

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, FEBRUARY 24, 2015

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) has recommended six articles for the Annual 2015 Town Meeting, which he summarized. He also stated the Council on Aging is looking for candidates interested in serving as members. Chairman Woodard announced the public is invited to attend a farewell reception to honor the years of service to Sudbury by Town Manager Valente on Thursday, from 4:00 p.m. to 6:00 p.m. at the Grange, prior to the start of her new job with the State Treasurer's Office. He asked residents, for their own safety, to please assist the Town by clearing snow from fire hydrants, noting a State program which sponsors the adoption of hydrants.

Chairman Woodard stated the Joint Meeting with the Finance Committee agenda item scheduled for tonight will need to be rescheduled. He attended the Finance Committee Meeting last night, and due to the budget challenges under discussion regarding allocation of a non-override budget, the Committee has not yet reached agreement on its recommendations. Chairman Woodard also suggested postponing tonight's agenda item regarding the forward budget guidance discussion. He read aloud an announcement regarding the purchase of Johnson Farm, and he referenced the recent bond which related to this property and a few other Town projects. Chairman Woodard noted tonight will be Town Manager Valente's last meeting in Sudbury before she begins her new job as Deputy Treasurer of Massachusetts. He thanked her for her outstanding service to the Town and wished her well in her future endeavors.

Reports from the Town Manager

Town Manager Valente stated she has worked a lot on budget-related issues during the past two weeks. She acknowledged the work of Finance Director Andrea Terkelsen, who coordinated a bond sale last week, which will result in approximately a \$250,000 savings over the next six years for taxpayers. She also acknowledged the exhausting work done by Facilities Director Jim Kelly and his staff during the past few weeks to clear Town building roofs from unsafe snow loads. Town Manager Valente also stated Mr. Kelly has had to oversee major water pipe bursts at the current Police Station. She noted the Town has incurred substantial bills to attend to the recent storm and snow events and their aftermath. Town Manager Valente also acknowledged the work of the Department of Public Works (DPW), which has kept Town equipment and vehicles working as best as possible under difficult circumstances.

Reports from the Board of Selectmen

Vice-Chairman Brown served with Chairman Woodard on a Board subcommittee to negotiate a contract with the Interim Town Manager. She also met with representatives of the Sudbury Listening Project. Vice-Chairman Brown also participated in several discussions regarding vocational educational options and a committee report will be presented later tonight. She asked Board members to submit possible dates for Board of Selectman Office Hours to her as soon as possible.

Selectman Haarde stated he has also participated in several vocational educational options discussions.

Selectman O'Brien stated he attended a meeting regarding the landscaping for the Town Center Improvements project and meetings of the Sudbury Housing Trust regarding its Maynard Road project. He also met with representatives from the Sudbury Listening Project.

Selectman Simon attended a Sudbury Public Schools (SPS) Committee meeting on February 11, 2015, and meetings on February 18, 2015 regarding the Interim Town Manager contract and the Sudbury Listening Project. He stated he plans to attend the Metropolitan Area Planning Council's Meeting tomorrow regarding regional transportation issues and he will attend a Minuteman Advisory Group on Interlocal Coordination (MAGIC) Meeting on Friday.

Chairman Woodard stated he has attended the recent Finance Committee Meetings and he has met with representatives of the Sudbury Listening Program.

Citizen's Comments

Chairman Woodard recognized Sudbury citizen Ursula Lyons, 157 Wayside Inn Road.

Ms. Lyons asked for clarification as to whether she had understood correctly that it was stated at a January 2015 meeting in the Flynn Building that the new Town Counsel would be asked for an opinion as to whether Buddy Dog qualifies for protection under the Dover Amendment. Ms. Lyons stated letters from two Boston lawyers stating Buddy Dog does not qualify have been submitted to the Town.

Chairman Woodard stated Buddy Dog's attorney announced at the last Board meeting that Buddy Dog has put on hold for six to twelve months any actions for the Wayside Inn location.

Town Manager Valente noted the Board would be voting later tonight on a policy for accessing Town Counsel, which would require a vote to be taken by the Board to request an opinion.

Ms. Lyons asked if this new procedure is unusual.

Selectman O'Brien explained the entire process and structure has changed with a new outside Town Counsel and new systems for the first time in 38 years.

Selectman Haarde stated he did not agree completely with Selectman O'Brien's explanation, even though the Town has a new Town Counsel. He believes the announcement from Buddy Dog's attorney should have been an agenda item and not presented during Citizens' Comments. Selectman Haarde noted there is an election coming up, and he questions the timing of Buddy Dog putting its actions on hold.

Ms. Lyons stated she hopes the Board can officially establish whether Buddy Dog qualifies for exemption under the Dover Amendment.

Chairman Woodard recognized Sudbury citizen Frank Lyons, 157 Wayside Inn Road.

Mr. Lyons asked if the Town has a new relationship with Town Counsel.

Chairman Woodard and Town Manager Valente explained the Town no longer has in-house services, but it has paid a retainer for new Town Counsel services and it will incur per hour costs for litigation. Thus, it is important to utilize Town Counsel's time efficiently.

Mr. Lyons emphasized all the opponents to the Buddy Dog plans to relocate to Wayside Inn Road only oppose the location, and not the work of Buddy Dog. He requested the Board vote now to ask for an opinion from Town Counsel.

Chairman Woodard stated the Board would be unable to take a vote since the item was not posted on the agenda. However, he also stated the subject would be scheduled for a future Board agenda.

Public Hearing: Package Store License for the Sale of All Alcoholic Beverages – Duck Soup

Present: Duck soup Manager Louise Mawhinney

At 7:55p.m., Chairman Woodard opened the Public Hearing regarding the application request of Morrison Frost, LLC, d/b/a Duck Soup, 365 Boston Post Road, for a Package Store License for the Sale of All Alcoholic Beverages, under M.G.L. Ch. 138, s.15, Louise A. Mawhinney, Manager. The Board was previously in receipt of copies of the “Application for Retail Alcoholic Beverage License” and accompanying materials and exhibits, and feedback from Sudbury Department Heads, noting no objections to the request.

Duck Soup Manager Louise Mawhinney stated she acquired the shop last October. She stated the store sells a lot of cheeses and appetizers and it seems to make sense to offer alcohol to customers to enhance their shopping experience.

Selectman Haarde asked how many employees there are. Ms. Mawhinney stated there are four (three adults and one 15-year old, who only stocks shelves.) She emphasized the three adult employees will be TIPS-trained. Selectman Haarde also asked if a minor on the premises presents a licensing problem and whether wine tastings are planned. Selectman O’Brien explained a minor on the premises should not present problems. Ms. Mawhinney stated no wine tastings are planned and the minor never runs the cash register. She also stated she is accustomed to being in compliance with required laws.

Selectman Simon suggested Ms. Mawhinney should familiarize herself with the Town’s bylaws regarding the sale of alcohol. Ms. Mawhinney stated she has already obtained copies of the relevant information.

Selectman O’Brien stated the store is unique, and he wished Ms. Mawhinney good luck.

It was also on motion unanimously

VOTED: To approve the application of Morrison Frost, LLC, d/b/a Duck Soup, 365 Boston Post Road, Sudbury, for a Package Store License for the Sale of All Alcoholic Beverages, under M.G.L. Ch. 138, s.15, Louise A. Mawhinney, Manager.

Public Hearing: Restaurant License for the Sale of All Alcoholic Beverages – Erica’s - 470 North Road

Present: Erica’s Restaurant Manager Erica Cannarozzi, the applicant’s husband and Power of Attorney Samuel Cannarozzi, and Interim Town Manager Maryanne Bilodeau

At 8:08 p.m., Chairman Woodard opened the Public Hearing regarding the application request of Carlisle River, Inc., d/b/a Erica’s Restaurant, 470 North Road., Sudbury, for a Restaurant License for the Sale of All Alcoholic Beverages, under M.G.L. Ch. 138, s.12, Erica Cannarozzi, Manager. The Board was previously in receipt of copies of the “Application for Retail Alcoholic Beverage License” and accompanying materials and exhibits, feedback from Sudbury Department Heads, noting no objections to the request, and a memorandum from Board of Health Director Bill Murphy dated February 13, 2015, noting no objections at

this time. In addition, copies of "Article XVIII Licenses and Permits Subject to Unpaid Taxes and Fees" a Power of Attorney appointment submitted by the applicant today, a confidential email to the Board from Town Counsel dated February 5, 2015, a relevant section of the Board of Selectmen June 25, 2014 Meeting Minutes regarding the tax delinquency of Sierra's Restaurant, and a memorandum to the Town Manager from Finance Director Andrea Terkelsen dated February 24, 2015 were distributed tonight.

Town Manager Valente recused herself from the discussion, due to a potential conflict with her new employment position with the State, noting Interim Town Manager Bilodeau would fill in for this agenda item.

The applicant, Erica Cannarozzi, explained her intention to open a moderately-priced, family-oriented Italian restaurant, which would also offer pizza and delivery services.

Interim Town Manager Bilodeau reviewed the material received to the file. In response to a question from Chairman Woodard, she stated approximately \$29,558.39 in back property taxes are owed by Sierra's Restaurant, which previously occupied this location.

Ms. Cannarozzi stated she appointed her husband Sam Cannarozzi as Power of Attorney to assist by answering any questions or providing information which might be helpful to the Board.

Selectman Simon asked if Mr. Cannarozzi was acting as attorney for both the lessor and lessee and as the attorney for Sierra's Realty Trust. Mr. Cannarozzi stated he is a trustee of the Sierra's Realty Trust only, and that his wife is the sole beneficiary of the Trust.

Selectman Simon asked if Ms. Cannarozzi, given her beneficiary interests, owns the real estate. Mr. Cannarozzi stated the Trust owns the real estate and that he has the authority as Trustee to lease it.

Selectman Simon stated he is concerned and has reservations, given Ms. Cannarozzi is a beneficiary of the Trust, that an arms-length transaction may not exist because the principals are related.

Mr. Cannarozzi emphasized all the efforts he took to dissolve the Sierra's Corporation were sanctioned by lawyers and the State of Massachusetts.

Selectman Simon stated that, for the Town to issue a liquor license, it must be sure there are no outstanding debts to the Town. He suggested the applicant might want to return at another date accompanied by a lawyer.

In response to a comment by Selectman Simon, Mr. Cannarozzi stated from 1989 to 2012, no one in Town ever questioned his reputation, as he was able to pay over \$240,000 in property taxes and provide the Town with a successful business for 23 years. He emphasized the financial difficulties started only in 2012 and that he has maintained a good rapport with the citizens of Sudbury. Mr. Cannarozzi stated tonight's agenda item is to discuss a liquor license for his wife and not to discuss his past.

Selectman Haarde stated Sierra's had a good relationship with the Town for a long time. He noted the main issue with Sierra's is whether the Town can be paid the back property taxes and when this will occur. He questioned whether the Board could legally deny a license for Erica's because of the Sierra's situation.

Chairman Woodard stated he is unclear as to the authority the Board has, given the new information provided of the Power of Attorney appointment of Mr. Cannarozzi. He suggested Town Counsel be asked to review the Power of Attorney appointment and that the Board reconsider this request at its next meeting.

Selectman O'Brien asked Interim Town Manager Bilodeau to update the Board on the foreclosure process for Sierra's. She stated Finance Director Terkelsen began the process this week, and the process could take 12-18 months. Ms. Bilodeau referenced page 69 of the Board's meeting packets, noting she believes the Board has 30 days to open a public hearing from the date of the application submission (February 4, 2015), noting she would check these timeframes.

Selectman O'Brien stated no one wishes Mr. and Mrs. Cannarozzi ill will, however, the Town is owed almost \$30,000 from Sierra's, and the Board has a fiduciary responsibility to pursue payment.

The consensus of the Board was that its understanding of ownership has possibly changed and now it is unclear as to whether a license could legally be denied.

Mr. Cannarozzi urged the Board to proceed to a vote in favor of the license for Erica's, emphasizing the Power of Attorney appointment was done as a means to assist Erica and to facilitate the process rather than to delay it.

In response to a question from the Board, Ms. Cannarozzi stated she hopes the license can be approved tonight, with the stipulation that the license would not be granted unless all back property taxes were paid in full. She and her husband emphasized they agree the back taxes need to be paid before the license is granted.

Selectman O'Brien asked if it is the applicant's intention to pay the back taxes before opening Erica's. Mr. Cannarozzi stated it is because, by law, the liquor license cannot be granted until the taxes are paid. He further stated their lawyer advised them to take this approach of paying the taxes upon the issuance of a liquor license, and he distributed copies to the Board of a letter from attorney Thomas Raftery dated February 24, 2015. Ms. Cannarozzi stated the Town's regulations state the taxes must be paid, which they are agreeing to do.

Vice-Chairman Brown stated she would prefer an opinion from Town Counsel regarding the implications of the appointment of Mr. Cannarozzi as Power of Attorney.

Selectman O'Brien stated there are various questions the Board would like to ask Town Counsel, and he suggested compiling the issues to be addressed, including the Power of Attorney implications, who or what entity owns the property, what the process would be going forward if the Board were to approve the application, what triggers the collection of the back taxes by the Town prior to granting the license, and can the Board stipulate that an approved license be held and not granted once it is received from the Alcoholic Beverages Control Commission (ABCC).

Mr. Cannarozzi urged the Board to approve the license tonight, with the stipulation that the property taxes owed by Sierra's be paid upon approval of the license by the ABCC.

Selectman O'Brien stated, and the Board concurred, that he is not sure the Board has the legal authority to approve the license with a stipulation. He stated the Board is trying to do its due diligence so that, in the long term, the Cannarozzi's will be able to open Erica's.

Selectman Simon suggested a letter should be prepared to be sent to Mr. and Mrs. Cannarozzi asking for additional information and/or documents which could assist Town Counsel form an opinion. He also offered to help develop the draft letter.

It was on motion unanimously

VOTED: To continue the Public Hearing regarding the application of Carlisle River, Inc., d/b/a Erica's Restaurant, located at 470 North Road, Sudbury, for a Restaurant License for the Sale of All Alcoholic Beverages, under M.G.L. Ch. 138, s.12, Erica Cannarozzi, Manager to March 10, 2015 at 8:05 p.m.

Vocational Education Options Committee – Discuss Report and Next Steps and Warrant Articles

Present: Vocational Education Options Committee Members John Baranowsky, Dave Manjarrez, David Levington, Elena Kleifges, Allison Scheff, and Paul Lynch

At 8:59 p.m., Chairman Woodard welcomed members of the Vocational Education Options Committee members to present their final report to the Board. He thanked the Committee for producing a very useful report in a short amount of time. The Board was previously in receipt of copies of the "Report from the Sudbury Vocational Education Options Committee Report dated January 27, 2015" and accompanying appendices. Copies of the PowerPoint slides to be exhibited tonight and a letter to the Committee from Assabet Valley Regional Vocational School District Superintendent Ernest Houle dated February 24, 2015 were distributed tonight.

Town Manager Valente returned to act as Clerk for the remainder of the Meeting.

Vice-Chairman Brown, who also served as on the Committee, stated the Committee has worked since October to assess alternatives to the Town's regional Agreement with Minuteman, which has been in existence since approximately 1970. She explained an amended regional Agreement has been proposed, but it does not solve all of Sudbury's concerns. The Committee evaluated whether Sudbury should approve the proposed changes to the Agreement, and it concluded it should, based on that it provides the School a path to upgrade the facility and it provides assurances (not guarantees) that Sudbury might be allowed to withdraw from the District at a later time (the current Agreement requires unanimous approval by all 16 member towns to withdraw). Vice-Chairman Brown stated the Committee formed three subcommittees (site visits, education and financial) to assess various aspects of the Town's alternatives for providing vocational education. She stated four vocational schools were visited and assessed, Minuteman, Keefe, Nashoba and Assabet Valley, and Committee members were impressed with all of the schools. However, evaluating the schools in their current condition, the Committee felt Assabet Valley would be its top preference for Sudbury students. It also evaluated whether it is in Sudbury's best interest to be a member or a non-member of a vocational school district, but the Committee felt it could not make a final recommendation on this issue at this time.

Vice-Chairman Brown presented highlights from the final report, referencing information and charts regarding Minuteman District non-member and member enrollment figures and four options considered for renovation/new construction to Minuteman. She also mentioned the State voted changes to Chapter 74 on February 24, 2015, which allows for a capital fee to be charged to non-member vocational students. Vice-Chairman Brown stated 10 member towns of the Minuteman School District have approved the amended regional agreement, and six member Towns, including Sudbury, have not approved it.

Committee member Elena Kleifges stated she was on the Site Visit Subcommittee. She stated all four schools visited had strong curriculums and were very proud of their students. The Committee would have no concerns for Sudbury students to attend any of the schools, but it selected Assabet Valley as its first choice.

Committee member Allison Scheff stated she was on the Education Subcommittee, which felt all the schools had strong curriculums.

Committee member Paul Lynch stated he was a former member of the Minuteman District School Committee and he is Sudbury's representative to the District's Building Committee. Mr. Lynch stated Minuteman is asking each member town to coordinate a meeting to discuss the proposed amended agreement options. He hopes to organize one for Sudbury in March or April. Mr. Lynch stated it is important to understand when assessing proposed renovations that the School is in jeopardy of losing its accreditation because of the condition of the facility.

It was noted Sudbury would not be able to apply to be a member of a new regional vocational school district until it was no longer a member of the Minuteman District.

Committee member David Levington stated the Committee's vote on its final report was unanimous and its work was made easier by the clear mission it was given. He also stated the Committee concluded there is no educational reason for leaving the Minuteman School District.

Committee member Dave Manjarrez stated he has spent significant time with the help of Finance Committee member Bill Kneeland evaluating Minuteman financially. Mr. Manjarrez believes the biggest problem is the decline in enrollment from member towns and he does not believe building a school for 628 students is the solution. He also stated he presented information to the Finance Committee which indicated that approximately \$2.3 million this year is being subsidized for non-member students by the member towns.

Committee member John Baranowsky believes the proposed 628-student school is arbitrary, and it may be what is needed to reach the point where the School will maximize a reimbursement from the Massachusetts School Building Authority.

Ms. Scheff stated it is hard to predict what the future enrollment will be for vocational schools, noting many now have waiting lists.

A brief discussion ensued regarding the pros and cons to remaining part of the Minuteman District for another year or whether to consider pursuing Assabet Valley sooner.

Chairman Woodard stated he would want to know what the cost structure of Minuteman would be for 628 students.

Selectman Haarde noted large out-of-district towns have more power with Minuteman than some of the member towns. He also believes Sudbury's costs are likely to increase under a new agreement. Selectman Haarde noted Assabet Valley is only a seven-member district, and it has more of an economy-of scale model in place already. He stated Sudbury needs to decide if it wants to go the way of Weston, which accepted the proposed amended Agreement and asked to leave the District, or does it want to vote as Wayland did, to exit the District now.

Selectman Simon stated the proposed amended Agreement appears to be halted without the support of Wayland. He is concerned about approving the amended Agreement with only a gentleman's agreement (which could change or disappear) that Sudbury could withdraw in the future. Selectman Simon suggested Sudbury could pursue developing an inter-municipal agreement with the other towns which have not accepted the proposed changes to allow for all of these towns to withdraw.

Mr. Levington stated he believes it is best for Sudbury to approve the proposed amended Agreement.

Selectman Haarde stated Sudbury needs to decide what makes the most sense for the future, noting that once you sign up for a new school, it might be difficult to obtain the votes needed to leave at a later date.

Selectman O'Brien stated it is important that Sudbury's students are not shortchanged in the process and that the Town has confidence in the management of Minuteman.

Vice-Chairman Brown stated it would have been helpful for Finance Committee member Bill Kneeland to share some of his financial information tonight, but he had another conflicting meeting. She also thanked Assabet's Superintendent Houle for his correspondence. Vice-Chairman Brown emphasized all interactions with the other vocational schools were initiated by the Committee.

Mr. Lynch noted for the record, that he believes it is not fair to talk about mismanagement of the facility, and the figures provided regarding member towns' subsidies of non-member town students is controversial. He urged the Board to read Superintendent Houle's letter carefully. Mr. Lynch also noted the Town's decision will impact 25 Sudbury students, who now attend Minuteman, and their families.

Selectman O'Brien emphasized it is important to focus on what is best for the students and not just whether the Town can save money by moving to Assabet Valley.

In regard to a suggestion made by Selectman Simon, Town Manager Valente suggested, and the Board concurred, to begin by asking the other five towns which have not approved the proposed amended agreement whether they are interested in doing anything as a group.

At 10:04 p.m., Chairman Woodard concluded the discussion.

Interim Town Manager – Approve Contract

The Board was previously in receipt of copies of the revised draft (and red-lined version) "Employment Agreement for Interim Town Manager by and between Town of Sudbury, Massachusetts and Maryanne Bilodeau," and a memorandum from Town Manager Valente dated February 19, 2015.

Chairman Woodard stated former Assistant Town Manager Maryanne Bilodeau was appointed at the Board's last meeting as the Interim Town Manager. He and Vice-Chairman Brown were appointed to represent the Board of Selectmen on a subcommittee to negotiate a contract with Ms. Bilodeau. Chairman Woodard stated the subcommittee and Ms. Bilodeau have reached agreement on a fair contract, noting it is for \$146,000 a year, offers a car allowance or equivalent in the amount of \$450 per month and it is effective until June 30, 2015 with a 90-day extension. If someone else is eventually chosen as the new Town Manager, Ms. Bilodeau is assured of returning to her position as Assistant Town Manager. He also noted Ms. Bilodeau will be allowed to carry over vacation time she will be unable to use due to her new responsibilities.

It was on motion unanimously

VOTED: To approve the "Employment Agreement for Interim Town Manager by and between Town of Sudbury, Massachusetts and Maryanne Bilodeau," as reviewed tonight.

Town Manager Search Process – Discussion and Review of Draft Request for Proposals

At 10:09 p.m., Chairman Woodard opened a discussion regarding the search process for a new Town Manager due to the resignation of Town Manager Valente effective February 27, 2015. The Board was previously in receipt of copies of a memorandum from Town Manager Valente dated February 19, 2015, a draft "Town of Sudbury Request for Proposals (RFP) Search Firm to Assist with Town Manager" and two

spreadsheets to track tasks and timelines for Recruiting a New Town Manager. He asked the Board's opinion regarding whether to start the process of finding an Executive Search firm for the Town to work with to assist the new Board of Selectmen, which will be elected on March 30, 2015.

Selectman Simon stated he believes it would be a help to start the RFP process. Selectman Haarde agreed, as long as it only involves finding the consultants. Vice-Chairman Brown stated she does not want to delay the process. Selectman O'Brien stated he liked the draft RFP and he supported moving forward.

A brief discussion ensued regarding timing for interviewing firms and when the RFP would be issued. It was suggested that any proposed revisions to the RFP be directed to Ms. Bilodeau prior to March 6, 2015 so they can be incorporated into a revised draft to be included in the Board's March 10, 2015 meeting packets.

Raytheon Closing – Joint Discussion with Sudbury's Planning Board

At 10:18 p.m., Chairman Woodard opened a discussion regarding the Selectmen and the Planning Board sending a joint letter to Raytheon. The Board was previously in receipt of copies of a draft letter to be sent to Raytheon and its marketing firm from Sudbury's Planning Board and Board of Selectmen.

Selectman Haarde asked if the letter should mention contamination on the property and mitigation for it, especially if housing is being considered on the site.

The consensus of the board was that the first sentence of the second paragraph on page two of the draft letter be revised to insert the words "potential environmental contamination" after the word "children."

It was on motion unanimously

VOTED: To approve the draft letter, as reviewed and amended tonight, to be sent to Raytheon and its marketing company from Sudbury's Planning Board and Sudbury's Board of Selectmen, noting recommendations for the redevelopment of the Raytheon property.

2015 Annual Town Election – Sign Warrant

The Board was previously in receipt of copies of the front cover and letter from the Board for the Town of Sudbury 2015 Official Warrant Annual Town Election for March 30, 2015.

It was on motion unanimously

VOTED: To sign the 2015 Town Election Warrant, which must be posted and in the hands of residents no later than Monday, March 23, 2015.

Annual Town Meeting – Discuss Possible Special Town Meeting Regarding Recent Bond Sale

The Board was previously in receipt of copies of an email from Town Clerk Rosemary Harvell dated February 19, 2015 regarding the deadlines required to call a Special Town Meeting on May 5, 2015.

Town Manager Valente summarized that, as a result of the recent \$19.6 million bond sale conducted by Finance Director Andrea Terkelsen to raise cash for three Town projects, it is possible a Special Town Meeting may need to be called within the Annual Town Meeting to address a Johnson Farm related issue which will need to be concluded by June 30, 2015. If this were to be the case, the Special Town Meeting would need to be called by the Board by March 31, 2015.

The Board requested a draft article be prepared by Town Counsel for review at the Board's March 10, 2015 meeting.

Annual Town Meeting – Determine Order of Articles – Designate Consent Calendar Articles and Take Position on Articles

The Board was previously in receipt of copies of a draft list and articles submitted for the 2015 Annual Town Meeting Warrant.

Town Manager Valente stated the total number of articles and petitions submitted is 56, and she noted they have been grouped as they were last year by category (financial, capital-related, zoning-related, Community Preservation Act (CPA)-related and petition articles.

Selectman O'Brien asked if the first one noted under Petitions for "Walkways" is a resolution. After reviewing the article, the consensus was that it is not a resolution and that the wording should be revised. Selectman O'Brien also asked if the last petition article submitted by Ralph Tyler should be added to the Town's article #35 and/or is it possible for the Board to adopt and send two articles to Beacon Hill (the first to extend the Senior Property Tax Relief Program, and the second one suggesting changing the legislation with minor revisions). Town Manager Valente stated the Board could ask for input from the Assessor's Office.

After a brief discussion, it was requested that the Town Assessor be asked for input, and that Town Counsel be asked if the petition article (#56) could be combined with the Town's article # 35 or whether the petition article #56 could become a Board-submitted article.

It was on motion unanimously

VOTED: To adopt the numbers for the Annual 2015 Town Meeting Warrant articles submitted by February 2, 2015, as reviewed and noted below:

- #1 - Hear Reports
- #2 - FY15 Budget Adjustments
- #3 - Stabilization Fund
- #4 - FY16 Operating Budget
- #5 - FY16 Transfer Station Enterprise Fund Budget
- #6 - FY16 Pool Enterprise Fund Budget
- #7 - FY16 Recreation Field Maintenance Enterprise Fund Budget
- #8 - Unpaid Bills
- #9 - Chapter 90 Highway Funding
- #10 – Real Estate Exemption
- #11 - Town/School Revolving Funds
- #12 – Establish Public Health Vaccinations Revolving Fund
- #13 – Establish Special Stabilization Fund – Former Melone Property
- #14 – Rolling Stock Stabilization Fund
- #15 - Funding of the Energy Savings Program Stabilization Fund
- #16 – Use of Energy Savings Programs Stabilization Fund
- #17 – Establish Special Revolving Fund – Town-owned Synthetic Turf Fields
- #18 – FY16 Capital Budget (generic)
- #19 – Cardiac Monitor Replacements

- #20 – Carpet Replacement – School and Library
- #21 – Natatorium Roofing
- #22 – Fire Alarm System Upgrade – LSRHS
- #23 – Town and Schools Parking Lots, and Sidewalks Improvements
- #24 – School Security and Access Controls
- #25 – School Classroom Flooring Replacement
- #26 – School Rooftop HVAC Unit Replacement
- #27 – DPW Rolling Stock Replacement
- #28 – Cutting Athletic Field Lighting
- #29 – Capital Account
- #30 – Re-purpose School Capital Articles
- #31 – Re-purpose Non CPA Capital Articles
- #32 – Adopt M.G.L. 32B, Section 20 Other Post-Employment Benefits (OPEB) Liability Trust Fund
- #33 – Post-Employment Health Insurance Trust Fund
- #34 – Special Act –Dedication of Local Meals Tax Revenue to other Post-Employment Benefits (OPEB)
- #35 – Special Act – Extension of Means Tested Senior Tax Exemption Program
- #36 – Town of Sudbury Bylaws – Art. V.3, Regulation of Dogs
- #37 – Disposition of Existing Police Station, 415 Boston Post Road
- #38 – Amendments to the Regional School District Agreement of the Minuteman Regional Vocational School District
- #39 – Minuteman Regional Vocational Technical High School – Accept Amendments
- #40 – MMRVTHS
- #41 – MMRVTHS – Withdrawal
- #42 – Town-Wide Electric Aggregation
- #43 – Amend Zoning Bylaw, Article IX – Site Plan Authority Change from Selectmen to Planning Board –
REFERRED TO PLANNING BOARD
- #44 – Grant of Perpetual Restrictions – CPA Land Purchases
- #45 - Community Preservation Fund – Weed Removal
- #46 - Community Preservation Fund - Sudbury Housing Trust 10% Allocation
- #47 - Community Preservation Fund – Town-wide Walkways
- #48 - Community Preservation Fund – Historic Projects
- #49 - Community Preservation Fund – Davis Field Improvements
- #50 - Community Preservation Fund – Town Center Landscaping
- #51 - Community Preservation Fund - Amend Article 26 ATM 12 – Historic Projects
- #52 - Community Preservation Fund – FY16 CPC Budget
- #53 - Petition Articles – Walkways – Resolution
- #54 - Greenway Rail Trails
- #55 - Greenway Rail Trails
- #56 - Refinements to Senior Property Tax Reliefs

Town Budget – Three-Year Projection Guidance Discussion

The Board was previously in receipt of copies of a memorandum from Chairman Woodard dated January 23, 2015, a revised redlined version of the same memo, and an email from Vice-Chairman Brown dated February 3, 2015.

Chairman Woodard suggested, and the Board concurred, to postpone this agenda item to the Board’s March 10, 2015 meeting.

Town Counsel – Policy for Accessing Services

At 10:45 p.m., Chairman Woodard opened a discussion regarding the draft policy for accessing Town Counsel services. The Board was previously in receipt of copies of a memorandum from Town Manager Valente dated February 19, 2015 and the revised draft “Policy on Access to Town Counsel and Confidentiality of Attorney-Client Communications.”

Selectman Haarde asked if this is a new policy. He stated he is concerned the process could make it difficult for a Selectman to request an opinion from Town Counsel, and that by requiring a vote of the Board, the request could be blocked. Selectman Haarde opined that it seems as if the new policy has been adopted before being voted because he asked for a Town Counsel opinion and his request was denied.

Town Manager Valente stated Town Counsel Saint Andre clearly communicated the process by which she recommended working to minimize misinterpretations of information.

Selectman Haarde stated he wished to know what the options are for a Selectman who requests a Town Counsel opinion, but whose request is blocked by the Board. He stated the policy does not feel right to him, and he questioned whether the Town is being a “penny wise, pound foolish.”

Selectman Simon identified misnumbering of references within Town Manager Valente’s February 19, 2015 memo. He also requested that the term “infrequent” be defined in the first bullet point on page 169 of the Board’s Meeting packet.

It was noted the word “government” in bullet point #5 on page 170 of the Board’s meeting packet should be corrected to read as “governing.”

Chairman Woodard suggested, and the Board concurred, that the revisions noted tonight be incorporated into a new draft to be reviewed by the Board at its March 10, 2015 meeting. He also asked the Board to consider the suggestions made by Selectman Haarde.

Town Hall Blue Ribbon Committee – Draft Mission Statement

At 10:30 p.m., Chairman Woodard opened a discussion regarding a draft Mission Statement for the Town Hall Blue Ribbon Committee. The Board was previously in receipt of copies of a draft Town Hall Blue Ribbon Committee Mission Statement.

Selectman Haarde suggested a member from the Sudbury Historical Commission and another at-large member be added to have a Committee totaling 9 members. He also asked why the Sudbury Public Schools (SPS) has a member slot.

Selectman O’Brien stated no renovations at Town Hall or for a Community Center can occur without finding a new location for SPS administration, which has been one of the primary purposes of this project. Selectman Haarde stated SPS could possibly have other location options available as well.

Town Manager Valente suggested the Board should provide any feedback or suggested revisions to Facilities Director Jim Kelly or Interim Town Manager Bilodeau no later than March 5, 2015.

2014 Annual Board of Selectmen and Town Manager Town Report

At 11:15 p.m., Chairman Woodard opened a discussion regarding the 2014 Annual Board of Selectmen and Town Manager Town Report. The Board was previously in receipt of copies of a draft 2014 Annual Board of Selectmen and Town Manager Annual Town Report.

It was on motion unanimously

VOTED: To approve the 2014 Annual Town report draft narrative from the Board of Selectmen and Town Manager.

Board of Selectmen Meeting Minutes – November 12, 2014

The Board was previously in receipt of copies of the draft Board of Selectmen November 12, 2014 Regular Session Meeting Minutes and the revisions to these Minutes as prepared by Selectman Simon.

Vice-Chairman Brown stated Selectman Simon's revisions do not include some comments made by her at the meeting and that she does not consider them to be a transcript.

Selectman O'Brien suggested both versions of the Meeting Minutes be approved.

It was on motion

VOTED: To approve the Board of Selectmen November 12, 2014 Regular Session Meeting Minutes as submitted.

Selectman O'Brien abstained from the vote.

Selectman Simon opposed the vote.

Minutes

Selectman Haarde identified three sentences which he requested be deleted from the Citizen's Comments section of the draft minutes on pages 199 and 200 of the Board's Meeting packets.

It was on motion

VOTED: To approve the regular session minutes of February 3, 2015 as amended by Selectman Haarde tonight.

Selectman Simon opposed the vote.

Conservation Restriction – Lot 7 Kato Drive

It was on motion unanimously

VOTED: To approve the Conservation Restriction for Lot 7 Kato Drive from Defense Housing Trust to the Town of Sudbury acting by and through the Conservation Commission in accordance with M.G.L. Chapter 40C, Section 8C and Chapter 184, Sections 31-33 restricting approximately 42,513 sq. ft. of a 60,680 sq. ft. parcel of land identified on the Town Assessor Maps as J10-0607.

Conservation Restriction – 941 Concord Road

It was on motion unanimously

VOTED: To approve the Conservation Restriction for 941 Concord Road from Sanjiv Luthra and Nalini Luthra to the Town of Sudbury acting by and through the Conservation Commission in accordance with M.G.L. Chapter 40C, Section 8C and Chapter 184, Sections 31-33 restricting approximately 1.04 acres of land identified on the Town Assessor Maps as E12-0102.

Permanent Building Committee – Resignation

It was on motion unanimously

VOTED: To approve the resignation of Gifford Perry, 27 Ames Road, from the Permanent Building Committee, and to thank him for his service to the Town.

Zoning Board of Appeals and Earth Removal Board – Resignation

It was on motion unanimously

VOTED: To approve the resignation of Stephen Garanin, 39 Griscom Road, from the Zoning Board of Appeals and Earth Removal Board, and to thank him for his service to the Town.

Fieldhouse Sudbury – Special Permit – “The Fieldhouse 5K/5Mile” Walk/Run

It was on motion unanimously

VOTED: To grant a Special Permit to the Fieldhouse Sudbury, to hold the “The Fieldhouse 5K/5 Mile” Walk/Run on Sunday, May 3, 2015, from 8:30 a.m. through approximately 10:00 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.

National Multiple Sclerosis Society – Special Permit – “Bike MS Minuteman Ride”

It was on motion unanimously

VOTED: To grant a Special Permit to the National Multiple Sclerosis Society to hold the “Bike MS Minuteman Ride” on Saturday, July 18, 2015, from 9:00 a.m. through approximately 3:00 p.m., subject to Police Department safety requirements, proof of insurance coverage and the assurance that any litter will be removed at the race’ conclusion.

Knights of Columbus – One-Day Wine & Malt License

It was on motion unanimously

VOTED: To grant a one-day Wine & Malt license to William E. Kneeland, Jr., to accommodate a Knights of Columbus fundraiser on Saturday, March 14, 2015 from 6:00 p.m. to 11:00 p.m. at Our Lady of Fatima Parish Hall, 160 Concord Road, subject to the use of a TIPS-trained bartender and a receipt of a Certificate of Liability.

There being no further business, the meeting adjourned at 11:36 p.m.



Attest: _____

Maureen G. Valente
Town Manager-Clerk