

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, OCTOBER 16, 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 7:32 p.m., Chairman O'Brien opened the meeting. He reminded residents to vote in the November 6th State and National Election, noting absentee ballots are currently available at the Town Clerk's Office. Chairman O'Brien also announced there will be a Special Town Election on December 4, 2012, regarding two ballot questions for the Nixon School Roof Repair project and Sudbury's Senior Tax Relief Special Act. He stated representatives from the Council on Aging will be at the Board's next meeting on November 7, 2012 to discuss the Senior Tax Relief ballot question.

Reports from the Town Manager

Town Manager Valente asked the Board to let her know if a Special Board Meeting can be scheduled on either November 13 or November 15, 2012 to discuss a strategic financial plan for the Town with members of the Sudbury Public School Committee and Sudbury's Finance Committee.

Town Manager Valente announced the Town has received a federal grant for bullet proof vests for the Police Department. She also stated a letter of commendation has been submitted to Officer John Perodeau's file for the excellent work done to apprehend burglars in Town, as reported by Ms. Valente at the prior Board meeting.

Reports from the Board of Selectmen

Selectman Drobinski commended Town staff on the excellent job done to compile the Town's FY13 Budget Plan notebook, which he displayed. He also noted Sudbury's Public Safety Departments sponsored an Open House last weekend, which was well attended.

Vice-Chairman Haarde stated the Route 20 Sewer Advisory Committee and the Route 20 Sewer Citizens' Advisory Committee met last week with members of the Planning Board. Chairman O'Brien asked if any public sessions are planned in the coming months, in anticipation of the Annual 2013 Town Meeting. Vice-Chairman Haarde stated it is the opinion of both Sewer Committees that the zoning issues need to be presented first to the public for consideration, followed by the sewer, once people have an idea of how the area might look.

Chairman O'Brien stated collective bargaining discussions are continuing with Lincoln- Sudbury Regional High School (L-SRHS), and a few Executive Sessions were recently held. He also attended a site visit with Vice-Chairman Haarde and Department of Public Works (DPW) Director Bill Place to assess construction of a North Road intersection. Chairman O'Brien also attended a site visit with Director of Planning and Community Development Jody Kablack at TD Bank. He stated a memorandum of recommendations made as a result of the site visit will be considered by the Board later tonight, under agenda item #15.

Northwood at Sudbury –Update

Present: Attorney for Northwood at Sudbury Condominium Trustees, Mark Kablack

At 7:42 p.m., Chairman O'Brien opened a discussion regarding an update from Northwood at Sudbury Condominium Trustees' attorney Mark Kablack.

Selectman Drobinski recused himself from participation, due to potential for a perceived conflict of interest.

Mr. Kablack stated that, approximately a year ago, he was before the Board when the current owners submitted an application for a site plan modification. He stated the Board denied the application last year with a split decision. Mr. Kablack stated First Colony LLC, the current applicant/developer, subsequently filed for a building permit, which was denied in March 2012. An appeal was submitted to the Zoning Board of Appeals (ZBA), which was granted, as proposed, in June 2012. At that time, Mr. Kablack explained the applicant could have proceeded with construction. However, no construction could commence, due to two pending land court cases of appeal which are under consideration

Mr. Kablack emphasized the current occupants of Northwood continue to struggle with costs and fees, since the development is at less than half of its original design capacity. He further stated a unit owner had a foreclosure last month. Mr. Kablack stated the current situation is dire.

Mr. Kablack referenced remarks made by Vice-Chairman Haarde at the September 24, 2012 Special Town Meeting, which he recalls as including statements regarding studies having been done on Northwood, the Rail Trail and other projects. He stated that he is unaware of any studies ever having been conducted by the Town regarding the Northwood site, and he asked for clarification from Vice-Chairman Haarde.

Vice-Chairman Haarde asked if this is why Mr. Kablack asked to be on the agenda, noting it is unusual for the Board to receive an update of this nature. He stated this development has been going on since 1997, and it is still not completed. Vice-Chairman Haarde opined that Mr. Kablack's appearance seems to be an attempt to grandstand, and he asked Mr. Kablack the amount of legal fees which the Trust has paid since he has been its attorney.

Mr. Kablack stated he is not grandstanding tonight, and he believes the Board should know the ramifications of its denial last year.

Vice-Chairman Haarde stated nothing in this update is new information because everything presented tonight was already public knowledge.

Mr. Kablack asked If the Board was aware of the recent foreclosure. He also reiterated his question regarding why Northwood was mentioned by Vice-Chairman Haarde as having been studied.

Vice-Chairman Haarde explained his statement was meant to include Northwood as an example of a project which has lingered, and is not yet completed.

Mr. Kablack asked Vice-Chairman Haarde if he could produce any studies done by the Town on Northwood.

Chairman O'Brien stated that it is not fair of Mr. Kablack to have not given Vice-Chairman Haarde the opportunity to prepare for this discussion, since this was not broached with the Board when an agenda time

was requested. Chairman O'Brien stated the Board has not considered any information regarding Northwood since last year, and it has not changed its position as voted last year.

Mr. Kablack noted tonight's meeting notice stated a discussion and update would occur regarding Northwood. Having worked with the Condominium Trust for many years, he stated he was confused by Vice-Chairman Haarde's statement that there had been studies done regarding the site, and he wanted the opportunity to clarify this issue. Mr. Kablack asked again if any studies have been done on Northwood.

Vice-Chairman Haarde stated Selectman Drobinski recused himself tonight because his engineering firm is studying Northwood.

Mr. Kablack stated the study by that firm has nothing to do with Northwood, and it is addressing other specific topics.

Vice-Chairman Haarde stated, if the firm's study has nothing to do with Northwood, then Selectman Drobinski should rejoin the meeting and there is no need for him to recuse himself. He repeated his question to Mr. Kablack regarding the amount of legal fees he has collected from the Trust, and he suggested Mr. Kablack also disclose for the record that he has a family member who is a Town employee.

Mr. Kablack stated neither of these remarks is relevant, and he repeated his question of whether Vice-Chairman Haarde knows of a study on Northwood which he could share.

Vice-Chairman Haarde stated there have been studies done in the vicinity of Northwood and regarding some sections of land on which Northwood has been constructed. He reiterated his question to Mr. Kablack regarding the amount of legal fees he has been paid from Northwood.

Mr. Kablack stated he would not answer the question because his legal fees are none of Vice-Chairman Haarde's business.

Vice-Chairman Haarde asked how many members of the Board of Trustees are widows or divorcees.

Mr. Kablack asked how this question is relevant.

Vice-Chairman Haarde stated he does not consider tonight's discussion as an update, and he questioned again the point of this agenda item.

Mr. Kablack stated he is seeking the Board's assistance to extract the current residents from this stalemate situation, which has delayed the construction of any further development.

Vice-Chairman Haarde suggested Mr. Kablack set up a meeting with the current owners and Board of Trustees, which he would attend to try to help solve this problem.

Mr. Kablack stated he would appreciate this assistance.

At 7:58 p.m., Chairman O'Brien concluded the discussion.

Public Hearing: Site Plan Application – Northern Bank and Trust Co. – 430 Boston Post Road

At 7:59 p.m., Chairman O'Brien opened the Public Hearing regarding the application for Northern Bank & Trust Company, applicant, and Colonial Auto of Sudbury, Inc., owner, for approval to construct a new 2,500 sq. ft. retail bank building at 430 Boston Post Road, zoned Business District, Town Assessor Map K08, Parcel 0077, which was continued from September 18, 2012. He stated two new memoranda have been received to the file from Ms. Kablack and the Design Review Board respectively. In addition, copies of a letter from the applicant's attorney Shaun Briere dated October 12, 2012, requesting a continuance of the Public Hearing until November 7, 2012, to consider and review suggestions made by various Town departments and Boards with respect to design were distributed.

It was on motion unanimously

VOTED: To continue the Public Hearing regarding the application for Northern Bank & Trust Company, applicant, and Colonial Auto of Sudbury, Inc., owner, for approval to construct a new 2,500 sq.ft. retail bank building at 430 Boston Post Road, zoned Business District, Town Assessor Map K08, Parcel 0077 to November 7, 2012 at 8:30 p.m.

Fairbank Community Center – Discussion Regarding Next Steps for Roof Repairs

Present: Combined Facilities Manager Jim Kelly, Sudbury Public School Committee members, Council on Aging members David Levington and Jack Ryan and Permanent Building Committee Co-Chair Mike Melnick

At 8:04 p.m., Chairman O'Brien opened a discussion regarding next steps for the Town to address the repairs needed on the Fairbank Community Center roof. He noted an article presented at the September 24, 2012 Special Town Meeting requested \$600,000 for replacing the roof. This article was voted and defeated. He referenced an idea presented by Vice-Chairman Haarde to explore a new Community Center. Chairman O'Brien stated the Board is responsible for protecting and preserving Town assets. Thus, the Town needs to decide short-term and long-term approaches for the Fairbank Community Center and its future use.

Town Manager Valente distributed copies to the Board of excerpts from a December 7, 2010 presentation regarding "Planning for New Capital Projects: Overall Capital and Debt Strategy" and an aerial photograph of the Fairbank building site. She briefly reviewed the Town's past efforts for planning and funding large projects. Older buildings such as the Police Station, Town Hall and Fairbank Center have been identified as needing repairs and/or upgrades. The Town has also identified other infrastructure issues, such as the Town Center traffic safety project and a sewer system for Route 20.

Town Manager Valente reviewed a "Facilities Planning Timeline from 2000-2010," and the articles presented to Town Meetings since 2000. She referred to two recommendation options presented in 2002, entitled the "Town Hall Scenario" and the "Flynn Building Scenario." Ms. Valente stated these two options have been worked on in combination with ideas for the Fairbank building for a decade. She emphasized future uses for Fairbank have primarily focused on a Community Center comprised of the Council on Aging and Park and Recreation, and the relocation of the SPS administration to the Flynn Building, and moving Town staff to a renovated Town Hall. Ms. Valente also stated it has been recommended that a new project be pursued every five years in order to attend to Town needs and spread out costs in a cost-efficient manner. She further noted a goal of the Town has been to better use the underutilized Town Hall building.

Chairman O'Brien stated the project for studying the use of Town Hall has been started, and he asked Combined Facilities Manager Jim Kelly for an update. He also noted the second floor of Town Hall currently houses the Sudbury Historical Society, but it could possibly be used for office space.

In 2012, Mr. Kelly stated Town Meeting voted to appropriate \$50,000 to study and assess the Town Hall building for future use. He stated that it is likely Town Hall could structurally support a second floor of offices, and it could possibly support a third floor. Mr. Kelly further described the idea to move SPS administration from the Fairbank building to the Flynn Building, and then to move Town staff to Town Hall.

Permanent Building Committee (PBC) Co-Chair Mike Melnick stated that, when the Goodnow Library was rebuilt, the temporary library was housed on the second floor of Town Hall. In response to a question from the Board, Mr. Melnick stated it is hoped the Request for Proposal (RFP) regarding the Town Hall study will be released in the next few weeks.

Selectman Drobinski stated he is anxious to see what ideas are presented by the architects.

Vice-Chairman Haarde asked how the \$50,000 study is being funded. Chairman O'Brien explained it is from Community Preservation Act (CPA) funds appropriated at the 2012 Town Meeting.

Mr. Kelly stated he would like to take the opportunity tonight to address a question again which was posed at the September Special Town Meeting (STM) because he initially answered it incorrectly. When asked at the STM if the Town had a master plan for Park and Recreation and a Senior Center, Mr. Kelly responded that it did not. However, as the information provided tonight reveals, the Town has been working on ideas and plans for the past ten years. Mr. Kelly stated that he now wishes he had brought up the Town Hall study in connection with his article presentation for the Fairbank roof project. He also stated he has since spoken with the COA regarding its future needs. In addition, Mr. Kelly stated he scheduled a visit to the Fairbank building by a roofing consultant. Chairman O'Brien asked what the feedback was from the consultant. Mr. Kelly stated the consultant agreed the building needed a new roof, and they recommended the Town follow through with its roofing plan.

Chairman O'Brien asked if any evidence of mold was observed. Mr. Kelly stated the focus was on decking, and no mold was observed or addressed with the consultant.

Mr. Melnick stated the PBC worked with a consultant who conducted a study of 19 Town/School buildings in 2010. The highest priority roof needing repair was identified as the Senior Center portion of the Fairbank building. Mr. Melnick listed the next highest priority roofs needing attention and how they have been addressed by the Town. He stated the Fairbank roof has been highlighted by the consultants as a top priority, and the PBC has great confidence in the consultant's recommendations to date. Mr. Melnick emphasized the Town conducted test cuts at Fairbank in February to confirm the assessment. Results indicated there is no insulating factor remaining with the current rubber roof. Mr. Melnick further emphasized that how long the roof will last is an unknown.

Chairman O'Brien asked how the Town should proceed.

Town Manager Valente stated Town staff's preference would be to put an article on the Annual 2013 Town Meeting Warrant for the roof replacement, depending on information showing if any future expansion at Fairbank would be limited or precluded by replacing the roof now.

Mr. Melnick stated Fairbank's current structure would not support a second floor. He also highlighted that the addition of a second floor would result in loss of current space in the building to accommodate two sets of stairs and an elevator.

Selectman Drobinski likes the idea of a community center, and he believes there is enough space on the grounds of the Fairbank building to expand. However, he emphasized a series of events needs to be prioritized and completed first. Selectman Drobinski stated a feasibility analysis of the site is needed. He emphasized the need to protect the structure and preserve the asset in the interim. Selectman Drobinski stated the project could be brought back to Town Meeting and discussed globally in relation to the Town Hall and Flynn Building plans. He noted Vice-Chairman Haarde's idea to pursue private funding for a new facility is good. However, Selectman Drobinski cautioned this type of effort could take ten years to come to fruition. He reiterated the need to protect the asset in the meantime, and to find out what the space needs would be in the interim for the COA and Park and Recreation.

Vice-Chairman Haarde stated he is glad the Board is having this discussion to determine what the sequence of events should be for large projects to be completed in Town. He stated everyone agrees the roof is in need of repair. However, Vice-Chairman Haarde stated the September STM article was for replacing the Fairbank roof, not just to repair it. He believes the Town does have a plan for Town Hall and that it is good to consider all these plans in connection to each other. Vice-Chairman Haarde emphasized he has respect for every member of the PBC, but he believes it is the Board's responsibility to look at the Town's "big picture."

Vice-Chairman Haarde stated the proposed new PVC roof is an expensive product. He noted the walls of the Fairbank building do not meet current codes, and at some point the building will need to be brought up to code. Vice-Chairman Haarde questioned installing a new roof first, when it is likely other structural work may need to be done, which might need to tie into the roof area. He emphasized it is not ideal to compromise a new roof installation.

Vice-Chairman Haarde believes rubber roofs should last longer than 20 years, and he questioned whether the current roof had been properly and frequently maintained so as to avoid leaks. A brief discussion ensued regarding failures on rubber roofs occurring at the seams. Vice-Chairman Haarde stated seam problems need to be fixed quickly. He agrees that the Town needs to protect its assets, and he believes the existing problems are perhaps due to delayed maintenance in the past. Mr. Melnick and Mr. Kelly did not agree.

Vice-Chairman Haarde referenced information from past reports which indicated the Fairbank building is too small for its current occupants.

Chairman O'Brien asked if Vice-Chairman Haarde had a suggestion for what the proper sequence of events should be.

Vice-Chairman Haarde stated he did not, but that he was sharing his thoughts on the issue tonight. He reiterated the building does not meet code and has a history of compliance issues.

Mr. Melnick disagreed, stating he is unaware of any code compliance issues. He emphasized the building does not meet current code, but no building in Town does, including the new High School, because Massachusetts continuously updates its codes. Mr. Kelly concurred, stating an existing building does not have to meet current code.

Vice-Chairman Haarde opined that the importance of code compliance should not be minimized, given the Town's recent adoption of the Stretch Code for homeowners.

Chairman O'Brien suggested the Town needs to look at a plan as to how it can maintain the Fairbank roof for the next couple of years, until it can prioritize funding for the Town Hall project in 2014.

Selectman Drobinski asked what the maintenance budget is for the Fairbank roof for the next two years to help the Board in making its recommendations and decisions.

Mr. Kelly stated general repairs can be covered in the projected Town budgets. However, he emphasized it will be the cost of finding and fixing major leaks which will be difficult to financially cover.

Town Manager Valente suggested that, if the roof is not going to be fixed now, a Task Force should be convened to study what the costs will be to replace and repair the roof and how other Towns have built similar facilities, and how long it took to plan, design and fund them. She emphasized the information compiled regarding timeliness will help determine what the Town's plan should be. Town Manager Valente cautioned against doing nothing, and next year discussing the same issues, but with the roof having deteriorated even more.

COA member David Levington stated the COA has not fully developed its master plan because it has been waiting for the Town to initiate a plan of action, as has been suggested by Ms. Valente tonight. He also stated the COA has met with Park and Recreation to discuss space and programming needs. The COA supports the need for a study of the Fairbank building, and it believes the roof should be patched in the interim.

Park and Recreation Commission Chair Thaddeus Gozdeck referred to the recent meeting with the COA. He stated both groups envision a community center with a common entrance. Mr. Gozdeck stated discussions have been preliminary in nature, but the Commission is excited to also pursue conversations with SPS administration. He also stated the Commission would be pleased to be part of any Task Force established.

Sudbury Public School Committee member Lisa Gutch stated SPS is pleased to work with the Town to accommodate the needs of its employees. However, Ms. Gutch stated SPS is concerned about the current condition of the roof and ceiling tiles, and what will be done to ensure the safety of current tenants and visitors during the timeframe needed to develop and agree upon a plan.

Chairman O'Brien asked if a less expensive option other than the proposed PVC is possible which would provide a five to ten-year fix. Even though not an ideal remediation, it would improve the current conditions and could be part of a longer-term solution. Mr. Melnick and Mr. Kelly stated they would both further research less expensive options.

Town Manager Valente suggested the Task Force be given two missions to accomplish, i.e., the future space and programming needs of the COA and Park and Recreation, and to look at how other towns have funded similar projects and how long it took to do it. She further suggested that, if the Task Force could complete its work in two to three months, this would allow for a 2013 Town Meeting article to be bookmarked.

Chairman O'Brien requested the Town Manager draft a mission statement for a proposed Task Force to study the issues as suggested by Ms. Valente tonight. Vice-Chairman Haarde stated he believes the two missions can be accomplished by one Task Force.

Town Manager Valente will provide the Board with draft mission statements to review at its November 7, 2012 meeting.

Sudbury resident Mark Kablack stated he would love the Town to have a new community center, if it can afford one. However, he is having trouble reconciling the fact that the Board is not unanimously supporting the recommendations of the Town's Permanent Building Committee and its Combined Facilities Director, both having recommended a new roof for the Fairbank building. Mr. Kablack believes further studies of future possibilities and uses are not inconsistent with addressing the immediate need to fix a failing roof. He further noted that there is no Town building which meets current codes, and that no one to date has suggested tearing down the existing structure. Mr. Kablack believes the experts have all recommended the roof be replaced and fixed now, and he does not understand why this action is being delayed.

Selectman Drobinski stated he believes the Board has kept all its options open, including submitting a new article at the Annual 2013 Town Meeting.

At 9:17 p.m., Chairman O'Brien noted this is an issue which will need to be further researched and discussed, and tonight's discussion was concluded.

Minutes

It was on motion unanimously

VOTED: To approve the Regular and Executive Session minutes of October 2, 2012.

Solarize Massachusetts – Marketing Grant

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a \$2,000 grant to streamline the marketing expense reimbursement process to assist with the Solarize Massachusetts program as requested by the Combined Facilities Director, Jim Kelly.

Special Town Election – Ballot Questions on the Warrant

It was on motion unanimously

VOTED: To place the following Ballot Questions on the Warrant for the Special Town Election of December 4, 2012, as summarized: 1) Debt exemption pursuant to Proposition 2 ½ for the cost of the Nixon Elementary School roof repair/replacement; and 2) Acceptance of Chapter 169 of the Acts of 2012, An act Authorizing the Town of Sudbury to Establish a Means Tested Senior Citizen Property Tax.

FY13 Youth Revolving Fund – Increase in the Limit

It was on motion unanimously

VOTED: To approve an increase in the limit of the FY13 Youth Revolving Fund, established under M.G.L. Chapter 44, Section 53 E 1/2, from \$50,000 to \$70,000, due to the increased enrollment in the summer Sudbury Adventure, Wild Wednesdays and other programs run by the Youth Coordinator, as requested in a letter dated September 25, 2012 from Nancy McShea, Park and Recreation Director.

Goodnow Library FY13 Cleaning Contract

It was on motion unanimously

VOTED: To approve the award of contract by the Town Manager for cleaning and light maintenance services for the Goodnow Library for FY13 (10/1/13 through 6/30/14) to Total Services Corp. of Framingham, MA, as approved by Town Counsel.

Pantry Brook Farm – Purchase and Sale Agreement

It was on motion unanimously

VOTED: To approve the Purchase and Sale Agreement pursuant to Article 30 of the 2012 Annual Town Meeting between the Town of Sudbury, the Sudbury Valley Trustees, West Pantry Brook Farm Limited Partnership (West Pantry Brook Farm, Inc., General Partner) and Pantry Brook Farm Realty Trust, Carole R. Wolfe, Trustee, for the purchase of two Conservation restrictions: easterly parcel located at 652 Concord Rd. (Assessors Map E10, Parcel 0201) consisting of approximately 53.36 a. and westerly parcel located at 667 Concord Rd. (Assessors Map E10, Parcel 0200) consisting of approximately 48 acres: said Purchase and Sale Agreement to be executed by the Town Manager and as approved by Town Counsel.

Selectman Drobinski noted this purchase is a great asset for the Town.

Chairman O'Brien noted there will be future consideration by the Board of the Conservation Restrictions, and the Town has applied for a Land Grant of up to \$400,000.

Executive Session Minutes – Review and Release

It was on motion unanimously

VOTED: As reviewed by Town Counsel and other staff, to release the following Executive Session minutes which have been deemed as no longer requiring Executive Session status: July 6 and August 24, 2010 and April 26, 2011.

TD Bank – Notification of Site Plan Conditions

The Board was previously in receipt of copies of a memorandum from Director of Planning and Community Development Jody Kablack, dated October 11, 2012 regarding the status of certain conditions of the TD Bank Site Plan, and accompanying plan exhibit.

It was on motion unanimously

VOTED: To notify the Building Inspector that site plan conditions required prior to release of the occupancy permit for TD Bank, 407 Boston Post Road, have been fulfilled, subject to recommendations made in a memo to the Board from Jody Kablack, Director of Planning and Community Development dated October 11, 2012.

Boston Region Metropolitan Planning Organization – Municipal Elections - Discussion

At 9:11p.m., Chairman O'Brien opened the discussion regarding the Municipal Elections to the Metropolitan Planning Organization (MPO). The Board was previously in receipt of copies of a

memorandum from Metropolitan Area Planning Council Executive Director Paul Regan dated October 9, 2012, and accompanying ballot and candidacy information.

Town Manager Valente explained there are two open seats, one from the Minuteman Advisory Group Interlocal Coordination (MAGIC), and the other from the South Shore Coalition, which are uncontested. Thus, she believes the Board could vote for both candidates.

It was on motion unanimously

VOTED: To submit two votes from the Town of Sudbury, one for the Minuteman Advisory Group Interlocal Coordination (MAGIC) candidate, and the other for the South Shore Coalition candidate, as presented in the Metropolitan Area Planning Council Executive Director Paul Regan's letter dated October 9, 2012.

Sudbury Police Union – MCOP Local #370 - Memorandum of Agreement Ratification

Town Manager Valente provided a brief summary of the conditions agreed to between the Town and the Police Union. She stated the agreement reached was based on the same wage pattern as had been previously established between the Town and Sudbury Public Schools. The Memorandum of Agreement with the Police Union will be posted on the Town website.

Town Manager Valente thanked the Police Union and officers for their cooperation throughout the negotiations, and she emphasized how fortunate Sudbury is to have such dedicated Police Officers. She also thanked the Board for its guidance to her and Assistant Town Manager Bilodeau throughout the process.

It was on motion unanimously

VOTED: To ratify the Memorandum of Agreement between the Town of Sudbury and the Sudbury Police Union – MCOP Local #370.

There being no further business, the meeting adjourned at 9:23 p.m.

Attest: _____

Maureen G. Valente
Town Manager-Clerk