the selectmen what cuts would be allocated within the Finance Committee guidelines. She opined that high energy costs will have a significant impact on budgeting, and she will need to make cuts in various places to offset those costs.

Ms. Valente mentioned that elimination of dues to the MetroWest Growth Management Committee might be a way to save some money, if the Board feels this membership is not as high a priority for them as other services. Discussion on MWGMC versus MAGIC followed.

It was on motion unanimously

VOTED: To instruct the Town Manager to notify the MetroWest Growth Management Committee that the Town of Sudbury may not be renewing its membership for FY07, subject to the possibility that membership can be continued at the same dues level as a MAGIC membership, and if so, the Board opts to revisit the matter.

Town Manager Valente continued to discuss general budgeting concepts, noting that it is always preferred to maintain staff while looking for ways to cut costs in supplies or other areas. She asked for the Board to forward any ideas or thoughts to her, and noted budget work will be ongoing in the next few weeks.

Executive Session

At 11:30 p.m. it was on roll call

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

Chairman O'Brien announced that regular session will not reconvene following Executive Session.

There being no further business, the meeting adjourned at 11:55 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk