

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, MAY 21, 2013

Present: Chairman Lawrence W. O'Brien, Selectman John C. Drobinski and Assistant Town Manager Maryanne Bilodeau

Absent: Vice-Chairman 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 7:30 p.m., Chairman O'Brien opened the meeting. He stated Vice-Chairman Haarde was unable to attend tonight's meeting and Town Manager Valente is out of Town. Chairman O'Brien thanked everyone who participated in Town Meeting. He stated two articles passed were for design money for a new Police Station and Town Center improvements, and both will require a second vote on the Ballot of the Special Town Election on June 25, 2013. Chairman O'Brien stated two new members of the Board will also be voted at this Election. He encouraged those with timing conflicts on June 25th to avail themselves of an absentee ballot to submit their vote. He also announced the League of Women Voters will sponsor a Candidates' Night at the Goodnow Library at 7:00 p.m. on May 29, 2013.

Chairman O'Brien also thanked everyone who participated in Sudbury's Spring Clean-Up Day on April 27, 2013. He also announced the Town's Memorial Day Parade will begin at 9:30 a.m. on May 27, 2013 at the Rugged Bear Plaza and it will conclude with a brief ceremony in Town Center around 11:15 a.m. Chairman O'Brien encouraged the community to attend the Parade to honor those who have served their country.

Clerk Pro Tem

It was on motion unanimously

VOTED: To appoint Assistant Town Manager Maryanne Bilodeau as Secretary and Clerk Pro Tem, in the absence of Town Manager Maureen Valente for the May 21, 2013 meeting.

Reports from the Assistant Town Manager

Assistant Town Manager Maryanne Bilodeau announced that, in honor of Military Appreciation Month, the Sudbury Military Support Network held its first annual cleanup of the Town's monuments last weekend. She stated approximately 20 volunteers participated to help spruce up the memorials and to plant geraniums donated by Bartlett Farms.

Reports from the Board of Selectmen

Selectman Drobinski stated he will be attending the Lincoln-Sudbury Regional High School (L-SRHS) Awards Ceremony on May 28, 2013 at 5:00 p.m.

Chairman O'Brien stated L-SRHS seniors are nearing the end of their school year, and graduation will be held June 2, 2013. He read aloud a complimentary note received from Sudbury resident Gerald Buckley who had a recent need to utilize the Town's emergency resources. Mr. Buckley stated the Police, Fire and EMT personnel who transported him to a Framingham hospital were extremely professional, prompt, efficient and caring, for which he is grateful. The Board asked Ms. Bilodeau to pass along hard copies of the letter to the Department Chiefs to share with their staffs.

Special Town Election – Ballot Questions on Warrant – Discussion

Present: Sudbury Town Clerk Rosemary Harvell

At 7:38 p.m., Chairman O'Brien welcomed Town Clerk Rosemary Harvell to the meeting, noting the two ballot questions to be placed on the Warrant for the Special Town Election of June 25, 2013 as a result of the votes taken at Town Meeting need to be time-stamped tonight.

It was on motion unanimously

VOTED: To place the following Ballot Questions on the Warrant for the Special Town Election of June 25, 2013:

Ballot Question No.1 - "Shall the Town of Sudbury be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bonds issued in order to provide professional and engineering services for the final design inclusive of construction documents for a new Police Headquarters on Town-owned land on Hudson Road including the payment of all expenses incidental or related thereto?"

Ballot Question No. 2 – "Shall the Town of Sudbury be allowed to assess an additional \$700,000 in real estate and personal property taxes for the purpose of constructing traffic improvements to the Town Center including the payment of all costs incidental or related thereto for the fiscal year beginning July first 2013?"

Liquor Serving Violations – Bullfinch's - Discussion with Police Department

Present: Sudbury Interim Police Chief Scott Nix and Manager of Bullfinch's Restaurant Peggy Richardson

At 7:51 p.m. Chairman O'Brien welcomed Interim Police Chief Scott Nix to discuss a liquor-service-to-a-minor-violation which occurred at Bullfinch's on Thursday, February 21, 2013. The Board was previously in receipt of copies of the Police Department Incident Report, a letter sent April 19, 2013 from the Town Manager on behalf of the Board to the violator asking them to attend a Board meeting on April 23, 2013, and a related excerpt from the Board's April 23, 2013 Meeting Minutes. Chairman O'Brien noted restaurant management was unable to attend a previous meeting, and the Board delayed this discussion until tonight.

Bullfinch's Restaurant Manager Peggy Richardson apologized for not attending the previous meeting and for the offense. Ms. Richardson stated she has had a long record of compliance with the Town, and she was mortified when this happened at her establishment.

Interim Police Chief Nix stated the Police Department conducted a compliance check on February 21st, and he explained the process. He stated three establishments failed the test, and, unfortunately, a minor was served at Bullfinch's. Interim Police Chief Nix stated restaurant management and the server were immediately apprised of the situation, and they were extremely disappointed and apologetic. He explained the restaurant had another offense, but it was 15 years ago. Interim Police Chief Nix stated he and the Board recently discussed instituting a look-back period of possibly five years, since management and personnel change frequently in the industry. He also stated guidelines will be established for the future so everyone is aware of the potential consequences of offenses.

Chairman O'Brien summarized the penalties, including temporary suspension of the alcoholic beverages license, recently imposed by the Board for a first and second offense. He emphasized the Board is not interested in hurting local businesses, but it believes this is an issue which must be seriously addressed.

Ms. Richardson stated this was a good “wake-up call” for the Restaurant, even though they thought they were being diligent. She stated that, in the future, the Restaurant would likely ask all patrons for identification before serving alcohol.

Chairman O’Brien recognized the Restaurant as being a good corporate citizen of Sudbury, and he stated the Town looks forward to continuing a good relationship.

Interim Police Chief Nix stated the Police Department wants to work cooperatively with establishments. He asked Ms. Richardson to deliver to the Police Station evidence of TIPS certification for all applicable servers at the earliest opportunity. Ms. Richardson agreed to do so.

Selectman Drobinski stated he senses Ms. Richardson understands the seriousness of the offense, and he hopes she understands why the Board thought it was important to meet face-to-face. He emphasized the Town does not want to see anyone hurt from this type of situation. Selectman Drobinski also thanked Bullfinch’s for all it does to support the community.

Chairman O’Brien summarized what the likely vote by the Board would be, by referencing one taken recently for a similar offense.

Ms. Richardson apologized again for the transgression, and she thanked the Board for the opportunity to discuss this issue tonight.

It was on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, to issue a warning to Bullfinch’s Restaurant, regarding the appropriate implementation of its All Alcoholic Beverages License, and to require that all currently TIPS-certified relevant restaurant employees provide written evidence of online TIPS certification within 30 days to the Police Department, and that all other relevant personnel provide the same documentation within 60 days.

All Alcoholic Beverages License – Change of Premises – Lavender Asian Cuisine

Present: Owner/Manager Tim Fong and attorney Stephen Grande

At 8:01 p.m. Chairman O’Brien opened a discussion regarding the application request submitted by Fong Tan, LLC, d/b/a Lavender Asian Cuisine, 519A Boston Post Road, Yee F. Fong, and Manager, for a 1,200 sq. ft. addition to accommodate a 28-seat increase to the floor plan and within the Board of Health’s permitted seating limit of 84, subject to any requirements outlined by the Fire Chief, Director of Health and Building Inspector. The Board was previously in receipt of copies of a lease proposal to the applicant from Powers & Company dated April 6, 2013, the legal notice issued for tonight’s discussion, the Petition for Change of License Application and the Retail Alcoholic Beverages License Application Monetary Transmittal Form, a memorandum from Board of Health Director Robert Leupold dated May 14, 2013, stating the proposed floor plan meets the location’s septic allocation, emails from the Interim Police Chief, Fire Chief, dated May 15 and May 17, 2013 respectively, stating no objections to the request, an email from Building Inspector Mark Herweck dated May 17, 2013, stating no objections, but noting Building Permits with Construction Control will be needed, and a proposed expansion plan exhibit dated 4/27/13. Chairman O’Brien noted Town staff has no objections to the application.

The applicant’s attorney Stephen Grande and owner/manager Tim Fong summarized the request. Mr. Fong referenced the floorplan exhibit, stating the intent is to expand the bar and to create an additional and quieter dining area.

Mr. Grande noted no other aspect of the Restaurant would change.

Chairman O'Brien stated the Board of Health has deemed the site's septic capacity as acceptable for the proposed request. He further stated he is pleased to hear the business has been successful, and that it is able to expand.

Interim Police Chief Scott Nix confirmed the Police Department has no objection to the request.

Selectman Drobinski stated the application is straightforward, and he has no objections.

Chairman O'Brien stated the Building Inspector noted the typical Building Permits with Construction Control will be required.

In response to questions from the Board, Mr. Fong stated he may add new special dishes to the menu, and, if all goes as planned, the additional space may be ready by November 2013.

It was on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, in accordance with MGL c138, s. 12, vote to approve a change of premises for the Sale of All Alcoholic Beverages, issued to Fong Tan, LLC., d/b/a Lavender Asian Cuisine, 519A Boston Post Road, Yee F. Fong, and Manager, for a 1,200 sq. ft. addition to accommodate a 28-seat increase to the floor plan and within the Board of Health's permitted seating limit of 84, subject to any requirements outlined by the Fire Chief, Director of Health and Building Inspector.

Common Victualler License – Classic Pizza – 730 Boston Post Road

Present: Owner/Manager Adel Z. Doss

Chairman O'Brien welcomed the new owner of Classic Pizza, Adel Doss, to the meeting to explain his request.

Mr. Doss stated he has worked at Marlborough House of Pizza for seven years, and he is excited to now have his own location in Sudbury. He stated items will be added to the menu, and he hopes to improve on the quality of the food.

In response to a question from the applicant, Assistant Town Manager Bilodeau explained that, if the request is approved tonight, the applicant will be contacted by the Town Manager's Office to finalize paperwork and the license.

It was on motion unanimously

VOTED: To approve, as the Licensing Authority for the Town of Sudbury, a new Common Victualler License for Classic Pizza, 730 Boston Post Road, with new Manager Adel Doss, as requested in an application dated April 28, 2013, said license to expire December 31, 2013.

Common Victualler License – Carriage House Inn – 738 Boston Post Road

Present: Manager Margo Duzak

Chairman O'Brien welcomed the new manager of The Carriage House Inn, Margo Duzak, to the meeting to explain the request.

Ms. Duzak explained the facility entered into a new agreement with Colwen Management, effective May 1, 2013. She noted ownership of the facility would remain the same. In response to a question from Chairman O'Brien, Ms. Duzak stated services offered would also remain the same for now, but the facility may become associated with the Marriot organization in the future. However, she did note there is no interest in maintaining the liquor license, which will soon be surrendered.

Selectman Drobinski stated he has stayed at the facility, and it is an excellent Town resource. Chairman O'Brien concurred, stating the Inn has an excellent reputation.

Chairman O'Brien and Assistant Town Manager Bilodeau explained that, if the request is approved tonight, the applicant will be contacted by the Town Manager's Office to finalize paperwork and the license.

It was on motion unanimously

VOTED: To approve as the Licensing Authority for the Town of Sudbury, a new Common Victualler License for Colwen Management, d/b/a The Carriage House Inn, LLC, 738 Boston Post Road, with no additional changes to facility or floorplan, with new Manager Margo Duzak, as requested in an application dated April 5, 2013, said license to expire December 31, 2013.

Route 20 Sewer Steering Committee – Appointment

It was on motion unanimously

VOTED: To appoint Lisa Eggleston, 32 Old Framingham Road, as the Sudbury Water District representative to the Route 20 Sewer Steering Committee, for a term to expire June 30, 2014, as requested in an email dated Wednesday, May 8, 2013, filling a vacancy occasioned by the resignation of Mike Fee.

Sudbury Celebrates 375/Sudbury Day Committee – Appointment

It was on motion unanimously

VOTED: To appoint Ellen Gitelman, 19 Raynor Road, as a member of the Sudbury Celebrates 375/Sudbury Day Committee for a term to expire November 30, 2014.

Solar Sudbury One LF, LLC – PILOT Agreement – Power Purchase Agreements

Selectman Drobinski commended Sudbury's Energy and Sustainability Green Ribbon Committee for its work regarding this solar PILOT project. Chairman O'Brien concurred, and he also commended the energy efforts of L-SRHS.

It was on motion unanimously

VOTED: Pursuant to the respective Power Purchase Agreements for the establishment of renewable energy facilities and the votes of the 2013 Annual Town Meeting under Articles 20 and 21 authorizing and approving agreements for payment in lieu of taxes, the Board of Selectmen approves the execution by the Town Manager of the following agreements: 1) Agreement for Payment in Lieu of Taxes for Real Property and Personal Property between the Town of Sudbury and Solar Sudbury One LF, LLC, the Developer, for the solar electric generating facility on a portion of the Sudbury Landfill land, 20 Boston Post Road, Sudbury, MA; and 2) Agreement for Payment in Lieu of Taxes for Real Property and Personal Property

between the Town of Sudbury and Sun Edison Origination 1.LLC, the Developer, for the solar electric generating facility at the Lincoln-Sudbury Regional High School at 390 Lincoln Rd. Sudbury, MA.

American Legion Sudbury Post #191, Inc. – Billiards Table License

It was on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, to renew a billiards table license for the American Legion Sudbury Post #191, Inc., Spencer R. Goldstein, Manager, 676 Boston Post Road, said license to expire on May 1, 2014.

Special State Election Warrant.

It was on motion unanimously

VOTED: To sign a Special State Election Warrant for posting at Town Hall and in at least three places within each of the five precincts no later than June 18, 2013, at least seven days before the time appointed for said meeting of June 25, 2013, as requested by the Town Clerk.

There being no further business, the meeting adjourned at 8:09 p.m.

Attest: _____
Maryanne Bilodeau
Assistant Town Manager-Clerk Pro Tem