

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, AUGUST 24, 2010

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

The statutory requirements as to notice having been complied with, the meeting was convened at 7:36 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:30 p.m., Chairman Drobinski opened the meeting. He reminded the community to be watchful of area catch basins due to the recent rainstorms and to notify the Department of Public Works of potential problems. Chairman Drobinski announced that the Town Clerk's Office will be open on Wednesday, August 25, 2010 from 8:00 a.m. to 8:00 p.m. to accommodate the last day of voter registration for the State Primary Election on September 14, 2010.

Chairman Drobinski offered condolences to the Haberman family for the recent loss of their son Max.

Citizen's Comment

Resident Lisa Barth, 286 Old Lancaster Road, addressed the Board regarding a petition from the Old Lancaster Road Association regarding traffic concerns. She stated that the neighborhood organized itself ten years ago to discuss traffic-related issues. At that time, the group was told more time was needed to assess the situation. Ms. Barth stated that the neighborhood believes enough time has passed, and thus has recently re-organized its efforts to broach the traffic volume and speed issues. She further stated that numerous accidents have taken place in the neighborhood, and the volume of traffic traveling at greater speeds has increased in recent years. Ms. Barth also stated that the neighbors have engaged the assistance of a traffic consultant who lives in Town.

Ms. Barth read a petition signed by 125 residents asking the Board to direct the Department of Public Works (DPW) Director, the Fire Chief and the Police Department Safety Officer to meet with a five-member group from the Old Lancaster Road west neighborhood in the next 30 days to formulate a recommendation for the placement of speed tables and or other measures, and to adopt an order requiring the placement and maintenance of speed tables at the Town's expense. The Association has also requested that no trees in the area be removed. She opined that the Board has a legal obligation to provide safe roadways for its citizens. Ms. Barth noted that other communities utilize speed tables effectively.

Town Manager Valente reviewed the process for the Board to accept the petition and instruct Town staff to direct the concerns to the Town's Traffic Safety Committee, which is chaired by Director of Planning and Community Development Jody Kablack.

Ms. Kablack reported that the Traffic Safety Committee meets every other month and will begin discussion on this matter and 12 other agenda items at its August 26, 2010 meeting at 8:30 a.m. in the Flynn Building. She noted the meeting is open to the public. Ms. Kablack advised Ms. Barth that the process would likely include several discussions by the Committee prior to it making recommendations to the Selectmen.

Selectman Haarde asked if speed tables are the same as speed bumps. Ms. Barth explained the difference, noting that speed tables allow for a slower speed to be maintained. She also noted that some models are non-permanent and can be removed in winter to accommodate snow-plowing.

Ms. Barth emphasized that the Association does not believe that cutting and/or removal of trees should be part of the recommended solution.

It was on motion unanimously

VOTED: To refer the petition presented tonight, on behalf of the Old Lancaster Road Association regarding traffic concerns, to the Town Traffic Safety Committee for discussion at its meeting on August 26, 2010.

Reports from the Board of Selectmen

Selectman Haarde attended a site walk for a pending Chapter 40B project near the intersection of Landham Road and Route 20. He explained that the proposal is for approximately 60 age-restricted units to be built on the Mercuri property. Selectman Haarde also recently completed a walk of the proposed Rail Trail.

Vice-Chairman O'Brien attended a special meeting to finalize a letter to be sent to MassHousing, expressing that the Town does not support the Chapter 40B affordable housing proposal for The Residences at Johnson Farm for 120 rental units. He also attended an organizational meeting for the upcoming financial sessions which will be held with Town officials and representatives from the Finance Committee and both School Committees.

Chairman Drobinski received positive feedback from residents regarding the letter sent to MassHousing stating the Town's position regarding the Chapter 40B affordable housing proposal for The Residences at Johnson Farm. He thanked Ms. Kablack and Town staff for their excellent work presenting the Town's concerns. In response to a question from the Board, Ms. Kablack stated that a response from MassHousing would not be anticipated for several months. The consensus was that the response would be either a denial or an approval with conditions.

Reports from Town Manager Council on Aging – Director Retirement

Town Manager Valente referenced an article in the *Sudbury Town Crier*, noting the outstanding work done by the Council on Aging Director Kris Kiesel in her tenure. Kris will be retiring on September 10, 2010. Ms. Valente praised Kris' many accomplishments on behalf of Sudbury's senior citizens. Senior Center part-time employee Deb Galloway has been named the Interim Director for a 90-day period. The Board will be apprised of details for a reception for Kris planned for September 7, 2010.

Walking Trail – Dedication

Town Manager Valente invited Board members and the community to attend a ribbon-cutting ceremony for the Walking Loop/Exercise Area on September 10, 2010 at 9:00 a.m. Ms. Valente explained that a citizen donated funds to the Town to purchase exercise equipment and to build a walking loop around Haskell Field for use by senior and disabled citizens, based on a proposal developed by Kris Kiesel, Council on Aging Director. Benches and other amenities will also be installed. Ms. Valente thanked Department of Public Works (DPW) Director Bill Place and his staff, Jessica Bendel, and former Town employees Dennis Mannone and Wayne Walker for their work to bring this project to fruition.

Chairman Drobinski noted the project as an excellent example of what private donations can accomplish.

Goodnow Library – Radio Frequency Identification System

Town Manager Valente announced that Goodnow Library is now using the Radio Frequency Identification self-check-out process. This will allow staff to devote time to other responsibilities. Ms. Valente noted that technology enhancements like this will help curtail future costs while continuing to offer citizens excellent service. She recognized the Town's IT team Mark Thompson and Brian Powell, Goodnow Library Director Bill Talentino and his staff, and Town Finance Director Andrea Terkelsen for their work on the project.

Vice-Chairman O'Brien noted that he used the system today and found it very customer-friendly. He also noted that Lincoln-Sudbury Regional High School students were able to help implement the system while gathering community service hours for school.

2011 Department of Environmental Protection Evaluation Form – Submission

Town Manager Valente reported that Director of Planning and Community Development Jody Kablack has prepared a draft narrative for the Project Evaluation Form to be submitted to the Department of Environmental Protection (DEP) by August 31, 2010. She explained that this is required for the process to put Sudbury on the list for funding for the Town's sewer project. Ms. Valente asked for a vote from the Board to support her signing the document when it is finalized by Ms. Kablack.

Ms. Kablack stated that funding is not expected this year. However, she further stated that the Town's consultants have advised that now is the time to submit these forms so that Sudbury is in line for future State Revolving Loan funds, which will be subject to Town Meeting approval.

Selectman Haarde asked if the signed Project Evaluation Form binds the Town and if there are any potential negative consequences from submitting it. Ms. Kablack responded the form does not bind the Town and there are no downsides to the process. Town Manager Valente and Chairman Drobinski noted that signing the form is only the first step for future funding consideration.

It was on motion unanimously

VOTED: To approve the signing by the Town Manager of the 2011 Department of Environmental Project Evaluation Form narrative to be submitted by August 31, 2010.

Introduction of New Assistant Town Manager/Human Resource Director

At 8:00 p.m., Town Manager Valente introduced Sudbury's new Assistant Town Manager/Human Resources Director Maryanne Bilodeau, who previously filled the same position for the Town of Westborough. Maryanne began work on August 11, 2010, and has an extensive background in human resources, benefits and compensation administration. Ms. Valente distributed copies to the Board of a sheet summarizing the numerous human resource functions Maryanne will oversee. Ms. Valente highlighted some of the other responsibilities Maryanne will assume, including staffing the Capital Improvement Planning Committee and overseeing the coordination of Town staff who assist in preparation for the annual Sudbury Day.

Ms. Bilodeau provided the Board with a brief personal profile. In response to Selectman Haarde's question regarding why she was interested in the job, Maryanne stated that in her previous position in Westborough, studies and research had indicated to her that Sudbury had a great municipal organizational structure, which was cost effective and worth emulating. Maryanne further stated that she was happy in

Westborough, but when she saw Sudbury's ad for the job, she thought she would apply, and was pleased to be offered the position.

Vice-Chairman O'Brien noted that there would be challenges in her position because Sudbury does not have the same generous commercial revenue stream that Westborough has. He stated that Maryanne's background is well suited for the position, but cautioned her that her creativity may be tested in the future. Vice-Chairman O'Brien wished her well, noting that the position has a large responsibility overseeing the benefits of approximately 600 Town and School employees.

Ms. Bilodeau thanked the Board for its good wishes and stated she looks forward to the work ahead.

Trust Fund F11 Expenditures

Present: Town Finance Director/Treasurer Andrea Terkelsen

At 8:06 p.m., Town Finance Director/Treasurer Andrea Terkelsen addressed the Board to present the Town Trust FY11 Beneficiary Requests for Expenditures totaling \$39,010. She also noted that the Town Trust Investment Report as of June 30, 2010 has been provided for approval by the Board.

Ms. Terkelsen briefly reviewed the information regarding how the trusts performed last year, noting that most are pooled together as investments. She emphasized that the investment strategy has been based on a conservative approach, as recommended by the Advisory Committee, with a majority of securities held to maturity. Ms. Terkelsen stated that FY09 was a bad year for trusts' investments, earning only \$45,000 in interest. She stated that reports for FY10 are much better, and seem to be trending upward. As of June 30, 2010 the combined pooled trust funds' value was \$1,435,683.59. Ms. Terkelsen also reviewed the FY10 approved distributions totaling \$128,570 and the residual balances. She noted that the FY10 expenses were much less than what was approved.

Town Manager Valente stated that the Advisory Committee is appointed by Ms. Terkelsen and is comprised of three well-respected financial/investment advisors. She emphasized that the Committee's philosophy has been to not gamble on high returns, but rather to ensure that funds are generated for the trust beneficiary.

It was on motion unanimously

VOTED: Acting as co-trustees of Town Trust Funds, to accept the FY10 fourth quarter Trust Fund reports as requested and presented tonight by Andrea Terkelsen, Treasurer/Collector.

Ms. Terkelsen next reviewed the Town Trust FY11 Beneficiary Requests for Expenditures. She noted that because the stock market has been so volatile, the strategy has been to grow the expendable portion of funds. Ms. Terkelsen stated that the list of requests does not at this time include the usual Perpetual Care request of approximately \$60,000 to maintain the Town's cemeteries, which will follow at a later date.

Town Manager Valente encouraged citizens to make donations to this fund, noting that expenditures are approved by the Board. Ms. Terkelsen noted that descriptions of the trusts are on the Town website.

It was also on motion unanimously

VOTED: Acting as co-trustees of Town Trust Funds, to accept and approve the Trust Fund expenditure limits for FY11 as submitted by the beneficiaries and as requested by Andrea Terkelsen, Treasurer/Collector on July 23, 2010.

Sudbury Center Improvement Advisory Committee – Design and Conceptual Plan Discussion

Present: Director of Planning and Community Development Jody Kablack and DPW Director Bill Place

At 8:33 p.m., Chairman Drobinski welcomed Director of Planning and Community Development Jody Kablack and Department of Public Works Director Bill Place to the meeting to provide the Sudbury Center Improvement Advisory Committee's (SCIAC) input regarding the status of the Sudbury Center design and conceptual plan project.

The Board was previously in receipt of an "Alternative 6" plan and a memo from Ms. Kablack dated August 12, 2010. In her memo, Ms. Kablack reported that SCIAC voted by almost unanimous consent at its June 14, 2010 meeting to advance a conceptual plan for the Town Center. Ms. Kablack summarized SCIAC's recommendations, subject to the Board's approval, to advance to a construction design plan in 2011 and leading to construction commencement in FY12. She noted the plan has incorporated a lot of input and feedback received from public discussions. Ms. Kablack further noted that emphasis has been on controlling costs at this stage to retain some of the funds already appropriated in 2007 to use to design a plan to go out to bid.

Ms. Kablack stated that funding for the project would need to be considered by the Board, including whether the Board has the inclination to ask for funding from Town Meeting. She further stated that SCIAC believes there is merit in completing this stage of the project, to create an engineered plan, which could be used whenever funds become available for construction. In addition, Ms. Kablack stated that this project has been approached by SCIAC as a locally-funded project, since there was no interest in utilizing State funds, and binding the Town to design the project according to Massachusetts Highway Department standards. A key question is how the Town will pay for a new Town Center plan.

Ms. Kablack stated that DPW Director Bill Place and the Town's consultant have estimated the cost to construct the concept plan at approximately \$1.85 million. She reviewed funding options, including utilizing Chapter 90 funds (approximately \$500,000 received each year for road maintenance projects), Community Preservation Act (CPA) eligible funds (walkways, lighting, historic restorations, landscaping, etc.), seeking capital funds, requesting a debt exemption (tax override) for the non-CPA eligible portions of the project, and/or seeking outside funding from The Sudbury Foundation for the non-CPA eligible project costs. She reported that The Sudbury Foundation has expressed that they may consider funding amenities such as CPA-eligible areas, but would be less interested in helping to fund pavement-related activities.

Chairman Drobinski asked Mr. Place what the consequences would be to the Town by using the equivalent of two years of Chapter 90 funds for the project. Mr. Place stated that using two years of Chapter 90 funds is a big gamble, which could potentially jeopardize the Town's pavement management program.

Vice-Chairman O'Brien asked Mr. Place for an estimate of the costs to repave the areas impacted by the Sudbury Water District's (SWD) water pipe work on Union Avenue and whether any of that expense could be billed back to the District. Mr. Place estimated the costs at \$250,000 and stated that the repairs of those road areas would have been ordinary Town maintenance which was delayed due to the project. Town Manager Valente stated that chargebacks could be broached with the SWD, but this condition is not included in the current project language. She noted this is a "gray" issue, since the improvements would have to be made by the Town regardless of the SWD project.

Vice-Chairman O'Brien asked about the replacement of the traffic lights and whether that could be done first to address safety issues. Mr. Place stated that there would be phasing of items for this project and that drainage issues are also important to address early in the process. Ms. Kablack highlighted that installation

of new lights should take into consideration that they would be positioned in different locations according to the proposed plan.

Selectman Haarde asked if the proposed plan would provide additional traffic or turning lanes. Ms. Kablack stated that there would be no additional traffic lanes, and that the plan is fairly similar to what currently exists. She further stated that First Parish is a major stakeholder in the project, and it has voted twice not to increase traffic lanes on the Concord Road side of its property.

Ms. Kablack summarized the concept plan, which proposes to keep the configuration of the intersection similar to its current state, but with better alignment of roads and new signals with left-turn arrows. The enhancements should improve safety and traffic flow, while maintaining the area's historic character. She further stated that SCIAC would work with all property owners who would be impacted by the project. Ms. Kablack explained that the shape of the common would change to accommodate more green space and pedestrian walkways. In addition, some driveways between Town buildings in the area would be narrowed and altered accordingly.

Selectman Haarde noted that the new signals would help with the traffic flow, but that a lane would be lost in one direction on the No Name Road. Ms. Kablack and Mr. Place concurred that the signals would be actuated to improve traffic flows at various times of day. Selectman Haarde asked for further clarification as to how the roads would be realigned. Ms. Kablack described the proposed realignment, noting that Concord Road would be moved slightly west within the Right of Way and Hudson Road would be widened slightly on the north side. Selectman Haarde asked if the No Name Road could be eliminated and if an alternative northbound right-hand turning lane from Old Sudbury Road heading west to northbound on Concord Road could be considered. Ms. Kablack noted that the suggestion is possible, but it would make the intersection larger.

Selectman Haarde opined that, from a traffic perspective, he is not sure enough benefit is garnered from the plan other than improving the traffic lights and improving slightly the safety of the intersection. He further stated that he favors removing the No Name Road and having an open, functional Town Common/Green possibly with a gazebo for concerts and public gatherings. In addition, Selectman Haarde stated he does not believe additional parking should be provided in front of Town Hall, but would be supportive of the addition of a bike rack. Selectman Haarde stated that he struggles to find enough benefit derived from the plan for safety, traffic and or recreational improvements to be enthusiastic about the proposed \$1.85 million cost.

Vice-Chairman O'Brien stated that improving the safety of the intersection is a major concern and he believes the recommendations will improve the situation. He further stated that he is unsure the public will have the appetite to fund this project at the polls by voting for a debt exclusion. Vice-Chairman O'Brien suggested that additional parking for Town Hall could possibly be made available on the side of the building rather than in front. He also suggested that further research be done to determine how much of the project the Chapter 90 funds could buy and how the costs could be phased over a period of time. Vice-Chairman O'Brien also stated he supports completing the engineering plans now with the funds which are already available.

Chairman Drobinski asked if the Town owns the traffic signals and how much is estimated to replace the lights. Mr. Place estimated approximately \$500,000 to replace them. Mr. Place reported that there have been 52 accidents reported in the last two years, and that the intersection is a safety problem. In response to a question from the Board, Mr. Place also estimated the cost to improve the area's drainage at approximately \$100,000. Chairman Drobinski concurred that the intersection poses a safety issue and that the traffic lights

need to be replaced eventually. Vice-Chairman O'Brien agreed that repairs and maintenance on the antiquated lights is a problem.

Selectman Haarde acknowledged and commended the compromise included in the proposal to use cobblestones and bricks in front of Town Hall. However, he questioned if the plan provides enough improvements to significantly diminish the number of future accidents.

Chairman Drobinski stated that the question is valid and something traffic engineers would need to address. He further noted that the traffic signals and the drainage concerns seem to be the most critical issues. Chairman Drobinski asked if the Committee could reconsider how these two issues could be handled and then provide additional recommendations to the Board.

Ms. Kablack stated that the SCIAC wanted to bring the issue before the Board early enough to consider in case it wanted to recommend a capital article or a tax override for the 2011 Town Meeting. She stated that the Committee can continue its discussions with First Parish and other relevant property owners and then ask the engineering consultant to work on a design plan to be bid.

Selectman Haarde asked if the engineer would be able to quantify how much the improvements would increase traffic flow and improve safety. Ms. Kablack stated that some information would be quantifiable, but that other information might not be. She noted that the intersection has been ranked currently as failing by traditional standards.

Chairman Drobinski requested that Ms. Kablack and Mr. Place share tonight's feedback with the engineers and that SCIAC continue discussions with abutters and come back to the Board with a 50% design plan to be bid for consideration.

Town Manager Valente and Ms. Kablack suggested that the project be discussed again with the Board in late September or early October, when additional phasing information for the project would be available.

At 9:12 p.m., Chairman Drobinski closed the discussion.

Minutes

Selectman Haarde requested that the first full paragraph on Page 13 of the regular session minutes of July 27, 2010 be revised to read as follows, "Selectman Haarde questioned the intellectual basis for solving the budget problems if the Board is not willing to list it on its goal sheet."

It was on motion unanimously

VOTED: To approve the regular session minutes of July 27, 2010 as amended this evening, and to approve the regular session minutes of August 17, 2010.

The Sudbury Foundation – Park and Recreation Department – Grant

It was on motion unanimously

VOTED: To accept a \$2,000 grant from The Sudbury Foundation to the Park and Recreation Department for the purpose of purchasing equipment to start a Power Soccer program for area residents who use motorized wheelchairs, said funds to be separately accounted for and expended under the direction of the Park and Recreation Director.

Bay Path Elder Services – Senior Center – Grant

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a \$2,070 grant from Bay Path Elder Services to the Senior Center to conduct a one-year outreach project to Sudbury residents age 85 and older, as outlined in a letter dated August 9, 2010, said funds to be expended under the direction of the Council on Aging Director.

MHQ Truck Equipment – Lease –Purchase Award

In response to questions from the Board, Department of Public Works Director Bill Place explained that a Boom Flail is a roadside mower.

Selectman Haarde asked how many bids were received for capital items. Mr. Place stated that the existing John Deere equipment was aged and incurring high maintenance costs and would be traded-in, and that the sweeper is a result of a State bid.

It was on motion unanimously

VOTED: Pursuant to ATM 10/Art.5 FY11 Capital Budget, to approve the award by the Town Manager for the lease-purchase of an Elgin Pelican Sweeper to MHQ Truck Equipment, at a purchase price of \$153,804, and to approve the award by the Town Manager for the lease purchase of a Boom Flail Tractor; said purchases to be financed over a five-year period at an interest rate acceptable to the Town; and further, to authorize the Town Manager to execute all documents related thereto inclusive of the Lease-Purchase Agreements as negotiated by Town Counsel's Office.

Eastern Minerals, Inc. – Road Salt Bid

It was on motion unanimously

VOTED: To approve award of contract by the Town Manager to Eastern Minerals, Inc. for mined salt delivered, effective November 1, 2010 through October 31, 2011, in the amount of \$56.97/ton, in accordance with the rates set forth in the bid dated July 15, 2010 and the terms and conditions of the Cooperative Bid for the Towns of Acton, Berlin, Bolton, Boxborough, Concord, Harvard, Hudson, Lincoln, Maynard, Southborough, Stow, Sudbury and Wayland.

Northwoods at Sudbury – Site Plan Endorsement

Town Manager Valente announced that Building Inspector James Kelly has informed her that this agenda item is postponed to a later date, not yet determined.

Holders of Alcoholic Beverages Restaurants and Package Store Licenses – During State Elections

Selectman Haarde asked if a vote is needed for Election Days, since they fall on days of the week when liquor stores are ordinarily open.

Chairman Drobinski and Town Manager Valente stated that Sudbury has followed this procedure for years, which may be required by an old “blue” law. Town Manager Valente stated the need for the vote will be further researched.

It was on motion unanimously

VOTED: In accordance with General Laws Chapter 138, s.33, to grant permission to holders of alcoholic Beverages restaurants and package stores licenses to sell such alcoholic beverages during the polling hours of the Commonwealth’s Primary Election on September 14 and the Election on November 2, 2010.

One- Day Wine and Malt License – The Vin Bin

It was on motion unanimously

VOTED: To approve a one-day Wine and Malt License to TIPS-trained Rick Lombardi, Owner, The Vin Bin, 27 S. Bolton Street, Marlborough, to be exercised on Tuesday, October 12, from 6:30 p.m. to 9:30 p.m., to accommodate a one-night educational wine and cheese seminar at the Fairbank Community Center, subject to receipt of a Certificate of Liability coverage, as requested by Amber Comeau, Program Coordinator, Park and Recreation Department.

Department of Public Works FY11 – Award Contracts

Selectman Haarde requested a list of the contracts and how many bids were received, which he was provided and reviewed. Mr. Place explained that, as appropriate, all contracts are put out to bid, and that some contracts only receive two bids, while four or five may be received for others. In addition, Mr. Place and Town Manager Valente explained that others are renewable multi-year contracts. Town Counsel advises in most cases, to accept the lowest bid which is also most responsive to the Town’s needs.

It was on motion unanimously

VOTED: To approve the award by the Town Manager of the following annual and renewed Department of Public Works (FY11) contracts to the lowest eligible bidder(s) in accordance with the requirements set forth in the bidding documents and as reviewed by Town Counsel.

| Contract Number | Contract Name | Term |
|-----------------|---|----------------------------------|
| 2011-ER-1 | Street Sweeping – (Calendar Year) | Expires 12/31/10 |
| 2011- M-1 | Bituminous Materials | 1 Yr. Only – 7/1/10 thru 6/30/11 |
| 2011- CM-1 | Cem Mowing/lawn and landscape Maintenance Town and School Buildings | Last year of 3-year renewable |
| 2011-G-1 | Gasoline – (State Contract) | 1 Yr. Only – Expires 8/15/11 |
| 2011-DF-1 | Diesel Fuel – (State Contract) | 1 Yr. Only – Expires 8/15/11 |
| 2011-M-3 | Borrow Materials | Year One of 3-year renewable |
| 2011-T-1 | Trees & Stumps: Removal & Disposal | Year Three of 3-year renewable |
| 2011-M-2 | Bituminous Concrete Type 1 in place | Year Three of 3-year renewable |
| 2011-TLP-1 | Traffic Line Painting | Year Three of 3-year renewable |

Citizens' Comment

Resident Patricia Brown addressed the Board to explain a concern she has regarding a recent vote by the Sudbury Housing Trust (SHT). Ms. Brown referenced the description of the SHT presented in the Sudbury Official 2006 Town Meeting Warrant and the vote taken by the SHT on March 26, 2010, informing the "Campaign to Protect the Affordable Housing Law" that the SHT supported its efforts, copies of which were previously provided to the Board. Ms. Brown emphasized that she did not wish to debate the Chapter 40B public policy tonight. However, she does want to question whether the Board believes the SHT's vote was appropriate. Ms. Brown perceives the vote by the SHT as voting on public policy, and thereby setting public policy when that is not how the Trust was initially presented by the Board to the public for approval.

SHT member Lydia Pastuszek referenced a letter previously provided to the Board from the SHT Chairman Michael Fee dated August 19, 2010. She explained that the SHT believes that the Sudbury Housing Trust Declaration of Trust, executed on February 15, 2007, established as a mandate that the SHT promote affordable housing. Ms. Pastuszek also stated that the SHT believes this mission is also clearly articulated in the Town's Master Plan and Housing Plan, and that the Town must work within the State's Comprehensive Permit process and Chapter 40B.

Selectman Haarde asked what the goal of the SHT is. Ms. Pastuszek responded that it is to promote affordable housing in Sudbury as stated in the SHT Declaration. Selectman Haarde stated that he is concerned with a different aspect of the SHT vote, in that it was 7-0 in favor of Chapter 40B. He believes it is impossible for Sudbury to attain the State's 10% goal of affordable housing inventory even if developers were allowed to build Chapter 40B units on all the remaining lots in Town; and, if they are allowed to do so, the Town would need to increase its schools and infrastructure to accommodate this growth. Selectman Haarde believes the Town should establish a plan to achieve its 10% mandated-quota by creating 200 affordable-housing, age-restricted rental units, which would also serve the Town's need to help provide options to senior citizens so they can afford to stay in Sudbury. He questions if it is in the purview of the SHT to determine what the larger impact is of developing out Sudbury in the Chapter 40B manner.

Chairman Drobinski stated that the agenda item is not intended as a debate of Chapter 40B policy, which has always been controversial. He clarified that the issue before the Board is whether the vote by the SHT was a policy-making action. Chairman Drobinski believes that government sets policy and that the SHT did not exceed its limitations. He believes the SHT was only expressing its willingness to work within State law to accomplish its mission with the resources available.

Selectman Haarde stated that he understands it is a State law, but it is on the ballot for repeal. He stated that the Town agreeing or not with whether the State law should be repealed is somewhat of a policy matter.

Vice-Chairman O'Brien stated that all of Sudbury's remaining lots would not all be developed within the Chapter 40B framework, noting that most Chapter 40 B applications are for large parcels of land. He reviewed the genesis of the SHT, noting that, in the past, there was not sufficient support in Town to find new parcels for affordable housing for the Sudbury Housing Authority. Vice-Chairman O'Brien further stated that the focus of the Trust is on small parcels and that the Town's Zoning is such that Chapter 40B is the only way to utilize smaller lots for affordable housing. He further noted that, if the housing market improves, the SHT's financial ability to purchase homes for preservation as affordable housing might become limited. Vice-Chairman O'Brien stated that the SHT deliberated the vote only from its purview and expressed that the continuance of Chapter 40B would allow the Trust to continue its work. He also opined that the Chapter 40B policy needs revision, which he believes would take place at the legislative level.

Selectman Haarde acknowledged that the work of the SHT is not meant to be debated tonight, but he also

does not believe that the Chapter 40B policy helps Sudbury meet its affordable housing objectives. He is concerned if the SHT puts its full faith and trust in the Chapter 40B law. Selectman Haarde does not believe the legislature will ever revise Chapter 40B because over 500 prior bills to do so have been previously “bottled up” in the process. Selectman Haarde also believes the public is tired of waiting for reform, which is why citizens have taken the initiative to put the question of repeal on the ballot.

Chairman Drobinski stated that, although interesting, the discussion was not the topic for debate tonight. He stated that the petitioner’s concern is whether or not the SHT made policy with its vote. Chairman Drobinski stated that the policy has already been set by the existence of the State statute and has nothing to do with the SHT’s vote.

Vice-Chairman O’Brien concurred, stating that Ms. Brown is asking if the SHT voted policy. He stated that he believes the SHT did not, and that it sent a letter supporting an existing law that allows for the use of this tool by the SHT to achieve its mission.

Ms. Brown asked if it is the Town’s policy to support Chapter 40B, because she is unaware of that formal position having been taken by the Board. She further asked if the Board would consider disbanding the SHT if Chapter 40B is repealed at the polls.

Chairman Drobinski stated that the Board would not take a position on a hypothetical situation.

Selectman Haarde stated that, even if Chapter 40B is repealed, the need for affordable housing does not disappear and it is likely another better law would appear for towns to work within a more successful manner. He believes that is the goal of the repeal action.

Chairman Drobinski concurred that affordable housing will not go away. He further stated that it is important in Sudbury to have diversity of housing, and one way the Town achieves this is by using the Chapter 40B tool which helps Sudbury meet its mandate.

Vice-Chairman O’Brien stated that the SHT did not state that it likes this tool, but rather that it uses the tools available to achieve its mission, and Chapter 40B is the tool available. He further explained how the SHT currently pursues affordable housing. Selectman Haarde opined that it is not the only tool available and that there are other programs and laws which could be used. Vice-Chairman O’Brien stated that on the Town’s existing books and under Sudbury’s current zoning bylaws there are no other options available. He noted that the SHT was only sending a letter expressing a vote of support for using existing State law as a tool to accomplish its goals. Selectman Haarde stated that the Town should not put “all of its eggs” in the Chapter 40B basket, and it should pursue other programs too.

Ms. Brown questioned why the SHT did not actively pursue the preservation of the 120 expiring affordable housing units at Longfellow Glen. Vice-Chairman O’Brien noted that, as rental units, they were not in the purview of the Trust. Ms. Kablack stated that Town staff was actively monitoring these units and that the status of the development has resolved itself well. She reported that the property has been sold and the affordable restrictions have remained intact. Ms. Kablack emphasized that Town staff would have pursued all measures necessary to ensure keeping these units affordable, but did not have to do so, and did not have to involve the SHT in the process. Selectman Haarde noted that Longfellow Glen is not a Chapter 40B project, but rather is a Section 8, Federally-subsidized development with a Housing and Urban Development (HUD) mortgage. Vice-Chairman O’Brien stated that is the case now, but the development was the Town’s first Chapter 40B project and the units count towards the Town’s affordable housing inventory. Selectman Haarde stated that he believes they count towards Sudbury’s subsidized, low-income housing inventory. He further stated that there are other programs available, including Section 8 HUD

programs, but they are not accessed or discussed. He believes these types of programs are preferable because one can live in existing homes and take the Section 8 voucher anywhere, as opposed to the Chapter 40B developments, which increase the tax base and force infrastructure costs up by building more housing.

Chairman Drobinski asked that discussion return to the topic of the petition. He reiterated that he believes the SHT was only expressing that Chapter 40B is a tool which allows the Trust to fulfill its mission. Selectman Haarde asked if Town Counsel has opined on the question. Chairman Drobinski stated that he is not sure that the Board needs to vote on anything or ask for an opinion, since the citizen's concern was asking the Board to consider the question of whether the SHT set policy, which the Board has done. Chairman Drobinski further stated that he has difficulty viewing the vote and letter as setting policy. He noted that the recent unanimous decision by the Board to not support the Chapter 40B application for The Residences at Johnson Farm is a good example that the Town can say no to such developments when they are not in Sudbury's best interests. He thanked Ms. Brown for her interest in posing the important question. However, Chairman Drobinski emphasized that Sudbury needs diversity as a community; and he reiterated that he does not believe the SHT was setting policy.

Ms. Brown asked if the SHT supports the Campaign to Protect Affordable Housing, is it speaking for Sudbury. Chairman Drobinski stated that the Board has not taken a position on that matter.

Selectman Haarde stated that he appreciates the work of the Sudbury Housing Trust and has researched this concern. He believes this is a matter on which people can agree to disagree. Although he would have preferred that the SHT did not take the vote, Selectman Haarde believes it was within its right to do so and noted that boards and committees can take positions on issues.

At 9:43, p.m., Chairman Drobinski closed the discussion and the Board thanked Ms. Brown for her input.

Board of Selectmen – FY 11 Goal Setting

Town Manager Valente explained that the Board had previously voted to accept a draft listing of goals, but had also asked for the addition of other goals. She further explained that because of the timing of her vacation schedule and that of Selectman Haarde, she and Ms. Kablack drafted a new goal (copies of which were previously provided to the Board) regarding the creation of the Citizen's Advisory Committee (CAC) and relevant action steps.

Chairman Drobinski stated that the addition of this goal is critical, since it is required for development of the Town's wastewater treatment project and it will also facilitate review of the economic development of the district.

Vice-Chairman O'Brien suggested that more specific language be added to note that zoning would need to be re-defined or developed accordingly. Town Manager Valente stated that the first steps are to create the CAC and finalize a mission statement. She further stated that, once the CAC is established, members can refine timelines and other specifics. Vice-Chairman O'Brien concurred, and stated he supports the addition of this goal.

Selectman Haarde stated that he believes the creation of the CAC should be added to the goals and that he has supported this idea in the past. He commended the work of Town staff in drafting the goals, but he believes the resulting list represents more the goals from the staff's perspective rather than from the Board's. Selectman Haarde stated that the Board discussed its goals on June 24, 2010, but that he believes the list has transformed somewhat from that discussion. He further stated that he believes the top five goals of the Board

should be solving the Town's budget problem, addressing the Town's Chapter 40B issues, providing ways to help keep senior citizens in Town, increasing the commercial tax base and developing a sewer on Route 20. Although he realizes it may be difficult to accomplish all five in one year, he would be pleased if the Board could accomplish at least three of them. Selectman Haarde believes the goals are presented more as developing plans regarding the issues rather than indicating a commitment to solving them.

In addition, Selectman Haarde noted that the goal he proposed to establish 200 units of age-restricted affordable housing has not been included in the list. He stated he has no objections to the draft list of goals presented, but he questions whether it should be Town staff's list of goals and that another list of Selectmen's goals should be drafted. Selectman Haarde believes that a lot of the goals listed represent projects that would happen anyway and do not necessarily reflect goals the Board is committed to working on and solving this year.

Chairman Drobinski stated he views the goals differently, and that the Board has instructed Town staff to work on these goals which help the Town work efficiently. He further stated that it is important for citizens to know what Town departments are working on and that these goals are intertwined with what the Board has told Town staff it is committed to and what is important to Sudbury's quality of life. Chairman Drobinski further stated that the Board plans to meet with the Sudbury Public Schools (SPS) and Lincoln-Sudbury Regional High School (L-SRHS) administration representatives and School Committees to address where the Town is headed financially.

Selectman Haarde reiterated his belief that the list of goals reflects more the goals of Town staff than it does the goals of the Board. He stated that citizens want to see the Board meet the challenges of solving the Town's budget problems, affordable housing issues and keeping senior citizens in Sudbury. He believes the Board must do everything it can this year to solve these issues and, if it fails, then the Board should be accountable to the public and state what it will try to do better next year. Selectman Haarde believes that the public wants action from the Board on these important issues. He further believes that the list of the Board's goals does not get Sudbury where it needs to go in the coming year.

Chairman Drobinski stated that he believes the goals do help to get the Town where it needs to go. He emphasized that the Town is not the only financial entity and that the Board needs to integrate its goals with what SPS and L-SRHS are doing. He further stated that the Town has operated in this manner for a long time, and the collaboration works - Sudbury is a vibrant community with nationally highly-ranked schools. Chairman Drobinski further emphasized that the cost centers have to work together to solve the budget issues.

Vice-Chairman O'Brien stated that the next item on tonight's agenda is the scheduled dates and proposed agenda for the multi-board financial study sessions to be held in September. He noted that the agenda includes time for discussion with all relevant groups of the next steps required to address budget concerns.

Selectman Haarde stated that he does not believe the approaches used in the past are now working. He referenced burning issues such as high taxes, crowded classrooms, Sudbury's successful record of getting tax overrides passed and teacher positions being cut.

Chairman Drobinski reiterated that the Schools' budgets are not within the Board's purview and that the Board cannot tell these entities how to allocate their funds. He suggested that the issues can be discussed between all parties, and perhaps as a result of those discussions, decisions might be made to divide the budget pie differently than it is usually done. Chairman Drobinski further stated that his own children went through both school systems and that money has always been tight, even in days when extracurricular fees did not exist and that the same issues have existed for years.

Selectman Haarde stated that the School fees are astronomical. He further stated that he does not believe the proper approach is being used to address the budget issues. Selectman Haarde stated that the Town needs to do more with less and take steps to reorganize in ways to increase revenue and increase the commercial base.

Vice-Chairman O'Brien stated that, through the years, a lot has been done on these issues. He believes the list of goals reflects the values the Board holds as important for Sudbury's quality of life. He stated that costs are outstripping revenue generation. Vice-Chairman O'Brien further stated that the Town's zoning has been rewritten to help attract businesses. In addition, steps have been taken to help senior citizens in many ways and the adoption of the Community Preservation Act has allowed a lot to be done to preserve open space. Vice-Chairman O'Brien opined that Selectman Haarde's level of dissatisfaction seems high with the present conditions, but it should be recognized that a lot has been accomplished. He also stated that the 29 participants in the upcoming financial sessions will need to work together on these issues, and that the Town will need the buy-in of the School Committees. He believes this will be best achieved by working together rather than dictating to the other cost centers what they should or should not do. Vice-Chairman O'Brien emphasized that, although the situation is frustrating for all the Selectmen, solving the budget problems is a process which will take time, and solutions cannot be sought in the same manner as is done in the corporate world.

Selectman Haarde stated that cities and towns are solving these issues and they are making it happen without overrides. He further stated that 150 Massachusetts communities, with good school systems, have solved these problems without passing a tax override in the past 30 years. Selectman Haarde emphasized that he does have a level of dissatisfaction with the present budget picture and that he is not alone. He believes the list of goals does not look that dissimilar to previous lists and that more needs to be done this year to acknowledge there is a budget problem and to fix it.

Chairman Drobinski stated that he believes the goals as presented address these matters.

Selectman Haarde stated that there is another goal for discussion tonight and members of the Park and Recreation Commission are in attendance to present it. Chairman Drobinski stated that this was not on tonight's agenda, which he usually knows about ahead of time. Selectman Haarde stated that the Board agreed on August 17, 2010 to discuss this topic as part of its goals discussion when Ms. Kablack mentioned that she had been contacted by Park and Recreation Commission member Georgette Heerwagen. Chairman Drobinski allowed them to briefly explain their proposed topic.

Representing Sudbury baseball, Scott McGavick, stated that the Park and Recreation Commission is seeking the Board's guidance regarding the creation of a baseball complex in Sudbury on the Melone property off Route 117. Mr. McGavick stated that a group of citizens began discussing this concept a year ago and has had subsequent conversations with the Town Manager, the Park and Recreation Committee, Director of Planning and Community Development Jody Kablack, Chairman of the Community Preservation Committee Chris Morely and Department of Public Works Director Bill Place. Mr. McGavick distributed copies of a PowerPoint presentation explaining the proposal to the Board for review.

Town Manager Valente expressed concern regarding compliance with the Open Meeting Law, since the topic was not duly noticed on tonight's agenda. Selectman Haarde opined that there is nothing in the Open Meeting Law to require notice of this agenda item ahead of time. Chairman Drobinski disagreed, and he recommended delaying this discussion until it can be properly noticed for others who might also be interested in the discussion. Selectman Haarde stated his surprise as to this discussion and the Board's goals not being on the agenda. He further stated that he sent Chairman Drobinski an email noting that the Board's

goals should be a timed agenda item rather than a Miscellaneous item on the agenda. Chairman Drobinski stated that, unfortunately, he did not receive the email and apologized to Selectman Haarde for this discussion being missed on tonight's agenda..

Chairman Drobinski recommended that the discussion with the Park and Recreation Commission be resumed on September 7, 2010 at 9:00 p.m., noting that the delay will allow citizens interested in the topic to be informed of the pending discussion.

The Board resumed its discussion regarding finalizing its goals.

Vice-Chairman O'Brien made a motion to approve the addition of the goal regarding the creation of the Citizens' Advisory Committee as discussed this evening to the list of the Board's FY11 goals under the Environmental or other appropriate section.

Selectman Haarde requested that the motion also include the addition of a goal for the establishment of 200 units of age-restricted affordable housing units. Chairman Drobinski stated he was not sure how this goal could be added. Town Manager Valente stated that it would be possible to add this as a goal, but that Town staff would need help from Selectman Haarde to develop the action steps to achieve the goal. Chairman Drobinski recommended that the goal be added to the list subject to Selectman Haarde developing an action plan with Ms. Kablack. He stated he had no problem with the revised motion as long as the Board has a sense of the timeframe and process for achieving the goal.

Selectman Haarde expressed his frustration at not having the goals he, as a Selectman, has recommended appear on the Board's FY11 goal list. He questioned why conditions have been suggested regarding his recommendations and whether Town staff did not want to work on them.

Chairman Drobinski stated that there should be a stated mechanism for reaching the goal presented by the Board. Town Manager Valente clarified that it has never been stated that Town staff did not want to work on the goals, but only that staff would need guidance on drafting the strategy for accomplishing the goal. Selectman Haarde stated that he does not believe the list provides mechanisms for reaching all of the goals.

Vice-Chairman O'Brien opined that putting the goal on the list as stated could be an educational opportunity, even though there is no parcel for the project, no funding mechanism and no way presented for accomplishing it. However, he further opined that Selectman Haarde wants the goal on the list and he is a Selectman. Selectman Haarde asked Vice-Chairman O'Brien not to patronize him, stating that there should be a commitment to the goal, and then efforts can be made to find a parcel, find funding and make it happen. Chairman Drobinski stated there is usually a strategy in place to reach a goal before the goal is adopted. Selectman Haarde stated that the Town Manager did not develop a strategy for any of the goals he recommended on June 24, 2010. Town Manager Valente stated that she had invited Selectman Haarde to assist her and Town staff to develop tasks, timetable and process for achieving the goal, but that has not yet occurred. Chairman Drobinski stated he did not object to putting the goal on the list and asked for a vote.

It was on motion

VOTED: To approve the FY11 Board of Selectmen Goals adopted August 24, 2010, as reviewed this evening, with the addition of the goal discussed tonight regarding the creation of a Citizens' Advisory Committee.

Selectman Haarde opposed the vote.

Multi-Board Financial Study Session – Discussion

In the Chairman's absence, Vice-Chairman O'Brien reported that he and the Town Manager met with the Chairs of the Finance Committee and the SPS School Committee, Superintendent John Brackett, Superintendent Scott Carpenter, Finance Directors Andrea Terkelsen, Judy Belliveau, and Mary Will to discuss organizational details for two financial session meetings. The meetings will be held on September 13 and September 27, 2010. Vice-Chairman O'Brien stated that the agenda for the first meeting includes a recap from each cost center of FY10, description of FY11 and preliminary revenue forecasts and planning for FY12, FY13 and FY14. In addition, the Finance Committee will discuss FY12 priorities. Vice-Chairman O'Brien further stated that the second meeting will focus on developing action steps to address issues identified at the first meeting. The September 13, 2010 meeting will be held at 7:30 p.m. at Grange Hall.

Sudbury and Wayland Transfer Station – Pilot Project

Present: Department of Public Works Director Bill Place

Town Manager Valente summarized the outstanding issues regarding the launch of the pilot program to share Transfer Station hours with Wayland. She provided a brief history of the support for the program by Sudbury and Wayland Boards of Selectmen. The issues included: finalizing a date to begin the program (September 28th suggested), notification to all sticker holders in both Towns (a draft letter to be mailed), and signing of an intermunicipal agreement with Wayland Selectmen. Currently, both Towns' facilities are open on Tuesdays, Thursdays and Saturdays. Upon implementation of the pilot program, Sudbury's Transfer Station will now be closed on Tuesdays and sticker holders will be informed to utilize Wayland's facility on that day of the week. Wayland's Transfer Station will be closed on Thursdays, and will direct its resident to utilize Sudbury's facility on that day.

Town Manager Valente stated that Department of Public Works (DPW) Director Bill Place has been coordinating program details, including notification to residents in both towns with his Wayland counterpart. In addition, an intermunicipal agreement is being drafted by both Town Counsels, which will be provided to the Board for review and discussion at its next meeting on September 7, 2010. Revised rules and regulations are also being drafted for review. She explained that the financial savings will be reviewed during and after the first six months. However, Town Manager Valente further noted that savings may not be seen initially due to existing disposal, recycling and staffing contracts. Over time, it is believed that both towns will be able to provide better service and achieve better efficiencies with the same or fewer staff.

Chairman Drobinski noted that this is a separate issue and does not impact the closure of landfills in either Sudbury or Wayland.

Selectman Haarde stated he believes the Town should proceed with implementing the pilot program. He also stated that he respects that costs may not decrease immediately, but wants to monitor if costs increase. Selectman Haarde suggested that a chargeback system be implemented if it appears one Town is carrying more of a financial load than the other. He also stated that he supports the hardship waiver for senior citizens, but believes the funds should remain as part of the Enterprise Fund. He does not advocate requesting tax returns to verify income, but believes proof of age 65 or older should be sufficient.

Vice-Chairman O'Brien asked what current staff will do on their days off. Mr. Place stated he will utilize the staff to cover other Town DPW needs. Vice-Chairman O'Brien also stated he supports the hardship waiver and that those funds remain in the Enterprise Fund.

Vice-Chairman O'Brien asked if the rules and regulations will clarify seasonal needs such as the disposal of grass clippings and Christmas trees. He also asked if the language for chargebacks will be part of the

intermunicipal agreement. Town Manager Valente stated that these issues are currently being worked through and are worth discussing further with Wayland. She also noted that future monthly true-ups are currently proposed and data would be tracked. Town Manager Valente emphasized that it is not the intention of either Sudbury or Wayland to subsidize each other for solid waste disposal.

Town Manager Valente will prepare documents for approval at the September 7, 2010 meeting.

Chairman Drobinski closed the discussion at 9:56 p.m.

Executive Session

At 10:32 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 land acquisition, wherein having an open session will be detrimental to the Town's negotiating position.

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

There being no further business, the meeting adjourned at 10:32 p.m.

Attest: _____

Maureen G. Valente
Town Manager-Clerk