

**IN BOARD OF SELECTMEN
TUESDAY, JANUARY 3, 2006**

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 7:35 p.m. Chairman O'Brien welcomed all to the first Board Meeting of 2006 and wished the entire community a happy and prosperous New Year.

Chairman O'Brien next announced that each year, January brings the beginning of the budget review process and he displayed the budget notebook, which had recently been provided to the Board. He also acknowledged the tremendous effort and hours of work performed by the Town Manager, her staff and the School Committees in compiling the information for review. Town Manager Valente also announced the proposed budget will be posted in a PDF file on the Town website after January 4, 2006, for public review.

Chairman O'Brien next reminded the Community of a reception which will be held Thursday, January 5, 2006, from 4-6 p.m. in the Lower Town Hall to honor Jan Silva upon her retirement after 33 years of exceptional service to the Town of Sudbury. Everyone is invited to come and wish Jan well and thank her for her outstanding contributions through these many years.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular session of March 22, 2004, and the regular and executive sessions of December 20, 2005.

Sudbury Police Department Grant

It was on motion unanimously

VOTED: To accept a grant in the amount of \$18,024 awarded to the Sudbury Police Department through Fiscal Year 2006 State-funded Community Policing Grant Program and to authorize expenditure by the Police Chief for its intended purpose.

Reinsurance Coverage for Calendar Year 2006

It was on motion unanimously

VOTED: To approve and authorize the Town Manager to contract with Cook and Company for Reinsurance Coverage for the Calendar Year, as outlined in a memo dated December 27, 2005, from Wayne Walker, Assistant Town Manager, for an estimated annual premium of \$341,742.

Troop #63 - Eagle Scout

The Board briefly reviewed a letter from Catherine Boothby dated December 10, 2005, announcing the achievement of the rank of Eagle Scout by Owen Boyle, 3 Phillips Road and asking for a letter of

commendation which will be presented at the Eagle Court of Honor to be held at Our Lady of Fatima Church, Concord Road, Sudbury on January 9, 2006, at 7:30 p.m. Chairman O'Brien reminded everyone of the project spearheaded by Owen Boyle which aided a battered woman's shelter.

It was on motion unanimously

VOTED: To sign and send a letter of congratulations to Owen Boyle, 3 Phillips Road, on attaining the rank of Eagle Scout.

Articles for 2006 Annual Town Meeting Warrant

The Board reviewed a memo and list dated December 30, 2005, of all articles to be accepted for the Annual Town Meeting Warrant.

It was on motion unanimously

VOTED: To accept the Articles for the 2006 Annual Town Meeting Warrant as presented.

Town Manager Valente noted that the order of the articles should be considered and can be voted on at the next meeting on January 17, 2006. The Board can take positions on the articles in February.

Reports from the Board of Selectmen

Selectman Drobinski acknowledged the Police Department and the Department of Public Works for their fine work again in providing safe roads during the morning ice storm allowing for a very manageable commuting experience. All concurred with the commendations.

Selectman Drobinski also asked whether there would be future repercussions from the recent announcement of Homeland Security grants only going to major cities. Town Manager Valente responded she does not anticipate a problem since a large portion of the funds will still be allocated to the State to whom Sudbury applies for funding. Ms. Valente also stated sentiment is strong throughout the Commonwealth that this issue be addressed from a regional perspective for the good of the entire State.

Chairman O'Brien reiterated that budget hearings will begin next week and there will be plenty of opportunity for the public to learn about next year's budget.

Public Hearing - Utility Petition #06-01 from NStar Electric and Verizon

Present: Christopher Parella, Right-of-Way Manager, Verizon

Town Manager Valente distributed three additional handouts for review which included 1.) a memo from the Town Engineer, Bill Place, dated December 28, 2005, proposing the Board recommend approval subject to the Department of Public Works issuing a street opening permit in April; 2.) a memo from Art Richard, Electrical Inspector, dated January 3, 2006, stating there are no objections to the installation of the conduit; and 3.) a memo and conduit petition and order provided by Christopher Parella, Right-of-Way Manager for Verizon, dated January 3, 2006. Ms. Valente mentioned a representative from NStar Electric was unable to attend tonight's meeting due to the weather conditions. She introduced Chris Parella representing Verizon.

Chairman O'Brien suggested including in the motion the developer for the new subdivision (Brookside Farm Lane) be responsible for notifying all utility companies of when the conduit work will be done so that a

coordinated effort will be made to lay all the necessary cable and conduits without having to reopen the area multiple times. Attention was also drawn to the key information provided by Bill Place, noting that Landham Road is scheduled for resurfacing in 2006 and the required three-year moratorium on street opening permits after resurfacing has been completed.

Mr. Parella assured the Board Verizon will work closely with the Town to work within the summer resurfacing schedule constraints. Chairman O'Brien thanked Mr. Parella for his clarifications.

It was on motion unanimously

VOTED: To approve utility petition UP06-01 from NStar Electric and Verizon for a 42' conduit on Landham Road to accommodate service at a new subdivision (Brookside Farm Lane) off Landham Road - with a condition the developer be responsible for contacting all interested parties for installing conduit on Landham Road after April 2006.

Reports from the Town Manager

Town Manager Valente presented to the Board the Massachusetts Municipal Association's (MMA) "Resolution on a New Partnership Between Cities and Towns and State Government," which she will vote on behalf of the Board at the MMA January meeting.

Selectman Drobinski thought the resolution as drafted was excellent but questioned whether the last sentence noting median household income as a factor in determining funding would have a negative impact on Sudbury. Ms. Valente responded there are many other factors also taken into consideration which benefit Sudbury and that overall, she feels comfortable the distribution of funds will be as equitable as possible. Ms. Valente further explained it is very difficult to change the formulas used for allocation since towns vary so much and someone will always feel as though their needs have been compromised. Ms. Valente reinforced the Association's purpose is to have a greater impact with all communities standing together as "one voice" to the Governor to emphasize the importance of ensuring adequate funding is provided for local services and education within the Commonwealth.

It was on motion unanimously

VOTED: To authorize the Town Manager to vote in favor of the "Resolution on a New Partnership Between Cities and Towns and State Government," as drafted, at the MMA January meeting.

Ms. Valente next highlighted an idea proposed by Fire Chief Ken MacLean, which will be researched further, to bill insurance companies for Town costs in responding to auto accidents. This is an example of the many ways Town officials are exploring to provide services without increasing taxes.

Selectman Drobinski asked whether the filing of such claims would negatively impact the Town by increasing insurance premiums to be paid. Ms. Valente explained there is much research to be done by and with Town Counsel Paul Kenny. Selectman Keller noted there will be a difference as to how the medical payment portions and the liability portions will be assessed for such claims. All agreed it will be very interesting to review more data on this issue as it becomes available.

Ms. Valente next presented to the Board a suggestion made by the Cable Committee for an Executive Session to be held at the next Board meeting on January 17th at 7:45 p.m. to discuss negotiation strategy regarding the Verizon application. Board members expressed a strong desire for as much information to be shared publicly as possible stating the public has a right to know what the Cable Committee recommends.

Since the Board encourages the public exchange of information and tries to minimize the number of Executive Sessions held, it does not feel comfortable agreeing to an Executive Session without more clarification as to the necessity. After a thorough discussion, the Board concluded Chairman O'Brien should discuss with the Cable Committee Chair the need for an Executive Session. At this time, the discussion on January 17th will remain a public session until and unless Chairman O'Brien deems an Executive Session is required subsequent to his discussions with the Committee Chair.

Public Hearing - Victory Cigar, Ltd.

Present: Mark W. Piscillo, Manager of Victory Cigar, David J. Breazzano

At 8:00 p.m., Chairman O'Brien convened a public hearing for an application from Victory Cigar, Ltd. to approve a transfer of all stock holdings of Roland D. Vaillancourt and approve a change of officers and directors to replace Mr. Vaillancourt, as posted and advertised in the Sudbury Town Crier on December 22, 2005. Mark W. Piscillo, Manager of Victory Cigar, was introduced. He explained that former stockholder and director, Roland Vaillancourt, retired. Mr. David J. Breazzano, a longstanding customer of Victory Cigar, expressed his interest in becoming part of the business. Mr. Breazzano will purchase 50% interest of the stockholdings and assume the roles of Treasurer, Clerk, and Director of Victory Cigar.

Mr. Piscillo gave a brief update of the company, which has been in business in Sudbury for eight years. Responding to a question related to public safety, Mr. Piscillo informed the Board there has never been a problem with the ABCC or local authorities and the staff is appropriately TIPS certified. Chairman O'Brien added that the facility has an excellent ventilation system, and he thanked the Victory Cigar management for their generous support of civic activities.

It was on motion unanimously

VOTED: To approve, in accordance with MGL c.138, the application from Victory Cigar, Ltd., d/b/a Victory Cigar, Mark W. Piscillo, Manager, 615 Boston Post Road, Sudbury, holder of a Restaurant License for the Sale of All Alcoholic Beverages, for the transfer of all stock holdings of Roland D. Vaillancourt to David J. Breazzano (50% interest) and to approve the change of officer and director, David J. Breazzano, replacing Roland D. Vaillancourt as Treasurer, Clerk and Director.

Public Hearing - Sweet Pepper, Inc.

Present: Ms. Thananporn Thamsuriya, representing Sweet Pepper Manager, Yee Yang

At 8:18 p.m., Chairman O'Brien convened a public hearing for an application from Sweet Pepper, Inc. for transfer of its All Alcoholic Beverages License to a Wine and Malt Beverages Restaurant License and for addition of a director as posted and advertised in the Sudbury Town Crier on December 22, 2005.

The Board considered correspondence from James F. Kelly, Building Inspector, dated December 28, 2005; Fire Chief, Ken MacLean, dated December 22, 2005; and Police Chief, Peter Fadgen, dated December 30, 2005, all stating no objections to the application.

Ms. Thananporn Thamsuriya, representing Sweet Pepper, answered questions for the Board and also noted the manager, Yee Yang, is TIPS certified. Chairman O'Brien noted that he has heard many positive comments regarding the restaurant.

It was on motion unanimously

VOTED: To approve, in accordance with MGL c.138, s.12, the application from Sweet Pepper, Inc., d/b/a

Sweet Pepper, Yee Yang, Manager, 385 Boston Post Road, Bldg. G., Store #2, Sudbury, holder of a Restaurant License for the Sale of All Alcoholic Beverages for transfer of its All Alcoholic Beverages License to a Wine and Malt Beverages Restaurant License and to approve the addition of a director subject to verifications by staff that all requirements are met.

Public Hearing - Bosse Sports & Health Club, LLC.

Present: Joshua Fox, Attorney, Bosse Sports, and Marco Cosentino

At 8:30 p.m. Chairman O'Brien convened a public hearing for an application from Bosse Sports & Health Club, LLC for permission to: a.) amend the description of the licensed premises; b.) approve a license to conduct a Champions Cup Tennis Tournament on April 27-30, 2006; c.) approval to hold other private functions indoors and outdoors throughout the year; and d.) extend the Entertainment License hours for television and pre-recorded audio from Sunday to Saturday to 11:00 p.m.

Regarding the Entertainment License extension of hours, it was noted that a health club in Wayland is open seven days a week until 10:30 p.m., giving the Wayland facility a business advantage. Selectman Keller recommended that Bosse Sports should at least be given the same advantage of hours of operation as its competition.

It was on motion unanimously

VOTED: To approve the submission of a letter from the Town Manager to the Zoning Board recommending approval of the extension of the Entertainment License hours for television and pre-recorded audio from Sunday to Saturday to 11:00 p.m. each night and supporting the conditions set forth by the Zoning Board.

Regarding the amendment of the description of the premises to allow service of alcoholic beverages, Attorney Fox explained that presently, Margot's Café, with a seating capacity of 30, is the only location where food and liquor are served. The intent is to extend food and liquor service to the patio area for four to five months a year for an additional 20 seats, as well as occasionally on the second floor lobby/spa area and balcony. A lengthy discussion ensued regarding exactly what locations throughout the entire building would possibly be included in the service of alcoholic beverages area. Much attention was given to the January 3, 2006, memo from Peter F. Fadgen, Chief of Police, stating that "the Department has no objections to the request to amend the club's Alcohol Beverage License to permit the service of alcoholic beverage on the existing rear patio area and in the spa area. However, we do feel that alcoholic beverages should not be served or consumed in any area of the club that deals with fitness such as weight rooms, swimming pool area or any other exercise areas within the facility." Chairman O'Brien suggested that the inclusion of the locker room areas should be added to the Chief of Police's list of restricted areas.

Attorney Fox noted that there are presently six employees of the health club who are TIPS-equivalent certified, and plans are underway for an additional ten employees to also become certified in the next few months. Bosse management also assured the Board they will be diligent regarding posting signs and enforcing policies throughout the Club.

It was on motion unanimously

VOTED: To approve the amendment of the description of the licensed premises to include the entire building, rear patio, and grounds, to allow service of alcoholic beverages throughout the Club building and on the rear patio and grounds of the facility with the following restrictions as noted by the Chief of Police in his memorandum of January 3, 2006 that alcoholic beverages should not be served or consumed in any area

of the Club that deals with fitness such as weight rooms, swimming pool area or any other exercise areas including locker rooms within the facility. NOTE: This vote was rescinded later during the public hearing.

Regarding the planned event of a Champions Cup Tennis Tournament to be held on April 27-30, 2006, Attorney Fox informed the Board of the schedule of events which includes two sessions each day at 2:00 p.m. and 7:00 p.m. respectively on April 27th, 28th and 29th and a final session to be held on April 30th at 7:00 p.m. It is expected that each session could draw up to 2500 attendees for the matches, which will highlight former professional championship circuit players. Further, it is anticipated the tournament will be televised nationally on the National Tennis Channel and locally on NESN. Many issues regarding an event of this size were addressed, such as parking, safety, sanitation and noise. It was noted as well that 500-pound concrete barrels, which are less invasive to the ground, will be used to anchor tents instead of spikes. Club management has initiated thorough communications with all Town departments and offices to assure compliance with any and all policies and have cooperated with all recommendations and requirements put forth. Security measures will be increased during the time of the tournament with police and private details.

It was on motion unanimously

VOTED: Under Chapter 140, Section 181, to approve Bosse Sports & Health Club, LLC to conduct a Champions Cup Tennis Tournament on April 27-30, 2006, subject to compliance with the recommendations of the Health Director, Building Inspector, Fire and Police Chiefs and to continue working with the Town Manager and staff and Park and Recreation Department on issues as they arise.

Chairman O'Brien commended Bosse Sports for bringing this event to the Town and Town Manager Valente encouraged them to reach out to the Town Recreation Department so that residents who are not at high school levels will also have the opportunity to be exposed to this wonderful experience.

Regarding permission to hold other private functions throughout the year, Attorney Fox explained the intent is for no more than ten functions per year with permitted guests not to exceed 150 people. The Board suggested it would be more comfortable approving each function on an individual basis with a special one-day license approval. Ms. Valente stated one-day special applications for license approval can be granted quickly and do not have to go to the ABCC for approval.

It was on motion unanimously

VOTED: To consider private functions to be held at Bosse Sports & Health Club, LLC throughout the year on an individual basis as they arise with a special one-day-license application submission. NOTE: This vote was rescinded later in this public hearing.

Attorney Fox stated there may be regulatory language which would prohibit the Club from pursuing these functions in this manner since the ABCC permits only a limited number of one-day approvals and does not provide them to an establishment which already holds a Restaurant License for the Sale of All Alcoholic Beverages.

The Board then on motion unanimously

VOTED: To rescind the requirement of Bosse Sports & Health Club, LLC to submit a special one-day-license application for private functions to be held throughout the year on an individual basis.

It was on motion unanimously

VOTED: To rescind the earlier vote amending the description of the licensed premises, and to continue to the January 17, 2006, Board of Selectmen meeting the liquor license discussion to amend the license for the Champions Cup Tennis Tournament and to continue the discussion regarding permission to hold other private functions outdoors as well as inside throughout the year.

Chairman O'Brien again thanked the Bosse Sports Club representatives for the good work they are doing for the Town and encouraged them also to work with the Chamber of Commerce to pursue the prospects of other opportunities associated with the Champions Cup Tennis Tournament coming to Sudbury.

There being no further business, the meeting adjourned at 9:41 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk