

IN BOARD OF SELECTMEN
TUESDAY, JUNE 5, 2007

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

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

Opening Remarks

At 7:36 p.m., Chairman Drobinski opened the meeting. In honor of Public Service Recognition Week, he thanked all of the public employees for the tremendous jobs they do to provide an excellent quality of life in Sudbury.

Chairman Drobinski also recognized the return home of Mark Wyman from his tour of duty in Iraq. Mark was welcomed back by Veterans' Agent Peter Harvell and the Police and Fire Chiefs. Mr. Drobinski said that all service men are in the Town's thoughts and prayers. He noted how important it is to welcome veterans back into the community, and let them know they are supported.

Chairman Drobinski next announced that both the Lincoln-Sudbury Regional High School (L-SRHS) and the Council on Aging Seniors' Proms were a success. On behalf of the Town, he offered congratulations to the L-SRHS Class of '07 for its perseverance throughout a unique and challenging year. Council on Aging Chair Joe Bausk thanked everyone who worked diligently to plan the Council's Seniors' Prom so well. He wished more people had attended. If the event is held again, he hopes to improve advertisement for better attendance.

Chairman Drobinski announced that a Food Drive will be held on June 16, 2007 at Sudbury Farms for provisions to be sent to the Blue Star Mothers and armed forces. Town Manager Valente reported that Veterans' Agent Harvell has invited the Selectmen to participate. Vice-Chairman O'Brien will try to attend. He will contact Mr. Harvell to arrange an agreeable time.

Director of Planning and Community Development Jody Kablack encouraged everyone to log onto the Town's website to view the 46 photo entries submitted for the Photo Contest. She urged residents to then vote for their favorite Town heritage landscape photo. The winning photo will be announced at a Gallery Night at the Goodnow Library on June 25, 2007. The public is invited to attend.

Town Manager Valente reported that a rash of cars have been vandalized recently in the area. She cautioned residents to keep cars locked, even if only leaving the car for a short time.

Chairman Drobinski congratulated the L-SRHS Women's Track Team for its win at the State Championship and a successful season.

MetroWest Growth Management Committee - Regional Transit Authority (RTA)

Present: Kris Kiesel and Joe Bausk, Council on Aging; Paul Matthews and Michelle Brooks, 495/MetroWest Alliance for Transit Service; Ted Welte, Metrowest Chamber of Commerce

Town Manager Valente briefly reviewed additional information received since the Board's last discussion regarding the RTA. She reported that Town Counsel Paul Kenny has prepared an opinion stating that joining the Metro West Regional Transit Authority appears to be desirable since it uses the present MBTA

assessment to provide transportation services for the Town. Mr. Kenny clarified that written notice of the Town's decision to join must be sent to the Governor. He also noted that withdrawal from the RTA requires a vote of the Town Meeting authorizing a ballot question. If Sudbury were to ever withdraw from the RTA, equipment purchased would remain with the RTA, but Sudbury would not be responsible for payment. Mr. Kenny is continuing to pursue additional information on a few other regulatory matters. Ms. Valente recommended delaying a decision on this matter until more information can be gathered by Town staff.

Town Manager Valente further reported discussing the option of joining the RTA with State Representative Thomas Conroy. Mr. Conroy believes that in the long-run membership will be positive for Sudbury and surrounding towns. Ms. Valente announced that the RTA has selected an experienced administrator, Ed Carr, to lead its program. Mr. Carr began fulfilling his new duties yesterday.

Mr. Bausk stated that the Council on Aging supports the proposal to join the RTA as long as it continues to be able to offer at least the same services as it does now. Ms. Kiesel noted that the Commission on Disability has also expressed concern that the few transportation resources the Town does have will be assumed by the RTA and lost. Town Manager Valente suggested inviting Mr. Carr to meet with Ms. Kablack and the Council on Aging to clarify outstanding concerns.

Mr. Matthews responded to a few questions from the Board regarding how funding is dispensed. He reported that Framingham, Ashland, Holliston, Natick, Wayland and Hopkinton are slated to begin services July 1, 2007. Mr. Matthews reinforced the benefit to Sudbury of participating in early decision-making by joining earlier rather than later. He also reported that Marlborough and Southborough are contemplating leaving the Worcester RTA and joining the Metro West RTA.

Town Manager Valente noted that the Town needs a bit more time to assess as many future ramifications to joining the RTA as possible. She is especially concerned that, if the Town ever needed to withdraw from the RTA, that services would not be lost or decreased once residents were accustomed to certain services being provided.

In response to a question from Vice-Chairman O'Brien regarding start-up timeframes, Mr. Welte said that it would be determined by the level of services desired by Sudbury. Vice-Chairman O'Brien also asked if there were any price data sheets available estimating the cost of operating a van per year. Mr. Matthews said such information is not presently available, but it will be in the future. Ms. Kiesel stated that the cost for operating the Council's van is slightly less than \$50,000 per year.

Chairman Drobinski opined that he will feel more comfortable taking a position on membership after he is assured that the Council on Aging and Commission on Disability have had their concerns addressed and resolved.

Ms. Kiesel reiterated that the Council would not want to lose services during the transition period or any of its equipment. Ms. Brooks assured her this would not happen because Sudbury could choose to keep services exactly as they are. Ms. Brooks also said that once a member, a Town is not required to turn over its vehicles to the RTA.

Vice-Chairman O'Brien requested that the Board receive an RTA price sheet when one does become available. He also would like to know if the assessment is prorated based upon when a town joins within the fiscal year. Lastly, he suggested watching closely what Framingham chooses to do for services, so as to best correlate Sudbury's services with those.

Town Manager Valente will instruct Town staff to continue to complete its report to be presented to the Board in two to three weeks. At 8:15 p.m., Chairman Drobinski concluded this discussion.

Public Hearing: Frugal Flower - Site Plan Hearing

Present: Jody Kablack, Director of Planning and Community Development, Craig Wambolt, Owner

At 8:15 p.m., Chairman Drobinski opened the public hearing for the Site Plan Application SP#07-001 of The Frugal Flower, 736 Boston Post Road, Craig Wambolt, owner, in accordance with Town of Sudbury Zoning Bylaw Art.IX, Section 6300, Site Plan Review, for a change of use of the property from retail/office/warehouse to multiple business, including retail, restaurant and office space, which had been continued from May 22, 2007.

Director of Planning and Community Development Jody Kablack reviewed additions to the file since May 8, 2007 which included: a certified letter dated May 18, 2007, from Esther and John Brockman, 12 Revolutionary Road; a memo from Town Counsel Kenny, dated May 15, 2007, regarding zoning definition and authority under the Site Plan; and a request for extension to June 8, 2007, received from Craig Wambolt.

Ms. Kablack reported that it is the opinion of Town Counsel that a 40-45 seat restaurant, with limited waitstaff, is an allowable use for this site. Mr. Kenny also has concluded that the Selectmen do not have the authority to deny any proposed uses as of right when contemplating a Site Plan. That matter is under the jurisdiction of the Building Inspector. Mr. Kenny's opinion also discussed the difference in the definitions of "restaurant" and "fast food restaurant" in the Zoning Bylaw, and set forth examples of what would be allowable under zoning. Town Counsel Kenny also addressed the issuance of a Common Victualler's license. Ms. Kablack also emphasized that Mr. Kenny highlighted in his opinion that the definitions in a Zoning Bylaw, a Board of Health regulation, or determination under a Common Victualler's license are mutually exclusive.

Chairman Drobinski thanked the applicant for the extension, and asked Mr. Wambolt for his reaction to the Draft Decision which had been previously distributed. Mr. Wambolt's major interest was in how many seats will be allowed for a potential restaurant use to be stated in condition #1 of the Draft Decision.

Selectman Keller opined that the number of seats to be approved is tied to many other aspects of the use of the site, such as parking, concerns of the neighborhood, trash, noise, and safety. Chairman Drobinski added that the Board's determination of this item must be contemplated in this meeting, within a public forum.

