

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, APRIL 7, 2015

Present: Chairman Charles C. Woodard, Selectman Lawrence W. O'Brien, Selectman Robert C. Haarde (arrived 9:23 p.m.), Selectman Leonard A. Simon, Vice-Chairman Patricia A. Brown and Interim Town Manager Maryanne Bilodeau

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

Opening Remarks

At 7:35 p.m., Chairman Woodard opened the meeting. He announced the Sudbury Historical Commission is seeking a new member and information is available on the Town website. Chairman Woodard also announced Sudbury's Spring Street Cleaning and Sweeping will begin on April 20, 2015 and continue for approximately six weeks. Residents are asked not to park on roads to allow access for the equipment. A public forum was held on March 26, 2015 by the Fairbank Community Center Task Force regarding preliminary designs and a supporting operating plan. Chairman Woodard encouraged residents to access the PowerPoint presentation on the Town website. He also announced there will be a Town Center Landscape and Historic Design public meeting on April 21, 2015 at 6:00 p.m., beginning at Grinnell Park, and followed by a meeting at Town Hall. He encouraged residents to complete the Town website survey regarding what should be done with the current Police Station. Chairman Woodard also encouraged residents to participate in the Town's Annual Roadside Cleanup on May 9, 2015. This year, there is a web-based "Adopt a Street" program available to residents on the Town website. He also noted high school students can volunteer and earn Community Service credit. Chairman Woodard thanked everyone who ran for office and participated in the Town Election on March 30, 2015, and he congratulated those elected. He noted he has unofficially won his Board seat by one vote, and if a recall occurs it would likely be conducted next week. Chairman Woodard emphasized, in Sudbury, every vote counts.

Reports from the Interim Town Manager

Interim Town Manager Bilodeau announced representatives from CSX will be in Sudbury and Framingham on April 29, 2015 from 9:30 a.m. to 12 noon to discuss the potential acquisition of the remaining CSX right of way in Framingham and Sudbury that connects to the Bruce Freeman Rail Trail. Legislators and the Framingham Selectmen have been invited to attend. Town Managers and Planners will facilitate the site walk and meeting. The meeting will begin at 9:30 a.m. on the corridor in Framingham (location to be determined) and conclude at the Goodnow Library at approximately 11:00 a.m. Please R.S.V.P. intentions to attend to the Planning Office. Ms. Bilodeau stated Town Moderator Michael Fee would like residents to email him at mfee@feelaw.com, if they have questions regarding Town Meeting. She also reminded the Board of the upcoming Open Meeting Law Training to be held on April 15, 2015 at the Lincoln-Sudbury Regional High School (L-SRHS) Lecture Room.

Reports from the Board of Selectmen

Selectman Simon attended the Route 20 Sewer Zoning Public Forum on May 25, 2015, and he noted the presentation given is available on the Town website. He also attended a Sudbury Public Schools (SPS) contract negotiation strategy meeting. On March 26, 2015, Selectman Simon attended the Fairbank Community Center Public Forum, and he noted the presentation given is available on the Town website. On April 6, 2015, he attended a Conservation Commission meeting, where an update on the Johnson farm project, including the Town's collaboration with The Sudbury Valley Trustees was presented.

Selectman O'Brien encouraged residents to attend the Town Center Landscape and Historic Design public meeting on April 21, 2015 at 6:00 p.m., beginning at Grinnell Park.

Vice-Chairman Brown attended the Minuteman Regional Vocational High School Building Committee meeting on March 31, 2015. She noted parents of Minuteman students have requested more opportunities for discussion regarding the Minuteman issues prior to Town Meeting, which will be coordinated.

Citizen's Comments

At 7:46 p.m., Chairman Woodard recognized Sudbury citizen Robert Stein, 7 Thompson Drive.

Mr. Stein urged the Board to consider reaching out to Buddy Dog and its attorney by offering a small portion of the Melone property. He stated it is his understanding that the Melone abutter has expressed no objections to this idea. Mr. Stein suggested several scenarios could be considered, including a land swap, a sale or designating conservation land.

Chairman Woodard stated the suggestion is worth pursuing.

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

Mr. DePompei congratulated all who were elected on March 30, 2015. However, he noted there was a disturbing trend of negative correspondence which was circulated the night before the Election. He presented the Interim Town Manager with the correspondence for the record, and suggested there be a public discussion about it in the future.

Sudbury Housing Trust – Approve Trustee Appointment

Present: Trustee candidate Jay Zachariah

At 7:57 p.m., Chairman Woodard welcomed Sudbury resident Jay Zachariah to the meeting to discuss his interest in serving as a Sudbury Housing Trust (SHT) Trustee. The Board was previously in receipt of copies of Mr. Zachariah's "Town of Sudbury Application for Appointment."

Mr. Zachariah stated he has worked as an architect and in design/construction for over 16 years. He believes affordable housing is important to all communities. Mr. Zachariah stated he believes his skills could be useful to the SHT.

Selectman Simon asked if Mr. Zachariah has an interest in historic buildings. Mr. Zachariah stated his experience has been more related to modern designs, but he believes historic buildings have significant importance in communities.

Selectman O'Brien asked how he became interested in the SHT opening. Mr. Zachariah stated he worked with Andrew Kaye when he moved to Sudbury last year. He wanted an opportunity to contribute to the Town. Selectman O'Brien stated he believes Mr. Zachariah's background is well suited to this opening, and he endorsed his candidacy.

Chairman Woodard thanked Mr. Zachariah for volunteering for the position.

It was on motion unanimously

VOTED: To approve the appointment of Jay Zachariah, 140 Stockfarm Lane, as a Trustee to the Sudbury Housing Trust for a term ending April 30, 2016, and to sign the Certificate of Appointment of Trustee and Acceptance to be recorded at the Middlesex South Registry of Deeds.

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, the applicant’s attorney Robert Dionisi and Sudbury Town Counsel Barbara Saint Andre

At 8:02 p.m., Chairman Woodard opened the Public Hearing regarding the new 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 an email from Patty Golden dated April 3, 2015 and accompanying comparison between the original and amended leases for Erica’s Restaurant, the Amended Commercial Lease dated March 15, 2015, the “Application for Retail Alcoholic Beverage License” and accompanying materials and exhibits. In addition, copies of an email from Sudbury resident J. Kendall Huber dated April 7, 2015, a letter from Attorney Philip Slotnick dated April 7, 2015 and accompanying materials objecting to the application, and a letter to the applicant from Interim Town Manager Maryanne Bilodeau dated March 13, 2015, were distributed tonight.

The applicant’s attorney Robert Dionisi introduced the applicant’s husband and daughter, who were in attendance. Mr. Dionisi stated he has reviewed material regarding the previous denial of the application for a Restaurant License for the Sale of All Alcoholic Beverages. He referenced the last paragraph of Ms. Bilodeau’s March 13, 2015 letter, stating he disagrees with the assumption that the owner of the property and the applicant are one and the same. Mr. Dionisi summarized Erica Cannarozzi’s work history, noting she is capable of running the business alone. He further stated, the archaic language is disrespectful to Ms. Cannarozzi, by insinuating she is not her own person and that she is incapable of running the restaurant without the intervention of her husband. Mr. Dionisi emphasized Sierra Realty Trust paid the Town approximately \$250,000 in property taxes over a 23-year period, with no police incidents reported. He explained Sierra’s fell on tough times in recent years, as the local and national economy struggled. Mr. Dionisi stated he has verified there are no federal or State liens held on the property. He stated the new restaurant is ready to open, and he rejects the notion that Ms. Cannarozzi has received a direct beneficial interest from Sierra’s former license.

Mr. Dionisi stated the applicant has offered to pay the outstanding property taxes when a license is issued. He emphasized the applicant is only asking for time to pay the taxes. Mr. Dionisi stated a condition regarding payment of the taxes is not covered in the M.G.L. applicable Chapter 138 regulations. However, he noted this condition is part of Sudbury’s bylaw, and thus, it is discretionary. Mr. Dionisi stated he believes the Board has the authority to condition the license for the payment of the outstanding taxes upon return of the license from the ABCC.

Town Counsel Barbara Saint Andre, stated the Board is able to condition the license, if the applicant accepts the condition. Ms. Saint Andre stated language could be added to the condition so as to give the Board the authority to revoke the license, if the taxes are not paid as directed. She recommended adding such language to safeguard the Town’s position.

Selectman O’Brien referenced the letter received from Attorney Philip Slotnick dated April 7, 2015, and he asked if the contrary opinions expressed in the letter have been reviewed by the applicant’s team. Mr. Dionisi stated they have not seen the letter. However, he stated Mr. Slotnick is involved with a mortgage litigation, which is not relevant to the application before the Board. He further stated he believes Mr. Slotnick may be treading on dangerous territory with his potentially “malicious abuse of actions.”

Selectman O'Brien stated he was absent from the March 10th Board Meeting. However, he further stated, that, upon reviewing the material presented, he would have also voted to deny the application had he been present. Selectman O'Brien noted how difficult it is for a new restaurant to get off the ground, and he questioned whether the expense obligations noted in the amended tenant lease are realistic.

Chairman Woodard stated he is inclined to require full payment of all outstanding property taxes owed, if a license is conditioned. He noted the Town had offered payment plans to Mr. Cannarozzi in the past, which were not honored. Thus, he is opposed to any future payment plan agreements.

Mr. Dionisi stated Ms. Cannarozzi has long-standing relationships with vendors who will offer her credit terms, and she believes the figures presented are doable. He emphasized this is a family business trying to get back to work in Sudbury, and it will bring an employment opportunity for 29 workers.

Selectman Simon stated he has concerns regarding the communications from Mr. Slotnick. He also is concerned that the Board granted two previous payment plans to Mr. Cannarozzi, which were not upheld, and thus, he is also concerned about future payments. Selectman Simon also noted questions on the ABCC application, which he does not believe were answered correctly, because he believes Mr. Cannarozzi would receive a direct benefit from any license issued, as a full-time worker at the restaurant. He emphasized he has strong reservations regarding proceeding with issuance of a license. Selectman Simon stated he would also be interested in hearing from Attorney Slotnick. He further expressed his dismay with hearing from a Sudbury father that his son, who worked at Sierra's, was financially mistreated when Sierra's closed. Selectman Simon noted Mr. Cannarozzi has recently rectified this situation.

Vice-Chairman Brown asked about clarification in the amended lease regarding how future real estate taxes would be paid. She emphasized the Town is concerned about collection of all taxes owed. Mr. Dionisi stated the lessor is always responsible for payment of property taxes and not tenants.

Mr. Cannarozzi clarified this was not changed in the amended lease, noting Selectman Simon had questioned this same issue at a previous Board meeting.

Chairman Woodard asked the Board if it is willing to approve a license, subject to the outstanding taxes being paid.

Selectman O'Brien summarized the struggle the Board is having with its decision. He suggested Town Counsel and Mr. Dionisi work together to draft two motions for the Board to either approve or disapprove the request.

Attorney Philip Slotnick stated he represents the first mortgage holder on the property. Mr. Slotnick opined there is no evidence the restaurant equipment was sold to Ms. Cannarozzi, and she is the sole beneficiary of Sierras Realty Trust. He also noted there are four mortgages on the property, there is a lease requiring a \$4000 a month payment, and Mr. Cannarozzi was in bankruptcy and Chapter 11 twice, leaving a trail of unpaid creditors. He believes the request should be denied.

Mr. Cannarozzi stated that, at a previous meeting, he offered to provide the Board evidence that the restaurant equipment had been abandoned back to him and then sold to his wife.

Selectman O'Brien stated he would like a communication of guidance from Town Counsel regarding what is, and is not, in the Board's control and jurisdiction, and what it can condition. He further suggested the Public Hearing be continued.

Town Counsel Saint Andre reminded the Board it has a 30-day deadline to act on the application. She suggested the Board requests from the applicant an extension to this deadline.

Mr. Dionisi stated the applicant could extend the deadline to April 28, 2015, allowing time for the Hearing to be continued and for him time to work with Town Counsel, and then see where things stand at the April 28, 2015 Board Meeting. He stated he would follow-up tomorrow by sending the Town a letter approving the extension.

Selectman O'Brien informed the applicant the Board will change membership after Town Meeting, and he suggested it might be best to decide the matter with the current Board on April 28, 2015, and/or if necessary, on May 6, 2015.

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 April 28, 2015 at 8:15 p.m.

Vice-Chairman Brown asked Attorney Slotnick to submit any information in the future for the Board's review well in advance of meetings.

Town Hall Blue Ribbon Committee – Appointment of Two At-Large Members

Present: Applicants Christopher Morely and Howard Gold

At 9:00 p.m., Chairman Woodard welcomed Sudbury residents Christopher Morely and Howard Gold as candidates for at-large membership on the Town Hall Blue Ribbon Committee. The Board was previously in receipt of copies of a memorandum from Director of Planning and Community Development Jody Kablack dated April 1, 2015, and the "Town of Sudbury Applications for Appointment" submitted by Mr. Morely, Mr. Gold, Stewart Hoover, Lee Swanson, and Thomas Friedlander, and the Town Hall Blue Ribbon Committee Mission Statement voted by the Sudbury Selectmen on March 10, 2015.

Howard Gold stated he has been an attorney for 23 years and he has experience working with community organizations and historical issues.

Vice-Chairman Brown asked how familiar Mr. Gold is with the many factors and other projects which are related to this project. Mr. Gold stated he will have a learning curve, but he has read the previous reports done on Town Hall, and he is aware the re-purposing of this building is related to numerous Town goals.

Selectman O'Brien highlighted finding space for the SPS administration is a priority which relates to this project. He noted the Board is very familiar with Mr. Morely's contributions to the Town in many capacities, and his expertise is well suited for the Committee. Selectman O'Brien endorsed both candidates.

Selectman Simon concurred that Mr. Morely's contributions to the Town as a volunteer are well known, and he believes his skills and wisdom will be beneficial to the Committee.

It was on motion unanimously

VOTED: To appoint Christopher Morely, 321 Old Lancaster Road, and Howard Gold, 18 Moran Circle, to the Town Hall Blue Ribbon Committee for a term ending June 30, 2016.

Annual Town Meeting – Discussion and Take Position on Article 53 - Walkways

Present Petitioner Dan DePompei

At 9:07 p.m., Chairman Woodard opened a discussion regarding Annual 2015 Town Meeting Petition Article 53 Walkways, and he welcomed petitioner Dan DePompei, 35 Haynes Road, to the Meeting. The Board was previously in receipt of copies of the proposed Warrant Article #53.

Mr. DePompei explained the resolution he submitted is a non-binding article, and he read it aloud. He explained the intent of the article is to prioritize the current building of sidewalks to provide access to public schools for all homes within two miles of a public school.

Selectman O'Brien stated the article is well-intended, and he hopes the Moderator will allow some discussion. He suggested Mr. DePompei includes in his presentation for Town Meeting statistics regarding critical sidewalks still needed and the estimated cost. Selectman O'Brien stated the public may want to decide if it is cheaper to provide free busing for certain situations or build more sidewalks.

Selectman Simon noted the article is not labeled in the Warrant as a non-binding resolution, and he suggested this inconsistency be corrected. He suggested Interim Town Manager Bilodeau should verify this with Town Counsel. Mr. DePompei stated he received an email from Town Counsel stating his resolution is non-binding.

Chairman Woodard suggested the Board should take its position on this article at its next meeting.

Annual Town Meeting – Discussion and Take Position on Article 54 and Article 55 – Greenway Rail Trail

Present Petitioner Andrew Sullivan

At 9:20 p.m., Chairman Woodard opened a discussion regarding Annual 2015 Town Meeting Petition Articles 54 and 55 regarding greenway rail trails, and he welcomed petitioner Andrew Sullivan, 28 French Road, to the Meeting. The Board was previously in receipt of copies of the proposed Warrant Articles #54 and 55, regarding engineering and construction of a completed "Greenway Style" multi-use recreational rail trail in abandoned rail right-of-way of the Mass Central Railroad, now known as the Mass Central Rail Trail (MCRT) – Wayside Branch (Article 54) or in abandon rail right-of-way of the Framingham and Lowell Railroad, now known as the Bruce Freeman Rail Trail (BFRT) (Article 55) and accompanying conceptual cost estimates for greenway-style rail trails in both the Mass Central Rail Trail (MCRT) and Bruce Freeman rail Trail (BFRT) right-of-ways and a cost analysis of greenway-style stone dust rail trails versus a Massachusetts Department of Transportation (DOT) bike path materials.

Mr. Sullivan stated he believes the majority of residents in Sudbury want rail trails, and he provided several benefits they provide to communities.

Chairman Woodard asked who provided the costs estimates. Mr. Sullivan stated they were provided to Sudbury Greenways by BETA Environmental Engineering.

Chairman Woodard stated he is reluctant to go forward with the articles because he does not believe enough due diligence has been done to vet projects with estimated costs of \$1 million. Mr. Sullivan stated the Capital Improvement Advisory Committee (CIAC) and the Community Preservation Committee (CPC) did not support proposed articles for the MCRT, which is why he decided to bring forth these articles to the voters. Chairman Woodard stated he believes the voters expect a certain amount of due diligence to be done

before being presented with projects at Town Meeting. He further stated significant funds are being requested without a credible cost estimate and solid engineering data. Chairman Woodard commended Mr. Sullivan for his commitment to these projects, but he does not believe the projects have been sufficiently evaluated. Mr. Sullivan explained how the cost estimates originated and have been revised. Chairman Woodard asked what the assumed value would be for the salvaged rails, noting the public should have as much information as possible to assess the financial impact of the projects. Mr. Sullivan stated this might vary depending on timing of their sale.

Chairman Woodard stated Town Counsel has advised the motion will need to specify the source of funding, and he asked Mr. Sullivan for his thoughts. Mr. Sullivan stated he had no preference, and that it could be decided by the Board.

Selectman O'Brien advised Mr. Sullivan that it is incumbent upon him as the proponent to include language in his presentation to let voters know the potential impact of funding the projects as capital exclusions.

In response to a question from Selectman O'Brien, Mr. Sullivan noted the BRFT should be correctly described as a 4.4 mile trail.

Selectman O'Brien asked if the proposed \$800,000 is sufficient to address the anticipated wetlands issues for the BFRT. He also asked which Town Office and/or Departments would need to supervise these projects, and what are their positions. Selectman O'Brien suggested this type of information should be included in the petitioner's presentation.

Mr. Sullivan stated he is confident in the estimated costs provided to date by the engineering firm. He also confirmed Town staff assistance would be needed to manage the projects, and to prepare critically important bid documents.

Vice-Chairman Brown asked if the same firm provided cost estimates for Wayland. Mr. Sullivan responded affirmatively, noting Wayland voted 7-0 to support work on its MCRT section last night.

Selectman Simon stated he and Mr. Sullivan are similar in their commitment to have rail trails in Sudbury. However, he noted there are differences between them regarding who should pay for the trails, and what type of trails they should be. Selectman Simon stated the Town voted last year to appropriate \$260,000 for design work on the BFRT. He also stated the Town is only expected to pay approximately 10% of design costs for the BFRT project, which has been estimated to cost approximately \$6.6 million. Selectman Simon emphasized the Town has made good progress in the past year regarding the BFRT, and he questioned why another approach is now being proposed, which starts the process all over.

Mr. Sullivan stated he differs from Selectman Simon in that he does not believe the Town has made good progress regarding rail trails. He believes a different timetable and surface than the ones proposed for the BFRT would be more beneficial to the community.

Selectman Haarde thanked Mr. Sullivan for his work to bring these projects forward to Town Meeting, where the public will have the opportunity to vote its preferences. He believes projects are submitted all the time which do not have all the costs pinned down. Selectman Haarde suggested the motion could include an "up to" amount. He believes Mr. Sullivan has presented these projects to several Town committees and boards. Selectman Haarde stated many of tonight's comments should be helpful in preparing the Town Meeting presentation.

Chairman Woodard suggested the cost estimates might be received better if they were on BETA Engineering letterhead. He further suggested the proposed projects should be vetted prior to Town Meeting by Town staff.

Mr. Sullivan stated he believes pursuing a greenway-style rail trail shows the State that Sudbury is serious about rail trails, and he does not believe it jeopardizes a future paved trail.

Sudbury Finance Committee Chair Susan Berry stated she is concerned about what the funding sources are for the articles. She believes the only possibility for funding is capital exclusions, and she reminded the Board those would need to be voted tonight to appear on the proposed Special Town Election Ballot in May.

Selectman O'Brien suggested Mr. Sullivan includes in his Town Meeting presentation what the anticipated cost will be for the average homeowner for either a single \$2 million project or for two \$1 million project proposals.

Chairman Woodard reiterated his concern that the costs have not been sufficiently vetted by Town staff.

Selectman Simon stated he believes there should be a cost estimate which is verifiable. He emphasized previous MCRT project proposals were rejected by the CIAC, CPC and the Planning Department staff.

Selectman Haarde opined the projects will probably have to be presented as capital exclusions, and he believes the articles should go forward to Town Meeting. He further stated the Town has been considering rail trails for decades and it is good at finding reasons to delay their construction. Selectman Haarde believes the articles will help the projects come to fruition sooner and help the Town access State TIP funds.

Selectman Simon clarified the MCRT would be constructed with all local Town funds, and thus TIP funds are not applicable.

Vice-Chairman Brown clarified that the enthusiasm the community would demonstrate for the greenways would inform the State that Sudbury is also eager to receive TIP-funding for rail trails.

Selectman O'Brien suggested the Board should report its positions on the articles at Town Meeting.

Selectman Simon noted Articles #54 and #55 are binding.

Annual Town Meeting – Discussion and Take Positions on Remaining Articles and Determine Speaking Assignments for Presentations

Present: Facilities Director Jim Kelly

At 10:09 p.m., Chairman Woodard opened a discussion regarding the Board taking positions on the remaining Annual 2015 Town Meeting articles, as well as to determine speaking assignments for presentations, which was continued from March 24, 2015. The Board was previously in receipt of copies of a list of the articles submitted for the 2015 Annual Town Meeting Warrant. In addition, copies of a revised list of the 2015 Annual Town Meeting articles and a revised "Town of Sudbury Official Warrant 2015 Annual Town Meeting May 4, 2015 7:30 p.m. Special Town Meeting May 5, 2015 7:30 p.m.," with a cover sheet entitled "Updates to Official Warrant 2015" were distributed tonight.

Facilities Director Jim Kelly reported **Article #16** has not been finalized, and it may be withdrawn by the Energy and Sustainability Committee. Thus, the decision to report the Board's position at Town Meeting remains unchanged. Mr. Kelly also stated **Article #21** will be indefinitely postponed.

Regarding **Article #37**, Chairman Woodard suggested the Board should report its position at Town meeting to allow time for more input from the online surveys.

Selectman Haarde asked why the Board is being considered to have the authority for Town-owned land versus Town Meeting, and he asked if the Board can legally have this authority. Mr. Kelly stated he put forth the article as a means to expedite a potential sale of the current Police Station. Selectman O'Brien noted Town Counsel has opined the Board could have this authority, if voted by Town Meeting.

Vice-Chairman Brown stated the article does not include any language regarding how the proceeds would be used. Selectman O'Brien suggested the motion could be conditioned to require proceeds are deposited to a special fund for future use to be determined by Town Meeting. Vice-Chairman Brown suggested, and the Board concurred, that Town Counsel be asked by Interim Town Manager Bilodeau to amend the motion as suggested by Selectman O'Brien. It was noted Selectman Simon is the article presenter. Selectman Haarde clarified a special Stabilization Fund would need to be created at a future Special Town Meeting so the proceeds are not deposited to Free Cash. Vice-Chairman Brown suggested the proceeds would go into a General Ledger Fund and be held until the special Stabilization Fund could be created. Interim Town Manager Bilodeau stated she would confirm how the proceeds would be handled.

Selectman Simon requested Interim Town Manager Bilodeau to also confirm what vote would be required to put monies in and take monies out and what the name of the fund would be.

It was also on motion unanimously

VOTED: To support **Article #37**, subject to language being added to the motion requiring the proceeds are deposited to a special fund for future use to be determined by Town Meeting.

Regarding **Article #13**, Chairman Woodard explained the Board needs to vote its position regarding the use of Free Cash for the Melone Stabilization Fund.

It was further on motion unanimously

VOTED: To recommend for **Article #13** using \$1,100,000 of Free Cash to be deposited to the Melone Stabilization Fund.

Regarding **Article #31**, Interim Town Manager Bilodeau referenced copies of two handouts distributed tonight entitled, "ATM 2015 Capital articles and Use of Free Cash Recommendations as of 4/6/15" and "ATM 2015 Article 31 Worksheet Updated 4/7/15." Ms. Bilodeau explained the spreadsheets present the funding source recommendations for certain articles, and how they have been voted by the Finance Committee and the CIAC.

Finance Committee Chair Susan Berry clarified the Committee voted to not support the Cutting Field lights, but it has not yet voted on the DPW rolling stock.

Interim Town Manager Bilodeau updated the board on the FY15 Snow and Ice deficit, and she referenced a handout distributed tonight entitled, "FY15 Snow and Ice Expense Summary." Ms. Bilodeau reported the Finance Committee approved the use of \$75,000 from excess engineering budget funds to be used for the FY15 snow and ice deficit. Thus, the revised snow and ice deficit balance to be covered by Free Cash is \$425,000, as voted previously to support by the Board. Ms. Bilodeau summarized the suggestion to re-vote

Free Cash funds from Article 31 to be used for the capital projects proposed in **Articles #19 (revote \$21,242.20) and #20 (revote \$60,461.99).**

Selectman Haarde stated this appears to be a good housekeeping exercise to clean up old accounts.

It was also on motion unanimously

VOTED: To support the recommendation to use \$21,242.20 of Free Cash funds from Article 31 to be used for the capital project proposed in Article #19, and to support the recommendation to use \$60,461.99 of Free Cash funds from Article 31 to be used for the capital project proposed in Article #20.

Vice-Chairman Brown clarified amended motions will be presented at Town Meeting for Articles #19 and #20, indicating the funds have come from Article 31, and Article 31 will later be indefinitely postponed.

Interim Town Manager Bilodeau briefly summarized **Article #30**, regarding repurposing School capital articles to possibly be used for the Nixon School Roof project. She noted the School Committee is still considering the article.

It was further on motion unanimously

VOTED: To support Article #30 – Repurpose School Capital Articles.

- #1 - Hear Reports - **Support**
- #2 - FY15 Budget Adjustments - **Support**
- #3 - Stabilization Fund - **Support**
- #4 - FY16 Operating Budget - **Support**
- #5 - FY16 Transfer Station Enterprise Fund Budget - **Support**
- #6 - FY16 Pool Enterprise Fund Budget - **Support**
- #7 - FY16 Recreation Field Maintenance Enterprise Fund Budget - **Support**
- #8 - Unpaid Bills
- #9 - Chapter 90 Highway Funding - **CC**
- #10 – Real Estate Exemption - **CC**
- #11 - Town/School Revolving Funds - **CC**
- #12 – Establish Public Health Vaccinations Revolving Fund - **CC**
- #13 – Establish Special Stabilization Fund – Former Melone Property - **Support**
- #14 – Rolling Stock Stabilization Fund - **IP**
- #15 - Funding of the Energy Savings Program Stabilization Fund - **Support**
- #16 – Use of Energy Savings Programs Stabilization Fund – **Report at Town Meeting**
- #17 – Establish Special Revolving Fund – Town-owned Synthetic Turf Fields - **Support**
- #18 – FY16 Capital Budget - **Support**
- #19 – Cardiac Monitor Replacements - **Support**
- #20 – Carpet Replacement – School and Library - **Support**
- #21 – Natatorium Roofing - **IP**
- #22 – Fire Alarm System Upgrade – LSRHS - **Support**
- #23 – Town and Schools Parking Lots, and Sidewalks Improvements - **Support**
- #24 – School Security and Access Controls - **Support**
- #25 – School Classroom Flooring Replacement - **Support**
- #26 – School Rooftop HVAC Unit Replacement - **Support**
- #27 – DPW Rolling Stock Replacement - **Support**

- #28 – Cutting Athletic Field Lighting - **Support**
- #29 – Capital Account – **Town Counsel Opinion and Report at Town Meeting**
- #30 – Re-purpose School Capital Articles – **Support**
- #31 – Re-purpose Non CPA Capital Articles – **IP**
- #32 – Adopt M.G.L. 32B, Section 20 Other Post-Employment Benefits (OPEB) Liability Trust Fund - **WITHDRAWN**
- #33 – Post-Employment Health Insurance Trust Fund - **Support**
- #34 – Special Act –Dedication of Local Meals Tax Revenue to other Post-Employment Benefits (OPEB) – **Support**
- #35 – Special Act – Extension of Means Tested Senior Tax Exemption Program - **Support**
- #36 – Town of Sudbury Bylaws – Art. V.3, Regulation of Dogs - **Support**
- #37 – Disposition of Existing Police Station, 415 Boston Post Road – **Support**
- #38 – Amendments to the Regional School District Agreement of the Minuteman Regional Vocational School District - **Report at Town Meeting**
- #39 – Minuteman Regional Vocational Technical High School – Accept Amendments - **WITHDRAWN**
- #40 – MMRVTHS - **Report at Town Meeting**
- #41 – MMRVTHS – Withdrawal - **Report at Town Meeting**
- #42 – Town-Wide Electric Aggregation - **Support**
- #43 – Amend Zoning Bylaw, Article IX – Site Plan Authority Change from Selectmen to Planning Board – **REFERRED TO PLANNING BOARD – Support**
- #44 – Grant of Perpetual Restrictions – CPA Land Purchases - **Support**
- #45 - Community Preservation Fund – Weed Removal - **Support**
- #46 - Community Preservation Fund - Sudbury Housing Trust 10% Allocation - **Support**
- #47 - Community Preservation Fund – Town-wide Walkways - **Support**
- #48 - Community Preservation Fund – Historic Projects - **Support**
- #49 - Community Preservation Fund – Davis Field Improvements - **Support**
- #50 - Community Preservation Fund – Town Center Landscaping - **Support**
- #51 - Community Preservation Fund - Amend Article 26 ATM 12 – Historic Projects - **Support**
- #52 - Community Preservation Fund – FY16 CPC Budget - **Support**
- #53 - Petition Articles – Walkways
- #54 - Greenway Rail Trails
- #55 - Greenway Rail Trails
- #56 - Refinements to Senior Property Tax Reliefs – **IP**

The consensus of the Board was the Selectmen as noted for Article Presenters are acceptable as proposed.

Interim Town Manager Bilodeau informed the Board that Mark Thompson will need anyone's PowerPoint presentations to be used for Town Meeting no later than the preceding Friday, May 1, 2015.

Free Cash and Capital Exclusions – Discussion and Vote Recommendations

At 10:50 p.m., Chairman Woodard opened a discussion regarding the Board's recommendations for the use of Free Cash and Capital Exclusions as presented on the handout distributed tonight entitled, "ATM 2015 Capital Articles and Use of Free Cash Recommendations as of 4/6/15" and "ATM 2015 Article 31 Worksheet Updated 4/7/15." He noted that, if the recommendations are approved at Town Meeting, the balance of Free Cash remaining would be \$530,569.19.

It was on motion unanimously

VOTED: For Article 2 FY15 Budget Adjustments, to support the recommendation to use \$425,000 of Free Cash for the FY15 Snow and Ice budget deficit.

It was also on motion unanimously

VOTED: To support the funding of capital articles as recommended by the CIAC, and as outlined in the handout referenced tonight, entitled "ATM 2015 Capital Articles and Use of Free Cash Recommendations as of 4/6/15," recommending \$715,195.81 of Free Cash be used for projects as recommended by the CIAC, after re-voting funds from Article 31 to be used for Articles #19 and #20.

Call Special Town Election and Determine Ballot Questions

At 10:58 p.m., Chairman Woodard explained a Special Town Election needs to be called and the Board needs to decide whether to place one or more capital exclusion Ballot Questions on the Warrant

It was on motion unanimously

VOTED: To call a Special Town Election to be held May 19, 2015, and vote to place one or more capital exclusion Ballot Questions (see attachment) on the Warrant for the Special Town Election of May 19, 2015, with notification to the Town Clerk; and further, to direct the proponents if the article to write the arguments in favor, and, if there is no organized opposition, to direct Town Counsel to prepare the arguments in opposition for the Warrant in accordance with the Special Act.

Special Town Election – Approve Ballot Questions

At 11:01 p.m., Chairman Woodard explained a Special Town Election has been called for May 19, 2015, and the Board needs to vote to approve the Ballot Questions. The Board was previously in receipt of copies of four proposed Ballot Questions labeled Option 1, Option 2, Option 3, and Option 4. It was noted Option #3 (to purchase or acquire rolling stock) is not needed, since the Board previously voted tonight to support it being funded with Free Cash.

It was on motion unanimously

VOTED: To approve the Ballot Questions below for the Special Town Election to be held May 19, 2015:

"Option 1 (Based on Art. 23) - Shall the Town of Sudbury be allowed to assess an additional \$200,000 in real estate and personal property taxes for the purpose of constructing, reconstructing or making extraordinary repairs to the Sudbury Public Schools and Town driveways, parking lots and sidewalks including the payment of all costs incidental or related thereto for the fiscal year beginning July first, 2015?"

"Option 2 (Based on Art. 24) – Shall the Town of Sudbury be allowed to assess an additional \$220,000 in real estate and personal property taxes for the purpose of constructing, reconstructing or making extraordinary repairs to the Sudbury Public Schools for the purpose of building safety, security and access controls including the payment of all costs incidental or related thereto for the fiscal year beginning July first 2015?"

"Option 4 (Based on Art. 28) – Shall the Town of Sudbury be allowed to assess an additional \$300,000 in real estate and personal property taxes for the purpose of purchase and installation of lighting at the Cutting recreation field and all expenses in connection therewith, including design, engineering, preparation of plans, specifications and bid documents, for the fiscal year beginning July first 2015?"

Chairman Woodard asked if the Board wants to add two Ballot Questions regarding Articles #54 and #55 related to greenway rail trails.

Selectman Simon stated he does not believe the Board has enough information to put forth Ballot Questions.

Selectman O'Brien stated he believes Selectman Simon raises a valid point, but he views putting two questions on the Ballot as a procedural item just in case the articles are passed at Town Meeting.

Selectman Haarde emphasized the Board cannot prevent citizens bringing articles forward at Town Meeting. He also stated he sees the funding source as debt exclusions.

Selectman Simon stated the petitioner, and not the Board, should suggest the funding source for the article. He further stated the articles have not been vetted by this Board or Town staff.

Vice-Chairman Brown stated the Special Town Election called on May 19, 2015, is what is driving a decision on this now.

Selectman Simon stated the Board should rationally know why Ballot Questions are being presented to the public, and he does not believe this is the case regarding the greenway articles.

It was on motion

VOTED: To approve the Ballot Question below for the Special Town Election to be held May 19, 2015, pursuant to Town Counsel approval:

“Shall the Town of Sudbury be allowed to assess an additional amount up to \$1,000,000 in real estate and personal property taxes for the purpose of engineering and construction of a completed “Greenway Style” multi-use recreational rail trail in abandoned rail right-of-way of the Mass Central Railroad, now known as the Mass Central Rail Trail (MCRT) – Wayside Branch.”

Selectman Simon opposed the vote. He further stated he believes the Board is exceeding its authority and appropriate action by putting these Ballot Questions forward without realistic cost estimates, and that he believes it is a mistake to do so.

It was also on motion

VOTED: To approve the Ballot Question below for the Special Town Election to be held May 19, 2015, pursuant to Town Counsel approval:

“Shall the Town of Sudbury be allowed to assess an additional amount up to \$1,000,000 in real estate and personal property taxes for the purpose of engineering and construction of a completed “Greenway Style” multi-use recreational rail trail in abandoned rail right-of-way of the Framingham and Lowell Railroad, now known as the Bruce Freeman Rail Trail (BFRT).

Selectman Simon opposed the vote.

Selectman Simon suggested, and the Board concurred, the votes be re-taken on revised motions inserting the words “non-paved” before the word “greenways.”

It was further on motion

VOTED: To approve the Ballot Question below for the Special Town Election to be held May 19, 2015, pursuant to Town Counsel approval:

“Shall the Town of Sudbury be allowed to assess an additional amount up to \$1,000,000 in real estate and personal property taxes for the purpose of engineering and construction of a completed non-paved “Greenway Style” multi-use recreational rail trail in abandoned rail right-of-way of the Mass Central Railroad, now known as the Mass Central Rail Trail (MCRT) – Wayside Branch.”

Selectman Simon opposed the vote.

It was further on motion

VOTED: To approve the Ballot Question below for the Special Town Election to be held May 19, 2015, pursuant to Town Counsel approval:

“Shall the Town of Sudbury be allowed to assess an additional amount up to \$1,000,000 in real estate and personal property taxes for the purpose of engineering and construction of a completed non-paved “Greenway Style” multi-use recreational rail trail in abandoned rail right-of-way of the Framingham and Lowell Railroad, now known as the Bruce Freeman Rail Trail (BFRT).

Selectman Simon opposed the vote.

2015 Annual Town Election – Sign Warrant

The Board was previously in receipt of copies of the 2015 Annual Town Meeting/Special Town Meeting Warrant. In addition, copies of a revised “Town of Sudbury Official Warrant 2015 Annual Town Meeting May 4, 2015 7:30 p.m. Special Town Meeting May 5, 2015 7:30 p.m.,” with a cover sheet entitled “Updates to Official Warrant 2015” were distributed tonight.

Selectman Simon asked if Article 53 in the Warrant needs to be identified as a non-binding resolution.

Chairman Woodard opined that the article, as written, reads as if it is binding.

Interim Town Manager Bilodeau stated Elaine Jones from Sudbury’s Legal Department stated the identification of the article as a non-binding resolution could be added to the Warrant.

Selectman Simon suggested the Board discuss its position as to whether discussion on a non-binding resolution should be allowed at Town Meeting. Selectman Haarde concurred that this is a good idea. Chairman Woodard suggested the topic be discussed at a future meeting, since it was not posted on tonight’s agenda.

Selectman Haarde asked for clarification of the term “Restated Agreement” noted in **Article 41**. Vice-Chairman Brown stated she believes it refers to the proposed amended regional agreement.

Selectman Haarde stated the intent of the article was to be able to withdraw under the existing Agreement, and he recommended the article language be corrected. It was requested that Interim Town Manager

Bilodeau should send Town Counsel an email asking if the article language can be changed and letting Town Counsel know she can reach out to Selectman Haarde for additional information.

It was on motion unanimously

VOTED: To sign the 2015 Annual Town Meeting/Special Town Meeting Warrant, which goes to print Thursday, April 9, 2015, with the provision that Article 53 will include wording to reflect it is a non-binding resolution.

Selectman O'Brien suggested Mr. Sullivan be advised to align the article motions for Articles #54 and #55 with the approved Ballot Questions.

Special Town Meeting – Accept Articles, Take Positions, and Determine Speakers

At 11:32 p.m., Chairman Woodard opened a discussion regarding accepting the articles for the Special Town Meeting, taking positions on them, and determining speakers. The Board was previously in receipt of copies of the 2015 Special Town Meeting proposed Articles #1-#6.

Interim Town Manager Bilodeau stated the Town's UniBank Financial Advisor David Eisenthal will be available at Town Meeting to address Articles # 2, #3, #4 and #5.

It was on motion unanimously

VOTED: To accept the Special Town Meeting Articles #1, #2, #3, #4, #5 and #6 as reviewed tonight.

It was also on motion unanimously

VOTED: To support Articles #1, #2, #3, #4, #5 and #6 for the Special Town Meeting.

Town Manager Search Firms – Discussion and Vote

At 11:41 p.m., Chairman Woodard opened a discussion regarding the search process for a new Town Manager.

It was noted three formal responses were received to the Request for Proposal (RFP) which was issued, and one firm emailed a Scope of Services.

Interim Town Manager Bilodeau reminded the Board the RFP needs to be awarded by June 2, 2015.

A tentative date of May 12, 2015 was suggested as a date to conduct interviews of the firms the Board will decide at its April 28, 2015 meeting it would like to meet.

Article IX – Zoning Bylaw, Section 7000, - Refer to Planning Board

It was on motion unanimously

VOTED: To refer Article IX, the Zoning Bylaw, Section 7000, Definitions, to the Planning Board, by replacing the words "three (3)" with the words "four (4) in the definition of Dog Kennel, or act on anything relative thereto, as recommended by Jody Kablack, Director of Planning and Community Development.

FY16 Transfer Station Rates

It was on motion unanimously

VOTED: To approve the FY16 rates for transfer station stickers as recommended by DPW Management Analyst, Nancy Azzariti, who is advising leaving them at the FY15 amounts.

Utility Petition – 15-01 – NStar Electric Company and Verizon New England

It was on motion unanimously

VOTED: To approve Utility Petition #15-01 for joint petition by NSTAR Electric Company and Verizon New England, Inc. to relocate a pole 78/209 to provide clearance for access to a new subdivision at the intersection of Anthony Drive and North Road, as requested by William D. Lemos, Supervisor, Rights and Permits, NSTAR Electric Company, in a letter dated February 24, 2015.

Minutes

It was on motion

VOTED: To approve the Regular Session Meeting Minutes of March 10, 2015.

Council on Aging – Resignation

It was on motion unanimously

VOTED: To accept the resignation of Elizabeth Ingersoll, 150 North Road, Unit #39, from the Council on Aging, and to thank her for her service to the Town.

Special Permit – Annual Sudbury Spring Sprint Triathlon

It was on motion unanimously

VOTED: To grant a Special Permit for the Annual Sudbury Spring Sprint Triathlon to be held on Sunday, May 17, 2015, at 8:00 a.m., and the 6th Annual TriSprouts Children's Triathlon on Saturday, May 16, 2015 at 9:00 a.m., as requested in a letter dated March 4, 2015 from Race Director, William Fiske, subject to conditions and permits required by Park and Recreation and a meeting with the Sudbury Police Department prior to the Sunday event, (preferably at the conclusion of Saturday's children's event), regarding safety concerns and/or weather issues, and the applicant providing for cleanup of any litter created by race participants and staff.

There being no further business, the meeting adjourned at 11:49 p.m.

Attest: _____
Maryanne Bilodeau
Interim Town Manager-Clerk