

IN BOARD OF SUDBURY SELECTMEN
WEDNESDAY, NOVEMBER 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 7:31 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:33 p.m., Chairman O'Brien opened the meeting. He acknowledged the Veteran's Day holiday yesterday by thanking the men and women who serve our military and help to protect our democracy.

Chairman O'Brien thanked Town Staff for coordinating the recent election activities. He reported a large turnout by voters, and the day ran smoothly. Town Manager Valente noted that Finance Director Andrea Terkelsen volunteered as a poll worker this year. Ms. Terkelsen reported that the Town Clerk's Office does a stellar job of anticipating and handling the needs of Election Day for the community.

Chairman O'Brien congratulated the many volunteers who helped the Hopesudbury telethon raise over \$57,000 this year.

Community Preservation Committee At-Large Member Vacancy - Applicant Interview

Present: Applicant Lynne Remington

Chairman O'Brien welcomed Lynne Remington to the meeting, and he asked her to explain to the Board why she is interested in joining the Community Preservation Committee (CPC).

Ms. Remington said she is interested in serving on the CPC because she now has the time to become involved. Ms. Remington has lived in Sudbury since 1972, and she served for many years on both the Open Space and Recreation Committee and the Conservation Commission. She believes that her professional experiences, particularly her work on wetland-related issues for a civil engineering company, could benefit the Committee. Ms. Remington's career has focused on land planning, and she feels this knowledge could be helpful.

Ms. Remington stated that she attended a recent CPC meeting and was impressed by its members and responsibilities. She further noted that she has spent time this week familiarizing herself with CPC housing and historic preservation projects in preparation for her service. In response to a question from Chairman O'Brien, Ms. Remington highlighted that every Town should have a conscience for affordable housing. She noted how well Sudbury has planned and positioned its affordable housing projects throughout the community. Ms. Remington further stated that it is also critical to maintain the historic aspects of Sudbury.

Selectman Drobinski and Chairman O'Brien noted that, as former Planning Board members, they were acquainted with Ms. Remington and her former company and were impressed with the quality of her work. Selectman Drobinski reported that the CPC interviewed Ms. Remington at its meeting last week and voted unanimously to recommend her appointment.

Vice-Chairman Keller thanked Ms. Remington for her interest, noting how much volunteers are needed to complete important work for the Town.

It was on motion unanimously

VOTED: To appoint Lynne H. Remington, 15 Ruddock Road, as a member of the Community Preservation Committee, for a term to expire April 30, 2009, to fill a vacancy occasioned by the resignation of Tara Reed, as requested in a memo from Jody A. Kablack, Director of Planning and Community Development..

Group Health Insurance - Plan Proposals

Present: Wayne R. Walker, Assistant Town Manager

At 7:43 p.m., Chairman O'Brien welcomed Assistant Town Manager Wayne Walker to make his annual presentation to the Board on health and dental plan rates for Town/Sudbury Public Schools employees and retirees.

Assistant Town Manager Wayne Walker reported that the proposed 2009 rates reflect more moderate increases than in previous years, and they are responsive to the recommendations of Sudbury's Finance Committee and the Town Manager to keep increases to a minimum.

Mr. Walker noted that the proposed increases have been moderated by the recommended allocation of funds from the Health Insurance Trust Fund to help defray Town, employee and retiree premium costs. He also noted that proposed increases reflect that the Town's claims costs have remained steady for the past year. The long-term strategy is to transition to implementation of changes in the health insurance benefits provided to employees to achieve current and future cost savings.

Mr. Walker further reported that when all of the proposed plan increases are totaled, the combined increase will average slightly under 4% for the coming year's budget, with a slightly higher retiree rate. He reported that the employee Insurance Advisory Committee (IAC) reviewed the information, and unanimously voted to support the proposals. In addition, the IAC is supportive of the need for changes to plan designs.

Chairman O'Brien asked for confirmation that the IAC has also discussed the elimination of the Harvard Plan. Mr. Walker responded that the IAC supports this position in future collective bargaining agreements, since the Harvard Plan has the highest costs for the fewest subscribers. Mr. Walker emphasized that such changes are subject to approval through the collective bargaining process.

Selectman Drobinski opined that the information provided by Mr. Walker was thorough, and he believes the proposed rates are reasonable.

Vice-Chairman Keller asked how many Town employees subscribe to the Harvard Plan. Mr. Walker responded that there are 18. Mr. Walker further reported that the Blue Cross/Blue Shield HMO Plan has about 500 Town enrollees and the Blue Cross/Blue Shield Blue Choice plan has about 50 subscribers.

Chairman O'Brien noted that, as part of the Town's budget, it is important for the community to know that these healthcare costs are determined through collective bargaining. He further stated that the Board is supportive of pursuing changes to plans and contribution levels in future collective bargaining negotiations.

Chairman O'Brien referenced a recent joint Board meeting with the Sudbury Public School Committee to discuss employee/retiree benefits. He asked Assistant Town Manager Walker to provide a brief explanation of Section 18, which was adopted by the Town and Sudbury Public Schools a few years ago. Mr. Walker explained that Section 18 of M.G.L. Chapter 32B requires that an employee, if eligible, must participate in the Medicare program as the primary payer once reaches age 65. However, it was noted that Lincoln-Sudbury Regional High School (L-SRHS) has not yet adopted Section 18. Nearly 60% of L-SRHS retirees

are not currently enrolled in the Medicare programs. Chairman O'Brien opined that the Town would recommend that it would be fiscally sound for L-SRHS to adopt Section 18.

In response to a question from Chairman O'Brien, Town Manager Valente and Assistant Town Manager Walker provided reasons for their preference to maintain the health insurance rate renewals on a calendar-year basis versus a fiscal-year basis.

The Board thanked Mr. Walker for his informative report.

It was on motion unanimously

VOTED: To approve a contract with Blue Cross/Blue Shield of Massachusetts, Boston, MA to serve as a third-party administrator for Blue Choice, Network Blue (HMO Blue) and Medex self-funded health plans, and for BC/BS PDP plan, and further, to establish health insurance monthly working rates as shown below, and to establish that the Town contribute 75% of Blue Choice and 90% of Network Blue for active employees, and 50% of all plans for retirees, with the employee/retiree to pay the remainder, effective January 1, 2009.

	<u>Family</u>	<u>Individual</u>	
Blue Choice - self funded	\$1,672.00	\$656.00	+ 5.7%
Network Blue - self funded	\$1,517.00	\$584.00	+ 2.5%
Medex - self funded	N/A	\$172.84	+ 6.0%
BC/BS PDP - premium	N/A	\$160.91	+ 6.0%

It was also on motion unanimously

VOTED: To approve a contract with Blue Cross/Blue Shield of Massachusetts , Boston, MA to provide dental insurance at monthly rates as shown below, and further to establish that the Town contribute 75% of active employee dental and 0% of retiree dental, with the employee/retiree to pay the remainder, effective January 1, 2009.

	<u>Family</u>	<u>Individual</u>	
BC/BS Dental Blue - premium	\$ 76.81	\$ 30.49	+ 2.7%

It was also on motion unanimously

VOTED: To approve a contract with Harvard Pilgrim Health Care, Dedham, MA to serve as a third-party administrator for its self-funded healthcare plan, and to establish monthly health insurance working rates for the self-funded health care plan, and to establish that the Town contribute 80% for active employees, with the employee to pay the remainder, effective January 1, 2009.

	<u>Family</u>	<u>Individual</u>	
HPHC HMO - self funded	\$2,495.00	\$951.00	+6.0%

It was also on motion unanimously

VOTED: To approve a contract with Tufts Health Plan, Waltham, MA to provide coverage for retirees, and

to establish a monthly rate for retiree coverage as shown below, and to establish that the Town contribute 50% for retirees, with the retiree to pay the remainder, effective January 1, 2009.

	<u>Family</u>	<u>Individual</u>	
Tufts Medicare Preferred HMO - premium	N/A	\$164.00	+ 7.2%
Tufts Private Fee for Service - premium	N/A	\$182.00	+ 10.3%

Knox Trail Council, Inc. - Nobscot Land Conservation Restriction

Present: Director of Planning and Community Development Jody Kablack, and members of the Conservation Commission

Chairman O'Brien provided a brief summary of the negotiations, which have transpired since voters enthusiastically approved the purchase of the Nobscot land at the Annual 2008 Town Meeting and have led to tonight's presentation of the Conservation Restriction for signature. Selectman Drobinski opined that finalizing this land purchase to preserve this parcel is a momentous and significant event in Sudbury's history.

Director of Planning and Community Development Jody Kablack confirmed that numerous hours since last year's Town Meeting have been devoted by Town staff in negotiation discussions with the Knox Trail Council and the Sudbury Valley Trustees. She further noted that Town Counsel Paul Kenny has reviewed and approved documents throughout the process. Ms. Kablack highlighted that all parties, including the State, must sign the final Conservation Restriction before it is considered active and valid. She further stated that the plan is to obtain all relevant signatures prior to Thanksgiving, leading to an anticipated closing in early December. Ms. Kablack reported that the Town received official notification last week of receipt of the anticipated \$500,000 Self Help Grant. Ms. Kablack stated that she has brought a final, original Conservation Restriction to tonight's meeting ready for signature. She further noted that her version is the same as the draft provided to the Board for review with the exception of exhibits being relabeled and that in Section f on Page 5, language has been added to clarify/describe the two parcels.

Ms. Kablack noted that Conservation Commission Coordinator Debbie Dineen and a few Commission members have asked to address the Board tonight regarding the Conservation Commission's role if there are changes to the Conservation Restriction in the future.

On behalf of the Conservation Commission, Coordinator Debbie Dineen addressed the Board, stating that the Commission recognizes what a significant document this is for Sudbury, and she commended Ms. Kablack for communicating with her throughout the process. Ms. Dineen stated that the Commission is troubled by what it deems as a few contradictions within the Conservation Restriction it reviewed. She further stated that the purpose of the Conservation Restriction should be to retain the natural state of this parcel. She referenced problematic language on Page 4, Section III B 2 (b) regarding the possible creation of a 25,000 square-foot recreation area. The Commission questions the location for this activity, since its in close proximity to a wildlife habitat, housing box turtles. The Commission would prefer that alternative locations be investigated.

Ms. Kablack clarified that the area has been envisioned as only a grassy area, limited to roughly a half-acre within a 40,000 square-foot area. In addition, Ms. Kablack noted that any use will be subject to applicable local, State and federal permit approvals. Ms. Kablack reiterated the timing for reaching closure on the Conservation Restriction, and she emphasized that the negotiations are considered concluded at this time.

Ms. Kablack, the Board and Town Manager Valente all expressed wariness at reopening document items for discussion at this point in the process. Town Manager Valente also cautioned that the discussion was veering towards Executive Session negotiation purview rather than discussing the intended agenda item for tonight.

Ms. Dineen stated that the Commission also questions the clearing of up to one acre for agricultural use referenced in Section III B 2 (m) on Page 6. The Commission would prefer some oversight on this location as well. In addition, the Commission believes it should be involved in the notice and approval review process. However, the document does not designate the Commission as a grantee, but rather on Page 9, Section IV, only denotes the Board and Sudbury Valley Trustees as grantees to review and approve. Conservation Commission Vice-Chair John Sklenak later asked Ms. Kablack if any barns or structures will be built to shelter animals. Ms. Kablack responded that she does not believe the Conservation Restriction allows for the construction of such structures.

Town Manager Valente suggested that when the Board receives future notice to undertake certain permitted actions, that tonight's minutes reflect it is the Board's intent to include the Conservation Commission in the approval process.

Mr. Sklenak stated he prefers that the Commission's input be protected within the Conservation Restriction rather than in a side document. However, Mr. Sklenak also stated he does not wish to stall the negotiation process. Selectman Drobinski opined it is best not to re-open negotiations, but to reflect the involvement of the Conservation Commission in tonight's vote.

Ms. Dineen stated that the Commission also questions the inconsistency in the language referring to trails being open during daylight hours referenced on Page 14, Section VI, Section B. The Commission asked that the word "shall" be replaced with "may" in the first sentence. Ms. Kablack opined that it was not the intent of the negotiation discussions to imply that the Town had to keep the trails open at all times. Ms. Kablack stated she would pursue the word change as requested.

The recommendation was made to suspend discussion during tonight's regular meeting and to resume the dialogue with the Conservation Commission during tonight's Executive Session to resolve these matters, since time is of the essence. Chairman O'Brien asked that the Commission forward the minutes from its November 17, 2008 meeting to the Board's attention, and he concluded the discussion at 9:10 p.m.

Public Hearing - Grille 103 on the Post Road, LLC d/b/a Grille 103

Present: Manager Linda J. Baldelli

At 9:10 p.m., Chairman O'Brien opened the Public Hearing for the application of Grille 103 on the Post Road, LLC d/b/a Grille 103, 103 Boston Post Road for the Sale of All Alcoholic Beverages, and Weekday Entertainment and Common Victualler Licenses, Linda J. Baldelli, Manager. Notice was posted in the *Sudbury Town Crier* on October 30, 2008, and abutters were duly notified by certified mail.

Town Manager Valente briefly reviewed the file documents previously distributed to the Board for review.

Applicant Linda Baldelli described her intent to prepare soups, salads, hamburgers, and simple fare at her proposed location. She also confirmed that she has applied for a full bar license. Chairman O'Brien referenced a plan for the restaurant, which revealed some renovation has been done. Ms. Baldelli stated that the bar has 13 seats, and the table area serves 20. She further stated that, if granted a liquor license, she will employ five bartenders, all of whom are TIPS certified.

Selectman Drobinski noted that there were operational concerns when Ms. Baldelli was the manager at the American Legion Post, and he asked her how similar mistakes will be avoided at this location. Ms. Baldelli responded that her priority is to focus on the service of food.

Vice-Chairman Keller noted that, during her tenure as the Post's manager, there were illegal gaming and sale of cigarette issues. Ms. Baldelli assured the Board that there are no plans for gaming or selling cigarettes

Chairman O'Brien asked what the plans are for entertainment at the restaurant. Ms. Baldelli responded that there will likely be a one or two-person band and radio background music. In response to a question from Vice-Chairman Keller, Ms. Baldelli stated that her hope is to begin serving food only this weekend, and to add liquor service next year. Town Manager Valente summarized the liquor application and renewal annual deadlines for the Board. She noted that the Board has 30 days to respond to the application from the time of completed submission or risk that the applicant pursues an appeal process through the Alcoholic Beverages Control Commission (ABCC).

Chairman O'Brien asked Ms. Baldelli how she has been able to raise the capital needed to open a restaurant. Ms. Baldelli responded that a private investor has provided her with initial funding. Chairman O'Brien highlighted, however, that Ms. Baldelli's application lists no other investors. He opined that it would seem that the financial portion of the application needs to be clarified for the Alcoholic Beverages Control Commission, and he asked Town Manager Valente to research the matter further with Town Counsel.

Chairman O'Brien stated he is uncomfortable approving a liquor license based upon information provided by Police Chief Peter Fagden, detailing many infractions which occurred while Ms. Baldelli was the American Legion Post Manager, which included illegal gaming activities and illegal procurement of alcohol. Town Manager Valente shared the memorandum from the Police Chief with Ms. Baldelli. The Board asked Ms. Baldelli what assurances it would have that such activities would not continue at her new restaurant. Ms. Baldelli assured the Board that she was not in agreement with many past practices at the Post, which were initiated by its members. Ms. Baldelli did not want to affix blame for the Post activities in the past. She reiterated that her focus will concentrate on food preparation and providing the public a comfortable venue. Although Ms. Baldelli understood the concern of the Board regarding her prior managerial oversight, she does not believe it would be fair to blame her completely for what transpired at the Post, and thus deprive her of her ability to make a living. Ms. Baldelli stated she would welcome inspections at any time to confirm her intention to operate the restaurant according to all applicable laws and regulations. In addition, Ms. Baldelli stated that her reputation has been tainted from those past experiences, and she is risking everything she has, including her home, to regain her livelihood within the community.

