

IN BOARD OF SELECTMEN
TUESDAY, MARCH 14, 2006

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

The statutory requirements as to notice having been complied with, the meeting was convened at 7:42 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:42 p.m., Chairman O'Brien opened the meeting and announced that Selectman Drobinski is on vacation and, therefore, absent from tonight's meeting. The Chairman next reminded the community of the upcoming events. There will be a Budget Forum to provide residents the opportunity to discuss and learn about the proposed FY07 budget on Monday, March 20, 2006, at Town Hall. This Forum will be televised on Channel 8. Election Day will be Monday, March 27, 2006, and Chairman O'Brien encouraged everyone to vote. April 3, 2006 will be the Annual Town Meeting. Throughout the week of March 12-19, 2006, the Boy Scouts will be delivering to residents the Town Report and Annual Town Warrant. Wishes were also extended to everyone for a Happy St. Patrick's Day.

Sudbury Center Improvement Advisory Committee - Award Contract

Present: Jody Kablack, Town Planner

At 7:47 p.m., Chairman O'Brien welcomed Jody Kablack, Town Planner, to present the recommendation of the Sudbury Center Improvement Advisory Committee (SCIAC) for awarding a contract to a consultant for the Sudbury Center project. Ms. Kablack explained that the Committee considered many factors when reviewing proposals to be sure the final team would be able to best accomplish the task while preserving the historic integrity of the Town. Ms. Kablack explained the SCIAC was started in September 2005 and soon hired a consultant to help the Committee develop an RFP, which was put out to bid in December 2005. Fourteen proposals were received by the due date of January 24, 2006, which were then narrowed down to six teams to be interviewed by the Committee. The selection process was difficult due to the very high caliber of qualifications and experience presented by all the teams. As a result of the Committee's evaluation process, the Committee voted unanimously on March 13, 2006 to present The Cecil Group to the Board of Selectmen as its final recommendation to be awarded the Town contract.

A few factors contributed to the final selection over the other proposals. The Cecil Group had a history with Sudbury on a successful project completed for the Town in 2002, plus the company has had a tremendous amount of municipal experience.

Ms. Kablack also noted there already exists a funding commitment for this contract. Once the contract is executed, the next steps will be to collect data in April, hold a public meeting in May, and have design and concept sketches ready by the fall of 2006. In response to a request from Selectman Keller, Ms. Kablack also listed the members of the Committee and the constituencies each one represents. Ms. Kablack also reviewed the geographic parameters of the project.

Chairman O'Brien noted how well the selection process has been conducted and congratulated the Committee for a job well done.

It was on motion unanimously

VOTED: To award the contract for the Town Center project to The Cecil Group, and to authorize the Town Manager to execute and sign a contract with The Cecil Group.

Brandse Dog Hearing

Present: Betsy DeWallace, Sudbury Dog Officer, Paula Adelson, Animal Control Officer; and Dr. Gijsbertus Brandse

At 8:04 p.m., Chairman O'Brien introduced the Brandse Dog Hearing which had been continued from the September 20, 2005 Board of Selectmen Meeting. Betsy DeWallace, Sudbury Dog Officer, reported on a February 4, 2006 inspection of the premises at 82 Old Garrison Road, Sudbury. Ms. DeWallace described a very secure enclosure erected for the winter months which will be enhanced with additional fencing in the spring and summer months. There have been no incidents reported since September 2005. Selectman Keller expressed satisfaction that the issues previously raised have been resolved. Chairman O'Brien asked Dr. Brandse to clarify when the fence installation will take place. He answered it will be this summer. Chairman O'Brien commented it is a good ending for everyone that the issues could be resolved with the neighborhood and animals being appropriately protected.

It was on motion unanimously

VOTED: To close the Brandse Dog Public Hearing on the condition the Sudbury Dog Officer inspects the premises at 82 Old Garrison Road, Sudbury one more time after being notified by Dr. Gijsbertus Brandse the final fencing has been installed and provides the Town Manager with an inspection report.

State Representative Susan Pope - Update

Present: State Representative Susan Pope

At 8:15 p.m. Chairman O'Brien welcomed State Representative for Sudbury, Wayland and Lincoln, Susan Pope, to update the Board on the many issues and tasks facing the Commonwealth. Senators Resor and Fargo were unable to attend this meeting and have rescheduled to attend another Board of Selectmen's Meeting in May.

Representative Pope informed the Board that the health care bill would be delayed for at least another two weeks. The health care bill is expected to be extensive, and there will be many opportunities for future meetings to enlighten everyone on the key aspects of the bill. Selectman Keller emphasized to Ms. Pope how very important the health care issues are to Sudbury and hopes Ms. Pope will be able to attend one of the free clinics held on Tuesday nights at Congregation Beth El to become further acquainted with the issues of concern. Ms. Pope was grateful for the invitation and hopes to attend the free clinic in the near future. Chairman O'Brien questioned how the bill would handle the proposed \$300 penalty assessment, which does not seem high enough to act as a deterrent for small business compliance. Ms. Pope responded the penalty assessment is a concern for many and is one factor, which has delayed the approval of the bill. Ms. Pope expressed regret at not being able to provide more substantive information. However, full details from the State House have been kept very confidential. Ms. Pope and Town Manager Valente expressed their frustration with so much information at the State level being held so privately, whereas on the local level, so much is done to make as much information public as possible.

Representative Pope next addressed the topic of Chapter 70 funding. Ms. Pope has supported each initiative to increase funding to the cities and towns presented to her. Ms. Pope also has participated in a caucus of regional schools pushing forth an initiative for suburban schools to get a fairer share of funds. Ms. Pope believes it is difficult at times for urban legislators to understand the plight of the suburban schools and communities. Ms. Pope met with the Chair of the Ways and Means Committee a few weeks ago and presented the Chapter 70 funding issues as her top agenda priority. She stated how difficult it is to predict any figures with certainty given that the State still does not know how much health care will cost. However,

her best assessment at this time is that cities and towns will receive more funds than what was stated in the Governor's initial budget. Ms. Pope also stated both State Senators are also working very hard on this topic.

Ms. Pope confirmed there is a tremendous backlog at the State House of bills and legislation, which needs to be completed by July. Town Manager Valente asked if there is an in-session published calendar. Ms. Pope responded that, although one exists, it is constantly being revised. In fact, the Legislature has only been in session six or seven times since January 2006.

Town Manager Valente questioned Ms. Pope regarding the uncapping of lottery funds. Ms. Valente stated that preparation of the budget has included the assumption that the uncapped lottery funds will return to the cities and towns and that it would be devastating to find out this was not the case. Ms. Pope assured Ms. Valente and the Board that uncapping the lottery funds is a very popular position with the representatives and that she has not heard anything to the contrary. Ms. Pope also understands how difficult it is for the local communities to prepare budgets and hold Town Meetings prior to the State budget being passed.

Chairman O'Brien next broached the issue of education laws related to transportation. Specifically discussed was the topic of cities and towns being responsible for tuition and transportation expenses for high school students when the student's desired course of study is not available at the regional or traditional high school. Sudbury has recently experienced this situation for one student totaling approximately \$28,000 a year for transportation costs and \$17,000 annually for tuition, and may face funding of two students next year. Town Manager Valente urged Ms. Pope to file a bill on behalf of the cities and towns to reform these laws so that tuition may not exceed the tuition currently paid to the local vocational high school. Ms. Pope stated many have acknowledged this issue, and she will be pleased to file the bill.

Chairman O'Brien also asked for an update on any tax relief for senior citizens. Ms. Pope commented great work is being done for seniors on the local level such as with Sudbury's Council on Aging programs. The State will address this issue on their agenda in three weeks.

At 8:46 p.m. Representative Pope concluded her update with a commitment to return after the State budget is released to further update the Board and was thanked for her presentation this evening.

Public Hearing: Foreign Motors West/BMW Dealership

At 9:15 p.m., Chairman O'Brien opened, in an untelevised portion of the meeting, and without any other discussion, moved to continue a public hearing for Foreign Motors West/BMW Dealership Site Plan #06-382 regarding 1) Site Plan approval, in accordance with Town of Sudbury Zoning Bylaw Section 6300, and 2) a Special Permit to reduce the 25-foot landscape buffer requirement in accordance with Zoning Bylaw Section 3543, and 3) a Special Permit to reduce the 30-foot landscape buffer requirement in accordance with Zoning Bylaw Section 3531, in conjunction with a proposal to construct a BMW dealership on property located at 130 Boston Post Road, Parcel K11-0004, owned by Stanley W. Snider, zoned industrial. The existing buildings will be demolished and replaced with a 79,745 sq. ft. building and 429 parking spaces. New and used cars will be serviced and sold on site. Mechanical repairs and regular maintenance will be provided in the 50 service bays within the rear of the building.

It was on motion unanimously

VOTED: To continue the public hearing to March 28, 2006 at 7:45 p.m.

Minutes

It was on motion unanimously

VOTED: To approve the regular and executive session minutes of February 28, 2006.

Sudbury Earth Week and Spring Cleanup Day Proclamation

It was on motion unanimously

VOTED: To sign a proclamation designating April 23 - April 29, 2006 as Sudbury Earth Week and Saturday, April 29, 2006 as Spring Cleanup Day, and invite all residents to join others who will assemble at Town Hall at 9:00 a.m. on Saturday, April 29, 2006, to pick up litter from Sudbury roadsides from 9:00 a.m. to 2:00 p.m.

Sprint Spectrum, LLP, d/b/a Sprint PCS ("Sprint Spectrum") Donation

It was on motion unanimously

VOTED: To accept a donation of \$15,000 from Sprint Spectrum, LLP, d/b/a Sprint PCS ("Sprint Spectrum"), pursuant to Condition 27 of Site Plan Decision #05-379, dated June 21, 2005, for the purpose of providing communication upgrades for the Police Department at Lincoln-Sudbury Regional High School in the amount of \$10,000 and funding Fire Department communication needs in the amount of \$5,000; said sum to be placed in a new account entitled "Sprint Spectrum - Public Safety" and to be expended under the direction of the Town Manager.

Exemption for Special Municipal Employees

Town Manager Valente explained it is a safeguard for the Town to require disclosure and an exemption before a contract becomes effective when an employee fulfills more than one role servicing the Town. This process maintains the integrity of the hiring and contract award systems. Selectman Keller commented that the request seems appropriate.

It was on motion unanimously

VOTED: To approve an exemption pursuant to M.G.L. c.268A, s.20, of the financial interest of Alan Catrina, a Special Education Educator classified as a Special Municipal Employee, arising out of a contract with the Sudbury Public Schools to provide out-of-district van transportation for special education students, subject to filing a Disclosure Statement with the Town Clerk.

T-Mobile (16 North Rd.) Site Plan

Town Manager Valente presented the Board with a message from Town Planner, Jody Kablack, stating that T-Mobile has asked to be removed from tonight's agenda. However, they may be ready to request an endorsement on March 28.

Sudbury Housing Authority - Resignation

It was on motion unanimously

VOTED: To accept the resignation of Kelley A. Cronin, dated February 13, 2006, from the Sudbury Housing Authority and to send her a letter of appreciation for her service.

Reports From the Board of Selectmen

Selectman Keller complimented all the Sudbury school athletes who competed in winter sports this year, noting several teams had good seasons. Selectman Keller will attend the Budget Forum on Monday, March 20, 2006.

Chairman O'Brien reported working busily on his re-election campaign for Selectman. He participated in Candidates' Night held on March 8th, and the Candidates' Night event will soon be rebroadcast on Channel 8.

NIMS Training Reimbursement

Town Manager Valente delivered to the Board a request from Peter F. Fadgen, Police Chief, to accept a reimbursement for overtime costs associated with required NIMS training completed earlier this year.

It was on motion unanimously

VOTED: To accept a reimbursement of \$1269.36, distributed by the Metropolitan Area Planning Council, for overtime costs associated with required NIMS training completed earlier this year by all Police Department employees.

Edco Collaborative Conference

Ms. Valente reviewed an invitation from the Lincoln-Sudbury School Committee to the Board to attend this meeting on April 7, 2006 at the Weston Town Hall. Ms. Valente will have session information re-sent to the Selectmen. Chairman O'Brien asked that a seat be tentatively reserved for him.

Community Newspaper Benchmarking Articles

Town Manager Valente expressed concern about pending articles, which may appear in future issues of the *Middlesex News* newspaper focusing on benchmarking communities. Ms. Valente urged Sudbury residents to weigh the information presented very carefully because fair and equitable comparisons between communities are very difficult to achieve. Ms. Valente fears enough time will not be spent researching the many complex nuances each Town budget has in order to accurately reflect an "apples to apples" context.

Executive Session

At 9:02 p.m., Chairman O'Brien 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 collective bargaining.

Chairman O'Brien announced regular session would reconvene (untelivised) at 9:15 p.m. only to open and then immediately continue to March 28, 2006 at 7:45 p.m., the public hearing for Foreign Motors West/BMW Dealership Site Plan #06-382

There being no further business, the meeting adjourned at 9:02 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk