

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, MARCH 25, 2014

Present: Chairman John C. Drobinski, Selectman Robert C. Haarde, Selectman Lawrence W. O'Brien, Selectman Leonard A. Simon and Assistant Town Manager Maryanne Bilodeau

Absent: Vice-Chairman Charles C. Woodard and Town Manager Maureen G. Valente

The statutory requirements as to notice having been complied with, the meeting was convened at 7:30 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:30 p.m., Chairman Drobinski opened the meeting. He encouraged citizens to vote in the Town Election on March 31, 2014, noting there will be a ballot question for a new police station. He also noted absentee ballots are available until 5 p.m. on March 28, 2014. The Town's Spring Clean-up Day is scheduled for Saturday, April 26, 2014, and additional information is on the Town website. Chairman Drobinski also stated there is a new section regarding the Annual Town Meeting on the Town website.

It was on motion unanimously

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

Citizen's Comments

At 7:35 p.m., Chairman Drobinski noted several citizens are in attendance regarding decisions made by the Conservation Commission regarding the Johnson Farm development project, and a few residents have requested time to address the Board with comments.

Sudbury resident Frank Huntowski, 42 Cutler Farm Road, stated he believes the Town has many important issues to consider, but none are more important than the impact of the proposed Johnson Farm development will have on Sudbury. Mr. Huntowski stated he is well aware that everyone cannot agree on all matters, but he believes it is important for all to agree that decisions be made in open and transparent forums. He believes it is imperative that the Board acts now to review the development and take whatever actions are needed to stop the project from going forward. Mr. Huntowski believes the Conservation Commission gave up rights which will negatively impact Sudbury's position to fight this project. He stated several residents attended a Conservation Commission meeting last night, but they encountered an unwillingness to be heard on the issue. Mr. Huntowski stated he has developed a chronology of facts, which speak for themselves. He also stated legal opinions have been obtained which could help advise the Commission, but it was not willing to hear any information on the issue. Mr. Huntowski believes the Town has a right to a Notice of Intent (NOI), which the Commission relinquished.

Chairman Drobinski asked Mr. Huntowski to submit the informational chronology to the Selectmen's Office. He also stated that the prior Board of Selectmen was unanimously opposed to this development.

Mr. Huntowski stated he believes it is not too late for the Town to take action, including hiring special counsel to advise on this project development and how poor decisions made can be reversed.

Selectman Haarde asked if this issue should be put on a future Board agenda.

Selectman O'Brien asked if the Johnson Farm project is currently in litigation.

Chairman Drobinski stated the Board has not yet been apprised of new information regarding this development. Thus, he suggested the Board be careful addressing this issue because it may need to be discussed in Executive Session for litigation purposes. Chairman Drobinski will discuss this with the Town Manager.

Selectman Haarde suggested that the Board addresses the issues related to Johnson Farm in both a public session allowing for public comment and, if needed, in Executive Session. He believes citizens want to know the process being used to make decisions.

Sudbury resident Virginia Buckley, 14 Patricia Road, stated she attended the Conservation Commission meeting last night, and she was angry about residents being treated as if they were "naughty children." Ms. Buckley stated the Commission took the position last night that there was no need for any further discussion. She urged the Selectmen to play any role which could help the process involve citizen input regarding the development of Johnson Farm.

Chairman Drobinski thanked the residents for coming tonight to share their concerns with the Board. However, he emphasized the Board does not have control over the Conservation Commission or any other Board which acts independently.

Sudbury resident Frank Letteri, 208 Landham Road, stated he believes this is the most important project in Town, noting if a large scale development is built as proposed, it could negatively impact Sudbury's water supply. Mr. Letteri urged the Board to review the Johnson Farm situation. He described the Conservation Commission meeting last night as a "farce." Mr. Letteri stated the Commission made its decisions in two Executive Session meetings to which the public was not privy.

Sudbury resident Mike Palmer, 62 Cutler Farm Road, requested the Board puts this issue on a future agenda for public discussion. Mr. Palmer also requested that the Board try to influence the approach taken by the Conservation Commission to be more inclusive. He believes the Commission has been ill-advised and has made errors as a result.

Chairman Drobinski thanked the residents for bringing this matter to the Board's attention. He noted the Conservation Commission has a difficult job. He also stated the Board is committed to protect the Town's environment, and that the Town would consider how best to provide the Commission with litigation support.

Selectman O'Brien requested that, prior to the Board discussing this issue on a future agenda, it should receive copies of the minutes from last night's Conservation Commission meeting. Chairman Drobinski also requested that the Board receive any relevant information received from the Department of Environmental Protection.

Selectman Simon stated he is the Board's liaison to the Conservation Commission and he attended last night's meeting. He was appalled by how residents were treated, and he told residents in attendance tonight that he shared their unease with how the meeting was conducted. Selectman Simon stated the Board will try to maintain a public conversation regarding Johnson Farm. He committed to do what can be done, given that there is a separation of board/commission functions. Selectman Simon assured the residents the Board respects their input tonight.

At 7:53p.m., Chairman Drobinski thanked the residents for coming tonight, and he closed the period for comments.

Reports from the Assistant Town Manager

Assistant Town Manager Bilodeau reported Town Counsel has opined that votes taken by the Finance Committee on March 17, 2014 are valid, noting there had been questions raised regarding quorum requirements.

Reports from the Board of Selectmen

Selectman Haarde attended the breakfast meeting regarding Minuteman Regional Vocational High School with Selectmen Simon and Town Manager Valente. He believes Sudbury needs to decide what its future position is regarding the School. Selectman Haarde stated Wayland has an article submitted for its Town Meeting to leave the Minuteman District, and Weston is considering a similar position. He stated there are plans to build an 800-student school, but nearly half of the students who attend the School are from out-of-district communities. Selectman Haarde further stated the out-of-district towns do not pay for capital costs nor do they pay the same tuition rate as member towns. He believes now is the time for Sudbury to decide whether it wants to remain as a member, realizing that if they remain a member this will likely mean a much larger financial contribution in the future for the new school, which only 22 Sudbury students currently attend. Selectman Haarde suggested this topic be added to a future Board agenda.

Selectman O'Brien stated he attended the March 17, 2014 Finance Committee Meeting with Vice-Chairman Woodard. He also attended a public forum regarding the proposed new police headquarters.

Selectman Simon stated he and Chairman Drobinski conducted Board of Selectmen's Office Hours last night, and that a few residents visited to share their concerns regarding last night's Conservation Commission meeting. He reiterated his disappointment with how the meeting was conducted. Selectman Simon also stated he has had concerns regarding the Commission's adherence to the Open Meeting Laws, which he will address at another time.

Conservation Commission – Appointments

Present: Applicants Bruce Porter, Charles Russo and Mark Sevier

At 8:00 p.m., Chairman Drobinski welcomed Sudbury residents Bruce Porter, Charles Russo and Mark Sevier to the meeting to discuss their interests in serving on the Conservation Commission, and he highlighted the many talented volunteers who give their time and expertise to benefit the Town. The Board was previously in receipt of copies of the three Applications for Appointment and a memorandum from Town Manager Valente dated March 21, 2014.

Sudbury resident Bruce Porter stated he has always been active in Town, he has volunteered for many years with the Sudbury Valley Trustees, and he has been active in conservation issues. As a physicist, Mr. Porter believes he possesses the decision-making skills and perspective which could be useful to the Commission.

Sudbury resident Mark Sevier stated he has always been conservation-minded ever since acquiring his home, which includes a vernal pool on the property. Mr. Sevier is an engineer who also believes he possesses the decision-making skills and ability to process information which could benefit the Commission.

Sudbury resident Charles Russo stated that, as a municipal reporter, he became familiar with issues facing communities. Mr. Russo also has studied environmental management and works for an environmental and civil engineering firm.

Selectman Haarde stated he believes Mr. Porter's and Mr. Sevier's professional experiences are well suited to the Commission. He also thinks it is great that Mr. Russo is getting involved in Town after only living in Sudbury for one year. Selectman Haarde asked each candidate how they would handle resident input on controversial topics. All of the candidates stated it would be important for citizens to understand the limitations of different boards and why decisions are made the way they are. All of the applicants also stated it is important for people's voices to be heard. Selectman Haarde stated that, it is not always easy, but it is probably best to err on the side of letting people speak.

Selectman O'Brien thanked the gentlemen for volunteering for the positions. He asked how the applicants would handle balancing regulations with requests from property owners. All of the applicants answered that it is important to communicate and help educate citizens on why the rules are the way they are, and that it is important to be fair and think about how you would want the situation handled if it impacted you and/or your family.

Selectman Simon highlighted that Town bylaws are man-made laws, which are subject to interpretation. He asked how the applicants would handle disagreements. All of the applicants emphasized it is important to accept other points of view, but to also be willing to stand up for one's convictions, using data and principles to buoy your position.

Chairman Drobinski stated the Town is fortunate to have three excellent candidates interested in the positions.

It was on motion unanimously

VOTED: To approve the Town Manager appointments of the following individuals to the Conservation Commission: Bruce Porter, 42 Surrey Lane, Charles Russo, 30 Juniper Road, and Mark Sevier, 14 Arborwood Road, for terms ending May 31, 2015.

Town Meeting Petition Articles – Discussion

Proponents: Robert Weiss, Beth Brykman and Ron Riggert

At 8:22 p.m., Chairman Drobinski welcomed proponents of petition articles for the Annual 2014 Town Meeting to discuss their petitions with the Board. The Board was previously in receipt of copies of the petition articles submitted to appear in the Town Warrant and a memorandum related to Article #42 from Director of Planning and Community Development Jody Kablack dated October 30, 2012. In addition, copies of a handout of comments from Town Counsel related to each petition were distributed tonight.

Petitioner Robert Weiss, 7 Lafayette Drive, (Art. 42, Lafayette Drive Land) explained his petition "to see if the Town will vote to authorize the Selectmen, acting on behalf of the inhabitants of the Town of Sudbury, to execute a deed or deeds conveying all or a portion of the land shown as "Discontinuance" on plan entitled "The Commonwealth of Massachusetts Plan of Road in the Town of Sudbury Middlesex County Altered and Laid Out as a State Highway by the Department of Public Works, Layout No. 7030" for a sum to be determined by the Board of Selectmen no less than 0, and upon such other terms as the Selectmen shall consider proper including the discontinuance of that land by the Selectmen as a Town Way; or act on anything relative thereto."

Mr. Weiss has lived in Sudbury since 1987, and he built his current home in 2001-2002. His street abuts Route 20, and his home is the first one on Lafayette Drive. Mr. Weiss explained the original location of Route 20 has changed in this vicinity, and as a result there has been a small parcel adjacent to his land which has essentially been abandoned. He described the plot as being not maintained, which has led to unsafe

conditions with utility outages due to overgrown and fallen trees. Mr. Weiss believes the land is worthless, and that it has clearly been abandoned for nearly 50 years. He would like to legally own the land or be given rights to it so that he can access it to take care of the property. Mr. Weiss stated it has become an area for vagrants to frequent, and he believes it is in the public's best interests for him to have the parcel and work to beautify the area for the neighborhood. Mr. Weiss stated to acquire the property in the traditional manner would require what he believes would be a costly (time and money) title search, which he would rather not pursue.

Chairman Drobinski suggested the Town Engineer be asked to stake the area so Board members can visit the site. Mr. Weiss stated he believes the area was staked last year.

Selectman O'Brien asked if the petitioner is looking for legal access to the land or ownership. Mr. Weiss stated he would accept the parcel for free, but he would accept either scenario.

Chairman Drobinski reminded the Board to consider that, if a Route 20 sewer system is instituted, this area might be of use to the Town, and at 8:36 p.m., he concluded this discussion.

At 8:36 p.m., petitioners Beth Brykman and Ron Riggert, on behalf of Sustainable Sudbury, (Article 44, Divestment of PRIT funds), were welcomed to explain the petition submitted "to see if the Town will vote to request the Board of Selectmen to endorse State legislation requiring divestment of Statewide retirement funds (Pension Reserve Investment Trust (PRIT) Fund from fossil fuel companies as set forth in the petition."

Ms. Brykman distributed copies of her presentation "A Proposal for Sudbury to be Leader in Climate Change Resolution on Fossil Fuel Divestment" to the Board. She summarized the purpose of the petition for a Town Meeting vote. Ms. Brykman urged the Board to endorse the petition supporting the fossil fuel divestment of State-wide pension funds over five years. She also referenced the pending State bill S1225, noting others who have endorsed the pending bill. Ms. Brykman opined fossil fuel investments hold future risks and that renewable energy options are attractive alternative investments. She stated the actions requested from Sudbury include supporting State House initiatives for State-wide divestment, and to send copies of the resolution to all of Sudbury's national and State representatives.

Selectman Simon thanked the petitioners for bringing this issue to the attention of the Board. He believes the country's addiction to fossil fuel is unhealthy, and he supports the petition.

Selectman O'Brien asked if the pending bill only requires the State retirement plan to be divested, or does it also include the county retirement program which includes municipal employees. Assistant Town Manager Bilodeau stated it does include the Middlesex County pension fund because they invest through the PRIT Fund.

Selectman Haarde asked for clarification about what pension fund plans would be divested in the pending bill and what is being asked of the Board tonight.

Sudbury resident Bob Morrison, 16 October Road, stated it would be helpful to have the Board send a signal to legislators to support the bill to divest. He also stated the group hopes to educate and involve the community regarding this issue. Ms. Brykman stated the group would appreciate the support of the Board.

At 8:53 p.m., Chairman Drobinski thanked the proponents for their presentations, and he concluded the discussion.

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 dated March 20, 2014, a memorandum from Patty Golden dated March 21, 2014, two memoranda regarding Article 2 from Town Manager Valente dated March 12, 2014 and March 21, 2014, and a memorandum from Sudbury Public Schools (SPS) Superintendent Anne Wilson dated March 17, 2014, regarding Article 2. In addition, copies of a draft Article 2 Board of Selectmen Report dated March 25, 2014 were distributed tonight.

Chairman Drobinski stated there will be presentations to the Board regarding other articles at future meetings. He also stated Board speakers for the articles do not need to be finalized tonight, since they are not published in the Warrant.

Assistant Town Manager Bilodeau advised this is the Board's last opportunity to withdraw articles submitted or to take positions prior to printing the Warrant. She referenced the memos from Town Manager Valente, and she noted that two items are being requested tonight to be added to the Warrant for Article 2. Ms. Bilodeau reviewed the suggested language requesting a total of \$235,000 be added to the Department of Public Works snow and ice budget to cover shortfalls, noting the funds would be transferred from the line 900 Town/SPS Employee Benefits (\$165,000) and from the line 900 SPS Employee Benefits (\$70,000) budget lines. She further stated the SPS School Committee requests a total of \$253,165 to be added to line 300: Sudbury Public Schools Net from line 900: Town/SPS Employee Benefits. It was noted these funds would support the Technology/New Equipment; Curriculum/Curriculum Development and Maintenance accounts.

Ms. Bilodeau stated other adjustments might be identified in the coming weeks to be presented at Town Meeting. However, these needed additions are known now, and therefore it is thought best to add the information to the Warrant.

Selectman O'Brien stated he believes the more information that can be published in the Warrant the better.

It was on motion unanimously

VOTED: To amend the FY14 budget as reviewed tonight, and as outlined in the memoranda received from Town Manager Valente dated March 12, 2014 and March 21, 2014 and the memorandum from SPS Superintendent Anne S. Wilson dated March 17, 2014.

The list was reviewed to take positions on articles as noted below.

It was on motion unanimously

VOTED: To Report at Town Meeting the Board's position regarding Article # 4, #42, #43, #44, #4, #46 and #47.

- #01 - Hear Reports - **Support**
- #02 - FY14 Budget Adjustments - **Support**
- #03 - Stabilization Fund - **RTM**
- #04 - FY15 Operating Budget - **RTM**
- #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- **Support**
- #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 - **Support**
- #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 - **RTM**
- #43 – Petition – Sale of Land under C61A #44 – Petition – Divestment of PRIT funds - **RTM**
- #44 – Petition – Divestment of PRIT Funds - **RTM**
- #45 – Petition – Utilize a Portion of CPA Funds to Fund Conservation Fund - **RTM**
- #46 – Petition – Amend Wetlands Administration Bylaw: Projects Funded with CPC funds - **RTM**
- #47 – Petition – Amend Bylaw Art. IV Finance Committee – **RTM**

It was noted Vice-Chairman Woodard is the Board’s liaison for the Melone property, which should be corrected on the list for Article # 33. It was also noted Selectman Simon would be the speaker for Article # 32 regarding the Bruce Freeman Rail Trail Design.

Conservation Restriction – Redspire, Inc.

The Board was previously in receipt of copies of a Conservation Restriction (CR) to the Town of Sudbury from Redspire, Inc. 441 Maynard Road, Sudbury.

Selectman Simon asked if this is similar to the one done in perpetuity for Pantry Road.

Conservation Commission Coordinator Debbie Dineen explained this Restriction would be different than the one for Pantry Road in that this would be a passive CR, which would be maintained in its natural state. In response to a question from Selectman O'Brien, Ms. Dineen further stated the parcel would continue to be able to be used as open space, and it will be mowed.

It was on motion unanimously

VOTED: To accept the Conservation Restriction granted by Redspire, Inc. dated March 4, 2014, on a total of 10.726 a. off Arboretum Way, shown as "Conservation Restriction" on a plan of land entitled "Conservation Restriction Plan of Land in Sudbury, Mass. Prepared for Frank Cutting, dated February 2014, prepared by David E. Ross Associates, Inc."

Minutes

It was on motion

VOTED: To approve the regular session and executive session meeting minutes of March 11, 2014.

Selectman Haarde abstained from the vote.

Earth Week -Sudbury Cleanup Day

It was on motion unanimously

VOTED: To proclaim April 20-26, 2014 as Sudbury Earth Week and to designate Saturday, April 26, 2014 as Spring Cleanup Day for the annual roadside cleanup, with a rain date on May 3, 2014.

Annual Sudbury Spring Sprint Triathlon

It was on motion unanimously

VOTED: To grant permission for the Annual Sudbury Spring Sprint Triathlon on Sunday, May 18, 2014, at 8 a.m. and the fifth Annual Tri Sprouts Children's Triathlon on Saturday, May 17, 2014, at 9:00 a.m. as requested in a letter dated January 24, 2014, from Race Director, William Fiske, subject to conditions required by the Park and Recreation Dept. and a meeting with the Sudbury Police Department prior to the Sunday event, (preferably by Monday, May 12) regarding safety concerns and/or weather issues, and the applicant providing for cleanup of any litter created by race participants and staff.

Annual Service Auction – One-Day Wine & Malt License

It was on motion unanimously

VOTED: To grant a one-day Wine & Malt license to Jan Hardenbergh, 7 Tippling Rock Road, to accommodate an Annual Service Auction fundraiser on Saturday, April 12, 2014 from 5:00 p.m. to 10:00 p.m. at First Parish of Sudbury, 327 Concord Road, subject to the use of a TIPS-trained bartender and a receipt of a Certificate of Liability.

Boy Scout Troop 60 – Eagle Scouts

It was on motion unanimously

VOTED: To enter into the Town record and congratulate Peter M. Finnegan, 409 Lincoln Road, of Troop 60, who will be recognized at a future Court of Honor for having achieved the high honor of Eagle Scout.

Sudbury Celebrates 375/Sudbury Day Committee – Appointment

It was on motion unanimously

VOTED: To approve the appointment of two members to the Sudbury Celebrates 375/Sudbury Day Committee: Venk Gopal, 14 Autumn Street, and George L. Connor, 189 Morse Road, for a term expiring November 30, 2014, as requested by Hal Cutler, Committee Co-Chair.

Ti Sales – 36 Hudson Road – Endorse Final Site Plan

It was on motion unanimously

VOTED: To endorse the final site plan for Ti-Sales at 36 Hudson Road, as recommended by Jody Kablack, Director of Planning and Community Development.

NStar – Construction of a Walkway – Gift

Selectman O'Brien asked for clarification regarding the walkway. Ms. Kablack provided information regarding the intended location for this walkway and the proposed walkway for the Coolidge project.

It was on motion unanimously

VOTED: To accept a \$15,225.00 gift from NStar, as described in section 4.4 of the Memorandum of Understanding between the Town of Sudbury and NStar dated March 19, 2014, towards the construction of a walkway, including handicap access ramps, along NStar's frontage on Boston Post Road, to be expended under the direction of the Director of Public Works, and to return any unused funds remaining after completion of the sidewalk construction to NStar.

There being no further business, the meeting adjourned at 9:10 p.m.

Attest: _____
Maryanne Bilodeau
Assistant Town Manager-Clerk Pro tem