

IN BOARD OF SUDBURY SELECTMEN  
TUESDAY, MARCH 29, 2011

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 7:20 p.m. in the Lower Town Hall, 322 Concord Road.

**Opening Remarks**

At 7:20 p.m., Chairman Drobinski opened the meeting. He thanked everyone who voted in yesterday's Town Election. In particular, he thanked the candidates who ran for office and were interested in serving the community and he congratulated those who were elected. Chairman Drobinski also thanked his supporters, stating he looks forward to continuing his work on behalf of all Sudbury's citizens. He urged citizens to put aside their differences and come together to face Sudbury's challenges for the future.

Chairman Drobinski announced the Annual Town Meeting will begin on May 2, 2011. The Town Clerk's Office will be open until 8:00 p.m. on April 12, 2011, which is the voter registration deadline. He also announced the Annual Spring Clean-Up Day will be April 30, 2011, and he encouraged participation in the event. The Town Clerk's Office will also be open until 8:00 p.m. on March 31, 2011, the last day to renew dog licenses without incurring a \$25 penalty.

**Reports from Town Manager**  
**Potential Refinancing of Bond Debt**

Town Manager Valente and Finance Director Andrea Terkelsen have been reviewing options to possibly refinance approximately \$7.1 million of bond debt associated with the Curtis Middle School construction for the next ten years. Ms. Terkelsen will bring the bond documents for the Board to vote and sign at the Board's next meeting. She stated it is possible the debt could be reduced to approximately \$6.4 million. However, Town Manager Valente highlighted that the State would be entitled to a 64% reimbursement from the savings realized. The anticipated savings for the Town over ten years could be approximately \$235,000.

**Snow and Ice Expense Deficit – Update**

Town Manager Valente reported that the Town's snow and ice expense deficit to date is approximately \$239,000. However, she noted a storm is predicted for April 1, 2011. Town Manager Valente explained the deficit is traditionally covered from the Town's reserve funds. If sufficient reserve funds are not available, the Department of Public Works and the Finance Department are investigating other resources for covering the shortfall. She is confident the deficit will not be carried into the FY12 budget. Ms. Valente announced Sudbury has received notification from the State that it qualifies for FEMA fund reimbursement for the large January 2011 storm. Town staff will process the appropriate claim paperwork and attend a meeting in Littleton this week to possibly recoup approximately \$90,000.

**Reports from the Board of Selectmen**

Selectman Haarde attended a Park and Recreation meeting earlier tonight, which included discussion regarding summer sports programs and maintenance of fields.

Vice-Chairman O'Brien attended an Eagle Scout Ceremony for Troop 63 last week. He plans to attend the Housing Public Forum on March 31, 2011, as does Selectman Haarde. He encouraged those interested in attending to contact the Planning Office to see if space is still available.

Chairman Drobinski was on vacation last week and returned to a busy week of campaigning, which took a toll on his voice. He asked Vice-Chairman O'Brien to assist him with tonight's discussion, since he is hoarse.

### **Transfer Station – Discussion**

Present: Town Manager Valente and Department of Public Works Director Bill Place

At 7:30 p.m., Chairman Drobinski opened a discussion regarding the future organization of the Transfer Station. He emphasized no decisions would be made this evening and that a Public Hearing would be scheduled in the near future. Chairman Drobinski stated the Board has not determined its position at this time, and he dispelled rumors that the Town has intentions of closing Sudbury's facility. He further stated tonight's discussion is to review whether there is the opportunity to do something different and realize cost savings. Chairman Drobinski stated the information presented tonight will also be posted on the Town website.

Town Manager Valente reviewed background information regarding transfer station discussions. The Board was previously in receipt of a memorandum from Town Manager Valente dated March 25, 2011, explaining issues for consideration, a draft FY12 budget for a proposed combined recycling/transfer station (RTS) with Wayland and a comparison of the proposed services to current services provided in both towns. Copies were also provided to those in attendance tonight. She noted the budget which will be published in the Town Warrant is for a Sudbury stand-alone facility. However, Town Manager Valente further noted that, if any decisions are made which differ from this plan, then an alternative motion would need to be prepared for Town Meeting.

Town Manager Valente reviewed the information with the Board. She highlighted that Town officials from Wayland and Sudbury met to discuss the feasibility of sharing a facility, and a pilot program was authorized in August 2010. In September 2010, an Inter-Municipal Agreement was authorized and rules and regulations were revised. In December 2010, two test dates were selected to determine if one facility (Wayland) could handle the anticipated users. Town Manager Valente reported it was quickly determined on the first test Saturday that one facility would not suffice during Saturday peak use. Thus, the Sudbury facility was opened to accommodate the public.

Town Manager Valente then discussed the possible benefits of a shared facility with each Board member. The consensus was that the Board would need to see cost savings and enhanced services to support a shared facility with Wayland. She stated Wayland's Board of Selectmen provided similar feedback.

Town Manager Valente summarized the shared facility proposal which includes using the Wayland facility and Wayland personnel supplemented by the Sudbury facility on Saturdays only from 10:00 a.m. to 2:00 p.m., co-mingling of recyclables, extended weekly hours, and maintaining the Sudbury Put and Take feature. She noted that the budget provided was based on a separation of fixed costs from variable costs. Fixed costs primarily reflect staff costs. Both towns have similar costs per user, and the combined operation per user costs has been projected at \$126. Thus, an annual sticker fee of \$130 has been projected. Ms. Valente noted that budget estimates have been used for the variable costs, since a Request for Proposal (RFP) for disposal costs will not go out until both Boards of Selectmen vote on these matters.

Department of Public Works Director Bill Place reviewed a comparison of services to be provided by a shared facility to what is now available in Sudbury. He noted that Wayland would allow users to dispose of bulky items, brush, leaves and grass clippings for free with a sticker. Mr. Place noted that the proposed combined services would offer Sudbury senior citizens the option to purchase smaller eight-gallon bags. The proposed schedule would also provide five more hours a week, including Thursday evening drop-off until 6:00 p.m. Ms. Valente stated that recycling would be offered on a co-mingled basis, and instead of a set contract, revenue would be pursued on the spot market. She also explained that each town uses different methods for purchasing disposal bags and netting out revenues.

Chairman Drobinski asked if there would be any regulatory revisions needed if Sudbury moved to a shared facility. Mr. Place stated the Board of Health would appropriately re-assign the site.

Selectman Haarde asked if the fees collected into the Transfer Station Enterprise Fund cover operational costs. Town Manager Valente stated approximately 98% of the costs are covered, but 10% of Mr. Place's time spent overseeing the facility and the Town's snow removal time has not been factored into expenses. Wayland has not accounted for all costs either for its facility.

Selectman Haarde noted that the user fees projected do not seem to generate enough revenue to cover the fixed and variable costs presented in the budget. Town Manager Valente explained that a revenue projection was not provided tonight, since details are still unknown such as what the cost of the disposal bags would be.

Selectman Haarde asked if Sudbury is making money on recycling. Mr. Place stated, currently, the Town is making money on cardboard, newspapers and plastics, but results fluctuate.

Selectman Haarde asked if Wayland accounts for its facility through a Revolving Fund and if its operation makes money or breaks even. Town Manager Valente stated, currently, it is tracked within Wayland's General Fund. However, if a shared facility were approved, initially, a FY12 Revolving Fund would be established, and later an Enterprise Fund would be created. Town Manager Valente stated that information she has reviewed indicates that Wayland broke even on direct FY10 costs.

Selectman Haarde asked if Sudbury gets a better price since recyclables are sorted and not co-mingled. Town Manager Valente explained the differences between the two towns, noting Wayland pays to have its recyclables removed. Through its system, Sudbury has made as much as \$50,000 in some years, and \$19,000 last year. She highlighted that Wayland has not indicated an interest in sorting. Town Manager Valente and Mr. Place provided information regarding potential lost revenue to Sudbury from disposal contamination of items during the test programs. She stated the problem diminished greatly once citizens were educated that their actions resulted in lost revenue.

Chairman Drobinski suggested Mr. Place continue to pursue with his Wayland counterparts whether there is the possibility of jointly purchasing on spot market recyclables even if the decision is made to not proceed with a shared facility. He noted that the Sudbury facility provides a community connection for many residents and that Sudbury values the need to sort recyclables. Chairman Drobinski asked if the Town's senior citizen discount would remain. Town Manager Valente stated Wayland has expressed its preference to offer senior citizens a lower disposal cost with smaller bags, but to not offer a discount on the sticker fee. She and Mr. Place emphasized they were not making recommendations to the Board, but rather sharing information for consideration. Town Manager Valente stated there is the possibility a shared facility could offer more enhanced services and the variable costs could be further reduced.

Vice-Chairman O'Brien stated the Board has received several communications regarding the status of the Transfer Station from residents, and he briefly opened the discussion to the public.

Barbara Clifton, 45 Mill Pond Road, stated she has used Sudbury's facility since 1991, and she has also visited the Wayland facility during the pilot program. She opined the Sudbury facility is better run, and she was disturbed by Wayland's co-mingling of glass with other items and haphazard treatment of fluorescent bulbs.

Bruce Langmuir, 9 Bent Brook Road, highlighted that many electronics from this country are recycled overseas, rehailed and then returned to the United States. Chairman Drobinski suggested inquiring where Wayland's waste goes.

William Miniscalco, 126 Hemlock Road, referenced the variable expenses presented in the budget and he asked for clarification as to where the savings would come from. Town Manager Valente explained that because of the way things are handled, Wayland negotiates a lower cost with haulers based on more volume, and it anticipates an even more competitive price if the haulers get business from both towns.

An unidentified gentleman urged the Board to not give away Sudbury's leadership role to Wayland if there is a decision to share a facility. He believes Sudbury qualitatively has the better program and believes that the personnel who exhibit the most attention to the issue should be the leaders.

Lenny Simon, 40 Meadowbrook Circle, has used Sudbury's Transfer Station for years. He also believes the Sudbury staff is superior and would not want Wayland to administrate a joint facility. Mr. Simon emphasized that Sudbury citizens are well educated and trained, and he does not see a reason to take steps backwards.

Ralph Tyler, One Deacon Lane, stated he believes the Board has enough information to make a decision tonight, and he urged the Board to do so. He stated the shared facility savings presented equate to approximately \$25 a year per user and may be a break-even venture at best. Mr. Tyler suggested not wasting any more staff time on something that will not reap tax savings as noted by Selectman Haarde. He also stated that he believes the potential congestion of traffic at a shared facility has been underestimated. Mr. Tyler stated he has not heard any feedback recommending a shared facility, nor has he seen compelling evidence in the material provided to suggest Sudbury has a lot to gain by moving forward with Wayland.

Harold Homefield, 16 Curtiss Circle, agreed with Mr. Tyler's comments, noting he prefers how Sudbury handles its operation. With the cost of gasoline rising, Mr. Homefield stated he does not believe residents reap enough savings to justify the longer drive to Wayland's facility. He recommended that the material presented tonight be emailed to citizens to review, and he encouraged the Board to allow residents to vote on the issue.

Vice-Chairman O'Brien noted, if a joint facility is decided upon, Wayland would submit all the appropriation articles as part of its Town Meeting. He asked Town Manager Valente for the proposed Public Hearing date. Town Manager Valente recommended April 12, 2011 at 7:45 p.m., and she suggested perhaps Town staff could create an online survey for Transfer Station users to make their preferences known prior to the Board's next meeting.

Vice-Chairman O'Brien asked the Board's initial reaction to further pursue a shared facility with Wayland based on the budget and service information reviewed tonight.

Chairman Drobinski reiterated that the Transfer Station has a long history in Sudbury. He stated residents have clearly expressed their preference to retain the Transfer Station and not move to a curbside trash

removal program, even if it costs a little more money. He reminded supporters that the program is handled through an Enterprise Fund, and thus fees are subject to increases.

Based on the information provided to date, Selectman Haarde stated he is not compelled to change Sudbury's system, since he does not see a value in changing what the Town does to move to Wayland's model. He stated he might have a different opinion if the shared facility could result in helping the Town's operational budget situation or if the new model were more environmentally efficient and advanced.

Vice-Chairman O'Brien suggested a brief Public Hearing be scheduled for April 12, 2011, followed by a vote by the Board. He also encouraged Mr. Place to work with his Wayland counterparts on whether savings are possible on the tipping fee bid.

Chairman Drobinski concluded the discussion at 8:29 p.m.

### **Legislative Discussion**

Present: State Representative Tom Conroy and State Senator Jamie Eldridge

At 8:29 p.m., Chairman Drobinski welcomed State Representative Tom Conroy and State Senator Jamie Eldridge to the meeting to provide the Board with a legislative update. Vice-Chairman O'Brien suggested it would be helpful if there were legislation to help residents in towns such as Sudbury deduct the costs associated with Transfer Station programs, similar to curbside collection being part of a personal property tax deduction for others.

State Senator Jamie Eldridge distributed copies to the Board of a handout highlighting his priorities and the FY12 Local Aid estimates comparing the Cherry Sheet to the Governor's Budget estimates. He believes there is legislation circulating to allow for municipal deductions, and he will check to see if they include trash removal programs.

Mr. Eldridge stated working to support increases to municipalities in Local Aid, lottery, regional school transportation and Chapter 70 funds are his highest priorities. He noted the Governor's budget increased Chapter 70 funds by cutting human services funding. Mr. Eldridge has advocated strongly for human services funding, and he opined there could be reductions in the Senate to the Governor's proposed Chapter 70 budget.

Mr. Eldridge highlighted a few pending bills. He is cautiously optimistic that updates will be made to the Community Preservation Act (CPA) to increase matches made to municipalities and to redefine the use of funds for recreation. Mr. Eldridge also stated there will be recommendations made this summer from a Senate committee regarding protecting open space and water with increased revenues and addressing stormwater utilities. He also hopes a bill will pass which will more equitably derive the Chapter 70 funding formulas for suburban communities.

State Representative Tom Conroy reported the House is addressing many of these same issues. Mr. Conroy has advocated strongly for stable or increased funding to Local Aid, lottery, regional school transportation, Chapter 70 and Circuit Breaker programs. He is supportive of the Governor's proposed budget. However, Mr. Conroy stated he has been advised by the House Ways and Means Committee Chairman to not expect a flat budget, but rather a decrease to the proposed figures. Town Manager Valente stated Sudbury has prepared its budget with a projected 5% decrease in Local Aid.

Vice-Chairman O'Brien asked if there is the possibility of a joint resolution. Mr. Conroy stated there is no indication of a resolution, but discussions are occurring. He also reported the House budget is expected to be released in the first week of April, and the Senate budget should be released later in May.

Selectman Haarde asked if there are plans for Chapter 40B reform. Mr. Conroy stated he will attend a meeting tomorrow to review reform proposals. He further stated he would share information with Sudbury to garner feedback regarding which proposals are preferred. Mr. Conroy stated he does not anticipate any revisions to happen soon. Selectman Haarde encouraged the legislature to propose reform which looks at the affordable housing "big picture" and factors in the unique situations of towns like Sudbury who have so many school-aged children to educate, and thus a very personnel-intensive Town budget. He stated that 25% of Sudbury's residents are struggling to stay in the 80% median income level, and he believes Chapter 40B developments make it even more difficult for this group to remain in Town. Mr. Conroy stated he has heard this concern expressed, and he is also empathetic to the perspective of senior citizens on fixed incomes.

Mr. Eldridge stated any Chapter 40B-related bills would come before a committee he chairs. He noted there are proposals pending to address excessive profits for affordable housing developers and to double count as affordable housing inventory home ownership units. Mr. Eldridge stated the issue is politically challenging, and he asked whether Selectman Haarde supports affordable housing. Selectman Haarde stated he believes too much housing is created that counts as affordable and is artificially inflated, but is not really affordable. Selectman Haarde further stated he supports counting affordable housing as affordable housing, but he does not want to build housing which is not affordable and adds to the financial burden of the Town. Mr. Eldridge referenced the proposed B'Nai B'rith Chapter 40B development, stating it is 100% affordable. Selectman Haarde stated the Town supports this project, which has the preferred criterion of age-restriction. Vice-Chairman O'Brien noted that only 25% of the units will be at affordable rates and the remaining units are sold at market rates, which have the potential of bringing families with children and additional costs to the Town.

Selectman Haarde asked for clarification on the proposed CPA revisions for recreation. Mr. Eldridge stated the bill would allow the use of CPA funds for existing recreational facilities. Vice-Chairman O'Brien asked if the intention of doubling the State fees, which generate the CPA revenue, is proposed because more towns are participating in the program or as a means to increase the matches given to communities. Mr. Eldridge stated the increase has been proposed for both reasons. He stated the proposal would return the match to communities to 75%. In addition, Mr. Eldridge stated the CPA program is very popular, and over half of the Commonwealth's communities now participate.

Chairman Drobinski asked for an update on Sudbury's Senior Tax Relief Home Rule Petition. Mr. Conroy stated the bill is slowly moving through the legislative process. He stated he would contact petitioner Ralph Tyler to testify on behalf of the bill at the appropriate time.

Vice-Chairman O'Brien asked for an update on health insurance reform and plan design options. Mr. Eldridge believes something will be proposed this year, but he noted the role of collective bargaining groups would be key.

Mr. Conroy reported there are three measured bills proposed to address the issue of Other Post-Employment Benefits (OPEB) without increasing taxes and by allocating funds which are usually part of the State General Fund. The proposals are intended to help reduce this municipal liability at the State level.

Town Manager Valente asked that reaching closure on the telecom loophole remain a priority. She noted that, at the current time, Sudbury is holding \$200,000 in the overlay account, which cannot be spent.

At 8:53 p.m., Chairman Drobinski thanked the legislators for their work on behalf of Sudbury and he closed the discussion.

**Public Hearing: Site Plan and Stormwater Management Permit – Haskell Field Parking Lot Expansion**

Present: Director of Planning and Community Development Jody Kablack, DPW Director Bill Place, Park and Recreation Commissioners Georgette Heerwagen and Dick Williamson and Sudbury resident Peter Harvell.

At 8:54 p.m., Chairman Drobinski opened the Public Hearings for Site Plan and a Stormwater Management Permit regarding the Haskell Field Parking Lot Expansion, which was continued from March 15, 2011. Ms. Kablack reviewed a listing of materials provided to the Board since the last meeting, including, the Operation and Maintenance Plan dated February 25, 2011, the NPDES On-line Stormwater Permit Application, Construction General Permit Notice of Intent to Discharge dated March 8, 2011, a draft Site Plan Decision Stormwater Management Permit Decision for Haskell Field Parking Lot Expansion Fairbank Road dated March 29, 2011, and a memorandum from Park and Recreation Director Nancy McShea dated March 1, 2011, updating the Board on issues raised at the last Public Hearing.

DPW Director Bill Place exhibited changes made to the plan since the last meeting. He reported the Traffic Safety Coordinating Committee discussed the proposed site plan and recommended a revised vehicular circulation pattern allowing “EXIT” only at the southernmost access and two-way movement at the new, northernmost access. Mr. Place also reviewed the revisions made to the pedestrian walkways, as suggested by the Planning Board, with the inclusion of a central striped walkway across the parking lot which is closer to the playground and bathrooms. He also reviewed the permits which have been submitted.

Vice-Chairman O’Brien asked for clarification regarding plans to pave the area. Mr. Place stated the intent is to not pave the area until there are sufficient funds available to do so.

Park and Recreation Commissioner Dick Williamson stated the Commission supports the project and the need for additional parking. He suggested adding some staking or ribbons to help define and organize the space for pedestrians.

Selectman Haarde asked why both exits/entrances are not planned to be two-way. Mr. Place stated it is believed the plan will reduce congestion at the proposed one-way exit location, but this will be monitored, and, if needed, adjusted. Selectman Haarde also asked if the old parking lot would remain. Mr. Place stated it would be reconstructed and remain. Selectman Haarde also asked for clarification regarding the surface. Mr. Place confirmed that the plan is for gravel now, and the bituminous concrete berm referenced is for the future.

Vice-Chairman O’Brien asked for information regarding the number of parking spaces. Ms. Kablack stated 124 new spaces would be created. Sudbury resident Peter Harvell, 301 Hudson Road, stated 172 parking spaces currently exist. Vice-Chairman O’Brien suggested to Mr. Place to consider a hard-surface area to facilitate users with strollers, noting the playground has become a popular destination.

Mr. Harvell addressed the Board to reaffirm his displeasure with the project. He noted the language in the Draft Decision has not been revised to note a gravel surface, and that it still references an asphalt surface. Mr. Harvell asked if the FY11 costs have been tracked, and he suggested they should be. He asked the Board to consider the language in the Site Plan Decision, and he urged the Board to not approve the application.

Ms. Kablack stated the intent of the Site Plan is that the area will eventually be paved to ensure that the Stormwater Management Plan functions as it should. She explained that the project would be constructed in phases until funds are available for completion.

Town Manager Valente reviewed the proposed funding, including revolving funds and the Enterprise Fund for Field Maintenance, noting \$16,000 would be used from the remaining balance of the original 2001 Town Meeting appropriation.

Vice-Chairman O'Brien recommended, and the Board concurred, the first sentence of condition 1 on page 2 of the Draft Site Plan Decision dated March 29, 2011 be revised to read, "The parking lot shall be constructed in phases, depending on the availability of Park and Recreation Enterprise and/or Revolving Funds to complete the project."

Selectman Haarde asked if an additional approval would be required when it is time to pave the area. Ms. Kablack stated it would not be necessary. Selectman Haarde asked what the cost is expected to be to do the project now without the paving. Town Manager Valente stated it is anticipated to be \$16,000 plus the cost of the DPW staff. Ms. Kablack noted the cost includes the installation of drainage.

Selectman Haarde stated his preference that the Park and Recreation Commission not use all of the Field Maintenance Funds for this project. He further stated his reservations about how this project was initiated and the timing of activities.

Chairman Drobinski stated the project is within the purview of the Park and Recreation Commission. He noted this is the first time a parking lot project has been submitted for Site Plan review.

It was on motion unanimously

VOTED: To approve the Site Plan Application and Stormwater Management Permit Application of the Sudbury Park and Recreation Commission to expand the Haskell Field parking lot by adding 124 new spaces and a second means of egress onto Fairbank Road, and the installation of stormwater structures on property located at Fairbank Road owned by the Town of Sudbury, as shown on a plan entitled, "Proposed Parking Lot Expansion (Option A) Haskell Field," prepared by the Town of Sudbury Engineering Dept. dated June 6, 2010, last revised March 1, 2011, subject to compliance with all governmental laws and regulations including, but not limited to Wetlands Protection Act and Sudbury Wetlands Administration Bylaw, zoning, building and health laws and regulations, and further subject to the following conditions insofar as they apply to the Property:

1. The parking lot shall be constructed in phases, depending on the availability of Park and Recreation Enterprise and/or Revolving Funds to complete the project. At the discretion of the DPW Director, the unpaved area shall be open for use by the public.
2. Any changes to the circulation pattern through the parking area shall be subject to review and approval of the Traffic Safety Coordinating Committee.
3. Upon completion of the project, an as-built plan shall be submitted.
4. This approval shall lapse if construction and a substantial use thereof have not commenced except for good cause within one (1) year from the effective date of said approval.



**Public Hearing: Sudbury Sundries, Inc., d/b/a Sudbury Sundries - Wine and Malt Beverages Package Store License Application**

Present: Attorney Joshua Fox and Sudbury Sundries applicant Ashraf Youssef

At 9:20 p.m., Chairman Drobinski opened the Public Hearings regarding the application submitted by Sudbury Sundries, Inc., d/b/a Sudbury Sundries, 100 Boston Post Road, for a Wine and Malt Beverages Package Store License. The Board was previously in receipt of copies of the Retail Alcoholic Beverages License Application Monetary Transmittal Form, Personal Information Forms, Manager Application, Clerk's Certificate, Applicant's Statement, all dated February 23, 2011, a floor Plan sketch, the Articles of Organization for Sudbury Sundries, Inc. and the State 2010 Annual Report filed, Notice of Tenancy at Will with Landlord Sarah Realty, LLC and the Certificate of Organization for Sarah Realty, LLC, an email from Sudbury's Board of Health Director dated March 16, 2011, regarding nuisance complaints prior to May 24, 2010, a letter from Police Chief Richard Glavin dated March 24, 2011, expressing concerns regarding an inadequate parking plan and the level of management/supervision proposed for alcohol sales in addition to other services, an email message from Sudbury Fire Chief Miles dated March 14, 2011, noting parking and access for emergency vehicles as concerns, and an email from Building Inspector James Kelly dated March 23, 2011, expressing parking concerns and requesting one van-accessible parking space, striped access aisle and sign be installed.

Attorney Joshua Fox reviewed the request, noting the application is for beer and wine only to be sold in the convenience store. He described the building location, stating the plan does not include any building modifications. Mr. Fox stated the applicant does not believe traffic in the area would be impacted by the proposal, since customers are already frequenting the location for gasoline or convenience store items. He stated approval of the application would afford customers another level of convenience for one-stop shopping. Mr. Fox emphasized gas station businesses are hard to maintain in this economic climate, noting two have recently closed on Route 20.

Mr. Fox referenced a previous dumpster issue noted in Mr. Leupold's correspondence. He stated the issue was resolved by the applicant installing a larger, locked dumpster. Mr. Fox also stated the issue of keeping the door closed between the gas station and convenience store has also been addressed.

Mr. Fox noted that correspondence from the Fire and Police Chiefs and the Building Inspector regarding parking and traffic concerns were recently shared with the applicant. However, Mr. Fox stated these issues have never before been broached with the applicant in his six years of operation by any Town official. He stated the applicant is amenable to re-striping a van spot and the entire parking lot. In addition, the applicant will post "No Parking" signs appropriately. The applicant will also ensure the repair shop located behind the convenience store will utilize the 25 parking spots in the back to relieve congestion in front of the convenience store. Mr. Fox stated it is believed these proposed solutions will address the concerns noted. He further stated Mr. Youssef is trained and certified in the sale of beer and wine, and the other employee involved with sales would be similarly trained and certified. He emphasized the applicant is a local businessman asking for the Town's assistance by granting a one-year license for the sale of beer and wine, which would be subject to annual review.

Selectman Haarde stated the location has a lot of activity already. He asked for clarification of the number of employees at the convenience store, the donut shop, and the repair shop and their hours of operation. Selectman Haarde also asked how many employees would be responsible for the beer and wine sales. Sudbury Sundries Manager Ashraf Youssef stated only he and one other employee would handle the sales.

Vice-Chairman O'Brien asked what the intended hours of sale for the beer and wine would be, which Mr. Youssef provided.

Chairman Drobinski asked if there is a need for another outlet for beer and wine sales in this vicinity. Reference was made to previous problems at a Cumberland Farm location. Mr. Fox stated that the Cumberland Farm problems were primarily due to loitering, which is not an issue at this location. He further stated that there is a perceived need because there is an available Town license. Mr. Fox also stated customers have mentioned the idea to Mr. Youssef.

Vice-Chairman O'Brien stated he has concerns regarding a convenience store having a beer and wine license. He believes the location could become attractive to under-age drinkers. Vice-Chairman O'Brien further stated he does not see a need in this location for these services. In addition, he is concerned there may not be enough motivation to be vigilant regarding regulations with everything else going on within the store.

Mr. Fox stated that he does not agree with the argument being made that there is a greater likelihood for violations at this site versus any other location. He noted Mr. Youssef would be on site for a minimum of 55 hours a week and that both employees involved with sales would be certified. Mr. Fox stated the parameters for this operation would be no different than they are for any other license holder. Mr. Fox reiterated the Board has the option of approving only a one-year license and annually reviewing operations.

Chairman Drobinski asked how many other convenience stores sell liquor. Mr. Youssef emphasized the beer and wine would be located in a very small section of the store, in full view of the cash register. Chairman Drobinski expressed his general discomfort with offering this service at this site, and he views it as an incompatible use for the location. Mr. Fox asked if the Board would consider approving the license effective July 1, 2011 for only a half year.

Selectman Haarde reiterated there is already a lot of activity at this site, and he believes adding alcohol services would complicate matters. Selectman Haarde also noted that many objections have been presented by Town officials, which need to be considered.

Attorney Fox asked if the application could be withdrawn without prejudice.

It was on motion unanimously

VOTED: To accept the withdrawal, without prejudice, of the application from Sudbury Sundries, Inc., d/b/a Sudbury Sundries, 100 Boston Post Road, for a Wine and Malt Beverages Package Store License, Ashraf Youssef, Manager.

### **Minutes**

It was on motion

VOTED: To approve the regular session minutes of March 15, 2011.

Selectman Haarde abstained from the vote.

**Massachusetts Department of Public Health Region 4A – Sudbury Board of Health Donation**

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a donation from the Massachusetts Department of Public Health Region 4A to the Sudbury Board of Health of up to four iPad2s, based on documentation by the Region 4 Technology Committee and the need for emergency preparedness, said tablets to be used under the supervision of the Health Director.

**Pool Donations Account – Donation**

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a \$500 donation from Lucinda Lagasse to the Pool Donations Account, as requested by Nancy McShea, Park and Recreation Director, in a memo dated March 14, 2011, said funds to be expended under the direction of the Park and Recreation Director.

**Annual Town Meeting Actions**

The Board was previously in receipt of copies of a revised draft list of the “2011 Annual Town Meeting Warrant Articles,” dated March 25, 2011, and a draft of the “Town of Sudbury Massachusetts Official Warrant 2011 Annual Town Meeting May 2, 2011 7:30 p.m.”

The Board reviewed the articles and speaking assignments as follows:

It was on motion unanimously

VOTED: To assign speaking positions for the 2011 Annual Town Meeting Warrant Articles as follows: Articles 2 through 6, Article 13, and Articles 15, 16, 21 and 26 to Vice-Chairman O’Brien; Articles 7 through 12, Article 14, Articles 18 and 19, Article 23 and Article 25 to Selectman Haarde and Article 20 and Articles 27 through 37 to Chairman Drobinski.

Selectman Haarde asked for clarification regarding Article 34 - Community Preservation Fund - Amend Art. 31 of the 2008 Town Meeting, Sudbury Housing Authority Unit Reconstruction. Vice-Chairman O’Brien explained the request to extend the timeline indefinitely for completion.

It was on motion unanimously

VOTED: To report at Town Meeting the Board’s position on Article 34 - Community Preservation Fund - Amend Art. 31 of the 2008 Town Meeting, Sudbury Housing Authority Unit Reconstruction.

Chairman Drobinski noted Petition Article #38– Purchase Land off Brimstone Lane was not supported by the Community Preservation Committee. He stated he would be willing to speak, if needed, on the article.

Town Manager Valente stated all Warrant article petitioners have been invited to the Board’s April 26, 2011 meeting at 8:00 p.m.

Petitioner Dan DePompei (35 Haynes Road) of the Warrant Article #39 Resolution - State of the Town Public Forum was in attendance. To comply with Open Meeting Law notification, Mr. DePompei was

invited to attend the April 26<sup>th</sup> meeting, if he would like to make a presentation to the Board. It was also noted that articles consisting of Resolutions do not receive discussion at Town Meeting.

It was also on motion unanimously

VOTED: To sign the Annual Town Meeting Warrant for delivery to the contracted printer.

There being no further business, the meeting adjourned at 10:07 p.m.

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