

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, OCTOBER 1, 2013

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

The statutory requirements as to notice having been complied with, the meeting was convened at 7:33 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:33 p.m., Chairman Drobinski opened the meeting. He reminded citizens of Primary Day on October 15, 2013. The deadline to submit absentee ballots is October 11, 2013 at 5:00 p.m. Chairman Drobinski announced the Board will conduct Selectmen Office Hours, with rotating representation, to give citizens an opportunity to discuss issues of concern. The first session will be held October 3, 2013 from 3:00-4:00 p.m. in the Silva Conference Room of the Flynn Building. He also announced the Board is scheduled to meet with the Lincoln Board of Selectmen and the Lincoln-Sudbury Regional District School Committee on October 15, 2013.

Reports from the Town Manager

Town Manager Valente announced the Town is now licensed by the State to provide Advanced Life Support (ALS) services. She stated this has been a long process, and she acknowledged the dedicated work of Fire Chief Bill Miles and Assistant Fire Chief John Whalen. Services will likely be launched by next month. Town Manager Valente emphasized responsiveness for the community will now be at a paramedic and higher level than before. Chairman Drobinski stated the ALS service provides tremendous upgrades to the Town's general public safety and emergency services.

Town Manager commended Park and Recreation Commission Director Nancy McShea on her successful completion of the National Recreational School program. She also announced plans for a ribbon-cutting ceremony for the landfill solar array will be finalized following the completion of work by NStar this week.

Town Manager Valente recognized the fine work done by the Department Heads to provide the information recently distributed in the Town Manager's Newsletter. The Newsletter is available on the Town website, and citizens can sign-up to receive it electronically.

Town Manager Valente stated Finance Director Andrea Terkelsen will address the Board at a future meeting to discuss a request for internal borrowing for the \$627,000 approved for the Police Station study at the 2013 Town Meeting. She noted this practice was utilized in the past to fund the School roof projects.

Town Manager Valente provided a brief update regarding impacts for the Town as a result of the Federal government shut down. She stated most services are not impacted. However, all Federal websites at the Goodnow Library will be inaccessible and national refuge areas will be closed. At this time, the Council on Aging Baypath Elder Services home meal program and veterans' services are expected to continue as usual.

Town Manager Valente stated she and Assistant Town Manager Maryanne Bilodeau attended the International City/County Management Association Meeting in Boston last week, and both found the Meeting very informative.

Reports from the Board of Selectmen

Selectman Simon thanked Town Manager Valente and Town staff for the Town Manager's September Newsletter. He found the Newsletter to be very informative, and he recommended residents access the information. Selectman Simon plans to attend the Massachusetts Municipal Association Conference this coming weekend. He also provided the Board with updates from the committees to which he is the liaison, i.e., the Commission on Disability, the Goodnow Library, Park and Recreation Commission, and the Rail Trail Conversion Advisory Committee. He also attended an Energy and Sustainability Committee meeting on September 24, 2013.

Selectman O'Brien attended the recent Sudbury Housing Trust meeting, and anticipated topics for the 2014 Town Meeting were discussed. He also encouraged the public to attend an upcoming fundraiser for the Lt. Scott Milley new memorial park on October 12, 2013. Selectman O'Brien also reported he met with Police Chief Nix to discuss his comments for a draft alcohol regulations policy, which the Board will discuss later tonight.

Selectman Haarde stated the Fairbanks Committee's work is progressing, and the design firm has been selected. The Route 20 Sewer Citizens' Advisory Committee (CAC) met last week and several issues were discussed regarding relevant zoning and the impacts of Chapter 40B developments.

Vice-Chairman Woodard attended a Permanent Building Committee (PBC) on September 23, 2013, which was an initial project meeting with the architect for the new Police Station. The Committee hopes to issue a final report by the end of January 2014. The Fairbank Center project and Town Hall renovation project were also discussed.

Chairman Drobinski stated he and Selectman Simon attended the Town Counsel Review/Search Committee meeting.

Sudbury Cable Access Corporation - Discussion and Annual Performance Evaluation

Present: Sudbury Access Corporation (SAC) President Jeff Winston and Executive Director Lynn Puorro and SAC Board members Nancy Brumbeck, Terry Lockhart and Marty Greenstein

At 7:58 p.m., Chairman Drobinski welcomed Jeff Winston and Lynn Puorro to the meeting to update the community on the activities of the Sudbury Cable Access Corporation (SAC). The Board was previously in receipt of the "Sudbury Access Corporation FY 2013 Financial & Operating Reports dated October 1, 2013," which provides details on notable accomplishments during the past year.

SAC President Jeff Winston introduced fellow SAC Board members Terry Lockhart, Marty Greenstein and Nancy Brumbeck who were also in attendance. He stated he has been involved in the Town's cable programming since 1988. Mr. Winston stated the Town established SAC in 2008 as an independent 501c3 Corporation studio. He stated funding for the Corporation comes from the cable companies and is channeled through the Town, which has a contract with SAC, which is renewed every three years.

Executive Director Lynn Puorro stated SAC made significant upgrades to its website last year, and it now supports live-streaming. She further stated more local programs were produced, and she provided examples of new shows. Ms. Puorro stated SAC has reached out to local business, and it is producing more programs from the Senior Center. She explained SAC reformatted its workshops this year, and it now offers six classes on a rotating basis, which can be signed-up for online.

Mr. Winston also noted SAC made infrastructure improvements to complete the upgrade of the audio system in the Town Hall Meeting Room. He noted programs on the Internet are now available on Video On Demand. Mr. Winston referenced information in the reports which provides statistics for viewership and most watched programs. SAC is pleased to see the community relying more on its services as a resource, and he noted portions of features can be viewed by indexes provided. In addition, Mr. Winston stated programming is occasionally shared with other communities.

Selectman O'Brien suggested the Planning Board and the Permanent Building Committee meetings should possibly be taped. Mr. Winston and Ms. Puorro stated they can accommodate taping for anyone who requests it.

Mr. Winston summarized initiatives for this year, including installing a live link to the football field so graduation and games can be viewed live, developing a more formal internship program and revamping the studios main control board.

Vice-Chairman Woodard asked a few questions for clarification regarding the financial statements, which Mr. Winston provided.

Board members thanked SAC for its work throughout the year and wished them well on future projects.

It was on motion unanimously

VOTED: To accept the "Sudbury Access Corporation FY 2013 Financial & Operating Reports dated October 1, 2013," reviewed tonight.

At 8:23 p.m., Chairman Drobinski concluded the discussion.

Citizen's Comments

At 8:23 p.m., Chairman Drobinski noted no citizen has requested time tonight to comment to the Board.

Liquor Serving Violations – Soul of India - Discussion with Police Department

Present: Sudbury Police Chief Scott Nix and Soul of India Restaurant Co-Owner Dariusz Zywina

At 8:23 p.m., Chairman Drobinski welcomed Police Chief Scott Nix and Soul of India Restaurant co-owner Dariusz Zywina to discuss a liquor-service-to-a minor-violation which occurred at Soul of India, 103 Boston Post Road, on Friday, September 13, 2013. The Board was previously in receipt of copies of the Police Department Alcohol Violation Report dated September 13, 2013 and related letter from Chief Nix dated September 16, 2013, the Police Department Incident Report dated September 23, 2013, a letter sent September 23, 2013 from the Town Manager, on behalf of the Board, to the violator asking them to attend this Board meeting, and a sample of a similar relevant vote by the Board dated May 10, 2013.

Police Chief Nix stated the Police Department conducted a compliance check on September 13, 2013, and he explained the process. He stated that, unfortunately, two minors were served at Soul of India. He stated restaurant management and the server were immediately apprised of the situation, and they were extremely apologetic. Chief Nix emphasized this is the first offense for this restaurant, and he recommended a written warning be issued and that the Restaurant be required to provide verification that all pertinent employees have completed an approved Alcoholic Beverages Training Program.

Chairman Drobinski stated he senses Mr. Zywnina understands the seriousness of the offense, and he hopes he 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, and thus the Board regards this issue seriously. He further stated Chief Nix and the Police Department also take enforcement of this issue seriously.

Selectman O'Brien summarized the penalties for a potential second offense, including temporary suspension of the alcoholic beverages license, recently imposed by the Board for a second offense. He hopes a second visit by Mr. Zywnina with the Board will never occur. He also urged Mr. Zywnina to be extra diligent on compliance issues given the Restaurant's proximity to the Wayland/Sudbury line.

Soul of India Restaurant Co-owner Dariusz Zywnina stated he and his management take this matter very seriously and had a zero-tolerance policy in place. Thus, Mr. Zywnina stated the bartender was fired. He apologized for the offense and said he was personally embarrassed it occurred.

Chief Nix emphasized the Department is not interested in hurting local businesses, but it believes this is an issue which must be seriously addressed and it provides an opportunity for further education. He stated the Police Department wants to work cooperatively with establishments.

Mr. Zywnina stated the event was perhaps a blessing because now employees might take the warnings more seriously knowing the consequences.

In response to a question from Selectman Simon, Chief Nix stated the establishment had passed a similar compliance test last February. Selectman Simon stated the Board has a responsibility to Sudbury's citizens to properly address such matters. He emphasized a liquor license is a privilege, and it comes with responsibility. Selectman Simon suggested Mr. Zywnina's employees view a tape of tonight's meeting so they will realize how serious this matter is.

Selectman Haarde asked for clarification regarding how the offense occurred and what has been done to ensure it does not happen again. He also asked if all the employees have been TIPS-trained. Mr. Zywnina explained the two minors were served without being asked to provide identification. He reiterated the bartender was fired, and he has since had all employees sign a document stating all patrons under the age of 35 are to be asked to provide proof of identification. Mr. Zywnina offered the Board the opportunity to see a sample of the document signed by the employees, and he was asked to provide it to Police Chief Nix, which he did. He also stated all employees who serve alcohol have been TIPS-trained.

It was on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, to issue a written warning to Soul of India 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 completion of an approved Alcoholic Beverage Training Program.

Police Department - Liquor Serving Rules and Regulations Discussion

Present: Sudbury Police Chief Scott Nix

At 8:40 p.m., Police Chief Nix updated the Board on the revisions he developed for a draft liquor serving rules and regulations policy. The Board was previously in receipt of copies of a letter from Chief Nix dated September 27, 2013 and a draft "Town of Sudbury Office of Selectmen Alcohol Rules and Regulations," the "Town of Danvers, MA Liquor License Guidelines/Regulations" the "Town of Sudbury Board of Selectmen Rules and Regulations For Licenses For The Sale of Alcoholic Beverages To Be Served and Drunk on the

Premises Granted Pursuant to G.L. CH 138, 1 And 12” and the “Town of Sudbury Board of Selectmen Rules and Regulations Training For Dispensers and Sellers of Alcoholic Beverages.”

Police Chief Nix stated he drew material for the draft from the Town’s existing policies and those instituted in Danvers. He asked for the Board’s guidance as to what should be included and/or revised. Chief Nix also plans to distribute a draft, which incorporates input from the Board to licensees for their feedback. Police Chief Nix briefly summarized the contents of the draft, noting sections which have been added and/or expanded. He highlighted the sections regarding hours of operation and food services for further input from the Board to establish consistency for all licensees. Chief Nix emphasized consistent rules and regulations will allow the Police Department to enforce polices more easily. He also recommended that all TIPS training be conducted in person to ensure compliance by the correct personnel.

Selectman Simon asked if the final draft will need to be approved by the Board. Chairman Drobinski stated it would.

Selectman O’Brien stated he previously submitted comments and suggestions for the draft to Chief Nix. Chairman Drobinski suggested, and the Board concurred, that Board members submit their comments to Chief Nix for consideration.

Vice-Chairman Woodard asked that the draft be circulated electronically to the Board to facilitate revisions.

Town Manager Valente noted a revised draft could be reviewed and voted by the Board at its October 22, 2013 meeting to have the final policies available for licensees when licenses are renewed at the end of the year.

Police Department – Future Use of Existing Police Station – Discussion

Present: Sudbury Police Chief Scott Nix

At 9:08 p.m., Police Chief Nix shared with the Board several ideas suggested by Town Department Heads regarding future uses for the existing Police Station on Route 20, including, leasing, additional space for Park and Recreation, a historical museum, additional space for SPS administrative staff, and retaining the property. He stated a use as a Senior Center was suggested, but he does not believe the building layout is conducive to this use.

Selectman O’Brien stated the location could be useful to the owner of Sudbury Crossing as an enhancement to their current property. Chief Nix stated they have reached out to the owner, who has expressed possible interest.

Vice-Chairman Haarde stated the location is best suited as a prime commercial real estate site, but it might also make sense to hold on to the property for a while.

Town Manager Valente shared information from Finance Director Andrea Terkelsen regarding regulations related to the sale of a municipal asset, and she noted a future sale would need to be vetted at a Town Meeting.

Town Manager Valente and Police Chief Nix asked the Board to consider these options and to provide further direction.

At 9:17, p.m., Chairman Drobinski thanked Police Chief Nix for his reports, and he concluded the discussion.

Council on Aging – Candidate Interview

Present: Applicant Patricia Tabloski

At 9:17 p.m., Chairman Drobinski welcomed Patricia Tabloski, 35 Maple Avenue, #301, to the meeting to discuss her interest in serving on the Council on Aging (COA). The Board was previously in receipt of copies of Ms. Tabloski's application for appointment and a letter from Assistant Town Manager Bilodeau dated September 18, 2013 stating she concurs with the COA recommendation to appoint Ms. Tabloski.

Ms. Tabloski stated she has lived in Sudbury for six months, but had lived in Town before for nine years. She has 35 years of experience in gerontology nursing, and she believes her experience can help the COA.

Board members thanked Ms. Tabloski for offering to volunteer her services to the Town, stating her skills will extremely well-suited to the Council.

It was on motion unanimously

VOTED: To appoint Patricia Tabloski, 35 Maple Avenue, #301, for appointment to the Council on Aging for a term ending May 31, 2016, to fill a vacancy on the Council on Aging for a term to expire May 31, 2016.

Minutes

It was on motion unanimously

VOTED: To approve the regular session minutes of September 17, 2013.

Lt. Scott Milley Fundraiser – Request for a One-Day Wine and Malt License

It was on motion unanimously

VOTED: To grant a one-day Wine and Malt License to Robert P. Chandler, 27 Crystal Lake Drive, to accommodate a fundraiser for the Lt. Scott Milley Foundation at the Boy Scout/Nobscot Reservation, 1 Nobscot Road, on Saturday, October 12, 2013, from 12 noon to 5:00 p.m., subject to use of a TIPS-trained bartender and receipt of a Certificate of Liability.

Knights of Columbus – Request for a One-Day Wine and Malt License

It was on motion unanimously

VOTED: To grant a one-day Wine and Malt License to William Kneeland, 43 Pennymeadow Road, to accommodate a Knights of Columbus fundraiser on Saturday, October 5, 2013, from 6:30 p.m. to 10:30 p.m. at St. Anselm Parish Hall, 100 Landham Road, subject to use of a TIPS-trained bartender and receipt of a Certificate of Liability.

Goodnow Library Foundation – Request for a One-Day Wine and Malt License

It was on motion unanimously

VOTED: To grant a one-day Wine and Malt License to David S. Petit, Goodnow Library Foundation, to accommodate a fundraiser, "A Toast to the Goodnow," on Saturday, October 19, 2013, from 6:30 p.m. to 9:30 p.m. at Goodnow Library, 21 Concord Road, subject to use of a TIPS-trained bartender and receipt of a Certificate of Liability.

Boy Scout Troop 60 – Eagle Scouts

It was on motion unanimously

VOTED: To enter into the Town record and congratulate Matthew James D'Isidoro, 4 Buckmaster Drive, and Connor D. Gilroy, 26 Harvard Drive, of Troop 60, who have been recognized at Courts of Honor for having achieved the high honor of Eagle Scout.

The Sudbury Foundation – Gift

It was on motion unanimously

VOTED: To accept a grant from The Sudbury Foundation in the amount of \$13,095 for the Fire Department to purchase a Lucas Chest Compression Machine to enhance the Fire Department's new Advanced Life Support service.

HOPEsudbury – Gift

It was on motion unanimously

VOTED: To accept a gift from HOPEsudbury to the Sudbury Fire Department of 40 pairs of structural firefighting gloves at a cost of \$2,400.

SAI Communications – Gift

It was on motion unanimously

VOTED: To accept a \$2,500 gift from SAI Communications, satisfying condition #8 of the Site Plan approval for the modification of an existing wireless communications tower granted by the Selectmen on June 18, 2013, towards public safety communications in the Town of Sudbury, to be deposited into the Cell Tower Communication-Donation account and expended under the direction of the Town Manager.

Route 20 Sewer Steering Committee – Membership Amendment

Selectman Simon stated he had thought he was the liaison to the Route 20 Sewer Citizens' Advisory Committee. However, he also expressed interest in being a voting member to help satisfy quorum requirements. Selectman Haarde stated this seems reasonable, since both Sewer Committees struggle to meet quorum requirements and because he serves as a member on the Route 20 Sewer Steering Committee.

It was on motion unanimously

VOTED: To amend the Route 20 Sewer Citizens' Advisory Committee membership to include Selectman Len Simon as a full-voting member.

Featherland Park and Davis Field – Award of Contract

It was on motion unanimously

VOTED: To approve award of contract by the Town Manager for engineering and design services to reconfigure Featherland Park and Davis Field to Gale Associates of Weymouth, MA, pursuant to its August 16, 2013 response to Park and Recreation’s solicitation.

Town Counsel Review/Town Counsel Search Committee – Appoint Members and Approve Mission Statement

The Board was previously in receipt of copies of a memorandum from Assistant Town Manager Maryanne Bilodeau dated September 27, 2013.

Chairman Drobinski stated the Committee met and appointed Myron Fox as its Chair and Selectman Simon as its Vice-Chair. Town Staff has developed a Request for Proposal (RFP).

Selectman Simon stated the Committee believes it is possible to have a Town Counsel in place by mid-March 2014.

Chairman Drobinski asked if all Board members want to also review the RFP. Town Manager Valente stated that the Board needs to be mindful that additional review will add to the overall project timeline. She also stated the Committee has recommended the Board extends the current Town Counsel term to March 17, 2014.

Selectman O’Brien asked if the Committee deliberated the timing of this process in conjunction with Town Meeting deadlines. He also believes the RFP should be reviewed by the entire Board.

Chairman Drobinski stated Myron Fox, who is also the Town Moderator, believes the timing is not an issue, and whomever is chosen as Town Counsel should be able to appropriately assist with Town Meeting.

The Board requested Town Manager Valente schedules this topic as an agenda item on the October 22, 2013 Meeting, which will allow the Board time to review the RFP.

Strategic Financial Planning Committee for Capital Funding - Approve Mission Statement and Composition

The Board was previously in receipt of copies of a memorandum from Town Manager Valente dated September 26, 2013 and the “Draft Mission Statement and Composition for the Strategic Financial Planning Committee for Capital Funding Town of Sudbury Voted to establish October 1, 2013 by the Sudbury Board of Selectmen.”

Town Manager Valente stated several committees indicated they will meet this week to discuss designees, and she reviewed member names already identified.

It was on motion unanimously

VOTED: To approve the Mission Statement and Composition for the Strategic Financial Planning - Capital Funding Committee, and to request it be posted on the Town website, and further to vote specific members at a future Board meeting.

Strategic Financial Planning Committee – Other Post-Employment Benefits – Approve Mission Statement and Composition

The Board was previously in receipt of copies of a memorandum from Town Manager Valente dated September 26, 2013 and the “Draft Mission Statement and Composition for the Strategic Financial Planning Committee for Other Post-Employment Benefits (OPEB) Liabilities Town of Sudbury Voted to establish October 1, 2013 by the Sudbury Board of Selectmen.”

Town Manager Valente stated several committees indicated they will meet this week to discuss designees, and she reviewed member names already identified

It was on motion unanimously

VOTED: To approve the Mission Statement and Composition for the Strategic Financial Planning – OPEB Committee, and to request it be posted on the Town website, and further to vote specific members at a future Board meeting.

Site Plan Modification Decision – Northern Bank and Trust Co. – 430 Boston Post Road

At 9:32 p.m., Chairman Drobinski opened the discussion regarding the application of Northern Bank & Trust Company, applicant, and Colonial Auto of Sudbury, Inc., owner, for Modification to an approved Site Plan and approval of a Public Way Access Permit to construct a new 2,500 sq. ft. retail bank building and associated improvements including stormwater management and wastewater facilities, utility improvements, parking areas, remote drive-through facility, landscaping and lighting on property located at 430 Boston Post Road, zoned Business District, Town Assessor Map K08, Parcel 0077. The Board was previously in receipt of copies of the draft “Site Plan Modification Sudbury Board of Selectmen Northern Bank & Trust Company, 430 Boston Post Road dated October 1, 2013.”

It was on motion unanimously

VOTED: To approve the Site Plan Modification submission of Northern Bank & Trust Company to construct a 2,500 sq. ft. retail bank building on property located at 430 Boston Post Road, Town Assessor’s Map K08, Parcel 0077, zoned Business District.

There being no further business, the meeting adjourned at 9:45 p.m.

Attest: _____

Maureen G. Valente
Town Manager-Clerk