

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, MAY 13, 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 7:31 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:36 p.m., Chairman O'Brien opened the meeting. He announced that the Finance Committee is in need of membership applicants due to the resignation of Ralph Verni. Anyone interested in applying to serve on the Finance Committee should contact the Board of Selectmen's Office or access further information on the Town website.

Vice-Chairman Keller noted that Finance Committee members are appointed by the Town Moderator. Chairman O'Brien explained that an interim appointment will be made to complete Mr. Verni's term, after which a more lengthy appointment will be made by the Town Moderator.

Temporary Trailer Permit - Discussion

Present: Patty Shesgreen and Rob Dionne

Town Manager Valente reported that all permit procedures have been followed by the applicants, and the request appears in order.

Rob Dionne, 34 Summer Street, briefly described to the Board plans that he and his wife have made to demolish their present home, and to live in a temporary trailer while a new home is constructed. In response to a few questions, Mr. Dionne stated that the trailer is approximately 32-feet long, and it will be professionally connected to the existing septic system. Mr. Dionne stated that three people and two cats will occupy the trailer for the anticipated four or five months of construction.

Selectman Drobinski asked if the requested timeframe is sufficient, if unexpected construction or weather delays occur. Chairman O'Brien clarified for the applicants, that if a temporary permit is approved tonight for only four months, and if the project is not completed in that timeframe, the applicants will need to reapply to this Board for a permit extension. Mr. Dionne noted that they intend to sell the trailer once the new home is constructed. Thus, Mr. Dionne and Ms. Shesgreen concurred that it would be preferable to have a longer timeframe approved tonight.

Chairman O'Brien highlighted a request from the Fire Department that, if the temporary trailer is approved for dwelling, a clear access route must be maintained from the street to the trailer at all times during construction.

It was on motion unanimously

VOTED: To grant a Special Permit to Patty Shesgreen and Rob Dionne for use of a mobile home for dwelling purposes, for the period May 2008 through May 2009, during the demolition of their current house and construction of a new house at 34 Summer Street; subject to issuance of a building permit for the renovation work, electrical and plumbing permits for the trailer, Board of Health approval involving connection of the trailer to septic system and water, and approval of the Fire Chief regarding the trailer's

compliance with smoke and CO detector laws and maintenance of an emergency access route to the trailer from the street.

Fair Housing Report - Presentation

Present: Sudbury Housing Specialist Beth Rust and Director of Planning and Community Development Jody Kablack

At 7:45 p.m., Sudbury Housing Specialist Beth Rust distributed to the Board an updated "Analysis of Impediments to Fair Housing Choice" report for the Town of Sudbury dated May 13, 2008. Ms. Rust explained that as part of the West Metro HOME Consortium, Sudbury is required to certify that grants are administered in conformity with fair housing policies, and that the projected use of funds has been developed so as to give maximum feasible priority to activities which will benefit low- and moderate-income families. The "Analysis of Impediments to Fair Housing Choice" report will be submitted by the Town every five years to satisfy this requirement and to certify the approximate \$22,000 received in grants each year.

Ms. Rust provided a brief overview of the comprehensive report, which includes data and information regarding municipal housing, economic, transportation conditions, as well as public and private sector policies in order to ensure housing choices are available for all persons within a community. Ms. Rust stated that the report reflects Sudbury's longstanding commitment to fair-housing practices. She also noted that with the development in recent years of her position and the Town's Housing Office, Sudbury is better positioned to gather critical data for inclusion in the report from broader and more varied sources.

Ms. Rust noted that Sudbury has pursued many avenues to increase fair housing options in the community. However, she further stated that the difficulty and inability to acquire land for housing projects in Town is the most prominent impediment to accomplishing more affordable housing opportunities.

Ms. Rust stated that jurisdictional background data and population profile data for the report were drawn from the 2000 Census information. Chairman O'Brien asked if the student population profile information for minority representation includes METCO students. Ms. Rust responded affirmatively.

Ms. Rust further stated that the report contains income data and information on home sales. At the time of its writing, the report reflected only 13 homes for sale in Sudbury under \$500,000. She also noted that the report reflects that Sudbury is a peaceful community, and that it has experienced few fair-housing discrimination complaints since 1994. In response to a question from Chairman O'Brien, Ms. Rust stated that Sudbury was not found to be lacking in any aspect of the report. The Town actively works on affordable housing development on an ongoing basis. Ms. Rust did reference action steps noted in the report, including an emphasis on educational outreach to the community to gain public support for fair-housing issues and initiatives.

Selectman Drobinski commended Ms. Rust on the comprehensive report. He also asked the Town Manager to post the report on the Town website. Ms. Rust stated that, upon signature by Chairman O'Brien tonight and submission tomorrow, the report will be available on the Town website on Thursday.

Vice-Chairman Keller asked for an explanation of the expiring use of Longfellow Glen. Ms. Rust and Ms. Kablack explained that, initially deed riders did not protect a property's affordability into perpetuity, but only for the length of the mortgage term. Ms. Kablack stated that the Town has been tracking the Longfellow mortgage, which will expire in 2014. As the date draws closer, the Town will proactively approach the owners to discuss future options.

It was on motion unanimously

VOTED: To approve the "Analysis of Impediments to Fair Housing Choice" report dated May 2008, and to authorize Chairman Lawrence O'Brien to sign the report as the Chief Elected Official, on behalf of Sudbury.

Vice-Chairman Keller requested that Ms. Rust forward the signed and certified report to the Board electronically, which she agreed to do.

Town Forum - Sudbury Day Committee

Present: Sudbury Day Committee Co-Chairs Lisa Barth and Abby Ward and Committee member Ellen Gitelman

At 8:00 p.m., Chairman O'Brien welcomed Sudbury Day Committee Co-Chairs, Lisa Barth and Abby Ward, and Committee member Ellen Gitelman to the meeting.

Sudbury Day Committee Co-Chair Abby Ward announced that the Committee is preparing for its seventh annual event. Ms. Ward stated that the Committee has been reviewing how much time is spent each year coordinating the event. From these discussions, the Committee concluded that as the event becomes more successful each year, September becomes a more difficult time of year to launch the celebration. Ms. Ward highlighted that it is very difficult to coordinate activities, volunteers and sponsors during the summer months leading to September. September also poses the challenge of interfering with getting children situated in schools and off to colleges. Thus, the Committee recommends that the Sudbury Day festivities be moved to the springtime each year. Ms. Ward stated that the Committee believes a spring event will be a welcomed addition to culminate many of the Town's annual activities.

Ms. Ward further stated that the Committee also recommends that the location for Sudbury Day be changed to the Lincoln-Sudbury Regional High School (L-SRHS). Ms. Ward highlighted that the new venue will offer more activity-planning opportunities outdoors and indoors. The features of the High School campus will also save money since tents and other supplies will not need to be rented.

Chairman O'Brien asked if the Committee has broached the change of location idea with High School representatives. Ms. Ward responded "not yet," since the Committee wanted to first pursue approval from the Selectmen before contacting others. However, Ms. Ward did report that the Committee has had a preliminary conversation with Parks and Recreation Director Dennis Mannone regarding parking.

Selectman Drobinski said that he hopes the High School will agree that the location change could be a great use of its facility for Sudbury Day. Vice-Chairman Keller noted that the Committee will need to include L-SRHS representatives in its planning and coordination of schedules and dates for the event. Town Manager Valente noted that Assistant Town Manager Wayne Walker was unable to attend tonight's meeting. However, she stated that Mr. Walker has worked closely each year with the Committee, and he also supports these recommendations.

Vice-Chairman Keller asked if there was a significant reason for the event being held in September. Ms. Barth and Chairman O'Brien responded that the September date evolved from the *No Place for Hate* certification process deadlines, and as a reaction to the national tragedy of September 11, 2001, to create a community-building experience for the Town.

Chairman O'Brien suggested that the Committee might gain valuable logistical insight regarding the use of L-SRHS by consulting with those who coordinate "Jamaica Jamin," at the High School each year.

Ms. Barth stated that if these recommendations are approved this evening, the Committee will meet to decide the appropriate date for the event, and then publicize the changes so the community is notified in advance.

Vice-Chairman Keller asked if the Middle School was also considered as a viable location. Ms. Barth responded that the Middle School did not provide enough space on any single floor and that the halls were too dark and confining when compared to the High School space, which offers so many more features. Ms. Gitelman stated that the state-of-the art sound equipment at L-SRHS will also be a tremendous benefit to the entertainment portions of the planned activities.

It was on motion unanimously

VOTED: To approve the recommendations of the Sudbury Day Committee to change the event to be held in spring of 2009, and for the event to be held at the Lincoln-Sudbury Regional High School, subject to the High School's approval.

At 8:15 p.m., Chairman O'Brien wished the Committee members good luck. He suggested they contact the newest L-SRHS School Committee member Berne Webb, who coordinates "Jamaica Jamin," and that they meet with appropriate High School and Town officials as soon as possible regarding preparations for parking.

Town Forum - Rail Trail Conversion Advisory Committee (RTCAC)

Present: RTCAC Chair Patricia Brown and RTCAC members Bridget Hanson, Jennifer H. Pincus, Nancy J. Powers, Richard C. Williamson, Christopher D. McClure and his daughter

At 8:15 p.m., Chairman O'Brien welcomed the Rail Trail Conversion Advisory Committee (RTCAC) Chair Pat Brown and Committee members to the meeting. The Board was previously in receipt of the following materials: several questionnaire responses regarding Rail Trails from conservation officers in Marlborough, Holden, and West Boylston; a Regional Overview of the Bruce Freeman Rail Trail presented in a timeline format, dated January 24, 2008; and a RTCAC timeline presentation of the History of the Sudbury Rail Trail Proposal, dated January 24, 2008. Rail Trail Conversion Advisory Committee (RTCAC) Chair Pat Brown noted that all of this information has also been posted on the Town website.

Ms. Brown noted that the Committee has focused much of its research on the following four rail trails: Minuteman, Assabet River, the Nashua River Rail Trail, and the Wachusett Greenways, which is not a paved trail. Ms. Hanson stated that these four trails provided the Committee with a wide-range of features and challenges to assess. Although she noted that none of the towns studied so far are exactly like Sudbury, much can be learned from all of the other towns' experiences.

Selectman Drobinski thanked the Committee for collecting such helpful information, and he noted that the references are very much appreciated.

Ms. Hanson noted that Sudbury will have its own wetlands challenges, but it has the benefit of local bylaws. She further stated that, under the State Wetlands Protection Act, a rail trail is considered a minor project, and thereby would receive quick permitting. Ms. Hanson noted that, in Sudbury, the rail trail will be fully scrutinized under the local laws as well.

Vice-Chairman Keller asked what the Committee will focus its attention on in the next several months.

Ms. Brown responded that the Committee has begun to track the pending Community Preservation Committee (CPC) approved projects. She noted that it soon expects to receive the first quarterly report of the four-season wildlife study to review. Mr. McClure also is a member of the Conservation Commission, and he stated that the Commission has received that first quarterly report and will soon decide how it will be disseminated.

Chairman O'Brien reviewed the 2007 CPC articles which were approved: a title search, the four-season wildlife study and the survey. Ms. Brown noted that the Committee was notified that the title was firm enough to proceed with its work, however, it has not received a final report. Town Manager Valente clarified that Town Counsel Paul Kenny provided an opinion that there were no title impediments, however, no final report has been produced. Ms. Valente will request a final report from Town Counsel.

Ms. Hanson requested suggestions for what areas the Board would like the Committee to focus its attention in the future. In the absence of such input, Ms. Hanson stated that the Committee will continue on a similar path of research. In particular, Ms. Hanson mentioned that data on trail maintenance costs will be gathered. Ms. Brown noted that the Committee will need additional time until September to collect more information and fulfill its assignments. Selectman Drobinski asked Town Manager Valente to circulate to the Board the email message which Ms. Hanson had previously sent to him asking for the Board's input.

Selectman Drobinski stated that he will be interested in seeing the results of ongoing studies, and he will want more information on different types of surfaces and maintenance options and costs prior to deciding on future funding options for the Town.

Chairman O'Brien stated that he would be interested in additional profile information on rail trail users. Ms. Hanson stated that several sources have mentioned that multi-use trails servicing bicycles and horses are problematic and do not integrate well. Chairman O'Brien stated that he would want a trail in Sudbury to serve as broad an audience of its residents and families as possible. Selectman Drobinski noted that a crushed-stone service works well for all activities except roller-blading.

Ms. Brown emphasized that the avenues pursued for funding of these projects, often times also decides the choices subsequently made for other aspects of the project.

Town Manager Valente and Vice-Chairman Keller stated that they would like the Committee to focus on recommendations for what decisions the Town should be making, when it should be making them, as well as the implications of those decisions or lack of action.

Town Manager Valente suggested that the Committee also make its research available in hard copies at the Goodnow Library and the Council on Aging.

Ms. Brown further stated that information will be forthcoming from Madeleine Gelsinon, who has been working with the Agricultural Commission, and its relevant issues.

In response to a question from Chairman O'Brien, Ms. Brown also provided a brief update of Concord's rail trail status. She stated that Concord approved its rail trail design at its Town Meeting. Town Manager Valente noted that the Concord trail has been designed to end at Concord's Powder Mill Road. Ms. Brown also noted that Acton is still negotiating a lease with Executive Office of Transportation (EOT). EOT has stated that it prefers to wait until the 75% or 100% design phase prior to making any commitments. Town Manager Valente stated that legislators should be informed that EOT has taken such an inflexible position, leaving open the possibility that it may even deny a town's request after the town has invested considerable funds.

Ms. Brown asked if the Committee will have representation from the Parks and Recreation Commission, which has provided no input for the past three years. Ms. Brown further wondered that if there is no participation, can the Department be removed from the Committee's membership. Selectman Drobinski stated that the Department should be represented, since the rail trail will be used for recreational purposes. Chairman O'Brien requested that Vice-Chairman Keller, as the Board's liaison to the Park and Recreation Commission, communicate to the Commission the Board's preference that it be involved in the Committee's work.

At 8:58 p.m., Chairman O'Brien thanked the Committee for its work and thoughtful research, and he concluded the discussion.

Public Hearing: Ti-Sales - Site Plan Application

Present: L.W. Bert Tighe, Ti-Sales Owner and Director of Planning and Community Development Jody Kablack

At 9:00 p.m., Chairman O'Brien opened the public hearing regarding the Site Plan application for Ti-Sales, SP#08-006, in accordance with Town of Sudbury Zoning Bylaw Art. IX, Section 6300, for property located at 36 Hudson Road, Parcel G09-0002, owned by L.W. Bert Tighe; zoned Business District 7 and Residential A-1, which was continued from April 29, 2008. The proposal is for construction of a 1,000 square-foot building in the rear of the property for storage of waterworks' supplies. He reported that Director of Planning and Community Development Jody Kablack conducted a site visit last week, which he and Vice-Chairman Keller attended.

Director of Planning and Community Development Jody Kablack noted that the only new material added to the file since the last meeting is the Draft Decision. Ms. Kablack further reported that she has had several conversations with Roanna London, 46 Hudson Road, regarding Ms. London's concerns broached at the last Board meeting. Ms. Kablack has also spoken with Mr. Tighe to discuss options for minimizing the visual impact of the new building for Ms. London. Ms. London had hoped the building's proposed color could be changed, and she also wondered if the proposed location for the building could be moved. Ms. Kablack stated that moving the new building to another location is not possible, since doing so would not significantly change the perspective for Ms. London. Mr. Tighe exhibited to the Board a paint color sample.

Ms. Kablack highlighted that additional plantings could be incorporated into the plan to cover a 30-40-foot section of fencing which presently has no vegetation. Ms. Kablack recommended that three or four arborvitae trees be planted every ten feet on center. Ms. Kablack discussed this enhancement with Ms. London, who agreed that the additional landscaping would be acceptable.

Vice-Chairman Keller stated that he thought the property was well-maintained when he visited. Chairman O'Brien concurred, although he suggested that consistent effort be made to house inventory near the front loading dock as out of sight as possible.

It was on motion unanimously

VOTED: To approve the draft Site Plan Decision for Ti-Sales, SP#08-006, in accordance with Town of Sudbury Zoning Bylaw Art. IX, Section 6300, for property located at 36 Hudson Road, Parcel G09-0002, owned by L.W. Bert Tighe; zoned Business District 7 and Residential A-1, as reviewed and amended tonight, subject to inclusion of a condition to plant three or four arborvitae trees, every ten feet on center, in the area of fencing which presently has no landscaping.

Ms. Kablack noted that the Decision will be filed tomorrow with the Town Clerk.

It was also on motion unanimously

VOTED: To close the Public Hearing for the Site Plan application for Ti-Sales, SP#08-006, in accordance with Town of Sudbury Zoning Bylaw Section 6300, for property located at 36 Hudson Road, Parcel G09-0002, owned by L.W. Bert Tighe; zoned Business District 7 and Residential A-1.

Permanent Building Committee - Appointment Interview

Present: Applicant Thomas W. Joyner

At 9:15 p.m., Chairman O'Brien welcomed Thomas W. Joyner, to the meeting to explain his interest in serving on the Permanent Building Committee.

Mr. Joyner has lived in Sudbury 13 years. He explained that a current member of the Permanent Building Committee, Tom Scarlata, with whom he has had business dealings, mentioned the Committee vacancy to him. Mr. Joyner has an extensive background in HVAC related work, and he is a partner at an engineering firm specializing in commercial mechanical and electrical engineering. Mr. Joyner also mentioned that his children are now grown, and that he would welcome a new way of participating in the community with this volunteer position.

Selectman Drobinski commended Mr. Joyner on his interest in volunteering his talents for the Town's benefit. Chairman O'Brien extended thanks to Mr. Scarlata for recommending Mr. Joyner as a candidate.

Town Manager Valente noted that the Town does not currently employ a facilities manager. Therefore, it is extremely helpful to have residents volunteer who have trade expertise, which can help guide the Town's decisions to maintain buildings well into the future.

Chairman O'Brien asked about Mr. Joyner's "green" experience, given that the Town will be looking at ways to maintain its facilities in more cost-efficient energy ways. Mr. Joyner responded that his firm has developed a LEED division and has worked on many LEED Gold and Silver projects.

It was on motion unanimously

VOTED: To appoint Thomas W. Joyner, 19 Center Street, Sudbury, to the Permanent Building Committee, based upon the Committee's recommendation, for a term to expire April 30, 2010, filling a vacancy occasioned by the term expiration and resignation of James Cummings.

Mr. Joyner thanked the Board for the appointment. He stated he has attended a few Committee meetings, and that he has been impressed by the members and the work they do.

Public Hearing: BMW Dealership - Endorsement of Site Plan Modifications

Present: Director of Planning and Community Development Jody Kablack

Director of Planning and Community Development Jody Kablack reported that the plans have been endorsed by Town staff. Ms. Kablack noted that the plans were approved subject to the Board's approval of the lighting plan. Ms. Kablack explained that although daytime and nighttime lighting plans have been submitted, she has found the lighting plan to appear too bright in two locations. One of these locations is in the front of the site, and it involves the proposed freestanding sign. Since the signage has not yet been

approved, Ms. Kablack recommended to the Board that the lighting plan not be endorsed tonight, but rather delay that approval until after signage is approved by the Zoning Board of Appeals and the Design Review Board.

Ms. Kablack further noted that Building Inspector James Kelly is further researching a conference room area on the second floor which may not be ADA compliant. He will need to determine whether the space will be used privately or publicly, and then document the space accordingly at the permit stage. Mr. Kelly has not signed the architectural plan showing the interior space.

Ms. Kablack stated that the applicant is pursuing its building permit. She emphasized that the building permit process will not be hindered by not approving the lighting plan tonight, since lighting is more of a Certificate of Occupancy issue. In summary, Ms. Kablack recommended endorsement of the plans, with the exception of the lighting plan.

Selectman Drobinski stated that he foresees the signage discussion will be important given the applicant's request for a large/tall sign. Vice-Chairman Keller agreed, however, he noted that businesses do need visibility to be successful.

Ms. Kablack further noted that she did not sign the Irrigation Plan, since it contained specifications beyond her scope of expertise. In addition, she responded to a few questions from Selectman Drobinski regarding use of, and connection to, the municipal water supply. Ms. Kablack clarified that the law does not prohibit commercial systems from connecting to the Town's water supply, whereas it does prohibit residential connections. Selectman Drobinski noted that in the future the Sudbury Water District will need to comply with far more stringent irrigation policies according to the Water Management Act, or risk incurring fines for non-compliance.

It was also on motion unanimously

VOTED: To endorse the BMW Dealership Herb Chambers of Sudbury Site Plan SP #06-382, 68 Old County Road, parcels 4 and p/o 52; zoned Industrial, with the exception of the lighting plan.

Minutes

It was on motion unanimously

VOTED: To approve the regular session minutes of April 29, 2008.

8th Annual Positive Spin for ALS Ride

It was on motion unanimously

VOTED: To grant a special permit to Myke Farricker, Coordinator, for the Positive Spin for ALS Bike Ride on June 22, 2008, from 9:00 a.m. through approximately 4:00 p.m., following the same route as in previous years, beginning and ending in Wayland, and subject to all Police Department safety requirements, proof of insurance coverage and the assurance that any litter will be removed at the conclusion of the race.

George J. Raymond Scholarship Fund Disbursement

It was on motion unanimously

VOTED: Acting as Co-Trustees of Town Donations, to award a \$665 disbursement from the George J. Raymond Scholarship Fund to the 2007-2008 school year recipient, Alex Vai, 5 Wadsworth Road, Sudbury, as requested by Lincoln-Sudbury Regional High School and Co-Trustee, Andrea Terkelsen.

Vice-Chairman Keller extended the Town's commendations to Alex Vai on maintaining an A average during his first year at MIT.

D.A.R.E Program - Donation

It was on motion unanimously

VOTED: To accept donations from the four elementary schools (Nixon, Noyes, Haynes and Loring Schools) in the amount of \$1,500 to the D.A.R.E. program account, for the purchase of fifth-grade graduation shirts, to be expended under the direction of the Police Chief, as requested in a letter dated April 30, 2008, from D.A.R.E. Officer Ronald Conrado.

Council on Aging - Appointment

It was on motion unanimously

VOTED: To appoint Mary-Lee Mahoney-Emerson, 11 Poplar Street, to the Council on Aging, for a term to expire April 30, 2010, to fill a vacancy occasioned by the resignation of Abner Salant, as requested in an email memo dated May 7, 2008, from Kristin Kiesel, Council on Aging Director.

Sudbury Cultural Council - Resignation

It was on motion unanimously

VOTED: To accept the resignation of Ellen Hoffman, 21 Hawes Road, as a member of the Sudbury Cultural Council, and to send a letter of appreciation for her many years of service to the Town.

Bid Awards

It was on motion unanimously

VOTED: To approve a bid award for the purchase of one new 2008 model year, Class 1, Type 1 Emergency Medical Rescue Vehicle manufactured and equipped as specified for the Sudbury Fire Department for delivery in FY09, funded under Art.7 of the 2008 Annual Town Meeting, to the eligible, responsive and responsible bidder offering the best price upon the recommendation of the Fire Chief and as approved by Town Counsel (bid opening May 9, 2008).

It was also on motion unanimously

VOTED: To approve a bid award for the historic restoration of a selection of gravestones at the Revolutionary Cemetery; to the eligible, and responsible Conservator offering the best price, upon the recommendation of the Historical Commission in conjunction with, and as approved by, Town Counsel (bid opening May 14, 2008).

It was also on motion unanimously

VOTED: To approve a bid award for the historic restoration of the Loring Parsonage, including installation of a cedar shingle roof, clapboard replacement, and painting as an alternate if price is acceptable, to the eligible, and responsible bidder offering the best price, upon the recommendation of the Building Inspector in conjunction with the Historical Commission, and as approved by Town Counsel (bid opening May 9, 2008).

Piper Property - Non-Exercise of the Right of First Refusal

Present: Director of Planning and Community Development Jody Kablack and Attorney Stuart J. Hamilton

Chairman O'Brien explained that a Homestead Act was put on the property, which was inadvertently not removed when the Town purchased its portion of the property. Director of Planning and Community Development Jody Kablack stated that the Town never formally withdrew its right of first refusal under Chapter 61B, and learned of the clouded title from the purchaser's attorney.

It was on motion unanimously

VOTED: To not exercise the Town's right of first refusal under Chapter 61B of the Massachusetts General Laws to purchase approximately 3.0 acres at 30 Rice Road, pursuant to a Notice of Intention to Convey 30 Rice Road, Sudbury, postmarked April 17, 2008, from Stuart J. Hamilton, Esq. on behalf of Elizabeth P. Harder in her capacity as Executrix of the Will of Dorothy J. Piper, said land identified as Lot 1 on a plan recorded at Middlesex South Registry of Deeds at Book 31975, Page 440.

Attorney for the Executrix of the Will for Dorothy J. Piper, Stuart J. Hamilton, arrived after the vote. He asked when final paperwork would be available for him to record. Town Manager Valente asked him to contact Elaine Jones in the Town Counsel's Office tomorrow morning to coordinate receipt of the appropriate paperwork.

Special Acts - Insurance or Recovery Proceeds and Senior Tax Deferral

Town Manager Valente stated that Town Counsel Paul Kenny has reviewed and approved the language of both Special Acts to be submitted to the State Legislature.

It was on motion unanimously

VOTED: To approve and sign the following Special Act petitions and letters for submittal to the State Legislature: a) An Act Authorizing the Town of Sudbury To Use Certain Insurance or Recovery Proceeds (Art. 15 ATM08); and b) An Act Authorizing the Town of Sudbury to Regulate Certain Property Tax Exemption Eligibility Requirements for the Elderly by Amending Chapter 320 of the Acts of 2002 (Art. 20 ATM08).

OBRA Contributions Policy - Modification

Chairman O'Brien commended Finance Director Andrea Terkelsen on her memo to the Board explaining the rationale for the requested changes. Town Manager Valente explained that, with today's technology, which allows plan withdrawals to be done quickly, it is no longer necessary to impose a waiting period upon part-time and seasonal employees to receive their funds.

It was on motion unanimously

VOTED: To remove/abolish from the existing OBRA Contributions Policy the mandatory waiting period for the following employees who choose to have access to their deferred compensation benefits after termination

of employment with the Town: Lifeguard, Water Safety Instructor, Pool Receptionist, Temporary Laborer for Highway or Park and recreation, Substitute teacher, and Custodial Summer Help.

FY09 Board of Selectmen's Goals

Town Manager Valente emphasized that by setting goals in May, staff will be able to immediately work on many issues in May and June prior to encountering the difficulty of working around summer vacation schedules and commitments. Ms. Valente briefly reviewed the final revisions Town Staff made to capture the Board's intentions.

It was on motion unanimously

VOTED: To approve and adopt the FY09 Board of Selectmen Goals, as drafted following its meeting held in the Flynn Building Silva Conference Room on Tuesday, May 6, 2008, and as presented by the Town Manager this evening.

Town Manager Valente announced that the approved goals will be posted on the Town website, and will be a featured topic for an upcoming episode of *Town Hall Matters*.

Board of Selectman Liaison Assignments for Sudbury Public Schools and Lincoln-Sudbury Regional High School

Chairman O'Brien explained that according to the Education Reform Act of 1993, the Town's Executive Body is allowed to be represented at the collective bargaining sessions of the Sudbury Public Schools and Lincoln-Sudbury Regional High School. The Finance Committee strongly recommends that the Town Manager, or designee, attend these meetings.

Town Manager Valente stated that in the past, it was often difficult for her to be asked to vote at the conclusion of proceedings, when she was not involved in any part of the process or privy to prior input. Thus, Ms. Valente most often abstained from casting an uninformed vote. Given this history, Ms. Valente recommended that the expectations for the participation of the representative be set forth from the beginning of the process to state that the Sudbury liaison shall receive meeting and agenda schedules in advance, will have access to meeting minutes, and will be included in any strategic planning meetings. Since the towns of Lincoln and Sudbury are only awarded one representative for the High School, Ms. Valente contacted the Town of Lincoln to determine which Town should be represented. Since Sudbury shoulders 85% of expenses, Lincoln, as has been the norm, deferred its representation to Sudbury.

It was on motion unanimously

VOTED: To appoint Chairman Lawrence W. O'Brien as the Board of Selectmen Liaison to the Sudbury Public Schools, and to appoint Vice-Chairman William J. Keller, Jr., as the Board of Selectmen Liaison to the Lincoln-Sudbury Regional High School for purposes of collective bargaining, and to instruct the Town Manager to draft a letter to each school system, for the Board's review at its next meeting, stating that the Sudbury liaison shall receive meeting and agenda schedules in advance, will have access to meeting minutes, and will be included in any strategic planning meetings.

It was noted that, if needed, Selectman Drobinski and Town Manager Valente will serve as back-up liaisons. Chairman O'Brien requested that the Town Manager also obtain a copy of the State statute for review to determine the Town's Executive liaison's responsibilities and limitations for participation in School collective bargaining.

Reports From the Board of Selectmen

Chairman O'Brien asked about Town details for Memorial Day festivities. Town Manager Valente responded that the schedule of activities have been posted on the Town website.

Reports From the Town Manager

Merrimack Valley Economic Development Council Forum

Town Manager Valente distributed to the Board, an invitation to attend a forum sponsored by the Merrimack Valley Economic Development Council on May 19, 2008, from 8:00 a.m. to 1:00 p.m., at Northern Essex Community College in Haverhill. Congresswoman Niki Tsongas will be a featured speaker. A response to the invitation is required, and Ms. Valente requested that the Selectmen inform her by 12 noon tomorrow if they can attend. Selectman Drobinski and Chairman O'Brien immediately stated they have a conflicting commitment. Vice-Chairman Keller stated that he also will most likely not be able to attend, but he will check his calendar.

Local Receipt Revenues

Town Manager Valente brought to the Board's attention the concern that the Town's local receipt revenues may fall short of its budgeted \$4.9 million expectation. To date, \$4.2 million has been collected. Ms. Valente stated that she and Finance Director Andrea Terkelsen believe \$4.9 million can still be realized prior to June 30, 2008, but it will be a difficult goal to reach. Ms. Valente also noted that the trend in recent months in these areas has been downward, and therefore only \$4.4 million was budgeted for local receipts in FY09. Ms. Valente emphasized that forecasts are done for these budget figures sometimes in excess of a year in advance.

Nyanza Public Health Assessment Project

Town Manager Valente announced that Board of Health Director Bob Leupold will be Sudbury's representative to the Nyanza Public Health Assessment Project.

Municipal Investments

Town Manager Valente announced that Sudbury follows a very conservative investment approach which adheres to approved investment lists. Thus, Sudbury did not need the assistance of the Attorney General's Office, as was recently publicized, to recover funds as did many other cities and towns.

Hudson Road Walkway

Town Manager Valente announced that construction of the Hudson Road Walkway has begun. She stated that, upon completion, the walkway will be a wonderful Town asset.

Massachusetts Managers Association

Town Manager Valente spent today at the Executive Board Meeting of the Massachusetts Managers Association. She briefly updated the Board on many of the day's topics of discussion, including regionalization, economic indicators, and the Bridge Capital Program.

Executive Session

At 10:45 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 an employment contract, collective bargaining and potential litigation.

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

There being no further business, the meeting adjourned at 10:45 p.m.

Attest: _____
Maureen G. Valente