

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, APRIL 9, 2013

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 7:05 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:05 p.m., Chairman O'Brien opened the meeting. He recognized members of Boy Scout Troop 63 and pack 80 in attendance tonight, working on earning citizenship badges. Chairman O'Brien reminded citizens of the Special State Primary Election on April 30, 2013.

Reports from the Town Manager

Town Manager Valente stated the Strategic Planning Report discussed at the Board's April 4, 2013 meeting is now on the website. She also stated Town staff has completed the Annual Town Report, which will soon be posted on the Town website. Copies of the Town Report will be available at key locations in Town.

Reports from the Board of Selectmen

Vice-Chairman Haarde stated the Fairbank Center Study Task Force met last night to discuss funding options. He also stated the Route 20 Sewer Steering Committee will meet tomorrow night.

Chairman O'Brien announced street cleaning will begin April 10, 2013. He stated tonight's meeting will highlight a review of some Town Warrant articles, and other articles will be reviewed at the Board's April 23, 2013 meeting.

Willis Lake Beach – Memorial Proposal - Discussion

Present: Combined Facilities Director Jim Kelly, Sudbury Military Support Network member Bob Chandler and Sudbury Design Group representative Matt Sullivan

At 7:10 p.m., Chairman O'Brien welcomed Combined Facilities Director Jim Kelly, Sudbury Military Support Network member Bob Chandler and Sudbury Design Group representative Matt Sullivan to the meeting to discuss a proposed memorial for 1Lt. Scott Milley at Willis Lake Beach. The Board was previously in receipt of copies of slides for a PowerPoint presentation for tonight and concept designs and illustrations prepared by the Sudbury Design Group.

Mr. Chandler stated members of the Milley family are in attendance tonight, and they are supportive of the proposal. He explained the neighborhood has been working for the past 18 months on a way to honor Scott with a lasting memorial. A committee was formed and discussions were held with abutters and military-related groups in Town. Mr. Chandler stated the response has been favorable. A professional design was sought from Sudbury Design Group for a contemplative area of remembrance at Willis Lake. He noted the Park and Recreation Commission owns the proposed land site, and the proponents are scheduled to meet with the Commission on April 22, 2013.

Sudbury Design Group representative Matt Sullivan briefly reviewed the proposed design, which he described as naturally fitting with the site and neighborhood. Mr. Sullivan stated the design will also address current erosion issues with the creation of a retaining wall. A path of natural steps will provide a connection for the neighborhood to the beach, and the parking area will be widened.

Chairman O'Brien visited the site, and he believes the plan will fix the current erosion issues and clean up the area. He asked if there are any plans for a different road surface leading to the landing.

Mr. Sullivan stated no changes to the road surface were proposed. However, Mr. Chandler stated the proponents are not adverse to a gravel surface, if it is preferred. Mr. Chandler also emphasized the plan proposes no changes to use or intensity. He highlighted the committee developed a community brochure to educate the public and an ongoing maintenance fund will be established, so the memorial will be at no cost to the Town.

Selectman Drobinski thanked the Sudbury Design Group for its work on this project and others for Sudbury. He offered his unqualified support to the project, and he commended the proponents on their work.

Vice-Chairman Haarde thanked the group for bringing the project forward, and he asked if others in the community will have an opportunity to volunteer with the project. He suggested the schools be contacted as a way to engage Sudbury's youth. Selectman Drobinski stated a community model of volunteerism to follow would be the one used to construct the SMILE/Lyons Pride Playground at Haskill Field.

Mr. Chandler stated participation is welcomed from anyone interested. He asked the Board if it would consider sending a letter of support to the Park and Recreation Commission prior to the April 22, 2013 meeting.

Chairman O'Brien suggested Scout troops be contacted for involvement. He also suggested the Sudbury TV scroll board be used to highlight project-related events.

It was on motion unanimously

VOTED: To support the proposed memorial for 1Lt. Scott Milley at Willis Lake Beach, noting that the Board will need to accept the amenity as a gift upon completion and that the Board understands there will be a financial gift to establish a maintenance trust to provide for future maintenance of the amenity, and to also instruct Town Staff, on behalf of the Board, to draft a letter of support for the project to be sent to the Park and Recreation Commission prior to April 22, 2013.

Afghanistan/Iraq Memorial – Discussion

Present: OEF/OIF Memorial Committee member Rick Houpt and Sudbury Military Support Network (SMSN) member Rachel Goodrich

At 7:25 p.m., Chairman O'Brien welcomed Operation Enduring Freedom (OEF)/Operation Iraqi Freedom (OIF) Memorial Committee member Rick Houpt and Sudbury Military Support Network member Rachel Goodrich to the meeting. The Board was previously in receipt of copies of a memorandum from the Sudbury Military Support Network dated March 29, 2013.

Mr. Houpt stated the SMSN would like to make a gift of an OEF/OIF War memorial to the Town to honor those who have served in the Iraq and Afghanistan wars. He stated the concept is in the early stages, and with the support of the Board to proceed, a committee will be formed to determine financing, design options and plans for ongoing maintenance. Mr. Houpt stated the group has met with Sudbury's Park and Recreation Commission and the Sudbury Historical Commission and the Sudbury Historic Districts Commission. It hopes to situate the memorial in Heritage Park. As ideas progress, the group will present its plan to the Board at a later date.

Sudbury Military Support Network member Rachel Goodrich is working on compiling research on all of the Town's memorials.

Chairman O'Brien suggested the group also consider Grinnell Park as an option.

As the Board's liaison to the SMSN, Selectman Drobinski stated he completely supports the concept, and believes Heritage Park would provide a nice connection to the other memorials in the area.

Mr. Houpt stated that, since May is Military Appreciation Month, the group would like to be able to publicize the idea in May and at the Memorial Day events.

Vice-Chairman Haarde stated he fully supports the project, and encourages anyone who wants to help to contact the SMSN.

Chairman O'Brien suggested that the Board draft a letter of support for this project to also send to Park and Recreation.

It was on motion unanimously

VOTED: To support the OEF/OIF Memorial Committee and the Sudbury Military Support Network's continuation of efforts so as to present to the Board of Selectmen a final plan and gift to the Town of Sudbury for an OEF/OIF War Memorial to be situated in Heritage Park, with the understanding that the Town will have final approval of design and siting.

It was also on motion unanimously

VOTED: To support the OEF/OIF Memorial Committee and the Sudbury Military Support Network efforts to make a monetary gift, to be used as a trust fund for the maintenance and upkeep of the memorial, and to instruct Town Staff, on behalf of the Board, to draft a letter of support for the project to be sent to the Park and Recreation Commission.

Legal Services – Discussion

At 7:49 p.m., Chairman O'Brien opened a discussion regarding legal services. The Board was previously in receipt of copies of a memorandum from Town Manager Valente dated March 29, 2013 and accompanying legal opinion from Labor Counsel Kevin Feeley regarding the Board's obligations when appointing Town Counsel, dated March 25, 2013. Chairman O'Brien stated Town Counsel Paul Kenny's contract expires June 30, 2013, and thus the Board is beginning the discussion tonight on legal services.

Selectman Drobinski asked if Town Counsel Kenny has expressed interest in continuing in his position. Vice-Chairman Haarde stated Mr. Kenny has expressed to him interest in being re-appointed.

Selectman Drobinski stated the Board will soon have two more members who may want to be involved in this process, which this Board should take into consideration. He believes this Board's actions need to be fair to a new Board, and they also need to ensure the Town has sufficient legal services in the interim.

Chairman O'Brien suggested other peer towns be surveyed to see how legal services are handled.

Vice-Chairman Haarde stated he believes a thorough review should occur to determine what current legal practices are being used. He stated Mr. Kenny has been Town Counsel for 36 years. Vice-Chairman Haarde

believes it is prudent for the Town to review contracts every 36 months. He stated it is probably best to wait to discuss this in detail until the new Board is formed.

Vice-Chairman Haarde stated he questions the opinion given by Labor Counsel Kevin Feeley, because he is not sure if Mr. Feeley would opine negatively on a practice from which he has personally benefitted in the past. He is not concerned about the Town being vulnerable for legal services because he believes these services can be contracted by the Town anytime from numerous lawyers.

It was on motion unanimously

VOTED: To instruct the Town Manager to collect data from peer communities regarding legal services for review by the Board at a later date following Town Meeting.

Sudbury resident Robert Stein, 7 Thompson Drive, spoke as a citizen, and not as a member of the Finance Committee. He stated Mr. Kenny was hired 37 years ago. Mr. Stein stated Article 38 of the 1992 Town Meeting Article was submitted by Robert Sheldon regarding the length of time for Town Counsel's employment. At that time, it was voted that this contract be sent out for a Request for Proposal (RFP) every 30 months. He further stated a change was made in 1994 to change to a Town Manager form of government. Mr. Stein noted that, in 1997, Town Manager Ledoux initiated the RFP, and Mr. Kenny was selected to continue in his position in 1998. Since 1998, Mr. Stein believes no RFP has occurred, even though the bylaw requires one to be completed every 30 months.

Chairman O'Brien referenced Mr. Feeley's opinion that the change of the Town's Charter in 1994 supersedes the previous bylaw, and he noted Mr. Feeley cites case law supporting this opinion.

Mr. Stein stated he has seen Mr. Feeley's opinion, however, he disagrees with it. He believes in 1997, the Board of Selectmen completed an RFP process because it was the right thing to do. Mr. Stein believes that, after 37 years, the Town deserves the opportunity to circulate an RFP, interview potential candidates and compare costs. He urged this Board to do the right thing and to not continue to ignore the will of the people who voted that there should be an RFP completed every 30 months.

Chairman O'Brien stated an opinion has been given stating that the will of the people in 1994 changed the will of the people in 1992.

Mr. Stein disagreed, and he urged the Board not to bury this mistake, but to do the right thing to correct it. He also would like to determine whose responsibility it was for the potential misspending of monies by not following the requirements of the bylaw.

Sudbury resident Ralph Tyler, One Deacon Lane, stated he sees the issue as not being impacted by the change of the Town Charter in 1994 because he believes the Board is responsible for choosing Town Counsel and this did not change as a result of the 1994 vote. Mr. Tyler also noted Mr. Feeley's opinion is only one opinion, and other lawyers might disagree. He believes the bylaw requires the RFP. Thus, Mr. Tyler believes that, for the past several years, someone who has not been legally in office has been paid potentially \$1 million, which is an improper use of Town resources. He further stated there were two lawyers on the 1997 Board and Town Manager Ledoux was smart, and all agreed to do an RFP. Mr. Tyler urged this Board to do the right thing to correct this situation.

Vice-Chairman Haarde questioned Mr. Feeley's opinion that the bylaw is in conflict with the change in 1994 to a Town Manger system. He noted many other bylaws from 1992 are still in effect after the 1994

change in government, but not this one. Vice-Chairman Haarde noted that lawyers defend different sides of an issue all the time and someone is wrong 50% of the time.

Sudbury resident Bryan Semple, 15 Revere Street, questioned that, from a legal standpoint, if this is true for this bylaw, then he wonders how many other bylaws from 1992 have also been nullified. He stated the Board has spent a \$1 million since 1998 without an RFP for this position, which he does not believe is a fiscally prudent policy.

Chairman O'Brien asked how the \$1 million was determined and by whom, because the actual number could be quite different. Mr. Semple stated that is exactly his point, the Board should know what the amount is.

Selectman Drobinski stated it is also important to consider the services you have received.

At 8:12 p.m., Chairman O'Brien stated this discussion will be continued at a future date, and he closed the discussion.

Pre-Town Meeting Article Review – Zoning Articles 25-30 and Community Preservation Act Articles 31-37

At 8:13 p.m., Chairman O'Brien stated the Board plans to discuss zoning-related and Community Preservation Act (CPA) articles tonight proposed for the Annual 2013 Town Meeting. He stated it is not intended as a forum to debate the articles, but rather an opportunity for the public to ask questions. He noted additional Warrant articles will be presented at the Board's April 23, 2013 meeting.

#25 – Amend Zoning Bylaw, Art. IX – sec. 5336 (d) and 5435 ©, to increase the maximum allowable number of one-bedroom units in Sr. Residential Developments and Incentive Senior Developments

Council on Aging member and Senior Tax Advisor David Levington explained the article has been submitted to enable a developer to build more one-bedroom units by increasing the maximum from 10% to 25%. He stated many of the over-age-55 housing options in Town are too expensive for Sudbury's seniors. However, the Frost Farm model and cost points attracted Sudbury residents for over half of their occupants.

Sudbury resident Bryan Semple, 15 Revere Street, asked if copies of the Warrant are available. Town Manager Valente stated not yet. Director of Planning and Community Development Jody Kablack provided copies of the articles under discussion tonight.

Sudbury resident and Sudbury Historical Commission Vice-Chair Jim Hill, 199 Concord Road, asked why limit it to 25%. Mr. Levington responded the figure was derived in consideration of density issues.

There were no further comments from the Board or the public.

#26 - Amend Zoning Bylaw, Art. IX, sec. 6330, Site Plan procedures to change the voting requirement from unanimous to majority

Planning Board member Pat Brown explained the intention of the article is to not treat a Site plan at a Special Permit level and to facilitate the process for applicants with a larger five-member Board of Selectmen.

There were no questions or comments from the Board or the public.

#27 - Amend Zoning Bylaw, Art. IX, Replace Board of Selectmen Site Plan authority with Planning Board

Chairman O'Brien stated this article has been withdrawn.

Vice-Chairman Haarde asked if there was a reason for the withdrawal.

Ms. Kablack stated the Planning Board decided not to proceed with the article without the unanimous consent of the Board of Selectmen.

#28 - Amend Zoning Bylaw, Art. IX, sec. 2326, Accessory Structures (sheds)

Ms. Kablack explained this article was put forth by the Interim Building Inspector Mark Herweck to mirror the State's regulations to allow sheds to be 16 feet long on any side within five feet from a property line. However, Mr. Herweck has just realized that a part of the State's regulations was not included in the proposed article. Thus, the decision may be made to indefinitely postpone the article at Town Meeting. Ms. Kablack also stated the Planning Board is holding a Public Hearing tomorrow night regarding the zoning articles.

In response to a question regarding why Mr. Herweck thinks this is needed, Ms. Kablack stated it is her understanding that he believes mirroring the State code would be beneficial.

There were no further questions or comments from the Board or the public.

#29 - Amend Zoning Bylaw Art. IX – Section 4500 – Wastewater Facilities Bylaw – Deletion

Ms. Kablack briefly discussed the Wastewater Facilities Bylaw, and she recommended the bylaw be deleted. She stated there is no longer a need for the bylaw, since its original intentions are now covered and are within the jurisdiction of the State's Department of Environmental Protection (DEP). Ms. Kablack stated the bylaw was adopted in the 1980s in response to a specific development at the time, and a Special Permit has never been issued under this bylaw. Ms. Kablack stated the DEP has stringent requirements which have now become standard practice. Thus, the bylaw is antiquated.

Sudbury resident Jonathan Danielson, 37 Landham Road, asked if there is a benefit to deleting the bylaw. Ms. Kablack explained it would eliminate the redundancy of this bylaw with DEP, and it would likely result in environmental benefits.

Vice-Chairman Haarde asked if there are any unforeseen circumstances to consider which could arise after the bylaw is deleted. Ms. Kablack stated she does not believe so. She explained the permit process goes straight to DEP and never comes before the Town or even the Board of Health.

Selectman Drobinski stated that, when the bylaw was adopted, it was done so as a defensive measure by the Town to inhibit the size of a pending subdivision.

Vice-Chairman Haarde stated he supports the potential environmental benefits. However, he is concerned it might enable a developer to build more units that is now not possible under the bylaw. Ms. Kablack stated she does not see this as a potential risk because all bylaws now require that developers satisfactorily complete PERC tests, and the Town will continue to review all density calculations as it currently does.

There were no further questions or comments from the Board or the public.

#30 - Amend Zoning Bylaw – Art. IX – Temporary Moratorium on Medical Marijuana Treatment Centers

Planning Board member Pat Brown stated this article has been proposed as a result of the State Election vote last fall. Ms. Brown stated draft regulations are available on the State's website, and they are open for public comment until April 20, 2013. She explained some communities attempted to regulate these centers by forbidding them, but these rulings have not been upheld. However, communities can regulate the facilities through zoning. Thus, this article intends to provide Sudbury with adequate time to review the final State regulations, which should be released on May 24, 2013, and then develop a thoughtful plan for approved locations. Ms. Brown explained the moratorium would be for one year in order to prepare to possibly present something at the 2014 Town Meeting.

There were no questions or comments from the Board or public.

At 8:34 p.m., Chairman O'Brien stated the articles for Community Preservation Act (CPA) funding recommended by the Community Preservation Committee (CPC) would be discussed next:

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#31 – Community Preservation Fund - Amend Art. 38 of the 2006 ATM – Carding Mill Pond/Stearns Mill Pond Invasive Weed Removal

Ms. Kablack explained this article amends a similar funding project for which funds were appropriated in 2006. She stated \$7,400 remains unspent and is being requested to be used for this project. Ms. Kablack stated the CPC supports the article.

There were no questions or comments from the Board or public.

#32 - Community Preservation Fund - Town-wide Walkways – requesting \$100,000 for engineering, design and construction of priority walkways.

Ms. Kablack stated this article is similar to ones presented in prior years. She explained the walkway projects chosen is a collaborative process between the Town and neighborhoods. Walkway construction is occurring on Old Framingham Road and Peakham Roads. Ms. Kablack also stated walkways plans are being worked on for Dudley Road, Powdermill Road, and Pantry Road.

There were no questions or comments from the Board or public.

#33 - Community Preservation Fund - Amend Art. 27 of the 2004 ATM – Revolutionary War Cemetery

Sudbury Historical Commission Vice-Chairman Jim Hill explained the intention of the article is to amend the original article for restoring gravestones at the Revolutionary War Cemetery which has \$107,633 left unspent to include gravestones and stone walls not covered by the Town's Perpetual Care Program at this and other Town cemeteries.

There were no questions or comments from the Board or public.

#34 - Community Preservation Fund - Sudbury Housing Trust (SHT) – 10% Allocation

Sudbury Housing Trust (SHT) Chair Michael Buoniconti stated the article requests the CPA-mandated 10% affordable housing appropriation, plus reserves from prior years (FY2003 and FY2005), for the SHT to continue its purposes of preservation and creation of affordable housing in Sudbury.

Sudbury resident Bryan Semple, 15 Revere Street, stated he is uncertain if he should support the Trust going forward because he is having trouble reconciling previous SHT Financial Statements. He asked if citizens can get clarity on how previous funds have been spent.

Mr. Buoniconti stated the SHT has no problem providing this information.

Sudbury resident Dan DePompei, 35 Haynes Road, asked if the information could be made available before Town Meeting. Mr. Buoniconti and Ms. Kablack stated this should be possible.

Mr. Semple asked what happens to the required 10% if Town Meeting does not vote to appropriate it to the SHT.

Chairman O'Brien stated the 10% must be used for affordable housing. Thus, to be spent it must be appropriated for an eligible project, or the funds would remain in the CPA account.

Mr. Semple asked if the details of the Maynard Road settlement with the developer are covered in the SHT meeting minutes, and he asked what the amount of the payment was. Mr. Buoniconti stated the payment was for \$230,000, for which the Town received architectural and design plans at approximately \$.70 on the dollar. In response to a few other questions from Mr. Semple, Mr. Buoniconti stated the amount paid to the developer, the purchase price of the property and demolition have been approximately \$558,000 to date. Mr. Semple asked if there are still plans to build something there. Mr. Buoniconti stated the SHT hopes to do so.

Sudbury resident Robert Stein, 7 Thompson Drive, spoke as a citizen and not as a member of the Finance Committee. Mr. Stein stated he had thought Chairman O'Brien had worked a settlement with the developer for \$100,000 to "walk away." He asked if citizens could receive a complete breakdown of costs associated with the Maynard Road property.

Mr. Buoniconti stated he would work with Town staff to provide this information.

There were no further questions or comments from the Board or public.

#35 - Community Preservation Fund - Historic Multi-Projects

Sudbury Historical Commission Vice-Chairman Jim Hill explained the five projects proposed in the article requesting \$52,300 for the following projects recommended by the Sudbury Historical Commission: paint the exterior of the Hosmer House and window restoration; historic map restoration and document preservation; install signage at Town cemeteries; invasive plant removal in Town Center; and installation of a kiosk at the Hearse House.

There were no questions or comments from the Board or public.

#36 - Community Preservation Fund - Town Center Landscaping Restoration

Ms. Kablack stated the article requests \$100,000 for landscaping restoration and historic enhancements as part of the Town Center intersection project. She also stated that, if at Town Meeting the associated article regarding changes to the Town Center intersection is defeated, this article would be withdrawn. The main article for the Town Center project will be discussed at the Board's April 23, 2013 meeting.

Sudbury resident Pat Brown, 34 Whispering Pine Road, asked if this will include historic stone walls. Ms. Kablack explained if a stone wall were to be built in the public way it would be protected by the Scenic Road Bylaw.

Vice-Chairman Haarde asked if there is a defined historic stone wall.

On behalf of the Sudbury Historical Commission (SHC), SHC Vice-Chairman Jim Hill stated there is a recommended historic style for stone walls.

There were no further questions or comments from the Board or public.

#37 - Community Preservation Fund - L-SRHS Softball Field and Davis/Featherland Field Design

Chairman O'Brien stated there has been some email discussion regarding the Inter-Municipal Agreement (IMA) between the Town and L-SRHS for the community football field, which the Town paid for substantially.

L-SRHS School District member Gerald Quirk stated the full cost for the community field was \$1.7 million, of which Sudbury contributed \$960,000 of CPA dollars, and the balance was paid by taxpayers from both Sudbury and Lincoln in the traditional 85%/15% respective split, and private groups and donors.

Chairman O'Brien stated the IMA has been a cooperation between L-SRHS and Sudbury's Park and Recreation Commission to accommodate their users.

Park and Recreation Commission member Bob Beagan explained the proposed article as approved by the Commission and the CPC to appropriate \$256,000 of CPA funds for improvements to the L-SRHS Women's Softball Field, \$30,000 for engineering and design services for Featherland Park, and \$50,000 for design for Davis Field. He stated two different user-group surveys identified the Women's Softball Field as the highest priority and as being unsafe and unplayable. The Commission also recommended expanding the existing IMA to include the softball field.

Sudbury resident Robert Stein, 7 Thompson Drive, spoke as a citizen and not as a member of the Finance Committee. Mr. Stein stated the land for the softball field is not owned by Sudbury. He asked what Lincoln is contributing to the project.

Mr. Beagan stated the proposed article includes no funds from Lincoln. However, he explained that Lincoln has independently voted to contribute \$50,000 to the project, subject to a contingency that the IMA be opened up to include Lincoln.

Mr. Stein stated he believes Lincoln should contribute its fair share to obtain field access.

Chairman O'Brien summarized the current arrangement for use of the community field by L-SRHS and Sudbury's Park and Recreation users.

Mr. Stein stated that \$50,000 from Lincoln is insufficient when compared to the contribution made by Sudbury. He questioned who paid for the two lacrosse fields, which was answered. Mr. Stein reiterated his preference for Lincoln to pay its fair share in the manner of the traditional 85%/15% split.

Mr. Beagan reiterated the proposed Sudbury article does not include Lincoln in any manner.

Mr. Quirk stated the Town of Lincoln voted unanimously to give \$50,000 towards the softball project, and the next phase of the project will be allocated on a ratio of 5-1. He stated Lincoln is only requesting a few hours a week on turf fields, which they do not have access to in their own town, and they would like a "seat at the table" to discuss equitable opportunities for use. He stated a draft IMA was generated to be circulated, but he has learned today that Sudbury's Park and Recreation voted to recommend not opening up the IMA to Lincoln. Mr. Quirk stated that, if Sudbury does not agree to Lincoln's contingency, L-SRHS has voted to not support the article for the softball field, and it will not accept Sudbury's funds. Rather, L-SRHS will wait until it is able to make the improvements to the softball field within its capital budget.

Vice-Chairman Haarde asked if Lincoln paid anything for the football field. He stated that he considers this project a capital expense which he believes should be split 50%/50% by Sudbury and Lincoln rather than 85%/15%. It is his understanding that Lincoln did not contribute to the football field so it seems unfair for Lincoln to be asking for access.

Mr. Quirk stated the taxpayers of Lincoln did contribute, and they also paid for the two lower turf fields, which are used by Sudbury user groups. An energetic conversation ensued regarding which user groups have paid for and use what fields.

Chairman O'Brien stated the good news is that there is more than a month before Town Meeting to resolve these differences. He stated all parties should work creatively and collaboratively towards a solution.

Mr. Quirk stated the L-SRHS School Committee also wants a solution, but it believes it has an obligation to support Lincoln's inclusion.

Selectman Drobinski stated he does not want to see the girls'/women's softball players get caught in a political crossfire at their expense.

Mr. Quirk stated L-SRHS believes it has a responsibility to also make its facilities available to Lincoln's Park and Recreation groups.

Vice-Chairman Haarde stated the issue needs to be resolved for the sake of women's softball. However, he stated he is very discouraged by the vote taken by L-SRHS to not accept Sudbury's proposal.

Mr. Quirk noted that Sudbury's Park and Recreation groups use additional L-SRHS fields.

Vice-Chairman Haarde listed several user groups and the fields at L-SRHS and in Sudbury and Lincoln which they use. He emphasized that Lincoln users, in many sports, already participate with Sudbury's users on Sudbury fields or those of L-SRHS. It was noted Lincoln has its own soccer fields and programs.

Chairman O'Brien stated the issues need to be resolved before Town Meeting, and he recommended a working group be established.

Mr. Beagan stated Sudbury's Park and Recreation Commission just learned of Lincoln's contingency in the past two weeks, and it had previously thought any revisions to the IMA would only be for the softball field. He stated the Commission does not like the contingency approach taken by Lincoln. Thus, Mr. Beagan stated the Commission voted last night to proceed with its original article.

Sudbury resident John Baranowsky, 103 Belcher Drive, stated he is tired of feeling as though he lives in Lincoln. He is fed up with Lincoln not paying their fair share for years. Mr. Baranowsky does not want to be held hostage, and he believes without a significant contribution, there should not be access to the community field for Lincoln.

Mr. Beagan noted representatives from Sudbury's softball group attended the Park and Recreation Commission meeting last night and stated it understands the position taken by the Commission.

Sudbury resident Bryan Semple, 15 Revere Street, stated there is an identified safety issue with the softball field. He is upset that Lincoln has chosen to negotiate this problem rather than to work with others collaboratively. Mr. Semple asked Mr. Quirk directly if L-SRHS would accept Sudbury's funds to fix the field. Mr. Quirk stated L-SRHS voted unanimously not to accept the funds.

Chairman O'Brien stated he is disheartened that a solution would be suggested which potentially has the softball youth players "taking it on the chin." He stated he would personally reach out to Lincoln's Board of Selectmen and Lincoln's School Committee in hopes of resolving the issues.

Sudbury Park and Recreation Commission member Dick Williamson, 21 Pendleton Road, urged for careful reading of the Commission's vote taken last night. He stated the Commission voted not to pursue changes to the IMA at this time only, so as not to jeopardize the improvements for the women's softball field. Mr. Williamson stated it is possible the Commission would support changes to the IMA at a future time.

Selectman Drobinski stated establishing the current IMA for the community field was a long process. He requested that Town Manager Valente contacts Lincoln's Town Administrator in hopes of resolving the issues.

Chairman O'Brien asked for clarification regarding the proposed \$30,000 for Featherland and the softball field located there, which Mr. Beagan provided.

At 9:30 p.m., Chairman O'Brien concluded the Warrant article discussion.

Minutes

It was on motion unanimously

VOTED: To approve the Regular Session Minutes of February 19, 2013, the Regular and Executive Session minutes of March 12.

It was also on motion unanimously

VOTED: To approve the Regular and Executive Session minutes of March 27, 2013.

Vice-Chairman Haarde abstained from the vote on the March 27, 2013 minutes.

Annual Town Meeting Warrant

It was on motion unanimously

VOTED: To approve and sign the Annual Town Meeting Warrant as presented, which will be posted at Town Hall and delivered to all residents no later than April 29, 2013.

Special State Primary Election Warrant

It was on motion unanimously

VOTED: To sign a Special State Primary Election Warrant for posting at Town Hall and in at least three places within each of the five precincts no later than April 23, 2013, at least seven days before the time appointed for said meeting of April 30, 2013, as requested by the Town Clerk.

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 this event, which document will be recorded in the military album on display at the Goodnow Public Library

Boy Scout Troop 60 – Eagle Scouts

It was on motion unanimously

VOTED: To enter into the Town record and congratulate John Patrick Connors, 210 Plympton Road, Andrew William Glaser, 539 Concord Road, and Wyatt Patrick Owens, 10 Grindstone Lane, of Troop 60, who have been recognized at Courts of Honor for having achieved the high honor of Eagle Scout.

Altus Dental Insurance Company, Inc. – Award Contract

It was on motion unanimously

VOTED: To approve the award by Town Manager of a contract to Altus Dental Insurance Company, Inc. of Providence RI, and any documents relative thereto, to provide dental insurance as of 7/1/13 for Town employees/retirees and to approve FY14 rates for such coverage, including the proportionate amounts to be contributed by active Town employees.

Department of Energy Resources – Technical Services Grant Acceptance

It was on motion unanimously

VOTED: To accept a Technical Services Grant from the Department of Energy Resources in the amount of \$12,500 to fund the services of a consultant (Peregrine Energy group) in connection with energy management services related to energy savings performance contract (ESCO); and to authorize the Town Manager to execute documents related thereto inclusive of the Grant Contract and MAPC Agreement for Peregrine's services.

Conservation Restriction – William Senecal, trustee of the Lot 5556 Realty Trust

It was on motion unanimously

VOTED: To approve and sign acceptance of a revised Conservation Restriction granted under M.G.L. c.40 sec.8C by William Senecal, Trustee of the Lot 5556 Realty Trust, on a 38,282 +- s.f. portion of a 2.01 +/- a. parcel of land located off Bigelow Drive and Rt. 20, shown as “Conservation Restricted Area” on Lot 56 on plan entitled “Conservation Restriction Easement Plan of Land at Lot 56 Bigelow Drive, Sudbury, Massachusetts,” dated 4/16/10, by Foresite Engineering.

Goodnow Library – 150th Anniversary

It was on motion unanimously

VOTED: To acknowledge that 2013 is the 150th anniversary of the opening of the Goodnow Library in April 1863 and sign a proclamation acknowledging this major event in Sudbury’s history and encourage our residents to celebrate and participate in the Library’s events.

Special Town Election - Discussion with Town Clerk

Present: Town Clerk Rosemary Harvell

At 7:39 p.m., Chairman O’Brien welcomed Town Clerk Rosemary Harvell to the meeting to discuss required follow-up details following the Town Election. He stated the question to increase the number of Selectmen from three to five was previously approved at the Annual Town Election, and a Special Town Election will be needed to fill the positions. The Board was previously in receipt of a memorandum from Ms. Harvell dated April 5, 2013, providing information for consideration of scheduling the upcoming Special Town Election.

Ms. Harvell stated a Special State Election is scheduled for June 25, 2013. She stated dual elections require careful planning, but it is possible to conduct two elections on the same day. Ms. Harvell stated the State Election will not be as well attended by voters, and thus it is probably prudent to coordinate the two elections for the same day. She emphasized separate sign-in tables and records would need to be maintained for accurate records. Ms. Harvell stated details regarding reimbursement of costs from the State are yet to be determined. She explained additional election workers would be needed, but not additional police officers.

Chairman O’Brien asked if there would be enough time to add ballot questions if needed as a follow-up from the May Annual Town Meeting votes. Ms. Harvell stated ballot questions must be received in the Town Clerk’s Office at least 35 days prior to the Election.

Selectman Drobinski stated he is inclined to support two elections be scheduled for the same day. He asked if this will allow candidates enough time to become known to the community.

Vice-Chairman Haarde asked if the election workers are paid or volunteers. He also questioned why they cannot process the information all at the same time for the two elections.

Ms. Harvell stated most election workers are paid. She strongly advised against combining recordkeeping for the two elections, and she reiterated records must be separately and accurately maintained.

Vice-Chairman Haarde expressed his concern that someone could check in for one election, vote and leave, without realizing there was a second election. Ms. Harvell stated voters will be prompted at the first

registration desk whether they want to vote in both elections and then they will be instructed accordingly. She also stated appropriate signage will be present to assist voters.

Chairman O'Brien summarized the process for nomination papers for those who wish to run for office. He noted one position will be for a two-year term and the other for a three-year term. Ms. Harvell stated candidates must declare for which term expiration date they are running.

It was on motion unanimously

VOTED: To call a Special Town Election to be held on June 25, 2013 for the purpose of electing one Selectman for a term ending on the last day of the 2015 Annual Town Meeting and one Selectman for a term ending on the last day of the 2016 Annual Town Meeting.

State of the Town Forums in Lincoln – Informational Report

Town Manager Valente stated she sent an email to major boards and committees explaining the purpose of the State of the Town Forum and noting the Town would likely schedule it for October 2013. She suggested possibly a Thursday night to be considered. Ms. Valente further suggested it might be beneficial for Town staff to be able to consolidate preparation of materials for this meeting with other documents prepared throughout the year, such as the Town Report she displayed.

Vice-Chairman Haarde asked to see Ms. Valente's copy of the Town Report. He stated Lincoln holds its Forum on Saturdays, and he suggested Sudbury try it on a Saturday too. He also noted the Lincoln meeting seems to be conducted in a casual manner, with not a lot of preparation materials, and it is loosely moderated. Vice-Chairman Haarde hopes Sudbury will conduct its Forum similarly.

Selectman Drobinski suggested the calendars for all school systems be considered when scheduling the Forum for next October.

The consensus of the Board was that a Thursday evening or a Saturday time should be pursued.

Fairbank Community Center Study Task Force - Appointments

At 9:41p.m., the Board considered whether the Fairbank Community Center Study Task Force should expand its at-large membership from three to five members. The Board was previously in receipt of copies of five applications for appointment. Town Manager Valente stated Town Counsel Kenny advised that, if the decision is made to expand membership, it would be best to delay the vote until a future meeting to allow the expansion of positions to be publicized.

It was on motion unanimously

VOTED: To appoint the following at-large members to the Fairbank Community Center Study Task Force for terms to expire May 31, 2013: Rick Johnson, 38 Bent Road, Sarah Troiano, 342 Lincoln Road and Joseph Sziabowski, 799 Boston Post Road, and to further request that the Mission statement of the Task Force be amended to increase at-large membership to five members at the Board's next meeting.

NStar – Execution of Net Metering Agreement

The Board was previously in receipt of copies of “Exhibit H – NStar’s Agreement Between the Company and the Company’s Retail Customer (the Town of Sudbury),” dated March 28, 2013.

Vice-Chairman Haarde suggested, and the Board concurred, that the proposed vote be amended to specify net metering at the specific location address of the Sudbury landfill.

It was on motion unanimously

VOTED: To approve the execution of an agreement by the Town Manager between NStar and the Town of Sudbury which allows interconnection of electrical facilities to enable net metering at the Sudbury landfill located at 20 Boston Post Road, and to authorize the Town Manager to execute any additional documents which may be required, related thereto.

Inter-Municipal Agreement with the City of Marlborough for Veterans’ Agent Services – Extension

Present: Assistant Town Manager Maryanne Bilodeau

The Board was previously in receipt of a draft Veterans’ Services “Inter-Municipal Agreement” Between the City of Marlborough and the Town of Sudbury.

Assistant Town Manager Maryanne Bilodeau reported the City of Marlborough voted in favor of the Agreement last night. She explained the Agreement extends the current terms for shared Veterans’ Agent services and it creates a veterans’ district. Ms. Bilodeau stated a part-time administrative position will be hired to support the services.

Selectman Drobinski stated the Town needs a Veterans’ Agent, and he supports the Agreement. Vice-Chairman Haarde concurred.

It was on motion unanimously

VOTED: Pursuant to the provisions provided in M.G.L. c. 40, s.4A, and such other laws required to approve the execution by the Town Manager of an “Inter-Municipal Agreement” between the City of Marlborough, MA and the Town of Sudbury, MA for shared veterans’ services as set forth in said Agreement and authorizing the creation of a veterans’ district with the personnel required subject to State and Marlborough City Council approval.

There being no further business, the meeting adjourned at 9:46 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk