

IN BOARD OF SUDBURY SELECTMEN
THURSDAY, DECEMBER 11 2014

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

Absent: Selectman Lawrence W. O'Brien

The statutory requirements as to notice having been complied with, the meeting was convened at 7:31 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:31 p.m., Chairman Woodard opened the meeting. He thanked everyone who helped to coordinate the Special Town Meeting and Special Town Election and all the citizens who participated, noting the articles presented were passed to purchase Johnson Farm, proceed with the Nixon School Repair project and a non-binding resolution regarding the Mass. Central Rail Trail. He announced Horse Pond Road was closed on December 10, 2014, and it will remain closed for approximately two weeks to accommodate culvert repair work. Chairman Woodard also announced there will be a reception for Town Counsel Paul Kenny, who is retiring, at the Grange on December 17, 2014 from 4:30 p.m. to 7:00 p.m. He also encouraged the community to visit the Hosmer House during this holiday season to appreciate the outstanding work done by the Sudbury Historical Commission in decorating the house. Chairman Woodard stated the next Board meeting is scheduled for January 13, 2015, and he reviewed some items which are already planned for discussion, on what will be a busy agenda.

Reports from the Town Manager

Town Manager Valente reminded everyone that the Warrant period for the May 2015 Annual Town Meeting closes at 5:00 p.m. on January 31, 2015. She urged anyone interested in submitting a Warrant article to be mindful of this deadline. She stated the Department of Public Works decided to proceed with the work on Horse Pond Road in the interest of safety for the community. Town Manager Valente also shared information the Town received from NStar stating the company is experiencing pressure on its supply system and may institute rolling blackouts as needed.

Reports from the Board of Selectmen

Vice-Chairman Brown stated she has attended several Vocational Education Options Committee meetings in the last month and several meetings related to rail trails. She also stated she is coordinating Selectmen's Office Hours for January and February, and more information will be available at a later date.

Selectman Haarde stated he also attended several Vocational Education Options Committee meetings in the last month and the Committee is working on its financial analysis. He also attended a Mass. Central Rail Trail (MCRT) meeting, the Hosmer House Holiday activities and the Special Town Meeting.

Selectman Simon thanked the Sudbury Historical Commission for the great work it does to prepare the Hosmer House for the holidays. He stated this year's theme was "The Holidays Through the Eyes of a Child," and he encouraged the community to visit this Town treasure. Selectman Simon attended the Metrowest Regional Collaborative Planning Forum on transportation and rail trails on December 5, 2014 and a Department of Conservation and Recreation (DCR) MCRT meeting in November. He stated he and Chairman Woodard will hold Board Office Hours on December 16, 2014. Selectman Simon also attended a Metrowest Domestic Violence Community Forum at Wayland High School, noting this is an issue which needs attention.

Citizen's Comments

At 7:45 p.m., Chairman Woodard recognized Reverend Richard Erickson, 160 Concord Road.

Reverend Erickson stated he has served Our Lady of Fatima Church for many years, and he is a member of the Sudbury Clergy Association. Reverend Erickson stated the Association is embarking on a project for 2015. He explained the Association meets monthly regarding common issues and concerns. In 2015, the Association has decided to address its concern regarding the lack of civility in public discourse it has observed in Town. The Association has invited the Harvard Mediation Clinic to work from January to May 2015 with the community on these issues with focus group discussions. Reverend Erickson stated he hopes the Board will help with these discussions.

Chairman Woodard asked if the public will also be invited, and Reverend Erickson responded affirmatively.

Vice-Chairman Brown asked if there was anything the Board could do to support the project. Reverend Erickson stated it is hoped the Town's key leaders will participate in the discussions. Chairman Woodard stated he would participate.

Chairman Woodard recognized Sudbury resident Dan DePompei, 35 Haynes Road, to the Meeting.

Mr. DePompei stated the Special Town Meeting Warrant for Article 4 regarding the MCRT mentioned a Transportation Bond Bill which included \$36 million. However, he stated he cannot find confirmation of this in the Transportation Bill. Mr. DePompei questioned whether voters were perhaps influenced by this unsubstantiated piece of information. He suggested the Board researches whether the amount of money mentioned by the proponent of Article 4 is accurate, and, if not, to ask the proponent to explain his reference. Mr. DePompei believes the Town deserves either the correct information or an apology from the article petitioner.

Chairman Woodard stated there were differences of opinion regarding Article 4. He suggested Mr. DePompei contacts the article petitioner, Dick Williamson, to discuss it further

Conservation Commission – Interview for Appointment

Present: Applicant Dave Henkels

At 7:53 p.m., Chairman Woodard welcomed Sudbury resident Dave Henkels to the Meeting to tell the Board why he is interested in serving on the Conservation Commission. He thanked him for volunteering for the position, and he opined that volunteering turns a resident into an engaged citizen. Chairman Woodard believes the high quality of Sudbury's volunteers and Town staff make it the great place to live which it is. The Board was previously in receipt of copies of a memorandum from Town Manager Valente and Director of Planning and Community Development Jody Kablack dated December 5, 2014 and Mr. Henkels' Application for Appointment.

Mr. Henkels stated he has lived in Sudbury for 12 years, that he has always had a variety of interests in environmental sciences and he is an avid bird watcher. He further stated he is interested in how science, public policy and public opinion can come together, and he is committed to Sudbury. Thus, Mr. Henkels believes he can bring value to the Commission.

Vice-Chairman Brown and Selectman Haarde thanked him for volunteering, noting he will be a good addition to the Commission.

Selectman Simon asked if Mr. Henkels has attended Commission meetings and if he is familiar with the type of regulations reviewed by the Commission. Mr. Henkels stated he has attended a few meetings and he is becoming more informed regarding the regulations as he reads through them and the Town bylaws.

It was on motion unanimously

VOTED: To approve the Town Manager appointment of Dave Henkels, 17 Twin Pond Lane, for appointment to the Conservation Commission for a term ending May 31, 2017.

Town Building Projects – Update

Present: Sudbury Facilities Director Jim Kelly and Permanent Building Committee Vice-Chair Mike Melnick

At 8:16 p.m., Chairman Woodard welcomed Sudbury Facilities Director Jim Kelly and Permanent Building Committee Co-Chair Mike Melnick to the meeting to update the Board on several Town projects, including the Fairbank Building, Town Hall, the current Police Station and the Loring Parsonage. The Board was previously in receipt of copies of a memorandum from Town Manager Valente dated December 8, 2014, copies of the PowerPoint slides to be presented tonight, and a Sudbury Town Hall Renovation Project report prepared by Bargmann Hendrie & Archetype, Inc.

Permanent Building Committee (PBC) Vice-Chair Mike Melnick distributed copies to the Board of the “Town of Sudbury – Police Headquarters Project Management Report” dated November 30, 2014, and prepared by CMS, Inc., noting it will also be posted on the PBC website. Mr. Melnick summarized the status of the project, noting excavation has occurred and will continue for the foundation. He stated most of the excavation is completed and approximately \$226,000 has been spent to date.

Chairman Woodard asked if the project is considered to be on schedule and when the site would open. Mr. Melnick stated the project timeline is acceptable and opening day is anticipated to be November 1, 2015.

Mr. Kelly presented a Power Point presentation, entitled “Sudbury Town Hall Renovation Project and Capital Improvement Plan.” He highlighted the use of Town Hall has been considered since a 2002 Space Study was completed, and he believes the Town Hall and Loring Parsonage projects should be considered in parallel, as part of a larger, more complex project.

Mr. Kelly summarized the Town Hall’s history, having been built in 1932, and provided information regarding the current condition of the building. Mr. Kelly stated the building is 12,789 square feet, which is underutilized, is not accessible and has deteriorating systems due to deferred maintenance. He displayed photographs of the current foundation and masonry problems. Mr. Kelly also noted the building has an antiquated fire alarm panel, and it has no fire suppression systems. He further noted it would be recommended for the building to be sprinklered. He noted energy savings opportunities exist to add insulation under the roof, and to replace the single-pane glass windows. Mr. Kelly referenced a previously completed Feasibility Study which is posted on the Town Facilities’ Department website. He also displayed photos of the obsolete technology in the building and the antiquated bathrooms, which are not handicapped accessible. He further stated the existing slate roof is 82 years old and the slates are wearing, fasteners are rusting and the copper flashings are pitting and leaking.

Mr. Kelly believes the question for Town residents should be how does the Town maximize the value and current and future use of the building. He presented four alternative scenarios, including to renovate the building for additional Town offices and possibly relocate Sudbury Public School (SPS) Administration to the Flynn Building, to renovate a smaller addition for the SPS Administration only, to simply renovate and

preserve the space to accessibility standards and to meet current codes (he noted CPA funds are possible for 100% historic renovation) or to tear down and re-build the building. Mr. Kelly provided pros and cons for each alternative and an estimated cost summary. He welcomed other suggestions or ideas, and he noted this report and additional information is available on the Town website.

Mr. Kelly suggested recommended next steps could include public meetings to discuss core issues of space needs and the condition of Town Hall, the creation of a Blue Ribbon Committee by the Selectmen, involving Town residents in the decision-making process, the creation of a consolidated plan for the Town Hall, Loring Parsonage and the Fairbank Community Center, and to create a parallel plan with the Loring Parsonage and plan a project proposal for the May 2016 Annual Town Meeting. Mr. Kelly emphasized there is a lot of information to process and a coordinated outcome will not be easy. However, he believes it is doable with proper planning and consideration of all of the potential components of a large Town Center-focused project.

Mr. Melnick stated the PBC believes the Town Hall, Flynn Building and Fairbank Community Center needs should all be considered as part of one large project.

Chairman Woodard stated it will be important to prioritize the project components and to decide in what order they are completed. He further stated a Blue Ribbon Committee could be helpful to make recommendations to the Board, and he suggested a draft Mission Statement be prepared for the Board's review at its January 27, 2015 meeting. Selectman Haarde concurred, noting once a Mission Statement is approved the Committee can be advertised and participation can be encouraged.

Town Manager Valente requested that, if the Board has suggestions for the draft Mission Statement, to please forward them to her or Mr. Kelly to be incorporated into the draft. Chairman Woodard suggested the draft be circulated to the Board by email so members can provide their edits and additions.

Selectman Simon stated the Blue Ribbon Committee should also consider the timeline for the projects. He also asked for clarification regarding how the Town Hall and Loring Parsonage projects are connected. Mr. Kelly explained that it is possible the two projects would have shared uses and systems, such as the septic system and parking.

Selectman Simon stated he believes a large project incorporating all of these elements will become the "new face" of the Town Center for the future, and thus, it is important that it be done correctly and well. He thanked Mr. Kelly and Mr. Melnick for their work and information.

Rail Trail Forum – Discussion and Vote on Date, Format and Moderator

At 9:08 p.m., Chairman Woodard opened a discussion regarding setting a date and format for a Rail Trail Forum and selecting a moderator. The Board was previously in receipt of copies of draft agenda and a memorandum from Director of Planning and Community Development Jody Kablack dated December 11, 2014 with an accompanying draft agenda noting possible dates. He stated he liked the draft because it is informational.

Vice-Chairman Brown stated the draft outline seems like a reasonable first step. She opined that from her experience, it is important to begin rail trail discussions by explaining the included geography.

Chairman Woodard stated he foresees the public will pose questions which could be fielded by possibly everyone.

Selectman Simon opined that he believes the more information provided by Town staff and the VHB consultants will be most helpful for the public to understand the pending projects. He asked if a fact sheet could be produced for the public in advance of the Forum. Chairman Woodard suggested Town staff and VHB work on producing a draft Fact Sheet.

Selectman Simon emphasized it will be important to inform the public that VHB will host other public meetings regarding the Bruce Freeman Rail Trail (BFRT) and that there will be other opportunities to ask questions. Town Manager Valente will ask staff to include this in their comments.

Selectman Haarde stated he hopes a large portion of the agenda is reserved for public comment, and he suggested asking the public first what their expectations are. Chairman Woodard stated he would like to include a way to capture questions and suggestions from the public in advance of the Forum.

Chairman Woodard stated the consensus of the Board is that the draft outline is acceptable. He asked whether January 20 or January 22, 2015 at 7:00 p.m. was better to hold the Forum.

Selectman Simon asked if SudburyTV will be able to cover the Forum live. Town Manager Valente stated she will check this with SudburyTV and the Library.

It was on motion unanimously

VOTED: To ask Town staff to coordinate a Rail Trail Public Forum on January 20, 2015 at 7:00 p.m., subject to being televised live at the Goodnow Library, or to schedule the Rail Trail Public Forum at 7:00 p.m. on January 22, 2015 at Town Hall to be televised live by SudburyTV, and for either date to be structured according to the forum agenda outline format reviewed tonight.

Strategic Financial Planning Committee for Capital Funding – Preliminary Report and Draft Recommendations

At 9:25 p.m., Chairman Woodard stated the Strategic Financial Planning Committee for Capital Funding has prepared an Interim Report and Recommendations for FY16. The Board was previously in receipt of copies of the Interim Report and accompanying attachments and a Memorandum from the Committee's Chairman Chuck Woodard dated December 10, 2014.

Chairman Woodard stated the Selectmen's FY14 goals included the creation of this Committee to develop a capital finance funding program and action steps. He stated the Town must maintain its capital assets, which total approximately \$164 million. He summarized why the Committee was formed as to evaluate and report on short-and long-term strategies and options to ensure adequate funding for the capital needs of the Town, Sudbury Public Schools (SPS) and the Lincoln-Sudbury Regional High School (L-SRHS). Chairman Woodard noted a major inventory of capital assets was completed in April 2013.

Chairman Woodard read aloud the second paragraph of his memo, which reviewed the mission of the Committee, and he noted it has developed specific recommendations for FY16, and has shared general thoughts regarding the next four years of the five- year Capital Improvement Plan (CIP). He emphasized the Committee has made funding recommendations and not spending recommendations.

Chairman Woodard explained the recommendations were developed after lengthy consideration of the approximately \$73 million in projects on the five-year CIP. He summarized the Committee's FY16 recommendations as follows:

1. That the five-year CIP, along with the financing recommendations for the first year of the five years, be updated annually.
2. That the annual appropriation for capital spending that is paid from the annual tax levy be no more than \$4.85 million annually, excluding major projects. The Committee now recommends that the estimated \$150,000 annual debt service for purchase of the Johnson Farm property be added to the \$4.7 million ceiling, as it did not foresee bonding this project out of the tax levy at the time last year's analysis and recommendations were submitted.
3. That the Board of Selectmen requests an operating override of \$400,000 to begin generating the amounts needed to fund the newly created Special Stabilization Fund for DPW Rolling Stock in order to have a predictable stream of costs. Chairman Woodard noted this would require a two-thirds vote at the Annual Town Meeting. Further, the Committee recommends the mission of the Special Stabilization Fund be amended to include future ambulances, but not fire engines or fire ladder trucks. If approved at the ballot and funds are appropriated into the Special Stabilization Fund at the 2015 Annual Town Meeting, the Committee also asks that DPW rolling stock approved by the CIAC for purchase in FY16 be paid for using funds put in the Special Stabilization Fund.
4. That the CIAC consider the long list of Small Projects (that is, those over \$50,000 but less than \$1,000,000), which totals approximately \$1.8 million in FY16. The Capital Funding Committee recommends that \$800,000 of Free Cash be used to fund those projects recommended by the CIAC, and, if the total amount exceeds that amount, that a capital exclusion ballot question be put before voters to fund the difference. This would mean that if the CIAC recommended all projects on the \$1.8 million list, they would recommend a \$1 million capital exclusion question along with use of \$800,000 in Free Cash. These projects would be presented as articles for Town Meeting consideration.

Chairman Woodard stated the Town has grossly underspent on capital funding for the last decade averaging approximately \$700,000 a year. He believes the Town should avoid taking on long-term debt if possible.

Selectman Haarde asked if the Board could receive a breakdown of the small projects which comprise the \$1.835 million. Chairman Woodard stated he would circulate this information to the Board. Town Manager Valente stated the CIAC would also be provided with this information next week.

Selectman Simon stated this report is a "wake-up call" for the Town. He believes these assets are important and the Town is obligated to do something to maintain them. Selectman Simon stated the information provided is tremendously useful and it provides a roadmap for the Town as to how to make Sudbury a better place to live. He referenced the Hosmer House time capsule which will be opened in 25 years, noting this report is the type of item which should be placed in it. After 25 years, it would be determined whether things were done now to leave Sudbury a better place than it was before. Selectman Simon would like to believe that the current Sudbury residents will rise to the occasion and understand, plan and prepare for what needs to be done rather than worry about their own personal property tax bills. He stated the Town needs to properly maintain its assets.

Chairman Woodard asked if the Board wished to vote on the Committee's recommendations.

Selectman Haarde suggested, and the Board concurred, that the vote be delayed until the January 13, 2015 meeting, since Selectman O'Brien is absent and it would allow more time to process the information presented.

At 9:53 p.m., Chairman Woodard closed the discussion.

Draft CAFR Financial Statements – Release to Finance Committee

Present: Finance Director Andrea Terkelsen

Chairman Woodard summarized the request by Finance Director Andrea Terkelsen for permission to release draft FY14 CAFR financial statements to the Finance Committee in advance of their presentation to the Board of Selectmen as part of the annual audit exit conference to be held in early 2015 to help facilitate the budget process.

Vice-Chairman Brown asked what the status of the documents would be. Ms. Terkelsen stated the information would be considered public documents, however, she would delay posting them on the Town website until after the Board discusses the reports with the auditors.

It was on motion unanimously

VOTED: To authorize the Finance Director to release draft FY14 CAFR financial statements to the Finance Committee, as soon as they are available, in advance of these materials being presented to, and accepted by, the Board of Selectmen at the annual audit exit conference to be held at a future date in early 2015.

Annual Renewal of Licenses

Present: Finance Director Andrea Terkelsen

The Board was previously in receipt of copies of a “2015 Licensing Renewal Applications” listing, a sample Application for License for Public Entertainment dated October 23, 2014 for 29 Group LLC, dba 29 Sudbury, and a memorandum from Finance Director Andrea Terkelsen dated November 18, 2014 regarding Licensees with past due tax bills and accompanying relevant section of the Bylaws.

Town Manager Valente recognized the numerous hours spent on this agenda item by Senior Administrative Assistant Patty Golden and Office Supervisor Leila Frank and their ongoing work coordinating the licensing materials for approval. In response to a question from Chairman Woodard, Ms. Valente stated the notations for Rossini’s and Victory Cigar are not related to tax issues.

Chairman Woodard noted the personal property tax issue for Rossini’s relates to a previous ownership. Ms. Terkelsen noted it is often difficult to collect personal property taxes when change in ownership occurs. Selectman Simon asked if the same is true regarding the Clarion Inn and Auto Diagnostics referenced in Ms. Terkelsen’s memo, and she responded affirmatively.

In response to a question from Selectman Simon, Ms. Terkelsen summarized the outstanding tax situation with Sierra’s broached in her memo. She stated the restaurant was not able to comply with its payment plan agreement with the Town, and she reported Sierra’s is not seeking a renewal of its license for 2015 at this time. However, the owners are considering applying for a new liquor license for a new business at the same location. Ms. Terkelsen further stated she is filing for a petition to foreclose on the property by December 31, 2014, and she will not enter any future tax payment plans with the current owners.

It was on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, to renew the Alcoholic Beverages, Common Victualler, and Entertainment and Sunday Entertainment licenses to expire December 31, 2015, and Motor Vehicle – Classes 1, 2, and 3 licenses to expire January 1, 2016, as shown on the “2015 License Renewal Applications,” attached and incorporated herein; and to forward the appropriate renewal forms to the Alcoholic Beverages Control Commission where applicable; said licenses to be held subject to payment of the required license fees, compliance with the Selectmen's Alcohol Training Policy, correction of any/all outstanding health, safety or zoning violations, receipt of verification of Workers' Compensation Insurance for the licensing period, and the payment of all outstanding personal property taxes, real estate taxes and State taxes; said licenses shall also be subject to all previous restrictions.

Northern Bank – Site Plan Endorsement

At 9:53 p.m., Chairman Woodard opened a discussion to endorse the final site plan for Northern Bank. The Board was previously in receipt of copies of a memorandum from Director of Planning and Community Development Jody Kablack dated December 9, 2014, noting all required conditions have been fulfilled, and recommending endorsement of the plans.

It was on motion unanimously

VOTED: To endorse the final Site Plan for Northern Bank at 430 Boston Post Road, as recommended by the Director of Planning and Community Development.

Energy Services Agreement –Authorize Execution

Present: Shared Facilities Director Jim Kelly

At 8:51 p.m., Chairman Woodard opened a discussion regarding authorizing the Town Manager to execute an Energy Services Agreement. The Board was previously in receipt of copies of the draft Execution Copy of the “Energy Services Agreement by and between the Town of Sudbury and Ameresco, Inc.

Chairman Woodard asked how the unit costs referenced in the draft compare, and Mr. Kelly responded.

Chairman Woodard also asked who has reviewed the draft Agreement. Mr. Kelly stated it has been reviewed by himself, Energy and Sustainability Committee Chair Bill Braun and Town Counsel Paul Kenny, noting Town Counsel has also worked with Ameresco’s legal counsel.

In response to a comment by Selectman Simon, Mr. Kelly confirmed the Agreement focuses on measures best suited for the Town and those from which Sudbury could reap the quickest benefits.

Vice-Chairman Brown asked if the Town would be responsible for maintenance, and if so, how much would the anticipated cost be, and whether it is responsible for disposal of hazardous waste. Mr. Kelly stated no additional maintenance costs are anticipated beyond what is already done to maintain current systems. He also stated it is not anticipated that significant amounts of asbestos and lead paint will be found.

Vice-Chairman Brown asked if there should be something in writing noting Town Counsel reviewed the Agreement. Town Manager Valente noted she is the Chief Procurement Officer for the Town and she requires a thorough checklist of procurement related issues provided to her by Town Counsel before she signs an agreement as part of the Town’s routine business practices.

It was on motion unanimously

VOTED: To authorize the Town Manager's execution of the Energy Services Agreement by and between the Town of Sudbury and Ameresco, Inc., pursuant to Article 22 of the 2014 Annual Town Meeting; and further to approve award of contract by the Town Manager to the most qualified Lessor pursuant to the Energy Conservation Lease Request for Proposals, and to authorize the Town's Treasurer and Fiscal Advisor to negotiate the Energy Conservation Lease Agreement for execution by the Town Manager said execution subject to the approval of Counsel, and to execute any documents relative thereto.

Open Meeting Law Complaint – Refer to Town Counsel

At 9:55 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 Selectman Robert Haarde dated November 25, 2014.

Chairman Woodard recommended referring the complaint to Town Counsel to prepare a response to be sent to the State's Attorney General's Office, in order to determine if a violation occurred.

Selectman Haarde explained his understanding of the Open Meeting Law Complaint process. He stated he did not have an opportunity as a member of the Board to review previous complaints, nor did he have the opportunity to review the responses prepared by Town Counsel. Selectman Haarde stated the Board never asked Town Counsel to write responses for the complaints to be sent to the Attorney General's Office and it never had a chance to review them.

Chairman Woodard stated Mr. Kenny is the Town's Counsel and he has composed responses which were sent to the Attorney General's Office and the Town is awaiting the Office's opinion. He believes the Attorney General's Office is the best place to determine if the Open Meeting Law has been violated, and Chairman Woodard does not believe the Board is qualified to make this determination.

Selectman Haarde disagreed, stating he believes any open body is qualified to make this determination. He reiterated that the Board never asked Town Counsel to submit a request to dismiss a Complaint as Town Counsel did regarding a complaint filed against Selectman Simon.

Chairman Woodard stated he would expect a Town Counsel to add their own thoughts. He also stated Town Counsel had consulted with the Attorney General's Office, which had assured him the Town was following a proper process.

In response to a comment by Selectman Haarde, Chairman Woodard stated he believes the Attorney General's Office has responded to all complaints submitted to them.

Selectman Simon stated the Attorney General's Office notified the Town it had received five complaints from Scott Nassa on November 21, 2014, and there was no suggestion made that the Board had not fulfilled its obligations. He further stated there is nothing in the Open Meeting Law which states the Board can adjudicate these issues.

Vice-Chairman Brown stated the Board cannot adjudicate, but it can respond to a complaint.

Selectman Simon stated that, for one member of this Board to accuse another member of the Board, presents a particular problem for this Board and for Town Counsel. He believes it is best to refer the complaints to the Attorney General's Office, which should eliminate the internal bickering on the Board.

Selectman Haarde stated the Board's Chairman asked Town Counsel to respond to previous complaints without asking the Board for its opinion and he believes the Attorney General's Office viewed this as a problem, if the public body was not involved.

Chairman Woodard clarified he only asked Town Counsel to advise him as to how to proceed with the complaints.

Selectman Haarde began to review past actions. Chairman Woodard stated he saw nothing to be gained by rehashing the past.

Vice-Chairman Brown stated the Board is putting Town Counsel in an awkward position.

Selectman Simon stated he does not see how any useful purpose is served by Board members bickering amongst themselves and that there must be a better way to deal with finding out what the Board should do going forward.

Selectman Haarde repeated that he believes there is an issue because the Chairman did not include the entire Board in the process.

Sudbury resident Rick Johnson, 38 Bent Road, stated he believes that within 14 days the public body should review complaints, and he read aloud a relevant section of the process. He believes there was no reason to get Town Counsel involved, and that by doing so, the Board stepped away from its responsibilities.

Chairman Woodard stated when he needs legal advice for Town matters, he will follow the advice of Town Counsel rather than the advice of most others.

Mr. Johnson opined that he did not believe Chairman Woodard was doing his job correctly. At the conclusion of this agenda item's discussion later in the Meeting, Mr. Johnson apologized to Chairman Woodard for these comments.

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.

A motion was made to refer the Complaint to Town Counsel for response. Selectman Haarde asked who Town Counsel would respond to and he questioned whether the Board should review it. Selectman Simon stated that, as in previous situations, Town Counsel's response would be prepared to be sent to the Attorney General's Office.

Chairman Woodard stated he is not willing to take the risk of not following the advice given by Town Counsel. However, Selectman Haarde noted there have been occasions when Town's Counsel's advice has been wrong.

It was on motion by Chairman Woodard and Selectman Simon only

VOTED: To refer the Open Meeting Law Complaint received from Robert Haarde dated November 25, 2014, to Town Counsel to forward to the Attorney General's Office, asking for its review and guidance.

Selectman Haarde and Vice-Chairman Brown opposed the vote.

Chairman Woodard asked if the Board wished to continue this discussion in Executive Session. Selectman Simon and Vice-Chairman Brown stated they were not so inclined.

Chairman Woodard stated he would inform Town Counsel the Board took no action on this agenda item, and at 10:19 p.m., the discussion was closed.

Minuteman Regional Technical High School – School Building Committee - Discussion

The Board was previously in receipt of copies of a letter from Minuteman School Committee Chair Jeffrey Stulin dated December 3, 2014 and an accompanying email sent on behalf of the Minuteman School Building Committee Chair on September 5, 2014.

Selectman Haarde stated it is unfortunate the work of David Manjarrez is no longer welcomed by the School Committee. He noted Mr. Manjarrez has worked hard to represent Sudbury's interests, but his voice of opposition does not seem to be wanted. Selectman Haarde believes it is always best to invite opposing viewpoints to be heard.

Chairman Woodard stated the Town needs to have a member on the Building Committee, and it will need to select someone other than Mr. Manjarrez.

Selectman Simon referenced the communications from Minuteman. He noted Mr. Manjarrez meets the criteria for appointment to the Building Committee. He asked what the basis is for Minuteman not approving Sudbury's recommendation of Mr. Manjarrez.

Chairman Woodard stated Sudbury does not have any other leverage in this situation other than to replace Mr. Manjarrez. He asked whether someone from the Town's Permanent Building Committee (PBC) should be considered.

Town Manager Valente stated it is her understanding that the PBC thought the demands on its time with other projects were such that representation on this Committee could not be considered.

Upon Chairman Woodard's suggestion, it was the consensus of the Board that Paul Lynch should be asked if he is still willing to fulfill the duties on the Building Committee.

Police Station Construction – Internal Borrowing Approval

The Board was previously in receipt of copies of a memorandum from Finance Director Andrea Terkelsen dated December 4, 2014, requesting approval to perform short-term, inter-fund borrowing in the amount of \$2,200,000 from the Town's general reserve balance (Free Cash) for the purpose of starting construction for the new Police Station in advance of a permanent bond issue in February 2015.

Chairman Woodard asked if funds can be borrowed from a Stabilization fund, and Ms. Terkelsen stated they could.

Selectman Simon asked if there is a benefit to borrowing from Free Cash rather than from the Stabilization Fund, and Ms. Terkelsen stated there really is not.

It was on motion unanimously

VOTED: To approve and sign documents for internal borrowing of up to \$2,200,000, to be repaid to the fund from which it is borrowed no later than June 30, 2015, to start Police Station construction (ATM 2014 Article 14).

Sudbury Wine, Spirits and Provision - Request to Extend Sunday Sale Hours of Alcoholic Beverages

The Board was previously in receipt of copies of a letter from Sudbury Wine, Spirits and Provisions, LLC dated November 21, 2014, requesting an extension for its Sunday sale hours of alcoholic beverages from 10:00 a.m. to 6:00 p.m., and 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 Sudbury Wine, Spirits and Provisions, LLC to extend the Sunday sale hours of alcoholic beverages from 12 noon to 6:00 p.m. to 10:00 a.m. to 6:00 p.m.

Stony Brook Market – All Alcohol Package Store Licensing fee – Discussion

The Board was previously in receipt of copies of an email from Town Counsel Paul Kenny dated November 18, 2014, stating the Board is allowed to modify the fee as requested in a letter from Stony Brook Market dated November 7, 2014, requesting waiving or prorating its All Alcohol Package Store licensing fee in the amount of \$2,250 less the application fee for Calendar Year 2014, due to the establishment at 29 Hudson Road having not opened or operated.

Town Manager Valente stated staff time was spent to prepare the license which had been previously approved by the Board. However, she explained the licensee did not take possession of the license.

Chairman Woodard stated he is a fan of small businesses, and it does not seem fair to charge the fee if the business was not in operation. Selectmen Simon and Haarde concurred.

It was on motion unanimously

VOTED: To approve the request of Stony Brook Market to waive its All Alcohol Package Store licensing fee in the amount of \$2,250 less the application fee for Calendar Year 2014, due to the establishment at 29 Hudson Road having not opened or operated.

Sudbury Celebrates 375/Sudbury Day Committee - Donation

It was on motion unanimously

VOTED: To accept, on behalf of the Town, donations from Cloud Nine Toys; Cathy and Russell Maynard; John and Lynne Iberg; James Alderman and Janette Cavallo; George and Melinda Connor and Town of Sudbury totaling \$1,288.00 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.

Boy Scout Troop 60 – Eagle Scouts

It was on motion unanimously

VOTED: To enter into the Town record and congratulate Matthew Alexander Bowler, 220 Morse Road; William Daniel DiFelice, 28 Camperdown Lane; and Peter Michael Finnegan, 409 Lincoln Road, all of Troop 60, to be recognized at a Court of Honor on December 27, 2014 for having achieved the high honor of Eagle Scout.

Emergency Management Performance Grant Program – Grant

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a grant in the amount of \$8,435 from the Emergency Management Performance Grant Program through MEMA, as requested by the Sudbury Fire Department, said funds to be used at the discretion of the Fire Chief.

Citizens Corp. Program – Grant

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a grant in the amount of \$1,300 from the Citizens Corp. Program through MEMA, as requested by the Sudbury Fire Department, said funds to be used at the discretion of the Fire Chief.

Minutes

It was on motion unanimously

VOTED: To approve the Regular Session Meeting Minutes of October 7, 2014 and the Regular Session Meeting Minutes of November 18, 2014.

There being no further business, the meeting adjourned at 10:33 p.m.

Attest: _____



Maureen G. Valente
Town Manager-Clerk