

IN BOARD OF SELECTMEN
TUESDAY, NOVEMBER 8, 2005

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

The statutory requirement as to 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 extended condolences to the Town of Swansea on the recent death of their DARE officer in an auto accident.

Town Manager Valente commended Police, DPW, and Fire Departments for their quick response on handling the overturned oil truck on Landham Road last week.

Blue Cross/Blue Shield Contracts – Calendar Year 2006

Present: Wayne R. Walker, Assistant Town Manager/Personnel Director.

The Board reviewed a report, dated November 1, 2005, from Wayne R. Walker, Assistant Town Manager, recommending the Board authorize expenditure of funds from the Health Insurance Trust Fund to partially subsidize costs of two health plans to limit the increase in premiums to employees, and approve subsequent contracts.

Mr. Wayne R. Walker, Assistant Town Manager, reviewed information presented in his report of November 1, 2005, explaining that the Town ordinarily has few insurance claims, but that, for this year, there were three significant claims which, in turn, have impacted renewal rates.

After discussion, it was on motion unanimously

VOTED: To approve a contract with Blue Cross/Blue Shield of Massachusetts, Boston, MA, to serve as third party administrator for Blue Choice, Network Blue (HMO Blue) and Medex self-funded health plans, and for BC/BS PDP plan, and, further, to establish health insurance monthly working rates as shown below, and to establish that the Town contribute 75% of Blue Choice and 90% of Network Blue for active employees, and 50% of all plans for retirees, with the employee/retiree to pay the remainder, effective January 1, 2006.

	<u>Family</u>	<u>Individual</u>	
Blue Choice – self funded	\$1,458.00	\$566.00	+11.5%
Network Blue – self funded	\$1,231.65	\$485.30	+15.0%
Medex – self funded	NA	\$137.68	
BC/BS PDP – premium	NA	\$140.60	

It was also on motion unanimously

VOTED: To approve a contract with Blue Cross/Blue Shield of Massachusetts, Boston, MA, to provide dental insurance at monthly rates as shown below, and further to establish that the Town contribute 75% of active employee dental and 0% of retiree dental, with the employee/retiree to pay the remainder, effective January 1, 2006.

	<u>Family</u>	<u>Individual</u>	
BCBS Dental Blue – premium	\$67.27	\$26.70	no change

It was further on motion unanimously

VOTED: To approve a contract with Harvard Pilgrim Health Care, Dedham, MA to serve as third party administrator for its self-funded health care plan and to provide coverage for retirees, and to establish monthly health insurance working rates for the self-funded health care plan and establish a monthly rate for retiree coverage as shown below, and to establish that the Town contribute 80% for active employees and 50% for retirees, with the employee/retiree to pay the remainder, effective January 1, 2006.

	<u>Family</u>	<u>Individual</u>	
HPHC HMO – self funded	\$1,670.95	\$646.30	+15.0%
HPHC First Seniority - premium	NA	\$167.00	- 19.5%

Temporary Construction Trailers – Former Mahoney Property

Present: William A. DePietri, Capital Group Properties; Ray Bachand, 63 Old Framingham Road; Jody Kablack, Town Planner.

At 7:50 p.m. Chairman O'Brien reconvened a meeting with Capital Group Properties regarding placement of a temporary sales trailer on property located between Nobscot Road and Old Framingham Road for a period of up to twelve months during construction of a housing development. This matter was tabled on October 25, 2005 when two construction trailers were approved.

The Board reviewed a report, dated November 3, 2005, from the Town Planner recommending a revised location for the sales trailer, designated as Trailer #1 on the plan. NOTE: This new location is approximately where one of the construction trailers was to be located, perpendicular to Old Framingham Road, and the two construction trailers are to be relocated further along Old Framingham Road immediately behind proposed Units 27 and 28. Ms. Kablack's letter stated this plan was discussed with the direct abutters, and represents a more acceptable location than originally planned; the trailers would be accessed from within the site for construction crews, and by Old Framingham Road only for prospective buyers; and the developer proposes to install signage directing buyers to Old Framingham Road.

Mr. William A. DePietri, Capital Group Properties, stated he had been talking with Mrs. Newell about locating the sales trailer on the Newell property, a suggestion Mrs. Newell declined. The trailer was then relocated closer to Trailers #2 and #3, with access to the construction trailers from within the site, and access to the sales trailer from Old Framingham Road.

Mr. Ray Bachand, 63 Old Framingham Road, stated he agreed to this plan, though he was not wild about it. He expressed the following concerns: (a) he asked that there be no balloons, flags, or banners drawing attention to the site; (b) why is a twelve-month permit necessary when the model is expected to open in the spring of 2006; (c) how big will the parking lot be; and (d) are there restrictions on what can be done on a designated scenic road; i. e., a parking lot.

Chairman O'Brien asked where the model unit will be. Mr. DePietri stated the model will be Unit #1, the very first unit in the community, immediately accessible from Nobscot Road. Sales will be done out of the sales trailer until the model is completed, then sales will be handled from the model unit, and the sales

trailer removed. He stated further the gravel from the sales trailer's parking lot will be removed, and the area will be restored to its original condition.

Mr. DePietri agreed with Mr. Bachand that twelve months would not be necessary, and asked the Board to approve a deadline of June 30, 2006, for the removal of the sales trailer.

Ms. Jody Kablack, Town Planner, stated a construction sign of 20 sq. ft would be installed on Nobscot Road, but that additional directional signage would be needed to direct prospective buyers to the sales trailer on Old Framingham Road. She clarified that, as these are temporary signs, they do not fall under review by the Design Review Board. Mr. DePietri stated these signs would be removed when the sales trailer is removed, after the model unit is open. The additional signs would be approximately 2' x 3', metal, white with black letters.

Regarding scenic roads, Chairman O'Brien stated that, to his knowledge, the scenic road bylaw covers only removal of stone walls and trees along roadways

After discussion, it was on motion unanimously

VOTED: To approve the request of Capital Group Properties for installation of a third temporary trailer (Trailer #1) for sales use only on the former Mahoney Farm property located between Nobscot Road and Old Framingham Road, with revised placement of the two construction trailers approved on October 25, 2005, all as shown on plan the plan sketch accompanying the Town Planner's memorandum of November 3, 2005, with the following conditions: (1) no banners, flags or balloons shall mark the location of the sales trailer or housing development; (2) said trailer to be removed on or before June 30, 2006; (3) a 20 sq. ft. sign and two 2' x 3' signs directing buyers to the sales trailer shall be permitted. The two 2' x 3' signs shall be removed when the sales trailer is removed on or before June 30, 2005; (4) screening shall be in accordance with previous vote with regard to 8' stockade fencing; and (5) the parking lot area shall be returned to its original condition following removal of sales trailer on or before June 30, 2005; (6) compliance with requirements of the Police, Fire, Health and Engineering Departments; and (7) conditions voted by the Board on October 25, 2005, in approving Trailers #2 and #3.

Proposed Increase in Fees

Present: Barbara Siira, Town Clerk; Kevin Fry, Manager, Sudbury Farms; Robert Shire, Manager, Sudbury Wine Warehouse at MacKinnon's; Floyd Stiles, Manager, and Douglas Zanzot, American Legion.

At 8:07 p.m., Chairman O'Brien convened a Public Hearing for the purpose of considering proposed increases in fees for various permits in Town. The Hearing was publicized in the *Sudbury Town Crier* on November 3, 2005, and all package store and club licensees were notified of the hearing.

The Board reviewed information from various department heads proposing increases in fees relative to permits issued by their departments, specifically, Town Clerk, Fire Chief, Building Inspector and Selectmen (liquor).

Town Clerk's Office: Barbara Siira, Town Clerk, stated fees set in 1989 were increased in 2002, and now she is requesting those fees be increased again. Fees are not intended to create profit, but to help in covering the costs of producing the documents, i.e., supplies and salaries.

After discussion, it was on motion unanimously

VOTED: To approve the fees established by Town Clerk Barbara Siira for her department, as set forth in a communication dated November 8, 2005, and authorized by M.G.L. Ch. 262, section 34, clauses 1-79, as follows, to become effective immediately following publication.

Correcting errors in a record of birth	\$ 20.00
Furnishing Certificate of Birth	10.00
Furnishing an abstract copy of a record of birth	8.00
Entering delayed record of birth	20.00
Filing certificate of a person conducting business under any title other than his real name	40.00
Filing by a person conducting business under any title other than his real name of a statement of change of his residence, or of his discontinuance, retirement, or withdrawal from such business, or of a change of location of such business	20.00
Furnishing certified copy of a certificate of a person conducting business under any title other than his real name or a statement by such person of his discontinuance, retirement or withdrawal from such business, or a change of location of such business	7.00
Correcting errors in a record of death	20.00
Furnishing a certificate of death	10.00
Furnishing an abstract copy of a record of death	8.00
Entering Notice of Intention of marriage and issuing certificates thereof	25.00
Entering Certificate of Marriage filed by persons married out of the Commonwealth	10.00
Issuing Certificate of Marriage	10.00
Furnishing an abstract copy of a record of marriage	8.00
Correcting errors in a record of marriage	20.00
Recording certificate of registration granted to a person to engage in the practice or optometry, or issuing a certified copy thereof	30.00
Recording the name of the owner of a certificate of registration as a physician or osteopath in the Commonwealth	30.00
Recording order granting locations of poles, piers, abutments or conduits, alterations or transfers thereof, and increase in number of wires and cable or attachments under the provisions of Sec. 22 of Chapter 166	50.00
Examining records or papers relating to births, marriages or deaths upon the application of any person, the actual expense thereof, but not less than	10.00
Copying any manuscript or record pertaining to a birth, marriage or death	7.00 (per page)
Filing a copy of written instrument or declaration of trust by trustees of an association or trust, of any amendment thereof as provided by Sec. 2, Chapter 182	25.00
Issuing a burial permit/filing administrative fee	10.00

Building Inspector – Plumbing and Gas Fees:

After discussion, it was on motion unanimously

VOTED: To approve the following fees for plumbing and gas permits issued by the Building Inspector, as requested in a communication dated August 4, 2005, from the Building Inspector, effective January 1, 2006, as follows:

Plumbing and Gas Permits for both commercial and residential units:

First Fixture	\$ 55
Each additional fixture	8
Replacement fixtures	30
Re-inspections	30

Fire Chief : Town Manager Valente stated the establishment of an open-burning permit fee is justified due to the large amount of paperwork connected with their issuance. She stated further that implementation of the fee would occur with sufficient notification to residents before the official burning season begins on January 15, 2006.

After discussion, it was on motion unanimously

VOTED: To approve the following fees for liquid propane gas storage and open burning, as recommended in a communication dated September 19, 2005, with fees effective January 1, 2006, as follows:

Liquid Propane Gas Storage	\$ 20
Open Burning Permit	10

Selectmen Fees for Liquor Licenses: Ms. Valente stated any newly approved fees would go into effect at license renewal time, typically January 1 of the calendar year.

Mr. Kevin Fry, Sudbury Farms, stated he had no strong objection to the increase in the license fee, but asked that Sudbury Farms be allowed to increase its Sunday hours for the sale of alcohol to 9 p.m. He opined this would enable them to be competitive with stores in adjacent communities and coincide with their closing time.

Robert Shire, Manager, Sudbury Wine Warehouse at MacKinnon's, opined an increase of \$500 to be a financial hardship at this time as the new owners have infused a lot of capital into taking over the business this past year and getting it back on its feet. He asked if they could have a waiver or possible grace period regarding the increased fee.

Selectman Drobinski suggested increasing the license fee by 50% of the recommended amount. He opined the matter could be revisited again in a year or two, making the increases easier to absorb by business owners. The Board concurred.

Selectman Keller agreed, stating these entities have always been good corporate citizens, and a reduced increase would be easier to handle.

It was on motion unanimously

VOTED: To approve the following package store annual license fees, effective January 1, 2006:

Package Store – All Alcoholic (AA)	\$2,250
Package Store – Wine & Malt (WM)	\$1,500

Club fee – Mr. Floyd Stiles, Manager, American Legion, detailed the many services they provide to the Town that greatly outweigh an increase in fee.

Mr. Doug Zanzot, American Legion, stated their books show general revenues of about \$125,000 annually, much of which is put back into their building and used to provide other services to members.

Mr. Stiles concurred, stating many other expenses are increasing, and it would be helpful if the license fee did not increase at this time.

Selectman Keller asked about current membership. Mr. Stiles also shared that, unfortunately, membership has dwindled as the older generations of veterans have passed on and finding new members has been a challenge which ultimately affects revenue.

It was on motion unanimously

VOTED: To retain the Club All Alcoholic Beverages License fee at \$500 per year.

Site Plan SP05-381—The Frugal Flower

Present: Craig Wambolt, Owner; Jody Kablack, Town Planner.

At 8:45 p.m. Chairman O'Brien reconvened a Public Hearing for the purpose of continued consideration of Site Plan application SP05-381 of The Frugal Flower, Craig Wambolt, Owner, in accordance with Town of Sudbury Zoning Bylaw Art. IX, Section 6300, Site Plan Review, for expansion of the parking lot to include parking in front of the building, drainage/stormwater management improvements, landscaping, and sign relocation on property located at 736 Boston Post Road, Parcel K05-0011, owned by Big Daddy Realty Trust, zoned BD-6, Res-A, WRPD Zones II & III.

The Board reviewed the following new information: (1) revised plans, specifically sheets 1, 3, 4, and 5 of the proposed parking lot expansion, dated August 17, 2005, last revised November 4, 2005; and (2) report, dated November 8, 2005, from the Fire Chief, stating he has not approved the new plans as it does not provide for an 18' fire lane around the building, as he requested.

Ms. Jody Kablack, Town Planner, stated the revised plans were submitted recently, in order to correct errors in previous engineering plans. Building height and additional parking dimensions have been added. She stated an 18' fire lane was requested by the Fire Chief and, in order to accommodate that, two parking spaces would have to be relocated or eliminated in this revised plan, which matches the Zoning Board variance specifying 36 spaces. She pointed out that, at the narrowest part, the fire lane is only 15'4" wide. Ms. Kablack stated the landscaping plan has also been revised, with the addition of another tree and a wavy hedge.

Ms. Kablack stated she has received verification from the Conservation Commission that the latest plans do conform to the Order of Conditions.

With regard to snow storage on site, Ms. Kablack stated it is permitted within a Water Resource Protection District site designated Zone II, as long as snow is not brought in from another location.

Ms. Kablack stated the sign by Route 20 is not in compliance with the sign bylaw; however, a variance has been obtained to locate it within the required front yard.

With regard to parking, Ms. Kablack stated that 2600 sq. ft. of the interior space of the building is not being used to calculate parking, as it is assembly and storage space. Only 6,700 sq. ft. is used in the parking calculation. She expressed concern that, in the future, should the use of the building change, there would never be adequate parking. Ms. Kablack stated she and the Building Inspector would like the Decision to specify that the building use should not change dramatically.

Ms. Kablack stated the extent of the recommended bond to be required under this site plan is still an outstanding issue, and she will be in touch with the Conservation Commission to find out the particulars of the bond it is requiring.

Mr. Craig Wambolt, owner, stated he has purchased land in Hudson where construction has begun on a building designed to house some aspects of the business. He stated his belief that they would be occupying that building by now. Because it is not ready, in order to protect plants, they have begun construction on a temporary greenhouse for the winter months. He stated it is 70' x 30', shorter than that used last year.

Selectman Drobinski asked the Town Manager if discussion of a temporary greenhouse would require an amendment to the public hearing announcement. Ms. Valente responded Mr. Wambolt has not submitted an application for the temporary structure to the Selectmen's Office.

Selectman Keller advised that application for a temporary greenhouse should have been submitted before any construction took place. Mr. Wambolt opined he has a 90-day window to work with the Building Department, and stated that he anticipates he will be operating out of the Hudson facility before that 90-day window is finished.

Town Manager Valente stated the Building Inspector notified her that no application was made to him.

Mr. Wambolt opined there to be no provision in the zoning bylaw for a temporary structure, only the use of temporary trailers. He stated he had spoken with the Agricultural Commission, who advised him he has the right to cover his plants. He stated if he felt he would not be able to move into the Hudson building within the 90-day period, he would come to the Selectmen with an application for a temporary greenhouse. He stated he did also consult with the Conservation Commission about the temporary greenhouse, as it was the only board that had issues with it last year.

Chairman O'Brien asked about the 18' wide fire lane the Fire Chief has requested. Mr. Wambolt opined that width is not a state law and is nothing more than the preference of the Fire Chief. He opined further that it was not possible to adjust the site plan any further in order to accommodate the width. He stated reaching the circumference of the entire building can be accomplished functionally now, without an 18' clearance.

Chairman O'Brien stated the Selectmen defer to the Planning Board and Fire Chief on this issue, as some of the newer equipment does require that amount of clearance. He opined the Fire Chief is the person most familiar with how the equipment performs.

Town Manager Valente stated she was advised by Chief MacLean the 18' width is specified in the State Fire Code, though it is not repeated in Sudbury's Zoning Bylaw, which allows a width of less than 18' provided the traffic path is one way and it is clearly marked. Ms. Valente stated the Fire Chief reported that the plans do not indicate one-way traffic nor any signs to that effect. Mr. Wambolt stated it is clearly marked at the entrance and exit, and stated one-way signs would be erected. Chairman O'Brien asked the Town Manager to check with the Fire Chief if he would be comfortable with the Decision specifying one-way traffic. Selectman Drobinski asked for a definitive answer from the Chief before the Board proceeds, noting that, in an emergency situation, fire equipment responding to an alarm is not bound by one-way traffic signs, and will access the emergency in the most expeditious manner possible.

With regard to width of the fire lane, Mr. Wambolt stated the Board was reading the plans incorrectly. He stated the 15'6" width is from edge of parking space to edge of parking space. Selectman Drobinski opined that a car sticking out of a parking space (not fully pulled into the space) could impede the passage of a fire engine.

Ms. Kablack opined two impeding parking spaces could be relocated easily to other parts of the site, to the western edge of the back parking space in a parallel position, and one at the back of the eastern part of the property near the trellis area.

Mr. Wambolt stated the spaces on the eastern side of the building were problematic for the Zoning Board, and stated his apprehension about moving them back there. He opined that a width of 15'6" on a straightaway does not seem to be a difficult situation. Selectman Drobinski stated the ladder truck needs to be able to maneuver, while Chairman O'Brien stated there needs to be room to pull hoses and actually work near the trucks, in addition to having room for the truck in the first place.

Selectman Drobinski opined that, unless an answer is received from the Fire Chief, it was a waste of time to continue debating the issue.

Chairman O'Brien asked if the Board could submit a letter to the Zoning Board that, for the sake of public safety, it should permit parking spaces on the eastern side of the building. Ms. Kablack responded with her belief that it is not a zoning violation to relocate two spaces on the eastern side of the site; that the bylaw states all business parking shall be to the rear or side of the building, and this is interpreted to mean it shall not extend beyond the front face of the building.

Mr. Wambolt stated he does not want to lose any parking spaces. Chairman O'Brien stated Hancock Associates can then amend the plans to accurately reflect revised parking and the actual width of the fire lane remaining. Mr. O'Brien again suggested the Board write a letter to the Board of Appeals indicating their reasons for this change.

With regard to the sign, Mr. Wambolt stated it would be moved in front of the trellis. The other businesses in the building will be listed on the sign, as well as on a sign on the front of the building.

Ms. Kablack recommended that landscaping, signage, additional stormwater modifications, and pavement modifications be covered in a bond, noting that items contained in the bond required by the

Conservation Commission would not be repeated here. She stated a performance check should be done on the landscaping in the front parking lot, that the trash receptacle be completely enclosed by a fence, and a snow storage area be labeled on the plan. She noted the stormwater modifications should be checked by the DPW Director, and sign should be approved by the Design Review Board.

Mr. Wambolt stated lamp posts will be relocated as noted on the plan. Chairman O'Brien asked if there is adequate lighting now that it is dark before the business closes. Mr. Wambolt stated there is, and no additional outdoor lighting is proposed.

Selectman Keller asked how old the fence is. Mr. Wambolt estimated the fence to be approximately 7 or 8 years old. Mr. Keller asked if the fence was part of an earlier site plan approval, noting that if snow plowing causes the fence to fall down, is there a requirement that it be maintained. Ms. Kablack opined the fence was constructed at the time the dumpster was added, and it was deemed a good idea to accommodate the neighbors. Mr. Keller suggested specifying the fence be maintained.

It was on motion unanimously

VOTED: To authorize the Town Manager to instruct Town staff to prepare a Draft Decision, incorporating the comments of the Town Planner, notification to the Zoning Board on the transfer of parking spaces, approval of the Fire Chief, and bonding as specified by the Town Planner and Conservation Commission, which shall be received prior to construction, and further, to continue this hearing until November 22, 2005, at 9:30 p.m.

Ms. Jennifer Churchill, Agricultural Commission, stated that, at no time, has Mr. Wambolt conferred with the Commission on any matter. She stated the Commission has held two meetings, and he was not present at either. She stated she wanted the Board to know that Mr. Wambolt misspoke when he referred to advice being given by the Commission. Mr. Wambolt stated he has had numerous conversations with Laura McCarthy on various matters. Ms. Churchill stated those conversations were with Ms. McCarthy as an individual, and not as a representative of the Agricultural Commission. Selectman Keller cautioned Mr. Wambolt that, while Ms. McCarthy is a business person in an enterprise similar to his, she does not necessarily represent the views of the entire Agricultural Commission.

Overhead Utility Waiver – 119 Fairbank Road

Present: Stan Hargus, 28 Ford Road, petitioner.

The Board reviewed the following information: (1) a letter, dated November 1, 2005, from Stan Hargus, 28 Ford Road, requesting permission to bring overhead wires from a pole on the opposite side of the street to a new utility pole on his property at 119 Fairbank Road, where there is currently a set of wires strung across Fairbank Road attached to a temporary pole while the new house is under construction. The letter explained the original house on the property (since demolished) had been serviced directly to the house from a utility pole, but as the new house is farther from the road, it is too long a distance for the wires to come directly from the opposite side of Fairbank Road, thereby necessitating an additional pole. (2) report, dated November 4, 2005, from the Town Engineer/DPW Director, stating that DPW policy dictates that once a street has been paved, it cannot be opened up for three years unless an emergency occurs. Fairbank Road was resurfaced in 2002; Mr. Place advises boring under Fairbank Road to install underground conduit. (3) report, dated November 3, 2005, from the Building Inspector, stating that as a new pole constitutes a permanent structure, it should meet setback requirements of the Zoning Bylaw, specifically a minimum 40 feet from the front and 20 feet from the side property line. (4) report, dated November 7, 2005, from the

Wiring Inspector, opining that no hardship exists for the special condition of the new pole on the property, and advising the applicant should be required to bring the wires across the street underground, exercising whatever method is approved by the DPW.

Chairman O'Brien advised the applicant that the current bylaw prohibits utility wires crossing overhead, and instead requires placing all utilities underground. He noted that this practice has helped eliminate some of the visual blight utility wires and poles create. Mr. Stan Hargus explained that the existing wire cannot cross the length now established by the distance from the new house to the existing pole, thereby creating a need for a pole on his property on this side of the street.

The Board briefly discussed various options to install the electric power. With regard to setbacks that would meet criteria of the Zoning Bylaw, Mr. Hargus opined he could accomplish that.

Selectman Drobinski asked if he had experience with boring processes. Mr. Hargus opined boring under the road to be an economic inconvenience, approximately \$4,000, and opening the road would cost \$5,000. He stated further, though, he had found someone who would be able to perform a boring operation.

Mr. Hargus stated he did the same thing, i.e., adding a pole, a year ago when he built a house on Ford Road. He stated he talked to someone who indicated that, as long as the pole was on his property, the bylaw did not apply. He stated he did not understand the bylaw completely and is not asking the Town to place the utility on public property. Town Manager Valente stated this particular situation does fall under the bylaw as the electric power would be changed from one permanent pole to another.

The Board asked Mr. Hargus if he would consider using permanent pole #20 and then adding the new pole on his property, instead of using #19 as proposed. Mr. Hargus stated he could look into it, if this would not go against the bylaw. Ms. Valente stated it would be acceptable, as the line already runs from pole #20, and the new wire is technically not a new connection. She stated she would check with Town Counsel to be sure.

Discussion followed. Mr. Hargus withdrew his present request, in order to submit a different plan in the near future.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the October 25, 2005 meeting, as drafted, and further, to approve the minutes of the October 26, 2005 meeting, subject to technical corrections.

The Sudbury Foundation – “Rescue Alive” Equipment Grant

It was on motion unanimously

VOTED: To accept a grant in the amount of \$3,493 from the Sudbury Foundation for purchase of “Rescue Alive” ice rescue equipment and related training for the Sudbury Fire Department, and of authorizing expenditure by the Fire Chief as specified in said grant.

Extension of Serving Hours on New Year's Eve

It was on motion unanimously

VOTED: To grant permission to holders of Restaurant and Club Alcoholic Beverages Licenses to extend serving hours on December 31, 2005, New Year's Eve, to 2:00 a.m. on January 1, 2006, on the condition that the kitchen remain open and food is served.

Extension of Serving Hours/Serving of Alcohol – Sky Restaurant

It was on motion

VOTED: To approve an extension of the closing hour and serving of alcoholic beverages at Sky Restaurant, 120 Boston Post Road, on Wednesday, November 23, 2005 until 1:00 a.m. on Thursday, November 24, 2005, on the condition that the kitchen remain open and food is served. (Chairman O'Brien, aye, Selectman Keller, aye, Selectman Drobinski, abstain).

Lincoln-Sudbury All Sports Boosters Club

It was on motion unanimously

VOTED: To grant permission to the Lincoln-Sudbury All Sports Boosters Club, Inc. to hold a ceremonial bonfire on Wednesday, November 23, 2005, from 6:00 – 9:00 p.m. at the High School, subject to compliance with Police, Fire, Public works, and School Department requirements, and notification of direct abutters by the Boosters Club.

Sudbury Centre Improvement Advisory Committee – Resignation and Appointment

It was on motion unanimously

VOTED: To accept the resignation of Sandra Heiler from the Sudbury Centre Improvement Advisory Committee and to appoint Frank Riepe as representative for the Historic Districts Commission to fill her position for a term expiring April 30, 2007, in accordance with the recommendation of the Historic Districts Commission.

Community Housing Committee – Resignation

It was on motion unanimously

VOTED: To accept the resignation of Joellen Samojla, dated October 31, 2005, from the Community Housing Committee, and to send a letter of appreciation for her service.

Conservation Commission – Resignations

It was on motion unanimously

VOTED: To acknowledge the resignations of Mark Ensign and Bridget Hanson from the Conservation Commission, and to request the Town Manager to send a joint letter of appreciation to each for their service to the Town.

Site Plan 05-380 – Sprint PCS, Feeley Field

The Board reviewed a report, dated November 2, 2005, from the Design Review Board, stating it had reviewed the landscape plan relative to Site Plan 05-380 (Sprint PCS – Feeley) and stated the stone bed around the concrete pad should not extend to the side where the balsam firs are planted as it will compromise their health. Finalized mylar plans were presented to the Board for signature.

After discussion, it was on motion unanimously

VOTED: To approve and sign plans relative to Site Plan 05-380, and request the applicant to address the recommendation of the Design Review Board regarding the stone bed around the concrete pad.

Community Preservation Fund Projects

Town Manager Valente reported a number of applications have been submitted requesting Community Preservation Act monies. She stated these have been supplied to the Board for review prior to discussion on November 22. She noted the Community Preservation Committee will be looking for input from the Selectmen following their review. Discussion followed.

It was on motion unanimously

VOTED: To direct the Town Manager to write a letter indicating the intent of the Board of Selectmen is that the former Mahoney and Melone lands owned by the Town will be used for either mixed affordable housing and recreational purposes or individual affordable housing and recreational projects, though that determination has not been fixed at this writing. Further, the letter shall indicate that additional analysis is required before a commitment for use of the Parkinson Land can be made.

Draft Energy Management Plan

Town Manager Valente reviewed the Draft Energy Management Plan, showing various areas where energy dollars could be saved or are being saved. There was brief discussion. Ms. Valente asked the Board to forward any pertinent comments.

Selectmen/Town Manager Report for Town Report

Town Manager Valente reminded the Board that reports are due to the Town Report Committee by November 23, and that the Board and Town Manager have submitted a joint report in recent years. She suggested she could write such a report for the Board's review.

After discussion, it was agreed that the Town Manager will draft a joint report for the Board's review, and each Selectman will provide any additional items desired for inclusion.

Electric Utility Legislation

Town Manager Valente directed the Board's attention to proposed legislation that would make the formation of new municipal electric utilities possible in Massachusetts. Bill H3294 has been endorsed by 114 municipalities and organizations. Legislation supporters are asking for Sudbury's support and to contact legislators of this support.

Chairman O'Brien stated he could not find a reason why the Board should not support it. The Board concurred.

After discussion, it was on motion unanimously

VOTED: To endorse Bill H3294 – Establishment of Municipal Lighting Authorities, to write to legislators of Sudbury's support of said legislation, and to allow the Massachusetts Alliance for Municipal Electric Choice to add the Town of Sudbury to its list of endorsers.

Proposed Police Station

Town Manager Valente reported that, according to a new state law, the Town is required to hire a project manager to act as the Town's consultant during the planning, design and construction of the new police station, and funds are not available at this time to support this. She stated the required initial funding for the project manager and for initial design services would have to be written into a Town Meeting Article one year, followed by the actual construction article the following year. Ms. Valente stated the Permanent Building Committee will be meeting next week and needed the Board's input on this matter. The Board will send comments to her this week.

Executive Session

At 10:45 p.m. it was on roll call

VOTED: To go into Executive Session for the purpose of discussing real estate transactions. (Chairman O'Brien, aye, Selectman Keller, aye, Selectman Drobinski, aye).

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

There being no further business to come before the Board, the meeting adjourned at 11:07 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk