

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, APRIL 28, 2015

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

Absent: Selectman Lawrence W. O'Brien

The statutory requirements as to notice having been complied with, the meeting was convened at 7:33 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:33 p.m., Chairman Woodard opened the meeting. He announced the Conservation Commission Public Hearing on Davis Farm is postponed to May 18, 2015, and the Town's Spring Paving program started today. He also announced the Special Town Election regarding capital articles approved at next week's Town Meeting will be held May 19, 2015, and the Town Clerk will have a special voter registration day on April 29, 2015 from 8:30 a.m. to 8:00 p.m. Chairman Woodard further stated the Town's Annual Report is available online and at several Town locations. He reminded residents the Annual Town Meeting is scheduled for May 4 - May 6, 2015 at 7:30 p.m., at the Lincoln-Sudbury Regional High School (L-SRHS) Auditorium. Anyone planning to make a presentation should submit their information as soon as possible to the Town's Information Technology Office using its online form. Chairman Woodard stated the Clergy Association-sponsored Listening Project final report is on the Town website and there will be a public discussion of the report at Grange Hall on May 3, 2015 from 3:00 p.m. to 5:00 p.m. A recommendation from the report was for the Board to have a retreat, and this will be further researched regarding Open Meeting Law compliance. Chairman Woodard announced the Town Election recount confirmed his re-election by one vote. He commended the accuracy of the Town's system and the work of the Town Clerk and her staff.

Reports from the Interim Town Manager

Interim Town Manager Bilodeau announced the Town was awarded the Certificate for Advanced Financial Reporting and she commended the Town's Finance staff. Ms. Bilodeau announced Sudbury Water District Superintendent Al Renzi has retired and has been replaced by Becky McEnroe. Ms. Bilodeau also stated her office has received several questions regarding the Featherland tennis courts. She explained there were some diseased trees which were removed, and some corroded fencing, which was damaged from the winter storms. She further noted the Park and Recreation Department hopes to replace these next year.

Reports from the Board of Selectmen

Vice-Chairman Brown stated she attended a meeting regarding the Town Center landscaping plans on April 21, 2015, and she encouraged residents to access more information on the Town website. She also attended a Minuteman Advisory Group on Interlocal Coordination (MAGIC) meeting on April 23, 2015, where she heard many complimentary comments about Sudbury's Town Clerk's Office. Vice-Chairman Brown also stated there will be a Vocational Education Options Committee (VEOC) Meeting on April 30, 2015 at 7:00 p.m. at the Goodnow Library.

Selectman Haarde stated he had nothing to report because he had just returned from vacation.

Selectman Simon stated he attended the Town Election Recount and he was impressed by the process. He believes the Town can have high confidence in the work of the Town Clerk's Office and in the outcome of the results. Selectman Simon also attended the Open Meeting Law (OML) Training conducted by Sudbury's Town Counsel on April 15, 2015 and last night's Finance Committee Meeting. Interim Town Manager Bilodeau stated the OML Training PowerPoint presentation is available on the Town website. Earlier tonight,

Selectman Simon also attended a Sudbury Public School (SPS) contract negotiation session. He stated the Planning Office has coordinated a walk of the CSX property on April 29, 2015 from Union Avenue to the Sudbury/Framingham border.

Citizen's Comments

At 7:47 p.m., Chairman Woodard announced no citizens have requested Citizen's Comment time tonight.

Resolution – Harold R. Cutler

Present: Sudbury Fire Chief Bill Miles, several Sudbury firefighters and Sudbury Police Chief Scott Nix

At 7:52 p.m., Chairman Woodard read aloud a resolution honoring Harold R. Cutler for 50 years of service to the Town as a call firefighter. The Board was previously in receipt of copies of the Resolution, which Chairman Woodard read aloud.

It was on motion unanimously

VOTED: To sign a resolution recognizing Harold R. Cutler's 50 years of service to the Town of Sudbury as a call firefighter, to congratulate him on his retirement effective January 15, 2015, and therefore, to proclaim Thursday, April 30, 2015 as Harold R. Cutler Day in the Town of Sudbury.

Sudbury Fire Chief Bill Miles stated Mr. Cutler may hold the record in the State for the longest service as a call firefighter. He emphasized the numerous hours of time Mr. Cutler volunteered for the safety of Sudbury's residents. Chief Miles presented Mr. Cutler with a gold retired badge.

Mr. Cutler stated it has been a privilege to serve the Town, and he was pleased to help contribute to the successful operations of the Department.

Several Sudbury firefighters were in attendance to join the Hall in a standing ovation for Mr. Cutler, followed by a brief photo session.

Public Hearing: Site Plan Modification - Macot Realty Trust

Present: Macot Realty Trust Manager Dave Duane, the applicant's engineer Tom DiPersio, Jr. and Director of Planning and Community Development Jody Kablack

At 8:01 p.m., Chairman Woodard opened a Public Hearing regarding the requested modification of a previously approved Site Plan by Macot Realty Trust, owner, to remove the requirement to install a rain garden at the front of the site and construct stormwater improvements to the rear of the property located at 65 and 71 Union Avenue, zoned Industrial Park District, Town Assessor Map K08, Parcel 0087, and he read aloud the Public Hearing Notice. The Board was previously in receipt of copies of a memorandum from Director of Planning and Community Development Jody Kablack dated April 21, 2015, the proposed Site Plan, the Notice of Public Hearing, a letter from Macot Realty Trust Manager Dave Duane dated March 26, 2015 and accompanying amended Order of Conditions and documents and a draft "Site Plan Modification Decision Sudbury Board of Selectmen Macot Realty Trust/Methods Machine 65 and 71 Union Avenue."

Ms. Kablack stated a minor modification has been requested for a Site Plan which was approved in 2013, and she reviewed the correspondence received to the file. She explained the septic system needed to be larger than originally anticipated, which has reduced the amount of impervious material on the site. Thus, minor plan revisions were needed which interfered with the construction of the rain garden. Ms. Kablack stated the modification has been reviewed by the Town Engineer and the Conservation Commission and no objections

have been noted. She also stated the applicant has been a good business neighbor for the Town, and she noted a draft decision has been prepared for the Board's review.

With the use of a plan exhibit, the applicant's engineer Tom DiPersio, Jr. briefly summarized the modification. He noted the applicant will be creating additional stormwater treatment in the rear of the site.

Selectman Haarde asked for clarification regarding what a rain garden is, which was provided by Mr. DiPersio. Selectman Haarde also asked what would now be put in the area intended for the rain garden. Mr. DiPersio stated it would remain as is, with two parking spaces.

Ms. Kablack stated the proposed changes present no impacts to the site's stormwater management system.

Selectman Simon asked how close the wetlands are in the rear. Mr. DiPersio stated the wetlands are only a few feet away in some areas from the parking lot, and he explained what would be done to improve this.

Chairman Woodard stated he is pleased the applicant chooses to do business in Town. Macot Realty Trust Manager Dave Duane stated the company is also happy to be located in Sudbury.

It was on motion unanimously

VOTED: To approve the requested modification of a previously approved Site Plan by Macot Realty Trust, owner, to remove the requirement to install a rain garden at the front of the site and construct stormwater improvements to the rear of the property located at 65 and 71 Union Avenue, zoned Industrial Park District, Town Assessor Map K08, Parcel 0087.

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's representative Peter Mello

At 8:15 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, which was continued from April 7, 2015. The Board was previously in receipt of copies of an "Alcoholic Beverages Control Commission (ABCC) Retail Alcoholic Beverages License Application Monetary Transmittal Form" the Commonwealth of Massachusetts Articles of Organization, proposed restaurant maps, the Amended Commercial Lease, "ABCC Manager Application," Carlisle River Inc. Unanimous Consent of Director dated November 18, 2014, Bill of Sale made between President of Sierras, Inc. and Carlisle River Inc., Town of Sudbury Business Certificate (DBA) dated January 13, 2015, and a memorandum from Patty Golden dated April 3, 2015 and accompanying amended lease. In addition, copies of an email and accompanying letter from Attorney Philip Slotnick both dated April 27, 2015, an email from Interim Town Manager Maryanne Bilodeau dated April 27, 2015 and accompanying red-lined draft version of the draft proposed conditions drafted by Town Counsel Saint Andre and the applicant's attorney, an email from the applicant's attorney to Attorney Slotnick dated April 28, 2015 and a letter to the Town from Attorney Robert Dionisi dated April 10, 2015, extending the time for action on the application to tonight were distributed tonight.

Chairman Woodard summarized the Board's previous related discussions, noting Town Counsel Saint Andre had stated the Board could consider the application with conditions, which she and Mr. Dionisi drafted for review.

Vice-Chairman Brown stated the proposed conditions seem reasonable to her.

Selectman Haarde noted he was absent from the April 7, 2015 hearing, but that he has certified he has viewed the tape of the Hearing.

Selectman Simon asked if the outstanding taxes have been paid. Mr. Dionisi stated they have not for the past 2 ½ years and he confirmed the amount as approximately \$40,000.

Selectman Simon stated he has the same concerns expressed in previous discussions regarding material misrepresentations by the applicant on the ABCC application, and that equipment and inventory are subject to liens. He also stated he is uncomfortable with the proposed conditions language, which he believes allows for default up to a \$100 limit. Selectman Simon stated he does not believe a situation of special and unequal treatment for this taxpayer should be created.

Mr. Dionisi stated there are UCC filings on some inventory and equipment, but he explained they are owned by Ms. Cannarozzi, and that she is prepared to pay the liens or to replace the equipment, if necessary. He emphasized the applicant did not have a direct or indirect benefit from Mr. Cannarozzi's previous licenses.

Selectman Simon stated he is concerned the applicant will be paying the real estate taxes to Mr. Cannarozzi, who has defaulted on payment plans previously with the Town.

Chairman Woodard summarized the proposed conditions for the license.

Mr. Dionisi stated he believes he and Town Counsel drafted fair and reasonable language for the conditions.

Selectman Haarde asked if a bankruptcy auction occurred. Mr. Dionisi stated it did not, and it was cancelled without prejudice.

Selectman Haarde stated he believes the Board's discussions and actions demonstrate the Board is trying to protect the Town's financial interests, while reviewing the case in a balanced manner. He noted the applicant's family paid commercial property taxes for many years to the Town before falling on difficult times.

Selectman Simon asked how many mortgages are held on the property. Mr. Cannarozzi stated there are four, and he briefly described them.

Selectman Simon reiterated his concern about treating one taxpayer differently than another. He believes the applicant should pay the outstanding taxes and then come before the Board again. Mr. Dionisi emphasized the taxes are not owed by the applicant, and they are owed by the landlord.

It was noted, and the Board concurred, that the words "Carlisle River, LLC" should be corrected to read as "Carlisle River, Inc." in the draft conditions provided tonight.

It was on motion

VOTED: As the Licensing Authority for the Town of Sudbury, to approve the application 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, subject to the following conditions:

“Condition #1: Town of Sudbury real estate taxes for the property, 470 North Road, are in arrears. There was discussion during the public hearing regarding the relationship between the owner of the property, Sierra Realty Trust, and the applicant, Carlisle River, Inc. This is discussed in more detail in the Board's prior decision dated March 13, 2015 denying a similar application by Carlisle River, Inc. During the public hearing, the applicant offered to have the license issued conditioned upon payment of all real estate taxes due to the Town for the property, and on continued payment of said taxes to the Town as future real estate taxes become due. The applicant stated that all real estate taxes currently due to the Town for 470 North Road would be paid in full upon approval of this license by the Alcoholic Beverages Control Commission (ABCC). The applicant further offered that the Town could delay issuing the license until said taxes are paid.

Accordingly, this license is specifically conditioned upon the payment to the Town by certified check or bank check of all real estate taxes due to the Town for the property located at 470 North Road, currently owned by Sierra Realty Trust, within thirty days after the ABCC has approved this license. The Town will not release the license to the applicant until said taxes have been paid in full. Further, if said taxes are not paid to the Town within thirty days after the ABCC has approved this license, the Board of Selectmen may revoke this license without further recourse to the applicant. At any time while this license is in effect, including any and all renewals or amendments, if the real estate taxes due to the Town of Sudbury for 470 North Road are not paid when due and remain unpaid such that interest in excess of one hundred dollars shall accrue, the Board of Selectmen may revoke this license. The applicant by virtue of not appealing the imposition of this condition, agrees to its terms, and agrees that this same condition may be included in any renewals or amendments to this license; and further agrees that violation of this condition constitutes sufficient grounds for revocation of this license, including any renewals or amendments.”

Selectman Simon voted in opposition.

Town Moderator – Meet and Greet

Present: Town Moderator Michael Fee

At 8:36 p.m., Chairman Woodard welcomed newly elected Town Moderator Michael Fee to the Meeting.

Mr. Fee stated he has been a practicing attorney for 28 years, and he has lived in Sudbury since 1992. He noted he served as Chairman of the Planning Board for ten years and has served on several other Town committees and boards. Mr. Fee stated he is honored to serve as Moderator, and his focus will be on implementing efficient and fair practices. He emphasized that the challenge of Town Meeting is to give everyone a chance to be heard, while also realizing that everyone's time must be precious and judiciously spent. Mr. Fee stated he will encourage participants to be succinct and focused.

Mr. Fee stated there is a large learning curve taking on the position, and he has been studying Myron Fox's materials and reviewing State and local statutes. He has also been working with Interim Town Manager Bilodeau and Town Counsel. Mr. Fee mentioned the Clergy Association's Listening Project Report offered suggestions which cannot be implemented for this year, given time constraints. However, Mr. Fee would like to establish a working group after the 2015 Annual Town Meeting to work on making the meetings more effective. A large clock will be displayed this year in the Hall to assist presenters. Mr. Fee also stated he will allow debate this year in non-binding resolutions, noting it is important for people to have

time to explain their issue(s) in this annual forum, but that time limits will need to be established. He further stated he hopes to bring more innovation to the proceedings in the future.

Vice-Chairman Brown suggested the Moderator should have a webpage where decisions can be posted. She noted citizens are sometimes unclear about the time limits.

Mr. Fee stated his email account is now live, and he has engaged with citizens through his Facebook page. He also has put a Message from the Moderator on the Town website and it will be published in the *Town Crier*. Mr. Fee noted residents have reached out to him.

Selectman Simon suggested a website be set up separately for those who do not use Facebook. Interim Town Manager Bilodeau suggested Town staff could also help Mr. Fee with a content page.

Vice-Chairman Brown suggested getting to the comments from attendees sooner at Town Meeting after the usual stakeholders offer their opinions on articles to ensure hearing supporting and opposing positions. Mr. Fee stated comments are not always so polarized as only being for or against an article, and that many times several nuances are presented by those who ask to be recognized. He also noted the Moderator does not know in advance before calling on someone whether they support or oppose the article.

Selectman Haarde stated he is pleased Mr. Fee is utilizing social media to communicate with residents. He asked what else could be done to encourage a higher attendance rate from the public. Selectman Haarde also asked if the lighting for the audience could be better balanced and improved. He hopes everyone who speaks at Town Meeting will have their comments received with a welcoming manner.

Selectman Simon asked if there is a limit for article discussion. Mr. Fee stated, by law, discussion of a new article cannot begin after 10:30 p.m. He further explained it will be his practice to conclude the meeting generally after three hours of discussion, unless discussion is already underway, or if the Hall wishes to conclude the Town Meeting by not continuing discussion to a subsequent night.

Selectman Simon encouraged as many residents as possible to take advantage of this yearly opportunity to be involved in the Town's legislative process. He encouraged those who have viewpoints on issues to come share them with their neighbors in a civil manner because more input benefits the Town.

Selectman Haarde asked if the Town bylaw allows for those at Town Meeting to vote to override the bylaw regarding time limitations. Mr. Fee explained he has been studying how best to balance the State statutes, local bylaws and the Hall's time, but he believes the matter could be put to a vote.

Selectman Haarde also encouraged residents to exercise their power to vote. He believes some people do not realize how important their role is as a Town legislator.

Chairman Woodard emphasized the decisions made at Town Meeting are on significant issues which directly effect every household. Mr. Fee concurred, noting that the Town's form of government is unique in that nothing is enacted for Sudbury without a Town Meeting vote.

Sudbury resident Kirsten Roopenian, 45 Harness Lane, stated there used to be two aisles set up with a microphone at each to allow people to line up to speak at Town Meeting. She believes some people view Town Meeting as a Board of Selectmen meeting, and they do not realize how important it is to attend. Ms. Roopenian asked if it could be considered to give the three cost centers a longer time for their budget presentations. Mr. Fee stated such a change would not be made this year, and each cost center will have a five-minute limit. However, he would be willing to consider suggestions like this and those from the working

group he hopes to create for next year. Mr. Fee noted presenters have the challenge of finding a balance of telling their story with efficiency. Chairman Woodard noted the Warrant also provides residents with substantial information along with the presentation given at Town Meeting.

Sudbury resident Bob Stein, 7 Thompson Drive, noted half of the Town's population is children, and this may be a factor for parents not being able to attend. He suggested thinking of ways children could be occupied to allow parents time to attend Town Meeting. Mr. Stein also suggested offering travel and parking accommodations for senior citizens to make it more comfortable for them to attend. He further suggested possibly taking an informal poll at this Town Meeting to see if holding the meeting on Saturdays would be preferred.

Chairman Woodard briefly explained why the Special Town Meeting was scheduled within the Annual Town Meeting. Interim Town Manager Bilodeau noted the Special Town Meeting is scheduled for Tuesday, May 5, 2015 at 7:30 p.m.

At 9:07 p.m., the Board wished Mr. Fee well for next week, and the discussion was concluded.

Existing Police Station – Discussion and Possible Vote on Disposition, Survey Results and Annual Town Meeting Article #37

Present: Facilities Director Jim Kelly

At 9:07 p.m., Chairman Woodard opened a discussion regarding the disposition of the existing Police Station, survey results, and the Annual Town Meeting Article #37. The Board was previously in receipt of copies of a memorandum from Assistant Planner Jim Kupfer dated April 21, 2015, including a survey update and comments received from respondents. In addition, copies of a memorandum from Interim Town Manager Bilodeau dated April 28, 2015, regarding Article 37, were distributed tonight.

Facilities Director Jim Kelly stated the Planning Office coordinated the online survey, which has provided a lot of feedback. Mr. Kelly stated the intent of Article 37 is not to make a decision on what to do with the current Police Station, but to allow the Board to make a timely decision, if the need arises before the next scheduled Annual Town Meeting.

Chairman Woodard stated the Board previously voted to support the article. He noted any proceeds received from a sale would need to be brought before a future Town Meeting.

Selectman Simon stated he is concerned the article might allow the Board to leapfrog over citizens on the decision as to how to use the property. He noted the survey results reflect no one proposal which garnered a majority response.

Vice-Chairman Brown stated she believes Article 37 is asking the citizens whether they trust the Board to dispose of the property. Chairman Woodard stated he believes this is a fair question to ask voters regarding a property on Route 20.

Selectman Simon stated it should be clearly explained that, if the Board is the entity to decide on the outcome for the property, the Board may decide a purpose which is not in agreement with some public opinions.

Interim Town Manager Bilodeau referenced her April 28, 2015 memo, and she reviewed its content regarding what the proceeds for the sale of the current Police Station could be used for and into what type of fund they would be held.

Selectman Haarde stated he had similar concerns to Selectman Simon that it should be the citizens of Sudbury who decide on the disposition of the property. He also noted the varied survey results do not help to illuminate a public preference. However, Selectman Haarde further noted he understands that, if a buyer were to come forward, the Town may need to act quickly regarding a sale.

Selectman Simon highlighted the new Police Station is estimated to be completed in November 2015. Thus, the current Police Station might only be vacant from December until May 2016 before another Town Meeting could be convened.

Annual Town Meeting – Discussion and Take Position on Minuteman-Related Articles #38, 40 and #41

At 9:23 p.m., Chairman Woodard opened a discussion regarding Articles #38, #40 and #41, which all relate to Minuteman Regional Vocational Technical High School. Vice-Chairman Brown distributed copies tonight of her email dated April 27, 2015 and accompanying Draft Minutes of the April 14 Minuteman School Committee Meeting regarding the Minuteman Regional Agreement and a copy of the current state of the proposed revised agreement from the Minuteman website. She also thanked the members of the Vocational Education Options Committee (VEOC) for their work.

Vice-Chairman Brown explained the proposed amended agreement cannot be passed in the 2015 town meeting season, due to actions already taken by Lincoln and Wayland. She further explained the focus of Minuteman has shifted to its capital building project in order to maximize the potential Massachusetts School Building Authority's reimbursement which expires at the end of FY16, and to address the urgent need for a new facility. Thus, with the knowledge that the proposed amended agreement will not pass in 2015, Vice-Chairman Brown suggested indefinitely postponing the Minuteman –related articles. Chairman Woodard stated this suggestion seems reasonable.

Selectman Simon asked if Sudbury is any closer to withdrawing from the Minuteman Regional School District. Vice-Chairman Brown stated it is not.

Selectman Haarde suggested the Board could take a vote to withdraw from the Minuteman District now.

Chairman Woodard noted Article #41 proposed withdrawing pursuant to the proposed amended 2014 agreement. He believes the Board needs more information and input before he could support a Town Meeting article to withdraw. Chairman Woodard suggested Town Counsel be asked whether Article 41 could be amended to reflect withdrawing under the current Minuteman Agreement. Interim Town Manager Bilodeau stated Town Counsel and the Town Moderator opined a motion could be so amended for Article 41.

It was noted the VEOC did not offer a recommendation regarding withdrawal.

Selectman Haarde stated the VEOC was not tasked with the question of whether the Town should withdraw. He believes there are some decisions the Board should not outsource. He also stated he believes Lincoln-Sudbury Regional High School should be asked for its opinion. Selectman Haarde urged the Board to decide what the Town should do, and if it is to withdraw, then the first vote to do so in the process should be taken. He further noted it is only fair to Minuteman to also let them know where Sudbury stands and not wait until the building project is farther along.

Chairman Woodard stated he does not disagree with the perspective presented by Selectman Haarde. However, he questions whether the Town is prepared to make this decision at next week's Town Meeting.

Selectman Haarde stated the High School and the Curtis School were represented on the VEOC and their representatives participated in the site visits to the vocational schools, which evaluated the availability and quality of other educational alternatives.

Vice-Chairman Brown suggested pursuing whether Article #41 could be amended to propose withdrawing under the Minuteman Regional 1970 Agreement.

Chairman Woodard asked if all the families with Minuteman students and/or who are considering Minuteman as an option have been consulted.

Sudbury resident Bob Stein, 7 Thompson Drive, stated he believes it may be in Sudbury's best interest to vote now to withdraw rather than to delay and then have Minuteman later be in a difficult position financially to approve a withdrawal.

Selectman Haarde stated he believes if the Town votes to withdraw now, Sudbury maintains leverage if Minuteman wants to go forward with its building project,

Chairman Woodard stated he does not have confidence in Minuteman's management and cost structure. However, he reiterated his concern that there has not been sufficient discussion with families who have children who attend Minuteman or who are considering going there. The Board asked Interim Town Manager Bilodeau to reach out to the relevant School officials asking that they contact appropriate families and let them know this topic will be discussed at Town Meeting.

Selectman Simon stated he believes that, through Article #41, the Town needs to make it clear it is ready to withdraw, and then let the voters decide the issue.

It was on motion unanimously

VOTED: To indefinitely postpone **Articles # 38 and #40.**

It was also on motion unanimously

VOTED: To support an amendment to Article #41 to see if the Town will vote to withdraw from the Minuteman Regional Vocational Technical High School District subject to the requirements as presented in the 1970 Regional Agreement.

Vice-Chairman Brown suggested an amended motion for Town Meeting should be drafted and presented to Town Counsel for review.

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

At 10:04 p.m., Chairman Woodard opened a discussion regarding Annual 2015 Town Meeting Petition Article 53 Walkways. Copies of an email from petitioner Dan DePompei dated April 28, 2015 and his accompanying revised Article #53 were distributed tonight.

Chairman Woodard referenced an email from Director of Planning and Community Development Jody Kablack regarding the associated costs for walkway construction. He stated the information provided by Ms. Kaback is significant.

Selectman Haarde stated the intent of the article was to provide options for families who live within two miles of a school.

Vice-Chairman Brown stated that by not having bus service within two miles, then it is assumed adequate walkway options exist within the two mile radius for students, but this is not the case.

Selectman Simon stated everyone wants students to be able to get to schools safely. However, he is unsure the practices which have existed for families in Sudbury for years need to be changed.

Chairman Woodard noted the petition article is non-binding.

It was on motion

VOTED: To support **Article #53-** Walkways.

Selectman Haarde and Vice-Chairman Brown voted to support the motion.

Selectman Simon and Chairman Woodard opposed the motion.

The article will be re-voted on Monday May 4, 2015 when Selectman O'Brien will hopefully be present.

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

Present Petitioner Andrew Sullivan

Chairman Woodard opened a discussion regarding Annual 2015 Town Meeting Petition Articles 54 and 55 regarding greenway rail trails.

Selectman Simon stated that when the Board last voted on a proposal for the Mass Central Rail Trail (MCRT) – Wayside Branch the cost was estimated to be \$110,000 and now Article #55 is being proposed for \$1 million in addition to \$1 million for Article #54.

Petitioner Andrew Sullivan, 28 French Road, stated there was a good debate earlier tonight at the Capital Improvement Advisory Committee Meeting, with all members present, which voted 0-4, with one abstention, for Article #54 regarding the Bruce Freeman Rail Trail (BFRT) and 3-2 in favor for Article #55 regarding the MCRT. Mr. Sullivan also stated that, a few weeks ago, Wayland voted overwhelmingly to use Community Preservation Act (CPA) funds for its portion of the MCRT.

Selectman Simon stated it is his understanding that the developer of the Wayland Town Center contributed \$250,000 for a MCRT project. Mr. Sullivan confirmed this information, adding that approximately \$445,000 of CPA funds have also been designated for the project.

Selectman Simon highlighted Sudbury's Community Preservation Committee (CPC) rejected the MCRT proposal as did Sudbury's Planning Department. Mr., Sullivan noted some of the reasons why the CPC rejected the proposal, including the possibility NStar would eventually build the MCRT for the Town as part of its own project work.

Sudbury resident Bob Stein, 7 Thompson Drive, asked if there is an update on NStar's plans and whether company representatives could be invited to Town Meeting to help inform the voters. He believes this information and a potential NStar project is a significant alternative and it is critically important for voters to

hear this information. Mr. Stein further stated he personally finds the idea of NStar building the trail in the future, at no cost to the Town, a compelling reason to oppose the article.

Selectman Haarde stated he does not want NStar to build its power lines in Town and does not trust they would be buried underground.

Chairman Woodard asked Interim Town Manager Bilodeau to check on the status of NStar's plans along the MCRT route.

A motion was made to support **Article #54**, but the motion did not receive a second.

It was on motion

VOTED: To not support **Article #54**.

Selectman Haarde opposed the motion.

Selectman Simon and Chairman Woodard voted to support the motion.

Vice-Chairman Brown abstained from the vote.

It was also on motion

VOTED: To support **Article #55**.

Selectman Haarde and Vice-Chairman Brown voted to support the motion.

Selectman Simon and Chairman Woodard voted to oppose the motion.

Articles # 54 and #55 will be re-voted on Monday May 4, 2015 when Selectman O'Brien will hopefully be present.

Special Town Meeting Articles – Discussion and Speaking Assignments and Presentations

Chairman Woodard volunteered, to the agreement of the Board, to present Articles 1-5 of the Special Town Meeting (STM) on May 5, 2015. He suggested a simplified explanation of why articles #2-5 are needed be prepared for the voters. It was noted Ms. Kablack will be asked to present Article 6 of the STM.

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

Regarding **Article # 13**, Chairman Woodard stated he asked Department of Public Works (DPW) Director Bill Place how much he would need to restore the Melone property, and Mr. Place responded \$1 million. Chairman Woodard suggested revising the Board's minutes and previously taken vote, which noted \$1.1 million.

Selectman Haarde stated the land will never be restored to its original condition and it is uncertain how much will be needed. He believes all the money left in the Melone mining fund should all be transferred for use for the property.

Chairman Woodard stated Board members do not need to disagree about the \$100,000 variance.

Selectman Simon asked if the amount could be reduced by a motion on the floor, and the answer was yes.

If Selectman O'Brien is unable to attend Town Meeting, Interim Town Manager Bilodeau stated Chairman Woodard will cover his presentations. Vice-Chairman Brown will explain the indefinitely postponed Minuteman-related articles.

The Board decided the positions for Articles #10, #11, #12, #15, #16, #27, #36 and #37 would be reported by Selectman Simon, by Chairman Woodard for Articles #13, #14, #16, #30, #31, #33, #34, and #35, by Vice-Chairman Brown for Article #21 and #52, and by Selectman Haarde for Article #42.

Annual Town Meeting – Discussion and Possibly Take Position on Article 19, Article 2, and other Free Cash Articles

At 10:41 p.m., Chairman Woodard opened a discussion regarding the Board taking positions on the remaining articles # 2, #19 and any other proposed articles to be funded by Free Cash.

Interim Town Manager Bilodeau updated the board on the Free Cash Recommendations for **Articles #2 and #19**, and she referenced her memo to the Board dated April 28, 2015, which was distributed tonight. Ms. Bilodeau reported the Snow and Ice deficit is now \$450,180.47, an increase of \$25,180.47 from what was previously voted for Free Cash to be used in Article #2.

It was on motion unanimously

VOTED: To increase the amount recommended for the use of Free Cash for **Article 2** to \$450,180.47 to cover the snow and ice deficit.

Interim Town Manager Bilodeau explained the initial thought to re-vote Chapter 90 money referred to in Article 31 for **Article #19** cannot be done. Thus, it is recommended an additional \$5,197.44 of Free Cash be used for Article #19.

It was also on motion unanimously

VOTED: To increase the amount recommended for the use of Free Cash for **Article 19** to \$79,955.24.

After these two adjustments are made, Interim Town Manager Bilodeau stated the FY15 Free Cash balance will be \$500,191.28.

Vocational Education Options Committee – Mission Statement - Discussion and Vote

At 10:49 p.m., Chairman Woodard opened a discussion regarding the draft Mission Statement for the Vocational Education Options Committee. The Board was previously in receipt of copies of a draft Mission Statement for the “Vocational Education Options Committee Town of Sudbury Voted to establish July 22, 2014 by the Sudbury Board of Selectmen” and a red-line version reflecting suggested revisions by Chairman Woodard and Vice-Chairman Brown.

Vice-Chairman Brown stated she requested the Mission Statement be amended. She believes it is important to have a group follow the issues, if Sudbury is not able to withdraw from the Regional District in the near term. She summarized the proposed revisions.

Selectman Simon questioned whether the Board should wait until after Town Meeting to revise the Mission Statement, when it will know how Article #41 is voted.

Vice-Chairman Brown stated the risk is that, in the meantime, the building project is moving forward.

It was on motion unanimously

VOTED: To approve the revisions made to the Mission Statement for the Vocational Education Options Committee as reviewed tonight, and to extend the tenure of said committee through May 31, 2016.

Reorganization of the Board – Discussion and When to Vote

Chairman Woodard opened a discussion regarding when to vote the reorganization of the Board. He stated his preference is to do it in a regularly scheduled Board meeting and to hold the vote early in the meeting, but not have the results become effective until the close of the same meeting. He further stated newly elected Selectman Iuliano suggested a review of the roles of Chairman and Vice-Chairman and the process for how items are placed on the agenda would be helpful to have before the votes are taken.

Vice-Chairman Brown stated she prefers the discussion also be held at a regular Board meeting. She suggested a handout be prepared in advance describing the roles of the Chairman and Vice-Chairman. Chairman Woodard asked the Board to submit thoughts to him, and he volunteered to prepare a draft outline of the roles.

The consensus of the Board was that the vote should be taken early in the meeting and the results should become effective at the close of the same meeting.

Sudbury resident Bob Stein, 7 Thompson Drive, stated he attended last year's Board meeting wherein the reorganization was discussed. Mr. Stein stated it was the most uncomfortable meeting he has ever observed in 18 years in Town. He strongly urged the Board to simply take its vote at the beginning of the meeting, without adding commentary regarding candidates, and then just live with the outcome of the vote.

Selectman Simon thanked Mr. Stein for his input, noting he appreciates the advice to the Board.

Minutes

It was on motion unanimously

VOTED: To approve the Regular Session Meeting Minutes of March 24, 2015 and April 7, 2015.

Boy Scout Troop 60 – Eagle Scout

It was on motion

VOTED: To enter into the Town record and congratulate Robert D. Wakefield, III, Byron Crane, Caleb J. Longtine, Samuel Paul Owens, Owen William Sette-Ducati, and Thomas F. Brennan, V of Troop 60 to be recognized at a Court of Honor at Sudbury United Methodist Church, May 17, 2015, 4:00 PM, for having achieved the high honor of Eagle Scout.

Ponds and Waterway Committee – Appointment

It was on motion unanimously

VOTED: To appoint Dave Henkels, 17 Twin Pond Lane, to serve on the Ponds and Waterways Committee for a term to end on May 31, 2018.

Sudbury Historical Commission – Resignation

It was on motion unanimously

VOTED: To accept the resignation of Sudbury Historical Commission member Liz Radoski, 201 Union Avenue, from the Sudbury Historical Commission, and to send her a letter of thanks for her service to the Town.

Vocational Education Options Committee – Resignation

It was on motion unanimously

VOTED: To accept the resignation of David Manjarrez, 47 Firecut Lane, from the Vocational Education Options Committee, and to thank him for his service to the Town.

Sudbury Housing Trust – Re-appointments

It was on motion unanimously

VOTED: To re-appoint Andrew Kaye, 45 Normandy Drive; Lydia Pastuszek, 15 Griffin; and Peter J. Abair, 14 Dawson Drive, to the Sudbury Housing Trust, all terms to expire April 30, 2017, and send a letter of appreciation to Michael Buoniconti, 66 Puffer Lane, who has resigned.

Special Permit – SMILE Mass. – “Better Together 5K/10K Road Race”

It was on motion unanimously

VOTED: To grant a Special Permit to the SMILE Mass. to hold the “Better Together 5K/10K Road Race” on Saturday, May 30, 2015, from 9:45 a.m. through approximately 12:00 p.m., subject to Police Department safety requirements, proof of insurance coverage and the assurance that any litter will be removed at the race’s conclusion.

American Legion Sudbury Post - Billiards Table License Renewal

It was on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, to renew a billiards table license for the American Legion Sudbury Post #191, Inc., Spencer R. Goldstein, Manager, 676 Boston Post Road, said license to expire on May 1, 2016.

Park and Recreation Summer Concert Series – Donations

It was on motion unanimously

VOTED: To accept \$2,171 in miscellaneous donations to support Park and Recreation's Summer Concert Series, said funds to be deposited into the Park and Recreation Revolving 53 ½ account, as requested by Nancy McShea, Park and Recreation Director.

Fairbank Community Center – Cleaning Contract

It was on motion unanimously

VOTED: To approve the award of FY16 contract by the Interim Town Manager for cleaning services at the Fairbank Center Complex and any subsequent renewal options, subject to review by Town Counsel.

There being no further business, the meeting adjourned at 11:07 p.m.

Attest: _____
Maryanne Bilodeau
Interim Town Manager-Clerk