The consensus of the Board was that it would be best for the applicant to withdraw this liquor application, and to resubmit a new application, which corrects the investor information to be presented to the Board at its November 25, 2008 meeting. Town Manager Valente will schedule this matter accordingly based upon further research as to whether the new application will need to be re-advertised.

It was on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, in accordance with MGL c138, s.12, to declare the All Alcoholic Beverages restaurant license application for Grille 103 on the Post Road, LLC, d/b/a Grille 103, located at 103 Boston Post Road, as incomplete and to request that Linda J. Baldelli, Manager, complete a new and accurate application, based upon guidance provided by Town Counsel and Town staff and to schedule a Public hearing for the new alcohol license request for November 25, 2008 at 8:45 p.m.

It was further on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, in accordance with MGL c138, s.12, to approve Entertainment and Common Victualer Licenses, for Grille 103 on the Post Road, LLC, d/b/a Grille 103, located at 103 Boston Post Road to Linda J. Baldelli, Manager, as requested in an application dated October 10, 2008, said license to expire on December 31, 2008.

Sudbury Housing Trust - Hudson Road and Pinewood Road

Present: Beth Rust, Community Housing Specialist

Community Housing Specialist Beth Rust summarized the request of the Sudbury Housing Trust (SHT) to pursue transfer of two small Town-owned parcels to the SHT at the 2009 Town Meeting for the purpose of developing affordable housing. SHT is requesting the Board's approval to proceed with initial analysis, including soil testing, a feasibility study, septic design, property staking and preparation of a preliminary site plan. It is hoped that this work will be followed by development of a conceptual design plan to be shared and discussed with abutters and the community. Ms. Rust emphasized that the SHT is concerned that any potential designs for the two small properties remain consistent with the existing streetscapes and aesthetics of the neighborhoods.

Ms. Rust described the two parcels, located in the Pine Lakes area, which are 5,000 square feet each, and could possibly support a small two-bedroom or three-bedroom house. She noted that upon completion of the initial analysis, the information will be presented to the Selectmen for further deliberation.

It was on motion unanimously

VOTED: To authorize the Town Manager to allow the Sudbury Housing Trust and/or its agents to perform engineering feasibility, including right-of-entry and soil disturbance for two Town-owned parcels - one on Hudson Road, and one on Pinewood Road.

Minutes

It was on motion unanimously

VOTED: To approve the regular minutes of October 23, 2008 and the regular and executive session minutes of October 28, 2008.

Ambulance Billing Schedule

It was on motion unanimously

VOTED: To approve the new Sudbury Fire Department ambulance billing schedule for 2009 as presented by Fire Chief Kenneth MacLean in his request of October 30, 2008.

One-Day All Alcoholic Beverages License - Congregation Beth El

Selectman Drobinski recommended that servers be required to be TIPS trained and certified for this event. Town Manager Valente responded that communication has been received from the event coordinator that all planned servers are already TIPS-certified.

It was on motion unanimously

VOTED: To grant a one-day All Alcoholic Beverages License to Congregation Beth El, c/o Theresa Cohen, 105 Hudson Road, to be exercised on Saturday, November 15, 2008, from 7:00 p.m. to 11:00 p.m. to accommodate a fundraising dinner event, subject to TIPS certification for all servers.
(NOTE: License was not exercised as event was postponed until spring.)

Alcoholic Beverages License Extension - Sky Restaurant

Chairman O'Brien suggested that other Town establishments also be allowed the same extension privilege. Town Manager Valente noted that other establishments planning to also extend serving hours, must notify her office of their intentions, so that an accurate listing can be provided to the Police Department. The Board concurred with these recommendations.

It was on motion unanimously

VOTED: To approve the extension of the closing hour and the serving of alcoholic beverages at Sky Restaurant, 120 Boston Post Road, on Wednesday, November 26, 2008 until 1:00 a.m. on Thursday, November 27, 2008, (Thanksgiving Day) on the condition that the kitchen remains open and food is served, and to allow other establishments the same privilege, subject to the same condition, as long as the Town Manager's Office is notified in advance of the establishment's intention so as to accurately inform the Police Department.

NStar Electric and Verizon Grant of Location - Herb Chambers BMW

It was on motion unanimously

VOTED: To approve Utility Petition #08-03 for the relocation of poles #18/12, 18/13, 18/15 and 18/16 within Boston Post Road to provide new electric service to Herb Chamber BMW of Sudbury, as requested by Boston Edison, d/b/a NStar Electric, and Verizon New England, in a letter received October 22, 2008.

Lincoln-Sudbury All Sports Booster Club, Inc. - Pre-Thanksgiving Ceremonial Bonfire

It was on motion unanimously

VOTED: To approve the annual Lincoln-Sudbury Regional High School Pre-Thanksgiving Day All Sports Ceremonial Bonfire on Wednesday, November 26, 2008, from 6:00 p.m. - 9:00 p.m. in compliance with Police, Fire, Public Works, and School Department regulations to ensure a safe recreational event.

Reports from the Board of Selectmen

Vice-Chairman Keller enjoyed his time hosting the Hopesudbury telethon event. He noted that hundreds of volunteers and several local businesses supported the event, and he thanked them for their successful participation.

Selectman Drobinski reported visiting the Save a Dog new location. He stated that he was impressed with the construction for what will be a great organization in Sudbury.

Chairman O'Brien reported that he, Selectman Drobinski and Director of Planning and Community Development Jody Kablack recently visited the Cummings property. The building seems to be meeting compliance regulations. Ms. Kablack plans a follow-up visit to assess lighting.

Chairman O'Brien announced that the Board recently recorded two episodes of *Town Hall Matters* with Superintendent John Brackett, Assistant Superintendent Robert Milley and Noyes School Principal Annette Doyle, discussing the educational mission of the School Committee and the resources needed to operationally implement that mission.

Chairman O'Brien also announced that there will be a Sudbury Housing Roundtable on November 13, 2008 at 7:00 p.m. at Town Hall, which is open to the public. The Roundtable is held bi-annually to bring interested Town boards, committees and residents together to collaborate and update each other on housing-related issues and projects.

Chairman O'Brien stated that the Sudbury Finance Committee has invited the Board to a December meeting to discuss the findings of the Budget Review Task Force cost reduction subcommittee. He asked Board members to confirm the date with Town staff and inform the Town Manager of availability to attend.

Report of the Town Manager
Appraisal of Hosmer Paintings - Bid Award

It was on motion unanimously

VOTED: To approve the bid award, and to authorize the Town Manager to execute necessary documents for the appraisal of approximately 420 paintings of Florence Hosmer for insurance purposes to E. Linda Poras, Fire Art Appraiser, pursuant to her proposal dated October 10, 2008, for a sum not to exceed \$13,000.

Finance Committee Meeting

Town Manager Valente announced that she and the Superintendents of the Sudbury Public Schools and Lincoln-Sudbury Regional High School will attend the Sudbury Finance Committee meeting on Monday November 17, 2008 at 7:30 p.m. to discuss the status of the FY09 budget.

Flynn Building - Repairs Update

Town Manager Valente briefly updated the Board on the Flynn Building repair project. The asbestos issues have been mitigated, the hardwood floor has been replaced, the men's room has been gutted and repair work is underway in the kitchenette area. Ms. Valente thanked Building Inspector Jim Kelly and Art Richard for their efforts after regular work hours to complete the work. Plans are to have the Silva Conference Room operational by November 17, 2008.

CORE Group

Town Manager Valente announced that the three task forces of the CORE group has been meeting regularly and have identified several good efficiency ideas to be pursued by the Town. The Facilities group is working towards the presentation of recommendations next year to address many issues, including the lack of a property manager for the Town and Sudbury Public Schools.

Executive Session

At 10:03 p.m., Chairman O'Brien announced the close of the regular meeting and it was on roll call unanimously

VOTED: To go into Executive Session for the purpose of discussing land negotiations, collective bargaining and an employee contract.

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

There being no further business, the meeting adjourned at 10:03 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk