

**IN BOARD OF SUDBURY SELECTMEN
EXECUTIVE SESSION
Tuesday, November 5, 2013**

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

The statutory requirements as to notice having been complied with, the meeting was convened at 7:00 p.m. in the Silva Room, Flynn Building, 278 Old Sudbury Road.

79 Lincoln Lane

Reference was made to a memo from Debbie Dineen regarding this property. A site visit is being set up as well with the Conservation Commission. As mitigation for extensive wetland fill and alteration, NStar has offered to purchase a parcel of land at 79 Lincoln Lane and deed to Town for conservation purposes. The Board of Selectmen's role is to accept the gift of land. Negotiation is between the Conservation Commission and NStar, but the Board will need to accept the gift. The Board needs to be aware of this issue. Town Manager Valente will confirm the site visit date.

\$25,000 of CPA funds was appropriated several years ago. The Town has been trying to secure NYANZA funds for the remaining cost.

Selectman O'Brien asked about the value of the property. NStar is willing to purchase for assessed value of \$330,500 and there is a verbal agreement by the owner to sell for that amount. No purchase and sale agreement has been prepared yet. It is anticipated that NStar will purchase it directly from the owner, and gift it to the Town.

Selectman O'Brien noted comments from Debbie Dineen, stating the land is contiguous to other open space parcels.

233 Concord Road

The Board discussed the timing and the need for a special Town Meeting if the Town exercises its option to purchase. State law gives the Town 90 days to close on the purchase once the option has been exercised and a Purchase and Sale Agreement reached. The Board also discussed its desire for the neighbors to fundraise, and the inability of the Board to vote funds less than full price if they exercise the right of first refusal.

If the Board of Selectmen votes to exercise this option, it has the legal obligation to proceed under the terms of the P&S, including the full purchase price. They cannot vote a lesser amount.

Also discussed was the possibility if the Board exercises the option, and the CPC does not recommend purchase, so long as the full price has been voted. It was decided that the best way to proceed is to ask the property owner for an extension so the project can be voted at Annual Town Meeting.

The Board asked if the CPC could possibly vote early if the Selectmen needed confirmation by December 19th? They could ask, and the CPC should work within any deadlines.

Neighbors have also made an offer to raise money for stewardship of the land based on the arborist's estimate for restoration and annual maintenance. DPW Director Bill Place has indicated that the annual mowing cost would be higher, closer to \$700.

Selectman O'Brien is still unconvinced that purchasing this parcel benefits the Town. There is no walkway and no parking in the immediate area. There is much more benefit to the immediate neighbors. Given the competition for funds, he wonders if this is the best expenditure of these funds.

Selectman Simon noted that the Sudbury Valley Trustees (SVT) has not indicated strong support for preservation of the land. He also thinks there needs to be a demonstration of benefit to the larger community. This is a stand-alone parcel with little contiguity to other open space parcels.

Town Manager Valente noted that if a different amount of funds for the project is voted tonight, the CPC proposal will need to be revised. If the Board requires fundraising, the remainder of the funds must be raised and submitted to the Town or to an escrow account prior to December 19th.

It was also suggested that an alternative would be to go to the CPC and see what level of support is there for full funding.

Selectman Haarde stated he's not sure contiguity is the only issue that the Board should consider. There is historic value to property as well: it hasn't been touched in over 300 years; it is in an Historic District and is part of the viewscape. These issues have a lot of value. It is also not just neighbors who have indicated support - the Planning Board, Conservation Commission and HDC all support its preservation.

Vice-Chairman Woodard indicated he still wants to urge the neighbors to contribute a significant amount, say \$225,000.

Selectman O'Brien asked if we could make an offer to the property owner subject to CPC funding. Town Counsel would need to opine on this question.

Chairman Drobinski stated the public discussion on this topic should focus on the Board's requirement of for neighbors to raise significant funds in time for the Board to meet its obligations under c. 61 (12/19/13).

Discussion continued regarding making a change to the CPC proposal. Some members felt that they wanted some feedback from the CPC to see if they support full price, or a lesser amount.

Vice-Chairman Woodard stated it is the Board of Selectmen's decision as to what we will support. It is largely a matter of resources. We want to preserve land, but have to prioritize.

Selectman Haarde suggested bringing this forward at Town Meeting as a debt exclusion for the full price. It was decided to again query the neighbors for their appetite for fundraising in open session.

There being no further business, the session adjourned at 7:34 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk