

IN BOARD OF SUDBURY SELECTMEN  
WEDNESDAY, MARCH 7, 2012

Present: Chairman Lawrence W. O'Brien, Vice-Chairman Robert C. Haarde, Selectman John C. Drobinski and Town Manager Maureen G. Valente

The statutory requirements as to notice having been complied with, the meeting was convened at 7:32 p.m. in the Lower Town Hall, 322 Concord Road.

**Opening Remarks**

At 7:34 p.m., Chairman O'Brien opened the meeting. He thanked everyone who helped to coordinate the Presidential Primary Election yesterday. Chairman O'Brien announced Lincoln-Sudbury Regional High School (L-SRHS) Business Manager Judy Belliveau has resigned her position for a new opportunity in Wellesley. On behalf of the Board, he wished Judy well, and he thanked her for her dedicated service to Sudbury.

Chairman O'Brien announced House Chair of the Committee on Revenue Rep. Jay Kaufman will be at the Sudbury Grange on March 12, 2012 at 3:15 p.m. to discuss the status of Sudbury's senior tax relief bill, and Chairman O'Brien invited the public to attend. He also invited the public to attend a public forum regarding rail trail issues on March 19, 2012 at 7:30 p.m. in Town Hall. Board members and Rail Trail Conversion Advisory Committee members will be in attendance to discuss the two non-binding resolution questions which will be on the Town Ballot and be presented as resolutions at Town Meeting. Chairman O'Brien stated the forum would be taped and available for cable television and online viewing.

**Proclamation – 1<sup>st</sup> Lt. Nick Rahall**

Chairman O'Brien welcomed Debbie Poirier to the meeting to accept, on behalf of her son, a proclamation from the Board and Town of Sudbury honoring 1<sup>st</sup> Lt. Nick Rahall, USMC, for his service to his country. Chairman O'Brien read aloud the proclamation.

Selectman Drobinski commended Nick for his service in the combat area of Afghanistan, and as a parent, he noted how difficult this experience must have been for Ms. Poirier and that she should be proud of her son. Vice-Chairman Haarde asked that the Board's thanks be expressed to Nick on his return from Camp Lejeune.

Ms. Poirier stated she and Nick are touched by the Town's recognition, and she thanked the Board for this honor. She is proud of Nick and her other son, who is also currently serving in the military in Spain.

It was on motion unanimously

VOTED: To sign a proclamation for 1<sup>st</sup> Lt. Nick Rahall, a United States Marine Corps soldier, acknowledging his safe return from a tour of duty in Afghanistan and proclaiming Friday, March 9, 2012 as 1<sup>st</sup> Lt. Nick Rahall Day in Sudbury.

**Reports from the Town Manager**

Town Manager Valente announced she will be publishing a newsletter twice a month, which will highlight updates from Town departments and committees. The newsletter will be available on the Town website and the public can sign on to subscribe.

Town Manager Valente also stated Board of Selectmen Meeting Agenda documents will soon be available on the Town website on the Monday prior to scheduled meetings. She has received positive feedback from residents about this endeavor.

Town Manager Valente reported also receiving positive feedback from Wayland residents regarding the mutual aid temporarily being offered to the Pelham Island neighborhood by Sudbury public safety departments.

Town Manager Valente reported a movie, starring Tom Hanks, will begin filming later this month in the Sudbury and Lincoln areas. She will keep the community apprised as more information becomes available.

Town Manager Valente thanked the Town Clerk's Office, Police, Building and Public Works departments and the Election workers for the great job done to make yesterday's Election a success.

### **Reports from the Board of Selectmen**

Selectman Drobinski reported the Board met with the Finance Committee last week to review the FY13 budget recommendations, which he believes are generally positive for residents.

Vice-Chairman Haarde stated collective bargaining discussions continue with the Sudbury Public Schools. He also stated the Route 20 Sewer Advisory Committee and the Route 20 Sewer Citizens' Advisory Committee are actively working on issues.

Chairman O'Brien attended a Chamber of Commerce meeting. He also stated the Board participated in the Haynes School Reading Day. Chairman O'Brien stated the Finance Committee has indicated that the Town and Sudbury Public Schools (SPS) will likely achieve enough savings through the health insurance changes made by joining the Group Insurance Commission to avoid the need for a tax override request. However, the Finance Committee was not able to recommend whether an override should be presented to the public for Lincoln-Sudbury Regional High School (L-SRHS) at this time. The Committee has requested more information from the School Committee regarding out-of-district costs to better determine its position prior to Town Meeting.

Chairman O'Brien and Town Manager Valente met with Wayland Town Administrator Fred Turkington and Board of Selectmen Chairman Tom Fay to discuss possible mitigation ideas for Sudbury regarding Wayland's proposed housing development on the former joint Septage Facility site. He reported Wayland has downsized the project in anticipation of its Town Meeting, and the project is still being formalized.

### **Minuteman Regional Vocational Technical High School – Joint Discussion with School and District School Committee Representatives**

Present: Minuteman Regional Vocational Technical High School Superintendent Dr. Edward Bouquillon, Minuteman District School Committee Chair Alice DeLuca and Minuteman Regional School District Committee Sudbury Representative David Manjarrez

At 7:45 p.m., Chairman O'Brien opened a discussion with representatives of Minuteman Regional Vocational Technical High School and its District School Committee. The Board was previously in receipt of copies of a memorandum from Town Manager Valente dated March 2, 2012 and the draft resolution previously sent by the board to Minuteman officials. In addition, Minuteman representatives distributed two handouts tonight entitled, "Minuteman FY13 Budget" and several spreadsheets comparing non-member student operating costs and revenue to those of Sudbury and other member town students. As the Board's liaison to Minuteman, Vice-Chairman Haarde led the discussion.

Vice-Chairman Haarde stated the focus of tonight's discussion is the percentage of out-of-district students attending the High School, and that these students and their sending towns do not contribute to capital costs. He stated this has been a much discussed impediment to Minuteman's proposed capital project receiving support from Sudbury. Vice-Chairman Haarde asked for an update on solutions to this issue and what strategy the School has for allocating the capital costs more proportionately. He highlighted that approximately 43% of Minuteman's student population is from non-member towns, and that they do not contribute to capital costs.

Minuteman Regional Vocational Technical High School Superintendent Dr. Edward Bouquillon stated he and the School Committee have long been aware (as far back as 1992) of the high percentage of non-member students at the School. He has held several meetings with member Town Managers and Boards of Selectmen and has also discussed issues with Massachusetts School Building Authority (MSBA) and State Department of Education (DOE) officials. Superintendent Bouquillon believes the awareness for the problem is now prevalent.

Superintendent Bouquillon referenced the handout materials. He explained the State DOE sets the rate each year that can be charged for non-member students. Superintendent Bouquillon stated in FY12, Minuteman has, for the first time, charged these students the maximum allowed. In response to a question from Selectman Drobinski, Superintendent Bouquillon stated member towns are charged differently through an assessment system. In response to a question from Vice-Chairman Haarde, Superintendent Bouquillon stated there is not a three-year rolling average presently used to determine costs, but this has been suggested as a future recommendation. He further noted that the FY13 proposed Sudbury per pupil assessment would be \$17,945, which is lower than the projected non-member rate of \$19,046. He also reviewed the similar rates for Special Education.

Chairman O'Brien clarified that the estimated non-member student revenues for the year are used to offset the projected member assessments. He asked if all the Special Education services are handled within the School. Superintendent Bouquillon stated most are. Vice-Chairman Haarde asked who pays for sending a student elsewhere if their needs cannot be met at Minuteman – the member towns or the sending town of the student. Superintendent Bouquillon stated 99% of the time, the sending town of the student pays for those services.

Superintendent Bouquillon stated that, regarding capital costs, it is true member towns subsidize non-member town students. He described efforts made by him and the School Committee with State legislators, the MSBA and DOE to rectify this, including asking for a legal opinion of how the State formula is derived. Minuteman has presented a proposal which would allow the School to charge up to 20% more than the base "tuition rate" for a district which is comprised of more than 25% non-resident student enrollment for each year over a ten-year period. Superintendent Bouquillon stated the proposal has been received with eagerness for further study. He noted very few regional schools would meet the proposal's criteria, and that he believes only Minuteman and Assabet Regional Vocational High School would currently qualify. Superintendent Bouquillon stated he hopes to hear a final opinion on the proposal by the end of March, and if accepted, this could provide member towns some relief. In response to a question from Vice-Chairman Haarde, Superintendent Bouquillon explained what sources were used to formulate the proposal.

Vice-Chairman Haarde stated this operating surcharge fee would help offset capital costs, but it could fluctuate depending on how many students a non-member town sent to the school each year. He is apprehensive that, if it begins to cost non-member towns more to send students to Minuteman, they may decide to send their students elsewhere; thus the financial burden would still revert back to the member

towns. Superintendent Bouquillon stated he thinks this is unlikely because there is nowhere else to send the students, since most of the regional vocational schools are full and maintain waiting lists for admission.

Vice-Chairman Haarde asked if more can be done to induce non-member towns to become members. Superintendent Bouquillon stated MSBA has agreed to apply reimbursement for non-member student tuition enrollments at the same rate as member student enrollments.

Vice-Chairman Haarde asked if the School Committee has the authority to set a cap on the number of out-of-district students who can attend the School. Superintendent Bouquillon and Minuteman District School Committee Chair Alice DeLuca explained any changes to the admissions policy process would need to be voted by the School Committee and submitted to the DOE for approval.

Vice-Chairman Haarde asked if the Superintendent or School Committee foresee a situation where they would consider invoking Chapter 71 Section 14B which would circumvent the need for unanimous approval by the 16 member Town Meetings for a capital project. Superintendent Bouquillon stated the School Committee would make this decision only if the risk of the building's condition outweighed several other factors. He further stated the school building is in serious disrepair, the roof is failing and the building was condemned by the Lexington Fire Department last year, necessitating \$500,000 to be spent to update equipment.

Vice-Chairman Haarde stated Sudbury supports the School and the need for a new building. He emphasizes the Town's only issue is with the out-of-district towns not contributing to capital costs. Selectman Drobinski concurred, stating Sudbury acknowledges Minuteman's building is in need of renovation, but this Board needs to be sure the economic impact of such renovation is fairly apportioned to all who use the School. Ms. DeLuca stated she believes Minuteman will receive some financial relief soon from State entities. She stated that, when the time is right, Minuteman will ask for the support of its member towns to bring this relief to fruition with the powers that be. Vice-Chairman Haarde stated Sudbury wants to help Minuteman achieve this goal and has wondered why it is taking so long to develop a strategy to make it happen.

Minuteman Regional School District Committee Sudbury Representative David Manjarrez referenced Page 3 of the Operational Costs handout distributed tonight. He asked if the projected costs per pupil for Sudbury include capital costs, and if not, how much would this add to the figures presented. Superintendent Bouquillon stated the capital costs are not included, and would add approximately \$800-\$900 to the figures.

Chairman O'Brien referenced the resolution Sudbury sent to Minuteman on December 8, 2011, from which he read aloud excerpts. He asked the Board if it should send copies of this resolution to the other member towns. Superintendent Bouquillon believes he has used Sudbury's letter to good advantage to convince the deciding powers of the importance of this issue and its potential ramifications. However, he believes sending it to other member towns could do more harm than good because it may not be understood within the same context of support in which Sudbury has presented it.

Vice-Chairman Haarde noted that a major Minuteman renovation is possibly three or four years in the making. He asked if this timeline would be accelerated if there were a major systems/structural failure in the meantime. Superintendent Bouquillon has discussed this with MSBA, and MSBA has stated it would help Minuteman in such circumstances on an emergency basis. He further stated the School expects to receive engineering reports in May, which will help illuminate these issues. Superintendent Bouquillon emphasized that, even in an emergency situation, Minuteman would not proceed with any action without communicating with member towns. Vice-Chairman Haarde reiterated his preference that a resolution be found for the non-member allocation of capital costs as soon as possible, in advance of a catastrophic event occurring.

Superintendent Bouquillon emphasized he and the School Committee are being as honest as possible about the current state of the building.

Chairman O'Brien asked why non-member towns do not want to join the district. Superintendent Bouquillon stated that, until recently, it has not been cheaper to do so, and thus money has been a concern, and there have also been political reasons for not joining. He further stated Minuteman has applied for a grant to fund exploratory analysis of cities and towns which would forecast these costs. Superintendent Bouquillon also stated he will meet with the DOE on March 22, 2012, and hopes to have more information following this meeting.

Minuteman Regional School District Committee member and member of Minuteman's Finance Committee Jeffrey Stulin stated he has worried for decades about a catastrophic failure causing a nightmare scenario, wherein the School would need to be closed and/or the School could not afford to fix the problem. Mr. Stulin stated Minuteman identified several issues which would need to be addressed before it could move forward with a capital project. He emphasized all of these issues have been addressed over the recent years, with the exception of the out-of-district contribution for capital costs. Mr. Stulin stated addressing issues takes time and information to do it successfully, and he highlighted the need to be patient with the process.

Selectman Drobinski recommended not sending Sudbury's resolution to the other member towns at this time. The Board concurred and Chairman O'Brien closed the discussion at 8:33 p.m.

**Public Hearing: Buddy Dog Humane Society, Inc. – Site Plan Application**

Present: Schofield Brothers of New England, Inc. Senior Vice President Bruce Ey, and Buddy Dog Board of Directors President Howard Levy

At 8:33p.m., Chairman O'Brien opened the Public Hearing regarding the Site Plan application by Buddy Dog Humane Society, Inc., located at 151 Boston Post Road, for proposed improvements. The Board was previously in receipt of copies of a draft "Site Plan Decision Sudbury Board of Selectmen Buddy Dog 151 Boston Post Road dated March 7, 2012."

Chairman O'Brien asked Schofield Brothers of New England, Inc. Senior Vice President Bruce Ey and Buddy Dog Board of Directors President Howard Levy if they have reviewed the draft Decision. Both gentlemen stated they had, and that they had no objections to the document. Mr. Ey commended Director of Planning and Community Development for drafting the language so well.

Selectman Drobinski stated the draft Decision includes all issues previously discussed by the Board, and it allows for review of the landscape plan.

Chairman O'Brien referenced Page 2, item #3, and he reminded the applicant that low shrubs and/or a small fence in the area between Buddy Dog and Bosse Sports would be appreciated. Mr. Ey stated the Buddy Dog staff is working on the landscaping plan, which he will submit to Ms. Kablack.

Vice-Chairman Haarde noted any new signage would need approval. Chairman O'Brien stated new signs would be reviewed by the Design Review Board.

Mr. Ey reported the project has received its Massachusetts Department of Transportation permit, and Sudbury's Conservation Commission has closed its process, which went well, and the applicant is awaiting the Commission's decision.

It was on motion unanimously

VOTED: To close the Public Hearing regarding the Application by Buddy Dog Humane Society, Inc., for Site Plan approval in accordance with Town of Sudbury Zoning Bylaw Section 6300 for property located at 151 Boston Post Road, Town Assessor's Map K11, Parcel 0020, zoned Industrial District #4.

It was on motion unanimously

VOTED: To approve the Application by Buddy Dog Humane Society, Inc., for Site Plan approval in accordance with Town of Sudbury Zoning Bylaw Section 6300 for property located at 151 Boston Post Road, Town Assessor's Map K11, Parcel 0020, zoned Industrial District #4.

### **Town Forum**

Present: Police Chief Rick Glavin, Fire Chief Bill Miles and Building Inspector Jim Kelly

At 8:40 p.m., Chairman O'Brien convened Town Forum to hear reports given by Town Department Heads.

**Police Chief Richard Glavin** reported several examples from the last year of how the work of patrol officers and detectives made a significant impact on the outcome of situations. Situations cited included recovering stolen property, working with a SWAT team to safely "talk out" a troubled adolescent without harming himself or others, responding to a L-SRHS bomb threat and responding to fatal accidents. Chief Glavin commended his staff, which cover difficult situations on their own for extended periods until reinforcements arrive. He also noted the staff works diligently to utilize the proper resources and is eager to learn.

Selectman Drobinski noted it is refreshing to see new staff members on the Police force who are also Sudbury residents. Chief Glavin stated it has been rewarding to have Sudbury youth aspire to working in the Department.

Chairman O'Brien noted the Police and Fire Departments have had especially tough situations to handle in late 2011, including several tragedies. He asked if personnel avail themselves of formal counseling at these times. Chief Glavin stated the staff is willing to participate in counseling which is made available to them, and that participation is recommended. Fire Chief Miles stated other staff members provide an excellent support system as well, making sure to watch out for each other during stressful times. Selectman Drobinski stated the Town also offers its employees formal counseling services.

Selectman Drobinski asked if the Department's equipment is satisfactory, and he stated he hopes all staff remain safe. Chief Glavin stated equipment is in good shape, and all officers now wear bullet-proof vests.

Chief Glavin stated officers work on a lot of traffic issues, and they utilize electronic signage to assist them. He stated the Department has worked closely with Lincoln-Sudbury Regional High School and the Sudbury Public Schools to improve and practice emergency procedures. He noted there have been some drug-related incidents this year, but that Sudbury is no different than any other town experiencing the same problems.

Vice-Chairman Haarde asked how officers stay physically fit. Chief Glavin stated some officers go to Longfellow, and that many young officers are health-conscious and work out on their own.

Chairman O'Brien asked about a Pawnbroker Warrant article submitted for the 2012 Town Meeting. Chief Glavin reported the article has been withdrawn for further study.

Chief Glavin suggested to the Board that the Annual Spring Sprint Triathlon be reduced in size for the 2013 year. He believes the event has become unmanageable from a safety standpoint, due to too many bike participants (typically 500). Chief Glavin noted other communities cap participation at 300-350. He noted the biking aspect of the race can be dangerous in certain locations when near traffic on Route 27 and Hudson Road. Chief Glavin does not suggest altering this year's events because it is too late in the process, but an additional officer will be added for traffic detail. However, he will submit recommendations for next year.

**Fire Chief Bill Miles** reviewed his Department's operating structure for the Board. The Department has 32 full-time firefighters, an Assistant Chief and two and a half dispatchers. Chief Miles stated the three Fire Stations are in good structural shape, and the newest one on Hudson Road, celebrates its 20<sup>th</sup> anniversary this year.

Chief Miles provided the Board with highlights of Department activities. He reported the Department fielded 2,332 calls last year. He noted 52% of these calls were for medical assistance. Chief Miles stated revenues received from ambulance services have increased, but so have the expenses to provide these services. He highlighted the Department utilizes high-quality apparatus, which is properly maintained and is annually certified. There are two ambulances, one of which was purchased in 2003 and replacement will be requested next year.

Chief Miles stated he and his staff continue to pursue Federal and State grants, but funding has diminished in recent years. The Department was successful in procuring a \$27,000 thermal camera grant this year. Chief Miles stated training is ongoing, and new hires attend the Massachusetts Fire Academy Program. Staff is also busy throughout the year conducting home and business inspections, including all nursing homes and restaurants.

Chief Miles stated the Department has worked closely with the Community Emergency Response Team (CERT) volunteers during the 2011 storms, and has relied on their expertise. He thanked the CERT members for their dedication to the community and helping to provide shelter assistance at the Fairbank Center, when it was needed. Chief Miles stated Sudbury owes its gratitude to the CERT volunteers for their efforts.

Chief Miles has worked with Chief Glavin towards combining Police and Fire dispatch services to better comply with the new State emergency dispatch mandate. He briefly explained the current processes and how the consolidation would improve services.

Chief Miles stated Sudbury relied heavily on mutual aid from surrounding towns in the past year, utilizing out-of-town ambulances on 130 occasions. The Department hopes to reduce this dependence in the coming years.

Chief Miles emphasized the cooperation he receives from the Town Manager, Department Heads, and both School Departments, which helps him and his staff do their jobs.

Selectman Drobinski asked if the Department's equipment is up-to-date. Chief Miles stated the equipment is of a high-quality. He noted he has applied for a FEMA grant to upgrade the Department's breathing apparatus. Town Manager Valente highlighted this is a matching grant. Thus, if it is received, she stated Sudbury residents will be asked to re-appropriate funds previously approved for a traffic light at Fire

Station 2 towards this equipment. Vice-Chairman Haarde asked when the Town will know about the outcome of the grant application. Chief Miles stated an answer is expected by March 15, 2012.

Chairman O'Brien asked if a combined dispatch will allow the Town to access enhanced 911 funds as designated on phone bills. Chief Glavin responded the surcharge added to phone bills is used, and that there is some grant funding for developing regional dispatch centers.

Town Manager Valente commended both Chiefs on the outstanding jobs they have done hiring personnel who serve Sudbury so well. She noted significant time is put into making quality decisions which will be right for the community.

**Jim Kelly**, Building Inspector, highlighted the work his Department does each day to administer and oversee all building permits, which manages building codes intended to construct safe buildings and to prevent injury and/or catastrophes. Mr. Kelly highlighted the thoroughness of his Department's work makes it possible for the Fire and Police Department to hopefully answer fewer emergency calls.

Selectman Drobinski shared positive feedback he received from a builder regarding Sudbury's permit and inspection process and how fair and thorough the systems are compared to other towns. Mr. Kelly stated he enjoys working with the contractors to achieve their goals, while ensuring that Sudbury residents get the quality construction they deserve.

Mr. Kelly reported 2100 permits were issued in 2011, which generated \$384,000 in fees. He also noted significant time is spent on remaining up-to-date with new and amended codes, which have changed numerous times in the past four years. Mr. Kelly is pleased with the implementation of the Stretch Energy Code, and he reported it is working as was expected. He stated there is discussion that a Stretch Sprinkler Code for new construction may be put forth which towns will have the option to adopt. Fire Chief Miles stated the proposal has met stiff opposition to date.

Mr. Kelly stated he and his staff also inspect all Town buildings. He also is involved in zoning issues, and he fields many calls from residents asking what projects require a Special Permit and what is permissible without one. Mr. Kelly also works with the business community enforcing portable sign laws, and 36 permits for them were issued last year. These signs are vital for the business community to attract customers.

Mr. Kelly stated a zoning bylaw change has been proposed for the 2012 Town Meeting regarding allowing the ownership of chickens by right, but requiring a Special Permit for ownership of roosters.

In response to a question from Chairman O'Brien, Mr. Kelly provided a brief explanation of a proposed article for Town Meeting regarding the Natatorium HVAC and associated roofing. He explained this 25-year old HVAC unit controls the air at the Fairbank Pool and needs to be replaced. The recommendation is to replace the unit and the roof at the same time. The project is estimated to cost \$416,000, but the new equipment is expected to provide energy savings in the short and long term. Chairman O'Brien asked if it would be presented as part of the Capital Budget, and Mr. Kelly stated it would not.

Sudbury firefighter Robert Boyd expressed to the Board his belief that the current Fire and Police dispatch services currently work well. He hopes proper time will be taken by the Town to allow for public discussion to determine if consolidation of these services is the right thing for Sudbury. Mr. Boyd stated he has heard there may be a three-month extension given by the State for implementation. He believes the emergency medical dispatch services for the Fire Department should continue to be handled by the Fire Department.

At 9:34 p.m., Chairman O'Brien concluded the Town Forum.



**Ameresco – Investment Grade Audit Agreement – Approval**

Present: Building Inspector Jim Kelly and Energy and Sustainability Green Ribbon Committee Chair Bill Braun

The Board was previously in receipt of copies of a “Memorandum of Understanding For Energy Management Services Solicited By The Massachusetts Area Planning Council (MAPC) For its Member Communities” and attachments, an “Investment Grade Audit Agreement for Ameresco” and accompanying exhibits.

Energy and Sustainability Green Ribbon Committee Chair Bill Braun provided a brief history of the Massachusetts Area Planning Council’s (MAPC) efforts to allow towns to regionalize procurement and provide audit services to reduce energy costs. Mr. Braun explained the process is designed to guarantee savings equal to the costs of implementing systems to meet recommended performance standards. He highlighted audit participation has been recommended by the Energy and Sustainability Green Ribbon Committee.

Chairman O’Brien asked if the audit will review structures as well as equipment. Mr. Braun stated the audits typically focus primarily on systems and controls, but they may assess other items as well.

Selectman Drobinski asked if the roof improvements needed for Town buildings would be included. Mr. Kelly stated roofs alone are not covered.

Vice-Chairman Haarde stated he believes this is a good program for the Town, and he has supported it from the beginning of the process.

It was on motion unanimously

VOTED: To authorize the Town Manager to sign an Investment Grade Audit Agreement with Ameresco, Inc. pursuant to a Memorandum of Understanding with the Massachusetts Area Planning Commission (MAPC) for Energy Management Services.

**Sudbury Landfill – Solar PV Facility – Discussion**

Present: Building Inspector Jim Kelly and Energy and Sustainability Green Ribbon Committee Chair Bill Braun

Chairman O’Brien opened a discussion regarding a Power Purchase Agreement for a solar photovoltaic (PV) facility at the Sudbury Landfill. Copies of a draft “Letter of Intent for Ameresco to Exclusively Develop, Finance, Construct, Own and Operate a Solar PV Facility on the Sudbury Landfill” from Town Manager Valente dated March 7, 2012, were distributed to the Board.

Energy and Sustainability Green Ribbon Committee Chair Bill Braun explained that the Esco Agreement also includes contracting for solar generation facilities. Mr. Braun noted that Board of Selectmen members have all been actively involved in pursuing a Power Purchase Agreement for a solar PV facility at the Sudbury landfill. He reported many companies have been considered and interviewed. Mr. Braun stated the Green Ribbon Committee recommends contracting with Ameresco, Inc., based on the company’s expertise and positive reputation in the field. He explained such an agreement would provide advantages for the Town by allowing for direct negotiations with Ameresco, and it may reduce the time for completion.

Selectman Drobinski announced he would need to recuse himself from any vote on this matter, due to a potential conflict with his employer.

It was on motion

VOTED: To authorize the Town Manager to sign and send the "Letter of Intent for Ameresco to Exclusively Develop, Finance, Construct, Own and Operate a Solar PV Facility on the Sudbury Landfill," dated March 7, 2012, as reviewed tonight.

### **Minutes**

It was on motion

VOTED: To approve the Regular Session minutes of January 31, 2012.

Selectman Drobinski recused himself from the vote on the Regular Session minutes of January 31, 2012, since he was absent from the meeting.

It was on motion unanimously

VOTED: To approve the Regular and Executive Session minutes of February 14, 2012.

### **River Stewardship Council - Appointment**

It was on motion unanimously

VOTED: To appoint, for indefinite terms, Ponds and Waterways Committee member Anne Slugg, 14 King Philip Road, as Sudbury's representative to the River Stewardship Council, replacing John Drobinski, who will become the alternate appointee, filling a vacancy occasioned by the resignation of Susan Crane, who has moved from Town.

### **Friends of the Sudbury Youth Commission – Donation**

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a \$1,199.37 donation from the Friends of the Sudbury Youth Commission to be used for youths experiencing financial hardship in participating in Town programs, said funds to be expended under the direction of the Youth Coordinator, and to send a letter of appreciation to the Friends of the Sudbury Youth Commission.

### **FY12 Bus Revolving Fund – Limit Increase**

It was on motion unanimously

VOTED: To approve an increase in the limit of the FY12 Bus Revolving Fund, established under M.G.L. Chapter 44, Section 53 E ½, from \$400,000 to \$450,000, due to the increased numbers of seventh and eighth graders who pay fees to ride the bus, as requested by the Sudbury Public Schools' School Committee in a letter dated February 23, 2012, from Mary M. Will, Director of Business and Finance.

**Sudbury Historical Commission - Appointment**

It was on motion unanimously

VOTED: To approve Town Manager's appointment of Diana Peck Cebra, 20 Metacomet Way, to the Sudbury Historical Commission for a term to expire on May 31, 2014, filling a vacancy occasioned by the term expiration of Ellen M. Given, as recommended by Historical Commission Chair Lyn MacLean in an email dated February 29, 2012.

**Annual Election Warrant**

It was on motion unanimously

VOTED: To sign the Annual Town Election Warrant for March 26, 2012, as requested by Town Clerk Rosemary Harvell.

**Annual Sudbury Spring Sprint Triathlon**

It was on motion unanimously

VOTED: To grant permission for the Annual Sudbury Spring Sprint Triathlon on Sunday, May 6, 2012, from 7 a.m. to 10 a.m., and the third Annual TriSprouts Children's Triathlon on Saturday, May 5, 2012, at 9:00 a.m. as requested in a letter dated February 21, 2012, from Race Director, Bill Fiske, subject to conditions and permits required by the Park and Recreation Dept. and a meeting with the Sudbury Police Department prior to the Sunday event, (preferably at the conclusion of Saturday's children's event), regarding safety concerns and/or weather issues, and the applicant providing for cleanup of any litter created by race participants and staff.

**Annual Town Meeting Actions**

The Board was previously in receipt of a draft list of the "2012 Annual Town Meeting Warrant Articles," dated February 22, 2012. The Board reviewed the list and determined the Board would designate articles for the Consent Calendar and take positions as deemed appropriate.

Chairman O'Brien stated Article #16 regarding the Pawnbroker Bylaw has been withdrawn for further study.

It was on motion unanimously

VOTED: To accept the withdrawal of Article #16, as noted on the listing below.

The Board reviewed the list of articles below to determine which articles would be designated for the Consent Calendar in the Town Warrant.

It was also on motion unanimously

VOTED: To approve articles to be included on the Consent Calendar as noted on the listing below by "CC," as Articles #10, 11 and 12 and to remove Article #20 as a suggested Consent Calendar article.

It was also on motion unanimously

VOTED: To Report at Town Meeting (RTM) the Board's positions for Articles # 9, 14, 17, 18, and 19 as noted on the listing below.

It was further on motion unanimously

VOTED: To take the position of supporting Articles 1, 10, 11 and 12 and to hold on taking positions on all other articles listed below at this time.

Regarding Article #13, Chairman O'Brien asked if Minuteman Regional Vocational School District needs a unanimous vote from all 16 member towns to establish a stabilization fund. Town Manager Valente stated only a two-thirds majority vote is needed. The Board requested Town Manager Valente obtain input from the Finance Committee and the Town of Wayland regarding this article.

Chairman O'Brien noted that Articles #14, 17, 18 and 19 are money articles, which would require funding resources to be determined. He suggested it is useful for the public to hear the Town Meeting presentations on these projects, even if the articles are eventually indefinitely postponed. Town Manager noted Article #17 for the Nixon Roof Replacement would need to be deliberated differently from Articles #14, 18 and 19. She also distributed copies to the Board of information from Building Inspector Jim Kelly regarding Articles #17 and 18.

Vice-Chairman Haarde noted that all monied articles would require a Town-wide vote if the funds fall outside of the tax levy.

The Board requested the Planning Board and the Community Preservation Committee be invited to future meetings to discuss articles they have recommended for the 2012 Town Meeting.

Town Manager Valente asked for clarification from the Board as to whether the wording should be the same in the Town Warrant for the two non-binding Rail Trail Resolutions as they have been drafted for the Town Ballot. The consensus of the Board was that the wording should be consistent.

- #1 - Hear Reports - Position - Support
- #2 - FY12 Budget Adjustments - Position -
- #3 - Stabilization Fund - Position -
- #4 - FY13 Budget - Position -
- #5 - FY13 Capital Budget - Position -
- #6 - FY13 Transfer Station Enterprise Fund Budget - Position
- #7 - FY13 Pool Enterprise Fund Budget - Position
- #8 - FY13 Recreation Field Maintenance Enterprise Fund Budget - Position
- #9 - Unpaid Bills - Position - **RTM**
- #10 - Chapter 90 Highway Funding - Position - Support - **CC**
- #11 - Real Estate Exemption - Position - Support - **CC**
- #12 - Town/School Revolving Funds - Position - Support - **CC**
- #13 - Establish Stabilization Fund - Minuteman Regional Vocational School District - Position -
- #14 - Town Center Traffic Improvements - Position - **RTM**
- #15 - Fire Department Safety Equipment Purchase - Position -
- #16 - **WITHDRAWN** - Pawnbroker Bylaw
- #17 - Nixon Roof Replacement & Repair - MSBA Program - Position - **RTM**
- #18 - Natatorium HVAC & Associated Roofing - Position - **RTM**
- #19 - Town and School Roofs - Position - **RTM**

#20 - Amend Zoning Bylaw Article IX, Appendix A – B.6 – Update definition of Agricultural Use - Refer to Planning Board - Position – **RTM**

#21 - Amend Zoning Bylaw Article IX –Appendix A – Sec. 2313 Regulate raising of roosters – Refer to Planning Board - Position – **RTM**

#22 - Amend Zoning Bylaw Article IX – Section 5331 – Senior Residential Community – Refer to Planning Board - Position – **RTM**

#23 - Amend Bylaw – Art. V(f) – Stormwater Management Bylaw – Refer to Planning Board - Position – **RTM**

#24 - Community Preservation Fund –Town Hall Architectural and Design Study - Position –

#25 - Community Preservation Fund – Town Center Landscaping Restoration - Position –

#26 - Community Preservation Fund – Historic Projects - Position –

#27 - Community Preservation Fund – Town-Wide Walkways - Position –

#28 - Community Preservation Fund – Town Clerk Historic Document Preservation - Position –

#29- Community Preservation Fund - Sudbury Housing Trust 10% Allocation - Position –

#30- Community Preservation Fund - Pantry Brook Farm Preservation Restriction - Position –

#31 - Community Preservation Fund – Purchase and Restore Property - 15 Hudson Road - Position –

#32 - Community Preservation Fund - Amend Art. 43 of the 2006 Town Meeting, Sudbury Housing Authority Unit Buy Down - Position –

#33 - Community Preservation Fund - General Budget and Appropriations - Position –

#34 - Resolution – Rail Trail - Position –

#35 - Resolution - Rail Trail- Position –

At 10:24 p.m., Chairman O'Brien announced the close of the regular meeting.

There being no further business, the meeting adjourned at 10:24 p.m.

Attest:\_\_\_\_\_

Maureen G. Valente

Town Manager-Clerk