

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, FEBRUARY 10, 2015

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

Absent: Selectman Robert C. Haarde

The statutory requirements as to notice having been complied with, the meeting was convened at 7:32 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:32 p.m., Chairman Woodard opened the meeting. He stated he spoke with State Representative Carmine Gentile who informed him of actions being taken at the State level to help communities deal with the recent storms. Towns will be reimbursed by the Federal government for some funds spent. Chairman Woodard stressed how important it is to help clear fire hydrants for everyone's safety.

Reports from the Town Manager

Town Manager Valente emphasized the importance of citizens helping to clear fire hydrants. She also mentioned a successful program which encourages children to adopt hydrants and to help clear them. Ms. Valente stated the Town will be submitting a request for National Guard assistance and for additional salt supplies. She stated it would be very helpful if the Federal government reimburses the Town 75% of the costs for the recent blizzard. Ms. Valente explained the snow and ice account can be deficit-spent, and she explained to the Finance Committee last week that, as of February 3, 2015, there was only \$7,000 left in the snow budget. She thanked the employees of the Department of Public Works (DPW) and the Public Safety Departments for their long hours spent to keep Sudbury's citizens safe. She noted the Town is low on salt and on diesel fuel. Town Manager Valente noted the storms have made it difficult to continue business at a very busy time of year.

Reports from the Board of Selectmen

Selectman Simon thanked the DPW and Public Safety staffs for their work to keep the roads clear. He attended a Finance Committee meeting on February 5, 2015 and a Sudbury Housing Authority meeting earlier tonight.

Selectman O'Brien attended a Sudbury Housing Trust meeting this morning regarding its Maynard Road project.

Vice-Chairman Brown attended a breakfast meeting of the Minuteman District School Committee. She stated the Vocational Educational Options Committee report which is posted online was referenced favorably at the meeting. Vice-Chairman Brown also attended a Court of Honor Ceremony for Troop 63, which she enjoyed. Due to the storms, she and Selectman Simon postponed Board of Selectmen Office Hours. Vice-Chairman Brown stated she has been in communication with the Harvard Mediation Program sponsored by Sudbury's Clergy group. Other Board members stated they also have been in communications with Program representatives.

Citizen's Comments

At 7:47 p.m., Chairman Woodard announced there were no Citizen's Comments requested tonight.

Town Counsel – Policy for Accessing Services and Open Meeting Law Training

Present: Town Counsel Barbara Saint Andre

At 7:48 p.m., Chairman Woodard welcomed Town Counsel Barbara Saint Andre to the meeting to discuss the proposed policy for accessing Town Counsel services and Open Meeting Law training for all Town boards and committees. The Board was previously in receipt of copies of the “Policy on Access to Town Counsel and Confidentiality of Attorney-Client Communications.” Chairman Woodard stated he has been very pleased with Ms. Saint Andre’s work to date. He explained the proposed policy will help the Town understand who can access Town Counsel’s services and what the protocols should be so as to maximize the Town’s results.

Selectman O’Brien asked for clarification regarding items 1 and 3 in the draft Policy. He also asked if board and committee members could call Town Counsel to discuss something without necessarily requesting a written opinion.

Ms. Saint Andre stated a response can often depend on how a question is asked. Thus, she believes it is best for questions to come through a board/committee Chair so everyone knows what is being asked and answered.

Vice-Chairman Brown asked for clarification regarding item #8 of the draft. Town Manager Valente stated the intent is to provide Town Counsel enough lead time to work with the petitioner. Selectman O’Brien suggested better defining where petition articles should be submitted and the timeframe for doing so. Town Manager Valente suggested, and the Board concurred, that it be revised to submit the articles to the Board of Selectmen’s Office which will forward them to Town Counsel for review.

Selectman Simon asked if the review of petition articles is mandatory. Ms. Saint Andre stated it is not.

Selectman Simon asked if there are other policy outlines for how other towns access Town Counsel. Town Manager Valente stated she used an example from Framingham as a resource, but that most towns have an informal process.

Selectman Simon suggested, and the Board concurred, that the word “infrequently” in the second to the last sentence of item 1 of the draft be better defined. He noted the draft does not seem to clearly define the protocol for someone calling Town Counsel. Chairman Woodard concurred, stating there might be times when he might need guidance quickly regarding setting an agenda or running a meeting. Town Manager Valente stated an item could be added to the draft to capture this type of communication.

Selectman Simon asked for clarification regarding what communications can be discussed publicly given attorney client privileges. Ms. Saint Andre stated the Board of Selectmen can determine if it wants a Town Counsel confidential communication to be made public. A brief discussion ensued regarding whether another board or committee could waive the attorney-client privilege for their own confidential communications. Ms. Saint Andre stated she would not recommend any other body other than the Selectmen be allowed to waive the attorney-client privilege.

Selectman O’Brien stated it is easier to loosen a policy once it is in effect rather than to tighten it.

Vice-Chairman Brown stated she believes the Board should support the recommendations of the new Town Counsel, and she hopes the policy will be generally accessible.

Selectman O'Brien suggested, and the Board concurred, that item #10 of the draft policy be revised to better define which employees are included.

Selectman Simon suggested, and the Board concurred, that item #11 of the draft Policy be revised to reflect the requests are for prospective Open Meeting Law questions.

Chairman Woodard suggested, and the Board concurred, that the draft Policy be revised to reflect tonight's discussion and revisions, and that it be reviewed for adoption at the Board's February 24, 2015 meeting.

Open Meeting Law Training

Town Counsel Saint Andre stated she is working with the Town Manager's Office to coordinate a date to conduct an Open Meeting Law Training Seminar possibly in March for the Selectmen and two School Committees.

Town Manager Valente will email the Board potential dates when they are available.

Political Signs on Town Property – Discussion

At 8:34 p.m., Chairman Woodard opened a discussion regarding the request received from Sudbury resident Don Chauls regarding political signs on Town property. The Board was previously in receipt of copies of a memorandum from Town Manager Valente dated February 6, 2015, a letter from Don Chauls dated October 2014 and a confidential email from Town Counsel Saint Andre dated January 16, 2015.

It was on motion unanimously

VOTED: To make public the email from Town Counsel Saint Andre to Town Manager Valente dated January 16, 2015 regarding political signs on Town property.

Town Manager Valente read aloud a portion of Mr. Chauls' letter requesting that political signs be allowed to be posted on Town property.

Chairman Woodard read aloud from Town Counsel Saint Andre's opinion regarding the request stating she believes State campaign finance laws prohibit the use of public resources for political purposes.

Selectman Simon stated Town Counsel presented her position well as to why this should not be adopted by Sudbury as a policy. Chairman Woodard concurred.

Sudbury resident Bob May, 98 Maynard Farm Road, suggested the public may not be aware of how Town property is being defined, and he urged the Board to clarify this. Town Manager Valente explained it typically encompasses traffic islands and Town-owned buildings.

It was on motion

VOTED: To confirm the existing policy that political signs are not allowed to be posted on Town property and to request that the Town Manager memorialize this vote in a memorandum.

Selectman O'Brien opposed the vote.

Veterans' Tax Workoff Program and Senior Tax Workoff Program – Requested Increase

Present: Sudbury Council on Aging (COA) Director Debra Galloway and COA member Bob May

The Board was previously in receipt of copies of a memorandum from the Sudbury Council on Aging dated December 15, 2014.

Sudbury Council on Aging (COA) Director Debra Galloway summarized the successful Senior Tax Workoff and Veterans' Tax Workoff programs. She noted there is a waiting list for the Senior Tax Workoff program, and many Town offices utilize these services.

Vice-Chairman Brown asked if these are local or State programs. Ms. Galloway stated they are State laws which towns can adopt, and Sudbury did so in the past.

Chairman Woodard stated he supports these as programs which benefit senior citizens staying in Sudbury.

COA member Bob May emphasized the Town departments benefit as much as the citizens do from the programs.

Town Manager Valente stated these positions satisfy a void which would otherwise not be filled in the Town departments.

It was on motion unanimously

VOTED: To approve an increase in the annual senior tax workoff amount from \$800 to \$900 per year, and to also approve moving 10 slots from the Veterans Tax Workoff program to the Senior Tax Workoff program, as recommended by Debra Galloway, COA Director.

FY15 Council on Aging Revolving Funds – Request for Temporary Increase

Present: Sudbury Council on Aging (COA) Director Debra Galloway and COA member Bob May

The Board was previously in receipt of copies of a memorandum from Sudbury Senior Center Director Debra Galloway dated January 5, 2015.

Ms. Galloway explained the Fund collects fees for programs to use for future programming.

Chairman Woodard explained the annual collection of fees has increased due to an increase in programming.

Town Manager Valente stated if an increase is needed mid-year, the request must be brought to the Board of Selectmen for approval and then a new base is voted for the following year at the next Town Meeting.

It was on motion unanimously

VOTED: To approve a temporary increase in the FY15 Council on Aging Revolving Funds Account from \$35,000 to \$50,000, due to new classes being offered at the Senior Center, as requested in a memo dated January 5, 2015, by Debra Galloway, COA Director.

Metro West Regional Transit Authority – Accept Wheelchair-Accessible Van

Present: Sudbury Council on Aging (COA) Director Debra Galloway and COA member Bob May

The Board was previously in receipt of copies of a memorandum from Sudbury Senior Center/Council on Aging Director Debra Galloway dated January 20, 2015.

Ms. Galloway explained an eight-passenger 2007 van will be replaced with a new 12-passenger van from the MetroWest Regional Transit Authority.

Selectman O'Brien noted this is a gift of an approximate \$60,000 vehicle for the Town's use.

Town Manager Valente and the Board thanked Ms. Galloway for her regional work on behalf of Sudbury's transportation needs.

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a new wheelchair-accessible van, applied for by MetroWest Regional Transit Authority, and purchased by Mass. Dept. of Transportation, as requested by Debra Galloway, Council on Aging Director in a memo dated January 20, 2015.

Town Budget – Town Manager Presentation

The Board was previously in receipt of copies of the slides from the Budget Hearing with the Finance Committee on February 5, 2015 and the FY16 Preliminary Budget and Financing Plan.

Town Manager Valente stated the goal is to prepare a sustainable Town budget. She reviewed areas where the Town had financial progress, including health insurance reform, combined dispatch services and the launch of Town Advanced Life Support services. Ms. Valente also reviewed areas where the Town faces challenges regarding maintaining facilities, DPW vehicles, failing culverts, energy costs, responding to senior citizens' needs, stormwater permit requirements and maintenance of the old and new Police Stations.

Town Manager Valente summarized three budgets (a 2%, 2.5% and a level-services budget) presented to the Finance Committee. She stated a 2.5% budget keeps within a level of growth year over year which is generally possible without a tax override. This would result in a \$533,911 increase over FY15, and the funds would primarily cover salaries and benefits. Ms. Valente stated a 5% increase assumption was used for benefits, noting the Group Insurance Commission (GIC) figures will not be available until March. She encouraged the Board to review additional details in the Budget Book. Ms. Valente stated the level-services budget targets a few critical areas for the Goodnow Library, streets and roads, combined facilities, conservation and some miscellaneous areas. This budget equates to \$623,520 over the FY15 budget. Ms. Valente states the 2% budget request is for \$427,732 over the FY15 budget, and this budget would reduce funds for the Police and Fire Departments, streets and roads, combined facilities and a few miscellaneous areas. She also referenced the information regarding Town staffing levels on page 12 of her slides. Ms. Valente also mentioned the Supplemental Budget request made regarding the Other Post-Employment Benefits (OPEB), which would be approximately \$496,800 for all three cost centers based on \$675 per eligible employee.

Selectman Simon thanked Ms. Valente for the well thought out and comprehensive budget information.

Vice-Chairman Brown asked whether Chapter 90 funds are included in the budget. Town Manager Valente explained those funds are a State grant program which go directly to the Department of Public Works.

Selectman O'Brien urged citizens and anyone running for elected offices to look at the Budget information on the Town website. He thanked Town Manager Valente for the excellent financial guidance she has provided in her tenure. Selectman O'Brien emphasized strong financial acumen will be a critical criterion for the Town as it selects a new Town Manager.

Chairman Woodard stated the budget information provided illuminates clearly where and how the Town money is spent. He further stated the Town has been very fortunate to have outstanding financial management from Ms. Valente for so long. Chairman Woodard stated the Board will have a joint meeting with the Finance Committee at its February 24, 2015 meeting.

It was noted the level-services budget requests and the Supplemental Budget Requests for OPEB are exceeding expected revenues for all three cost centers.

FY16 Capital Budget and Articles – Town Manager Presentation

The Board was previously in receipt of copies of two memoranda from Town Manager Valente dated January 29, 2015 and February 6, 2015 and a chart of all the capital projects submitted for consideration at the 2015 Annual Town Meeting.

Town Manager Valente referenced her memo to the Board and the Finance Committee on page 69 of the Budget Book. She stated she developed an operating budget for proposed capital expenditures for items which do not exceed \$50,000 in a single year or are over \$100,000 for multiple years. Ms. Valente worked with representatives from the two school systems and the Town Department Heads. She summarized the final requested budget is for \$392,750 for nine projects, and she urged support of the Board. Town Manager Valente summarized the projects as including, Curtis Door Replacement and Repairs (\$40,000) Haynes and Curtis Septic Pump and Controls (\$40,000), Nixon Hot Water Heater Replacement (\$25,000), Noyes Phone System (\$25,000), Town Various Building Improvements (\$50,000), Replace two one-ton pickup trucks (\$90,000), MUNIS financial software (\$10,425 and \$22,325), radio box upgrades (\$50,000) and Feeley Tennis Courts (\$40,000). She further stated she will present this information at the Capital Improvement Advisory Committee (CIAC) on February 12, 2015. Town Manager Valente briefly reviewed the spreadsheet of CIAC reviewed projects, noting three projects (fuel storage replacement, the Atkinson Pool roof and envelope and the Mass. Central Rail Trail Phase 1) were not recommended for FY16 approval.

Chairman Woodard stated the work of the Strategic Financial Subcommittee on Capital Spending this year helped with the budget process.

Selectman Simon stated it is good to note the capital projects are vetted by several Town committees. Chairman Woodard concurred, stating the process established seems to be working well.

Annual Town Meeting Articles – Accept and Refer Zoning Bylaw Amendments & Street Acceptance Articles

The Board was previously in receipt of copies of a draft list and articles submitted for the 2015 Annual Town Meeting Warrant. In addition, copies of a revised list of articles submitted for the 2015 Annual Town Meeting Warrant dated February 10, 2015 and the draft articles received were distributed tonight.

Town Manager Valente stated these were the articles received by the February 2, 2015 deadline for the Warrant, and that numbering is not yet final. She noted Town Counsel will need to conduct a legal review of all the articles. Town Manager Valente stated the Board is being asked for a pro-forma vote tonight to accept the articles submitted. She also stated the Board is required to refer any zoning-related articles to the Planning Board.

Chairman Woodard stated the Board is only considering accepting the articles which were submitted and it is not endorsing the articles at this time.

It was on motion unanimously

VOTED: To refer zoning-related Article #43 as noted on the listing below, to the Planning Board for a Public Hearing.

It was also on motion unanimously

VOTED: To accept the Annual 2015 Town Meeting Warrant articles submitted by February 2, 2015, as noted on the February 10, 2015 listing below which was reviewed tonight:

- #1 - Hear Reports
- #2 - FY15 Budget Adjustments
- #3 - Stabilization Fund
- #4 - FY16 Operating Budget
- #5 - FY16 Transfer Station Enterprise Fund Budget
- #6 - FY16 Pool Enterprise Fund Budget
- #7 - FY16 Recreation Field Maintenance Enterprise Fund Budget
- #8 - Unpaid Bills
- #9 - Chapter 90 Highway Funding
- #10 – Real Estate Exemption
- #11 - Town/School Revolving Funds
- #12 – Establish Public Health Vaccinations Revolving Fund
- #13 – Establish Special Stabilization Fund – Former Melone Property
- #14 – Rolling Stock Stabilization Fund
- #15 - Funding of the Energy Savings Program Stabilization Fund
- #16 – Use of Energy Savings Programs Stabilization Fund
- #17 – Establish Special Revolving Fund – Town-owned Synthetic Turf Fields
- #18 – FY16 Operating Capital Budget
- #19 – Cardiac Monitor Replacements
- #20 – Carpet Replacement – School and Library
- #21 – Natatorium Roofing
- #22 – Fire Alarm System Upgrade – LSRHS
- #23 – Town and Schools Parking Lots, and Sidewalks Improvements
- #24 – School Security and Access Controls
- #25 – School Classroom Flooring Replacement
- #26 – School Rooftop HVAC Unit Replacement
- #27 – DPW Rolling Stock Replacement
- #28 – Cutting Athletic Field Lighting
- #29 – Capital Account
- #30 – Re-purpose School Capital Articles
- #31 – Re-purpose Non CPA Capital Articles

- #32 – Adopt M.G.L. 32B, Section 20 Other Post-Employment Benefits (OPEB) Liability Trust Fund
- #33 – Post-Employment Health Insurance Trust Fund
- #34 – Special Act –Dedication of Local Meals Tax Revenue to other Post-Employment Benefits (OPEB)
- #35 – Special Act – Extension of Means Tested Senior Tax Exemption Program
- #36 – Town of Sudbury Bylaws – Art. V.3, Regulation of Dogs
- #37 – Disposition of Existing Police Station, 415 Boston Post Road
- #38 – Amendments to the Regional School District Agreement of the Minuteman Regional Vocational School District
- #39 – Minuteman Regional Vocational Technical High School – Accept Amendments
- #40 – MMRVTHS
- #41 – MMRVTHS – Withdrawal
- #42 – Town Wide Electric Aggregation
- #43 – Amend Zoning Bylaw, Article IX – Site Plan Authority Change from Selectmen to Planning Board –
REFERRED TO PLANNING BOARD
- #44 – Grant of Perpetual Restrictions – CPA Land Purchases
 - Community Preservation Fund – Weed Removal
 - Community Preservation Fund - Sudbury Housing Trust 10% Allocation
 - Community Preservation Fund – Town-wide Walkways
 - Community Preservation Fund – Historic Projects
 - Community Preservation Fund – Davis Field Improvements
 - Community Preservation Fund – Town Center Landscaping
 - Community Preservation Fund - Amend Article 26 ATM 12 – Historic Projects
 - Community Preservation Fund – FY16 CPC Budget
 - Petition Articles – Walkways – Resolution
 - Greenway Rail Trails
 - Greenway Rail Trails
 - Refinements to Senior Property Tax Reliefs

Town Meeting and Town Election Warrant Schedules – Review

The Board was previously in receipt of copies of a draft 2015 Warrant Schedule Calendar prepared by Patty Golden.

Town Manager Valente reviewed the upcoming Warrant timeline referenced in the calendar.

Special Town Election for Capital Exclusions – Discussion and Possible Vote

Town Manager Valente stated she is unaware of any capital exclusion articles at this time to be considered for the March Town Ballot.

Chairman Woodard stated he believes discussion at the Annual Town Meeting on capital exclusion articles should precede consideration of those same articles at a Town Election. He noted a Town Election must be called at least 35 days after the Town Meeting. Thus, Chairman Woodard recommends deciding now and planning accordingly to schedule a Town Election soon after the Annual Town Meeting.

Selectman Simon stated the position presented by Chairman Woodard seems logical. Vice-Chairman Brown concurred, stating the public is most informed following the Annual Town Meeting. Selectman O'Brien supported Chairman Woodard's recommendation.

Town Manager Valente stated it is possible a Town Election could be called the week of May 18, 2015, which means it would need to be called 35 days prior which would be by the Board's April 7, 2015 meeting.

The consensus of the Board was to request the Town Manager preliminarily work with the Town Clerk to schedule a Town Election for the week of May 18, 2015.

Interim Town Manager – Appointment

At 9:50 p.m., Chairman Woodard opened a discussion regarding appointing an Interim Town Manager. It is recommended Assistant Town Manager Maryanne Bilodeau be appointed as the Interim Town Manager. Chairman Woodard stated this is a good recommendation for the Town, given there is not a lot of time before Town Manager Valente leaves and Ms. Bilodeau has expertise with the Town's issues.

Selectman O'Brien stated it is important to keep the momentum of the Town's work moving forward, and Ms. Bilodeau can best do this in a short amount of time.

Chairman Woodard stated continuity of service is important.

Selectman Simon stated it is important the Town nurtures talent from within who are able to step in during these types of circumstances.

Vice-Chairman Brown asked what the back-up plan will be to complete Ms. Bilodeau's current responsibilities, since it is unlikely leading into Town Meeting that she could continue to do her current job while also assuming the responsibilities of Town Manager.

Town Manager Valente stated it will be the first challenge of the Interim Town Manager to decide how the workload can best be handled. It was noted the Board's responsibility is to appoint the Interim Town Manager and then it is this person's responsibility to hire and coordinate their staff.

It was on motion unanimously

VOTED: To appoint Assistant Town Manager Maryanne Bilodeau as Interim Town Manager, subject to the negotiation of a contract.

Interim Town Manager – Appointment and Establish Subcommittee to Negotiate Contract

It was on motion unanimously

VOTED: To appoint Chairman Woodard and Vice-Chairman Brown to represent the Board of Selectmen on a subcommittee to negotiate a contract with Interim Town Manager Maryanne Bilodeau.

Town Manager Search Process – Preliminary Discussion

At 10:00 p.m., Chairman Woodard opened a discussion regarding the search process for a new Town Manager due to the resignation of Town Manager Valente effective February 27, 2015. He suggested the majority of the search process would likely occur after the Annual Town Meeting. Chairman Woodard asked if the current Board should prepare a Request for Proposal (RFP) for an Executive Search firm to work with and assist the new Board which will be elected on March 30, 2015.

Town Manager Valente distributed copies to the Board of a spreadsheet she prepared regarding the recruitment process steps needed to hire a new Town Manager. She encouraged the Board to think about the tasks required and how much time each one will need.

Chairman Woodard thanked Town Manager Valente for her thorough preparation of materials for the Board's review. He stated having a new Town Manager hired by the end of September 2015 would be a great result for the Town. Chairman Woodard asked for Town staff to check with other communities for similar examples of RFPs to use as models to prepare a draft RFP for Sudbury.

Selectman O'Brien opined that the newly elected Board could possibly participate in the process as of the Board's April 7, 2015 meeting.

Vice-Chairman Brown opined that she believes it is important for the Board to be elected in March to be involved in the process, regarding many issues, including what the RFP will look like, how the RFP will be evaluated and how the Executive Search firm will interact with the Town.

Chairman Woodard suggested, and the Board concurred, that the current Board should begin to collect examples of RFPs.

Selectman Simon believes it would be best for the current Board to develop the RFP to avoid losing time in the process.

Town Manager Valente suggested a draft RFP could be prepared for review at the Board's February 24, 2015 meeting. She also stated the Board might want to consider if it wants to interview a few Executive Search firms at its April 7, 2015 meeting.

Sudbury Cultural Council – Appointment

It was on motion unanimously

VOTED: To appoint Carole Bauer, 35 Blacksmith Drive, to the Sudbury Cultural Council for a term to expire October 30, 2018, as requested by Ellen Gitelman, chairman.

Minutes

Vice-Chairman Brown distributed copies to the Board of revisions to be made to page 4 of the Sudbury Rails to Trails Forum January 22, 2015 Minutes.

It was on motion unanimously

VOTED: To approve the minutes of the January 22, 2015 Rails to Trails Forum, as amended tonight.

Executive Session

At 10:28 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 conduct a strategy session in preparation for negotiations with nonunion personnel (Interim Town Manager) and not to return to Open Session but to adjourn in Executive Session, and the Chair so declared to have the discussion in open session would have a detrimental effect on

the public body's negotiating position, Chairman Charles C. Woodard, aye, Vice-Chairman Patricia A. Brown, 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 10:29 p.m.

Attest:



Maureen G. Valente
Town Manager-Clerk