

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, AUGUST 12, 2008

Present: Chairman Lawrence W. O'Brien, Vice-Chairman William J. Keller, Jr., 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 7:33 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:33 p.m., Chairman O'Brien opened the meeting. He reported that tonight will be the only meeting held by the Board in August. He noted that Town staff continue to be busy in the summer months working on pending projects and goals.

Chairman O'Brien further reported that while summer vacation schedules have hindered the work of some committees, others have been able to continue to meet. The Rail Trail Conversion Advisory Committee is in the process of completing a notebook of research and information to help the Town further assess the project. In preparation for the upcoming budget season, Chairman O'Brien also reported that the Budget Review Task Force subcommittees have held several meetings this summer in their effort to evaluate revenue generation and cost cutting ideas for the Town and legislative options.

Town Manager Valente noted that it is difficult for Town boards and committees to meet quorum requirements for meetings in the summer. However, Ms. Valente stated that the summer breaks in meeting schedules allow Town staff much needed time to devote to pending projects and to catch up on administrative details.

Public Hearing - Fong Tan LLC, d/b/a Lavender

Present: Yee F. Fong, a/k/a Timothy Fong, Manager, and Stephen E. Grande, III, Attorney for the applicant

At 8:00 p.m., Chairman O'Brien opened the Public Hearing for Site Plan #SP08-007 application of Fong Tan LLC, d/b/a Lavender, 519A Boston Post Road (former location of Stone Hearth Pizza) for the Sale of All Alcoholic Beverages and Weekday Entertainment and Common Victualler licenses. Notice of the Public Hearing was posted in the *Sudbury Town Crier* on July 31, and abutters were duly notified.

Attorney for the applicant Stephen E. Grande, III briefly described the application proposal. He explained that the Fong Tan LLC, comprised of four members, has entered into agreements to open a new restaurant named *Lavender* at the former Stone Hearth Pizza location of 519A Boston Post Road. Mr. Grande introduced co-owner and proposed manager Mr. Timothy Fong.

In response to a few questions from the Board, Mr. Grande stated that the maximum seating capacity has been determined as 72 by Sudbury's Board of Health based upon septic system data. He also noted that all pertinent applications have been filed with the Building Inspector regarding building, electrical and plumbing permits, which will be required prior to commencement of construction. Mr. Grande further stated that outdoor seating will likely be pursued on a limited basis, since sidewalk seating precedence exists in Sudbury, and no application process is needed.

Selectman Drobinski stated that, although not pertinent to tonight's application review, it should be noted that three kitchen floor drains should lead to a separate holding tank, and not to the septic system. Ms. Valente will share this concern and request that plans be appropriately revised.

Chairman O'Brien asked if significant renovations of the property are planned. Mr. Fong briefly reviewed that the former Stone Hearth Pizza kitchen will be transformed into a more traditional Asian kitchen. Mr. Fong further stated that plans are to present an atmosphere more like a sports bar, with large televisions.

Mr. Fong stated he has worked in Sudbury for approximately eight years at the Lotus Blossom. He is TIPS certified, and he has been trained in restaurant operations. His vision for the new restaurant is to provide Sudbury with a more traditional Chinese cuisine than is presently available in Town. The restaurant will highlight a mixture of authentic Chinese and traditional American cuisine. Thus, a more Americanized name of *Lavender* has been chosen. Mr. Fong further emphasized that the restaurant will provide employment for local residents and training opportunities for local high school students. Additionally, Mr. Fong highlighted that the restaurant will provide delivery and catering to Sudbury homes and businesses.

Vice-Chairman Keller expressed the Board's support of new local businesses, and he wished Mr. Fong well in his endeavor.

Selectman Drobinski requested a review of the proposed entertainment. Mr. Grande responded that the application proposes DJ/karaoke-type entertainment until 10:00 p.m. on weekdays, and until 1:00 a.m. on weekends. Musak will also be played on the premises. Chairman O'Brien questioned whether television viewing needs to be added to the entertainment license application. He requested that Town Manager Valente further research this matter. NOTE: Town Counsel was queried and opined that television viewing should be checked off on the actual license, describing it as entertainment.

Selectman Drobinski emphasized that all bar staff will need to be TIPS certified. He also informed the applicant to be mindful of occasional sting operations performed by the Sudbury Police Department.

Town Manager Valente noted that opinions regarding the application were solicited from Town Department Heads. She reported that no concerns were flagged, and that upon review, the application appeared satisfactory.

In response to a question from the Board, Mr. Fong stated that the hope is to open the new restaurant in early December 2008 prior to the holiday season and the New Year.

It was on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, in accordance with M.G.L. Ch. 138, s.12, to approve an All Alcoholic Beverages restaurant license, and Entertainment and Common Victualler licenses for Fong Tan LLC, d/b/a Lavender, 519A Boston Post Road, as requested in an application dated July 17, 2008, from Stephen E. Grande, III, Esq., 60 Union Avenue, Sudbury, to Yee F. Fong, a/k/a Timothy Fong, said licenses to expire on December 31, 2008, subject to the inclusion of television viewing within the Entertainment License application, if required.

Town Manager Valente will have her staff contact Mr. Grande if the revision to include television in the Entertainment License application is required.

Chairman O'Brien wished the guests well, and he officially welcomed them to the Sudbury business community. He also recommended that Mr. Grande advise the applicant on what the Sudbury Zoning Bylaws allow for signs to help attract customers to the site.

Minutes

Ms. Valente noted that all Consent Calendar motions should include the recommended language provided on the agenda item cover sheets.

It was on motion unanimously

VOTED: To approve the regular and executive session minutes of July 16, 2008, and the regular session minutes of July 22 and July 29, 2008.

Community Emergency Response Team - Donation

It was on motion unanimously

VOTED: On behalf of the Town of Sudbury to accept a \$65 donation from Patricia Duarte to the Community Emergency Response Team (CERT) for the purpose of purchasing "Go Bag" supplies, said funds to be expended under the direction of the Fire Chief, as requested on July 24, 2008, and further to grant authority to the Town Manager to accept future donations to CERT.

Ambulance Fees - Increase

It was on motion unanimously

VOTED: To approve an increase in the Fire Department ambulance fees to reflect a rate of Medicare plus 40% to offset the increase by Advanced Life Support (ALS), as requested by Fire Chief Kenneth J. MacLean in an email message dated July 24, 2008.

The Sudbury Foundation - Grant

At the request of Chairman O'Brien, Town Manager Valente briefly described the pilot Citizen's Academy program. The Program is intended to help educate the public about how the Town government works. She further explained that she prepared a grant application to The Sudbury Foundation which was accepted and awarded. Ms. Valente stated that six to eight sessions will be planned for enrollment of approximately 20-25 citizens. Plans also include televising the sessions for later broadcast and providing web access for online sessions for a limited number of participants. Ms. Valente further stated that the Academy will provide a great educational forum for anyone interested in future service on Town boards and committees. Anyone interested in more information can contact the Board of Selectmen's Office, and monitor the Town website for further information and upcoming application materials. A Steering Committee for the Citizen's Academy will be formed soon. Ms. Valente noted that research indicates that only a few cities and towns in the country have similar programs, and that Sudbury's will be the first such pilot program in Massachusetts.

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a \$4,500 grant from The Sudbury Foundation, said funds to be separately accounted for, to help pilot a Citizen's Academy education program that would allow Sudbury residents the opportunity to learn more about how Town government works, said funds to be expended under the direction of the Town Manager.

The Sudbury Foundation - Grant

At the request of Selectman Drobinski, Town Manager Valente briefly described the grant awarded by The Sudbury Foundation for the CORE consultation program between the Town and the Sudbury Public Schools. She explained that the program is intended to help promote the two groups to collaborate, outsource, regionalize and evaluate ways the two entities can work together more efficiently and effectively to contain and/or reduce costs.

Vice-Chairman Keller asked if the program will also address ways that the Town can collaborate with neighboring towns, i.e., on transfer stations and other matters. Ms. Valente responded affirmatively that the program will address those issues and others such as whether the Town and Schools should jointly employ a facilities manager. Chairman O'Brien opined that the program is timely since so much time is presently being devoted to assessing cost containment by staffs of the Town and both School systems.

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a \$15,000 grant from The Sudbury Foundation, said funds to be separately accounted for, to enable the Town and Sudbury Public Schools to engage in a strategic consultation called CORE designed to promote working together to develop initiatives to contain and/or reduce costs, said funds to be expended under the direction of the Town Manager.

Democratic and Republican Election Officers - Appointments

It was on motion unanimously

VOTED: To appoint Election Officers for a one-year period commencing August 15, 2008, as recommended by the Democratic and Republican Town Committee Chairmen and the Sudbury Town Clerk.

Warrant for State Primary - Signing

It was on motion unanimously

VOTED: To sign the Warrant for the State Primary to be held on Tuesday, September 16, 2008.

Metro West Regional Transit Authority - Renewal

It was on motion unanimously

VOTED: To approve renewal of the contract between the MetroWest Regional Transit Authority and the Town of Sudbury for FY09 and to authorize the Town Manager to sign said contract to provide transportation services to the Council on Aging, effective July 1, 2008, as requested in a memo dated July 31, 2008, from Kristin Kiesel, Council on Aging Director.

Town Trust Funds - Unaudited Financial Statements

It was on motion unanimously

VOTED: As Co-Trustees of Town Donations, to accept the unaudited Town Trust Funds FY08 fourth quarter statements for the period ending June 30, 2008, as requested by the Finance Director, Andrea

Terkelsen, in a memo dated July 29, 2008.

Metropolitan Area Planning Council - Correction of Term Expiration

It was on motion unanimously

VOTED: To correct the term expiration of Maureen G. Valente, to the Metropolitan Area Planning Council (MAPC) from a one-year term to a three-year term expiring April 30, 2011, and to sign an appointment letter to the Metropolitan Area Planning Council verifying this appointment.

Farming Preservation Bylaw - Disclosure Notice

It was on motion unanimously

VOTED: Pursuant to ATM 2008 Article 24, to endorse a Disclosure Notice, to be prominently posted in the Town Clerk's Office, informing buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur.

Sudbury Fire Department - Sale of Surplus Vehicles

Town Manager Valente stated that this matter has been brought before the Board for approval since the items are valued at \$5,000 or more.

It was on motion unanimously

VOTED: To approve the sale by the Fire Department of the following surplus vehicles by bid or auction pursuant to M.G. L. c.30B: Engine #4, a 1989 Emergency One vehicle with a stated value of \$5,000, due to frame corrosion and the inability to sell it as a roadworthy fire engine in the United States; and A5, a 1998 Horton Ambulance on a Ford Chassis with a trade-in value of \$8,500, as requested by Fire Chief Kenneth MacLean on August 6, 2008.

Reports From the Board of Selectmen

Selectman Drobinski reported that he is enjoying the summer.

Vice-Chairman Keller reminded the community that Middlesex Savings Bank has moved to its new location on Route 20 at the intersection of Nobscot Road. He complimented the Bank on its renovation work to revitalize that area, and he encouraged the community to frequent local businesses.

Chairman O'Brien reported that the Board has produced two *Town Hall Matters* episodes for future broadcast in August and September. The topics of discussion are behind-the-scenes perspectives of the Fire and Police Departments. Chairman O'Brien thanked personnel from both departments who participated in the broadcasts.

Chairman O'Brien further reported that Sudbury's Planning Office has been busy this summer finalizing the disposition details regarding the purchase of the Boy Scout Reservation land. Town Manager Valente stated that Town staff has also continued to work this summer on final negotiations regarding purchase of the CSX property and many other articles voted upon at the 2008 Annual Town Meeting.

Reports From the Town Manager
Election Worker - Appointment

It was on motion unanimously

VOTED: To appoint Phyllis L. Kaufman, 165 Nobscot Road, as an unenrolled Election Officer, for a term to expire August 15, 2009, as requested by Rosemary Harvell, Town Clerk.

There being no further business, the meeting adjourned at 8:20 p.m.

Attest: _____

Maureen G. Valente
Town Manager-Clerk