

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, APRIL 23, 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 7:34 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:34 p.m., Chairman O'Brien opened the meeting. He announced copies of the Town Report are available at the Town Clerk's Office and at key locations in Town. Chairman O'Brien reminded the community that Sudbury's Clean-Up Day will be April 27, 2013 from 9:00 a.m. - 12 noon. Lt. Scott Nix asked citizens to be very careful while participating in the Clean-Up because hypodermic needles have been found recently on roadsides.

Chairman O'Brien reminded citizens two Board positions will be available during the Special Town Election on June 25, 2013. Candidates must return appropriate forms to the Town Clerk's Office by May 7, 2013. He also stated the Planning Board has an open position for an Associate Member, and additional information is on the Town website. Absentee ballots for the Special State Primary Election on April 30, 2013 are also available in the Town Clerk's Office.

On behalf of the Board and Town of Sudbury, Chairman O'Brien extended everyone's thoughts and prayers to those who were affected by the horrific events at last week's Boston Marathon. Selectman Drobinski stated citizens are still deeply moved by what happened and are trying to recover. He stated our thoughts go to the victims and their families. Vice-Chairman Haarde shared his concern for everyone involved as well. He also gave kudos to the first responders and safety officials who worked to bring the suspect into custody. Vice-Chairman Haarde was at the Marathon with his family, and he was positioned approximately a block away when the explosions occurred. He stated approximately 100 local running enthusiasts met this past weekend at Featherland to run a short route in honor of the victims. Town Manager Valente also extended her concern for the victims. She highlighted how important the help and support of all public safety personnel is during these types of situations.

Reports from the Town Manager

Town Manager Valente stated there have been many meetings in recent weeks leading up to Town Meeting. She also stated Fire Chief Miles has begun work on implementation of the Advanced Life Support process. Ms. Valente also stated the Minuteman Regional Vocational High School District subcommittee studying membership is looking anew at the Model E proposed previously by a group of member Town Managers. She also stated copies of a relevant letter from the Town of Belmont has been circulated to the Board.

Reports from the Board of Selectmen

Selectman Drobinski stated he and the other Board members attended a meeting on Monday with Lincoln-Sudbury Regional High School (L-SRHS) representatives regarding the womens' softball field.

Vice-Chairman Haarde stated the Fairbank Center Study Task Force met last night, and the Rt. 20 Sewer Steering Committee will meet soon.

Chairman O'Brien stated he and the Board attended the L-SRHS meeting and it was determined that Sudbury will proceed with the Warrant article as proposed by Park and Recreation. In addition, Lincoln will

work to amend its article of support without a contingency, and L-SRHS will likely meet to revoke its vote taken a few weeks ago, as discussed at the Board's April 9, 2013 meeting.

Liquor Serving Violations – Acapulcos, Bullfinch's and Oishii Too Sushi Bar – Discussion with Police Department

Present: Sudbury Police Lt. Scott Nix, Manager of Acapulcos Restaurant Jorge Moreno and his attorney Nicholas Felici, and Manager of Oishii Too Sushi Bar Chen Wu Ciang

At 7:47 p.m. Chairman O'Brien welcomed Lt. Scott Nix of the Sudbury Police Department to discuss liquor service to minors violations which occurred at Acapulcos, Bullfinch's and Oishii Too Sushi Bar on Thursday, February 21, 2013. The Board was previously in receipt of copies of Police Department Incident Reports, letters sent from the Town Manager on behalf of the Board to the violators asking them to attend tonight's meeting, and an excerpt from the Board's June 1, 2010 meeting minutes regarding a similar violation.

Lt. Nix stated the Police Department conducted a compliance check in February, and he explained the process. He stated three establishments failed the test, and each manager and server were notified. Chairman O'Brien stated 17 establishments were checked, of which three failed.

Lt. Nix stated after reviewing past violation data, he and Police Chief Glavin recommend a look-back period of possibly five years be established to account for turnovers in management.

Selectman Drobinski stated a look-back period seems appropriate. He also stated all relevant personnel must be TIPS-trained and certified. Lt. Nix stated the Department recommends that TIPS training be done on-site for two-time violators.

Vice-Chairman Haarde asked how many sting operations have been conducted by the Police Department in the past 12 years. Lt. Nix stated three to his knowledge, i.e., 1998, 2010 and 2013. He further stated it is the intent of Chief Glavin to conduct compliance checks more frequently. Vice-Chairman Haarde stated that 15 years is a long time to consider a previous violation. However, he wondered if there is enough of a precedent from so few checks to formulate a proper regulation.

Chairman O'Brien suggested a proposal of regulations be drafted by the Police Department, including a look-back period to establish clear consequences for violations. Lt. Nix stated the Department wants to be able to act consistently in these situations.

The Acapulcos' violation was broached. Lt. Nix stated the Department recommends TIPS training be conducted on-site and that a three day suspension of serving alcohol be issued, with two of the three days to be held in abeyance.

Selectman Drobinski stated he supports the recommendation because under-age drinking is a serious issue.

Vice-Chairman Haarde asked for clarification regarding the two days held in abeyance. He also stated he had researched how other towns handle this, and a one-day suspension is typical. Lt. Nix suggested the one-day suspension be set for a Saturday in the coming month, and the two days to be held in abeyance would be within the next year. Vice-Chairman Haarde stated he was recently carded in a restaurant while traveling, and he would like to hear the establishment's perspective regarding guidance given for carding.

Attorney for Acapulcos, Nicholas Felici, stated the restaurant's manager/co-owner, acting manager and server are in attendance. Mr. Felici stated he has represented the restaurant for the past 12 years in Sudbury and at its other locations. He emphasized it is a family-oriented business and that management cares about following proper protocols, and it does the best it can within its resources. However, Mr. Felici stated there was a problem on February 21, 2013. He stated management is diligent with TIPS training, and it instructs servers to card anyone who appears under the age of 30. Mr. Felici also stated servers are given a warning on a first violation, and they are fired if there is a second violation. He stated the server in question was fairly new, and the server is currently on probation. Mr. Felici asked the Board to reconsider a suspension of serving alcohol, noting it would financially hurt operations, particularly if issued on a weekend date.

Selectman Drobinski stated the Town needs to stand by its rules for under-age drinking because it could have devastating consequences. Although he can understand the perspective of the business, he supports the Police Department's recommendation.

Vice-Chairman Haarde thanked the restaurant representatives for taking responsibility for the violation. However, he expressed concern regarding the circumstances being similar to those that occurred in 2010. He encouraged management to institute stricter policies and to possibly card customers who appear even older than 30 years of age and to consider consequences for a first offense that are stronger than issuing a warning to the server.

It was on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, to issue a three-day suspension to Acapulcos, of its All Alcoholic Beverages License, with the first day of suspension to be on May 18, 2013, and the other two days to be held in abeyance for 12 months, and to require written evidence of on-site TIPS training certification to be submitted to the Police Department for all currently TIPS-certified relevant Restaurant employees within 30 days, and that all other relevant personnel provide the same documentation within 60 days.

The Board next broached the violation at Bullfinch's Restaurant, which also failed a compliance check in 1998. Lt. Nix stated the Department recommends consideration of the 2013 offense as the first violation and that a warning be issued, and to request that TIPS training and certification be completed online, but noting that on-site training is preferred.

Selectman Drobinski stated he supports the recommendation, but he would prefer to have an in-person discussion with the restaurant's management. It was noted no one from Bullfinch's is in attendance tonight. He reiterated that under-age drinking is a serious problem, and the Board has a goal of 100% compliance with the regulations for serving alcoholic beverages. Selectman Drobinski suggested, and the Board concurred, that representatives from the restaurant be invited to a future meeting, noting that their future absence could result in a one-day suspension of their license privileges.

At 8:18 p.m., the Board discussed the violation at Oishii Too Sushi Bar with its manager Chen Wu Ciang. Lt. Nix stated the Department recommends a warning be issued and that TIPS training and certification be required to be completed online.

Mr. Chen stated he was shocked the violation occurred, because he always instructs staff to check identification. He further stated he only accepts in-state identification or from a passport and has refused to serve out-of-state visitors. Mr. Chen assured the Board this would not happen again.

Selectman Drobinski thanked Mr. Chen for coming to the meeting and for having his business in Town. However, he stated the Board must address these issues when they occur.

Vice-Chairman Haarde asked how long his management has been in place. Mr. Chen stated he has been there 15 years, and this is the first problem which has occurred. He stated he spoke to the waitress and he noted she was TIPS-trained.

It was also on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, to issue a warning to Oishii Too Sushi Bar, regarding the appropriate implementation of its All Alcoholic Beverages License, and to require that all currently TIPS-certified relevant restaurant employees provide written evidence of online TIPS certification within 30 days to the Police Department, and that all other relevant personnel provide the same documentation within 60 days.

Lt. Nix asked for confirmation that the Board would like the Police Department to establish some guidelines for enforcement of violations prior to the end of this calendar year, which he received.

PILOT Agreement for L-SRHS Solar Canopy – Annual 2013 Town Meeting Article 21 – Discussion

Present: Sun Edison representatives Special Counsel Kevin Batt and Jarryd Commerford, and Lincoln-Sudbury Regional High School (L-SRHS) Finance Committee Chair Nancy Marshall, and member Radha Gargaya, and Superintendent Scott Carpenter

At 8:24 p.m., Chairman O'Brien welcomed Lincoln-Sudbury Regional High School Committee Chair Nancy Marshall, Special Counsel Kevin Batt and Sun Edison representative Jarryd Commerford to the meeting to discuss the Annual 2013 Town Meeting Article 21- PILOT Agreement for L-SRHS Solar Canopy. The Board was previously in receipt of copies of a L-S Solar Power Purchase Agreement (PPA) Fact Sheet, copies of the PowerPoint slides for tonight prepared by Sun Edison, and a relevant opinion rendered by Town Counsel Paul Kenny dated April 19, 2013. In addition, copies of an email from Eleanor Burke to Ms. Marshall dated April 23, 2013 was distributed.

Selectman Drobinski recused himself from the discussion because the company he works for has done work for Sun Edison.

Ms. Marshall reported L-SRHS was announced as a winner of a 2013 Green Difference Award today, and she noted the School was nominated by State Senator Eldridge.

Mr. Commerford explained that the L-S staff entered into a Power Purchase Agreement (PPA) in February 2013. He stated the staff and student Green Team are working on this project in partnership with the energy buying consortium PowerOptions through the solar energy provider Sun Edison. It was noted L-SRHS uses approximately 3.15 million KWH of electricity annually for an approximate cost of \$600,000 a year. It is estimated through the PPA, L-SRHS could obtain half of its electricity at a lower fixed rate for the next 20 years. Projected first year savings are estimated at \$90,000, with potential savings of \$225,000 annually in future years in the 20-year period.

Mr. Batt summarized the contract details. He highlighted there are no up-front costs for L-SRHS, and options are provided to purchase the system during the term. He stated safeguards for the school have been included during the construction phase, which would likely begin in the summer of 2013. Mr. Batt stated there are some pending items, including obtaining interconnection permits from NStar.

Vice-Chairman Haarde asked for confirmation of L-SRHS's consumption, noting it seems like a lot.

L-SRHS School Committee member Radha Gargaya stated the existing utility system is an energy hog. Mr. Gargaya stated the hope is that the PPA will provide savings and also decrease the remaining traditional demand charges which penalize heavy users.

In response to a few questions from Vice-Chairman Haarde, Mr. Commerford explained the canopy pitch design and proposed coverage of a few parking spots which will not need to be plowed in winter. He further stated the company takes past snow and rain factors into consideration when preparing its cost-saving projections. Mr. Commerford also stated it is unlikely energy costs would be lower in the coming years.

Vice-Chairman Haarde asked if L-SRHS has implemented as many energy-saving resources as possible. Mr. Gargaya stated it has installed all energy-efficient bulbs and has pursued cutting energy consumption in many different ways. Ms. Burke stated it is an all-school effort, which includes students, working together to reduce energy consumption and costs.

Chairman O'Brien asked if the project will be submitted for Site Plan review. Ms. Marshall stated it will be submitted and that Mr. Commerford has met with Director of Planning and Community Development Jody Kablack.

Mr. Batt referenced the opinion provided by Town Counsel, and he summarized the statutory background and tax exemption issues related to the project. He stated the PILOT program has been modeled similarly to the Town's PILOT for the landfill. Mr. Batt stated the proponents are asking for the Board's support of the article, and he reiterated that a lot of protections have been put in place in the contract. He further stated the Department of Revenue (DOR) requires the PILOT authorization be approved at Town Meeting. Mr. Batt also stated Town Counsel's requested change to the signature block would be made, and could be presented for Site Plan review at the Board's meeting on May 21, 2013.

Sudbury resident Dick Williamson, 21 Pendleton Road, asked which entity will receive the tax revenue. Mr. Batt stated all the taxes would go to Sudbury.

Sudbury resident Greg George, 39 Meadow Drive, asked what happens if the company goes out of business, and whether references could be provided. Mr. Commerford stated the company is the largest one in this industry in the area, and it was the first to sign a PPA in 2003. He explained that a financial institution would step in to own operations in the highly unlikely case that the company failed. Mr. Commerford also stated a list of references could be provided.

Chairman O'Brien noted the REI building in Natick has a similar canopy, there is one at Cape Cod Community College, and another similar site will be visited in Connecticut by the L-SRHS team.

It was the consensus of the Board that it would report its position for Article 21 at Town Meeting.

Pre-Town Meeting Article Review – Articles 16, 17, 18, 20, 24, and Petitioners' Articles 39-43

The Board was previously in receipt of copies of the relevant article texts from the 2013 Annual Town Meeting Warrant and a memorandum from Town Manager Valente dated April 19, 2013 regarding articles 40-43. Ms. Valente announced copies of the Warrant and a few related handouts are available tonight at the rear of the Hall.

The following articles were discussed as follows:

#16 – Construct Police Headquarters

Present: Combined Facilities Director Jim Kelly and Police Lt. Scott Nix

At 8:53p.m., Chairman O'Brien welcomed Combined Facilities Director Jim Kelly and Police Lt. Scott Nix to discuss the proposed warrant article to construct a new police station on Hudson Road. Copies of a FY11 Capital Budget request for construction of a Police Headquarters drafted October 26, 2009 was distributed to the Board and a handout was available at the rear of Town Hall entitled, "Proposed Police Headquarters Frequently Asked Questions."

Through a PowerPoint presentation, Mr. Kelly and Lt. Nix described the need for an upgraded facility. Mr. Kelly stated the current Police Station does not meet many new standards for juvenile, female and male retention. He reviewed the history of the long-standing request for a new Station in Town. After the last article was presented and defeated a few years ago, a Blue Ribbon Committee was established to ascertain how the proposal could be altered to garner the support of residents. Mr. Kelly stated it appeared there was not enough knowledge of the project benefits the last time, so he has recently met with various boards, committees and groups in 2013 to help educate the public on the need for a new building. He stated the current building has safety issues, and it cannot be practically expanded at the same location. It was noted another discussion forum regarding this article is scheduled tomorrow night at the Goodnow Library at 7:00 p.m. Mr. Kelly also noted there has been some discussion lately as to whether this project was presented to the Capital Improvement Planning Committee (CIPC) in a timely manner according to the Town's CIPC bylaw. He stated this project met the requirements of the bylaw as it has been discussed several times since 2005 with the CIPC, and he did so again most recently in March 2013.

Mr. Kelly stated the Blue Ribbon Committee studied and recommended an option which has not yet been voted on by residents. Mr. Kelly believes the time is right to do so this year, because the Town's debt from prior school projects is decreasing and interest costs are low. He exhibited information reflecting the cost of this debt as part of the average tax bill totaling approximately \$90 per year or less for the average assessed home of \$622,000. This information is based on a project cost not to exceed \$7.5 million.

Mr. Kelly summarized the differences in the 2013 proposal from the one presented in 2007. He emphasized the size of the facility has been reduced, but the primary functionality of the building has been retained, and he displayed sample floor plans. Mr. Kelly further highlighted the Hudson Road location is geographically in the center of Town, and it provides the opportunity to establish a combined public safety campus.

Mr. Kelly stated no decisions have been made regarding the use of the current facility and/or for the disposition of the land. He stated the Town is aware the land has a preliminary appraised value at \$850,000.

Lt. Nix briefly described how the current floor plan does not work and some of the safety and compliance concerns of today. He stated some in the community have questioned that the proposed facility is too large. However, Lt. Nix stated the Town has 28 officers, and a chart was displayed indicating the size of Sudbury current facility is well below the average standard for the number of residents in Town. He also described how the combined dispatch for fire and police now functions from the Police Station. Lt. Nix stated he believes in the need for this proposed project as a police officer and as a resident, and he believes it will help to serve Sudbury's citizens better.

Sudbury resident Rick Johnson, 38 Bent Road, stated it would be easier for him to support this kind of project if there were a context of a five-year plan of capital projects in which it could be reviewed. He also asked if it is required to have a five-year plan by law.

Chairman O'Brien stated taxpayers bills are impacted by what is voted at Town Meeting. He further highlighted that several capital projects anticipated over the next 15 years were recently presented at a special meeting devoted to this topic.

Mr. Kelly noted a few projects, such as renovations to Town Hall and the Fairbank Center, have had a lot of discussion and could easily begin in the next five years.

Sudbury resident Andy MacEntee, 73 Brookdale Road, addressed the Board to question the process and procedures followed for the Police Station article being on this year's Warrant. He asked if the Police Station is under the purview of the Permanent Building Committee or the CIPC. Mr. MacEntee stated Town Counsel had opined that the facility is not under the purview of the CIPC, and he asked the Board if it believes it is. Chairman O'Brien responded that he would need a definition of purview to be clarified.

Mr. MacEntee read aloud excerpts from the CIPC statutes and bylaw, and he asked the Board if it believes the CIPC bylaw pertains to the Police Station. Selectman Drobinski stated it is important to note that the bylaw states that "all anticipated projects" must come before the CIPC by October. He emphasized this project was not anticipated by the Board of Selectmen last fall for this year's Town Meeting, but rather its need sprung out of the work done by the Fairbanks Community Study Task Force. Lt. Nix confirmed this to be accurate, stating the Police Department was hesitant to present the article again, given community feedback the last time. However, he stated Mr. Kelly focused on the importance of this project when a pipe burst in the current Police Station.

Mr. MacEntee opined that he believes the proper process was not followed for presenting this project to the CIPC.

Mr. Kelly stated that he believes the CIPC has been aware of this project, and he referenced that the CIPC states a six-year timeframe for projects. His understanding is that the CIPC does not necessarily want to hear about the same projects every year if they have not yet come to fruition. Thus, Mr. Kelly does not believe a violation has occurred because the Police Station project has been discussed with the CIPC in the past six years.

Vice-Chairman Haarde stated he believes there was no intent to not follow the rules, and he was not aware that proposing the article was in violation of the bylaw. He stated the article was proposed as an offshoot of work he proposed to be done regarding the Fairbank Community Center, and capital planning became an integral part of those discussions. Vice-Chairman Haarde stated he believes the Town needs a new Police Station. However, he reads the bylaw differently than Mr. Kelly does, and he is not sure the bylaw has not been violated by not presenting the project every year to the CIPC.

Mr. Johnson addressed Selectman Drobinski, and he asked if he was suggesting that if any capital project is not anticipated by October 1st then it does not have to go before the CIPC and can be presented to Town Meeting.

Selectman Drobinski asked that words not be put in his mouth which he did not say. He explained that the Police Station has been a long-standing anticipated project for the Town, and it has been talked about over several years.

Chairman O'Brien stated that it seems as if Mr. Johnson is suggesting there was an attempt to circumvent the system, which there was not. He stated the project was proposed as a natural offshoot from work done by

a task force and the article was unanimously put forward by the Board. Chairman O'Brien stated the residents will have the opportunity to debate it at Town Meeting, and to vote on it at the polls.

Mr. MacEntee stated he believes that citizens, as legislators, have a right to make informed decisions and that having an article put forth in March is too late in the process. He believes the rules should have been followed to propose the project last October. Mr. MacEntee also referenced the Board's recent comments to Sudbury resident Ralph Tyler, that the rules need to be followed, when Mr. Tyler missed the deadline for article submission.

Chairman O'Brien stated that he views Mr. Tyler's situation and the Police Station as different situations.

Lt. Nix stated that it does not make sense to him for people not to vote for a Police Station which they believe has been needed for a long time just because there might be a mistiming of the proposal being submitted according to the CIPC bylaw.

Vice-Chairman Haarde stated the Board was hard on Mr. Tyler and it needs to be cautious of not making a case for the Police Station that the ends justify the means. He reiterated that he is uncertain whether the law was followed. Vice-Chairman Haarde also stated he is conflicted regarding Town Counsel's opinion that buildings are not part of the capital budget.

John Baranowsky, 103 Belcher Drive, stated the CIPC is supposed to be a seven-member committee, but it currently has four members, of which two are Town staff members. He urged filling the vacant positions so the CIPC can function as a fully-staffed committee.

Mr. MacEntee referenced comments made by Town Manager Valente and Chairman O'Brien from November 14, 2012, noting two new CIPC members were not planned to be appointed.

Town Manager Valente explained that she had approached several people to serve and they did not want to do so until after the bylaw is amended because they are currently volunteering in other capacities for the Town.

Sudbury resident Joe Sziabowski, 799 Boston Post Road, stated he has been pleased that the momentum has resumed regarding construction of a new Police Station. Mr. Sziabowski believes the project is very important for a Town of Sudbury's caliber, and he finds it very discouraging that citizens are not willing to consider bringing a more modern facility to fruition for Sudbury.

Mr. MacEntee read aloud comments made by Town Manager Valente in 2007, stating a 14,500 square-foot facility could not be recommended as future-thinking. He asked why it is now being recommended.

Lt. Nix stated Ms. Valente was relaying the Police Department's belief in 2007, under a different Police Chief Fagden, that a larger 18,000 square-foot facility was preferred. He stated the Town Manager relies on the expertise of the Department's recommendations. Lt. Nix stated the Department and new Police Chief Glavin now are comfortable that they can work with the revised 14,500 design proposal.

Sudbury resident Bryan Semple, 15 Revere Street, asked for clarification that, if the Fairbank Roof project had passed last fall, then the Police Station project would not be on the Town Warrant.

Vice-Chairman Haarde stated this is not necessarily so because one situation led to another, and he believes Mr. Kelly would have come to the same realization at some point that a new Police Station is needed.

Mr. Kelly concurred, stating the impetus for the Police Station article was the pipe bursting in the current Station, which gave him grave concerns.

Vice-Chairman Haarde stated the 14,500 square-foot proposal is not inappropriate for a Town of Sudbury's size and population, and the Town needs a new Station. He stated it is interesting to compare this statistic with other communities, particularly Acton, Concord and Wayland.

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

#17 – Fairbank Community Center Complex - Master Plan

#18 – Fairbank Community Center Roof Project

Present: Fairbank Community Center Study Task Force members Jack Ryan and Combined Facilities Director Jim Kelly

At 10:05 p.m., Fairbank Community Center Study Task Force member Jack Ryan provided a summary of the genesis of this group, after the Fairbank Roof Project failed to be supported by citizens last fall. Mr. Ryan stated the Task Force discussed many options for the future of the building and its current tenants. He stated the Task Force concluded that the Fairbank building had some issues regarding potential for expansion due to the current roof structure. The Task Force discussed the idea of the building being developed long-term as a community center. However, Mr. Ryan stated the Task Force recommended a feasibility study be completed to further study this concept, at an estimated cost of \$75,000. It was noted this process could take a year.

Mr. Ryan stated it is nearly impossible to not discuss Article 17 and Article 18 concurrently. The Task Force noted that, in the interim, while a feasibility study is being completed, there still exists the problem of the Fairbank roof leaking. Mr. Ryan stated contractors were consulted, and all of them believe it is appropriate to re-roof what is needed and that a future renovation could be built around the new roof.

Mr. Ryan and Mr. Kelly explained that due to the Town receiving a grant for the Natatorium work last year at Fairbank, previously appropriated funds are still available. Article 17 proposes to use \$10,000 of these funds and to raise the remaining \$65,000 for the feasibility study from private/other sources. Mr. Ryan stated Article 17 would be amended at Town Meeting accordingly. It was further noted that Article 18 proposes to spend \$50,000 of the previously appropriated funds.

In response to a question from Chairman O'Brien, Town Manager Valente explained how transferring such funds is possible.

Sudbury resident Pat Brown, 34 Whispering Pine Road, asked if there is a contingency plan if the \$65,000 in private funds cannot be raised, and she asked if there is a timeframe set to raise the needed funds.

Vice-Chairman Haarde asked if it is possible more money would be requested at Town Meeting or would the fundraising campaign just continue. It was noted both scenarios are possible.

Sudbury resident Bryan Semple, 15 Revere Street, asked whether there would be a maximum amount inserted in the motion at Town Meeting for Article 18, and he was informed a figure would be noted.

In response to a question from Sudbury resident Rick Johnson, 38 Bent Road, Chairman O'Brien and Town Manager Valente explained that previously-appropriated funds in a capital article can be re-voted if Town Meeting votes to do so, if there has been no borrowing involved..

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

#19 – Town Center Traffic Improvements

Present: Director of Planning and Community Development Jody Kablack

Director of Planning and Community Development Jody Kablack summarized the article as being proposed to improve the safety of the Town Center intersection. Ms. Kablack reported there have been 71 accidents in the past three-year period, which is three times greater than the State average for this type of area. She further stated the traffic signals are 58-years old, do not meet current engineering standards and have malfunctioned four times in the past eight months, resulting in unsafe and chaotic circumstances. Ms. Kablack also stated the proposal would address alignment of road, conduit and stormwater management issues in the Town Center, and would provide for some historic-styled enhancements to the area.

Sudbury resident Dan DePompei, 35 Haynes Road, asked what the benefits are from making the small road in front of Town Hall a one-way street.

Ms. Kablack stated many public meetings and forums were held by the Committee which worked on this project over several years. Chairman O'Brien explained the Committee recommended the one-way road as a way to better channel traffic flow through the intersection.

Mr. DePompei asked if the road could become a two-way street again in the future, if it becomes more desirable to do so. Ms. Kablack stated there would be just enough room to do it, if needed.

Sudbury resident Rick Johnson, 38 Bent Road, asked if there is enough area at the intersection to accommodate the design coming south on Concord Road and turning west onto Hudson Road. Chairman O'Brien stated there would be enough room because First Parish has agreed to give the Town an easement on the required area. He displayed on an exhibit the areas owned by First Parish, emphasizing the Town Common is owned by First Parish as well.

Sudbury resident Jan Hardenbergh, 7 Tippling Rock Road, and Ms. Kablack stated First Parish has voted to support the proposed design.

Vice-Chairman Haarde asked if the trees noted on the exhibit tonight exist or would be new trees. Ms. Kablack stated the existing trees have been designated.

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

#20 – PILOT Agreement – Solar Project at Landfill Site

Present: Energy and Sustainability Green Ribbon Committee Chair Bill Braun

At 10:40 p.m., Energy and Sustainability Green Ribbon Committee Chair Bill Braun stated this project has been discussed several times in previous public meetings. He asked if there were any questions, and there were none posed by the public or the Board.

#24 – Energy Services Company Energy Improvement Program – ESCO

Energy and Sustainability Green Ribbon Committee Chairman Bill Braun explained the Energy Improvement Program (ESCO) proposal requests an appropriation to fund the cost of implementation of the energy measures outlined in the Investment Grade Audit prepared by Ameresco, which is available on the Town website. Mr. Braun stated it is a great program to accomplish what needs to be done, while paying for it out of the savings received from the program. Mr. Braun stated the article would be explained at Town Meeting and Indefinitely Postponed.

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

Sudbury resident Pat Brown, 34 Whispering Pine Road, asked if Article 22 was advertised as part of a Public Hearing discussion. The Board stated Article 22 was discussed at a special public meeting on April 4, 2013.

#39 - Amend Town of Sudbury Bylaws, Art. V, Public Safety – Discharge of Firearms

It was noted the petitioner for this article was unable to attend tonight's meeting, and will report to the Board on May 7, 2013.

#40 - Amend Town of Sudbury Bylaws, Art. II, The Government of Town Meeting – Add a New Section Budget Changes

Sudbury resident Dan DePompei, 35 Haynes Road, explained his petition article would be amended at Town Meeting to propose that, if changes are made to Article 4 at Town Meeting that are 25% or \$250,000 or more different than what is published in the Warrant, then discussion of the article would cease to allow citizens an opportunity to review the new figures. He stated he has discussed all of his petitions with the Finance Committee as well. Mr. DePompei believes changes to this extent should result in a hard stop and delay further discussion of Article 4 until the next day, which he believes forces citizens to seriously consider the budget. He also mentioned there were numerous changes presented at Town Meeting last year, which he did not have adequate time to assess.

Chairman O'Brien suggested Mr. DePompei might want to consider putting this to a vote at Town Meeting because some citizens may have arranged their schedules to only attend one evening to vote on the budget. He stated that last year was an unusual circumstance because of the many changes which were made due to the late conversion by the Town to the Group Insurance Commission.

Selectman Drobinski stated he also thinks putting it to a vote at Town Meeting would be preferred.

Chairman O'Brien suggested that Mr. DePompei contact the Town Moderator to discuss whether this article could be taken out of order, since it is budget-related. Selectman Drobinski cautioned that citizens who might want to vote on Article 40 might not be expecting the article to be taken out of order on the first night and might not be in attendance.

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

#41 - Amend Town of Sudbury Bylaws, Art. III, Town Affairs- Semi-Annual Town Forum

Sudbury resident Dan DePompei, 35 Haynes Road, stated a related non-binding resolution was passed in 2011. Mr. DePompei believes an article is now better to propose. He noted he has relaxed the language to require an annual forum, at a minimum.

Selectman Drobinski stated the change to an annual minimum requirement makes sense.

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

#42 - Amend Town of Sudbury Bylaws, Art. III, s. 10 Town Affairs – Add New Section 10 - Chairmanship

Sudbury resident Dan DePompei, 35 Haynes Road, stated the article is designed to increase diversity within boards and committees in the management of Town affairs, and he read aloud his proposed amended article which would limit chairmanship by any member of a board or committee to no more than two terms, and would require a member to have served for at least one term before becoming chairman.

Selectman Drobinski asked if a committee unanimously wanted to have a current chair continue in the role whether it would it be possible. Mr. DePompei stated it would not be allowed.

Chairman O'Brien stated there are a few boards which only have three members, and/or the work is somewhat specialized and does not attract a lot of candidates for membership. He believes the proposed amendment might make it difficult for such boards to operate.

It was suggested that possibly stating that one could not be chair for more than two consecutive terms might be better. Mr. DePompei stated he is willing to amend the language again for boards with three members to state those boards can make its own decisions regarding chairmanship.

Sudbury resident Rick Johnson, 38 Bent Road, stated this would mean that someone could not be chair unless they were re-elected. Mr. DePompei stated this was his intention to emphasize that chairmanship requires minimum qualifications and a knowledge base.

Mr. Johnson asked what Vice-Chairman Haarde thinks about this article. Vice-Chairman Haarde responded that he thinks the article is an improvement.

Sudbury resident Greg George, 39 Meadow Drive, stated that, from his perspective, the article seems to be micromanaging a bit too much. He noted that, if all members were not re-elected, no one would be able to become chairman.

Mr. DePompei stated he would review the article text again.

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

#43- Amend Town of Sudbury Bylaws, Art. IV, Finance Committee, s. 5 – Expanded Reporting

Sudbury resident Dan DePompei, 35 Haynes Road, explained that he believes it would be helpful for citizens to see more financial information indicative of a balance sheet, including reserves and unfunded liabilities. Thus, he proposed this article.

Selectman Drobinski stated the financials provided over the years have improved greatly. Town Manager Valente stated information is provided which the Finance Committee has deemed appropriate for submission.

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

Minutes

It was on motion unanimously

VOTED: To approve the Regular Session minutes of April 4 and April 9, 2013.

Minutes – Amendment to November 20, 2012 Meeting Minutes

It was on motion unanimously

VOTED: To amend the Board's minutes of November 20, 2012 to reflect the presence of Kevin Matthews, a L-SRHS District Committee member, whose name was inadvertently omitted from the list of Committee attendees.

Transfer Station – Sticker Rates

It was on motion unanimously

VOTED: To accept the recommendation of Department of Public Works Director Bill Place that the FY14 rates for Transfer Station stickers remain at the FY13 levels, as outlined in a letter dated April 2, 2013.

Fairbank Community Center Study Task Force - Amendment to Mission Statement

It was on motion unanimously

VOTED: To amend the Fairbank Community Center Study Task Force Mission Statement, established by the Board of Selectmen on November 7, 2012, and amended on March 12, 2013, under "Membership" to increase the at-large members from three to five.

Fairbank Community Center Study Task Force - Appointments

It was on motion unanimously

VOTED: To appoint Timothy C. Coyne, 24 Taylor Road, and Gregory George, 39 Meadow Drive, as new at-large members to the Fairbank Community Center Study Task Force for terms to expire May 31, 2013, as previously recommended by the Board at its meeting of April 4, 2013.

One-Day Wine and Malt License – Sudbury Cooperative Preschool

It was on motion unanimously

VOTED: To grant a one day Wine and Malt License to Jessica Meyers, VP of Operations for Sudbury Cooperative Preschool, 6 Church Street, Sudbury, to accommodate an auction fundraiser at Camp Sewataro, on Saturday, May 18, 2013, from 6:00 p.m. to midnight, subject to use of a TIPS-trained bartender and receipt of a Certificate of Liability.

Planet Aid – Donation

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a \$286 donation from Planet Aid in appreciation for allowing a clothing and shoe bin to be located at the Fairbank Community Center in 2012, as stated in a letter dated March 11, 2013, from Michael Tambosi, Planet Aid Operations Manager, said funds to be accepted into the Town's Discretionary Fund and expended under direction of the Town Social Worker.

Rt. 20 Sewer Citizens' Advisory Committee – Resignation

It was on motion unanimously

VOTED: To accept the resignation of Neil B. Minkoff, 175 Fairbank Road, from the Rt. 20 Sewer Citizens' Advisory Committee, as requested in a letter dated April 15, 2013, and to send a letter of appreciation for his service to the Town.

Solar Sudbury One LF LLC – 20 Boston Post Road - Endorse Site Plans

It was on motion unanimously

VOTED: To endorse the final site plans for Solar Sudbury One LF LLC, 20 Boston Post Road, as recommended by the Director of Planning and Community Development.

Executive Session Meeting Minutes - Release

It was on motion unanimously

VOTED: As reviewed by Town Counsel and other staff, to release the following Executive Session Meeting minutes which have been deemed as no longer requiring Executive Session status (listed by date): October 15, 2010, December 7, 2010, December 21, 2010, January 27, 2011, February 15, 2011 and May 17, 2011.

There being no further business, the meeting adjourned at 11:17 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk