

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, FEBRUARY 19, 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 7:30 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:19 p.m., the meeting was convened by Chairman Larry O'Brien. He addressed the Consent Calendar items in order as follows:

Award of Contract – Goodnow Library website development

It was on motion, unanimously

VOTED: To approve award of contract by the Town Manager to Levers Advertising & Design for development of a Library website based on Town requirements and funded by a grant from The Sudbury Foundation.

Award of Contract – Services for Town Hall Design Study

It was on motion, unanimously

VOTED: To approve the award of contract by the Town Manager for design services in connection with the Town Hall design study (ATM12 Art. 24) to Bargmann Hendrie + Archetype, Inc. upon the recommendation of the Permanent Building Committee acting as the Town's Designer Selection Committee.

Award of Contract – Asbestos & Regulated Material Removal

It was on motion, unanimously

VOTED: To approve award of contract by the Town Manager for Asbestos & Regulated Material Removal at 15 Hudson Rd. to SCS Environmental Services, Inc. in the amount of \$16,600.

Amend Senior Property Tax Work-Off Rules and Guidelines

It was on motion, unanimously

VOTED: To amend the Senior Property Tax Work-Off Rules and Guidelines adopted January 7, 2003 pursuant to a vote taken on February 12, 2013 raising the maximum annual Abatement of property taxes from \$750 to \$800 and the hourly rate from \$7.50 to \$8.00 to meet the State's minimum wage, said sum to fund up to 50 positions, unless otherwise increased by the Town Manager, at the maximum number of 100 hours per year.

Review of Police Station Replacement Town Meeting Article

Present: Jim Kelly, Facilities Director; Bill Braun, Chair, Police Station Blue Ribbon Committee; Mike Melnick, co-chair, Permanent Building Committee (PBC) and other PBC members; and Greg Carell, Architect, The Carell Group.

At 7:25, Chairman O'Brien recognized Jim Kelly, Facilities Director, who introduced Mike Melnick, co-chair of the Permanent Building Committee, and Bill Braun, chair of the Police Station Blue Ribbon Committee.

Mr. Kelly stated that he had submitted a Warrant Article for the 2013 Annual Town Meeting to Construct a Police Headquarters. He further stated that he wants to come away from tonight's meeting with the idea that this needs to happen this year. Mr. Kelly emphasized that its time has come, and we need to get the word out to everyone. He went on to say that we need to do a better job at getting the word out when there's a problem. In this case, he said, we need to start planning from where we left off a few years ago when the Police Station Blue Ribbon Committee extensively studied the issue and filed a report with the Board of Selectmen.

Mr. Kelly reiterated the importance of more communication about the need for a new Police Headquarters and that any questions residents have must be answered before getting to Town Meeting. He reported that some changes have been made to the original design and concerns which were brought up when proposed construction was presented earlier. It's time to educate the public about the need and the current plans.

Mike Melnick brought a time line. He said that he was been involved with the current Police Station since the start of that facility. Eleven years ago it was determined that a new Police Station must be a priority - that was back in 2002.

- 2004 - The Annual Town Meeting authorized funding for a feasibility study.
- 2005 - The PBC solicited proposals from Architectural Design firms to perform the schematic design
- 2006 - The Hudson Road location was identified as being the optimum site.
- 2007 - A bonding question for the Police Station project on the March election ballot failed by 36 votes; at the Annual Town Meeting the needs of the project were conducted and the article passed by 71%; and during the October Special Election, the ballot question for bonding the project failed.
- 2008 - During the Annual Town Meeting, the article to construct a new Police Headquarters was indefinitely postponed.

Bill Braun, Chair of the Police Station Blue Ribbon Committee, stated that construction of a new Police Station was studied by residents who comprised the Committee. A great deal of research and dedicated time and effort between 2007 and 2008 went into the proposed project to produce a final report on the need and design of a facility that would replace the currently structure which has serious deficits.

Today, almost five years later, it was been scaled back from 18,000 sq. ft. to about 14,000 sq. ft. and from a cost of \$8.2 million down to about \$6.9 million.

The current plan has four holding cells - down from six. Chief Glavin and Lt. Nix, in reviewing the plans, have come up with different configurations and have reduced the size of the Sally Port. The size of the meeting/conference room has been changed from a tiered to a level floor space, which is deemed more versatile.

There is new equipment in the recently-created combined dispatch, which is currently housed in the Police Station, but it will move to a new facility if such is constructed.

Chairman O'Brien asked about the suitability of the reduced meeting room from a capacity of 1,500 sq. ft. to slightly more than 1,000 sq. ft.

Chief Glavin stated that it would be a multi-purpose room but needs to meet the requirement of an Emergency Operations Center (EOC) which is a definite need and it should be located there to appropriately answer Public Safety needs.

Town Manager Valente added that the meeting room would be especially useful if the Town Hall renovation project moves forward as the Lower Town Hall would be unavailable during renovation.

Bill Braun stated that the present Police Station is very cramped but is functioning. The new facility would be about 14,000 sq. ft. He said the full-time personnel is currently comprised of 28 officers (25 male and 3 female), 8.5 dispatchers and two civilian personnel. While personnel has not grown a lot over the years, Public Safety needs and technology have changed.

Vice Chairman Haarde asked if the proposed new facility will have a pitched roof? He was assured that it did and the architectural drawing was referred to.

Mr. Braun further commented that it will have a brick front to fit in with Historic District Commission requirements.

Chief Glavin reported that he asked for another driveway because of concerns from Musketahquid Village, and the Police vehicles will use this driveway.

Chairman O'Brien stated that the original design had additional space for equipment and asked if that was still part of the new design. He was assured by Bill Braun that this is the case.

Mr. Braun reiterated that at this time it appears the new design would come in around \$7 million as materials and other costs have risen since the Police Station Blue Ribbon Committee submitted its report.

Selectman John Drobinski asked where we need to go with this discussion. Town Manager Valente asked if the Board is comfortable with this plan as presented.

Ms. Valente stated that in December they were trying to answer questions about the major needs of the Town and made some assumption about how to finance them.

Chairman O'Brien stated there are a few issues at hand: the need to build a new Police Station and the need to reconstruct Town Center. He asked if Town Meeting passes the article to construct a new Police Station when would we get moving on it.

Mike Melnick stated that it would go out to bid in mid fall. Greg Carell, the architect for the project, stated it would take about a year from the opening of bids to the opening of the doors.

Chairman O'Brien brought up the point regarding financing and that the Town's debt is going down. He deferred to Finance Director Andrea Terkelsen who stated that she has been working with a small staff group on these major issues. She reported that two years of Chapter 90 money and Community Preservation Act

will fund much of the Town Center project. The Police Station would require a 20 yr. bond at an estimated 2.5% interest rate, which is very favorable right now.

Mr. O'Brien stated that we need to get a marketing plan going forward and need to get word out on the changes that have occurred over the past year or so. This is a first step for the Board to get behind the project.

Mr. Drobinski stated that anyone who has visited the Station can see the needs. He reported that the station is a security system that needs to be updated and the personnel and community deserves the upgrade. Money is cheap right now and it's a good time to act, and he stated that he highly endorses the project.

Mr. Haarde asked Ms. Terkelsen her idea regarding amounts requested at Town Meeting. She said she will begin with issuing a BAN but not for the full amount. For Town Meeting, she will set an amount which is not to be exceeded and then she will issue a BAN but not for the full amount. She stated that we will borrow what we need when it's needed. When the project is done, the permanent bonding is done for the full project amount. Typically it takes up to a couple of years from Town Meeting approval to get the debt service payment and sometimes we are able to bond two projects at the same time to get a better rate.

Mr. Haarde opined that this was a good presentation and that it's good to examine all the projects in the overall scope. The broad view is good: the money rate, the facility's size, cost and scope as well as listening to the public. The need of an EOC room, gender compliance issues in the station and the lockup area are all matters that need to be addressed. He further opined that it's evident why we need a new Police Station, and he thinks it's a rational endorsement.

Chairman O'Brien stated he is very familiar with the plans, and he fully endorses the project because of the issues previously stated. He opined that when the bids come in, even if it is another \$100,000, he believes we should go forward.

It was on motion to endorse and support the Town Meeting article to construct a new Police Station; the motion was seconded by Mr. Drobinski.

It was on motion unanimously

VOTED: To endorse the Town Meeting article to construct a new Police Headquarters as shown and presented by The Carell Group.

Chairman O'Brien thanked everyone for their work on this article and the presentation here tonight.

Review of Town Center Traffic Improvement Article

At 8:35, Chairman O'Brien recognized Jody Kablack, Director of Planning and Community Development, Bill Place, DPW Director and Town Engineer and Police Chief Rick Glavin.

Bill Place, DPW Director and Town Engineer, reported that the Town Center upgrade is a project that has long been on the books – he opined that he and various departments have been working on it for about 10 years and a great deal of input went into the design. He stated that the Engineering Department has had several issues, and he outlined the areas of problems: traffic tie-ups have been horrendous as have the rate of accidents - 71 in a three-year period.

The current traffic signals at the Town Center are probably the oldest of their types in the State. Most recently, there were major problems this last Thursday and Friday; and right now, there is no advance light. The Police Department has been handling traffic during commuting times, and the lights are working now because one company was able to temporarily fix them. There are no new parts being made to permanently repair the lights.

Mr. Place stated that the real fix is to get it done and done right; it will cost \$80,000 for lights with a controller, and traffic patterns will be changed to adjust for the daily traffic flow.

He noted that First Parish is giving the Town an 8 ft. easement and they will get a retaining wall. The consensus from First Parish on this arrangement was almost unanimous.

Mr. Place went on to clarify about the curbing and realignments of the Centre and he stated that the crosswalks will be comprised of a plastic resin.

Selectman Drobinski asked about the proposed financing plan. Mr. Place stated the plan is to use two years of Chapter 90 grant funds (about \$1 million), Community Preservation Act funds amounting to about \$100,000 for landscaping and request \$700,000 as a Capital Exclusion at the 2013 Annual Town Meet, for a total \$1.8 million project cost. This amount will include burying the transformers and the Police details which will be required.

Chairman O'Brien asked about the ramifications of giving up two years of Chapter 90 funds, and Selectman Drobinski opined that Sudbury's roads are good right now and he doesn't consider it jeopardizing DPW's work.

Vice Chairman Haarde asked if consideration had been given to the turning requirements for tractor trailers. Mr. Place stated that this has been done, and it is good. Mr. Haarde further asked about the need to dig a trench, and Mr. Place said it would not be required.

Mr. O'Brien asked Ms. Kablack that, with all the digging at the Center, will Town Hall still be able to get the upgrades and the sequencing needed after these other projects.

Ms. Kablack stated that the Permanent Building Committee will coordinate that issue. She said that it's on everyone's radar, and the only digging is for lighting.

Chief Glavin stated that when he first came to Sudbury back in 1992 he thought the traffic center was a really bad situation, and it has only gotten worse with time.

Chairman O'Brien said he feels it's time for the Board to take a position. He moved that the Board support the Town Center article at Town Meeting; Selectman Drobinski seconded the motion.

It was on motion unanimously

VOTED: To endorse the Town Center Traffic Improvements article at Town Meeting.

Town Manager Valente asked if their support was for a Capital Exclusion and the Board agreed.

Mr. O'Brien thanked everyone participating in the discussion.

Annual Town Meeting Action

At 9:00 p.m., Chairman O'Brien opened discussion regarding the 2013 Town Meeting articles. He recognized resident Ralph Tyler, One Deacon Lane, who submitted four articles for inclusion in the Warrant.

Mr. O'Brien further stated that Mr. Tyler is here tonight to ask the Board to reconsider including his four articles, which were submitted on January 28th and which have not been included in the list of articles as it is Town Counsel's opinion that these articles are not submitted in proper form. Town Counsel opines that they should not be included in the Warrant. Mr. O'Brien stated that there is a process for submitting petition articles and Mr. Tyler did not follow it. Chairman O'Brien related that Mr. Tyler probably knows the Town Meeting process better than most, and he was one of the authors of the recently-enacted Special Act for Senior Tax Relief.

Selectman Drobinski said that this issue has been discussed and he does not want to go against Town Counsel's opinion. As was said earlier, there is a process and Mr. Tyler did not follow it.

Vice Chairman Haarde said he is aware of the on-going legal argument, and he hoped there could be a resolution.

Mr. O'Brien reported that the four articles submitted by Mr. Tyler were submitted with one set of signatures which were to cover all four articles. It is also the opinion of the State's legal counsel which has opined as has Town Counsel, per Town Counsel.

Mr. Tyler handed out a section of the Annotated Laws of Massachusetts which included amendments in 1974 and again in 1991 which he suggests changes the Town's requirement for proper forms. He further stated he believes the Town of Andover uses the format he submitted.

Mr. Tyler restated all of his written and verbal arguments, and he believes the Board needs to reconsider its position, which it did not.

Selectman Drobinski restated his position that he doesn't feel it's a wise decision to go against Town Counsel's opinion.

Ordering of 2013 Annual Town Meeting Articles

The Board was previously in recent of a Draft Listing of the "2013 Annual Town Meeting Warrant Articles," dated February 8, 2013, which were accepted at the Board's meeting on February 12, 2013. The Board reviewed the list to determine the final order of the articles, and after a brief review decided to leave the articles in the order presented. It was decided that they would designate articles for the Consent Calendar and take position as deemed appropriate at its next meeting.

It was on motion, unanimously

VOTED: To approve the draft list of articles as presented so that they could be numbered by staff and referred to as such in future discussions.

There being no further business, the meeting adjourned at 9:30 p.m.

Attest: _____
Maureen G. Valente, Town Manager – Clerk