

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, SEPTEMBER 23, 2014

Present: Chairman Charles C. Woodard, Selectman Lawrence W. O'Brien, Selectman Robert C. Haarde, Selectman Leonard A. Simon, and Town Manager Maureen Valente

Absent: Vice-Chairman Patricia A. Brown

The statutory requirements as to notice having been complied with, the meeting was convened at 7:35 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:35 p.m., Chairman Woodard opened the meeting. He announced the Police Department will conduct a Drug Take Back event on September 27, 2014 from 10:00 a.m. to 2:00 p.m. at the Department of Public Works Building. He also announced the Sudbury Cultural Council is inviting non-profit organizations to apply for assistance during its 2014-2015 grant cycle, and more information is available on the Town website. Chairman Woodard also announced the Community Preservation Committee is accepting proposals for FY15 Community Preservation Act funding. He previewed topics which will be discussed at future Board meetings, including the Bruce Freeman and Mass Central Rail Trails (October 14), and some of the Board's goals and next steps and the Melone property (October 28). It is possible an update regarding the sale of the Raytheon property may also be discussed on October 28, 2014.

Chairman Woodard stated the Board has been negotiating with Mr. Robert Moss regarding purchase of Johnson Farm, and it is optimistic a mutually acceptable agreement can be made. He further stated the Town values the property for its connectivity to adjacent open space and for its natural resources. Chairman Woodard noted the property was listed on the Town's 2009 Open Space and Recreation Plan. He stated the details of an agreement would be complex, and Community Preservation Act funds are limited at this time. Chairman Woodard stated the Board is working to craft a financing solution which might involve several components. He further stated the Board anticipates bringing the project to the voters later this year or early next year for both a Town Meeting and a Ballot vote. The full details of the agreement will be made public once an offer is submitted and accepted in writing by the parties.

In response to an observation by Selectman Simon, Chairman Woodard announced there are problems with the Verizon and Comcast feeds to the community. However, he also stated the meeting is taped and will be available on replay.

Chairman Woodard stated an Open Meeting violation complaint was filed regarding comments he made at the last Board Meeting, and the complaint has been forwarded to Town Counsel. He further stated Open Meeting Violation complaints were filed with the State regarding Selectman Simon.

Reports from the Town Manager

Town Manager Valente provided a brief update on the progress of the new Police Station. She stated the construction contracts have been signed. NStar will soon be relocating a utility pole. Ms. Valente stated a groundbreaking ceremony will be planned for a later date. She noted the new Police Station address will be 75 Hudson Road, and the Building Permit paperwork will be filed by the end of this month. Ms. Valente also provided the Board with a brief update regarding Free Cash approvals and closeouts. She stated she attended a Sudbury Historical Society meeting recently where the Society's interest in turning the Parsonage into a museum was discussed. The Society has raised some funds to hire a designer and they are interested in meeting with the Board at a later date to discuss the proposed project. Town Manager Valente also highlighted a new management software being tested by her office which was used for tonight's agenda

materials. She asked for feedback and/or suggestions for improvements to be submitted to her Senior Administrative Assistant Patty Golden.

Reports from the Board of Selectmen

Selectman Haarde stated he attended a Lincoln-Sudbury Regional High School Committee meeting, and he is working to schedule the first Vocational Education Options Committee meeting in the coming weeks.

Selectman O'Brien attended a Sudbury Housing Trust (SHT) meeting this morning. He stated the SHT candidate to be considered for appointment by the Board tonight will not be able to attend tonight's meeting. However, Selectman O'Brien stated she is a well-qualified candidate and he will recommend her appointment later this evening. Chairman Woodard noted the SHT has a sense of urgency for the appointment.

Selectman Simon met with the Chairman of the Park and Recreation Commission last week regarding the anticipated capital projects under consideration for funding. He also attended a Sudbury Public School (SPS) Committee meeting which focused on the successful Build Our Kids program at the Noyes and Haynes schools. Selectman Simon stated Facilities Director Jim Kelly also reported on some of the SPS capital projects recently completed and currently underway.

Citizen's Comments

At 7:51 p.m., Chairman Woodard opened the Citizen's Comment section of the Meeting, stating anyone is allowed to address the Board in a civil and respectful manner. He recognized Sudbury citizen Bryan Semple, 15 Revere Street.

Mr. Semple noted that, at the Board's last meeting, Chairman Woodard had stated Sudbury resident Robert Stein would not be recognized to speak. He believes the comments made by Chairman Woodard, barring Mr. Stein from speaking, could be illegal and possibly result in the Town being sued as was done in South Hadley, MA. Mr. Semple stated he could not find a citizen ban policy on the Town website, and he asked for specifics regarding the parameters of the policy, if one exists. He believes it is absurd for Mr. Stein to be denied the opportunity to speak at a public meeting, and he suggested the Board owes Mr. Stein an apology. He asked Chairman Woodard if he believes he has the right to ban someone from speaking, and Chairman Woodard stated he could not respond to the question. Mr. Semple also asked if Mr. Stein could speak tonight, and Chairman Woodard responded affirmatively.

Sudbury resident Bob Stein, 7 Thompson Drive, stated he believes Chairman Woodard and Selectman Simon humiliated him for eight minutes at the Board's last meeting. He asked why Chairman Woodard has changed his mind and now is allowing him to speak. Mr. Stein also asked if Town Counsel had ordered Chairman Woodard to initially ban him from speaking and has now ordered him to apologize to Mr. Stein. Chairman Woodard stated he is unable to answer these questions. Mr. Stein asked if he would be allowed to speak at future meetings, and Chairman Woodard responded affirmatively. Mr. Stein further asked if Town Counsel could attend a future Board Meeting to explain his position. Chairman Woodard stated he would consider the suggestion.

At 7:58 p.m., Sudbury resident Rick Johnson, 38 Bent Road, stated Bob Stein has attended Board meetings in recent months to express his concerns regarding several Town matters. Mr. Johnson believes there are many issues such as why the Town Manager's compensation has increased so much in the past ten years and why so much Free Cash is generated each year which need to be discussed, but yet the Town budget is never adjusted. He believes there is a tendency for overzealous budget planning which results in

citizens being overtaxed. Mr. Johnson stated Sudbury's property values are increasing at a slower rate than other communities, and currently the Town only has one Level One performing school. He believes the Town officials should care more about these issues and other concerns and not care so much about spending money. Mr. Johnson believes the Board has a responsibility to make the Town as good as possible for all its citizens.

Sudbury resident Sidney Bourne, 20 Northwood Drive, stated he requested a hearing with the Zoning Board of Appeals and copied the Board on the request, but never heard back. He has now learned the issue is on an upcoming agenda. Mr. Bourne stated he had set a meeting with the Assistant Town Planner, who told him yesterday that the meeting needed to be cancelled upon advice from Town Counsel. He was also told he needed to clear speaking with any Town official first with Town Counsel. Mr. Bourne stated he has sent Town Counsel a note asking for clarification regarding this policy. He further stated he believes the Town currently has a freedom of speech issue which should be addressed.

Selectman Haarde asked if anyone knows why Town staff would be barred from talking to a Sudbury citizen. Chairman Woodard stated he did not know the circumstances, and the Citizen's Comment period was concluded.

Sudbury Housing Trust – Appoint New Trustee

At 8:04 p.m., Chairman Woodard opened the discussion regarding appointment of a new trustee to the Sudbury Housing Trust (SHT). The Board was previously in receipt of copies of a memorandum from Director of Planning and Community Development Jody Kablack dated September 2, 2014, the Town of Sudbury Application for Appointment submitted by Kelley Cronin, 244 Lincoln Road, the SHT Meeting Minutes of August 12, 2014, and the SHT Certificate of Appointment of Trustee and Acceptance.

Selectman O'Brien stated Ms. Cronin is ill and unable to attend tonight's meeting. He stated the SHT has nine seats, it has lost two members, and it is in need of five members for a quorum. Selectman O'Brien reported the SHT interviewed Ms. Cronin and thought her housing knowledge was broad and suitable to the SHT. He recommended her appointment.

Chairman Woodard stated Ms. Cronin's qualifications are excellent and the SHT unanimously recommended her. Selectmen Haarde and Simon concurred she is an excellent candidate.

It was on motion unanimously

VOTED: To appoint Kelly Cronin, 244 Lincoln Road, as a member of the Sudbury Housing Trust for a term to expire April 30, 2016, filling a vacancy occasioned by the resignation of Daniel Hewitt, and to send a letter of appreciation to Mr. Hewitt.

Town Counsel Search Committee – Need for Third Candidate Discussion

At 8:07 p.m., Chairman Woodard opened a discussion as to whether the Board would like to add a third candidate to be interviewed on October 7, 2014 for Town Counsel services. The Board was previously in receipt of copies of a memorandum from Assistant Town Manager Maryanne Bilodeau dated September 19, 2014, the Town Counsel Search Committee Final Recommendations memorandum dated February 3, 2014, the 2013 Town Counsel Search Timeline dated October 17, 2013, the Request for Proposal (RFP) for Town Counsel Services posted October 25, 2013, the Town Counsel Search Committee's Rating Sheets and Interview Questions, and the Town Counsel Search Committee Draft Minutes dated February 3, 2014 regarding references.

Selectman O'Brien stated the Board's plan is to interview the two finalists recommended by the Search Committee.

In response to a question from Selectman O'Brien, Selectman Simon clarified the criteria for the rating system used by the Search Committee. Selectman Simon stated the two finalists to be interviewed by the Board on October 7, 2014 far surpassed other candidates regarding their qualifications and fit with Sudbury. He further stated one firm is small and from Framingham, and the other is a large Boston firm, and both options provide the Town with advantages and disadvantages.

Selectman O'Brien stated he is satisfied to begin the interview process with the two finalists recommended by the Search Committee. Chairman Woodard concurred, noting he would have been possibly interested in adding another candidate had there been a close applicant ranked in fourth position by the Search Committee.

In response to a question from Selectman Haarde, Town Manager Valente explained one previous candidate has expressed no longer being interested in the position.

Selectman Haarde stated he is satisfied starting with two interviewees, and others, if needed, can always be added at a later time.

In response to a question from Selectman O'Brien, Chairman Woodard stated to add new names to the list for consideration would require a new Request for Proposal (RFP), which would be difficult to do prior to the deadline of December 31, 2014. He further noted the nature of the relationship of the successful candidate with the Town regarding day-to-day operations will be the key factor because all the candidates have excellent qualifications.

Selectman Simon referenced the interview questions developed by the Search Committee. He encouraged the Board to review these questions and add to them, if desired, in advance of October 7th.

Chairman Woodard asked how much time should be given to each candidate interview. Selectman Simon stated an hour should be more than sufficient for a brief presentation from the candidates and questions. He also stated the Search Committee conducted the interviews with only one candidate in the room at a time.

Sudbury resident Rick Johnson, 38 Bent Road, asked if an RFP was issued for this position, which he views as a new job listing.

Selectman Simon stated an RFP was posted about ten months ago.

Mr. Johnson expressed his concern that the Board is just going to interview candidates previously deemed by the Search Committee as not being the best applicants. He believes it is inappropriate for the Board to proceed in this manner.

Chairman Woodard stated he would check with Town Counsel whether an RFP is needed. He also stated all previous candidates had been contacted to ask if their offers still stood, and all responded affirmatively except one candidate.

Town Manager Valente stated an RFP is not required by law.

Mr. Johnson stated he believes Town Counsel is a very important position, and he believes it should have an RFP issued.

Chairman Woodard stated the Board decided at its last meeting that this is how it would proceed to meet the December 31, 2014 deadline.

Mr. Johnson stated the timeline is one self-imposed by the Board.

Selectman Haarde stated he has received messages from residents noting the Verizon and Comcast feeds for tonight's meeting were scrambled until after the Citizen's Comment section of the Meeting. Chairman Woodard stated the Meeting, in its entirety, would be available on SudburyTV.org on replay.

Chairman Woodard asked Town Manager Valente to check whether there is no obligation for the Town to reissue a new RFP, and she stated she would do so.

Board of Selectmen's Draft 2015 Meeting Schedule

The Board was previously in receipt of copies of a Town of Sudbury Draft Board of Selectmen 2015 Schedule.

Chairman Woodard stated the proposed February 10, 2015 meeting conflicts with a Lincoln-Sudbury Regional High School Committee Meeting.

The consensus of the Board was that the meeting schedule could be approved as proposed at the next Board meeting to allow for input from Vice-Chairman Brown.

It was on motion unanimously

VOTED: To put the Board of Selectmen's 2015 Meeting Schedule as reviewed tonight on the next agenda for a vote.

Minutes

It was on motion unanimously

VOTED: To approve the Regular Session Meeting Minutes of September 3, 2014 and September 10, 2014.

Vocational Education Options Committee - Appointment

It was on motion unanimously

VOTED: To approve the appointment of Bella Wong, Superintendent/Principal of Lincoln-Sudbury Regional High School to the Vocational Education Options Committee for a term ending May 31, 2015.

Department of Energy Resources – Technical Services Grant

It was on motion unanimously

VOTED: To accept a Technical Services Grant from the Department of Energy Resource in the amount of \$12,500 to fund the services of a consultant (Peregrine Energy Group) in connection with Energy

Management Services Related to Energy Savings Performance Contract (ESCO); and to authorize the Town Manager to execute documents related thereto inclusive of the Grant Contract and MAPC Agreement for Peregrine's services.

Sudbury Celebrates 375/Sudbury Day Committee - Donation

It was on motion unanimously

VOTED: To accept, on behalf of the Town, donations from Sudbury Garden Club, William & Christine Densel, Joan Burns, Robert & Martha Coe, Esme Green and Sudbury Earth Decade Committee totaling \$135 to be used by the Town of Sudbury for the purpose of the Sudbury Celebrates 375/Sudbury Day Committee celebration, and may be used for another similar purpose as authorized by the Board of Selectmen in the event that all funds are not expended at the conclusion of the aforementioned celebration.

The Fieldhouse Sudbury – Special Permit Request

It was on motion unanimously

VOTED: To grant a Special Permit to The Fieldhouse Sudbury, to hold the "The Fieldhouse 5K" Walk/Run on Saturday, November 8, 2014, from 8:00 a.m. through approximately 10:30 a.m., subject to Police Department safety requirements, proof of insurance coverage and the assurance that any litter will be removed at the race's conclusion.

Town Center Landscape Plan – Award Contract

It was on motion unanimously

VOTED: To approve the award of contract to Sudbury Design Group by the Town Manager for the Town Center Landscape Plan.

Executive Session

At 8:28 p.m., Chairman Woodard announced the close of the regular meeting and it was on roll call unanimously

VOTED: To go into Executive Session to discuss strategy with respect to land negotiations if an open meeting may have a detrimental effect on the bargaining position of the public body and the Chair so declares, and to consider approval of Executive Session Meeting Minutes, Chairman Charles C. Woodard, aye, Selectman Robert C. Haarde, aye, Selectman Lawrence W. O'Brien, aye, and Selectman Leonard A. Simon, aye.

Chairman Woodard announced regular session would not reconvene following Executive Session.

There being no further business, the meeting adjourned at 8:28 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk