

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, APRIL 3, 2012

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 7:35 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

Chairman O'Brien thanked everyone who helped to coordinate the Town Election. He stated 29% of Sudbury's registered voters participated. Chairman O'Brien announced the Transfer Station "Put and Take" is now open, as is the dock at Willis Lake. He reminded residents to participate in the Annual Town Clean-Up on Saturday April 28, 2012. Chairman O'Brien also encouraged anyone who missed the dog license renewal deadline to register their dogs as soon as possible.

Public Hearing: NStar Electric Company and Verizon New England, Inc. – Utility Petition #12-04 – Raymond Road

At 7:37 p.m., Chairman O'Brien opened the Public Hearing regarding the request for a grant of location for Utility Petition UP #12-04 from NStar Electric and Verizon New England, Inc. for the purpose of installing 36 feet of conduit on Raymond Road at Pole 14/9 to provide underground electric service to a Verizon Wireless Cell site.

Vice-Chairman Haarde recused himself from the discussion.

The Board was previously in receipt of a letter from Richard M. Schifone, Supervisor, Rights and Permits, NStar Electric Company, dated February 7, 2012, and drafts of an "Order For Location for Conduits and Manholes" and an "Order for Pole & Conduit Location," accompanying map and email message from Director of Planning and Community Development Jody Kablack dated March 23, 2012, recommending approval.

Chairman O'Brien stated the NStar representative was unable to attend tonight's meeting.

Selectman Drobinski stated the plan for the underground services is good. He suggested asking if Comcast could co-locate conduit in the same trench, at the same time. Town Manager Valente stated Department of Public Works (DPW) Director Bill Place routinely pursues this coordination as well. Selectman Drobinski requested the Town notify Comcast of its option now to install conduit for future use.

It was on motion unanimously

VOTED: To approve a grant of location for Utility Petition UP #12-04 from NStar Electric and Verizon New England, Inc. for the purpose of installing 36 feet of conduit at Pole 14/9 on Raymond Road, to provide underground electric service to Verizon Wireless Cell site.

Reports from the Town Manager

Town Manager Valente reported the Town concluded its work with Bravo Productions last week, and the board will accept a donation from the film company later tonight. She highlighted a banner on Town Hall welcoming home Sgt. Charles Wilkinson, who happily returned home sooner than expected. Sudbury's Military Appreciation Group will prepare a proclamation for a future Board meeting.

Town Manager Valente stated a notice has been posted on the Town website regarding street cleaning. She also provided the Board with an update of a recent accident. Town Manager Valente thanked all Public Safety personnel and Town staff who handled the situation professionally and appropriately.

Reports from the Board of Selectmen

Selectman Drobinski acknowledged three recent deaths which have affected members of Sudbury's community - Dr. Steve Solomon, John MacKinnon and the father of DPW Director Bill Place, and he offered condolences to their families and friends. He asked citizens to reflect on the contributions made by these individuals.

Vice-Chairman Haarde stated collective bargaining discussions continue with the Sudbury Public Schools. He also stated evaluation and analysis continue by the Route 20 Sewer Steering Committee and the Route 20 Sewer Citizens' Advisory Committee. Vice-Chairman Haarde also stated a MAGIC meeting will be held on Thursday addressing financing opportunities for wastewater projects. Chairman O'Brien asked if the Route 20 Sewer Steering Committee has discussed appointing a new Co-Chairman, since Eric Poch was defeated in his re-election campaign as a member of the Planning Board. Selectman Drobinski stated he would support Eric remaining on the Committee, if Eric and the Planning Board wished to do so. Vice-Chairman Haarde stated he would also support this, and that he will try to contact Mr. Poch to further discuss this as an option.

Vice-Chairman Haarde stated the Board received feedback this week regarding accessibility issues at the Transfer Station, and he asked if ramps could be installed. Town Manager Valente stated ramps may not be the best solution because of the site's grading. However, she reported a meeting is planned on site with the DPW Director and the Building Inspector to discuss viable options. Vice-Chairman Haarde thanked Ms. Valente for the Town's attention to this matter, noting it is difficult for those with disabilities to navigate the curbs which have been installed. Town Manager Valente stated Transfer Station volunteers will continue to offer assistance, while better solutions are determined and implemented.

Chairman O'Brien stated collective bargaining discussions are continuing with Lincoln- Sudbury Regional High School (L-SRHS). He also reported the Board held an Executive Session last week, which was followed by a public session, focusing on Sudbury's Senior Tax Relief Bill. Chairman O'Brien spoke with the Council on Aging today regarding the pending bill H.3435, and it will also be discussed tonight.

Legislative Discussion

Present: State Representative Tom Conroy and State Senator Jamie Eldridge

At 7:49 p.m., Chairman O'Brien welcomed State Representative Tom Conroy and State Senator Jamie Eldridge to tonight's meeting to provide the Board with a legislative update. He thanked Mr. Conroy for coordinating a meeting between Sudbury officials and House Chair of the Committee on Revenue Jay Kaufman regarding H.3435.

State Senator Jamie Eldridge distributed copies to the Board of a handout highlighting his priorities and the FY13 Local Aid estimates comparing the Cherry Sheet to the Governor's Budget estimates. He also commended Mr. Conroy for his tenacity to help H.3435 move on through its review and approval process.

Mr. Eldridge stated working to support increases to municipalities in Local Aid, lottery, regional school transportation and Chapter 70 funds are his highest priorities. He has advocated strongly for human services funding, a fair and adequate tax system and for budget transparency and accountability. Mr. Eldridge also supports stimulating economic development, investments in transportation and preventing cuts in spending

on environmental protection. He reported the State was able to avoid financial cuts for the MBTA system. Mr. Eldridge stated he is confident a proposed \$200 million Chapter 90 bond bill for roads and bridges will pass.

Mr. Eldridge highlighted a few pending bills. He is uncertain whether updates will be made to the Community Preservation Act (CPA) to increase matches made to municipalities and to redefine the use of funds for recreation. Mr. Eldridge stated a committee was formed to further study water infrastructure-related issues and options to increase revenues for these projects and to address stormwater utilities issues. He stated studies indicate the State will have a \$20 billion deficit for these projects in the next 20 years. Chairman O'Brien asked if the committee evaluated new developments such as the one proposed for Sudbury. Mr. Eldridge stated the committee looked at alternatives to new wastewater treatment facilities, and its report will be made available next month. He further stated he is working to pass the bottle bill.

State Representative Tom Conroy reported the House is addressing many of these same issues. Mr. Conroy also advocates strongly for stable or increased funding to Local Aid, lottery, regional school transportation, Chapter 70 and Circuit Breaker programs. He hopes to see transportation revenues increase in FY 2013 to possibly provide assistance to towns like Sudbury and Wayland for projects like repairing Sherman's Bridge.

Mr. Conroy stated he is also a proponent of the CPA bill to increase the municipal match. He stated even at its current match, the CPA is a good deal for communities. Mr. Conroy stated he is becoming more involved in sewage treatment issues because he finds the statistics for future maintenance costs alarming, given the State has no funds budgeted for this purpose. He will continue to highlight at the local level these unmet needs. Mr. Conroy stated another unfunded liability is the Other Post-Employment Benefits (OPEB) issue. He has asked to be one of two House members to be appointed to a new commission to further study the issue. Mr. Conroy is also actively engaged with trying to lower the State's healthcare costs.

Mr. Conroy stated Sudbury's Senior Tax Relief Bill has moved to the House Ways and Means Committee for review. However, he emphasized the Committee is entrenched in budget deliberations until June 30, 2012, and that the bill would likely be held during this time. Thus, Mr. Conroy stated no preliminary budget information is available tonight, but information may be released next week. Vice-Chairman Haarde asked what the Senate timeline would be for consideration of the bill. Mr. Conroy stated, if the bill is approved by the House, it will likely have a smooth path through the Senate, and not have to be reviewed again by the Revenue Committee.

Chairman O'Brien stated the Town will work on revisions to the bill in the next 30 days and will then submit it to Mr. Conroy to possibly solicit the opinion of House Counsel. In addition, Chairman O'Brien stated the Board is considering appointing a committee to work on these revisions for a two-week period to begin immediately.

Selectman Drobinski stated he is pleased attention is being given to the unmet mandated stormwater regulation needs. He believes the Environmental Protection Agency (EPA) requirements are onerous for most communities and will result in significant draining of municipal financial resources. Mr. Eldridge concurred, stating the water commission suggested the State Department of Environmental Protection (DEP) oversee these matters. Selectman Drobinski stated often municipalities can develop flexible working relationships with local DEP offices rather than with the Federal agencies, which are more apt to assess fines.

Vice-Chairman Haarde asked if there are plans for any Chapter 40B reform. Mr. Eldridge co-chairs a Joint Committee on Housing. He stated only two testimonies were heard this year regarding Chapter 40B

reform, and the referendum to repeal Chapter 40B was defeated in 2010. Thus, the decision was made not to prioritize the issue this year, but something will be filed for next session. Vice-Chairman Haarde stated this is a significant issue for Sudbury, and he asked for support to help Sudbury not lose control of its local zoning bylaws. He urged Mr. Conroy and Mr. Eldridge to work to reform Chapter 40B laws in ways which will benefit towns like Sudbury. Vice-Chairman Haarde stated the current system does not make sense because often times, after 15 years, a lot of affordable housing projects revert to market rates. Mr. Eldridge commended the work done by Sudbury and the Sudbury Housing Authority (SHA) on this issue. Vice-Chairman Haarde opined the Town needs to be more proactive on this issue.

Vice-Chairman Haarde asked for clarification on why the proposed CPA revisions for recreation and increasing the match are not expected to pass. Mr. Conroy stated the argument is currently not being won with the House Speaker who perceived the fee increase on deeds as a tax increase. Vice-Chairman Haarde asked if the House has considered dealing with the two CPA proposals separately. Mr. Conroy has long supported the use of CPA funds for existing recreational fields, but he is not optimistic about passage. Mr. Eldridge stated the CPA Coalition has advocated to not separate the issues in hopes of approval for the entire bill.

Vice-Chairman Haarde stated Sudbury is pursuing its wastewater treatment project as a means to increase commercial tax revenue, protect the Town's water supply and energize businesses. He emphasized the business district on Route 20 is currently all on septic systems. Vice-Chairman Haarde urged Mr. Conroy and Mr. Eldridge to keep Sudbury's project in mind, and to help sponsor funding opportunities for towns to protect their water supply and energize businesses. Mr. Conroy stated he will further research opportunities, and he asked what the estimated project price is. Vice-Chairman Haarde stated the project is estimated at \$15 million, which does not include an estimated \$1 million per mile to bury utilities.

Chairman O'Brien noted town water districts are often separate entities which are not interested in taking control of sewer projects. He urged State officials to reach out to Town Managers and Town Administrators as part of their research.

Vice Chairman Haarde asked if either gentleman plans to take on new assignments for next year. Mr. Eldridge stated he would like to be involved with Chapter 40B matters, and he will be Vice-Chairman of the Environmental Committee. Mr. Conroy welcomes recommendations from the Board and his constituency for his involvement. Vice-Chairman Haarde stated he will work to connect with Mr. Eldridge on housing issues and with Mr. Conroy regarding wastewater issues.

Chairman O'Brien asked for an update on the Lincoln-Sudbury Regional High School (L-SRHS) special education relief request. Mr. Conroy has met with the L-SRHS School Committee Chair, and he is hopeful that enough money will be added to the State's extraordinary relief funds to help L-SRHS with as much of its request as possible, although the entire amount may not be satisfied. He believes a decision will be available in the next few weeks, which will help inform Sudbury of its options prior to its Town Meeting in May. Chairman O'Brien stated it would be helpful for the State to consider creating some initial funding programs for this issue in the future. Mr. Conroy concurred that there is a need for schools to bring these services in-house. He stated the current Chapter 70 funds formula undercounts the portion of school populations that has special education needs. Mr. Conroy believes the Chapter 70 funding formulas for suburban communities needs to be changed to better allocate funds for these purposes. Mr. Eldridge stated a Chapter 70 Adequacy Bill was put on hold this year, but support will build for it again next year. Mr. Conroy stated one problem is that the State would need to add approximately \$1.75 billion to its Chapter 70 budget. He also noted many other cities such as Framingham are facing similar special education problems.

Vice-Chairman Haarde asked when the Chapter 70 formula was last revised. Mr. Eldridge stated changes were made in 2005. Vice Chairman Haarde asked Mr. Conroy and Mr. Eldridge to monitor this issue carefully because he is not sure a change in the Chapter 70 formula would necessarily benefit Sudbury.

Chairman O'Brien invited public comments regarding Sudbury's Senior Tax Relief Bill H.3435.

Senior Tax Advisor Dave Levington thanked Mr. Conroy and Sudbury resident Ralph Tyler for their work to move the bill forward. Mr. Levington believes the Town has a limited "window of opportunity" for passage of the bill. He believes revisions should be kept to simple wording revisions. Mr. Levington believes the Town needs to know what it wishes to accomplish with the proposed bill. He summarized that the proposal passed nearly unanimously at the Annual 2011 Town Meeting because it was revenue neutral, had no effect on the Town budget and identified a specific group of senior citizens who would benefit from the proposal. Mr. Levington stated, over the past year, discussions have occurred as to how to administer the program, while being in compliance with Department of Revenue (DOR) procedures. Town staff has had difficulty determining systems to implement fairly. Mr. Levington stated the Town needs the help of the DOR, and from Mr. Conroy and Mr. Eldridge, to ensure the success of the program, which was identified by Mr. Kaufman as a State pilot program.

Sudbury resident Ralph Tyler, One Deacon Lane, stated concerns have been expressed by Town staff that the program might impact the Town's administration and ability to set the tax rate. He believes the Town should find out exactly what the DOR procedures are so Sudbury can submit something which is acceptable.

Chairman O'Brien suggested the revisions include language instructing the DOR to offer assistance to Sudbury, and, if the DOR is unwilling to approve Sudbury's program, to include an escape clause for Sudbury to revert to its prior practices.

Mr. Levington expressed his apprehension about members of an *ad hoc* committee not having the assessing experience necessary to complete the task. Town Manager Valente stated Joe Nugent, who is a Sudbury resident, is interested in participating, and he previously worked as the Director of Assessing for the Town of Lexington.

Selectman Drobinski stated the Board is committed to the Senior Tax Relief Bill and Sudbury's opportunity to implement a successful pilot program, which could become a model for seniors in the State.

At 8:40 p.m., Chairman O'Brien thanked the legislators for their work on behalf of Sudbury and he closed the discussion

Public Hearing: Site Plan Modification Application – 29 Hudson LLC

Present: Applicants/Managers Jeff Walker and Mike Carney

At 8:40 p.m., Chairman O'Brien opened the Public Hearing regarding the Site Plan Modification Application of 29 Hudson LLC in accordance with Town of Sudbury Zoning Bylaw Section 6300 for property located at 29 Hudson Road, Town Assessor's Map H09, Parcel 0002. The Board was previously in receipt of copies of the Site Plan Application dated March 8, 2012 and accompanying renderings and appendices, a memorandum from the Design Review Board dated March 23, 2012, a memorandum from Department of Public Works (DPW) Director Bill Place dated March 27, 2012, a memorandum from Director of Planning and Community Development Jody Kablack dated March 30, 2012, and notes from a March 22, 2012 Village Green Pre-Application Meeting, 29 Hudson Road. Town Manager Valente reviewed the materials received to the file, and she distributed copies of an email from Sudbury's Fire Chief William Miles dated April 2, 2012.

Applicant and property co-owner Jeff Walker described the project which proposes to construct 15 new parking spaces in front, to change the access driveway, and to improve the exterior architecture and landscaping. He purchased the site in 2011, which is approximately 2.89 acres in the Business District. The new owners plan to use the site in a similar fashion for retail, restaurant, storage and office use, and he referenced the renderings provided. Mr. Walker stated the project proposes an enhanced entrance with approximately 14 parking spaces in front to attract those who drive by. The vision is to create a village atmosphere with the addition of porches, cobblestones and an open patio. Trees will be added in the rear for shade. Mr. Walker stated an elevator will be added to the large building and drive-through access will be incorporated for potential retail use by a bank.

Property co-owner Mike Carney stated the lines of sight to the east and west of the entrance will be enhanced. He noted the plan will include numerous plantings. Mr. Carney emphasized they will work with the Sudbury Historic Districts Commission to ensure the aesthetics and materials used for the front parking area fit with the community. He also will continue discussions with DPW Director Bill Place regarding the proposed island and sidewalks.

Selectman Drobinski likes the concept, and he noted some details need to be refined. He asked for clarification regarding recent cutting of trees, which Mr. Carney provided. Mr. Carney stated they plan to work with the Conservation Commission regarding plantings and screening for the westerly side. Selectman Drobinski highlighted planting suggestions from the Design Review Board, urging the recommendations be incorporated into the plan. Mr. Walker stated a two-foot buffer has already been added separating the buildings from the parking spots. Mr. Carney stated the applicants hope to provide a green area around the parking, but factors such as the location of the septic system must also be considered.

Selectman Drobinski stated the proposed plaza is a good idea. He asked if the center island could be made more green. Mr. Walker noted the area has been visually "broken up" with the use of cobblestone. Mr. Carney stated the plan is trying to balance the need to retain enough parking to attract retail tenants and to provide them with adequate space for large truck deliveries, as well as emergency access for the Fire Department.

Chairman O'Brien asked if the amount of current parking is increased by the proposal. Mr. Carney and Mr. Walker explained the result will be a net of five new parking spaces above what was approved in the original site plan. Both gentlemen stated the proposed parking is needed in the front to make the property viable, but, if necessary, a few spaces could be relinquished in the rear.

Selectman Drobinski asked about the proposed drive-through area. Mr. Carney stated this may or may not be built depending on tenancy. Selectman Drobinski stated the proposal is a good opportunity to bring the parcel back onto the Town's commercial tax rolls. He also asked about proposed lighting, noting it is the preference of the Board for lighting to be kept on the parcel and away from abutters. Mr. Carney stated they are willing to work with the Town and neighbors on this issue.

Selectman Drobinski encouraged the applicants to keep in mind for planning purposes that the right of way to the west is proposed as a future rail trail. Mr. Carney stated they hope to attract compatible tenants such as a bike shop. Selectman Drobinski also suggested benches be incorporated into the landscape design. Mr. Carney stated the proposal already includes some benches.

Chairman O'Brien noted the applicants seem to be addressing many of the points raised. Mr. Walker confirmed they are trying to fine-tune the details.

Vice-Chairman Haarde thanked the applicants for including the renderings in the meeting materials. He asked about the planned sidewalk as noted by the DRB. Mr. Walker stated the proposal does continue the sidewalk to encourage pedestrians to approach potential stores. He emphasized as much access as possible in the front and rear will be created as well as a location for outside dining. Vice-Chairman Haarde stated the property has long been underutilized, and that the trees and front overgrowth make it difficult to know what is behind. He believes the creation of green space is great, but he cautioned against planting so many trees that the site becomes too busy. Vice-Chairman Haarde suggested opening the property up to enable people to see the site's activity.

Chairman O'Brien noted there will be an article presented at the 2012 Town Meeting for the Town to purchase an abutting property on Hudson Road. A brief discussion ensued regarding potential ways to incorporate landscaping of the two properties for use by the community for special events and/or for an amphitheater. Vice-Chairman Haarde thanked the applicants for submitting the plan.

Chairman O'Brien asked if neighbors have been contacted. Mr. Carney stated they plan to reach out to abutters following meetings with the Conservation Commission. Chairman O'Brien commended the applicants on an overall good proposal, which needs to be finalized.

Sudbury resident Ramone Llamas, 289 Concord Road, stated he is an abutter who is concerned about the plans to mitigate noise, lighting and trash issues. Mr. Carney described the dumpster plans, noting restaurant trash would be in a locked location, which could even include fencing below grade. He also stated that the proposal plans to soften the current lighting in the area, and that excessive noise is not anticipated other than what might be generated by an outside dining operation for limited customers. Mr. Walker emphasized they too have an interest in keeping the property as professional as possible so as to satisfy office tenants who may also occupy the space. Mr. Llamas noted the idea of an amphitheater in this location sounds as if it would negatively generate noise for neighbors. Selectman Drobinski stated the Town, through the permitting process, would have the ability to limit hours of operation for defined purposes.

Sudbury resident Andrew Lewis, 616 Peakham Road, asked if traffic studies for Hudson Road have been performed. Mr. Carney stated traffic engineers who worked on the Town Center redesign project were consulted, and they opined that traffic is not expected to increase as a result of the proposal.

Sudbury resident Matt Gilmartin, 30 Hudson Road, asked what the plans are for signs and their illumination. Mr. Carney stated something plaque-like is being considered with soft lighting, but the applicants will work closely with the Historic Districts Commission on these details. Chairman O'Brien stated the Town's zoning and sign bylaws have been revised since the time this property was last active.

Selectman Drobinski suggested the Board give the applicants a positive sign of its intentions by asking Town staff to prepare a draft affirmative decision. He also stated that, if the Town Meeting article is successful in purchasing the abutting 15 Hudson Road property, the applicants should agree to work with the Town regarding access to each property along this property line.

It was on motion unanimously

VOTED: To continue the Public Hearing regarding the Site Plan Modification Application of 29 Hudson LLC in accordance with Town of Sudbury Zoning Bylaw Section 6300 for property located at 29 Hudson Road, Town Assessor's Map H09, Parcel 0002 to April 24, 2012 at 8:10 p.m., and to instruct Town staff to prepare a draft affirmative decision, and to further instruct the applicants to continue to work with Town staff to resolve outstanding issues prior to the Board's next meeting.

Town Forum

Present: Goodnow Public Library Trustees member Barbara Pryor and Director Esme Green

At 9:30 p.m., Chairman O'Brien welcomed representatives of the Goodnow Public Library to the meeting.

Goodnow Public Library Director Esme Green stated the Library had a year of transition last year, noting the change in director and the head of Children's Services. Ms. Green described a few new initiatives implemented for children, accompanied by a slide show of events held at the Library in the past year. Popular programs have included a reading therapy dog, a summer reading series, movies and crafts programs.

Ms. Green stated changes in the field of libraries has been a prominent topic in the past year. In its attempt to remain current with the times, the Library has added e-books to its collection, a Kindle and iPads, and it is involved with Facebook and Twitter. An e-newsletter is also now available and residents can subscribe online. Copies of the latest newsletter were distributed to the Board.

Ms. Green stated the Library's work is enhanced by the work of the Friends of the Goodnow Library and the Goodnow Library Foundation. In the next year, she stated the Library will continue to enhance program offerings for all ages and interests. A grant application has been submitted for a teen initiative. In addition, redesign of the Library website is planned. Ms. Green stated the Library plans to also increase its outreach to the schools, community groups and Town agencies and to become a true community center destination. A book-on-wheels program may also be instituted, and there are plans to provide e-book training to the community. The Library has begun work on a three to five-year strategic plan based on community input and interests.

Goodnow Public Library Trustee and Foundation member Barbara Pryor explained the genesis of the Foundation as a means to fund Library initiatives. Copies of handouts were distributed to the Board of the Goodnow Library Foundation's web homepage. Ms. Pryor stated a community survey was conducted a few years ago, and the public stated it wanted additional Library services which the Town budget could not afford. Thus, the Foundation works to raise funds for projects and plans to create an endowment to fund long-term projects. Ms. Pryor stated the Foundation and Library personnel are interested in hearing what the public wants, and she encouraged anyone with ideas to contact them.

Selectman Drobinski commended the Library staff, noting they have already had a positive impact on his two-year old grandson. He urged residents thinking of charitable contributions and donations to keep the Library in mind as a worthy recipient.

Vice-Chairman Haarde asked about specific projects planned for those more digitally-oriented. Ms. Green explained the new technological directions in which libraries are heading is still evolving. She stated the Goodnow is part of a 42 member library network which will devote more and more of its budget in the coming years to e-book material and digital content. Ms. Green stated the Library staff is committed to being educators through this transition, and it hopes to establish a training lab in which to work with the community to acquaint themselves with new materials.

Chairman O'Brien commended the Library staff on its many interesting initiatives. He suggested they advertise their events and initiatives more on cable television, and perhaps tape a Library tour. Chairman O'Brien opined what is available through the Minuteman Library network is underpublicized, and it should be made better known to the community. Ms. Green stated she hopes to use teens more as interns to help the

Library create educational videos. Chairman O'Brien noted L-SRHS has a community service requirement for students.

Town Manager Valente noted the e-newsletter reports that self-checkouts now account for 70% of the Library's checkouts. She is proud of this program's success with the public and that it has helped to alleviate Library staff to attend to other responsibilities, and she noted it was funded through the Town's capital budget,

Ms. Pryor thanked Town Manager Valente, Town staff and the Board for its support of the Library, noting it is very much appreciated.

Special Municipal Employee Designation – Special Counsel in Connection with Solar Power Generation Facility

Present: Energy and Sustainability Green Ribbon Committee Chair Bill Braun

Copies of a letter from Attorney Kevin D. Batt of Anderson & Kreiger LLP dated March 30, 2012, regarding requested supplemental information about a Waiver of Conflict of Interest and signed "Disclosure of Appearance of Conflict of Interest as Required by G. L.C. 268A, section 23 (b) (3)" were distributed to the Board.

Energy and Sustainability Green Ribbon Committee Chair Bill Braun stated the Committee wanted to avail itself of this firm and its specialized expertise in the field. Mr. Braun further stated the Committee was impressed with the work the firm did, acting as Special Counsel for the Town of Acton. He emphasized all negotiations with Ameresco would be conducted by his committee or the Town Manager in consultation with Town Counsel, and that they would be subject to approval by the Selectmen. Thus, Mr. Braun believes the firm's impact on negotiations would be negligible. Mr. Braun also noted that it is important to move quickly with this process. He highlighted the firm chose the conservative action to file the Waiver of Conflict of Interest Form, even though both issues in which it represented Ameresco have been closed.

Selectman Drobinski stated it is valuable to have a party involved in the process who has PPA experience and who has developed relationships with utility companies. He further noted the firm is no longer engaged by Ameresco.

Vice-Chairman Haarde asked if there is anyone to advise the Town who has not previously represented Ameresco. Mr. Braun stated he is unaware of any other firm, and he reiterated the proposed use of the firm by Sudbury.

Town Manager Valente noted Town Counsel recommended, as a conservative precaution, that a Special Municipal Employee appointment be made.

It was on motion

VOTED: To designate the following position as a Special Municipal Employee under M.G.L. c.268A: Special Counsel in connection with the development of a solar power generation facility at the Landfill and associated matters; to approve an exemption under the Conflict of Interest statute to allow Attorney Kevin D. Batt and Anderson & Kreiger LLP to serve as such Special Counsel under the provisions of M.G.L. c.268A; and further to acknowledge that it is acceptable for Anderson & Kreiger LLP to do business with Ameresco on unrelated matters in accordance with its notification to the Town Clerk.

Vice-Chairman Haarde voted in opposition to the motion.

Minutes

It was on motion

VOTED: To approve the Regular Session minutes of January 11 and March 20, 2012.

Selectman Drobinski abstained from the vote, since he was not in attendance at these meetings.

It was also on motion

VOTED: To approve the Regular Session minutes of February 29, 2012.

Vice-Chairman Haarde abstained from the vote, since he was not in attendance for the meeting.

Design Review Board - Resignation

It was on motion unanimously

VOTED: To accept the resignation of Chris D. O'Halloran, 246 Horse Pond Road, as a member of the Design Review Board, as requested in an email dated March 20, 2012, and to send a letter of appreciation for his service to the Town.

Military Appreciation Month

It was on motion unanimously

VOTED: To acknowledge that the month of May is Military Appreciation Month in Sudbury and to sign a proclamation acknowledging such. This proclamation will be read at the Dedication of the Flagpole and Flag Ceremony to be held at the Goodnow Public Library on Saturday, May 5, 2012. The flagpole was donated by HOPEsudbury, in conjunction with the Sudbury Military Support Network, who will supply the flag.

Sudbury Historical Commission – Donation

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a \$1,000 donation to the Sudbury Historical Commission from Bravo Platoon Film Prods. LLC in appreciation for permission to change historic signs in Town Center from March 27 – March 29, 2012, said funds to be expended under the direction of the Town Manager.

Topographix LLC – Contract Award

It was on motion unanimously

VOTED: To approve a Town Manager contract award to Topographix LLC in the base amount of \$14,188 for a ground penetrating radar survey including 3-D modeling at the Revolutionary War Cemetery pursuant to a Request for Quotations therefor; and further to approve the option of providing other service related thereto, if desired by the Town.

Town Historian – Appointment

Town Manager Valente stated that the position of Town Historian was posted on the Town website as a result of the resignation of Curtis Garfield, and Lee Swanson was the only candidate to apply for the position.

Chairman O'Brien asked if the Sudbury Historical Commission and the Trustees of the Wayside Inn have been consulted for further recommendations of candidates. Town Manager Valente stated she did not believe so, and she reviewed the duties of the position.

It was on motion unanimously

VOTED: To appoint Lee Ford Swanson, 55 Hudson Road, #14A, as Town Historian, for a one-year term to expire May 31, 2013, filling a vacancy occasioned by the resignation of Curtis F. Garfield.

Annual Town Meeting Actions

The Board was previously in receipt of a draft list of the "2012 Annual Town Meeting Warrant Articles," dated March 21, 2012, and a draft of the "Town of Sudbury Official Warrant 2012 Annual Town Meeting May 7, 2012 7:30 p.m." The Board reviewed the list and determined it would determine speakers for the articles at its next meeting.

It was on motion unanimously

VOTED: To sign the Annual Town Meeting Warrant for delivery to the contracted printer.

Special Act for Senior Tax Relief - H.3435 – Discussion of Creation of an Ad Hoc Task Force

The Board was previously in receipt of copies of a memorandum from Town Manager Valente dated March 30, 2012. Chairman O'Brien explained the creation of an independent review panel has been suggested to study the proposed changes to H. 3435. He stated the intent is to keep the revisions succinct. Chairman O'Brien stated Sudbury resident Jack Ryan has been recommended as a member of the committee, noting Mr. Ryan is a lawyer, whose expertise could be beneficial to the task.

Senior Tax Advisor Dave Levington stated Mr. Ryan is a good choice, who will represent well the Council on Aging's (COA) perspective. He also suggested Susan Iuliano and Kirsten Roopenian as other members for the committee. Chairman O'Brien stated he discussed the idea with Ms. Iuliano, who is also a lawyer, and she too is willing to serve for the brief time required.

Mr. Levington stated the COA strongly recommends that no one other than State Representative Tom Conroy advocate with the Legislature on behalf of Sudbury regarding this bill. However, he asked for clarification of what the committee's mission/charge would be. Town Manager Valente stated the committee would likely be subject to the Open Meeting Laws. Mr. Levington urged that Sudbury's Finance Director Andrea Terkelsen be instructed to share the information amassed to date with the committee. Town Manager Valente stated Ms. Terkelsen, Director of Assessing Maureen Hafner and Peter Anderson would work closely with the committee.

Vice-Chairman Haarde asked if outreach should be done to the public for others interested in serving on the committee. Mr. Levington asked if it would be possible to hire a specialized consultant. Chairman O'Brien opined the Town probably does not have the funds available to hire a consultant, and he noted the

30-day time frame to complete the task. He also noted that anyone interested in serving on the committee would need to have skill sets which are beneficial to the task.

Mr. Levington stated he believes it is important for the Town to first learn how the DOR needs the program to be implemented by Sudbury before language is revised in the bill. He also believes software systems which integrate with the DOR systems need to be further researched. Mr. Levington expressed his apprehension that the three-member committee could achieve the desired results, since they are not assessing specialists. Chairman O'Brien and Town Manager Valente reiterated that Mr. Nugent, who has also been recommended for appointment tonight, has considerable assessing experience. Mr. Levington stated the appointment of a committee is not the approach he would have suggested or preferred, but he will support the Board's decision.

It was on motion unanimously

VOTED: To instruct the Town Manager to post a notice on the Town website informing the public of the creation of an *ad hoc* task force to independently review H.3435, and to ask that anyone with applicable skills and interest in participating in this project contact the Selectmen's Office by the close of business on April 6, 2012, and to also issue a similar press release to the *Sudbury Town Crier* and the Council on Aging.

It was also on motion unanimously

VOTED: To appoint Joe Nugent, Susan Iuliano and Jack Ryan to an *ad hoc* task force to independently review H.3435, and who will report to the Board, and to instruct Town staff to provide them with a copy of the Town Meeting warrant article and any other relevant materials.

Executive Session

At 10:36 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 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 10:36 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk