

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, JULY 9, 2013

Present: Chairman Lawrence W. O'Brien, Vice-Chairman Robert C. Haarde, Selectman John C. Drobinski, Selectman Charles C. Woodard, Selectman Leonard A. Simon 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, which he referred to as historic. For the first time in 374 years, Sudbury will move to representation by five Selectmen.

Board of Selectmen New Members – Administer Oath

Present: Town Clerk Rosemary Harvell

Town Clerk Rosemary Harvell administered the oath of office to new members of the Board of Selectmen Leonard Simon and Charles Woodard, who were accompanied by their wives, and she provided them with copies of information regarding the State's Open Meeting Laws.

Town Manager Valente distributed to the Board copies of the Town's "Code of Conduct for Town of Sudbury Committees," whose members are appointed by the Sudbury Board of Selectmen or the Sudbury Town Manager.

Conservation Commission – Candidate Interview

Present: Applicant Thomas Friedlander

At 7:41 p.m., Chairman O'Brien welcomed Thomas Friedlander, 75 Water Row, to the meeting to discuss his interest in serving on the Conservation Commission. The Board was previously in receipt of copies of Mr. Friedlander's application for appointment, a memorandum from Conservation Coordinator Debbie Dineen dated June 4, 2013, an email from Director of Planning and Community Development Jody Kablack dated June 18, 2013, and a memorandum from Town Manager Valente dated July 5, 2013.

Mr. Friedlander stated he moved to Town two years ago from Weston. He has an interest in the environment, and his home abuts conservation land. Mr. Friedlander answered questions from the Board, stating he believes it is important to balance the needs of residents with those of developers so that open space is preserved for future generations. He also stated he is interested in serving on the Commission as a way to learn more about conservation issues and to help educate the public.

Board members thanked Mr. Friedlander for volunteering to serve the community, stating he seems well qualified.

It was on motion unanimously

VOTED: To approve Thomas Friedlander, 75 Water Row, for Town Manager appointment to the Conservation Commission, for a term ending May 31, 2016, replacing Richard Bell, who chose not to be re-appointed, and to send a letter of gratitude to Mr. Bell for his service.

Sudbury Historical Commission – Candidate Interview

Present: Applicant Fred Bautze

At 7:51 p.m., Chairman O'Brien welcomed Fred Bautze, 482 Peakham Road. The Board was previously in receipt of copies of Mr. Bautze's application for appointment and an email from Director of Planning and Community Development Jody Kablack dated May 31, 2013.

Mr. Bautze stated he grew up in an historic district of Sudbury, and he has worked in the architectural field for years. He has an appreciation for the history of the Town, and he is interested in working towards preserving this for future generations. Mr. Bautze has attended Commission meetings as a guest, and he personally knows members currently serving on the Commission. He answered questions from the Board, noting he has interest in the pending fire suppression system project for the Hosmer House.

Board members thanked Mr. Bautze for volunteering to serve the community, stating his skills seem well suited to the Commission.

It was on motion unanimously

VOTED: To approve Fred Bautze, 482 Peakham Road, for Town Manager appointment to the Sudbury Historical Commission for a term ending May 31, 2014, replacing Maurice Fitzgerald, who resigned, and to send a letter of gratitude to Mr. Fitzgerald for his service.

Council on Aging – Candidate Interview

Present: Applicant Carmine Gentile

At 8:00 p.m., Chairman O'Brien welcomed Carmine Gentile, 33 Surrey Lane, to the meeting to discuss his interest in serving on the Council on Aging. The Board was previously in receipt of copies of Mr. Gentile's application for appointment and a letter from Council on Aging Director Debra Galloway dated June 7, 2013.

Mr. Gentile stated he has lived in Sudbury for 32 years, and has served the community in a variety of capacities. Through his law practice, he has developed an interest in working with senior citizens and improving their understanding of home healthcare options. Mr. Gentile answered questions from the Board, stating he believes public awareness could be raised about local home healthcare resources.

Board members thanked Mr. Gentile for continuing to volunteer his services to the Town, stating his skills will serve the Council well.

It was on motion unanimously

VOTED: To appoint Carmine Gentile, 33 Surrey Lane, to the Council on Aging for a term ending May 31, 2016, replacing David Levington, whose term expired, and to send Mr. Levington a letter of gratitude for his distinguished service to the Town.

Reports from the Town Manager

Town Manager Valente announced Assistant Town Clerk Leila Frank will join the Board of Selectmen's Office on August 1, 2013, following the retirement of Mary McCormack.

Town Manager Valente asked the Board to review their calendars for a meeting on the evening of August 6, 2013 or the morning of August 7, 2013. Three Board members will be needed to vote on a bond sale. Selectmen Woodard and Simon stated they are available on the evening of August 6, 2013. She also asked them to consider scheduling a ribbon-cutting ceremony for the solar panel facility, which is expected to save \$100,000 per year.

Town Manager Valente thanked the Finance Committee for their assistance to help close out the FY13 budget by approving the transfer of funds to cover the snow and ice account deficit.

Town Manager Valente announced the Pantry Brook Farm Land Management Report was finalized and sent to the State for the anticipated Land Grant. Town staff and the Sudbury Valley Trustees (SVT) have collaborated on this work. She noted Ron MacAdow from SVT is retiring, and Town staff met with SVT to review properties holding a Conservation Restriction and to plan working together in the future.

Town Manager Valente announced the Assessor's Office is accepting applications for the new senior citizen exemption program.

Town Manager Valente stated the Nixon Roof project received favorable bids, and will likely come in approximately \$78,000 below the anticipated cost, for a 12% savings.

Town Manager Valente sadly shared the news of the death of retired Sudbury Firefighter John W. Young. Johnny served in the Department from 1969 until 2000. Condolences were extended to Johnny's family and friends.

Reports from the Board of Selectmen

Selectman Simon stated he looks forward to his work on the Board and becoming a liaison to other boards and committees.

Selectman Woodard thanked residents who voted in the recent Election, and he stated he is looking forward to working on the Board.

Selectman Drobinski stated he is looking forward to working with the new Board members.

Vice-Chairman Haarde thanked Selectman Simon for participating in the July 4th Parade. He also announced the Fairbank Center Study Task Force has been successful in working with Fairbank user groups to raise the required private funds for a feasibility study. Vice-Chairman Haarde stated there are many groups who want the planning for the building to be done well. He also reported the Route 20 Sewer Steering Committee met earlier today with representatives from NStar, Verizon, Comcast, Raytheon, the Sudbury Fire Department and Department of Public Works (DPW) Director Bill Place. Vice-Chairman Haarde stated the group was assembled to begin discussions regarding burying utility lines on Route 20 to improve aesthetics. He stated it is a complex process, but it has been successfully done in other communities. Vice-Chairman Haarde summarized a few scenarios discussed in the meeting. Selectman Simon asked if the utility companies pay to bury the lines. Vice-Chairman Haarde stated the utility companies would need to be paid to bury the lines.

Chairman O'Brien asked if Mr. Place mentioned the depth of the water table as a concern, and he was informed Mr. Place did broach this subject.

Selectman Woodard noted a sewer on Route 20 has been discussed for decades, and he asked if there is a timetable for the Route 20 Sewer project. He believes deadlines help a project come to fruition. Vice-Chairman Haarde stated the Committee is currently very active, but it is not being driven by deadlines. He estimated that it is possible something could be presented at Town Meeting in either 2014 or 2015.

Chairman O'Brien stated he received a letter from Craig Blake requesting that the Route 20 Sewer Citizens' Advisory Committee update the Board on its work. The consensus of the Board is that time for this update should be scheduled on the July 30, 2013 agenda.

Minutes

It was on motion

VOTED: To approve the minutes of June 18, 2013.

Selectmen Woodard and Simon abstained from the vote.

Fairbank Community Center Study Task Force – Amend Mission Statement

Town Manager Valente suggested the recommended vote be amended to address only the Mission Statement amendment, since the term appointments will be covered in another agenda item tonight.

It was on motion unanimously

VOTED: To amend the Fairbank Community Center Study Task Force Mission Statement.

The Sudbury Foundation - Grant

Town Manager Valente stated no vote is needed tonight regarding the grant for the Fairbank Community Center Complex Master Plan, since the Board voted on it at its last meeting

Sudbury Youth Basketball – Donation

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a donation in the amount of \$1,500 from Sudbury Youth Basketball to be used for the preparation of a Fairbank Community Center Complex Master Plan; and direct that these funds be used with the \$10,000 appropriated at the 2013 Town Meeting under Art. 17 under the direction of the Permanent Building Committee.

Sudbury Swim Team – Donation

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a donation in the amount of \$1,500 from the Swim Team to be used for the preparation of a Fairbank Community Center Complex Master Plan; and direct that these funds be used with the \$10,000 appropriated at the 2013 Town Meeting under Art. 17 under the direction of the Permanent Building Committee.

TGG Limited Partnership - Highway Walkway Donation

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a gift of \$1,000 from TGG Limited Partnership (aka, The Green Company) for deposit into the Highway Walkway Donation account, said funds to be expended under the direction of the DPW Director, as requested in a memo dated June 18, 2013, from Jody Kablack, Director of Planning and Community Development.

Sudbury Fire Department – Donation

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a \$1,000 donation from a grateful resident served by the Sudbury Fire Department Ambulance, said funds to be expended under the direction of Fire Chief William L. Miles.

2012 Green Community Grant – National Grid Incentive

Selectman Simon asked the approximate cost savings 20,874 therms would produce. Town Manager Valente stated she would obtain an answer and share it with the Board at a later time. (NOTE: The amount was later determined to be approximately \$20,000.)

It was on motion unanimously

VOTED: To accept, on behalf of the Town, an energy efficiency check from National Grid in the amount of \$8,000, as part of the 2012 Green Community Grant, for installation of an Energy Recovery Ventilator and two new condensing boilers at the Atkinson Pool, where it is estimated that the Town will save an estimated 20,874 therms annually, as requested by James Kelly, Facilities Director, and expended under his direction.

Easements – Stephen R. and Sharon Booma – Concord Road

It was on motion unanimously

VOTED: To accept the following Easements, dated 6/20/13, granted by Stephen R. Booma and Sharon Booma, on property located on Concord Road, Assessors Map H09, Parcel 0018, shown on “Plan showing Walkway Easement & Drainage Easement Over Land of Stephen R. Booma & Sharon Booma, Concord Road, Sudbury” dated March 21, 2012, and drawn by the Town of Sudbury Engineering Department: Walkway Easement described as “Proposed 10’ Sidewalk Easement”; Drain & Access Easement described as “proposed 20’ Drain Easement,” on a plan prepared by the Town of Sudbury Engineering Department, dated 6/20/13, as requested by Bill Place, DPW Director.

Bike MS: Minuteman Ride – Special Permit

It was on motion unanimously

VOTED: To grant a Special Permit to Liz Strawn, Associate Director of Development, National Multiple Sclerosis Society, Central New England Chapter, for Bike MS: Minuteman Ride on Saturday, July 20, 2013 from 8:30 a.m. to Noon, following the route outlined, and subject to Police Dept. safety requirements, proof of insurance coverage and the assurance that all litter will be removed at the race’s conclusion.

Energy and Sustainability Green Ribbon Committee – Name Change

It was on motion unanimously

VOTED: To change the name of the Energy and Sustainability Green Ribbon Committee to the “Energy and Sustainability Committee.”

Board Annual Re-Appointments and Accepting Resignations

The Board was previously in receipt of copies of a listing of “Reappointments 2013.”

It was on motion unanimously

VOTED: To approve the annual re-appointments of those listed (all of which are subject to acceptance), to acknowledge the resignations of those who choose not to be re-appointed and to send a letter of appreciation to the resigning volunteers for their service to the community.

Fairbank Community Center Study Task Force Committee – Re-Appointments

Town Manager Valente stated no vote is needed for this agenda item, since it has been addressed in the previous agenda item vote.

RFP Bidder for Assessing 3-Year Engagement-Contract

Town Manager Valente stated it is recommended that the Town continue to contract assistance for its assessing duties, and a Request for Proposal would be prepared and issued. In response to questions from the Board, she stated three bidders have come forward, and the Town saves approximately \$20,000 per year using this process.

It was on motion unanimously

VOTED: To approve the award by Town Manager of a contract with the company selected for property assessment services for a period of three years or less commencing in fiscal 2014, award to be made from eligible proposals received in accordance with the requirements set forth in an RFP issued by the Town of Sudbury on May 14, 2013 and as approved by Town Counsel, and to authorize the Town Manager to sign the contract for RFP bidder for assessing three-year engagement.

SG Tall Pine, LLC – Permit for Construction Trailers – 40 Tall Pine Drive

The Board was previously in receipt of copies of a letter dated June 21, 2013, from Richard Maranhas, Executive Vice President, Construction, SG Tall Pine, LLC, builders of a senior residential community, located at 40 Tall Pine Drive, requesting a permit for two construction trailers – one through October 2013, and the other through April 2014, and email communications of various dates from Town Department Heads stating no objections to the request.

Selectman Drobinski stated the Board is responsible for issuing trailer permits. He questioned whether enough time has been requested.

Chairman O'Brien stated The Green Company is experienced in setting the timeframes for project completion, and he is comfortable with their request. He also provided a brief description of the project location for the development.

Town Manager Valente stated no objections have been raised by Town staff or neighbors.

It was on motion unanimously

VOTED: To approve a request dated June 21, 2013, from Richard Maranhas, Executive Vice President, Construction, SG Tall Pine, LLC, builders of a senior residential community, located at 40 Tall Pine Drive, to grant a permit for two construction trailers – one through October 2013, and the other through April 2014.

Department of Public Utilities and Legislative Letter of Support

The Board was previously in receipt of copies of a memorandum from Town Manager Valente to Fire Chief Miles dated June 20, 2013, the Massachusetts Municipal Association (MMA) testimony to Utilities Committee in support of a bill to give municipalities authority to enforce double pole removal law dated June 18, 2013 and a MMA article entitled, "Hearing set for bills that address unsightly, dangerous double poles," dated May 30, 2013, and a draft letter to be sent from the Board to Sudbury's Legislative delegation dated July 9, 2013.

Selectman Drobinski stated it has been a long-standing problem for towns to be able to remove double poles because municipalities have no enforcement capability.

It was on motion unanimously

VOTED: To authorize the Town Manager to send letters to the Town's Legislative delegation and the Department of Public Utilities in favor of H2952, *An Act Relative to Double Poles*.

FY14 State Budget and Local Aid – Discussion

The Board was previously in receipt of a memorandum from Finance Director Andrea Terkelsen dated July 5, 2013, regarding a FY14 Cherry Sheet Revenue Update. Town Manager Valente stated no major changes on the Cherry Sheet are anticipated, and she briefly reviewed the information. She will update the Board when the Governor signs the final budget. In response to a question regarding how the information compares to last year, Ms. Valente stated the allocations are fairly consistent.

Future Board Meeting Agenda Items – Discussion

Present: L-SRHS School Committee Chair Radha Gargeya and member Gerald Quirk

The Board was previously in receipt of copies of a listing of potential agenda items for future Board meetings including, Rail Trail update from staff, Selectmen's Citizens' Comment Policy; and an Inter-municipal Agreement (IMA) for the Lincoln-Sudbury Regional High School (L-SRHS) Community fields.

Chairman O'Brien summarized recent discussions regarding the L-SRHS IMA as it relates to the softball field restoration project. Selectman Drobinski stated this issue seems to be time sensitive, and he suggested it be discussed at the next Board meeting.

L-SRHS School Committee member Gerald Quirk stated the proposed contractor would like to begin work on August 4, 2013 to complete the project, which is now anticipated to cost more than the

appropriation of \$256,000 approved by Sudbury. He explained six bidders came forward and estimated costs in excess of the appropriation. Mr. Quirk stated L-SRHS would like to work towards an agreement to be signed prior to August 4, 2013, which will satisfy Lincoln's conditions, allowing Lincoln's \$50,000 to be available as well as Sudbury's \$286,000..

A brief discussion ensued regarding whether L-SRHS could sign a contract based on the Sudbury appropriation and allow more time to work on the details of a revised IMA.

Selectman Woodard suggested the contractor be asked to prepare a contract within the \$256,000 approved budget.

Chairman O'Brien concurred, noting it seems that work should proceed for what can be accomplished for the \$256,000.

Selectman Drobinski stated the goal is to complete a project which needs to be done, and to be fair to Lincoln, while also being fair to the taxpayers of Sudbury. He believes if an agreement is done well, it can be an opportunity to bring the two towns closer together.

Vice-Chairman Haarde concurred with Chairman O'Brien and Selectman Woodard that the way to make the project happen is to proceed with work which can be done for the approved funding. He believes the softball field project is a capital improvement and that the contribution from Lincoln should be more than the \$50,000 it has proposed for the privileges it has requested. Vice-Chairman Haarde believes it is not fair of Lincoln to ask that the current IMA be opened, without making a similar contribution to what Sudbury made in the past.

L-SRHS School Committee Chair Radha Gargeya stated he believes the two towns need to find a way together to move forward with the project.

Chairman O'Brien stated he is hesitant to force the Board to work within such a constrained timeframe prior to August 4th. He believes there is \$256,000 available, and parties should make the project work for this amount.

Mr. Quirk stated L-SRHS would pursue whether the bid can be altered.

Town Manager Valente cautioned that tonight's agenda item was not presented to the public as a substantive discussion.

Chairman O'Brien suggested the issue be added to the Board's July 30, 2013 meeting agenda and that L-SRHS uses the time before the meeting to pursue how best to use the approved funds. He asked that copies of the current IMA be circulated to the Board in advance of the next meeting. Mr. Quirk stated he would circulate any updated information from Lincoln to the Board prior to the July 30, 2013 meeting. He also requested that copies of the general funding agreement between Sudbury and Lincoln for L-SRHS also be circulated prior to the next meeting.

Selectman Woodard stated it is likely this pending agreement will be used in the future as a model. Thus, he believes it is in the best interests of all parties to take the appropriate time to carefully draft the documents.

The consensus of the Board was that the IMA for L-SRHS, an update from Town staff on the Rail Trail and the Route 20 Sewer Citizens Advisory Committee update should be considered for the July 30, 2013

meeting agenda. It was decided that discussion of a new citizens' comment policy could be delayed to a future meeting. Town Manager Valente stated she is collecting information on how other towns handle citizens' comments. She also stated a discussion with Mark Thompson regarding the Commonwealth Connect application could also be delayed to a future meeting.

Selectman Simon asked that the matrix previously prepared by the Conservation Commission regarding the Rail Trail be circulated to the Board prior to the July 30, 2013 meeting. He also asked that the Friends of the Bruce Freeman Rail Trail be asked to come to the meeting to present again its 25% design offer.

Chairman O'Brien asked what the status is on the Park and Recreation study regarding parking at Davis Field. Town Manager Valente stated Town staff is not ready for this discussion yet because it requires more work with the Park and Recreation Commission and the Conservation Commission.

Selectman Simon stated he believes the Town has spoken regarding its preference for a rail trail. He summarized his understanding of the Friends' offer, and he believes the Town needs to revisit the issue and decide where it stands.

Chairman O'Brien suggested further discussion be scheduled for the July 30, 2013 meeting. He asked for a straw vote regarding whether to have Town staff provide information at the next meeting and schedule the Friends' discussion for a subsequent meeting, or whether they should both be held on the same evening. Selectmen Simon and Woodard stated they would prefer to conduct both discussions at the next meeting.

Board of Selectman 2013-2014 Liaison Assignments

The Board was previously in receipt of a memorandum from Town Manager Valente dated July 3, 2013, regarding pending Sudbury "Board of Selectmen Liaison Assignments 2013-2014." Town Manager Valente distributed copies of a new chart reflecting preferences for assignments submitted by Board members.

The Board reviewed the list and agreed to vote on assignments at its next meeting on July 30, 2013. No revisions were suggested as liaisons for the major boards and committees. The following other liaison assignments were recommended as follows: Conservation Commission – Drobinski, Council on Aging – O'Brien, Board of Appeals – O'Brien, Energy and Sustainability Committee - Simon, Historical Commission – Woodard, Historic Districts Commission – Woodard, Sudbury Housing Authority – O'Brien, Minuteman HS – Haarde and Simon, Permanent Building Committee – O'Brien, Memorial Day – Haarde, Design Review Board – Drobinski, Cultural Council – Haarde, Ponds & Waterways – Simon, Agricultural Commission – Haarde, Commission on Disability – Simon, Sudbury Celebrates 375th – Woodard, Town Historian – Haarde.

Members of committees were noted as follows: Community Preservation Committee – Drobinski, Rt. 20 Sewer Steering Committee – Haarde, Sewer Assessment Technical – Drobinski, Sudbury Housing Trust – O'Brien, Fairbank Community Center – Haarde and Woodard, 9/11 Memorial Garden – Woodard, Town Center – O'Brien, Military Support Network – Drobinski and Simon, Lincoln Liaison – Haarde.

Vice-Chairman Haarde informed Selectman Simon that there is a meeting of the Rt. 20 Sewer Citizens' Advisory Committee on July 17, 2013.

Town Manager Valente noted new committees may be formed in the coming year, which will offer more opportunities for Board participation.

Reorganization of the Board of Selectman

It was on motion unanimously

VOTED: To approve Town Manager Maureen Valente as Clerk of the Sudbury Board of Selectmen.

Vice-Chairman Haarde stated he views this year as a clean slate opportunity for the Board. He further stated he is willing to serve as Chairman, and that he will be excited to work under whomever is appointed as the new Chairman.

Chairman O'Brien stated he is not willing to serve again as Chairman, and he welcomes someone else to have the position.

Selectman Simon thanked Chairman O'Brien for his service to the Board and community. He also thanked Vice-Chairman Haarde for his appropriate words. Selectman Simon is excited about the Board having a new beginning, which he believes will provide the community with more voices from various backgrounds. He made a motion to appoint John Drobinski as Chairman and Chuck Woodard as Vice-Chairman. The motion was seconded by Chairman O'Brien.

It was on motion unanimously

VOTED: To appoint John Drobinski as Chairman and Charles Woodard as Vice-Chairman of the Sudbury Board of Selectmen.

Selectman Simon thanked Town Manager Valente for her assistance and patience during his orientation process.

There being no further business, the meeting adjourned at 10:39 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk