

IN BOARD OF SUDBURY SELECTMEN  
WEDNESDAY, SEPTEMBER 3, 2014

Present: Chairman Charles C. Woodard, Selectman Robert C. Haarde, Selectman Leonard A. Simon, Vice-Chairman Patricia A. Brown and Town Manager Maureen Valente

Absent: Selectman Lawrence W. O'Brien

The statutory requirements as to notice having been complied with, the meeting was convened at 7:58 p.m. in the Lower Town Hall, 322 Concord Road.

**Opening Remarks**

At 7:58 p.m., Chairman Woodard opened the meeting. He explained that due to technical difficulties, tonight's meeting will not be televised live. He reminded the Board there will be a Special Town Meeting on September 4, 2014 to consider funding for the new Police Station and two rail-trail related petition articles, and there will be a Special Town Election on September 9, 2014. Chairman Woodard also stated there will not be a Board meeting tomorrow night. He encouraged residents to participate in the Sudbury Celebrates 375's grand finale Field Day events on September 6, 2014, beginning at 12 noon, and ending with fireworks at 8:00 p.m. Police Chief Nix stated parking at the High School is limited, and he encouraged residents to access the Town website for alternative parking and transportation options.

**Reports from the Town Manager**

Town Manager Valente stated Department of Public Works (DPW) Director Bill Place asked her to update the Board on the Town Center Intersection Improvement Project, and she distributed copies of a project information sheet regarding bids received. Ms. Valente stated two bids were received, and the award will be made to the lowest Department of Transportation (DOT) qualified bidder, which was E.T. & L. Corporation, for an estimated cost of \$2,138,838.

**New Police Headquarters Project - Update**

Present: Facilities Director Jim Kelly, Police Chief Scott Nix and Permanent Building Committee Co-Chairman Mike Melnick

At 8:02 p.m., Police Chief Scott Nix addressed the Board regarding final funding needed for the new Police Station. The Board was previously in receipt of copies of a letter from Permanent Building Committee (PBC) Co-Chairman Mike Melnick dated August 28, 2014 and an accompanying spreadsheet of project costs, an email from Facilities Director Jim Kelly dated August 28, 2014 and information regarding the General Bid Opening and a Debt Financing Addendum. In addition, copies of the slides from tonight's PowerPoint presentation were distributed as were copies of a revised Sudbury Police Station Project Costs summary sheet dated September 3, 2014, prepared by the PBC.

Chief Nix provided a brief history of the project. On August 20, 2014, four construction bids were received ranging from \$5,993,000 to \$6,985,000 for the base project. With the required landscaping and the recommended covered canopy, the lowest acceptable cost is \$6,141,000. With the inclusion of soft costs, contingency and bonding costs, etc., Chief Nix explained it brings the total project cost to \$8,107,800. The Annual 2013 Town Meeting funded \$627,000 and the Annual 2014 Town Meeting authorized \$7.2 million, leaving a balance of \$280,800 to be requested at the Special Town Meeting. This is the recommended figure to be presented to voters, and it is recommended that the funds be obtained from the tax levy and not be bonded. Chief Nix emphasized the alternative pricing items are very beneficial to the department and project and should not be considered as extras. He stated the outbuilding could be reconsidered at a later time, if necessary.

Facilities Director Jim Kelly summarized the estimated tax implications, noting that if the additional \$280,800 were bonded, the impact on the average household would be \$3 per year. Mr. Kelly emphasized the tax impact on voters has been a serious consideration throughout the planning process. The entire project's tax impact for the first year on the average household is \$96, which will decrease in future years.

Permanent Building Committee (PBC) Co-Chairman Mike Melnick explained the PBC tries to strategize the project-bidding process by including a series of alternative bids. Mr. Melnick stated this bid resulted in costs only 4% higher than estimates given in February 2014. Chairman Woodard stated the resulting bids are much better than what was even anticipated in May 2014.

Mr. Kelly stated it is still undetermined what will become of the current Police Station on Route 20, and he summarized several possible outcomes. He further stated this topic may be discussed at the fall 2014 Town Forum. Mr. Kelly reviewed the next steps for the project, including obtaining Town Meeting approval on September 4, 2014, obtaining approval at the Special Town Election on September 9, 2014, awarding the contract to Hutter Construction, filing for a building permit, beginning site work this fall, and completing the project in November 2015. He stated the construction company is State-certified and has previously worked on other police station projects. Mr. Kelly stated timing of these next steps is important to get some work done before winter conditions arrive.

Chairman Woodard stated the Board will finalize tonight the wording for an article motion to be presented at the Special Town Meeting.

Vice-Chairman Brown asked what the estimate is for maintenance costs per year for the new building. Mr. Kelly stated there are utility rebates which are expected to possibly offset some maintenance costs. He noted there would be ongoing routine maintenance costs for the new building, but it would not be similar to the current situation, where maintenance costs are being incurred for failing systems. Vice-Chairman Brown suggested having available the cost comparison information for maintenance might be helpful for voters to assess the entire project costs.

Selectman Simon thanked Chief Nix and the PBC for their work on the project and keeping the Board apprised with status reports. He stated he looks forward to a positive vote tomorrow.

Selectman Haarde asked if any other increases in costs are anticipated in the near future for the project. Chief Nix stated none are anticipated at this time. Mr. Melnick stated there is a 5% contingency built into the project cost. He noted the only risk he can foresee is with site conditions, and this was taken into consideration as much as possible during planning. Once the site preparation work is completed, it will be better known how that 5% contingency fares, but it is hoped it will be sufficient.

Police Chief Nix encouraged the Board to direct anyone with questions regarding the project to him and/or the PBC ahead of the Special Town Meeting, emphasizing they are available to address concerns.

Town Manager Valente distributed copies of three related draft articles referred to as Option "A", Option "B" and Option "C," for tomorrow, each reflecting a different funding option. Ms. Valente and Chairman Woodard explained Option "A" as requesting a traditional Proposition 2 ½ approval for the bond to be issued. Town Manager Valente referenced Finance Director Andrea Terkelsen's Debt Financing Addendum, noting a 20-year bond for \$280,800 would require \$21,060 of debt service in its first year, which could be handled within the tax levy without raising additional taxes. Option "B" was described as allowing the Board to exempt the debt if the Special Town Election result is positive, but it would not require the Board to do so. Option "C" was described as allowing the project to go forward with the estimated \$21,000 of debt

service not increasing the tax levy and being handled within the levy limit, whether or not there is a positive result at the Special Town Election.

Chairman Woodard stated he is inclined to prefer Option "C" which allows the debt service to be handled within the tax levy and does not ask for a Proposition 2 ½ exemption.

Vice-Chairman Brown summarized her understanding of the three motion options, noting Option "C" presents clearly that the already authorized \$7.2 million is a debt exclusion and the additional \$280,800 would be handled within the tax levy limit.

Chairman Woodard provided a brief explanation of the subtle Proposition 2 1/2 financial intricacies.

Selectman Haarde asked if Option "C" is funded from Free Cash. Town Manager Valente responded no, but there is likely room in the levy due to the excess tax levy which results each year when actual State Aid and local receipt revenue, etc. are trued-up in the fall to the estimates used in the prior spring to approve the budget. Selectman Haarde asked what is done with the excess tax levy, and whether it can be handled within the tax levy even though it was not approved at the 2014 Town Meeting. Town Manager Valente explained the excess accumulates in levy limit capacity rather than dollars. Town Manager Valente further explained it can be done because the first interest payment would not become due until the FY16 budget, and thus it would not impact the approved FY15 budget. She also noted all three draft motions involve borrowing for the additional \$280,800.

Selectman Simon asked if the anticipated debt service of \$21,000 can be absorbed without jeopardizing other priorities. Town Manager Valente stated this has been considered, and it has been determined that it is worth doing in order to take advantage of the current bid opportunity and to bring the project to fruition. She also stated the motion would require a two-thirds vote tomorrow, and if successful, the PBC could immediately proceed to sign construction documents. However, it was also noted that, if Option "A" is selected, it would require a delay until after the Special Town Election.

In response to a question from Vice-Chairman Brown, Town Manager Valente stated that, if Option "C" is chosen, it would be the first time in her tenure that any debt would be handled within the tax levy.

Vice-Chairman Brown recommended, and the Board concurred, that a handout be prepared for the Special Town Meeting explaining the different options considered and the motion presented. Chairman Woodard stated this is a good idea to help the public vote to pass this project at this critical time.

Town Manager Valente stated four Finance Committee members are in attendance tonight to hear the Board's discussion in advance of the Finance Committee's meeting tomorrow at 6:00 p.m. She stated it will be important for the project article to also have support from the Finance Committee.

Chairman Woodard asked for an informal reaction to the draft motions from the Board, and all members were inclined to prefer Option "C".

Mr. Kelly noted the decision could be made to sign a construction contract for the project by using the 5% contingency funds, but he and the PBC believe this would be a bad business decision. The Board concurred.

It was on motion unanimously

VOTED: To direct Town staff to finalize a motion for Article 1 in accordance with the intent of Option "C" reviewed tonight as follows below, noting the language may be revised to meet the required legal criteria, to

be presented at the Special Town Meeting on September 4, 2014: “Move to appropriate the sum of \$280,800, to be expended under the direction of the Permanent Building Committee for the purpose of augmenting the appropriation for construction of a new Police Department Headquarters and appurtenant structures on Town-owned land adjacent to the existing Fire Headquarters, as voted under Article 14 of the 2014 Annual Town Meeting and approved previously in the debt exclusion question voted at the 2014 Annual Town Election, and to raise this appropriation the Treasurer with the approval of the Selectmen is authorized to borrow \$280,800 under G.L. c.44 § 7; notwithstanding a ballot vote for the augmenting amount raised under this article the sum shall be appropriated and borrowed within the levy limit and added to the sum previously appropriated and approved as exempt from the levy limit.”

It was also on motion unanimously

VOTED: To instruct Town staff to prepare an explanatory handout regarding Article 1 to be distributed at the Special Town Meeting on September 4, 2014.

**Special Town Meeting Articles – Discussion and Take Positions**

Present: Sudbury resident Andrew Sullivan

At 9:01p.m., Chairman Woodard welcomed Sudbury resident Andrew Sullivan, 28 French Road, to the meeting to discuss the two petition articles related to the Mass. Central Rail Trail (MCRT) he submitted for the Special Town Meeting on September 4, 2014.

Selectman Simon stated the east-west rail trail was discussed by the Board over a year ago, and was listed as one of its goals. Given the interest the public has shown in the Bruce Freeman Rail Trail (BFRT) he believes the public will also be interested in an east-west trail. Selectman Simon stated he has concerns that the two petition articles are being presented to voters prior to any public discussions being held regarding what options are available from the State’s Department of Conservation and Recreation (DCR). He believes DCR has plans to build the east-west trail and to pay for it. Selectman Simon is also concerned that the cost of the project is unknown at this time as well as how long the project will take, and voters will not have this information available to evaluate. He also referenced terms used in the articles, noting there are not corresponding descriptions explaining, for example, what a recreational trail is. Selectman Simon believes there is not enough information available about the two petitions to be able to support them. He believes it is unfair to ask the taxpayers to support these articles, and he asked Mr. Sullivan to consider withdrawing them from tomorrow’s meeting to be submitted at a future Town Meeting.

Mr. Sullivan stated he believes Selectman Simon is not an advocate of all rail trails, but rather he supports only rail trails built according to Mass. Department of Transportation (DOT) standards.

Chairman Woodard asked that the discussion remain productive without personal characterizations.

Mr. Sullivan stated he believes the two petition articles clearly give the public the choice of whether they want a greenway-type rail trail for the MCRT in Sudbury. He believes this would be a recreational trail as opposed to a Mass. DOT-type trail which he views as a transportation trail. Mr. Sullivan believes the greenway option provides the Town the ability to act in its own best interests and to better control the vision and permitting for the trail. He emphasized the objective is to construct a useable trail as soon and as economically as possible.

Selectman Simon stated the DCR has stated it wants its trails to comply with DOT standards.

Mr. Sullivan stated he believes the Town can work with DCR to create the vision and trail which is best for Sudbury because the reality is the DCR does not have the funding available to build the trail. He also stated it is uncertain as to when, and if, the DCR will ever have the funding to build the trail on its own. Mr. Sullivan stated he would not consider withdrawing his articles tomorrow night. He believes there is support for a greenway-style rail trail in Town. Mr. Sullivan also believes the public can discern the difference between this type of trail and a Mass. DOT style rail trail. He further stated the language of the articles have been reviewed by Town Counsel.

Selectman Haarde thanked Mr. Sullivan for his efforts to bring this option to the public's attention. He believes the two articles are clearly written, with no ambiguity, and he believes there is a lot of support for a greenway in Town. Selectman Haarde also stated that, last year, a Town staff subcommittee consisting of Bill Place, Jody Kablack and Debbie Dineen recommended a greenway-style rail trail as possibly being the best option for Sudbury.

Mr. Sullivan stated work has been done on a cost estimate for the project.

Vice-Chairman Brown noted the two articles are non-binding and do not require any action from the Board. She stated the articles are intended to gauge the public sentiment for this type of project. Vice-Chairman Brown further stated that the language of Article 2 is very similar to the one presented to voters in 2012 regarding the BFRT. She stated that, although the DCR would like to build the entire 26-mile east west rail trail, it does not have the funding to do so. Thus, she believes residents should be given the chance to voice their opinion on this option rather than to wait until a time when DCR might be able to assist.

Chairman Woodard asked Mr. Sullivan if he has the expectation that the result of this Special Town Meeting vote would elevate this issue as a Board of Selectman goal. Mr. Sullivan stated he believes a positive vote would empower the Board, but not require any particular action. Ultimately, the taxpayers will have to approve the project costs and how the project should be funded.

Selectman Simon stated the Board of Selectmen already voted to pursue a Mass. DOT rail trail. He does not know what voters are being asked to vote on because he believes a definition of a greenway has not been provided in the Warrant language.

It was on motion

VOTED: To support the Article 2 Resolution (Non-binding): Rail Trail from Wayland Town Line to Hudson Town Line for the September 4, 2014 Special Town Meeting.

Selectman Simon voted in opposition to the motion.

Regarding Article 3, Vice-Chairman Brown stated she favors a phased approach.

Selectman Haarde stated the article language is clear, and he supports moving forward with the project to get a rail trail as soon as possible for people to use.

Selectman Simon believes Article 3 is deficient by not including cost information, and he questioned the meaning of terms mentioned in the article.

Mr. Sullivan explained what he believes are the differences between a recreation and a transportation trail.

Chairman Woodard asked if there would be a stamped engineering report regarding construction issues from an engineer who has actually walked the 1.6 miles of the trail in Sudbury. Mr. Sullivan stated this report would be provided at some point in the process.

Selectman Simon stated he expects that there would be a Town committee created to work on the project. Mr. Sullivan stated other towns have coordinated their efforts without a committee. Selectman Haarde noted Selectman Simon did not favor a committee be created regarding the BFRT, but now is recommending one for the MCRT.

It was also on motion

VOTED: To support the Article 3 Resolution (Non-binding): MA Central Rail Trail (MCRT) from Dutton Road to Union Avenue.

Selectman Simon voted in opposition to the motion.

There being no further business, the meeting adjourned at 9:55 p.m.

Attest: \_\_\_\_\_  
Maureen G. Valente  
Town Manager-Clerk