

IN BOARD OF SELECTMEN  
TUESDAY, MARCH 13, 2007

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

Absent: Vice-Chairman John C. Drobinski

The statutory requirements as to notice having been complied with, the meeting was convened at 7:50 p.m. in the Lower Town Hall, 322 Concord Road.

**Opening Remarks**

Chairman Keller announced that Vice-Chairman John C. Drobinski is out of Town on business, and will be absent tonight. He congratulated the Lincoln-Sudbury Regional High School girl's basketball team on defeating Bishop Feehan last night in the Eastern Massachusetts Division 2 semifinal game. The team will travel to Worcester this Saturday for the State Division finals.

Chairman Keller welcomed members of Boy Scout Troop 63, who are working on earning their "Citizenship in the Community" badges by attending tonight's meeting. Mr. Keller explained to the Scouts that citizens are allowed to petition to be heard by the Board on any matter. However, no petitions were brought forth this evening.

**Annual Town Meeting - Town Moderator - Town Procedures DVD**

Present: Myron Fox, Town Moderator

Mr. Fox reported to the Board that he attended the recent Massachusetts Moderators' Association meeting and previewed an excellent 25-minute DVD program about Town procedures and town governance. Mr. Fox purchased three DVDs and has offered them to Sudbury as a personal contribution. One DVD will be aired on Channel 8 on the next two weekends prior to the Town Meeting. The other two DVDs will be available to borrow from either the Goodnow Library or the Town Clerk's Office.

Mr. Fox reminded the community of the importance of attending and participating in the Annual Town Meeting, which will begin on Wednesday, April 4, 2007 at 7:30 p.m. at the Lincoln-Sudbury Regional High School Auditorium. Other venues within the High School will be used to accommodate attendance overflow. He urged everyone to read the Town Warrant and articles prior to the Town Meeting. Mr. Fox stressed that Town meetings are one of the oldest New England traditions. He encouraged everyone to participate in this unique, legislative and democratic process.

Mr. Fox noted that the Town website will have information posted on Town Meeting procedures, they also will be published in the *Sudbury Town Crier*, and will be broadcast on Channel 8. He mentioned that the League of Women Voters publishes a very informative booklet on Town governance procedures as well.

The Board thanked Mr. Fox for this generous and useful contribution to Sudbury.

**Annual Town Meeting - Override Budget Procedural Discussion**

Present: Myron Fox, Town Moderator, Robert Jacobson, Finance Committee Chair, Jane Santinelli, Sudbury Public Schools School Committee Chair

Town Manager Valente presented a question received from a resident to the Board for discussion. The resident wondered whether the override budget proposed by the Town officials is too high, given that the Town may receive additional State aid. The resident also asked that if this additional State aid is received,

when will the Town override question be adjusted downward, so as not to impact as greatly the property taxes paid by residents.

Ms. Valente briefly reviewed the State budget and disbursement of local aid process and timeline. She reported that Finance Committee Chair Robert Jacobson contacted State Representative Thomas Conroy for more information. Mr. Conroy reinforced that the process will take many months before any certainty can be reached on the State budget and final funding for cities and towns, due to the 60-day delay granted to all new Governors for submission of their proposed budget. Ms. Valente emphasized that money requested in the Governor's proposed budget is a long way from being money in Sudbury's bank account, and it can not be counted upon. She noted that reallocation of funds is likely to occur. Therefore, she believes the Town should retain its best guess, conservative budget estimates to be presented to the residents as recommended by the Finance Committee and supported by the Board of Selectmen.

Ms. Valente continued by clarifying that the Board cannot change the override amount after it is voted, and that the amount became frozen for the March 26, 2007 ballot. However, she noted that there is no Town law which requires that excess levy limit must be used. Ms. Valente explained that, if Sudbury is eventually fortunate enough to receive the alleged \$500,000 of State funding, then those funds will lower the property taxes to be paid by residents when the tax rate is set in December 2008.

Mr. Jacobson said it will be important for voters to differentiate between voting appropriately on an override budget to raise the money necessary to cover the desired Town services versus the separate issue as to how or where that money will be derived.

Town Manager Valente reminded everyone that the Town is not allowed to spend more money than what is voted at Town Meeting.

Selectman O'Brien broached the timeline scenarios for whether the override passes or does not pass on the ballot; then, whether it will need to go to Town Meeting, and how that effects the personnel planning for both school systems. Ms. Santinelli confirmed for the Board that the issue impacts program planning and staffing because the Sudbury Public Schools' contracts require that personnel be notified by May 15th if their services will not be required the following year. Discussion ensued as to whether it would be beneficial to delay the override budget article to a later date, when possibly more information regarding exactly how much State Aid will be received, and when it will be available. Town Moderator Fox confirmed that it is possible to change the date of Town Meeting, but it would require a change to the bylaw. By waiting for a more accurate budget number, perhaps less personnel would have to be terminated. The consensus reached was that there will probably not be any more substantive information available about the State budget for several months. Thus, nothing will be gained from a delay of this article.

Mr. Jacobson reminded the community that there will be a Budget Forum on March 19, 2007 at 7:30 p.m. at Lincoln Sudbury Regional High School, which will be broadcast on cable television. Residents can also email questions to the Forum. He reported that there will be an article next Thursday in the *Sudbury Town Crier* explaining that residents should vote for whether or not they support the budget and the services it will provide, and not combine that question with how the money will be raised. Chairman Keller concurred, and highlighted that whether or not the projected State aid figure of \$500,000 is received will only slightly alter the budget and property tax situations. Chairman Keller added the perspective that this discussion about adjusting the Town budget downward, and whether the additional \$500,000 will or will not be received, will only alter the average median tax bill by \$80 one way or the other. Therefore, he, too, encouraged voters to decide what level of services they want in Sudbury, and then vote accordingly.

Ms. Valente thanked the Board for the opportunity to discuss the options. Based upon tonight's discussion, she will state at the Budget Forum on March 19th that the Town officials still support and believe that the override budget as recommended by the Finance Committee is conservatively in the best interest of the community.

**Sudbury Ponds and Waterways Committee - Interview**

Chairman Keller noted that this agenda item has been moved to a future date due to a death in the family of Mr. Robert S. Hershfield, 88 Butler Road. On behalf of the Town, Chairman Keller extended condolences to Mr. Hershfield and his family.

**Public Hearing: Frugal Flower - Site Plan Hearing**

At 8:35 p.m., Chairman Keller opened, and moved to continue a public hearing for a change of use petition for Frugal Flower to March 27, 2007 at 7:45 p.m., since site plan reviews require the attendance of all three Board members.

It was on motion unanimously

VOTED: To reschedule the public hearing for the change of use petition for Frugal Flower to March 27, 2007 at 7:45 p.m.

**Public Hearing: Street Acceptance and Layout Approval Schedule  
Fox Hill Drive, Mary Catherine Lane and Skyview Lane**

At 8:40 p.m., Chairman Keller opened a public hearing for the question to lay out, relocate and/or alter the following Town ways with the boundaries and measurements as set forth on plans prepared by the Town of Sudbury Engineering Department, and placed on file in the Town Clerk's Office, to be presented for acceptance by the 2007 Annual Town Meeting under Article 13: **Fox Hill Drive** from Mary Catherine Lane to a dead end, a distance of approximately 995 feet; **Mary Catherine Lane** from North Road to the public portion of Mary Catherine Lane, a distance of approximately 757 feet; and **Skyview Lane** from Dakin Road to a dead end, a distance of approximately 1,164 feet.

Town Manager Valente highlighted for the Board a letter of support, dated March 6, 2007, from the Planning Board, and confirmation from the Department of Public Works Director/Town Engineer William Place that the roads have been constructed in conformance with the rules and regulations set forth. Mr. Place also reported that bonds are still held for work to be completed on Mary Catherine Lane and Skyview Lane. Ms. Valente also distributed an email communication from the Conservation Commission noting no objections to this request as long as the DPW Director reviews the calculations to determine sufficient volume of storage has been created.

Especially for the benefit of the Boy Scouts in attendance, Chairman Keller explained further the responsibility of developers to complete work in compliance with Town regulations and the purpose of setting bonds to ensure a satisfactory result. Selectman O'Brien provided additional edification regarding the importance of accurately and properly laying out and surveying public ways, and said that if, and when, the streets are accepted as public ways, then the Town agrees to accept responsibility henceforth for maintenance of those roads.

It was on motion unanimously

VOTED: To lay out the following Town ways with the boundaries and measurements as set forth on plans on file in the office of the Town Clerk, to be presented for acceptance at the 2007 Annual Town Meeting under Article 13: **Fox Hill Drive** from Mary Catherine Lane to a dead end, a distance of approximately 995 feet; **Mary Catherine Lane** from North Road to the public portion of Mary Catherine Lane, a distance of approximately 757 feet; and **Skyview Lane** from Dakin Road to a dead end, a distance of approximately 1,164 feet.

It was also on motion unanimously

VOTED: To endorse that all layouts are subject to meeting the conditions and requirements deemed necessary by the Board of Selectmen prior to the execution and recording of an Order of Taking.

**Boy Scout Troop 63**

Present: Troop Members Ryan Kenney, Matt Barnes, Leif Skramstad, Jordan Richmond and Troop 63 Counselor Cathy Dingman

Chairman Keller asked the Scouts to tell the Board what projects they are working on, and what they have learned by attending tonight's meeting.

Ryan Kenney, 77 Fox Run, is a 7th grader at the Curtis School. Ryan explained that the Scouts need to do a few things to attain the Citizenship in the Community Badge. Ryan has performed volunteer work for the Special Olympics, and will be doing a project on some of the popular places in Sudbury.

Leif Skramstad, 40 French Road, is a 9th grader at the Curtis School. Leif is working on organizing a project which will require him to investigate the recent history of Sudbury. Chairman Keller recommended to Leif a good book, written about Sudbury by Town Historian, Curt Garfield, called History of Sudbury, 1890-1989, might be useful to him for this project.

Matt Barnes, 49 Hobart Road, is a 7th grader at the Curtis School. Matt also worked as a volunteer for the Special Olympics, and will be conducting an interview with a Town government official for his project.

The Scouts noted that they learned a bit tonight about land surveys, the importance of the Town Meeting and the Town budget. When asked by Chairman Keller to guess how much money is needed to run Sudbury for one year, the Scouts greatly underestimated the costs. The Scouts were amazed to learn from Town Manager Valente that the Town budget for one year of operations is about \$77,653,000. Chairman Keller summarized some of the many services covered by the \$77 million dollars. He reinforced to the Scouts how important it is to be involved in community decisions regarding how, and for what, the money is spent. Chairman Keller encouraged the Scouts to remain active in civic activities as they get older, and noted that volunteers keep communities going and make our lives better for their work.

Town Manager Valente displayed the newly-printed Town Report and Town Warrant, which will be delivered by local Boy Scouts in the coming days.

**Public Hearing: Two Class I Motor Vehicle Licenses - Herb Chambers**

Present: Joshua Fox, Attorney for Herb Chambers, Sal and Jose Sachetta, Construction Managers for Herb Chambers

Mr. Fox briefly reviewed the status of the request for the licenses. He noted for the Board that a change has been filed with the Town Clerk regarding the d/b/a/ wording for this request versus the original application, which has been revised to Herb Chambers of Sudbury, Inc., d/b/a Land Rover of Sudbury. The

applicant intends to purchase the Land Rover sales and service business located at 83 and 103 Boston Post Road. The Board was previously in receipt of copies of the completed Application for a License to Buy, Sell, Exchange or Assemble Second Hand Motor Vehicles or Parts Thereof and accompanying materials. Mr. Fox also reported that the applicant will meet with the Zoning Board of Appeals on March 27, 2007 to request new Special Permits for the Herb Chambers Land Rover and Foreign Motors West BMW sites.

In response to a question from Selectman O'Brien, Mr. Sachetta said it is possible groundbreaking for the BMW location could begin in June or July 2007.

In response to a question from Chairman Keller, Mr. Fox reported that civil engineer Bruce Ey is continuing his work to resolve all road issues with the State, and he will soon submit a plan to DPW Director William Place.

Chairman Keller stated that Sudbury appreciates the business of the Herb Chambers organization and recognizes how important the commercial businesses are to the Town's financial health. He reiterated that this Board is committed to supporting and increasing the commercial tax base for the Town's best interest.

Town Manager Valente reported that appropriate paperwork has been received by her staff, and the Police and Fire Chiefs as well as the Department of Public Works Director/Town Engineer have all stated no objections to this request.

It was on motion unanimously

VOTED: To approve a Class I Motor Vehicle License to Herb Chambers of Sudbury, Inc., d/b/a Land Rover Sudbury, 83 Boston Post Road, to sell new and pre-owned vehicles, to expire on January 1, 2008, as requested by Joshua M. Fox, Attorney, representing Herb Chambers, in a letter dated February 23, 2007.

### **Minutes**

It was on motion unanimously

VOTED: To approve the regular and executive session minutes of February 27, 2007.

### **Knight of Columbus - One-Day Wine and Malt License**

It was on motion unanimously

VOTED: To grant a one-day Wine and Malt License to Francis T. Lyons, representing the Knights of Columbus, 157 Wayside Inn Road, to be exercised on Saturday, March 17, 2007 from 6:30 p.m.-11:00 p.m., at Our Lady of Fatima Church, to accommodate a dinner-dance, fundraising event, with the provision that a certificate of liquor liability coverage is obtained.

### **Willow Hill School - One-Day Wine and Malt License**

It was on motion unanimously

VOTED: To grant a one-day Wine and Malt License to Gregg Chambers, representing the Willow Hill School, to be exercised on Saturday, April 28, 2007 from 6:00 p.m.-9:00 p.m., at the Willow Hill School, 98 Haynes Road, to accommodate a fundraising dinner, with the provision that a certificate of liquor liability coverage is obtained.

**Grouse Hill - Donation**

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a donation from Grouse Hill in the amount of \$8,000 to be used to purchase and install a medical oxygen generator for the Sudbury Fire Department, and to authorize that funds be expended under the direction of Fire Chief Ken MacLean, as requested in a memo dated March 1, 2007.

**Unenrolled Election Officer - Appointment**

It was on motion unanimously

VOTED: To approve the appointment of Muriel N. Nelson, 150 North Road, #51, as an Unenrolled Election Officer, for a term to expire August 15, 2007, as requested by the Town Clerk Rosemary Harvell on March 2, 2007.

**Sudbury Earth Week and Spring Cleanup Day Proclamation**

It was on motion unanimously

VOTED: To sign a proclamation designating April 22 - April 28, 2007 as Sudbury Earth Week and designating Saturday, April 28, 2007 as Spring Cleanup Day for the Annual Roadside Cleanup, and invite all residents to join others who will assemble at Town Hall at 9:00 a.m. on Saturday, April 28, 2006, to receive their trash bags and thereafter, pick up litter from 9:00 a.m. to 1:00 p.m. from Sudbury roadsides.

**Liquor Licenses - Extension Special Grant for March 26, 2007 - Town Election**

It was on motion unanimously

VOTED: To grant permission to holders of Package Stores and Restaurant and Club Alcoholic Beverages Licenses to sell alcoholic beverages during the polling hours of the March 26, 2007 Annual Town Election, in accordance with General Laws Chapter 138, s.33.

**2006 Sudbury Town Report - Student Certificates of Award**

It was on motion unanimously

VOTED: To approve and sign "Certificates of Award" for those students whose artwork was chosen for inclusion in the 2006 Sudbury Town Report.

**Board of Registrar - Appointment Correction**

It was on motion unanimously

VOTED: To approve a correction to the appointment of Rosemary B. Harvell, 301 Hudson Road, in her capacity as Town Clerk, to the Board of Registrars, for an indefinite term, to coincide with her indefinite appointment as Town Clerk.

**Mary Kay Charitable Foundation 5K Walk**

Town Manager Valente reported to the Board that the Police Chief has stated the Department has no objections to this event request.

It was on motion unanimously

VOTED: To grant a Special Permit to Joy DiMaggio, 401 Hudson Road, for a 5K first-time walk to support the Mary Kay Charitable Foundation on Sunday, May 6, from 10:00 a.m. to 1:00 p.m., beginning at the Curtis Middle School, proceeding down Pratt's Mill Road to Dutton and Hudson Roads, returning via the same route to the Curtis School, and including a provision for Police Department support and cleanup of any litter created by the race participants or staff.

**Annual Town Meeting Warrant Articles - Board Speaker Assignments**

Town Manager Valente distributed a revised listing dated March 9, 2007, of the 2007 Annual Town Meeting Warrant Articles. The Board reviewed speaker and presentation assignments.

It was on motion unanimously

VOTED: To adopt amended speaker and presentation assignments for the 2007 Annual Town Meeting Warrant Articles, as revised this evening, as follows:

In Memoriam Resolution - Selectman Lawrence O'Brien

#22 - Community Preservation Fund - Bruce Freeman Rail Trail : Title Search - hold for discussion with Vice-Chairman John Drobinski making the presentation or a Rail Trail Committee member

#23 - Community Preservation Fund - Bruce Freeman Rail Trail : Wildlife Study - hold for discussion with Vice-Chairman John Drobinski making the presentation or a Rail Trail Committee member

#24 - Community Preservation Fund - Bruce Freeman Rail Trail : Existing Conditions Base Map -hold for discussion with Vice- Chairman John Drobinski making the presentation or a Rail Trail Committee member

#26 - Community Preservation Fund - Sudbury Housing Trust Allocation - Selectman Lawrence O'Brien

#27 - Community Preservation Fund - Amend 2005 Town Meeting Article 42 - Town Manager Valente assumes will be covered by the Sudbury Housing Trust

#28 - Community Preservation Fund - Carding Mill House Planning - possibly Director of Development and Planning Jody Kablack

#29 - Community Preservation Fund - Sudbury Town Center Project - Selectman Lawrence O'Brien

Chairman Keller asked Town Manager Valente to request that Director of Development and Planning Jody Kablack prepare a report summarizing the process, procedures and regulations regarding the acceptance of street plans to assist him with his presentation of Petition Article #34 - Frost Farm Drive and Northwood Drive - Acceptance Plan and Intermediate Assistance.

**Reports From the Board of Selectmen**

Selectman O'Brien reported participating in several educational presentations regarding the budget along with the Superintendent and members of the Sudbury Public Schools and members of the Finance Committee. A budget information meeting will be held on March 14th at the Noyes School and another will be held at the Haynes School next week.

Selectman O'Brien also reported participating in the "Town Hall Matters" presentation, which will be broadcast on Channel 8 on March 19, 2007. Chairman Keller, Town Manager Valente and Police Chief Fagden were all featured in the program.

Selectman O'Brien attended the Candidates' Night and reported lively discussions ensued.

Chairman Keller attended a Chamber of Commerce meeting earlier this evening with Town Manager Valente. He reported that Ms. Valente spoke eloquently about Town government and the roles of the Town Manager and the Board of Selectmen as policymakers. Mr. Keller and Ms. Valente fielded questions from the group, which included many regarding the proposed Town Meeting Article to amend the Zoning Bylaw, Art.IX, Section 3259A - for temporary signs. Chairman Keller expressed to the group how important it is to do things which help Town businesses to thrive and enhance the commercial tax base.

Chairman Keller has continued his involvement with the Lincoln-Sudbury Regional School Committee, working to establish the Review Panel's mission and membership for safety in response to the issues raised by the tragic event of January 19, 2007. In these discussions, Chairman Keller has strongly promoted the recommendation that the Panel be comprised of a broad representation of the community, and not just key school-related officials. He believes inclusion of independent citizen representation could greatly benefit the Panel's resulting dialogue and conclusions.

Chairman Keller further reported that the Lincoln-Sudbury Regional School Committee will meet this evening to finalize establishment of the Review Panel committee and to set its first meeting for March 21, 2007. The Panel will subsequently name its own Chair. Boards of Selectmen of Lincoln and Sudbury have been invited to appoint two members each to the Panel. Chairman Keller volunteered his service to the panel as the Board's representative and recommended that the Board's second appointment be given to a Sudbury citizen. He foresees that the Board will have one vote, which he anticipates would be voted by the citizen designee. He noted that many applications have been received from those interested in serving on the Panel. However, Chairman Keller believes that selection of the best people to participate in this critical review process should not be limited solely to applicants. He suggested that others in the community who could best serve the purpose of this Panel also be considered. He emphasized that this Panel will perform a very important civic responsibility. Thus, the constitution and criteria for membership is critically important to its success.

Selectman O'Brien agreed that the final product of this Panel will be carefully scrutinized by the public. He noted the outstanding job Chairman Keller has done since January 19, 2007 in representing Sudbury during these very difficult months regarding this tragedy. Selectman O'Brien highlighted Chairman Keller's dignity and integrity throughout a very challenging situation. As such, he supports the Chairman as the Board's representative to the Panel.

It was on motion unanimously

VOTED: To appoint Chairman William J. Keller, Jr. as the Board of Selectmen representative on the Lincoln-Sudbury Regional High School Review Panel and to authorize Chairman William J. Keller, Jr. to select and appoint to the Lincoln-Sudbury Regional High School Review Panel the Board of Selectmen's designee, subject to the availability of the designee to attend the requisite meetings and provide timely and appropriate updates to the Board of Selectmen.

### **Reports From the Town Manager**



**Democratic Election Officer - Appointment**

It was on motion unanimously

VOTED: To approve the appointment of Carmine L. Gentile, 33 Surrey Lane, as a Democratic Election Officer, for a term to expire August 15, 2007.

**Septage Facility - Update**

Town Manager Valente distributed an email communication from Ted Pickering, dated March 13, 2007, for review and discussion at a later date. Mr. Pickering notes that the Wayland Selectmen and the Septage Facility Committee have proposed a joint meeting with the Sudbury Selectmen, and would like possible meeting dates to be submitted. Chairman Keller and Selectman O'Brien are available on April 12th. Ms. Valente will consult Vice-Chairman Drobinski regarding his availability, and respond to all parties accordingly.

**Board of Selectmen Meeting Schedule**

Town Manager Valente requested the Board add the date of April 24, 2007 to its meeting schedule to accommodate any agenda items which could arise. The Board agreed that the April 24, 2007 date should be added to the meeting schedule.

**Metropolitan Area Planning Council MAGIC Priorities Meeting**

Town Manager Valente attended the Metropolitan Area Planning Council MAGIC Meeting today at 7:30 a.m. in Bedford. This meeting focused on the group's priorities. She reported that spirited discussions revolved around topics such as zoning reform, sale of surplus land, and the Governor's municipal relief plan.

There being no further business, the meeting adjourned at 10:00 p.m.

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