

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, APRIL 29, 2014

Present: Chairman John C. Drobinski, Vice-Chairman Charles C. Woodard, Selectman Lawrence W. O'Brien, Selectman Robert C. Haarde, 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 6:35 p.m. at the Flynn Building.

Town Accountant – Interview

Present: Candidate Christine Nihan and Finance Director Andrea Terkelsen

Finance Director Andrea Terkelsen introduced Christine Nihan as the recommended candidate to fill the vacancy of Town Accountant occasioned by the retirement of Barbara Chisholm.

Ms. Nihan described her experience in her current position with the City of Medford, noting she is a licensed Certified Public Accountant (CPA) in the State, and she is working towards the Certified Government Accountant (CGA) designation.

Vice-Chairman Woodard asked if Ms. Nihan would be comfortable addressing the Board with any concerns, is she deemed it necessary to do so. Ms. Nihan stated she would reach out to the Board, if needed. Selectman Haarde asked who she would approach on the Board. Ms. Nihan stated she would contact the Chairman, followed by the Vice-Chairman, if needed, and finally the entire Board, if the issue was still not addressed.

In response to a question from Selectman O'Brien, Ms. Nihan stated what attracted her to the position, noting she believes Sudbury is a good location for the next step in her career.

Selectman Simon stated he is pleased Ms. Nihan is pursuing continuing education, which will benefit the Town. He asked if Ms. Nihan is familiar with Sudbury's financial software package. Ms. Nihan stated she has not used the MUNIS software, but she anticipates that she will be able to adapt to it easily.

Selectman Haarde asked if Ms. Nihan's CPA license is current, and she responded affirmatively.

It was on motion unanimously

VOTED: To approve the appointment of Christine Nihan as Town Accountant in the words provided in the memorandum provided by Finance Director Andrea Terkelsen dated April 25, 2014.

Executive Session

Chairman Drobinski announced the suspension of the regular meeting and it was on roll call unanimously

VOTED: To go into Executive Session to conduct contract negotiations with nonunion personnel Town Manager Maureen Valente and Town Counsel Paul Kenny, wherein strategy discussion in an open meeting may have a detrimental effect on the bargaining position of the Board, Chairman John C. Drobinski, aye, Vice-Chairman Charles C. Woodard, aye, Selectman Robert C. Haarde, aye, Selectman Lawrence W. O'Brien, aye, and Selectman Leonard A. Simon, aye.

Chairman Drobinski announced regular session would reconvene at Town Hall following Executive Session.

Opening Remarks

At 8:02 p.m., Chairman Drobinski resumed the regular session meeting at Town Hall, and he apologized for the late start to the meeting due to a busy Executive Session held earlier tonight. He thanked residents for participating in the Town's Spring Clean-Up Day last week.

Reports from the Town Manager

Town Manager Valente stated her latest Newsletter has recently been posted on the Town website and is very informative. She informed the Board future agenda items will include the extension of an agreement with Marlborough to share Veterans' Agent services, and to finalize the Intermunicipal Agreement regarding Regional Housing Services which will soon transition to Concord. Ms. Valente distributed copies to the Board of an article from the Boston Globe last week regarding a program helping to make Sudbury's Schools and buildings safer.

Reports from the Board of Selectmen

Vice-Chairman Woodard stated he participated in a two and a half-hour Executive Session with the Board regarding the Johnson Farm development. He also attended the Permanent Building Committee meeting regarding recent cost estimates for a new Police Station. Vice-Chairman Woodard also attended last night's Finance Committee meeting and the D.A.R.E graduation at Loring. He also participated in interviews for a Town Accountant and the negotiation discussions regarding new contracts for the Town Manager and Town Counsel.

Selectman Haarde attended the Johnson Farm Executive Session and the D.A.R.E. graduation ceremony at the Haynes School.

Selectman O'Brien attended the Johnson Farm Executive Session and last night's Finance Committee meeting and the D.A.R.E graduation at Loring. He also participated in Board of Selectmen Office Hours.

Selectman Simon stated he attended the D.A.R.E. graduation at the Noyes School and the Capital Improvement Advisory Committee meeting with the Finance Committee. He also attended a meeting with the Worcester Department of Transportation regarding the Bruce Freeman Rail Trail. Selectman Simon visited the Transfer Station and he noted the Town's extensive recycling efforts. He also attended a Conservation Commission meeting and the Finance Committee meeting last night. Selectman Simon stated he believes the Board liaison roles to other groups have value in helping communication and information to be shared.

Chairman Drobinski stated the Board will vote for new assignments of Chairman and Vice-Chairman at its next regularly scheduled meeting after Town Meeting.

Johnson Farm Chapter 40B Litigation – Board of Selectmen Statement

The Board was previously in receipt of copies of a letter from the Board to the Acting Regional Office Director of the Massachusetts Department of Environmental Protection (DEP) Northeast Region dated April 29, 2014. In addition, copies of a red-line version of a Statement from the Board, noting revisions made by Selectman Haarde were distributed.

Chairman Drobinski read aloud a statement, prepared by Town Counsel on behalf of the Board, regarding the Johnson Farm Chapter 40B litigation. He stated the Selectmen held an Executive Session on April 14, 2014 with the Conservation Commission and the Board of Appeals to discuss strategy. He stated the Board's letter to DEP indicates the Selectmen want to make DEP aware of their concerns regarding certain aspects of the plan and process so as not to restrict the Town from making changes as the development is reviewed by the Zoning Board of Appeals (ZBA). The Selectmen have indicated financial support for hiring Special Counsel to advise the ZBA. Once the application returns to the ZBA, the Board plans to send a letter to MassHousing identifying conditions of the Project Eligibility letter dated January 20, 2011 which will be impacted by the revised plan, and request a new Project Eligibility Letter be issued. He assured the public the Board will remain involved with this issue.

Selectman Haarde stated he submitted recommended edits which he hoped to discuss. Chairman Drobinski stated the suggested edits were not discussed at the Executive Session meeting for inclusion in the letter to be sent to DEP. Selectman Haarde stated he believes the Board needs to inform DEP that it considers the plan changes as substantial and that Sudbury would like the applicant to be directed back to the Town and the Conservation Commission.

Selectman O'Brien suggested that, since the Board is not under any pressing time constraints to send the letter to DEP, the Board could discuss the edits at its meetings prior to Town Meeting next week.

Vice-Chairman Woodard suggested the Board also obtains input from the other parties who were involved in the Executive Session meeting, including Town Counsel and the Conservation Commission.

Selectman Simon noted Selectman Haarde submitted edits to the Statement previously read by Chairman Drobinski and they were not made to the draft letter for DEP. It was noted the draft statement as read by the Chairman tonight would remain as presented.

Citizen's Comments

At 8:28 p.m., Chairman Drobinski recognized Sudbury citizen Pat Brown, 34 Whispering Pine Road. Ms. Brown asked the Board to consider simplifying the Citizens' Comment procedure.

Chairman Drobinski also recognized Sudbury citizen Rick Johnson, 38 Bent Road. Mr. Johnson stated he believes there has been no reconciliation by the Board regarding the varying evaluations received for the Town Manager's performance. Mr. Johnson also asked about the decisions made regarding votes taken at the March 17, 2014 Finance Committee Meeting.

Town Manager Valente summarized the initial conclusion drawn by Town Counsel regarding whether a quorum had existed and the subsequent correction made by Town Counsel for his initial error.

A brief discussion ensued regarding what the documentation was for the first and second opinions given by Town Counsel. Vice-Chairman Woodard stated the incident is over and Town Counsel acknowledged his error, and there is not much to be gained by revisiting this topic.

Town Meeting Petition Article – Discussion

Proponent: Susan Doherty

At 8:35 p.m., Chairman Drobinski welcomed proponent Susan Doherty of petition article #43 for the Annual 2014 Town Meeting to discuss the petition with the Board. The Board was previously in receipt of copies of the petition article as published in the Town Warrant, a memorandum from Director of Planning

and Community Development Jody Kablack dated April 25, 2014, and a memorandum from Town Manager Valente dated April 25, 2014 regarding comments from Town Counsel.

Petitioner Susan Doherty (Article 43, Sale of Land under C61A), 235 Concord Road, explained the petition was submitted to see if the Town will vote to adopt a Chapter 61 Lands' Policy to set forth a clear and timely process by which the Town of Sudbury will review and respond to notices of conversion and sale of lands subject to Chapters 61, 61A and 61B and to determine whether or not to exercise or assign its right of first refusal on these lands.

Selectman Haarde stated he supports the article, noting he believes these types of properties should be discussed at Public Hearings.

Chairman Drobinski noted it is important to be sure that if a Chapter 61A process is challenged in court, that this new local bylaw would not be in conflict with other regulations.

Ms. Doherty stated she just received Ms. Kablack's memorandum tonight, and she will review those comments and consider if amendments are needed prior to Town Meeting.

Construct Police Headquarters – 77 Hudson Road – Project Update

Present: Permanent Building Committee Co-Chair Mike Melnick, Combined Facilities Director Jim Kelly, Police Chief Scott Nix and Construction Monitoring representative Paul Griffin

At 8:42 p.m., Chairman Drobinski opened a discussion regarding the project costs to construct the new Police Headquarters.

Permanent Building Committee Co-Chair Mike Melnick explained that it has recently been determined that last year's design funds of \$127,000 which had been earmarked to be transferred to this project cannot be used at this time. Copies of a Revised Draft dated April 28, 2014 of Total Project Costs were distributed tonight. Mr. Melnick stated the project is now estimated to be approximately \$700,000 more than what was anticipated in February 2014. He stated the increase in costs is primarily due to current market building conditions. However, Mr. Melnick emphasized this change will result in only an \$8 per year increase in the average anticipated taxes for residents than what was previously estimated.

Police Chief Nix explained the Committee has diligently reviewed costs which are in the Town's control, but the construction costs are variable. He stated a second company was contracted to estimate the project costs. Chief Nix stated the new projections will also be presented to the Finance Committee on May 1, 2014.

Vice-Chairman Woodard stated it appears the second professional estimator has identified these changes in costs.

Selectman Simon asked that, if the project is delayed another year, is it likely costs would increase. The consensus was that costs would likely increase by at least 10%, and that every month of delay costs money at this point.

Selectman O'Brien asked when a signed contract with a builder could be finalized if the project is passed at Town Meeting. Mr. Melnick stated it is possible by July 1, 2014.

Construction Monitoring representative Paul Griffin stated the building trades in the Boston area are tapped out because business is booming.

Selectman O'Brien asked if the previously intended funds of \$127,000 could be redirected at a future Town Meeting after 2014. Town Manager Valente stated there are options to pursue to present a future Town Meeting article.

Sudbury resident Bob Stein, 7 Thompson Drive, expressed his concern regarding the significant increase in costs, and whether some residents who voted for the project on the Town Ballot might not have done so at the current estimate. Mr. Stein believes the public deserves another vote on the project based on this new information.

Combined Facilities Director Jim Kelly stated project costs will continue to escalate with every delay. He emphasized the difference to the average taxpayer of the new information results in an \$8 increase per year.

Sudbury resident Rick Johnson, 38 Bent Road, believes the Town owes it to the taxpayers to provide real project costs. He suggested taking the time now to bid the project out for real figures, and then let the public vote again. Mr. Kelly stated he believes the Town will not reap any cost savings from going out to bid at this stage. He also stated the group has consistently tried to be respectful of Sudbury's taxpayers.

Selectman Simon suggested that by adding more procedural steps, even more increases to the project costs might occur.

Selectman O'Brien stated the motion at Town Meeting will have a specific figure noted of \$7.9 million, which will give the public the information it needs, and then the project can go out to bid on this amount, if approved.

Sudbury resident John Baranowsky, 103 Belcher Drive, stated the original project estimator had difficulty providing an estimate. He believes the increased costs are a result of an incomplete first-round estimate, which was identified by the second value-engineer, and escalating market conditions.

At 9:18 p.m., Chairman Drobinski thanked the team for keeping the Board and public abreast of this new information, and he closed the discussion.

Acknowledgment of Service – Chairman Drobinski

On behalf of the Town, Vice-Chairman Woodard thanked Chairman Drobinski for his 27 years of service. He emphasized the professional role model Chairman Drobinski has been for the community, noting he has been a positive example of what good leadership can accomplish.

Public Hearing: Application of Sun Edison for Site Plan Approval to Construct a Photovoltaic System on the Lincoln-Sudbury Regional High School Property

Present: Lincoln-Sudbury Regional High School Committee Chair Radha Gargeya and Director of Planning and Community Development Jody Kablack

At 9:18 p. m., Chairman Drobinski opened the Public Hearing regarding the application of Sun Edison for Site Plan Approval to Construct a Photovoltaic System on the Lincoln-Sudbury Regional High School (L-SRHS) Property. The Board was previously in receipt of copies of the application and accompanying materials, a letter from Sudbury's Building Commissioner Mark Herweck dated April 17, 2014, a letter from Sudbury Police Chief Scott Nix dated April 14, 2014, and a memorandum from Director of Planning and Community Development Jody Kablack dated April 25, 2014. Town Manager Valente read aloud the Public Hearing Notice.

Ms. Kablack explained this is an informal review, since L-SRHS is not subject to the Town's site plan review process. She stated Town staff has reviewed the proposal and did not identify any major issues. Ms. Kablack stated the drainage system will need to be reviewed to ensure proper treatment of the new impervious surfaces.

Lincoln-Sudbury Regional High School Committee Chair Radha Gargeya introduced members of the project team in attendance. Mr. Gargeya stated L-SRHS has been working on the project for two years, and on March 11, 2014, the School Committee voted unanimously to finalize contract negotiations with Sun Edison to install a 1.26918 megawatt ground-mounted photovoltaic system. Over the life of the contract, the cost savings are estimated to be approximately \$2 million.

Vice-Chairman Woodard asked if L-SRHS is liable for a minimum amount of usage. Mr. Gargaya stated it is not.

Selectman Haarde stated this is a good project, which he is pleased has come to fruition. He asked how snow will be removed. The Sun Edison project manager explained how snow would be handled.

Selectman O'Brien asked about the 35 trees proposed to be removed. It was noted as many trees as possible would be relocated to other locations on the property. Selectman O'Brien also asked what the LED canopy lights would look like, noting they have strong illumination. He asked that the lighting impact be tempered appropriately for the neighborhood. Mr. Gargeya stated the plan is to integrate the canopy lighting with the other parking lot lighting system.

Selectman Simon asked if there is a cost to the Town to install this system, and the answer was there is not. He also asked who maintains the solar panels. It was noted Sun Edison will maintain them for 20 years.

Sudbury resident Michael Buoniconti asked what happens if Sun Edison goes out of business. It was noted Sun Edison works with insurers to provide backup services.

Chairman Drobinski stated this is a great green project for the School and he asked whether there will be a learning component for students. Mr. Gargeya summarized the various learning opportunities which the project will provide for the students.

It was on motion unanimously

VOTED: To support the application of Sun Edison for Site Plan Approval to Construct a Photovoltaic System on the Lincoln-Sudbury Regional High School Property.

2014 Annual Town Meeting Community Preservation Act (CPA) Warrant Articles

Present: Community Preservation Committee (CPC) Chairman Chris Morely, Director of Planning and Community Development Jody Kablack and Sudbury Housing Trust Chairman Michael Buoniconti

At 9:40 p.m., Chairman Drobinski stated a presentation would be heard tonight regarding the Community Preservation Committee's (CPC) recommended Town Meeting articles. The Board was previously in receipt of a listing of the Warrant articles recommended for Community Preservation Act (CPA) funding.

CPC Chairman Chris Morely distributed copies of a handout to the Board summarizing his presentation. Mr. Morely explained the CPC has tried this year to build-up savings by staying within its budget. To do this, some of this year's project requests were reduced. Mr. Morely summarized the following article appropriation requests:

#29 - Community Preservation Fund - Town-wide Walkways – requesting \$50,000 for engineering, design and construction of priority walkways.

#30 - Community Preservation Fund - Sudbury Housing Trust (SHT) – Allocation - to appropriate an amount not to exceed \$100,000 of Community Preservation Act Funds from FY15 Revenue, as recommended by the Community Preservation Committee, for the purpose of providing funds to the Sudbury Housing Trust in support of its efforts to provide for the preservation and creation of affordable housing, or act on anything relative thereto. All appropriations will be allocated to the Community Housing category and funded from FY15 Revenue.

#31 - Community Preservation Fund - Historic Projects - the request to appropriate an amount not to exceed \$162,500 from the Community Preservation Act Funds, as recommended by the Community Preservation Committee, for the purpose of completing the following projects as proposed and recommended by the Sudbury Historical Commission: restoration of approximately 150 gravestones in Sudbury cemeteries and restoration and preservation of the historic war monuments in Sudbury, or act on anything relative thereto. All appropriations will be allocated to the Historic category and funded from Historic Reserves or FY15 Revenue.

#32 - Community Preservation Fund – Bruce Freeman Rail Trail Design – submitted by the Board of Selectmen, requesting \$175,000 of a total project cost of \$250,000 for design funds to complete the 25% design plan for the full 4.4 mile rail trail in Sudbury to Massachusetts Department of Transportation (DOT) standards. The balance of \$75,000 will be \$58,000 donated by the Friends of the Bruce Freeman Rail Trail (FBFRT), and \$17,000 of previously appropriated CPA funds.

#33 - Community Preservation Fund – Melone Property Engineering - a revised proposal submitted by the Board of Selectmen, requesting \$150,000 for development of high-density residential housing which counts towards the Town’s 10% affordable housing goal, as well as complementary and/or accessory open space and recreational uses.

#34 - Community Preservation Fund – Sudbury Housing Authority Preservation Project - to appropriate an amount not to exceed \$200,000 of Community Preservation Act funds from FY15 Revenue, as recommended by the Community Preservation Committee, for the purpose of replacing the ceramic tile tub surrounds in 62 units of housing at Musketahquid Village which is necessary to preserve the structural integrity of the building, or act on anything relative thereto. All appropriations will be allocated to the Community Housing category and funded from FY15 Revenue.

#35 - Community Preservation Fund – Amend Article 43 of the 2006 Annual Town Meeting, Sudbury Housing Authority Unit Buy-Down - the request to amend Article 43 of the 2006 Annual Town Meeting by removing the deadline for completion of the project, as recommended by the Community Preservation Committee, or act on anything relative thereto.

#36 - Community Preservation Fund – Reversion of Funds - regarding the request to return the unused balances from prior article authorizations voted at prior Town Meetings, which projects have been completed, or otherwise, into the CPA unrestricted reserves account:

2006 ATM Article 41	Hearse House Relocation and Restoration	\$ 2,213.57
2008 ATM Article 27	Hosmer Painting Appraisal	\$ 2,800.00
2008 ATM Article 34	Nobscot Preservation Phase 2	\$ 3,224.83
2009 ATM Article 22	Land Preservation, 79 Lincoln Lane	\$25,000.00

2009 ATM Article 25	Historic Preservation Projects	\$ 390.00
2010 ATM Article 30	Tomb Door Restoration	\$21,125.00
Total =		\$54,753.40

#37 - Community Preservation Fund – General Budget and Appropriations - Mr. Morely further noted the CPC submits an article each year of the CPA General Budget and Appropriations. He also explained there is a bill pending at the State House which would allow for a bonus matching payment to towns from the State's surplus of funds as was received last year.

Selectman Simon stated he attended several CPC meetings and he found their deliberation process to be careful and prudent. Chairman Drobinski stated he is a member of the CPC, and its work is done carefully, especially this year, when the budget was so tight for the requests received.

Sudbury resident Bryan Semple, 15 Revere Street, stated he does not understand why the SHT is being recommended for additional funds, when it has approximately \$800,000 in its bank account, which could be used for affordable housing.

SHT Chairman Michael Buoniconti explained the majority of those funds are earmarked for the Maynard Road project. He also stated this project may resume in May. Mr. Buoniconti noted the original proposal was for six units, but the neighborhood suggested reducing the number of units to three.

Mr. Semple stated he does not believe the Maynard Road project should proceed to build three units which would be subsidized at approximately \$250,000 each. He believes this is too expensive a proposition for minimal affordable housing results.

Vice-Chairman Woodard asked what the Maynard Road land is worth. Mr. Buoniconti stated approximately \$375,000.

Mr. Semple stated he believes the Town should divest itself of the Maynard Road property because its proposed plan is flawed by only seeking three units.

Mr. Semple expressed concern regarding the Melone property article, stating he does not know how building affordable units on the property will help Sudbury reach its 10% goal.

Vice Chairman Woodard explained the number of units needed by the Town to reach its 10% quota is 184 units. He emphasized the Board is trying to determine the number of units which the Melone property can accommodate, and the proposed soil testing will help in this determination. Vice-Chairman Woodard stated the funds are needed to help determine how several factors will be impacted and whether there is a market for the eventual number of units.

Mr. Semple stated he thought the maximum number of units was 92 without a septic system. Vice-Chairman Woodard stated water treatment and other issues will have an impact on the eventual number of units to be built.

Selectman Haarde stated the article language does not state how many units are expected to be built and how the Town's affordable housing goal will be reached.

Mr. Morely stated the property's soils are good, since it previously functioned as a gravel pit. He emphasized the septic system issue can always be solved, it is just a question of whether it can be done at the right cost and whether the economics can work.

Selectman Haarde stated it is important to know if the Town is actually going to solve its Chapter 40B problems, otherwise it might be wise to use one of the Town's last remaining large properties for other purposes. He believes the plan should be to achieve the goal and not just to get close to it.

Selectman O'Brien stated it needs to be determined how many units can be built and then the residents at Town Meeting will need to decide whether to proceed.

Vice-Chairman Woodard stated that, until the Town proceeds with the necessary engineering studies, it will not know what is possible.

Mr. Semple believes the article would be better by stating a goal for the number of units to be constructed.

Selectman Haarde stated he does not have confidence that everyone wants to achieve the 10% goal. Vice-Chairman Woodard and Mr. Morely stated they have never encountered anyone in Town who did not want to solve the Chapter 40B issue.

Sudbury resident Siobhan Hullinger, 55 Washington Drive, questioned the wording of the Melone property article and why soil testing was not proposed to be done first before asking for \$150,000.

Director of Planning and Community Development Jody Kablack stated the proposed master plan for the Melone property has a lot of components, and she referenced the basic process outlined in Vice-Chairman Woodard's original memo dated December 5, 2013 and submitted to the Selectmen.

Sudbury resident Pat Brown stated that, if any amendments are proposed to the article, it would be helpful to post them to the Town website in advance of Town Meeting.

At 10:18 p.m., Chairman Drobinski thanked Mr. Morely for his report.

Sudbury Planning Board - Town Meeting Zoning Articles 38-41 Review

Present: Planning Board members Chris Morely, Peter Abair, and Pat Brown and Director of Planning and Community Development Jody Kablack

At 10:19 p.m., Planning Board members summarized the zoning-related articles proposed for the Annual 2014 Town Meeting.

#39 - Amend Zoning Bylaw, Art. IX, sec. 2326, Accessory Structures (sheds)

Planning Board member Peter Abair explained this article was put forth by the Building Inspector Mark Herweck to mirror the State's regulations to allow sheds to be 16 feet long on any side within five feet from a property line.

#38 - Amend Zoning Bylaw – Art. IX –Medical Marijuana Treatment Centers

Planning Board member Pat Brown stated this bylaw regulates the location of permitting of medical marijuana treatment centers. She stated that, without establishing restrictions, the Town could be vulnerable for a center to be established anywhere. The purpose of the bylaw is to minimize impacts of centers on

abutting properties, residential neighborhoods, schools, playgrounds and other locations where minors congregate. The Planning Board has proposed four specific zoning districts which may be appropriate: Industrial District 2 along Union Avenue north of Station Road; Industrial District 4, south of Boston Post Road from the NStar substation property to the Wayland Town line; Industrial District #6, the Richey and Clapper property at 33 Boston Post Road and Limited Industrial District #1, Chiswick Park and Raytheon. Ms. Brown emphasized banning these facilities is not an option according to the Mass. Attorney General's Office. The bylaw also requires a 500-foot setback from many uses where youth congregate and that the hours of operation, security measures, length of permit be coordinated with the Sudbury Police department. A proactive approach to zoning is warranted, even though Sudbury has not been pursued as a potential location and no licenses have been proposed in Town.

Selectman O'Brien asked if the bylaw language was adapted from something else. Ms. Brown stated it has been adapted for Sudbury from a model bylaw recommended by Kopelman and Paige, P.C.

Selectman Haarde asked if the 500-foot setback is adequate. Ms. Kablack stated the Town could adopt a larger distance, but the State regulations require 500 feet. Selectman Haarde stated he would be pleased to have the Town challenge applicants with a distance greater than 500 feet.

#40 - Amend Zoning Bylaw, Art. IX, sec.4100, Flood Plain Overlay District

Mr. Abair explained FEMA is currently updating Flood Insurance Rate maps, and this article proposes amendments to reflect the updated maps. Sudbury is a participating community in the National Flood Insurance Program, and to protect residents' properties, we must adopt and abide by a floodplain district bylaw. The newest maps will go into effect July 7, 2014.

#41 - Amend Zoning Bylaw Art. IX – Section 4500 – Wastewater Facilities Bylaw – Deletion

Mr. Abair stated the Planning Board recommends the Wastewater Facilities Bylaw be deleted. He stated there is no longer a need for the bylaw, since its original intentions are now covered and are within the jurisdiction of the State's Department of Environmental Protection (DEP). Mr. Abair stated the bylaw was adopted in 1989 before the DEP established its regulations, and a Special Permit has never been issued under this bylaw.

Selectman Haarde stated he is wary to delete a bylaw which might be effective, even if it has never been used. He would want to be sure Sudbury would not be losing protections in this bylaw which exceed the DEP requirements.

Mr. Morely stated the bylaw was well intended in 1989 by volunteers who did not have other resources at the time. He stated now DEP does this work more effectively.

Selectman O'Brien stated it might be helpful to prepare a side-by-side comparison for Town Meeting to provide comfort that there are no gaps in protection.

Ms. Kablack noted the Board of Health, Sudbury Water District and the Sudbury Conservation Commission support deletion of the bylaw.

Minuteman Regional Vocational High School – Articles #4 and #27 – Proposed Regional Agreement Changes

Present: Sudbury's Minuteman Regional Vocational High School District Committee Liaison David Manjarrez, Minuteman Assistant Superintendent Kevin Mahoney and Minuteman District School Committee member Jeffrey Stulin

The Board was previously in receipt of copies of a memorandum from Town Manager Valente dated April 25, 2014, a memorandum from Needham Board of Selectmen Chairman and member of the Minuteman Regional Agreement Task Force Dan Matthews dated April 4, 2014, an email from Mr. Matthews to Ms. Valente dated April 9, 2014, an email from Jeffrey Wulfson to Ed Bouquillon dated April 7, 2014, and an email from Sudbury's appointee to the Minuteman School Committee David Manjarrez dated April 21, 2014 and three relevant open letters written by Mr. Manjarrez to the Sudbury Town Crier dated March 31, 2014, April 7, 2014, and April 11, 2014. In addition, copies of a letter from the Minuteman Out-of-District Student Cost Task Force and accompanying materials dated November 2, 2012 and copies of Mr. Manjarrez's PowerPoint slides for tonight's presentation were distributed.

Sudbury's Minuteman Regional Vocational High School District Committee Liaison David Manjarrez stated a similar presentation will be provided to the Finance Committee on May 1, 2014. Mr. Manjarrez explained the motion he has proposed for Article 4 to reduce the Minuteman assessment payment by \$1 as a symbolic message to the School. He further explained the School would be paid in full when a sustainable financial plan based on right-sizing non-member enrollment is presented to members.

In response to a question from the Board as to whether a larger message could be given, Town Manager Valente stated Town Counsel has advised the Town has a contractual obligation to pay if two-thirds of member towns approve the budget.

Selectman O'Brien suggested Mr. Manjarrez shares his motion with the Town Moderator Myron Fox in advance of Town Meeting to see if it should be presented as a motion to amend the article.

Minuteman Assistant Superintendent Kevin Mahoney stated the School is aware of the issues perceived regarding unfunded tuition. He stated the message he would like to convey tonight is that the School is reaching out to member towns and will be inviting them to participate in a special meeting to be coordinated after the Town Meeting season by the School's finance subcommittee.

Vice-Chairman Woodard stated the first step is for Sudbury to decide what to do for its students. He further stated Minuteman needs to determine how big a school it wants to build, because the economics are not attractive for member towns for an 800-student school. Vice-Chairman Woodard suggested the School looks at other options. He further suggested Sudbury indefinitely postpones Article 27.

Selectman Haarde stated many issues would need to be resolved regarding the students, including negotiating a Memorandum of Understanding for students to attend the school as non-member students.

Mr. Manjarrez stated he believes the proposed new Regional Agreement is premature.

Minuteman District School Committee member Jeffrey Stulin stated he believes Mr. Manjarrez has provided some misinformation which should be corrected. He suggested Sudbury establishes a committee to develop a better relationship with Minuteman similar to what Needham did a few years ago.

Vice-Chairman Woodard reiterated that, until the School determines the number of students for which the school will be built, and until the economics make sense, meetings will not make a difference in his position.

Selectman Haarde stated Sudbury is well aware and focused on what the key and important issues are.

Selectman Simon noted Wayland has already voted in opposition at its Town Meeting, so Article 27 seems to be a moot point. He further stated that, even if Minuteman fixes the capital costs problem, the tuition imbalance remains.

Mr. Manjarrez clarified that the Massachusetts School Building Authority suggested the Regional Agreement be reviewed not changed.

The consensus of the Board was that no action was required at this time regarding the so-called Needham Resolution.

At 11:05 p.m., the discussion was concluded.

Town Meeting Articles – Updated Information Discussion

Town Manager Valente stated the Finance Committee met last night and will meet again on May 1, 2014 to continue votes on all financial articles. She had hoped to have updated information from the Finance Committee regarding Articles 4, 13, 15, 16, 17, 19, 21, 22 and 24 for the Board, but the Committee has not finalized many of its positions.

Ms. Valente noted the Board might want to consider amending Article 4 to restore funds if not approved by the Finance Committee. She also noted Article 15 has been submitted as a capital exclusion. Ms. Valente stated she is concerned the Finance Committee might not support Article 16, and she urged the Board to consider the consequences.

Lincoln-Sudbury Regional High School Committee Chair Radha Gargeya stated L-SRHS is in the process of getting a revised bid regarding Article 17.

Combined Facilities Director Jim Kelly stated the Finance Committee may not support Article 19, and he asked if then a capital exclusion could be considered. Town Manager Valente urged the Board to “weigh-in” on these articles.

Vice-Chairman Woodard stated the Town is behind in some of the requested areas because it has always been hesitant to request funds which would raise residents’ taxes. However, the needs do not go away.

Selectman O’Brien suggested the Board take positions tonight to convey to the Finance Committee on some of these articles.

Selectman Haarde stated he did not believe the Board conveyed anything to the Finance Committee last night since it was not a joint meeting, and he does not think the Board should try to influence the decisions of the Finance Committee. Vice-Chairman Woodard concurred with Selectman Haarde that the Board should let the normal process proceed with the Finance Committee.

Mr. Kelly stated there is a suggestion to transfer \$100,000 of funds into last year’s article to continue repairs of the most heavily damaged portion of the Fairbank Community Center roof. In response to a question from Selectman O’Brien, Mr. Kelly stated this could “buy” possibly three to five years of roof life.

Mr. Kelly stated Article 13 will be passed over because the Massachusetts School Building Authority will not meet regarding the project until June.

Regarding Articles 24 and 25, Ms. Valente and Mr. Kelly will work to establish what the proper amounts are to publish in the motions.

Successor Employment Agreement – Town Manager - Ratification

Vice-Chairman Woodard reviewed highlights of the new contract negotiated with the Town Manager. He also provided some comparable data from peer communities which was reviewed as part of the process.

Selectman Haarde stated it can be challenging to select comparable peer communities for evaluation purposes. He stated he provided an evaluation for the Town Manager in January 2014, and he did not expect the Board to move so quickly towards a new contract, especially not when he was unable to attend a meeting in March. Selectman Haarde stated he had asked the Chairman to reschedule the Town Manager evaluation agenda item to a meeting he could attend, but the issue was not rescheduled. He believes there was no need to rush to have the topic discussed at the meeting in March, since he believes the Board had another three months to deliberate its position. Selectman Haarde also questioned whether Vice-Chairman Woodard and Chairman Drobinski were the two best Board members to negotiate the Town Manager and Town Counsel contracts, and the fact that this decision was also made at a meeting he was unable to attend. He stated the new contract was presented as a strategy discussion in Executive Session tonight. However, Selectman Haarde does not believe it qualified as a strategy discussion because a final red-line contract was presented for review. He believes this entire topic could have been handled better by the Board.

Vice-Chairman Woodard addressed several of Selectman Haarde's concerns, noting the decision was made by the Board for Chairman Drobinski and him to negotiate the contracts, he is well qualified to do so, and he has a different perspective on the need for the discussion to be held by the Board in March 2014 because it was the Board's last opportunity to do so under the conditions of the current contract.

Selectman Haarde referred to language in the current contract which he believes allowed the Board more time to discuss the Town Manager's contract. He believes the discussion was held when he specifically could not attend the meeting. Selectman Haarde also believes his evaluation of the Town Manager was excluded from the super majority process. Chairman Drobinski emphatically stated the Board did not exclude Selectman Haarde's perspective from its report.

Selectman Simon stated the meeting minutes and audio/video tapes were available to Selectman Haarde as a resource, and that he could have made any of his concerns known to the Chairman. Selectman Haarde interrupt Selectman Simon several times to say he asked for the meeting to be rescheduled but his request was denied. Selectman Simon stated that, during his tenure on the Board, he has never observed anyone more rude to fellow colleagues on the Board than Selectman Haarde. Selectman Haarde stated it is because he believes he is treated differently and that meetings are rescheduled to accommodate the schedules of others to have all Board members present.

It was on motion

VOTED: To substitute the existing agreement with the Town Manager with a new agreement dated April 29, 2014, for a period commencing July 1, 2014 and ending June 30, 2017; to appoint Maureen Valente to the position of Town Manager in accordance with the terms of the agreement for a period of three years; to have terms of the existing agreement remain in full effect until June 30, 2014; and to have the new agreement be attached to the minutes of this meeting.

Selectman Haarde voted in opposition to the motion.

Successor Memorandum of Understanding – Town Counsel - Ratification

Vice-Chairman Woodard reviewed highlights of the new contract negotiated with Town Counsel.

Selectman Simon stated he was disappointed to learn in an email today that information intended for tonight's Executive Session had been released publicly and not held in confidence. He believes this raises a question of integrity for the Board and whomever leaked the information.

Selectman Haarde asked if Selectman Simon is accusing someone of something. Selectman Simon stated he has not accused anyone of anything at this point.

Selectman Haarde stated it is a "slap in the face" to some in the community who believe Town Counsel should not be given a three-year contract at this time.

Vice-Chairman Woodard and Selectman Simon stated the contract is essentially a 14-day contract. Selectman Haarde disagreed, stating he believes it is a three-year contract.

It was on motion

VOTED: To appoint Paul Kenny as Town Counsel for a period of three years commencing July 1, 2014 and ending June 30, 2017; to execute a new agreement dated April 29, 2014 and in accordance with the terms of the agreement for a period of three years through June 30, 2017; to have the terms of the existing agreement remain in full effect until June 30, 2014, to have the new agreement be attached to the minutes of this meeting.

Selectman Haarde voted in opposition to the motion.

Town Accountant – Appointment

The Board was previously in receipt of a memorandum from Sudbury's Finance Director Andrea Terkelsen dated April 25, 2014.

It was on motion unanimously

VOTED: To appoint Christine Nihan to the position of Town Accountant for the Town of Sudbury effective May 19, 2014, as recommended by Andrea Terkelsen, Finance Director, in a memo dated April 24, 2014.

Acting Town Accountant – Appointment

The Board was previously in receipt of a memorandum from Sudbury's Finance Director Andrea Terkelsen dated April 25, 2014.

It was on motion unanimously

VOTED: To appoint Robin Porcella, Assistant Town Accountant, to serve as Acting Town Accountant, from the period May 1 until May 18, 2014.

Senior Veteran Tax Work-off Guidelines – Discussion/Vote

The Board was previously in receipt of copies of an email from Senior Center Director Debra Galloway to Town Counsel Paul Kenny dated April 16, 2014 and the draft Town of Sudbury Property Tax Work-Off Program Guidelines Seniors and Veterans revised April 11, 2014.

It was on motion unanimously

VOTED: To approve the senior veteran tax work-off guidelines as requested by Senior Center Director Debra Galloway.

MAPC Executive Committee – Nomination of Candidates

The Board was previously in receipt of copies of a memorandum from Patty Golden dated April 25, 2014 and a letter from the Metropolitan Area Planning Council (MAPC) dated March 31, 2014.

The consensus of the Board was to not nominate any candidates and that no action was required at this time.

Minutes

Vice-Chairman Woodard provided a few revisions he recommended to the minutes.

It was on motion unanimously

VOTED: To approve the Regular Session Minutes of April 8, 2014, as revised by Vice-Chairman Woodard.

Boy Scout Troop 61 – Eagle Scouts

It was on motion unanimously

VOTED: To enter into the Town record and congratulate John Patrick Mannherz, 33 Cudworth Lane; Charles Vernon Keighley IV, 10 Boston Post Road; Austin Todd Heisey, 60 Blackmer Road; and Christian Helgeson, 4 King Philip Road; all of Troop 61, to be recognized at a Court of Honor at 3:00 p.m. on May 31, 2014, at Memorial Congregational Church, for achieving the high honor of Eagle Scout.

Boy Scout Troop 63 – Eagle Scouts

It was on motion unanimously

VOTED: To enter into the Town record and congratulate Alexander Benton, 7 Forest Street; Joseph Malcolm Mooney, 27 Powers Road; Frederick John Rust, 177 Haynes Road; and Andrew James Wilkins, 34 Meadow Drive; all of Troop 63, to be recognized at a Court of Honor at 3:00 p.m. on May 26, 2014, at Our Lady of Fatima Parish, for having achieved the high honor of Eagle Scout.

Sudbury Housing Authority – Approve Appointment

It was on motion unanimously

VOTED: To recommend the State re-appointment of Judith Deutsch, 41 Concord Road, to the Sudbury Housing Authority, as requested by Jo-Ann Howe, for Sheila Cusolito, Sudbury Housing Authority Executive Director.

There being no further business, the meeting adjourned at 12:13 a.m.

Attest: 

Maureen G. Valente
Town Manager-Clerk