

IN BOARD OF SELECTMEN  
THURSDAY, NOVEMBER 9, 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 7:40 p.m. in the Lower Town Hall, 322 Concord Road.

**Opening Remarks**

Chairman Keller began the meeting at 7:40 p.m. by thanking the Town staff and many volunteers who helped to make the Town Election such a success. He complimented the new Town Clerk, Rosemary Harvell, for organizing and overseeing her first, smooth-running Election Day. A very large voting turnout was reported.

Chairman Keller also noted that the Election results have brought many changes which he hopes will be good for the community, the Commonwealth and the country. One such change was the election of a new State Representative for Sudbury. Tom Conroy defeated Susan Pope who had been the incumbent for the past ten years. On behalf of Sudbury, he thanked Ms. Pope for her many years of service representing the best interests of Sudbury. Vice-Chairman Drobinski added his personal gratitude to Ms. Pope for the support she consistently gave to suicide-prevention legislation reforms. The Board looks forward to the opportunity of working with Mr. Conway and will invite him to a future Board meeting to become better acquainted.

Chairman Keller announced that fundraising email messages have been disseminated to residents for the Lincoln-Sudbury Regional High School (L-SRHS) Committee Field Project. Fundraising for this worthwhile project has already raised \$1,500,000, which is a great credit to the community. However, the project remains \$150,000 to \$160,000 short of its goal, which must be met this month. He urged everyone who is able to contribute to do so, and added the reminder of considering the year-end benefit for a charitable tax deduction. It was also emphasized that the Board of Selectmen and the respective School Committees have all endorsed this Project as being a tremendous potential benefit for the Town.

Selectman O'Brien offered greetings to Cub Scout Troop 60, Den 4, led by Beth Farrell. He visited the Troop today and thanked them for an enjoyable afternoon.

**Sudbury Housing Authority (SHA) - Joint Meeting**

Present: Kaffee Kang, Steven Swanger, Sherrill Cline, SHA members; Jo-Ann Howe, SHA Director; Lydia M. Pastuszek and Radha R. Gargeya, SHA candidates

At 7:47 p.m., Chairman Keller welcomed the Sudbury Housing Authority (SHA) representatives to a joint meeting with the Board for the purpose of interviewing and electing a prospective new member to fill the SHA vacancy created by Stephen Shugrue's resignation.

It was on motion unanimously

VOTED: To appoint the Town Manager as Secretary Pro Tem of the joint meeting proceedings for the purposes of interviewing and appointing a new member.

The appointment candidate, Ms. Pastuszek, addressed the Board to explain her interest in serving as a SHA member. Ms. Pastuszek has been a Sudbury resident for over eight years and has a strong interest in affordable housing issues. She is excited about the many related opportunities facing the Town at this time.

Ms. Pastuszek, believes her skills will complement those of the other SHA members and looks forward to working with all the Town boards and the Sudbury Housing Trust to help accomplish the goals of the SHA.

The appointment candidate, Radha R. Gargeya, also addressed the Board and expressed his extreme interest in serving on the SHA. However, Mr. Gargeya acknowledged Ms. Pastuszek's long-standing involvement and stated he is willing to withdraw his name, in order to support Ms. Pastuszek's candidacy.

Sudbury Housing Authority member, Steve Swanger, spoke on behalf of the Authority and stated that it is extremely fortunate to have such high-caliber individuals interested in the SHA. Currently, the Authority has three associate members who are volunteering their time, attending meetings and contributing greatly to the SHA efforts. Mr. Swanger explained that Ms. Pastuszek was endorsed as the State appointee last spring, but the position has not come to fruition. Thus, the SHA welcomes and supports Ms. Pastuszek's candidacy and is appreciative of Mr. Gargeya's contributions and professionalism.

Chairman Keller also acknowledged the good sportsmanship exhibited by Mr. Gargeya and encouraged him to stay involved with the SHA until another appointment opportunity arises. Selectman O'Brien and Vice Chairman Drobinski echoed how pleased they are to see so many capable and energetic residents willing to come forward to work on these important issues.

It was on motion unanimously

VOTED: To place the candidate Lydia M. Pastuszek, 15 Griffin Lane, into nomination to fill the Sudbury Housing Authority vacancy.

It was also on motion unanimously

VOTED: To withdraw the candidate Radha R. Gargeya, 120 Powder Mill Road, from nomination to fill the Sudbury Housing Authority vacancy.

It was on motion by roll call

VOTED: By a unanimous vote of 6-0 to appoint Lydia M. Pastuszek, 15 Griffin Lane, to the Sudbury Housing Authority to serve until the effective date of the 2007 Annual Town Election, in accordance with General Laws Chapter 41, Section 11, as amended, to fill the vacancy occasioned by the resignation of Stephen Shugrue. (Sherrill Cline, Vice-Chairman John Drobinski, Kaffee Kang, Chairman William Keller, Selectman Lawrence O'Brien, and Steven Swanger).

#### **Public Hearing: Foreign Motors West/BMW Dealership**

Present: Joshua Fox, Attorney, Foreign Motors West, Bruce Ey, Schofield Brothers of New England, Fred Tierney, Foreign Motors West President, Richard J. Glasheen, Foreign Motors West, Jody Kablack, Director of Planning and Development

At 8.00 p.m., Chairman Keller convened the public hearing which was continued from October 17, 2006, for Foreign Motors West/BMW Dealership Site Plan #06-382 regarding development of a BMW dealership at property located at 130 Boston Post Road, and a request for approval of a draft decision.

The Board was in receipt of a draft Site Plan Decision and Notice of Decision prepared by Town staff and Town Counsel and the minutes of the September 28, 2006 joint meeting with the Board of Appeals.

Attorney Fox reviewed all revisions to the draft with the Board. On behalf of the applicant and himself, Attorney Fox expressed gratitude to Director of Planning and Development Kablack for the thoroughness of the decision drafted and her complete cooperation throughout the process. Revisions related to bonding issues, construction trailers, landscaping and roadwork improvements, official address and clarification of items which will require completion prior to building permits and certificates of occupancy were noted.

The topic most widely discussed by the Board was the need to clarify traffic safety issues relating to test drives. This issue might be brought to the attention of the Board in the future by the Police Department. Everyone agreed that the Board will place reasonable restrictions on test drives, unless public safety becomes an issue, which will then have to supercede all other conditions.

Bill Place, Department of Public Works Director, also clarified that for emergency police and fire response purposes, the actual official mailing address should be on Old County Road. However, the Board understands and supports the applicant's desire to market a Boston Post Road address for customer directional assistance.

The Board and the applicant reached mutual agreement on all of the revisions presented.

It was on motion unanimously

VOTED: To close the public hearing for Foreign Motors West/BMW Dealership Site Plan #06-382 regarding development of a BMW dealership at property located at 130 Boston Post Road.

It was also on motion unanimously

VOTED: To approve and sign the draft decision for Foreign Motors West/BMW Dealership Site Plan #06-382 regarding development of a BMW dealership at property located at 130 Boston Post Road, as edited this evening by the Board of Selectmen with the amendments presented by Attorney Joshua Fox and Director of Planning and Development Kablack.

The Foreign Motors West representatives stated that the process has been worthwhile and thanked the Board and the Town for its support and patience.

**Bruce Freeman Rail Trail Environmental & Engineering Assessment - Fay, Spofford & Thorndike**

Present: Jen Shemowat, Fay, Spofford & Thorndike (FST), Bill Place, Sudbury Department of Public Works Director

Fay, Spofford & Thorndike (FST) representative Jen Shemowat presented a brief project summary. FST is nearing completion of work on its report to determine the environmental and engineering feasibility of developing a rail trail along the Sudbury portion of the former rail corridor. Ms. Shemowat previewed for the Board the FST findings which will be presented at a public information meeting on November 16, 2006, at 7:30 p.m. in Town Hall. The presentation will be followed by a question and answer session allowing for community involvement.

Ms. Shemowat reported that in May 2006, FST executed its contract with the Town. This was followed by a site walk with many Town officials. In June 2006, FST held its first public information meeting to garner community input from over 80 people who attended. In the summer months, FST worked on the assessment and completed its first draft in August 2006. The second draft was completed in October, and will again be brought to the Town for a second meeting to obtain comments and feedback. Ms. Shemowat also mentioned that two copies of the report are available for review at the Goodnow Library. The report

will also be available, at a later date, on the Town website. FST met with business owners along the rail trail corridor and heard from the Sudbury Historical Commission regarding concerns related to clearance and disturbance where the trail intersects scenic roads.

Ms. Shemowat continued by highlighting the report's findings for the Board regarding several categories, such as: right-of-way, environmental resources, storm water management, permitting/approvals, contamination issues, cultural and historical resources, trail design and surface material, at-grade intersections, structures, trail access and parking, mitigation measures, cost estimates, funding and the project schedule.

Ms. Shemowat mentioned that regarding permitting/approvals, clarification will be needed from Town Counsel as to whether or not Mass Highway is exempt from local bylaws if the Town funds the design completely. Town Manager Valente will pursue this information and report Town Counsel's response to the Board.

Ms. Shemowat reinforced that the initiation of a full title search is key, and she encouraged the Town to begin immediately to engage Town Counsel's efforts towards working with the EOT and the local business owners.

The Board raised questions regarding the trail design and material. Rail trail width options were discussed and the need to be able to see 200 feet in either direction at the point of intersections. Ms. Shemowat described the material options as a paved (standard asphalt) surface, a granular (either limestone or stone dust) surface or a stabilizer solution surface ( a soil stabilizer usually of resin or crushed stone).

Vice-Chairman Drobinski and Department of Public Works Director Place voiced the need to consider many factors in selecting the proper trail surface such as: maintenance, public safety, environmental impact, utility and cost.

Mr. Drobinski also commented that Scenic Roadway issues are under the purview of the Planning Board and not the Historical Commission.

Town Manager Valente asked a question as to where Concord plans to provide future trail parking for the southern end of the trail in Concord. Ms. Shemowat clarified that the State has said it will pay for parking lot construction if it is part of the project. The Town would have to pay for the design stage.

FST is also the company working on the redesign of the Route 2 Concord Rotary, which will incorporate into its recommendation how the rail trail will cross Route 2 at some point - at least 10 years from now or later.

Ms. Shemowat reported the Sudbury business owners have been invited to the November 16th information meeting to broach many of their security and liability-related issues.

The Board members will make an effort to attend the November 16 meeting because they agree it is important that they assist in fielding resident questions and concerns and that they help place the stages of this project in the proper perspective. The Board wants to be sure that abutter concerns are objectively heard. It is important the Board helps to communicate that the Town is only exploring its options at this point by collecting more information for evaluation by which to make an informed decision. Vice-Chairman Drobinski will co-moderate the meeting.

Ms. Shemowat reported FST will have one more month remaining in its contract to conclude the assessment. FST will revise its assessment, incorporating appropriate input from the November 16 meeting, and present its final report to the Rail Trail Conversion Advisory Committee (RTCAC) by mid-December. The RTCAC will then present the report to the Board for further review.

At 9:33 p.m., the presentation was concluded. Chairman Keller thanked Ms. Shemowat and Mr. Place for the summary preview.

### **Old Garrison Road - Speed Limits**

It was on motion unanimously

VOTED: In accordance with the provisions of Chapter 90, Section 18 of the General Laws (Ter. Ed.) as amended, to adopt the following Special Speed Regulation No. 7878: that the following speed limits are established at which motor vehicles may be operated in the areas described: Old Garrison Road - Northbound - beginning at the junction of French Road, thence northerly on Old Garrison Road 0.53 miles at 30 miles per hour ending at the junction of Dutton Road; the total distance being 0.53 miles; Old Garrison Road - Southbound - beginning at the junction of Dutton Road, thence southerly on Old Garrison Road 0.53 miles at 30 miles per hour ending at the junction of French Road; the total distance being 0.53 miles. Operation of a motor vehicle at a rate of speed in excess of these limits shall be *prima facie* evidence that such speed is greater than is reasonable and proper. The provisions of this regulation shall not, however, abrogate in any sense Chapter 90, Section 14, of the General Laws (Ter.Ed.).

Further, it was on motion unanimously

VOTED: To accept and sign the recommendation of the Massachusetts Highway Department and the Chief of Police that additional speed advisory signage be erected on Old Garrison Road to supplement the traffic signage required under Speed Regulation No. 7878, as follows: Turn Warning signs (W1-1) along with Advisory Speed Plates (W13-1) indicating 20 miles per hour should be erected in both directions in advance of the two Horizontal curves located approximately 0.1 and 0.2 miles north of the junction of French Road; Chevron Alignment signs (W1-8) at these same locations to supplement the Town Warning signs.

### **Minutes**

It was on motion unanimously

VOTED: To approve the regular session minutes of October 17, 2006, October 31, 2006 and November 3, 2006 and minutes of the joint Board of Appeals meeting of September 28, 2006.

### **Sky Restaurant - One-Time Closing Hour Extension**

Vice-Chairman Drobinski recused himself from the vote, to avoid a perceived conflict of interest, due to his foundation's involvement with Sky Restaurant.

It was on motion

VOTED: To approve an extension of the closing hour and the serving of alcoholic beverages at Sky Restaurant, 120 Boston Post Road, on Wednesday, November 22, 2006 until 1:00 a.m. on Thursday, November 23, 2006, on the condition that the kitchen remain open and food is served.

**Holders of Restaurant and Club Alcoholic Beverages Licenses - Serving Hour Extension**

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, 2006, New Year's Eve, to 2:00 a.m. on January 1, 2007, on the condition that the kitchen remains open and food is served.

**TP Parcel 147, Lots 77-80 Robbins Road - Release Deed**

It was on motion unanimously

VOTED: To execute a Release Deed for sale of TP Parcel 147, the land known and numbered as Lots 77-80 Robbins Road, and shown on Town Property Map K06-205, to Marjorie E. Teig and Lucien J. Teig of 42 Robbins Road, reserving to the Town all easements and restrictions of record, restricting use of the land and requiring that it be merged with other land of the Buyer, said transfer pursuant to authorization of Art. 25 of the 1984 ATM.

**Lincoln-Sudbury All Sports Booster Club, Inc. - Pre-Thanksgiving Ceremonial Bonfire**

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 22, 2006, from 6:00 p.m. - 9:00 p.m. at the High School, subject to compliance with regulations of Police, Fire, Public Works, and School Departments to ensure a safe recreational event, and notification of direct abutters by the Booster Club.

**Town Trust Funds - Unaudited Financial Statements**

It was on motion unanimously

VOTED: To approve, acting as Co-Trustees of Town Donations and as a matter of record, the unaudited Town Trust Funds Quarterly Report dated September 30, 2006, as submitted by the Finance Director/Treasurer-Collector, Andrea Terkelsen.

**Local Emergency Planning Committee (LEPC) - Appointments**

It was on motion unanimously

VOTED: To approve and sign the appointments of Lawrence W. O'Brien, Lynne Geitz, Peter Fadgen, Bob Leupold, Dan Stotts, Bruce Trefry, Arthur Morin, Rita Skog, Mary Will, Stacey Hart, Nancy Brumback, Kristin Kiesel, Beth Whitlock, Thomas Caty, Mary Rafferty, Ken MacLean and I. William Place to the Local Emergency Planning Committee (LEPC) for indefinite terms, as requested by Fire Chief Ken MacLean.

**Sudbury Historical Commission - Reappointments**

Present: Lyn MacLean, Sudbury Historical Commission Chair

It was on motion unanimously

VOTED: To approve Town Manager Valente's reappointments of James Hill and Marilyn MacLean to the Sudbury Historical Commission for terms to expire April 30, 2009, and the appointment of Elizabeth A. Radowski, 358 Old Lancaster Road, for a term to expire on April 30, 2008.

Selectman O'Brien asked Ms. MacLean to communicate to Ms. Radowski that she forward her correct email address to the Board members. Ms. MacLean noted Ms. Radowski had been trying to reach Selectman O'Brien to invite him to participate in this year's Holiday presentation on December 2, 2006 at 1:00 p.m. This year's theme is "Animals in Literature." Selectman O'Brien accepted the invitation.

### **Retiree Group Health Insurance - Plan Proposals**

Town Manager Valente provided background information regarding the need to pursue additional health care coverage for retirees. She reported Assistant Town Manager Wayne Walker has been working with vendors to identify better options.

Vice-Chairman Drobinski complimented Mr. Walker on providing an informed report which will help protect the financial interests of the retirees and the Town.

It was on motion unanimously

VOTED: To endorse new proposals to the Retiree Group Health Insurance plans, as recommended by the Employee Group Insurance Advisory Committee and the Assistant Town Manager/Personnel Director Wayne R. Walker, in a communication dated October 30, 2006.

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

Selectman O'Brien reported that the Town Center Committee has held two meetings in the past two weeks with the First Parish Church which have been very useful in developing a collaborative relationship. The two groups will meet again next week to further discuss common issues.

Selectman O'Brien also reported that a drawing for two affordable housing units on Snowberry Lane was held. He reported 15 applications competed from the 26 prequalified applications. He commented Beth Rust did an excellent job establishing selection processes. The winners were a Sudbury single mom who had been renting and now will be able to become a homeowner and a Lincoln-Sudbury teacher/coach. The Board was thrilled that the process worked as intended, by rewarding deserving applicants.

Vice-Chairman Drobinski reported that he has been very busy with the Community Preservation Committee (CPC), reviewing many proposals which have been submitted for funding consideration. The CPC Chair will work closely with Town Manager Valente as the recommendation process progresses. He also stated he will be co-moderating the Rail Trail Conversion Advisory Committee meeting for the FST presentation on November 16, 2006.

Chairman Keller reported he has spent substantial time working on the Lincoln-Sudbury Regional High School (L-SRHS) Committee Field Project to resolve final details regarding the Memorandum of Understanding and to help raise awareness for the project in its remaining fundraising weeks. He reinforced to residents that a vital, new Town facility can be built, but only with the financial support of the community to close the gap on the balance of funds needed by the end of November. Funding now would allow the opening of the facility in September 2007. If the financial goal is not met this month, the delays will cost the community another year without the use of a state-of-the-art facility. It was mentioned that today's *Sudbury*

*Crier* has a very informative article on the Project, which will help educate the community. Chairman Keller stated the Town has done so much to come so close in reaching its goal, that it would be a shame to fail in this mission. Thus, he again implored everyone to consider a donation to help keep the project on track.

**Reports From the Town Manager**  
**Board of Registrar - Appointment**

It was on motion unanimously

VOTED: To approve the appointment of Rosemary B. Harvell, Town Clerk, to the Board of Registrars for an indefinite term, to fill the vacancy occasioned by the retirement of former Town Clerk, Barbara A. Siira.

**Sudbury Fire Department - Donation**

It was on motion unanimously

VOTED: To accept, on behalf of the Town of Sudbury, a grant of \$250 from the Commonwealth of Massachusetts, awarded to the Sudbury Fire Department, to be used for local emergency preparedness, and expended under the direction of Fire Chief MacLean.

Related to local emergency preparedness, Chairman Keller reminded the community to be sure to carry house keys as well as electric garage-door openers. During the recent blackout, residents were locked out of homes because they did not have keys with them and were unable to access their homes with the garage openers.

**Metropolitan Area Planning Council Meeting**

Town Manager Valente announced the Metropolitan Area Planning Council Meeting will be held at the Codman Carriage House in Lincoln on November 13, 2006, in case any Board members would like to attend.

**Rail Trail Conversion Advisory Committee (RTCAC)**

Town Manager Valente shared with the Board the regrets of the Rail Trail Conversion Advisory Committee for not being able to attend tonight's presentation by FST Representative Shemowat due to conflicting meeting schedules.

**League of Women's Voters - Local Emergency Preparedness,**

Town Manager Valente reported attending, with Chairman Keller, a very successful local emergency preparedness forum sponsored by the League of Women's Voters. Plans are to make the forum available on DVD. As a result of the interest exhibited in this topic, it has been suggested that guest speakers provide weekly columns to be featured in the local newspaper highlighting different topics. Selectman O'Brien suggested the Board should provide the newspaper with a kickoff letter, explaining the genesis of the articles and previewing some of the upcoming topics. The Board thought the draft prepared by the Town Manager was very good.

**Board of Selectmen Meeting Schedule and Agendas**

Town Manager Valente requested the Board indicate whether she should coordinate a future meeting date to discuss the possible reuse of the landfill. The Board would like to hear about other potential uses as well



as listen to the reuse proposal. The Board also wants to be sure all interested parties understand there must be a bidding process.

The Board reiterated its interest in having Ms. Valente schedule a meeting time with new State Representative, Tom Conroy.

Ms. Valente also mentioned that more interviews will be held for the Solid Waste Management Options Committee (SWMOC).appointments at the November 21 Board meeting. She also noted that the positions are still being advertised and that applications are still being accepted for the nine positions on the SWMOC. Information is available on the Town website.

#### **Historical Commission - Expired Term Reappointment**

Town Manager Valente broached with the Board the matter of a member of the Historical Commission whose term expired in April 2006. The Town Manager has yet to renew the appointment because of an awkward potential Town conflict of interest. The member, whose term expired, is also a member of the Community Preservation Committee (CPC) which has voting/decision-making authority regarding land acquisition, purchases of open space, and funding of Town projects such as the Rail Trail.

The Board members agreed that, although this person has a long history of wonderful service to the Town, unfortunately, there remains the potential for a perceived conflict of interests by one person "wearing so many hats." It is incumbent upon the Board to insure the integrity of Town processes and to act in a way as to avoid any and all perceived and/or real conflicts.

It was on motion unanimously

VOTED: To recommend that the Town Manager begin to advertise and seek a replacement for a position on the Historical Commission and issue a letter of non-reappointment to the member with the expired term, thereby leaving a vacancy on the Community Preservation Committee, and also inform the person that the Town would welcome continuation of her service on the Historical Commission if she is willing to resign from the CPC. The Board also requested that the Town Manager provide a status report following implementation of the recommendations mentioned.

#### **Executive Session**

At 10:10 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 land acquisitions, litigation and collective bargaining.

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

There being no further business, the meeting adjourned at 10:10 p.m.

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