

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, OCTOBER 14, 2014

Present: Chairman Charles C. Woodard, Selectman Lawrence W. O'Brien, Selectman Robert C. Haarde, Selectman Leonard A. Simon, Vice-Chairman Patricia A. Brown and Town Manager Maureen Valente

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., Chairman Woodard opened the meeting. He reminded residents of the upcoming November Election, noting the deadline to file an absentee ballot is 12 noon on November 3, 2014. The Town Clerk's Office will hold a special Voter Registration Day on October 15, 2014 from 9:00 a.m. to 8:00 p.m. He also announced the Sudbury Cultural Council is inviting non-profit organizations to apply for assistance during its 2014-2015 grant cycle, and more information is available on the Town website.

Reports from the Town Manager

Town Manager Valente announced NStar will be moving a large transformer to the area from out of State. The equipment is expected to arrive in the area on November 3, 2014 and traffic will be blocked after 9:00 p.m. as it travels into position at the NStar substation. She thanked the Public Safety Departments which are helping to coordinate the project, and she stated more details will be forthcoming to the public as the date approaches. Town Manager Valente also stated Veterans' Day events are being planned, and she and the Board have been invited to a ceremony at the American Legion Post at 1:00 p.m. on November 11, 2014. Ms. Valente reported she attended the Finance Committee Meeting last week, where funding needs of the Goodnow Library Board of Trustees was one topic discussed. She also reported Patty Golden and Leila Frank from her office attended a half-day training seminar for the Alcoholic Beverages Control Commission.

Reports from the Board of Selectmen

Selectman Simon attended a Park and Recreation Commission Meeting on September 29, 2014, where plans for Davis Field were discussed. He also attended the Capital Improvement Advisory Committee (CIAC) Meeting on October 1, 2014, where a review of capital projects was presented by Facilities Director Jim Kelly and a presentation was given by Sudbury Greenways founder Andrew Sullivan. On October 6, 2014, he attended a Permanent Building Committee (PBC) Meeting where the Police Station and Nixon School Repair projects were discussed. Selectman Simon also attended an Executive Session meeting of the Sudbury Public Schools (SPS) School Committee.

Selectman O'Brien attended a meeting on the Town Center Improvements Project, where the mast-arm design and other topics were discussed.

Selectman Haarde attended the Park and Recreation Commission Meeting regarding Davis Field where a lot of public feedback was received, and he discussed the proposed project with Town staff representatives. He has also attended a few Lincoln-Sudbury Regional High School Committee Meetings. Selectman Haarde also reported the Vocational Education Options Committee held its first meeting which was very productive.

Vice-Chairman Brown stated she also thought the Vocational Education Options Committee was productive, noting all 14 members were in attendance and subcommittees have already been formed. She also attended the October 6, 2014 Zoning Board of Appeals (ZBA) Meeting. Ms. Brown stated she received an invitation to participate in the HOPEsudbury telethon on November 1, 2014, which she is excited about.

Chairman Woodard attended a Sudbury Historic Districts Committee Meeting, which discussed future Buddy Dog plans. He also attended the Finance Committee Meeting and had a Breakfast Meeting with the Chairman of the Finance Committee.

Citizen's Comments

At 7:44 p.m., Chairman Woodard recognized Sudbury citizen Scott Nassa, 36 Clark Lane.

Mr. Nassa noted that, although he is a SPS School Committee member, he is speaking tonight as a private citizen. He read aloud information from the State's Attorney General's website regarding Open Meeting Law complaints, noting the public body (Board of Selectmen) should review complaints filed and the accompanying deadlines for doing so. Mr. Nassa stated he filed five complaints on September 2, 2014 which to his knowledge have not been reviewed by the public body. He believes that, if the law was not followed, he has been denied due process. Mr. Nassa also believes that, if the law has not been followed, the entire Board has possibly been exposed to potential litigation. Given he does not believe the law was followed regarding his original five complaints, Mr. Nassa presented the Chairman of the Board with two new written complaints tonight. He also asked who directed the actions of Town Counsel.

Chairman Woodard suggested Mr. Nassa should meet with Town Counsel to ascertain what has been done to date and why, noting the Board is advised by Town Counsel in these situations. He stated he would ask Town Counsel to prepare an explanation of what has been done and why.

Selectman Haarde stated he feels as though he also has been denied due process under the law. He believes the public body, i.e., the Board, should respond to the complaints and not Town Counsel. Selectman Haarde believes the Board is open to litigation and that the Chair should rely on the Board's opinion as to how to proceed rather than the opinion of Town Counsel. He further stated that he does not believe the Board's Chairman is empowered to act alone and to instruct Town Counsel on matters, but rather the Board as a whole should review matters.

Chairman Woodard clarified he did not take any independent action, and that he only asked Town Counsel how the situation should be handled.

Vice-Chairman Brown stated she is waiting to see how the process plays out, noting she believes it is now out of the Board's hands. She further stated the Attorney General's Office will either agree or not with Town Counsel's opinion. Vice-Chairman Brown also stated the Board will never know if another approach might have made the complainant less unhappy and avoided the actions which have occurred.

At 7:55 p.m., Chairman Woodard recognized Sudbury citizen Andrew Sullivan, 28 French Road.

Mr. Sullivan referenced a letter he has recently become aware of from May 2014, wherein the Massachusetts Department of Transportation (DOT) rail division stated they had no objections to a recreational trail being built and that the Town could use the salvage value of the rails. He believes this letter is clear in its intent and it is important information the public should know. He also stated he has discussed this information previously with Chairman Woodard, and Chairman Woodard will follow up and get any clarification necessary. Mr. Sullivan referenced a March 2014 blog from Selectman Simon which he believes expressed an opinion that Mr. Sullivan's information was misleading the Town. Mr. Sullivan believes the Mass. DOT letter contradicts Selectman Simon's opinion.

Selectman Simon stated the Board had taken several votes related to the Bruce Freeman Rail Trail (BFRT) and an offer made by the Friends of the BFRT to donate funds towards a Mass. DOT standard rail trail. He stated the letter referred to by Mr. Sullivan was issued long after these prior discussions and votes.

Vice-Chairman Brown noted the letter being referred to was in tonight's agenda packet but it was not on the Town website. She requested that the letter from MassDOT be posted on the Town website, and the chairman concurred.

Selectman Haarde asked if Town Manager Valente had his agenda packet because it was not at the Police Station when he went there today. He suggested, and the Board concurred, that a policy be put in place for the packets to remain at the Police Station.

Chairman Woodard acknowledged Sudbury resident Joe Laferrera, 47 Windmill Drive.

Mr. Laferrera asked when the Melone Property Study Committee will be formed and how many at-large members there would be.

Chairman Woodard explained the Board has not yet voted on the Mission Statement for the Melone Property Committee, and it will advertise for members after it has done so. He also noted there has been a lot of public interest expressed in this proposed Committee.

Sudbury Cable Access Corporation - Discussion and Annual Performance Evaluation

Present: Sudbury Access Corporation (SAC) President Jeff Winston and Executive Director Lynn Puorro and SAC Board members Nancy Brumback, Terry Lockhart, Donna Fayad and Marty Greenstein

At 8:05 p.m., Chairman Woodard welcomed Jeff Winston and Lynn Puorro to the meeting to update the community on the activities of the Sudbury Cable Access Corporation (SAC). The Board was previously in receipt of copies of the "Sudbury Access Corporation FY 2014 Financial & Operating Reports dated October 1, 2014," which provide details on notable accomplishments during the past year, and the "Agreement Between the Board of Selectmen of the Town of Sudbury, Massachusetts, and Sudbury Access Corporation dated November 15, 2011," and the "SAC Asset Inventory 2014" list.

SAC President Jeff Winston introduced fellow SAC Board members Terry Lockhart, Marty Greenstein, Donna Fayad and Nancy Brumbeck who were also in attendance. He stated the SAC contract requires an annual update and report. Mr. Winston stated a highlight of the year was originating a live feed to stream the L-SRHS graduation ceremony.

Executive Director Lynn Puorro stated SAC added new programming this year, including teaching a L-SRHS French class how to use the studio to produce a show in French with subtitles. She believes the students enjoyed and benefited from the experience.

Mr. Winston stated SAC covered many Town and School Committee meetings, the Sudbury Celebrates 375 events, the July 4th events, and many school sporting events and performances.

Chairman Woodard stated Sudbury is fortunate to have the breadth of coverage provided and he commended the SAC work throughout the year.

Mr. Winston stated the work is done well because of the expertise and commitment of its staff, Lynn Puorro, Cliff McGann and Nick Cosky. He also stated it is now possible to measure who is watching shows On Demand.

Chairman Woodard asked what the biggest challenge is for the coming year. Mr. Winston stated some of the equipment is old (circa 2001) and needs to be replaced because it is not always compatible with newer systems. He referred to the Town Hall equipment, noting it may need to be updated even before the building is renovated.

Vice-Chairman Brown asked staff to continue doing the good work they have produced.

Selectman Haarde stated the staff has earned the respect of the Town. He asked why coverage has been lost recently during some Citizens' Comment sections of Board meetings. Mr. Winston explained there have been two video outages, and one was storm-related, and the other was a temporary outage of unknown origin. He further stated steps are being taken to determine if it was the fault of internal or Comcast equipment. Mr. Winston stated the new wireless microphone system implemented at Town Hall has had problems and there has been a learning curve to using the system successfully.

Selectman O'Brien asked if live-feed viewership could be measured. Mr. Winston stated they are working on ways to capture this data.

Selectman Simon commended staff for their excellent work and service to the community.

It was on motion unanimously

VOTED: To accept the "Sudbury Access Corporation FY 2014 Financial & Operating Reports as required by their contract and dated October 1, 2014," and to extend the contract for a three-year term to expire November 15, 2017.

At 8:23 p.m., Chairman Woodard concluded the discussion.

Sudbury Celebrates 375/Sudbury Day Committee - Report

Present: Sudbury Celebrates 375/Sudbury Day Committee Chair Hal Cutler and many Committee members and Sudbury Celebrates 375 volunteers

At 8:22 p.m., Chairman Woodard thanked everyone who participated in the Sudbury Celebrates 375 events and he welcomed several of the volunteers to the meeting.

Sudbury Celebrates 375/Sudbury Day Committee Chair Hal Cutler thanked his Committee members and the following volunteers (many of whom were in attendance tonight) who helped make the events of the past year a success: Committee members Joe Bausk, Lisa Barth, Jaqui Bausk, George Connor, Marilyn Ellsworth, Venk Gopal, Nancy Hamill, Sally Hild, Elin Neiterman, Kirsten Roopenian and Lee Swanson, Old Time Family and Community Fair Subcommittee members Laura Abrams, Sue Rushfirth, Pam Nyangoni, Diana Cebra, Karen Cohen and GetLocalMA founders Kimbie Mikula-Maycock and Debbie Cadogan. He also thanked the Boy and Girl Scout organizations (Venture Crew 1776, Boy Scout Troops 60, 61 and 63 and Girl Scout Troop 75137 and 72484), Lincoln-Sudbury Regional High School students and the many community volunteers, including the SudburyTV staff and the Town staff, who helped to make all the events successful. Mr. Cutler stated they were pleased with the response of the community. He particularly noted the support received from Sudbury's business community, noting the support received from The Wayside Inn, The Graphic Connection, Bartlett's Family Garden and Market, Sudbury Coffee Works and Sudbury Wine and Spirits and the several businesses who advertised in the Committee's program booklet. Mr. Cutler stated the Committee will meet one more time to review its finances and to finalize its report. An

initial review suggests a \$782 profit from the initial \$34,000 budget. Mr. Cutler believes the celebration was worthwhile and helped to raise awareness about the Town's history.

On behalf of the Board and Town, Chairman Woodard thanked all the volunteers for their outstanding work, noting a tremendous amount of organization and commitment is needed to organize events on such a large scale. The Hall applauded the work of the Committee and volunteers.

Special Town Election and Special Town Meeting – Nixon School Roof – Window Repair Project - Discussion

Present: Facilities Director Jim Kelly and Permanent Building Committee Co-Chairman Mike Melnick

At 8:32 p.m., Chairman Woodard opened a discussion regarding a Special Town Meeting and Special Town Election which may need to be scheduled for the Nixon School Roof-Window Repair Project. The Board was previously in receipt of copies of a Town of Sudbury Statement of Interest FY14 (For FY15 Budget) and a draft Warrant article regarding the Massachusetts School Building Authority (MSBA) project for the Nixon School Roof-Window Repair Project.

Permanent Building Committee Co-Chairman Mike Melnick provided a brief update on the project, to replace the roof over the Nixon School cafetorium, the 1960 windows, envelope caulking in the 1990 wing and four exterior doors. He stated the contract would need to be awarded in February 2015 to ensure delivery of the windows and for the work to be done in the summer of 2015. Mr. Melnick stated it is anticipated the MSBA will approve the project on November 19, 2014, and then a Special Town Meeting and a Special Town Election would be need to be held within 60 days. He also noted the full amount of the anticipated project cost of \$600,000 would need to be approved, even though it is anticipated MSBA will reimburse the Town for approximately 36% of this cost.

Facilities Director Jim Kelly stated timing of the schedule for the project is complicated in order to ensure the windows are on site for summer installation. He also highlighted MSBA regulations require that the project be completed within 18 months from the date of invitation receipt, which was June 4, 2014.

Chairman Woodard asked how far in advance the Board would need to call the Special Town Meeting.

Town Manager Valente distributed copies to the Board of a proposed project-related scheduling calendar regarding the Warrant, Special Town Meeting and a Special Town Election.

Selectman O'Brien noted the Warrant would need to be mailed on the same day MSBA will decide on the project. Mr. Melnick and Mr. Kelly stated no problems are anticipated, and the MSBA is likely to approve the project.

Mr. Kelly stated December 3, 2014 is proposed for the Special Town Meeting and that scheduling of the L-SRHS Auditorium in December was challenging. The Special Town Election is proposed for December 9, 2014. He has worked with Town staff and the Town Clerk's Office to establish the proposed dates.

Chairman Woodard asked if funding for the project has been discussed. Mr. Kelly stated the CIAC has reviewed the project, and a few options have been considered. The project will also be discussed with the Finance Committee. Chairman Woodard stated \$600,000 might be too small of an amount to bond. Town Manager Valente stated it might be able to be bonded with the Police Station project. Chairman Woodard stated this information would be helpful for the Board to have for its October 28, 2014 meeting.

Mr. Kelly summarized the items to be repaired at the Nixon School. He emphasized the improvements will make the building much more energy efficient and the MSBA program provides a good opportunity to properly maintain the building asset.

In response to a question from Selectman O'Brien, Mr. Melnick stated the costs for new curtains would also be reimbursed by MSBA at the anticipated 36% rate.

Vice-Chairman Brown noted time should also be planned for an opposition opinion to be prepared for the Warrant.

In response to a question from Selectman Simon, Mr. Melnick explained a security film will be installed on the lower portion of some of the windows for safety purposes.

Mr. Melnick stated work on the new Police Station is expected to begin on October 20, 2014, and a groundbreaking ceremony is being planned.

Sudbury Housing Trust – Sale of Property – 278 Maynard Road

Present: Sudbury Housing Trust Chair and Sudbury Housing Authority Commissioner Lydia Pastuszek

At 8: 51 p.m., Chairman Woodard welcomed Sudbury Housing Trust (SHT) Chair Lydia Pastuszek, 15 Griffin Lane, to the Meeting. The Board was previously in receipt of copies of a memorandum from Ms. Pastuszek dated September 25, 2014 and the Sudbury Housing Trust Declaration of Trust and accompanying illustrations.

Ms. Pastuszek referenced her letter as she provided a brief summary of the project. She noted the SHT charter requires approval by the Board to purchase or sell property. Ms. Pastuszek stated the 278 Maynard Road lot was bought in 2008 and a Comprehensive Permit was issued in 2010, which was amended in September 2014. She stated a sale is anticipated before the end of the year, and that the developer hopes to obtain a building permit soon and start construction immediately. Occupancy is planned for 2015. Ms. Pastuszek stated the SHT is very supportive of the project and it urges approval by the Board.

Selectman O'Brien stated the proposed units will be highly energy efficient. He noted the SHT has worked with neighbors, who are supportive of the proposed layout and configuration of units. Selectman O'Brien stated the project will add three more units to the Town's affordable housing inventory in perpetuity. He also noted the contractor is a good fit for the Town and has very good references.

In response to a question from Vice-Chairman Brown, Ms. Pastuszek explained the SHT voted to put extra money into the project budget in order to make all three units count on the Town's affordable housing inventory.

Selectman Haarde asked how much the property will be sold for and how much the Town paid for it. Ms. Pastuszek explained a package is negotiated with the contractor to build the three units on the assumption the builder will be conveyed the land at a nominal fee. She further stated the Town paid approximately \$275,000 for the property and additional funds for demolition of a dilapidated structure which was on the property. Selectman Haarde further asked for clarification that more funds were also added to the budget to make all the units affordable. Ms. Pastuszek confirmed the SHT voted to allocate approximately \$80,000 more to the budget to bring all three units down to the affordable range.

Selectman Haarde opined the Town is into the property for a lot of money, and he hopes the Town does not anticipate doing another project similarly in the future. Selectman O'Brien summarized the perspective

of the SHT, noting its funding decision falls within the original budget. He further stated it is likely the SHT would look to pursue more of a Habitat for Humanity model in the future.

Selectman Haarde stated he now supports this project, but he noted he does not believe it is a sustainable model for the Town.

Selectman Simon stated he is pleased three units, which are highly energy efficient, are being added to the Town's affordable housing stock.

It was on motion unanimously

VOTED: To approve the sale of property, for a nominal fee, owned by the Sudbury Housing Trust at 278 Maynard Road to Transformations, Inc. (dba 278 Maynard Road LLC) for construction of a three-unit multi-family condominium affordable housing development pursuant to the provisions of the Sudbury Housing Trust Declaration of Trust.

Mass. Central Rail Trail - Discussion

Present: Assistant Planner Jim Kupfer, Director of Planning and Community Development Jody Kablack and Sudbury Greenways founder Andrew Sullivan

At 9:06 p.m., Chairman Woodard welcomed Assistant Planner Jim Kupfer and Director of Planning and Community Development Jody Kablack to the meeting. He stated there is a lot of interest in rail trails, however he cautioned it would be best for the Board to let Town staff coordinate and organize related communications. Selectman Haarde disagreed with what he perceived to be the role of the Selectmen which Chairman Woodard had suggested, stating he believes the Board should be very much involved in what Town staff is instructed to do. Chairman Woodard clarified that he had meant that the Board and Town staff should not duplicate efforts which might result in complicating matters rather than simplifying processes.

Vice-Chairman Brown distributed copies to the Board of email communications dated October 8, 2014 regarding Selectman Simon's attempt to coordinate a meeting with surrounding towns regarding the Department of Conservation and Recreation's (DCR's) advancement of the Mass. Central Rail Trail. She was dismayed that Selectman Simon, who has consistently voted in opposition to all the other members of the Board of Selectmen concerning this project, had attempted to arrange this meeting without informing the Board that he was doing so. She stated she believes Selectman Simon's actions are out of line. Chairman Woodard stated Selectman Simon has conveyed it would not happen again.

The following is a transcript of this discussion:

Brown: Can I just say this is a little ethereal, and this is what we're actually talking about (passes out papers).

Simon: What is this on, please?

Brown: This is your letter to Larry Kiernan, actually.

Woodard: I don't think we need...

Brown: Allow me to say that I really, really have a problem with this. In particular, because we've had discussions about this project and Selectman Simon has been an outlier in his vote prior to Town Meeting, his vote at Town Meeting, his discussions about this. He and the Board have diverged quite

a bit. And to have it discovered—not made known to us, but to have it discovered—that he’s arranging meetings... I just... It’s out of line. And I have a problem with that.

Woodard: And I think we all now understand that, and Mr. Simon has agreed he won’t be doing that in the future, and, to me, that’s the end of the subject. I don’t think we need to belabor it.

Simon: And I conveyed that to the Town Manager.

Woodard: OK, fine.

The Board was previously in receipt of copies of a memorandum from Assistant Planner Jim Kupfer and Director of Planning and Community Development Jody Kablack dated October 10, 2014. Mr. Kupfer stated Town staff reviewed Sudbury Greenways’ proposal to proceed with a design/build model for a 1.8 mile segment of the trail from Union Avenue to Dutton Road, and meetings have been held with BETA and Iron Horse Preservation Society. He further stated an updated cost estimate has been provided for Phase 1, and that the cost estimates for the full-build out of the entire trail need to be further defined. Mr. Kupfer stated the project is conservatively estimated at twice the original design/build model estimate due to several factors including wetlands delineation and permitting, drainage and stormwater and several other items noted. Mr. Kupfer stated staff recommends the Board should decide whether it wishes to phase the project, which would spread the cost over several years and open a portion of the trail in the short-term and that Sudbury Greenways should begin fundraising efforts so that the resource delineation part of the permitting process with the Conservation Commission for the ANRAD can begin, with the Town as the applicant. He further noted the Board must decide the source of funds for the remainder of Phase I and from what fiscal year it will come, if they decide to proceed with the project. An FY16 Capital Project form was submitted for \$160,000, but this will likely need to be increased. It was also noted the project is eligible for Community Preservation Act (CPA) funds. The project could also be phased in over two years. Mr. Kupfer also stated a consultant would need to be hired to develop the design/build specifications and the public would need to be engaged. Mr. Kupfer further stated a compliant procurement process would be followed to hire a firm to design/build the trail to the specifications provided.

Chairman Woodard asked if \$300,000 is an estimate for Phase 1. He also asked why the cost keeps increasing.

Sudbury Greenways founder and Sudbury resident Andrew Sullivan, 28 French Road, distributed copies of a revised engineer’s conceptual cost estimate spreadsheet.

Mr. Kupfer noted the initial conceptual cost of \$160,000 needed to be better defined.

Director of Planning and Community Development Jody Kablack stated a lot of specifications were added by Town staff to be more consistent with the type of project usually completed in Sudbury to be well built and of a high standard. Ms. Kablack emphasized the \$300,000 estimate has not been fully vetted yet and should be considered as a preliminary estimate.

Selectman O’Brien asked for confirmation that the \$300,000 estimate is for the Union Avenue to Dutton Road portion of the trail. Ms. Kablack confirmed it was for the permitting, design and construction of this portion of the trail.

Mr. Sullivan stated the initial estimate of \$160,000 covered DCR mandates, but Town staff added more specifications for safety and other concerns. He also noted the \$300,000 estimate now includes a \$60,000 contingency.

Chairman Woodard stated a design/build project can be more challenging, and he asked who has experience to oversee this type of project for the Town. He also asked if the Town would be the applicant. Ms. Kablack stated Town staff is working closely with DCR, which has allowed some flexibility in the process. She also stated Town staff has recommended the Town be the applicant.

Vice-Chairman Brown stated she is pleased the project is moving forward. She asked if Wayland is using a similar approach with DCR and whether staff has met with other towns regarding the project. Mr. Kupfer stated he has spoken with his peer in Wayland. Ms. Kablack stated staff has also met with DCR regarding the project.

Selectman Haarde stated he is concerned about the cost creep of Town projects as broached by Chairman Woodard, and he believes an eye must be kept on expenses. He further stated he likes the design/build concept approach. Selectman Haarde opined the \$300,000 cost estimate seems like short money to him to provide something residents have wanted for several decades.

Selectman O'Brien asked how much more expensive it would be to get specifications for the entire trail in Sudbury. Ms. Kablack stated staff envisions the entire project as three phases, which she described. One section will have significant wetland issues, another will have several conservation issues and the section considered for Phase 1 will have the least amount of construction constraints.

Ms. Kablack stated staff would also need an inclination from the Board as to whether Community Preservation Act FY16 funding should be pursued. She noted a CIAC FY16 project form was submitted for \$160,000.

Selectman Simon distributed copies of a memo from him to the Board, Town Manager and Planning Department dated October 13, 2014. He stated he is pleased the Planning Department is taking the lead on this project. He noted the cost estimate has nearly doubled from \$160,000 to \$300,000, and for the entire trail it could grow to be a potential \$1 million project. Selectman Simon does not think it is wise to invest tax dollars for a trail that might only be used for a few years before changes are made to it and/or if DCR could pay to build the trail in the future. He emphasized his greatest concern is that there has been no public input on the project, and he supports the coordination of a public meeting specifically devoted to both rail trails. Selectman Simon stated there is a State bill pending related to trails and there is a lot of legislative support. He believes Sudbury should work with other towns to communicate their needs to legislators. Selectman Simon stated he supports all rail trails, but not ones built for the short-term, and which do not have optimum functionality.

Selectman Haarde stated the Town has waited 30 years for a rail trail and he believes the \$300,000 should be spent to construct a useable trail. He encouraged the involvement of Department of Public Works Director Bill Place and other Town staff to help move the project forward. Selectman Haarde agreed with Selectman Simon's recommendation for a Town Forum on rail trails, noting it is important for the Board to hear from citizens.

Selectman O'Brien noted the proposed MCRT Phase 1 would intersect with the Bruce Freeman Rail Trail. He also noted there is an October 31, 2014 deadline to submit a request for CPA funding. He suggested a funding request be submitted as a placeholder while project research continues in a parallel fashion. The consensus of the Board was this was a good suggestion.

Chairman Woodard summarized the questions under consideration for a vote tonight by the Board.

Selectman Simon stated it is not even known yet what the total costs will be for the MCRT Phase 1. He would like more information regarding what type of surface DCR will allow and what other DCR standards must be met. Ms. Kablack stated Town staff has compiled a lot of information. Selectman Simon requested this information be forwarded to the Board for review to then be discussed at a future meeting prior to any vote being taken on Phase 1.

Selectman Haarde agreed with Selectman Simon that no vote should be taken by the Board on Phase 1 prior to a public forum being held.

Selectman O'Brien asked Ms. Kablack and Mr. Kupfer to send the Board information as it is available in an ongoing fashion.

In response to a question from Selectman O'Brien, Ms. Kablack stated it is assumed at this time that approximately \$15,000 would be needed for consultant work on specifications to be funded from some source and that the estimated \$300,000 would be requested from CPA funding.

Selectman O'Brien asked if pursuing this project will jeopardize other Town projects moving forward. Chairman Woodard stated it is possible the Melone Property Study could be put on hold if the rail trail project and redevelopment of the Raytheon site move forward.

Selectman Simon requested a separate motion be considered recommending the Town pursues collaborative approaches with other communities and with State legislators to help DCR obtain funding to construct the MCRT.

Town Manager Valente noted it is part of normal operating procedures for staff to work with, and be aware of, the perspective and goals of surrounding communities. It was the consensus of the Board that a separate motion was unnecessary.

Sudbury resident Terry Snyder, 102 Barton Drive, asked if the surface will be able to be a hard surface so it can be used for wheelchairs and baby carriages. She stated she visited the Danvers one-year old stone dust trail recently and found it was already deteriorated. Ms. Snyder also stated the Council on Aging expressed its preference at the Annual Town Meeting for a hard surface. She asked if Sudbury Greenways will still donate \$15,000 for a hard surface.

Chairman Woodard stated it has been proposed the trail could be completed in two steps, with an initial stone dust surface which could later be paved. He noted the initial surface type does not preclude installation of a hard top surface in the future.

Sudbury resident Dick Williamson, 21 Pendleton Road, stated he is a member of the Friends of BFRT and the MCRT. He believes people will need to decide how much money they wish to put into a temporary trail.

Sudbury resident Dan DePompei, 35 Haynes Road, stated the majority of recreational trails in the country are not paved. He believes the important issue for consideration is whether people want the trail to be environmentally compliant. Mr. DePompei suggested that, if a rail trail is to be pursued, there should be no paving, or only paving where it is appropriate to do so.

Selectman Simon noted it is more difficult to permit a trail under the Town's bylaws than by the State's regulations.

It was on motion

VOTED: To support a phased approach for the Mass. Central Rail Trail to be developed in a design/build fashion and to request Town staff to recommend to the Board funding options for \$15,000 to develop specifications for the Mass Central Rail Trail project and to prepare a funding request, if needed, for the next Special Town Meeting for these funds, to instruct Town staff to prepare a Community Preservation Act FY16 funding request placeholder for Phase 1 of the project in the amount of \$300,000, to coordinate a public forum on rail trail issues prior to January 31, 2015, subject to sufficient funds being raised by Sudbury Greenways for wetland delineation and ANRAD permitting along Phase One of Mass Central Rail and designating the Town as the applicant and project manager.

Selectman Simon opposed the vote.

Bruce Freeman Rail Trail Project – Update

Present: Assistant Planner Jim Kupfer and Director of Planning and Community Development Jody Kablack

At 10:13 p.m., Chairman Woodard asked Assistant Planner Jim Kupfer and Director of Planning and Community Development Jody Kablack to update the Board on the Bruce Freeman Rail Trail (BFRT) project. The Board was previously in receipt of copies of a memorandum from Director of Planning and Community Development Jody Kablack dated October 10, 2014.

Ms. Kablack stated Town staff has additional information to report tonight not included in her previous memo. She stated the Town's requirements were sent to three firms, Greenman-Pedersen, Inc. (GPI), Vanasse, Hangan and Brustlin (VHB) and BETA, and Town staff representatives met with each firm regarding the scope of services prior to proposal submissions. Ms. Kablack stated the proposals have been evaluated and two of them were quite similar, with the BETA proposal being priced significantly higher. She explained BETA does not believe it can lower its price quote, and thus, it has been removed from consideration by staff. Ms. Kablack stated the other two firms are experienced in rail-trail work and have great references. She stated Town staff recommends awarding the contract to VHB, subject to review by Town Counsel, based on the Town's previous work relationship with the firm, which has been very positive. She also noted the firm is currently doing a lot of the Mass. Department of Transportation work in Boston.

Vice-Chairman Brown asked if the firm knows the Town does not have a wetlands delineation. Ms. Kablack stated GPI and VHB were both informed a new survey would be required.

Selectman O'Brien stated he is familiar with VHB and the high quality of its work.

Selectman Simon asked if one of the references called was the Town of Concord and whether Town staff was aware VHB had been fired by Concord, and an additional cost of approximately \$90,000 was incurred for GPI to correct errors made by VHB. Ms. Kablack and Mr. Kupfer stated they did contact Concord and they are aware of what the problems were, and that they are still comfortable with the recommendation to work with VHB. Mr. Kupfer stated Concord took ownership of this particular problem, which involved using aerial topography maps and not on-the-ground survey.

Sudbury resident Dan DePompei, 35 Haynes Road, asked if a list has been finalized for what's included in the contract. Ms. Kablack stated the scope of services has been completed.

Selectman Simon asked how the Board will receive updates/reports. Ms. Kablack stated monthly written updates will be required from the contractors.

Sudbury resident Andrew Sullivan, 28 French Road, asked if the 25% design is intended as a two-year project. Ms. Kablack stated it is.

It was on motion unanimously

VOTED: To authorize the Town Manager to sign a contract with Vanasse, Hangan and Brustlin (VHB) for the Bruce Freeman Rail Trail 25% design, subject to review by Town Counsel.

Board of Selectmen's Draft 2015 Meeting Schedule

The Board was previously in receipt of copies of a Town of Sudbury Draft Board of Selectmen 2015 Schedule.

Vice-Chairman Brown noted she would be not able to attend the September 29 and October 6, 2015 meetings. The consensus of the Board was that scheduling could be reviewed as the time draws closer to better accommodate Vice-Chairman Brown's schedule.

It was on motion unanimously

VOTED: To approve the Board of Selectmen's 2015 Meeting Schedule as reviewed tonight.

Entertainment Licenses – Discussion for Common Victualler Holders for TVs or Radios

The Board was previously in receipt of copies of the "Entertainment License Survey Responses" summary prepared by Leila Frank and an opinion letter prepared by Town Counsel Paul Kenny dated September 19, 2014.

Chairman Woodard referenced Town Counsel's opinion stating he does not believe State law requires the issuance of Entertainment Licenses to Common Victualler holders for TVs or Radios.

Selectman O'Brien stated there would be no negative financial impact for the Town if they were discontinued.

Selectman Haarde stated it seems as if issuance is not necessary.

It was on motion unanimously

VOTED: To discontinue the issuance of Entertainment Licenses to Common Victualler Holders for TVs or Radios.

Sudbury Farms – Request to Extend Sunday Sale Hours of Alcoholic Beverages

The Board was previously in receipt of copies of a letter from Roche Bros. dated October 3, 2014, requesting an extension for its Sunday sale hours of alcoholic beverages from 12 noon to 11:00 p.m. to 10:00 a.m. to 11:00 p.m., the accompanying Alcoholic Beverages Control Commission Application for Change of Hours, and the relevant notification of the change in State law issued September 8, 2014.

Selectman O'Brien stated he has no objection to the request. Selectman Simon concurred, stating Sudbury Farms has always been a good community neighbor.

It was on motion unanimously

VOTED: To approve the application of Sudbury Farms to extend its Sunday sale hours of alcoholic beverages from 12 noon to 11:00 p.m. to 10:00 a.m. to 11:00 p.m.

Strategic Financial Planning Committee for Capital Funding – Amend Mission Statement

The Board was previously in receipt of copies of a memorandum from Town Manager Valente dated October 8, 2014 and an accompanying draft of a Strategic Financial Planning Committee for Capital Funding –Mission Statement amended May 20, 2014 and a second draft of the Mission Statement proposed to be amended October 14, 2014.

Chairman Woodard provided a brief background regarding the genesis for the proposed amendment.

Vice-Chairman Brown questioned whether there is too much duplication of efforts from too many committees, all of which review capital projects.

Chairman Woodard explained the Capital Improvement Advisory Committee (CIAC) will have much larger budgets to review than it did in the past, since the Town is now committed to catching up on its capital project underspending over the past decade. He further stated there seemed to be pieces missing in the past between what the Finance Committee and the CIAC were evaluating, and it is hoped this Committee will address them. Chairman Woodard stated he would rather try to do something new than not do anything at all, noting a sunset clause could be added to the Mission Statement.

Selectman Simon stated he believes the Committee will do beneficial work for the residents.

Town Manager Valente noted that, although the CIAC has focused its attention in the past on prioritizing projects, it has not seen its role as also evaluating funding mechanisms.

Selectman O'Brien stated he believes it is worth establishing the committee for a few years and then the group will be able to determine if its work has had value.

It was on motion unanimously

VOTED: To approve the amended Strategic Financial Planning Committee for Capital Funding Mission Statement as presented on agenda packet pages 109 and 110 and revised tonight to reflect that all appointments shall expire on June 30, 2015 and that a report is to be submitted to the Board of Selectmen prior to June 1, 2015.

Sudbury Public Employee Committee – Memorandum of Agreement – Group Insurance Commission

The Board was previously in receipt of copies of a draft Memorandum of Agreement between the Town of Sudbury and the M.G.L. c. 32B, s.21-23 Sudbury Public Employee Committee (PEC) to Provide Health Insurance Through the Group Insurance Commission for another three year period from July 1, 2015 to June 30, 2018.

It was on motion unanimously

VOTED: To ratify and sign the Memorandum of Agreement between the Town of Sudbury and the Sudbury Public Employee Committee (PEC) to provide health insurance through the Group Insurance Commission for another three year period from July 1, 2015 to June 30, 2018.

Town Counsel Interviews – Discussion and Determination if There is a Need to Interview a Third Candidate

Copies of the relevant Town bylaw, Article VII regarding Legal Affairs, were distributed to the Board tonight. Chairman Woodard summarized this information, noting his interpretation is that three law firms would need to be interviewed by the Board every 36 months when a new Request for Proposal is required. He asked whether the Board would like to interview a third candidate for the position of Town Counsel. He opined that it seems clear to him that it is not a requirement for the current process. He also noted the Town Counsel Search Committee's opinion is that there was not a close next candidate to consider. Thus, Chairman Woodard is not sure a third interview would benefit or have an impact on the eventual result. However, he further stated he is open to whatever the Board decides is the best way to proceed.

Selectman Haarde stated he is not in agreement that a third interview is not required. He believes a new Town Counsel is being sought and the Board should follow its own bylaw. He also believes the Board should not enter into a third interview to just "go through the motions," and it should not be predisposed to the outcome of the interviews.

Selectman O'Brien stated it could be argued the Town received more than three proposals, however, the Board has not heard three oral presentations. He further stated new Town Counsel is being selected and there is a bylaw in place. Thus, Selectman O'Brien stated he supports inviting a third candidate to interview with the Board, and he believes the Board owes it to the community to do so.

Selectman Simon opined that it is clear to him the Board delegated its work to the Town Counsel Search Committee and it complied with its mission, then Town Counsel Kenny resigned, and then the Board asked if the process needed to begin anew. It was decided to rely on the work done by the Search Committee, and thus, he believes it could be argued the Town has technically complied with its bylaw.

Chairman Woodard suggested the Board should choose the conservative approach by inviting a third candidate to be interviewed.

Selectman Haarde stated he believes the Board should not delegate its responsibility for such an important selection which has not been done in the past 36 years.

Vice-Chairman Brown stated her preference for the Board to proceed with scheduling an additional interview.

Chairman Woodard asked each Board member independently to state their first and second choices for which firm should next be invited to interview with the Board. After tallying the votes, he announced there was a tie, with the Miyares & Harrington LLP and Blatman, Bobrowski & Mead firms receiving the same number of points.

Selectman O'Brien had noted that it is possible Blatman, Bobrowski & Mead has represented litigation cases against the Town. Selectman Haarde suggested the firm be asked if there is a conflict of interest.

The consensus of the Board was that both Miyares & Harrington LLP and Blatman, Bobrowski & Mead be invited to interview with the Board on October 28, 2014. The Board also suggested the October 28, 2014

meeting begin at 7:00 p.m. and that the meeting include discussion after the two additional interviews of all four candidates interviewed for the Town Counsel position.

Minutes

It was on motion unanimously

VOTED: To approve the Regular and Executive Session Meeting Minutes of September 23, 2014 and the Executive Session Meeting Minutes of September 10, 2014 and October 7, 2014.

Sudbury Celebrates 375/Sudbury Day Committee - Donation

It was on motion unanimously

VOTED: To accept, on behalf of the Town, donations from Debra and Stephen Galloway, Duck Soup, and George and Melinda Connor totaling \$622 to be used by the Town of Sudbury for the purpose of the Sudbury Celebrates 375/Sudbury Day Committee celebration, and may be used for another similar purpose as authorized by the Board of Selectmen in the event that all funds are not expended at the conclusion of the aforementioned celebration.

Goodnow Library Foundation Inc. – Request for One-Day All Alcohol License

It was on motion unanimously

VOTED: To grant a one-day All Alcohol License to Goodnow Library Foundation, Inc. to accommodate an October Gala Fundraiser on Saturday, October 25, 2014 from 6:00 p.m. to 11:00 p.m. at Goodnow Library, 21 Concord Road, subject to the use of a TIPS-trained bartender and receipt of a Certificate of Liability.

Executive Session

At 11:26 p.m., Chairman Woodard announced the close of the regular meeting and it was on roll call unanimously

VOTED: To go into Executive Session to consider approval of Executive Session Meeting Minutes, Chairman Charles C. Woodard, aye, Vice-Chairman Patricia A. Brown, aye, Selectman Robert C. Haarde, aye, Selectman Lawrence W. O'Brien, aye, and Selectman Leonard A. Simon, aye.

Chairman Woodard announced regular session would not reconvene following Executive Session.

There being no further business, the meeting adjourned at 11:26 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk