IN BOARD OF SELECTMEN
TUESDAY, OCTOBER 17, 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 7:35 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

Chairman Keller began the meeting at 7:35 p.m., with a sad announcement of the death of Framingham's State Representative Debora Blumer. On behalf of the Sudbury community, he extended sincere condolences to her family, friends and the Framingham community.

Chairman Keller noted that road work is being done at the Peakham Road and Old Lancaster intersection and reminded residents to anticipate delays and/or to try to avoid the area. Police officers are monitoring the location. Town Manager Valente mentioned that project updates and details are posted on the Town website to help inform the public.

Selectman O'Brien offered greetings to the Pack 61, Den 6 Webelos he visited with today, and he thanked them for an enjoyable afternoon.

Residents were reminded that the Town Clerk's Office will be open late on October 18, 2006 to afford the last opportunity to register to vote in the election on November 7 and to obtain absentee ballots. Further details are available on the Town website.

Solid Waste Management Options Committee (SWMOC) - Applicant Interviews

Present: Carolyn Lee and Tom Powers, Solid Waste Management Options Committee (SWMOC) Applicants

Chairman Keller welcomed two candidates to be interviewed 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 to 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.

Thomas E. Powers, 201 Union Avenue, would like to continue the work started by the Pay-as-You Throw (PAYT) Committee, of which he had been a member. He believes there are problems with the current Town options for managing solid waste and would like to work at improving the situation. Mr. Powers believes that the transfer station is a valuable Town asset for those who want to use it, but that it could be marketed better. He also suggested that perhaps the transfer station is not utilized as much as it could be due to its inconvenient location for most residents.

Carolyn Lee, 28 Mossman Road, has always had an interest in the environment and has lived in Sudbury 31 years. She has utilized private haulers in the past and was dissatisfied and is now an avid user of the transfer station. Ms. Lee also does not believe the current Town system is perfect, and she would like to work with others to find better solutions. She stated she does not believe any recommendation should be

added to the tax levy. Ms. Lee has an engineering background which lends itself to the analytical skills required to evaluate many options for solutions. She hopes the Committee and Town can develop a more diversified approach to this issue in the future, which will answer the needs of the residents.

John Pearson, 34 Whispering Pine Road, has also applied for the position with the Committee, but was not in attendance tonight.

The applicants fielded a few questions from the Board regarding their goals and perspectives. Vice-Chairman Drobinski stressed the importance of Town committees not allowing personal preferences to take precedence over what is in the best interest for the whole community. He also noted that the goal is to have a productive collaborative process between Town resources and the Committee.

At 7:55 p.m., Chairman Keller thanked the applicants for their interest. Town Manager Valente mentioned 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. Following the conclusions of all interviews, the Board will deliberate and vote on appointments and notify all candidates regarding selection.

Town Forum - Trustees Goodnow Library

Present: Jill Browne and Carol Hull, Trustees of Goodnow Library, and Phyllis Cullinane, candidate

It was on motion unanimously

VOTED: To appoint the Town Manager as Clerk Pro Tem for the joint meeting proceedings for the purpose of appointing a new member to the Goodnow Library Trustees.

At 8:00 p.m., Chairman Keller convened a joint meeting with the Goodnow Library Trustees to interview candidates for appointment. Town Manager Valente explained that the interview and appointment vote could proceed given that a five-vote quorum of members from the Board of Selectmen and the Goodnow Library Trustees was in attendance.

Phyllis A. Cullinane, 25 Grindstone Lane, briefly described to the Board her reasons for applying for the position. She has a Master's degree in Library Science and had worked part-time at Goodnow in the past. She has lived in Sudbury 34 years and the Library has been a big part of her life. She has witnessed the many changes libraries have seen, from the years of card catalogs to present-day scanners and computerized systems. She is excited by all the resources the Library can provide the community.

Kirsten Van Dijk, has also applied for the position with the Committee, but was not in attendance tonight.

Chairman Keller and others clarified that this appointee will serve until the 2007 Town election in March. It will be necessary to run for election to the position, and then fulfill the balance of the remaining term of the seat being filled.

It was on motion unanimously

VOTED: To place the candidates Phyllis A. Cullinane, 25 Grindstone Lane, and Kirsten Van Dijk, 19 Middle Road, into nomination to fill the Goodnow Library Trustees vacancy.

It was on motion by roll call

VOTED: By a unanimous vote of 5-0 to appoint Phyllis A. Cullinane, 25 Grindstone Lane, to the Goodnow Library Trustees 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 a vacancy created by a Trustee resignation. (Jill Browne, Vice-Chairman John Drobinski, Carol Hull, Chairman William Keller and Selectman Lawrence O'Brien).

Lincoln-Sudbury Regional High School (L-SRHS) Committee Field Project

Present: Jack Ryan, L-SRHS Building Committee Chair, John Kissida, Camp Dresser McKee, Inc, (CDM), Jody Kablack, Director of Planning and Development, Dr. John Ritchie, Lincoln-Sudbury Superintendent

Mr. Ryan, L-SRHS Building Committee Chair, presented to the Board a brief review of the Field Project which has been in development for the past year. He complimented the Town for its cooperation in working with L-SRHS through the years. Mr. Ryan reviewed the challenging timelines ahead if the Project is to be completed by August 2007. To meet this deadline, the Project would need to go to bid by early November and start construction immediately following the last season football game on Thanksgiving Day.

Mr. Ryan complimented Camp Dresser McKee for the timely and beneficial work they have provided to the Design Committee. He noted a few of the design-stage details still need to be finalized. He also highlighted two loose ends which need to be addressed: 1) legally, L-SRHS cannot sign a contract with a contractor to begin work without having possession of the funds, and 2) final cost of the Project is undetermined and will probably remain so until at least November 22, when the public bid opens.

CDM representative John Kissida reviewed draft design sketches for the Board. He described the bleachers which will seat 300 visitors and 600 on the home side of the field. He also reviewed the press box location, including a handicap-accessible lift platform and paved walkway, which is much more accessibility-friendly than what exists. Design plans call for using the existing lights with no present expenditures planned for new lights. However, the proposed design plans do include conduit to be installed for future lighting needs. Mr. Kissida explained that, due to site constraints of wetlands on two sides and a steep incline on a third side of the proposed field, only so much can be included in this 9000 square foot facility. It will house the football field, men's and women's soccer, men's and women's lacrosse and a resilient 400-meter rubber track surface. Due to space constraints, the present concession stand, pole vault, long jump and triple jump areas will remain where they are and are not part of this Project.

Jody Kablack, Director of Planning and Development, reviewed comments and plan feedback related to site conditions, construction and safety from Town staff. She stated the Town's biggest concern is earth removal and the excavation process. The Town has expressed interest in the loam. Mr. Kissida noted there is a lot of top soil (4000-5000 yards of material), however, it is very silty and not suitable in its present condition for sports-fields use. Mr. Ryan mentioned that it is under consideration to perhaps include the excavation process in the contractor bid package in order to obtain a better price.

Ms. Kablack also raised concern for the design sketch plans for handicap parking. The Town would prefer that parking options be closer to the field. All agreed that perhaps space between the C and D Buildings could be designated, with appropriate signage, as handicap parking for events and game days.

Dr. John Ritchie agreed to coordinate with the Fire Chief to fulfill all safety requirements, including providing keys to the Fire Department and decisions related to medical call boxes. Mr. Kissida also assured Ms. Kablack that all gates swing 180 degrees for emergency access in and out of the Field.

Ms. Kablack also provided the Board with comments from the Director of Public Works for plan notations and details which should be revised before the project goes out to bid.

Town Manager Valente was asked to communicate with Jeff Winston, Cable TV Committee Chair, for advice regarding conduit installation and sharing by Verizon and Comcast.

Mr. Ryan continued with a Project financial summary. The requirement for funding needs to be in place by late November. At this time, the best available cost estimate has been provided by CDM for $1.7 million dollars which includes design fees, construction costs, contingency fees, overhead and profit for the contractor. As of today, $960,000 has been appropriated from CPA funds by the Town of Sudbury, $205,000 has been received from the Boosters, Pop Warner and the L-SRHS Soccer and Lacrosse groups, and $190,000 for bleachers from the Building Committee. Private fundraising is also underway and figures are not available at this time. Also, not included yet, is a potential $200,000 of savings from the Lincoln-Sudbury Building Committee, which could be shifted for use by this project. Mr. Ryan expressed every confidence that the money needed will be met by mid-November.

Mr. Kissida explained the difference between permanent and painted lines and the complexity of establishing priority lines. A spirited discussion ensued regarding the pros and cons of painted lines which will need to be maintained each year and from sport to sport. Vice-Chairman Drobinski strongly voiced that Sudbury's expectation, as voted upon at 2006 Town Meeting, was that all sports have permanent field lines to maximize use and availability for both the school and Town. Selectman O'Brien agreed it is important to deliver to the Town what was voted and that permanent striping for all sports be included in the Project. It was also noted that funds appropriated are subject to a "mutually satisfactory Inter-Municipal Agreement between the Town and Lincoln-Sudbury Regional School District."

Mr. Ryan responded that, although both parties have the ability to squelch an agreement, he is confident that the long history of cooperation between the parties will prevail. Vice-Chairman Drobinski implored Mr. Ryan to bring this matter back to the School Committee for resolution. Mr. Ryan recommended a joint meeting of the Board of Selectmen and the Lincoln-Sudbury Regional High School Field Project Committee be scheduled very soon to continue discussion to resolve this issue and establish a mutually acceptable Inter-Municipal Agreement. Mr. Ryan will contact Chairman Keller tomorrow and coordinate a future meeting time as soon as possible.

At 9:35 p.m., Chairman Keller concluded the discussion and encouraged anyone with feedback to contact him or Mr. Ryan to provide input for consideration and inclusion in the final Memorandum of Understanding. Chairman Keller also announced a five-minute recess.

Public Hearing: Foreign Motors West/BMW Dealership

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

At 9:40 p.m., Chairman Keller opened a public hearing for Foreign Motors West/BMW Dealership Site Plan #06-382, on property located at 130 Boston Post Road, which was continued from the September 28, 2006 joint meeting with the Zoning Board of Appeals and the Board of Selectmen.

Ms. Kablack presented a brief summary of materials and new correspondence received by the Board since the September 28, 2006 joint meeting with the Board of Appeals.

Attorney Fox addressed the Board regarding a significant open issue for the applicant. He noted that although the applicant has agreed to complete approximately $250,000 (exclusive of engineering costs) of roadwork improvements to the Old County Road and Route 20 intersection, the project is not completely in the control of the applicant. Coordinated efforts with NStar, the Mass. Highway Department and possibly Verizon, will be necessary related to the movement of utility poles. He further explained the applicant's concern that the ability to open for business and receive a Certificate of Occupancy should not be tied to the full completion of all roadwork. Experience has shown that moving poles is a long process, which could possibly delay project completion. The applicant would like some assurance that if they work diligently to coordinate all parties and exhibit good faith for meeting completion deadlines, that they will not be forbidden to open if circumstances beyond their control delay the process. Attorney Fox noted that the applicant's deadline is less than one year from the time of first construction commencement to the grand opening, which will mean the building should open in December 2007. He stated the applicant is amenable to Ms. Kablack's recommendation to bond the work with an accompanying time limit, if the Town so desires.

Mr. Ey further explained that he anticipates the approval process with Mass. Highway to take until May or June 2007 after which NStar could begin to move the poles. He plans to initiate conversations and negotiations now with the utility companies so they will be ready to move next summer in June or July 2007, as soon as approval is obtained. Mr. Ey will keep Ms. Kablack and Bill Place appraised of the progress and meetings scheduled with Mass. Highway in case they would also like to attend.

Ms. Kablack also recommended that the Town's independent traffic consultant only be involved throughout the design stage and not for the review process. Ms. Kablack stated that Bill Place, Director of Public Works, will be overseeing the construction process. Vice-Chairman Drobinski agreed that Mr. Place is fully capable of reviewing the pertinent engineering plans and working with Mass. Highway.

Chairman Keller expressed the Board's strong support for business in Town to operate productively and stated that the Town will provide assistance and resources, as needed, if the road work is not fully completed to ensure safety during the initial dealership opening phase.

Mr. Ey agreed to coordinate the resolution of a few outstanding items with Building Inspector Jim Kelly such as dumpster location and pick-up times

Attorney Fox provided a brief status report regarding comments and recommendations presented in a memo dated October 17, 2006 from Ms. Kablack. Key items addressed were: 1) ZBA special permits and all other permit submissions will be completed by October 24; 2) signage plans along with revised landscape plans have been presented to the Design Review Board for a preliminary review; 3) the 20-foot high metal poles indicated on the Lighting Plan are consistent with lighting at Wingate Nursing Home, and Attorney Fox agreed to collect more lighting dimmer details and share this information with Ms. Kablack as soon as possible; 4) the applicant will be amenable to considering ideas presented for ornamental lighting on Old County Road; 5) safety improvements for ingress and egress at the Old County Road and Route 20 intersection and a few other plan corrections have been made and will be presented to the Zoning Review Board on October 24, 2006; 6) loading area improvements are in the process of being resolved with Sky Restaurant; 6) the applicant will coordinate with Town Counsel regarding road realignment on Old County Road being within an easement or whether it needs to be deeded; 7) and the Spill Prevention Pollution Control Plan will be provided, and applicant requests it not be made a prerequisite for the building permit, but rather for the Certificate of Occupancy.

It was on motion unanimously

VOTED: To authorize the Town Manager, Town Counsel and staff to draft an affirmative decision for the Board's review and to continue the public hearing for Foreign Motors West /BMW Dealership Site Plan #06-382, on property located at 130 Boston Post Road, to Thursday, November 9, 2006 at 8:00 p.m. and to execute a further extension of this application until November 17, 2006.

Sudbury Municipal Housing Trust - Update and Formation

Present: Director of Planning and Development Jody Kablack, Housing Specialist Beth Rust, Amy Lepak, Chairman, Sudbury Community Housing Committee

At 10:35 p.m., Housing Specialist Beth Rust described the basic provisions of the Trust for the Board and recommended acceptance of an Interim Trust in order to facilitate acceptance of Lottery Agent fees prior to the November 2 lottery. The Sudbury 2006 Town Meeting approved the Trust article. The permanent Trust is needed to be active in February 2007 prior to the Town Meeting in order to accept Community Preservation Act funds.

Ms. Rust presented a proposal of the Trust Powers and Duties for discussion. The permanent trust will detail the powers and duties explicitly. The Board of Selectmen will appoint the trustees and will also have one Board member designated as a trustee. The Board will also approve any borrowing of money, mortgage or trust assets, as well as any purchase, sale, lease, exchange, transfer of any interest in real property. The Board will also approve a yearly report and budget for the prior and upcoming fiscal year.

The Town Treasurer-Collector will be the custodian of the Trust funds. The Town Manager will hire staff, as Town employees, to be paid for by the Trust and will assign Town employees to perform project tasks as requested by the Trust. Any borrowing to exceed the Trust assets will require a two-thirds majority vote from the Town Meeting.

The Trust will perform lottery and monitoring agent responsibilities for affordable housing projects and accept fees. The Trust will receive funds directly and expend funds and borrow money, or mortgage Trust assets up to approved limits as approved by the Board of Selectmen. The Trust will recommend all actions to the Board of Selectmen and the Town Manager and will purchase real property as approved by the Board of Selectmen.

The Interim Trust will receive lottery and monitoring fees and will have minor administrative expenses. The Interim Trust will expire February 15, 2007 and will name five trustees: the Chairs or designees from the Board of Selectmen, the Planning Board, the Community Preservation Committee and the Community Housing Committee.

Ms. Rust reinforced that the Interim Trust has been drafted with the perspective of maintaining as much control as possible for the Town without hindering the ability of the Trust to fulfill its mission and duties.

It was on motion unanimously

VOTED: To approve the formation of an Interim Municipal Affordable Housing Trust, as presented, to expire no later than February 15, 2007.

Selectman O'Brien offered to represent the Board of Selectmen as the Trustee designee, since he has worked on this issue for many years. Chairman Keller agreed that Selectman O'Brien will provide a better historical continuity to the issues.

It was on motion unanimously

VOTED: To approve the Interim Trust document, as presented, subject to the substitution of "Selectman Lawrence O'Brien" throughout the document in all places where William J. Keller, Chairman of the Board of Selectmen is noted.

Ms. Kablack suggested it might be beneficial for the Board to meet with Town Counsel Paul Kenny prior to the submission of the permanent Trust document. She also recommended supporting the Community Preservation Committee's proposal. This proposal requests the minimum CPA Housing allocation for 2007 and is consistent with the Trust Article from the 2005 Town Meeting. She and Ms. Rust reported the Community Housing Committee and the Sudbury Housing Authority have voted to also support the proposal.

It was on motion unanimously

VOTED: To endorse the Community Preservation Committee proposal and inform the Committee of the Board's support for transfer of 10% of Community Preservation Act (CPA) Housing funds into the Trust.

Ms. Rust concluded the presentation by distributing a brief summary of the Snowberry Lane Lottery Applications.

Minutes

It was on motion unanimously

VOTED: To approve the regular and executive session minutes of October 3, 2006.

Eagle Scouts - Troop 61

The Board was in receipt of a letter from Lisa Papapietro, announcing the achievement of the rank of Eagle Scout by Christopher David Doty and asking for a letter of commendation, which will be presented at the Eagle Court of Honor to be held on November 11, 2006 at 2:00 p.m. at the Sudbury United Methodist Church.

It was on motion unanimously

VOTED: To sign and send a letter of congratulations to Christopher David Doty c/o Lisa Papapietro, 378 Dutton Road, Sudbury, on attaining the rank of Eagle Scout.

Conservation Restriction -off Maynard Road

It was on motion unanimously

VOTED: To approve the Conservation Restriction granted consisting of approximately 7.15 acres off Maynard Road by Webster Cutting, Jr., Glenn H. Cutting, Beth Anne Cutting Cosgrove, Frank J. Cutting as Executor for the Estate of Lucius P. Cutting and Trustee for the Lucius P. Cutting Trust, and Frank J. Cutting and Martha J. Cutting as Trustees of the Cutting Real Estate Trust, as shown on a plan of land entitled, "THE ARBORETUM" Cluster Definitive Subdivision of Land in Sudbury, Mass., dated July, 2004, prepared by David E. Ross Associates, Inc.

Reports From the Board of Selectmen

Selectman O'Brien reported that he attended a very productive Town Center Committee meeting on October 16 in preparation for a joint meeting of that Committee with the First Parish Church on October 18. He also spoke enthusiastically about his visit with Pack 61, Den 6 Webelos today.

Chairman Keller reported he will keep the Board and community appraised of the Lincoln-Sudbury Regional High School (L-SRHS) Committee Field Project developments.

Reports From the Town Manager
Eagle Scouts - Troop 63

Town Manager Valente presented the Board with a letter from Catherine Boothby, announcing the achievement of the rank of Eagle Scout by Tim Dingman and asking for a letter of commendation, which will be presented at the Eagle Court of Honor to be held on October 23, 2006 at 7:30 p.m. at the Our Lady of Fatima Church.

It was on motion unanimously

VOTED: To sign and send a letter of congratulations to Tim Dingman, 25 Clark Road, Sudbury, on attaining the rank of Eagle Scout.

The Sudbury Foundation - Gift

It was on motion unanimously

VOTED: To accept a $6,500 gift from The Sudbury Foundation, to further improvements to Town offices and to facilitate Town staff professional development, and to authorize expenditure under the direction of the Town Manager, who will also send a letter of gratitude to The Sudbury Foundation.

Temporary Construction Trailers - Former Mahoney Property

Town Manager Valente reminded the Board that the previously provided approval for placement of temporary construction trailers expires on October 31, 2006, and asked if the Board would consider an extension.

It was on motion unanimously

VOTED: To extend the approval, which expires on October 31, 2006, for placement of temporary construction trailers known as Trailers #2 and #4, as proposed on revised plans dated October 25, 2005, relative to the construction project by Capital Group Properties, on the former Mahoney Farm property located between Nobscot Road and Old Framingham Road, to November 15, 2006 and to request that the Town Manger schedule a meeting regarding this project with the Board of Selectmen on November 9, 2006 at 7:45 p.m.

Rail Trail Conversion Advisory Committee - Feasibility Study Consultant

The Board agreed with Town Manager Valente that a meeting should be scheduled with the Town consultant, Fay, Spoffard &Thorndike to meet with the Board of Selectmen on November 9, 2006 at 8:30 p.m. prior to the consultant's presentation to the Town on November 16, 2006.

Sudbury High School - 50th Reunion

Town Manager Valente reported receiving heartwarming letters of gratitude from members of the Sudbury High School class of 1956 who recently returned to the area for 50th reunion celebrations. Many compliments were given to the Town and all who contributed to the success of the weekend events.

Upcoming Town Walkway Project

Town Manager Valente noted that the Department of Public Works Director and the Director of Planning and Development are currently soliciting feedback from residents for what should be the next Town walkway project for an estimated $100,000. She encouraged anyone with an opinion to contact either Director.

There being no further business, the meeting adjourned at 11:15 p.m.

Attest:_____
Maureen G. Valente