Mr. Wambolt emphasized that he has taken great care to ensure that his application complied with all zoning requirements, and thereby, does not understand why the number of seats is being questioned. He continued to say that he has already undertaken completion of many other conditions. Removal of shrubs for better sight distances and planting of trees has already occurred. Mr. Wambolt believes he has exhibited good faith efforts with these actions. Other than the unknown number of seats to be determined in #1, Mr. Wambolt expressed his satisfaction with the remainder of the Draft Decision.

Chairman Drobinski confirmed that many items were included in the Draft Decision based upon prior discussions with Town staff, the applicant and the neighbors. He said that the remaining topic to be determined this evening was the number of approved seats. Selectman Keller referenced comparable seating data provided by Ms. Kablack for area restaurants. He noted that the approved range is from 1 to 2.75 seats per parking space. Thus, Mr. Keller is inclined to recommend something in that range. Mr. Keller

acknowledged that although the Board wants every business to be as profitable as possible, it must also be mindful that if parking is not adequate, overflow situations can present public safety hazards on Route 20.

Vice-Chairman O'Brien noted that a factor which makes this decision difficult is that there is no specific tenant to consider, nor is there information available regarding the type of restaurant it might be. Mr. Wambolt stated that he does have a new proposal for a pizzeria. Mr. O'Brien suggested that perhaps 30 seats would be reasonable based upon the parking allocation, when the variance is disregarded. He believes 30 seats would create a situation for any potential tenant to accommodate many factors such as septic, parking, groundwater and public safety.

Mr. Wambolt asked the Board to further explain why the decrease in seats is needed if the site fulfills Zoning Bylaw provisions for 45 seats. Vice-Chairman O'Brien responded that the site does meet the Zoning Bylaw with the six space parking variance. However, if the site and application are evaluated with the variance extracted, then the number of seats is determined to be 18 less (at three seats per space). Mr. Wambolt argued that the site is in a split zone with a residential buffer, and much of the land was given to a Conservation Restriction, which necessitated the variances. Thus, he believes the variance is part of the site, and those six spaces should not be removed from the formula.

Chairman Drobinski noted that the Board does not have the luxury of going back in time to correct the issuance of the variance. However, the Board does have the luxury now to contemplate fully what is in the best interest of the Town presently, and in the future.

Mr. Wambolt stated that by reducing the number of approved seats to such a low number as 30, he believes the Board is eliminating the use of part of his building. Mr. Wambolt thinks this action would render a portion of his property economically impractical to rent for an optimum price. He continued to say that this would place an undue financial consequence on himself, his partner, and his family, all of whom should reap the maximum profitability from this asset. Vice-Chairman O'Brien and Selectman Keller responded that the Board is not removing any square footage from the site, and how Mr. Wambolt applies the square footage for maximum gain is his choice along with his tenants.

Chairman Drobinski stated that Board members have not heard anything so far this evening to dissuade them from their inclination to reduce the number of approved seats from the number requested. He then opened the discussion to the public for comments and input.

Mike Hullinger, 55 Washington Drive, thanked Ms. Kablack for distributing the Draft Decision to abutters for review. Mr. Hullinger questioned Town Counsel's opinion on the types of restaurant which are allowed by permitted use. He believes Mr. Kenny's interpretation is unclear, whereas the Town Zoning Bylaw is quite clear. He suggested that the Draft Decision be amended to include accrual bylaw language to further specify what is and is not allowable. The Board thought this suggestion was too limiting and restrictive. Mr. Hullinger also requested that the Board consider the following revisions to the Draft Decision: Condition #14 be amended to require a weekly inspection of the property; Condition #19 to delete the words "with the exception of the fence height around the dumpsters"; Condition #20 be revised to add that no restaurant can open for business on a day when snow blocks the fire lanes; and that #19 be added to Condition #23 as a requirement for an Occupancy Permit.

John Brockman, 12 Revolutionary Road, approached the Board, carrying a large black trash bag, to review many items previously broached in his letter dated May 18, 2007. He emphasized that many Town entities reported that Mr. Wambolt had not been in compliance with the granted variance. Thus, the variance has lapsed. Mr. Brockman stated that the applicant's lawyer had previously assured neighbors that they would be contacted to discuss concerns. Mr. Brockman reported that Mr. Wambolt has not contacted any

abutter to resolve any differences. This statement was confirmed by several neighbors in attendance when asked by Mr. Brockman if anyone had heard from Mr. Wambolt or his representatives.

Mr. Brockman continued to tell the Board that abutters had also been previously assured that trash would be removed, and that the property would be inspected for cleanliness. Mr. Brockman further said he has had to pick up trash from the area since it has not been attended to by Mr. Wambolt. He then proceeded to open the trash bag, and began to throw his exhibits of trash on the floor. Chairman Drobinski asked Mr. Brockman to stop throwing the litter on the floor, stating that such actions were unnecessary to demonstrate his point. Mr. Brockman said he would not stop, and continued his actions saying he was very upset and frustrated that nothing has been done to rectify the situation. Mr. Brockman then threw the bag of trash in the direction of Mr. Wambolt, who quickly deflected it from hitting himself, intercepted the bag, and flung it back in the direction of Mr. Brockman. Again, Chairman Drobinski emphatically told both gentleman to stop such behavior immediately, and cautioned them that if such antics did not stop he would ask them both to leave the premises and call the police. Mr. Wambolt answered that he was only defending himself from Mr. Brockman's attempted assault. Chairman Drobinski asked both gentlemen to be quiet, and he ordered Mr. Brockman to behave within Town Hall in a respectful manner, and that if he chose not to, he would be asked to leave. Mr. Brockman apologized to the Board, and asked if he could continue with his remarks. Chairman Drobinski responded that Mr. Brockman could proceed.

Mr. Brockman presented several opposing viewpoints to the positions stated in Town Counsel Kenny opinion regarding approval for a fast food restaurant application versus a restaurant application. Chairman Drobinski clarified that once the Board requests a formal opinion from Town Counsel, that opinion is binding for the Selectmen.

Mr. Brockman further commented on Ms. Kablack's May 4, 2007 communication, which presented evaluation of the site for the worst-case scenario of a fast-food, high-intensity use business. Ms. Kablack briefly explained how those calculations were derived. Mr. Brockman was not satisfied with Ms. Kablack's response, and reiterated that he believes the property does not meet parking requirements for the business district. He further stated that, allowing Mr. Wambolt such exceptions and variances sets a precedent for similar requests from other business owners.

Vice-Chairman O'Brien offered additional clarification of the most intensive use for a restaurant definition. He said that the Draft Decision is the Board's attempt to craft a document which will best address the needs of the community and the neighborhood, while also offering the business the best opportunity to be a viable success. Chairman Drobinski added that it is important to remember that Zoning and the Board of Health are two exclusively different jurisdictions, with different definitions and regulations.

Mr. Brockman asked the Board to consider the following revisions to the Draft Decision: Condition #2 should require an eight-foot fence with gates and locks; Condition #14 should be revised for daily or weekly inspection; and Condition #22 should require a bond of \$1.5 million, which is the listed price of the property. As concerns Condition #21, Mr. Brockman asked the Board whether the applicant is occupying the building without a permit, since the variance has lapsed for the property. Vice-Chairman O'Brien and Ms. Kablack responded to clarify that the permit referenced is only for the renovations and is addressed in Condition #23. Mr. O'Brien further stated that the Board will continue its oversight of compliance of these conditions, which will most likely include a site visit prior to issuance of the permit. Mr. Brockman also suggested a change to Condition #24, but was informed by Chairman Drobinski that #24 is the law and cannot be altered. Mr. Brockman concluded his comments by again apologizing for his behavior, which he said was brought on by frustration. Chairman Drobinski reiterated that Town business must be conducted with respect by all parties, for the good of all residents.

