

**IN BOARD OF SELECTMEN
TUESDAY, DECEMBER 20, 2005**

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

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 7:40 p.m. Chairman O'Brien welcomed all to the last Board Meeting of 2005 and wished the entire Town community a happy and safe holiday season.

Chairman O'Brien next offered words of congratulation to the Lincoln-Sudbury Regional High School for the excellent and entertaining concerts recently given by their choir which have been broadcast on Channel 8.

Chairman O'Brien also welcomed to tonight's meeting the new Recording Secretary, Ellen Bicoules, who has replaced Jeannette Galliardt who had previously given the position 7 1/2 years of dedicated service.

Chairman O'Brien announced that applications are available from the Town Clerk's Office for the 16 positions available for election. Applications can be obtained from the Town Clerk and submitted along with 50 signatures. The Chairman also happily announced that he will be running for a third term as well.

Selectman Keller announced that the Metrowest Clinic is providing free flu shots this evening until 8:30 p.m. at 105 Hudson Road and encouraged residents, who are able to offer a donation to the facility for providing such a needed service, to do so.

Town Manager Valente acknowledged the Police Department for its involvement in the Governor's Safety Program now that Sudbury has met all of the requirements needed.

Ms. Valente also thanked the Department of Public Works and the Police Department for their diligent work provided during the recent Friday snowstorms making sure the streets were safe for travel and that school buses could travel their scheduled routes.

At 7:45, Chairman O'Brien introduced Richard L. Simon and Fire Chief Kenneth MacLean.

Local Emergency Planning Committee (LEPC) Coordinator Appointment

Present: Richard L. Simon; Fire Chief MacLean

The Board reviewed a memo dated 12/2/05 from Fire Chief Kenneth MacLean who explained a bit of the history of the LEPC and the purpose of the Committee and Coordinator position. He stated the LEPC is a mandate required under the 1986 Superfund Amendments and Reauthorization Act (SARA), but the Town of Sudbury has had problems through the years getting a fully functioning program up and running. The purpose of the Committee is to provide a mechanism to oversee and monitor the likely Town locations where hazardous material is stored and where a hazardous material accident may occur. In May of 2004, Mr. Richard L. Simon approached the Fire Chief to offer his time and expertise on a volunteer basis for this purpose. Since October 2005, Chief Maclean and Mr. Simon have met to set timelines to get the Sudbury program started. Meetings have also been held with Gayle McNiff from Wayland and Nancy Lepore from Northborough to learn from their first-hand experiences. The Chief also informed the Board that Mr. Simon has already done a lot of the research and paperwork for the initial certification process.

The first town-wide meeting of the LEPC will be held on January 24, 2006 at the Goodnow Library. Town Manager Valente has already sent letters of notification to the Department Heads who are mandated to attend. On January 25, 2006, there will also be a Regional LEPC Meeting.

Mr. Simon expressed how honored he has felt throughout the preparation process for this position and being able to provide meaningful community service.

Selectman Drobinski asked if it would be beneficial to contact Raytheon and ask for their guidance and assistance given all their resources pertaining to this area. Chief MacLean responded that Raytheon had already reached out to the Town to offer any help they can provide.

Selectman Keller queried how this program would affect the residential community. Chief MacLean noted that many groups besides the actual hazardous material users would have a stake in the process and be provided the opportunity for input with the LEPC Committee.

Chairman O'Brien asked whether there is a prevention component as part of the program which would be shared with the ever growing home-business community and if the LEPC meetings will be covered on Channel 8 broadcasts. Chief MacLean noted that the Committee will try to address three stages of the issue (1.) preparation and planning for an incident, (2.) mitigation of an incident and (3.) recovery from an incident. The Chief also stated inspection visits to review safety guidelines and codes will be a large part of the programs to help educate the community, and the LEPC meetings will be open meetings and would welcome coverage by Channel 8.

Town Manager Valente reinforced the importance of this Coordinator position to pull together and oversee the tremendous amount of work involved in the certification process. She reiterated her gratitude to Mr. Simon for coming forward and offering his time to help make the program truly viable.

Selectman Drobinski also asked whether work done by this Committee will be of value in obtaining future Homeland Security grants. Chief MacLean responded that the work will undoubtedly be seen in a very favorable manner in those funding efforts.

Chairman O'Brien thanked both guests for their work and after an extremely informative discussion it was on motion unanimously

VOTED: To appoint Richard L. Simon, 33 Fox Run Road, as the Local Emergency Planning Committee Coordinator, for a term to expire on April 30, 2007.

Youth Commission Appointment

The Board briefly considered a memo dated November 28, 2005, provided by Wayne Walker, Assistant Town Manager/Personnel Director, on behalf of himself, Dennis Mannone, Park & Recreation Director, and Susan Ciaffi, Youth Commission Chair, explaining the advantages and purpose of appointing Libby Hampton, 42 Willard Grant Road, to the Youth Commission. Town Manager Valente also noted that a thorough pre-investigation had been conducted to determine the suitability of this candidate.

It was on motion unanimously

VOTED: To appoint Libby Hampton, 42 Willard Grant Road, to the Youth Commission for a term to expire April 30, 2006.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular session of November 1, 2005, and the regular and executive sessions of December 6, 2005, as corrected.

D.A.R.E - Donation

It was on motion unanimously

VOTED: To accept a donation in the amount of \$350 from the Rebecca Circle of the Sudbury United Methodist Church to be deposited into the Discretionary Fund and expended on recommendation of the Community Social Worker to assist those in need.

Rebecca Circle of the Sudbury United Methodist Church - Donation

It was on motion unanimously

VOTED: To accept a donation in the amount of \$350 from the Rebecca Circle of the Sudbury United Methodist Church to be deposited into the Discretionary Fund and expended on recommendation of the Community Social Worker to assist those in need.

Bid Award - Purchase of Pumper

It was on motion unanimously

VOTED: To confirm approval of a bid award for the purchase of a pumper (chassis, cab, body, and water tank) for the Sudbury Fire Department, funded under Art. 11 of the 2005 Annual Town Meeting, to the lowest eligible responsive and responsible bidder offering the best price, as approved by Town Counsel (bid opening December 30, 2005) and authorize the Town Manager to execute the purchase.

As Built Plans – Tabled at the request of the Town Planner, Jody Kablack

It was on motion unanimously

VOTED: To hold the discussion on the question of signing As Built Plans for Foreign Motors West (SP-#02-365) dated December 5, 2003 and for Bosse Sports and Health Club (Site Plan Special Permit #00-356) dated July 12, 2005 pending the recommendation of the Town Manager.

Annual Renewal of Licenses (held 12/6/05) for the following two establishments:

- 1) Wong Mook Run, Inc., d/b/a Siam Garden, 103 Boston Post Road; and
- 2) Enchilada, Inc., d/b/a Acapulcos, 694 Boston Post Road.

Discussion ensued regarding the issuance of two licenses held at the meeting of December 6, 2005. Town Manager Valente updated the Board and advised that Siam Garden has met all of the requirements needed for license approval and thereby could be recommended for renewal.

Acapulcos is still not in compliance and has done little to obtain a Certificate of Inspection. If the Board does not even conditionally vote to renew their liquor and common victualer licenses, then Acapulcos will effectively be unable to open for operation as of January 1, 2006. The Town Manager and the Board conducted a thorough discourse relating to the pros and cons of votes for no renewal, a conditional renewal, and full renewal recommendations. All seemed in agreement that the food and liquor licenses be tied to each other in whatever decision is made because if an establishment does not meet safety standards for operating with liquor on the premises then they are certainly equally unsafe with only food being served.

The Board would like to see a strong notification given to Acapulcos letting them know that they have until 5 p.m. December 30, 2005, to be in full compliance with the law as determined by the Building Inspector and the Fire Chief. If they are cleared for recommendation of license renewal, and the Certificate of Inspection is issued, then the Board will have no problem voting to approve them for renewal of all licenses. However, if Acapulcos does not comply with the law by 5:00 p.m. on December 30, 2005, then no licenses will be renewed, and they will not be allowed to open for business on January 1, 2006. Discussion closed.

It was on motion unanimously

VOTED: To approve the renewal of Alcoholic Beverages, Common Victualer, and Entertainment licenses for Wong Mook Run, Inc., d/b/a/ Siam Garden, 103 Boston Post Road which expire December 31, 2005 for calendar 2006, as shown on the "Licensee List 2006" and to forward the appropriate renewal forms to the alcoholic Beverages Control Commission where applicable; said licenses to be held until payment of the required license fees, compliance with the Selectmen's Alcohol Training Policy, correction of any/all outstanding health, safety or zoning violations, receipt of verification of Workers' Compensation Insurance for the licensing period, and the payment of all outstanding personal property taxes, real estate taxes and state taxes; said licenses shall also be subject to all previous restrictions; and it was further

VOTED: To conditionally approve Enchilada, Inc., d/b/a/ Acapulcos, 694 Boston Post Road subject to completing all requirements of the ABCC, the local licensing board, the Building Inspector and Fire Chief prior to the close of business (5:00 p.m.) on December 30, 2005. If at that time, the Town Manager is satisfied that all requirements for licensing have been met, then the Board of Selectmen authorizes the Town Manager and her staff to release and renew all licenses.

MMA Annual Business Meeting Vote

Town Manager Valente stated that she is planning to attend the meeting and will bring before the Board for discussion at their next meeting on January 3, 2006 the positions which she will in fact vote on their behalf at the MMA meeting.

It was on motion unanimously

VOTED: To designate the Town Manager to vote at the Massachusetts Municipal Association (MMA) Annual Business Meeting on January 14, 2006 at the Hynes Convention Center.

Conservation Restriction

The Town Manager reported that the Conservation Commission was not ready to present this restriction this evening.

It was on motion unanimously

VOTED: To table, until further notice, the discussion of approval of a Conservation Restriction as requested by the Conservation Commission, granted by Sky Rock LLC and Ledge Hill LLC.

2006 Annual Town Meeting - Selectmen's Articles

The Town Manager noted that most of the articles followed a boiler plate template. However, there is a possibility that the Rental Property Revolving Fund article may need to be resubmitted. Ms. Valente also pointed out that the Senior Tax Relief Article was deliberately worded in a broad and general manner so as to later, prior to Town Meeting, be able to accommodate, if necessary, whatever law is actually enacted by the State.

At the close of the discussion, the Chairman asked for a vote to endorse the eight articles:

- Article - To Hear Reports
- Article - FY06 Budget Adjustments
- Article - Stabilization Fund
- Article - Rental Property Revolving Fund
- Article - Sudbury Affordable Housing Trust
- Article - Senior Tax Relief
- Article - Professional Services - new Police Station
- Article - Transfer of Interest in Town Land to Sudbury Foundation

It was on motion unanimously

VOTED: To approve all eight of the remaining Selectmen's articles and warrant reports for submission to the 2006 Annual Town Meeting.

Town Manager Valente next shared her concern with the Board regarding information from Sue Petersen, Finance Director, that the Wayland-Sudbury Septage Committee may be pursuing borrowing financing with only the approval from a Wayland Town Meeting. She opined that it is very disturbing that the Town of Sudbury could possibly find itself in a situation whereby it is responsible for debt which is considered a top-tier obligation without ever having a vote at a Sudbury Town Meeting. Selectman Drobinski suggested bookmarking a general article so that there is adequate opportunity to respond as suggested by the Town Manager. It needs to be clarified as to how the Town of Sudbury will be consulted prior to any vote by Wayland.

Selectman Keller asked if and for how long we are locked into this agreement? No answer could be provided tonight by those in attendance, but the Town Manager will follow up with Paul Kenny regarding the terms of the agreement.

It was on motion unanimously

VOTED: To approve bookmarking an article for the inter-local agreement governing the Wayland-Sudbury Septage Treatment facility for the 2006 Annual Town Meeting.

Town Report - Board of Selectmen

Chairman O'Brien asked if there were any questions or corrections to the Board's Town Report for 2005. After a brief discussion,

It was on motion unanimously

VOTED: To approve the Board of Selectmen's Town Report, as presented, with minor corrections.

Town Forum

At 8:37 p.m., Chairman O'Brien convened Town Forum to review reports and material provided by the Capital Improvement Planning Committee (CIPC) regarding its recommendations for fiscal year 2007 funding. Sue Petersen, Finance Director, and Kirsten D. Roopenian and Pascal Cleve, representing the CIPC, presented their report.

Kirsten Roopenian reported that under the Bylaw, all capital items meeting certain criteria must be submitted to the CIPC for consideration. Ms. Roopenian distributed three handouts: The Capital Improvement Planning Committee Report FY2007, the Capital Improvement Budget Notice of Decision and a listing of the CIPC Membership which includes herself, Mr. Cleve, Ms. Petersen, Jose A. Garcia-Meitin, Theodore Pasquarello, Daniel V. Messina, and John P. Kinney. The Committee presently has one vacant position.

Ms. Roopenian noted this process of review and prioritizing capital expenditures has been very productive. It is hoped that in the future the Sudbury Public Schools and Regional High School will also participate as part of the overall Town capital planning process as one entity, instead of working in isolation as they do now.

The Committee met on November 2, 2005, to review the 32 requests for FY2007 and to evaluate and prioritize them based upon preset criteria. In their report, the Committee stressed how difficult their mission was given their small budget and the merit and worthiness of every request. The Committee thanked those involved with the submitted requests for their thoughtful planning and preparation.

As the Committee undertook its mission, a consideration was not to throw the Town into an unintentional override situation as a result of its decisions. After full deliberation, the Committee's recommendations, which they deemed of the highest priority for funding from the capital budget for FY2007, ranked from the highest priority to the seventh highest priority, follow:

1. Various Building Improvements - \$ 63,895 - presented by Jim Kelly, Building Inspector, or projects which may include but are not limited to roofing, siding, structural repairs, windows, HVAC repairs, painting, landscaping, etc., (and possibly to supplement the Fairbank Boiler project initially funded at the 2005 Annual Town Meeting).

2. DPW Fleet Replacement - \$ 104,200 - presented by Bill Place, DPW Director for funds to replace aging equipment and to reduce the number of lease purchases (currently there are ten ongoing Lease Purchase agreements on various equipment within the DPW budget).

3. Pool Gutter System - \$ 13,500 - presented by Dennis Mannone, Director of Recreation, which will address the safety issue of the concrete and tile gutter system surrounding the Atkinson Pool, which has become unstable and thereby, preventing any future injury.

4. Permitting Software - \$ 40,000 - Many Town departments will be able to benefit from this expenditure which will allow the creation, tracking and printing of many Town permits and licenses.

This system will also allow for better service to the community in the future by being faster and allowing more options for applications and payments to be made electronically.

5. Payroll/HR Software Upgrade - \$ 9,000 - requested jointly by the Sudbury Public Schools and the Town Finance Director to upgrade the present system to convert data to a more comprehensive payroll approach. This will also allow the School Department and the Town Personnel Office to fulfill the requirements set by auditors and outside agencies as well.

6. Postage Meter - \$ 15,000 - to meet the U. S. Postal Service requirement for digital inkjet metering by December 31, 2006.

7. Munis Tax Package - \$ 15,000 - to replace the Tax Collector's software package to minimize maintenance exposure in the event of a disastrous situation.

Total \$ 277,095

The Committee also asked for **\$8,000 additional monies to come to the Committee to fund more of the various building improvements** and to **fully fund the purchase of the tax collection software at an additional cost of \$ 47,490** for a revised total of \$332,585.00.

The Committee also plans to study the current Town Capital Planning Bylaw, in particular as it relates to cost thresholds which would affect the timely rotation of replacement vehicles for the Town.

There were a few other projects which the Committee deemed worthy and necessary. However, there are insufficient funds at this time to recommend them for FY 2007 funding. Necessary items will need to be dealt with in FY2008. The CIPC believes there is funding from other alternative sources than the CIPC FY 2007 budget for the following projects, and recommends them as well:

Loring Parsonage - \$50,000 - presented by the Historical Commission
Cemetery Fencing - \$150,000 - presented by the Historical Commission
Hearse House - \$20,000 - presented by the Historical Commission
Starting Platforms - \$13,500 - presented by the Recreation Department
Captain's Car - \$45,000 - presented by the Fire Department
Town Center - \$50,000 - presented by the Town Manager-Selectmen

The question was asked as to whether there is \$332,000 in the budget. Town Manager Valente stated that there can not be an exact answer at this time since the revenue is still in flux especially in terms of free cash and state aid. It is likely there is at least \$286,793 in the FY06 budget, but anything above that will need to be determined at a later date.

Further explanation was provided by Ms. Roopenian as to why these seven items were voted as the most necessary. Town Manager Valente reinforced how valuable the tax collection system and payroll system will be in helping the hardworking Town office employees be even more efficient than they already are. Reports concluded at 9:05 p.m. Refreshments were served.

At 9:15 p.m., Chairman O'Brien resumed the Board Meeting and thanked the guests of the CIPC for their thoughtful work and detailed presentation.

Legislation - H2408

A brief discussion of the Metropolitan Area Planning Council (MAPC) proposal ensued.

It was on motion unanimously

VOTED: To support legislation - H2408, proposed by the Metropolitan Area Planning Council (MAPC), to close a loophole in telecommunications company taxation and increase tax revenues to many cities and towns.

Mahoney Property Walk

Chairman O'Brien and Selectmen Keller and Drobinski reported they had enjoyed a lovely visit to the Mahoney property and are excited about its potential for Sudbury.

Change of License – Sweet Pepper, Inc.

Sweet Pepper, Inc. d/b/a/ Sweet Pepper has requested a change from an All Alcoholic license to a Wine and Malt license. This change will affect a change in fee from \$3,500 to \$1,500. To avoid a refund situation, it is recommended that only payment for the first quarter of the year be collected at the time of their renewal. All Board members agreed it is important to send a positive message of support to businesses like this.

It was on motion unanimously

VOTED: To allow Sweet Pepper, Inc. to pay a quarter of the alcoholic beverages license fee at this time, with the balance of the license year to be paid at the time the new Wine and Malt Beverages license is issued; the Wine and Malt License fee to take effect upon issuance.

Verizon Cable License Extension

An update was provided regarding the scheduling of a meeting on January 17, 2006 at 7:45 p.m. to review the Draft Issuing Authority Report with the Cable Television Committee (CTC) related to the Verizon application for cable television license. However, an extension has been agreed to by Verizon to move forward the date to March 6, 2006, which will allow future discourse on the subject at future Board meetings.

It was on motion unanimously

VOTED: To approve the petitioning of the Massachusetts Cable Television Division for approval of the extension.

Emerson Hospital's Advanced Life Support (ALS) Paramedic Service

Update that the ALS Service has received state approval for a grant that will enable them to continue their important work for the 13 towns it services.

Ratification of the Tax Rate to coincide with the certification of values on December 8, 2005.

It was on motion unanimously

VOTED: To approve the Tax Rate for FY 2006 as follows - Residential: \$13.55; C/I/P/ \$21.71.

Executive Session

At 9:25 p.m. Chairman O'Brien announced the close of the regular meeting and wished all a happy holiday and it was on roll call

VOTED: To go into Executive Session for the purpose of authorizing additional expenditures from the Discretionary Fund and to discuss litigation.

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

There being no further business, the meeting adjourned at 9:50 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk