

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, SEPTEMBER 7, 2010

Present: Chairman John C. Drobinski, Vice-Chairman Lawrence W. O'Brien, Selectman Robert C. Haarde 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 7:31 p.m., Chairman Drobinski opened the meeting. He asked residents to be mindful of more vehicle and pedestrian traffic now that schools are back in session and to drive cautiously around schools, crosswalks, school buses and Town athletic fields.

Chairman Drobinski noted the retirement of Council on Aging Director Kris Kiesel, effective September 10, 2010. He noted Kris' many accomplishments to benefit the community which will be missed. There was a reception today at the Senior Center for Kris. Vice-Chairman O'Brien later reported the reception was well attended and State Representative Conroy presented Kris with a State citation of commendation. Town Manager Valente noted that Kris spearheaded many initiatives to help Sudbury's senior citizens and also thanked her. She stated that Deb Galloway has been named Interim Council on Aging Director.

Chairman Drobinski announced that the League of Women Voters will host a breakfast open meeting at the Sudbury Grange on September 20, 2010 at 9:00 a.m. Guest speaker will be Town Moderator Myron Fox speaking on the "ABC's of Town Meeting."

Chairman Drobinski announced there will be a Grand Opening ceremony at Haskell Field for the exercise area and walking route created for senior and disabled citizens on September 10, 2010 at 9:00 a.m. Vice-Chairman O'Brien noted that it is fitting the ceremony will be held on Kris Kiesel's last day, given her critical role in the genesis and coordination of the project.

Reports from the Board of Selectmen

All Board members reported adjusting to the end of summer, vacations and back-to-school schedules.

Reports from Town Manager

Sudbury and Wayland Transfer Station – Pilot Project Intermunicipal Agreement and Updates to Rules and Regulations

Town Manager Valente reported that she and Town staff have spent considerable time in the last two weeks working with their counterparts in Wayland to finalize details and language for the Sudbury and Wayland Transfer Station – Pilot Project Intermunicipal Agreement and Updates to Rules and Regulations, which the Board will vote on later tonight. She reported that Wayland's Board of Selectmen are also voting on the documents tonight. If both Boards approve the program documents this evening, she stated that September 28, 2010 is the targeted start date for the program.

Public Hearing: Right of First Refusal Discussion - 189 Boston Post Road and Comments for MassHousing

Present: B’Nai B’rith Housing New England Executive Director Susan Gittelman and Senior Project Manager Holly Grace, the Applicant’s Attorney Joshua Fox, Property Owner Vincent Mercuri and Director of Planning and Community Development Jody Kablack

At 8:04 p.m., Chairman Drobinski opened the Public Hearing regarding whether the Town should exercise its Right of First Refusal under Chapter 61B to purchase approximately 5.9 acres of land at 189 Boston Post Road, pursuant to Massachusetts General Laws Chapter 61B, Section 9. In addition, the Board will review information regarding the proposed Chapter 40B application for the site submitted by B’Nai B’rith Housing New England in order to prepare a letter of comments to be sent to the MassHousing Finance Agency.

The Board was previously in receipt of a memo from Director of Planning and Community Development Jody Kablack dated September 3, 2010, explaining a Chapter 40B comprehensive permit application proposal which has been submitted by B’Nai B’rith Housing New England, Inc., and noting Town staff comments and recommendations; minutes of a Town staff Chapter 40B Pre-Application Meeting dated September 2, 2010; an email message dated July 21, 2010 from the Sudbury Housing Authority Director, supporting Town interest to purchase the property; an email message dated August 30, 2010 from the Conservation Commission Coordinator, stating that the Commission did not recommend purchasing the property and suggesting that the U.S. Fish and Wildlife Department be consulted; a letter dated November 29, 2009 from the Sudbury Historical Commission Chair, noting no objection to demolishing the buildings currently on the site; a letter dated July 28, 2010 from the Chief Executive Officer of Parmenter Community Health Care, supporting the redevelopment proposal; a letter dated June 22, 2010 from the Metrowest Regional Transit Authority Administrator and a letter dated August 2, 2010 from Sudbury resident Willy Sclarsic, both supporting the proposed development, a letter to the Board dated August 11, 2010 from the MassHousing Finance Agency asking for the Town’s comments regarding the Chapter 40B proposal; and a draft Town response to the MassHousing Finance Agency for the Board’s review.

The applicant’s attorney Joshua Fox introduced members in attendance of the B’Nai B’rith Housing New England development team. Mr. Fox explained that the Mercuri parcel is approximately six acres located at 189 Boston Post Road, and it is currently under agreement with B’Nai B’rith Housing New England for \$2 million. He described the parcel, noting there are wetlands and topographical challenges and that Sudbury’s Conservation Commission has recommended that the Town not purchase the property.

Mr. Fox further described The Coolidge project proposal to construct 64 age-restricted rental units in one building. He noted that the majority of units would be one-bedroom of approximately 700 square feet, and there would also be a few two-bedroom units of approximately 950 square feet. Mr. Fox emphasized that all units would be age-restricted to at least one occupant age 55 or older, and that school-aged occupants would be highly unlikely. In addition, he noted that, although B’Nai B’rith Housing New England is a non-profit, it is not tax-exempt. Property taxes to be received from the development are anticipated to be approximately \$100,000 per year. Mr. Fox further stated that all units would count towards the State’s 10% mandated affordable-housing inventory for Sudbury. He also stated that the project is consistent with the Board’s goals adopted on August 24, 2010. Mr. Fox explained that it is the intent of the applicant to meet the Town’s setback requirements and to address any concerns of the Conservation Commission and Public Safety Departments. He emphasized that B’Nai B’rith Housing New England has an excellent reputation constructing similar developments. Mr. Fox opined that the proposed development would satisfy a housing need in Sudbury to help senior citizens stay in Town.

B’Nai B’rith Housing New England Executive Director Susan Gittelman provided a brief description of the organization. She stated that its mission is to create high-quality housing models, which respond to local need. Ms. Gittelman further noted that B’Nai B’rith Housing New England is a long-term owner, building homes to help seniors age in place.

Senior Project Manager Holly Grace presented a few exhibits, including an aerial of existing conditions. She emphasized that the development project would have no negative impact on local schools, would pay property taxes, fill a local housing need, and would respect the natural features of the site. Ms. Grace noted that the project has received support from Sudbury’s Council on Aging. She described the immediate abutters as Boston Edison, the MBTA and a few smaller parcels nearby. In addition, Ms. Grace stated the property currently houses a single home and accessory structures in a decaying state.

Ms. Grace stated that the development is not intended to be an assisted-living facility and will provide no meals or healthcare, but will promote health and wellness. The building will have elevator service. She displayed the site plan, noting that the building would be designed according to the surrounding grading. Access to the development is planned on Boston Post Road, and there will be 70 parking spaces. Ms. Grace also displayed an architectural rendering, depicting the building designed in a traditional style with three stories. She further stated that there is a demand for these types of units in the area and that the target market and building design would be different from that of Musketahquid Village. Anticipated occupants will be moderate-income senior citizens who meet up to 60% of the Area Median Income (AMI) requirements. Ms. Grace stated that a preliminary market study conducted for B’Nai B’rith Housing New England indicates there is sufficient need for this type of housing in the area.

Chairman Drobinski invited public comments regarding whether the Town should exercise its Right of First Refusal to purchase the property. There were no comments from the public. He stated that this is a unique opportunity for the Town to support affordable housing on a smaller parcel through the Chapter 40B process. Chairman Drobinski opined that he does not support the Town exercising its Right of First Refusal to purchase the parcel and hopes the Board will also vote in this manner.

It was on motion unanimously

VOTED: To reject accepting the Town’s Right of First Refusal option under M.G.L. Chapter 61B to purchase the Mercuri property located at 189 Boston Post Road.

Judy Deutsch, 41 Concord Road, is a member of the Sudbury Housing Authority and has served on the Council on Aging (COA) for six years. She stated that the COA supports the proposal as does she, but she offered two suggestions. Ms. Deutsch asked that the Board consider asking the applicant to contribute to the construction of a traffic light at the intersection of Route 20 and Landham Road. She also asked the applicant to consider including some family housing within their development. Ms. Deutsch believes the applicant should respond to the types of units on Sudbury’s housing wait list, which are for family housing. Ms. Deutsch also encouraged senior citizens not to move out of Town because they cannot afford to pay property taxes, but to defer the taxes instead.

Director of Planning and Community Development Jody Kablack stated that the Town is well aware of the need for a traffic light at this intersection and has been working with a consultant to develop a design. Ms. Kablack further stated that the Town has broached mitigation funds for the traffic light with the applicant. However, she also noted that the applicant is a non-profit, and that the Town will continue to work with the applicant to make improvements to the area, including suggested pedestrian walkways.

Robert Stein, 7 Thompson Drive, opined as a resident and not as a member of the Finance Committee, that this is a win-win situation for the Town and applicant, and he welcomed the project to Town. He stated his only concern is that 70 parking spaces may be inadequate and may need to be increased in the future. Ms. Grace stated that the parking ratio of 1.1 spaces per unit has proven to be sufficient at similar developments.

David Levington, 155 Nobscot Road, addressed the Board as a resident and as a COA member. He stated that the COA enthusiastically supports the proposal, knowing that the applicant has a good history of constructing and maintaining its developments. Mr. Levington thinks this type of housing will help seniors stay in Town. However, he expressed concern regarding the proposed development entrance on Boston Post Road and recommended that it be moved onto Landham Road. Mr. Fox stated that the applicant is working on shifting the driveway farther east to minimize potential problems on Boston Post Road.

Ms. Deutsch respects the applicant's non-profit status, but she believes the development is dangerous to build without a traffic light at this intersection. She suggested that it would be safer to not proceed with the project until the traffic light is installed. Chairman Drobinski stated that the design and construction of the traffic light might take several years, and it would be difficult to make this a condition of the project.

Mr. Levington asked if an independent traffic study would be completed to confirm the safety of the proposed access and egress before the development is approved. Ms. Kablack stated it would be up to the Zoning Board of Appeals (ZBA) to decide if it wanted to condition a study. Chairman Drobinski reminded the audience that the Board is only collecting comments tonight and is not the permitting authority. Mr. Levington opined that residents rely on the Board to represent them. He views the installation of a traffic light as critical to the success of the project, and the public should be assured that the development will be designed to enhance public safety. Chairman Drobinski encouraged the public to follow the progress of the development proposal through the upcoming ZBA hearings.

Selectman Haarde asked if neighbors have been notified about the proposal. Ms. Grace stated she has met with immediate abutters and is working on reaching out to others. Selectman Haarde asked for confirmation that the units would be 100% affordable and what the rent would be. Ms. Grace stated 100% affordability is anticipated and units will be priced up to 60% of the AMI, which would be approximately \$1000 per month for the one-bedroom units.

Selectman Haarde asked if the development would provide its own transportation shuttle service. Ms. Grace stated they will work to incorporate this into the existing transportation network in Town and will determine at a later date if an additional shuttle is needed.

Vice-Chairman O'Brien asked what the income limits would be at 60% AMI and whether there is means testing. Ms. Grace stated the maximum income would be \$38,000 for a one-person household and \$44,000 for two-person households. Ms. Gittleman stated that the income qualifications are highly regulated by the State and, although there is not an asset test per se, there is an income test. Vice-Chairman O'Brien stated he believes the proposal is great. However, he asked if analysis has been completed to confirm that these limitations meet the needs of Sudbury seniors' incomes as opposed to the needs of the Metrowest area at large. Ms. Gittleman stated that a lot of the data is anecdotal and that demographics have been researched for Sudbury and Lincoln combined. She also stated that they have reached out to survey area experts in the field.

Vice-Chairman O'Brien recognized the organization's work is mission based. However, he asked if the applicant would consider making the development not 100% affordable in order to provide more market-rate housing opportunities. Ms. Gittleman stated that the organization has done this in other communities such as

Chestnut Hill. However, she further noted that the challenge of making this shift to more market-rate units would be whether the economics for the development still worked.

Financial Consultant Mike Jacobs briefly explained that, even though there are asset caps, Sudbury residents may meet the income requirements because of how the formulas are calculated. He also stated that an annual certification of affordability would be required.

Chairman Drobinski stated that Ms. Kablack provided the Board with an affirmative draft letter for review, noting comments and recommendations regarding the project to be sent to the MassHousing Finance Agency prior to September 16, 2010. He asked the Board to notify Town Manager Valente of any additional comments to be included so that a final letter could be voted on September 13, 2010 at 7:15 p.m. Chairman Drobinski asked Ms. Kablack to reflect tonight's traffic safety discussion in the revised letter. Vice-Chairman O'Brien agreed that the project merits the suggestion of a traffic study to better incorporate the driveway into the final design.

It was also on motion unanimously

VOTED: To direct staff to develop comments for a letter regarding MassHousing MH #SA-10-004 The Coolidge at Sudbury, and to incorporate tonight's traffic safety discussion and recommendations along with any other comments from the Board directed to the attention of the Town Manager to be voted on September 13, 2010 at 7:15 p.m.

Calvary First Baptist Church – Public Hearing Waiver on a Minor Site Plan

Present: Director of Planning and Community Development Jody Kablack and Sullivan, Connors & Associates engineer Michael Sullivan

At 8:55 p.m., Chairman Drobinski opened discussion regarding the request to waive a public hearing on a minor site plan application of the Calvary First Baptist Church, 162 Landham Road, pursuant to Section 6370 of the Zoning Bylaw. The Board was previously in receipt of the Application for Site Plan Approval, a letter dated August 18, 2010 from Sullivan, Connors & Associates engineer Michael Sullivan requesting the waiver, and copies of the applicable Zoning Bylaw.

Ms. Kablack explained that the Conservation Commission has already issued an Order of Conditions and the Planning Board will conduct a Public Hearing on September 14, 2010 regarding an application for a Stormwater Permit. She further clarified that the addition of less than ten parking spaces qualifies for "minor" site plan approval. In addition, Ms. Kablack reported that there have been no objections expressed from abutters. Thus, she supports the request to waive another Public Hearing with this Board.

Sullivan, Connors & Associates engineer Michael Sullivan stated the waiver request is a result of timing for the project. He briefly displayed an exhibit of the proposed site and explained the planned re-grading and re-surfacing of the parking lot and the addition of eight parking spaces. Mr. Sullivan stated that the Church hopes to commence the project soon after the Planning Board hearing to ensure completion before winter.

It was on motion unanimously

VOTED: To approve a waiver of the public hearing for the site plan application of the Calvary First Baptist Church, 162 Landham Road, pursuant to Section 6370 of the Zoning Bylaw.

Massachusetts School Building Authority's Green Repair Program – Statement of Interest

Present: Sudbury Public Schools Superintendent John Brackett, Sudbury Public School Committee Vice-Chairman Jeffrey Beeler, and Permanent Building Committee Co-Chairman and Energy and Sustainability Green Ribbon Committee member Mike Melnick

At 9:01p.m., Chairman Drobinski opened discussion regarding the need to submit a Statement of Interest (SOI) from the Town to the Massachusetts School Building Authority's (MSBA) Green Repair Program. The Board was previously in receipt of copies of materials, including an "Introduction to Green Repair Program," a "Green Repair Program FAQs," and drafts of a proposal for "Peter Noyes Elementary School and an accompanying Executive Summary." Copies of photographs of the condition of the Noyes Elementary School were distributed to the Board for review.

Sudbury Public School Committee Vice-Chairman Jeffrey Beeler introduced three fellow School Committee members and Energy and Sustainability Green Ribbon Committee member Rami Alwan also in attendance tonight. Mr. Beeler explained that the MSBA Green Repair Program is part of the Federal Stimulus Program, with strict deadlines for project submission. He further explained that the School Committee and the Board of Selectmen need to vote to authorize the Superintendent to submit the SOI prior to September 22, 2010. Mr. Beeler stated that the program would allow Sudbury to qualify for an approximate 35.4% reimbursement for needed school building repairs for roofs, boilers and windows.

Mr. Beeler stated that the Noyes Elementary School needs a new roof, and the boiler is 40 years old. In addition, the windows are between 20 and 50 years old and many are single-paned and leaking. Copies of a revised estimate of these costs for \$2,343,000 were distributed to the Board for review. Mr. Beeler emphasized that this is a limited opportunity to make capital repairs to a major Town asset while being reimbursed by the State at a 35.4% rate.

Mr. Beeler also noted that capital repairs for Noyes would also need to be approved on a Town Election ballot and at a Town Meeting. Mr. Beeler noted that the preferred timeframe to complete the roof project is next summer beginning in June. He further noted that the Town Meeting scheduled for May could make it difficult to complete the bidding and bonding process in time for a June project start. Town Manager Valente clarified that following the approval on a Town Ballot and at a Town Meeting, a capital item project could commence as soon as the funds are available. Mr. Beeler stated that, if approved, the Permanent Building Committee (PBC) would set the project timeline.

PBC Co-Chair Mike Melnick agreed that the timeline would be challenging. He opined that the project should go out to bid in May in order to have a contractor available for June 1st. Thus, Mr. Melnick further stated that design work should be completed in March and April for an estimated cost of \$60,000.

Mr. Beeler noted that Superintendent Brackett will be speaking with MSBA soon to clarify details of the program and timelines.

Selectman Haarde stated that these repairs need to be made to avoid any further building deterioration and they would make Noyes a more energy-efficient building. He further stated that pursuing a reimbursement of approximately \$829,000 for the repairs is worthwhile. Vice-Chairman O'Brien and Chairman Drobinski agreed that submitting the SOI makes sense.

Town Manager Valente noted that the SPS Committee has previously submitted these repairs to the Capital Improvement Planning Committee (CIPC) for consideration for the FY12 budget. She further stated that Town staff would work with SPS and the PBC regarding the schedule and timeline for the funding process for the projects. Town Manager Valente also stated she and Finance Director Andrea Terkelsen have

broached with the Town's financial advisor the idea of refinancing some existing debt and, if there are such savings, they could possibly offset some of these new expenses.

Mr. Beeler stated the draft SOI should be finalized by September 10, 2010, and he will circulate it to the Board electronically for review and subsequent vote on September 13, 2010.

As a resident, and not in his capacity as a member of the Finance Committee, Robert Stein, 7 Thompson Drive, questioned whether there is the possibility Noyes would be closed in the future due to anticipated decreasing enrollments and if this has been researched sufficiently before taxpayers are burdened with another \$1.5 million expense. Superintendent Brackett stated that the decrease in enrollment is anticipated to be a modest 1-3% and would not significantly impact the need for the Noyes School, which currently has 647 students who could not be subsumed by the other Town elementary schools.

It was on motion unanimously

VOTED: To support the Sudbury Public School's intention to submit a Statement of Interest (SOI) to the Massachusetts School Building Authority's (MSBA) for school repairs, which may include, but not be limited to, roof, boiler and window replacement at the Peter Noyes School, for funding under the MSBA Green Repair Program; and to vote the Board's formal authorization at a meeting to be held on Monday, September 13, 2010 at 7:15 p.m., or such later date as to allow final preparation of the SOI.

Recreation Fields Construction – Melone Property - Proposal Presentation

Present: Sudbury Babe Ruth Baseball President Scott McGavick, Sudbury Little League President Michael Walsh and Park and Recreation Commission member Georgette Heerwagen

At 9:28 p.m., Chairman Drobinski opened a discussion regarding a proposal to construct recreation fields for use by Sudbury Babe Ruth baseball and Sudbury Little League. The Board was previously in receipt of copies of a "Sudbury Babe Ruth and Sudbury Little League Proposal for Development of Recreational Fields at Melone Property dated September 7, 2010," the Sudbury Park and Recreation Commission Meeting Minutes of June 28, 2010 and Draft August 30, 2010 Meeting Minutes, an email from Park and Recreation Commission member Georgette Heerwagen to Ms. Kablack dated June 21, 2010 and Ms. Kablack's email dated June 22, 2010 to the Town Manager and DPW Director regarding the proposal.

Park and Recreation Commission member Georgette Heerwagen stated that the Commission was approached a year ago by Sudbury Baseball and Sudbury Little League representatives regarding the need for additional fields in Town. She further stated that a proposal has been developed to present to the Board tonight for feedback and advice as to how best to move the project forward. Ms. Heerwagen stated the Commission supports the concept and need for the project.

Sudbury Babe Ruth Baseball President Scott McGavick reviewed the current Town fields used for baseball, noting that Feeley is under the water table, and thus scheduling problems occur following heavy rainstorms. He stated that the Sudbury baseball groups have expressed the need for additional fields in the past, but identifying an appropriate location has been difficult. Sudbury Little League President Michael Walsh stated that his group currently uses 12 fields within two towns.

Mr. McGavick stated that a proposal has been developed to provide a solution by creating a revenue-generating baseball complex in Sudbury on the Melone property off Route 117. He described the idea to construct additional fields on Town-owned property, with parking and possibly a perimeter walking path. Mr. McGavick opined that the site would also have sufficient space for other users such as an affordable housing project. He stated that the Melone property has soils which could provide good drainage for the

fields, and there are few abutters to be impacted.

Mr. McGavick stated that the development complex could also generate future revenue through concession stands and/or partnering with area merchants for corporate sponsorship. He estimates that \$35,000 could be generated from concession stands over three seasons. Mr. McGavick also stated that the possibility of renting the fields to outside users could generate additional revenue. He opined that there is a market for paid admission baseball opportunities and that there are few venues available. In addition, Mr. McGavick stated that the baseball complex could also provide opportunities to market other Town businesses.

Kirk Fredericks stated that there are opportunities to host State travel baseball tournaments, which can generate approximately \$40,000 and provide a venue for college coaches to view prospective recruits.

Mr. McGavick stated that the proposal would include hiring a field maintenance person and installation of lights. He noted that the Park and Recreation Commission recommended that project maintenance be cost-neutral. Mr. McGavick stated that the two baseball groups would possibly pay for the required fencing and backing. He further stated that there are generous local fundraisers who have contributed to Sudbury baseball in the past and efforts would be made to reach out to them as well.

Mr. McGavick briefly referenced the proposed revenue formula, which would allocate 70% of net profit to the Town and 30% net profit to be retained by Sudbury Baseball. He emphasized that Sudbury is a great Town for baseball and he urged support for the proposal.

Selectman Haarde opined that he believes the proposal addresses well the question of why the Town needs more fields. He stated he likes that the plan proposes a tournament-quality facility, generating revenues which could help make it sustainable over time. He asked if other sports could also use the fields for tournaments. Mr. McGavick stated that it is primarily planned for baseball use, but it is possible other types of users could be accommodated if a perimeter fence were installed.

Selectman Haarde asked if the proposal has been shared with other towns. Mr. McGavick stated he discussed the concept with Needham representatives, which built some fields a few years ago, but did not make them revenue-generating, which they thought was a great idea. He opined that similar complexes do not exist in a lot of towns because they do not have a large parcel of land available with the proper topography.

Selectman Haarde asked if abutters and major stakeholders had been contacted about the proposal. Mr. McGavick stated he has had conversations with the Town Manager, the Sudbury Water District, the Park and Recreation Committee, Director of Planning and Community Development Jody Kablack, Chairman of the Community Preservation Committee Chris Morely and Department of Public Works Director Bill Place.

Selectman Haarde asked if the fields were constructed would the Haskell baseball field no longer be used. Mr. McGavick stated the groups would no longer utilize the Haskell field because, although it is a great baseball field, it is not in a good location. Selectman Haarde reiterated that he thinks the proposal is well thought through.

Vice-Chairman O'Brien stated that he thinks this is an interesting proposal for use of the approximate 48-acre parcel (30 acres in Sudbury and 18 in Concord). However, he questioned if the site would provide adequate parking if tournaments and other revenue-generating events were scheduled. Vice-Chairman O'Brien emphasized that it would be important to ascertain if enough research has been done regarding other viable uses for the property before the Board supported a particular proposal. He also questioned if

there are other sports in Town which also need additional facilities and asked where this need ranks in relation to those. Ms. Heerwagen stated that the Commission believes that the Cutting and Lincoln-Sudbury Regional High School fields sufficiently accommodate the other Town sports.

Vice-Chairman O'Brien stated he would prefer to see an analysis/checklist done by the Town to determine if the property is viable for commercial use or for any other future anticipated use. He noted that the Cummings commercial property across the street generates far more property tax revenue than is expected from this proposal. Vice-Chairman O'Brien stated the proposal is presented well. However, without additional information, he believes it would be premature for him to support that Town Community Preservation Act (CPA) funds should be used for the project.

Town Manager Valente stated that, although gravel operations on the site have diminished, the Town still requires gravel for projects and needs to determine how much of these resources would be needed in the future.

Vice Chairman O'Brien asked Ms. Kablack if any commercial analysis has been done on the property, and she responded that none has. He stated that the Board has to be comfortable if it were to make a recommendation to Town Meeting to use CPA funds for this project and that this was indeed the best use for the parcel. Vice-Chairman O'Brien also noted that funds would have to be found to do the commercial use feasibility study, since CPA funds cannot be used for that purpose.

Ms. Heerwagen asked if the next step is to submit the proposal to the Community Preservation Committee (CPC) for funding recommendation consideration. Chairman Drobinski stated that is possible, but he noted that the CPC generally considers Town-driven projects and the Board would also have to vote to support the project recommendation. Ms. Heerwagen stated that the Park and Recreation Commission would sponsor the project proposal.

Mr. McGavick opined that he sensed a vagueness from the Board regarding the timing for this proposal and he questioned how long it would take to research the concerns mentioned tonight.

Chairman Drobinski stated that this proposal may be the best one, and it can be presented to the CPC; but, concurrently, the Town would also continue to evaluate whether it is the best project and use for the property. Town Manager Valente concurred, stating she would want to further discuss and confirm some of the pro forma financial information presented. She also emphasized that mutual understandings would have to be developed and agreed upon regarding short-and long-term use, since the fields would be on Town-owned land. Mr. McGavick stated that the groups did not want to own this land, and they understood agreements would be required and necessary. He further stated that the onus would be on the baseball groups to make the project a success. Mr. McGavick emphasized that Sudbury Baseball has strong parent support, as evidenced by the over 60 supporters in attendance at tonight's meeting. He assured the Board that the groups would be good tenants.

Town Manager Valente and Chairman Drobinski encouraged the groups to keep the dialogue going with Town staff regarding the proposal. Chairman Drobinski thinks the project is a great idea and recommended it be submitted to the CPC.

Mr. McGavick asked if it would help the proposal's chances of being recommended for funding if a staggered three-year proposal were submitted to the CPC instead. Ms. Kablack stated that the CPC generally prefers to evaluate the full cost of a project and would probably want to know what the funding requests would be for years 2 and 3 before committing to recommend funds for year 1. She further clarified that the Town has done planning for feasibility studies of CPC-related uses for this property and wetlands and

topographical surveys were completed as were site plans for recreation.

Ms. Kablack emphasized that need for this type of complex should be documented as should cost and revenue projections. She also suggested researching other municipal models of similar projects. Ms. Kablack noted that, in a study completed in 2008, this need was not stated as a top priority. She believes that the proposal is possibly premature to receive CPC funding recommendation this year, but that the project should be further developed with the Park and Recreation Commission.

Selectman Haarde asked if CPA funds were used to build the Cutting and Lincoln-Sudbury Regional High School fields. Vice-Chairman O'Brien responded regarding the High School fields and referenced the Memorandum of Understanding which was adopted.

Selectman Haarde stated that the project would request approximately \$1.8 million of CPA funds, and he believes a project to benefit the Town's children is a good use of CPA funds. He further stated that he is surprised to hear that tonight's proposal is ahead of the curve because he has seen plans online for 36-160 affordable-housing units also considered for the parcel.

Vice-Chairman O'Brien clarified the status of those plans and stated he does not envision that it will take a long time to answer some of the questions raised this evening. He reiterated that the Board should be prepared and comfortable with explaining at a Town Meeting why this project is the best use of this property. Vice-Chairman O'Brien further stated that he believes the proposal should be submitted to the CPC this year to begin to garner attention. However, he also believes the parcel needs to be further evaluated for commercial use, drainage conditions, and have an appraisal done to determine if the land could be sold. In addition, funding would have to be found to accomplish these tasks.

Selectman Haarde stated that there is a commercial building adjacent to the property which is largely vacant, and thus he believes the real estate market has spoken. He stated that the Town has approximately \$9.5 million in CPA funds, of which this project would spend 10% to benefit children. He opined that this type of project would improve the Town, improve property values and is a good use of CPA funds.

Mr. McGavick asked if it would be better to ask the Board's guidance on other suitable sites for the project. Chairman Drobinski stated that the group has presented the project appropriately and the proposal is good. However, he emphasized that the Board needs to evaluate further whether this is the best and highest use for this parcel. Chairman Drobinski reiterated that it is a great idea, and he has a history of supporting athletics in Town. Vice-Chairman O'Brien concurred and encouraged continued work with Town staff and the Park and Recreation Commission to further assess Town fields and locations. Mr. McGavick stated that the Commission highlighted this parcel for the proposal.

At 10:24 p.m., Chairman Drobinski closed the discussion.

Town Manager's Employment Agreement – Extension Discussion

At 10:25 p.m., Chairman Drobinski stated that Selectman Haarde requested that a discussion of questions he submitted to the Chairman regarding the extension of the Town Manager's Employment Agreement be added to tonight's agenda and that Vice-Chairman O'Brien has prepared responses to those questions.

Selectman Haarde stated that he expected to have a dialogue tonight regarding his questions rather than to have Vice-Chairman O'Brien read comments prepared in advance. Chairman Drobinski asked Vice-Chairman O'Brien to proceed with providing the answers to the specific questions submitted by Selectman Haarde. Selectman Haarde asked if he would subsequently also have time on the agenda.

Vice-Chairman O'Brien addressed the following questions regarding the extension of the Town Manager's Employment Agreement:

1) Why was it renegotiated 17 months early and signed three days before an election?

Vice-Chairman O'Brien explained that the current contract was signed on March 10, but the vote to negotiate and sign another five-year contract was made on October 27, 2009. He stated that this decision was consistent with how the Board has handled the Town Manager's contract in the past, i.e., developing a five-year contract, with a compensation "reopener" in the third year. Vice-Chairman O'Brien emphasized that the decision to similarly continue to extend the contract was made by the Board in October, 2009, six months before the election, and at a similar time interval as done in the past. He also noted that the signing of the contract was delayed until March because both parties agreed that the Town Manager's compensation plan should be finalized once the negotiations with the Town's major unions were completed. He further noted that the Town Manager had previously advised the Board she would not take the contractually agreed upon increase in compensation for FY10 unless negotiations with other employee groups were sufficiently underway to establish a pattern of what the health insurance concessions would be and what compensation would be paid in exchange for those concessions for FY10. Vice-Chairman O'Brien noted these changes had been negotiated and implemented with all SPS groups in September 2009 and with the Town's non-unionized employees. Thus, in October 2009, the Board voted to adjust the Town Manager's FY10 compensation to match that of other employee groups. Vice-Chairman O'Brien stated he then proceeded with discussions to reduce the Town Manager's previously agreed to FY11 and FY12 compensation as well as other renewal issues. He stated that completed negotiations with the last major group, the firefighters occurred in February 2010. Thus, the Board decided to consider and vote a contract renewal in March 2010, with the assurance that the percent increases for the Town Manager in any year of the contract were less than that agreed to by any other group or Town employee.

2) What is the cost to the Town?

Vice-Chairman O'Brien stated that the new contract reduces the Town Manager's compensation for FY10 by \$2,087, by \$5,470 for FY11, and by \$10,088 for FY12. In addition, he noted that the Town Manager agreed to accept the changes in health plan design and pay more for such plan, as did other Town and school employees.

3) Why did we increase the value of the contract prematurely during a recession?

Vice-Chairman O'Brien stated that the monetary value of the contract was actually decreased during the recession.

4) What precedent does this set for the Town with mediators that the contract was prematurely renegotiated and increased during a recession?

Vice-Chairman O'Brien stated that he believes in a mediation or arbitration process, data would reflect that the Board negotiated a reduction in compensation, with an annual five-year average increase of 1.88% and it would be to the Town's benefit that one employment contract was opened and compensation concessions were agreed to.

5) How does the contract compare to other Town Managers in Massachusetts?

Vice-Chairman O'Brien stated that the Board used FY09 compensation information for comparable communities with Town Managers (not Town Administrators), including Acton, Ashland, Bedford, Concord, Westford, Weston and Winchester, since they are similar to Sudbury in population, form of government and demographics. He noted that, for Town Managers with at least ten years of experience, the average FY09 compensation in these towns were similar to Sudbury.

6) How does the compensation listed in the contract compare to the actual Town Manager earnings as stated on W-2?

Vice-Chairman O'Brien noted that compensation is reported on W-2s by calendar year, whereas contracts reflect this information according to the fiscal year. He further noted that the Finance Committee documents actual compensation in the Town Warrant for all employees earning over \$100,000.

7) Why is the \$5,500 car allowance not listed as part of total compensation?

Vice-Chairman O'Brien also clarified that the auto allowance is listed on the compensation plan, but is segregated from regular compensation, as is required for proper calculation of pension benefits.

8) Where and when did the negotiations take place and who attended?

Vice-Chairman O'Brien stated that, as per a vote of the Board, he alone conducted the contract negotiation discussions, in non-public meetings, with the Town Manager between October 2009 and March 2010 and that he presented the Board with a draft revised contract in an executive session meeting on March 10, 2010. He further stated that the full Board amended and also voted to accept the new five-year employment agreement at this meeting. In addition, Vice-Chairman O'Brien stated that he presented the Board with a draft compensation plan at an executive session meeting on March 23, 2010; and it was accepted and voted at that meeting.

9) Where are the minutes of all the meetings and negotiations?

Vice-Chairman O'Brien provided copies of the October 27, 2009 Meeting Minutes to the Board, which included the Town Manager's annual performance review (which was read aloud) and stated that the minutes of the other two meetings were in executive session and have not yet been released. As read by Vice-Chairman O'Brien, Ms. Valente's review follows:

The Town Manager's contract calls for the annual review of the Town Manager to be completed by June 15th of each year. Chairman O'Brien approached Town Manager Valente in early June and requested an extension due in part to the extended period of time that it took to conclude the 2009 Annual Town Meeting. Ms. Valente agreed to the extension.

The early stages of the fiscal crisis both nationally and throughout the Commonwealth created an ever-changing set of challenges for Ms. Valente relative to making decisions for the FY10 budget as well as Town finances. An example of this was the financing of the Nobscot Preservation Agreement that required a review and reaffirmation of the Town's AAA rating prior to the issuance of the financing bonds.

Working closely with the Finance and Planning and Community Development Directors Ms. Valente presented the state of Sudbury's financial condition and successfully retained our AAA rating in the midst of a collapsing national financial products marketplace. With the double extension of the Annual Town Meeting out to June, a balanced FY10 budget was developed and delivered to the citizens as required by law. This accomplishment was a combination of creative planning to accommodate unresolved collective

bargaining issues relative to health insurance funding while still meeting the Board of Selectmen's (BOS) challenge of maintaining key department staffing levels. Ultimately, some open positions had to go unfilled as part of the strategy to balance the budget after reductions in State Aid were absorbed.

When not dealing with budgeting issues, many other initiatives took hold during the year under the leadership of Ms. Valente including the following:

- *Advising the Board of Selectmen on issues relative to collective bargaining and the impact of making changes to the Town employee health insurance benefits resulted in a new Health Insurance plan and increased employee contribution levels.*
- *Initiation of the CORE program yielding greater efficiencies with SPS and setting the stage for CORE #2 and CORE #3 programs to be completed in FY10 and FY11.*
- *Organized and then supervised the first Sudbury Citizens Academy to rave reviews by the first graduating class, thus yielding some newly-inspired citizens to apply for membership on various committees.*
- *Within a very uncertain budget environment, successfully created and negotiated our first shared employee position with Wayland Town Administrator Fred Turkington as part of the process of replacing departed Park & Recreation Director Dennis Mannone.*
- *Based on her strong professional relationship with Mr. Turkington, and increased communications between the Wayland and Sudbury Boards of Selectmen, the foundation for multiple opportunities has been set that may yield additional savings and increased efficiencies in an array of Town service areas.*

The joint Wayland – Sudbury Septage Facility became a significant issue this past year that would potentially require Town funding to meet new stricter DEP standards to make possible an application for a permit that potentially would allow an increase in volume collected by the facility. Some of the assorted issues were outside of Ms. Valente's wheelhouse. However, she assembled a group of people to help advise her on the technical, mechanical and legal issues and how they related to the finances of the facility and the financial responsibilities of the two communities. Throughout the decision-making process, she provided the Board with an abundance of information so that intelligent, thoughtful decisions could be made away from the emotional and political storm that followed this issue.

Once again, the retirement of a senior management team member, Police Chief Peter Fadgen, created an opportunity for advancement. With two highly-qualified candidates, and based on a review process implemented by Ms. Valente, a decision was made to name an interim chief as part of the process towards naming a permanent replacement by the end of the 2009 calendar year.

It is the opinion of the Sudbury Board of Selectmen that FY09 was by far the most challenging and unique out of the 10 years that Ms. Valente has served as Sudbury's Town Manager. Further, we believe that Ms. Valente's steady hand and calm review of each and every challenge that Sudbury faced in FY09, as well as in past years, was looked at with an eye towards the "long view." That consistent approach has served the community very well throughout her tenure in Sudbury.

As has been the case from year to year, Ms. Valente has scored well in all elements of our evaluation. The Sudbury BOS also recognizes that the expectations, responsibilities and accomplishments of the office of Town Manager are often beyond the outline of the Goals and Objectives of the BOS and require flexibility to

deal with the issues, situations and opportunities of the moment without losing focus on the bigger long term sometimes even multi-year objectives. It is the Board's opinion that Ms Valente handles these unknown and often unexpected situations with deft skill, and we have taken that into consideration as part of this annual review.

In review of Ms. Valente's job performance during FY09, the BOS voted an overall performance grade of 96.95 out of a possible 100. However, the BOS decided to postpone its decision on the amount of her merit payment, the portion of her annual salary set aside to be paid based on the annual evaluation, until later in the FY10 fiscal year.

Based on Ms. Valente's continuing strong performance as Sudbury's Town Manager, the Board also agreed that it was appropriate to enter into discussions to extend her contract as Sudbury's Town Manager. The Board voted to have Selectman O'Brien initiate contract extension discussions with Ms. Valente, along with a review of the Town Manager contract language, terms, conditions.

Mike Hullinger, 55 Washington Drive, asked for confirmation, which Vice-Chairman O'Brien affirmed, that the Town Manager's Employment Agreement is a five-year contract with a three-year opener. Mr. Hullinger asked how the new contract compares to the previous contract regarding compensation. Vice Chairman O'Brien responded that the compensation was reduced in the new contract. Mr. Hullinger asked if it was the base salary or merit/bonus or another portion of compensation which was reduced and whether the increase percentages were more or less than the previous contract. Vice-Chairman O'Brien stated that the bonus portion was eliminated. He further stated that the compensation for FY09, FY10 and FY11 was reduced and that the new contract had smaller increase percentages than the previous contract.

Mr. Hullinger also asked if there were any other changes, such as to benefits or number of sick days, etc. Vice-Chairman O'Brien stated there were no other changes in this negotiation. However, he further stated that the Town Manager now contributes a higher percentage of her pay to her health plan as do all other Town employees. Mr. Hullinger asked if there were any changes to severance. Vice-Chairman O'Brien responded no. Town Manager Valente clarified that the notification period for the Board to inform her that the contract will not be renewed without cause increased to eight months from six.

Mr. Hullinger asked for confirmation that a similar process might occur in three years to renew the contract again. Vice-Chairman O'Brien stated it could. Selectman Haarde asked where the opener provision is stated in the contract. Town Manager Valente stated it appears as a footnote on the compensation page.

Chairman Drobinski stated that the contract has been approved and signed and is not being reopened tonight. He further stated that he believes Selectman Haarde's specific questions have been answered, but if Selectman Haarde has additional questions he should contact the Town Manager for more details.

Selectman Haarde asked if he could speak. He stated he wanted to discuss the Town Manager's contract and go through the details of the contract in an open session in the interest of transparency. Chairman Drobinski stated the questions Selectman Haarde wanted on the agenda were already answered and he was not opening up the Town Manager contract for negotiation. Selectman Haarde stated the contract has been negotiated, but he had requested a detailed discussion so people can know what has taken place. He stated, as an elected member of the Board, he has the right to speak, just as Vice-Chairman O'Brien did. Selectman Haarde stated that there has not been a detailed discussion tonight, just a one-sided reading by Vice-Chairman O'Brien and that some things that were stated are not true. Chairman Drobinski asked Selectman Haarde to not say that the Board of Selectmen do not speak the truth.

Selectman Haarde stated that the severance pay increased from six to eight months, and there is a provision that the Town Manager's pay cannot be reduced unless the pay of every Town employee is also reduced. He opined that there are a lot of new provisions which Vice-Chairman O'Brien did not address. Vice-Chairman O'Brien stated that he answered the questions specifically presented by Selectman Haarde. Chairman Drobinski suggested that if Selectman Haarde had additional questions he could contact Vice-Chairman O'Brien for answers. Selectman Haarde stated that he believes this would violate the Open Meeting Law and he did not want to do this. Chairman Drobinski clarified that it would be to get additional information. Selectman Haarde opined that to discuss the Town Manager contract would violate Open Meeting Law, and he did not want to do this; and he added that he is sure it is done all the time "by you guys." Chairman Drobinski opined that the comments were inappropriate. Selectman Haarde opined that what he is saying is on target, and what is being done to him is inappropriate. Chairman Drobinski disagreed, stating the contract has been fully negotiated and voted. Selectman Haarde opined that it was done under a cloak of secrecy. Chairman Drobinski stated that all contracts are negotiated in Executive Session.

Selectman Haarde stated a lot of towns discuss and vote on the Town Manager contract at Town Meeting. Chairman Drobinski asked which towns, and Selectman Haarde answered Wayland. Chairman Drobinski clarified that Wayland has a Town Administrator. Selectman Haarde opined that a Town Administrator and a Town Manager serve the same role as the Chief Administrative Officer according to Massachusetts General Laws. Chairman Drobinski stated that a Town Manager has more authority than a Town Administrator. Town Manager Valente noted that Sudbury has a bylaw which supersedes Massachusetts General Law and that this Special Act enumerates the roles and responsibilities of the Town Manager.

Selectman Haarde opined that, if there is an open form of Town government, the contract should be able to be discussed in open session and not behind the scenes through emails. Chairman Drobinski stated that if Selectman Haarde has further questions he could contact him or the Town Manager.

Selectman Haarde stated he would prefer to ask his questions and talk about the contract in an open meeting so people can know what is going on regarding the contract for the Town Manager, the person who sets the agenda and tone for the Town. He stated that, in a recession, the contract was renewed for five years and he has concerns about this which he has not been allowed to discuss. Chairman Drobinski reiterated that the questions posed had been answered and the Town saved money with the new contract.

Selectman Haarde opined that the Town did not save money when vacation days and other factors are considered. He believes that all the performance accountability measurements have been removed from the contract and now the Town Manager's pay is 100% guaranteed. He further believes the Town has no leverage over this employee, that the pay cannot be altered and the Town Manager cannot be suspended or fired unless by a unanimous decision of the Board. Selectman Haarde questioned whether the contract costs to the Town have been calculated for the expense to reduce every other Town employee's pay, if necessary. He stated that \$8,000 of merit-based compensation has been moved to guarantee compensation and reiterated that there is no leverage over this employee.

Chairman Drobinski disagreed, stating that Sudbury is an excellent Town and has an excellent Town Manager whose performance was excellent during the worst recession in decades.

Selectman Haarde stated that he believes the override failed last year by 20% because people do not think the Town is on track. Chairman Drobinski disagreed, stating he believes the override failed because of bad economic times and not because we have a bad Town. He reiterated Sudbury is a great town with a great staff and people who get involved in the community to work to make it better. Selectman Haarde stated that people who voted for last year's override told him they did so because they support the schools, but they

disagree with how the Town's finances are handled. He noted that, although the Board voted unanimously to support the override, it still failed, and he does not believe the Board has taken any cues from that vote.

Chairman Drobinski disagreed, stating the failed override was due to tough economic times and that people need to work together to solve the Town's problems. He also stated that the Board always supports overrides going on the ballot for a public vote. Selectman Haarde noted that two years ago the Board did not support an override vote. Vice-Chairman O'Brien stated that the Board did not support it at that time because it was a collective-bargaining negotiation year, and it did not want to jeopardize the successful outcome of those discussions which he explained at Town Meeting. Selectman Haarde stated the need for an override existed two years ago. Vice-Chairman O'Brien stated he is confused by Selectman Haarde sometimes stating he dislikes overrides, but that Selectman Haarde had asked the Board to put the override on the ballot two years ago believing it would help his Lincoln-Sudbury candidacy. Selectman Haarde opined that the Board did not support the override on the ballot in order to help its preferred candidates win.

Chairman Drobinski ended the discussion.

Minutes

It was on motion unanimously

VOTED: To approve the regular and executive session minutes of August 24, 2010.

Bullfinch's Restaurant - Sunday Entertainment License Renewal

It was on motion unanimously

VOTED: To renew the current Sunday Entertainment License for Bullfinch's Restaurant, 730 Boston Post Road, for a live jazz trio from 11:00 a.m. to 2:00 p.m., for the period of September 12, 2010 to September 4, 2011.

Colonial Fair and Muster of Fifes and Drums – Special Permit

It was on motion unanimously

VOTED: To approve a Special Permit to Hal Cutler for the Colonial Fair and Muster of Fifes and Drums to be held on the Wayside Inn grounds from 10:00 a.m. to 5:00 p.m. on Saturday, September 25, 2010, subject to conditions and permits required by the Fire and Police Departments and Board of Health.

Bell Atlantic Mobile of Massachusetts Corp., d/b/a Verizon Wireless –Gift

Selectman Haarde recused himself from the vote.

It was on motion

VOTED: To accept, on behalf of the Town, a \$5,000 gift from Bell Atlantic Mobile of Massachusetts Corp., d/b/a Verizon Wireless, as conditioned in their Site Plan Decision dated July 6, 2010, for the purpose of expanding the Town's public safety communications equipment, and expended under the direction of the Town Manager, Fire or Police Chief.

Bell Atlantic Mobile of Massachusetts Corp., d/b/a Verizon Wireless –Performance Bond

Selectman Haarde recused himself from the vote.

It was on motion

VOTED: To accept, on behalf of the Town, a \$38,000 performance bond from Bell Atlantic Mobile of Massachusetts Corp., d/b/a Verizon Wireless, as conditioned in their Site Plan Decision dated July 6, 2010, which bond will be held by the Town Treasurer/Collector.

Sudbury and Wayland Transfer Station – Pilot Project Intermunicipal Agreement and Updates to Rules and Regulations

Town Manager Valente briefly highlighted sections of the “Intermunicipal Agreement For the Use of Transfer Stations – Recycling Center between Sudbury and Wayland. She noted item #9 in the “Miscellaneous” section, which states that the Agreement does not relate to either Town’s landfill operations in any way. Town Manager Valente later noted that Town vehicles will also now be required to have stickers to use the Station.

Vice-Chairman O’Brien asked if Wayland operates its Transfer Station under an Enterprise Fund. Town Manager Valente stated it does not and that Wayland subsidizes the operation with its General Fund.

Selectman Haarde asked if there is a provision in the Agreement to charge back Wayland if it deposits more tonnage into Sudbury’s facility than our Town does to its Transfer Station. Town Manager Valente stated that the operations would be reviewed each month to get a sense of usage. She noted that the Agreement contains a provision whereby either Town can terminate the program with 30-days’ notice. Town Manager Valente emphasized that it is not the intention of either Town to lose money on their operations. She further stated that, it is difficult to anticipate what each facility’s usage will be because, although Sudbury has a high population than Wayland, Wayland’s percentage of Transfer Station users is higher.

Selectman Haarde asked if Wayland also has only one time a year for new enrollments as Sudbury does each July 1st. He believes people might be interested in using the facility more if various enrollment times were available. Vice-Chairman O’Brien stated that Sudbury residents can sign-up for the Transfer Station at any time during the year. However, he asked if a quarterly proration of cost could be considered. Town Manager Valente stated that the sticker cost is intended to cover the fixed costs of operations for the year, but that the cost for disposal bags is less for those who do not enroll for a full year. She suggested that these recommendations not deter tonight’s vote, but that they be further discussed and possibly amended at a later date.

Selectman Haarde asked if there are things Wayland does differently to have such a high usage rate from which Sudbury could learn. Town Manager Valente opined that it might be associated with how much longer Wayland continued its landfill operations, but that she would research this further.

Selectman Haarde asked if the cost of disposal bags increased. Town Manager Valente stated that an increase in bag costs was approved March 28, 2010.

Vice-Chairman O’Brien stated that the Agreement is a good start and supports approval. Chairman Drobinski concurred, stating that the program is a step in the right direction to see how regionalization of this service will work.

Vice-Chairman O'Brien asked if Department of Public Works Director Bill Place will have a way to measure recyclables. Town Manager Valente stated that Mr. Place is coordinating this and other details. However, she also noted that Wayland's recycle use is hard to predict. Sudbury separates its recyclables while Wayland co-mingles them, and thus Wayland residents may choose to not recycle here.

Selectman Haarde asked if an exhaustive study has been done to see if anyone would take Sudbury's recyclables for free. Town Manager Valente stated that Mr. Place monitors this type of issue continuously, with the knowledge that even if the Town cannot generate money from disposal, perhaps disposal costs can be eliminated.

Chairman Drobinski noted that the recycle business is labor intensive, that some providers are better than others and that commodity disposal prices fluctuate in the market.

It was on motion unanimously

VOTED: To approve an Intermunicipal Agreement between the towns of Sudbury and Wayland for the use of Transfer Stations/Recycling Centers.

It was also on motion unanimously

VOTED: To approve the revised "Rules and Regulations for the Recycling and Disposal of Solid Wastes at the Transfer Station" which reflect the new Intermunicipal Agreement pilot program.

One-Day Liquor Licenses – Approvals Required in Between Scheduled Board Meetings

Town Manager Valente stated that sometimes small groups request approval of one-day liquor licenses, typically for fundraising events, in between scheduled Board meetings. In order to better accommodate these requests and facilitate their advertising efforts, she asked the Board whether someone could be designated to preliminarily approve these requests, subject to compliance with the standard checklist items. Town Manager Valente further noted that a confirming vote would still be required by the Board at its next scheduled meeting time.

Selectman Haarde suggested that the Board request the opinion of Town Counsel.

Vice-Chairman O'Brien asked how often this situation arises. Town Manager Valente stated it has happened twice in the last year. Vice-Chairman O'Brien suggested that when the situation arises, the Town Manager could bring it to the attention of the Chairman and then schedule the matter for a confirming vote at the Board's next meeting. He asked if there is another option other than assigning authority for pre-approval. Town Manager Valente stated an emergency meeting of the Board could be convened.

Selectman Haarde recommended, and the Board concurred, that a process proposal be drafted by Town staff for the Board's review and that the proposal be approved by Town Counsel to ensure that no concerns or liability issues would arise from granting a preliminary approval.

2011 Board of Selectmen Meeting Schedule – Approval

The Board was previously in receipt of a draft 2011 Board of Selectmen Meeting Schedule for review. Vice-Chairman O'Brien stated he already provided comments earlier today.

It was on motion unanimously

VOTED: To approve the draft 2011 Board of Selectmen Meeting Schedule as reviewed this evening.

At 10:55 p.m., Chairman Drobinski announced the close of the regular meeting.

There being no further business, the meeting adjourned at 10:55 p.m.

Attest: _____

Maureen G. Valente
Town Manager-Clerk