

IN BOARD OF SUDBURY SELECTMEN  
TUESDAY, MAY 20, 2014

Present: Acting Chairman Charles C. Woodard, Selectman Lawrence W. O'Brien, Selectman Robert C. Haarde, Selectman Leonard A. Simon, Selectman Patricia A. Brown and Assistant Town Manager Maryanne Bilodeau

The statutory requirements as to notice having been complied with, the meeting was convened at 7:31 p.m. in the Lower Town Hall, 322 Concord Road.

**Opening Remarks**

At 7:31 p.m., Acting Chairman Woodard opened the meeting. He announced Board Office Hours will be held on May 27, 2014 from 3:00-4:00 p.m., in the Silva Conference Room of the Flynn Building. He also encouraged citizens to attend the Memorial Day Parade which will begin at 9:30 a.m. and the Lt. Scott Milley Memorial dedication ceremony at Willis Lake at 2 p.m. More information regarding the dedication is on its website. Assistant Town Manager Maryanne Bilodeau also stated attendees are asked to arrive 30-60 minutes prior to 2:00 p.m., and to park at Haskell Field, where there will be shuttle buses to transport people to Willis Lake. Acting Chairman Woodard stated the Town conducted a successful three-night Town Meeting in early May, where important projects were approved, such as the purchase of a new ambulance and fire truck, repairs to school parking lots and the new Police Station. He stated the Board will discuss tonight calling a Special Town Election.

**Clerk Pro Tem**

It was on motion unanimously

VOTED: To appoint Assistant Town Manager Maryanne Bilodeau as Secretary and Clerk Pro Tem, in the absence of Town Manager Maureen Valente for the May 20, 2014 meeting.

**Reports from the Acting Town Manager**

Acting Town Manager Bilodeau reported the Military Support Network sponsored a Clean-Up Day of the Town memorials on May 10, 2014. She thanked Sudbury resident Rachel Goodrich for coordinating the event and everyone who volunteered their time and services.

**Reports from the Board of Selectmen**

Selectman Simon attended a dance held at the Wayside Inn coordinated by the Sudbury Celebrates 375 Committee. Last night, he also attended, with the other Board members, a dinner at First Parish with the Town's clergy association. Selectman Simon stated it was a good discussion about common issues and a nice bridge-building opportunity. As liaison to the Goodnow Library, he announced the Board of Trustees held a meeting on May 5, 2014 where the focus was its programming for the future project and the goal to make the Library an even more important community resource than it already is.

Selectman Haarde stated there has not been much activity since the Town Meeting. He noted the Board had never met with the Town's ecumenical leaders before, and he found last night's discussion very useful.

Selectman O'Brien stated his report is similar to those already presented. He thanked the citizens who participated in Town Meeting, and he welcomed Ms. Brown as the new Selectman.

Selectman Brown stated the highlight of her last few weeks was being sworn into office after Town Meeting. She also attended the dinner with church leaders last night, and she met with the Community Housing Office today regarding the Town's housing challenges.

Acting Chairman Woodard clarified the Town's bylaws regarding the appointment of, and reporting structure for, the Board of Selectmen, Town Moderator and Finance Committee. He stated the Selectmen and Moderator are elected positions which do not report to each other. The bylaw also affords the Moderator the ability to appoint Finance Committee members. If a Finance Committee position becomes open during an appointed term, it is possible for the Finance Committee to appoint a temporary member for the remainder of the year until the Moderator makes a new appointment. Acting Chairman Woodard also stated he had confirmed with the Town Clerk that the Moderator had filed the appropriate appointment letters with her Office in a timely manner.

### **Citizen's Comments**

Acting Chairman Woodard recognized Sudbury resident Robert Stein, 7 Thompson Drive.

Mr. Stein stated he was speaking tonight as a citizen and former member for five years of the Finance Committee. Before beginning his statement, he commented that he would disagree that the Town Moderator position is apolitical, because he was told by the Moderator that he had received more complaints about how Mr. Stein had voted in the past than he had ever received before.

Mr. Stein read aloud a statement, which he submitted to Ms. Bilodeau, asking that it be part of the official Meeting record. He asked the Board to consider as a future agenda item to discuss the attempt by Town government to influence the March 17, 2014 votes of the Finance Committee regarding the proposed Articles 16 and 19 for the 2014 Annual Town Meeting. Mr. Stein stated that following the Committee's votes that night, there were reports of Town officials being upset about the vote outcomes. He asked that there be an investigation of whether any members of Town government acted inappropriately and in a manner which could have impacted what was to be published in the Town Warrant the following Tuesday. Mr. Stein stated that soon after the March 17, 2014 meeting the Committee received an email from the Town Manager dated March 19, 2014 (copies of the email were submitted by Mr. Stein) stating the votes taken on March 17<sup>th</sup> were invalid, since a quorum was not present, and that Town Counsel had confirmed this Open Meeting law regulation. Finance Committee members inquired with Town Counsel and determined that his opinion had been made "off the top of his head" and without pursuing any research or applicable case law. After further review, Town Counsel issued an email to the Committee and other Town officials on March 25, 2014 (copies of the email were circulated by Mr. Stein) stating that, upon review, his initial opinion had been wrong, and that the quorum for the Committee is five members, and there is no statutory impediment to a majority of that quorum acting/voting. Mr. Stein stated that, if Finance Committee members had not pursued their own independent study of case law, the Town Warrant could have been published with incorrect information. He considers this a serious breach of trust. Mr. Stein stated the Town Manager should have nothing to do with the Finance Committee, yet she initially declared the votes invalid, and he has concerns whether this constitutes an Open Meeting law violation. He reiterated that he would like the Board to place this issue on the next agenda to discuss whether there was an overstepping of authority by certain Town officials.

Sudbury resident Bryan Semple, 15 Revere Street, asked the Board to consider, as a Town, what kind of Finance Committee it wants. Mr. Semple asked whether the Town wants the Committee to function as a financial watchdog which advocates for the best interests of Sudbury's citizens, or does it want the Committee to merely act in a manner which "rubber stamps" predetermined Town policies. He believes that, if it is the latter of these choices, then the Town is going down a path which will weaken Sudbury.

Mr. Semple stated Finance Committee members were fired after the Town Meeting by not being reappointed by the Moderator, and new members were appointed without any public interviews or input from the Committee. He asked the Board to consider if this is the way the Town should operate. Mr. Semple stated that Mr. Stein, who had served the Committee well and consistently for five years, while also keeping current on all other Town issues, received a call from the Moderator telling him five years was enough and he would not be re-appointed. He also stated Ms. Dufault, who works as a controller and served the Town on the Budget Review Task Force (BRTF) received an email from the Moderator stating her services were no longer needed. Mr. Semple noted Ms. Dufault had objected to the Police Station article, the uses proposed this year for Free Cash, and she had clashed with the Town Manager. Ironically, he noted, much of the Free Cash was amassed from the cost savings the Town received by joining the Group Insurance Commission (GIC) which was initially recommended by the BRTF and had been opposed by the Town. In Mr. Semple's opinion, it appears to him the Finance Committee had more activists in recent years, and they were singled out for replacement. He also questioned the process for how the new Committee members were selected. Mr. Semple researched the Committee appointments for the past ten years, and he saw no precedence for how the four new members were appointed this year within 24 hours of the close of the Town Meeting. He asked the Board to place on a future agenda a discussion regarding how the Town should operate. Mr. Semple further suggested the four new members of the Finance Committee should resign and then a public process should commence to appoint new members which would restore trust in the Committee.

Acting Chairman Woodard clarified the Town had initially opposed joining the GIC due to the State's financial structure for the program at that time. When the State's GIC regulations changed to be more financially advantageous for Sudbury, the Town did join. He also clarified that the Town's bylaw is clear that Finance Committee members are intended to be appointed by the Moderator, who does not have to participate in a voting process to do so. Acting Chairman Woodard respectfully disagreed with the idea that because members were activists they were not re-appointed, noting he had been considered an activist and controversial on occasion during his tenure on the Finance Committee, and he survived his re-appointment.

Selectman Haarde stated he was on the BRTF in 2008 when the recommendation was made to join GIC, which he stated was an economical choice for the Town even before the State law changed. He stated Sudbury chose not to pursue savings at that time because it would have required entering into collective bargaining negotiations. He also noted other towns did choose to join earlier than Sudbury and they saved significant money during the years Sudbury was not part of the GIC. Selectman Haarde stated that, even though he does not always agree with the votes taken by the Finance Committee, he supports its right to pursue the validity of its votes and to have input in its own management process. He stated the controversy has made him uneasy because he can imagine how Mr. Stein feels and he knows the Moderator. He believes there are other Committee members who could have not been re-appointed if the Committee needed new blood, but the two members chosen were fired because they were dissenting voices. Selectman Haarde believes there was retribution and retaliation shown last year against Finance Committee member Mark Minassian when he was not re-appointed because he had spoken his conscience in favor of the Board of Selectmen going from three members to five members. He stated he got involved last year and helped the Moderator change his mind.

Acting Town Manager Bilodeau clarified the major difference received by the Town waiting to join the GIC is that Sudbury pays a lower percentage rate of health premiums for employees and retired employees than they do for employees hired before July 1, 2009, and under the old regulations, the Town would have to pay the same percentage by plan for all active and retired employees. The MHCR changed that. She stated Weston pays a much higher percentage towards active employees and retirees and it had to give up a lot to join GIC under the old regulations. Sudbury saved more money by going the route it took.

Selectman Haarde acknowledged the Town is no doubt saving more money now, but it was done later than it could have been done.

Sudbury resident and founder of Sudbury Greenways Andrew Sullivan, 28 French Road, thanked the Board for hearing his presentation at Town Meeting. He believes there was considerable interest in the greenway option at Town Meeting and it failed to be presented because of a Community Preservation Act statute technicality of needing the Community Preservation Committee recommendation. He asked the Board to place the greenway option on a future meeting agenda. Mr. Sullivan does not believe a greenway impedes with a full build-out option at a later time, and he believes it is the most economical and expedient option for Sudbury.

Acting Chair Woodard stated the greenway discussion would be placed on a future meeting agenda.

Selectman Haarde asked if the Finance Committee issues are also going to be placed on a future meeting agenda.

Selectman Simon stated he has concerns putting those issues on an agenda. He stated he reviewed the Town's bylaw and it is clear what the process is.

Selectman O'Brien suggested suspending tonight's conversation, and that it be placed on a future agenda when relevant parties can know it will be discussed and they can choose to attend if they so wish.

Acting Chairman Woodard concurred, and the Citizens' Comments were concluded at 8:13 p.m.

**Special Town Election – Ballot Questions on Warrant – Discussion**

Present: Sudbury Town Clerk Rosemary Harvell

At 8:13 p.m., Acting Chairman Woodard welcomed Town Clerk Rosemary Harvell to the meeting to discuss calling a Special Town Election and placing a ballot question on the Warrant for the Special Town Election of June 24, 2014 as a result of the votes taken at Town Meeting.

In a response to a question from Selectman O'Brien, Ms. Harvell stated June 24, 2014 is the earliest date possible for a Special Town Election, if it is voted and time-stamped tonight.

Selectman Brown asked if there are other items for consideration at the Special Town Election.

Selectman O'Brien and Acting Chair Woodard stated there are not, and that the ambulance and fire engine article was the only capital exclusion voted at Town Meeting.

It was on motion unanimously

VOTED: To call a Special Town Election to be held Tuesday June 24, 2014, and to place the following capital exclusion Ballot Question on the Warrant for the Special Town Election of June 24, 2014: "Shall the Town of Sudbury be allowed to assess an additional \$685,000 in real estate and personal property taxes for the purpose of purchasing an ambulance and a fire engine including the payment of all costs incidental or related thereto for the fiscal year beginning July first 2014?"; and further to direct Town Counsel to prepare the Argument in Opposition for the Warrant, there being no organized opposition.

**Bond Anticipation Notes – Police Station Headquarters – ATM 2014, Article 16**

Present: Sudbury Finance Director Andrea Terkelsen

Acting Chairman Woodard welcomed Sudbury Finance Director Andrea Terkelsen to the meeting to present the winning bids for the sale of notes regarding the Police Station. The Board was previously in receipt of a memorandum from Ms. Terkelsen dated May 15, 2014.

Ms. Terkelsen reported the Town took bids on May 15, 2014 for the sale of short-term debt (bond anticipation notes – BAN)) totaling \$627,000 through the State House Note program for funding for the Police Station Headquarters project. She summarized the BANs and the number of bids (3) received. She stated the proceeds are to be delivered on May 28, 2014. She also noted that, by law, proceeds from this BAN issue will be used to pay off any internal borrowing for the project before June 30, 2014 and to pay for ongoing costs until the next due date in May 2015, at which time final Phase I costs will be added to a much larger BAN to pay for construction.

In response to a question from Selectman Simon, Ms. Terkelsen clarified that this relates to only the engineering and design phase of the project from the prior year.

In response to a question from Selectman O'Brien, Ms. Terkelsen explained that the bid process is complex to coordinate in a timely manner which is most financially advantageous for the Town, and it is not a process which occurs quickly.

In response to a question from Selectman Haarde, Ms. Terkelsen stated the BANs are considered short-term notes and that this one is for 365 days. Selectman Haarde also asked what bank was the winning bidder, and at what rate. Ms. Terkelsen stated the winning institution was Century Bank for the full amount at a 0.45% rate, and she summarized the bid process. Selectman Haarde asked if there is a procurement website for this process, and Ms. Terkelsen stated there is not.

It was on motion unanimously

VOTED: To accept the notice of BANs (Bond Anticipation Notes) sold on May 15, 2014 and awarded by the Town Treasurer through the State House Note program.

**Sierra's Restaurant – Tax Delinquency Discussion**

Present: Sudbury Finance Director Andrea Terkelsen

At 8:20 p.m., Sudbury Finance Director Andrea Terkelsen updated the Board regarding the tax delinquency of Sierra's Restaurant. The Board was previously in receipt of a memorandum from Ms. Terkelsen dated May 14, 2014. In addition, copies of a letter dated and received today from one of the owners, Sam Cannarozzi, to the Selectmen were distributed.

Ms. Terkelsen stated the Board voted at its December 3, 2013 meeting to grant Sierra's 2014 liquor license renewal, subject to compliance with the terms of a tax payment agreement between herself and the owners of 470 North Road. She reported the owners have had trouble paying their taxes for years and they are now in default of the agreement, after making only two of eleven monthly installments against the preexisting balance of more than \$14,000. Ms. Terkelsen stated the owners also owe an additional \$12,000 in FY14 taxes and interest, for a total due of \$26,517.89. She also stated that, separate from any action the Board might take as the Licensing Authority, the Town reserves all rights and remedies afforded under Mass. General Laws to collect delinquent real estate taxes, including, but not limited to, pursuing property foreclosure in Land Court.

Selectman Simon asked if the 2014 license was granted provisionally, and if there were unpaid taxes from 2014. Ms. Terkelsen responded it was granted conditionally, and there are unpaid 2014 taxes which are added to the Town's tax title. She suggested the Board might want to consider scheduling a Public Hearing for further discussion.

Selectman O'Brien stated the Board could schedule a Public Hearing and invite the license holder to attend. He asked if Ms. Terkelsen has spoken with the owners. Ms. Terkelsen stated there has been communication regarding this issue being brought to the Board's attention, but the letter from the owners arrived today addressed to the Selectmen.

Selectman Haarde stated the Town wants to receive the taxes that are due, but he also noted the best outcome for all parties is for the restaurant to be successful. He asked if it makes it more difficult to collect the taxes when ownership is in a trust.

Acting Chairman Woodard stated the lien is on the property. Ms. Terkelsen stated the property has been owned by a trust for many years and it does not hinder the Town's options.

Selectman O'Brien recommended the Board schedules a Public Hearing for two meetings from tonight and invites the license holder/owners, who in today's letter, have offered to establish an alternative payment plan.

Selectman Brown asked if there is a statute of limitations for collecting the taxes which could be jeopardized by delaying discussion for four weeks. Ms. Terkelsen stated the Town is protected because it has secured a tax title.

Selectman Haarde stated the Town would be paid even before a bank regarding a mortgage. Ms. Terkelsen confirmed this to be correct, stating the Town's lien supersedes all others. Selectman Haarde also asked if Town staff could provide the Board with any information about how these types of situations have been handled in the past. Selectman O'Brien stated he is not aware the Town has ever had a similar situation, so information may have to come from other communities. Ms. Terkelsen stated this is the first instance she is aware of that involves a liquor license holder. However, she also stated it would not be her recommendation to revoke the liquor license.

Acting Chairman Woodard asked if there are any other liens on the property. Ms. Terkelsen stated there are none to her knowledge.

Selectman Simon asked if there are any other outstanding tax obligations to the State or Federal authorities. Ms. Terkelsen stated she does not know and this question might be best posed to the license holder and their legal counsel.

It was on motion unanimously

VOTED: To request Town staff to schedule a Public Hearing for four weeks (two meetings from tonight's) from now to discuss Sierra's 2014 liquor license renewal and its non-compliance with the terms of a current tax payment agreement made between the Town Treasurer and the owners of 470 North Road, to invite the owners and license holders of Sierra's to this Public Hearing, and to provide the Board with any additional information which might be helpful to its deliberation.

**Park and Recreation Commission – Gift Proposal for Upper Featherland Upgrades from Sudbury Youth Baseball**

Present: Park and Recreation Director Nancy McShea, Commission member Dick Williamson and Sudbury Youth Baseball President Mike Walsh

At 8:41 p.m., Acting Chairman Woodard welcomed Park and Recreation Director Nancy McShea, Commission member Dick Williamson and Sudbury Youth Baseball President Mike Walsh to the meeting. The Board was previously in receipt of a memorandum from Ms. McShea dated May 13, 2014, accompanying plans prepared by Gale Associates, Inc., and the Minutes of the Park and Recreation Commission Meeting of May 12, 2014. In addition copies of a letter to Mike Walsh from Sudbury Girls' Softball dated April 24, 2014, a letter to the Park and Recreation Commission from Sudbury Men's Softball dated May 7, 2014, and plans prepared by Gale Associates, Inc. were distributed tonight.

Ms. McShea stated the Park and Recreation Commission voted to accept a gift of \$200,000 from Lincoln-Sudbury (L-S) Youth Baseball to renovate the Upper Featherland softball area into a turf infield/grass outfield and to meet all American with Disabilities Act (ADA) requirements. She further stated the vote was subject to continued use by L-S girls' softball and Men's softball as noted in her memo. In exchange for the gift, L-S Youth Baseball is seeking a legal agreement with the Town to use the field at specified times for practices and games. Ms. McShea stated she spoke extensively with other user groups and reviewed field schematics, and the Commission supports the proposed agreement and encourages the Selectmen to support it.

Ms. McShea described the planned upgrades for Upper Featherland, noting the lower portion would remain the same. She explained the vision for a multi-use field, which might incorporate a 50'-70' baseball field. It was noted that, if a 50'/70' diamond proves to be popular, the Upper 60' diamond may be converted in the future.

Selectman Simon asked if there is consensus between all current users with the proposed schedule for use of the field. Ms. McShea stated the Board received a packet of information tonight with a letter from Men's Softball noting its support for the project. She also stated the L-S Youth Baseball schedule would remain the same. It is the intent that all current users will continue to be accommodated in a similar manner in the future, with the only changes being made to Men's Softball, which have been agreed to by the group. Selectman Simon also asked if this proposal would preclude new users from coming forward. Ms. McShea stated if a new 50'-70' field is built, it is possible it might attract new groups. However, she emphasized it would not be the practice to displace a current user for a new user. Selectman Simon asked for a further explanation of a 50'-70' field, which Ms. McShea provided. Selectman Haarde clarified the field would be 50 feet from home plate to the pitcher's mound, and 70 feet from home plate to first base. Ms. McShea stated Sudbury Youth Baseball believes there is a need for this type of field to accommodate some 6<sup>th</sup> and 7<sup>th</sup> graders.

Selectman Simon asked if this proposal would be in place of a previous suggestion which was made for a 10-20 year lease agreement with the Town. Ms. McShea stated this donation would strictly be a gift, with no lease as part of the agreement. Selectman Simon asked if Ms. McShea's office would oversee scheduling, and she responded affirmatively.

Selectman Brown asked for how long the proposed scheduled uses are intended to last. Ms. McShea stated that would be up to the Selectmen to determine this and then include it in the eventual agreement.

Selectman O'Brien stated the proposed gift is very generous. However, he asked if the Board could receive additional information regarding the cost breakdown of the \$200,000. Ms. McShea stated she will forward this information which was provided by Gale Associates.

Selectman O'Brien also stated it is typically the Board's policy to request that, as part of this type of gift agreement, there also be provisions made for funding of future maintenance. Sudbury Youth Baseball President Mike Walsh stated the group anticipated this, and maintenance will be included in the budget.

Selectman O'Brien also asked if scheduling is such that weekends will now be full with the proposed changes. He also noted the field is in a residential neighborhood and the Board might want to schedule a Public Hearing to give neighbors and anyone interested a chance to provide input. Ms. McShea stated there are a lot of open slots on the weekends. Mr. Walsh stated every field at Featherland except for softball already has some activity on the weekends, so this proposal would add minimal changes for the neighborhood. He also emphasized the project result will be a significantly better field, which might relieve some user pressure from the 90' field.

Acting Chairman Woodard asked if a turf field is effective for softball. The consensus was that it is conducive.

Sudbury resident Fred Bautze, 482 Peakham Road, explained the speed of the ball and the bounce of the ball will be different on turf. Mr. Walsh noted the turf field was requested by Sudbury Girls' Softball.

Selectman Brown asked if any parking problems are anticipated. Ms. McShea stated none are anticipated beyond what the current parking situation is.

Acting Chairman Woodard stated it does not appear as if much will change with the new proposal, and he asked if an agreement is necessary. Mr. Walsh stated \$200,000 is a lot of money, and he has a responsibility to account for exactly how the funds will be used for the improvements for all parties. He believes his legal counsel and the Town's counsel could quickly draft the agreement.

Acting Chairman Woodard stated he would like the Board to have the opportunity to hear from all user groups regarding the project.

Selectman O'Brien suggested Mr. Walsh contacts Department of Public Works Director Bill Place regarding future maintenance and that Town staff begin to develop a draft agreement with Mr. Walsh and his advisors and Park and Recreation. Selectman Simon concurred, stating he would like counsels of all parties to prepare a draft for the Board's review.

Selectman O'Brien also suggested the Board be provided with what the project timelines are. Ms. McShea stated the entire upgrade project is estimated to take six to eight weeks to complete.

Selectman Haarde stated the proposal is a generous donation for the traditional use of the property from a long-time user.

Acting Chairman Woodard suggested the project and the to-be-scheduled subsequent discussion with the Board be noticed on the Town website. Selectman Brown suggested the next meeting be treated similarly to a Public Hearing even though it does not require one.



Selectman Simon recommended the Board be advised if the counsels of all parties are not able to complete a draft agreement within the next two weeks, at which time the next discussion could be postponed accordingly.

Sudbury resident Carlo LePordo, 156 Fairbank Road, offered to address the board on behalf of Men's Softball. Acting Chairman Woodard invited Mr. LePordo to return in two weeks to share his comments at the Board's next meeting and discussion of the project, when the Board will hear from other user groups too.

It was on motion unanimously

VOTED: To instruct Town staff to prepare materials as discussed tonight for the Board's review, including project cost detail, project timelines, input from DPW Director Bill Place, Public Safety Departments, the Planning Department and Town Counsel, to schedule a further discussion of this project on the Board's next meeting agenda and to also invite all other user groups to said meeting.

**Inter-municipal Agreement for Shared Recreational Director Services with the Town of Wayland – Termination**

At 9:13 p.m., Acting Town Manager Bilodeau stated it is being recommended to terminate the Inter-municipal Agreement (IMA) with the Town of Wayland, effective midnight July 31, 2014, and to thank the Town of Wayland for their participation in this IMA since 2009, as requested by the Town Manager. The Board was previously in receipt of copies of a memorandum from Assistant Town Manager Bilodeau dated May 12, 2014 and the current Intermunicipal Agreement Between the Towns of Wayland, Massachusetts and Sudbury, Massachusetts and accompanying Exhibit C.

Ms. Bilodeau stated either Sudbury or Wayland can terminate the Agreement with two month's written notice to the other town. She explained recent personnel changes have resulted in a re-evaluation of the Park and Recreation Department and the opportunity to return to a full-time Director. Ms. Bilodeau stated the needs of the Department have grown in the past four years and they far exceed the current allocated 20 hours a week. It was noted the shared services worked well and the Town appreciates Wayland's cooperation since 2009. Ms. Bilodeau also stated all relevant parties have been apprised of this request.

Selectman Simon stated he has reviewed the duties of the position, and it seems unlikely the job could be done well in the current allotted time. Based on his observations, he believes Park and Recreation functions very well, and he believes the Town would benefit greatly from a full-time position. Selectman Simon stated the timing seems right for the Town to take this step.

In response to a comment by Acting Chairman Woodard, Ms. Bilodeau stated the recommendation would result in an overall budget reduction for the Department. In response to a question from the Board regarding whether Wayland is owed any money, Ms. Bilodeau stated the current arrangement will be paid monthly through July 31, 2014.

It was on motion unanimously

VOTED: To terminate the Intermunicipal Agreement between the Towns of Wayland and Sudbury to share the services of the Wayland Recreation Director, effective midnight July 31, 2014, pursuant to Section VI of the Agreement, providing that either Town may terminate the Agreement at any time by written notice of such termination given to the other town at least two months prior to the date of the termination, and to thank the Town of Wayland for their participation in this IMA since 2009, as requested by the Town Manager.

**Police Department – Update on new Initiatives**

Present: Police Chief Scott Nix

At 9:20 p.m., Acting Chairman Woodard welcomed Police Chief Scott Nix to the meeting to update the Board on Department activities and new initiatives. The Board was previously in receipt of copies of a memorandum from Chief Nix to Town Manager Valente dated April 25, 2014 and accompanying information.

Chief Nix shared some Department success stories where individuals were apprehended for a variety of crimes. He noted several initiatives undertaken in the past year, including the ALICE training (Alert/Lockdown/Inform/Counter/Evacuate) conducted last fall, which has been implemented in both School systems. He also summarized a new program, Navigate Prepared, which the Department has been working on for the Town and both School systems. He explained the program is a Cloud-based, secure system providing crisis plans, extensive infrastructure information and the ability to provide real time intelligence to responders during a crisis situation. Chief Nix stated that, on behalf of the Gay family, Navigate Prepared is donating, in perpetuity, all fees associated with its implementation and continuing support for the Town and both school systems. This cost is anticipated to be approximately \$20,000 in the first year, and approximately \$5,400 in subsequent years, which will provide the services free to the Town. Chief Nix mentioned Sudbury Public Schools currently have no cameras, and this would allow the Police Station to have a direct feed into the schools during emergency situations. Chief Nix stated he believes the program would benefit the Schools, but details need to be further vetted.

Chief Nix also noted the Department participated in two successful Drug Take-Back Days, and the Police Station has a permanent drug return kiosk in the lobby. Acting Chairman Woodard asked if this program is publicized to the community. Chief Nix stated information is on the Town website, and it is advertised in several locations in Town.

Chief Nix stated the Department now has a Twitter account to help notify the public of safety issues and useful information. However, he emphasized that, for emergencies, it is best for people to call 911 and to not send an email.

Selectman O'Brien asked the Chief to congratulate, on behalf of the Board, the officers mentioned in the beginning of his report. He noted the gift given to the Town by the Gay family is very generous, and he hopes this initiative provides them some comfort. Selectman Haarde concurred, and, on behalf of the Board, he asked Chief Nix to extend the Town's sincere gratitude to the Gay family.

Selectman Haarde stated the ALICE training was great, which he attended for a half-day, noting he wished he could have stayed longer. Selectman Simon concurred, and he asked if the training has become policy in the Town's Schools. Chief Nix stated it has become policy, and he noted each school's policy varies somewhat for their particular needs.

At 9:43 p.m., Acting Chairman Woodard thanked Chief Nix for his report, and the discussion was concluded.

**Inter-municipal Agreement with the City of Marlborough –Marlborough-Sudbury Regional Veteran's District**

At 9:43p.m., Acting Town Manager Bilodeau stated it is being recommended to approve the Inter-municipal Agreement (IMA) with the City of Marlborough to continue the "Marlborough-Sudbury Regional Veteran's District" effective July 1, 2014 through June 30, 2016 and to authorize the Town Manager to sign

agreement on behalf of the Town of Sudbury, contingent upon the Marlborough City Council's approval and that there are no substantial changes to the attached document, as requested by Maureen G. Valente, Town Manager. The Board was previously in receipt of a memorandum from Ms. Bilodeau dated May 12, 2014 and a draft revised Veterans' Services Intermunicipal Agreement.

Ms. Bilodeau stated she recommends the Board approves an extension of our current Veteran's District. She highlighted the only significant changes made were in relation to the dates and a 2.5% increase per month. She also noted the State Department of Veterans' Services has approved the extension of this District for two more years through June 30, 2016.

It was on motion unanimously

VOTED: To approve the Intermunicipal Agreement (IMA) with the City of Marlborough to continue the "Marlborough-Sudbury Regional Veteran's District" effective July 1, 2014 through June 30, 2016 and to authorize the Town Manager to sign agreement on behalf of the Town of Sudbury, contingent upon the Marlborough City Council's approval and that there are no substantial changes to the attached document, as requested by Maureen G. Valente, Town Manager.

### **Three Ad Hoc Committees – Amend Mission Statements**

At 9:45p.m., Acting Chairman Woodard stated it is being recommended to amend the mission statements of three ad hoc committees created by the Board of Selectmen, which have the expiration date of May 2014. The Board was previously in receipt of copies of the mission statements for the Strategic Financial Planning Committee for OPEB Liabilities, the Fairbank Community Center Study Task Force and the Strategic Financial Planning Committee for Capital Funding.

Selectman Brown asked if the second sentence of the third paragraph of the Strategic Financial Planning Committee for OPEB Liabilities Mission Statement should also be revised to reference the 2015 Town Meeting with review of articles by December 31, 2014.

It was on motion unanimously

VOTED: To amend the mission statements of the following ad hoc committees, created by the Board of Selectmen, so that their expiration date will be May 31, 2015 instead of May 31, 2014: 1. Strategic Financial Planning Committee for OPEB Liabilities, 2. Strategic Financial Planning Committee for Capital Funding, 3. the Fairbank Community Center Study Task Force, to request that each Board and committee which sends a member to be part of these committees, notify the Board of Selectmen's Office who shall be representing them for FY15, and further to amend the second sentence of the third paragraph of the Strategic Financial Planning Committee for OPEB Liabilities Mission Statement to reference the 2015 Town Meeting with review of articles by December 31, 2014, as recommended by Selectman Brown tonight.

### **Board Annual Re-Appointments and Accepting Resignations**

The Board was previously in receipt of a listing of annual re-appointments (all of which are subject to acceptance) and the resignations of those who chose not to be re-appointed, dated May 15, 2014, comments from Agricultural Commission Chair Laura Abrams regarding the re-appointment of John Donovan to the Commission, an application for appointment to the Agricultural Commission received from Edward B. Houser, Jr., 24 Pelham Island Road, and a memorandum from Town Manager Valente dated May 16, 2014.

Selectman Simon noted there are three groups as follows, which are appointed by the Town Manager and are not included in the list: Conservation Commission, Historical Commission and Labor Counsel.

Selectman O'Brien questioned if the list is being approved prematurely, because he observed it does not include a lot of confirmations of people's willingness to serve. Acting Town Manager Bilodeau stated this is covered in the proposed motion, noting all re-appointments are subject to acceptance.

Selectman Brown asked if there is a date by which people must inform the Town of their willingness to serve. Ms. Bilodeau stated she is not sure, but that it is assumed people are willing unless the Town is otherwise notified. Selectman O'Brien asked if, in the past, most people who are appointed accept. Ms. Bilodeau stated she believes this is the case.

It was on motion unanimously

VOTED: To approve the annual re-appointments of those listed (all of which are subject to acceptance), to acknowledge the resignations of those who choose not to be re-appointed and to send a letter of appreciation to the resigning volunteers for their service to the community.

#### **NStar – Gift of a Parcel of Land for Conservation Purposes**

The Board was previously in receipt of copies of a memorandum from Director of Planning and Community Development Jody Kablack to Town Manager Valente dated May 16, 2014 and the Memorandum of Understanding between NStar Electric Company and the Town of Sudbury and accompanying exhibits and Quitclaim Deed.

At 9:54 p.m., Acting Chairman Woodard opened a discussion regarding NStar's proposal to gift a parcel of land for conservation purposes. He stated the Board has discussed this proposal previously, noting the donation of this very nice property was negotiated by NStar with the Town.

Selectman Simon clarified the parcel is being received as a negotiated mitigation for a previous NStar conservation violation in Town.

Selectman O'Brien referenced Ms. Kablack's memorandum, noting there was a \$25,000 Community Preservation Act (CPA) appropriation approved in 2009 relevant to this parcel, which should be returned to the CPA general fund. Acting Chairman Woodard stated the Community Preservation Committee typically presents an article at Town Meetings to return unused funds.

It was on motion unanimously

VOTED: To accept a deed, dated April 15, 2014 for a 1.44 a. +/- parcel of land shown as Parcel 0008 on Assessors Map F14, with the address of 85 Lincoln Ln., Sudbury, for conservation purposes in perpetuity as a gift from NStar pursuant to the Memorandum of Understanding between the Town of Sudbury and NStar dated March 28, 2014, as requested by Jody Kablack, Director of Planning and Community Development.

#### **Board of Selectman FY15 Liaison Assignments**

The Board was previously in receipt of copies of a memorandum from Town Manager Valente dated May 5, 2014, regarding pending Sudbury Board of Selectmen Liaison Assignments for 2014-2015 and copies of the Sudbury "Board of Selectmen Liaison Assignments 2013-2014" list.

At 9:58 p.m., Acting Chairman Woodard suggested the Board reviews the list for further discussion at the Board's June 10, 2014 meeting. It was noted Board members should email their preferences for assignments to Patty Golden prior to June 4, 2014.

Selectman Brown asked if Board members should also submit their memberships in other associations. Acting Chairman Woodard stated these should also be submitted to Ms. Golden.

### **Calendar of the Board of Selectman Meetings – Revisions**

The Board was previously in receipt of a memorandum from Town Manager Valente dated May 16, 2014, stating that, due to upcoming Elections, the dates of two Board meetings need to be changed as follows: June 24, 2014 would be moved to Wednesday, June 25, 2014, and September 9, 2014 would be moved to Wednesday, September 10, 2014.

It was on motion unanimously

VOTED: To approve changing the meeting date for two Board of Selectmen's meetings as follows: Tuesday, June 24, 2014 to Wednesday, June 25, 2014, and Tuesday, September 9, 2014 to Wednesday, September 10, 2014, due to conflicts with Town elections on the original Board meeting dates.

### **Reorganization of the Board of Selectman**

It was on motion unanimously

VOTED: To appoint Town Manager Maureen Valente to serve as Clerk to the Sudbury Board of Selectmen.

Acting Chairman Woodard asked for nominations for Chairman of the Board.

Selectman Brown made a motion to nominate Bob Haarde for Chairman, and Selectman Haarde seconded the motion.

Selectman O'Brien made a motion to nominate Selectman Woodard as Chairman, and Selectman Simon seconded the motion.

Acting Chairman Woodard stated he had anticipated this outcome and had asked Town Counsel how to proceed, and he was told discussion on the motions should occur.

Selectman Brown stated that, with the exception of Selectman O'Brien, Selectman Haarde has the most experience on the Board, and she believes he represents a group in Town who feels they have not been heard. She emphasized he has served on the Board for four years, but never as Chairman. Selectman Brown urged the Board to let Selectman Haarde serve the people who elected him.

Selectman O'Brien stated Selectman Woodard has done an admirable job this year on the Board, and has brought his Finance Committee experience to many Board discussions related to capital planning and budgets. He also stated Selectman Woodard has the ability to work with the Town Manager and Town staff, which he believes is important for being effective. Selectman O'Brien stated he believes Selectman Haarde has the ability to do the job, but he has not seen evidence yet that he can develop a good relationship with Town staff.

Selectman Haarde stated he has served twice as the Board's Vice-Chairman, and he is eager to serve as Chairman. He believes he has studied the issues facing the Town, comes prepared to meetings, and he engages in debate. Selectman Haarde stated he believes there are a lot of repressed feelings on issues in Town, and that the Board should lead by example. Otherwise, he believes that, if left alone, bad feelings foster into something much worse. Selectman Haarde stated the Board needs to treat people with respect, and he is ready to do this. He further opined that, he believes Selectman Woodard was too aggressive this year, spoke at times "from the hip," and that he exploited his power. Selectman Haarde stated he believes he could have helped Selectman Woodard this past year, but Selectman Woodard never sought him out. He also stated he was disappointed Selectman Woodard did not "step up" to support Selectman Haarde, and to Selectman Haarde, this does not show leadership. Selectman Haarde stated the Board should not have voted for KENO, and that he was the only Selectman who opposed gambling in Town. He further opined that the Finance Committee controversies were primarily related to proposed capital projects, which Selectman Woodard spearheaded. Selectman Haarde believes Selectman Woodard was active this past year, but that he was not inclusive. He stated the Board needs to be willing to work with Town staff to improve Sudbury's tone, and he is willing to do this. Selectman Haarde further stated he does not believe the Board has ever elected a Chairman with less than one year's experience on the Board. He asked the Board members for their vote.

Selectman Simon stated Selectman Haarde's preceding comments illustrate clearly for him why Selectman Haarde is not able to be Chairman. He further stated he does not have confidence that Selectman Haarde can lead the Board because he is always blaming others. Selectman Simon provided a few examples of this, and of an instance when Selectman Haarde picked up his materials and left a Board Meeting before the Town's business had been concluded. He opined that, leaving a meeting, is not an example of leadership. Selectman Simon stated the Board meetings are not therapy sessions, but rather business sessions. He further stated his observation has been that no one is more fair and more of a gentleman than Selectman Woodard is, and he always allows others to speak. Selectman Simon stated he considered the following items when deliberating tonight's vote: 1) the person respects other Board members, and 2) the person has the ability to see issues objectively and gain the respect of other Board members. He mentioned Selectman Haarde made some snide comments to him a few weeks ago, which he thought were unnecessary and inappropriate, and he opined whether this would be a violation of the Town's code of ethics. Selectman Simon also referred to an incident at the Transfer Station, where Selectman Haarde was yelling at a former Board member.

Selectman Haarde interrupted Selectman Simon to address some of his comments. He stated he never signed a Town code of ethics, and that, yes, he does believe Town Counsel should be fired. Selectman Haarde stated he does not believe gambling is good for Sudbury, and that if it is voted on again, he will walk out of that meeting too.

Selectman Simon asked that he be allowed to finish his comments. Regarding whether, as Chairman, Selectman Haarde would have the ability to work with the Town Manager and Town Staff, he noted the Board was asked to do an evaluation of the Town Manager, and Selectman Haarde gave her substandard rankings in nearly every category.

Selectman Haarde stated he has a right to his own evaluation, and he would welcome the chance at a future meeting to explain the rationale for his rankings and evaluation.

Selectman Simon stated Selectman Haarde's evaluation demonstrates his inability to work with the Town Manager, noting Selectman Haarde said previously tonight that he has a "zero" relationship with her. He opined the comments made tonight by Selectman Haarde make him unfit to serve as Chairman.

Selectman Haarde stated he wants to work through the barriers with the Town Manager and Town staff, and not bury them, or silence them, as he believes Selectman Simon would prefer. He stated he only cares about living in Town and people being nice to him and his family, and that, at the end of the day, we should all be friends and neighbors.

Selectman Simon said to Selectman Haarde that, "no one has poisoned the well in this Town as much as you have."

Acting Chairman Woodard asked both gentlemen to stop their comments.

Selectman Haarde stated the only well that is poisoned is the Melone Gravel Pit.

Acting Chairman Woodard told Selectman Haarde that his last comment was inappropriate and not true. He next asked the Board for a roll call vote regarding the two nominations for Chairman.

It was on motion

VOTED: Three votes for Selectman Charles C. Woodard and two votes for Selectman Robert C. Haarde regarding the election of the Board of Selectmen Chairman as follows: Selectman Patricia A. Brown, (Haarde); Selectmen Lawrence W. O'Brien (Woodard); Selectman Robert C. Haarde (Haarde); Selectman Leonard A. Simon (Woodard); and Selectman Charles C. Woodard (Woodard).

Given the previous contentious discussion, Selectman O'Brien made a motion to table the vote for the Board's Vice-Chairman and give the Board time to deliberate how to move this process forward.

It was on motion unanimously

VOTED: To table the vote for the Board's Vice-Chairman until a future date, which gives the Board time to deliberate how to move this process forward.

#### **American Legion Sudbury Post #191, Inc. – Billiards Table License**

It was on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, to renew a billiards table license for the American Legion Sudbury Post #191, Inc., Spencer R. Goldstein, Manager, 676 Boston Post Road, said license to expire on May 1, 2015.

#### **Minutes**

Selectman Haarde asked why the Executive Session Minutes of April 29, 2014 are not also being voted. Selectman O'Brien stated he has not had time to transcribe them, but he will do so soon.

It was on motion

VOTED: To approve the Regular Session Meeting Minutes of April 29, 2014.

Selectman Brown abstained from the vote.

**Breakaway – Charity Bike Ride**

It was on motion unanimously

VOTED: To grant a special permit for a charity bike ride, Breakaway, on Sunday, June 8, 2014, starting at 7:30 a.m. and ending approximately 3:00 p.m., following a route outlined and submitted, subject to approval of Park and Recreation, Building Dept. and Police Dept. safety requirements, proof of insurance liability coverage and the assurance that all litter will be removed at the end of the race.

**Maguire Equipment Inc. – Award Bid**

It was on motion unanimously

VOTED: To approve the award by the Town Manager to Maguire Equipment, Inc., at the bid price of \$88,714.00, for the purchase and installation of two 4 c.y. trash compactors with customized hoppers, including removal of the existing compactors, and the purchase and installation of one 4 c.y. cardboard compactor with user access component for the transfer station, the Town Manager to execute all documents related thereto, as requested by Bill Place, DPW Director.

**Sudbury D.A.R.E. Program – Donation**

Police Chief Scott Nix stated the intent of this donation is to help expand this successful program, which is currently only offered to fifth graders.

It was on motion unanimously

VOTED: To accept a \$100 check into the Sudbury D.A.R.E. Program account from Haynes School PTO in honor of Officer Rocky Conrado for his dedication to the program, said funds to be expended under the direction of the Town Manager.

There being no further business, the meeting adjourned at 10:29 p.m.

Attest: \_\_\_\_\_  
Maryanne Bilodeau  
Acting Town Manager-Clerk Pro Tem