

IN BOARD OF SUDBURY SELECTMEN  
TUESDAY, NOVEMBER 18, 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.

**Opening Remarks**

At 7:30 p.m., Chairman Woodard opened the meeting. He announced the Community Preservation Committee (CPC) will conduct Public Hearings on November 19 and December 17, 2014 regarding the project submissions for Community Preservation Act (CPA) funding. He also announced the voter registration deadline for the Special Town Meeting on December 3, 2014 is November 21, 2014, and the registration deadline for the Special Town Election on December 9, 2014 is November 19, 2014. Vice-Chairman Brown and Selectman O'Brien will conduct Board of Selectmen Office Hours on November 19, 2014 at the Fairbank Senior Center from 9:00 a.m. to 10:00 a.m., and Chairman Woodard and Selectman Simon will conduct Board Office Hours on December 9, 2014 at the Goodnow Library small conference room from 7:30 p.m. to 8:30 p.m.

Chairman Woodard explained the process taken by the Town to handle numerous emails received online regarding the potential relocation of Buddy Dog to Wayside Inn Road. He explained emails were initially going to the personal email addresses of the many volunteers who are members of various Town boards and committees. A special email account was established to capture and retain the petition emails. In response to a question from Selectman O'Brien, Chairman Woodard stated the petition emails would be part of the public record for any future relevant Public Hearings which might occur.

**Sudbury Cable Access Corporation – Update on Recent Outages**

Present: Sudbury Access Corporation (SAC) President Jeff Winston and Executive Director Lynn Puorro

At 7:36 p.m., Chairman Woodard welcomed Jeff Winston and Lynn Puorro to the meeting to update the community on the recent outages experienced with coverage of some of the meetings of the Board of Selectmen.

Mr. Winston stated every effort is made to broadcast live as much material as possible, and because of this, expectations for performance have increased in recent years. He explained sometimes problems arise because equipment is old (some systems are 13 years old) and efforts are being made to replace them with higher-grade equipment. Mr. Winston stated that, unfortunately, the live feed was lost for the last Board meeting and the DVD recorder malfunctioned. He emphasized live origination is not within SAC's control because it is nearly completely owned by Comcast, and he asked for the Town's understanding of this.

Chairman Woodard asked if the old, live-origination equipment would be replaced. He also asked if Comcast could be asked to do the upgrades needed. Mr. Winston stated it is not likely Comcast has plans to replace the equipment. He also stated there have not been enough outages yet to warrant asking for significant upgrades.

Vice-Chairman Brown asked if the Board could do anything to facilitate more consistent service. Mr. Winston responded not at this time, noting he will ask for the Board's assistance, if and when it is needed.

Selectman O'Brien asked if the meetings still get recorded when the live feed is lost. He also asked how many outages have occurred. Mr. Winston stated there is a backup DVD system which is then available by

replay online. Chairman Woodard noted there have been three recent outages. However, Ms. Puorro and Mr. Winston stated the outages have been due to three different reasons.

Selectman Haarde stated he believes the problems are easily solvable. He suggested putting two boxes on each end and getting a local UPS (Uninterruptable Power Supply) system. Mr. Winston stated a UPS system was recently installed at the Flynn Building. However, Mr. Winston further stated setting up a double redundancy system is not as easy as it sounds, and it would be costly to purchase double the equipment. He stated he would discuss the option with Comcast. However, Mr. Winston further stated he can only recall two instances where Comcast equipment had to be swapped-out. Selectman Haarde also suggested posting a position for a part-time network engineer volunteer to help solve these types of issues.

### **Citizen's Comments**

At 7:51 p.m., Chairman Woodard recognized Sudbury citizen Bryan Semple, 15 Revere Street.

Mr. Semple referenced a discussion held at the recent Town Forum regarding affordable housing and the cost to subsidize building a housing unit and those that were built at the Coolidge development. He believes the \$250,000 stated did not directly contribute to the 64 rental units built at Coolidge. Mr. Semple opined it is expensive to build affordable housing, and he believes the Town should get serious about having a plan to solve its Chapter 40B challenges.

Mr. Semple also referenced opinions offered by Town Counsel in 2005, 2007 and 2014 regarding whether Buddy Dog is exempt from zoning as an educational institution. He does not understand why opinions would be issued, which he believes to be prejudicial to Sudbury residents, when there has been no application filed.

Chairman Woodard stated he does not know whether the opinions would be considered prejudicial or not. He further stated he would need to know more information regarding what prompted the responses by Town Counsel and that the issue would likely be reviewed, if and when an application is filed.

Selectman O'Brien offered his recollection regarding Buddy Dog appearing before the Selectmen for site plan work at its current location.

Selectman Haarde asked who requested the 2005 and 2007 opinions. Mr. Semple stated it appears to have been the Town Planner on behalf of the Planning Board. Selectman Haarde questioned whether these opinions might have influenced Buddy Dog's decision to purchase the Wayside Inn Road property.

Selectman Simon stated Town Counsel's opinion stated he had previously reviewed the bylaws, as did he. He believes whether Buddy Dog is exempt as an educational entity is a matter of fact which will be determined in a court of law and which could be appealed. He further stated the opinions offered are helpful for the Town to have as it deliberates its position and that Town Counsel provided the advice as requested. Selectman Haarde disagreed that Town Counsel should have opined when the role of this position is to best advise the Town.

Mr. Semple also asked the Board to reconsider whether non-binding resolutions should be debated publicly at Town Meetings. He believes they should, and he cannot find any record of why the tradition exists in Sudbury for there to be no debate on non-binding resolutions and no position taken by the Board. Chairman Woodard stated he would ask the Town Moderator for information on this question.

Chairman Woodard recognized Sudbury citizen Dan DePompei, 35 Haynes Road.

Mr. DePompei asked for clarification regarding the current status of the Melone gravel pit funds. He referenced comments at the recent Town Forum noting the funds were converted to Free Cash, but he thought the funds were to be used to restore the property.

Town Manager Valente explained many things comprise Free Cash. She explained that once the funds were designated as a Revolving Fund, and the gravel operation ceased, the Revolving Fund could no longer continue by law. Ms. Valente and Sudbury Finance Director Andrea Terkelsen explained State law required the Revolving Fund to be closed, and that the only legal option available was to convert the approximate total of \$1.2 million to Free Cash. It was further noted this was discussed with the Finance Committee and would need to be voted at Town Meeting. Town Manager Valente stated she will make a recommendation to the Board to submit an article for the Annual 2015 Town Meeting to establish and move the funds from Free Cash to a special stabilization fund, which would require a two-thirds vote.

**Public Hearing: Tax Classification**

Present: Chairman of the Board of Assessors Trevor A. Haydon, and Board of Assessors members Joshua Fox and Liam Vesely, Sudbury Finance Director/Treasurer Andrea Terkelsen, Sudbury Director of Assessing Cynthia Gerry, Regional Assessor/Consultant Harold Scheid, and Former Sudbury Financial Analyst Peter Anderson

At 8:16 p.m., Chairman Woodard opened the Public Hearing to determine what percentage of the local tax levy will be borne by each class of real and personal property relative to setting the FY 2015 tax rate. The Board was previously in receipt of copies of the informational package entitled, "Town of Sudbury Fiscal 2015 Classification Hearing dated November 18, 2014," prepared by the Board of Assessors and corresponding Tax Classification Hearing Board Meeting Minutes from November 26, 2013.

Chairman of the Board of Assessors Trevor Haydon explained tonight's Hearing would need to be continued to ratify votes taken tonight, due to a delay at the State level. Mr. Haydon explained the purpose of tonight's Hearing is to decide on the distribution of the tax burden among the various classes of property and that the Board of Selectmen would need to decide its position on whether or not to allow a residential property exemption and a small commercial exemption. Mr. Haydon stated Sudbury is not eligible for a third exemption, an open space exemption, because the Town has no property classified as open space. He referred to a chart on Page 1 noting the tax levy of \$73,559,597, and a chart on Page 2 of the report, noting 93.5666% of Sudbury's property is residential, and the remaining 6.4334% is classified as commercial, industrial, personal property (CIP).

Mr. Haydon proceeded to describe the residential exemption option, noting it allows for a deduction from the assessed value for qualifying properties of anywhere from 5-20%, within the class, of the average assessment as voted by the Board. He stated the option is typically implemented in communities with a large number of rental and/or investment properties. Mr. Haydon referenced a chart on Page 7 of the report, listing the 13 communities which have adopted this option. He stated that, historically, the Board has never voted for a residential exemption for Sudbury.

Mr. Haydon next summarized the small commercial exemption option to grant up to 10% of the property valuation to commercial (not industrial) property which qualify as having no more than ten employees during the previous calendar year and are housed in a building with a valuation of less than \$1,000,000. Mr. Haydon noted the tax shift would be within the same class. He referenced a chart on Page 7 of the report, listing the 10 communities which have adopted this option, noting the small businesses in Sudbury would likely not benefit from this option. Mr. Haydon further stated that, in the past, the Board has not adopted this option.

Mr. Haydon referenced the Open Space Discount definition on pages 5-6 of the report. He noted only two towns (Nantucket and Bedford) have adopted this option, and no properties in Sudbury have been so determined.

It was on motion unanimously

VOTED: To not adopt a **Residential Exemption for Fiscal Year 2015.**

It was also on motion unanimously

VOTED: To not adopt the **Small Commercial Exemption for Fiscal Year 2015.**

It was further on motion unanimously

VOTED: To not adopt the **Open Space Discount for Fiscal Year 2015.**

Sudbury's former Financial Analyst Peter Anderson presented a brief PowerPoint tutorial and overview regarding the tax rate-setting process. He provided definitions for the tax levy, the Commercial, Industrial and Personal Property (CIP) classes, the CIP shift and the residential factor. He described aspects of setting the residential factor for the residential class, including the amount to be shifted this year to the Commercial, Industrial and Personal Property (CIP) classes.

Mr. Anderson referred to Page 14 of the report entitled, "FY2015 Factors and Rate Options." He noted a FY15 shift of 1.3830 would equalize the percent of increase from year to year from the FY14 shift of 1.3540. Mr. Anderson also referenced Page 15 noting how the CIP shift would result in a residential factor of .973663. He noted the Board has voted for a split tax rate every year since 1994, as have 110 other towns in the State.

Chairman Woodard noticed these figures result in almost no increase for residential property tax bills from FY14 due to several factors, including an increase in State and local receipts and a decline in the Town's debt service to be paid.

Vice-Chairman Brown asked if it is possible to shift the rate in a way which might encourage a larger commercial tax base. It was noted a shift would not make a significant difference because there is not a large enough commercial tax base to shift to in Sudbury.

Selectman Simon thanked the group for the tutorial and thorough information packet. He believes the historic split tax rate is fair for the Town.

Selectman Haarde questioned whether this is a good time to consider reducing the split to possibly attract more businesses to Town. He does not believe a split tax rate is commercial-friendly.

Chairman Woodard stated he believes a small change in the tax rate will not change in a meaningful way the near-term commercial population in Town. He further stated residential property taxes are already high in Sudbury, and he would rather not increase them unless it is absolutely necessary.

Board of Assessor member Joshua Fox stated the Assessors have not offered any recommendations, but rather it only provides data to help the Board make its decisions.

In response to a comment by Selectman Simon, Regional Assessor/Consultant Harold Scheid explained that for every cent increased in residential property taxes, the commercial property taxes would be decreased by 18 cents.

Selectman O'Brien stated he is inclined to not change his vote for a split tax rate. He noted there has not been a request from the business community or Chamber of Commerce in recent years for commercial tax relief.

Sudbury Director of Assessing Cynthia Gerry, noted commercial property values in Sudbury are flat for this year compared to last year. She further noted residential property values are increasing approximately 3-5% over last year.

Mr. Haydon stated the effort was made after the last recession to make the tax split equitable.

It was on motion unanimously

VOTED: In accordance with General Laws Ch. 40, sec.56, as amended, the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the Fiscal Year 2015 tax rate and set the Residential Factor at 0.973666 with a CIP shift of 1.383, pending certification by the State Department of Revenue.

**Board of Assessors – Addendum Sudbury's Means-Tested Senior Tax Exemption Program**

Present: Chairman of the Board of Assessors Trevor Haydon, and Board of Assessors members Joshua Fox and Liam Vesely, Sudbury Finance Director/Treasurer Andrea Terkelsen, Sudbury Director of Assessing Cynthia Gerry, and Regional Assessor/Consultant Harold Scheid

At 8:59 p.m., Board of Assessors member Joshua Fox provided the Board with a status report on the means-tested Senior Tax Exemption Program. The Board was previously in receipt of copies of the "Addendum Sudbury's Means Tested Senior Tax Exemption," and accompanying graph.

Mr. Fox summarized the qualifications and criteria for the Means Tested Senior Tax Exemption program. For FY15, he stated 132 applications were received, of which 124 were deemed to be conditionally qualified, subject to final rate setting approval by the Department of Revenue (DOR). Mr. Fox explained the exemption shifts the tax burden from qualified residential property owners to other residential property owners (approximately \$60 per year on the average residential tax bill). For FY15 the Board has the option, if needed, to increase this percentage up to and including 1.0%. Mr. Fox stated approximately \$335,000 in exemptions have been conditionally granted, which equates to slightly less than approximately .5% of the tax levy. He stated the range of exemptions granted was from \$25 to \$6,150, with the average and median exemption of \$2,665.

It was on motion unanimously

VOTED: In accordance with Chapter 169 of the Acts of 2012, the total FY15 cap on the exemptions granted by the Means Tested Senior Tax Exemption shall be 0.5 % of the residential property tax levy.

Selectman O'Brien stated that when he and Senior Tax Advisor David Levington visited the State House earlier this year, it was suggested Sudbury should consider submitting an article at the 2015 Town Meeting to make the Means Tested Senior Tax Exemption pilot program permanent for the Town. Selectman Haarde suggested, and the Board concurred, that the Board should discuss this issue at a future Board meeting.

It was also on motion unanimously

VOTED: To continue the Tax Classification Public Hearing to determine what percentage of the local tax levy will be borne by each class of real and personal property relative to setting the FY 2015 tax rate to December 3, 2014 at 7:00 p.m. prior to the Special Town Meeting at Lincoln-Sudbury Regional High School.

Town Manager Valente announced there is a heating problem at Town Hall, which is being worked on this week. Meetings initially scheduled to be conducted at Town Hall for the remainder of the week have been reassigned to other locations.

**Special Town Meeting and Special Town Warrant – Vote Positions and Discuss Speaking Assignments**

At 9:09 p.m., Chairman Woodard stated the Board needs to vote and assign speaking assignments on the Special Town Meeting articles. The Board was previously in receipt of copies of the revised “Town of Sudbury Official Warrants Special Town Meeting, Wednesday, December 3, 2014, and Special Town Election, Tuesday, December 9, 2014.” In addition, copies of a letter from Sudbury’s Planning Board dated November 17, 2014, supporting the purchase of Johnson Farm were distributed to the Board tonight.

Chairman Woodard stated that, until further information regarding non-binding resolutions is obtained, the Board would not take a position on Article 4 tonight. He announced Article 3 will be Indefinitely Postponed at the Special Town Meeting. Chairman Woodard explained the Finance Committee voted last night for the \$15,000 needed to fund the article to come from the Reserve Fund, and thus the request at Town Meeting is unnecessary.

Regarding Article 1, it is assumed the speaker will be Facilities Director Jim Kelly and possibly Sudbury Public School Committee representatives. Chairman Woodard stated the Board should consider if it supports the article, and if it supports the project being funded by a debt exclusion. He stated he supports both questions, noting some people have suggested using Free Cash for the project. Chairman Woodard stated the Finance Committee is currently working on developing a Free Cash policy, but in the absence of this recommendation, he believes the Nixon School Roof Repair Project lends itself well to a debt exclusion.

Selectman Haarde stated he believes the language for Article 1 is broad enough to encompass many scenarios and he does not think it is written as a debt exclusion article. It was noted the motion prepared for Town Meeting will vary from what was printed in the Warrant.

Sudbury resident Bryan Semple, 15 Revere Street, asked what other projects Free Cash would be spent on. Chairman Woodard stated there is a long list of FY16 and FY17 capital improvement needs. Mr. Semple asked what type of item would be on a capital improvement list which would not lend itself to a debt exclusion. Town Manager Valente provided an example of carpeting/flooring for a school which cannot be bonded. Chairman Woodard and Ms. Valente stated there are very specific State regulations for what can and cannot be bonded. Mr. Semple urged the Board to be sensitive to public opinion regarding the use of Free Cash and to provide the public with as much information as possible.

It was on motion unanimously

VOTED: To support Article 1, for the Town of Sudbury Special Town Meeting, Wednesday, December 3, 2014, and that when asked, Chairman Woodard would report the Board’s position.

A brief discussion ensued regarding whether to support Article 1 being funded with a debt exclusion. Vice-Chairman Brown stated it would be helpful to first review the actual language which will be presented in the motion at the Special Town Meeting. Town Manager Valente and Chairman Woodard stated the Finance Committee discussed this last night, and five of seven members present supported funding with a debt exclusion. It was noted a motion at the Special Town Meeting could always be amended. Selectman O'Brien questioned if amending the funding mechanism might raise problems with approval and scrutiny of the project by the Massachusetts School Building Authority, which will be reimbursing the Town for a portion of the project costs. Town Manager Valente stated she will further research this question.

Chairman Woodard suggested, and the Board concurred that it would consider the question of the funding mechanism for Article 1 again on December 3, 2014, prior to the Special Town Meeting at Lincoln-Sudbury Regional High School. The Board requested receipt of the language for the Article 1 motion as soon as it is available for review. Selectman O'Brien also suggested asking the Town Moderator if the Board could receive any motion to amend the motion for Article 1 upon receipt, so as to have time for review and deliberation.

It was also on motion unanimously

VOTED: To support Article 2 for the Town of Sudbury Special Town Meeting, Wednesday, December 3, 2014, and that when asked, Chairman Woodard would report the Board's position and speak on the article.

Town Manager Valente stated the Finance Committee, Planning Board and The Sudbury Valley Trustees have each voted to support the article.

Selectman Haarde stated he would like the Board to reconsider its position regarding not taking positions on non-binding resolutions, noting he believes it did so on occasion in the past. He believes the Board should have a discussion and make its own decision or it should be decided at Town Meeting, but he does not think the Town Moderator should decide the process.

Selectman Simon noted this topic is not on tonight's agenda. Chairman Woodard concurred, stating that, if it had been on the agenda to take a position on a non-binding resolution, the Board might have asked the petitioner to attend. The consensus of the Board was that the Board would consider this issue on December 3, 2014 at 6:30 p.m. prior to the Special Town Meeting at Lincoln-Sudbury Regional High School and invite the petitioner to attend the discussion. It was noted the Town Moderator should first be asked if the Board will be asked for its position and whether opposition to the non-binding article will be allowed to be heard.

### **Rail Trail Forum – Vote on Date, Format and Moderator**

Chairman Woodard opened a discussion regarding setting a date and format for a Rail Trail Forum and selecting a moderator. He stated he envisions the Forum as a way to better inform the public about the two rail trail projects, and he would look to Town staff to provide an overview followed by a time period for public questions and comments.

Vice-Chairman Brown stated she envisions the discussion being run by Town staff and she would like the discussion to be open to questions from the public. She believes there is a lot of public education needed on the two proposed trails.

