

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, OCTOBER 28, 2014

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

Town Counsel Interview - Miyares & Harrington LLP

Present: Miyares & Harrington LLP attorneys Raymond Miyares and Donna Brewer

At 7:30 p.m., Chairman Woodard opened the meeting, noting the meeting time tonight was set to begin at 7:00 p.m., but it was not posted on the Town website correctly. Thus, the meeting was changed to start at 7:30 p.m.

Chairman Woodard stated two candidates for Town Counsel services will be interviewed tonight. Each candidate will present a brief presentation, which will be followed by questions from the Board. He further stated any comments from the public will be accepted by the Board after the conclusion of the interviews later in the evening. The Board was previously in receipt of the response to the RFP for Town Counsel Services provided by Miyares and Harrington LLP and a letter from the firm dated October 23, 2014, materials provided by the Town Counsel Search Committee, including 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.

Board members introduced themselves to Miyares & Harrington LLP attorneys Raymond Miyares and Donna Brewer.

Mr. Miyares stated he is a founding partner of the firm, which was established in 1988. The firm has nine lawyers, Ms. Brewer is the newest partner, and the firm will be relocating soon to Wellesley. Mr. Miyares stated all the candidates for Town Counsel are qualified. However, he believes his firm's experience with private sector work and municipal law is an advantage. Mr. Miyares noted the firm's strength in land use work, and he emphasized the lawyers are encouraged to volunteer in municipal work in their hometowns. He highlighted establishing a comfortable relationship with Town Counsel is important.

Ms. Brewer provided a brief history of her experience, stating she entered municipal law 17 years ago.

Selectman O'Brien asked a few questions regarding the firm's strengths and weaknesses, who the lead attorney would be and whether the firm is comfortable providing verbal opinions.

Mr. Miyares stated he would be the lead attorney and Ms. Brewer would also be assigned to Sudbury's work. He stated the firm does not prefer or choose to act as labor counsel for most of its municipal clients, believing this work is better suited to Special Counsel. Regarding verbal opinions, Mr. Miyares stated advice is often given in telephone conversations and in brief email communications. He further stated he serves as Town Counsel for seven communities.

Vice-Chairman Brown asked questions related to average response time during and off normal work hours, the balancing of workload, and whether the firm has had any legal dealings with Sudbury. Mr. Miyares stated he and his staff are always available by cell phone and pride themselves on their responsiveness. Ms. Brewer concurred. Mr. Miyares further stated balancing the work of multiple

municipalities has never been a problem, and the firm has never been involved in a Sudbury-related case. He also noted the firm does not represent any towns which abut Sudbury, which he believes is an advantage.

Selectman Haarde asked questions related to familiarity with Sudbury's issues, measurement of accountability and effectiveness, transition activities and experience with Town Meetings. He also asked who the firm would perceive it worked for, and with whom the attorneys would communicate.

Mr. Miyares stated he is aware the Town is working to purchase Johnson Farm and is working on rail trail and Police Station projects, along with the primary task of selecting a Town Counsel. He stated effectiveness would be measured by looking at the outcomes achieved with the resources which were available, and whether Town Counsel had helped the Town achieve its goals. Mr. Miyares stated that, during the transition, he would want to learn as much as possible from the current Town Counsel, Town Manager and Town Management Team regarding immediate needs for the Town so as to be able to take charge as soon as possible. He explained every town handles Town Meetings differently and that sometimes they draft the entire Warrant, and other times they just review it. Ms. Brewer stated they would work closely with the Town Moderator. Mr. Miyares also stated the firm views its role as representing the Town through the Board of Selectmen and provides advice to the Board and Town Manager, noting the firm does not set policy.

Selectman Simon asked questions related to previous municipal work with great and disappointing outcomes. He also asked how the firm handles contributing to municipal law professional development and how it handles engaging outside counsel if a decision is challenged. Mr. Miyares and Ms. Brewer provided examples of their professional development activities, noting they also keep clients apprised of changing laws with individualized communications. Ms. Brewer stated challenges to decisions occur, and she tries to counter this by providing explanations and documentation for how she reached her conclusions.

Chairman Woodard asked questions related to how conflicts of interest are handled. Ms. Brewer stated it does not occur often, but she would likely recommend hiring Special Counsel. She noted it is important for towns to have their own counsel when engaging in inter-municipal agreements.

At 8:14 p.m., Chairman Woodard thanked Mr. Miyares and Ms. Brewer for their interest and the candidates exited the Hall.

Buddy Dog – Informal Relocation Discussion

Present: Buddy Dog Board of Trustee Member Steve Burt and Buddy Dog Attorney Michael Fee

At 8:18 p.m., Chairman Woodard opened an informal discussion regarding the proposed relocation of Buddy Dog to Wayside Inn Road. He emphasized there is no application before the Board and that this is not a Public Hearing. However, the neighbors asked for a meeting time with the Board, and Buddy Dog was also asked to attend.

With the help of some visual aid exhibits, Buddy Dog Board of Trustee Member Steve Burt stated Buddy Dog has been in Sudbury for 50 years, and at its current Boston Post Road location for 35 years. However, there is no room in the current location for expansion and the facility needs a new home to continue its work. Mr. Burt stated the Wayside Inn Road property was purchased last year, and he noted the Martha Mary Chapel is approximately 1,020 feet away, and the two closest residential neighbors are approximately 300 feet away. He stated plans are not final yet, but efforts will be made to design architecture which compliments the character of the area. Mr. Burt stated the facility now has 32 kennels and would look to increase the number of kennels to 49, with 35 parking spaces. He also emphasized LEED certification will be pursued, and an acoustical engineer has been hired. Mr. Burt further stated the dogs would only be

outside for limited time on an outside run in the summer. The site is approximately 9.5 acres, and it is hoped trails can be built in the future for walking the dogs. He emphasized Buddy Dog wants to be a good neighbor.

Former Sudbury resident Tim Lyons stated he grew up at 157 Wayside Inn Road. He read aloud a prepared statement, on behalf of several residents from the neighborhood, which focused on the preservation of this historic area. Mr. Lyons believes a dog shelter would forever change the character of this neighborhood, noting the area is not zoned for an animal shelter. He questioned comments by Buddy Dog regarding whether the Wayside Inn supports its relocation plans. Mr. Lyons stated he could find no record of the Inn's formal support voted by its Board of Trustees, and he asked Buddy Dog to share its Purchase and Sale Agreement. He further asked Buddy Dog to change its course of action and to abandon its pursuit of relocation on Wayside Inn Road. Mr. Lyons also asked the Town to help locate a land swap property to be offered to Buddy Dog and for the Wayside Inn Board to join the efforts of the neighbors to stop this relocation.

Sudbury resident Linda Mills, 188 Wayside Inn Road, stated the relocation of Buddy Dog to Wayside Inn Road is a bad idea. She emphasized the neighborhood supports Buddy Dog and its work, but this location is not appropriate. She stated 93% of residents surveyed support the idea of a land swap. Ms. Mills stated the neighbors want to work together for a land swap solution. She emphasized the historic significance of the area should be preserved.

Vice-Chairman Brown noted the significant resident attendance at tonight's meeting, and she asked how many came for this agenda topic. Approximately 50 residents raised their hands.

Selectman Haarde stated he finds this situation frustrating because the Board had the opportunity for the Town to purchase, with rights of first refusal, approximately eight acres on Route 20 for \$600,000 a few years ago, which could have been leased to Buddy Dog, but it chose not to do so, and he was voted down.

Selectman O'Brien asked if an application will be submitted to the Board. Buddy Dog attorney Michael Fee stated there is no application pending and Buddy Dog is still reviewing plans.

Chairman Woodard stated that, when a plan is submitted, the process will include many boards and committees, and there will be many opportunities for all parties to be heard.

Selectman Simon asked a question regarding anticipated setbacks. Selectman O'Brien suggested waiting until the Board is presented with a plan to discuss specifications.

Sudbury resident Nancy Conklin-Stone, 177 Prides Crossing Road, stated she can now hear music at the Wayside Inn from her home and she is sure she will also be able to hear barking dogs, if this plan proceeds. She asked Selectman Haarde to clarify how he was voted down previously by the Board.

Selectman Haarde stated the Board had three members at the time, and two voted to not purchase the Route 20 property.

Chairman Woodard suggested this discussion is not relevant to tonight's agenda item, and the discussion was concluded.

Dudley Road – No Left Turn Sign – Discussion – Discussion

Present: Director of Planning and Community Development Jody Kablack

At 8:30 p.m., Chairman Woodard opened a discussion regarding Dudley Road and he welcomed Director of Planning and Community Development Jody Kablack to the meeting.

Ms. Kablack provided a brief update regarding the request by Sudbury resident John Demos for a "Residents Only Left Turn Sign" onto Dudley Road. A "No Left Turn" sign was installed in 1994. She stated Mr. Demos filed a petition in 2011 to allow neighborhood residents to make the left-hand turn. At that time, 30 out of 40 households signed a petition supporting the request. Ms. Kablack stated the Traffic Safety Committee, which includes the Public Safety Department Chiefs, discussed this request several times in 2012 and 2013. The Committee was going to recommend a pilot project be conducted, but public feedback started to be received reflecting that no one wanted the road opened to all traffic. The Police Department has previously stated it believes opening the road for area residents only would be unenforceable, and thus the Police Chief does not recommend doing so. The Traffic Safety Committee informed Mr. Demos of this, and he petitioned the Board of Selectmen. Ms. Kablack stated residents were again surveyed this summer and 73% of responders did not want the sign completely removed.

Sudbury resident John Demos, 4 Adams Road, stated he filed the petition to allow residents to turn left onto Dudley Road. Mr. Demos described the inconvenience he faces when trying to return home, and how he is forced to be re-routed out of his way and into heavy traffic on Route 20.

Selectman Haarde opined the discussion seems to be a waste of time because Mr. Demos has not asked for the sign to be removed. He clarified the request is simply to allow residents to turn left and Selectman Haarde believes this would be enforceable.

Sudbury resident Bob Waardenburg, 9 Tippling Rock Road, stated he only wants to be able to make the left turn to get home. He urged the Board to exempt the neighborhood residents.

Sudbury resident Gary Diomede, 66 Dudley Road, stated his top priority is the safety of the area children, noting there are 34 children in the neighborhood. He is opposed to the removal of the sign, and he commended Mr. Demos as a good neighbor.

Sudbury resident Richard Vanderslice, 96 Dudley Road, stated this has been an issue for 30 years. He believes the sign should remain for safety purposes and because the road is narrow and vehicles tend to speed there.

An unidentified Sudbury female resident stated traveling from Route 20 to Dudley Road is a problem. She believes the neighborhood residents are being punished by the current sign and are being forced to travel out of their way and spend more money on gas and wear and tear on their cars.

Ms. Kablack summarized the process which would include a Public Hearing, if any changes were recommended to be made to the sign. She also stated the Traffic Safety Committee would revisit the topic.

Selectman Haarde suggested only the area residents be allowed to make the left turn. Chairman Woodard suggested the Traffic Safety Committee should review this option.

Town Counsel Services – Interview - Blatman, Bobrowski & Mead

Present: Blatman, Bobrowski & Mead Proposed Lead Attorney Jay Talerman and Adam Costa

At 9:07 p.m., Chairman Woodard welcomed Blatman, Bobrowski & Mead P.C. proposed lead attorney Jay Talerman and attorney Adam Costa to the meeting. The Board followed the same format as done with Miyares and Harrington LLP, by introducing themselves, and then asking nearly the same questions after a

brief presentation by Blatman, Bobrowski & Mead. The Board was previously in receipt of the response to the RFP for Town Counsel Services provided by the firm and other materials from the Town Counsel Search Committee.

Blatman, Bobrowski & Mead attorney Jay Talerman provided a summary of his work experience, noting the firm was established in 2004 for municipal land use work, and it became Town Counsel for its first town in 2008. Mr. Talerman emphasized the firm's flat-fee model works well for towns, and it focuses on preventative practices. He stated he is Town Counsel in 15 towns, and all of the 10-12 lawyers involve themselves in volunteer work for different towns. Mr. Talerman stated the firm is growing and providing great services for its clients.

Selectman O'Brien asked a few questions regarding strengths and weaknesses and who would be the lead attorney.

Mr. Talerman stated the firm is not as big as Kopelman and Paige, which can throw a lot of lawyers at a problem, but they may be at the associate level. He believes the partner-level service provided by his firm is a positive. Mr. Talerman stated the firm does not do labor-related work and it does not have a website. Attorney Adam Costa stated the firm is honest about the depth of its expertise to clients. Mr. Talerman stated Lisa Mead would be the lead attorney, he would be second and Mr. Costa would do work as well.

Vice-Chairman Brown asked questions related to average response time during and off normal work hours and whether the firm has had legal dealings with Sudbury. Mr. Talerman stated it is rare that a response is not given within 24 hours and usually it is given quickly. He reiterated the responsiveness of the lawyers is a priority. Mr. Costa concurred.

Mr. Costa briefly summarized the two cases the firm has been involved with in Sudbury regarding an Old County Road property owner case challenge and the Northwoods development. He stated both cases are in the process of winding down, and if needed the firm could extricate itself from them if chosen as Town Counsel.

Selectman Haarde asked questions related to familiarity with Sudbury's issues, measurement of accountability and effectiveness, transition activities and experience with Town Meetings. He also asked who the firm would perceive it worked for, and with whom the attorneys would communicate.

Mr. Talerman stated he is aware of some ongoing development projects, but he is not well versed on them. He stated effectiveness would be measured by results. Mr. Talerman stated towns lose Chapter 40B cases all the time, but sometimes it achieves something along the way. He stated the firm considers its boss to be the Town Manager and the Board of Selectmen, and it works to provide the information needed to help the town meet its goals. He stated different towns have different styles for what it wants from Town Counsel regarding Town Meetings. Mr. Talerman stated the firm will provide services following the direction given by the Town. He believes that, if the firm prevents new litigation from occurring before controversy arises, the firm has done a good job. Mr. Costa provided examples of how office hours have worked well in Ashland to improve communication and reduce the amount of cases litigated.

Mr. Talerman stated his strengths are his municipal experience and his ability to be assertive without setting policy. Mr. Costa stated his strengths are his responsiveness and that he is a straight-talker who is not afraid to tell clients what might be considered an unpopular opinion. Mr. Talerman stated the firm would want to familiarize themselves with the files and pending cases during the transition and meet with the Town Manager and other Town staff members to establish some operational protocols. He also stated the lawyers attend Town Meetings and that the firm takes its direction from the Board of Selectmen and Town Manager.

Selectman Simon asked questions related to previous municipal work with great and disappointing outcomes. He also asked how the firm handles contributing to municipal law professional development, how it handles conflicts of interests, and whether it would represent someone from Sudbury. Mr. Talerman stated the firm issues advisories by email to update clients. Mr. Costa stated the firm also conducts workshops. He also explained why the two ongoing cases related to Sudbury are not concluded yet. Mr. Talerman stated that, if chosen as Town Counsel, the firm would not represent any Town residents.

Chairman Woodard asked questions related to whether the firm would have to make changes to handle the extra workload. Mr. Talerman stated the firm anticipates having proper staffing in place to handle the work and some work might be shifted between lawyers. Chairman Woodard noted the firm represents an abutting town of Maynard, and he asked how this would be handled, if there were a conflict of interests. Mr. Talerman stated it would be recommended that other counsel be hired, although he noted the firm has represented both sides for some inter-municipal agreements. Mr. Talerman urged the Board to call its references to hear how its cost-effective model works.

Chairman Woodard concluded the interview portion of the meeting and the Blatman, Bobrowski & Mead candidates exited the Hall.

Opening Remarks

At 9:49 p.m., Chairman Woodard reminded residents of the upcoming November 4, 2014 Election, noting the deadline to file an absentee ballot is 12 noon on November 3, 2014. He thanked Vice-Chairman Brown for her excellent work coordinating last week's Town Forum and the selection of four interesting topics for discussion.

Reports from the Town Manager

Town Manager Valente announced Police Chief Nix received the annual Dr. Patrick A. Schettini, Jr. award. She also stated the community is invited to attend a groundbreaking ceremony for the Police Station on October 31, 2014 at 10:00 a.m. at the new site on Hudson Road. Selectman O'Brien will emcee the event. Ms. Valente noted that, if a Special Town Election is called later tonight for December 9, 2014, the Board's regularly scheduled meeting for that night will need to be rescheduled. She also reminded the community to participate in the HOPEsudbury telethon on Saturday, November 1, 2014. Town Manager Valente also recognized the hard work done by the telethon volunteers and by the Park and Recreation employees who worked on the recent 5K Fun Run for Sudbury families.

Reports from the Board of Selectmen

Vice-Chairman Brown stated she attended the Massachusetts Municipal Association (MMA) Legislative Breakfast in Bedford on October 17, 2014 and the MMA Fall Conference in Franklin on October 25, 2014. She reported a lot of discussion focused on the State budget, for which information should be released soon. She also stated the Vocational Education Options Committee conducted a site visit to Nashoba Regional High School and will soon visit Assabet Valley Regional High School. Vice-Chairman Brown stated she received a lot of feedback regarding the October 23, 2014 Town Forum, and she thanked everyone who helped her coordinate the event, particularly Town Staff, SudburyTV, Sarah Troiano and Deb Galloway, the senior staff and board and committee members who attended and all the citizens who participated.

Selectman Haarde stated he attended a few Lincoln-Sudbury Regional High School Committee meetings in recent weeks.

Selectman O'Brien stated he will attend the Strategic Financial Planning OPEB Committee meeting on Wednesday, October 29, 2014 at 8:00 a.m.

Selectman Simon stated the Friends of the Goodnow Library held its fundraiser and it was well attended. He also stated the Energy and Sustainability Committee heard a presentation recently regarding energy aggregation.

Citizen's Comments

At 7:56 p.m., Chairman Woodard recognized Sudbury citizen Judy Deutsch, 41 Concord Road. Ms. Deutsch asked if it is appropriate for the Sudbury Democratic Committee to ask questions of Town Counsel. Selectman Haarde opined one could if the question related to a Town issue. Chairman Woodard concurred. However, it was noted the Committee should have its own counsel.

Town Counsel Services – Selection and Vote

The Board was previously in receipt of a letter from Petrini & Associates, P.C. dated October 21, 2014 and accompanying materials, two emails from Assistant Town Manager Maryanne Bilodeau dated October 24, 2014 regarding responses from Petrini & Associates, P.C and Kopleman & Paige regarding previous work done related to Sudbury, which noted Kopelman & Paige had represented the Town of Wayland in an action brought by the Town in 2008.

Board members shared their impressions of the candidates interviewed for Town Counsel. Vice-Chairman Brown and Chairman Woodard stated their preferences for a small-firm model. Selectman O'Brien stated all candidates are well qualified, but he was most impressed with Petrini. Selectman Simon stated he also believes Petrini offers well-balanced services.

Selectman Haarde suggested Board members should possibly check references and that Town Counsel Kenny could possibly add 30 days to the transition time, if necessary. Town Manager Valente stated the Town Counsel Search Committee had checked references.

Selectmen O'Brien, and Simon and Chairman Woodard stated they were prepared to vote their preference tonight. Vice-Chairman Brown stated she was concerned about the amount of transition time, if the vote was delayed. Selectman Haarde suggested, and the Board concurred, for each Board member to submit their first and second choice preferences in writing to be tallied by the Chairman.

Chairman Woodard announced three out of five Selectmen voted Petrini & Associates, P.C. as their first choice.

The Board discussed whether a one-year or three-year contract should be negotiated. Selectman Simon stated the Search Committee thought a three-year contract would lock in a better fee structure for the Town for a longer term. He also noted a contract for legal services could always be terminated by a client while only paying for services that had been rendered. Chairman Woodard suggested the Board could possibly conduct a performance evaluation after one year. Selectman Haarde emphasized Town Counsel is hired by the Board.

It was on motion

VOTED: To hire Petrini & Associates, P.C as Town Counsel for Sudbury.

Selectman Haarde opposed the vote.

It was also on motion unanimously

VOTED: To instruct the Town Manager to enter into contract negotiations with Petrini & Associates, P.C. and to produce a draft contract based on the proposal provided for review by the Board.

Minuteman Building Committee- Appointment

At 10:30 p.m., Chairman Woodard stated a volunteer is needed to serve on the Minuteman Regional High School Building Committee. The Board was previously in receipt of copies of a memorandum from Chairman Woodard dated October 24, 2014, including the accompanying Massachusetts School Building Authority (MSBA) Building Committee Criteria for Selection, and an application for appointment submitted by Paul Lynch. Chairman Woodard explained Sudbury's Minuteman School Committee representative David Manjarrez is also a candidate.

Selectman Haarde stated the work of the Building Committee relates to Sudbury's decision about its future relationship with Minuteman, and thus, he does not consider them as separate discussions.

It was on motion

VOTED: To appoint Paul F. Lynch, 20 Dorothy Road, as Sudbury's representative on the Minuteman Regional High School Building Committee.

Only Selectman O'Brien and Chairman Woodard voted in support of the motion.

It was on motion unanimously

VOTED: To appoint David Manjarrez, 47 Firecut Lane, as Sudbury's representative on the Minuteman Regional High School Building Committee.

Mass. Central Rail Trail – Potential Funding Sources Discussion

At 10:40 p.m., Chairman Woodard opened a discussion regarding funding for design specifications for the Mass. Central Rail Trail (MCRT).

Town Manager Valente stated Town staff is investigating several funding sources for \$15,000 to prepare design specifications for the MCRT. She recommended the Board submits a bookmark article for the Special Town Meeting to transfer funds from Free Cash, in case other funding does not become available.

Selectman Simon stated there has not been public discussion on this topic. He further stated the Board at its last meeting had suggested a public forum be scheduled on rail trails. Selectman Simon stated the estimated cost has increased from \$160,000 to \$300,000, and at this rate, he believes the entire trail could cost approximately \$1 million. He believes more information is needed on this issue.

Selectman Haarde stated he believes a public forum on rail trails should be scheduled in January 2015. He also stated it is often the case that some money has to be initially spent in order to find out more about what is feasible.

In response to a question from Selectman O'Brien, Director of Planning and Community Development Jody Kablack stated approximately 60-75 days would be needed to develop a Request for Proposal (RFP), which would produce a cost estimate in time for the 2015 Town Meeting.

Selectman Simon asked for confirmation that the \$15,000 would be for specifications only for the proposed 1.8 mile segment. Ms. Kablack confirmed this to be correct.

It was on motion

VOTED: To authorize the Town Manager to draft a bookmark article for the Special Town Meeting to transfer funds from Free Cash for the purpose of funding \$15,000 to prepare design specifications for the Mass Central Rail Trail (MCRT).

Selectman Simon opposed the vote.

Open Meeting Law – Alleged Violations – Discussion

At 10:47 p.m., Chairman Woodard opened a discussion regarding Open Meeting Law complaints. The Board was previously in receipt of copies of a memorandum from Town Counsel dated October 22, 2014, an Open Meeting Law Complaint Form filed by Stephen Lanzendorf dated August 22, 2014 and accompanying Memorandum to the Board and Town Manager from Selectman Simon dated August 4, 2014, an Open Meeting Law Complaint Form filed by Daniel DePompei dated August 29, 2014 with the same accompanying August 4, 2014 memo from Selectman Simon, five Open Meeting Law Complaint Forms filed by Scott Nassa dated September 1, 2014 and accompanying email dated August 19, 2014 from Selectman Simon to the Board, Selectman Simon's August 4, 2014 memo, an email from Selectman Simon to the Community Preservation Committee dated January 16, 2014, two emails from Selectman Simon to Police Chief Scott Nix dated October 10 and October 12, 2013 respectively and a response from Chief Nix dated October 11, 2013, an email and memorandum from Selectman Simon to the Board and Town Manager dated August 20, 2013, an Open Meeting Law Complaint Form submitted by Richard Johnson dated September 16, 2014 and copies of the Board's September 10, 2014 agenda and the Sudbury Board of Selectmen Citizen's Comment Procedure, two Open Meeting Law Complaint Forms submitted by Scott Nassa dated October 14, 2014, an email from Selectman Simon to Mr. Nassa dated September 3, 2014, an email from Chairman Woodard to Mr. Nassa dated September 15, 2014, five letters to the State's Assistant Attorney General Amy Nable from Town Counsel Paul Kenny (three dated September 17, 2014 and two dated September 18, 2014 respectively), and an Open Meeting Law Complaint Form submitted by Selectman Robert Haarde dated October 15, 2014. In addition, copies of an Open Meeting Law Complaint Form submitted by Richard Johnson dated October 17, 2014 were distributed tonight.

Chairman Woodard stated Open Meeting Law Complaints had been previously filed and he had asked Town Counsel how they should be handled. He was advised to not discuss them in open session and that Town Counsel would address them. Town Counsel has since submitted the Complaints to the State's Attorney General's Office. He suggested the Board ratifies the referral of the Complaints, including the one received today, to Town Counsel.

Vice-Chairman Brown stated there is the question of how the Board acted in the past and how it should act in the future. She further stated that, had she known it was the Board's decision to handle the Complaints initially, she would have suggested talking to the complainants. Vice-Chairman Brown stated she is uncomfortable voting a retroactive action.

Selectman Haarde stated he does not believe the Board needs to vote as suggested, since the Board is already bound to act in accordance with the law. He too is uncomfortable voting something retroactively. Selectman Haarde believes the initial Complaints were not handled in an open manner, Town Counsel Kenny misinformed Chairman Woodard and that Chairman Woodard did not have the authority to act for the Board. He further believes the public has the right to know how the Board reaches its decisions and that decisions should not be influenced behind the scenes. Selectman Haarde stated that even if the Attorney General decides the previous communications were allowable, he does not believe the Board should be independently emailing each other outside of meetings. He believes Chairman Woodard should have brought the Complaints to the attention of the Board and given members a chance to discuss them. Selectman Haarde believes the Board should admit a mistake was made and not try to act as if it never happened.

Chairman Woodard stated his actions should not be mischaracterized. He reiterated that he asked Town Counsel for advice as to how the Complaints should be handled. He further stated Town Counsel has now advised that the Board should formally refer the Complaints to Town Counsel.

Selectman O'Brien stated he views the suggested vote tonight as a housekeeping detail to reflect the Complaints have already been submitted to the Attorney General's office. He suggested sending a cover letter to the Attorney General's Office asking for its opinion and guidance.

Selectman Simon stated he is not an Open Meeting Law expert, and that it is at times difficult to fully comply. He emphasized no one had a bad intent and there should be no finger-pointing. He suggested letting the Attorney General's Office opine on what has occurred.

Vice-Chairman Brown stated she believes it was appropriate for Chairman Woodard to ask Town Counsel for advice. However, she believes the advice given was incomplete.

Selectman Haarde stated he believes Town Counsel gave Chairman Woodard bad advice and that the Board could have handled some of the Complaints itself.

Selectman O'Brien stated the Complaints have already been referred to the Attorney General's Office and he suggested adding the latest one received from Mr. Johnson, since it is related to the others.

It was on motion unanimously

VOTED: To refer the Open Meeting Law Complaint received from Richard Johnson dated October 17, 2014, to Town Counsel to forward to the Attorney General's Office, asking for its review and guidance.

It was on motion

VOTED: To refer to Town Counsel all the prior Open Meeting Law Complaints filed since August 1, 2014, to the Attorney General's Office, asking for its review and guidance.

Selectman Haarde and Vice-Chairman Brown opposed the vote.

Executive Session

At 11:20 p.m., Chairman Woodard announced the suspension of the regular meeting and it was on roll call unanimously

VOTED: To go into Executive Session to consider 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, Chairman Charles C. Woodard, aye, Vice-Chairman Patricia A. Brown, aye, Selectman Robert C. Haarde, aye, Selectman Lawrence W. O'Brien, aye, and Selectman Leonard A. Simon, aye.

Chairman Woodard announced regular session would resume following Executive Session.

Regular Session

At 11:42 p.m., Chairman Woodard resumed the Regular Session meeting. He announced the Board has voted to sign a Purchase and Sale Agreement for the Johnson Farm Property for \$2,900,000. The Board recommends that an article be drafted for a Special Town Meeting vote and that a funding proposal be submitted to the Community Preservation Committee for Community Preservation Act funding. The Board was previously in receipt of copies of two draft Proposition 2 ½ debt exclusion Ballot Questions to be placed on the Warrant for the Special Town Election on December 9, 2014 regarding the Nixon School Roof Repair Project and the purchase of Johnson Farm and the draft arguments for and against the purchase of Johnson Farm.

It was on motion unanimously

VOTED: To sign the Purchase and Sale Agreement to purchase 33 +/- acres of the Johnson Farm property located at 189 Landham Road from Madison Place Sudbury LLC for \$2,900,000, with conditions as detailed in the Purchase and Sale Agreement, and to submit a warrant article for this project for the December 3, 2014 Special Town Meeting for funding through a debt exemption and CPA funding; and to submit a Project Request form to the Community Preservation Committee for up to \$1,000,000 of for Community Preservation Act (CPA) funding for the project.

It was also on motion unanimously

VOTED: To call a Special Town Meeting to be held on Wednesday, December 3, 2014 at 7:30 p.m., in the Lincoln-Sudbury Regional High School Auditorium, and to open the Warrant commencing October 28, 2014 and to close the Warrant for said Special Town Meeting at 5:00 p.m., Friday November 7, 2014; and further

VOTED: To call a Special Town Election to be held on Tuesday, December 9, 2014, and to place the attached two Proposition 2 ½ debt exclusion Ballot Questions on the Warrant for the Special Town Election on December 9, 2014, with notification to the Town Clerk; and further: for both ballot questions, the Board invites from residents the submission of written arguments not to exceed 250 words in opposition be sent to the Board of Selectmen's Office by 5:00 p.m. on Wednesday, November 5, 2014, from which Town Counsel will prepare the final arguments against passage, there being no known organized opposition to either ballot question; and further: to VOTE to approve the draft Warrant article relative to the Johnson Farm purchase question.

Chairman Woodard read aloud a press release regarding the purchase of Johnson Farm, which will be posted on the Town website tomorrow.

Kappy's Distributors – Request to Extend Sunday Sale Hours of Alcoholic Beverages

The Board was previously in receipt of copies of a letter from Kappy's Distributors. dated October 7, 2014, requesting an extension for its Sunday sale hours of alcoholic beverages from 10:00 a.m. to 6:00 p.m.,

the accompanying Alcoholic Beverages Control Commission Application Monetary Transmittal Form for Change of Hours.

It was on motion unanimously

VOTED: To approve the application of Kappy's Distributors to extend its Sunday sale hours of alcoholic beverages from 12 noon to 6:00 p.m. to 10:00 a.m. to 6:00 p.m.

Minutes

Vice-Chairman Brown suggested revisions be made to Page 7 of the Board's October 14, 2014 draft Meeting Minutes in the second paragraph under the heading of the "Mass. Central Rail Trail – Discussion." Selectman Simon's recollection related to the suggested revision differed. Ms. Brown stated she would review the tape of the meeting.

It was on motion unanimously

VOTED: To approve the Executive Session Meeting Minutes of September 19, 2014 and the Executive Session Meeting Minutes of October 14, 2014.

Vice-Chairman Brown noted she was absent for the September 19, 2014 Executive Session Meeting. She also asked if the April 29, 2014 Executive Session Meeting Minutes will be posted on the Town website. Town Manager Valente stated she would check on the status of the posting.

Unenrolled Election Officers - Appointments

It was on motion unanimously

VOTED: To appoint Sudbury registered voters, Michael C. Bennett, 86 Robbins Road, and Sandra Johnson, 103 Puritan Lane, as Unenrolled Election Officers for terms to expire on August 14, 2015, as recommended by the Town Clerk.

Strategic Financial Planning Committee - Appointments

It was on motion unanimously

VOTED: To appoint Joan Carlton (Finance Committee designee), 47 Old Coach Road, Michael Lane (Capital Improvement Advisory Committee designee), 493 Dutton Road, Elena Kleifges (Lincoln-Sudbury Regional High School designee), 14 Spruce Lane, to the Strategic Financial Planning Committee for Capital Funding for a term ending June 30, 2015.

Zoning Board of Appeals Alternate Member and Earth Removal Board Member – Appointments

It was on motion unanimously

VOTED: To appoint William Ray, 29 Cranberry Circle, as an Alternate Member of the Zoning Board of Appeals and member of the Earth Removal Board, for a term ending May 31, 2015, as recommended by Benjamin Stevenson, Board of Appeals Chairman, in a memo dated October 6, 2014.

Zoning Board of Appeals Alternate Member and Earth Removal Board Member – Appointments

It was on motion unanimously

VOTED: To appoint John Riordan, 12 Pendleton Road, as an Alternate Member of the Zoning Board of Appeals and member of the Earth Removal Board, for a term ending May 31, 2015, as recommended by Benjamin Stevenson, Board of Appeals Chairman, in a memo dated October 6, 2014.

FY15 Quarter 1 Town Trust Statements

It was on motion unanimously

VOTED: As Co-trustees of all Town Trust donations, to accept receipt of the FY15 Q1 Town Trust Statements as submitted by the Town Treasurer.

Holders of Restaurant and Club Alcoholic Beverages Licenses - Serving Hour Extension – No. 29 Sudbury and Lavender

It was on motion unanimously

VOTED: To approve a one-hour extension of the licensed closing hour and the serving of alcoholic beverages for licensees who make application, in advance, to the Town Manager's Office; No 29 Sudbury, 29 Hudson Road, and for Lavender, 519A Boston Post Road, (1:00 a.m. to 2:00 a.m.) on Thursday, November 27, 2014, (Thanksgiving Day) on the condition that the kitchen remains open and food is served. Following the close of the full menu, licensees must provide, at a minimum, five (5) assorted items up until thirty (30) minutes before closing.

Goodnow Library Foundation Inc. – Request for One-Day Wine & Malt License

It was on motion unanimously

VOTED: To grant a one-day Wine and Malt license to Goodnow Library Foundation, Inc. to accommodate a Wine & Cheese Reception on Monday, November 17, 2014 from 7:00 p.m. to 9:00 p.m. at Goodnow Library, 21 Concord Road, subject to the use of a TIPS-trained bartender and receipt of a Certificate of Liability.

“Gobble Wobble” 5K & 10K Run – Smile Mass

It was on motion unanimously

VOTED: To grant a Special Permit to Smile Mass, to hold the “Gobble Wobble” 5K & 10K on Saturday, November 22, 2014, from 10:00 a.m. through approximately 11:30 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.

There being no further business, the meeting adjourned at 11:59 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk