

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, JUNE 4, 2013

Present: Chairman Lawrence W. O'Brien, Vice-Chairman Robert C. Haarde (arrived 7:51 p.m.), 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 7:30 p.m., Chairman O'Brien opened the meeting. He reminded citizens of the Special Town Election on June 25, 2013, noting the deadline for registration is June 5th. The Town Clerk's Office will be open 9:00 a.m. to 8:00 p.m. tomorrow. Absentee ballots will be available until 12 noon on June 24, 2013.

Chairman O'Brien congratulated the 2013 graduating class of Lincoln-Sudbury Regional High School (L-SRHS), which includes his daughter. He noted the outstanding class completed the most community service hours and had more L-S scholars than in prior years.

Reports from the Town Manager

Town Manager Valente offered congratulations to Finance Director Andrea Terkelsen for the Certificate of Achievement for Excellence in Financial Reporting Award. She announced an Open House will be held at the current Police Station on June 9, 2013 from 2:00 p.m. – 4:00 p.m., and she encouraged residents to attend. Ms. Valente also announced the Town has received the approvals required for the bond anticipation notes for the Nixon School project, which will be presented at the Board's next meeting.

Town Manager Valente announced the Massachusetts Department of Transportation (DOT) Highway Division will assume responsibility for the Landham Road intersection project through the final design stage and construction. She noted the Town's efforts over many years, including the studies and analyses completed, were recognized, and there was a fatality at this location. Ms. Valente thanked Department of Public Works (DPW) Director Bill Place and Director of Planning and Community Development Jody Kablack for their persistent work on this project. Selectman Drobinski asked if the DOT process will include opportunities for public input. Ms. Valente and Ms. Kablack stated it would.

Town Manager Valente also announced the Senior Center will be provided with access to an additional van for expanded transportation services. Repairs to a former van will be made by the MetroWest Regional Transit Authority (MWRTA) and an additional driver will be hired accordingly. In response to a question from the Board, Ms. Valente explained costs are covered through a revolving fund. Ms. Valente thanked Council on Aging Director Debra Galloway for her work with the MWRTA.

Town Manager Valente distributed copies of a brochure produced by the Goodnow Library Board of Trustees, noting the many efforts made to maintain this valuable Town asset. She stated Library Trustee Jill Browne has announced her resignation, and the position has been noticed on the website. The Library Board will accept applications from candidates for appointment through June 5, 2013.

Town Manager Valente stated the Town's financial picture looks good as the end of the fiscal year approaches. However, she noted the appellate tax board reversed the Verizon 2009 valuation for personal property taxes to favor Verizon. The Town has held funds in the Overlay Account to refund the principal, but there is no provision to set aside funds to pay interest. Ms. Valente will work on this with the Finance Committee.

Town Manager Valente announced Patty Golden has been promoted to Senior Administrative Assistant, upon the retirement of Mary McCormack. Patty's former position of Office Supervisor is now advertised on the Town website. Ms. Valente also stated a shared Veterans' Services Assistant with Marlborough, Kelly Ratcliffe has been hired.

Town Manager Valente stated the Board has received a number of communications regarding the Old County Road issue, which began last summer. She noted the Zoning Board of Appeals decision has been appealed, to the Superior Court, and Town Counsel is monitoring this litigation and working with parties.

Town Manager Valente thanked Assistant Town Manager Bilodeau for covering her duties during her recent two-week vacation.

Reports from the Board of Selectmen

Selectman Drobinski attended the L-SRHS Awards Ceremony, which included an award in honor of his son. He also congratulated the Class of 2013 for its achievements.

Chairman O'Brien reported having been very busy with graduation activities, as his daughter is an L-SRHS graduate this year.

Fair Housing Choice Report - Presentation

Present: Sudbury Community Housing Coordinator Beth Rust and Director of Planning and Community Development Jody Kablack

At 7:46 p.m., Chairman O'Brien welcomed Sudbury Community Housing Coordinator Beth Rust to the meeting to review an updated "Analysis of Impediments to Fair Housing Choice" report for the Town of Sudbury dated June 4, 2013. The Board was previously in receipt of copies of a memorandum from Ms. Rust dated May 28, 2013, and the draft "Town of Sudbury Analysis of Impediments to Fair Housing Choice," dated June 4, 2013.

Ms. Rust explained that, as part of the West Metro HOME Consortium, Sudbury is required to certify that Federal Department of Housing and Urban Development (HUD) grants are administered in conformity with fair housing policies, and that the projected use of funds has been developed so as to give maximum priority to activities which will benefit low- and moderate-income families. The "Analysis of Impediments to Fair Housing Choice" report is submitted by the Town every five years to satisfy this requirement and to certify the grants received each year. She stated the Report has been posted on the Town website for two weeks, a Public Hearing was held by the Planning Board, and it has been discussed with the Sudbury Housing Trust.

Ms. Rust provided a brief overview of the comprehensive report, which includes data and information regarding municipal housing, economic, transportation conditions, as well as public and private sector policies in order to ensure housing choices are available for all persons within a community. She stated the report is to ensure that fair housing action steps are being implemented and that obstacles to fair housing choice are being identified and mitigated.

Selectman Drobinski stated the Report includes very good demographic information about Sudbury, and he encourages citizens to read the Report.

Ms. Rust stated the Town had no fair housing issues to report. She also stated the basis for the report was the Town's 2008 version, and additional information was drawn from Sudbury's certified Housing Production Plan completed in 2011. Ms. Rust explained the Report is drafted following a HUD format. She

noted the major fair housing impediments remained the same in this Report, but action steps taken have changed since 2008.

Selectman Drobinski stated the Report is comprehensive and seems to address all the issues the Town faces.

Vice-Chairman Haarde stated his understanding is that fair housing is about discrimination of protected classes. He questioned whether the Report adequately addresses this issue. Ms. Rust briefly explained how this issue is mentioned within the context of the Report.

Vice-Chairman Haarde stated he believes the Town is supposed to demonstrate it is not discriminating against protected classes in a fair housing report. However, he believes this Report is more about affordable housing.

Ms. Rust reiterated the Town had no fair housing issues to report, and that there is no evidence of discrimination occurring. She also referenced a section of the Report on Page 29.

Vice-Chairman Haarde asked if HUD is looking to see the Town has a good track record on discrimination issues. Ms. Rust stated the entire Report is drafted according to HUD's format, and that HUD is interested in information indicating the Town audits its action plans and can demonstrate progress.

Chairman O'Brien asked what HUD does with the data. Ms. Rust stated she is not sure how HUD captures the information provided.

Vice-Chairman Haarde stated it seems like a lot of work to produce the Report, and he hopes it is read. He also noted it only needs to be done every five years. Vice-Chairman Haarde asked how much money is received.

Ms. Rust stated the Town has participated since 2005, and it was receiving nearly \$20,000 each year until recently, when funds have been cut by 40-50%. She also noted it is difficult to know if the program will proceed in the future from a national level. Ms. Rust noted three reasons why the Town initially chose to participate, and she noted they are the same reasons for continuing to be involved. She stated contiguous towns must be Consortium members, and Sudbury allowed Framingham to be a member. Ms. Rust noted participation allowed Sudbury to borrow funds from Natick to complete two major projects, one of which obtained certification for the Housing Production Plan. A brief discussion ensued regarding paying back Natick what it is owed.

It was on motion unanimously

VOTED: To endorse the "Analysis of Impediments to Fair Housing Choice" report dated June 4, 2013, and to certify that Sudbury will affirmatively further fair housing through continuing efforts of the Fair Housing initiatives, as requested by Beth Rust, Community Housing Coordinator, in an email dated May 28, 2013.

WestMetro HOME Consortium Mutual Cooperation Agreement – Renewal and Assign a Representative

Present: Sudbury Community Housing Coordinator Beth Rust and Director of Planning and Community Development Jody Kablack

Sudbury Community Housing Coordinator Beth Rust summarized the renewal process for the WestMetro HOME Consortium Mutual Cooperation Agreement. The Board was previously in receipt of copies of a

memoranda from Ms. Rust dated May 29, 2013, and December 3, 2012, sample renewal letters sent to the chief elected officials of the Consortium member communities, draft copies of the Mutual Cooperation Agreement to Continue a Consortium under the Home Investment Partnerships Program Amendment 1, and the WestMetro HOME Consortium Mutual Cooperation Agreement to Continue a Consortium under the Home Investment Partnerships Program, and copies of the WestMetro HOME Consortium Program Administration Guidelines July 1, 2013.

Ms. Rust explained the renewal process includes a one-year amendment and an Agreement renewal for three years. She stated Towns are legally bound by the Agreement. Ms. Rust highlighted changes have been made to the funding model, which will make it easier for towns to utilize the funds.

Vice-Chairman Haarde stated he has questions in general about the practice of borrowing, and he asked for clarification regarding remaining a member until Natick is paid back what is owed.

Ms. Rust stated Sudbury does need to repay Natick. However, she noted the new funding model provides new options to consider for the future.

Vice-Chairman Haarde asked if Sudbury will borrow more money before Natick is paid. Ms. Rust stated no further borrowing is planned. Ms. Kablack noted only a very limited group of certain projects qualify for this type of funding, which is why Sudbury has chosen in the past to save up and use them for bigger projects.

Chairman O'Brien summarized it appears the Town will not pursue more projects for approximately the next six years until Natick is paid back, given the estimated \$9,000 funds received each year.

Ms. Rust noted a local contribution is required for projects, and the HOME funds have satisfied this requirement in the past. Selectman Drobinski noted this was accomplished without spending the money of Sudbury's taxpayers.

It was on motion unanimously

VOTED: To sign Mutual Cooperation Agreement renewal documents, and vote to assign a consortium representative for Sudbury, as requested in a memo from Beth Rust dated May 29, 2013.

Historic Districts Commission – Candidate Interview

Present: Applicant Fred Taylor

At 8:10 p.m., Chairman O'Brien welcomed Fred Taylor, 38 Cider Mill Road, to the Meeting to discuss his interest in serving on the Historic Districts Commission. The Board was previously in receipt of copies of Mr. Taylor's application for appointment.

Mr. Taylor stated he had a career in education for 37 years, and he retired in 2009. He also has a passion for period woodworking applications, and has maintained a small business utilizing his skills. Mr. Taylor believes his experience is well suited for the Commission. He would like to help preserve Sudbury's aesthetics for future generations.

Selectman Drobinski thanked Mr. Taylor for his interest, noting he believes his background and passion will be an asset to the Commission.

Vice-Chairman Haarde also thanked Mr. Taylor for volunteering for the position, stating his background should serve the community well.

In response to a question from Chairman O'Brien, Mr. Taylor stated he specializes in woodworking for the early 1700 and 1800s, and he has developed an interest in antique clocks.

Chairman O'Brien suggested Mr. Taylor's talents would be interesting to Sudbury's Art group.

It was on motion unanimously

VOTED: To appoint Fred Taylor, 38 Cider Mill Road, to the Historic Districts Commission, filling a vacancy occasioned by the resignation of Carole Wolfe, who declined reappointment, for a term to expire January 1, 2018, and to send a letter to Ms. Wolfe thanking her for her service.

Town Manager Valente advised Mr. Taylor that further appointment and swearing-in information would be forthcoming from her office.

Special Town Election Warrant

Town Manager Valente noted the agenda incorrectly stated this agenda item is requested by the Town Clerk, but it is submitted by Town Counsel. Copies of the "Town of Sudbury 2013 Official Warrant Special Town Election June 25, 2013" were distributed.

Vice-Chairman Haarde asked who wrote the opposition arguments for the ballot questions. Town Manager Valente summarized who prepared them.

It was on motion unanimously

VOTED: To approve and sign the Special Town Election Warrant for June 25, 2013.

Katie Lynch Foundation – Half Marathon and 5K Road Race

It was on motion unanimously

VOTED: To grant a Special Permit to Gretchen Wilson, Race Director, Katie Lynch Foundation, to hold a half marathon and 5K road race which will briefly enter into Sudbury on Sunday, November 3, 2013, following an outlined route which has been submitted to the Police Department and Park and Recreation Department, as requested in a letter dated May 20, 2013.

St. Vincent de Paul Society – Walk for the Poor

It was on motion unanimously

VOTED: To grant a Special Permit to Maureen P. Lee, St. Vincent de Paul Society, Our Lady of Fatima Parish, to conduct a Walk for the Poor to take place Sunday, October 20, 2013.

Classic Pizza – Common Victualler License – Change of Name

It was on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, to approve an owner name change from St. Mark and St. Youssab, Inc. to ABM2 Inc. on Common Victualler License for Classic Pizza, 730 Boston Post Road, as requested in an application dated May 23, 2013, from Adel Doss, Manager.

Impact Functional & Sports Training - Common Victualler License

It was on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, to approve a new Common Victualler License for Impact Functional & Sports Training, 505 Boston Post Road, Elizabeth Concaugh, Manager, as requested in an application dated May 15, 2013.

Local Emergency Planning Committee and Sudbury Celebrates 375/Sudbury Day Committee – Resignations

It was on motion unanimously

VOTED: To accept the resignations of Nancy Brumback, 36 Canterbury Drive, from the Local Emergency Planning Committee (LEPC), and Rachel Goodrich, 10 Maple Avenue, from the Sudbury Celebrates 375/Sudbury Day Committee and to send letters of thanks for their service.

Eagle Scouts – Troop 60

It was on motion unanimously

VOTED: To enter into the Town record and congratulate Alexander William Difelice, 28 Camperdown Lane, Michael Christopher LaScaleia, 43 Wake Robin Road, and Nicholas Daniel Oliveria, 72 River Ridge, of Troop 60, who will be recognized at a Court of Honor on Sunday, June 9, 2013 7:00 p.m., at Sudbury United Methodist Church, for having achieved the high honor of Eagle Scout.

Eagle Scouts – Troop 60 - Gift

It was on motion unanimously

VOTED: To accept the gift of a large picnic bench from Eagle Scout Peter Finnegan, Troop 60, to be used outside the Senior Center, as requested in a May 28, 2013, memo from Debra Galloway, Council on Aging Director.

George J. Raymond Scholarship Fund – Award

It was on motion unanimously

VOTED: To approve the disbursement of \$1,500 from the George J. Raymond Scholarship Fund to the 2012-2013 academic school year recipient, Elizabeth Wolozin, as requested by Lincoln-Sudbury Regional High School Superintendent Scott Carpenter and Co-Trustee Andrea Terkelsen, Treasurer/Collector.

FY13 Instrumental Music Revolving Fund – Limit Increase

It was on motion unanimously

VOTED: To approve an increase in the limit of the FY13 Instrumental Music Revolving Fund, established under M.G.L. Chapter 44, Section 53 E ½, from \$75,000 to \$100,000, due to increased numbers of students, and expenses exceed the established limit, as requested by the Sudbury Public Schools' School Committee in a letter dated May 20, 2013, from Mary M. Will, Director of Business and Finance.

Election Workers - Appointments

It was on motion unanimously

VOTED: To appoint Sudbury registered voters Linda Volpe Dubois, Republican, 18 Lafayette Drive, Esther M. Mann, Democrat, 150 North Road, Unit 52, and Marie D. Royea, Unenrolled, 42 Blacksmith Drive, as Election Officers with terms to expire on August 14, 2013, as recommended by Town Clerk Rosemary Harvell.

MetroWest Regional Transit Authority (MWRTA) – FY14 Contract

It was on motion unanimously

VOTED: To approve the FY14 contract between the MetroWest Regional Transit Authority (RTA) and the Town of Sudbury to provide transportation services for elderly and disabled persons through the Council on Aging effective July 1, 2013, as requested by Council on Aging Director Debra Galloway, said Agreement to be executed by the Town Manager.

Goodnow Library and Minuteman Library Network - FY14 Contract

It was on motion unanimously

VOTED: To approve the FY14 contract between the Town on behalf of the Goodnow Library (Participant) and Minutemen Library Network, Inc. for the purchase, installation and maintenance of telecommunications equipment provided to the Goodnow Library for participation in the Network, effective July 1, 2013, as requested by the Goodnow Library Director, said Agreement to be executed by the Town Manager.

Minutes

Chairman O'Brien requested the minutes from the special meeting held on April 22, 2013 be circulated to the Board for review.

Legal Services – Discussion

At 8:20 p.m., Chairman O'Brien opened a discussion regarding legal services. The Board was previously in receipt of copies of a memorandum from Town Manager Valente dated May 31, 2013, and accompanying spreadsheet tracking how other communities handle legal services. Ms. Valente distributed copies of an updated spreadsheet to the Board for review tonight.

Regarding Town Counsel services, Town Manager Valente stated the Town has, in the past, followed the philosophy that an ounce of prevention is worth a pound of cure. She believes choosing Town Counsel is

one of the most important decisions the Board entertains, and should be considered similarly to choosing long-standing Department Heads. Ms. Valente urged the Board to consider this process thoughtfully.

Ms. Valente referenced the spreadsheet which summarized information regarding five data points obtained from her counterparts in eight peer towns. She also noted Assistant Town Manager Bilodeau contacted peers in another 20 communities. In most cases, towns tend to hire a Town Counsel and maintain a long-standing relationship. Ms. Valente stated the research confirmed what she knew, which is that very few law firms specialize in municipal law. She stated legal budgets for the eight peer towns ranged from \$100,000 (Lincoln) to \$518,000 (Lexington). Ms. Valente reviewed Sudbury's legal budget of \$160,666 which includes appropriate labor counsel costs during negotiation cycles, Town Counsel fees and a part-time assistant who provides procurement and bidding assistance to Town departments.

Selectman Drobinski asked for clarification regarding the variance in the Town's overall legal budget versus Town Counsel's cost of approximately \$86,000, which Ms. Valente provided. He asked if special counsel for Conservation Commission issues is included in the Town's overall legal budget. Ms. Valente stated this is a highly specialized field, and these costs are not paid from the Town's legal budget.

Vice-Chairman Haarde asked if the spreadsheet information includes legal services for schools. Ms. Valente stated legal costs for schools are not included because schools retain their own counsels.

Vice-Chairman Haarde noted six of the eight peer towns utilize law firms. He stated law firms have the advantage of having personnel with broad ranges of expertise, and that partners have a fiduciary responsibility to the firm to provide comprehensive services. Vice-Chairman Haarde thanked Ms. Valente for compiling the information.

Town Manager Valente reiterated her suggestion that the Board view Town Counsel services as one of its most important decisions made on behalf of the community. She emphasized it takes time to learn the history of a Town and its legal cases. She urged the Board to consider speaking with those in Town who utilize Town Counsel services most often as part of its decision-making process, to determine what qualities are most beneficial for the position. Ms. Valente cautioned that, when utilizing a firm, it is possible different attorneys will be assigned, depending on the firm's schedule. She stated there is an advantage to having one consistent person to deal with, and the Board should consider if it wishes this aspect to be part of an RFP.

Selectman Drobinski stated he believes a successful Town Counsel has to be a great legal generalist who understands land-use law. He stated institutional knowledge is key, and an understanding of the Land Court. Selectman Drobinski stated the Board wants to do what is best for Sudbury and its taxpayers. Thus, the Board must weigh how the Town will derive its best value for its money.

Chairman O'Brien stated the current Town Counsel contract expires June 30, 2013. He noted two new Selectmen will be voted for on June 25, 2013, and the Board is only scheduled to meet one more time before the Election. Thus, he asked the Board for its short and long-term suggestions.

Selectman Drobinski believes final choices and decisions regarding Town Counsel should be delayed until there is a five-member Board. However, he suggested it might be wise to make an interim appointment to cover legal services for the Town while the Board pursues its process. Selectman Drobinski believes this would facilitate a smooth transition for the Town.

Vice-Chairman Haarde asked what the process would be for the interim appointment.

Selectman Drobinski suggested the current contract could be extended for six months or a year to allow the Board time to make its decision and to provide the Town with sufficient legal coverage in the interim.

Chairman O'Brien suggested, and the Board concurred, this discussion be continued at the Board's next meeting.

Town Manager Valente reminded the Board of the Old County Road issue, which has pending litigation, due to an appeal made to the Zoning Board of Appeals decision. She advised the Board to consider maintaining legal coverage for this case.

Vice-Chairman Haarde asked for clarification regarding the Old County Road issue. Chairman O'Brien cautioned the Board is not in Executive Session, and he suggested Ms. Valente update Vice-Chairman Haarde at a later time.

At 8:48 p.m., Chairman O'Brien stated this discussion will be continued at the Board's next meeting, and he closed the discussion.

There being no further business, the meeting adjourned at 8:48 p.m.

Attest: _____

Maureen G. Valente
Town Manager-Clerk