Selectman Haarde stated he would like to emphasize inviting the public to speak rather than having a prepared presentation by Town staff.

Selectman O'Brien stated he would envision the meeting as updating the public on the status of the two proposed trail projects. However, Selectman O'Brien also stated this topic has been discussed a lot and he is not convinced this is the best time to devote to a special Town Forum on the subject.

Town Manager Valente noted the \$15,000 approved from Reserve Funds last night by the Finance Committee was a step to getting the ball rolling for a potential Annual 2015 Town Meeting article to be presented. Once reminded of this, Selectman O'Brien reversed his previous comment about the timing for a Town Forum discussion.

Selectman Simon stated he views the Forum as an informational/educational opportunity. He believes there are many residents who do not know all the pros and cons and costs for both proposed trails. Selectman Simon would like to see a period of time devoted to the Bruce Freeman Rail Trail followed by questions from the public, and then a period of time devoted to the Mass. Central Rail Trail, to also be followed by questions from the public. He emphasized the discussion should not be confrontational, and he offered to develop a draft format for the Forum. Chairman Woodard stated he would prefer to develop suggestions for the Forum, which he will present for discussion at the next Board meeting.

Sudbury resident Dan DePompei, 35 Haynes Road, noted the Town Manager has submitted a project request for CPA funding for the Mass Central Rail Trail.

#### **Strategic Planning Committee for OPEB – Interim Report and Draft Recommendations**

Chairman Woodard stated the Town's Other Post-Employment Benefits (OPEB) liability has been a subject of concern for nearly a decade. He is pleased the Board has prioritized this issue and has been proactive in establishing the Strategic Planning Committee for OPEB to study the issue and propose draft recommendations for consideration. He asked Selectman O'Brien, who is Chairman of the Committee, to update the Board with a summary of the "Interim Report on OPEB and FY16 Budget Recommendation for Normal Costs" dated November 7, 2014," which had been previously distributed to the Board.

Selectman O'Brien referenced the last page of the Interim Report, listing the members of the Committee whom he named aloud, and he noted they represent all three cost centers. He stated the Strategic Financial Planning Committee for OPEB Liabilities asked him to issue an interim report focusing on a specific FY16 Budget Recommendation so the Board, Finance Committee and Sudbury Public School (SPS) Committee and Lincoln-Sudbury Regional School (L-SRHS) Committee could have information as early as possible. Selectman O'Brien further stated the Committee hopes to finalize some of its recommendations at its next meeting.

Chairman Woodard stated the Town's actuaries will be scheduled for a presentation at a future Board meeting and a follow-up OPEB discussion will also be planned.

Selectman O'Brien explained the Committee was formed to develop recommendations for a growing liability, which represents approximately \$36 million in present-day dollars (on a pay-as-you-go basis) for the Town and SPS, and \$27 million for L-SRHS. Some recommendations will be offered for FY16 and others will be presented over the next several years.

Selectman O'Brien stated the Committee would like to recommend at this time, for the Town's three cost centers to begin in FY16 to include in their operating budgets the Normal costs for future health insurance for current employees. He described it as the cost of offering the benefit this year to active employees. The Committee believes these costs should be recognized 100% in the operating budgets of each cost center by FY18 and that steps should be taken in the interim to accomplish this goal. The Committee also believes to

accomplish this in the FY16 budget would be difficult for the cost centers under the 2% and 2.5% Finance Committee budget guidelines. Thus, the Committee suggests the three cost centers prepare a supplemental budget request asking for \$675 per eligible employee for FY16 normal costs, toward funding a percentage of these costs for the annual OPEB liability. The total request for all cost centers would be approximately \$496,800. If approved by the Finance Committee and voted by Town Meeting, the funds would only be used for this purpose and they would be placed into the OPEB Liability Trusts. Selectman O'Brien referenced a chart on page 2 of the Interim report, which reflects some Town employees carry higher costs (Public Safety), so the average of \$675 per eligible employee has been proposed.

Chairman Woodard stated these costs are part of the cost of compensation for employees, which should be reflected in the annual budgets, and it will make the budgets more credible.

Town Manager Valente noted a substantial reduction in the estimated OPEB liability for L-SRHS. She explained the L-SRHS health plan has now been adjusted to be valued similarly to the Group Insurance Commission health plan for the Town and SPS. Ms. Valente highlighted the OPEB Committee has not voted this recommendation yet, but it is a starting point which it wanted to share to allow time for other boards and committees to contemplate.

Vice-Chairman Brown stated this proposal would essentially add 1% for the supplemental budget requests for each of the Town cost centers. However, she further stated that, at the end of FY16, the budgets will not cover all of the Normal costs, and that, going into FY17 the budgets would still not reflect reality.

Chairman Woodard explained the rationale for how these costs would be reflected by FY18. He also stated revenues are expected to increase this year over FY15 at approximately 3.5%.

Selectman O'Brien stated the Committee envisions capturing the funds would be a two-step process of first appropriating the funds and then transferring them to the OPEB Trusts.

Town Manager Valente stated there are a lot of details which will need to be worked through.

Selectman Simon stated the suggestion seems like a good start to bringing these costs in and not adding more to the backlog of unfunded liabilities from prior years.

#### **April 29, 2014 Executive Session Meeting Minutes – Release**

Town Manager Valente asked Board members to review Meeting Minutes when they receive their weekend packages and, if they would like to recommend edits, to please submit them to Patty Golden by Monday so a revised version can be reprinted for review.

It was on motion

VOTED: To approve the release of the Executive Session Meeting Minutes of April 29, 2014.

Vice-Chairman Brown abstained from the vote.

#### **Open Meeting Law Complaint – Refer to Town Counsel**

At 10:19 p.m., Chairman Woodard opened a discussion regarding an Open Meeting Law complaint. The Board was previously in receipt of copies of an Open Meeting Law Complaint Form filed by Joseph Laferrera dated November 7, 2014.

Chairman Woodard asked the Board if it wished to refer the complaint to Town Counsel to prepare a response to be sent to the State's Attorney General's Office.

Selectman Haarde stated the complaint has made him reconsider whether meetings as noted in the complaint should even be held in the future.

Vice-Chairman Brown stated meetings such as the one referenced in the complaint should be scheduled as a public meeting in the future. Chairman Woodard concurred.

Town Manager Valente noted there are times when Town staff members need to ascertain information in order to better do their jobs and thought will have to be given as to how best to handle these sessions.

Selectman Simon stated the complaint brings up the point of what is, and is not, an open and/or public meeting, and he believes all would benefit from this being better defined.

Vice-Chairman Brown asked if there is anything the Board could do in response to the complaint. Town Manager Valente stated Director of Planning and Community Development Jody Kablack had responded to the complainant with information prior to the complaint being filed.

Selectman Haarde asked who Town Counsel's response would go to, if the complaint is referred to him. It was noted Town Counsel would send a response to the Attorney General's Office. Selectman Haarde believes Town Counsel's response should come to the Board for review before a vote is taken as to the next step in the process.

Selectman Simon noted it is not known if the complainant has already filed the complaint with the Attorney General's Office. Selectman Haarde stated he believes there is no file at the Attorney General's Office until the Town has acted on it.

Vice-Chairman Brown stated there is a two-week timeframe within which to respond.

Selectman Simon stated he had thought the Board had voted previously to refer all future complaints to Town Counsel. Selectman Haarde stated he did not recall the vote in the same way, and he believes each complaint should be reviewed and decided upon by the Board independently.

Chairman Woodard stated the Board needs to have a ruling as to whether a violation did or did not occur, and he believes the Attorney General's office can provide this guidance.

It was on motion

VOTED: To refer the Open Meeting Law Complaint received from Joseph Laferrera dated November 7, 2014, to Town Counsel to forward to the Attorney General's Office, asking for its review and guidance.

Selectman Haarde opposed the vote.

There being no further business, the meeting adjourned at 10:37 p.m.

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