

IN BOARD OF SUDBURY SELECTMEN  
TUESDAY, DECEMBER 3, 2013

Present: Chairman John C. Drobinski, Vice-Chairman Charles C. Woodard, Selectman Lawrence W. O'Brien, Selectman Leonard A. Simon and Town Manager Maureen G. Valente

Absent: Selectman Robert C. Haarde

The statutory requirements as to notice having been complied with, the meeting was convened at 7:37 p.m. in the Lower Town Hall, 322 Concord Road.

**Opening Remarks**

At 7:37 p.m., Chairman Drobinski opened the meeting. He reminded residents of the Special State Election to be held on December 10, 2013, noting the absentee ballot deadline is December 9, 2013. Chairman Drobinski announced the Community Preservation Committee (CPC) will conduct a Public Hearing at 7:30 p.m. on December 4, 2013 at Town Hall to discuss project proposals requesting Community Preservation Act (CPA) funding. He also stated Vice-Chairman Woodard and Selectman Haarde will conduct Selectmen's Office Hours at the Flynn Building from 8:00 a.m. to 9:00 a.m. on December 10, 2013. On behalf of the Board and Town, Chairman Drobinski offered sympathies to the family and friends of former Selectmen Larry Blacker and Judith Cope for the recent passing of their spouses.

**Reports from the Town Manager**

Town Manager Valente announced the Board held its tax classification hearing last week. She thanked the Board and Town staff for addressing this matter early, noting the rates have already been approved by the Department of Revenue (DOR).

Town Manager Valente stated work continues to complete two capital reports this week. She stated the cash capital operating budget is estimated at \$296,000, for which Town staff are working to prioritize over \$1 million of requested projects. Ms. Valente stated the Capital Improvement Advisory Committee (CIAC) is also reviewing the over \$15 million in project requests submitted. She noted the largest request is for \$7.5 million for the new Police Station, and she listed several other proposed projects. Ms. Valente acknowledged the time spent by Senior Staff developing the projects, and she recognized Assistant Town Manager Maryanne Bilodeau, Combined Facilities Manager Jim Kelly and Financial Analyst Peter Anderson for their work coordinating the material and reports.

Town Manager Valente stated she is working with Vice-Chairman Woodard to develop the agenda and materials for the Strategic Capital Financing Committee's meeting on Thursday. She will also be reviewing the FY14 budget with the Finance Committee liaisons tomorrow afternoon, and she will meet with the Citizens Emergency Response Team (CERT) tomorrow night. Town Manager Valente thanked Jim Kelly for installing the holiday lights at Grinnell Park.

**Reports from the Board of Selectmen**

Vice-Chairman Woodard has been working on organizational details for the Town Forum, which will be discussed later tonight. He attended a Permanent Building Committee (PBC) meeting last night regarding the Fairbank Community Center Project. Vice-Chairman Woodard attended the Advanced Life Support (ALS) kickoff celebration on November 21, 2013, and he toured the Parsonage building a few weeks ago with Selectman Simon and Jim Kelly. He met with the Sudbury Housing Authority (SHA) Chair regarding future plans for the Melone property, and he will be presenting a project funding request to the CPC tomorrow night regarding this property.

Selectman O'Brien also attended the ALS kickoff celebration on November 21, 2013, and he plans to attend the CPC Public Hearing tomorrow. He also plans to attend the Strategic Capital Planning Committee this Thursday morning. On December 11, 2013, Selectman O'Brien will be at the Hosmer House reading holiday children's stories as part of the House's holiday events.

Selectman Simon attended a Park and Recreation Commission meeting two weeks ago where its budget and needs were discussed. He also attended the Goodnow Library Board of Trustees meeting last night, where its budget and needs were also discussed. Selectman Simon noted how diligently the Trustees work to maintain and enhance Library services with the resources available. He stated the Town Counsel Search Committee has received approximately six Request for Proposals (RFPs) to date. This Committee will next meet on December 16, 2013 to continue its work on a report to be presented to the Board at a future date. He also attended a Route 20 Sewer Citizens' Advisory Committee meeting. Selectman Simon attended the Menorah lighting ceremony at Town Hall last night, which was very well attended. He also noted he will present a rail trail-related project request for CPA funding to the CPC tomorrow night.

Chairman Drobinski attended the ALS kickoff meeting, and he asked Town Manager Valente to summarize the services. Ms. Valente explained the Advanced Life Support services had been previously provided by Emerson Hospital. However, now the Town will provide this service through its Fire Department, with trained paramedics who are firefighters. She emphasized this provides Sudbury with a higher level of medical service, which has been certified by the State. In response to a question from Selectman O'Brien, Town Manager Valente stated it is hoped that the revenue generated from the program will offset and/or exceed the anticipated program expenses.

Selectman Simon noted a demonstration was given of the cardiac compression machine donated by The Sudbury Foundation to the Fire Department at the ALS kickoff meeting. He stated the equipment is impressive, and the ALS service will help save Sudbury lives. He thanked everyone who worked to provide this benefit to the Town.

**Department of Massachusetts Military Order of the Purple Heart – Certificate of Acknowledgement**

Present: Department Inspector for Military Order of the Purple Heart Edward Donnelly, Sudbury Veterans' Agent Gary Brown and Assistant Town Manager Maryanne Bilodeau

At 8:01 p.m., Chairman Drobinski welcomed Department Inspector for Military Order of the Purple Heart Edward Donnelly and Assistant Town Manager Maryanne Bilodeau to the meeting. He acknowledged and thanked all who have served in the military for our country. The Board was previously in receipt of copies of a proclamation declaring Sudbury as a Purple Heart Town.

Mr. Donnelly read aloud a plaque proclaiming Sudbury as a Purple Heart Town, which he presented to the Board, and which the Board accepted.

Assistant Town Manager Bilodeau asked all Purple Heart recipients and/or members of their families in attendance to stand to be recognized, and to have photographs taken with the Board.

Sudbury Veterans' Agent Gary Brown thanked the Board for accepting this honor, noting the Purple Heart is awarded either for being wounded or killed in action.

**Commission on Disability – Candidate Interview**

Present: Applicant Amy Lee Schapiro

This item was removed from the agenda, due to the withdrawal of the application by the candidate.

**Citizen's Comments**

Chairman Drobinski noted no citizen has requested time tonight to comment to the Board.

**Sudbury Historical Society – Sudbury Historical Museum – Feasibility Study**

Present: Sudbury Historical Society member Ruth Griesel

At 8:45 p.m., Chairman Drobinski welcomed Sudbury Historical Society (SHS) member Ruth Griesel to the meeting. The Board was previously in receipt of copies of a memorandum from Town Manager Valente dated November 25, 2013.

Town Manager Valente stated the Board will need to consider whether it should, at some time in the future, agree to a long-term arrangement with SHS to use the Town-owned Parsonage as a Historical Museum to be staffed and operated by SHS. She stated she, Director of Planning and Community Development Jody Kablack and Combined Facilities Director Jim Kelly met with SHS leaders. Ms. Valente stated that, at this time, the Town does not have a potential municipal use for the building. She further stated the Parsonage currently houses two employees of the Lincoln-Sudbury Credit Union, who would need to be re-located. Ms. Valente stated SHS is interested in a long-term commitment before investing in fundraising for a museum. She further stated SHS would like to proceed with a feasibility study to see if the building is suitable. SHS has approached The Sudbury Foundation for funding, but the Foundation stated it would need to know the Town has agreed to the proposed use for the building.

Chairman Drobinski stated it makes sense to use this historic building located in the Historic District for this purpose. He believes a feasibility study is the proper first step.

Selectman O'Brien asked how the Parsonage square feet compares to the current location of the SHS. It was noted both locations have approximately 2,400 square feet.

SHS member George Kiesewetter stated concept plans include expanding the Parsonage by 1,500 square feet.

Selectman Simon stated he and Vice-Chairman Woodard toured both the current SHS space and the proposed space at the Parsonage with Combined Facilities Director Jim Kelly. He stated the Parsonage could possibly be an appropriate integration of the building with the Town's historic artifacts. However, Selectman Simon stated there are several concerns regarding whether the Parsonage could become handicap-accessible at a reasonable expense. He also questioned what modifications would be allowed to a building listed on the National Historic Register.

Sudbury Historical Society member Ruth Griesel stated the SHS is aware this is a challenging, and potentially expensive proposal, and numerous questions will need to be answered. This is why a feasibility study is being considered as the first step.

Vice-Chairman Woodard asked if the long-term plan would be for the SHS to lease the building from the Town. Town Manager Valente stated a long-term lease in excess of 10 years would likely be preferred, which would need to be approved by Town Meeting.

Vice-Chairman Woodard asked if the SHS has recurring revenues to cover ongoing rent payments. Ms. Griesel stated the SHS has resources, and it is cognizant it will need to raise significant funds for this project. She stated the SHS has become more aggressive in recruiting new memberships.

Selectman O'Brien asked whether the SHS has considered a back-up plan for another location, if the feasibility study indicates that modification of the Parsonage is prohibitively expensive. Ms. Griesel stated they have been discussing options for short-term and long-term space needs.

Chairman Drobinski stated there could possibly be historic preservation funds, including Community Preservation Act funds, which could be used for this type of project.

It was on motion unanimously

VOTED: To send a letter of support for the request of the Sudbury Historical Society to study the feasibility of the Town-owned Loring Parsonage becoming a Sudbury Historical Museum, recognizing that, if the building is feasible for this use, the Board of Selectmen would be willing to negotiate a long-term lease for the building to be used for this purpose, pending positive results from a feasibility study.

Selectman Simon asked if there are plans to also restore the interior of the Parsonage. Ms. Griesel stated the project is not intended to make the Parsonage into a house museum similar to the Hosmer House. The concept plan includes separate rooms which will highlight different thematic artifacts. Ms. Griesel emphasized the SHS intends to fully maintain the integrity of the building.

### **Community Preservation Act FY 15 Funding Requests – Finalize Votes for Three Proposed Projects**

At 9:09 p.m., Chairman Drobinski opened a discussion regarding the Board voting on three proposed projects for Community Preservation Act (CPA) FY 15 funding requests. He recused himself from the first discussion regarding the Melone property. Copies of a memorandum from Vice-Chairman Woodard dated December 3, 2013 regarding the Melone property project and an accompanying revised Community Preservation Committee (CPC) Project Submission Form and a memorandum from Selectman Simon dated December 4, 2013 regarding the Bruce Freeman Rail Trail Design project were distributed tonight. The three projects were discussed as follows:

#### **Melone Property**

Vice-Chairman Woodard stated he has recommended the Melone Property Project Submission to the CPC be revised to request \$150,000. He referred to his memo, noting it includes a timeline for tasks to be completed and by whom. Vice-Chairman Woodard summarized the timeline, which leads to a 2016 Annual Town Meeting article to be presented for zoning and land disposition with final plans, and permitting and construction to follow for the remainder of 2016 and into 2017. He highlighted the development of affordable residential rental properties is noted in the timeline.

Selectman O'Brien noted this project is being submitted by the Board as a way for the Town to make significant progress towards reaching its 10% affordable housing quota and to relieve Sudbury from the Chapter 40B development pressures it has experienced. He questioned whether even one athletic field should be mentioned in 4 d. of the timeline on page one of Vice-Chairman Woodard's memo. Selectman Simon concurred, noting there is an evaluation of the Town's recreational needs currently underway which will better determine if another field is needed. Vice-Chairman Woodard stated the consultant eventually chosen through the Request for Proposal (RFP) process could be advised of this information at a later date.

Selectman Simon asked if the project is being submitted as a CPA recreation project. Selectman O'Brien stated the category has not yet been determined.

Vice-Chairman Woodard stated he plans to highlight at the CPC Public Hearing tomorrow night that the primary reason the Board is pursuing this project is to advance the Town's affordable housing goals.

Sudbury resident Robert Stein, 7 Thompson Drive, asked if the proposed housing units would be open to all ages. He asked if a cost analysis will be included to assess the cost of educating children and whether the existing schools can handle any potential student increases. Mr. Stein believes the project study should indicate what the long-term impacts on the Town would be. Vice-Chairman Woodard concurred, stating he would expect the study to evaluate the maximum number of children which the Town could afford to educate. He further stated that his expectation would be that the project's projected revenue would exceed its projected expenses. Vice-Chairman Woodard also highlighted that the sale proceeds of the land would need to be considered separately.

Selectman Simon stated he would assume the study would need to be appropriately re-evaluated as market changes occur.

### **Friends of the Bruce Freeman Rail Trail – Donation Proposal**

At 9:32 p.m., Chairman Drobinski returned to the meeting.

Selectman Simon summarized the information in his December 4, 2013 memo. He stated he will discuss this information with the use of a PowerPoint presentation tomorrow night at the CPC Public Hearing. Selectman Simon stated the information highlights the history of votes in recent years by the Board and citizens regarding a rail trail. He further stated the CPA funding request has been revised from \$175,000 to \$150,000. Selectman Simon explained the anticipated project cost is \$250,000, of which \$58,700 will be a gift from the Friends of the Bruce Freeman Rail Trail and approximately \$50,000 is available from previously appropriated funds for rail-trail related work which has not been spent. Thus, Selectman Simon recommends revising the request to \$150,000, which includes a small cushion for unexpected expenses.

It was on motion unanimously

VOTED: To modify the Community Preservation Committee Project Submission funding request for the 25% design of the Bruce Freeman Rail Trail to \$150,000.

### **233 Concord Road**

At 9:38 p.m., Chairman Drobinski opened a discussion regarding the CPC Project Submission funding request regarding 233 Concord Road. He stated the current property owner was asked if they would extend the sale of the property so a purchase could be presented at the 2014 Annual Town meeting. The owner stated he is not willing to delay the sale of his property. Thus, Chairman Drobinski stated a Special Town Meeting would need to be called. He also stated he Board had asked neighbors interested in preserving the property to fundraise for a portion of the required purchase price. Chairman Drobinski stated the neighbors have indicated only \$11,000 would be available for this purpose, and that fundraising efforts were too onerous in the time allotted to them. He stated the Board has options to consider, including withdrawing the CPA funding request, or waiting to the December 17, 2013 Right of First Refusal (ROFR) Public Hearing.

Given the limited amount of funds raised, and the lists of other CPA-funding requests, Vice-Chairman Woodard made a motion to withdraw the funding application request.

Selectman Simon stated he supported the motion made. He further stated he had reviewed the Sudbury Historic District (SHD) guidelines, and he saw no evidence requiring the protection of this property.

Selectman O'Brien questioned the message the Board would be giving and what the consequences would be by withdrawing the application prior to the December 17, 2013 ROFR Public Hearing.

Chairman Drobinski stated the Board has been clear in its prior discussions that it did not support the calling of a Special Town meeting for this matter, and that it wanted a public/private funding partnership.

A brief discussion ensued regarding whether to vote a decision tonight which could be changed prior to December 17, 2013, if deemed appropriate due to new information received. The consensus of the Board was to not make any changes to the CPC Project Submission request for funding regarding 233 Concord Road at this time.

#### **Boy Scout Troop 60 – Eagle Scouts**

It was on motion unanimously

VOTED: To enter into the Town record and congratulate John Champlin Strahan, 26 Suffolk Road, of Troop 60, to be recognized at a future Court of Honor for having achieved the high honor of Eagle Scout.

#### **Halloween Fun Run - Donations**

It was on motion unanimously

VOTED: To accept donations totaling \$1,100 to the Halloween Fun Run as requested by Nancy McShea, Park & Recreation Director, said funds to be deposited into the Revolving Funds Account.

#### **FEMA Assistance to Firefighters Grant (AFG)**

It was on motion unanimously

VOTED: To accept FEMA Assistance to Firefighters Grant (AFG) in the amount of \$192,168 as requested by William Miles, Fire Chief, said funds to be used to purchase Self-Contained Breathing Apparatus.

#### **Insurance Advisory Committee – Retiree Representative**

It was on motion unanimously

VOTED: To approve the appointment of Joanne Bennett as the Retiree representative to the Insurance Advisory Committee (IAC) for a term effective 1/3/14 and ending 5/31/15, occasioned by the resignation of Phyllis Fox, as requested by Deb Greeno, Human Resources Office.

#### **5K Jingle All-The Way Fundraiser – Greg Hill Foundation - Special Permit Request**

The Board was previously in receipt of copies of an “Application for a Charitable Walk/Relay Permit on a Public Way” dated November 11, 2013 and accompanying materials, and emails from the Police Department and Park and Recreation Commission, dated November 22, 2013 and November 26, 2013 respectively, stating no objections to the proposed event.

Town Manager Valente stated a standardized application for these types of requests has been created. She also stated the first time an entity requests an event permit, the Board has the opportunity to review details and materials more thoroughly.

Selectman O'Brien asked if there is a "rain date" if there is inclement weather on the designated day. Town Manager Valente stated she will mention this to the Police Chief, as he will be working to advise event coordinators on safety precautions.

It was on motion unanimously

VOTED: To approve a Special Permit for a Jingle-All-The-Way 5K fundraiser for the Greg Hill Foundation, Saturday, December 15, 2013, from 10:00 a.m. to 12:00 p.m., as requested by Kaitlyn Montagna, subject to approval of the Police Department and receipt of a Certificate of Liability.

### **Annual Renewal of Licenses**

Present: Finance Director Andrea Terkelsen

The Board was previously in receipt of copies of a "2014 Licensing Renewal Applicants" listing and a list of "2014 Licensing Paperwork Not Yet Received" as of November 26, 2013, and a memorandum from Finance Director Andrea Terkelsen dated November 22, 2013 regarding Licensees with past due tax bills. In addition, copies of a memorandum from Senior Administrative Assistant to the Town Manager Patty Golden dated December 3, 2013 and accompanying materials, a letter from Samuel Cannarozzi from Sierras Restaurant dated December 2, 2013 and the Town of Sudbury Memorandum of Agreement with Mr. Cannarozzi dated November 27, 2013 were distributed tonight.

Chairman Drobinski and Town Manager Valente thanked Ms. Golden and Office Supervisor Leila Frank for their ongoing work coordinating the licensing materials for approval.

Town Manager Valente noted the communications provided by some establishments regarding their kitchen menu items required to be available until closing. It was noted Sierras should be informed rolls and butter are not a satisfactory menu item, and it will need to submit another item. Ms. Valente stated emails have been sent to the establishments which have not provided menu information to do so prior to December 17, 2013.

At 8:19 p.m., Town Finance Director Andrea Terkelsen addressed the Board regarding the outstanding tax issue broached in her memo. Ms. Terkelsen referenced a relevant excerpt from the Town's general bylaws. She summarized the process completed each year to review the list of licensees for compliance. She provided a brief history of Sierras tax situation, noting the restaurant had closed for a time in 2013, and it has since re-opened. Ms. Terkelsen stated the new owners have worked with the Town to establish a payment plan, and copies have been provided to the Board.

Ms. Terkelsen recommended Sierras be granted the license renewal, subject to compliance with the agreed payment plan.

Vice-Chairman Woodard asked if the outstanding property tax balance includes interest owed. Ms. Terkelsen stated it does, and she explained the statutory requirements governing interest calculations. Town Manager Valente stated the Town must comply with the law as presented in the statutes.

Sudbury resident Robert Stein, 7 Thompson Drive, questioned why the new owners of Rossinis, where the name and menu have remained the same, were not required to pay the outstanding tax obligation of \$500.

A brief discussion ensued regarding options available to the Town in a situation when a transfer of a business occurs. Ms. Terkelsen stated the Town has no legal ability to bar the sale of a business. However, Mr. Stein noted the Town has the ability to withhold an alcohol license. He asked if a lien could be put on the personal property for which a tax is owed. Ms. Terkelsen stated a lien could not be put on a new owner for a previous owner's obligation. Selectman Simon stated he believes the tax liability is still collectible, even though it is not transferred to the new owner. Vice-Chairman Woodard suggested it is difficult to determine options available without knowing the structure of the business transfer details. Town Manager Valente stated the Tax Collector must make a business decision to not spend more than we will receive in trying to collect an amount owed.

In response to a question from Selectman Simon, Ms. Terkelsen stated the Board will be notified if Sierras does not comply at any time with the payment agreement, at which time the Board could decide if it wanted to conduct a Public Hearing.

Chairman Drobinski stated he believes the payment agreement protects the Town and still allows the Board the ability to suspend or terminate the license for non-compliance. He recommended the Board accepts Ms. Terkelsen's recommendation regarding Sierra's license.

It was on motion unanimously

VOTED: To renew the Alcoholic Beverages, Common Victualler, and Entertainment licenses to expire December 31, 2014 for Sierra's Restaurant, subject to compliance with the Memorandum of Agreement it agreed to with the Town on December 3, 2013, as reviewed tonight.

Selectman O'Brien requested Sierra's also be notified to submit a new menu item to be available until closing in lieu of rolls and butter.

Chairman Drobinski suggested, and the Board concurred, that the draft vote be amended in the last sentence to delete the words "real estate taxes and state taxes."

It was on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, to renew the Alcoholic Beverages, Common Victualler, and Entertainment licenses to expire December 31, 2014, and Motor Vehicle – Classes 1, 2, and 3 licenses to expire January 1, 2015, as shown on the "Licensee List 2014," 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 or zoning violations, receipt of verification of Workers' Compensation Insurance for the licensing period, and the payment of all outstanding personal property taxes; said licenses shall also be subject to all previous restrictions, and to request that Town staff not release or process a license until the establishment has provided its kitchen menu items to the satisfaction of Sudbury's Police Chief.

### **State of the Town Forum – Update**

At 9:53 p.m., Chairman Drobinski opened a discussion regarding the Town Forum. The Board was previously in receipt of copies of relevant emails from Vice-Chairman Woodard and Town Manager Valente dated November 22, 2013 and an email from Senior Administrative Assistant to the Town Manager Patty Golden dated November 25, 2013 regarding possible dates for the Forum to be held.

Vice-Chairman Woodard stated a date should be set for the Forum so it can be publicized. He reviewed plans to conduct the meeting at Town Hall on an evening in January 2014, to have the meeting televised, to be moderated by the Board's Chairman for the first year, and that the topic for the first Forum will be the Selectmen's Goals.

It was on motion unanimously

VOTED: To schedule the Town Forum for January 23, 2014 at 7:00 p.m., at the Lower Town Hall, subject to checking this date with Selectman Haarde.

Vice-Chairman Woodard stated he will circulate to the Board in coming weeks a draft list assigning specific goals to Board members for presentation.

**Executive Session**

At 10:01 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 expenditure of Discretionary Funds, Chairman John C. Drobinski, aye, Vice-Chairman Charles C. Woodard, aye and Selectman Lawrence W. O'Brien, aye, and Selectman Leonard A. Simon, aye.

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

There being no further business, the meeting adjourned at 10:01 p.m.

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