James Krumsiek, 20 Revere Street, asked for clarification regarding future transfers of license and enforcement. He was told that any future complaints should be directed to the Building Inspector, who works in combination with Town Counsel.

William Rynne, 25 Washington Drive, requested that Condition #3 require a more substantial number of trees for screening. Mr. Wambolt responded that six seven-foot trees were already planted last week and are aesthetically pleasing. Mr. Wambolt added that regarding Condition #2, the trees alone may actually be a better screen, and more attractive, than adding length to a fence. Chairman Drobinski said the Board would take that suggestion under advisement. Mr. Wambolt further said that on the Friday following the last meeting he sent four people to Mr. Rynne's house to remove trash from his yard.

Discussion returned to the focus on the appropriate number of seats for a restaurant to be approved. Mr. Wambolt continued to express his dissatisfaction with a further reduction of seats. He asked the Board if another continuance should be considered so that he could be accompanied by legal counsel and an engineer to further promote his requests. Chairman Drobinski responded that the Board's opinion is not likely to change based upon any additional input from those individuals.

Ms. Kablack reported that the Draft Decision is ready for the Board's signature, with the inclusion of the recommendations made this evening.

Mr. Wambolt asked what recourse he has if a decision is made this evening with a number of seats which he believes to be inadequate. The Board responded that the determination of that number is not negotiable, and that, if he so chooses, it is his right to appeal the process through the Superior Courts. Chairman Drobinski asked the applicant if he wanted to extend the process. Mr. Wambolt responded no, and that the Board could proceed with a decision this evening.

It was on motion unanimously

VOTED: To close the public hearing for the Site Plan Application SP#07-001 of Frugal Flower, 736 Boston Post Road, Craig Wambolt, owner, in accordance with Town of Sudbury Zoning Bylaw Art.IX, Section 6300, Site Plan Review, for a change of use of the property from retail/office/warehouse to multiple business, including retail, restaurant and office space.

It was also on motion unanimously

VOTED: To approve the revised Site Plan Decision, dated June 5, 2007, for Site Plan Application #07-001 of The Frugal Flower, 736 Boston Post Road, Craig Wambolt, owner in accordance with Town of Sudbury Zoning Bylaw Art.IX, Section 6300, Site Plan Review, for a change of use of the property from retail/office/warehouse to multiple business, including retail, restaurant and office space as amended this evening to include the limitation in Condition #1 of 32 seats; to revise Condition #14 to require monthly inspections; Condition #21 shall clarify that the Building Permit is for the conversion renovations; and Condition #23 shall add Condition #19 as a requirement for issuance of an Occupancy Permit.

Rail Trail Conversion Advisory Committee (RTCAC) - Membership & Other Items

Present: Pat Brown, Rail Trail Conversion Advisory Committee Chair and RTCAC Members

At 9:37 p.m. Chairman Drobinski welcomed Rail Trail Conversion Advisory Committee Chair Pat Brown to the meeting.

Town Manager Valente prefaced the discussion by explaining that Ms. Brown had previously sent to

the Board's attention an email communication highlighting several RTCAC membership issues.

The Board discussed the role of Town staff as committee members. It was noted that, historically, Town staff have served in an ex-officio capacity, and not acted as voting members. Selectman Keller explained that there has been some confusion about the role of an ex-officio member in the past. Chairman Drobinski stated Town staff should not vote in Committee situations. The expectation for an ex-officio member is that although they do not vote, they are still to attend meetings and provide input and expertise as appropriate.

Ms. Brown reviewed recent RTCAC membership shifts. She reported that the RTCAC is slotted for 15 members, but currently has 14. The vacant Committee position is for a Parks and Recreation representative. Vice-Chairman O'Brien suggested that perhaps Parks and Recreation could designate an Associate member to fill the vacancy. Town Manager Valente and Selectman Keller will broach RTCAC representation with the Parks and Recreation Department.

Ms. Brown said that there are a lot of members on the Committee that seem to have a single vision of what decision is best. It was noted that five at large members are Friends of the Bruce Freeman Rail Trail (FBFRT). Ms. Brown questioned whether the Board thought that such an imbalance could call in to question the credibility of the work done by the RTCAC on behalf of Sudbury.

Selectman Keller addressed the issue of Committee composition. He clarified that when representatives are drawn from other committees and entities to serve on a committee, the individual chosen speaks for themselves and not for the group they represent. He complimented the RTCAC on the work it has achieved. Selectman Keller continued to say that he believes the RTCAC, working along with Town staff, will produce the best information available to present at Town Meeting for residents to decide what is in Sudbury's best interests. Chairman Drobinski concurred. He further stated that RTCAC members must remain open-minded in their task of gathering factual information. He reiterated that it will be the people who attend Town Meeting, not the RTCAC, who ultimately will decide whether to proceed with the project or not.

Ms. Brown stated she believes the services of the Conservation Coordinator are very much needed to present and put forth Commission priorities.

Town Manager Valente reported that Town Counsel Kenny is working on locating a Special Town Counsel specifically for the Rail Trail matters. She further reported meeting with the Conservation Commission Coordinator and the Director of Planning and Community Development regarding the Wildlife Study RFP Draft.

In response to a request from Ms. Brown, Chairman Drobinski and Ms. Valente confirmed that it is the desire of the Board and Town Manager for the RTCAC to focus its attention on data and fact gathering for Phase 2 of development, and not on Phase 3. Ms. Brown asked if the following summary was accurate in stating that the RTCAC mission has not changed, but simply been refocused. Chairman Drobinski agreed with that conclusion.

Nancy Powers, member of the RTCAC and also of the FBFRT, addressed the Board to express her surprise that any FBFRT/RTCAC member's objectivity would be questioned. She restated her willingness to be open-minded throughout this process. Ms. Powers said she is committed to the best interests of Sudbury, and was upset at the recent insinuations otherwise. Chairman Drobinski thanked her for her comments. He said that it is best for everyone when the process is as open and transparent as possible.

Mimi DiMauro, Sudbury resident and real estate agent, asked how many abutters and how many Friends of the Bruce Freeman Rail Trail (FBFRT) were RTCAC members. She also expressed a

longstanding concern that some RTCAC members do not have the ability to remain open-minded on this matter. She said she has witnessed behavior to the contrary, and she believes some members have a set agenda. The Board informed Ms. DiMauro that one abutter is an RTCAC member and five members of FBFRT are RTCAC members. Chairman Drobinski stated that the Board has full confidence in the RTCAC's ability to objectively perform its tasks.

Vice-Chairman O'Brien noted that the RTCAC's future objectives at this stage of the process will not allow much opportunity for influencing any outcomes. The work will primarily be focused on fact gathering, and there will be few issues requiring any votes to be taken.

It was on motion unanimously

VOTED: To convert all Town staff members serving on the Rail Trail Conversion Advisory Committee to ex-officio status.

Ms. Brown clarified that ex-officio members will not count toward quorum compliance.

Chairman Drobinski thanked the Committee members again for the work they are doing and have accomplished for the benefit of the Town.

D.A.R.E. Program - Donation to Park and Recreation Account

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a donation in the amount of \$225 from the Peter Noyes School D.A.R.E. Program to the Park and Recreation Contributions and Donations account to be used for program scholarships to benefit the youth of Sudbury, to be expended under the direction of the Park and Recreation Director.

Minutes

Town Manager Valente reported an error on the agenda which mistakenly asked for the acceptance of May 22, 2007 executive session minutes, which are not yet available. Thus, this item has been withdrawn from consideration.

It was on motion unanimously

VOTED: To approve the regular session minutes of May 22, 2007.

State Senate "Protection Against Unfair Debt Collection" - Letter of Opposition

Town Manager Valente asked the Board's permission to send a letter of opposition to the State Senate as requested by Sudbury Constable William E. Pickett, Jr. in a letter dated May 16, 2007. She will be collecting more information on this matter prior to finalizing the letter.

It was on motion unanimously

VOTED: To authorize the Town Manager to secure additional information regarding Senate Docket #SD2309, and if such information is concluded to be detrimental to the financial interests of Sudbury, then to also endorse a letter, to be sent to the State Senate, in opposition to Senate Docket #SD2309 entitled,

"Protecting Against Unfair Debt Collection," which would require that 25% of all Constable fees be paid directly to the Commonwealth rather than to the city and town licensing authorities as is currently the practice.

Reports From the Board of Selectmen

Selectman Keller congratulated the Boy's Volleyball Team for a successful season with only one loss in the final championships. He reported that the Lincoln-Sudbury Safety Review Panel meets publicly on Wednesdays at 7:15 p.m., at the Lincoln-Sudbury Regional High School. The Panel continues to make progress on its difficult task.

Selectman Keller also said that he will provide a report on the progress of the Lincoln-Sudbury Regional High School (L-SRHS) Community Field Project at the next Board meeting. As a proud father of a graduating senior this year, Mr. Keller is also looking forward to the L-SRHS Graduation Day on Thursday.

Selectman Keller announced that former Sudbury Director of School Lunch from 1962-1975, Edith Bowker Howe, is celebrating her 100th birthday this year. A celebration will be held on June 16, 2007. Mr. Keller recommended that the Board issue a proclamation to Ms. Howe extending the Town's best wishes on this milestone occasion, and thanking her for her years of service to the community.

It was on motion unanimously

VOTED: To sign a proclamation designating June 16, 2007 as Edith Bowker Howe Day to commemorate her 100th Birthday and thanking her for her many years of outstanding service to Sudbury.

Vice-Chairman O'Brien also offered his congratulations to the L-SRHS Class of '07 as he too is a proud father of a graduating senior. He reminded the community to drive cautiously, noting that traffic will be congested on Graduation Day, June 7, 2007.

Vice-Chairman O'Brien attended the last meeting of the Lincoln-Sudbury Safety Review Panel and commended the Police Chiefs from Lincoln and Sudbury on a very informative presentation.

League of Women Voters of Sudbury - Representation on the Solid Waste Management Options Committee (SWMOC)

Present: Nancy Brumback

Chairman Drobinski asked the Town Manager to invite Co-President Nancy Brumback of the League of Women Voters of Sudbury to tonight's meeting. The League had previously expressed disappointment that they did not have a representative appointed to the newly-formed Solid Waste Management Options Committee (SWMOC). Ms. Brumback briefly explained that the League believed it had the Board's commitment for such representation. She referenced the minutes of the 2006 Town Meeting, wherein the intention was stated to have a League representative be included in any ongoing Town efforts on this topic. Ms. Brumback reported that the SWMOC has met once. The League would like to correct this oversight soon so that a representative can begin to attend meetings as soon as possible.

Ms. Brumback explained that although the League has taken national positions in favor of recycling, the local branch has remained very open-minded on the issue. She believes she is an open-minded candidate, who can maintain objectivity, if appointed to the SWMOC.

Town Manager Valente expressed concern that the League of Women Voters chose not to include Town officials in a previous deliberation on a matter, and she wondered why that occurred. Ms. Brumback responded that it was her understanding that some League members did speak with the Department of Public Works Director. Ms. Valente offered the willingness of the Board and Town staff to work together with the League on any and all issues. Ms. Valente stated that she hopes Town officials will be consulted in the future.

The Board discussed the Committee's present status of seven members. Vice-Chairman O'Brien noted that an odd number of members, such as seven, is preferred, from a voting perspective. Thus, the Board stated it was not inclined to add a member at this time, but encouraged Ms. Brumback to continue attending meetings as a concerned citizen.

Ms. Brumback noted that she had read the Committee's mission statement, which designated the objective to serve the Town primarily as an advisory committee. Ms. Brumback further stated, therefore, the number of members should be irrelevant.

Vice-Chairman O'Brien acknowledged Ms. Brumback's point that the SWMOC is an advisory committee, and there are few opportunities for votes to be taken.

The next meeting of the SWMOC will focus on the selection of its Chair on June 14, 2007. Selectman Keller asked that in the unlikely event there is a tie in the voting for a Chair on June 14, would Ms. Brumback be willing to recuse herself so that a Chair could be voted into position. Ms. Brumback responded that she believed the question to be unfair, but the matter is moot, since she will be out of Town on June 14, 2007.

It was on motion unanimously

VOTED: To appoint Nancy Brumback as a citizen-at-large member of the Solid Waste Management Committee for a term not to exceed two years (April 30, 2009).

Reports From the Town Manager
Lincoln Police Department - Use of Sudbury Message Board

Town Manager Valente reported that the Sudbury Police Department has received a request from the Lincoln Police Department to use the Town's message board from July 2, 2007 through July 5, 2007 for the various Fourth of July events. This item has been withdrawn from tonight's discussion. Sudbury Police Chief Fagden would like more time to coordinate a schedule of the holiday events for both Towns before any commitments are made. The inclination of the Board and Police Department is to assist their colleagues in the spirit of mutual cooperation.

FY08 Board of Selectmen's Goals

It was on motion unanimously

VOTED: To approve and adopt the FY08 Board of Selectmen Goals, as presented by the Town Manager this evening, and to instruct the Town Manager to post the goals on the Town's website.

Ponds and Waterways Report

Town Manager Valente reported that the Board has been requested to provide a response to the Report. Discussion time will be set on the July 10, 2007 agenda.

Sudbury Middle School - Letters to Public Officials

Town Manager Valente announced that Sudbury Middle School has asked students to write to public officials as part of a school project. She would like the Board's permission to send a letter from Chairman Drobinski, which she has drafted, to one student Adam Wilver who submitted a well thought out letter regarding poverty issues. Ms. Valente read the proposed draft response to the Board.

It was on motion unanimously

VOTED: To authorize Chairman Drobinski, on behalf of the Board, to sign a letter to Sudbury Middle School student Adam Wilver, 43 Meachen Road, thanking him for his suggestions to fight poverty.

Town Staff - Meeting Times

Town Manager Valente asked permission to draft a letter from the Board to be sent to all Town Board and Committee Chairs asking them to be cognizant and respectful of Town staff time by planning and diligently working so that all meetings conclude no later than 11:00 p.m. The intent is to allow for a safer commute home for employees who work very long days, and may not live in Town or nearby.

It was on motion unanimously

VOTED: To authorize the Town Manager to draft a letter from the Board of Selectman to be sent to all Town Board and Committee Chairs, asking them to be cognizant and respectful of Town staff time by planning meetings to schedule out-of-Town staff members for earlier times on their agendas, and diligently working to conclude those meetings no later than 11:00 p.m.

Fiscal Review Task Force

Town Manager Valente had distributed information to the Board for the Fiscal Review Task Force. The Board has been invited by the Finance Committee to attend and respond to the report. The Board members agreed that the Finance Committee versus the Board should lead this initiative. However, Vice-Chairman O'Brien and Town Manager Valente will attend to offer initial support.

Tax Title Auction

Town Manager Valente commended Town Treasurer Andrea Terkelsen and Town staff, who worked to make the auction such a success, and generated revenue for the Town in such a productive manner.

Cemetery Rules and Regulations

Town Manager Valente distributed a notebook of materials to the Board for review. The information includes revised cemetery rules and regulations and accompanying examples, revised fees and charges, an analysis of fees charged by other towns, suggestions for special situations such as veteran's burial, indigent burials, and burial compliance with religious traditions. Ms. Valente recommended adoption of the proposed

fees prior to the beginning of the new fiscal year on July 1, 2007. Discussion of the materials will be scheduled on a future Board meeting agenda.

Executive Session

At 11:05 p.m., Chairman Drobinski 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 and land acquisition.

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

There being no further business, the meeting adjourned at 11:05 p.m.

Attest: _____

Maureen G. Valente
Town Manager-Clerk