

IN BOARD OF SELECTMEN
TUESDAY, OCTOBER 3, 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 7:38 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

Chairman Keller began the first Board meeting of the fall season at 7:38 p.m. He announced that the League of Women's Voters will sponsor a Candidates' Night at Goodnow Library on October 18, 2006 at 7:15 p.m. The incumbent candidate for State Representative, Susan Pope, and her challenger, Thomas Conroy, will attend. Incumbent State Senator Susan Fargo will also attend with her challenger, Sandy Martinez. State Senator Pamela Resor will be running in an uncontested race and is also expected to participate in the discussion.

Solid Waste Management Options Committee (SWMOC) - Applicant Interviews

Present: Craig Blake, Nancy Brumback, Tim Coyne, Peter Glass, Carol Hannauer, Peter Harvell and Eric Richard, Solid Waste Management Options Committee (SWMOC) Applicants

At 7:48 p.m., the Board began its interview process of seven candidates for the newly-formed Solid Waste Management Options Committee (SWMOC). This Committee will advise the Board on Town options in making solid waste disposal decisions. The Committee will gather, study and evaluate pertinent information and submit preliminary and final reports to the Board of Selectmen containing recommendations and conclusions. The Committee shall have nine voting members, all to be appointed by the Board of Selectmen, for terms not to exceed two years from the date of appointment. The Director of Public Works, or designee, will serve as a liaison to the Committee. The Committee will elect a chair and clerk and will conduct all its activities in compliance with all relevant state and local laws.

Town Manager Valente noted that two candidates were not able to attend tonight and will be interviewed at the Board's October 17 meeting.

Chairman Keller invited each applicant to introduce themselves and provide their reasons for wanting to be a member of the SWMOC.

Timothy Coyne, 24 Taylor Road, has had an interest about this matter and related issues for over 25 years. Since the time of submitting his application, Mr. Coyne has rethought his ability to participate and asked the Board to withdraw his application from consideration at this time. Mr. Coyne now believes he can best contribute to the Committee as a Town resident providing feedback and input. He will be available to the Board and Town staff if needed. He hopes that the Town can develop a more diversified approach to this issue in the future, which will answer the call of the public.

Eric Richard, 363 Maynard Road, told the Board he has lived in Sudbury for three years and has been waiting for the right opportunity to become more involved with the community. He has developed a passion for the environment and would like to dedicate his time and energies to benefit the SWMOC. Mr. Richard is interested in learning what more Sudbury can do to increase its recycling rates and would like to know how comparable towns handle solid waste management.

Peter Glass, 523 Hudson Road, has worked diligently as a member of the Earth Decade Committee to

expand the solid waste management programs in Town. He has researched and presented a citizen petition for a Pay As You Throw (PAYT) curbside pickup warrant article for the 2006 Annual Town Meeting. Mr. Glass is pleased that this issue is being prioritized with the formation of SWMOC. He expressed concern that the SWMOC mission statement does not include looking at numbers for the tax levy and hopes that the new Committee can pursue an open-minded process in fulfilling its mission.

Chairman Keller responded that the SWMOC mission statement was carefully drafted to ensure an open-minded and thorough process. He continued that although the Board does not prefer recommendation of tax override solutions, the mission statement does not explicitly exclude this option, if it is in the best interest of the Town. Mr. Glass was pleased and encouraged with this answer.

Vice-Chairman Drobinski added that this issue must be considered within the context of maintaining the financial health of the Town. He continued that this often requires balancing many important issues such as education, public safety, as well as the environment.

Peter Harvell, 301 Hudson Road, stated he has a strong interest in local government approaches to solid waste management. He would like to work on SWMOC to help citizens receive quality service at an appropriate cost.

Carol Hannauer, 48 Old Lancaster Road, has volunteered as the President of the Earth Decade Committee and has followed curbside trash issues for the past few years. She believes the SWMOC Mission Statement is well drafted and comprehensive. She added she looks forward to working with Town staff and other Town committees to reach the best recommendations for Sudbury. Ms. Hannauer also noted a commitment to keeping the transfer station open while still reviewing options for a municipal-run system of curbside pickup.

Nancy Brumback, 36 Canterbury Drive, is interested in being a member of SWMOC not only because of her personal interest in environmental issues, but also as a representative of the League of Women's Voters. Her involvement has afforded Ms. Brumback the opportunity to learn about this topic when the League completed a study on municipal PAYT programs.

Craig Blake, 300 Old Lancaster Road, has had professional experience as an environmental consultant for a civil engineering company and hopes his background can assist the SWMOC fulfill its mission. Mr. Blake mentioned a concern that some applicants might have strong preconceived notions regarding this topic which could interfere with the Committee providing the Town with the best recommendations. Mr. Blake stressed the importance of members of a committee approaching responsibilities with an open mind, which will allow for a factual evaluation to determine the best solutions for the Town in a fair and comprehensive manner.

Mr. Richard mentioned that new residents in Sudbury often do not know enough about Town recycling options or about the operation of the Transfer Station. Town Manager Valente noted that her office has worked to rectify this problem by including information in a newly-developed welcome package to be given to new residents and by recently updating the Town website to provide this information.

Selectman O'Brien queried the applicants for clarification of their goals and purpose. He noted particular concern as to whether Mr. Glass and Ms. Hannauer will be able to fulfill the Mission Statement criteria and participate in an objective manner given their past activism advocating solution preferences. Mr. Glass responded he believes he can consider the options objectively and has wondered whether the Town management is also able to do so. Ms. Hannauer reinforced her desire to learn more on this topic in order to reach the best conclusions for the Town.

Chairman Keller and Vice-Chairman Drobinski further questioned Mr. Glass regarding his ability to evaluate options objectively. Both wondered whether it would be better for Mr. Glass to serve the SWMOC by providing input as a resident versus as a member of the Committee.

Vice-Chairman Drobinski noted Ms. Hannauer should be recognized for her ability to change and adjust her viewpoints based upon thoughtful discourse.

Ms. Brumback noted it is important to pursue alternative options since it is unrealistic that 100% of Sudbury's population will only use the Transfer Station.

Selectman O'Brien also asked all the applicants whether they had read the Town policies on Code of Conduct and Email Communications to which everyone responded affirmatively.

Mr. Harvell noted there will be a Hazardous Waste Disposal Day at the Curtis Middle School on October 14, 2006.

It was also mentioned that information regarding Town recycling options can be found on the Town website, by contacting the Department of Public Works, in the community-distributed yellow phone book, and as an insert in the Town Report delivered by the Boy Scouts.

Town Manager Valente reinforced that the final product produced by the Committee needs to be of a caliber which can be proudly brought to the Town Meeting as having been fully and fairly researched. She reminded the applicants of the importance of working cooperatively within the Town structure and timeframes, so that Town staff can best assist the Committee.

Everyone in attendance agreed that, along with determining the best solid waste management solutions for Sudbury, it will also be important to develop an educational long-term strategy for the community to broaden awareness of environmental issues.

At 9:00 p.m., Chairman Keller thanked the applicants for their interest. He stated that applications are still being accepted for the nine positions on the SWMOC. He and the Town Manager urged anyone who would like to be considered to go to the Town website to review the SWMOC Mission Statement and to print and complete an application for the Committee. All remaining applications submitted will be interviewed by the Board of Selectmen on October 17. Following the conclusions of all interviews, the Board will deliberate and vote on appointments and notify all candidates regarding selection.

State Election - Service of Warrant

Town Manager Valente distributed to the Board additional detailed information regarding the Service of Warrant.

It was on motion unanimously

VOTED: To approve and sign the Service of Warrant for the State Election, which must be posted no later than Tuesday, October 31, 2006, at least seven days prior to the November 7, 2006, State Election.

Sudbury Cultural Council - Reappointment

It was on motion unanimously

VOTED: To approve the reappointment of Bronek Dichter, 16 Stone Road, Sudbury, as a member of the Sudbury Cultural Council as requested in a letter dated September 26, 2006, from William J. Nicholson, Chairman, for a term to expire October 21, 2009.

Sudbury Employees Group Insurance Advisory Committee - Resignation

It was on motion unanimously

VOTED: To accept the resignation of Kristin Kiesel, 20 Jeffrey Road, Wayland, as a member of the Sudbury Employees Group Insurance Advisory Committee, as requested in her letter dated September 26, 2006.

Minutes

It was on motion unanimously

VOTED: To approve the regular and executive session minutes of September 21, 2006.

Sudbury Employees Group Insurance Advisory Committee - Appointment

It was on motion unanimously

VOTED: To approve the appointment of Barbara Chisholm, 12 Rebecca Avenue, Hudson, to the Sudbury Employees Group Insurance Advisory Committee as requested by the Personnel/Benefits Coordinator in a memo dated September 18, 2006, filling the vacancy occasioned by the resignation of Kristin Kiesel, for a term to expire April 30, 2009.

The Sudbury Foundation - Grant

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a grant in the amount of \$1,500 from The Sudbury Foundation, as outlined in a letter dated September 26, 2006 from Marilyn Martino, Interim Executive Director, for the purpose of enabling Jody Kablack, Director of Planning and Development, to participate in a leadership training program with other Town senior managers, the funds to be expended under the direction of the Town Manager.

Commission on Disability - Appointment

It was on motion unanimously

VOTED: To approve the appointment of Tess Zinnes, 45 Greenwood Road, Sudbury, as a member of the Commission on Disability, as requested in a letter dated September 27, 2006, and an email dated September 28, 2006, from Kristin Kiesel, Staff Liaison to the Commission on Disability, for a term to expire April 30, 2009.

Chairman Keller commended Tess, who is a Lincoln-Sudbury Regional High School student, for her active participation in projects which help the disabled and in working to increase awareness with her peers regarding the challenges faced by those with disabilities.

Buffet Way Catering - Two One-Day Wine and Malt Beverages Licenses

It was on motion unanimously

VOTED: To grant two one-day Wine and Malt Beverages Licenses to Buffet Way Catering, Daniel Mauro, Manager; one to be exercised on October 7, 2006, from 7:00 p.m. to 11:00 p.m. to accommodate a post-wedding celebration; the second event to be exercised on October 14, 2006, from 3:30 p.m.- 9:00 p.m. to accommodate a wedding reception, both celebrations to occur at the Clarion Coach House Inn, 738 Boston Post Road, subject to the use of appropriately trained staff, liquor liability coverage, and any conditions set by the Building, Police and Fire Departments.

Chabad Center of Sudbury - One-Day Wine and Malt Beverages License

In response to Chairman Keller's question, it was noted that this congregation is presently without its own place of worship. The Chabad Center is requesting the one-day license since it will need to use a public location for the religious ceremony.

It was on motion unanimously

VOTED: To grant a one-day Wine and Malt Beverages License to Rabbi Yisroel Freeman, Chabad Center of Sudbury, to be exercised on October 15, 2006, from 10:30 a.m. to 1:30 p.m. at the Clarion Coach House Inn, 738 Boston Post Road, to accommodate a celebration of the Jewish holiday Simchat Torah, subject to the use of appropriately trained staff, liquor liability coverage, and any conditions set by the Building, Police and Fire Departments.

2007 Board of Selectmen Meeting Schedule

It was on motion unanimously

VOTED: To approve the "Draft" 2007 Board of Selectmen schedule as revised by staff and the Town Manager with an addition noting that the January 16, 2007 meeting may need to be rescheduled.

North Road Sudbury Meadows Parcel - Pari Holdings, LLC - Sight Easement and Restriction

Town Manager Valente briefly explained that this request is required by the Zoning Board of Appeals and has been reviewed by Town Counsel.

It was on motion unanimously

VOTED: To accept a Sight Easement and Restriction, granted by Pari Holdings, LLC, in connection with the development of Sudbury Meadows: The right to clear those parts of Lots 1 and 8, shown as "Sight Distance Easements" on the plan entitled "Definitive Subdivision Plan of Sudbury Meadows in Sudbury, Massachusetts," dated October 19, 2005, as revised through February 6, 2006, prepared by Sullivan, Connors and Associates, (hereinafter the "Plan") and recorded with the Middlesex South District Registry of Deeds in Plan Book 2006, Plan 267.

Sudbury Municipal Housing Trust - Update

Town Manager Valente previewed for the Board updated information regarding the Sudbury Municipal Housing Trust which will be discussed in detail at the Board's October 17, 2006 meeting. Beth Rust and

Jody Kablack will attend that meeting for discussion purposes. It is hoped the Board will also vote to accept the Trust at that meeting. The Board of Selectmen will appoint the trustees and will also have one Board member designated as a trustee.

Chairman Keller and Town Manager Valente reinforced that once the Trust is established, it will be extremely important for anyone or any entity transacting business to understand they are working solely with the Trust and not the Town of Sudbury. Chairman Keller noted there should be a clear separation of assets such as financial transactions and real estate transactions so as to ensure there are no liability issues for the Town.

Ms. Valente reported that Town staff have worked to craft the terms of the Trust. Chairman Keller requested the Town Manager provide the Board with copies of the draft trust for review as quickly as possible. Town Manager Valente agreed to do so and requested comments/questions regarding the draft be directed quickly to her office to then be resolved and incorporated into a final draft prior to October 17, 2006.

Wildlife Habitat Evaluation for Proposed Sudbury Bruce Freeman Rail Trail Project

Present: Pat Brown, Chair of the Rail Trail Conversion Advisory Committee (RTCAC), Sigrid Pickering, RTCAC Environmental Subcommittee, Richard Williamson RTCAC member

Town Manager Valente introduced representatives from RTCAC to present to the Board three separate proposals for submission to the Community Preservation Committee (CPC) to be considered as part of the CPC 2007 Annual Town Meeting funding cycle prior to the October 13, 2006 deadline.

Sigrid Pickering reported to the Board that the RTCAC Environmental Subcommittee has developed a draft RFP/Scope of Services for a wildlife study of the proposed Rail Trail Right of Way (ROW). The draft Scope of Services will be reviewed by the full RTCAC, finalized, and available to the Board for review in the next two weeks. Ms. Pickering anticipates the reports will provide results of the field surveys and discuss potential adverse impacts to wildlife habitats associated with the project and make mitigation design recommendations as appropriate. Proposed project cost will be around \$25,000.

Ms. Pickering also suggested it is the role of the Board to consider various sources of funds which could be used for a wildlife study. This includes CPA administrative funds, Conservation Commission funds which are being held for a wildlife study, or CPA project funds.

Selectman O'Brien asked whether the study content can be revised and the price reduced. Ms. Pickering cautioned that the output of results is only as good as the input of data. The RTCAC Environmental Subcommittee would recommend commencing the study as soon as possible, at the proposed funding level, so as to complete a four-season study prior to 2008.

Pat Brown presented to the Board two additional proposals for submission to the Community Preservation Committee (CPC) to be considered in the upcoming funding cycle. At its September 21, 2006 meeting, the RTCAC approved for consideration by the Board a request for funding for a field survey, which would prepare a base map for the Phase 2, EOT-owned ROW rail corridor. The approximate cost for this work is \$80,000.

Vice-Chairman Drobinski asked why one-foot contours are called for on the base map versus the customary two-foot contours. Mr. Williamson responded it was specified as the recommendation of the consultants. Vice-Chairman Drobinski suggested that one-foot contours could possibly inflate the cost and he requested the RTCAC review this item with the consultants.

The last proposal would request funding for a full title review to trace the title from when the railroad originally acquired the land, forward in time to the present. The cost is estimated to be \$15,000.

Mr. Williamson noted that an additional proposal will be needed in the future for wetlands delineation. The RTCAC has been advised that the wetlands study only maintains validity for three years and therefore, it is too early in the design stage to pursue this step in the process.

Selectman O'Brien suggested that the title review be completed first since it may unveil important information which could affect other steps of the process.

It was on motion unanimously

VOTED: To request the Community Preservation Committee provide administrative funds or submit as part of Town Meeting funding for \$15,000 to perform a full title review to trace the title from when the railroad originally acquired the land, forward in time to the present, as recommended by the Rail Trail Conversion Advisory Committee.

It was on motion unanimously

VOTED: To support the Rail Trail Conversion Advisory Committee request to submit a proposal to the Community Preservation Committee to provide funding to perform a field survey, which would prepare a base map for the Phase 2, EOT-owned ROW rail corridor, subject to review of the inclusion of either one-foot or two-foot contours, whereby funds are to be released only upon completion of a satisfactory title review.

It was on motion unanimously

VOTED: To support the Rail Trail Conversion Advisory Committee request to submit a proposal to the Community Preservation Committee to provide funding to perform a two-step wildlife study field survey of the proposed Rail Trail Right of Way (ROW), whereby funds are to be released only upon completion of a satisfactory title review.

It was on motion unanimously

VOTED: To authorize the Town Manager to communicate to the Community Preservation Committee the Board's request to bookmark a discussion regarding funding for the wildlife study so that seasonal-habitat study can begin early in 2007, if administrative funds are still available.

At 9:50 p.m., Chairman Keller thanked the guests for their reports.

Reports From the Board of Selectmen

Chairman Keller announced the Board attended a very productive joint meeting with the Zoning Board of Appeals on September 28, 2006 regarding the traffic concerns related to the Foreign Motors West/BMW Dealership Site Plan #06-382, on property located at 130 Boston Post Road. Fellow Board members agreed that the meeting was extremely beneficial. Selectman O'Brien noted that the independent traffic consulting company hired by Sudbury did an excellent job presenting the pertinent information.

Reports From the Town Manager:

Board of Selectmen Meeting Schedule - Revision

Town Manager Valente asked if the Board would consider rescheduling the November 8, 2006 meeting to November 9, 2006 to accommodate Director of Planning and Development Jody Kablack's calendar. Ms. Kablack would like to attend the meeting for the Foreign Motors West/BMW Dealership Site Plan #06-382 finalization discussions. The present November 8 date conflicts with a Planning Board meeting which Ms. Kablack would also like to attend.

It was on motion unanimously

VOTED: To approve the rescheduling of the Board of Selectmen's November 8, 2006 meeting to November 9, 2006.

Board of Selectmen Forum and Budget Kickoff Summit - Schedule

Town Manager Valente asked if the Board would consider combining these two events in order to conserve time and calendar options.

It was on motion unanimously

VOTED: To authorize the Town Manager to coordinate an appropriate date to hold the combined Board of Selectmen's Forum and Budget Kickoff Summit.

The Sudbury Foundation Sudbury Grange Project Building Permit - Fee Waiver

Town Manager Valente asked if the Board would consider waiving the building permit fee for The Sudbury Foundation Sudbury Grange Project in favor of Town receipt of some other contribution.

It was on motion unanimously

VOTED: To approve the request to waive the building permit fee for The Sudbury Foundation Sudbury Grange Project subject to the Town Manager successfully negotiating an alternative contribution for the Town from The Sudbury Foundation.

Sudbury Center - Community Preservation Committee (CPC) 2007 Town Meeting Funding Cycle

Town Manager Valente presented a request from Director of Planning and Development Jody Kablack in a memo dated September 29, 2006, to authorize the Town Manager to submit a proposal to the Community Preservation Committee (CPC) to be considered as part of the CPC 2007 Annual Town Meeting funding cycle for the Sudbury Center project. Preliminary price estimates have been submitted by the consultant. Concept design plans are also being discussed. Excluding historic preservation components from the estimate results in approximately \$400,000 to \$600,000 of the project cost which could be eligible for CPC funding under historic preservation and open space. A project schedule is in the process of being finalized. The Board considered whether funding for the remainder of the project should be on the 2007 or 2008 Town Meeting agendas. The Board also considered whether it is best to begin engineering and construction at the same time or separate these phases by completing engineering one year, and construction the next.

It was on motion unanimously

VOTED: To authorize the Town Manager to submit a proposal for the Sudbury Center to the Community Preservation Committee (CPC) to be considered as part of the CPC 2007 Annual Town Meeting funding cycle in two formats: the first format will cover funding only for the engineering phase; and the second format will be for full funding for construction and engineering phases.

Executive Session

At 10:30 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.

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

There being no further business, the meeting adjourned at 10:30 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk