

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, DECEMBER 11, 2007

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

The statutory requirements as to notice having been complied with, the meeting was convened at 7:31 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

Chairman Drobinski reminded the community to drive safely, as the winter weather has arrived.

Chairman Drobinski thanked everyone who attended the Special Town Meeting last week to participate in passing two articles: one to update a feasibility study to construct a new Police Station and the other to approve the arbitration settlement of the Firefighters' Union. Over 300 residents attended the meeting on December 3rd. He acknowledged that, although the Board was disappointed that the article to acquire the Young property was defeated, it respects the Town Meeting process which reached that conclusion.

Chairman Drobinski announced that the Town's budget season is underway. He encouraged the community to attend upcoming budget hearings. Mr. Drobinski stated that residents should try to avail themselves of as much information as possible so as to better understand the difficult financial challenges which the Town will face this year.

Chairman Drobinski announced that this will be the Board's last meeting of 2007, and he extended the Selectmen's wishes for a happy holiday season to all Sudbury residents.

American Legion - Change of Manager Petition

Present: Applicant Linda Baldelli and Robert Dionisi, Attorney for the Applicant and the American Legion

At 7:45 p.m., the Board considered a petition dated November 27, 2007, for a Change of Manager for the American Legion, Sudbury Post #191, Inc., 676 Boston Post Road, in connection with its Club License to sell All Alcoholic Beverages, for the Entertainment License and as a Common Victualler, from Floyd Stiles to Linda J. Baldelli. Town Manager Valente distributed copies of new filings of a Certificate of Appointment of Resident Agent, Annual Report, and Certificate of Change of Directors or Officers of Non-Profit Corporations submitted by the American Legion to the Commonwealth of Massachusetts, dated December 10, 2007 to the Board for review. She stated that discrepancies between information submitted to the Town and to the State by the American Legion have been corrected.

Mr. Dionisi stated that the necessity to change the manager is due to the death of the previous manager Floyd Stiles. He reported that the Legion Post held a corporation meeting, and it unanimously voted that Ms. Baldelli be named the new manager. He also stated that a change in manager is required by the Alcohol and Beverages Commission.

Selectman Keller directed several questions to Mr. Dionisi and Ms. Baldelli regarding the purpose and activities of the Post, the entirely new slate of officers and the timing of this request. He asked if perhaps there is another pretext for other business activities underlying the timing of this request, or if these actions are simply coincidental.

Mr. Dionisi briefly described his general understanding of the Legion's activities. He responded to Mr. Keller by stating that this application is not a pretext for any other activity. He noted that he has observed a

lack of appropriate bookkeeping by the Legion through the years, which may have led to the inaccurate information which was submitted to the State. Mr. Dionisi referenced the 1979 Articles of Organization filed with the State as still listing individuals who are deceased or no longer involved with the organization. Selectman Keller requested that a copy of the Articles of Organization be submitted to the Board for review.

Mr. Dionisi stated that the Sudbury Post is a facility where members can promote patriotism and the armed services. He noted that an emphasis will be placed on trying to promote education and college programs for veterans to help them acclimate to civilian life.

Ms. Baldelli stated that there are approximately 200 members, who are either veterans or family members of someone who has served in the armed services, represented within the Legion, the Women's Auxiliary and the Son's Auxiliary groups. Ms. Baldelli also stated she has worked and cooked at the Sudbury Legion Post for 16 years, and she is aware of all the Town activities in which it participates throughout the year. In response to a question from the Board, Ms. Baldelli stated that all the bartenders will be TIPS certified by January 3, 2008. She also apologized to the Board for her inexperience in initially completing the State forms incorrectly. Chairman Drobinski noted that the TIPS certificates will need to be submitted to the Town Manager's Office.

In response to a question from Vice-Chairman O'Brien, Mr. Dionisi stated that there is no sale pending of the present building location. Vice-Chairman O'Brien noted that a "sale pending" sign is still posted, and is thereby in violation of the bylaw. Mr. Dionisi acknowledged the existence of the misleading sign, and noted it should be corrected, since the property is still for sale.

Barry Steinman, Crescent Lane, asked if the American Legion building can be rented by non-members for special events, and whether its liquor license would be transferable to the event. Ms. Baldelli responded that the facility can be rented for a private function. Mr. Dionisi clarified that, the liquor license, however, would remain within the control of the American Legion. Mr. Steinman asked for a few examples of what services the Post offers the community. Mr. Dionisi briefly responded. Chairman Drobinski noted that the American Legion has been a good citizen of the community for several years, and it is an active participant in many Town events. He emphasized that the Board is only deciding upon the change in manager issue this evening.

Lynn Geitz, 143 Maynard Road, asked if the change in management is planned to coincide with an expansion of operations. Vice-Chairman O'Brien reiterated that the "change in manager" request is the only issue being deliberated tonight. Although he acknowledged that the Board is aware of other concerns of some residents and abutters regarding possible real estate transactions and relocation possibilities, Mr. O'Brien stated that the Board does not have any knowledge of such actions at this time. Chairman Drobinski noted that, if there are future expansion or relocation plans, the American Legion would need to submit those to the Building Inspector and follow the Town processes for approval. He also informed the applicant to be prepared for inspections and sting operations routinely performed by the Fire and Police Departments.

Greg Hunter, 71 Goodnow Road, asked for specific definitions of the liquor, entertainment and victualler license, which the Board provided. He was also informed that the licenses are granted for a one-year duration. Mr. Hunter asked if gaming or lottery activity is covered under the purview of entertainment. Town Manager Valente and the Board responded that lottery activities are sanctioned by the State, and are not within the Town's jurisdiction.

Coldwell Banker real estate agent Mimi DiMauro, 588 Peakham Road, reported that the American Legion's present property is currently listed for sale.

Barry Steinman, Crescent Lane, asked if a liquor license is transferable to another location. Chairman Drobinski responded that, although a liquor license can be transferred, it would first need to be reviewed and approved by the Selectmen. Mr. Drobinski noted that the public and abutters would again be invited to future public hearings and discussions.

Lynn Geitz, 143 Maynard Road, emphasized the need for open communications between all parties versus relying on rumors to formulate opinions. Ms. DiMauro agreed that having a contact person for future discussions between parties would be very helpful to developing a productive working relationship.

It was on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, in accordance with MGL c138, to approve a change of manager for American Legion, Sudbury Post #191, Inc., d/b/a American Legion, 676 Boston Post Road, from Floyd Stiles to Linda J. Baldelli, as requested in an application dated November 27, 2007 in accordance with the new filings submitted to the Secretary of State on December 10, 2007, and subject to receipt of TIPS certificates by the Town of Sudbury.

At 8:18 p.m., Chairman Drobinski thanked the abutters and residents in attendance for their interest, and he closed the discussion.

Public Hearing: Tax Classification

Town Manager Valente reported that the Board of Assessors has requested additional time to submit the required information for this hearing. Thus, the Public Hearing scheduled for 8:00 p.m. this evening will need to be rescheduled. However, she noted that the Board must act on these issues prior to December 31, 2007. Ms. Valente recommended that the hearing be opened and immediately rescheduled to Thursday this week.

Vice-Chairman O'Brien stated he has a previous commitment Thursday night to attend the affordable housing meeting scheduled in Concord. He suggested the hearing be held in the afternoon. Selectman Keller concurred that Thursday afternoon is also better for his schedule. However, Mr. Keller noted that the tax classification discussion is important, and residents are usually interested in the outcome. He suggested that the Board's deliberation be televised or videotaped for the public.

At 8:45 p.m., it was on motion unanimously

VOTED: To open the Public Hearing to determine what percentage of the local tax levy will be borne by each class of real and personal property relative to setting the FY 2008 tax rate, and to continue the Public Hearing to December 13, 2007 at 2:00 p.m., Lower Town Hall, 322 Concord Road, for a videotaped discussion.

Town Manager Valente noted that the details of the rescheduled Public Hearing will be posted on the Town website.

Minutes

It was on motion unanimously

VOTED: To approve the regular and executive session minutes of November 27, 2007 and the regular session minutes of December 3, 2007.

Annual Renewal of Licenses

Town Manager Valente reported that all appropriate documentation has been received from the proposed licensees and is current. Selectman Keller mentioned that he believes the manager has resigned from Fugakyu Café. He asked if a replacement has been designated for the manager position. Ms. Valente noted that the approval of licenses is subject to compliance with all applicable conditions, which will allow further time to investigate this matter.

It was on motion unanimously

VOTED: To renew Alcoholic Beverages, Common Victualer, Entertainment and Motor Vehicle - Classes 1, 2, and 3 licenses, which expire December 31, 2007, for calendar 2008, as shown on the "Licensee List 2008," attached and incorporated herein; and to forward the appropriate renewal forms to the Alcoholic Beverages Control Commission where applicable; said licenses to be held subject to payment of the required license fees, compliance with the Selectmen's Alcohol Training Policy, correction of any/all outstanding health, safety inspection or zoning violations, receipt of verification of Workers' Compensation Insurance for the licensing period, and the payment of all outstanding personal property taxes, real estate taxes and state taxes; said licenses shall also be subject to all previous restrictions. (See attached listing.)

Town Trust Funds - Financial Statements

It was on motion unanimously

VOTED: As Co-Trustees of Town Trust Funds, to accept the first quarter FY08 statements for the period ending September 30, 2007, as requested by Town Treasurer Andrea Terkelsen on November 28, 2007.

Harry C. Rice Museum Fund - Donation

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a gift in the amount of \$10,000 from the Estate of John C. Powers to the Harry C. Rice Museum Fund as requested by Joshua J. Powers in a letter dated September 9, 2007, said funds to be expended under the direction of the Sudbury Historical Commission and the Town Manager.

Chairman Drobinski noted that John C. Powers was a long-time member of the Sudbury community, and he also served the Town as a former Selectman.

Haskell Field, Town Center and Flynn Building - Projects Donation

It was on motion unanimously

VOTED: To accept, on behalf of the Town, charitable gifts from an anonymous donor for the following purposes: 1) \$44,300 as a gift for the purpose of constructing a loop trail on Town-owned property and expended under the direction of the Department of Public Works Director; 2) \$6,000 as a gift for the purpose of establishing and funding a Trust for maintaining the loop trail and expended under the direction of the Town Manager; 3) \$650 as a gift for the purpose of acquiring and affixing a plaque to be placed in the Silva Conference Room in the Flynn Building and expended under the direction of the Town Manager; and 4) \$2,190 as a gift for the purpose of designing and installing a seasonal lighting project in the Sudbury

Town Centre area and spent under the direction of the Building Inspector; and to direct the Town Manager to acknowledge receipt in accordance with the requirements of the Internal Revenue Code.

Chairman Drobinski commended all those who give so generously to improve Sudbury in these meaningful ways.

Massachusetts Office of Travel and Tourism - Walkway Award

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a grant of \$37,500, representing the first half of a \$75,000 award, from the Massachusetts Office of Travel and Tourism for construction of a 2,000-foot walkway along Hudson Road from Spruce Lane to the Assabet River Wildlife Refuge in Sudbury, to be expended under the direction of the Sudbury Department of Public Works Director.

Chairman Drobinski stated that it is great to have such awards bestowed upon the Town. Town Manager Valente agreed that these types of grants help the overall Town budget situation tremendously. She announced that in relation to the CSX property proposal, the Town has recently received a \$247,350 State Drinking Water Supply Protection grant. Chairman Drobinski emphasized what an impressive accomplishment this is, given that it is the first time Sudbury has qualified for such funding since the program was initiated in the 1980s.

Street Light Maintenance - Bid Award

It was on motion unanimously

VOTED: To approve the bid award for street light maintenance for a contract period commencing January 1, 2008, and ending December 31, 2010, to the lowest responsible and eligible bidder, as approved by Town Counsel (bid opening December 20, 2007).

2008 Annual Town Meeting Warrant Articles and Reports

Town Manager Valente briefly reviewed the usual bookmark articles under consideration. She emphasized that inclusion of these bookmarks, at this time, is not an indication of the Board's eventual intent, but rather they are placeholders allowing for continuation of the review process. Ms. Valente recommended, and the Board agreed, that no changes be made to the date of the 2008 Annual Town Meeting at this time. She also noted that the deadline for additional submissions of articles is December 31, 2007.

It was on motion unanimously

VOTED: To approve submission of the following warrant articles together with the reports presented for the 2008 Annual Town Meeting: Hear Reports, FY08 Budget Adjustments, Stabilization Fund, Rental Property Revolving Fund, Collective Bargaining Funding, Construct Police Headquarters, Renovate Police Headquarters, and Senior Tax Deferral.

kReports From the Board of Selectmen

Selectman Keller attended the Historical Commission party at the Hosmer House on December 7th. He reported that the evening was lovely, and that the many people who coordinated the event should be congratulated. He urged the community to visit the Hosmer House display during its open house season this

coming weekend. Vice-Chairman O'Brien also attended the party, and he enjoyed several of the Hosmer House events last weekend.

Vice-Chairman O'Brien reported that approximately 100 people attended the Chabad Center of Sudbury Chanukah Celebration on December 9, 2007. He stated that, when approached about repeating the event next year, he encouraged the Center's leadership to speak with the Selectmen next summer, prior to planning any future events on the Town Hall steps.

Vice-Chairman O'Brien also reported that the Sudbury Housing Trust has awarded a Request for Proposal to Habitat for Humanity. He said details of the project will be publicized in January. He also assisted as a ticket poller for the recent affordable housing lottery sponsored by the Trust.

Vice-Chairman O'Brien further reported that he reviewed several Town issues with the Budget Review Task Force last night. The Task Force members will participate in the January 2008 Budget Hearings, and then they will resume Task Force meetings in February.

Chairman Drobinski reported that the Community Preservation Committee (CPC) had a very busy meeting last Wednesday, voting on over ten proposals which have been submitted for funding consideration. He also noted that the Selectmen have taped two "Town Hall Matters" segments, one as a general overview of the Police Department and Station needs, and the other on Community Preservation Act funding.

Reports From the Town Manager **Alexan Concord Development**

Town Manager Valente distributed to the Board copies of a draft letter to the Town of Concord Zoning Board of Appeals, prepared by Town staff, and dated December 12, 2007. The letter identifies several issues for discussion as review of the Comprehensive Permit application is considered for the West Concord Development LLC project located at 48 Old Powder Mill Road. Ms. Valente briefly reviewed several concerns broached in the draft letter. In particular, IMs. Valente thanked Director of Planning and Community Development Jody Kablack and Conservation Coordinator Debbie Dineen for their thorough review and presentation of the issues of interest and concern within the draft letter.

The Board agreed that the questions raised in the letter should be asked. The Selectmen requested that item #7 regarding traffic impact studies be strengthened to include concern that the traffic analysis was completed in July, a month which is not indicative of routine travel patterns throughout the remainder of the year. Residents of North Sudbury have expressed similar concerns regarding pedestrian and vehicular traffic, walkways, and they have suggested that Concord be compelled to hire an independent traffic consultant.

Vice-Chairman O'Brien stated that, if weather permits, he plans to attend the scheduled meeting in Concord regarding this project on Thursday evening. He also asked that item #7 include data provided by Department of Public Works Director Bill Place regarding anticipated travel trips expected from 350 units. The Board also requested that Mr. Place and/or Police Chief Fagden provide information regarding the traffic status determination grade for the intersection of Powder Mill Road and Route 117. The Board also suggested that Ms. Kablack provide recommendations as to how the intersection could be improved and/or problems mitigated. Chairman Drobinski suggested perhaps it should be requested that Concord develop a limited, low-impact development to mitigate the effects on the environment. Town Manager Valente stated she will consult with Town staff on all additional matters as requested tonight.

Chairman Drobinski further suggested that item #8 of the draft letter be enhanced to more emphatically state that an alternate ingress and egress should be provided, not merely investigated. Town Manager Valente reported that, unfortunately, the existence of a private road may be problematic to achieving this result. However, she will discuss this priority further with Ms. Kablack.

West Suburban Managers Association

Town Manager Valente distributed to the Board, for informational purposes, a letter which was presented by Ms. Valente and six members of the West Suburban Managers' Association to Lieutenant Governor Timothy P. Murray and Deputy Commissioner & Director of Municipal Affairs Robert Nunes to highlight the need for regional planning improvements.

Budget Update

Town Manager Valente distributed to the Board, for reference purposes, an update of the draft Town FY09 budget prepared to reflect level services. This proposal reflects a 3.72% increase over the appropriated FY08 budget. If all Department requests were funded in an FY09 budget, a 5.32% increase would result over the appropriated FY08 budget. After incorporating many cost savings, an additional \$139,561 must still be cut to achieve a balanced budget. Regrettably, Ms. Valente stated that filled positions within public safety areas, and much of the road work budget for the Department of Public Works may need to be cut to achieve a -1% decrease over last year. Ms. Valente further stated it is difficult to make these decision. However, the sentiment of the community seems to be that an override will not be a welcomed option this year. She noted that the Town's two school systems will also have similar, and equally difficult and challenging budget processes this year. Ms. Valente will continue to refine the final FY09 budget proposal, which she will submit to the Finance Committee on December 14, 2007.

Chairman Drobinski asked the Board to review the proposal provided this evening, and relay any thoughts to Ms. Valente as soon as possible.

Executive Session

At 9:06 p.m., Chairman Drobinski 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 discretionary funding.

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

There being no further business, the meeting adjourned at 9:06 p.m.

Attest: _____

Maureen G. Valente
Town Manager-Clerk