

IN BOARD OF SUDBURY SELECTMEN  
WEDNESDAY, AUGUST 29, 2012

Present: Chairman Lawrence W. O'Brien, Vice-Chairman Robert C. Haarde, Selectman John C. Drobinski, Assistant Town Manager Maryanne Bilodeau, Director of Planning and Community Development Jody Kablack, Facilities Director Jim Kelly and Mike Melnick and Elaine Jones, co-chairs, Permanent Building Committee.

Absent: Town Manager Maureen Valente

The statutory requirements as to notice having been complied with, the meeting was convened at 8:40 a.m. in the Flynn Building, Silva Conference Room, 278 Old Sudbury Road

At 8:40 a.m., Chairman O'Brien opened the meeting for the purpose of discussing, accepting and ordering articles received as of 5:00 p.m. on August 27, 2012, the close of the warrant for a Special Town Meeting to be held on Monday, September 24, 2012.

**Clerk Pro Tem**

It was on motion unanimously

VOTED: To appoint Assistant Town Manager Maryanne Bilodeau as Clerk *Pro Tem*, in the absence of Town Manager Maureen Valente for the August 29, 2012 meeting.

**Special Town Meeting – Accept and Order Articles**

Chairman O'Brien stated the Special Town Meeting was originally called due to the receipt of two petition articles. The Warrant was open for 10 days and is now comprised of six articles which he outlined to be discussed at the Meeting on September 24<sup>th</sup>. The Board was previously in receipt of a list of articles as developed by staff as well as copies of the actual articles:

- 1) Roof Replacement and Repair – Nixon Elementary School
- 2) Community Preservation Fund – Additional Funds for Purchase of 15 Hudson Road
- 3) Fairbank Community Center Roof Project
- 4) Petition article to increase the Board of Selectmen membership from 3 to 5
- 5) Petition article to restrict the use of chemicals on anyone's property
- 6) Petition article to eliminate unfunded federal and state mandates

The last two articles were signed by Sudbury residents but submitted by an outside petitioner.

**Roof Replace and Repair – Nixon Elementary School Article**

Regarding the first article, Chairman O'Brien recognized Mike Melnick, co-chair of the Permanent Building Committee who called attention to the serious need of repairs to the Nixon Elementary School roof. He cited several roofing reports that outlined needed roof repairs, and roof replacement, and he opined that repair would materially extend the life of the school. Further, the Town has applied for a Massachusetts School Building Authority (MSBA) construction grant which would cover about one-third the project's anticipated \$750,000 cost (plus cost of borrowing).

Mr. Melnick further explained that the MSBA has invited the Town to submit a schematic design by October 3, and he is waiting to submit additional forms as well. He also reported that if the MSBA does not grant the anticipated funds the School Committee will support the full funding.

Asst. Town Manager Bilodeau stated that the Town will need to get approval for 100% of the financing and bond for the final cost of \$750,000.

Chairman O'Brien opined that from all reports the Nixon School needs a new roof; Selectman John Drobinski recommended that the Board support this article.

It was on motion unanimously

VOTED: To support the article for Roof Replacement for the Nixon Elementary School as submitted by the School Committee for the Sudbury Public Schools.

**Community Preservation Fund – Additional Funds for Purchase of 15 Hudson Road Article**

Chairman O'Brien stated that the next article requests \$16,000 in additional funds from the Community Preservation Act Funds to complete the purchase of the property at 15 Hudson Road, which was approved at the Annual Town Meeting. At the time, the plan was to forego the payment of back taxes. Subsequently, the Department of Revenue (DOR) has ruled that the Town cannot waive past-due taxes; therefore, the Town has applied to the State for a tax abatement. If the abatement request is granted, this article will be passed over at Special Town Meeting and the approximately \$16,000 will go back to the Town in paid taxes.

Selectman Drobinski opined that this is a very valuable piece of property, and we have to do what we can to see that the purchase and sale is completed.

Jody Kablack, Director of Planning and Community Development, reported that the Community Preservation Committee (CPC) has not voted yet on this issue because they could not get a quorum before today's meeting.

Vice-Chairman Bob Haarde stated that either way \$16,000 must be paid to the Town. He asked where the money will come from if the CPC does not support this expenditure. Assistant Town Manager Maryanne Bilodeau said she believed if it was abated it would come from the Overlay Account.

Selectman Drobinski stated that we are 100% behind the purchase and it makes sense to support this article which was submitted by the Town Manager and the Board of Selectmen.

It was on motion unanimously

VOTED: To support the Community Preservation Fund article to provide additional funds to cover the payment of back taxes on the property located at 15 Hudson Road in order to complete the purchase and sale of this property and to do so as a joint submission of the Town Manager and Board of Selectmen.

**Fairbank Community Center Roof Project Article**

Mr. O'Brien considered the Fairbank Community Center Roof Project – which is expected to cost \$588,000. He stated that this project is being submitted at this time because the Special Town Meeting has already been called, but he asked the Facilities Director Jim Kelly to expand on the article he submitted.

Mr. Kelly explained that the Fairbank Community Center is a large building that was built in the 50s and has been added onto several times. Hence, there are several roof sections. This particular addition will basically cover the School Administration portion; and the sloping portion of the Center's roof is probably five years out for needing replacement. However, it would not be worth doing now as it's too soon.

Selectman Drobinski opined that we need to rely on Town staff to advise us on what needs to be done and when. If we let them go too long, it only means a lot of future damage.

This roofing article was listed in the May Annual Town Meeting warrant but was held for the possible fall Town Meeting. This roof portion is 21 years old and is the same type as the Nixon School – it's a dead-level flat roof which you could do years ago. He further opined that we need to ask ourselves if \$600,000 is a good investment over the next 25 years compared with the cost of building new.

Mr. Melnick reported that there are no roof drains, and there have been instances where it was necessary for the Fire Department to pump water from the roof to help with leaking problems.

Mr. Kelly further stated that there is a lot to consider for the Fairbank building's future; a possible fitness room, expansion of the Senior Center, etc. if the Town Hall project goes forward. However, there are many leaks and the roof needs to be repaired.

Chairman O'Brien asked the Facilities Director what repairs will need to be done in the future at the Fairbank Center. The answer from Mr. Kelly was that windows would likely need to be replaced at some point.

Vice Chairman Bob Haarde stated that he is hesitant to put \$588,000 into a new roof when a new recreational facility could be considered which could have so many other uses, including a music studio, expanded Senior Center, etc. He does not see putting this kind of money into that building.

Mr. Kelly responded saying that the space is already there and we don't have to build another facility. The added problem is timing. Jim said he didn't think we can afford to wait, and Vice-Chairman Haarde agreed with that statement.

The question was raised by Jim Kelly if it would be possible to seek funding for both (Nixon and Fairbank Center) roofing problems at the same time and perhaps get a better borrowing rate. Assistant Town Manager Bilodeau opined that this is a question that should be addressed by the Finance Director.

It was on motion unanimously

VOTED: To report at Town Meeting on the article to repair the Fairbank Community Center Roof at a cost of \$588,000.

**Petition Article – Special Act - Revise c.131 of the Acts of 1994 to Increase Selectmen Membership to 5**

Chairman O'Brien outlined that this is a petition article submitted by resident Michael Troiano.

Selectman John Drobinski stated that he gets nervous about structural changes to the Special Act, but he is willing to listen and wants to hear about possible effect on bylaws, the Town's bond rating, etc. He said he does understand the motivations outlined in the petition.

Mr. Haarde stated that the Town would not be blazing new trails with this change; many other Towns have the five-member format.

It was on motion unanimously

VOTED: To report at Town Meeting on the petition article to revise c. 131 of the Special Acts of 1994 to increase Selectmen membership to five.

**Petition Articles - Chemical Use on Property and Elimination of Unfunded Federal and State Mandates**

Chairman O'Brien stated that these two articles were signed by Sudbury residents but submitted by Steven Hakar, a Framingham resident.

Selectman Drobinski stated that fundamentally he is against both articles. However, he realizes that we should hear what the petitioner has to report.

Vice-Chairman Haarde stated that he is substantially in favor of both petitions. Regarding the use of chemicals, and NStar in particular, after all the time, meetings and promises with NStar, it has all been meaningless. Mr. Haarde said he has an easement on his property and he certainly doesn't want NStar dropping chemicals there.

Mr. Drobinski stated that the wide parameters in the article would make it difficult or impossible to even use Roundup on your own property.

Mr. Haarde further opined that unfunded State and Federal mandates are budget killers for everyone and he is against them.

It was on motion unanimously

VOTED: To report on both articles at Town Meeting.

Chairman O'Brien asked if everyone was on board regarding the order of the articles as submitted by staff. Assistant Town Manager Bilodeau asked if it would make better sense to keep the money articles on Town buildings together, that is, reverse items 2 and 3.

It was on motion unanimously

VOTED: To accept the articles as submitted and order them for Special Town Meeting Warrant as follows: 1) Roof Replacement and Repair – Nixon School, 2) Fairbank Community Center Roof, 3) Community Preservation Fund – Purchase of 15 Hudson Road, 4) Special Act – Revise c. 131 of the Special Acts of 1994 to increase Selectmen membership to 5, 5) Chemical Use on Property and 6) Elimination of Unfunded Federal and State Mandates.

Chairman O'Brien stated that the next item to be addressed is to call a Special Town Election which must be held within 45 days of the Special Town Meeting.

It was on motion unanimously

VOTED: To call a Special Town Election for Tuesday, December 4, 2012 to comply with State law which mandates that such occur within 45 days of the Special Town Meeting on Monday, September 24, 2012, at Lincoln-Sudbury Regional High School.

**Executive Session**

At 9:27 a.m., Chairman O'Brien announced the close of the regular meeting and it was on roll call Unanimously

VOTED: To go into Executive Session for the purpose of discussing land negotiation, wherein an open meeting may have a detrimental effect on the negotiating position of the public body: Chairman Lawrence W. O'Brien, aye, Vice-Chairman Robert C. Haarde, aye and Selectman John C. Drobinski, aye.

Chairman O'Brien announced regular session would not reconvene following Executive Session.

There being no further business, the meeting adjourned at 9:25.

Attest: \_\_\_\_\_  
Maryanne Bilodeau  
Assistant Town Manager – Clerk *pro tem*