

IN BOARD OF SELECTMEN  
TUESDAY, DECEMBER 19, 2006

Present: Chairman William J. Keller, Jr., Vice-Chairman John C. Drobinski, Selectman Lawrence O'Brien, and Maureen Valente, Town Manager

The statutory requirements as to notice having been complied with, the meeting was convened at 7:36 p.m. in the Lower Town Hall, 322 Concord Road.

**Opening Remarks**

Chairman Keller began the meeting by acknowledging the sad death of Stephen Meyer at the age of 54. Dr. Meyer fought a courageous battle against cancer for the last few years. He will be remembered as a valued member of the community for all his volunteering contributions through the years, especially concerning conservation and environmental issues. On behalf of the Town of Sudbury, Chairman Keller extended sympathies to Dr. Meyer's family.

Chairman Keller also extended wishes for a happy holiday season to all residents of Sudbury.

**Capital Improvement Planning Committee (CIPC) Report**

Present: Andrea Terkelsen, Finance Director and CIPC ex-officio member; Kirsten Roopenian, CIPC Chair (arrived at 7:50 pm.), Dan Silva, Pascal Cleve, Derek Oram, CIPC members

At 7:45 p.m., Chairman Keller welcomed Finance Director Andrea Terkelsen, to present to the Board for review, the Capital Improvement Planning Committee (CIPC) report regarding its recommendations for fiscal year 2008 funding.

Ms. Terkelsen introduced members of the CIPC in attendance this evening, and reviewed the mission and bylaws of the CIPC. The Board was previously in receipt of a package from Ms. Terkelsen entitled, *FY08 Capital Improvement Requests*, which was referenced throughout the presentation. Ms. Terkelsen emphasized that in accordance with the M.G.L. Chapter 41 bylaw, all capital items meeting certain criteria must be submitted to the CIPC for an annual review. She then addressed the major criteria used to assess the merit of each request.

In response to a question from Chairman Keller, Ms. Terkelsen defined a capital item as equipment, projects, and/or improvements that: a) have a useful life of at least five years; and b) have a single-year cost of \$10,000 or a multi-year cost of at least \$100,000.

CIPC Chair Kirsten Roopenian arrived at 7:50 p.m., and delivered the remainder of the report. Ms. Roopenian explained that each request is reviewed regarding its need, timing, cost and whether the item will have a positive impact and benefit to the Town and its residents. The Committee also assesses whether the item can be funded on a long-term basis to be sure the Town can afford the ongoing expenses. Ms. Roopenian reported that, this year, the Committee established liaison assignments for members to work closely with the Fire and Police Departments, Department of Public Works and each department head to review each proposal, collect data and inventory the Town's fixed assets. In its report, the Committee stressed its concern that much-needed projects are not being funded due to funding restraints. The Committee believes that each year the Town's infrastructure is being greatly compromised. In the long run, repairs will be more costly for the Town, since preventative maintenance measures have not been taken in a timely manner.

The Committee also recognized the merit and worthiness of every request. Ms. Roopenian thanked Ms. Terkelsen, the department heads and those involved with the submitted requests for their thoughtful planning and preparation of materials.

As the Committee undertook its mission, a consideration was not to create an unintentional override situation as a result of its decisions. After full deliberation, a summary of the Committee's recommendations, which they deemed of the highest priority for FY2008 funding follows:

**1. Various Building Improvements - \$70,000** - presented by Jim Kelly, Building Inspector, for projects which may include, but are not limited to, roofing, siding, structural repairs, windows, HVAC repairs, painting, landscaping, etc.. Highlighted areas in need of funds are: the Flynn Building exterior painting, repair of the Fairbank Center and Town Hall roofs, and Town Hall parking lot lighting. Approximately \$30,000 of this allocation will be designated for pressing repairs to Town buildings.

**2. DPW Fleet and Parks & Grounds Mower Replacement - \$146,100** - presented by Bill Place, DPW Director, for funds to replace aging equipment. Ms. Roopenian presented a summary of the 41 pieces of equipment comprising the DPW fleet. All of the vehicles used to maintain roadways must be maintained properly to be in good working condition, so as not to jeopardize public safety. The following vehicles will be replaced: 1986 Mack 10 Wheel Dump (Unit 5); 1997 Chevy 1-Ton (Unit 23); 1988 Mack 6 Wheel Dump (Unit 4); 1998 Chevy Pick Up (Unit 30); 1989 Hustler Mower (Unit PR16). In its report, the Committee cautioned the Town that many public safety vehicles need attention and should be brought up to a satisfactory level of performance. Ms. Roopenian reported that at least nine additional pieces of equipment will need replacement in FY09.

**3. Parks & Recreation - Atkinson Pool - Replace Starting Platforms - \$14,500** - presented by Dennis Mannone, Director of Recreation. Ms. Roopenian noted that the Atkinson Pool is a revenue source because it is used by other schools as well as the Town. Chairman Keller noted that the swim user groups worked hard at raising funds for the Pool's timing system and a maintenance endowment fund for it.

**4. Fire Department Fire Engine Replacement - \$450,000** - The fire engine fleet will need to be updated throughout the next three to five years as more engines need to be replaced. Ms. Roopenian presented a summary of the 16 pieces of equipment comprising the Fire Department fleet. This year, the Committee recommends the replacement of Engine 7/MI, which was a 1988 GMC pickup truck, retired in 2006 because of age and wear and no longer roadworthy, and replacement of Fire Engine 1-87, which has reached the end of its intended service life, while at the same time has developed maintenance issues that will eventually make it unfit for real use.

**5. Ikon IR5570 Image Runner/Archives and MIS Wide-Format Printer/Scanner - \$26,050** - requested respectively by the Town Clerk and Engineering Department, but to be shared with the public safety departments, DPW and other Town offices. The Town Manager and Ms. Terkelsen reinforced that as the Town prepares for future service efficiency, many old maps and documents should be scanned to facilitate distribution electronically.

**7. Munis Tax Package - \$12,498** - to fund the second lease payment for the Tax Collector's software modules package.

**8. Town Center Traffic Improvements - \$70,000** - to allow the Town Center project to advance to the preliminary engineering design stage. Ms. Roopenian noted that the cost of the entire project is estimated at \$1-3 million dollars and that the Community Preservation Committee is also requesting \$30,000 to be designated for historic integrity issues related to the project.

**Total**

**\$789,148**

Ms. Roopenian reported that an additional proposal for GIS data development and system implementation was considered by the Committee, but not recommended at this time. Mr. Oram addressed the Board to explain that the Committee believed the project to be too costly and complex to pursue at this time. He stated the Committee questioned what the quantifiable return on the investment would be for the Town. Ms. Terkelsen added that the Committee also considered recommending funding a lesser figure than \$500,000 and/or spreading out the funding through installment payments. The Committee determined the proposal warrants more attention and expressed its commitment to working with Town Manager Valente and Mark Thompson to present a more comprehensive proposal in the future.

In response to a question from Selectman O'Brien, further explanation was provided by Town Manager Valente regarding having a Town GIS system and its advantages. Ms. Valente added that the consensus from department heads was that although the GIS system is worthy to pursue, there are many Town needs where the current service delivery capacity is below acceptable standards and those areas must be addressed before adding a new service, however meritorious.

In conclusion, Ms. Roopenian reported the Committee recommended approval for the \$405,000 to replace the fire engine as a capital exclusion for FY08, and that all other recommendations be approved as part of the Town's operating budget for capital projects. Discussion regarding funding for the new Police Station is ongoing, and, if requested, the Committee will formalize a position statement for the Town.

At 8:35 p.m., Chairman Keller thanked the CIPC for their detailed presentation and their dedicated work throughout the year.

Selectman O'Brien expressed the Board's gratitude to Ms. Terkelsen for providing the budget material in a timely manner so as to ensure a methodical review. Ms. Terkelsen accepted the compliment, and shared the accolades with the department heads who work to prepare information and statistics months before the budget cycle begins.

Vice-Chairman Drobinski agreed that the budget materials were excellent and recommended the public have access to the information on the Town website and/or at the Goodnow Library.

In response to a suggestion from Selectman O'Brien for next year's report, Ms. Roopenian noted that at the request of the Town Manager, the Committee will work to include comparison data related to capital needs for similar communities.

Town Manager Valente recommended to the Board the creation of a few ad hoc committees to establish guidelines for the short-term and long-term strategies for the DPW, Fire and Police Department vehicles replacement and monitoring. She suggested that the membership of these ad hoc committees be residents, who then could share information collected with the CIPC, the Finance Committee and the Board of Selectmen.

Everyone agreed that by not being more proactive in the past regarding preventative maintenance of Town assets, the Town has, in fact, doubled its losses by not reaping the benefits of potential savings sooner while maintaining a deteriorating asset.

#### **Board of Health/Medical Reserve Corps (MRC) - New Committee Proposal**

Present: Lynne Geitz, Board of Health member

At 9:13 p.m., Chairman Keller welcomed Ms. Geitz, who provided a brief description for a proposed new committee to be called the Sudbury Medical Reserve Corps Committee. This committee would work to

support and strengthen the Town's public health infrastructure and enhance emergency preparedness systems. Once established, Ms. Geitz would be the recommended Board of Health liaison to this committee. Ms. Geitz noted there are already six individuals who are very committed to the proposed objectives, and she provided the Board with a list of these prospective committee members. Ms. Geitz also suggested that this new committee report to the Board of Health.

Ms. Geitz praised Bob Leupold, Director of the Board of Health, for the time he has invested to develop and coordinate this proposal. Ms. Geitz emphasized the importance of these matters and said the residents of Sudbury deserve the Town's full attention to them. She also reinforced the need to be proactive regarding safety issues versus waiting until a crisis arises.

Selectman O'Brien declared his support for the committee's purpose, but voiced concern regarding the logistics of the committee's reporting structure. He noted that the Health Department is the only Town office which does not report to the Town Manager or Selectmen, and he questioned whether this separation is in the best interest of the committee and the community. He suggested that after the 2007 Town Meeting, the Board of Health and the Board of Selectmen schedule an earnest discussion regarding reporting structure options. Vice-Chairman Drobinski agreed that the committee is a great idea and much needed. However, more thought must be given to how best to establish the parameters of the committee so that it is parallel to other Town committee structures.

The Board also highlighted that research needs to be completed regarding the potential legal issues related to responsibility and liability for the doctors on the committee.

Town Manager Valente added her concern that all duties and jurisdictions of responsibilities be clearly delineated as to how this committee will interface and support the other Town public safety and emergency preparedness entities. In an emergency crisis situation, all parties must be able to respond quickly and with clarity and accuracy of purpose. Ms. Valente would like to further clarify many issues such as whether the committee will have open meetings, whether it will be part of the Town's website and how it will communicate with Town offices and departments. She requested additional time to review the materials presented tonight and to work with Ms. Geitz and Mr. Leupold to refine the committee's mission statement and structure for future recommendation to the Board.

Chairman Keller gave Ms. Geitz a sample mission statement for a recently approved Town committee to use as an example and declared the Board's attentiveness and interest in these matters.

The Board recommended rescheduling this agenda item to the January 16, 2007 meeting at 8:00 p.m. for further review.

Ms. Geitz thanked the Board for its time and stated her commitment to do whatever is necessary to keep this discussion moving towards future approval. She will provide the Town Manager's office with any working draft documents as soon as possible.

**Annual 2007 Renewal of Licenses** (held 12/5/06) for the following three establishments:

- 1) Papa Gino's Inc., d/b/a Papa Gino's, 104 Boston Post Road
- 2) Delops, Inc., d/b/a D'Angelo's, 423 Boston Post Road, and
- 3) Sweet Pepper, Inc., d/b/a Sweet Pepper, 385 Boston Post Road

It was on motion unanimously

VOTED: To approve the renewal of Alcoholic Beverages, Common Victualer, Entertainment and Sunday Entertainment licenses, expiring December 31, 2006, for calendar 2007, as shown on the "Licensee List 2007," which were held from appointment on December 5, 2006: Papa Gino's Inc., d/b/a/ Papa Gino's, 104 Boston Post Road, Delops, Inc., d/b/a D'Angelo's, 423 Boston Post Road, and Sweet Pepper, Inc., d/b/a/ Sweet Pepper, 385 Boston Post Road; 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

#### **Ambulance Billing Schedule**

It was on motion unanimously

VOTED: To approve the new ambulance billing schedule as presented by Fire Chief Ken MacLean in his request of December 8, 2006.

#### **Minutes**

Chairman Keller asked that a reference to "Chairman O'Brien" be correctly revised to say "Chairman Keller" in the first sentence on Page 4 of the December 5, 2006 regular session minutes, in the section entitled, "State Representative Thomas Conroy - Meet and Greet."

It was on motion unanimously

VOTED: To approve the regular session minutes of December 5, 2006, as amended.

#### **Frugal Flower - Performance Bond Reduction**

It was on motion unanimously

VOTED: To approve a reduction in the Performance Bond to \$15,000.00 for Craig Wambolt, owner of Frugal Flower, as recommended by Jody Kablack, Director of Planning and Development, and I. William Place, Department of Public Works Director.

#### **Board of Appeals - Resignation**

Chairman Keller noted that Mr. Constantine Athanas, a Board of Appeals member, is relocating to another community, which has necessitated the submission of his resignation. The Chairman wished Mr. Athanas well in the future and said he will be missed.

It was on motion unanimously

VOTED: To accept the resignation of Constantine Athanas, 317 Old Lancaster Road, as a member of the Board of Appeals, and to send a letter of appreciation for his service.

**Fair Housing Committee - Dissolution**

Chairman Keller prefaced this request by declaring the Board's ongoing commitment to fair housing options and issues and reiterated that the dissolution of this particular Committee has been requested only because the responsibilities have shifted to other entities and personnel.

It was on motion unanimously

VOTED: To disband the Fair Housing Committee, which was established by the Board of Selectmen on September 13, 1988, and which has adopted many goals and objectives which are now incorporated into the mission and scope of various committees, boards and offices in Town; namely the Community Housing Committee, the Department of Planning and Community Development and the Sudbury Housing Trust, as recommended by Beth Rust, Community Housing Specialist, in a memo dated December 7, 2006.

**Commission on Disability - Appointment**

It was on motion unanimously

VOTED: To approve a Town Manager appointment of Susan J. Stocker, 45 Maplewood Avenue, as a member of the Commission on Disability for a term to expire April 30, 2009, to fill the vacancy occasioned by the resignation of Oscar W. Harrell II.

**Traffic Safety Coordinating Committee (TSCC) - Establish New Committee**

Town Manager Valente briefly explained the intent to establish an advisory group known as the Traffic Safety Coordinating Committee to be responsible for promoting enhanced traffic safety in the Town by creating a forum and procedures, whereby residents can discuss traffic concerns, suggestions and requests, work with Town staff to examine alternatives, and identify long and short-term solutions to traffic issues in Sudbury. The Committee will not have the power to commit Town resources or approve projects but will be able to recommend actions to the Board. In Phase One of its work, the Committee will develop materials and a process for handling traffic complaints and requests. In Phase Two, the Committee will evaluate all complaints, requests and suggestions from residents regarding traffic safety improvements using the process developed in Phase One.

Ms. Valente emphasized that the Committee will meet during daytime hours and will be comprised of the department heads or designees from the Police Department, the Fire Department, the Department of Public Works, and the Planning and Development Office, and up to three interested citizens may be appointed by the Selectmen. Appointments will be for two-year terms to be staggered regarding expiration dates.

Chairman Keller commented that a committee of this kind would have been most useful in the past to help settle differences of opinion and clarify confusion prior to issues requiring the Board's attention. Selectman O'Brien agreed that the proposal is well thought out.

It was on motion unanimously

VOTED: To establish a Traffic Safety Coordinating Committee and adopt and implement the Mission Statement as presented by the Town Manager in the draft document dated December 8, 2006.

**Lincoln-Sudbury Regional High School (L-SRHS) Committee Field Project - Inter-Municipal Agreement and Memorandum of Understanding**

At 9:00 p.m., Jack Ryan of the Lincoln-Sudbury School Committee arrived to inform the Board of a decision, voted tonight by the Lincoln-Sudbury School Committee, to unanimously support the Inter-Municipal Agreement between the Town and Lincoln-Sudbury Regional School District and the Memorandum of Understanding. Mr. Ryan presented the Board with two original sets of documents, which were signed by all members present at the Lincoln-Sudbury School Committee meeting. Mr. Ryan stated that the School Committee expressed its sincere gratitude to Chairman Keller and himself for the extra effort given to finalize these agreements in a timely manner.

Mr. Ryan reported he has been authorized to award the construction contract to Heimlich Construction Company. Due to the present unseasonably warm weather, construction may be able to commence earlier than expected, which should ensure the new Field's completion and use for September 2007. Upon completion, Mr. Ryan believes the community will be very excited about the quality and usefulness of the facility.

The Board agreed that the project will be a wonderful asset for Sudbury and that the Town and its young adults will benefit greatly from this new resource. Everyone concurred that the long process has been worthwhile for all parties, especially since it has led to this very productive result.

It was on motion unanimously

VOTED: To approve the Inter-Municipal Agreement for the Lincoln-Sudbury Community Field and sign the Memorandum of Understanding between the Lincoln-Sudbury Regional School District and the Town of Sudbury as presented this evening.

It was also on motion unanimously

VOTED: To authorize the Town Manager to release funds in the amount of \$960,000 authorized at the 2006 Town Meeting for the Lincoln-Sudbury Community Field.

Town Manager Valente retained one original set of signed documents and gave the other set to Mr. Ryan, who stated he will keep the Town Manager and Parks and Recreation Director Dennis Mannone apprised of the scheduled time for the January Building Committee meeting.

Chairman Keller and Mr. Ryan reinforced that the fundraising campaign for the Field is continuing and that residents can still take advantage of a charitable donation tax deduction for 2006.

**Annual 2007 Town Meeting Warrant Articles**

Town Manager Valente briefly reviewed the usual bookmark articles under consideration.

It was on motion unanimously

VOTED: To approve submission of the following warrant articles together with the reports presented for the Annual 2007 Town Meeting: Hear Reports, FY07 Budget Adjustments, Stabilization Fund, Rental Property Revolving Fund, Medicare Eligible Retiree Health Insurance, Construct Police Headquarters (to be submitted jointly by the Board and the Police Department) and Street Acceptances.

### **Reports From the Board of Selectmen**

Selectman O'Brien reported that the Town Center Committee met last week to finalize which plan it will endorse. The Committee is working to communicate to First Parish which plan it is inclined to support.

Selectman O'Brien also reported attending a meeting of the Community Housing Committee with representatives from Wayland, Weston and Concord to learn how other towns are handling affordable housing issues.

Selectman O'Brien announced that last week the Lincoln-Sudbury Regional High School hosted a successful screening for 125 people of the movie "An Inconvenient Truth." He also reminded the community that on December 21, 2006, the Lincoln-Sudbury Gospel Choir will perform at 7:00 p.m. in the Auditorium. The event is a fundraiser for the METCO Program in celebration of its 40th anniversary. Admission is \$10 for an expected evening of uplifting entertainment.

Vice-Chairman Drobinski reported he will attend, along with Town Manager Valente and Jody Kablack, the Community Preservation Committee (CPC) public hearing on December 20th, which will review the many proposals which were submitted for funding consideration.

Chairman Keller expressed his pleasure that the Lincoln-Sudbury Regional High School Committee Field Project has reached the point of mutual agreement with signed documents.

Mr. Keller also reported attending a Rail Trail Conversion Advisory Committee presentation which featured a discussion about another trail which has been developed in Sterling, MA. The presentation was insightful in its description and stimulated new dialogue for Sudbury's ongoing process.

### **Reports From the Town Manager** **Rail Trail Conversion Advisory Committee (RTCAC)**

Town Manager Valente shared with the Board some confusion regarding a perception within Town that if the rail trail is approved the Board will ask for exemptions from Town wetlands bylaws, if the Town decides to assume the lead role versus the State. Ms. Valente asked if the Board could clarify publicly its position on this question.

Chairman Keller emphatically responded that although he is not inclined to answer hypothetical questions until they are brought directly to the Board, he can foresee no reason that the Board would not act as it always has, by complying with all applicable Town bylaws.

Selectman O'Brien agreed that there is no precedent by which the Board has not always acted in the best interest of the Town.

The Board reiterated that it has not made any public declaration regarding this issue and will only do so upon a full review of all pertinent facts.

### **FY08 Budget**

Ms. Valente shared with the Board that she received the FY08 budget from Dr. Brackett for the Sudbury Schools and will distribute it for review at a later date. She also expects to receive the Lincoln-Sudbury School budget proposal tomorrow.



The Board received a December 15, 2006 memorandum from Town Manager Valente, which entailed FY08 Budget submissions only for departments funded through the general fund. The submissions will appear in Section 4 of the Town's overall **Proposed Budget and Financing Plan**, which will be distributed to the Board before the end of the year.

Ms. Valente discussed a brief summary of the draft **Proposed Budget and Financing Plan**. She reported that the Plan requests a 4.82% increase over FY07 for level service covering just the operating departments without benefits.

Ms. Valente reviewed the recommended budget's five major and four minor initiatives. She particularly noted the request for additional funding for Goodnow Library. Ms. Valente noted that the Library is significantly under staffed and under-budgeted compared to facilities in the region. She emphasized that adequate funding for the Library is a quality of life issue for the Town and hopes it will get the long-overdue financial attention it deserves.

Ms. Valente also discussed briefly the proposed budget's staffing recommendations. She also reported that upon a preliminary review, revenue growth this year is less than 2% for the Town, Sudbury Public Schools and Lincoln-Sudbury Regional High School to share after covering the costs of benefits.

#### **NStar and Verizon Utility Petition UP#06-04 - Temporary Permit**

It was on motion unanimously

VOTED: To approve a temporary grant of location for Utility Petition UP#06-04 from Boston Edison, d/b/a NStar Electric and Verizon New England, Inc. for underground electric service via an 80' conduit under Cudworth Lane and a 50' conduit under Willis Road to provide electric service to a new subdivision (Kendra Lane), for a period not to extend beyond February 1, 2007.

**Ratification of the Tax Rate** to coincide with the certification of values on December 5, 2006.

It was on motion unanimously

VOTED: To approve and sign the Tax Rate for FY2006 as follows - Residential: \$13.12; C/I/P/ \$20.29.

#### **Sudbury Grange - Preservation Restriction**

It was on motion unanimously

VOTED: To direct and authorize the Chairman of the Board of Selectmen to execute an historical Preservation Restriction Agreement on property located at 326 Concord Road, Sudbury, known as the Sudbury Grange and to thank Mark Kablack for his work on this effort.

#### **Metropolitan Area Planning Council (MAPC)**

Ms. Valente informed the Board of a communication which informed Town officials that, as part of a reorganization plan, Sudbury has been moved to the Minuteman Advisory Group on Interlocal Coordination (MAGIC) subregion. Presently, Chairman Keller is the Board's MAPC liaison. Ms. Valente will obtain the MAGIC schedule for the Board to be able to assess who will be the future liaison or if the role should be shared by the Board members and the Town Manager.

**Town Report**

Town Manager Valente noted an additional edit to the draft Town Report which she previously sent to the Board electronically. Ms. Valente included a note of thanks to Susan Pope for her previous service to Sudbury and mentioned that the Town looks forward to working in the future with State Representative-Elect Thomas Conroy.

**Proposed 40B Affordable Housing Development**

Town Manager Valente reported being notified by the Town Manager of Concord that there is a major 350-unit, 40B apartment complex being proposed for an industrial site off of Powder Mill Road where Sudbury, Maynard and Acton abut. This development would put Concord over its 10% low-income housing requirement.

Ms. Valente has asked Director of Planning and Development Jody Kablack to attend the Board's meeting on January 16 to obtain feedback and suggestions for what issues the Board deems important for her to monitor as this project moves forward.

**2007 Annual Town Meeting - Street Acceptance Schedule**

Town Manager Valente distributed, for informational purposes, the Street Acceptance Schedule for the 2007 Annual Town Meeting.

**Executive Session**

At 11:00 p.m., Chairman Keller announced the close of the regular meeting and it was on roll call unanimously

VOTED: To go into Executive Session for the purpose of discussing expenditures from the Discretionary Fund, collective bargaining and land negotiations

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

There being no further business, the meeting adjourned at 11:00 p.m.

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