

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, MARCH 11, 2014

Present: Chairman John C. Drobinski, Vice-Chairman Charles C. Woodard, Selectman Lawrence W. O'Brien, Selectman Leonard A. Simon and Town Manager Maureen G. Valente

Absent: Selectman Robert C. Haarde

The statutory requirements as to notice having been complied with, the meeting was convened at 7:41 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:41p.m., Chairman Drobinski opened the meeting. He welcomed three Boy Scouts from Troop 61 who are attending tonight's meeting as work towards their citizenship badges. Chairman Drobinski announced he and Selectman Simon will conduct Board Office Hours on March 24, 2014 from 7:30 p.m. to 8:30 p.m. at the Senior Center. He encouraged citizens to vote in the Town Election on March 31, 2014 and reminded them there will be a ballot question regarding a new Police Station. The deadline for absentee ballots for the Election is March 28, 2014. Chairman Drobinski also announced the Council on Aging is looking for new applicants. He also encouraged citizens to access information on the new Town Meeting section of the Town website.

Chairman Drobinski stated he set tonight's agenda assuming all Board members would be present. He learned last week Selectman Haarde would not be able to attend. However, the Town Manager appointment agenda item is tied to a March 16, 2014 deadline for the Town. The Board had also previously discussed making progress on the Town Counsel recommendation agenda item in tandem with the timing of Town Meeting. It is sometimes the case, when all Board members cannot attend every meeting. Chairman Drobinski also stated the Board has had a tradition of conducting its meetings with professional respect and courtesy, and it is the intention this will continue in the future.

Reports from the Town Manager

Town Manager Valente attended a breakfast meeting regarding Minuteman Regional Vocational High School with Selectmen Simon and Haarde. She updated the Board on the Group Insurance Commission's (GIC) rate increases which are projected at approximately 1% over last year. The Town budgeted a 5% increase, and thus approximately \$39,000 has been freed up for the Town budget and approximately \$128,000 for the Schools' budgets. Town Manager Valente stated she is evaluating potential uses for allocating these funds. She also reported the Town's snow and ice deficit is at least \$413,000 for this year. Ms. Valente stated there is \$235,000 in the reserve fund, which could be used towards this deficit. She is also proposing using savings from this year's health insurance budget to cover the balance. Assistant Town Manager Bilodeau estimates these funds to be approximately \$450,000 (combined for the Town and Sudbury Public Schools). Ms. Valente will propose a transfer of approximately \$130,000 under Article 2 for the FY14 Budget Adjustments. She explained the Town has these extra funds because of its prudent due diligence in waiting to join the GIC until after laws were changed to be more advantageous for municipalities. Town Manager Valente thanked Sudbury's legislators for instituting the legal changes to GIC which allowed Sudbury to preserve jobs and reap these financial benefits.

Reports from the Board of Selectmen

Vice-Chairman Woodard stated he toured the Fairbanks building on February 27, 2014 to better assess the roof situation. He also attended a Permanent Building Committee (PBC) meeting regarding construction of the new Police Headquarters.

Selectman O'Brien and Senior Tax Advisor Dave Levington met with State House officials to update them on the first-year results of the Town's Means-Tested Senior Tax Relief Pilot Program. He mentioned a Home Rule Petition may be considered in the future to make the program permanent beyond its three-year pilot status.

Selectman Simon stated he toured the Fairbank Building with Vice-Chairman Woodard and he attended a Fairbank Building Task Force meeting, which was well attended by the public. As the Board's liaison, he has communicated with the Ponds and Waterways Committee regarding future dredging of ponds. Selectman Simon attended the Candidates' Night on March 4, 2014 and the Route 20 Sewer Citizens' Advisory Committee on March 5, 2014. He also attended the Minuteman Breakfast Meeting, which highlighted many of the issues and concerns Sudbury has regarding changes to the Regional Agreement, the imbalances inherent in the tuition structure and whether a new school will be built or whether the current school will be renovated. Selectman Simon also attended a Sudbury Historic Districts Commission meeting regarding the new Police Headquarters project. He expressed the joy he experienced participating in the Read Across America Program at the Haynes School, which Chairman Drobinski also attended. Selectman Simon thanked State Senators Barrett and Eldridge for their work advocating for rail trails.

Chairman Drobinski also enjoyed participating in the Read Across America program.

Legislative Discussion

Present: State Senators Jamie Eldridge and Michael Barrett

At 8:04 p.m., Chairman Drobinski welcomed State Senators Jamie Eldridge and Mike Barrett to tonight's meeting to provide the Board with a legislative update.

State Senator Jamie Eldridge distributed copies to the Board of a letter from him dated March 11, 2014, highlighting his priorities and the FY14 Local Aid estimates comparing the Cherry Sheet for Sudbury and L-SRHS to the Governor's FY15 Budget estimates.

Mr. Eldridge stated that, working to support increases to municipalities in Local Aid and Chapter 70, lottery, SPED circuit breaker and prioritizing full funding for regional school transportation are his highest priorities. He has advocated strongly for human services funding, and vital social safety net services. Mr. Eldridge also supports stimulating economic development, investments in transportation, water, higher education, libraries and public schools. He also advocates strongly for protecting the environment, including water infrastructure. Senator Eldridge thanked Town Manager Valente for sending him the useful transportation-related priorities for Sudbury. He referenced the Cherry Sheet comparison to the Governor's proposed budget, noting he anticipates there could be increases in some categories from what has been proposed. Senator Eldridge highlighted three legislations which were related to promoting municipal collaboration and regionalization (H.3822), improving drinking water and wastewater infrastructure (S.2021), and financing improvements to the State's transportation system (S.2033).

Senator Barrett commended Senator Eldridge for his leadership on critical issues such as water infrastructure needs. He also thanked Town Manager Valente for the communication highlighting the Town's transportation needs.

Vice-Chairman Woodard thanked the legislators for instituting the changes to GIC which helped municipalities. He asked whether the State has a plan to stop towns from effectively deficit spending for their Other Post-Employment Benefits (OPEB) obligations. Vice-Chairman Woodard stated the OPEB liabilities continue to grow because towns are not obligated to put money behind future commitments. Senator Barrett stated the question is interesting from philosophical and constitutional standpoints. He is unsure whether the State could

limit a town's ability to make unfunded future commitments. He and Senator Eldridge opined this issue would likely not be debated soon.

Selectman O'Brien asked for an update regarding proposed consolidation of housing authorities. Senator Eldridge stated the Housing Committee is currently drafting a bill which will likely differ from the bill the Governor had proposed, but will have some forms of regionalization included. It is also being considered whether providing an incentive for Housing Authorities to build more affordable housing should be included.

Selectman O'Brien asked for clarification regarding legislation S.2021. Senator Eldridge stated it is intended for any legal entity which provides water. Selectman O'Brien noted Sudbury's communications with Marlborough regarding joint efforts related to wastewater treatment. He asked if this type of collaboration between towns within the same watershed could be encouraged within the legislation. Senator Eldridge stated local use and treatment options are intended to be encouraged.

Selectman O'Brien summarized how Sudbury's Senior Tax relief program was initiated. He suggested it might be helpful for the State's website to include a section of Home Rule Petitions filed and approved which could help generate ideas for other towns.

Selectman Simon stated a common theme of the three pieces of legislation highlighted by Senator Eldridge is regionalization. He noted Sudbury's interest in moving ahead with a rail trail, and he thanked both senators for their efforts regarding such projects in the Commonwealth.

On behalf of a Sudbury citizen, Chairman Drobinski asked if the old Mass. Central Rail would ever be re-activated as a commuter rail. Senator Eldridge stated it is unlikely.

Town Manager Valente asked what the next steps are for the Transportation Bond Bill. Senator Barrett explained that the Executive Branch (Governor) has considerable flexibility regarding a bond bill, even when both the House and Senate agree.

At 8:34 p.m., Chairman Drobinski thanked the legislators for their work on behalf of Sudbury and he closed the discussion.

Citizen's Comments

At 8:34 p.m., Chairman Drobinski recognized Sudbury citizen Rick Johnson, 38 Bent Road. Mr. Johnson stated he would address the Board later when the Town Manager appointment agenda item is discussed.

Town Counsel Search Committee – Receive Report and Recommendations

Present: Town Counsel Committee Chair Myron Fox, and Committee members Selectman Simon, Jody Kablack, Maryanne Bilodeau, Selectman Drobinski, James Kelly, Scott Nix, Andrea Terkelsen and Liam Vesely

The Board was previously in receipt of copies of a memorandum from the Town Counsel Search Committee dated February 3, 2014, the 2013 Town Counsel Search Timeline dated October 17, 2013, and letters of recommendation for Town Counsel Paul Kenny from Sudbury resident H. Rebecca Cutting dated November 29, 2013, Attorney Brian T. Callahan dated November 29, 2013, Sudbury Board of Health Director Robert Leupold dated December 2, 2013, Sudbury Building Inspector Mark Herweck dated November 27, 2013, Department of Public Works Director I. William Place date October 18, 2013, Civil Engineer Bruce Ey dated December 2, 2010, Sudbury Permanent Building Committee Co-Chair Michael Melnick dated December 2, 2013 and Sudbury Director of Assessing Cynthia Gerry dated November 27, 2013.

Town Counsel Committee Chair Myron Fox stated the Committee met seven times, and all meetings were open to the public. He reviewed the charge of the Committee. Mr. Fox read aloud from a May 31, 2013 memorandum from Town Manager Valente regarding feedback received from other towns regarding Town Counsel services. Mr. Fox stated the Committee reached similar conclusions as stated in Ms. Valente's communication. A Request for Proposal (RFP) was prepared, posted on the Town website and advertised in legal venues and the Massachusetts Municipal Association. Nine responses to the RFP were received, and the field was narrowed to four choices. It was noted the Committee was advised by Labor Counsel not to interview Town Counsel Paul Kenny because he is a current employee, and his job position would be considered a personnel matter not within the purview of the Committee. Mr. Fox stated the Committee considered many factors and pondered many questions as part of its process. The Search Committee has ranked its top three recommended choices as Town Counsel Paul Kenny based on his in depth legal experience, followed by Petrini & Associates and Kopelman and Paige. Both law firms would offer on-site services for a set price. However, the Committee unanimously recommends the Board to enter into negotiations to extend Mr. Kenny's contract. Mr. Fox noted several reasons why Mr. Kenny was the preferred choice, including his extensive experience and familiarity with the Town, accessibility and cost.

Chairman Drobinski stated he and Selectman Simon were on the Committee, and they concur with the recommendation. He stated the interviewing process was very interesting, and he found it very helpful to hear from Town staff how much they interact with Town Counsel.

Selectman Simon stated Committee members approached the charge diligently and with an open mind. He stated many factors were considered, including quality of services to be received, accessibility and cost. Selectman Simon stated Town Counsel Kenny's "open-door" policy was noted by many as being very beneficial for the Town staff and residents. He further stated the cost of Sudbury's Town Counsel services have been stable and controlled with the structure currently in place. Selectman Simon believes Mr. Kenny is the best choice for the Town.

Vice-Chairman Woodard asked if the Committee believed the other legal firms would cost more. Mr. Fox stated the costs for services would be part of the negotiation process with the Board. He explained some firms offered an hourly rate, others a fixed rate, and some had an upper limit for the fixed rate and then an additional cost structure above the limit. In all cases, the hourly rates with the law firms were double Mr. Kenny's rate. Mr. Fox further stated the Committee was suspect that the amount of work done by Mr. Kenny could actually be done by a law firm for the \$60,000 quoted by one as its upper limit. Vice-Chairman Woodard stated the report indicates Town Counsel Kenny provides good legal services and he is cost-effective.

Selectman O'Brien thanked the Committee for its work. He asked if a summation of the process could be provided for future use. Mr. Fox stated the Committee's meeting minutes and RFP could be made available.

Selectman Simon stated a number of the firms which responded to the RFP emphasized their litigation expertise. However, he noted that, within law firms, there sometimes is the incentive to overbill clients. Selectman Simon stated he believes the Town has a lean legal budget, and it has received excellent results because steps are taken to avoid and prevent litigation.

Sudbury resident Bryan Semple, 15 Revere Street, asked if the three recommended firms were deemed qualified by the Committee. Mr. Fox stated the two legal firms which were finalists with Mr. Kenny were deemed qualified. Mr. Semple asked if a cost analysis was done of what each of the finalists would cost the Town for comparable services. He suggested a model for legal services should have been provided to applicants and that it could have been derived from past data of Mr. Kenny's employment history. Mr. Semple believes that without such a cost model, the Committee is comparing "apples to oranges" and cannot offer a valid recommendation.

Vice-Chairman Woodard stated the Committee seems to have concluded that, no matter what the costs of the other firms were, Mr. Kenny would do a better job for Sudbury.

Committee member Liam Vesely stated the Committee considered many aspects of this position, and that costs were only one factor. He noted the Committee did evaluate costs spent by the law firms for other towns, and found more money was spent by smaller towns than what Sudbury spends for Mr. Kenny. Mr. Veseley stated the Committee did consider budgetary data, and it is available for review. He also stated the Committee was wary that the costs for firms proposing fixed fees would not hold up over time when matched to the amount of work done by Mr. Kenny.

Mr. Semple stated he does not believe the Town knows what the three qualified bidders would cost the Town, since no model has been completed. Vice-Chairman Woodard stated he believes the Committee has a good sense of what the anticipated costs would be, and he believes a lot of analysis was done.

Selectman Simon stated the Committee's documents and minutes are public information which are available.

Sudbury resident Rick Johnson, 34 Bent Road, asked for how many years a contract would be negotiated for with Mr. Kenny, and he asked what the Town proposes for a Town Counsel succession plan. Chairman Drobinski stated these issues would be addressed as part of the negotiation process.

Mr. Johnson asked the Board why it is unwilling to do a cost model now which might satisfy the concerns of some people.

Sudbury resident Kirsten Roopenian, 45 Harness Lane, stated she believes there is a communication issue with the Board not being able to relay effectively that cost was considered and it is an important factor.

Town Manager Valente stated towns which use law firms are very conscious of using the hours available judiciously. She emphasized it would be difficult to quantify and reflect on a spreadsheet how Town Counsel services are utilized in Sudbury for a wide-range of services which a firm would likely not be able to provide.

Mr. Johnson suggested that, going forward, the Town tracks Mr. Kenny's hours and services, so this data can be used to develop a cost model in the future when Mr. Kenny is replaced.

Vice-Chairman Woodard asked how much Mr. Kenny's services cost the Town. Town Manager Valente stated in FY14, the cost was \$91,128.

Mr. Semple stated his concerns are not with the amount of money spent and/or saved by Mr. Kenny, but rather the process used to make this decision by the Town. He questions how the Town can enter into a contract for legal services without preparing a cost model.

Selectman Simon stated he wishes Mr. Semple had attended some of the Committee's meetings because it might have helped him better understand the factors and information which were considered.

Permanent Building Committee Co-chair Mike Melnick stated he has worked with Mr. Kenny for years. He believes Mr. Kenny is very accessible, and Mr. Melnick provided an example of how Mr. Kenny's expertise has saved money for the Town.

Chairman Drobinski stated that, for the Town's perspectives regarding cost-consciousness and risk management, the Committee believes Mr. Kenny provides better service than would be provided by a law firm. He stated the protection Town Counsel provides for Sudbury's taxpayers could probably be better communicated to the public. Chairman Drobinski emphasized the Board very much considers costs in its decision-making process on behalf of Sudbury's taxpayers.

It was on motion unanimously

VOTED: To enter into negotiations to extend the contract for Mr. Paul Kenny, current Town Counsel, and designate a subcommittee to be comprised of the Board's Chairman and Vice-Chairman and the Town Manager to begin negotiations.

Mr. Fox thanked the Committee members for their work.

Selectman Simon thanked Mr. Fox and Assistant Town Manager Bilodeau for coordinating the Committee's work.

Construct Police Headquarters – 77 Hudson Road – Project Update

Present: Permanent Building Committee Co-Chair Mike Melnick, Combined Facilities Director Jim Kelly, and Police Chief Scott Nix

At 9:29 p.m., Chairman Drobinski opened a discussion regarding the project cost to be submitted in the Town Warrant.

Permanent Building Committee Co-Chair Mike Melnick stated the construction documents are nearly 90% complete. Mr. Melnick stated many meetings and Public Hearings were held with various Town entities to refine the project and to decrease projected costs. He stated the recommendation at this time is to present an appropriation request for new funds of \$7,173,000 at the 2014 Town Meeting for an estimated project cost of \$7,800,000 (\$627,000 was approved last year). Mr. Melnick noted there have been changes regarding new energy code requirements and site work which will need to be completed than was originally anticipated. He distributed copies to the Board of an exterior façade rendering, noting suggestions varied from Town group to Town group.

Police Chief Nix emphasized the building has been planned for the future.

Mr. Melnick stated an independent estimate has been authorized for the project, and a commissioning agent will be engaged.

Vice-Chairman Woodard stated he has kept abreast of the work done to decrease the costs of the project. It was noted additional site work and stormwater-related work is estimated to cost approximately \$950,000.

Selectman O'Brien noted there were no land acquisition costs involved for the project.

Chairman Drobinski noted for the record that this project will be presented on March 18, 2014 at 7:00 p.m. at Town Hall, and there will be a discussion on March 13, 2014 at 11:00 a.m. at the Senior Center. The project will also appear as a ballot question at the Town Election on March 31, 2014.

Selectman Simon asked if the proposed storage shed is included in the proposed cost figure. Police Chief Nix stated it is at this time.

Sudbury resident Rick Johnson, 34 Bent Road, questioned why a nearly \$8 million dollar project is not being debated first at Town Meeting before being presented on the Town Ballot. Vice-Chairman Woodard emphasized there is a two-step process, and the project will be discussed at Town Meeting. It was also noted this is not a new project to residents. Selectman O'Brien noted the Board believed the March 31, 2014 Town Election would attract the highest number of residents to vote on the project.

Mr. Johnson asked what the cost will be to annually maintain the new building, and he suggested this information be available at Town Meeting.

At 9:55 p.m., Chairman Drobinski closed the discussion.

Town Center Committee – Design Update and Requested feedback

Present: Director of Planning and Community Development Jody Kablack

At 9:56 p.m., Chairman Drobinski opened a discussion regarding the Sudbury Town Center Intersection project. The Board was previously in receipt of copies of a memorandum from Director of Planning and Community Development Jody Kablack dated March 6, 2014 and design plans.

On behalf of the Sudbury Center Improvement Advisory Committee (SCIAC), Ms. Kablack explained funds for construction were approved in 2013 and final engineering plans are underway. Minor revisions have been made regarding with the redesign of the "No Name Road," crosswalks and the location of the master control box. The Town is working with NStar to relocate the transformers in front of First Parish, since burying them is not feasible. To avoid installing an overhang signal arm, the project design became wider for the intersection by eight feet due to engineering and safety requirements. However, Ms. Kablack stated an alternative to the wider intersection would be a one-signal mast arm to replace the four signal posts and the three proposed raised traffic islands. Ms. Kablack circulated photographs of one mast arm from several viewpoints to the Board for review. She stated SCIAC voted to recommend the one-signal mast arm design which retains the character of the Town Center and does not inhibit safety. Ms. Kablack further stated representatives from First Parish and the Sudbury Historical Commission concur. She summarized next steps in the process regarding permitting and sending the plans to bid.

Ms. Kablack fielded a few question from the Board regarding the proposed position of the arm, which lanes of traffic will see two lights, pedestrian lights and "smart" lights. She explained the revised design will reduce the amount of signage needed and the five lamp posts initially proposed.

Selectman Simon asked if the initially proposed islands would have helped to keep traffic properly directed in lanes. Selectman O'Brien stated it is possible a rumble strip could be installed. Ms. Kablack emphasized the revised plan is a safer plan, which keeps the intersection more narrow and as maintenance-free as possible. She further stated the SCIAC will continue to fine-tune such details.

It was on motion unanimously

VOTED: To support the design change to a single signal mast arm for the Town Center Intersection project, as recommended by the Sudbury Center Improvement Advisory Committee (SCIAC) and discussed tonight.

2014 Annual Town Election – Sign Warrant

It was on motion unanimously

VOTED: To sign the 2014 Annual Town Election Warrant which must be posted in the hands of residents no later than Monday, March 24, 2014.

Annual Town Meeting Actions

The Board was previously in receipt of copies of a draft list of articles submitted for the 2104 Annual Town Meeting Warrant

Town Manager Valente stated details are not yet available from the Finance Committee regarding budget-related articles. The Finance Committee will be voting its positions on March 17, 2014, and she stated the Board's positions on the articles need to be finalized no later than at its March 25, 2014 meeting.

Selectman O'Brien suggested a column be added to the list indicating the relevant Selectman liaison for each article. Town Manager Valente suggested any Board member who is interested in being assigned as speaker for a specific article(s) should contact Patty Golden.

The list was reviewed to assign speakers and take positions on articles as noted below, but will be voted at the Board's March 25, 2014 meeting.

- #01 - Hear Reports - **Support**
- #02 - FY14 Budget Adjustments - **Support**
- #03 - Stabilization Fund - **RTM**
- #04 - FY15 Operating Budget –
- #05 - FY15 Transfer Station Enterprise Fund Budget - **Support**
- #06 - FY15 Pool Enterprise Fund Budget - **Support**
- #07 - FY15 Recreation Field Maintenance Enterprise Fund Budget - **Support**
- #08 - Unpaid Bills -**RTM**
- #09 - Chapter 90 Highway Funding – **Consent Calendar - Support**
- #10 – Real Estate Exemption – **Consent Calendar - Support**
- #11 - Town/School Revolving Funds – **Consent Calendar - Support**
- #12 - Rescind/Amend Borrowings – **Consent Calendar - Support**
- #13 - FY15 Capital Budget - **Support - Woodard**
- #14 - Construct Police Headquarters - **Support – O'Brien**
- #15 – Purchase of Fire Department Ambulance and Fire Engine – FY15 Capital Exclusion - **Support -Woodard**
- #16 - DPW Rolling Stock Replacement - **Support - Woodard**
- #17 – Technology Infrastructure Improvement – Lincoln-Sudbury Regional High School – **RTM**
- #18 - Israel Loring Elementary School – Purchase of New Phone System - **Support**
- #19 – School Driveways, Parking Lot and Sidewalks Improvement - **Support**
- #20 –Ephraim Curtis Middle School – Purchase of Technology Devices - **Support**
- #21 - Fairbank Community Center Roof Project - **RTM**
- #22 - Energy Services Company Energy Improvement Program – ESCO#23 – Nixon School – Partial Roof, Window and Door Replacements - **RTM**
- #24 – DPW Rolling Stock Stabilization Fund - **Support**
- #25- Energy Saving Programs Stabilization Fund - **RTM**
- #26 – Conduct Feasibility Study for Wastewater Disposal Options for Route 20 Business District - **RTM**

- #27 – Amendments to the District Agreement of the Minuteman Regional Vocational School District - **RTM**
#28 – Chapter 110, Section, 110 of the Acts of 1993, Disabled Veteran’s Exemption Residency Requirements - **Support**
#29 - Community Preservation Fund – Town-Wide Walkways - **Support**
#30 - Community Preservation Fund - Sudbury Housing Trust 10% Allocation - **Support**
#31 - Community Preservation Fund – Historic Projects - **Support**
#32 - Community Preservation Fund – Bruce Freeman Rail Trail Design - **Support - Simon**
#33 - Community Preservation Fund – Melone Property Engineering - **Support - Woodard**
#34 - Community Preservation Fund - Sudbury Housing Authority Bathroom Project - **Support**
#35 - Community Preservation Fund – Amend Art. 43 of the 2006 ATM – Sudbury Housing Authority Unit Buy-Down - **Support**
#36 - Community Preservation Fund – Reversion of Funds - **Support**
#37 - Community Preservation Fund - General Budget and Appropriations
#38 - Amend Zoning Bylaw - Medical Marijuana Treatment Centers - **Refer to Planning Board**
#39 - Amend Zoning Bylaw - Accessory Structures - **Refer to Planning Board**
#40 – Amend Zoning Bylaw, Art. IX – sec. 4100 – Flood Plain Overlay District - **Refer to Planning Board**
#41 - Amend Zoning Bylaw Art. IX – Section 4500 – Wastewater Facilities Bylaw – Deletion - **Refer to Planning Board**
#42 – Petition – Lafayette Drive Land
#43 – Petition – Sale of Land under C61A #44 – Petition – Divestment of PRIT funds
#44 – Petition – Divestment of PRIT Funds
#45 – Petition – Utilize a Portion of CPA Funds to Fund Conservation Fund
#46 – Petition – Amend Wetlands Administration Bylaw: Projects Funded with CPC funds
#47 – Petition – Amend Bylaw Art. IV Finance Committee

Town Manager Valente stated the petitioners will be invited to the Board’s next meeting.

Minutes of January 28, 2014 – Amend and Append

The Board was previously in receipt of copies of a section of the January 28, 2014 minutes regarding the Town Manager Composite Evaluation Report and a letter and report to the Board from Chairman Drobinski dated January 28, 2014. Town Manager Valente stated that, at the January 28, 2014 meeting, Chairman Drobinski read aloud his letter/report, but the report was not attached to the official minutes.

Sudbury resident Bryan Semple, 15 Revere Street, asked for clarification regarding what was being added to the minutes. It was further asked if the individual evaluations made by Selectmen are available, and it was responded they are available under a public records request to the Town’s Human Resource Director, who is custodian of the individual evaluations.

It was on motion unanimously

VOTED: To amend the regular session meeting minutes of January 28, 2014, and to append the report of Chairman Drobinski on the composite evaluation of the Town Manager.

Re-appointment of Town Manager and Renewal of Employment Agreement– Discussion

The Board was previously in receipt of copies of a memorandum from Chairman Drobinski dated March 6, 2014, regarding the renewal of the Employment Agreement with the Town Manager.

Town Manager Valente exited the meeting prior to this discussion.

It was on motion unanimously

VOTED: To appoint Assistant Town Manager Bilodeau as Clerk Pro Tem for the remainder of the meeting.

Chairman Drobinski referred to his March 6, 2014 memo, noting the current Agreement is from March 26, 2010 to March 16, 2015. He further explained the Agreement states the Board must give notice one year in advance (March 16, 2014) if the Agreement will not be renewed or it would automatically renew for an additional year. Chairman Drobinski stated the Board completed its evaluations and the report was read into the record at the January 28, 2014 meeting.

Selectman Simon stated that, based on the highly positive evaluations from a super majority of the Board, and upon his observations of Ms. Valente's performance and execution of her responsibilities, he believes it would be prudent for the Town to renew the Town Manager's contract and to enter into negotiations to do so.

Vice-Chairman Woodard stated he is overwhelmingly in support of entering into contractual negotiations with the Town Manager since four out of five Board members gave her performance very high ratings.

Selectman O'Brien stated Ms. Valente has done an outstanding job in her tenure to date, and he believes the same results can be expected in the future. He supports the Board entering into contractual negotiations with the Town Manager.

Chairman Drobinski stated the excellent financial condition of the Town is an indication of how well run it is. He believes the Town Manager has done a very good job, and he agreed with the consensus of the Board to renew a contract with Ms. Valente.

At 10:40 p.m., Sudbury resident Bryan Semple asked for a characterization of what is being voted on tonight. He referenced two sections of the current contract with the Town Manager which he believes refer to a nine-month renewal clause and a twelve-month renewal clause. Mr. Semple also referred to Section 6 which he understands to mean that the Board has essentially three months within to negotiate a contract.

Assistant Town Manager Bilodeau clarified what she believes is intended regarding the parameters for renewal notification. She stated Section 2D should have been replaced with Section 6. She also stated the longer 12-month clause would have precedence over a shorter timeframe.

Mr. Semple expressed his frustration that the contract has inconsistencies, and that it was not perfectly drafted for such an important Town position. He also questioned whether a super majority is sufficient to renew and/or terminate a Town Manager contract, as opposed to a unanimous vote. Mr. Semple does not believe a 4/5 vote has the best interest of the Town at its core. He urged the Board to do its job better.

It was on motion unanimously

VOTED: To provide the Town Manager with written notice of the Board's intention to renew the employment agreement and appointment as Town Manager beyond March 16, 2015, subject to successful negotiations on successor employment agreement, and to appoint a subcommittee of the Board's Chairman and Vice-Chairman to negotiate a contract between the Town of Sudbury and the Town Manager.

Minutes

It was on motion unanimously

VOTED: To approve the regular session meeting minutes of February 11, 2014 and February 25, 2014, and the January 23, 2014 Town Forum minutes.

Selectman O'Brien recused himself from the vote on the February 11, 2014 Meeting Minutes.

Chairman Drobinski recused himself from the vote on the February 28, 2014 Meeting Minutes.

Sudbury Celebrates 375/Sudbury Day Committee – Resignation

It was on motion unanimously

VOTED: To accept the resignation of Nancy Hershfield, 88 Butler Road, from the Sudbury Celebrates 375/Sudbury Day Committee effective March 3, 2014, as noted in an email of the same date, and to send a letter of appreciation for her service to the Town.

Sudbury Celebrates 375/Sudbury Day Committee – Resignation

It was on motion unanimously

VOTED: To accept the resignation of Ellen Gitelman, 19 Raynor Road, from the Sudbury Celebrates 375/Sudbury Day Committee effective March 4, 2014, as noted in an email of the same date, and to send a letter of appreciation for her service to the Town.

FY15 Transfer Sticker Rates

It was on motion unanimously

VOTED: To approve the FY15 rates for Transfer Station stickers as recommended by Bill Place Department of Public Works Director, who is advising leaving them at the FY14 amounts.

Sudbury Housing Authority - Department of Housing and Community Development Agreement – 16 Willis Lake Drive

It was on motion unanimously

VOTED: To authorize the Chairman of the Board of Selectmen on behalf of the Town to sign the "Regulatory Agreement and Declaration of Restrictive Covenants for Rental Project, Local Action Units" between DHCD, the Sudbury Housing Authority and the Town of Sudbury for 16 Willis Lake Drive.

The Sudbury Foundation – Grant

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a grant in the amount of \$5,000 from The Sudbury Foundation to help fund Sudbury Celebrates 375th's Field Day, the final event in a year-long celebration of the Town's 375th anniversary, said funds to be expended under the direction of the Town Manager.

There being no further business, the meeting adjourned at 10:57 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk