

IN BOARD OF SUDBURY SELECTMEN
WEDNESDAY, SEPTEMBER 21, 2011

Present: Chairman Lawrence W. O'Brien, Vice-Chairman Robert C. Haarde, 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 7:30 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:30 p.m., Chairman O'Brien opened the meeting. He asked residents to drive cautiously as fall school and sports activities increase vehicle and pedestrian traffic in Town. He also encouraged residents to help clear storm drains of falling leaves and debris.

**Reports from the Town Manager
Board of Selectmen Goal Setting**

Town Manager Valente announced there is a Special Meeting of the Board of Selectmen scheduled for September 27, 2011. A number of Town goals will be discussed. The objective is to fine-tune the future direction and approach the Town would like to pursue for these projects.

Town of Sudbury – New Labor Counsel

Town Manager Valente reported she is considering making a new Labor Counsel appointment for the Town of Sudbury to be confirmed by the Board. She believes it would benefit the Town to have the appointment in place prior to commencement of the new round of collective bargaining discussions. Subject to completion of the administrative process, Ms. Valente will schedule a time on the September 27, 2011 agenda for the Board to meet the candidate and confirm the appointment.

Town Boards and Committees

Town Manager Valente reported many Town boards and committees have resumed their meeting schedules. She stated the Capital Improvement and Planning Committee is meeting tonight, and the Finance Committee met on September 19, 2011.

Reports from the Board of Selectmen

Vice-Chairman Haarde reported the Route 20 Sewer Steering Committee has met twice. Later tonight, the Board will vote on appointments to the Route 20 Citizens' Advisory Committee.

Vice-Chairman Haarde attended a meeting today regarding the proposed changes to the Minuteman Regional High School District Regional Agreement and its capital project plans. He stated changes for member towns as a result of the capital project are not anticipated until 2014/2015. However, proposed changes to the Regional Agreement could be ready for presentation at 2012 Town Meetings. Vice-Chairman Haarde stated the School Administration did not seem committed to Model B, and it appeared willing to defer to recommendations presented by the subcommittee of Town Managers chaired by Town Manager Valente.

Town Manager Valente stated Minuteman has immediate building problems which will need to be addressed before the commencement of the capital project, and the financial model chosen will also impact

how these costs are allocated. In addition, she further stated there is still concern regarding non-member towns not paying an appropriate share for their students.

Vice-Chairman Haarde attended a Chamber of Commerce meeting. He reported the North Sudbury neighborhood has been severely impacted by the Chapter 40B development of 350 units being constructed on the Concord/Acton/Sudbury line. He asked if the Board could add this topic to an agenda to consider what could be done to improve conditions for these residents, some of whom reported their houses shaking from the nearby construction.

Selectman Drobinski stated the issue is appropriate for a future agenda.

Town Manager Valente stated North Sudbury residents have been in touch with her office regarding several concerns. She stated the agreement with Concord included these roads not being used. However, due to Acton temporarily closing its section of roads, Sudbury has been adversely impacted. Ms. Valente discussed these matters with the Police Chief who reached agreement with the project supervisor to monitor these infractions more closely. She also contacted residents to ascertain if they would allow roadwork to be done on Saturday to expedite the process. Acton anticipates its work being completed in October. Ms. Valente opined the situation has turned out dreadfully for these residents.

Selectman Drobinski stated there are State vibration codes which must be met. Vice-Chairman Haarde asked if monitors could be placed in some homes. Town Manager Valente will discuss this with her Concord counterpart.

Chairman O'Brien suggested asking Department of Public Works (DPW) Director Bill Place to determine if this construction has also caused excessive wear to Sudbury roads. Vice-Chairman Haarde opined Sudbury should pursue any legal remediation possible, since its roads were not to be used at all, but are, in fact, being used exclusively. Selectman Drobinski cautioned the Board not to engage in discussion of legal strategy in public session.

Chairman O'Brien noted an invitation received by the Board from the Sudbury Arts Association, which has work on display through September 30, 2011. Sudbury Public Schools Superintendent Dr. Anne Wilson has also invited Board members to meet with her to better acquaint herself with the community. Chairman O'Brien also reported the Lincoln-Sudbury Regional High School Committee continues its contract discussions regarding health insurance policies and contributions.

Sudbury Housing Trust – Appointment Interview

Present: Candidate Peter Abair

At 7:46 p.m., Chairman O'Brien welcomed Sudbury resident Peter Abair to the meeting to discuss with the Board his interest in serving on the Sudbury Housing Trust (SHT). He stated the SHT unanimously recommends his appointment.

Mr. Abair has lived in Sudbury for four years. He noted his prior experience working for the Massachusetts Department of Housing and Community Development and serving on the Watertown Planning Board. Mr. Abair stated he wants to contribute to the community, and he believes the SHT is a good opportunity for him to do so.

Selectman Drobinski asked him about his prior experience in Watertown. Mr. Abair stated many of the issues the Planning Board addressed were density-related, and the Board relied on Watertown's well-developed zoning bylaws and Master Plan to guide its decisions.

Vice-Chairman Haarde stated Mr. Abair's background is well-suited for the SHT. He asked if Mr. Abair had ideas for what could be successful in Sudbury to meet some of its housing challenges. Mr. Abair stated it is important to get information out to the community, so people can think about developing new residential areas for affordable housing in ways they may not have considered before. He also stated it is important for the Town to have a sense of what it wants such housing to be and then to engage with developers to achieve those results.

Chairman O'Brien stated he has met Mr. Abair at SHT meetings and his contribution has already been valuable to the group.

It was on motion unanimously

VOTED: To appoint Peter J. Abair, 14 Dawson Drive, as a member of the Sudbury Housing Trust, for a term to expire April 30, 2013, filling a vacancy occasioned by the resignation of Michael Fee, and to send a letter of appreciation to Mr. Fee.

Herb Chambers of Sudbury, Inc., d/b/a Jaguar Sudbury – 83 Boston Post Road - Class 1 License

Present: Applicant's Attorney Joshua Fox

At 7:56 p.m., Chairman O'Brien opened the discussion regarding the application for a Class I Motor Vehicle License for Herb Chambers of Sudbury, Inc., d/b/a Jaguar Sudbury, to add the sale of new and pre-owned automobiles manufactured by Jaguar on the premises located at 83 Boston Post Road. The Board was previously in receipt of a letter from Attorney Joshua Fox dated September 1, 2011 and accompanying application fee and supporting documents, an email from Building Inspector James Kelly dated September 12, 2011, and several other emails from Town Department Heads stating no objections to the application.

Attorney Joshua Fox explained the request to co-locate Jaguar automobiles on the Land Rover Sudbury location. He explained this would not impact neighbors or traffic in the surrounding area. Mr. Fox stated an application is also pending with the Zoning Board of Appeals regarding signage.

Selectman Drobinski clarified that the number of Land Rovers on site would be reduced and replaced with Jaguars and that, essentially, nothing else changes. Mr. Fox concurred. Selectman Drobinski asked if the applicant also has to apply for a similar license in Wayland. Mr. Fox stated he does not believe so because all sales transactions are conducted in Sudbury.

Vice-Chairman Haarde asked how the businesses are doing. Mr. Fox stated the company is pleased to be doing business in Sudbury. The Board stated it is happy to have the company here.

Chairman O'Brien asked if there would be changes to the hours of operation or to the building. Mr. Fox stated the hours would remain the same as would the building, with the exception of the addition of a sign.

It was on motion unanimously

VOTED: To approve the Class I Motor Vehicle License application of Herb Chambers of Sudbury, Inc., d/b/a Herb Chambers of Sudbury Jaguar, to add the sale of new and pre-owned automobiles manufactured by Jaguar at the Land Rover dealership located at 83 Boston Post Road, as requested by Atty. Joshua Fox, representing Herb Chambers of Sudbury, Inc., in a letter dated September 1, 2011.

Mr. Fox asked if the license could be picked up tomorrow morning. Town Manager Valente stated it could after 9:00 a.m.

Public Hearing: TD Bank – 407 Boston Post Road

Present: Director of Planning and Community Development Jody Kablack, Applicant's Attorney Robert Dionisi, Joshua Swerling from Bohler Engineering, Architect Matt Hyatt, Developer Rick Curtin, and Planning Board members Eric Poch and Joseph Sziabowski

At 8:03 p.m., Chairman O'Brien opened a Public Hearing regarding an application submitted by TD Bank to construct a new 2,980 square foot retail bank building and associated improvements, including stormwater management facilities, utility improvements, parking areas, two-lane remote drive-through facility, landscaping and lighting on property located at 407 Boston Post Road, zoned Residential-A, Town Assessor Map K08-0007, which was continued from September 6, 2011. The Board was previously in receipt of a letter from Sudbury Planning Board Chairman Michael Fee dated September 16, 2011, stating the Board expressed concerns regarding the proposed design not being in character with the surrounding area, a letter sent from the Sudbury Planning Board to the ZBA dated February 15, 2011, noting comments and recommendations, and an email from Ms. Kablack dated September 21, 2011, noting comments from a meeting yesterday between the applicant and members of the Planning Board regarding possible design changes. Chairman O'Brien reported the applicant met with the Planning Board regarding a Stormwater Permit, and at that time several design concerns were expressed. Members of the Planning Board met with the applicant yesterday at the Wayland TD Bank location to discuss possible plan revisions.

Architect Matt Hyatt provided a presentation to the Board to explain the applicant's regional building program and goals, including its goals for sustainability. The presentation also reviewed how the current Sudbury design was derived based on the attempt to understand the context of the site. Mr. Hyatt stated he hopes discussion can generate consensus on a design that will be acceptable to all parties. He stated the meeting with the Planning Board yesterday was very productive at the Wayland location, which is a site similar in size to the Sudbury proposal.

Mr. Hyatt reviewed the goal of TD Bank to establish consistency in the appearance of its buildings, and he displayed six pictures of current locations. He stated the Bank wishes to be a good corporate neighbor and to provide a satisfactory customer experience. He described some of the "green" materials used in construction which are intended to reduce energy consumption by 50% and water consumption by 40%.

Mr. Hyatt displayed pictures of existing commercial sites and drive-throughs in Sudbury, which were studied to develop the proposed design. The conclusions reached by the applicant were that the design should incorporate a colonial style, clapboard and brick, have a residential one-to- two-story scale, be oriented towards Route 20 and have awnings to indicate retail use.

Mr. Hyatt emphasized the applicant's team has met continuously with neighbors to develop an acceptable design. He stated the neighbors requested fieldstone be used on the façade rather than brick. Mr. Hyatt stated the Planning Board members provided useful perspectives and suggestions yesterday regarding roof pitch, subdividing the upper windows and reducing the height of the window above the entry. The team will work on incorporating some of these suggestions in the coming weeks.

Selectman Drobinski appreciated the presentation, stating it helps to understand how the design was conceived. He believes the Town wishes to work with the applicant to refine the design so that it works well for Sudbury and the Bank. Selectman Drobinski asked if plug-in stations for electric cars could be included in the plan. Mr. Hyatt stated LEEDS certification requires only a certain number of parking spaces be designated for hybrid cars, which have been included in the proposal.

Selectman Drobinski also stated his preference for both mature trees in the front to be preserved. Joshua Swerling, Bohler Engineering, stated one tree will remain, but the large maple cannot be saved.

Attorney Robert Dionisi stated the applicant was impressed with the idea of a future docking station for electric cars, and is willing to contribute \$2,500 to a fund to further study this future need.

Vice-Chairman Haarde acknowledged the effort and work expended by the applicant to present its proposal to various Town committees and boards. He stated he hopes this process can be streamlined someday. Mr. Dionisi stated the applicant has worked with neighbors and the community on this proposal for 18 months. Selectman Drobinski noted the Board was impressed with the applicant's outreach to neighbors. Chairman O'Brien noted the Site Plan materials were only submitted to this Board in July 2011.

Vice-Chairman Haarde stated his preference for the applicant's Marlborough design, noting its center roof pitch. Mr. Hyatt explained Marlborough's square footage is larger and lends itself to this design, but that it would not be as attractive in Sudbury's smaller proposed space. Developer Rick Curtin noted the original Sudbury proposal was more similar to Marlborough at 3,800 square feet, but neighbors asked the project be scaled back by 1,000 square feet.

A brief discussion ensued regarding creating a gabled pitch roof in the center. Mr. Hyatt noted the proposed solar photovoltaic panels would need to be eliminated, which the applicant would prefer not to do. Vice-Chairman Haarde suggested other locations on the roof which could possibly accommodate the solar panels. The consensus was the objective is to make a commercial building look as residential as possible. Chairman O'Brien urged the applicant to do this while also maintaining as many LEEDS-certifiable aspects as possible.

Director of Planning and Community Development Jody Kablack suggested the Board schedule a site visit to either the Wayland or Framingham TD Bank locations to better visualize the proposed design. Mr. Hyatt stated the construction of the stone work façade in Framingham is very similar to what is proposed for Sudbury and that the Wayland location is very similar in size. He also circulated to the Board a sample of the proposed exterior stone for review.

Planning Board member Joe Sziabowski stated he attended a good meeting with the applicant's representatives and fellow Planning Board members yesterday. He is anxious to see the applicant's response to the feedback provided. Mr. Sziabowski stated it is important the roof design remain sustainable and support the solar panels, but, if possible, he would like to see the center element incorporate a pitch roof. He stated the Planning Board also suggested the stone around the building be highlighted more by raising it more off the ground level. Mr. Sziabowski stated he and his colleagues also believe the addition of divided lights in the upper windows would help the aesthetics of the building. He emphasized this is a unique site in Sudbury, and this corner rests on the edge of a residential and commercial neighborhood, and thus the design must successfully bridge those two vernaculars. Mr. Sziabowski also suggested changes to the color palette of the building.

Chairman O'Brien stated the Board welcomes the redevelopment efforts of TD Bank, and it seems as if some design changes could be made by all parties working together.

Selectman Drobinski stated the process is worthy of a site visit to ensure sensitivity to the issues of all parties.

Vice-Chairman Haarde stated he would prefer a pitched roof and that the photovoltaic panels be relocated to another section of the roof. He also agrees with the suggestion to raise the fieldstone around the base of the building, and/or to lower the landscaping around the building, in order to better showcase this element. Vice-Chairman Haarde also suggested the Town establish standards for exterior antique-style street lights on Route 20. He believes there are LEEDS-certified lighting products available which could be consistently installed to provide a more unified appearance to the Route 20 corridor. Vice-Chairman Haarde suggested the Board schedule a future discussion with the Design Review Board to discuss what the Town envisions Route 20 to look like in the future. He hopes TD Bank will sit on this corner for decades to come, and thus he believes it is in the Town's best interest to refine the design to the best of everyone's ability to be consistent with the Town's character and vision.

Ms. Kablack suggested the hearing be continued to the Board's October 4, 2011 meeting, and that the Board conduct a site visit to the Wayland TD Bank location and/or drive by the Framingham TD Bank location to view the stone façade in the interim.

Selectman Drobinski asked for a status update regarding placing the utilities underground. Mr. Dionisi stated NStar has pleaded with the applicant to keep the utilities above ground. Thus, the applicant will likely request a waiver. Mr. Curtin stated NStar will provide this opinion in writing.

Michael Caso, 250 Raymond Road, stated the Bank has been very cooperative with the neighbors who all support the project. He emphasized the neighbors specifically requested the Bank scale down the height of the building, and as abutters, they are not so inclined to prefer a pitched roof, as suggested tonight. He urged the Board to approve the plan and to not delay the construction process.

Ralph Tyler, One Deacon Lane, opined the plan looks good. However, he urged the Board not to approve a waiver request regarding underground utility lines. He believes the recent hurricane events should be a lesson to the Town to do everything possible to put all lines underground. Mr. Tyler referenced the effective job done by the Herb Chambers car dealership to bury the lines underground, which ultimately enhances the appearance of the facility and attracts customers. He urged TD Bank to follow this example.

Mr. Dionisi opined that, if all the utilities had been above ground during the recent hurricane, Shaw's Supermarket would not have been without power for a week, and power would have been restored more quickly. He also read aloud a letter of support for the project from direct abutter Alfonso Canella, 245 Raymond Road, and provided a copy for the record of tonight's meeting.

Chairman O'Brien stated this proposal is a redevelopment project which brings many benefits to Sudbury, and the Board just wants the design to be right for a long time to come.

It was on motion unanimously

VOTED: To continue the Public Hearing regarding an application submitted by TD Bank to construct a new 2,980 square foot retail bank building and associated improvements, including stormwater management facilities, utility improvements, parking areas, two-lane remote drive-through facility, landscaping and lighting on property located at 407 Boston Post Road, zoned Residential-A, Town Assessor Map K08-0007 to October 4, 2011 at 8:00 p.m., and to request that Ms. Kablack coordinate a site visit by the Board to another TD Bank location as deemed appropriate prior to October 4, 2011.

Public Hearing: New Cingular Wireless, PCS LLC d/b/a AT&T Site Plan – 16 North Road

Present: Applicant's attorney Michael Davis from Brown Rudnick, AT&T RF Engineer Michael Doiron and AT&T Consultant Timothy Greene

At 9:07 p.m., Chairman O'Brien opened the Public Hearing regarding the application of New Cingular Wireless, PCS LLC, d/b/a AT&T, for a modification to an approved Site Plan for property located at 16 North Road, owned by the Sudbury Water District; zoned Research District, requesting a change from the original Site Plan decision of the Board of Selectmen dated April 10, 1995, to add three (3) antennae to the existing six (6) antennae array at the top position on the pole at approximately 150 feet, which was continued from September 6, 2011. Due to a potential conflict with his employer, Vice-Chairman Haarde previously recused himself from these discussions.

The Board was previously in receipt of copies of a presentation provided by AT&T RF Engineer Michael Doiron, "Sudbury MA 3041 Narrative on Coverage Plot Submissions," dated September 7, 2011, and Mr. Doiron's resume. Chairman O'Brien noted the unresolved issue relates to the ability to flush-mount the antennae to the existing non-conforming tower.

AT&T RF Engineer Michael Doiron stated the analysis provided indicates the antennae could not be flush-mounted at the 147-foot level, and that an additional 20 feet would be required to accommodate the existing and anticipated future uses.

Chairman O'Brien asked if it would be possible to install six antennae at the 147-foot level, and to install the other three antennae at a lower height. Mr. Doiron reiterated the analysis indicates that installing the antennae at a lower height would severely degrade the carrier's coverage. He stated it is not the company's intent to eliminate services for customers, but rather to enhance services.

Chairman O'Brien stated the Town's preference to minimize the visual impact of the pre-existing, non-conforming pole.

Attorney Michael Davis stated the applicant was approved for 12 antennae in 2007, and its competitor, Verizon, has 12 antennae installed on the pole. He noted the applicant is only requesting approval for nine antennae.

Selectman Drobinski acknowledged the case presented by the applicant to not flush mount the antennae, noting there does not seem to be an engineering solution at this time. He asked if there is a way the tower could look better than it does currently.

Mr. Davis stated the Town bylaw states tower space should be maximized.

Chairman O'Brien referenced a photograph of the current pole and clarified locations of carriers. The consensus was the installation below the applicant compromises potential relocation of antennae scenarios.

Ms. Kablack stated the tower is in a fairly visible and conspicuous location. She stated she would like to discuss with Town Counsel options available to the Town for moving this pre-existing tower more into compliance with the current bylaws. Ms. Kablack would also like to consult with Town Counsel regarding the prior approval for 12 antennae.

Ralph Tyler, One Deacon Lane, stated, if the only way the applicant can agree to flush-mount the antennae is by having an additional 20 feet added to the height of the pole, he urged the Board to consider approving the additional 20 feet. Mr. Tyler suggested the additional 20 feet could be an incentive for the applicant to accommodate the Town's request.

Chairman O'Brien noted any changes to bylaws must be presented at Town Meeting. He asked

Ms. Kablack to prepare an affirmative decision for the Board's review at its October 4, 2011 meeting, incorporating the opinions and feedback received from Town Counsel.

It was on motion unanimously

VOTED: To continue the Public Hearing regarding the Site Plan application for modification to an approved Site Plan for property located at 16 North Road, owned by the Sudbury Water District, requesting a change from the original Site Plan decision of the Board of Selectmen dated April 10, 1995, to add three (3) antennae to the existing six (6) antennae array at the top position on the pole at approximately 150 feet to October 4, 2011 at 8:30 p.m., and to request the Director of Planning and Community Development Jody Kablack to prepare an affirmative Draft Decision incorporating language provided by Town Counsel to effect the look and use of the existing tower to bring it into better compliance with current Town bylaws.

Sudbury Housing Trust – FY12 Budget

Present: Beth Rust, Community Housing Coordinator

At 9:42 p.m., Community Housing Coordinator Beth Rust was welcomed to the meeting to review with the Board, for informational purposes, the Sudbury Housing Trust (SHT) FY12 Budget, as required by the SHT charter and approved by its Trustees at its July 18, 2011 meeting. The Board was previously in receipt of a letter from Ms. Rust dated September 6, 2011, summarizing budget highlights and including a budget detail report.

Ms. Rust reviewed her letter with the Board, stating the Trust is in its fifth fiscal year, and as part of its five-year plan, it has committed resources toward the creation of 14 units of housing at an average subsidy of \$93,000. She provided the Board with revised figures, stating the new information is the result of a recent vote by the Trust to provide gap funding to the Coolidge project.

Ms. Rust stated that FY11 was a productive and successful year, resulting in a SHT ending balance of assets over \$819,200 and a one-acre parcel at 278 Maynard Road valued at \$310,000. The FY12 budget plans for the continuation of lottery and monitoring agent functions performed by Ms. Rust. In addition, the SHT plans to expend funds toward the development of the Maynard Road property, continue the Small Grants Program, and expend funds to create 71 affordable units through the Sudbury Housing Authority project, The Coolidge at Sudbury project and the Home Preservation Program.

Selectman Drobinski thanked Ms. Rust for the report.

Vice-Chairman Haarde asked what projects the budgeted FY12 \$675,000 covers. Ms. Rust stated \$250,000 is for the Coolidge Project, \$150,000 for the Sudbury Housing Authority, \$90,000 for a Home Preservation Project and an amount for the Maynard Road Project, which is still under discussion.

Chairman O'Brien briefly described the SHT's budget philosophy.

Ms. Rust stated that the Trust continues to fund a portion of her salary and the balance is funded by Community Preservation Act (CPA) Administrative Funds and the Regional Housing Services Office. The budget forecasts a FY12 ending balance of \$339,700, which includes \$190,000 of CPA funds appropriated at the April 2011 Town Meeting.

It was on motion unanimously

VOTED: To accept, for informational purposes, the FY12 budget of the Sudbury Housing Trust as provided by Beth Rust, Sudbury Community Housing Coordinator, on behalf of the Sudbury Housing Trust, in a letter dated September 6, 2011.

Two Town-Owned Parcels of Land – Award Bid as Outlined in Art. 26 of the 2011 ATM

Present: Sudbury Community Housing Coordinator Beth Rust

At 9:50 p.m. Community Housing Coordinator Beth Rust presented to the Board the Request For Proposal (RFP) Award for the Pine Lakes area two Town-owned unbuildable parcels. The Board was previously in receipt of copies of a memorandum from Ms. Rust dated September 16, 2011 and the accompanying “Town of Sudbury Request for Proposals (RFP) Disposition of Municipal Owned Property at Pinewood Avenue and Hudson Road, Sudbury, Massachusetts, dated July 25, 2011.

Ms. Rust stated the RFP was issued in July 2011 and duly advertised, including a mailing sent to abutters. She further stated three responses have been received, one for Hudson Road in the amount of \$5,200, and two for Pinewood Avenue, in the amounts of \$6,543.21 and \$4,444.44. All bids met the established criteria. In response to a question from Chairman O’Brien, Ms. Rust stated Town Counsel has overseen the process, and upon acceptance tonight, the purchases will proceed as set forth in the RFP.

It was on motion unanimously

VOTED: Pursuant to Article 26 of the 2011 Annual Town Meeting, to accept the proposal of Kevin Klapper, 494 Hudson Road, Sudbury, MA 01776 in the amount of \$5,200.00 for the purchase of Parcel 1, Hudson Rd. (F04-0124) and the proposal of Charles John Guthy, 24 Pinewood Avenue, Sudbury, MA 01776 in the amount of \$6,543.21 for the purchase of Parcel 2, Pinewood Ave. (F04-0132), both subject to the conditions of sale as set forth in the Request for Proposals for Disposition of Municipal Owned Property at Pinewood Avenue and Hudson Road, Sudbury, Massachusetts, dated July 25, 2011, and as set forth in the Proposal Form for each Parcel; and to execute the deeds relative thereto without further meeting upon certification by Town Counsel that the applicable conditions of sale have been met.

Minutes

It was on motion unanimously

VOTED: To approve the regular session minutes of January 19, 2011, September 6, 2011, and September 15, 2011.

Rail Trail Conversion Advisory Committee – Resignation

It was on motion unanimously

VOTED: To accept the resignation of Elizabeth M. Foley, 807 Boston Post Road, from the Rail Trail Conversion Advisory Committee, as requested in a letter dated August 21, 2011, and to send her a letter of appreciation for her service to the Town of Sudbury.

Given this resignation, Chairman O’Brien later asked the Board to consider revising the Mission Statement of the Rail Trail Conversion Advisory Committee to reduce its membership by one member so as to better accommodate quorum requirements.

It was also on motion unanimously

VOTED: To instruct the Town Manager to revise the Mission Statement of the Rail Trail Conversion Advisory Committee to reduce its membership by one member so as to better accommodate quorum requirements, and to inform the Committee Chair of this revision.

Town Historian – Resignation

Selectman Drobinski thanked Curt Garfield for his many years of service.

It was on motion unanimously

VOTED: To accept the resignation of Curtis Garfield, 106 Woodside Road, as Sudbury's Town Historian, as requested in a memo received on August 29, 2011, and to send a letter of appreciation for his long-term service to the Town of Sudbury.

Knights of Columbus – Request for a One- Day Wine and Malt License

It was on motion unanimously

VOTED: To grant a one-day Wine and Malt License to Bill Kneeland, 41 Pennymeadow Road, representing the Knights of Columbus Council #5188 of Sudbury, to accommodate an Oktoberfest Dinner Dance fundraising event at Our Lady of Fatima Parish Hall, 160 Concord Road, on Saturday, September 24, 2011, from 6:30 p.m-10:30 p.m., subject to receipt of a Certificate of Liability.

Route 20 Sewer Citizens' Advisory Committee - Appointments

Selectman Drobinski asked if Michael Fee submitted an application for consideration. Town Manager Valente stated an application was not received from Mr. Fee.

Chairman O'Brien noted he would need to recuse himself from this vote. However, he noted Mr. Daniel Kenn is not a resident of Sudbury, and should more correctly be noted as a business-owner member of the Committee. The Board concurred.

Vice-Chairman Haarde reported two candidates for the Route 20 Sewer Citizens' Advisory Committee (CAC) have expressed their preference for serving on the Route 20 Sewer Steering Committee to provide a larger at-large member perspective on the Steering Committee. He further reported the Steering Committee voted last night to support the appointments of Michael J. Coutu and Michael Precourt to the Route 20 Sewer Steering Committee.

Selectman Drobinski stated he knows both gentlemen, and he does not object to their appointments. He asked Vice-Chairman Haarde if the Steering Committee recommended appointing two other members to the CAC in place of M. Precourt and Mr. Coutu. Vice-Chairman Haarde stated the CAC is not limited for membership, but the nine candidates recommended for appointment tonight are deemed sufficient at this time.

It was on motion unanimously

VOTED: To appoint the following seven residents to the Route 20 Sewer Citizens' Advisory Committee for terms to expire June 30, 2014: Peter Abair, John Baranowsky, Craig Blake, Ellen Joachim, Jonathan Lapat, Martha Ragonis and Kirsten Roopenian, and three business owners, Daniel Kenn, Richard Cohen and Hal

Garnick, (Mr. Cohen and Mr. Garnick to share one vote), as suggested to the Board by the Route 20 Sewer Steering Committee.

September 11 Memorial Garden Trust Fund – Donation

It was on motion unanimously

VOTED: as Trustees of Town Funds, to accept a \$250 donation to the September 11 Memorial Garden Trust Fund by Mr. and Mrs. Larry Mariasis in appreciation for the tremendous effort that went into designing and building such a meaningful memorial, and to send a letter of thanks for their generosity.

2012 Board of Selectmen Meeting Schedule – Approval

The Board was previously in receipt of a draft 2012 Board of Selectmen Meeting Schedule for review.

It was on motion unanimously

VOTED: To approve the draft 2012 Board of Selectmen Meeting Schedule as reviewed this evening.

Route 20 Sewer Steering Committee – Mission Statement Amendment

Vice-Chairman Haarde stated the Route 20 Steering Committee is requesting its Mission Statement be amended to include the addition of a charge to investigate the financial cost analysis of a sewer system.

Selectman Drobinski asked if there would be duplication of efforts if the CAC was also analyzing similar information. Vice-Chairman Haarde stated he believes there is sufficient financial data to be researched and evaluated for both committees to work together.

Selectman Drobinski suggested it might be beneficial to have a very specialized group, possibly with the assistance of a consultant, focus on the specific cost factors related to this project, and perhaps the committee should be appointed by the Board.

Vice-Chairman Haarde stated he does not believe the formation of a third committee is necessary. He further believes the most important mission for the Steering Committee to accomplish is to determine how much this project will cost, who will pay how much for it, and how those payments will be derived.

Selectman Drobinski believes the financial components of the technical aspects of this project may require a more specialized group to evaluate the information than is currently found within the membership of the Steering Committee or CAC. He asked Vice-Chairman Haarde to share this perspective with the Steering Committee, and whether the Board of Selectmen should appoint a specialized financial group, in order to garner the Committee's opinion. Vice-Chairman Haarde believes a cross-section of members from the Steering Committee and the CAC could be selected to fulfill this task. However, Vice-Chairman Haarde agreed to present Selectman Drobinski's suggestion to the Steering Committee for consideration.

It was on motion unanimously

VOTED: To appoint Michael J. Coutu and Michael Precourt as at-large members of the Route 20 Sewer Steering Committee, each for a term to expire June 30, 2014.

FY12 Council on Aging Revolving Account – Request for Temporary Increase

Chairman O'Brien explained the Senior Center has requested a temporary increase of the Revolving Account spending limit from \$20,000 per year to \$35,000 for FY2012, due to additional programming which has been offered. Town Manager Valente stated when the spending limit is exceeded, the process calls for requesting approval from the Board for an increase for the Revolving Account to reflect the additional fees to be collected. The Board was previously in receipt of a memorandum from Sudbury Senior Center Director Debra Galloway dated September 7, 2011, explaining the request and an accompanying spreadsheet of the "COA Revolving Account Expenditures – Actual FY11 and Projected FY12 and 13."

It was on motion unanimously

VOTED: To approve a temporary increase of expenditure limits for FY12 for the Council on Aging Revolving Account from the previously requested \$20,000 to \$35,000 as requested by Debra Galloway, in a memo dated September 7, 2011, due to additional classes being offered.

Executive Session Minutes – Review and Release

It was on motion unanimously

VOTED: As reviewed by Town Counsel and other staff, to release the following 2009-2010 Executive Session minutes which have been deemed as no longer requiring Executive Session status (listed by date): 3/6/09, 5/26/09, 11/3/09, 12/22/09, 1/13/10, 1/20/10, 2/8/10, 2/17/10, 3/2/10, 3/10/10, 3/23/10, 4/7/10, 5/4/10, and 6/24/10 (2).

Executive Session

Town Manager Valente stated an Executive Session is not necessary tonight for the purpose of discussing land negotiations, but is needed to discuss issues related to collective bargaining with firefighters.

At 10:19 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 with firefighters, wherein strategy discussion with respect to collective bargaining in an open meeting may have a detrimental effect on the bargaining position of the public body, Chairman Lawrence W. O'Brien, aye, Vice-Chairman Robert C. Haarde, aye and Selectman John C. Drobinski, aye.

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

There being no further business, the meeting adjourned at 10:19 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk