

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, JUNE 10, 2008

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

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

At 7:38 p.m., Chairman O'Brien opened the meeting. He noted the recent heat wave and asked residents to be mindful of neighbors during these drastic weather conditions, especially the elderly.

Chairman O'Brien announced the July 4th Parade Committee is in the midst of planning the holiday event. Anyone interested in helping the Committee can contact the Chamber of Commerce.

Chairman O'Brien stated that he was remiss at the last meeting by not thanking the Sudbury Historical Commission for the terrific work it does all year, especially with its Hosmer House events in commemoration of Memorial Day. He also thanked Peter and Rosemary Harvell for the informative display of veterans' memorabilia they coordinated at Hosmer House.

Pre-Disaster Mitigation and Multi-Hazard Mitigation Plan - Discussion

Present: Director of Planning and Community Development Jody Kablack, Conservation Coordinator Debbie Dineen and Metropolitan Area Planning Council representatives Martin Pillsbury and Sam Cleaves

At 7:40 p.m., Metropolitan Area Planning Council representative Martin Pillsbury addressed the Board to briefly describe the proposed Metro Boston North/West Regional Multi-Hazard Mitigation Plan for Sudbury. He explained that the Federal Disaster Mitigation Act of 2000 requires that a community adopt a local plan in order to apply for certain grants. However, Mr. Pillsbury noted that adoption of such a plan is not required by law. He stated that Sudbury's local plan will be part of a 28-city plan developed for the region. Mr. Pillsbury reviewed how the plan was developed through a regional committee with neighboring communities, and with a local committee, which included key Town Department Heads. A database and maps of critical facilities and natural hazard areas were developed.

Mr. Pillsbury clarified that the plan focuses on preventing damage from natural hazards, such as flooding, hurricanes, tornadoes, winter storms, brush fires, earthquakes and landslides. He further stated that hazard mitigation attempts to reduce or prevent losses of life, injuries and property by implementing long-term strategies. The plan identifies preventive actions in place, as well as those which will be needed in the future.

On behalf of the Town Clerk, Chairman O'Brien asked if cultural facilities should be added to the list of critical facilities. Mr. Pillsbury responded that it is possible to include these facilities, if appropriate, and he asked that the Town Clerk's question be forwarded to him for further research.

Mr. Cleaves thanked the local Sudbury committee members, Director of Planning and Community Development Jody Kablack, Department of Public Works Director Bill Place, Fire Chief Ken MacLean and Conservation Coordinator Debbie Dineen for their input and dedication to the application process. He noted that the Metropolitan Area Planning Council (MAPC) performed risk identification and assessment using Statewide data sources and meeting with local Town staff. Mr. Cleaves stated that 72 critical sites were identified in Sudbury. The most prominent local hazard areas of concern related to minor flooding areas at

Water Row and eastern Concord Road. Examples of existing mitigation measures and potential future mitigation measures were briefly reviewed. High priorities which were identified included: construction of an emergency operations center, development of microwave communications links at Nobscot Mountain, establishment of a HAM radio station with license and training, and raising the eastern section of Concord Road.

Mr. Cleaves reviewed the plan approval and adoption process. The plans will be submitted to the State Hazard Mitigation Officer for initial review and then be forwarded to FEMA Region 1 for final review and approval. Mr. Pillsbury anticipates this process to take two to three months. Upon receipt of the approved plan, it will be presented to the Board for adoption. Plan adoption will make the Town eligible for Federal grant funds.

Selectman Drobinski asked if there is a monetary limit set for the grants. Mr. Cleaves and Mr. Pillsbury responded that grants can range between \$20,000 and millions. Mr. Pillsbury emphasized that one's chance of receiving a grant is highly dependent upon the strength of the evidence and case presented.

A draft plan for Sudbury has been provided to Town Manager Valente. Upon a satisfactory review by the Board, Sudbury's plan will be submitted to the State Hazard Mitigation Officer.

Vice-Chairman Keller opined that this program will allow the community to be eligible for alternative funding for worthwhile Town projects, which have already been identified.

Director of Planning and Community Development Jody Kablack thanked the Metropolitan Area Planning Council and its representatives for the initiative and administrative support provided to launch this program for Sudbury. She emphasized that this work has been done at no cost to the Town. Ms. Kablack stated her enthusiasm for the program, and said she will circulate copies of the complete draft plan to the Board for comments.

Conservation Coordinator Debbie Dineen stated that, if approved, the plan will be extremely beneficial for the Town to pursue many stormwater-related projects, since flooding and stormwater issues have been so highly prioritized as local hazards.

Town Auditors - FY07 Report

Present: Andrea Terkelsen, Town Finance Director/Treasurer; Barbara Chisholm, Town Accountant; Chris Rogers and Matt Hunt, Sullivan, Rogers & Company, LLC

At 8:05 p.m., Chairman O'Brien welcomed Town Finance Director/Treasurer Andrea Terkelsen, who introduced the representatives from the Town auditing firm, Sullivan, Rogers & Company, LLC. Ms. Terkelsen thanked the auditors for helping to make the long process of field work and analysis a productive exercise for the Town. She also thanked Town Accountant Chisholm and her staff and other Town departments for their tremendous assistance throughout the audit process.

Chris Rogers thanked the Board for the opportunity to present his firm's audit information. He introduced his colleague, Matthew Hunt, whom he announced has become a partner of Sullivan, Rogers & Company, LLC during the past year. The Board congratulated Mr. Hunt on this accomplishment.

Mr. Hunt began the presentation by thanking Ms. Terkelsen, Ms. Chisholm and their staffs for working so cooperatively with the auditors. He provided a brief review of the audit reports for the fiscal year ended June 30, 2007.

Mr. Hunt presented highlighted information from the financial statements, which were prepared as a qualified opinion. He explained that the same item noted last year relating to the Wayland-Sudbury Septage Facility necessitated the qualified opinion. He further stated that the remainder of the financials received an unqualified opinion, meaning that the information provided is free of misstatements and has been prepared according to Generally Accepted Accounting Principles (GAAP). Mr. Hunt reviewed several key accounts and provided dollar figures and percentage comparisons to the previous fiscal year.

Mr. Hunt reported that the General Fund balance at the close of FY07 was \$10.1 million as compared to \$9.4 million for the previous fiscal year. He noted that \$1.3 million is designated as reserve for encumbrances, and \$5.6 million is for employee benefit reserves. The resulting undesignated General Fund balance in FY07 was slightly under \$1 million, which represented a sharp decline from the previous year. However, he noted that the General Fund balance is the lowest in the five years of audits his company has performed. The undesignated fund balance as compared to general fund expenditures ratio was also lower at 1.3% this year versus 3.4% in the previous fiscal year. He noted that the decrease was primarily due to the net increase of \$1.7 million for the self-insured trust for employee benefit reserves.

Mr. Hunt noted that, as in previous years, the Town's Stabilization Fund reflected little activity in FY07, with an ending balance of \$1.68 million. In response to a question from the Board, Mr. Hunt stated that bond-rating determinations would look favorably upon a Town not accessing its Stabilization Fund when reviewing several factors for an assessment.

Mr. Hunt reported that the Community Preservation Act Fund balance for FY07 was \$6.9 million versus \$6.1 million. The Swimming Pool and Landfill Enterprise Funds also posted activity which was fairly consistent from FY06 to FY07. In addition, Mr. Hunt noted that the Affordable Housing Trust Fund was new for FY07, and had a balance of \$158,000 to initiate its activities.

Mr. Hunt further reported that debt service decreased from \$5.5 million in FY06 to \$5.3 million in FY07. The debt service represents a ratio of 7.2% of overall expenditures as compared to 7.7% in FY06. Mr. Hunt noted that Sudbury had no short-term debt outstanding. He also reported \$41.3 million in long-term debt, of which approximately \$22 million will be reimbursed by the State over the next ten years for school construction projects.

Mr. Hunt next reviewed the Management Letter, which included seven comments for areas which could use improvement. Mr. Hunt clarified that no material areas of weakness were found, however, control efficiency recommendations were made to the Town. He emphasized that a few new items have been added this year to others highlighted in previous letters. Mr. Hunt stated that procedures at the Police Station were scrutinized as part of this year's review. He reported that the Police Station has no written policies regarding cash collection and bank deposits happen too infrequently. Recommendations have been made for FY08 to improve these conditions. Ms. Chisholm has informed Mr. Hunt that Police Station bank deposits are now being made weekly.

The Management Letter also suggested that a physical inventory of assets be maintained, and that disaster recovery plans be established for financial records. As identified last year, the auditors again reported that more can be done with the Town's Fraud Risk Assessment Program, to be monitored at least twice a year, to help identify areas where the Town is at risk for fraud or asset misappropriation. The Management Letter also mentioned GASB Statement #45, requiring that bi-annual actuarial evaluation of retiree health insurance information be implemented for FY09. Mr. Hunt noted that the Town has completed the assessment towards this goal.

Appearing again in this year's Management Letter is the requirement for periodic certification reports to be submitted semiannually for full-time grant workers related to Federal Award Programs, and specifically, Special Education and Title I Grant. Mr. Hunt commended Sudbury on the improvements made in this regard in the past year, and he noted that only one employee was non-compliant. However, Mr. Hunt further reported that the report was submitted slightly late on November 6, 2007, when the due date was October 31st.

The last item mentioned again in this year's Management Letter related to the Wayland-Sudbury Septage Facility. The Town has an equity interest, which must be reported as part of Sudbury's Financial Statements. Wayland has not been providing financial information to Sudbury on a consistent basis. It is recommended that Wayland provide a monthly balance sheet to Sudbury for the facility. Chairman O'Brien informed Mr. Hunt that a meeting has already been set with Wayland's Board of Selectmen to address issues related to the facility.

The Board and the Town Manager expressed gratitude to the Finance Department staffs for successfully completing so many tasks to assist the audit process. They also thanked Mr. Hunt and Mr. Rogers for their thorough report.

It was on motion unanimously

VOTED: To accept the FY07 Audit Report as presented this evening by the Town auditing firm, Sullivan Rogers and Company.

In response to a question from Selectman Drobinski, Mr. Hunt stated that Sudbury fares favorably when compared financially to towns of similar size. Mr. Rogers and Mr. Hunt praised Sudbury for its fiscal consistency and strong leadership.

At 8:36 p.m., Chairman O'Brien thanked the auditors, and he closed the discussion.

Public Hearing: Omnipoint at Willis Hill

Present: Director of Planning and Community Development Jody Kablack, Jennifer Lewis, Prince, Lobel, Glovsky & Tye LLP, and Troy White, Nexus Wireless Senior Engineer

At 8:38 p.m., Chairman O'Brien opened the Public Hearing for Site Plan #SP08-007 application of Omnipoint Communications, Inc. for a site plan proposal to construct a 100-foot, free-standing monopole wireless communications tower with three interior antennas and equipment buildings, including the ability to add two additional carriers to the tower, on property located on Maynard Road, and owned by the Sudbury Water District, zoned Single Residential A-1.

Director of Planning and Community Development Jody Kablack stated that the hearing was advertised in the *Sudbury Town Crier* on May 22 and May 29, 2008, and that abutters were duly notified. Ms. Kablack reviewed the following materials received to the file to date: the Site Plan Application, including a project narrative, architectural and compound plan, elevation details, the Zoning Board of Appeals variance and Special Permit decisions dated March 31, 2008, and the redacted lease for the site from the Sudbury Water District; a report stating no concerns with the proposal from Conservation Coordinator Debbie Dineen, dated May 12, 2008; a memo recommending stabilization of the access drive and installation of drainage structures as conditions of approval from Department of Public Works Director William Place, dated May 13, 2008; a memo requesting reservation of the right to install communications equipment for the Town at no cost, and a contribution of \$2,500 for communications network upgrades from Fire Chief Kenneth MacLean, dated

May 19, 2008; Ms. Kablack's memorandum to the Board, dated June 5, 2008 noting her comments and recommendations regarding the application; and an email from Building Inspector Jim Kelly recommending that the equipment area for the additional carriers be approved initially and that a final construction control affidavit be submitted, certifying State building codes have been satisfied prior to issuance of a Certificate of Occupancy, dated June 5, 2008; and a memo from the Planning Board dated June 6, 2008, recommending approval of the application, and encouraging a financial contribution be made by the applicant towards a Town-wide study to increase the number of available sites in the Wireless Overlay District. A letter was also received from Buoniconti & Buoniconti Law Offices representing Willis Hill Trust, which is an abutter to the proposed site, and objects to the application for an additional cell tower on the water tank.

Ms. Kablack noted that the 40,000 square-foot property is located in an A-Residential Zoning District. A Use Variance to locate the facility outside the Wireless Communications Overlay District has been granted by the Zoning Board of Appeals (ZBA) as well as dimensional variances for installation within 500 feet of a residential lot line and 125 feet from a property line. A Special Permit has also been granted. Selectman Drobinski questioned if the appeal period for those decisions has expired, and Ms. Kablack responded affirmatively.

Attorney for the applicant Jennifer Lewis briefly reviewed the proposal. Ms. Lewis stated that the applicant would like to install a 100-foot monopole and three wireless communications antennas within the monopole. The radio equipment will be located within a six-foot high chain link fenced-in area at the base of the monopole. In addition, the monopole is designed to allow co-location of at least two other wireless communications providers. Ms. Lewis referenced plans for the proposed facility, which the Board had previously received. The site allows for generous setbacks from abutting properties, which will be enhanced by existing vegetative natural screening. Ms. Lewis emphasized that the site will be unmanned. Thus, no traffic complications are anticipated, and the proposed site will not adversely effect the neighborhood. Ms. Lewis further stated that the applicant's proposal satisfies the Overlay District regulations and bylaws.

Ms. Lewis responded to a few questions from Selectman Drobinski stating that standard utilities are present at the site and that future utilities will be run underground. She also stated that Omnipoint is agreeable to making a lump sum contribution to the Town to be used for related activities as the Town deems appropriate. However, Ms. Lewis was not aware of the anticipated amount of the contribution at this time. Ms. Lewis further reported that the applicant has concluded that there may be aesthetic and use constraints to prohibit satisfying a request by the Fire Chief to reserve the right for his department to also install communications equipment on the monopole.

Selectman Drobinski further asked for a brief review of the radio frequency maps. Nexus Wireless Senior Engineer Troy White displayed the maps. Mr. White stated that the applicant has performed network coverage studies, which indicate significant gaps in reliable coverage in Sudbury. He briefly reviewed current coverage and the anticipated new coverage if the installation is approved.

An attorney from Buoniconti & Buoniconti Law Offices representing Willis Hill Trust, an abutter to the proposed site, Bruce Quirk and Francis Harver addressed the Board to object to the application for an additional cell tower on the water tank. Mr. Quirk stated that he has researched the 1926 charter for the Sudbury Water District, and he questions whether the District has the right to enter into any business other than water. Mr. Quirk further stated that his firm is prepared to pursue the non-viability of the application through the proper State court systems.

Selectman Drobinski suggested that Town Manager Valente request an opinion on this issue from Town Counsel. Ms. Valente stated Town Counsel usually will not offer an opinion on a non-Town related matter. It was then suggested that Ms. Valente notify the Water District that the issue has been raised. In addition,

Vice-Chairman Keller requested that Ms. Lewis ask the applicant to also research the matter and report back to the Board. Vice-Chairman Keller also questioned how much rent the Water District will receive and the purpose for which it will be used. Ms. Lewis was unable to answer these questions this evening.

Chairman O'Brien asked if there is the need for another facility, and whether the applicant could co-locate on the AT&T tower. Ms. Lewis and Mr. White explained that the applicant's position would not be high enough on that 80-foot pole to accommodate Omnipoint's required bandwidth specifications.

Selectman Drobinski noted that the Zoning Board of Appeals did not include a bond in its decision, but he believes it should be included in the Selectmen's decision. Ms. Kablack concurred.

Ms. Kablack briefly reviewed her recommendations regarding the Site Plan, including: potential areas for the other two carriers should be identified where minimal disturbance of vegetation will occur; submission of an existing conditions plan noting vegetation and topography; submission of a storm-water management plan prior to the next Board meeting, which prevents runoff from flowing onto Maynard Road, and requirement of drainage structures; submission of a post-construction structural analysis prior to issuance of a building permit; submission of a bond to dismantle and remove the facility; approval to co-locate Town equipment, at no charge, on this facility should be required; and a financial contribution from the applicant towards a Town-wide study to calculate wireless communications needs and update of the zoning bylaw.

Ms. Lewis stated that the applicant believes it should not alone bear the burden of the drainage improvements and would like to further discuss these issues with the Town.

Chairman O'Brien suggested that the Board communicate with the Water District prior to the next meeting.

Ms. Kablack stated that the Board's deadline to submit a decision on this application is August 20, 2008.

It was on motion unanimously

VOTED: To continue the Site Plan #SP08-007 application of Omnipoint Communications, Inc. at Maynard Road, Assessor's Map E07, Parcel Lot 0003, owned by the Sudbury Water District, zoned Single Residential A-1, to construct a 100-foot, free-standing monopole tower with three interior antennas and equipment buildings for wireless communications, including the ability to add two additional carriers to co-locate on the tower, to June 24, 2008 at 8:30 p.m..

Concord Alexan Chapter 40B Development Project - North Sudbury Residents Discussion

Present: North Sudbury Resident Group Spokesperson Robert Jacobson and approximately 50 North Sudbury residents, and Director of Planning and Community Development Jody Kablack

At 9:15 p.m., Chairman O'Brien welcomed several residents from North Sudbury to the meeting to discuss the status of the Concord Alexan Chapter 40B proposed development. Chairman O'Brien briefly reviewed materials received by the Board, including a list of concerns and questions provided by Robert Jacobson on behalf of the North Sudbury neighborhood, which abuts the proposed site. Chairman O'Brien reported that he, Town Manager Valente and Director of Planning and Community Development Jody Kablack attended a positive meeting this afternoon with Rob Hewitt, Joe Torg and Jeffrey Dirk, representing Trammel Crow. He further reported that Ms. Valente and Ms. Kablack have also communicated with Acton and Concord Town officials to discuss the project. Acton has scheduled formal discussions regarding the project, also this evening, and has committed to further dialogue with Sudbury in the near future. Chairman O'Brien further stated that the Board previously sent a letter to Concord's Board of

Appeals highlighting several items of concern, including public safety, traffic on Powder Mill and Sudbury Roads, and the consequences for the intersection of Powder Mill Road and Route 117, walkways, and requesting a monetary contribution to Sudbury towards mitigation efforts.

Chairman O'Brien further reported that Trammel Crow appeared to be committed to working with Maynard to improve pavement conditions on Powder Mill Road. The development's traffic consultant confirmed Sudbury's estimated costs for redesign of the Route 117 intersection. In addition, conditions and timing of payment were discussed. Thus, Sudbury is optimistic that an agreement can be reached soon for appropriate mitigation funds. Chairman O'Brien additionally reported that the request for a taller, eight-foot fence on Powder Mill Road was discussed. However, the developer remains committed to only a six-foot fence. Concord's Town Planner is also committed to breaks in the fence for wildlife and safety reasons.

Selectman Drobinski agreed that the progress seems encouraging. However, Mr. Drobinski noted that it is critical to have written documents to confirm these verbal agreements. Town Manager Valente concurred, and she will prepare a letter tomorrow to memorialize the understandings reached to date.

On behalf of the North Sudbury resident group, Robert Jacobson, 99Cranberry Circle, thanked the Board for its attention to their concerns. Mr. Jacobson asked if it could be required that, once the development is built, traffic exiting the development must make only a left turn, directing traffic towards Route 62 versus towards Route 117, or at a minimum, during peak traffic hours. Chairman O'Brien responded that the developer's anticipated traffic patterns have been continuously questioned by the Town, however, the developer is not agreeable to such a condition and neither is the Concord Zoning Board of Appeals.

Lawrence Chiango, 77 Powder Mill Road, briefly described his traffic pattern observations over the past 15 years. He opined that adding a traffic signal at the corner of his street and Route 117 will only compound traffic congestion during rush hours. He strongly favors enlisting Acton's support to enforce a left-hand only turn from the development, leading traffic towards Route 62. Chairman O'Brien emphasized that the Town of Sudbury is two towns removed from the proposed site. Thereby, unfortunately, it does not wield much power in the decision-making process. Mr. Chiango urged that language be added in formal Town communications and agreements to ensure that Powder Mill Road residents will not be blockaded in their own driveways by traffic in the future. Selectman Drobinski reminded the Hall that in the 1980s Sudbury made Powder Mill Road a one-way street at the Town line. However, Mr. Drobinski stated that the one-way street local decision was overturned in court.

Mr. Jacobson requested that Town Counsel provide an opinion making Powder Mill Road a one-way street during certain hours and allowing access for residents. He also noted that the Concord Zoning Board of Appeals has scheduled a meeting this Thursday, when the project will most likely be approved. Mr. Jacobson also questioned why access to the development cannot be offered from Forest Ridge Road. Chairman O'Brien stated that Concord officials seem to have no interest in changing the proposed access point.

Bruce Carlisle, 114 Powder Mill Road, stated that a walkway is much needed on his street. He described the inappropriate truck traffic he has observed. Mr. Carlisle believes the Road as designed harbors significant public safety risks, and that vehicular restrictions need to be instituted. Town Manager Valente noted that some Sudbury roads do have truck exclusions, and she will pursue this further with Town Counsel.

Mr. Chiango stated he does not think easements will be possible in all areas of Powder Mill Road to provide a complete walkway.

Kathy Kafalas asked when a decision can be made about truck use of Powder Mill Road. Chairman O'Brien suggested that the Board ask the Town Traffic Safety Committee to research the traffic control issues and provide recommendations to the Board.

Tom Evans, 37 Powder Mill Road, has lived in Town for two years. Mr. Evans believes setting a weight limit for trucks which can travel on the road should be set.

Town Manager Valente suggested that the input provided by the neighborhood tonight will serve as a petition for the Safety Committee to pursue truck-use issues. Upon review by the Traffic Safety Committee, a public hearing would be convened to determine if change of rules and enforcements are warranted. Chairman O'Brien concurred and recommended that the Board ask the Traffic Safety Committee to study Powder Mill and Sudbury Roads regarding size and weight of trucks which can safely travel those Roads.

Mary Mooney, 27 Powers Road, highlighted that a sign is needed at the intersection of Powers Road and Powder Mill Road to indicate that it is a three-way stop. Chairman O'Brien suggested that this recommendation be added to the Safety Committee's task.

Saul Bloom, 169 Powers Road, asked if there will be children living in the proposed development, and if so, how are they expected to walk to school, particularly the two Concord middle schools, without walkways. Chairman O'Brien stated that Concord's transportation management will need to confine such activity within Concord and not direct routes through Sudbury. Ms. Kablack stated she will request strong language be drafted related to this matter within pending documents and decisions.

Cindy Kennelly, 26 Tavern Circle, asked if the development has been questioned on the basis of excessive density. Chairman O'Brien responded that, unfortunately Concord does not agree with that assessment and has encouraged the project. Ms. Kennelly also asked if a decision could be appealed based upon excessive density. Chairman O'Brien responded by reading Town Counsel Kenny's opinion that a successful appeal is unlikely.

Tony DaSilva, 60 Cranberry Circle, stated that he thought the septic system was too close to the Town line. Chairman O'Brien and Ms. Kablack responded that the system has been moved to a new location.

Patricia Pastel, 76 Cranberry Circle, reported that she has worked closely with the Massachusetts Department for Environmental Protection Office regarding the proposed site's stormwater and wastewater issues. She described more specifically where the septic system has been relocated. Ms. Pastel opined that there are several potential stormwater and wastewater related concerns.

Ms. Pastel referenced a report previously provided to the Board from Woodard & Curran, Inc. to the Town of Concord's Zoning Board of Appeals regarding *Technical Review Comments on Preliminary Hydrogeological Evaluation and Stormwater Design* for the Concord Alexan 40B development and a cover memo dated May 5, 2008. She stated that the report recommended that mounding analysis be completed for every house on Cranberry Circle, yet analysis was only completed at one home, 60 Cranberry Circle. It was determined analysis would only be performed at the worst-case scenario home. However, Ms. Pastel noted that each home's property and elevations vary. Thus, Ms. Pastel questions how one sample can be representative of so many potentially different situations. Chairman O'Brien suggested that Ms. Kablack request that the mounding analysis be expanded to be performed at additional homes.

Ms. Pastel further asked if Sudbury's Board of Health can offer its opinion to Concord, given that it is Sudbury's residents who are potentially at risk. Town Manager Valente responded that the Board of Health is not under the Town Manager's control, and thus the Board can only suggest its involvement.

Selectman Drobinski recommended, and the Board concurred, that all of the recommendations made within the Woodard & Curran, Inc. *Technical Review Comments on Preliminary Hydrogeological Evaluation and Stormwater Design* for the Concord Alexan 40B development be included in Concord's Zoning Board of Appeal's decision, and the applicant should be required to place a bond for any potential groundwater issues on Sudbury properties.

Ms. Pastel also expressed concern regarding contamination of Second Division Brook from the development. Ms. Kablack opined that all of Ms. Pastel's concerns are valid and were well identified in early discussions regarding the project. However, Ms. Kablack further stated that, to date, the Town of Sudbury has placed its discussion emphasis on traffic-related issues. Ms. Kablack expressed uneasiness with broaching new areas of concern at such a late stage in the process. Selectman Drobinski stated that his concerns regarding the project have been heightened by reading the Woodard & Curran, Inc. *Technical Review Comments on Preliminary Hydrogeological Evaluation and Stormwater Design*, and he believes these other issues need to be raised as well. Chairman O'Brien strongly urged the abutters present to attend the Concord meeting on Thursday to raise these issues and present new information for consideration, possibly forcing a suspension of the decision. Vice-Chairman Keller emphasized that, if the Concord Zoning Board of Appeals refuses to consider the new information, a case for appeal by the abutters would be strengthened.

Ms. Pastel asked if moving the access point for the development to Forest Ridge Road can be pursued again. She is appalled that Concord can get the Chapter 40B credit for the development without having an entry or exit to the property within its Town boundaries. Town Manager Valente has broached this issue with Acton officials, who have contracted Special Counsel to research this issue.

Chairman O'Brien summarized the outcomes from tonight's discussion as follows: requesting that the Safety Committee review the possibility of closing, (allowing access for residents), Powder Mill Road for a few hours each day and other safety measures for Powder Mill and Powers Roads; Sudbury's Town officials to schedule a meeting with Acton Town officials, and pursue an answer from Trammel Crow regarding mitigation funds; Ms. Kablack will review Concord's Draft Decision and recommend language improvements; Ms. Pastel will continue to work with the Massachusetts Department of Environmental Protection; and Chairman O'Brien will contact Sudbury's Board of Health Director Robert McNamara to enlist his support.

At 10:29 p.m., Chairman O'Brien closed the discussion. He thanked the residents of North Sudbury and Mr. Jacobson for their concern on such an important project, and urged them to voice their opinions strongly as abutters.

Sudbury Housing Local Preference Definition - Revised Policy

Chairman O'Brien announced that this discussion item has been removed from tonight's agenda.

Sudbury Access Corporation - Contract Approval

Present: Cable Television Committee Chair Jeff Winston and several Committee members

Chairman O'Brien provided a brief update of the process, thus far, to establish a Sudbury Access Corporation (SAC) to carry both Verizon and Comcast programming.

A Request for Proposal (RFP) was advertised in January 2008 for Public, Educational and Government (PEG) Access in connection with cable television. One response proposal was received from the Sudbury

Access Corporation (SAC). Mr. Winston thanked everyone who helped develop the RFP for SAC and prepare the initial draft contract with the Town.

Selectman Drobinski acknowledged that, at times, the process has been challenging, but he thanked Mr. Winston and his colleagues for moving this process along for the benefit of the community.

Vice-Chairman Keller suggested a few revisions to the draft contract, including: adding in Section 6 that SAC will notify the Town webmaster of information to be posted on the Town website; clarifying with additional language in Section 13 that SAC meetings can close for consultation with attorneys for litigation-related matters; deleting the words "or permitted" in Section 7.

Mr. Winston stated he does not have the authority to approve changes to the contract language without consulting SAC's counsel. Chairman O'Brien suggested that Mr. Winston relay the revisions to Attorney Bill Solomon, and if needed, refer Mr. Solomon to discuss the revisions with Vice-Chairman Keller.

It was on motion unanimously

VOTED: Acting as the Licensing authority for the Town, to provisionally approve a contract between the Town of Sudbury and the Sudbury Access Corporation, dated June 10, 2008 for an initial term of three years, subject to incorporation of the recommended revisions presented this evening once they have been reviewed and agreed to by counsel for the Sudbury Access Corporation and Vice-Chairman William Keller, who has been authorized to finalize the language on behalf of the Board.

It was also on motion unanimously

VOTED: Acting as the Licensing authority for the Town, to instruct the Town Manager to notify Comcast that the Town is exercising all options available under the current license, including the PEG Access Option; to instruct Verizon to send all withheld, current and future access funds to the Town, to instruct Town staff to transfer title of all Access equipment to SAC as soon as it is received from Comcast; and to expedite Town receipt of Verizon funds to the Sudbury Access Corporation upon receipt to be used as initial funding, all subject to final approval of the contract between the Town of Sudbury and the Sudbury Access Corporation, dated June 10, 2008, as revised this evening.

The Board briefly discussed the need to appoint a Board member to the Sudbury Access Corporation, how replacements of SAC members will be handled, how recruitment of members will be advertised, and whether there are predetermined terms for open seats.

It was also on motion unanimously

VOTED: Acting as the Licensing authority for the Town, to instruct the Sudbury Access Corporation to advertise for, and identify a candidate for its fifth board member, and to notify Mary McCormack in the Board of Selectmen's Office, who will coordinate an agenda time for the Selectmen to meet, and if deemed appropriate, appoint the candidate.

Upon the suggestion of the Town Manager, the Board concluded that dissolution of the present Cable Television Committee and hiring of Special Counsel for the Comcast renewal process will be discussed at a future time.

Mr. Winston thanked the Board for its support throughout the development of the draft contract. He stated that he believes the Board and the community will be well served by the final result.

Minutes

It was on motion unanimously

VOTED: To approve the regular and executive session minutes of May 27, 2008.

Budget Review Task Force - Finance Committee Representative

It was on motion unanimously

VOTED: To appoint Jamie M. Gossels, 11 Spiller Circle, as the Finance Committee representative to the Budget Review Task Force (BRTF), for a term to expire April 30, 2009, to fill a vacancy occasioned by the resignation of Ralph Verni, as requested in an email from the Budget Review Task Force Co-Chair Robert Jacobson dated June 3, 2008.

Community Preservation Committee - Resignation

It was on motion unanimously

VOTED: To accept the resignation of Tara L. Reed, 11 Carding Mill Road, as a member of the Community Preservation Committee, and to send a letter of appreciation for her valuable and dedicated service.

Budget Review Task Force - Resignation

It was on motion unanimously

VOTED: To accept the resignation of Miner Crary, 1 Hunt Road, as a member of the Budget Review Task Force, and to send a letter of appreciation for his valuable and dedicated service to the community.

D.A.R.E Program - Donation

It was on motion unanimously

VOTED: To accept, on behalf of the Town of Sudbury, a \$50 donation from the Peter Noyes School D.A.R.E. program to the Park and Recreation Donations Account, as requested in a memo dated May 29, 2008, from Park and Recreation Director Dennis Mannone, to be expended under his direction for program scholarships.

DPW and Town Hall Cleaning Services- Award of Contract

It was on motion unanimously

VOTED: To approve award of contract by the Town Manager for FY09 cleaning services for the Town Hall, and the Department of Public Works building, subject to approval of Town Counsel.

Sudbury Housing Trust - Term Expiration Corrections

It was on motion unanimously

VOTED: To correct the term expirations of Sudbury Housing Trust members Peter M. Crowe, 29 Meadowbrook Road, and Amy E. Lepak, 54 Jarman Road, as appointed on April 29, 2008, to the correct two-year expiration term of April 30, 2010, as requested by Community Housing Specialist Beth Rust.

Application for Comprehensive Permit (Case 08-21) - Requests for Comments and Waivers of Permit Fees

Town Manager Valente briefly explained that Sudbury's Zoning Board of Appeals has scheduled a public hearing on June 16, 2008, regarding the Application for Comprehensive Permit (Case 08-21) for the Greater Worcester Habitat for Humanity and the Sudbury Housing Trust, and has asked for a report and recommendation from the Selectmen.

Town Manager Valente further reported that Town Counsel Paul Kenny has researched and concluded, that since the buildings are owned by the Sudbury Housing Trust, an entity of the Town, Sudbury bylaws allow for waiver of fees.

Chairman O'Brien suggested, and the Board concurred, that unless anyone provides Community Housing Specialist Beth Rust with comments by tomorrow morning, that Ms. Valente should proceed with drafting a letter expressing the Board's satisfaction with the project.

It was on motion unanimously

VOTED: To approve the waiver of Building Permit, plumbing and electrical fees for the Habitat for Humanity project on Dutton Road, as requested by Sudbury Community Housing Specialist Beth Rust, in a memo dated June 3, 2008.

It was also on motion unanimously

VOTED: To authorize the Town Manager, on behalf of the Board, to draft a letter for review to be sent to Sudbury's Zoning Board of Appeals expressing satisfaction with the Habitat for Humanity project on Dutton Road, and noting the Board's vote to waive Building Permit, plumbing and electrical fees for the project.

Sky Restaurant and Victory Cigar Bar - Request to Extend Hours of Operation

It was on motion unanimously

VOTED: To approve the extension of the closing hour and the serving of alcoholic beverages at Sky Restaurant, 120 Boston Post Road, and Victory Cigar Bar, 615 Boston Post Road, until 1:00 a.m. for the duration of the NBA finals on the condition that the kitchen remain open and food is served.

Reports From the Board of Selectmen

Selectman Drobinski attended a Community Preservation Committee meeting last week. He reported that the Committee has begun planning for next year's project proposals. Mr. Drobinski further reported that Ms. Kablack will soon advertise the Committee vacancy occasioned by the resignation of Tara Reed.

Selectman Drobinski also reminded the community that Riverfest 2008 will be held June 14 and June 15. More information is available on the Town website.

Chairman O'Brien reported that he and Town Manager Valente attended a Volunteer Luncheon at the Sudbury Senior Center yesterday, which was a wonderful opportunity to thank the many Town volunteers for all they do.

Chairman O'Brien also attended the D.A.R.E. graduation tour. He said the event was well coordinated and featured many local current and former professional athletes.

Reports From the Town Manager
FY09 DPW Award of Contracts

It was on motion unanimously

VOTED: To approve award by the Town Manager of the following Department of Public Works (FY09) contracts to the lowest eligible bidder(s) in accordance with the requirements set forth in the bidding documents and as reviewed by Town Counsel:

CONTRACT NUMBER	CONTRACT NAME	TERM
2009-ER-1	Street Sweeping	1-yr. renewable
2009-M-1	Bituminous Materials	1 yr. only
2009-CM-1	Cem Mowing/lawn & landscape Maintenance Town and School buildings	1-yr renewable
2009-G-1	Gasoline	1-yr only
2009-DF-1	Diesel Fuel	1-yr only
2009-M-3	Borrow Materials	1-yr renewable
2009-T-1	Trees & Stumps: Removal & Disposal	1 -yr renewable
2009-M-2	Bituminous Concrete Type I in place	1-yr renewable
2009-TLP-1	Traffic Line Painting	1-yr renewable

Sudbury Trust Program - Draft

Town Manager Valente distributed to the Board, for review and discussion purposes, copies of the draft Sudbury Trust Program. Ms. Valente stated that Town staff suggested a program be established by the Board to formally encourage gifts to the Town for certain quality of life items and projects. She also noted that a subcommittee of the Budget Review Task Force is also interested in implementing such a program.

Ms. Valente asked Town Department Heads and the Budget Review Task Force Subcommittee to provide a list of projects that might be offered to potential donors as suggestions. Department of Public Works Director Bill Place has provided a few recommendations. Ms. Valente also provided the Board with a listing of Town-wide priority projects developed last year for which there was no available funding. Ms. Valente stated that once a list of pending projects which could be funded by gifts is finalized, she will present it to the Board for review. Ms. Valente invited additional comments and input from the Board to refine the document.

Ponds and Waterways Committee - Revisions to Constitution of Membership

Town Manager Valente distributed to the Board a memo from Ponds and Waterways Committee Chair Susan Crane for review and discussion purposes, requesting that the Committee's membership be expanded to nine or ten members. Chairman O'Brien recommended that, if expanded, the number be an odd number, i.e., nine or eleven, for voting purposes.

It was on motion unanimously

VOTED: To instruct the Town Manager to contact the Conservation Commission and the Planning Board for feedback to be shared at the next Board meeting regarding membership representation, and to request that Ponds and Waterways Committee Chair Susan Crane forward information on candidates interested in membership to the Board of Selectmen for review, and possible appointment.

State Regionalization Hearing

Town Manager Valente announced that the Board has been invited by State Representative Tom Conroy to attend a hearing in Lexington regarding regionalization on June 24, 2008 from 10:00 a.m. to 1:00 p.m. She asked that the Selectmen check their calendars and notify her if they are able to attend. She further stated that she will attend if a Board member is unable to do so.

Executive Session

At 11:36 p.m., Chairman O'Brien 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 litigation and public safety.

Chairman O'Brien announced regular session would not reconvene following Executive Session.

There being no further business, the meeting adjourned at 11:36 p.m.

Attest: _____

Maureen G. Valente
Town Manager-Clerk