

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, SEPTEMBER 18, 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 7:40 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:40 p.m., Chairman O'Brien opened the meeting, and he stated the Board just concluded an Executive Session meeting. He reminded the community of the Special Town Meeting on September 24, 2012, noting Warrant were mailed to residents. Chairman O'Brien announced the Lincoln-Sudbury Regional High School (L-SRHS) Open House is tomorrow, and he advised the public to be aware of more traffic in the School vicinity.

Reports from the Town Manager
Solar Electricity Generation Facility the Landfill

Town Manager Valente stated the Board will discuss development of a solar energy facility at the landfill later tonight.

Minuteman Regional Vocational High School - District Update

Town Manager Valente attended a quarterly meeting of the Minuteman School District Committee on September 13, which was attended by district Town Managers, Selectmen and Finance Committee members. Ms. Valente reported the School is asking for grant funds to study options for the future organization of the district, including a possible re-location closer to Boston. She stated a committee is being formed to study numerous options. It was noted the problems of vocational school out-of-district student populations and costs are getting more attention at the State level. Ms. Valente reported attendees discussed whether the School should proceed with a feasibility study, and if so, for what size school. She stated the consensus was that a 450-student school will be too small and an 800-student school has too many out-of-district students. Ms. Valente shared perspectives held by other member towns such as Belmont and Carlisle. She believes the feasibility study will proceed at some point.

Selectman Drobinski stated the Board has been consistent regarding its support of the School, but the problematic issues need to be resolved fairly.

Vice-Chairman Haarde stated he is pleased to hear the School is looking at a broader range of options. However, he noted an 800-student school proposal may eventually be more popular because it may be able to offer a more robust curriculum. Vice-Chairman Haarde stated the School is impressive. However, he believes the State needs to establish regulations for out-of-district towns to pay their fair share for the students they send to the School.

Town Manager Valente stated the State has thus far taken the position that the School District needs to first reach consensus before the State will become involved.

Town Manager Valente announced a Hazardous Waste Removal Day is scheduled for October 27, 2012 at the Curtis School.

Town Forum: Ponds and Waterways Committee and Committee Appointment Interview

Present: Ponds and Waterways Committee Chair Anne Slugg and Diane Muffitt, candidate for appointment

At 7:51 p.m., Chairman O'Brien convened Town Forum, and he welcomed Ponds and Waterways Committee Chair Anne Slugg to the meeting to update the Board on the Committee's activities. The Board was previously in receipt of copies of the Town website page for the Committee, the Committee's Mission Statement, an email from Ms. Slugg dated August 28, 2012 recommending Diane Muffitt for Committee membership, Ms. Muffitt's application, and an email from Ms. Slugg to the Board asking for guidance on issues/projects the Committee should address.

Ms. Slugg became Chair of the Committee in April 2012. She stated recent efforts have been directed towards updating the Committee's master plan and on outreach and education. The Committee has worked with middle school math and science teachers to develop lesson plans related to Sudbury's ponds and waterways. Ms. Slugg stated the Committee has also collaborated with the High School Environmental Club and will hold its first meeting tomorrow. The Committee has suggested a student member be considered. Ms. Slugg emphasized when students are involved, parents also become involved.

Ms. Slugg stated the Committee is working to update the Committee's master plan by filling in gaps in information and obtaining input from other Town groups. She also stated the Committee may apply for a River Stewardship Program grant.

Selectman Drobinski stated he thinks it would be terrific to add a student member or associate member to the Committee. He noted the Audubon Program in Lincoln works with the elementary schools, and he suggested contacting them for more information. Selectman Drobinski also stated he may be able to refer additional assistance for the Committee, and he asked Ms. Slugg to contact him at a later time.

Vice-Chairman Haarde stated he thinks the outreach ideas shared tonight are great, and he supports the idea of a student member.

Chairman O'Brien asked Town Manager Valente to further research whether student membership is possible.

Chairman O'Brien invited Diane Muffitt to tell the Board why she is interested in serving on the Committee, and he noted she has been recommended by the Committee for appointment. He also encouraged anyone else interested in serving to contact Ms. Slugg. Ms. Slugg stated the Committee currently has two open positions.

Ms. Muffitt stated she is a retired teacher, who has lived in Town six years. She stated she moved here to be close to places like Stearns Mill Pond, and she has been very pleased with her surroundings. Ms. Muffitt believes participation on this Committee would be a good way to give back to the community.

Selectman Drobinski thanked Ms. Muffitt for volunteering her service, and he asked her if there are other ideas she has to advance her passion for local waterways.

Ms. Muffitt stated she believes the Committee is moving in the right direction with its focus on outreach and education.

Vice-Chairman Haarde asked about the overgrowth of water chestnut in Stearns Mill Pond. Ms. Muffitt confirmed the problem, and she reported some areas were harvested this past summer and have remained

clear. Vice-Chairman Haarde stated he believes Ms. Muffitt's educational background is an excellent fit for the Committee, and he thanked her for her interest.

It was on motion unanimously

VOTED: To appoint Diane Muffitt, 31 Radnor Road, to the Ponds and Waterways Committee for a term to expire May 31, 2015, as requested by Anne Slugg, Chair of the Committee in an email dated August 28, 2012.

At 8:02 p.m., Chairman O'Brien concluded the Town Forum.

Special Town Meeting – Discussion of Petition Articles

Present: Petitioners Michael Troiano and Steven Hakar

The Board was previously in receipt of copies of a listing of the Special Town Meeting Articles dated September 14, 2012 and the petitions submitted for Articles #4, #5, and #6. Town Manager Valente distributed copies of an Amendment for Main Motion for Article 5, an email from petitioner Steven Hakar dated September 17, 2012 and a letter from Sudbury Town Counsel Paul Kenny dated September 17, 2012, stating Articles #5 and #6 are not resolutions and that the provision directing the Moderator to notify all communities is not enforceable. Chairman O'Brien stated the Board has not yet taken a position on any of these articles, and has invited petitioners to tonight's meeting to explain the intent of their articles.

ARTICLE 4 - SPECIAL ACT – REVISE c. 131 OF THE ACTS OF 1994 TO INCREASE SELECTMEN MEMBERSHIP TO 5

Petitioner Michael Troiano described the article submitted, "To see if the Town will vote to petition the Great and General Court of the Commonwealth of Massachusetts to revise Part III, Section 5 (a) of Chapter 131 of the Acts of 1994 by substituting the following: "There shall be a Board of Selectmen composed of five members elected for terms of three years each. At the next ensuing election held as part of the Annual Town Meeting after approval of the Special Act, three Selectmen shall be elected, one for two years, and two for three years, and thereafter electing their successors for three years."; said legislation to take effect without further submissions to a Town Meeting; or act on anything relative thereto."

Mr. Troiano stated the article intends to provide more representatives on the Board, who in turn will provide the community with greater representation. He stated similar proposals have been unsuccessfully made at five previous Town Meetings since 1960. When last presented in 2010, it was suggested the concept had not been vetted enough. Mr. Troiano stated many towns in the Commonwealth have five-member Boards, as do many of Sudbury's peer and surrounding towns. He stated a group of citizens has researched this option and was able to obtain 264 signatures in 72 hours for submission of the Warrant article.

Mr. Troiano referenced previous concerns about a possible adverse effect on the Town's bond-rating. However, he believes an increase of Selectmen membership would not impact the bond rating, which is based on criteria noted on the Town website. He also mentioned more Board members would facilitate better participation by Board members with the other 92 Town committees and departments. Proponents of the article believe five members would better advance the needs of the community. Mr. Troiano also addressed a prior concern that there are not enough candidates willing to serve. He stated he is confident people will show interest in serving if representation is broadened.

Mr. Troiano noted another concern voiced in the past was that a larger Board might open the way for more political in-fighting. He stated he believes the Town is not free of this now, and that the political

debate often gets personal on both sides. Proponents of the article believe more Board members will help citizens feel they are being represented and will help to foster a unified Sudbury for the future based on mutual goals.

Selectman Drobinski stated he appreciates tonight's comments. He emphasized he is open-minded about expanding the Board's membership, and he is not opposed to an increase. Selectman Drobinski stressed the Town means a lot to him as a citizen and as a Selectman. He appreciates the intention of the article, but he is concerned about the process of implementation. Selectman Drobinski suggested that, if the Town wants to make this change, it should be done in a bipartisan manner and with a process that will pass at the legislative level. He suggested the information gathered by Mr. Troiano's *ad hoc* committee be shared at the Town Meeting to allow citizens the opportunity to weigh the issue.

Mr. Troiano stated he has lived in Town six years, has three children in Town schools, and cares about the Town too. He stated article language was adopted from other towns which similarly passed muster at the State level.

Vice-Chairman Haarde stated he is not opposed to the idea of increasing Board membership, and he thanked Mr. Troiano for his work to submit the article. He stated everyone supports the Town and its schools. However, Vice-Chairman Haarde stated it is not always easy for candidates to run for positions because sometimes the political backlash is extreme and unprofessional, such as when one is accused of being anti-schools during an election campaign. He stated the community should be supportive of those who choose to run for office for volunteer positions. Vice-Chairman Haarde believes it is important for all segments of the community to be heard, and that disagreements on issues can exist, but discussions should end in a neighborly fashion. He agreed that the Town is not free of political in-fighting and that the discourse is often polarized. Vice-Chairman Haarde believes this article might help, and he thanked Mr. Troiano for presenting it. He asked Mr. Troiano if the State Legislature has ever rejected a Town's request to increase Board of Selectmen's membership. Mr. Troiano stated this issue will be researched.

Chairman O'Brien stated he is not opposed to an increase in Board membership, and that he believes the productivity of a Board is determined by the commitment of its members, and not by its number of members. He asked why the article is not being presented at the Annual Town Meeting when it might reach a greater audience. Chairman O'Brien suggested a change to a Town's charter is significant, and it is an issue which deserves broad discussion.

Mr. Troiano stated the proponents believe there is a current momentum to move forward with this proposal, and thus they chose to build on this current-level of interest and take advantage of this energy with a positive option for the Town to consider, once the Special Town Meeting was scheduled for other purposes. Chairman O'Brien asked if there has been broad enough input from the community. Mr. Troiano stated he does not view the article as controversial or cutting edge, since most Towns similar to Sudbury are already functioning with larger than three-member Boards. He also stated the proponents have reached out to the community as much as possible to present the article and its advantages.

Chairman O'Brien asked if the proponents had researched how many of the 135 towns with larger Boards of Selectmen had implemented the process through Chapter 43B versus this approach. Mr. Troiano stated he did not have this information available and it could be researched. However, he noted the proponents have followed Town rules for submission of the article, they have not done this in a closed manner, and they have tried to reach out to the community with information.

Selectman Drobinski stated he was not interviewed or contacted by the *ad hoc* group about the concept, and he stated he would be happy to discuss the issue further with Mr. Troiano, and he stated he would call him at a later time.

Vice-Chairman Haarde stated it would be helpful to ascertain how many other towns have increased Board membership through the Annual Town Meeting or Special Town Meeting process. He also stated the community should have the opportunity to discuss this option, and he hopes there will be good attendance at the Special Town Meeting to facilitate a good discussion.

At 8:24 p.m., Chairman O'Brien invited petitioner Steven Haker to summarize his two article submissions. He advised Mr. Haker to contact the Moderator prior to the Special Town Meeting to discuss the rules for making a presentation and motion as a non-resident.

Mr. Haker stated ARTICLE 5 – CHEMICAL USE ON PROPERTY has been amended "to see if the Town of Sudbury will vote to request that their State Representatives and Senators file legislation that will guaranty that all copies of all filings that are now required OF THE UTILITIES by the present State Department of Agricultural Resources (DAR) shall be sent to the Mayor and/or the Board of Selectmen, as well as the Board of Health and/or the Towns Health Officer who shall reject or approve the use of any chemical but only after a public hearing. If any chemicals have been used in the past then the Utility shall clean up said site to the approval of the Board of Health and/or the Towns Health Officer, pass any vote or take any action relative thereto."

Selectman Drobinski noted this motion is different than what was published in the Warrant, and he asked if it has been approved. Town Manager Valente stated it has been given today to Town Counsel Kenny, whose initial review indicates it is within the four corners of the original motion, since it is now less restrictive. Town Counsel Kenny and the Moderator will review the amendment in greater detail tomorrow.

Mr. Haker stated the intent is to create stronger legislation to protect the water supply and wells in towns.

Selectman Drobinski opined Mr. Haker's cause is noble, but there are State and Federal laws in place to accomplish much of what is intended. He expressed concern that the article would put responsibility in the hands of local staff who may not have the expertise and credentials to perform the tasks as well as the DEP and the EPA. Thus, Selectman Drobinski questions whether the article as proposed is doable.

Mr. Haker stated he does not believe the State laws are adequately protecting its citizens from companies like NStar depositing chemicals on properties. He believes there are dangerous and unintended consequences as a result of NStar's actions.

Chairman O'Brien asked if Mr. Haker is working on his own or in combination with others. Mr. Haker stated he is working with other groups in the State.

Chairman O'Brien stated the Board supports public safety issues, but he fears the article will fall on "deaf ears" on Beacon Hill. He believes the language is not comprehensive and specific enough for the legislators to work with. Chairman O'Brien suggested Mr. Haker work on a Statewide referendum to more efficiently force legislation rather than broaching the issue in individual towns.

In response to a question from Selectman Drobinski, Mr. Haker explained the results of a similar pursuit in Framingham, which failed.

Vice-Chairman Haarde stated he likes the spirit of the article, but he does not believe the language is refined enough to accomplish what is intended. He asked what Mr. Haker's background is. Mr. Haker stated he is an accountant. Vice-Chairman Haarde stated property owners have legitimate reasons to care about what chemicals are dumped on their properties by utility companies because pollution is still occurring. He stated the State referendum idea seems good, but he cautioned it could take time to come to fruition. Vice-Chairman Haarde stated some communities might want to have local control as proposed in the article, and other towns might not want it. He advised Mr. Haker to provide as much clear direction to the legislators with the article language as possible.

Chairman O'Brien noted the irony that if a town were required to take on the additional responsibilities proposed in Article 5, it would create an unfunded mandate which is opposed in Mr. Haker's proposed Article 6. He further stated the Board has tried to offer Mr. Haker suggestions on how to make Article 5 more successful.

Selectman Drobinski suggested Mr. Haker and his fellow proponents consult with a toxicologist.

Chairman O'Brien read aloud ARTICLE 6 – ELIMINATION OF UNFUNDED FEDERAL AND STATE MANDATES, which is "To see if the Town of Sudbury will vote to request that their Federal and State Representatives and Senators file legislation that will eliminate all unfunded State & Federal mandates. Further, the Town Meeting instructs the Moderator to notify all Massachusetts Communities of Town Meetings action; or act on anything relative thereto."

Selectman Drobinski stated the cause is noble. However, he questioned the instruction for the Moderator as proposed.

Town Manager Valente referenced Town Counsel Kenny's letter, noting the instruction for the Moderator is unenforceable. Selectman Drobinski advised Mr. Haker he may need to amend the motion. He also noted the Town Clerk's Office notifies the State Attorney General's Office of the Town Meeting outcomes.

Mr. Haker read aloud a prepared statement about the article.

Selectman Drobinski stated the Board does not like unfunded mandates either, but he is not sure what the article will accomplish.

Vice-Chairman Haarde stated the article presents a good message, but he thinks the language needs more thought.

At 8:54 p.m., Chairman O'Brien concluded the discussion.

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

Present: Northern Bank & Trust Co. Attorney James J. Mawn, project engineer Brian Fairbanks, and project architect Mark Seretta

At 8:54 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, and he read aloud the Public Notice. Town Manager Valente described the materials received to the file to date, which were previously distributed to the Board, including copies of an application for Site Plan Modification dated August 16, 2012 and accompanying documentation and Site Plans for Proposed Redevelopment 430 Boston Post Road, Sudbury, MA prepared by EBI Consulting, a report from MDM

Transportation Consultants, Inc. dated August 13, 2012, the Notice of Public Hearing for the Selectmen, the Notice of Decision from the Zoning Board of Appeals (ZBA) dated July 16, 2012 and another letter from the ZBA dated September 14, 2012 supporting the applicant's request to reduce the number of parking spaces, memoranda from Conservation Coordinator Debbie Dineen and DPW Director Bill Place to Director of Planning and Community Development Jody Kablack, respectively dated August 27, 2012 and August 28, 2012, a memorandum from Ms. Kablack to the Selectmen dated September 14, 2012, and emails from the Sudbury's Interim Building Inspector and Fire Chief stating no objections to the proposal. In addition, copies of a new conceptual floor plan, conceptual elevation, locus aerial exhibit, existing conditions exhibit, and proposed conditions exhibit were distributed.

Northern Bank & Trust Co. attorney James J. Mawn briefly described the proposed project seeking the Site Plan review and two Special Permits. Mr. Mawn also referenced the ZBA's letter of support for the waiver request regarding the reduction in parking spaces.

Project engineer Brian Fairbanks displayed exhibits as he described the site, its constraints and buffer areas. He described what currently exists as mostly pavement, buildings and some gravel on the property. He explained there are few options for placement of the proposed new bank building on the site, given the property and the need for installation of a new septic system. Mr. Fairbanks stated 12 parking spaces are being requested, and a Special Permit is required to reduce the plan by two parking spaces from the required 14 spaces. He also explained the proposed entrance and egress points.

Mr. Mawn stated the applicant's team is working to address concerns of Town staff presented in Ms. Kablack's memo. He stated a dumpster is not planned on site. Mr. Mawn also stated other permits will likely be required by the Conservation Commission. He further stated the applicant commissioned traffic engineering consultants to review the project, and their report has been submitted.

Selectman Drobinski stated the Town has wanted to have this corner better developed for a long time. He believes the concept plan is good, and the project will help to vitalize the business district.

Chairman O'Brien noted the site will be disturbed, and he asked who is responsible for clean-up in compliance with Section 21E issues as a result of prior automotive industry uses on the premises. Selectman Drobinski stated a 21E report has been requested. Mr. Mawn confirmed this to be accurate, and he stated several tests have been performed, indicating there are some toxins present. He stated the applicant is comfortable with the information received to date, and with proceeding with the project. Selectman Drobinski also stated the licensed engineers from EBI Consulting would oversee these details.

Selectman Drobinski referenced two architectural renderings and their differences. He emphasized the preference for architecture and materials which complement the surroundings and Sudbury's character. Selectman Drobinski suggested clapboard and stone might be better suited to the location than the proposed brick. He also asked if the utilities will be installed underground.

Strategic Design Works representative Mark Seretta stated the team is aware that the streetscape and building appearances are important. He stated the Route 20 façade is proposed as brick, and the Union Avenue side is proposed with clapboard.

Mr. Mawn stated the utilities will be installed underground.

Selectman Drobinski asked if the stone wall will be fieldstone. He also asked how many employees are planned for this location. Mr. Mawn stated the proposal notes four employees per shift.

Chairman O'Brien stated the number of employees would need eight parking spaces. It was noted 14 parking spaces are required, but the applicant has requested to reduce this by two parking spaces.

Selectman Drobinski suggested the applicant discuss kiosk lighting with the Board as part of this process, as was done with the TD Bank. Mr. Seretta stated his team would be happy to work with the Board on these items.

Vice-Chairman Haarde stated the Route 20 streetscape is important to the Town, and thus these discussions take time to get the aesthetics right. He believes the Town did a good job working through these details with TD Bank, and a similar process should be followed. Vice-Chairman Haarde would prefer to see more renderings of what the proposed site would look like. He asked if a sidewalk is proposed, and he suggested benches, stone walls and period lighting be incorporated into the design. Vice-Chairman Haarde emphasized this is a very visible location and it needs to conform to the Town's Cape character.

Chairman O'Brien encouraged the team to build a design upon the neighborhood colors and styles. He asked if there are other Northern Bank local branches the Board could visit, and he requested a list of locations be submitted.

Mr. Mawn stated there are 11 locations and the corporate office is in Woburn. He further stated the applicant is amenable to working with the Town to address all comments and concerns.

Selectman Drobinski suggested a hybrid-car charging station be considered for inclusion in the plans. Vice-Chairman Haarde suggested a bike rack also be included.

Chairman O'Brien stated the Board seems to be receptive to a bank on the site, and it will work with the team as plans are refined. He suggested pedestrian crossing lights be considered. Chairman O'Brien also suggested the team review its proposal for the entrances and egresses. He advised them to be prepared to discuss landscape maintenance with the Conservation Commission, and to include a storage area for snow removal.

Selectman Drobinski stated the Board appears to like the concept presented.

Mr. Mawn stated the applicant is scheduled to meet with the Planning Board tomorrow night, and hopes to meet with the Design Review Board on September 26, 2012. Chairman O'Brien requested the Board be kept apprised of input from other Board and Committees throughout the review process.

Town Manager Valente referenced item #9 of Ms. Kablack's memo, and she suggested the applicant submit them by next week to allow sufficient time for review by Town staff.

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 October 16, 2012 at 8:00 p.m.

Public Hearing: Site Plan Modification – Rugged Bear Plaza – 410 Boston Post Road – Continuation

Present: Attorney Joshua Fox

At 9:38 p.m., Chairman O'Brien opened the Public Hearing regarding the application of Katz Irrevocable Trust, Marshall F. Newman, Trustee for a Modification to Site Plan SP84-274, decision dated April 19, 1984, and a modification of said Site Plan on July 6, 1994 to revise condition 11 of the 1984 decision to allow restaurants as a permitted use at this location, which was continued from September 4, 2012. The Board was previously in receipt of copies of a draft Sudbury Board of Selectmen Site Plan Modification Decision Katz Irrevocable Trust, Marshall F. Newman, Trustee, Rugged Bear Plaza, 410 Boston Post Road, dated September 18, 2012.

Attorney Joshua Fox stated he and the applicant have reviewed the draft Decision, and they are satisfied with the included three conditions.

Selectman Drobinski stated he believes the draft Decision reflects the Board's earlier discussion and vote.

Attorney Fox suggested a revision to the second line from the bottom of the first paragraph on page 2, to delete the first word "the" and replace it with the word "other."

Vice-Chairman Haarde asked if the prospective tenant use can be disclosed at this time. Mr. Fox stated a yogurt shop is very interested in the location.

It was on motion unanimously

VOTED: To close the Public Hearing regarding the application of Katz Irrevocable Trust, Marshall F. Newman, Trustee for a Modification to Site Plan SP84-274, decision dated April 19, 1984, and a modification of said Site Plan on July 6, 1994 to revise condition 11 of the 1984 decision to allow restaurants as a permitted use at this location, for the property located at 410 Boston Post Road, Town Assessor's Map K08, Parcel 0080, zoned Business District, known as the Rugged Bear Plaza.

It was also on motion unanimously

VOTED: To approve and sign the draft Sudbury Board of Selectmen Site Plan Modification Decision Katz Irrevocable Trust, Marshall F. Newman, Trustee, Rugged Bear Plaza, 410 Boston Post Road, dated September 18, 2012, as amended tonight.

Minutes

It was on motion unanimously

VOTED: To approve the Regular and Executive Session minutes of August 29, 2012 and the Regular Session minutes of September 4, 2012.

Boy Scout Troop 63 – Eagle Scouts

It was on motion unanimously

VOTED: To enter into the Town record and congratulate Remington Chin, 19 Village Road, and Robert Pringle, 34 Church Street, of Troop 63, who will be recognized at a Court of Honor on October 8, 2012 at Our Lady of Fatima Parish for having achieved the high honor of Eagle Scout.

Raymond Mausoleum Trust Fund – FY 13 Expenditure Limit

It was on motion unanimously

VOTED: As co-trustees of Town Trust Funds, to approve an FY13 expenditure limit for the Raymond Mausoleum Trust Fund, as requested by the Town Treasurer Andrea Terkelsen on behalf of the DPW Director, in a memo dated September 11, 2012.

Rt. 20 Sewer Citizens' Advisory Committee – Appointment

Chairman O'Brien recused himself from discussion and the vote on this and the next agenda item.

Town Manager Valente distributed copies of an email message from Rt. 20 Sewer Steering Committee member John Baranowsky dated September 18, 2012, two letters of resignation from Rt. 20 Sewer Citizens' Advisory Committee members, both dated September 14, 2012, and the Rt. 20 Sewer Citizens' Advisory Committee Mission Statement. She stated after reviewing the Mission Statement, she does not see a requirement to prohibit the Board from voting on the appointments tonight.

Vice-Chairman Haarde stated he was at the joint meeting of the Sewer Steering Committee and the Citizens' Advisory Committee (CAC), and the vote by the CAC was unanimous to recommend the candidates for appointment. He noted the Selectmen are able to make these appointments without a vote by either Committee, and thus he believes the Board can proceed to vote this and the next agenda item tonight.

It was on motion unanimously

VOTED: To appoint Steven S. Eppich, 841 Concord Road, to the Rt. 20 Sewer Citizens' Advisory Committee; to re-appoint those who have chosen to continue serving on the Citizens' Advisory Committee, for terms to expire June 30, 2014 (See attached list.) and to accept the resignations of Hal Garnick, Dave Duane and Richard Cohen who have chosen not to be reappointed due to increased work-related demands on their time, and further

Rt. 20 Sewer Citizens' Advisory Committee – Finance Committee Representative

Chairman O'Brien recused himself from discussion and the vote on this and the prior agenda item.

It was on motion unanimously

VOTED: To accept the Finance Committee's recommendation of member Mark Minassian, 38 Hadley Road, to represent the Finance Committee on the Rt. 20 Sewer Citizens' Advisory Committee for a term to expire June 30, 2014, as requested by Jim Rao, Chair of the Finance Committee in an email dated June 19, 2012.

Proclamation – SPC Christopher D. Raymond

It was on motion unanimously

VOTED: To sign a proclamation for SPC Christopher D. Raymond, acknowledging his safe return from a year-long tour of duty with the Army in Afghanistan and proclaiming Friday, September 21, 2012 as SPC Christopher D. Raymond Day in Sudbury.

2013 Board of Selectmen Meeting Schedule – Approval

Chairman O'Brien rejoined the meeting.

The Board was previously in receipt of a draft 2013 Board of Selectmen Meeting Schedule for review.

Vice-Chairman Haarde noted a conflict with his schedule for August 13, 2013. August 20, 2013 was offered as an alternative.

It was on motion unanimously

VOTED: To approve the draft 2013 Board of Selectmen Meeting Schedule as amended tonight, moving the August 13, 2013 meeting date to August 20, 2013.

Special Town Meeting Actions – Discussion of Articles and Decide Speakers

At 9:50 p.m., Chairman O'Brien opened a discussion regarding pending Special Town Meeting actions. Town Manager Valente referenced a letter from Town Counsel Paul Kenny dated September 17, 2012, noting his opinion that Articles #5 and #6 are not resolutions.

It was noted Vice-Chairman Haarde would speak on Article 1 – Roof Replacement and Repair – Nixon Elementary School as needed, noting the Board supports the article.

A brief discussion ensued regarding Article 2 – Fairbank Community Center Roof Project. Selectman Drobinski stated it is important for the Town to protect a valuable asset. Vice-Chairman Haarde stated he believes none of the tenants are satisfied with the current building, and he is concerned about spending \$600,000 on a building which will still be inadequate. He stated he would rather spend this money on a new facility.

Shared Facilities Director Jim Kelly stated Fairbank is a great building, and he offered to tour the building with Board members to better explain the need to repair the roof now. Mr. Kelly stated he does not believe the roof repairs should be delayed, and he urged support of the Board for the article. He also distributed copies of photographs of the current condition of the roof. In response to a question from Chairman O'Brien, Mr. Kelly explained what portions of the roof would be repaired.

Chairman O'Brien stated the proposed article would extend the life of the building. He believes the project should be presented to the voters.

Vice-Chairman Haarde stated Concord was able to raise funds privately, and he suggested Sudbury could consider doing the same. He does not disagree that the roof needs to be repaired, but he believes the requested money would be better used towards a new facility.

Permanent Building Committee (PBC) Co-Chair Mike Melnick stated it takes years to bring development of a new facility to fruition, and he believes the current roof will not last in the interim. He emphasized there are current tenant needs which must be considered, and it would not be easy to relocate them. Mr. Melnick stated the PBC explored expansion possibilities of the current building, but it did not determine this as an option at this time. He stated the roof needs to be replaced now.

Selectman Drobinski stated he is in favor of the project. He further stated he does not believe the current foundation could support a second-story expansion to the building. Mr. Melnick concurred.

Vice-Chairman Haarde asked what the plan would be if the article does not pass. Mr. Kelly stated the problem areas would likely be patched as needed.

Chairman O'Brien stated the Board can report two opinions at the Special Town Meeting. He noted the issue would need to be presented at a Town Election because it is a monied article.

It was on motion

VOTED: To support Article 2 - Fairbank Community Center Roof Project at the Special Town Meeting on September 24, 2012.

Vice-Chairman Haarde opposed the vote.

It was also on motion unanimously

VOTED: To support Article 3 - Community Preservation Fund – Additional Funds for Purchase of 15 Hudson Road.

Chairman O'Brien stated he would like additional time to consider tonight's comments regarding Article 4 – Special Act – Revise c.131 of the Acts of 1994 to Increase Selectmen Membership to 5.

Selectman Drobinski reiterated he is open-minded on the issue, but wants to be sure the Town follows a thorough decision-making process. He stated he appreciates the work done by the *ad hoc* group of petitioners, but he thinks it would be beneficial to have an independent group also review the issue.

Chairman O'Brien stated the Board would report its position at the Special Town Meeting. He will inform the Moderator that it is likely all three Board members will want to speak to the article.

Selectman Drobinski stated it is likely Article 5 – Chemical Use on property and Article 6 – Elimination of Unfunded Federal and State Mandates would be amended before the meeting, and thus it is not possible to take a position until the motions are presented. He stated the intentions of the articles are good, but he questions whether they will accomplish the desired results. The Board decided to report its position on Articles 5 and 6 at the Special Town Meeting.

Power Purchasing Agreement (PPA) – Discussion

Present: Energy and Sustainability Green Ribbon Committee Chair Bill Braun and members Joe Martino and Mike Melnick and Shared Facilities Director Jim Kelly

At 10:13 p.m., Chairman O'Brien opened a discussion regarding a Purchasing Power Agreement (PPA) for the Town. The Board was previously in receipt of copies of a memorandum from Town Manager Valente dated September 14, 2012. In addition, Town Manager Valente distributed copies of the Energy and Sustainability Green Ribbon Committee draft Meeting Minutes of September 4, 2012, a Power Purchase Agreement Draft Summary of Terms dated September 18, 2012, a spreadsheet of costs/savings projection for the 20-year life of the Solar PV project, and the Ameresco Proposed Final "Solar Power Purchase Agreement Town of Sudbury dated September 12, 2012, A & K September 17, 2012."

Town Manager Valente reviewed her memo. She stated the Energy and Sustainability Green Ribbon Committee has been working to create a solar electricity generation facility on the landfill to help reduce the Town's energy costs and to finalize the landfill closure permitting with the Department of Environmental

Protection (DEP). She summarized the prior work done to accomplish this task. Town Manager Valente explained negotiations began earlier this year with the selected solar developer, Ameresco, to develop a PPA to install, own, operate, maintain and decommission a photo-voltaic system under a 20-year contract with Sudbury. She stated the PPA is now in its final stages, and she requested the Board's vote to authorize her to sign the PPA with Ameresco, as recommended by the Energy Committee. Ms. Valente noted a few outstanding issues, including whether the DOR will require property taxes to be levied on the system. In addition, it will need to be determined how to have the savings come into the Town, and how to use them. She explained Town staff is trying to anticipate potential problems and is researching how best to keep the project revenue-neutral.

Energy and Sustainability Green Ribbon Committee Chair Bill Braun explained the system. Mr. Braun stated \$140,000 is anticipated in savings in the first contract year and approximately \$4.1 million over the life of the contract. He emphasized the amount of savings will depend on the actual rate of increase in the cost of electricity on which the net metering credit is based. Mr. Braun mentioned one risk for the Town could arise if the net metering credits were reduced or eliminated in the future, requiring the Town to buy electricity. However, the Committee determined this risk to be highly unlikely to occur. Mr. Braun stated the PPA appears to be a good deal for Sudbury, with very low risks.

Selectman Drobinski stated the Town has been working on this effort for a long time, and this proposal satisfies a few Town goals. He further stated DEP is currently supportive of the Town's efforts to close the landfill. Thus, Selectman Drobinski views the PPA as a "win-win" for all. He asked if the projected savings reflect cost avoidance or cash. Mr. Braun stated it is mostly cost avoidance.

Vice-Chairman Haarde stated it is a great project.

Chairman O'Brien noted the PPA was vetted by an independent consultant which determined the agreement to be satisfactory.

Town Manager Valente noted the Energy Committee unanimously supports the PPA.

It was on motion unanimously

VOTED: To authorize the Town Manager to execute a Purchasing Power Agreement (PPA) between the Town of Sudbury and Ameresco to provide a solar energy facility at the landfill site.

There being no further business, the meeting adjourned at 10:32 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk