

IN BOARD OF SELECTMEN

TUESDAY, JUNE 24, 2003

Present: Chairman Kirsten D. Roopenian, Selectmen John C. Drobinski and Lawrence W. O'Brien.

The statutory requirement for notice having been met, the meeting was convened at 7:30 p.m. in the Lower Town Hall, 322 Concord Road.

**Citizen Petition – Hop Brook Protection Association**

Present: Frank Lyons, President, Hop Brook Protection Association; Ursula Lyons.

Mr. Frank Lyons briefly reviewed the situation with the Marlborough Easterly Wastewater Facility and that the Hop Brook Protection Association would like to hold a public forum to address the issue. He stated the HBPA has been in contact with the Department of Environmental Protection for some time, urging that agency to enforce restrictions on the facility on phosphorous discharge, which is believed to cause excessive foliage growth in Hager Pond and Hop Brook. He stated the HBPA would like to send another letter to the DEP further urging them to take action, and reminded residents their voices can also be heard at this public forum.

Chairman Roopenian thanked Mr. Lyons for his presentation and opined that she had no issues with the intent of the Association but wanted to temper the wording of any letter so as not to be misunderstood. Mr. Lyons responded that the Board has always been willing to offer its support in the past. The Town Manager will contact Mr. Lyons to schedule discussion on a future agenda.

**Citizen Petition – Photograph for Sudbury Historical Society**

Present: Ralph Tyler, One Deacon Lane.

Mr. Ralph Tyler stated he had prepared a photograph of the handing of a xeroxed copy of the Article 54 petition to Representative Susan Pope and that he wanted to present it to the Board as a gift for the Sudbury Historical Society. Town Manager Valente stated the Board of Selectmen could not accept gifts for entities which are separate from the Town. She stated she would notify the Historical Society of the photograph, which could be picked up in the Lower Town Hall.

**Patriotic Essay – Hannah Holden**

Hannah Holden, a fifth grader at the Peter Noyes Elementary School, read her Memorial Day essay, which was the grand prize winner in the annual Memorial Day Essay Contest:

*On Memorial Day we give thanks for our free country and the people who fought to give us that blessing. In our country we have the right to do things that many others don't, such as expressing our opinions and living, laughing, loving and worshiping in our own ways. Where would we be in a country with poverty, dictators and horrible diseases? Every day I am thankful to be an American and think how proud I am to be in such a well-built and honorable structure of people, those people are called Americans.*

*America is like a quilt, a blending of different races, religions and beliefs sewed into a unique one-of-a-kind background. This background holds our thoughts about America and binds our hearts and souls as we look at the flag. Those wonderful stripes and stars were not easily won. Through tragic wars such as World War I and World War II, our country survived and all the soldiers who died for our freedom are*

*smiling down from heaven, watching our country grow stronger every day. When one section of a quilt is torn, every weaver works together to mend the hole. In America's quilt, we are the weavers, working all together, and mending emotional holes formed from war and terrorism. Never will we forget the fallen heroes from September 11, 2001, and all the events that came after it. Like the soldiers, policemen and women and brave firemen and women who died for our country are not truly dead, their spirits are alive, and their gleaming eyes show through the stars in our flag.*

*America is a land of opportunities. Although its streets are not really paved with gold, they are paved with hope, love and freedom. Freedom for all races. Freedom for all beliefs and religions. On Memorial Day we celebrate this freedom and think about the fallen heroes who served our country through all the struggles we have seen. Let's celebrate America, celebrate our differences, and let's celebrate our place on the quilt called America.*

The Board praised Hannah for her thought-provoking essay and thanked her parents for accompanying her to tonight's meeting.

### **Town Forum**

At 7:50 p.m. Chairman Roopenian convened Town Forum during which reports were presented by the Sudbury Cultural Council, Council on Aging, Design Review Board, and Permanent Building Committee.

Rhonda Fowler, Chairperson, **Sudbury Cultural Council**, stated she will step down as chair of the group, and introduced William Nicholson as the new Chairperson. Briefly they updated the Board on activities, noting that they hope the grant money will come through to support annual programs. Projects are chosen based on the quality of the program, and the number of people it will reach community-wide. The Council ultimately would like a space they could call their own, where they could hang art or display items, as well as meet for classes or discussion groups. Ms. Fowler reminded everyone the Sudbury Cultural Council is not the same as the Sudbury Arts Group, which is not a Town committee, and that both groups have different missions.

Esther Mann, Chairperson, and Ruth Griesel, Director, **Council on Aging**, briefly updated the Board on the Council's activities, including two retreats in February, "Bridges" program with fourth-grade students, self-assessment program, as well as ongoing activities at Fairbank Senior Center. These activities include meals, exercise, various hobbies and courses, spirituality studies, and games such as cards and cribbage. There will also be a new wellness nurse who will be on site a couple days each week to teach health training and address individual health concerns from seniors. Ms. Mann stated that, from comments heard from people using the Senior Center, they believe they are doing a good job in offering programs of interest to seniors. Ms. Griesel stated that, while the property tax situation for senior citizens needs to be addressed, the Council on Aging did not support Article 54.

Deborah Kruskal, **Design Review Board**, briefly discussed a frustrating situation with regard to overlapping and sometimes conflicting areas of jurisdiction between the Design Review Board and the Conservation Commission. She outlined a scenario where the DRB reviews a Site Plan, making recommendations on plant species for landscaping, and later the Conservation Commission overrides those recommendations with its own. The Board agreed clearer guidelines should be developed, and agreed that a meeting between the Design Review Board and Conservation Commission should take place to handle it.

Elaine Jones and Bruce Ey, Chairman, **Permanent Building Committee**, reported the "barn" portion of the new DPW Building is almost finished. Various offices from the Flynn Building moved into

their new quarters in the building a couple of weeks ago. Mr. Ey stated the building is a true architectural accomplishment, creating a functional and attractive building recessed into the hill. He noted the neighbors in the area have been very cooperative in raising issues and working with the contractor to resolve them. He stated it has been a pleasant experience throughout.

Reports concluded at 8:40 p.m. Refreshments were available.

**Rossini's Pizzeria and Restaurant – 418 Boston Post Road**

Present: Richard Curtin, Manager, Tessa's Restaurant; Joseph Medeiros, Owner/Manager, Rossini's Pizzeria and Restaurant.

At 8:40 p.m. Chairman Roopenian convened a Public Hearing for the purpose of considering an application for transfer of a Restaurant License for the Sale of Wines and Malt Beverages, under G.L. Ch. 138, s.12, from Richard A. Curtin, Manager, Tessa's Restaurant Group, LLC, d/b/a Tessa's, 418 Boston Post Road, to Joseph M. Medeiros, Jr., Owner/Manager, Jalissa Restaurant, Inc., d/b/a Rossini's Pizzeria and Restaurant, involving no change in the described premises. The Board also considered applications for Common Victualler and Entertainment Licenses for Rossini's.

The Board reviewed the following information:

1. Application for Alcoholic Beverage License for Retail Sale, dated May 13, 2003, including Licensee Personal Information Sheet for Joseph M. Medeiros, Jr.
2. Application for Transfer of Alcoholic Beverages License, dated May 12, 2003, regarding transfer of said license from Tessa's Restaurant to Rossini's Pizzeria and Restaurant.
3. Application for Common Victualler License, dated June 16, 2003, for Jalissa Restaurant, Inc., d/b/a Rossini's Pizzeria and Restaurant.
4. Application for Entertainment License for background music, dated June 16, 2003, for Jalissa Restaurant, Inc., d/b/a Rossini's Pizzeria and Restaurant, citing entertainment hours of 11:00 a.m. to closing.
5. Articles of Incorporation, adopted May 7, 2003, for Jalissa Restaurant, Inc.
6. Corporate Resolution, dated May 12, 2003, declaring Joseph M. Medeiros, Jr. as sole shareholder and director of said corporation, and empowered to make application for transfer of Alcoholic Beverages License currently held by Tessa's for use by Rossini's.
7. Tax Attestation, dated June 11, 2003, certifying all state taxes for Tessa's Inc. have been paid.
8. Tax Attestation, dated June 9, 2003, certifying all state taxes for Jalissa Restaurant, Inc. have been paid.
9. Report, dated June 11, 2003, from the Building Inspector, stating there have been no problems or issues with the current owner, any changes to the signage require an application for review by the Design Review Board and a building permit from the Building Department, and clarifying seating capacity to be 39 seats vs. 50 seats.

10. Letter, dated July 11, 1985, from the Board of Selectmen to Mary Marrone [previous owner] notifying her of the Board's decision to allow outdoor seating (three tables, twelve seats) on the sidewalk during the months of May through September.

11. Report, dated June 18, 2003, from the Board of Health, stating that Mr. Medeiros has been advised the maximum allowable seating is 39 seats unless the septic system is upgraded, and stating further that an application for a food establishment license [Common Victualer] will be needed at the Board of Health for the transfer from Tessa's to Rossini's, and a Board of Health inspection will be conducted following transfer of the licenses.

12. Report, dated June 17, 2003, from the Police Chief, stating no objection to the transfer of licenses from Tessa's to Rossini's.

13. Verbal report, received June 10, 2003, from the Fire Chief, stating he sees no problems with the transfer of licenses.

14. Memo, dated and received June 23, 2003 via fax, from Richard Curtin, stating Tessa's Restaurant Groups' right to assign the lease located at 418 Boston Post Road to Joseph Medeiros, Jalissa Restaurant, Inc., is contained in last [third] amendment of said lease, dated February 28, 2003, between Encore Bank and Tessa's Restaurant Group LLC.

Town Manager Valente noted that legal notice of the proposed license transfer was published in the Sudbury Town Crier on June 12, 2003, and that abutters were notified by certified return receipt mail.

Mr. Richard Curtin briefly explained that Mr. Joseph Medeiros is the new owner/manager of the premises at 418 Boston Post Road, operating under the name of Rossini's Pizzeria and Restaurant. Mr. Curtin asked for the Board's approval on transfer of the Alcoholic Beverages License for the premises, as well as Common Victualer and Entertainment Licenses. It was noted that no changes are proposed for the premises at this time.

Town Manager Valente clarified that even though the current business, Tessa's, holds Common Victualer and Entertainment Licenses, those licenses cannot be transferred to the new business entity. Therefore, new licenses must be issued.

Responding to a question from Selectman O'Brien, Mr. Curtin noted he has the right to assign the lease to Mr. Medeiros under the provisions of the lease with Encore Bank.

Mr. Curtin stated that while the indoor seating is limited to 39 seats, an additional 12 seats are allowed outside during the warmer months.

Selectman Drobinski asked about the hours of operation, noting the application for the Entertainment License stated "until closing." Mr. Medeiros responded the restaurant would be open until 10 p.m. regularly, and open until 11 p.m. on Friday and Saturday nights.

After brief discussion, it was on motion unanimously

VOTED: To approve the transfer of a Restaurant License for the Sale of Wines and Malt Beverages, under G.L. Ch. 138, s.12, from Richard A. Curtin, Manager, Tessa's Restaurant Group, LLC, d/b/a Tessa's, 418

Boston Post Road, to Joseph M. Medeiros, Jr., Owner/Manager, Jalissa Restaurant, Inc., d/b/a Rossini's Pizzeria and Restaurant, 418 Boston Post Road.

It was also on motion unanimously

VOTED: To grant a Common Victualer License to Joseph M. Medeiros, Jr., Owner/Manager, Jalissa Restaurant, Inc., d/b/a Rossini's Pizzeria and Restaurant, 418 Boston Post Road.

It was further on motion unanimously

VOTED: To grant an Entertainment License for background music only to Joseph M. Medeiros, Jr., Owner/Manager, Jalissa Restaurant, Inc., d/b/a Rossini's Pizzeria and Restaurant, 418 Boston Post Road, between the hours of 11:00 a.m. to 11:00 p.m. daily.

**Site Plan #00-356 – ESS/Bosse Athletic Facility**

Present: Myron Fox, Rollins, Rollins & Fox; Bruce Ey, Schofield Brothers of New England; D.J. Bosse, Owner.

Mr. Myron Fox, Rollins, Rollins & Fox, briefly reviewed letters of record from NStar and Schofield Brothers of New England describing the difficulty in installing the underground utilities at this time to comply with the Selectmen's wishes. He stated they have worked with NStar for five months to get electricity to the site, which is still not available. He opined the NStar solution is the only one that has been provided to them at this time. Any other action would create great difficulty for the applicant.

Selectman Drobinski stated he had seen a brand new pole across the street with no risers on it. Utilizing drawings, Mr. Bosse opined that pole to be used to support another pole and is not related to his facility. Mr. Ey described the other electrical connections in the area, pointing out the relevant ones to ESS. Responding to a question from Selectman O'Brien, Mr. Ey stated it is not clear whether the underground installation could happen in the future. If the pole/riser situation is later upgraded/improved on the opposite side of Route 20, service could be installed under Route 20 at a later date. The Board agreed to abide by the present ruling by NStar, in order to allow the applicant to proceed with its construction.

With regard to the change in use in the "bubble", Mr. Fox stated some space has simply been reallocated, less space to tennis, more to golf. He noted the number of memberships is capped so change in activity will not attract additional memberships. He opined there will be little impact to parking or septic usage. Utilizing drawings, Mr. Fox pointed out the changes, which increased the length of field for golf strokes, and eliminating two tennis courts to allow that increase.

It was on motion unanimously

VOTED: To accept all revisions for Site Plan #00-356 for ESS/Bosse Sports Club as described in the May 29, 2003 letter from Bruce Ey, Schofield Brothers of New England, with revised plans, including the electrical service connection further described in the NStar letter of May 7, 2003, and accompanying Work Order #1289114 sketch, dated September 12, 2002.

**Lotus Blossom Restaurant – Landscape Plans**

Present: Frank L. Caliri, Darlow Christ Architects; Peter Yablonski, Landscape Designer, ZEN Associates; Morris Chen, Applicant.

The Board reviewed the following information:

1. Landscape Plan, ZL-1, dated June 10, 2003, drawn by ZEN Associates, Inc., Sudbury, MA, featuring revised landscape plan of area in front of the restaurant.
2. Plan A-3, 4, EXTERIOR ELEVATIONS, South & East, LANDSCAPE RAILING, LOTUS BLOSSOM, Sudbury, MA, dated June 12, 2003, drawn by Darlow Christ Architects, Inc., Cambridge, MA.
3. Plan L-11, "LANDSCAPE PLAN FOR LOTUS BLOSSOM RESTAURANT, 334 BOSTON POST ROAD, SUDBURY, MA", dated August 5, 2002, drawn by LANDSCAPES by DESIGN, Weston, MA.
4. Report, dated June 13, 2003, from the Fire Chief, stating the Fire Department has no problem with the proposed changes.
5. Report, dated June 19, 2003, from the Town Planner, stating the Landscape Plan is in conformance with the Site Plan and that special plant species will be discussed with the Design Review Board at their meeting on June 25, 2003, and suggesting the Board condition their approval on the DRB review.
6. Report, dated June 19, 2003, from the Conservation Coordinator, noting the Conservation Commission prefers the use of native plant species, however, the Order of Conditions did not specify so. Ms. Dineen opined the Commission did not realize such extensive re-landscaping would occur. She encouraged Lotus Blossom to use native species tolerant of climate, soil and weather conditions as well as being more resistant to insect damage, which reduces or eliminates use of pesticides on site.
7. Report, dated June 20, 2003, from the DPW Director, stating he has no objections to the changes.

Town Manager Valente reminded the Board it had approved the Site Plan for Lotus Blossom Restaurant on September 3, 2002, with the condition that a Landscape Plan be submitted. She reminded the applicant new mylars of the site plan will be required for signature after approvals.

Mr. Frank Caliri, Darlow Christ Architects, stated the applicant wished to redesign the entire front landscaping area and hired ZEN Associates for that purpose. He stated the sign is still being re-built, using the new colors of the restaurant, and will be placed approximately 18 feet to the right of its original location. This is in keeping with the new landscape design. Utilizing drawings, he briefly described the project, pointing out the two parking spaces that are now part of the landscaping design. He noted the project is still within the Zoning Bylaw parking requirements.

Selectman O'Brien asked if the parking space reassignment increases or replaces other "green area" proposed by the Planning Board as resource protection area. Mr. Caliri responded that this area is over and above any requirements for resource protection.

Mr. Peter Yablonski, Landscape Designer, ZEN Associates, stated a peastone walkway would be more welcoming, as well as improve the circulation for visitors. The entry for handicapped access has been changed to bluestone. Plantings are in keeping with the naturalistic "tea garden" design of the proposed

landscaping, allowing four-season color in front of the restaurant. Mr. Yablonski pointed out the pedestrian traffic flow on drawings, as well as other aspects of the design.

Mr. Caliri stated the previous walkway brought patrons very close to the porch area, and now that the porch area is being expanded into seating, that closeness was inappropriate. Selectman O'Brien opined patrons picking up take-out orders may opt to illegally park next to the bluestone walkway and dash in. Mr. O'Brien opined further a narrow landscape buffer might eliminate that temptation, and suggested the designers take note of it while working on the rest of the design on-site.

Mr. Yablonski stated the water basin is ornamental and will not circulate water, but it will be refilled every day or as necessary. That spigot will be tied into the irrigation system.

Mr. Yablonski stated this Route 20 frontage area becomes a waiting area for patrons waiting to be seated or waiting for take-out orders. He opined this redesigned area would be a pleasant place to wait. Chairman Roopenian suggested adding some kind of bench; Mr. Yablonski responded that may still happen as they work on actual design on-site.

Selectman O'Brien expressed concern that appropriate selection of plantings is critical to the survival of said plants, noting that native species are tolerant of weather, soil and road conditions, as noted by the Conservation Commission. When plantings succumb to local conditions, a business becomes unsightly, and replanting involves additional expense to the business owner. Mr. O'Brien complimented the applicant on the proposed changes as it presents a tremendous improvement to the site. Mr. Yablonski stated most of the suggested plantings are native species, and stated further sustainability was considered before selection was made.

The Board stated its general approval of the landscape plan, with the numerous plantings and preference given to native species, and stated it will notify the Design Review Board of its approval before the DRB meeting when this matter is addressed. It was suggested that, if significant changes are requested by the DRB and the applicant is uncomfortable with the nature of those changes, the applicant should notify the Town Manager.

Mr. Yablonski stated they have taken great care in designing an interesting all-inclusive design, and opined people will like it because it is a very attractive, though it is different.

Town Manager Valente reminded the applicant to be certain the handicapped parking spaces are appropriately marked, and suggested they contact the Police Department for correct wording and/or format.

After discussion, it was on motion unanimously

VOTED: To approve the revised landscape plans for Lotus Blossom Restaurant relative to Site Plan application #02-368, with the provision that, upon review with the Design Review Board on June 25, 2003, the applicant and Design Review Board mutually approve any subsequent changes, and notice of said approval is forwarded to the Board.

#### **Community Preservation Committee – Interview and Appointment**

Present: Diane Goldberg, 20 Silver Hill Road; Gordon Massey, 16 Cakebread Drive.

Chairman Roopenian thanked both candidates for their interest in serving on the Community Preservation Committee. She stated the Board will deliberate later this evening and make the appointment, and invited the candidates to stay to learn the outcome. Otherwise, they would be notified the next day.

Diane Goldberg, 20 Silver Hill Road, stated she is interested in serving on this committee as she is thoroughly committed to the goals of the CPC in preserving open space, historical resources, etc. She stated she has no hidden agenda and looks forward to participating in that process.

Gordon Massey, 16 Cakebread Drive, stated he is a fairly new resident to town, but is interested in giving something to his community. He stated he is able to work with a lot of different kinds of people and looks forward to bridging any gaps this group may encounter.

Responding to a question from Chairman Roopenian on affordability options other than the CPA, Ms. Goldberg opined the whole community needs to work together, making it a friendly place to work and shop, as well as creating affordable housing. She opined participatory processes for affordable housing and other projects need to be handled appropriately, as they can sometimes get out of control. Ms. Goldberg opined that projects involving affordable housing will be around a long time, until Sudbury reaches its required 10% level.

Chairman Roopenian asked Mr. Massey to describe his interpersonal style and ability that help him succeed on committee work. Mr. Massey responded that he attempts to find out what the important issues are, both from a personal and committee standpoint, and opined that listening is the critical factor. Any commonalities among those issues need to be drawn together to effect a recommendation or solution. People also need to know that their opinions and concerns are being considered.

Responding to a question about a "vision" of what Sudbury would look like in ten years, Mr. Massey opined the CPC to have an important role in that, but he suggested that citizens and businesspeople alike need to bring their concerns to light, so that issues can be addressed or melded into proposals.

Responding to a question on technical skills, Ms. Goldberg stated her role as a project manager and now director of business development has given her the ability to bring a great deal of information together to develop business solutions, which requires working with many people to get consensus on a project. Individuals need to feel their concerns are being heard, yet keep the overall project's success in mind. Use of funding must be considered, and in this case, best use of Town funds brought to Town Meeting voters.

Mr. Massey stated he is a "quick study" and is prepared to devote the time it takes to understand all the nuances of the Community Preservation Act. He stated some of his employment responsibilities have changed recently, giving him more flexibility to accomplish this. He noted that many nuances of the act overlap into other areas of concern within town, sometimes in a contradictory way. Mr. Massey stated he will take the time to understand how things interact, for his own benefit and in working on the committee.

Selectman O'Brien asked both candidates if they would have made any changes in the past year's activities in articles presented to the 2003 Annual Town Meeting. Ms. Goldberg opined the committee did an excellent job in its first year, noting it can be difficult to anticipate community reaction. She labeled it as a learning process, and experiences from this first year will be invaluable.

Responding to the same question, Mr. Massey stated the committee wisely used the expertise of Town boards and commissions in making their decision, instead of going off on tangents. He labeled the committee's work as a very collaborative approach, which considered history as well as future vision.



Selectman Drobinski asked both candidates if the CPA is good for Sudbury and why. Ms. Goldberg responded the CPA is definitely good for Sudbury, an incentive to have financial reserves available when parcels become suddenly available. It helps place emphasis on necessary items such as affordable housing and limited recreation space.

Mr. Massey concurred with Ms. Goldberg's remarks, and stated that, without the CPA, a town could lose some of its character over time. He opined some may see a small negative component to the CPA, in that it pays attention to balancing needs of the town, lessening the need to put some items continually ahead of others. He stated Sudbury is already doing many things toward the goals of the CPC.

Interviews concluded at 10:20 p.m. The Board reminded the candidates it would deliberate its decision on the appointment later this evening, and suspended action on this item in order to proceed with the meeting agenda.

At 10:43 p.m. the Board returned to this matter, deliberating briefly on the strengths of each candidate and integration with the existing committee members. The Board noted that both individuals were very qualified and expressed dismay the state statute governing this committee would not allow both candidates to serve. While there is no formal way to have an Associate member, an interested person could attend, learn and be prepared should a position on the committee open up.

After discussion, it was on motion unanimously

VOTED: To appoint Diane Goldberg to the Community Preservation Committee, to complete a term to expire on April 30, 2006, occasioned by the resignation of Sigrid Pickering.

### **Minutes**

It was on motion unanimously

VOTED: To approve minutes of the regular and executive sessions of June 10, 2003, as drafted.

### **D.A.R.E. Program Donation**

It was on motion unanimously

VOTED: To accept a donation in the amount of \$125 from the Patriot's Trail Daisy Troop 7131 to be deposited into the D.A.R.E. Program Account and expended under the direction of the Police Chief.

### **Frost Farm Trail Easement**

It was on motion

VOTED: To accept a Trail Easement on the Frost Farm parcel dated June 11, 2003, granted by Frost Farm Village Leasehold Condominium Trust. (Chairman Roopenian and Selectman O'Brien, aye; Selectman Drobinski, abstain).

**Conservation Restriction – 45 Meadowbrook Circle**

The Board reviewed a memo, dated June 20, 2003, from the Conservation Coordinator, stating the Conservation Restriction is required as part of a Order of Conditions resulting from correction of a previous violation by previous owners. This Restriction is adjacent to permanently conservation-restricted land as part of the 1983 approvals for the Fox Run/Saddle Ridge subdivision. Expanding the previous Restriction to include this area will assist in preventing future violations affecting wetlands.

It was on motion unanimously

VOTED: To approve a Conservation Restriction granted by Jason A. Boch and Cara L. Donley on 6,380 sq. ft. of land at 45 Meadowbrook Circle, Sudbury, as shown on Town Property Map H06, Lot 610, and on sketch plan entitled "Conservation Restriction Prepared For: Nancy McHugh", dated December 19, 2002, by Schofield Brothers of New England, Inc.

**Livery and Limousine License – AAA Limousine, Inc.**

It was on motion unanimously

VOTED: To renew Livery and Limousine License of AAA Limousine, Inc., 37 Union Avenue, in accordance with application dated June 19, 2003, and to approve the rate schedule set forth therein, subject to approval of individual driver licenses and satisfactory inspection of vehicles by the Police Department.

**FY2004 Gasoline Purchase**

It was on motion unanimously

VOTED: To authorize the Town Manager to contract with the low qualified bidder pursuant to bids to be received June 27, 2003, for the purchase of gasoline for FY2004.

**Ice Cream Truck Vendor Permit – Valerie B. Maher**

The Board reviewed the following information: (1) Application for Hawkers & Pedlers License, dated May 16, 2003, for Valerie Bazarian Maher, 33 Gates Avenue, Hudson, MA, to sell ice cream, soda, candy and other prepackaged foods at playgrounds and athletic fields in the Town of Sudbury; (2) copy of State Hawker or Pedler License, No. 102622A, for Valerie Bazarian Maher, expiration date April 13, 2004; (3) Criminal History Systems Board reports, dated May 28, 2003, stating No Court Activity Record Information File for either Valerie Bazarian or Valerie Maher, DOB 12-02-56; (4) Tax Attestation, dated May 20, 2003, stating Valerie B. Maher has paid all required state taxes; and (5) Vendor Identification Card, dated July 1, 2003, expiring June 30, 2004, from the Town of Sudbury Police Department, for Valerie Maher, 33 Gates Avenue, Hudson, MA to operate an ice cream truck within the Sudbury Town Limits.

It was on motion unanimously

VOTED: To grant an Ice Cream Truck Vendor Permit to Valerie B. Maher, 33 Gates Avenue, Hudson, MA, for a twelve-month period expiring June 30, 2004.

### **Electricity Contract Bids**

Town Manager Valente briefly updated the Board on procedures for securing electrical power. She stated Bay State Consultants is one of several options staff considered. She stated when the bids come in, the decision must be made quickly in order to lock in a good rate. This electricity purchase would be for the Town of Sudbury, including the K-8 schools.

It was on motion unanimously

VOTED: To authorize the Town Manager to contract for the purchase of electricity pursuant to price offerings to be solicited for the Town by Bay State Consultants, allowing timely execution of acceptance on the same day that prices are made available.

### **H3584 – An Act Relating to the Management of the Middlesex Regional Retirement Board**

The Board reviewed a letter, dated May 22, 2003, from the Sudbury Permanent Firefighters Association, requesting the Board oppose passage of House Bill H3584, An Act Relating to the Management of the Middlesex Regional Retirement Board. Specifically, the bill would abolish the present Retirement Board. The Firefighters Association is concerned that a period of time will pass where there is no leadership or direction with regard to a retirement system, until a new Board is chosen. Further, it is expected the new Board will have additional members who would represent management concerns in an employee retirement system.

Town Manager Valente opined the Board may want to delay taking a position on this matter until further information is available. Many things are in flux right now, and it may be prudent to see how things look before taking a definite position. The final result may have a tremendous financial impact. The Board agreed to wait until more research has been completed.

It was on motion unanimously

VOTED: To take no action on this matter at this time, other than directing the Town Manager to respond to the Sudbury Permanent Firefighters Association the Board's desire to wait for additional information before taking a position.

### **FY04 Tax Deferral Program**

The Board reviewed a memo, dated June 22, 2003, from Kerry A. Speidel, Finance Director/Treasurer-Collector, suggesting a tax deferment interest rate of 2% for FY04. This rate is a combination of the Town's approximate borrowing rate of near 1%, plus an administrative fee of 1%. The current rate for FY03 is 4%.

After discussion, it was on motion unanimously

VOTED: To set the FY04 interest rate for the tax deferral program at 2%, pursuant to Chapter 320 of the Acts of 2002, as recommended by the Finance Director in her memo of June 22, 2003.

**Funds Borrowing Documents for Dickson Property Purchase**

Town Manager Valente stated that, in accordance with a vote at the 2003 Annual Town Meeting, the Board of Selectmen must authorize the borrowing for the purchase of the Dickson property. She asked the Board to sign the note specifying an interest of 1.15% on a \$430,000 borrowing for 11 months until permanent financing can be secured.

It was on motion unanimously

VOTED: To approve the borrowing of \$430,000 at a rate of 1.15% to Hare and Company with the note due and payable on May 21, 2004.

The Board signed both the borrowing note and a Clerk's Certificate declaring this action was in conformance with Town Meeting vote.

**Recreation Programs Revolving Fund – FY03**

Town Manager Valente reminded the Board of their earlier decision to raise the allowable expenditures amount in the revolving fund to \$320,000 for the Park and Recreation Department for FY03. She stated that the "cap" of \$320,000 must be increased as the total dollar amount of proposed programs through the end of the fiscal year is near \$370,000. She stated expenses are offset by program fees paid by participants.

It was on motion unanimously

VOTED: To increase the FY03 allowable expenditures amount for the Recreation Programs Revolving Fund to \$370,000, as requested by Dennis Mannone, Director, Park and Recreation Department, and subject to approval by the Finance Committee.

**Frost Farm Sign**

Town Manager Valente submitted copies of a photo of a proposed sign to be placed at the entrance to the condominium community. She stated that Bay Avary has asked the Town to purchase one of the sections of the sign. She pointed out that the sign specifically states Frost Farm as "a Bay Avary Active Adult Community" and asked whether the Board wished that wording to remain.

The Board expressed concern that, as long as the sign would exist, the name of Bay Avary would be tied to it, even if they no longer have anything to do with the condominium community. The Board suggested referring to the housing development as "Frost Farm Village".

**FY04 DPW Contracts**

Town Manager Valente asked the Board to consider authorizing her to award bids for DPW contracts for gravel, sanding, tree services, cemetery mowing, etc. She stated the bids were just opened and are being evaluated by the Director of Public Works. A vote this evening will allow timely contracting.

It was on motion unanimously

VOTED: To authorize the Town Manager to contract with the low qualified bidders pursuant to bids opened on June 2 and June 11, 2003, for a variety of Department of Public Works contracts for FY2004, as recommended by the Director of Public Works. (See attached summary dated July 1, 2003.)

### **Recreational Service Report**

Town Manager Valente stated the League of Women Voters had completed a report comparing recreational services offered in Sudbury with that of Concord, Westford, Norfolk and Weston. The report considered facilities, program offerings, quality of programs, etc. She stated the areas that need improvement are field assignment, intensity of field use, and other growth issues the Board already acknowledges. Ms. Valente stated one interesting point brought out was making the public more aware how much Conservation land is available for passive recreation. She asked the League if it would be interested in preparing a guest newspaper column with these results, which it was willing to do. The League was not, however, comfortable with meeting with the Board.

### **Municipalization of Electric Utilities**

Town Manager Valente reported a group in Lexington is organizing communities interested in pursuing legislation concerning the municipalization of electric utilities. Most of these communities are frustrated with service provided by NStar. The group has put together House Bill 1468 on this matter. She opined the Board may wish to wait until they can study this issue in more detail before agreeing to support this legislation. The Board concurred.

### **Pay Per Throw**

Town Manager Valente reported she and the DPW Director are working with consultants to determine what, if anything, can be improved with regard to trash and recycling efforts in the Town of Sudbury. She reminded the Board that the Pay Per Throw Committee will be meeting with them on July 15 regarding curbside pickup. She will keep the Board apprised of information gained.

### **Executive Session**

At 11:22 p.m. it was on roll call

VOTED: To go into Executive Session for the purpose of discussing collective bargaining.

Chairman Roopenian announced regular session would not reconvene following Executive Session.

There being no further business to come before the Board, the meeting adjourned at 11:40 p.m.

Attest: \_\_\_\_\_  
Maureen G. Valente  
Town Manager-Clerk