

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, SEPTEMBER 8, 2015

Present: Chairman Patricia A. Brown, Vice-Chairman Susan N. Iuliano, Selectman Charles C. Woodard, Selectman Robert C. Haarde (arrived 7:56 p.m.), Selectman Leonard A. Simon (arrived 7:57 p.m.), and Interim Town Manager Maryanne Bilodeau

The statutory requirements as to notice having been complied with, the meeting was convened at 7:30 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:30 p.m., Chairman Brown opened the meeting. She announced algae has reappeared at Willis Lake, and people are advised to avoid contact with the water for themselves and pets. She also announced the Community Preservation Committee (CPC) is seeking FY17 project proposals. Project submission forms are on the Town website and are due by November 2, 2015. Chairman Brown stated three finalists for the Town Manager position are scheduled to be interviewed by the Board at Town Hall on September 10, 2015, beginning at 6:00 p.m. She also announced the Hosmer House will be open on September 12, 2015 for the Old Time Fair and Helen Casey will be on site for a book signing. She cautioned residents to be vigilant around mosquitos, noting the West Nile virus has been detected in Hudson. Chairman Brown stated excess mulch is available to the public at Haskell Field. She also noted re-surfacing is ongoing at Lyons Pride/SMILE Playground at Haskell Field. Chairman Brown also announced the Sudbury Housing Trust (SHT) is accepting applications for its Fall Small Grants Program funding cycle, and applications are available online. She also noted the Sudbury Historical Commission (SHC) has an opening for a new member. Chairman Brown stated Selectman Simon is attending the Minuteman Regional Vocational School Committee Meeting tonight, and he will arrive later.

Reports from the Interim Town Manager

Interim Town Manager Bilodeau stated her office has received several complaints in recent weeks regarding the broadcasts of the Selectmen's Meetings. SudburyTV has solved the problem and a test meeting was held. SudburyTV has requested any comments or complaints from the public should be submitted directly to SudburyTV, which will help expedite their ability to debug problems. Ms. Bilodeau stated the SudburyTV email address is on its website, and she thanked SudburyTV for running the test meeting last week. She also announced there will be a ceremony at the September 11th Memorial at Heritage Park at 8:40 a.m. on Friday, September 11, 2015, and the public is invited to attend.

Reports from the Board of Selectmen

Selectman Woodard stated he attended a Budget Strategy Task Force meeting. He reported the group continues its work, and will hold its next meeting on September 16, 2015.

Vice-Chairman Iuliano announced she and Selectman Simon will be available for Selectmen's Office Hours on September 21, 2015, in the Thompson Room at the Flynn Building, from 7:00 p.m. to 8:00 p.m. She also announced the Town Forum will be held on November 9, 2015 at 7:00 p.m. at the Goodnow Library, and potential topics will be discussed at the next Board meeting. Vice-Chairman Iuliano stated she is also willing to attend the Vietnam Memorial event on October 3, 2015, if needed, along with Selectman Haarde.

Citizen's Comments

At 7:42 p.m., Chairman Brown recognized Sudbury citizen and State Representative Carmine Gentile.

Representative Gentile asked the Board to consider as a future agenda item, hearing about the State's Brady antiviolence campaign to help parents and residents safeguard children regarding gun safety.

Capital Improvement Advisory Committee – Interview Member Candidates

At 8:23 p.m., Chairman Brown welcomed two Sudbury residents, Daniel E. Carty and Mark Howrey, to the meeting to tell the Board why they are interested in serving on the Capital Improvement Advisory Committee (CIAC). She stated a third candidate, Margaret Dahl, withdrew her name from consideration. The Board was previously in receipt of the two "Town of Sudbury Applications for Appointment" submitted by candidates, and a resume submitted by Mr. Howrey.

In the spirit of full disclosure, Selectman Woodard stated he knew both applicants, and Mr. Howrey purchased his home four years ago.

Selectman Simon stated both candidates present strong backgrounds, and he thanked them for volunteering. He asked each gentleman to supplement their application with anything which could be helpful to the Board in making its decision.

Mr. Howrey stated he served on Maynard's Finance Committee and Maynard's School Committee prior to moving to Sudbury and he enjoyed his municipal experiences. He believes it is important to serve one's community and to set this example for his children. Mr. Howrey referred to his professional litigation consulting experience, noting he believes it would be helpful to the Committee.

Mr. Carty stated he has lived in Town 16 years, and has been involved with scouting and coaching athletics as he has raised his three children in Sudbury. He has enjoyed his volunteer work and would like to broaden his service to the community. Mr. Carty stated his professional experience in software development focuses on facts and solving problems. He believes his experience and skills are a good fit for the Committee.

Selectman Haarde asked each candidate what process and ideas they have for how the work of the CIAC should be prioritized.

Mr. Howrey stated he does not see his role as a CIAC volunteer member as deciding what projects should or should not be done, but rather to gather the appropriate facts and information to then present to the Town and residents to decide.

Mr. Carty stated there is a finite amount of money to be considered, and projects ultimately would need to be categorized as "must haves" or "nice to haves." He believes clean water, safety and good schools are probably the most important considerations for most residents. Mr. Carty stated that, realistically, every project cannot be done at once, and it should be important for projects to present thorough cost information, including future maintenance costs.

Mr. Howrey broached the issue of cost avoidance, emphasizing that it is often cheaper to take on a project sooner rather than later, and that long delays often lead to increased expenses.

The consensus of the Board was that both men are excellent candidates, and that it is unfortunate only one position is available. Both candidates were advised there is also an opening for an at-large member on the Community Preservation Committee (CPC), and they were encouraged to pursue it if they are not selected tonight.

Selectman Simon asked if the candidates have attended any CIAC meetings. Both gentlemen stated they had not, but they each had an extensive conversation with the CIAC Chairman Tom Travers.

Vice-Chairman Iuliano asked if either candidate had any comments on the CIAC current process or any insights on how it is done in other towns.

Mr. Howrey explained how Maynard handled its projects, noting the process can be difficult and that there was not as much collaboration with all relevant Town groups as he would have liked.

Mr. Carty stated the challenge is that there are a lot of worthy projects, but a finite amount of money and people to bring them to fruition. He suggested it might be helpful to provide project guidelines for thorough proposals to be considered.

Every Board member expressed how difficult tonight's decision is because both men are so well suited for the Committee.

Selectman Haarde suggested Board members should write down their choice for the position, and the Chairman could read aloud each member's vote. He believes giving the vote audibly influences the votes of other Board members.

Town Counsel Barbara Saint Andre stated she would not recommend, under the Open Meeting Laws, taking a written vote as suggested.

Selectman Woodard stated Board members should have more confidence in each other's ability to reach independent conclusions.

It was on motion

VOTED: To approve the appointment of Mark Howrey, 55 Old Coach Road, to the Capital Improvement Advisory Committee for a term ending May 31, 2018.

The appointment was by a vote of three in favor of Howrey (Woodard, Simon, Iuliano) to two in favor of Carty (Haarde and Brown).

Selectman Haarde suggested the Board should consider alternative ways of voting in these situations so that one member's vote does not impact another's vote. He also asked if there is a candidate for the CPC position.

Chairman Brown suggested the Board could pursue voting alternatives with Town Counsel at another time, and she asked Interim Town Manager Bilodeau to follow-up regarding CPC candidates.

Sudbury Historical Society – History Center & Museum – Loring Parsonage Project – Discussion

Sudbury Historical Society Executive Director Sally Hild and Sudbury Historical Society President Stewart Hoover

At 8:50 p.m., Chairman Brown welcomed Sudbury Historical Society (SHS) Executive Director Sally Hild and President Stewart Hoover to the Meeting. The Board was previously in receipt of copies of a letter from Ms. Hild dated August 5, 2015, a letter from former Town Manager Maureen Valente to Sudbury Historical Society Secretary Ruth Griesel dated December 4, 2013, an email from Director of Planning and Community Development Jody Kablack to Ms. Hild and Mr. Hoover dated September 3, 2015, and a

handout prepared for the State Tourism Office entitled “Loring Parsonage Restoration and Repurposing Line Item 7008-0900 Commonwealth of Massachusetts FY State Budget Project Description.”

Mr. Hoover stated the Society came before the Board last year to present its plans for a Town History Center and Museum. Subsequent to that discussion, he stated the Society received a letter from former Town Manager Valente stating the Board would consider negotiating a lease for use of the Loring Parsonage if the feasibility study deemed the project to be possible. Mr. Hoover stated the feasibility study provided positive feedback, and the Loring restoration was estimated at approximately \$1 million. He stated the Society has recently received confirmation of State funds for \$290,000. In addition, Mr. Hoover stated there are funds held by the Town related to the Harry Rice and Wood-Davison Trusts. The Society will request CPC funding, and it plans to initiate a capital fundraising campaign. He stated the Society would like to request tonight that the Board begins negotiations for a lease of the Loring Parsonage with the Society, and to request that Town Counsel begins the steps necessary to make the Trust funds held by the Town accessible to the Society for this project.

Town Counsel Barbara Saint Andre stated the Rice funds were left in a will for a purpose which is closely aligned to the proposed project. She described the process to pursue the funds with the Probate Court, which would include an explanation that this project is as close as possible to the intent of the deceased (the will required the artifacts be housed in a fireproof building, which is not the case at the Loring Parsonage). Town Counsel Saint Andre further stated the Wood Davison funds were donated by many individuals for a purpose which is not as closely aligned to this project, and the funds were not left as part of a will.

Mr. Hoover asked if the Society could research the history related to the Wood Davison funds to share with Town Counsel. Town Counsel stated it could, and that any information obtained would be helpful for her to review.

Selectman Woodard asked how much money is in the two Trusts. Interim Town Manager Bilodeau stated there is approximately \$76,000 in the Wood-Davison Trust and approximately \$171,000 in the Rice Trust.

State Representative Carmine Gentile stated the \$290,000 in State funds was already voted and it needs to be spent prior to June 30, 2016, or the funds are lost. He explained the Society would receive the money in 25% increments, and that the first disbursement needs to be spent before receiving the second disbursement. Representative Gentile stated the first payment is expected to be disbursed in the next few weeks. It was suggested the Society needs a lease for the building before it can start spending funds on it.

In response to a few questions from Selectman Woodard, Mr. Hoover stated the Planning and Community Development Office believes the Society needs to work with the Permanent Building Committee (PBC) through the public procurement process, which can be long. It is estimated that construction would not be able to begin until March 2016. Mr. Hoover also stated the Society would probably have enough money to stabilize the building, and then it could pursue additional funding later in the process.

Selectman Haarde clarified there seems to be approximately \$540,000 in funds available for the project. He believes the Town should safeguard its artifacts and that the building should be brought up to fire codes as much as possible to fulfill Mr. Rice’s wishes. Mr. Hoover stated these standards would be part of the RFQ.

Chairman Brown summarized the process to be pursued with the PBC, noting the lack of funds appears to be holding up the process. She asked if there is a plan. Chairman Brown also stated accessing the Rice funds could take a few months and the Wood Davison funds are not a sure thing. Mr. Hoover explained there is a general plan and there is a line item cost estimate based on prevailing wages.

In response to a question from the Board, Interim Town Manager Bilodeau stated \$290,000 might be enough for design work, but the project cannot go out to bid unless all the funds are available.

Selectman Woodard stated he had thought the Town Hall Blue Ribbon Committee was going to discuss the Loring Parsonage as part of a larger plan for the Town Center buildings. Chairman Brown stated she also thought this was the case.

Ms. Hild stated she is on the Town Hall Blue Ribbon Committee and the buildings are being discussed in tandem.

Vice-Chairman Iuliano asked what the next steps are with the PBC. Mr. Hoover stated it would be to put the design out to bid and then to go to construction drawings. He also noted another alternative would be to do the project in two phases.

Mr. Hoover asked if the project would move along faster, if the Society had a lease for the building. He also asked if the project must follow the public procurement laws process, and Interim Town Manager Bilodeau stated it would.

Selectman Simon asked what the next step should be. Mr. Hoover stated they would like to begin to negotiate a lease arrangement.

Chairman Brown noted negotiation discussions would need to be conducted in Executive Session.

Town Counsel Saint Andre stated the law allows for a 30-year lease, after which it would need to be brought before Town Meeting again.

Selectman Haarde asked where the State funds will go. Representative Gentile stated they would be sent directly to the Society. Selectman Haarde urged the Society to work with the PBC which will help to identify and prioritize how the money should be spent.

Selectman Woodard reiterated he thought the Town Hall Blue Ribbon Committee was also considering the use of the Loring Parsonage, but he added that the State grant, with its deadline, meant we needed to act on this request now. He noted that, if the Town enters into a lease agreement, there would be funds needed for ongoing maintenance and utilities. Selectman Woodard asked if there is a budget for these items, and whose responsibilities they would be.

Mr. Hoover stated a proposed business plan was prepared a year ago, and it can be reviewed to see if it is still realistic. He also stated the proposed Visitor Center would be an asset for the Town, and providing this useful service for the community should be taken into consideration.

Selectman Haarde stated Sudbury has a rich history, and he is glad to work with the proponents. He believes the project will attract many benefactors, who will contribute to a fundraising campaign.

Chairman Brown summarized the Society will receive approximately \$72,000 in two weeks from the State, but the money cannot be spent on the Parsonage yet. Thus, a lease agreement with the Town is requested, and the Society also requests Town Counsel proceeds with the appropriate legal work needed to access the Rice and Wood Davison funds.

Selectman Simon asked if the Society has financial resources available to hire an attorney. Mr. Hoover stated not really, and that the Society's emergency funds are limited to approximately \$30,000.

It was on motion unanimously

VOTED: To begin the negotiation process with the Sudbury Historical Society to enter into a lease agreement for the use of the Loring Parsonage as a History Center and Museum.

It was also on motion unanimously

VOTED: To authorize Town Counsel to take the legal steps needed to file an action in Probate Court to access the Harry Rice Trust funds, and to continue the legal research and steps needed to be able to access the Wood-Davison Trust funds.

It was further on motion unanimously

VOTED: To authorize the Permanent Building Committee to begin to work with the Sudbury Historical Society on plans to repurpose the use of the Loring Parsonage for a History Center and Museum, pending negotiations of a lease agreement between the Society and the Town.

Town Counsel – Policy for Accessing Services – Discussion and Vote

At 9:30 p.m., Chairman Brown opened a discussion regarding the draft policy for accessing Town Counsel services. The Board was previously in receipt of a memorandum from Vice-Chairman Iuliano dated August 31, 2015, the revised draft dated September 8, 2015, incorporating proposed language to address previous concerns expressed by Selectmen Simon and Haarde and the highlighted and red-lined versions of the “Policy on Access to Town Counsel and Confidentiality of Attorney-Client Communications.” In addition, Vice-Chairman Iuliano distributed copies tonight of Selectmen Haarde’s and Simon’s suggested edits, and a new revised version of the draft Policy.

Vice-Chairman Iuliano summarized Section A regarding boards, commissions and committees other than the Board of Selectmen. She stated she does not believe the Policy should allow unfettered access to Town Counsel by these groups. To avoid potentially confusing situations, she believes inquiries would be best communicated by the Chair, and by individual members, if it were approved by the board/committee.

Selectman Haarde stated he believes the new Policy presents a lot of process and regulations where there were none before. He also stated he has issues with the attorney-client privilege section because he believes it established two standards of committee/board membership. Selectman Haarde stated he might be inclined to obtain his own private counsel to ensure the benefit of privileged communications.

Vice-Chairman Iuliano stated the attorney-client privilege with Town Counsel is with the Town of Sudbury.

Selectman Woodard stated Town Counsel is a finite Town resource, and it is in the Town’s best interest to get the highest and best use of her time.

Selectman Haarde suggested Town Counsel could let the Board know if she were to feel inundated.

Selectman Simon emphasized other boards/committees would be requesting Town Counsel’s assistance regarding Town business, and he believes it is appropriate for the Chairs to pursue the information, on behalf of their groups.

Chairman Brown suggested for the benefit of Town Counsel, and the Board concurred, to add the words “in writing” after the word “submitted,” to the third sentence of Section B Board of Selectmen 1.

In response to a question from the Board, Town Counsel Saint Andre stated how other boards/committees communicate in other towns varies. However, she stated that, in most towns, inquiries to Town Counsel come from either Town staff or the Chair of boards/committees, and Town Counsel responses are shared by the Chair with their groups. Town Counsel Saint Andre stated her job is to provide advice to the Town of Sudbury and not individual board members. To avoid chaos, she believes it is best if communication is made through the Chair or by a vote of the board/committee. However, Town Counsel Saint Andre noted the Board of Selectmen is a unique board, and the Selectmen could have direct access to Town Counsel.

Selectman Haarde asked if the Board could research how other towns access Town Counsel. Chairman Brown and Interim Town Manager Bilodeau stated they thought some examples had previously been provided to the Board.

Selectman Simon stated he believes the draft is acceptable for other board/committee access. He noted he is unaware of any feedback received from other Town board/committees that they do not have adequate access to Town Counsel.

Selectman Woodard stated he believes the Town should have a Policy, and that the Town should manage carefully the resource and services of Town Counsel. He further stated he believes the draft provided in the agenda packet is a good start.

Selectman Haarde stated he does not believe this is a “burning issue” which must be voted tonight. He would prefer a Policy which is not as restrictive and for the Board to further research how this is handled elsewhere. He reiterated there appears to be a double standard for access. Selectman Haarde also suggested possibly everyone, including the Chair, should copy other Board members on communications with Town Counsel.

Selectman Simon stated each Board member should be responsible for keeping their fellow Board members informed. He asked if Board members could be advised in their next meeting packet of a pending communication with Town Counsel.

Town Counsel Saint Andre cautioned that, if Board members send emails to Town Counsel and copy each other on them and/or, if they receive the communications in their meeting packets, there could be a potential Open Meeting Law problem.

Selectman Woodard stated he preferred the draft Policy provided in tonight’s agenda packet, and that Board members need to rely on the Chair to keep the Board informed. He further stated that, at some point Board members, need to trust the Chair and Town Manager to appropriately share information. Vice-Chairman Iuliano stated she also prefers the draft Policy provided in tonight’s agenda packet. She also believes Board members need to defer to the Chair, who will share information with the Board.

Vice-Chairman Iuliano summarized Section E. Confidentiality of Attorney- Client Communications.

Town Counsel Saint Andre clarified Town Counsel is counsel for the Town, which is somewhat like a municipal corporation, and the Board of Selectmen holds the attorney-client privilege on behalf of the Town. In response to questions from Selectman Haarde, Town Counsel Saint Andre stated not every Town board/committee is entitled access to all Town Counsel opinions. If someone were interested in obtaining

opinions, they would likely request them from the Town Manager, who would forward the request to the Board of Selectmen and Town Counsel.

Following a brief discussion, the consensus of the Board was the Draft Policy provided in tonight's meeting agenda packets (pages 69-72) should be amended to reflect language that the Chair of the Board of Selectmen shall ensure that other Board members are informed of any requests for information and/or opinions made to Town Counsel.

Selectman Haarde stated he believes the draft Policy discourages access to legal advice, which he does not believe should be the case.

Chairman Brown asked Interim Town Manager Bilodeau to collect and distribute to the Board for review the information previously provided to the Board regarding how other towns access Town Counsel services.

It was on motion

VOTED: To adopt the "Policy on Access to Town Counsel and Confidentiality of Attorney Client Communications," as provided to the Board as pages 69-72 in tonight's agenda packet, and as amended tonight.

Selectman Haarde opposed the vote.

Ballot Question – Discussion of "Pro" and "Con" Wording

At 10:20 p.m., Chairman Brown opened a discussion regarding the "pro" and "con" wording of Ballot questions. The Board was previously in receipt of copies of a handout entitled "Ballot Question Arguments Pro and Con Application of Chapter 180 of the Acts of 1996 prior to August 20, 2015," and relevant emails from former Town Manager Maureen Valente to now Chairman Pat Brown dated February 2, 2012, from Chairman Brown to the then Board of Selectmen dated February 1, 2012, and from Chairman Brown to the Rail Trail Conversion Advisory Committee dated February 2, 2012, and the relevant section of Massachusetts General Laws Chapter 180. In addition, copies of a confidential email from Town Counsel Barbara Saint Andre dated August 28, 2015 and accompanying email from Chairman Brown to Town Counsel dated August 12, 2015, and a handout entitled "Timeline followed for the Special Election, September 9, 2014," were distributed tonight.

Chairman Brown referenced the two new handouts distributed tonight. She stated the Town met all the timeline requirements for the September 9, 2014 Special Election except for supplying Robert Stein with written notification on or before July 23, 2014 to write the argument of opposition. Chairman Brown asked if the Board wished to release to the public the confidential email from Town Counsel.

Selectman Simon announced he was late to arrive tonight because he had attended earlier the Minuteman Regional Vocational School Committee Meeting. Based on what he observed and heard at the Minuteman Meeting, he believes it is likely Minuteman will proceed with a District-wide election. Selectman Simon noted Massachusetts General Laws Chapter 180 appears as if it would apply to Sudbury, if Minuteman were to proceed with the District-wide election.

Chairman Brown concluded the consensus of the Board was this agenda topic should be further discussed at its September 17, 2015 Board Meeting.

FY16 Town Trust – Spending Limits

Present: Town Finance Director/Treasurer Collector Andrew Vanni

At 7:44 p.m., Chairman Brown took this agenda item out of order, and she welcomed Town Finance Director/Treasurer Collector Andrew Vanni to the Meeting to discuss the FY16 Town Trust spending limits. The Board was previously in receipt of copies of a memorandum from Mr. Vanni dated September 2, 2015.

Mr. Vanni referenced his memo, and he stated he is not recommending any increases over last year’s requests.

Selectman Woodard clarified the Trusts are spending only interest and retaining principle, while covering their obligations. Mr. Vanni confirmed this to be accurate.

Chairman Brown stated information regarding Town Trust accounts and balances are available on the Town website, including FY15 information. She asked for clarification regarding which accounts spend the funds. Mr. Vanni listed the six Trusts noted in his memo as follows: Goodnow Library, Cheri-Anne Cavanaugh, Raymond Scholarship, Discretionary, September 11th Memorial and Perpetual Care. Chairman Brown noted the largest expenditure (\$40,000) is for Perpetual Care.

It was on motion unanimously

VOTED: Acting as Co-Trustees, to accept that the Board of Selectmen approve the following expenditure limits for the Town Trust Funds for fiscal year 2016:

| <u>Trust Fund</u> | <u>Amounts</u> |
|-------------------------------------|-----------------------|
| Goodnow Library | \$25,000 |
| Cheri-Anne Cavanaugh | \$ 2,000 |
| Raymond Scholarship | \$ 1,000 |
| Discretionary | \$ 2,500 |
| September 11 th Memorial | \$ 7,500 |
| Perpetual Care | \$40,000 |

Chairman Brown thanked Mr. Vanni for the information and welcomed him to his new position with Sudbury, which he started on July 15, 2015.

Melone Property Environmental Data Review – Revised Scope of Services – Review and Discussion

At 7:50 p.m., Chairman Brown took this agenda item out of order to discuss the scope of services regarding the Melone property environmental data review. The Board was previously in receipt of copies of a memorandum from Director of Planning and Community Development Jody Kablack dated September 1, 2015, and accompanying revised red-lined draft “Town of Sudbury Request for Qualifications (RFQ) Melone Property Environmental Data Review.”

Chairman Brown stated she received referrals regarding Licensed Site Professional (LSP) firms of Bois Consulting Company, Inc., JG Environmental, Inc., GEO Insight, and Woodard & Curran, which she forwarded to the Planning Office to be added to the list of firms to receive the RFQ. She also stated she communicated with Selectman Haarde regarding his concern that the firms not have a pre-existing relationship with the Town and/or Town representatives.

Selectman Woodard stated he does not perceive that a conflict of interest would exist if a large firm had also worked with the Town on other matters.

Chairman Brown stated that, given the history and public perceptions regarding the property, some think it would be best to not enter into an agreement with a firm, if a Town official/board member would likely have to recuse themselves from discussions.

Vice-Chairman Iuliano stated the RFQ will be an open bid and the Board does not need to decide which firm to work with until later in the process. She does not believe firms which have prior/ongoing relationships with the Town need to be ruled out early in the process.

Chairman Brown noted the RFQ will also be posted on the Town website, and it will not be limited only to those firms which are sent the RFQ.

Selectman Woodard suggested Selectman Haarde's concern could be considered at the time of firm selection.

Chairman Brown stated the amended scope of services and the question of which firms to send it to are the items before the Board for approval tonight.

Vice-Chairman Iuliano stated she did not believe the list of LSPs provided by the Planning Office was meant to be all-inclusive, and she believes anyone can recommend firms to be added to it. She referred to the draft RFQ, and she suggested, and the Board concurred, that a revision to the second new red-lined bullet-point be made to replace the word "have" with "address."

Selectman Haarde suggested, and the Board concurred, the second sentence of the first of the last three bullet points at the bottom of Page 1 be revised to begin as, "Price proposal should include time and materials estimates, including hourly rates, for unexpected or additional work...scope of services." He also noted a list of the DEP reports was not attached to the draft RFQ. It was noted the DEP list was provided to the Board in the August 20, 2015 agenda packet. Selectman Haarde would like to not limit the firm's resources by directing them to only certain materials. He believes the firm should also pursue additional information as part of their own research. The consensus of the Board was to revise this by attaching the DEP list of documents printed as of a certain date, and to suggest they also access the DEP website as well as other sources of information. Selectman Simon suggested if the Planning Office or anyone else is aware of other sources which should be listed, they should be added to the RFQ. Selectman Haarde stated he would like the engineering firm to feel empowered to pursue their own information.

Selectman Haarde questioned on Page 2 whether the RFQ responses should be sent to the Board rather than the Planning Office. He emphasized he would like to review all responses received.

Chairman Brown stated the Board will set the review process, but she would prefer the responses go to the Planning Office to be collected and organized and sent to the Board all together for review.

Selectman Woodard stated he would prefer the Planning Office collects the responses. He noted he would also be interested in the Planning Office's opinions regarding the responses. Selectman Haarde stated he would not be as interested in their recommendations.

It was on motion unanimously

VOTED: To approve the draft “Town of Sudbury Request for Qualifications (RFQ) Melone Property Environmental Data Review,” as amended tonight.

In response to a question from Selectman Haarde, Chairman Brown listed the LSP firms she passed along to the Planning Office to be added to the list to receive the RFQ.

Vice-Chairman Iuliano requested that the Planning Office also be asked to add to the list any other firms which have a good reputation for this type of work, but have not previously worked with the Town.

Selectman Haarde expressed his concern for having a firm selected which has/had a relationship with the Town or a Town board member. He believes it is important that the results of this work is not viewed in the future as not having been an independent evaluation.

Selectman Woodard asked Selectman Haarde if he would intend to exclude a firm because of a prior relationship with the Town, and Selectman Haarde stated he believes he would. Selectman Woodard stated this would mean that a highly-qualified firm could possibly be excluded from consideration. Chairman Brown stated the Board is not at the point in the process of selecting a firm. Selectman Haarde stated he questions whether a firm which has an existing financial relationship, which it would not want to jeopardize, could provide the best independent results. Selectman Woodard suggested this could be discussed more by the Board after responses to the RFQ are received.

It was also on motion unanimously

VOTED: To send the approved “Town of Sudbury Request for Qualifications (RFQ) Melone Property Environmental Data Review,” to the list of LSP firms provided by the Planning and Community Development Office, as listed on page 88 of tonight’s agenda packet, and to add the LSP firm names referred by Chairman Brown and the firm from Marlborough which contacted the Board today as well as any others provided by any Board member, and to ask the Planning and Community Development Office to also add to the list any other firms, which have not had a prior working relationship with the Town, which are well respected and suited for the scope of services.

Codes of Conduct and Ethics - Review and Possible Vote

At 10:30 p.m., Chairman Brown opened a discussion regarding memorializing Codes of Conduct and Ethics for all Town board and committee members, including the Board of Selectmen. The Board was previously in receipt of copies of a draft “Code of Conduct for Town of Sudbury Committees Whose Members are appointed by the Sudbury Board of Selectmen or the Sudbury Town Manager,” as adopted by the Board of Selectmen July 11, 2006 and revised September 8, 2009, and a “Town of Sudbury Code of Conduct of the Board of Selectmen,” first adopted by the Board of Selectmen May 10, 2000.

Sudbury resident Kirsten Roopenian, 45 Harness Lane, explained to the Board the history surrounding the Code of Conduct adopted in 2000, since she was then Chair of the Board of Selectmen. Ms. Roopenian stated the Town had just converted to the Town Manager form of government, and former Town Manager Valente presented it as a new guideline, and it was also discussed as part of the Selectmen’s goals at that time.

Following a brief discussion, Chairman Brown asked Interim Town Manager Bilodeau to have Town staff send Board members both Codes of Conduct as WORD documents. She further asked Board members to provide their suggested edits in red-line form to the documents to be sent to Patty Golden to be included in the agenda packets for the September 17, 2015 Board Meeting.

Future Board of Selectmen Agenda Items - Discussion

Chairman Brown asked if anyone had requests for future Board agenda items.

Selectman Woodard suggested the Board should add to a future agenda, the item mentioned by State Representative Carmine Gentile during tonight's Citizen's Comments regarding the Brady campaign to prevent gun violence.

Selectman Simon suggested, if possible, for the Remote Participation agenda item to occur before the end of the year. Interim Town Manager Bilodeau stated Town staff is working on collecting relevant data.

Selectman Haarde asked why agenda item #8 was taken out of order tonight and discussed before he arrived, since it is a topic he is interested in. Chairman Brown apologized for doing so, and she explained the Board was running ahead of schedule, and, in the spirit of efficiency, the untimed article was taken.

Minutes

It was on motion unanimously

VOTED: To approve the Regular Session Meeting Minutes of August 20, 2015, with the correction of the spelling of the word "Heritage" on Page 1, within the "Opening Remarks" section.

The Fieldhouse Sudbury – Special Permit Request

Chairman Brown announced this agenda item will be rescheduled to a future meeting.

"Positive Spin for ALS" – Special Permit

It was on motion unanimously

VOTED: To grant a Special Permit to Myke Farricker, Committee Co-Chair to hold a "Positive Spin for ALS" bike ride on Sunday, September 27, 2015 from 7:00 a.m. through approximately 4:00 p.m., following the same route as in previous years, subject to Police Department safety requirements, proof of insurance coverage and the assurance that any litter will be removed at the race's conclusion.

Boundless Playground Maintenance Trust Contributions & Donations Account – Donation

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a \$50,000 donation from Linda Lyons and family to the Boundless Playground Maintenance Trust Contributions & Donations account, (as requested by Nancy McShea, Park & Recreation Director, in a memo dated August 17, 2015, said funds to be expended under the direction of the Park and Recreation Director.

Program Contributions & Donations Account – Donation

It was on motion unanimously

VOTED: To accept, on behalf of the Town, an anonymous donation of \$200 for the youth and teens of Sudbury, to the Program Contributions & Donations account, (as requested by Nancy McShea, Park &

Recreation Director, in a memo dated August 26, 2015), said funds to be expended under the direction of the Park and Recreation Director.

Program Contributions & Donations Account – Donations

It was on motion unanimously

VOTED: To accept, on behalf of the Town, donations totaling \$3,060 to the Program Contributions & Donations account, (as requested by Nancy McShea, Park & Recreation Director, in a memo dated August 19, 2015), said funds to be expended under the direction of the Park and Recreation Director.

Sudbury Historical Commission – Resignation

It was on motion unanimously

VOTED: To accept the resignation of James A. Hill, 199 Concord Road, from the Sudbury Historical Commission, and to send him a letter of appreciation for his service to the Town.

Vocational Education Options Committee – Appointment

It was on motion unanimously

VOTED: To appoint John Baranowsky, 103 Belcher Drive, as a member of the Vocational Education Options Committee, for a term ending May 31, 2016, as recommended by Pat Brown, Vocational Education Options Committee Chair.

Vocational Education Options Committee – Resignation

It was on motion unanimously

VOTED: To accept the resignation of Risa Burns, 46 Cider Mill Road, from the Vocational Education Options Committee, and to send a letter of appreciation for her service to the Town.

“Walk for the Poor” – Special Permit

It was on motion unanimously

VOTED: To grant a Special Permit to Ronald Nix, President, St. Anselm Conference of the Society of St. Vincent de Paul, to hold a “Walk for the Poor” on Sunday, September 27, 2015 from 11:00 a.m. through approximately 2:00 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.

Executive Session

At 10:40 p.m., Chairman Brown announced the close of the regular meeting and it was on roll call unanimously

VOTED: To go into Executive Session to conduct a strategy session in preparation for negotiations with nonunion personnel and/or to conduct contract negotiations with nonunion personnel (Interim Town Manager) pursuant to General Laws Chapter 30A, Section 21 (a) (exception 2), Chairman Patricia A. Brown,

aye, Selectman Charles C. Woodard, aye, Vice-Chairman Susan N. Iuliano, aye, Selectman Robert C. Haarde, aye, and Selectman Leonard A. Simon, aye.

Chairman Brown announced regular session would not reconvene following Executive Session.

There being no further business, the meeting adjourned at 10:40 p.m.

Attest: _____
Maryanne Bilodeau
Interim Town Manager-Clerk

Documents & Exhibits

3. *Interview three candidates (Daniel E. Carty, 15 Stonebook Road; Margaret Dahl, 25 Frost Lane; and Mark Howrey, 55 Old Coach Road) for appointment To The Capital Improvement Advisory Committee. Following interview, vote to approve the appointment of _____ to the Capital Improvement Advisory Committee for a term ending 5/31/18.*

Attachments:

3a. CIAC Applicants_09.08.2015

4. *Discussion on Sudbury Historical Society's plan for repurposing the Loring Parsonage to a History Center and Museum. Sally Hild, Executive Director; and Stewart Hoover, President, Sudbury Historical Society, will attend.*

Attachments:

- 4a. SHS_request
- 4b. SHS_request_MGV memo
- 4c. SHS_PCD_email
- 4d. State Tourism Request for Funds FINAL

5. *Discussion and vote on policy for accessing Town Counsel services.*

Attachments:

- 5a. memo re town counsel access policy 9.8.15
- 5b. Policy on Access to Town Counsel 9.8.15 meeting draft
- 5c. TownCounselPolicy_2015_Mar_10

6. *Discussion on Ballot question "pro" and "con" wording.*

Attachments:

- 6a. Ballot Question Arguments Pro and Con ballot questions materials
 - 6b. RTCAC Pro and Con position statements for rail trail articles
 - 6c. RTCAC Quorum on January 9 Perhaps not Time Critical Information Please read ASAP
 - 6d. SpecialAct-BallotQuestionInfoc180of1996
- Supporting documents for ballot question pro and con wording and associated questions
Timeline followed for the Special Election

7. *Discussion and vote to accept Town Trust spending limit requests for FY16 as per a memo provided by Finance Director/Treasurer-Collector Andrew Vanni, dated 9/3/15. Andrew Vanni will attend.*

Attachments:

7a. Trust Fund Spending Limits FY16

8. *Review Melone Property Environmental Data Review - Revised Scope of Services for LSP.*

Attachments:

8a. PCD Env Data Review Cover Memo and Scope Sept 2015

9. *Review and possibly vote changes to the Codes of Conduct and Ethics for all Town board and committee members, including Board of Selectmen.*

Attachments:

9a. Code of Conduct for Committees 8-09

9b. Code of Conduct - Board of Selectmen

11. *Vote to approve the Regular Session Minutes of 8/20/15.*

Attachments:

11a. BOS 8-20-15_draft

12. *Vote to Grant a Special Permit to the Fieldhouse Sudbury, to Hold the “The Fieldhouse 5K/10K for Accelerated Cure Project for MS” Walk/Run on Saturday November 14, 2015, from 8:30 A.M. through approximately 11:30 A.M., subject to Police Department safety requirements, Proof of Insurance Coverage and the assurance that any litter will be removed at the race’s conclusion.*

Attachments:

12a. BOS Fieldhouse 5K Nov 2015 Application

12b. 2015 Fieldhouse 5K_10K Approvals

13. *Vote to grant a special permit to Myke Farricker, Committee Co-Chair, to hold a “Positive Spin for ALS” bike ride on Sunday, September 27, 2015, from 7:00 a.m. through approximately 4:00 p.m., following the same route as in previous years, subject to Police Dept. safety requirements, proof of insurance coverage and the assurance that any litter will be removed at the race’s conclusion.*

Attachments:

13a. Pos Spin 2015 APPLICATION_BOS

13b. Pos Spin 2015 Approvals

14. *Vote to accept, on behalf of the Town, a \$50,000 donation from Linda Lyons and family to the Boundless Playground Maintenance Trust Contributions & Donations account, (as requested by Nancy McShea, Park & Recreation Director, in a memo dated August 17, 2015), said funds to be expended under the direction of the Park and Recreation Director.*

Attachments:

14a. Park_Rec_Donation_acceptance

15. *Vote to accept, on behalf of the Town, an anonymous donation of \$200 for the youth and teens of Sudbury, to the Program Contributions & Donations account, (as requested by Nancy McShea, Park & Recreation Director, in a memo dated August 26, 2015), said funds to be expended under the direction of the Park and Recreation Director.*

Attachments:

15a. Park_Rec_Donation_acceptance_200

16. *Vote to accept, on behalf of the Town, donations totaling \$3,060 to the Program Contributions & Donations account, (as requested by Nancy McShea, Park & Recreation Director, in a memo dated August 19, 2015), said funds to be expended under the direction of the Park and Recreation Director.*

Attachments:

16a. Park_Rec_Donation_acceptance_3060

17. *Vote to accept the resignation of James A. Hill, 199 Concord Road, from the Sudbury Historical Commission and thank him for his service to the Town.*

Attachments:

17a. Hill_Sudbury Historical Commission

18. *Vote to appoint John Baranowsky, 103 Belcher Drive, as a Member of the Vocational Education Options Committee, for a term ending 5/31/16, as recommended by Pat Brown, Vocational Education Options Committee Chair.*

Attachments:

18a. Baranowsky Appl_VEOC

19. *Vote to accept the resignation of Risa Burns, 46 Cider Mill Road, from the Vocational Education Options Committee and thank her for her service to the Town.*

Attachments:

19a. Burns_VEOC

20. *Vote to grant a special permit to Ronald Nix, President, St. Anselm Conference of the Society of St. Vincent de Paul, to hold a "Walk for the Poor" on Sunday, September 27, 2015, from 11:00 a.m. through approximately 2:00 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.*

Attachments:

20a. St. Anselm Walk for Poor 2015

20b. 2015 St Anselm Walk for the Poor_Approvals