

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, FEBRUARY 10, 2009

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 7:34 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:34 p.m., Chairman O'Brien opened the meeting. He reminded the community to report pot holes as thawing temperatures are expected in the coming week. Town Manager Valente clarified that reports can best be addressed if submitted to the Department of Public Works website and/or by calling that office.

Selectman Drobinski thanked the many citizens who contacted him by telephone and email to express their opinions regarding a tax override. He stated that the feedback has been respectful and useful. Vice-Chairman Keller and Chairman O'Brien stated they also had similar experiences with residents and thanked those citizens for their input.

Tax Override to Appear on March Town Ballot - Discussion

Chairman O'Brien reported that the Board decided at a joint meeting last week with the Finance Committee to delay its decision as to whether to recommend that the March Town Ballot include the voting option for a property tax override so as to allow residents more time to voice opinions. A number of emails were received at the Selectmen's Office. While a majority favored an override on the March ballot, about 30% of the emails were willing to wait for an override vote. Approximately five percent of the correspondents were opposed to any override.

Vice-Chairman Keller reviewed the options available to the Board. He noted that the Board would need to vote tonight for the inclusion of the override question on the ballot if it were to be included in the published Town Warrant. Town Manager Valente briefly explained how the Warrant publication schedule effects the timing of this decision. Vice-Chairman Keller explained that Sudbury's Finance Committee has not recommended an amount for an override, but rather has voted to recommend that collective bargaining negotiations proceed without an override option. It is hoped that this approach will realize significant contract concessions and savings. Vice-Chairman Keller further explained that, if the Board does not vote to recommend an override ballot question tonight, residents have the option of passing an override budget at Town Meeting, which would likely compel the Board to call a Special Election after Town Meeting.

Chairman O'Brien described how the process would develop at Town meeting to suspend Budget Article #4 until early in May, when more information regarding local aid from the State would be available. Vice-Chairman Keller noted that, this year, the current State budget problems augment an already uncertain local financial situation. In addition, Chairman O'Brien noted that there are collective bargaining negotiations underway this year, wherein changes can be addressed to alleviate the Town's structural deficit.

Selectman Drobinski emphasized that, every current Board member has previously supported all overrides presented to the community. He opined that he is inclined to want the Board to state its position tonight so that the community has a sense of where the budget process is headed. However, he further stated that the uncertainty of an override amount, and the unknown outcomes of the collective bargaining negotiations, make it difficult for the Board to recommend an override at this time. Selectman Drobinski stated that there have been 12 override votes in the last 20 years, of which eight have been successful. Given

the economic downturn, he believes future override ballot questions will need to include a specific amount for a targeted purpose to be successful.

Vice-Chairman Keller noted that, although the community cannot control what State revenues it will receive, the Town can impact its budget through the collective bargaining negotiations. He stated that the cost of healthcare for Town and School employees has grown at an unsustainable rate. Vice-Chairman Keller stated that through the collective bargaining negotiations it is hoped that some of these costs can be modified to better reflect the reality of the private sector. He highlighted that the nation is experiencing an economic crisis, and he hopes Sudbury citizens will recognize the need for financial personal sacrifice for the greater financial betterment of the Town.

Larry Mariasis, 74 Camperdown Lane, thanked the Board for the explanations given tonight as to how the override vote is connected to ongoing collective bargaining negotiations. Mr. Mariasis supports the approach of allowing the negotiations to proceed in hopes of realizing contract concessions, which will result in cost savings. However, Mr. Mariasis noted that, since the Town cannot be assured that such results will transpire, he also supports a potential override vote be retained as a future option for the community.

Jonathan Harding, 12 Darvell Drive, stated that his experience as a health plan medical director indicates that even profitable companies are not giving employees raises in this type of economy. He also suggested that joining the GIC could benefit the community by saving healthcare costs. Mr. Harding emphasized that the Town of Sudbury runs a very lean operation, and he realizes there are few places left where costs can be cut. He questions whether collective bargaining negotiations will reap enough savings to cover needed services. Mr. Harding urged the Board to not recommend an override at this time, until an amount of needed funds can be clearly determined.

Selectman Drobinski reiterated that this Board has always supported what is in the best interests of the fabric of the community. He emphasized that, this year, the community will need to work collaboratively and creatively to save programs and save jobs.

Beth Winograd, 75 Phillips Road, asked for further clarification regarding how a motion to suspend the budget article at Town Meeting would occur, and what the subsequent timing would be for a vote. Town Manager Valente explained that a date certain would need to be designated at Town meeting to continue the Town Meeting proceedings, wherein the community would reconvene for the budget vote.

Michael Joachim, 6 Craig Lane, stated that he has three children in the school systems and has witnessed the consequences of the failed override last year. He wondered why the perception is that a failed override this year would be more devastating to the community than offering no override option at all to the voters. Vice-Chairman Keller responded that this is an emotional issue which sometimes turns residents against each other.

Chairman O'Brien reiterated that the hope is to have the collective bargaining negotiations continue towards preserving jobs without the benefit of an override. He further stated that, if the negotiations are concluded, and savings are realized in the resulting contracts, perhaps an override could be drafted for a specified-needed amount.

Lisa Turkington, 67 Dakin Road, asked if there is a statutory timeframe for the override procedure to occur if the motion is passed at Town Meeting. She was informed that there is a timeframe, which Town Manager Valente believes to be September 15, 2009, but will request further research.

At 8:21 p.m., Chairman O'Brien closed the public discussion. Upon deliberation, the Board stated that its position is that it will not entertain a recommendation of an override vote until collective bargaining discussions are concluded, which result in significant changes to reduce the Town's structural deficit.

It was on motion unanimously

VOTED: To authorize the Chairman of the Board of Selectmen to draft a press release to be circulated to the public which synthesizes the thoughts and positions discussed this evening.

Reports from Town Manager

Town Election - Committee and Board Candidates - Update

Town Manager Valente announced that the time to submit papers for Town election candidacy has closed. She reviewed the roster of candidates for election and re-election for several Town committees and boards, which will be posted on the Town website.

Fire Department - Update

Town Manager Valente has been informed by Fire Chief Kenneth MacLean that, due to several firefighters who have injuries and/or illnesses, and three current vacancies, the overtime budget is being depleted quickly. Fire Chief MacLean has suggested that the Town may need to consider closing Station 3 during daytime hours to conserve funds.

Town Manager Valente also reported that a Sudbury firefighter for over 20 years, Robert Row, retired as of January 31, 2009.

It was on motion unanimously

VOTED: To authorize Town staff, on behalf of the Board, to send Robert Row a letter of gratitude for his many years of service to Sudbury.

Goodnow Library - Update

Town Manager Valente announced that the Goodnow Library will be closed for the three-day President's Day holiday weekend. The Library closing is a result of a 5% cost reduction necessary due to State aid budget cuts.

Interim Police Chief Selection

Town Manager Valente reported that she hopes to make the decision regarding the Interim Police Chief this week.

Town Video Vignettes

Town Manager Valente noted that the Town Video Vignettes approved by the Board last year, are now available for viewing on the Town website. Town disclaimers will be established for sponsors of the vignettes.

CORE - Presentation

Town Manager Valente suggested that the CORE group be scheduled on an upcoming Board agenda to provide a presentation of its work thus far, and recommendations for the future.

It was on motion unanimously

VOTED: To authorize the Town Manager to schedule a presentation by the CORE group at the Board's February 24, 2009 meeting, at a time to be determined by the Town Manager and staff.

Reports From the Board of Selectmen

Selectman Drobinski announced that meetings with the Finance Committee and Budget Working Group have occurred in the last week to better assess the Town's budget and tax override alternatives. He hopes the community understands how difficult these decisions are this year, and how many factors affect the eventual outcomes as expressed tonight in the Board's position and philosophy.

Last night, Vice-Chairman Keller attended an Eagle Scout Court of Honor Ceremony, recognizing the achievements of two Scouts from local Troop 63. He said the ceremony was well planned and attended by over 100 people. On behalf of the Board, he congratulated the two honored scouts and the two local Boy Scout troops for the great work done with Sudbury's youth.

Chairman O'Brien attended a meeting on February 2, 2009, regarding options for the consolidation of the Sudbury Public Schools and Lincoln-Sudbury Regional High School. Selectman Drobinski noted that the discussion process should be carefully structured. He asked whether this group is a Sudbury or Lincoln committee. Chairman O'Brien responded that logistical details are being discussed by the working group as they establish a mission statement. Town Manager Valente stated it is anticipated that the group's recommendations will be brought to the Selectmen of Lincoln and Sudbury and both school committees for further deliberation. Town Manager Valente also noted that a group member should record minutes to be posted to a committee website, since Town staffing is not available.

Chairman O'Brien also announced that the Board taped a *Town Hall Matters* episode with the Budget Review Task Force, which will be aired for community viewing in the near future.

Sudbury Housing Trust - Housing Buy Down -Home Preservation Program

Present: Sudbury Housing Specialist Beth Rust

Sudbury Housing Specialist Beth Rust presented to the Board the Sudbury Housing Trust (SHT) request for authorization to use \$142,000 of buy-down funds appropriated from Article 42 of the Annual 2005 Town Meeting towards the purchase of the program's third home located at 8 Howell Road and to execute an affordable housing deed rider at the closing.

Ms. Rust briefly summarized the Home Preservation Program, which purchases older homes in good condition for conversion to affordable housing. The Program has successfully converted two previous homes, and this third purchase would utilize all of the funds appropriated in 2005. Ms. Rust described the home selection process, which included a review of all homes on the market for under \$425,000 (eight properties). Two suitable homes were identified and verbal offers were made to both. The asking price for this property was \$349,900, and the Trust's negotiated offer of \$300,000 was accepted. The home has been well maintained and requires minimal repairs approximated at \$11,000.

Ms. Rust summarized the buyer selection process, which will offer the property to applicants identified in the lottery held in December 2008. One local applicant had no interest in the property, so the home will be offered for \$150,000 to the general list applicants, using the balance of the CPA-appropriated funds for the program. The rest of the financial transaction will be funded by the SHT. Ms. Rust noted that, if the Board authorizes this purchase tonight, a Purchase and Sale Agreement will be signed tomorrow, proceeding towards a closing in late March. An extension article for the Annual 2009 Town Meeting was submitted in case the transaction is not able to close within the current appropriation timeframe.

Selectman Drobinski stated the program has worked well. Chairman O'Brien concurred, stating that the program has fulfilled its objective well with the first two homes purchased.

It was on motion unanimously

VOTED: To authorize up to \$142,000 of buy-down funds appropriated from Article 42 of the 2005 Annual Town Meeting towards the purchase of an affordable-housing restriction for the property located at 8 Howell Road, Sudbury, MA, as requested in a memo dated January 26, 2009, from Beth Rust, Community Housing Specialist.

Annual 2009 Town Meeting - Bylaw Amendment Articles
Accessory Apartment Bylaw

Present: Director of Planning and Community Development Jody Kablack

Director of Planning and Community Development Jody Kablack briefly reviewed for the Board the intent and features of the proposed Annual 2009 Town Meeting Accessory Dwelling Unit Bylaw Warrant article. Ms. Kablack explained that this article presents a revision to the current bylaw adopted in 1993, which currently restricts such units to use by family members or domestic help, and serves primarily as an in-law apartment bylaw. She noted that 17 such units presently exist in Sudbury.

Ms. Kablack stated that the intent of the proposed revision is to create more diverse housing opportunities in Sudbury, in an economically-conscious manner. She highlighted that the occupancy restrictions have been relaxed so that the property owner can rent to whomever they like, subject to the owner living in either the primary or accessory dwelling. Selectman Drobinski asked how owner-occupancy would be enforced. Ms. Kablack responded that re-certification is required every four years. Ms. Kablack further highlighted that the size of the units has been reduced from 1,200 square feet to 850 square feet, with no more than four occupants, and multiple units are not allowed on a lot. Under the revised bylaw, detached structures will be allowed for accessory-unit use only if compliance with all required criteria are met.

Vice-Chairman Keller noted that the proposed article requires a Special Permit, which lapses when the property is sold. Thus, at the time of property transfer, the accessory dwelling unit Special Permit must be renewed or the unit must be decommissioned.

Ms. Kablack reported that all Sudbury homes are inspected every ten years and taxed accordingly for second kitchens, extra bedrooms, etc., whether or not they are "legal" or permitted. Ms. Kablack has been working with the Assessor's Office to better determine how the existing 17 accessory units are presently being assessed for property taxes and to establish how the value of future units will be assessed. If Special Permits for the accessory dwellings are circulated to the Assessor's Office in the future, an increased assessment can occur sooner.

Chairman O'Brien asked if there are Town regulations by which a homeowner must abide if and when he/she chooses to rent their entire single-family home. Ms. Kablack responded there are none, and thus, the

proposed accessory dwelling unit bylaw provides more restrictions than the scenario presented by the Chairman. Chairman O'Brien also asked if the accessory units will count towards Sudbury's affordable housing inventory. Ms. Kablack responded they will not.

Ms. Kablack highlighted that the proposed bylaw provides an alternative opportunity for senior homeowners to generate income to help them stay in their homes. She noted that the Council on Aging is supportive of the article. Ms. Kablack further stated that the bylaw includes a limit for these units of no more than 5% of Sudbury's total housing stock, which totals 275 potential units.

Ms. Kablack acknowledged that some residents may oppose the article because they hold onto an identity for Sudbury as a single-family housing community. However, the bylaw would create more housing diversity, which has been established as a Town goal, without increasing the number of buildings. Ms. Kablack further noted that many surrounding communities have similar bylaws, but that Sudbury's proposal is conservative when viewed in comparison. She cited that Lincoln has 80 accessory dwelling units out of 2,100 total properties, and has administered them with no difficulty.

Selectman Drobinski referenced the reaction of the Zoning Board of Appeals to the article. Ms. Kablack stated that, although the ZBA supports affordable housing in Sudbury, it was concerned that the bylaw would allow for too many units to be created. However, Ms. Kablack highlighted for the ZBA that these units will be approved through the Special Permit process, which occurs at the ZBA's discretion to approve, deny, or condition an approval.

Ms. Kablack announced that Sudbury's Planning Board will hold a public hearing regarding the article tomorrow evening.

Selectman Drobinski asked if the Fire Department should also be notified when a Special Permit is issued. Ms. Kablack responded that all of these units will follow normal procedures to acquire a building permit.

Chairman O'Brien opined that the article provides housing opportunities and the ability for homeowners, if needed, to generate income. Vice-Chairman Keller opined that the units will likely create an additional value to the home which could be assessed for additional property taxes. Selectman Drobinski opined that he anticipates an interesting debate at Town Meeting.

In response to a question from Vice-Chairman Keller, Ms. Kablack clarified what situations might constitute a Special Permit being revoked, which are listed in the bylaw.

It was on motion unanimously

VOTED: To support an Accessory Dwelling Unit Bylaw Annual 2009 Town Meeting warrant article.

Stormwater Management Bylaw

Present: Director of Planning and Community Development Jody Kablack

The Board was previously in receipt of copies of a revised Draft Stormwater Management Bylaw 2009 Annual Town Meeting Warrant Article. Ms. Kablack noted that preparation of this article has been a multi-departmental effort (DPW, Conservation, Health and Planning), with assistance from the Massachusetts Area Planning Council (MAPC), to bring Sudbury into current compliance with State and Federal regulations.

Chairman O'Brien asked who will administer the bylaw. Ms. Kablack responded that the Planning Board will be the permit-granting authority. In addition, the Planning Board may delegate review, when appropriate, to the Conservation Commission to streamline the process.

Ms. Kablack briefly reviewed the bylaw's three thresholds for general permits, stormwater permits and exceptions. Selectman Drobinski referenced page seven of the Draft and asked if #3C and #3D contradict each other. He asked Ms. Kablack to check on the exemption of utilities. Selectman Drobinski also asked for clarification as to whether two permits, i.e., Town and Federal, will be needed regarding #B1. Chairman O'Brien suggested that Selectman Drobinski work with Ms. Kablack to refine the bylaw language to be printed in the Warrant.

It was on motion unanimously

VOTED: To support a Stormwater Management Bylaw Annual 2009 Town Meeting warrant article.

Public Hearing: Raytheon Company - Minor Site Plan Application

Present: Three Raytheon representatives, Woodard & Curran representative R.J. Dowling, and Director of Planning and Community Development Jody Kablack

At 8:31 p.m., Chairman O'Brien opened the Public Hearing regarding the Minor Site Plan Application #SP09-001 submitted by Raytheon Company for a waste water treatment facility upgrade, mandated by the Massachusetts Department of Environmental Protection, for property located at 528 Boston Post Road, Assessor's Map K07-0013, zoned Limited Industrial District (LID #1). Selectman Drobinski recused himself from this discussion, since he has occasionally served as a consultant for the applicant.

Director of Planning and Community Development Jody Kablack noted that the hearing was duly advertised in the *Sudbury Town Crier* on January 22 and January 29, 2009, and abutters were duly notified. She briefly reviewed file materials, including: an Application for Site Plan Approval, including accompanying plan dated December 22, 2008; a letter from Woodard & Curran Vice President David A. White dated December 23, 2008, explaining the submission for the Minor Site Plan application for a waste water treatment facility upgrade mandated by the Massachusetts Department of Environmental Protection for effluent discharge; the Conservation Commission Order of Conditions dated December 19, 2008; a memo from the Planning Board recommending approval of the application dated January 15, 2009; an email report from Conservation Coordinator Debbie Dineen, dated February 4, 2009, stating that the Conservation Commission has issued an Order of Conditions and has worked with the project engineer; an email report from Fire Chief Kenneth MacLean dated February 4, 2009, requesting a floor plan indicating fire protection and detection systems be provided; an email report from Building Inspector James Kelly, dated January 9, 2009, stating that a building permit will be required prior to construction and noting two minor plan revisions; and a memo from Ms. Kablack dated February 6, 2009, noting comments and recommended conditions. Ms. Kablack noted that, although the site is an approximate 50-acre parcel in the Limited Industrial District, this is a minor site plan application for a 576 square-foot structure.

Woodard & Curran representative R.J. Dowling exhibited the site plan for the Board, explaining that the structure will be fully enclosed with a chain-link fence. He distributed copies to the Board of an aerial-view photograph to better visualize the site in relation to abutting properties. Mr. Dowling emphasized that the project upgrade has been mandated by the State.

Chairman O'Brien referenced a few plan revisions suggested by Building Inspector James Kelly. Mr. Dowling stated that the applicant is willing and able to comply with all outstanding Town issues.

Ms. Kablack reported that no major concerns have been raised by any Town departments. She stated that a floor plan will need to be submitted prior to issuance of a building permit. Ms. Kablack noted that, given the large setbacks from adjacent properties of approximately 600 feet, no exterior lighting concerns are anticipated. However, all lighting must be arranged to avoid glare and spillover to neighboring properties. A row of evergreen plantings will be installed along the northern construction edge. In addition, Ms. Kablack noted that the proposal will slightly decrease impervious-surface area.

Chairman O'Brien mentioned that the Town has been trying to locate an acceptable location for a wastewater treatment facility. He questioned whether the applicant would be able to work towards an agreement with the Town and be amenable to future discussions. Ms. Kablack responded that the Sewer Assessment Technical Advisory Committee has met several times with Raytheon, who has been a valuable technical partner with the Town regarding such issues. Although Raytheon has been unable to accommodate additional needs due to functioning presently at near capacity for its own purposes, Ms. Kablack is confident the applicant will continue to be a resource in future discussions.

It was on motion

VOTED: To close the Public Hearing regarding the Minor Site Plan Application #SP09-001, dated December 22, 2008, for a wastewater treatment facility upgrade, mandated by the Massachusetts Department of Environmental Protection, for Raytheon Company, located at 528 Boston Post Road, Assessor's Map K07-0013, zoned Limited Industrial District (LID #1).

It was on motion

VOTED: In accordance with the Town of Sudbury Zoning Bylaw Art. IX, Section 6300, to approve the Minor Site Plan Application #SP09-001, dated December 22, 2008, for a wastewater treatment facility upgrade, mandated by the Massachusetts Department of Environmental Protection, for Raytheon Company, located at 528 Boston Post Road, Assessor's Map K07-0013, zoned Limited Industrial District (LID #1).

Ms. Kablack will prepare a draft decision for the Board's signature at its next meeting on February 24, 2009.

Public Hearing: Sudbury Research Center, LLC

Present: Sudbury Research Center President Dennis Hart, Vice President Ernest Agresti and Project Engineer Michael Aveni, and Sudbury Director of Planning and Community Development Jody Kablack

At 9:15 p.m., Chairman O'Brien opened the Public Hearing regarding the Site Plan Modification Application #SP01-361, submitted by Sudbury Research Center, LLC, f/k/a Cummings Properties, LLC, to modify four conditions of the original November 5, 2001 Site Plan Decision, for property located at 142-144 North Road, Assessor's Map C11-300, zoned Research District. Selectman Drobinski recused himself from the discussions.

Director of Planning and Community Development Jody Kablack noted that the hearing was duly advertised in the *Sudbury Town Crier* on January 22 and January 29, 2009, and abutters were duly notified. She briefly reviewed file materials, including: the Request for Modification dated January 21, 2009, along with the As-Built Plan prepared by Mark Santora, P.E. Inc., dated October 20, 2008 and revised January 21, 2009; a memo from Cummings Properties' Project Engineer dated January 21, 2009; and the Board of Selectmen's Site Plan decision date November 5, 2001; an email report from Conservation Coordinator Debbie Dineen, dated February 2, 2009, stating that the Conservation Commission has no issues with the request provided all other Town requirements are met, and also stating its desire to relocate the Frost Farm

trail back onto the approved location on Frost Farm property, and off Cummings' property; and a memo from Ms. Kablack dated February 6, 2009, noting comments and recommended conditions. In addition, copies of an email message from Sudbury resident Muriel Nelson and a letter from Sudbury residents Leonid and Zinaida Gruman, each noting concerns, were also distributed to the Board for review.

Ms. Kablack explained that the applicant is working towards issuance of a Certificate of Occupancy for the building which is now 99% complete. Through the construction process, some modifications were made, for which the applicant is seeking approval this evening.

Cummings Properties/Sudbury Research Center President Dennis Hart thanked the Board for its support and patience in working with his company, which has been a Sudbury business for 16 years, with 300 current employees. He noted that the new building construction was self-funded by the company. He further noted that the building improvements have been well received by residential neighbors. Mr. Hart stated that, as the building project progressed, his company was responsive to modifications suggested by neighbors and Town officials. Mr. Hart announced that the approvals sought tonight will facilitate a March 1, 2009 occupancy for the first tenant with whom a lease has been secured. As the economy improves, Mr. Hart hopes to fully lease the building.

Project Architect Michael Aveni used a Powerpoint presentation to exhibit the enhancements in materials used for the building's atrium and façade. Mr. Aveni also emphasized that the company has been committed to utilizing "green" technologies since 2001, and that the building has been built to conform to LEED standards. He also briefly described changes made to the location of the HVAC system so as to buffer sound. Mr. Aveni noted that an extension regarding assessment of the HVAC sound has been requested until June 30, 2009, when the system can be better tested during air-conditioning conditions.

Mr. Aveni also explained that the dumpster location was changed to accommodate a handicap ramp, and that the compactor will become a recycle container. Chairman O'Brien asked if the compactor is contained, and Mr. Aveni responded affirmatively. It was explained that the four dumpsters for disposal of different materials are temporary while tenant spaces are built, and are required for LEED certification. Mr. Hart referenced the dumpster concerns broached in Ms. Nelson's email, stating that the company can do a better job loading the dumpsters in a more orderly and clean fashion. Muriel Nelson, Frost Farm Village #51, said the containers are overflowing. Mr. Hart said a more frequent disposal schedule will be established and materials will be loaded in a more compact manner. A visual exhibit of the arborvitae screening of the dumpster was displayed. It was noted that the Design Review Board (DRB) will review, at its February 11, 2009 meeting, the change to the building façade to include a loading area/compactor.

Mr. Aveni briefly reviewed the history of discussions regarding accommodating parking for trail users. As a result of these discussions, the company relocated trees, re-bermed and re-located the kiosk. In response to a question from Vice-Chairman Keller, Ms. Kablack noted that the applicant's need for reserved parking spaces was detailed in the original site plans.

Chairman O'Brien referenced the concern about the location of the trail expressed by the Conservation Commission. Ms. Kablack briefly explained the genesis of the present trail location. She highlighted that, if the trail is to remain in its present location, an easement will need to be granted by Cummings. The company has stated it is amenable to finalizing easement status in the spring. Ms. Kablack will continue to discuss this issue with the Conservation Commission to better understand its position. She stated that the perception by most is that a useable trail has been established in a logical location.

Ms. Nelson commended company representatives for the outstanding improvements made to the site's landscaping. She also noted that the trail is beautiful and it is accessible where it is presently located, but she

is concerned about liability issues due to public use. Ms. Nelson also stated that she had expected more parking for the conservation trail to be provided across from the dumpster. Vice President Ernie Agresti stated that, if needed, the company is willing to consider more Town parking on the site. Town Manager Valente will ask Town staff to review the area in the spring regarding public safety issues.

Chairman O'Brien opined that the trail kiosk and parking seems to be located appropriately for public access. Vice-Chairman Keller concurred and suggested that the process continue to officially designate the current trail location.

Ms. Kablack summarized the requested modifications as: an extension of condition #15 to submit noise level data on the new HVAC system, which Ms. Kablack recommends granting an extension until June 30, 2009; to modify Condition #17 to waive construction of eight additional parking spaces and to increase the number of approved reserved spaces to 118, which Ms. Kablack recommends; the elimination of Condition #19 requiring the recording of a defined access easement within the property, which Ms. Kablack also recommends; and to modify the site plan and elevations to include a loading area/compactor.

The Board concurred with the first three recommendations. However, regarding the requested modification to accommodate the loading area/compactor, Chairman O'Brien suggested that the Board delay its decision until after comments can be reviewed from the Design Review Board's meeting tomorrow night. Mr. Hart asked if a temporary occupancy permit could be issued, subject to that review, so as not to delay occupancy by the tenant on March 1, 2009. Ms. Kablack opined that a temporary permit may not be necessary, since she can draft a decision for the Board's review at its February 24, 2009 meeting. She noted that the decision may include conditions such as additional dumpster screening on all sides, particularly the south side. Ms. Kablack will consult with Department of Public Works Director William Place regarding traffic circulation and public safety improvements such as those recommended by Mr. and Mrs. Gruman. She also would like to confirm that as-built plans reflect all plan modifications and that all calculations are correct.

Ms. Kablack also noted that certification that outdoor lighting conforms with Zoning Bylaw will be required prior to occupancy. Ms. Kablack suggested that the Board conduct an evening site visit to assess the planned lighting, prior to the Board's next meeting on February 24, 2009. The Board agreed to do so.

It was on motion

VOTED: To continue the Public Hearing regarding the Site Plan Modification Application #SP01-361, submitted by Sudbury Research Center, LLC, f/k/a Cummings Properties, LLC, to extend the timeframe to submit noise level data on the new HVAC system until June 30, 2009; waive construction of eight additional parking spaces and correspondingly increase the number of reserved parking spaces from 110 to 118; remove the requirement to define the access easement within the property and modify the site plan and elevations to include a loading area/compactor, for property located at 142-144 North Road, Assessor's Map C11-300, zoned Research District until February 24, 2009 at 8:15 p.m.

It was also on motion

VOTED: To authorize Director of Planning and Community Development Jody Kablack to prepare a Draft Decision regarding Site Plan Modification Application #SP01-361 for the Board's review at its February 24, 2009 meeting.

Minutes

It was on motion unanimously

VOTED: To approve the regular and executive session minutes of January 20, 2009.

Medical Reserve Corps Executive Committee - Appointment

It was on motion unanimously

VOTED: To appoint Marilyn A. Ellsworth, 5 Hop Brook Lane, as a member of the Medical Reserve Corps Executive Committee, for a term to expire April 30, 2011, to fill a vacancy occasioned by the resignation of Janis Tuxbury, as requested in a memo from the Board of Health dated January 22, 2009.

Conservation Commission - Appointments

It was on motion unanimously

VOTED: To approve two Town Manager appointments to the Conservation Commission: Samuel L. Webb II, 21 Windmill Drive, and Victor A. Sulkowski, 73 Moore Road, for terms to expire April 30, 2011, as requested in a memo dated February 5, 2009.

Congregation Beth El - One-Day Wine and Malt Beverages License

It was on motion unanimously

VOTED: To grant a one-day Wine and Malt Beverages License to Congregation Beth El, c/o Helen Shik, Fundraising Chair, 105 Hudson Road, to be exercised on Saturday, March 21, 2009, from 7:30 p.m. to 10:30 p.m., to accommodate a fundraising event, and acknowledging that a Certificate of Liability and TIPS-certified servers have been retained.

SuAsCo Watershed Invasive Species Management Area - CISMA Membership Discussion

Selectman Drobinski briefly discussed the invitation to Sudbury to be a member of the Sudbury, Assabet and Concord Rivers (SuAsCo) watershed Cooperative Invasive Species Management Area (CISMA) group. He explained that this is a great opportunity for the group to partner with State and Federal governments to pursue funding to enhance the local environment. Selectman Drobinski noted that Conservation Coordinator Debbie Dineen supports membership in the group, as does he.

Town Manager Valente noted that, although the ability of Town staff to assist with new projects is extremely limited, she believes this venture can be handled. In particular, she stated that the group's efforts may help to bring new funding revenues to the Town. She also noted that a Memorandum of Understanding will need to be signed prior to Earth Day. The Board was previously in receipt of a Draft Invasive Species Management Plan (ISMP) prepared by the group, for review and information purposes.

It was on motion unanimously

VOTED: To accept membership in CISMA, a group of Federal, State and local landowners and land managers committed to controlling invasive species within the SuAsCo watershed, through a Memorandum of Understanding to be signed on or about Earth Day.

Articles for 2009 Annual Town Meeting

The Board reviewed a revised list dated February 5, 2009, and determined its position on the remaining articles and reports to be accepted for the Annual Town Meeting Warrant.

Town Manager Valente announced that Article #21 - Community Preservation Fund - CSX Land Purchase has been withdrawn. The Town will continue in discussions to negotiate a deal for the already appropriated funds available. She also confirmed for Selectman Drobinski that Article #25c - Community Preservation Fund - Radar Survey at Revolutionary War Cemetery has also been withdrawn.

Town Manager Valente reported that the Town and two school systems will reduce their respective budgets to accommodate the required FY09 Budget Adjustments to be presented in Article #2. She will reduce her FY09 Town budget by an additional \$55,000.

Regarding Article #13 – Septage Facility Financials, Town Manager Valente reported that she and Town Finance Director Andrea Terkelsen met with the Septage Facility Committee to present Sudbury's proposal to oversee the facility's financials. The Committee was receptive and has provided Sudbury with a Request for Proposal detailing expectations. Ms. Terkelsen will determine an appropriate charge for such services.

Town Manager Valente noted that Town Counsel Paul Kenny has provided an opinion regarding Article #32 - Clarification of Title - 11 Butler Place. Town Counsel has suggested that the Board place the article on the Consent Calendar, since it merely clears the title to a parcel of real estate that the Town has taxed and assumed it had transferred prior ownership long ago.

It was on motion unanimously

VOTED: To accept the positions, as designated on the revised draft listing dated February 5, 2009, for articles submitted for the 2009 Annual Town Meeting Warrant as presented, subject to the following revisions:

- #2 - FY09 Budget Adjustments – Position – Report at Town Meeting
- #3 - Stabilization Fund – Position – Support
- #4 - FY10 Budget– Position – Support
- #5 - FY10 Capital Budget - Position- Support
- #8 - FY10 Recreation Field Maintenance Enterprise Fund and Budget - Position – Support
- #9 - Unpaid Bills - Position - Report at Town Meeting
- #13 - Septage Facility Financials - Position - Support
- #19 - Amend Zoning Bylaw, adding a new article Stormwater Management - Position - Support
- #20 - Amend Zoning Bylaw, Art. IX - Sec. 5500 Single Accessory Dwelling Units - Position - Support
- #21 - Community Preservation Fund - CSX Land Purchase - withdrawn
- #22 - Community Preservation Fund - Land Preservation 79 Lincoln Lane- Position - Support
- #25a - Community Preservation Fund - Historic Properties Survey Part 3 - Position - Support
- #25b - Community Preservation Fund - Gravestone Restoration at Mt. Pleasant and Old Town Cemeteries- Position - Support
- #25c - Community Preservation Fund - Radar Survey at Revolutionary War Cemetery – withdrawn
- #28 - Community Preservation Fund - Amend Art. 41 of the 2006 ATM, Hearse House Relocation and Restoration - Consent Calendar - Position - Support
- #30 - Community Preservation Fund - Amend Art. 43 of the 2006 ATM - Sudbury Housing Authority Unit Buy-down- Position - Support

#31 - Community Preservation Fund - General Budget and Appropriations- Position - Support
#32 - Clarification of Title - 11 Butler Place - Position – Support and place on Consent Calendar

Executive Session

At 11:00 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 collective bargaining.

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

There being no further business, the meeting adjourned at 11:00 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk

IN BOARD OF SUDBURY SELECTMEN
WEDNESDAY, FEBRUARY 10, 2009
EXECUTIVE SESSION
(11:01 P.M - 11:15 P.M.)

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

Sudbury Public Schools - Collective Bargaining Discussions

Town Manager Valente distributed to the Board, for review and discussion purposes, copies of several spreadsheets she has developed to better assess relevant collective bargaining information. She briefly explained the many options she is tracking, including plans with, and without, a Cost of Living Adjustment.

Ms. Valente also briefly reviewed a spreadsheet depicting "Salaries Plus Health Insurance Benefits" for the Sudbury Public Schools. The information indicates that Sudbury teachers are not underpaid when compared to colleagues in similar communities, but rather receive a significant portion of their total compensation as health insurance benefits.

Ms. Valente urged the Board to consider these options and give her direction on setting collective bargaining strategies.

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

Attest: _____
Maureen G. Valente
Town Manager-Clerk