

IN BOARD OF SUDBURY SELECTMEN  
TUESDAY, DECEMBER 6, 2011

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

The statutory requirements as to notice having been complied with, the meeting was convened at 7:32 p.m. in the Lower Town Hall, 322 Concord Road.

**Opening Remarks**

At 7:32 p.m., Chairman O'Brien opened the meeting. He reminded the community to access information on the Town website regarding registering landlines and cell phones for reverse 911 services in case of emergencies. He reported an act of vandalism damaged the tree lights at Grinnell Park, and he encouraged anyone with knowledge of the perpetrators to contact the Police Department. Chairman O'Brien announced the Hosmer House is open for the next two weeks. He stated the Sudbury Historical Commission has decorated the House for the holidays with an animal theme.

Chairman O'Brien acknowledged members of Boy Scout Troop 60 in attendance tonight. On behalf of the group, Scout Jacob Fisher introduced Merit Badge Teacher Mrs. Hill and five fellow Scouts. Jacob explained the scouts are working towards their Citizenship and Community badge.

**Reports from the Town Manager**

Town Manager Valente reported receiving requests from residents that the Grinnell Park lights be replaced with warmer, white-colored lights. The vandalized lights were initially purchased with the help of an anonymous donation of approximately \$4,000. Ms. Valente asked if the Board would like to review fundraising options to replace the lights at a future time, and the Board stated it would.

**AAA Credit Rating for Sudbury - Assignment**

Town Manager Valente reported Standard and Poor's has again assigned Sudbury an AAA credit rating, which allows the Town to borrow money on very favorable terms. She thanked Sudbury's Finance Director Andrea Terkelsen and Town staff for the many hours of work devoted to this effort.

**Open Meeting Law – New Regulations Allowing Remote Participation**

Town Manager Valente reported the Open Meeting Law has been amended to allow remote participation in public meetings. She explained adoption of the new regulation requires a vote of the Board of Selectmen, and she asked if the Board would like to deliberate the issue at a future meeting. The Board requested Ms. Valente schedule this topic as a future agenda item.

**Reports from the Board of Selectmen**

Selectman Drobinski reported the Board has been busy discussing the health care reform act and its implications for Sudbury.

Vice-Chairman Haarde stated he has been involved in collective bargaining meetings with the Sudbury Public School Committee. He has also participated in discussions regarding the Minuteman Regional Vocational High School capital project and proposed changes to its District's Regional Agreement. Vice-Chairman Haarde will also attend a joint meeting of the Route 20 Sewer Steering Committee and Route 20

Sewer Citizens' Advisory Committee this week. He informed the community that, during power outages, it is important for as many households with loss of power to contact NStar. Vice-Chairman Haarde explained that the more people who report outages, the better able NStar is at pinpointing how best to restore power.

Chairman O'Brien stated he has participated in numerous meetings in the past two weeks regarding collective bargaining issues. He stated the School Committee for Lincoln-Sudbury Regional High School has scheduled a January meeting to discuss collective bargaining topics.

### **Noyes School Green Repair Project - Accept Sale of Bonds**

Present: Sudbury Finance Director Andrea Terkelsen

Chairman O'Brien welcomed Sudbury Finance Director Andrea Terkelsen to the meeting to present the winning bidder for the sale of bonds regarding the Noyes School Green Repair project, and he reviewed the approval of the project at last year's Town Meeting. Copies of a memorandum from Ms. Terkelsen dated December 5, 2011, and copies of the required votes to be taken by the Board were distributed tonight.

Ms. Terkelsen reported the Town took bids today for the sale of long-term debt totaling \$1,580,000. She explained this is to fund the Town's share of the recently completed Noyes School Green Repair project, and that the permanently bonded amount would be less than what was anticipated. Ms. Terkelsen stated three bids were received. The lowest bidder was Robert W. Baird & Co., Inc. She explained the true interest cost (TIC) is 1.6111886% for a ten-year term. Ms. Terkelsen stated the net interest cost at maturity is \$123,012.06. She further stated signing by the Board would occur at a later date, and the settlement and transfer of proceeds is scheduled to occur on December 15, 2011.

Selectman Drobinski stated the interest rate is excellent, and he questioned how much better the rate is because of the Town's AAA credit rating versus an AA rating. Ms. Terkelsen reported she is not certain of the variance because of the many factors involved which vary from week to week. However, she stated Town staff is pleased with the AAA rating and believes it is indicative of the hard work done by Sudbury's management team throughout the year.

Vice-Chairman Haarde stated the rate looks good. He asked what is known about the winning bidder. Ms. Terkelsen stated Robert W. Baird & Co., Inc. is headquartered in New Jersey, but the bid was coordinated through its Boston office. She further stated the company is known for doing a lot of municipal bond work in Massachusetts.

Chairman O'Brien thanked Ms. Terkelsen and Town staff for their work on achieving the AAA credit rating and obtaining funding for this project.

It was on motion unanimously

Voted: that we hereby determine, in accordance with G.L. c. 70B, that the amount of the cost of the Noyes Elementary School project authorized by a vote of the Town passed on January 19, 2011 (Article 1) not being paid by the school facilities grant is \$1,865,822 and we hereby approve of the issuance of Bonds in such amount under said G.L. c. 70B.

Further Voted: that the sale of the \$1,580,000 General Obligation School Bonds (Unlimited Tax) of the Town dated December 15, 2011 (the "Bonds"), to Robert W. Baird & Co., Inc. at the price of \$1,628,973.79 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on August 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2012	\$160,000	2.00%	2017	\$160,000	3.00%
2013	160,000	2.00	2018	155,000	2.00
2014	160,000	2.00	2019	155,000	2.00
2015	160,000	2.00	2020	155,000	2.00
2016	160,000	3.00	2021	155,000	2.250

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated November 28, 2011, and a final Official Statement dated December 6, 2011 (the “Official Statement”), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

**Public Hearing: First Colony Northwood LLC – Request for Site Plan Modification**

Present: Petitioner First Colony Northwood LLC representative Stan Gordon and Attorney Mark Kablack

At 8:20 p.m., Chairman O’Brien opened the Public Hearing regarding the request for an amendment to an approved Site Plan Modification decision dated March 23, 2010, for revisions to the Site Plan including minor alterations to the building elevations and interior floor plans of the townhouse units and relocation of two duplex buildings, which was continued from November 15, 2011. The property is located at Northwood Drive, Town Assessor’s Map C11, Parcel 302, zoned Research District.

Selectman Drobinski recused himself from the discussion due to a potential conflict of interest with his employer.

The Board was in previous receipt of copies of the minutes of the November 30, 2011, Design Review Board meeting, recommending the proposed changes to the elevation and landscape plans, a letter from Sudbury Planning Board Chairman Michael Fee dated November 30, 2011, stating the Board approved the requests to amend the Stormwater Management and Water Resources Permits, and a letter from Town Counsel Paul Kenny dated December 2, 2011, providing opinions on related issues as requested by the Board. In addition, copies of a letter from Blatman, Bobrowski & Mead, LLC Attorney Adam Costa dated December 6, 2011, were distributed to the Board tonight.

Chairman O'Brien referenced Town Counsel's letter, and the explanations provided of the different Site Plans noted as SP1 (original), SP2 (approved in 2010 by the Selectmen) and SP3 (the pending modification request). He referenced the sixth paragraph, noting Town Counsel Kenny opined that, if SP3 is not approved, the developer can still obtain a Building Permit, subject to the conditions stated within the letter, and that the SP3 application does not open the Site Plan approval to items contained in SP1 and SP2, except as requested. In addition, Town Counsel opined that, if SP3 is not approved, the developer may be issued a Building Permit, under their own risk, pursuant to SP2, which is under appeal in the Land Court.

Attorney Mark Kablack summarized the application request as minor in nature. He reported that, since the last meeting, the applicant has received approval from the Planning Board for its modification to the Stormwater Management and Water Resources Permits and recommendation for approval of the proposed revisions from the Design Review Board. Mr. Kablack noted the request primarily is to move the internal location of two duplex units, but that the total number of units has not changed. He further stated the proposal is for all two-bedroom units. Mr. Kablack emphasized there have been numerous unit-owner meetings held and that the Condominium documents and approvals are in place. He noted there is pending litigation with one unit owner, the Bournes, regarding age restriction and care services, but that these issues are not relevant to the application request.

Mr. Kablack stated he has met with the Assistant Fire Chief regarding the request for a two-way radio system to be paid for by the applicant. He stated the result of these discussions was that there could be a community-based need for the equipment which might also extend to the Cummings and Frost Farm properties. Mr. Kablack stated the Assistant Fire Chief will work with all property owners to achieve the best solution to the communication problems, and that the applicant is amenable to whatever decision is proposed. Vice-Chairman Haarde later stated he believes this is an important emergency feature for the senior citizens living in this neighborhood.

Mr. Kablack stated his applicant and he believes Town Counsel Kenny's opinions support their position to limit the scope to the minor modification proposed, which ordinarily might not even necessitate a Public Hearing process.

At the last meeting, Vice-Chairman Haarde stated he had requested an opinion from Town Counsel Kenny regarding whether the Board could entertain a modification request to a Site Plan which never occurred, and that he does not believe the opinion has been provided. Thus, he researched the matter himself. Vice-Chairman Haarde stated the Federal Fair Housing Act gives anyone the right to sue an over-55 development for reverse age discrimination, and he does not understand the advantages for Sudbury to include this fair housing act language in our site plan approvals as it opens up the door for reversing our age-restricted housing and that would be detrimental to Sudbury. He explained the Federal law does allow a minimum of 80% of units in a development to be for residents 55 and older. Vice-Chairman Haarde further stated the Housing for Older Persons Act (HOPA) provides a bit of a safe harbor. He stated Sudbury needs senior housing and should retain as much of it as possible because Sudbury leads the state in families with school-age children and we need more Senior Housing not more family housing. We are moving in the wrong direction if we convert age-restricted housing to family housing especially considering all the age-restricted developments we have built since this one in 1997. It could create a tremendous tax burden to start a precedent of converting age-restricted housing to family housing. Thus, Vice-Chairman Haarde does not understand why the age restriction requirement should have been rolled back from 100% to 80%. He further stated he is concerned that there are inconsistencies with the current requirements and the Town Bylaws.

Chairman O'Brien stated last year the Board deliberated these same issues and it thoroughly discussed the different requirements for age-restriction as defined in the Federal Fair Housing Act and the HOPA amendment. However, he further stated the Board considered the extenuating circumstances of this

development, which has been through two developer bankruptcies and remains not fully constructed after ten years. Thus, the decision was made to adjust the requirement to 80% as allowed by HOPA in an effort to facilitate completion of the project and to provide the current residents with financial relief with additional unit sales as soon as possible. Chairman O'Brien further stated it is highly unlikely that families with children would be attracted to this development, and he noted that even with a 100% age-restriction requirement, it does not guarantee a child would not live within the complex.

Vice-Chairman Haarde opined that he believes the 100% requirement would make it less likely that a family with a child would live in this type of development. He further stated that he believes adjusting the requirements to jumpstart a project is a dangerous precedent to set, especially if those adjustments are in violation of Town Bylaws.

Vice-Chairman Haarde stated he researched the status of the SP2, and he found that there is no final stamped Site Plan on file at the Town Clerk's Office. However, he did find a letter on file with the Town Clerk's Office from Attorney Kablack which was dated August 23, 2010 and stated that Mr. Kablack wished all consents the Selectmen approved regarding SP2 be withdrawn because Castagna Construction failed to successfully consummate the phasing rights. Vice-Chairman Haarde believes the SP2 does not exist, and thus it cannot be modified.

Mr. Kablack stated he believes, as presented in Town Counsel Kenny's letter in the fifth paragraph, that the approval of SP2 was extended, and that the applicant is entitled to the benefit of this approval and has this vested right. He explained there is a SP2 Site Plan Decision, which he displayed, which is stamped as received by the Town Clerk's Office, and that this application request is simply to modify last year's approval which does exist. Mr. Kablack further explained that the conditions of the Site Plan approval have not been completed, which often do not occur for some time. He also clarified that because of the pending appeal in the Land Court, the conditions of the approval remain open. Mr. Kablack noted the Zoning Board of Appeals upheld the March 2010 Decision by the Selectmen, and that no one in Sudbury who is responsible for zoning issues has stated that the SP2 is not in compliance with Town Zoning Bylaws. He reiterated the SP2 is a valid and vested right for First Colony Northwood LLC.

Mr. Kablack provided historical background regarding the genesis of the Federal Fair Housing Act and the HOPA amendment, which he stated was also discussed last year with the Board. He emphasized the 80% minimum age-restriction requirement was instituted to provide flexibility for homeowners and these types of developments. Mr. Kablack noted the development must always market itself as age-restricted, and all policies and procedures have to be targeted to the over 55 audience. He highlighted the particular "perils" of this community, noting the two developer bankruptcies, and the 24 current homeowners who are struggling to pay expenses which were intended to be covered by more units. In response to a concern previously expressed by Vice-Chairman Haarde, Mr. Kablack stated there is no risk of setting a precedent with this development because there is only one zoned Research District in Sudbury, and that this is the only care facility like this located there.

Vice-Chairman Haarde opined that Florida is now experiencing many problems and lots of litigation due to decisions made regarding these types of developments, and that he does not want that to happen in Sudbury. He believes the Federal Fair Housing Act is in conflict with Sudbury's objectives to encourage 100% senior housing. He stated he understands the 80% minimum restriction does allow a cushion for extenuating circumstances, and that he would be supportive if the restriction included language that no units would be sold to a household where no member is 55 or older. He reiterated his belief that the 2010 Site Plan (SP2) is incomplete in regard to Condition #14.

Chairman O'Brien stated that the Board often endorses final stamped Site Plans years after they are approved. He also noted that, due to the pending Land Court appeal, the Site Plan completion timeline was frozen in time. Chairman O'Brien believes the Board is being asked to approve a modification of a document which was approved last year.

Mr. Kablack stated the fact that the conditions of the Site Plan for SP2 have not been completed is irrelevant just as the conditions from the original Site Plan SP1, which approved 66 units be constructed are also incomplete. He provided an example of an age-restricted development in Marlborough recently approved with the 80% requirement which works well and allows new sales to occur. Mr. Kablack emphasized there are as many examples where the requirements work as there are where they do not.

Vice-Chairman Haarde reiterated his concern that units would be sold to people under the age of 55 and clarified that there is a difference between not completing construction of an approved final site plan and not completing or approving a final site plan. SP1 was a completed and approved Site Plan, but the construction was not completed. The SP2 site plan was never completed or approved.

First Colony Northwood LLC representative Stan Gordon noted that Northwood is very different than other age-restricted developments, noting that 18 of the current 24 units have only one bedroom. He noted his extensive experience with these types of developments dating back to 1986. Mr. Gordon opined that, based on his experience, the existing project does not lend itself to, nor will it attract, family housing. He stated that he relied on the March 2010 Site Plan Decision when he purchased the rights through the bankruptcy auction. Mr. Gordon further stated it is common that conditions and final Site Plans for projects may not be submitted for many years.

Respectfully, Mr. Gordon emphasized there is already pending litigation in Land Court which will decide the age-restriction and care service issues, in spite of what the Selectmen decide. He also noted the final arbiter of Sudbury zoning, the Zoning Board of Appeals, upheld the March 2010 Decision.

Vice-Chairman Haarde thanked Mr. Gordon for wanting to do business in Sudbury. He stated he hopes a mutual solution can be found for the common good of all, but he fears that the pattern of litigation will continue. Vice-Chairman Haarde also thanked Mr. Gordon for the positive tone of his comments and constructive manner and stated that hoped the days had passed where citizens of Sudbury would use this room to disparage other citizens of Sudbury.

Chairman O'Brien stated First Colony Northwood LLC secured the rights to the SP2 and is willing to take on the risks of development. He also noted the Condominium Association wants the project to move forward. He invited public comment, and he requested that only new information be presented.

Attorney Adam Costa, representing Mr. and Mrs. Sidney Bourne, referenced his letter dated December 6, 2011. Chairman O'Brien thanked Mr. Costa for his detailed perspective on the arguments he presented at the last meeting. However, he further informed Mr. Costa that Town Counsel Kenny has opined that the Board can vote on the modification request. Chairman O'Brien also stated he stands by the Board's March 2010 Decision.

Sudbury resident Hadley Fiske stated she has owned her home at Northwood longer than anyone else. She emphasized the current residents are trying desperately to survive, and that it has been ten long years waiting for the development to be completed. Ms. Fiske highlighted that this is the third developer who has attempted completion, and that the legal situations have "strangled" the current residents. She stated she hopes the development can be completed before she has to leave to go to an assisted-living facility.

Sudbury resident Robert Abrams, 48 Horse Pond Road, asked for Chairman O'Brien to clarify what he intends to vote on, given there is no plan on file at the Town Clerks' Office. Chairman O'Brien stated he believes the Board is voting on amending its March 2010 Decision, which is on file at the Town Clerk's Office, to internally move the location of two units as was presented in SP2 to a new location as presented in SP3. He reiterated that the applicant could receive a Building Permit and commence construction, at his own risk.

Chairman O'Brien made a motion to instruct Town staff to prepare an affirmative decision regarding the amendment request by First Colony Northwood LLC to the Site Plan Modification decision dated March 23, 2010, for property located at Northwood Drive, Town Assessor's Map C11, Parcel 302, zoned Research District, including a condition that the applicant continue to work towards a satisfactory resolution to the request made by the Assistant Fire Chief for funding a two-way radio system for the immediate area.

Vice-Chairman Haarde seconded the motion.

At 9:37 p.m., Chairman O'Brien voted in favor of the motion, and Vice-Chairman Haarde opposed the motion. Chairman O'Brien announced that in the instance of a tie vote, the result is that the request is not approved.

Attorney Kablack requested tonight's decision be provided to him in writing, so that the applicant can pursue legal action, if so desired.

It was on motion unanimously

VOTED: To close the Public Hearing regarding the request by First Colony Northwood LLC to the Site Plan Modification decision dated March 23, 2010, for property located at Northwood Drive, Town Assessor's Map C11, Parcel 302, zoned Research District.

### **Minutes**

It was on motion unanimously

VOTED: To approve the Executive Session minutes of October 27, 2011 and November 4, 2011, the Regular Session minutes of November 15, 2011, and the Regular and Executive Session minutes of November 21, 2011.

### **Council on Aging – Resignation**

It was on motion unanimously

VOTED: To accept the resignation of Susan H. Kasle, 27 Bowker Drive, as a member of the Council on Aging, as requested in an email dated November 29, 2011, from Debra Galloway, Director of the Council on Aging, and to send a letter of appreciation for her service to the Town.

### **Energy and Sustainability Green Ribbon Committee – Resignation**

It was on motion unanimously

VOTED: To accept the resignation of Dean Holden, 43 Pinewood Avenue, as a member of the Energy and Sustainability Green Ribbon Committee, as requested in a letter dated November 18, 2011, and to send a letter of appreciation for his service to the Town.

**Massachusetts Interlocal Insurance Assn. (MIIA) Loss Control – Grant**

Town Manager Valente explained that Assistant Town Manager Maryanne Bilodeau has spearheaded efforts to pursue MIIA grants for various safety-related purposes. She stated Ms. Bilodeau and Town staff have aggressively written grant applications to obtain as much funding as possible, which results in insurance premium reductions for the Town.

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a Massachusetts Interlocal Insurance Assn. (MIIA) Loss Control Grants as follow: 1) \$8,000 for Development of BeSafe Program for Fairbank Community Ctr.; 2) \$800 for consultant to develop playground inspector programs and 3) \$560 for CPSI training for one individual, all as outlined in letters dated November 5, 2011.

**New Cingular Wireless PCS LLC, d/b/a/ AT&T – Endorse Site Plan – 16 North Road**

Vice-Chairman Haarde recused himself from discussion and vote on this agenda item due to a potential conflict of interest with his employer.

It was on motion

VOTED: To endorse the final site plans for New Cingular Wireless PCS LLC, d/b/a AT&T, for property located at 16 North Road, owned by the Sudbury Water District, as recommended by the Director of Planning and Community Development.

**Annual Renewal of Licenses**

Town Manager Valente reported all required documentation is in order for all licensees. She thanked Selectmen's Office Manager Patty Golden for her many hours of work coordinating this process, the compliance materials and communicating with licensees.

It was on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, to renew the Alcoholic Beverages, Common Victualer, and Entertainment licenses to expire December 31, 2012, for calendar 2012; and Motor Vehicle – Classes 1, 2, and 3 licenses to expire January 1, 2013, as shown on the "Licensee List 2012," attached and incorporated herein; and to forward the appropriate renewal forms to the Alcoholic Beverages Control Commission where applicable; said licenses to be held subject to payment of the required license fees, compliance with the Selectmen's Alcohol Training Policy, correction of any/all outstanding health, safety or zoning violations, receipt of verification of Workers' Compensation Insurance for the licensing period, and the payment of all outstanding personal property taxes, real estate taxes and state taxes; said licenses shall also be subject to all previous restrictions.



**Minuteman Regional Vocational Technical High School – Correspondence from District School Committee**

Chairman O'Brien opened a discussion regarding Minuteman Regional Vocational Technical High School's proposed capital project. The Board was previously in receipt of copies of a draft letter to the Superintendent and Chairman of the District School Committee dated December, 2011, a letter from Minuteman Superintendent Edward Bouquillon dated November 22, 2011, which was sent to the Town Managers of the member towns asking for an article to be placed on Town Meeting agendas requesting approval for establishment of a Stabilization Fund by the School District to pay for capital repairs, renovations and improvements, and a letter from Minuteman District School Committee Chair Alice DeLuca dated November 29, 2011, sent to Town officials explaining the process to date regarding efforts to study the capital apportionment section of the existing Regional Agreement, and recommending the School continue to operate under the existing Agreement unless all 16 member towns agree to change it, and suggesting new members be added to the district and ways for the School to receive a greater MSBA reimbursement for out-of-district students be explored and for out-of-district cities/towns to pay their portion of capital costs.

Town Manager Valente, Vice-Chairman Haarde, Sudbury's Minuteman School Committee representative Dave Manjarrez and Finance Committee member Bill Kneeland have met to discuss Sudbury's next steps regarding the proposed capital project and cost apportionment. She stated the outcomes from these discussions have resulted in the draft letter to the School Superintendent and School Committee Chair dated December, 2011.

Ms. Valente referenced the November 29, 2011, letter from Ms. DeLuca, stating no action would be taken on the Model E proposal presented by the member Town Managers' group, and that the School would pursue a feasibility study regarding the scope of the project and capital apportionment. Ms. Valente stated she and her Sudbury colleagues are concerned that there is no specific goals provided regarding how much non-member towns will be charged. Ms. Valente requested the Board's opinion regarding whether the letter should be sent so as to provide direct feedback regarding what will eventually be considered as acceptable terms by Sudbury. She referenced several sections of the Sudbury draft letter. Ms. Valente emphasized the letter includes a proposed resolution to oppose the capital project going forward unless acceptable protections are put in place to prevent Sudbury taxpayers from being obligated to subsidize the educational and capital costs of students from non-member towns or cities and/or that the School Committee reduce the size of the project to only accommodate current and projected enrollments from member towns. The letter also includes an invitation to Minuteman representatives to meet with the Board to discuss these matters further.

Vice-Chairman Haarde summarized the concern of Sudbury and other member towns regarding the fact that Minuteman charges a lower tuition rate for non-member students, which is set by the State, which is lower than what is charged for member-town students. He explained the non-member town student population of the School has grown through the years and is projected to be approximately 43%. Thus, Vice-Chairman Haarde stated the member towns are subsidizing the tuition costs of non-member students. In addition, he stated non-member towns do not contribute to capital costs, and that a School renovation has been proposed which could total upwards of \$70 million. Vice-Chairman Haarde stated many member towns have concerns regarding building a school for 800 students which is not paid for equitably by all towns which send students.

Selectman Drobinski stated he believes it is appropriate for Sudbury to send the letter as a message that the Town expects equitable treatment be applied to all parties regarding these matters.

In response to a question from Chairman O'Brien, Town Manager Valente stated, currently, there is nothing the School can do by law to require non-member towns contribute to these costs. It was noted that in the School Committee's November 29, 2011 letter, it states the School is exploring avenues to receive funding from out-of-district cities and towns and to increase members in the District.

Vice-Chairman Haarde stated he stressed these issues in previous discussions with School representatives, and that he noted the issues need to be aggressively pursued for a legislative and/or regulatory solution. He stated School representatives have alluded to working on these issues, but have been unwilling to share their strategy.

Chairman O'Brien asked what the positions are from the other member towns. Vice Chairman Haarde stated the 16 member towns seem unified regarding the need for out-of-district students to pay an equitable tuition charge. However, regarding the capital cost apportionment, there seems to be more of a split opinion on the best approach. Vice-Chairman Haarde believes the State legislature needs to be lobbied to change the policies for charging non-member students for operational and capital costs. He opined there is no current incentive for non-member towns to become members of the District. Vice-Chairman Haarde believes the current system needs to be changed to provide an incentive.

Town Manager Valente asked for guidance regarding to whom copies should be sent of the Sudbury letter reviewed tonight, which the Board provided to her.

It was on motion unanimously

VOTED: To authorize the Town Manager, on behalf of the Board, to send the draft letter as reviewed tonight to the Minuteman Regional Vocational High School Superintendent and the Chairman of the Minuteman Regional School District and to send copies of the letter to those mentioned tonight.

### **Executive Session**

At 9:38 p.m., Chairman O'Brien 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 discretionary fund expenditures and collective bargaining, wherein strategy discussion with respect to collective bargaining in an open meeting may have a detrimental effect on the bargaining position of the public body, Chairman Lawrence W. O'Brien, aye, Vice-Chairman Robert C. Haarde, aye and Selectman John C. Drobinski, aye.

Chairman O'Brien announced regular session would not reconvene following Executive Session.

There being no further business, the meeting adjourned at 9:38 p.m.

Attest: \_\_\_\_\_

Maureen G. Valente  
Town Manager-Clerk