

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, JULY 7, 2009

Present: Chairman William J. Keller, Jr., Vice-Chairman John C. Drobinski, Selectman Lawrence W. O'Brien, and Town Manager Maureen G. Valente

The statutory requirements as to notice having been complied with, the meeting was convened at 7:35 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:35 p.m., Chairman Keller, in his new role, as voted during the reorganization of the Board of Selectmen on June 23rd, opened the meeting.

Chairman Keller thanked everyone who participated in the July 4th Town celebrations, noting the excellent work done by Coordinator Mike Hamill and the Chamber of Commerce.

Chairman Keller reported that today's severe rain storms have caused dangerous driving situations in the local area, due to flooding and debris washed onto roadways. He noted that the Department of Public Works and Police Department are diligently monitoring public safety conditions. However, Chairman Keller also asked residents to be vigilant and drive cautiously.

Reports From the Board of Selectmen

Selectman O'Brien reported that the Sudbury Public School Committee Executive Session collective bargaining discussions are continuing.

Vice-Chairman Drobinski was pleased that the Town's July 4th celebrations went well.

Chairman Keller reported that the Board recently met with the Trustees of the Goodnow Library. He further reported that Library Director Bill Talentino has announced plans to retire in the coming year. Chairman Keller stated that the Trustees realize the change in leadership, along with the need to cut expenses and regionalization of services in the future, are challenges that must be faced. Town Manager Valente opined that the meeting was very productive. She noted that, due to economic constraints, additional library staffing in future years may be difficult to achieve, and that technology resources will likely become more utilized.

Reports from Town Manager
Staff Appreciation

Town Manager Valente thanked Assistant Town Manager Wayne Walker and Executive Assistant Mary McCormack for overseeing Town operations in her absence last week. She also noted that this time of year is very busy for the Finance Department, as it closes one fiscal year, and opens another.

FEMA Grant

Town Manager Valente announced that the anticipated \$52,000 FEMA Grant was received prior to the close of the fiscal year on June 30, 2009. Selectman O'Brien opined that the Town's staffing recommendations in recent years have allowed Department Heads the time to pursue grant opportunities like this, which result in additional Town revenues. He commended Fire Chief MacLean for pursuing this grant. Town Manager Valente opined that researching grants is an important part of these job positions. Chairman

Keller noted that Town staff pursue grant programs throughout the year, and find the time to do it, while fulfilling their other full-time responsibilities.

Revised Property Tax Bills

Town Manager Valente announced that revised first quarter property tax bills will be mailed to residents in the next few days. A data entry error with the new MUNIS software resulted in bills needing to be corrected. She advised homeowners, who personally pay their bills, to wait for the revised bills. Town Manager Valente noted that homeowners who pay their property taxes through their mortgage companies will likely have the proper information submitted to those companies by the Town at the company's request.

Nobscot Phase 1 Land Purchase - EOEI Grant

Town Manager Valente announced that the anticipated Executive Office of Environmental Affairs \$500,000 grant for the Nobscot Phase 1 land purchase was received prior to June 30, 2009. Vice-Chairman Drobinski noted that this grant is the culmination of years of cooperative work by many people and entities towards the preservation of this land. Town Manager agreed, and she recognized Finance Director Andrea Terkelsen's work on the financing of the project, while maintaining the Town's AAA-rating.

It was on motion unanimously

VOTED: As requested by Jody Kablack, Director of Planning and Community Development, on July 7, 2009, to accept a Land Grant in the amount of \$500,000 from the Executive Office of Environmental Affairs for the Nobscot Boy Scout Reservation preservation project, as reimbursement for the purchase price, said funds to be expended under direction of the Community Preservation Committee and the Town Manager.

Energy and Sustainability Green Ribbon Committee - Update

Town Manager Valente reported that the Committee has recently completed energy audits on Town and Sudbury Public School buildings, with the assistance of a consultant. The audit reports were received today, and will be reviewed. She noted that the consultant thanked Building Inspector James Kelly for his diligence in including all Town buildings in the process.

National Grid - Gas Meter Notices

Town Manager Valente reported that one resident noted concerns regarding a recent notice circulated by National Grid, announcing its intention to move gas meters from inside homes to outside. She further reported that Building Inspector James Kelly has opined that inside gas meters/regulators can leak gas, and thus may be more dangerous located indoors rather than outdoors. The Sudbury Building Department routinely recommends to residents that such meters be moved to the outside for safety reasons. Town Counsel Paul Kenny opined that this concern is between the private homeowner and the utility company, since the matter is not within the oversight of the Board or Town.

Selectman O'Brien asked if the Town has a designated community relations person for gas matters. Town Manager Valente responded that she will research this. If a liaison person has been designated, Town Manager Valente will ask them to contact the concerned resident. She will also send a response to the resident, summarizing the perspectives presented by the Board and Town staff.

Public Hearing: Victory Cigar Bar - Change of Premises

Present: Victory Cigar Bar President and Manager Gino Allia.

At 7:56 p.m., Chairman Keller opened the public hearing to consider a request dated April 23, 2009, for an expansion of the premises of Cigar One, Inc., d/b/a Victory Cigar Bar, at 615 Boston Post Road. Chairman Keller welcomed Victory Cigar Bar President and Manager Gino Allia to the meeting, who further explained his request and answered questions from the Board.

Mr. Allia described his business as providing a comfortable atmosphere, where one can enjoy a good cigar and good conversation. In acceptable weather, there is also an outside patio available to patrons. He stated he has been given the opportunity by the landlord to expand his business to the adjacent office space of 750 square feet. Mr. Allia stated this would increase seating capacity from 19 to 27. A kitchen and non-smoking area will also be provided, and there will be room for four additional plasma televisions. In response to a question from Chairman Keller, Mr. Allia noted that the additional space would also provide opportunities for small-group rentals.

Town Manager Valente reviewed comments received from Town staff regarding the request. She noted that Fire Chief MacLean has asked that the fire alarm system be upgraded and submitted for approval. The Fire Chief would also prefer that the Dudley Square complex be retrofitted to have a Fire Department Connection. Building Inspector James Kelly has noted that the changes to the floor plan will require a building permit. In addition, the Board of Health will need to approve a more detailed floor plan for the kitchen. Chairman Keller emphasized that the request for an enhanced water connection is standard protocol. Mr. Allia confirmed knowledge of these recommendations, and has met recently with the Fire Chief.

Vice-Chairman Drobinski noted that it is the Landlord's responsibility to implement the required recommendations of the Fire Chief. He questioned how the requests will be communicated to the Landlord, so that proper public safety requirements will be satisfied. Mr. Allia stated he has discussed the recommendations with the Landlord, who questioned at whose expense the improvements would be made. Selectman O'Brien noted that, during difficult economic times, the Board does not wish to add undue burdens to businesses. However, Selectman O'Brien further noted that the Landlord and tenants should be able to work through the necessary expenses to implement the recommended public safety measures, particularly, since the building has a wood frame. He suggested the Board send a letter to the Landlord. Vice-Chairman Drobinski believes the cost should be reasonable to install the Fire Department Connection.

In response to a few questions from the Board, Mr. Allia stated the business has been in Sudbury for over 12 years and he has been the owner for the past two years. He further stated that he hopes to start construction on the expansion by the end of July.

Chairman Keller asked why a non-smoking area has been requested for a cigar bar. Mr. Allia responded that he believes original plans, submitted about nine years ago, included a non-smoking area. However, Mr. Allia stated that no other cigar bar that he is aware of in the Boston area has a non-smoking area, and he questioned whether this requirement could be waived. Vice-Chairman Drobinski asked what is in the statute. Town Manager Valente responded that it appears to be within the Board of Health's purview. It was suggested that Mr. Allia discuss with the Board of Health whether there was any flexibility in this requirement. Selectman O'Brien suggested that the Board send a letter to the Board of Health Director, stating its preference for current State statutes to govern this type of business. He opined that governmental requirements should not undermine businesses, and that perhaps the regulations being applied to this business are more appropriate for a sit-down eatery. Selectman O'Brien emphasized that the Board's intent is to support business efforts to be successful as much as possible.

Vice-Chairman Drobinski referenced the planned layout. He asked if the wall between the two areas is load-bearing. Mr. Allia responded affirmatively.

Selectman O'Brien asked if there are plans to add billiard tables to the facility in the future. Mr. Allia responded there is probably not enough space for pool tables, but that dart boards may be added in the future.

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 a change in premises for the Sales of All Alcoholic Beverages, issued to Cigar One, Inc., d/b/a Victory Cigar Bar, 615 Boston Post Road, Gino Allia, President and Manager, subject to the requirements outlined by the Fire Chief, Director of Health and Building Inspector.

It was also on motion unanimously

VOTED: To authorize the Town Manager, on behalf of the Board, to communicate to the Board of Health Director the Board's encouragement for applying more flexible regulations regarding maximum seating capacity and the need for a non-smoking area in Victory Cigar Bar.

Selectman O'Brien cautioned Mr. Allia to be sure that staff are TIPS-trained, since the Sudbury Police Department performs occasional sting operations.

Paani-Pure Indian Cuisine - Common Victualler License

Present: Paani-Pure Indian Cuisine Co-owners Vimlesh Verma, Surendra Verma and Pallavi Verma

At 8:20 p.m., Chairman Keller opened the discussion regarding the common victualler and entertainment license applications received from Paani-Pure Indian Cuisine, located at 621A Boston Post Road. He welcomed Paani-Pure Indian Cuisine Co-owner Vimlesh Verma, her husband and son to the meeting, to explain the request and answer a few questions from the Board.

Pallavi Verma stated that he and his parents have lived in Sudbury since 1985, and now would like to establish an Indian restaurant in Town. He described the restaurant as a contemporary Indian bistro offering sit-down service for 19 patrons, take-out and catering services. Ms. Verma emphasized that the cuisine will focus on fresh, healthy and nutritionally-based menu selections, and she listed some traditional Indian dishes. The Board clarified the location for the restaurant on Route 20, across the street from the end of Horsepond Road.

Selectman O'Brien asked if there will be floor-plan changes made to the existing layout. Mr. Verma responded that there will be minor modifications made to better access the bathrooms, and a few partition walls will be relocated.

It was noted that, at this time, no liquor license is being requested. However, Ms. Verma stated that it is the family's intention to apply for a liquor license in the future. Chairman Keller stated that the Board would encourage them to pursue that process, at the appropriate time.

In response to a question from Selectman O'Brien, Ms. Verma briefly described the background of the restaurant's chefs. Vice-Chairman Drobinski asked when the restaurant, which will serve lunch and dinner, will open. Ms. Verma responded that a soft-opening is anticipated in mid-August, followed by an official opening in September. Town Manager Valente briefly reviewed comments received from Town

staff regarding the application. She confirmed that the applicant has been working cooperatively with Town Departments to comply with all requirements.

Chairman Keller opined that it will be good for the community to have another cuisine option. Selectman O'Brien concurred, noting that it is also satisfying to be able to support a business owned by Sudbury residents.

It was on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, to approve Common Victualler and Entertainment Licenses for Paani-Pure Indian Cuisine, Vimlesh Verma, Manager, 621A Boston Post Road, as requested in an application dated July 2, 2009, subject to final inspections by the Board of Health, Building Inspector and Fire Department, said licenses to expire December 31, 2009.

Minutes

It was on motion unanimously

VOTED: To approve the regular and executive session minutes of June 23, 2009.

Medical Reserve Corps Executive Committee - Appointment

It was on motion unanimously

VOTED: As requested by the Director of Health, Robert Leupold, to approve the appointment of Carol J. Bradford, RN, 25 Maple Avenue, to the Medical Reserve Corps Executive Committee for a term to expire April 30, 2012, filling a vacancy occasioned by the term expiration of Lorraine Riehle.

Chuckran Auto Parts, Inc. - Bid

It was on motion unanimously

VOTED: As outlined in Town Bylaw Art. XII, Town Property, to accept a bid of \$311 from Chuckran Auto Parts, Inc., to purchase a 1999 Ford Expedition, which vehicle has been determined to be of no further use to the Town, in a letter dated May 7, 2009, from Department of Public Works Director I. William Place.

B-P Trucking, Inc. - Bid Award

In response to a question from Vice-President Drobinski, Town Manager Valente stated that the bid award includes school buildings.

It was on motion unanimously

VOTED: On the recommendation of the Department of Public Works Director and as approved by Town Counsel, to approve the bid award by the Town Manager for solid waste removal/disposal to B-P Trucking, Inc., for a three-year period ending June 30, 2012, pursuant to their June 17, 2009 quotation.

Ambulance Billing Increase

It was on motion unanimously

VOTED: To approve an increase in the ambulance billing rate to any value not to exceed Medicare plus 200%, as requested by Fire Chief Kenneth MacLean in a letter dated June 24, 2009.

Sudbury Fire Department -FEMA Grant

It was on motion unanimously

VOTED: As requested by Fire Chief Kenneth MacLean on June 25, 2009, to accept a FEMA grant in the amount of \$52,573.25 as reimbursement for the December 2008 ice storm costs.

Board of Selectmen Liaison Assignments for 2009-2010

Town Manager Valente stated that the draft liaison assignment listing was revised based on the Board's discussion at its June 23, 2009 meeting. Selectman O'Brien asked if Vice-Chairman Drobinski will remain the liaison for the Rail Trail Conversion Advisory Committee. Vice-Chairman Drobinski responded he is willing to continue to serve in that capacity.

It was on motion unanimously

VOTED: To approve the Board of Selectman liaison list for 2009-2010 as reviewed this evening, and revised to reflect Vice-Chairman Drobinski as the liaison to the Rail Trail Conversion Advisory Committee.

Board of Selectmen's FY10 Goals

Chairman Keller noted that the Board recently conducted a lengthy meeting with the Town Manager and the Town Department Heads to establish FY10 Town goals. Town Manager Valente briefly described the annual process of the meeting, with the Board and senior staff, to prioritize Town goals and initiatives. She highlighted that in the past two years, goals developed separately by each group were very similar, and thus indicative of a shared working perspective based on good communication. Town Manager Valente stated that, in this year's meeting, the Town's financial challenges in coming years was a consistent theme. The consensus of the group was that economic constraints may be a consistent concern in the future, and that the Town may not soon be able to revert to the position of financial comfort and security experienced in the past. She later noted that the FY10 goals, when finalized, will be posted on the Town website.

Town Manager Valente highlighted for the Board two revisions made to the draft goals, pinpointed by Town staff. She also highlighted the addition of a NOTE on Page 1, stating that staff will focus efforts primarily on three sustainability issues: the Town's financial recovery of revenues and reserves, economic development, and evaluating and adapting services and staffing to a time of continued resource constraints.

Selectman O'Brien suggested that an item be added to the Communications long-term section, to work towards better use of the Verizon and Comcast channels to educate and inform the community. Town Manager Valente suggested that communication be made with the Access Corporation, requesting that more Town board and committee meetings be covered, now that more personnel and equipment resources are available. Selectman O'Brien emphasized that there should be more forums of open and transparent government available to the public. Chairman Keller concurred. Selectman O'Brien further noted that broadcasts are now available on the Sudbury TV website, to be accessed at one's convenience.

Selectman O'Brien commended Town Manager Valente on the emphasis she has placed on the goal of retaining experienced staff and succession planning in recent years. He stated it is also a high priority for the

Board. Town Manager Valente emphasized that successful succession planning is critical to maintain efficient operations through all circumstances.

Town Manager Valente noted that, although the Board generally supports the goals set by other Town boards and committees, they are intentionally not combined with this listing of Selectmen's goals.

It was on motion unanimously

VOTED: To approve the addition to the Board of Selectman FY10 Goals of a long-term communications goal to explore how Sudbury TV can enhance the availability of Town government and educational programming for the public.

Open Space and Recreation Committee - Dissolution

Town Manager Valente explained that the Open Space and Recreation Committee completed its task of developing a 2009-2013 Open Space and Recreation Plan, which is now posted on the Town website. Since the Committee's mission has been achieved, it has been recommended that the Committee be dissolved, and that a new Land Acquisition Review Committee be established. She commended Director of Planning and Community Development Jody Kablack, Conservation Coordinator Deborah Dineen and each member of the Open Space and Recreation Committee for their exceptional work to develop this Town resource of information, which was a requirement to apply for the \$500,000 grant for the Nobscot property.

Chairman Keller opined that the level of detail provided in the Committee's report is impressive and can be used as a guide for future initiatives. Selectman O'Brien concurred, noting this type of document is useful as a planning tool to obtain grant funds.

In response to a question from Selectman O'Brien, Town Manager Valente stated that the final report is available on the Town website, and in hard copies located at the Goodnow Library and the Town Planning Office.

It was on motion unanimously

VOTED: To disband the Open Space and Recreation Committee (established by the Board of Selectmen on May 16, 2007), as its mission has been achieved and a final plan submitted, and to send a letter of appreciation to the members for the dedicated service provided to the Town.

Land Acquisition Review Committee - Establishment

Town Manager Valente explained that, since the Open Space and Recreation Committee completed its task of developing a 2009-2013 Open Space and Recreation Plan, and the Committee has been dissolved, it has been suggested that a new Land Acquisition Review Committee be established.

In the coming weeks, Director of Planning and Community Development Jody Kablack will be soliciting members for the Land Acquisition Review Committee, which will assist Town staff in prioritizing parcels for purchase and preservation.

A draft Mission Statement has been prepared, suggesting that the Committee be comprised of seven voting members. Town Manager Valente recommended that the membership be revised to include a member from the Conservation Commission or designee, who is acceptable to the Board of Selectmen. The Board concurred.

Vice-Chairman Drobinski suggested, and the Board concurred, that language be added to the Mission Statement to reflect that land-purchase negotiations are within the purview of the Town Manager.

Selectman O'Brien questioned whether the Mission Statement should be revised to emphasize the identification of properties suitable for commercial use, even if they would require re-zoning. Chairman Keller was unsure if the Town could acquire property for commercial purposes. Town Manager Valente also questioned if such activity is within the jurisdiction of the Board. Vice-Chairman Drobinski expressed strong concern regarding the Board recommending zoning options to property owners. He stated that, if a property owner wants to reap commercial gain from their property, the matter should be brought before Town Meeting, as required.

Town Manager Valente and Chairman Keller stated that they believe this matter is covered within the Mission Statement's criteria for evaluating property based upon Town needs, which included, "to enhance municipal revenue."

It was on motion unanimously

VOTED: To support the creation and establishment of the Land Acquisition Review Committee, while working towards finalizing its Mission Statement and advertising for members continues, as requested in a memo dated June 26, 2009, from Jody Kablack, Director of Planning and Community Development.

Executive Session

At 9:08 p.m., Chairman Keller 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 and the Wayland-Sudbury Septage Facility.

Chairman Keller announced regular session would not reconvene following Executive Session.

There being no further business, the meeting adjourned at 9:08 p.m.

Attest: _____

Maureen G. Valente
Town Manager-Clerk

IN BOARD OF SUDBURY SELECTMEN
WEDNESDAY, JULY 7, 2009
EXECUTIVE SESSION
(9:10 P.M - 9:41 P.M.)

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

Quinn Bill - Funding Reductions to Local Communities

Town Manager Valente distributed to the Board, for informational purposes, copies of a letter sent to Leigh Panettiere, Esq., Sandulli Grace, P.C. by Sean P. Sweeney, P.C., on behalf of the Town of Sudbury. The letter states the Town's position and rights regarding the implementation of payroll changes necessitated by the recently passed State budget, which included a reduction of more than \$40 million dollars in Quinn Bill funding to local communities. The letter also states Sudbury's intent to discuss the necessary changes with the Police Union on July 9, 2009, in a separate and distinct discussion from collective bargaining negotiations.

Town Manager Valente further reported that Assistant Town Manager Wayne Walker has been researching options available to the Town, based upon practices in effect in 1983, prior to the passage of the Quinn bill. She will keep the Board abreast of future discussions with the Police Union.

Wayland-Sudbury Septage Facility - Department of Environmental Protection Administrative Consent Order

Town Manager Valente reported that the Department of Environmental Protection granted Sudbury and Wayland the requested extension to submit its final response to the Department of Environmental Protection (DEP) Administrative Consent Order for the Wayland-Sudbury Septage Facility dated June 5, 2009. Wayland's Board of Selectmen and Town Administrator have stated they will support revisions to the document deemed as important to Sudbury's interests. The final response will be coordinated this week. Town Manager Valente further reported that the Wayland-Sudbury Septage Committee is meeting tonight to further discuss its position regarding the decision to decommission the facility, based upon recent performance improvements presented by Committee member Werner Gossels.

Collective Bargaining - Contract Negotiations Updates

Town Manager Valente reported that collective-bargaining negotiation discussions with the Police and Firefighter's Unions are planned for July 10, 2009.

Town Manager Valente distributed copies to the Board, for informational purposes, of the Lincoln-Sudbury Teachers' Association Memorandum of Understanding, and Chairman Keller explained some of the provisions.

Town Manager Valente briefly updated the Board on a recent conversation with Superintendent John Brackett regarding the status of the Sudbury Public School (SPS) collective bargaining negotiations. Superintendent Brackett stated that he believes the next meeting may bring a settlement or impasse decision. It appears that SPS, working with its benefits consultant, has agreed to all of the Town's recommendations, including changes to healthcare plan designs, except for the co-pays required for hospital admissions. Town Manager Valente stated that the SPS preference for hospital admission co-pays will likely be granted by the Town, since it does not put Sudbury in a worse economic position. SPS potential healthcare employee-

contribution levels are being considered at no change of the 90%/10% for the first year of a contract, 85%/15% for the second year, and 80%/20% for the third year, so long as new hires are at a 70%/30% ratio. Superintendent Brackett also stated that SPS is working to stay within the 4.5% growth limits recommended by the Finance Committee for step and cost of living adjustment increases.

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

Attest: _____
Maureen G. Valente
Town Manager-Clerk