

IN BOARD OF SUDBURY SELECTMEN  
TUESDAY, SEPTEMBER 9, 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 7:37 p.m. in the Lower Town Hall, 322 Concord Road.

**Opening Remarks**

At 7:37 p.m., Chairman O'Brien opened the meeting. On behalf of the Town, Chairman O'Brien extended sympathies to the friends and families of two gentlemen. Tom Phelps was a former Sudbury resident who volunteered in various capacities over many years. Doug Bugley worked for many years at the Wayside Inn and was a good friend to the Town. Both gentlemen will be missed.

On behalf of the community, Chairman O'Brien extended congratulations to Bob Purrington, upon his retirement from his long-held position as innkeeper at the Wayside Inn.

Chairman O'Brien reported that the Finance Committee will meet on September 15, 2008, at 7:30 p.m., in the Flynn Building, to discuss the FY10 budget. The meeting agenda is posted on the Town website. He urged the community to attend and keep abreast of new fiscal proposals under consideration.

Chairman O'Brien announced that First Parish will host its Annual Mum Sale on Saturday, September 13. Proceeds from sales this year will benefit the Town's Habitat for Humanity affordable housing project.

**Sudbury Cultural Council - Appointment Interview**

Present: Applicant Susan Rushfirth

Chairman O'Brien welcomed applicant Susan Rushfirth to the meeting, and he asked her to explain to the Board why she is interested in joining the Sudbury Cultural Council.

Ms. Rushfirth has lived in Sudbury for 19 years and raised her children here while they attended the Sudbury schools. She has been a long-time supporter of the arts. Ms. Rushfirth stated that she believes involvement with the arts helps to promote a better multicultural understanding in children and the community. She has been involved with the Lincoln-Sudbury Regional High School METCO Program, which applied to the Sudbury Cultural Council for a grant to fund the production of a multicultural mural for the High School.

Vice-Chairman Keller concurred that exposure to cultural diversity is needed in the community, and he thanked Ms. Rushfirth for her willingness to work with the Council.

Chairman O'Brien noted that the Council needs to reach a larger audience and be more visible to the community. He urged Ms. Rushfirth and the Council to pursue avenues in the future to advertise interesting cultural opportunities and programs available in Town.

It was on motion unanimously

VOTED: To approve the appointment of Susan C. Rushfirth, 48 Harvard Drive, to the Sudbury Cultural Council for a term to expire September 9, 2011, as requested by Chairman Bronek Dichter in a letter dated August 5, 2008.

**American Legion Post #191 - Amusement Licenses**

Present: Post Manager Spencer R. Goldstein

At 7:50 p.m., Chairman O'Brien opened the Public Hearing to consider an application dated August 20, 2008, from the American Legion, Sudbury Post #191, Inc., 676 Boston Post Road, for approval of weekday licenses for one billiards table and two coin-operated video games.

American Legion Post Manager Spencer Goldstein addressed the Board to explain the application request. He provided the Board with pictures of the proposed video games and a financial report of proceeds from all amusement machines located at the Post for the past year. Mr. Goldstein acknowledged that he was unable to fully reconcile the financial information, since he has only recently become the Manager. He also noted that the \$7,532 proceeds from last year's game activity includes deposits from the three gambling machines, which were previously housed in the basement and confiscated by the Sudbury Police.

Mr. Goldstein emphasized that it is not the intent of the current Post management to pursue any illegal gaming activities. He assured the Board that, under his management, inappropriate games will not be allowed on the premises. Mr. Goldstein asked the Board to approve a six-day license for the video-game machines, noting that he is aware that Sundays require a separate application procedure. The Board confirmed that the application under consideration is for activity Monday through Saturday.

Mr. Goldstein further asked the Board to allow the Post to replace the two machines with similar games when customer-use dictates a change is necessary.

Selectman Drobinski stated that he supports recommendations offered by Police Chief Fagden that games not be located in the basement, that there only be two game machines in operation (which accept no more than a \$5 bill), that machines not be used for gambling or any illegal purposes, and that all video machines be approved by the Police Chief, or his designee, prior to installation. Selectman Drobinski further suggested that new machines brought to the Post to replace the initial two games also be approved by the Police Chief.

Chairman O'Brien emphasized that no coin-operated machines can be used for betting purposes, and they must be located in the public areas of the Legion. He strongly urged that the Post closely monitor future amusement activities to ensure past infractions do not reoccur. Chairman O'Brien opined that the Legion's Board of Directors should have been aware of previous illegal activity on the premises, and they should have prohibited such practices.

Selectman Drobinski asked if the license is for one year or longer. Town Manager Valente responded that the license would expire on December 31, 2008, at which time reapplication for renewal would be required annually prior to January 1st.

Vice-Chairman Keller noted that the Legion has a long history of excellent service to the Town. However, he did note that, in recent years, a few Post members seemed to have lost sight of the Legion's mission. He commended Mr. Goldstein for his efforts to refocus the Post's work, and to resume the Legion's place of honor in the community. Vice-Chairman Keller also agreed that the Post should be asked to abide by Police Chief Fagden's recommendations. He asked Mr. Goldstein if the public is allowed to frequent the Legion.

Mr. Goldstein briefly reviewed that the purpose of the Legion is to provide a comfortable meeting place for veterans and their families and guests. He noted some of the community programs the Post participates in each year. Although the Legion is a private club, Mr. Goldstein noted that the public is invited to attend

occasional Open Houses. The next Open House/fundraiser will be on October 18, 2008, and Mr. Goldstein extended an invitation to Sudbury residents to attend.

Vice-Chairman Keller requested that the Post also provide updated financial information at the time of applying for license renewal.

In response to a question from Chairman O'Brien, Mr. Goldstein reported that with the death of Doug Bugley, there is one open position on the Board of Directors, which currently has four members.

It was on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, in accordance with M.G.L. Ch. 140, to approve weekday licenses for one billiards table and two coin-operated video games (automatic amusement devices) as requested in an application dated August 20, 2008 from the American Legion Post #191, Inc., d/b/a American Legion, 676 Boston Post Road, Spencer R. Goldstein, Manager; said licenses to reflect that any new coin-operated devices receive approval from the Police Chief prior to installation

Vice-Chairman Keller stated that the Board has approved, with reservation, this license tonight. He cautioned Mr. Goldstein that, although the Board hopes the requested approval will be responsibly implemented, the Board will consider future compliance reports from the Police Department when it deliberates license renewals for the Post.

Selectman Drobinski reiterated that the Board of Directors needs to be more informed and responsible regarding daily Post activities.

Mr. Goldstein thanked the Board for its decision. He further stated that financial records are open and available for inspection at any time.

#### **Town Forum - Sudbury Historical Commission**

Present: Co-Chair Lyn MacLean and Sudbury Historical Commission members Elizabeth Radoski, Maurice Fitzgerald, James Hill, James Hodder and Ellen Given

Sudbury Historical Commission Co-Chair Lyn MacLean was welcomed to the meeting at 8:23 p.m. She distributed to the Board a copy of the Historic Property Survey for the Town of Sudbury Phase 2 book dated June 2008. Ms. MacLean noted that this volume highlights 33 properties in addition to the 150 properties which were showcased in the Phase 1 book. Copies of these books can be found at Town Hall and the Goodnow Library, and they are for sale at the Hosmer House. The books may also be available on the Town website in the future.

Ms. MacLean briefly updated the Board on many projects that have been worked on throughout the year, most of which have come to fruition due to Community Preservation Act funds. She noted projects including: the Water Row Haynes Garrison site, restoration of Hosmer House paintings and selection of said paintings for appraisal.

Sudbury Historical Commission member Elizabeth Radoski also noted ongoing patio and walkway projects at Hosmer House, and restoration work at the Wadsworth Cemetery and the Military Field. She recognized the hard work done by many local scouts working towards their Eagle Scout badges. In particular, Ms. Radoski thanked Scouts Matt and Dan Delaney, Scott Papapietro and Reilly Fogarty along with members of the Department of Public Works for their work on many of the projects previously mentioned.

Ms. Radoski announced that the Commission is finalizing plans for the annual Hosmer House holiday celebrations. This year's theme will be "Holidays Through Time," and the event will be held December 6th and 7th from 10:00 a.m. to 4:00 p.m., and on December 10th and 11th from 6:00 p.m. to 9:00 p.m.

Ms. Radoski also announced that a Docent Session will also be held at Hosmer House on Friday, September 12, 2008 at 3:00 p.m. She hopes local High School students will be interested in volunteering their services to the Commission's projects and Hosmer House.

Sudbury Historical Commission member James Hodder briefly updated the Board on work done by Gravestone Services from Bedford, NH, restoring and straightening gravestones at the Revolutionary War Cemetery. He stated the work has been outstanding, with the goal of correcting 153 gravestones before winter arrives. The principal of the gravestone restoration company will be providing a presentation at Town Hall on October 5th, which is open to the public. The presentation will also be taped for future broadcast.

Sudbury Historical Commission member James Hill briefly reported on the ironwork fence and door restoration done at the Old Town Cemetery, the Hearse House restoration, and the Hosmer House kitchen, floor and door restoration. On behalf of the Commission, Mr. Hill expressed gratitude for the ongoing assistance on many projects received from the Town Manager's staff, and especially Bill Place, Art Richard, Elaine Jones and Michael Melnick. He also thanked fellow Commission members Ms. MacLean and Ms. Radoski for their tireless work and commitment. Mr. Hill emphasized that none of these projects can be completed with money alone, but that many hours are spent by countless dedicated citizens to help coordinate and monitor the required work. He noted that Town staff members often work on projects during "off" hours, giving of their own personal time and expertise. Mr. Hill stated that the Commission recognizes the sense of community spirit that evolves from these projects, and it is very appreciative of everyone's efforts.

In response to a comment by Selectman Drobinski, Mr. Hill stated that the Commission is cognizant of how important the Community Preservation Act (CPA) funds are for Town projects. He further noted that the Commission carefully reviews each project so as to cautiously spend the CPA funds it receives.

#### **Town Forum - Historic Districts Commission**

Present: Historic Districts Commission Chair Linda Hawes and Historic Districts Commission members Carole Wolfe and Lee Swanson

Historic Districts Commission (HDC) Chair Linda Hawes was welcomed to the meeting at 8:47 p.m. She briefly reviewed a few highlights from the past year, including passage at Town Meeting of the George Pitt Tavern Historic District and the posting of Historic District signs throughout the Town. Ms. Hawes thanked Scout Martin Falk who erected the signs as part of his Eagle Scout badge project. The Commission also hopes that more Lincoln-Sudbury Regional High School students, who have community service requirements, will volunteer for upcoming projects.

Ms. Hawes reported that the Commission has issued 14 Certificates of Appropriateness. The Commission has continued its efforts to designate Historic District homes on tax bills in the future. However, purchase of specialized software may be necessary. Selectman Drobinski urged the Commission to contact Director of Planning and Community Development Jody Kablack to pursue if Community Preservation Committee Administrative Funds might be available for the software purchase.

Ms. Hawes thanked the Sudbury Historical Commission for its collaborative support on so many Town issues, and Jim Kelly, Bill Place and Jody Kablack for their ongoing advice and support.

Historic Districts Commission members Carole Wolfe and Lee Swanson briefly described where the original George Pitt Tavern was located.

In response to a question from Chairman O'Brien, Ms. Hawes stated that the Historic Districts are noted on the Town website. Ms. Hawes further stated that increasing the awareness of the Town's guidelines for new homeowners in the Historic Districts is an ongoing goal.

Vice-Chairman Keller thanked the Commission for its fine work. Town Manager Valente noted that, in the past 18 months, she has designated Director of Planning and Community Development Jody Kablack as a Town staff liaison for both historic commissions to help streamline communications and procedures for project proposals. Members from both Commissions noted that Ms. Kablack's assistance has been extremely helpful and appreciated.

At 8:56 p.m., Chairman O'Brien concluded tonight's Town Forum presentations.

#### **Sudbury Pizza - Change of Manager**

Present: Nikolaos Evangelidis

At 8:56 p.m., the Board considered an application dated September 2, 2008, for a Common Victualler Change of Manager for Sudbury Pizza, 426 Boston Post Road, from Nikolaos Ourdas to his nephew Nikolaos Evangelidis. Chairman O'Brien welcomed Mr. Evangelidis to the meeting, who answered a few questions from the Board. Mr. Evangelidis stated that his uncle had previously managed Sudbury Pizza for 30 years.

Vice-Chairman Keller stated for the record that he frequents Sudbury Pizza often, and that he finds the fare tasty and reasonably priced. Chairman O'Brien concurred that Sudbury Pizza has been a popular destination for years for Sudbury students and residents. He also noted that Mr. Ourdas, the previous manager, had a long history as a generous corporate citizen. On behalf of the Town, Chairman O'Brien thanked Mr. Ourdas for his generosity to the community. He also wished Mr. Evangelidis many successful years to come in the family business.

Town Manager Valente noted that Town Department Heads were asked to comment on the application, and that no concerns have been raised.

It was on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, in accordance with M.G.L. Ch. 140, to approve a Common Victualler change of manager for Sudbury Pizza, 426 Boston Post Road, from Nikolaos Ourdas to Nikolaos Evangelidis, as requested in an application dated September 2, 2008.

#### **Minutes**

It was on motion unanimously

VOTED: To approve the regular session minutes of August 12, 2008.

**Wayside Inn - Colonial Fair and Muster of Fifes and Drums**

It was on motion unanimously

VOTED: To grant a Special Permit to Harold Cutler for the Colonial Fair and Muster of Fifes and Drums to be held on the Wayside Inn grounds from 10:00 a.m. to 5:00 p.m. on Saturday, September 27, 2008, with a rain date of Sunday, September 28, 2008, subject to conditions and permits required by the Fire and Police Departments and Board of Health.

**Bullfinch's Restaurant - Sunday Entertainment License Renewal**

It was on motion unanimously

VOTED: To renew the current Sunday Entertainment License for Bullfinch's Restaurant, 730 Boston Post Road, for a live jazz trio from 11:00 a.m. to 2:00 p.m. for the period of September 7, 2008 to September 6, 2009.

**Trust Fund - Expenditures**

It was on motion unanimously

VOTED: Acting as Co-Trustees of Town Trust Funds, to accept the Trust Fund expenditure limits for FY09 as submitted by the beneficiaries and requested by Andrea Terkelsen, Treasurer/Collector, in a memo dated August 18, 2008.

**MetroWest Regional Transit Authority - Account Spending Limit**

It was on motion unanimously

VOTED: To approve a FY09 spending limit of \$70,000 for the MetroWest Regional Transit Authority Revolving Fund, established under M.G.L. Chapter 44, Section 53 E 1/2, as requested by Kristin Kiesel, Council on Aging Director, and Barbara Chisholm, Town Accountant, in a memo dated August 25, 2008.

**United Nations Day - Proclamation**

It was on motion unanimously

VOTED: To proclaim October 24, 2008 as United Nations Day in the Town of Sudbury, and to urge that all Sudbury residents participate in the United Nations Day celebration at the State House on Tuesday, October 21, 2008 from 12 noon to 2:00 p.m., as requested in a letter dated August 15, 2008, from Richard Golob, President of the United Nations Association of Greater Boston.

**Election Officer - Appointments**

It was on motion unanimously

VOTED: To appoint Elizabeth A. Radoski, 358 Old Lancaster Road, and Helga Andrews, 11 Maple Avenue, as Election Officers for terms to expire August 14, 2009, as requested by Rosemary Harvell, Town Clerk.

**The Sudbury Foundation - Grant Application**

Town Manager Valente explained that the grant application was pursued by Friends of the Park and Recreation Commission to supplement a grant already awarded for an accessible playground project to be located at Haskell Field. She further explained that, if successful, the grant will not go to the Town, but to the Friends of Park and Recreation.

It was on motion unanimously

VOTED: To send a letter to The Sudbury Foundation endorsing a grant application by Margie Bush, Director of the Sudbury Cooperative PreSchool, on behalf of the "Friends of Park and Recreation," which seeks funds for the accessible playground project at Haskell Field.

**Cable Television Committee - Disbandment**

Town Manager Valente noted that another outstanding issue is who will now respond to citizens' cable concerns. Ms. Valente supports the recommendation made that the Town Manager appoint a Special Cable Advisor to service resident questions. Cable Television Committee Chair Jeff Winston has volunteered to serve the Town in this role. The Board concurred that this function could be served by a Town Manager appointee.

It was on motion unanimously

VOTED: To disband the Cable Television Committee (established by the Board of Selectmen in June 1985), due to the Town's recent contract with the Sudbury Access Corporation to provide PEG operations for the Town of Sudbury, and to send a letter of appreciation to the Cable Television Committee members for their many years of dedicated service to the Town.

**Highway Department Vehicles - Award of Purchase**

Town Manager Valente opined that she is concerned that the Town does not have a large enough capital budget to make these purchases, and that such leases are necessary. However, she further stated that currently, the lease purchases are the best option available. Ms. Valente noted that the Town receives many years of service, at times 15 -20 years, from these well-maintained vehicles. She thanked Town Counsel Paul Kenny and Elaine Jones for working with the Department of Public Works to process these awards of purchase.

It was on motion unanimously

VOTED: Pursuant to ATM08/Art.6 FY09 Capital Budget, to approve award for the purchase of the following Highway Department, vehicle: 2007 ten-wheel dump truck to be financed over a five-year period at an interest rate acceptable to the Town; and further, to authorize the Town Manager to execute all documents related thereto, subject to finalization of the Lease-Purchase Agreement to be negotiated by Town Counsel's Office.

**Maple Avenue Meadows LLC - Non-Exclusive Easement**

It was on motion unanimously

VOTED: To accept a non-exclusive easement for vehicle access, in case of emergency only, and pedestrian access granted by Maple Meadows LLC, as shown on a plan entitled "Definitive Plan (Site Context) of Maple Meadows," dated 3/8/04, last revised 7/8/04, by R. Wilson and Associates.

**Reports From the Board of Selectmen**

Selectman Drobinski and Vice-Chairman Keller reported that they enjoyed a quiet August, and that they are now ready to get back to the Town's work.

Chairman O'Brien announced that the Budget working group met recently. He reported that the Finance Committee is considering proposals to look at three-year budget plans with caps on growth. He stated that, in the weeks ahead, the Board will need to determine if it supports such a recommendation from the Finance Committee, and if a particular level of spending is supported.

Chairman O'Brien further reported that the Sudbury Public Schools issued an email blast informing parents and staff of the upcoming Finance Committee meeting on September 15th, which he plans to attend. Selectman Drobinski asked if the multi-year proposal has been agreed to by the entire Finance Committee. Chairman O'Brien responded that he believes options are still being deliberated.

Additionally, Chairman O'Brien stated that initial growth rates were discussed last spring in the 3.75% range, based upon passage of an override vote. However, since the override failed, proposed growth rates may be higher and also factor in increased adjustments for utilities.

Chairman O'Brien opined that taking a three-year approach to what a multi-year override situation might look like, with a possible 4-7% rate of growth to maintain services, might offer the citizens comfort with their ultimate decisions on what is best for the Town.

Town Manager Valente reported that, at today's Massachusetts Municipal Association Board of Directors meeting, the outlook did not appear positive for increased aid from the State to municipalities. She stated it is anticipated that the State has a one billion dollar gap between income and expenditures in the FY09 budget, and a similar scenario is expected for FY10. Budgets for FY10 have been requested to reflect a 1.5% reduction from FY09 figures. Town Manager Valente opined that, although the process will be difficult, a multi-year budget perspective could be beneficial to the community.

Chairman O'Brien opined that he believes the Finance Committee is moving in a helpful direction, and that it serves the community better to provide multi-year projections. He noted it is possible that, in the long-term, more services may be preserved by setting caps for the rate of growth.

Selectman Drobinski noted that residents will need to understand that, even with caps on growth rates, overrides may still be requested and recommended in the future. Override options presented to the voters will need to be thoroughly discussed.

Chairman O'Brien noted that the Budget Review Task Force subcommittees are preparing reports to be presented to the Board, the first of which is scheduled for September 23, 2008 at 8:00 p.m.



**Reports From the Town Manager**  
**Massachusetts Municipal Association**

Town Manager Valente briefly updated the Board on topics discussed at today's Massachusetts Municipal Association Board of Director's meeting including: upcoming Green Communities Act workshops and a Study Commission established to assess the Pension Program.

**Distinguished Budget Presentation Award**

Town Manager Valente announced that Sudbury has received the Distinguished Budget Presentation Award by the Government Finance Officers Association for the third consecutive year. She thanked the Town's Finance staff, and especially Finance Director/Treasurer/Collector Andrea Terkelsen, for compiling the award-winning material.

**Nobscot Land Purchase - Revised Financing Schedule**

Town Manager Valente briefly reviewed the revised financing schedule for the Nobscot Land Purchase for \$5,545,000 Bond Anticipation Notes and \$5,000,000 General Obligation Bonds prepared by UniBank Fiscal Advisory Services, Inc. The Board is tentatively scheduled to vote on acceptance of the bond notes on October 7, 2008.

**Open Space and Recreation Plan**

Town Manager Valente briefly reviewed a letter received from the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs. The letter noted that Sudbury's submission of its Open Space and Recreation Plan was thorough, and it has been conditionally approved through September 2013. Conditional approval allows the Town to participate in grant rounds through September 2013, and a grant award may be offered to the Town. The letter also highlighted plan items needing completion prior to any final grant payments being made. Town Manager Valente recognized the tremendous efforts by Town staff, and especially Director of Planning and Community Development Jody Kablack, to prepare the submission material.

**Avalon Bay - Potential Chapter 40B Development**

Town Manager Valente briefly reported that a developer has entered into agreements for the Johnson property at 189 Landham for a 13-building, 200-unit rental project. More information is forthcoming, and when available, a presentation will be made to the Board. In response to a question from Selectman Drobinski, Town Manager Valente stated that the developer has entered into a binding Purchase and Sale Agreement.

When this agenda item is planned for discussion, Vice-Chairman Keller requested that the Board be provided with information regarding what the impact would be on Town and school services from such a development, as well as what the expected tax revenue will be.

**Town Hall Matters**

Town Manager Valente asked the Board to notify her of topic ideas for future episodes.

**Executive Session**

At 9:57 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 collective bargaining.

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

There being no further business, the meeting adjourned at 9:57 p.m.

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