

IN BOARD OF SUDBURY SELECTMEN  
TUESDAY, MAY 18, 2010

Present: Chairman John C. Drobinski, Vice-Chairman Lawrence W. O'Brien, Selectman Robert C. Haarde and Town Manager Maureen G. Valente

The statutory requirements as to notice having been complied with, the meeting was convened at 7:30 p.m. in the Lower Town Hall, 322 Concord Road.

**Opening Remarks**

At 7:36 p.m., Chairman Drobinski announced that the override tax vote failed at the Special Town Election. He stated that, although he supported the override, he accepts that the electorate has spoken. Chairman Drobinski urged residents to put aside their differences in the coming year, as they discuss what is in the Town's best financial interests. He thanked all who participated in the Election process and committed himself to helping the community channel passionate viewpoints in a productive manner.

Selectman Haarde believes that, in spite of how people voted and the Election results, residents want a sustainable Sudbury. He opined that the outcome may be indicative of voters believing that the Town has a financial problem, and that those who voted against the override were sending a message that the problem needs to be addressed as soon as possible. Selectman Haarde further stated that this is a time for citizens to be productive and not punitive. He noted that there is a palpable tension in Town regarding Sudbury's financial state, but that he views that creative tension as a positive. Selectman Haarde further hopes that the Board will be able to help guide and set a better financial direction for the Town.

Vice-Chairman O'Brien concurred, and stated that he is confident that every Town cost center will put forth its best efforts in budget discussions and planning.

Chairman Drobinski referenced the fire last week at the Cavicchio Greenhouses and commended the Fire Department's response. Town Manager Valente also commended the work of the Department and Fire Captain Tim Choate, who was the lead incident officer. She noted how effectively the Department handled the crisis and how well the mutual aid agreement with surrounding communities works.

**Citizen's Petition Request - Response**

Chairman Drobinski reported that, at the Board's last meeting, a petitioner made allegations regarding inappropriate behavior by a Board member. He noted that there has not been a complaint of this nature, or any precedence that he is aware of, in the last 50 years. Chairman Drobinski has had several conversations with Town Counsel regarding the matter. Town Counsel has informed him that the Board does not have a defined protocol or process in place to address the petitioner's complaint or to take testimony under oath. Thus, Chairman Drobinski stated that the petitioner's request is considered to be tabled. Chairman Drobinski encouraged the petitioner and the subject of his complaints to try to resolve grievances in an informal manner. He emphasized that the Town has many important issues to address this year, and he believes the Board should focus its time on providing the best services to the community.

Vice-Chairman O'Brien briefly responded to the allegations made against him at the last meeting by Paul Fuhrman. He stated that two of the allegations were in regard to the work of the Budget Review Task Force (BRTF) and the Annual Town Elections. He acknowledged that he has differing opinions from Mr. Fuhrman on many issues, which he foresees as continuing to be the case in the future. Vice-Chairman O'Brien emphasized that as a Board member, he will continue to perform his duties, as he always has, by incorporating the input and recommendations made available to him from a variety of resources to help

increase efficiencies and reduce expenses for the Town and Schools. Vice-Chairman O'Brien further stated that, as an elected official, he is still entitled to his First Amendment rights, and exercised them during the Town Election process, to actively campaign for a slate of candidates that he believed could best serve the Town.

Vice-Chairman O'Brien stated that he found Mr. Fuhrman's last accusation, that he articulated an ethnic slur, to be disturbing. Vice-Chairman O'Brien believes he has never made an Anti-Semitic remark in his 14 years of service and has actively worked against bigoted remarks and/or symbols being part of Sudbury's ethos. He thanked the people who have contacted him within the past two weeks, to let him know their thoughts regarding the "false and misguided remarks."

Selectman Haarde stated that, as some groups worked through difficult issues last year, it seems as if positive energy inexplicably turned negative at some point. However, Selectman Haarde opined that he believes everyone's intentions are for what's best for Sudbury. He also hopes the individuals can informally resolve their differences.

Chairman Drobinski concurred that, at times passions can run deep, noting that the volunteer boards and committees work very hard and should feel as though their input is heard. He committed himself and the Board to working in the coming year to improve perceptions within the community and to work collaboratively to solve Sudbury's problems.

#### **Sudbury Police Lt. Robert Grady – Meet and Greet**

Town Manager Valente introduced Sudbury's newest Police Lieutenant Robert Grady to the Board. She noted that the civil-service promotion process is complex for the appointing authority and candidates. She explained that for a brief time, the Town functioned with only one lieutenant, but that now a promotion was possible for a second lieutenant to balance the workload.

Police Lieutenant Robert Grady stated he began his career in Worcester, followed by time on the Leicester Police force, and eventually joined Sudbury's Police Department in 2003. In response to a question from Selectman Haarde, Lt. Grady expressed how pleased he is to be part of the Department, noting that the Town and Police Chief are fair and supportive. He explained that his duties and those of Lt. Scott Nix are in the process of being defined to adequately oversee detectives, patrol duty, scheduling, training and technology needs.

The Board offered their congratulations to Lt. Grady on his promotion, and wished him well with his new responsibilities.

#### **Conservation Commission – Interview Candidate**

At 7:49 p.m., Town Manager Valente explained that she appoints members of the Conservation Commission, with approval by the Board. Director of Planning and Community Development Jody Kablack conducts interviews with interested candidates and she recommended that Sharon Rizzo be appointed. Additionally, the Conservation Commission unanimously recommended Ms. Rizzo for appointment.

Chairman Drobinski welcomed candidate Sharon Rizzo to the meeting to explain why she is interested in serving on the Conservation Commission. Ms. Rizzo stated that she views the Commission's work as a natural extension of her career as an Earth Science teacher and her educational training in geology. Ms. Rizzo stated that, now that her children are grown, she has the time to become involved in the community. In response to a question from Vice-Chairman O'Brien, she stated that she has attended Commission

meetings and is in the process of reading material to become better acquainted with Town, State and Federal guidelines. Ms. Rizzo emphasized the need to balance the needs of the Town, residents and business owners.

Selectman Haarde opined that Ms. Rizzo's background seems ideal for the Commission, and the Board concurred.

It was on motion unanimously

VOTED: To confirm the Town Manager's appointment of Susan Rizzo, 9 Whitetail Lane, as a member of the Conservation Commission, as recommended by the Sudbury Conservation Commission Chairman in a letter dated April 21, 2010.

### **Ponds and Waterways Committee – Final Master Plan Presentation**

Present: Ponds and Waterways Committee Chair Susan Crane and Committee members David Blohm, Michael Dufault, and Robert Hershfield

At 7:57 p.m., Chairman Drobinski welcomed Ponds and Waterways Committee members to the meeting to present its Master Plan, dated March 5, 2010, which the Board was in previous receipt of copies for review.

Ponds and Waterways Committee member David Blohm distributed copies of watershed maps to the Board for informational purposes. He provided a brief description of the Committee's members and their backgrounds, noting that additional associate members would be welcomed. Mr. Blohm reported that the Committee was formed in 2005, and many volunteers worked over several years to produce the Master Plan. He further reported that there are approximately 180 surface water areas in Sudbury. The Committee developed a map to identify watersheds to help citizens visualize the water bodies. In addition, members researched the history of the water bodies, participated in site visits and photographed many of the locales. Mr. Blohm noted that much of this information is available on the Committee's website. He further noted that the Committee has also considered recommendations regarding better water-related recreational opportunities in Sudbury.

Ponds and Waterways Committee Chair Susan Crane reviewed highlights from the Master Plan for the Board, summarizing the Committee's vision, goals, activities and functions. She emphasized the goal of educating the public and increasing awareness of the Town's water resources and locations. In addition, Ms. Crane summarized a few issues, such as eutrophication, invasive species, stormwater management, protection of Town wells, pond remediation and recreational opportunities. She noted that Sudbury has five major ponds greater than ten acres, two major brook systems and one major river. Ms. Crane emphasized that protecting Town wells and drinking water is critical, and assisting community-based efforts to protect and remediate the Town's small water bodies are high priorities.

Ms. Crane stated that several feature articles have appeared in the *Sudbury Town Crier*, and links to those articles are available on the website. Members have also instituted a program with the Curtis Middle School to help educate students, using the watershed maps as a resource. The Committee also works with the Wild and Scenic River Stewardship Council, which hosts the annual River Fest.

Ponds and Waterways Commission member Robert Hershfield highlighted future emphasis for the Commission, including remediation of the Hop Brook Pond, instituting a pilot program at Carding Mill Pond and monitoring compliance of the Hop Brook/Marlboro Easterly Wastewater facility. Mr. Hershfield also emphasized the need to better inform and educate the community regarding buffer zones, native and invasive species and expanding the Eco-Lawn program to include Town buildings and additional residential and commercial properties. Mr. Hershfield stated that it is the intent of the Commission to solicit ideas from the

public, with a possible survey, and from other Town entities as to how they envision using Sudbury's waterways.

In response to a question from Vice-Chairman O'Brien, Ms. Crane stated that public safety access points are addressed in the Master Plan.

Chairman Drobinski suggested that Raytheon be contacted as a resource, noting the company's interest in water quality. Vice-Chairman O'Brien later suggested that the Sudbury Water District also be contacted, since its inherent interest level should be high.

Selectman Haarde suggested that the public be encouraged to purchase and use phosphorous-free fertilizer or organic lawn-care products. Ponds and Waterways Commission member Michael Dufault was credited for his oversight of the "Eco-Lawn" program. Mr. Dufault stated that, although the Town cannot currently regulate and/or require the use of such products by the public, it can recommend their use. Chairman Drobinski noted that there is State and federal legislation pending which may allow more ability to control what happens on private properties in the future.

Vice-Chairman O'Brien stated the report is excellent. He suggested that the "Adopt-a-Pond" program be considered as an option for the Town's Gift Program. Town Manager Valente stated she would share the information with Finance Director Andrea Terkelsen, who is working on establishing the guidelines for the Gift Program. Vice-Chairman O'Brien further suggested that the Committee also contact the S.E.R.F. Program regarding grants related to the map program for schools, and the Sudbury Valley Trustees. He also recommended that the Committee utilize the Town's cable television system to promote their efforts and to possibly tape the waterways program presented to eight graders.

Chairman Drobinski also suggested a few other small grant programs, which could be contacted for funding opportunities. He thanked the Committee for what they do to protect Sudbury's environment.

Judith Deutsch, Concord Road, asked the Committee to also encourage citizens to naturalize properties, by not having lawns. Mr. Dufault stated that such information is on the website, recommending the use of rock gardens or environmentally-friendly bushes.

At 8:30 p.m., Chairman Drobinski concluded the presentation.

**Public Hearing: Coffee Hut- Site Plan Modification Discussion**

Present: Applicant's Attorney Joshua Fox, Director of Planning and Community Development Jody Kablack, and Applicants Rob and Sandra DeMille

At 8:30 p.m., Chairman Drobinski opened the Public Hearing regarding the application of Sudbury Crossing Associates Realty Trust to modify Site Plan SP93-217, by removing the restriction which prohibits transfer of ownership and operation of the Coffee Hut by anyone other than the present owners. The property is located at 435-437 Boston Post Road, Town Assessor's Map K08, Parcel 0004, zoned Limited Business District and A-Residential. The public notice was read.

Director of Planning and Community Development Jody Kablack briefly explained the application request, describing it as minor, and reviewed the application materials received to date. She stated that abutters were duly notified and that the Public Hearing was duly publicized in the *Sudbury Town Crier* on April 26 and May 6, 2010. Ms. Kablack stated that the Fire Chief, Building Inspector and Conservation Commission Coordinator have notified her that they have no objections to the application request. She further reported that she reviewed the original 1993 Site Plan and Zoning Bylaws, noting that, although 30%

of parking could have been waived at the time T.J. Maxx was applying for its 7,500 square-foot expansion, only 5% was waived. Ms. Kablack stated that the location has ample parking, and recommended consideration of the modification request.

Chairman Drobinski opined that he cannot recall why the restriction was included in the original Plan.

The applicants' attorney Joshua Fox addressed the Board. He stated the applicants have operated a successful business in Sudbury for 20 years, which he briefly described. He noted that in the past 16 years, there have been no complaints regarding the business location as problematic for parking or traffic circulation. Now, as the owners are approaching retirement age, he believes they should be able to sell their business in an unencumbered manner, just as every other business owner in Sudbury has the opportunity to do. Mr. Fox described how he believes the restriction came about, noting that, since the approvals were already given for the T.J. Maxx project, the Board informally corrected the Coffee Hut notation, when approached by Mr. DeMille.

Selectman Haarde asked if there is a precedent for this type of modification. Chairman Drobinski responded that each Site Plan application is reviewed in isolation, and thereby never sets precedence.

Selectman Haarde further questioned if there are any outstanding liens or business debts. Mr. DeMille responded that his business is financially current. However, Mr. Fox stated that the Coffee Hut is a tenant of Sudbury Crossing, which may hold a mortgage obligation.

The consensus of the Board was that the sale restriction should be removed. Ms. Kablack recommended that a draft decision be prepared for review, and that a final decision be approved and recorded. She will also ask Town Counsel if there is need to include in the decision a condition stipulating that no precedent is being set. Ms. Kablack further stated that, as highlighted by the Planning Board, if a future sale constitutes a change of use, a new Site Plan approval from the Board would be required.

It was on motion unanimously

VOTED: To close the Public Hearing regarding the application submitted by Sudbury Crossing Associates Realty Trust to modify Site Plan SP93-217 by removing the restriction which prohibits transfer of ownership and operation of the Coffee Hut by anyone other than the present owners.

It was also on motion unanimously

VOTED: To instruct Town Staff to prepare, for the Board's approval, an affirmative Draft Decision regarding the request of Sudbury Crossing Associates Realty Trust to modify Site Plan SP93-217, to remove the restriction, which prohibits transfer of ownership and operation of the Coffee Hut by anyone other than the present owners, and to authorize the Board's Chairman to schedule approval of this matter as he deems appropriate on the June 1, 2010 meeting agenda. The property is located at 435-437 Boston Post Road, Town Assessor's Map K08, Parcel 0004, zoned Limited Business District and A-Residential.

**Public Hearing: Pongal II – All Alcohol Beverages, Common Victualer and Entertainment Licenses**

Present: Applicant's Attorney Stephen J. Lentine, Manager Falgun Pathak and Treasurer Kalaivanan Chandrasekaran

At 8:46 p.m., Chairman Drobinski opened the Public Hearing regarding the application of Sangam Restaurant Corporation, d/b/a Pongal II Restaurant, 103 Boston Post Road, Falgun S. Pathak, Manager, for an All Alcoholic Beverages License, Common Victualer and Entertainment Licenses.

Town Manager Valente reported that Town Department Heads have reviewed the application and the Police, Fire and Building Department have expressed no objections. Feedback from the Board of Health Director is pending.

The applicant's attorney Stephen J. Lentine briefly described the application for the three licenses for a 35-seat Indian restaurant. He explained that the intended entertainment would be background music on CDs, and he presented the proposed hours of operation. Mr. Lentine summarized the experience of the managers of the restaurant, noting that they have operated a similar restaurant for two years in Billerica. He emphasized that the manager, Falgun Pathak, is also TIPS-certified, and he provided Town Manager Valente with copies of the certificate and the employer tax identification number for the business.

Manager Falgun Pathak provided the Board with a brief explanation of the proposed cuisine and copies of a draft menu were distributed to the Board for review.

In response to a question from Vice-Chairman O'Brien, Mr. Lentine stated that the purchase closing is expected to occur in June, subject to approval of the liquor license, which will be followed by approximately four weeks of minor renovations in the bar area, for an anticipated opening in July 2010.

Mr. Lentine also stated that the applicant has had preliminary meetings with the Building Inspector and the Board of Health (BOH). Vice-Chairman O'Brien noted that Sudbury's BOH regulations require that food be served during all hours of bar operation.

Selectman Haarde questioned if the licenses are being transferred or issued anew. Mr. Lentine responded that the previous business at this location has no impact on this application, because the applicants are filing for new licenses. Vice-Chairman O'Brien noted that prior to license approval, Town staff and Town Counsel complete a thorough review to ensure records are current.

Vice-Chairman O'Brien asked for an explanation of a prior three-day suspension of a liquor license for sale of alcohol to a minor, as noted on the application. Mr. Lentine responded that in Mr. Pathak's seven years in the restaurant business, there has only been this one incident, due to an error by an inexperienced waiter, who was immediately fired. In addition, a fine of \$1,000 was paid.

Chairman Drobinski emphasized that Sudbury views the responsibility of a liquor license as a serious matter, and he stated that all staff serving liquor must be TIPS-certified. In addition, he cautioned the applicants that the Town performs random sting operations.

It was on motion unanimously

VOTED: To close the Public Hearing regarding the application of Sangam Restaurant Corporation, d/b/a Pongal II Restaurant, 103 Boston Post Road, Falgun S. Pathak, Manager, for an All Alcoholic Beverages License, Common Victualer and Entertainment Licenses.

It was also on motion unanimously

VOTED: Acting as the Licensing Authority of the Town of Sudbury, and in accordance with M.G.L. ch. 138, sec. 12, to approve the application of Sangam Restaurant Corporation, d/b/a Pongal II Restaurant, 103 Boston Post Road, Falgun S. Pathak, Manager, for an All Alcoholic Beverages License, Common Victualer and Entertainment Licenses, subject to a positive report from the Board of Health.

**Public Hearing: Bellino's Restaurant Group, LLC – Transfer of All Alcohol Beverages, Common Victualer and Entertainment Licenses**

Present: Applicant's Attorney Mark J. Lanza, Manager Shane Manfred and Co-owner Ali Bidgeliazari

At 9:07 p.m., Chairman Drobinski opened the Public Hearing regarding the application of the Bellino Restaurant Group, LLC to transfer the All Alcoholic Beverages License, Common Victualer and Entertainment Licenses of Let's Eat, Inc., d/b/a Sky Restaurant at 120 Boston Post Road to Bellino's Restaurant Group, Shane Manfred, Manager, and a new Sunday Entertainment License for a two-piece live jazz band from noon to 4:00 p.m. He noted that this application requests transfers of the existing licenses, as opposed to applying for new licenses.

Chairman Drobinski recognized Sky Restaurant owner Steve Corcoran, who was in attendance, and thanked him for providing Sudbury with an excellent eating establishment for the past 13 years. In particular, Chairman Drobinski thanked Mr. Corcoran for his generous contributions to the community as a corporate citizen. Vice-Chairman O'Brien and Selectman Haarde also expressed their gratitude and the Board wished Mr. Corcoran well in his future pursuits.

Town Manager Valente reported that Town Department Heads have reviewed the application, and no objections have been expressed.

The applicant's attorney Mark Lanza introduced the applicants, Manager Shane Manfred and Co-owner Ali Bidgeliazari, and described the requests to transfer three existing licenses from Sky Restaurant to the Bellino Group, and the application for a new Sunday Entertainment license for a restaurant to be called "Bistro 20." He stated that the entertainment provided would be a television and background music. Mr. Lanza stated that he plans to submit a modification to the Sunday Entertainment License request for operation from 10:00 a.m. to 4:00 p.m. rather than from 12 noon.

Manager Shane Manfred distributed copies of the proposed menu to the Board, noting that the cuisine will be more Italian and include pizza. He further stated that he hopes to attract more function business.

Mr. Lanza summarized the relevant experience of the applicants, noting that Mr. Manfred is TIPS-certified.

Chairman Drobinski noted that the Board reviews licenses for renewal each year, and thus maintains an element of control.

Selectman Haarde asked if the restaurant will be family-friendly. Mr. Manfred responded that his Wakefield location is frequented by many families, and prices will be moderate.

Mr. Lanza noted that there is a Purchase and Sale Agreement for the assets and business of Sky Restaurant, and a lease agreement with a different land owner, which will also be assumed.

Co-owner Ali Bidgeliazari stated that the anticipated closing for the purchase and lease transactions is July 1, followed by a four-week closing to prepare the restaurant for an August 1, 2010 opening.

Chairman Drobinski reiterated that Sudbury views the responsibility of a liquor license as a serious matter, and he requested that evidence of TIPS-certification be provided for all staff who would be serving liquor. In addition he cautioned the applicants that the Town performs random sting operations.

At 9:20 p.m., Town Manager Valente recommended that the Board approve the request as provided this evening, and consider the modification request to change the starting time for the Sunday Entertainment License time from 12 noon to 10:00 a.m. at the next Board meeting as a Consent Calendar agenda item.

It was on motion unanimously

VOTED: To close the Public Hearing regarding the application of Bellino's Restaurant Group, LLC to transfer the All Alcoholic Beverages License, Common Victualer and Entertainment Licenses of Let's Eat, Inc., d/b/a Sky Restaurant at 120 Boston Post Road to Bellino's Restaurant Group, Shane Manfred, Manager and a new Sunday Entertainment License for a two-piece live jazz band from noon to 4:00 p.m.

It was on motion unanimously

VOTED: Acting as the Licensing Authority of the Town of Sudbury, and in accordance with M.G.L. ch. 138, sec. 12, to approve the application of Bellino's Restaurant Group, LLC to transfer the All Alcoholic Beverages License, Common Victualer and Entertainment Licenses of Let's Eat, Inc., d/b/a Sky Restaurant at 120 Boston Post Road to Bellino's Restaurant Group, Shane Manfred, Manager and a new Sunday Entertainment License for a two-piece live jazz band from noon to 4:00 p.m.

### **Reports from the Board of Selectmen**

Selectman Haarde stated that the voters were faced with a difficult decision to choose between approving a tax override or firing teachers. He emphasized that the Town has financial problems which need to be fixed or citizen groups will be pitted against each other. Selectman Haarde stated that he believes all citizen concerns need to be equally considered by the Board, and he questioned how the Board would begin to address this issue.

Chairman Drobinski stated that, this year, he is committed to focusing the Board's attention on looking at creative and effective ways to discuss budget issues and options for a sustainable Sudbury. He emphasized that discussions will need to include both School Committees, Town officials, Town staff and the public. Chairman Drobinski later stated that some progress was made last year with changes to health care plans and contribution levels. He encouraged citizens to contact the Board with ideas they think could be productive and useful.

Vice-Chairman O'Brien agreed that the many layers of the complex budget issue should be thoroughly examined. He noted that the Town diligently approaches the budget process each year, but that cuts in State Aid and reductions in local receipts force revisions to be made. Vice-Chairman O'Brien agreed that the Board would need to continue to work with the two School Committees and the Finance Committee to agree on the best solutions.

Selectman Haarde cautioned against following the same process as used in previous years. He stated that he reviewed the State cherry sheets, which indicated to him that regional school funding has increased this year over last year by 2%, and that a 3% reduction for the Town's funds is expected for this year as compared to last year. Selectman Haarde later stated, that according to his calculations based on this information, he believes only \$300,000 is needed to save four teacher eliminations for the Sudbury Public Schools. He suggested that public forums be held as soon as possible to solicit ideas of where and how these funds could be accessed to avoid elimination of teaching positions. He also agreed that, if needed, a similar process should also be conducted for the High School.



Vice-Chairman O'Brien noted that having more finalized data from the State is why voting for a later Town Meeting date was so important to do this year. He also cautioned making assumptions about the regional school information, since the financial structure for those entities can be complex. Town Manager Valente concurred. She noted that, even if funds could be found, the monies could not be spent until they were appropriated through another Town Meeting. Town Manager Valente explained that the inability to spend State Aid that is greater than projected is problematic, until it can be closed out to Free Cash, to be certified for the following year.

Vice-Chairman O'Brien further stated that the Board's responsibility is to advocate for what is in the best interests of all of Sudbury's citizens and not just segments of the population.

Selectman Haarde opined that, if the money can be found, administrative barriers should be overcome, and the Board should help set these priorities for the Town.

Vice-Chairman O'Brien noted that the Board hears from a variety of constituencies as to how, and for what services, money should be spent, and that all ideas would need to be balanced and prioritized. He questioned whether \$300,000 can be found to use for the suggested purpose.

Chairman Drobinski reported that he informed the Chairs of both School Committees of the expenditure study suggested by Selectman Haarde, and they will be discussing it with their constituents and provide feedback at a later date. He also reported that Selectman Haarde and the Town Manager met with both School Superintendents to introduce the discussion.

Town Manager Valente stated that the Finance Committee, Selectmen and School Committees studied the financial issues for many months before Town Meeting, and the only undesignated funds at this time are the reserve fund. Chairman Drobinski expressed his hesitation with accessing the Stabilization Fund, which could possibly compromise the Town's AAA bond-rating. He noted that losing this rating would cost the taxpayers money. He further emphasized that, although the Town has financial problems, it also has financial constraints, such as collective bargaining agreements, which must be honored.

Selectman Haarde made a motion to establish a committee to work on implementing a sewer system for Route 20. He volunteered to work with such a committee to actively establish a system.

Chairman Drobinski responded that the motion would not be seconded. He stated that the Sewer Assessment Technical Committee already exists and should be asked to provide the Board with an update of its activities. Chairman Drobinski also referenced positive studies, which are underway at the Curtis School location.

Selectman Haarde expressed his disappointment with his motion not being supported. He does not think the current Committee meets often enough to accomplish the task. He opined that this issue is one of the Town's least controversial matters, has numerous benefits for the Town, and should be actively pursued.

Vice-Chairman O'Brien stated that there are many factors to be considered regarding implementation of a sewer system, some of which may add to Town expenses. He also noted that ideas generated in meetings are augmented by considerable time spent by Town staff pursuing this issue.

Selectman Haarde referenced the mention of this issue as a priority in the Town's 2001 Sustainable Sudbury Master Plan. He opined that not enough has been done in the past ten years to bring these ideas to fruition.

Chairman Drobinski reiterated his recommendation that Town staff coordinate a discussion of the Board with the Sewer Assessment Technical Committee and representatives from the two School systems. The consensus of the Board was that its agendas are full until July 6, 2010, but, if an additional meeting needs to be scheduled, Town staff should proceed with scheduling it.

Chairman Drobinski reported that the Board is tabling citizens' petitions tonight. He asked that citizens inform the Board of intended petitions a few days in advance of scheduled Board meetings, to allow for the Board to prepare accordingly. Chairman Drobinski further announced that this revised policy will be posted on the Town website.

Following a related Zoning Board of Appeals (ZBA) Meeting, Vice-Chairman O'Brien reported that he and Sudbury Housing Trust (SHT) Chair Michael Fee met with some abutters to discuss how next to proceed with the Maynard Road proposed housing development. He also stated that alternative proposals would be developed for fewer units, in a smaller development, than the original proposal. The SHT will also attend the next ZBA meeting to request a 30-day extension.

### **Reports from Town Manager**

#### **Disaster Relief Assistance – Deadline Update**

Town Manager Valente reminded the community that anyone interested in applying for FEMA Disaster Relief Assistance, due to the recent flooding conditions, must apply prior to May 28, 2010. She noted that a FEMA assistance office is located in the Concord Armory, and additional information is available on the Town website.

Town Manager Valente further reported that the Town is also diligently completing the application process to receive reimbursement funds for its eligible disaster-related expenses, such as the overtime costs for public safety personnel.

#### **Chapter 90 Funding - Paving**

Town Manager Valente reported that the Town has received \$547,000 of Chapter 90 funds for paving on Longfellow Road and two other roads.

#### **Energy and Sustainability Green Ribbon Committee – Green Community Update**

Town Manager Valente reported that the Energy and Sustainability Green Ribbon Committee has completed and submitted the Town's application to the State to be designated as a Green Community. She commended the Committee and Town staff who compiled an impressive application, which has already received positive feedback, including mention of the valuable contributions made by Building Inspector Jim Kelly.

#### **Town Center Re-development Project - Update**

Town Manager Valente reported that the Town Center project is underway to improve the safety and utility of the area. Two designs for the intersection will be presented at the Board of Selectmen's June 1, 2010 Meeting. She encouraged the public to attend and/or provide input.

**Special Town Election - Reimbursement and Budget Update**

Town Manager Valente reported that the Town received \$14,979 reimbursement from the State for costs of the recent Special State Election to fill the late Senator Kennedy's Senate seat. Town Manager Valente further reported that she met today with Town Departments Heads to discuss implementation of the non-override budget.

**Wayland-Sudbury Septage Facility - Update**

Town Manager Valente reported that the Town of Wayland was not able to approve buying-out Sudbury's interests in the Wayland-Sudbury Septage Facility by the required two-thirds vote at its Town Meeting, and recommended that a decision be delayed until the fall.

**Cost Center Consolidation of Costs - Update**

Town Manager Valente met with the two School Superintendents and Selectman Haarde to discuss his suggested project to determine if \$2,000,000 in savings can be found by identifying and eliminating overlapping expenses and/or finding means to provide the same level of services by aggregation of the Town/Schools' purchasing power. She noted that Selectman Haarde had clarified the following: this is not a school consolidation project, nor is it an effort to reduce any Town or School service/program.

**Metropolitan Area Planning Committee - Updates**

Town Manager Valente and Town staff met with the Metropolitan Area Planning Council's (MAPC) Minuteman Advisory Group on Interlocal Communication (MAGIC) regarding the abandoned Central rail Line, specifically creating a high-speed bus line on the right of way. She stated that there was not a lot of concerns expressed. Chairman Drobinski provided input, noting that future planning for buses, should incorporate electric models.

Later in the meeting, Town Manager Valente also reported that Sudbury's Fire Chief and Department of Public Works Director have participated in MAPC's efforts for several years to establish a customized regional Hazard Mitigation Plan for Sudbury, and it has recently been approved by FEMA Region 1. This plan's completion allows the Town to apply for grants.

**Board of Selectmen May 4, 2010 Meeting Minutes - Amendment**

Town Manager Valente noted that when the vote was taken on May 4, 2010, regarding the Board's Meeting Minutes for April 7, 2010 and April 12, 2010, the vote was made unanimously. However, since Selectman Haarde did not attend those two meetings, an accurate vote should have recused him. She suggested that an amendment be made to tonight's vote on the May 4, 2010 Meeting Minutes. Selectman Haarde concurred.

It was on motion unanimously

VOTED: To amend the vote of the May 4, 2010 Board of Selectmen's Meeting, unanimously approving the minutes of April 7, 2010 and April 12, 2010, as Selectman Haarde was not yet a member of the Board for those meetings and the vote should so reflect.

**State Department of Transportation – Agreement to Install Emergency Pre-emption Equipment at Route 20 Fire Station**

Town Manager Valente reported that the Town has reached an agreement with the State's Department of Transportation for installation of Emergency Pre-Emption Equipment at the Fire Station on Route 20, a requirement for the Town to be able to proceed with this project, which was previously approved through a Town Meeting capital article.

**Minutes**

It was on motion unanimously

VOTED: To approve the regular and executive session minutes of May 4, 2010.

**Election Officers – Resignations**

Vice-Chairman O'Brien recused himself from the vote.

It was on motion unanimously

VOTED: To accept the resignations of two Election Officers: Lauren S. O'Brien, 687 Boston Post Road and Robert J. Marsh, 199 Maynard Road, and to send letters of appreciation for their service, as requested by the Town Clerk's Office.

**Positive Spin for ALS Ride - Special Permit**

It was on motion unanimously

VOTED: To grant a special permit to Myke Farricker, to hold a "Positive Spin for ALS" Bike Ride through Sudbury on Sunday, June 13, 2010, from 7:00 a.m. through approximately 4:00 p.m., following the same route as in previous years, subject to Police Department safety requirements, proof of insurance coverage, and the assurance that any litter will be removed at the race's conclusion.

**Constable William E. Pickett, Jr. Accept Bond**

It was on motion unanimously

VOTED: To accept the Bond # BON8232303 of Constable William E. Pickett, Jr. in the amount of \$5,000, and place same on file with the Town Clerk, as required by M.G.L. Ch. 41, sec. 92- Service of Civil Process.

**MetroWest Regional Transit Authority Advisory Board – FY 11 Representative Designation**

Town Manager Valente provided a brief summary of the Town's involvement with the MetroWest Regional Transit Authority (MWRTA), which now provides Sudbury with transportation services for the funds the Town is assessed through Cherry Sheet assessments. She explained that joining MWRTA has allowed the Town an approximate \$100,000 assessment to be used to maintain and improve the Town's transportation services. Town Manager Valente stated that, each year, the MWRTA requires member Towns to designate a representative. Council on Aging Director Kris Kiesel has served as Sudbury's representative,

and she is willing to continue fulfilling this responsibility. Town Manager Valente recommended designating Ms. Kiesel.

It was on motion unanimously

VOTED: To approve the appointment of Kristin Kiesel as the Town of Sudbury designee to the MetroWest Regional Transit Authority, as requested in a letter dated May 7, 2010, from Ed Carr, Administrator, MetroWest Regional Transit Authority.

At 10:19 p.m., Chairman Drobinski announced the close of the regular meeting.

There being no further business, the meeting adjourned at 10:19 p.m.

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