

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, FEBRUARY 12, 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 7:40 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:40 p.m., Chairman O'Brien opened the meeting. He reminded residents to return their census forms to the Town Clerk's Office in order to remain listed as an active voter. Chairman O'Brien also reminded residents to register their dogs before March 31, 2013, to avoid a late fee penalty. He displayed the Town's Annual Budget and Finance Book, noting the information is on the Town website, and that budget hearings have begun.

Reports from the Town Manager

Town Manager Valente provided a brief update regarding the recent snowstorm. She thanked the Department of Public Works and Public Safety staffs who worked all weekend to clear the roads and walkways. Outside contractors and extra personnel were utilized to complete the work, and only one power outage was reported. Ms. Valente further reported the Town's snow and ice budget is nearly depleted, and she will soon ask the Finance Committee for deficit-spending approval. In addition, she thanked Mary McCormack and Patty Golden for working late to prepare and distribute tonight's agenda materials before the storm.

Town Manager Valente attended the recent legislative Minuteman Advisory Group on Interlocal Coordination (MAGIC) meeting in Bedford. Legislators stated their current priorities are focused on transportation and infrastructure projects and regionalization opportunities.

Town Manager Valente stated the Permanent Building Committee (PBC) has selected a design firm to work on the Town Hall project.

During the past week, Town Manager Valente presented the Town's budget to the Finance Committee, as did the other cost centers, using the guidelines suggested by the Committee.

Town Manager Valente distributed copies to the Board of a letter announcing the upcoming Massachusetts Municipal Association Legislative Breakfast meetings beginning March 1, 2013.

Town Manager Valente announced Combined Facilities Manager Jim Kelly recently completed a certification purchasing program, and she congratulated him on this achievement.

Reports from the Board of Selectmen

Selectman Drobinski stated he attended the Massachusetts Municipal Association Annual Meeting and presented information regarding energy issues. He also participated in the Community Preservation Committee's (CPC) meetings to vote on its recommended projects for Community Preservation Act (CPA) funding. Selectman Drobinski stated the projects recommended this year include a Park and Recreation request for restoration of the Lincoln-Sudbury Regional High School (L-SRHS) Softball Field.

Vice-Chairman Haarde stated he will attend a Route 20 Steering Committee meeting tomorrow, and he chaired a Fairbank Center Study Task Force earlier tonight. He stated the Task Force will provide its report and recommendations to the Board later tonight.

Chairman O'Brien attended the recent budget hearings. He reported that, at this time, L-SRHS believes its health plan will have a 0% increase this year. Chairman O'Brien further reported L-SRHS contract negotiations are ongoing.

Citizen's Petition – Proposal for a Semi-Annual State of the Town Update

Present: Petitioner Bryan Semple

At 7:45 p.m., Chairman O'Brien welcomed Sudbury resident Bryan Semple, 15 Revere Street, to the meeting to discuss the proposal to implement a State of the Town semi-annual update, a non-binding resolution, which was suggested and affirmatively voted at the Annual 2011 Town Meeting.

Mr. Semple read aloud a portion of Article 39 of the 2011 ATM, prepared by petitioner Dan DePompei, noting it is a best practice for organizations to require senior managers to report on goals and objective for which they have assigned responsibility. He stated this article was voted by Town Meeting, and he believes the goal was to have better communication about projects and a checkpoint for progress. Mr. Semple believes the 2011 ATM vote was never implemented, and he asked if this is accurate.

Chairman O'Brien stated ongoing updates on projects are presented at public meetings throughout the year.

Mr. Semple believes nothing has changed since the vote was taken in 2011. He asked if there was a reason for it not being implemented. Chairman O'Brien noted that it was a non-binding resolution. However, Mr. Semple noted a majority voted in favor of a forum similar to the one held in Lincoln twice a year. He believes the Lincoln format is very effective, and he asked how Sudbury can implement a similar process.

Selectman Drobinski stated it is worth investigating how to implement this idea. He noted a process was formerly held as the Town Father's Forum, but, over time, the only people in attendance were the Town Department Heads. Selectman Drobinski asked Mr. Semple what he would like to have covered in these forums.

Mr. Semple stated he believes the semi-annual forums could provide great value, as evidenced by how engaged Lincoln residents are in the meetings. He encouraged the Board to view the Lincoln meetings online.

Selectman Drobinski stated public discussions are held regarding major projects throughout the year in Sudbury, they are just not discussed all in one evening.

In response to a question from Mr. Semple, Chairman O'Brien explained how the Board has approached department/project updates in recent years. Mr. Semple stated the Town's legislative body voted to implement informal semi-annual meetings, where issues could be openly and respectfully discussed by anyone in attendance. He stated the Lincoln process is very interactive, with citizens having the opportunity to influence what topics are discussed. Mr. Semple believes the process in Sudbury does not allow for the same easy access by citizens, noting he had to wait a long time to receive time on tonight's agenda.

Vice-Chairman Haarde stated he viewed the 2010 Lincoln Town Forum, and he found it refreshing to hear people publicly say they needed to figure out ways together to pay for capital expenditures. He further stated the Lincoln attendees treated speakers with respect, and he would like to see similar dialogues occur in Sudbury. Vice-Chairman Haarde believes the Town could greatly benefit from these types of discussions regarding pending projects.

Selectman Drobinski suggested Town Manager Valente contact Lincoln officials to learn how the meeting is organized.

Mr. Semple suggested it would be beneficial to have one forum before Town Meeting, and another one possibly in the fall each year. He enumerated several pending Town issues and projects which could be discussed to help educate the electorate.

Chairman O'Brien stated the Board is in agreement that increased communication with the public always has a benefit. He reiterated that, in the past, there had not been a public interest in these types of meetings. However, Chairman O'Brien stated that, if interest is renewed in the community, the meetings could be resumed. He also noted the Town Moderator used to conduct a meeting to discuss articles before Town Meeting. Mr. Semple stated the electorate stated they wanted their own forum with many Town officials, and boards, and not one run by the Town Moderator alone.

Vice-Chairman Haarde stated the Board could choose tonight to publicly support the semi-annual meetings coming to fruition rather than just to pursue organizational information from Lincoln, as suggested by Selectman Drobinski.

Chairman O'Brien asked Mr. Semple how his concept relates to the changes in the Town bylaws proposed by Mr. DePompei for the 2013 Town Meeting. Mr. Semple stated he was not familiar with what Mr. DePompei has proposed. However, he also stated that, if the article is a resubmission of a binding article for the semi-annual Town forums, he would support it.

Chairman O'Brien requested Town Manager Valente contacts Lincoln officials to learn about its process.

Mr. Semple offered his service to the Board and the Town Manager if someone is needed to speak to Lincoln representatives.

**Public Hearing: Site Plan Application – Solar Sudbury One LF LLC a/k/a Ameresco,
20 Boston Post Road**

Present: Ameresco representatives Jim Walker, John Bannon and environmental and permitting consultant Rob Pukowski of AMEC (an environmental consulting firm) and Energy and Sustainability Green Ribbon Committee Chair Bill Braun

At 8:00 p.m., Chairman O'Brien opened the Public Hearing regarding the application of Solar Sudbury One LF LLC, (a/k/a Ameresco) and the Town of Sudbury, owner, for Site Plan approval to construct a 1.5 megawatt solar photo-voltaic array on approximately a six-acre parcel of leased land at the Town's Landfill, located at 20 Boston Post Road, zoned Limited Industrial district, K12, Parcel 0002. He explained the project has been under discussion for several years, and the landfill has been determined to be a suitable site. Chairman O'Brien further stated the project, once operational, is estimated to save the Town \$100,000 per year, and two PILOT program-related articles have been submitted for the 2013 Town Meeting.

Town Manager Valente described materials which were previously provided to the Board, including copies of the application for Site Plan Approval and accompanying documents and exhibits, a memorandum

from Director of Planning and Community Development Jody Kablack dated February 6, 2013, noting comments and recommendations, meeting minutes from a Town staff Pre-Application Meeting on August 14, 2012, and a memorandum from Department of Public Works Director Bill Place dated February 7, 2013. Town Manager Valente noted the Public Hearing was duly advertised, and abutters were duly notified.

Energy and Sustainability Green Ribbon Committee Chair Bill Braun introduced the Ameresco team, and representative Jim Walker, presented slides of the site location. Mr. Walker stated there would be no building or personnel on site. He explained the Town would receive savings through a credit system with the utility company. Mr. Walker displayed photographic slides of similar solar panel installations.

In response to a question from Chairman O'Brien, Mr. Walker summarized Ameresco's role as designing and owning the project. He stated Ameresco would hire all subcontractors and file for all permits. In addition, Mr. Walker stated Ameresco would operate and maintain the system. He stated the project is anticipated to generate 40% of the Town's power purchases.

Mr. Walker stated the required interconnection agreement application was filed with NStar, and approval was recently received. He explained the State's Department of Environmental Protection (DEP) carefully reviews the closure of landfills, and everything required for DEP clearance will be addressed. Mr. Walker also stated a meeting was held with Sudbury's Conservation Commission to mark the wetland areas, noting there are no concerns. He noted no herbicides would be used to maintain the vegetation. Mr. Walker further reported the stormwater permit process is nearly complete. He emphasized this type of project is a highly regulated activity.

Mr. Walker stated there is a "race" to build these types of systems in many towns under the current permit regulations and limits. He summarized the benefits of the project to the Town, including no capital, operational or maintenance costs, electricity savings, no decommissioning costs, value added to unused land and numerous environmental benefits. Mr. Walker also stated Ameresco incorporates an educational package to the project, providing curriculum information which can be accessed by local schools on its website.

In response to a question from Chairman O'Brien, Mr. Walker and Mr. Pukowski explained that, due to topography and megawatt limitations, the plan is proposed to use only 5.68 of the 28-acre parcel. Mr. Pukowski referenced a site plan exhibit to describe the ideal flat area to be used on top of the landfill, which slopes off on all sides. He indicated the area of disturbance, and the access proposed for maintenance and construction traffic. Mr. Pukowski stated minimal disruption is anticipated. He noted the DEP process is to ensure the landfill cap is not penetrated. Mr. Pukowski stated no issues regarding stability or settlement is anticipated, nor should there be any stormwater impacts.

Chairman O'Brien asked if a six-foot fence is adequate to deter vandalism. Mr. Pukowski stated it is more than adequate because the fence is ballasted and access is fairly limited.

Mr. Braun stated the Energy Green Ribbon Committee discussed fencing, and it is believed the high-voltage warning signs on site are also an effective deterrent. Mr. Walker concurred, based on other systems previously installed.

Chairman O'Brien asked if the system is live. Mr. Walker stated it is not, and that there is no electricity involved.

Mr. Braun stated the team has discussed the project with the Fire Chief, and all appropriate requirements will be addressed.

Selectman Drobinski stated the project has been long coming, and he very much likes the educational component to the project. He congratulated the Ameresco team for receiving the interconnection agreement, which is a major achievement. Selectman Drobinski stated he believes this is a project the Town will be proud it implemented in the future. He asked if the DEP process is on track. Mr. Braun stated the closure documentation is in order, and closure certification is expected to be granted.

Selectman Drobinski asked if wind and snow loads were considered. Mr. Pukowski stated they both were, and a 100 mile per hour wind was analyzed.

Vice-Chairman Haarde asked how many solar arrays Ameresco has installed. The team responded several dozens have been installed, and that three are currently being installed on landfills.

Vice-Chairman Haarde asked who is responsible if the cap is penetrated and/or if a panel is dislodged. Mr. Walker stated that, in both cases, Ameresco would be responsible, and that the company is very familiar with wind conditions, and it performs simulations as part of its engineering design process. Vice-Chairman Haarde asked if responsibility is covered in the contract, and he was told it is.

Vice-Chairman Haarde asked who maintains the ground under the panels. Mr. Walker stated Ameresco does.

Chairman O'Brien stated it is satisfying to see this project come to fruition.

Sudbury resident Rick Johnson, 38 Bent Road, asked for additional costs and savings contractual information, whether the savings are guaranteed, and who reviewed the contract on behalf of the Town. Mr. Braun presented some cost information, but he did not have all the information with him tonight, since it had already been publicly discussed on at least three other occasions with this Board. He offered to email additional information to Mr. Johnson. He also will try to have it posted on the Town website under the Energy and Sustainability Green Ribbon Committee's section. Mr. Braun stated an outside law firm reviewed the contract, as did Town Counsel. In response to a question from Mr. Johnson, Mr. Walker stated the contract is for a 20-year term, which is typical.

Sudbury resident Dan DePompei, 35 Haynes Road, asked for clarification that the agreement is for 20 years. He noted NStar is required by State regulations to have a certain percentage of solar connections. Mr. Walker stated this is accurate, and he explained that, due to the severe snow storm and an internal "*force majeure*," the fully executed interconnection agreement has not yet been returned from NStar. Mr. Walker also reiterated that Sudbury is in competition with many other communities for these systems.

The consensus of the Board was to continue the Public Hearing. Chairman O'Brien asked Town Manager Valente to check whether the continuation can be scheduled for the next meeting date of February 26, 2013, since Selectman Drobinski will be absent.

It was on motion unanimously

VOTED: To request Town staff prepare a draft affirmative Decision, pending resolution of outstanding issues, regarding the application of Solar Sudbury One LF LLC, (a/k/a Ameresco) and the Town of Sudbury, owner, for Site Plan approval to construct a 1.5 megawatt solar photo-voltaic array on approximately a six-

acre parcel of leased land at the Town's Landfill, located at 20 Boston Post Road, zoned Limited Industrial district, K12, Parcel 0002 for the Board's review.

It was also on motion unanimously

VOTED: To continue the Public Hearing regarding the application of Solar Sudbury One LF LLC, (a/k/a Ameresco) and the Town of Sudbury, owner, for Site Plan approval to construct a 1.5 megawatt solar photovoltaic array on approximately a six-acre parcel of leased land at the Town's Landfill, located at 20 Boston Post Road, zoned Limited Industrial district, K12, Parcel 0002 to February 26, 2013 at 8:45 p.m.

Fairbank Center Study Task Force – Report

Present: Fairbank Center Study Task Force Co-Chair Jack Ryan and Task Force members Robert Stein, Bob Armour and Dick Williamson, and Combined Facilities Director Jim Kelly

At 9:02 p.m., the Board welcomed members of the Fairbank Center Study Task Force to the meeting to present the Task Force's Report.

Task Force Co-Chair Jack Ryan stated the group was effective in accomplishing its task in a short period of time. He provided a brief description of the construction of the Fairbank Center structure and roof, which was built in the late 1950s. He also noted a section of the building which has a completely flat roof, where water has historically pooled and leaked. Mr. Ryan stated there was consensus in the group that the Fairbank roof leaks significantly, and that the building cannot be preserved with temporary repairs. He emphasized the building is well-utilized by current tenants, including the Sudbury Public School (SPS) administration, Park and Recreation, the Teen Center and the Senior Center.

Mr. Ryan stated an article proposed for roof repairs failed to receive the requisite two-thirds vote at the Special Town Meeting in the fall of 2012. A perception shared at that time, was that there was not a long-term plan for the building. Subsequently, the Board of Selectman created this Task Force to discuss what should, and could, be done with the building. The group believes aspects of the structure are valuable, and discussions led to the idea for a long-term plan to create a community center that is multigenerational. Mr. Ryan stated the group discussed what such a center could include, and whether the current structure could be incorporated into a larger vision. He acknowledged many Sudbury residents listed at the end of the Task Force report, including Joe Sziabowski and Rick Johnson, and Russo-Barr representative Mike Flaherty, who offered their expertise and input to the process.

Mr. Ryan emphasized the Task Force took particular concern in its deliberations to consider the integrity of the building and the safety of current users. He stated Combined Facilities Director Jim Kelly conducted several field trips to the building. The general consensus of the group was that not enough information is known at this time to determine how long the Center roof will last, and that the current walls will not support construction of a second floor to the building.

Mr. Ryan stated the recommendations of the Task Force are to propose a Town Meeting article to request \$50,000 to \$75,000 to repair the current poor sections of the Fairbank Center roof, and to propose another Town Meeting article requesting \$65,000 for a feasibility study to be done regarding a community center and whether the current structure could be incorporated into new plans. He further stated it is believed that a feasibility study could be completed over the next six to nine months, and that a year from now, the Town could know what is, and is not, viable for the building. Some design/architectural personnel have indicated that the current building could be re-roofed and then a new community center could be built around the current structure.

Mr. Ryan stated the Task Force is cognizant of other capital projects needed in Sudbury, and believes the Fairbank Center must also be evaluated in relation to these other projects, such as a new Police Station and a renovation of Town Hall. In addition, the Task Force recommends that it continues to meet and work on this project beyond the preparation of tonight's report.

Selectman Drobinski thanked the many people who participated in the work of the Task Force and the creation of tonight's report. He believes the recommendations presented make sense.

Chairman O'Brien asked if the feasibility study is intended to be all-inclusive, and whether \$65,000 is enough money. Vice-Chairman Haarde, who also chaired the Task Force, stated the group recommended that all user needs and potential options be studied. Fairbank Center Study Task Force member Bob Armour stated professionals have advised that \$65,000 should be sufficient.

Fairbank Center Study Task Force member Dick Williamson stated he believes the Town has a great opportunity to create a community center in one location, which houses a lot of services/programs. In particular, he stated Park and Recreation would be able to offer a much wider range of programs if it had more space.

Chairman O'Brien asked if the feasibility study would cover financial sustainability of a community center.

Mr. Armour stated the scope of study will be very thorough. In addition, he stated a request for a grant from The Sudbury Foundation has been drafted, and a Town Meeting warrant article was bookmarked. Mr. Armour stated he believes there is a good opportunity for Sudbury to create something long-lasting because the Town has the debt capacity to do so in the coming years. As an SPS School Committee member, he stated it is important to SPS that repairs to Fairbank occur. SPS also supports proposed renovations to Town Hall, which would facilitate the SPS administration move out of Fairbank to a new location.

Chairman O'Brien stated it is possible the interest in a community center may be the impetus to finally move forward with renovations to Town Hall.

Vice-Chairman Haarde stated it will be important to see if consensus can be built Town-wide to implement these capital project strategies.

Selectman Drobinski thanked the Task Force for its work, and he urged moving forward with the recommendations presented. He also suggested a public meeting be held prior to Town Meeting regarding the Fairbank Center.

In response to questions from Chairman O'Brien regarding future timing for a community center project and for how long \$75,000 of repairs would make the Fairbank roof last, Mr. Kelly and Vice-Chairman Haarde stated it is too premature to address these questions, and that the feasibility study should answer these and other questions for the community. Selectman Drobinski concurred, stating the "Decision Tree" diagram provided in the Task Force Report clearly presents the potential outcomes, and that a feasibility study is the appropriate next step.

In response to a question from Chairman O'Brien regarding the safety of the current roof, Vice-Chairman Haarde stated the group discussed this, and it has determined the roof is not structurally compromised. Mr. Williamson stated the Russo-Barr representative opined that the roof leaks could be managed for three years. Mr. Ryan stated the group was further advised that, after a period of four years of chronic repairs, it is probably more cost effective to re-roof.

Vice-Chairman Haarde stated the decision the Town will need to make at some point is whether it is more cost effective to pay for an amortization of several hundred thousands of dollars for a new roof over a 30-year period or whether to make costly repairs on an as-needed basis each year for an unknown period of time.

At 9:46 p.m., Chairman O'Brien thanked the Task Force for its work, and he concluded the discussion.

Public Hearing: All Alcoholic Common Victualer and Entertainment Licenses, 29 Group LLC, d/b/a No. 29 Sudbury, 29 Hudson Road

Present: Owners Greg Hill and Chris Stephens, Manager John Malloy, the applicant's attorney Caroline O'Connell, and developer Mike Carney

At 9:43p.m., Chairman O'Brien opened the Public Hearing regarding the application request by 29 Group LLC, d/b/a No. 29 Sudbury, 29 Hudson Road, for an All Alcoholic Beverages restaurant license and Common Victualler and Entertainment licenses. The Board was previously in receipt of copies of the application and accompanying materials, an email from Sudbury Police Chief Richard Glavin dated January 31, 2013, an email from Board of Health Director Bob Leupold dated February 4, 2013 and an email from Interim Building Inspector Mark Herweck dated February 4, 2013.

Town Manager Valente stated the file is complete and all required materials have been received.

The applicant's attorney, Caroline O'Connell, summarized the request for what is proposed as a two-story restaurant with an outdoor patio, serving an upscale Italian cuisine. Ms. O'Connell stated the business is currently under construction. She noted that once the restaurant is operational, the servers will all be TIPS-certified.

Vice-Chairman Haarde asked how many seats are planned. Developer Mike Carney stated approximately 130 seats, with the possibility for more.

Selectman Drobinski asked if the septic system is adequate, and in what area the restaurant would be located. Mr. Carney stated the current plan is in compliance, but he may ask the Board of Health for an expansion to the septic system. He also explained the proposed location for the restaurant in Buildings 5 and 6.

In response to a question regarding the restaurant's style from Selectman Drobinski, co-owner Chris Stephens stated, he would like to bring a high-end Italian restaurant to Sudbury, which will be very community-oriented.

Chairman O'Brien cautioned the applicants that the Police Department occasionally conducts sting operations.

Mr. Carney stated music for the outside patio is planned.

Selectman Drobinski noted the hours of operation for the entertainment license will need to be clarified.

Chairman O'Brien asked when the restaurant is planned to open. Mr. Stephens stated they hope to open by the middle of May 2013.

Selectman Drobinski welcomed the new business to Town.

It was on motion unanimously

VOTED: To close the Public Hearing regarding the application for All Alcoholic Beverages Restaurant, Common Victualler and Entertainment licenses from 29 Group LLC d/b/a No. 29 Sudbury, located at 29 Hudson Road, John Malloy, Manager, as requested in an application received January 17, 2013, and Common Victualler and Entertainment licenses to expire on December 31, 2013.

It was also on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, in accordance with M.G.L. c.138, s.12, to approve an All Alcoholic Beverages restaurant license for 29 Group LLC, d/b/a No. 29 Sudbury, located at 29 Hudson Road, John Malloy, Manager, as requested in an application received January 17, 2013, and Common Victualler and Entertainment licenses to expire on December 31, 2013.

Minutes

It was on motion unanimously

VOTED: To approve the Regular Session minutes of January 22, 2013.

The Sudbury Foundation - Donation

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a grant in the amount of \$3,100 from The Sudbury Foundation to fund a series of professional development trainings for Town senior staff members, as outlined in a letter dated January 24, 2013 from Marilyn Martino, Executive Director of the Foundation, said funds to be expended under the direction of the Town Manager.

Student Awareness of Fire Education (S.A.F.E.) – Grant

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a \$5,225 Student Awareness of Fire Education (S.A.F.E.) grant from the Department of Fire Services, said funds to be expended under the direction of the Fire Chief.

Trask, Inc. – Gift

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a gift of \$30,000 from Trask, Inc. towards traffic mitigation in the general vicinity of the property located at 192 Boston Post Road, as contemplated in condition IV.28 of the Comprehensive Permit Decision dated February 13, 2012, to be expended under the direction of the Director of Public Works.

Sudbury Celebrates 375/Sudbury Day Committee – Appointment

It was on motion unanimously

VOTED: To appoint Harold (Hal) Cutler, 163 Landham Road, to the Sudbury Celebrates 375/Sudbury Day Committee for a term to expire November 30, 2014.

Annual Sudbury Spring Sprint Triathlon

It was on motion unanimously

VOTED: To grant permission for the Annual Sudbury Spring Sprint Triathlon on Sunday, May 5, 2013, at 8 a.m., and the fourth Annual TriSprouts Children's Triathlon on Saturday, May 4, 2013, at 9:00 a.m. as requested in a letter dated February 1, 2013, from Race Director, William Fiske, subject to conditions and permits required by Park and Recreation and a meeting with the Sudbury Police Department prior to the Sunday event, (preferably at the conclusion of Saturday's children's event), regarding safety concerns and/or weather issues, and the applicant providing for cleanup of any litter created by race participants and staff.

Nixon School Roof Repair – Temporary Inter-Fund Borrowing

Town Manager Valente stated the agenda erroneously listed this agenda item as regarding the Noyes School rather than the Nixon School.

It was on motion unanimously

VOTED: To request that the Town Treasurer permit temporary inter-fund borrowing from unappropriated General Fund Free Cash for an advance of funds in lieu of borrowing for the Nixon School Roof Repair Project, said funds to be paid back to the General Fund available reserve balance by June 30, 2013, in accordance with M.G.L. c.44, s.20a, with instructions and accounting procedures further described in IGR #92-105.

Site Plan Modification Decision – Change of Use - Scott McIver, Trustee of the Macot Realty Trust – 65 and 71 Union Avenue

The Board was previously in receipt of copies of a draft "Site Plan Decision Sudbury Board of Selectmen Macot Realty Trust/Methods Machine 65 and 71 Union Avenue, dated February 12, 2013."

Town Manager Valente reported the applicant reviewed the draft Decision, and was satisfied with its content. Chairman O'Brien stated he received similar feedback today from the applicant's attorney.

It was on motion unanimously

VOTED: To approve and sign the Site Plan Modification Decision for Scott McIver, Trustee of the Macot Realty Trust, owner, regarding Modification of an approved change of use for Methods Machines, located at 65 and 71 Union Avenue, zoned Industrial District and Industrial Park District, Town Assessor Map K08, Parcel 0051 and 0087.

Annual Town Election – Submission of Ballot Question

The Board was previously in receipt of a draft Ballot Question for the Annual 2013 Town Election on March 25, 2013, and accompanying summary.

It was on motion unanimously

VOTED: To approve the placement of the following Ballot Question on the Warrant for the Annual Town Election of March 25, 2013: “Shall the Town of Sudbury vote to approve the provisions of Chapter 410 of the Acts of 2012, amending Section 1, Part III, s.5(a) of Chapter 131 of the Acts of 1994 to increase the Board of Selectmen in the Town of Sudbury from three to five members for terms of three year each, so arranged so that the term of at least one member shall expire each year?”

Annual Town Meeting Actions

The Board was previously in receipt of a draft list of the “2013 Annual Town Meeting Warrant Articles,” dated February 8, 2013. The Board reviewed the list to accept them and to determine the final order of the articles. It was determined the Board would designate articles for the Consent Calendar and take positions as deemed appropriate at its next meeting.

It was on motion unanimously

VOTED: To refer zoning-related articles as noted on the listing below, to the Planning Board for Public Hearings.

It was also on motion unanimously

VOTED: To accept the articles submitted for the Annual 2013 Town Meeting Warrant, received as of January 31, 2013, in the order presented, subject to possible reordering at a later date.

- #1 - Hear Reports
- #2 - FY12 Budget Adjustments
- #3 - Stabilization Fund
- #4 - FY14 Budget
- #5 - FY14 Capital Budget
- #6 - FY14 Transfer Station Enterprise Fund Budget
- #7 - FY14 Pool Enterprise Fund Budget
- #8 - FY14 Recreation Field Maintenance Enterprise Fund Budget
- #9 - Unpaid Bills
- #10 - Special Act – Use of Local Meals Tax Revenue
- #11 - Chapter 90 Highway Funding
- #12 - Real Estate Exemption
- #13 - Accept CH. 59, s.55N – Veterans’ Property Tax Work-Off Abatement
- #14 - Town/School Revolving Funds
- #15 - Fire Department Ambulance Purchase
- #16 - Construct Police Headquarters
- #17 - Fairbank Community Center Complex – Master Plan
- #18 - Fairbank Community Center Roof Project
- #19 - Town Center Traffic Improvements

- #20 - PILOT Agreement – Solar Project at Landfill
- #21 - PILOT Agreement – Solar Project at L-SRHS
- #22 – Amend Town of Sudbury Bylaws, Art. XXV, Capital Planning Bylaw Amendment
- #23 – Amend Town of Sudbury Bylaws, Art. XXV, Capital Planning Bylaw Amendment to include L-S
- #24 – Energy Improvement Program – ESCO
- #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 – Refer to Planning Board
- #26 - Amend Zoning Bylaw, Art. IX, sec. 6330, Site Plan procedures to change the voting requirement from unanimous to majority – Refer to Planning Board
- #27 - Amend Zoning Bylaw, Art. IX, Replace Board of Selectmen Site Plan authority with Planning Board – Refer to Planning Board
- #28 - Amend Zoning Bylaw, Art. IX, sec. 2326, Accessory Structures (sheds) – Refer to Planning Board
- #29 - Amend Zoning Bylaw Art. IX – Section 4500 – Wastewater Facilities Bylaw – Deletion - Refer to Planning Board
- #30 - Amend Zoning Bylaw – Art. IX – Temporary Moratorium on Medical Marijuana Treatment Centers - Refer to Planning Board
- #31 - Community Preservation Fund – Amend Art. 38 of the 2006 ATM – Carding Mill Pond/Stearns Mill Pond Invasive Weed Removal
- #32 - Community Preservation Fund – Town-Wide Walkways
- #33 - Community Preservation Fund – Amend Art. 27 of the 2004 ATM – Revolutionary War Cemetery
- #34 - Community Preservation Fund - Sudbury Housing Trust 10% Allocation
- #35 - Community Preservation Fund – Historic Projects
- #36 - Community Preservation Fund – Town Center Landscaping Restoration
- #37 - Community Preservation Fund – L-SRHS Softball Field and Davis/Featherland Field Design
- #38 - Community Preservation Fund - General Budget and Appropriations
- #39 – Amend Town Bylaws – Art. V – Public Safety – Discharge of Firearms
- #40 – Amend Town Bylaws, Art. II, The Government of Town Meeting
- #41 – Amend Town Bylaws, Art. III, Town Affairs
- #42 - Amend Town Bylaws, Art. III, s. 10 Town Affairs
- #43 - Amend Town Bylaws, Art. IV, Finance Committee

Board of Selectmen/Town Manager 2012 Annual Report

The Board was previously in receipt of a draft copy of the Board of Selectmen and Town Manager Joint 2012 Annual Report for review, but due to an issue with photocopying, Town Manager Valente distributed additional copies of the draft report to the Board tonight.

It was on motion unanimously

VOTED: To approve the Board of Selectmen/Town Manager Joint 2012 Annual Report.

Engineering Union Collective Bargaining – Ratify Agreement

It was on motion unanimously

VOTED: To ratify the vote taken in Executive Session between the Town of Sudbury and the Engineering Union.

Regional Housing Services Office Inter-Municipal Agreement for FY14

The Board was previously in receipt of copies of a memorandum from Town Manager Valente dated February 7, 2013 and her accompanying correspondence regarding the Regional Housing Services Office (RHSO) Other Post-Employment Benefits (OPEB) costs, and the AMENDMENT dated July 1, 2012 to the Agreement (also received) between the Town of Sudbury and the Towns of Bedford, Concord, Lexington, Lincoln, Sudbury and Weston dated March 3, 2011, and a draft 2013 amendment between the Town of Sudbury and the Towns of Acton, Bedford, Concord, Lexington, Sudbury and Weston.

Town Manager Valente stated Lincoln has chosen to no longer participate, but Acton has been added to the group, and there have been no other changes to the Agreement.

It was on motion unanimously

VOTED: To approve continuation of the Inter-Municipal Agreement with the Towns of Acton, Bedford, Concord, Lexington, Wayland and Weston for shared housing services for FY14.

Minuteman Regional Technical High School – Discussion of Recent Related Legislation

The Board was previously in receipt of copies of a memorandum from Town Manager Valente dated February 7, 2013 and a bill filed by Senator Donnelly regarding capital project financing of regional vocational high schools.

Town Manager Valente provided a brief update from two recent meetings regarding the Minuteman Regional Technical High School District. She stated the District Committee is beginning to look at what the district should look like and aspects of the Regional Agreement. Ms. Valente stated a task force is being created, and she urged Sudbury to pay close attention to issues raised, in particular whether there are changes to the required unanimous vote from District members. She highlighted Sudbury is not currently represented on the Minuteman Building Committee. Ms. Valente suggested contacting Wayland and Weston officials to see if the position could be advertised widely for someone to represent all towns, since they typically have similar objectives.

Town Manager Valente referenced State Senator Donnelly's pending bill, noting that, if passed, it could help Sudbury in the long run. Selectman Drobinski concurred, stating he is inclined to support the legislation if it helps to obtain more State aid. Vice-Chairman Haarde noted the legislation would also benefit L-SRHS, and thus he is inclined for the Board to support it. Chairman O'Brien suggested the Board ask Town staff to prepare a letter of endorsement, on behalf of the Board, to be hand-delivered to State legislators at the Board's next meeting on February 26, 2013.

It was on motion unanimously

VOTED: To request Town staff, on behalf of the Board, to draft a letter of support to be sent to Sudbury's legislative officials regarding the pending bill filed by Senator Donnelly regarding capital project financing of regional vocational high schools, requesting that Representative Conroy and State Senators Eldridge and Barrett work to have this legislation enacted.

It was also on motion unanimously

VOTED: To request Town staff, on behalf of the Board, to draft a description of the position opening on the Minuteman Regional Technical High School District Building Committee.

Senior Tax Work-off Program – Rate Increases

The Board was previously in receipt of copies of a memorandum from Sudbury's Council on Aging dated January 16, 2013, noting its unanimous vote to approve a change to the maximum amount of the tax abatement available in the Senior Community Tax Work-off Program from \$750 to \$800 per year, which will require the Town's Abatement Exemption Overlay Account to be raised to \$40,000 from \$37,500 in FY14

It was on motion unanimously

VOTED: To approve an increase in the Senior Tax Work-off Program from \$750/year to \$800, increasing the 100 hourly rate of \$7.50 to the State minimum wage of \$8.00.

There being no further business, the meeting adjourned at 10:33 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk