

IN BOARD OF SUDBURY SELECTMEN  
THURSDAY, OCTOBER 6, 2015

Present: Vice-Chairman Susan N. Iuliano, Selectman Charles C. Woodard, Selectman Robert C. Haarde, Selectman Leonard A. Simon, and Interim Town Manager Maryanne Bilodeau

Absent: Chairman Patricia A. Brown

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

**Opening Remarks**

At 7:30 p.m., Vice-Chairman Iuliano opened the meeting. She stated she will Chair tonight's meeting due to Chairman Brown being out of town. Vice-Chairman Iuliano announced the Town Forum will be held on November 9, 2015, in the Goodnow Library Community Room, from 7:00 – 9:30 p.m. She also announced the Town's mandatory non-essential water restriction has been lifted as of October 1, 2015. Vice-Chairman Iuliano also announced Board of Selectmen's Office Hours will be held on October 28, 2015 from 9:00 a.m.- 10:00 a.m. in the Silva Conference Room of the Flynn Building, with Selectmen Haarde and Woodard in attendance. She also announced Town Moderator Michael Fee will hold a forum on October 27, 2015 from 7:00 p.m. to 9:00 p.m. in the Silva Conference Room of the Flynn Building to discuss potential improvements to the Town Meeting process.

**Reports from the Interim Town Manager**

Interim Town Manager Bilodeau stated Town Hall and Flynn Building Offices will begin a new work schedule in November 2015. Offices will be open until 7:00 p.m. on Tuesday, and they will close at 12:30 p.m. on Fridays. Monday, Wednesday and Thursday hours remain the same.

**Reports from the Board of Selectmen**

Selectman Woodard stated he attended four Executive Session meetings regarding the Town Manager contract. He also attended the Budget Strategy Task Force Meeting on September 16, 2015 and a Finance Committee Meeting on September 28, 2015. The Task Force has discussed its work researching alternative ways to possibly change the budget process to allocate limited budget funds to the Town's three cost centers. Selectman Woodard also participated in a Sudbury Historical Commission site visit of the Loring Parsonage, a Council on Aging Meeting and the site visit today to the proposed Villages of Sudbury Station development, which will be discussed later tonight.

Selectman Simon attended Executive Session Meetings regarding the Town Manager contract and he and Vice-Chairman Iuliano conducted Office Hours on September 21, 2015. During the Office Hours, he stated residents broached questions regarding the proposed cell tower construction at the Department of Public Works (DPW) building site as they also did at a Zoning Board of Appeals (ZBA) Meeting last night. He also participated in the Loring Parsonage tour and today's Sudbury Station site visit. Selectman Simon stated he has also had discussions with the Vice-Chairman of the Town Hall Blue Ribbon Committee. He further reported he has spent substantial time following developments regarding Minuteman Regional Vocational High School's plans for a new facility. Selectman Simon stated he will present a more complete update later tonight so residents can be aware of potential articles for the Annual 2016 Town Meeting.

Selectman Haarde stated he was busy with the Executive Sessions regarding the negotiations for the Town Manager contract and other employee groups. He also participated in the Loring Parsonage tour and today's Sudbury Station site visit and a recent Budget Strategy Task Force Meeting.

**Citizen's Comments**

At 7:39 p.m., Vice-Chairman Iuliano announced no citizens had requested time for comments tonight.

**Town Manager Contract – Vote to Approve and Ratify**

Present: Town Manager Finalist Melissa Murphy-Rodrigues

At 7:52 p.m., Vice-Chairman Iuliano opened a discussion regarding whether to approve the Town Manager Contract between the Town of Sudbury and Melissa Murphy-Rodrigues, and to ratify the vote taken in Executive Session. The Board was previously in receipt of copies of the draft "Employment Agreement Between the Town of Sudbury and Melissa Murphy-Rodrigues The Town Manager." She explained the Board has discussed the contract terms in Executive Session and Selectmen Haarde and Woodard conducted the negotiations, on behalf of the Board.

Selectman Haarde stated a new Town Manager contract was voted by the Board in Executive Session. He noted this is an important event for the Town because it was last done 15 years ago, and this time the Town has decided on an external hire. Selectman Haarde highlighted a new contract template was provided by the Town's recruitment consultant MRI, Inc., which has stark differences from ones used in the past. He summarized the terms of the contract, noting the total compensation package is \$157,500, which is comprised of a base salary of \$150,000, a \$5,500 annual vehicle allowance, and a \$2,000 annual reimbursement toward the cost of life and/or disability insurance. Selectman Haarde stated the contract is reflective of the current market, and comparative analysis of other communities was reviewed. He further noted the salary for the position had been advertised at \$165,000.

Selectman Simon stated he had expressed his opinions of the three Town Manager finalists a few weeks ago, and he voted along with the Board's choice of Ms. Murphy-Rodrigues. However, in the Executive Sessions, Selectman Simon stated he voted in opposition to the contract package decided upon, and he feels obliged to consistently do so tonight. He emphasized his vote tonight will not be in opposition to the choice of Ms. Murphy-Rodrigues, but rather the contract package offered. Selectman Simon also acknowledged the work done by the Board's negotiation subcommittee.

Selectman Haarde stated this will be a three-year contract, which includes a six month severance clause. It was noted the contract start date is November 1, 2015.

It was on motion

VOTED: To approve the Town Manager Contract between the Town of Sudbury and Melissa Murphy-Rodrigues, and to ratify the vote taken in Executive Session.

Selectman Simon opposed the vote.

Sudbury's new Town Manager Melissa Murphy-Rodrigues was in attendance, and she thanked the Board and Interim Town Manager Bilodeau for their support. She stated she looks forward to working with everyone in Town.

Vice-Chairman Iuliano congratulated Ms. Murphy-Rodrigues, noting the Board will try to help with making it a smooth transition for her.

Selectman Haarde stated Ms. Murphy-Rodrigues has been great to work with through the negotiation process. He also stated Ms. Murphy-Rodrigues' references gave glowing reports.

**Sudbury Cable Access Corporation - Discussion and Annual Performance Update**

Present: Sudbury Access Corporation (SAC) President Jeff Winston and Executive Director Lynn Puorro

At 8:00 p.m., Vice-Chairman Iuliano 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 2015 Financial & Operating Reports dated October 1, 2015," which provide details on notable accomplishments during the past year, the "Sudbury Access Corporation Reviewed Financial Statements for the Years Ended June 30, 2015 and 2014 (with Independent Accountants' Report Thereon)" and the "Commonwealth of Massachusetts Annual Report Filing for November 1, 2015." In addition, copies of a Sudbury Asset Inventory-2015, most recently updated on October 2, 2015 were distributed tonight.

SAC President Jeff Winston stated SAC knows residents are watching programs because it is able to track some of these statistics. It will obtain equipment next year which will help determine viewership for live-streaming. Mr. Winston summarized some accomplishments from the past year, including systematically upgrading the Town Hall equipment. He noted SAC is working on updating systems to a digital link, and the main video server will soon be updated from an analog to a digital system. Mr. Winston stated SAC has developed a long-term capital plan to address equipment needs.

Executive Director Lynn Puorro stated SudburyTV covers many municipal and school-related meetings, but SAC would like to expand coverage. Mr. Winston stated they will try to reach out to boards and committees, and they hope to be invited to provide coverage because they could handle more assignments. Selectman Haarde stated he thinks this is a good idea, and as long as a board/committee's Chair is notified in advance and the SudburyTV crew is not obtrusive to proceedings, he would hope boards/committees would welcome this. Selectman Simon suggested this be a future Board agenda item. Vice-Chairman Iuliano stated it is helpful to know SAC does not have a capacity issue.

Selectman Woodard stated Sudbury is fortunate to have very good local television coverage.

Mr. Winston introduced fellow SAC Board members in attendance Terry Lockhart, Marty Greenstein, and Nancy Brumbeck (noting Donna Fayad was unable to attend tonight), and he recognized the SudburyTV staff who do such great work.

In response to a question from Selectman Haarde, Ms. Puorro stated there are not a lot of new programs in the works at this time. She noted staff enjoyed covering the Town's 375<sup>th</sup> Anniversary events last year. She also mentioned they are preparing to cover the Hopesudbury Telethon on November 7, 2015, and they will enlist the help of about 40 volunteers for this coverage.

Selectman Woodard noted financial grants received increased this year from \$241,000 to \$420,000. Mr. Winston explained the grants totals for the two years were similar, but a payment posting was delayed from year to another.

Vice-Chairman Iuliano thanked SAC for this update and for the services it provides throughout the year.

It was on motion unanimously

VOTED: To accept the "Sudbury Access Corporation FY 2015 Financial & Operating Reports as required by its contract.

**National Development – Raytheon Property Redevelopment – Introduction and Overview**

Present: National Development representatives Jack O'Neill and Ed Marsteiner, Avalon Bay Communities representatives Scott Dale and David Gillespie

At 8:21 p.m., Vice-Chairman Iuliano welcomed representatives from National Development and Avalon Bay Communities to the Meeting to provide the Board with redevelopment plans for the Raytheon property, noting tonight's discussion is intended primarily as informational and as an introduction. The Board was previously in receipt of copies of a letter to Raytheon from the Sudbury Board of Selectmen and Planning Board dated February 25, 2015 and a letter from National Development dated September 25, 2015. In addition, copies of tonight's PowerPoint presentation were distributed to the Board following the presentation.

National Development representative Jack O'Neill stated his company has been chosen by Raytheon as the buyer of the property. He further stated his company is a Newton-based, locally-owned, private real estate development company, working only in the Greater Boston area. Mr. O'Neill stated the company has a 30-year track record working on a variety of projects, and it has a well-established history with retail/mixed-use projects and senior housing projects.

Avalon Bay Communities representative Scott Dale stated his company is a public real estate investment trust, with a local management team. Mr. Dale stated the company specializes in the development, management and acquisition of apartment communities in selected markets in the United States. He noted the company manages 39 apartment communities in Greater Boston. Mr. Dale emphasized the company is committed to quality and long-term investments, noting it cares about its reputation in the industry and the communities where they are located.

National Development representative Ed Marsteiner displayed aerial photographs of the site, and he summarized the existing conditions and ideas for site planning. Mr. Marsteiner stated mixed-use projects are viable in today's market. He stated plans are to take the site from an industrial use to that of mixed uses, with less impervious and more open spaces. Mr. Marsteiner stated the existing buildings will be cleared in order to construct retail space in front, senior/assisted living services, some age-restricted housing, and a multi-family component. He stated the plan is to "soften" the site with existing and additional buffers, open spaces and amenities. Mr. Marsteiner referenced the proximity of the potential rail trail, noting it would have nice synergy with the property. He explained site planning would include connecting active and passive open spaces on the site. Mr. Marsteiner also stated the plan includes a new aligned signalized intersection with the Shaw's Plaza, pedestrian connections to a future rail trail, and establishing itself as an anchor for a new Route 20 streetscape. He described the plan to develop a "village" retail area of approximately 75,000 to 100,000 square feet, with a high-end grocer using approximately 40,000 square feet of this area. Mr. Marsteiner stated retail is currently an allowed use, but a Special Permit from the Zoning Board of Appeals (ZBA) is needed for any new commercial building over 20,000 square feet. He also mentioned current zoning and dimensional criteria do not allow street retail in the Limited Industrial zone, so these issues will need to be brought to the 2016 Annual Town Meeting.

Mr. Marsteiner described the second component of the development as a specialty care senior housing community, focusing on Alzheimer's patients. He noted these units would not be part of the Town's affordable housing inventory, as they are not considered housing units by the State. Mr. Marsteiner stated this too would need to be brought to Town Meeting, since it is not now an allowable use in this zoning district. He described the third development component as age-restricted housing of 50-60 units, which is not now an allowable use, and thus would also need to be brought to Town Meeting. It was noted each development component will be reviewed separately regarding permitting.

Mr. Dale described the fourth development component as 250 rental housing units. He displayed renderings of the planned neighborhood, describing them as having tree-lined streets, sidewalks, benches, streetlights, and smaller building with architectural variety, which would be connected to open spaces. He stated the multi-family apartments would have a smaller footprint, lower heights and density and they would have high-end finishes. Mr. Dale stated each apartment has its own garage and front doors, and there are many styles of one and two-bedroom apartments and townhouses. The development will have amenities, including an outdoor pool, and the new proposed supermarket and restaurants will provide convenience-shopping. Mr. Dale explained the development will go through a Comprehensive Permit process with the ZBA, and they will soon submit a Site Eligibility application for approval.

Selectman Woodard noted 25% of the rental units would be affordable, which Mr. Dale confirmed to be correct. However, Mr. Dale noted all 250 units count on the Town's affordable housing inventory.

Mr. Marsteiner stated it is an exciting project. He highlighted benefits for the Town as including a new safer intersection, creating a vibrant streetscape, and mixed-use amenities (retail, specialty senior care, age-restricted housing, and a high-quality rental community, which provides housing diversity). Mr. Marsteiner stated they were aware of the possible expansion needs of the Fire Station, and thus they have not planned any uses for that part of the property. He further stated the project should create a significant increase in net revenue for the Town, and he noted a detailed fiscal impact study would be provided. Mr. Marsteiner stated the redevelopment team is working to create a "win-win" project for all parties. He summarized next steps in the process as a ZBA meeting in late October for the high-end grocer, site plan review by the Planning Board during this fall and the winter of 2016, and 2016 Town Meeting articles to address. He also stated the remaining retail, senior housing, and age-restricted zoning and the Chapter 40B housing permitting process will occur from the fall of 2015 to the spring of 2016.

Vice-Chairman Iuliano stated the Board appreciated Raytheon reaching out to the Town for input, and many of the suggestions made by the Selectmen and Planning Board were incorporated into the plans. She stated the Board looks forward to working together on the project.

Selectman Haarde asked if National Development and Avalon had ever worked together and what brought them together for this project.

Mr. Marsteiner stated the two companies decided to merge forces early in the process rather than to compete against each other for the project. Mr. Dale stated the two companies have known of each other and their accomplishments for decades.

Selectman Haarde stated he is a fan of the Wayland Town Center, which he views as mostly retail, with limited housing. He stated the Wayland site has 29 acres, with 177,000 square feet of retail, an 85,000 square-foot grocery store and 42 townhouses. Selectman Haarde stated tonight's proposal seems to him to be a lot of residential housing, with just a few shops out front. Mr. Marsteiner noted Route 20 is already a well-retailed area, so a balance must be considered. Selectman Haarde stated he thinks Sudbury can do better with a plan that has more retail and options for restaurants.

Selectman Simon stated he does not believe more is always better. He further stated that, sometimes having higher quality options and open spaces are better for a community. Selectman Simon asked if the redevelopment team was in contact with Eversource about plans for the east-west Mass. Central Rail Trail. Mr. Marsteiner stated they are aware of a rail trail being in the planning stages.

Selectman Simon asked if the team could put more thought into improving Shaw's Plaza so as to better complement and mirror the plans for the streetscape of the Raytheon site. He also asked about whether

having a Route 20 sewer system would be helpful to the developers. Mr. Marsteiner stated they are aware of the sewer challenges in Sudbury. However, he noted the Raytheon site has its own 50,000 gallons per day wastewater treatment plant, which should be sufficient for their needs. Mr. Marsteiner stated this project is not dependent on having a Town sewer now or in the future.

Selectman Simon asked if all utilities will be installed underground. Mr. Dale stated that, eventually, everything will be underground.

Selectman Woodard stated he is pleased with the team's responsiveness to the Town and with what he has seen tonight, noting the experience of the team is evident. He stated he hopes the project can achieve the 250-units of affordable housing, which will help address the Town's affordable-housing challenges. Selectman Woodard asked if the team has a sense of the project's fiscal impact regarding school-aged children, and if they think it will be positive. Mr. Dale stated there are a lot of variables to consider when determining these estimates. He estimated approximately 60 children (based on 20-30 children per 100 apartments), which would break down evenly across grades K-12.

Selectman Woodard asked about a second entrance to the site and whether a traffic signal would need State approval. Mr. O'Neill noted on an exhibit that another entrance already exists next to the Fire Station. Mr. Marsteiner stated the traffic signal would need approval from the State, and they are familiar with the process.

Selectman Woodard asked when ground would be broken if all issues brought to the Annual Town Meeting are passed. Mr. Marsteiner stated Raytheon has planned a phased exit from the site, and further details remain confidential. However, he estimated the full project could possibly begin in 2017.

Sudbury resident Robert Stein, 7 Thompson Drive, stated he is truly excited about the plans for the property, which he thinks will be a great addition to the Town. Mr. Stein noted the next agenda item tonight is for another Chapter 40B project for 250 units, and he asked if that project is approved first, what assurance does the Town have that Avalon will not pull out of this plan, and possibly jeopardize the entire project from coming to fruition. He is not sure there is a demand for 500 apartments in the Town. Mr. Stein stated he prefers the Raytheon property proposal versus the one off of Peter's Way because he views the latter proposal as having negative impacts for the Town. Mr. Dale stated the team is aware of the other proposal, and it does not alter Avalon's level of interest in building their development, for the long term, in what it considers to be a better location.

Sudbury resident Whitford Bond, 18 Taylor Road, stated he knows the work of both National Development and Avalon, and he believes their joint effort is a positive factor for the Town. Mr. Swift stated no one has mentioned traffic tonight, and he asked what the expected impact is for Route 20. Mr. Marsteiner stated a lot of time will be spent studying traffic issues. He further noted the newly proposed intersection will improve current traffic conditions.

Sudbury resident David Hornstein, 22 Candy Hill Road, stated the two Chapter 40B proposals being discussed tonight are large projects. He asked if Town staff and boards are equipped to review the expected information simultaneously. Mr. Hornstein also asked if a "roadmap" of the timelines for these projects could be put on the Town website so residents could follow the planning as they wish.

Director of Planning and Community Development Jody Kablack stated these projects will involve the work of many Town boards and committees. She stated the ZBA will review and grant permits for the two Chapter 40B proposed projects at Raytheon and the Villages at Sudbury Station. Ms. Kablack noted the developer will pay for consultants/peer reviewers to be hired by the Town. She stated Avalon and National

Development have not yet submitted anything to the Town. However, Ms. Kablack noted the next agenda item tonight, for the Villages at Sudbury Station, has submitted a Site Eligibility Application to MassHousing, and the Town has 30 days in which to provide comments. She also explained the Planning Board will review requested zoning changes for both projects, hold Public Hearings and zoning-related articles at Town Meeting would require a two-thirds vote for approval. Ms. Kablack foresees many public meetings allowing for citizen input. Ms. Kablack stated the Planning Board will hear a presentation from National Development and Avalon at its October 14, 2016 meeting, and discussion will focus on needed zoning changes.

Sudbury resident Robert Abrams, 48 Horse Pond Road, stated the redevelopment plans for the Raytheon property presented tonight require a lot of zoning changes. He asked the Board if they have thought about how much of Sudbury's area would be rezoned so as to avoid spot zoning. Vice-Chairman Iuliano stated the Board has not considered this yet, and a long process is anticipated. At 9:20 p.m., she thanked everyone for their information and input, and she closed the discussion.

**Sudbury Station LLC – Application for a Proposed Chapter 40B Development – Off Peters Way – Assessor's Map G09-0100 – Discussion**

Present: Applicant's attorney William C. Henchy, applicant's representatives Chris Claussen and Robert Engler

At 9:20 p.m., Vice-Chairman Iuliano opened a discussion regarding a new Chapter 40B application received for a site located off Peters Way and Concord Road (Assessor's Map J06-0023). She explained a Site Eligibility application has been filed with MassHousing, and the Town has a designated time within to submit comments. The Board was previously in receipt of copies of a letter from MassHousing dated September 23, 2015, a map of the schematic proposed plan, and the submitted MassHousing Comprehensive Permit Site Approval Application/Rental form. In addition, copies of Final Site Concept drawings provided by The Cecil Group, including elevations, were distributed tonight.

The applicant's attorney William C. Henchy introduced members of the applicant's team present tonight, and he thanked the Board for attending the site visit this afternoon. It was noted the Site Eligibility application is posted on the Town website. Mr. Henchy stated this is the beginning of a long process, and the applicant hopes to obtain some input tonight.

The applicant's representative Robert Engler summarized the Chapter 40B process, noting the Site Eligibility application is the first of two steps. He explained MassHousing will review the application, and it has asked the Town for comments within 30 days. Mr. Engler stated he believes the Town has requested an extension of the comment period. He further explained that, if this application is approved by MassHousing, then a Comprehensive Permit Application will be submitted to Sudbury's ZBA, and there is typically a 180-day hearing process. After the Public Hearings close, a decision is typically rendered within 40 days. Thus, the entire process could be approximately nine months, assuming there are no appeals. Mr. Engler stated a fiscal review is underway, and he anticipated the development to not have many children in the primarily one and two-bedroom units. He stated there would also be the 10% required number of three-bedroom units.

Mr. Henchy provided a brief overview of the proposal for 250 rental housing units, of which 25% would be affordable. He stated the design is compact and the development has no sprawl. Mr. Henchy also stated the development would not have a lot of pavement. He provided a brief summary of the experience of the principals, noting the team wants to hear concerns so they can be addressed and the project can help the Town reach its affordable housing goals. Mr. Henchy emphasized the project would not hinder the Town Center, and that it does not intrude upon the Historic District.

Selectman Simon stated the site visit was very helpful. He expressed concerns regarding a project with this amount of density being constructed in close proximity to a Town Cemetery. Selectman Simon also expressed concerns regarding the proposed egress onto Concord Road, which already has traffic issues. He further noted there is no egress onto Hudson Road, and he asked what traffic studies have been performed. Selectman Simon also asked what plans there are to mitigate the traffic issues. He also expressed an aesthetic concern regarding the proposed rail trail, which goes through a scenic portion of Town-owned land, and whether this development might degrade the area for trail users.

Mr. Henchy stated a traffic study will be presented to the ZBA when an application is filed. He stated the traffic plan focuses on safety, and they have been told sight lines are adequate. Mr. Henchy noted that, under Chapter 40B rules, the applicant is only responsible if the project incrementally makes a situation worse than it already is.

Selectman Haarde stated he would like to see an element of age-restricted housing in order to reduce the potential negative financial impact from school-aged children. Mr. Henchy stated they understand this concern and they will take it under consideration.

Selectman Woodard asked for more information regarding who holds the major financial interests for the project.

The applicant's representative Chris Claussen stated he grew up in Sudbury, and he has built and developed all types of housing. It was noted further information on the principals is provided in section 6.1 of the MassHousing Comprehensive Permit Site Approval Application/Rental form.

Selectman Simon asked for clarification regarding five cleared acres noted on Page 5 of the MassHousing Comprehensive Permit Site Approval Application/Rental form. Mr. Claussen stated uses for all of the 39 acres must be disclosed on the form. The five-acre cleared area is an existing agricultural field.

Vice-Chairman Iuliano noted there is not an application before the Town yet, and she invited comments from the public.

Sudbury resident David Hornstein, 22 Candy Hill Road, asked if the buildings will be visible from Concord and Hudson Roads. It was noted by the applicant that The Cecil Group provided cross-sections of the project, and the sight lines seemed to indicate the buildings would not be seen. Mr. Hornstein stated he is an architect, and he questioned whether they would be visible within the Town's Historic District. He also asked how they would determine the number of potential school-aged children.

Mr. Engler stated they usually hire Connery and Associates to do the fiscal impact analysis, which considers many factors. He stated the project does not have many three-bedroom units, which is where there are usually children as residents.

Mr. Henchy stated preliminary financial analysis indicates the Town's annual tax revenue will increase from \$10,000 to \$1.2 million per year.

Mr. Hornstein asked how traffic would be mitigated. Mr. Engler stated the traffic engineers and peer reviewer will present options available.

Sudbury resident Ursula Lyons, 157 Wayside Inn Road, asked how the septic system would be handled and whether a preliminary study has been done, and whether large systems are now allowed in Town. It was



noted the project would require its own wastewater system and that a wastewater management engineer has been hired by the applicant.

A Sudbury resident from Candy Hill Road asked if there could be consideration given to use solar panels and to address noise pollution issues at this project and the National Development/Avalon project and whether more retail is intended at the Town Center. Selectman Haarde stated the development would probably be a boost for the businesses at 29 Sudbury. He also stated it is a good idea for both projects to pursue green construction technologies.

Sudbury resident Robert Stein, 7 Thompson Drive, asked if the estimated \$1.2 million would be net revenue to the Town. Mr. Henchy stated a complete financial impact study will be submitted, but it has been estimated the taxes from the property would increase to approximately \$1.2 million.

Selectman Haarde stated he has concerns regarding traffic, congestion, and the impact of school-aged children on the schools. He also would prefer to see more age-restricted housing.

Sudbury resident Andrew Heier, 57 Pine Street, asked if the Town is approaching a tipping point for schooling and fields without this development. Mr. Heier also asked how many parking spaces are projected, and whether the current traffic delays at intersections and surrounding cut-throughs used have been considered. He also asked if the project would reduce the risk of fatalities within a 50-yard distance. Mr. Heier also asked if the Town has to hire consultants selected by the applicant. Vice-Chairman Iuliano stated she does not believe the estimated school-aged children would be a tipping point for the schools. However, she added it will be important for all the boards to review the fiscal impact information. Mr. Engler clarified the applicant pays for the consultants, but the Town can select its own group of consultants.

Ms. Kablack stated the Town is now in a 30-day comment period until October 21, 2015, and the Town has requested an extension through the Board's November 3, 2015 Meeting, in order to collect input from as many groups to be synthesized and sent to MassHousing. She suggested, and the Board concurred, that input could be provided for the Board's review at its October 20, 2015 Meeting and then the letter to be sent to MassHousing could be finalized at the Board's November 3, 2015 Meeting.

Selectman Woodard stated he believes it might be more effective to have the Town speak to MassHousing as one voice. Ms. Kablack stated citizens can either send comments directly to MassHousing or to the Board of Selectmen's Office.

#### **Sudbury Housing Trust – Proposed Purchase of Home Preservation Home #8**

Vice-Chairman Iuliano announced this agenda item would be tabled tonight.

#### **New Cingular Wireless, PCS to Varsity Wireless Investors LLC – Request for Consent to an Assignment of the Lease**

Present: Director of Planning and Community Development Jody Kablack and Varsity Wireless LLC attorney Francis Parisi

At 7:40 p.m., Vice-Chairman Iuliano took this agenda item out of order, and she opened a discussion regarding whether to authorize the Interim Town Manager to execute a consent to an assignment of the lease between the Town and New Cingular Wireless, PCS to Varsity Wireless Investors, LLC. The Board was previously in receipt of copies of a memorandum from Director of Planning and Community Development Jody Kablack dated October 1, 2015, a draft "Consent to Assignment," the Varsity Wireless LLC's

Certificate of Liability Insurance, a Varsity Wireless Investors, LLC President's Certificate and accompanying Commonwealth of Massachusetts confirmation of certification of registration as a Foreign Limited Liability Company and the State of Delaware Certificate of Organization. In addition, copies of a revised Consent to Assignment were distributed tonight.

Selectman Haarde recused himself from the discussion and vote due to a potential conflict of interest with his employer.

Vice-Chairman Iuliano stated there was a related Special Permit Public Hearing with the ZBA last night and the Site Plan will soon come before the Planning Board.

Director of Planning and Community Development Jody Kablack explained the Town went out to bid to lease land for the construction of a cell tower on the DPW property in July 2014 and the bid was awarded to New Cingular Wireless. Ms. Kablack explained the cell tower will provide revenue to the Town and also enhance the Town's public-safety communications network. She further explained the Town Manager had been authorized previously by the Selectmen to sign such documents upon approval of Town Counsel, but finalization of details took longer than expected. Ms. Kablack stated that neither former Town Counsel Paul Kenny nor current Town Counsel Barbara Saint Andre have expressed concerns regarding the requested assignment of the lease. She further stated the Town has been aware all along that Varsity Wireless would be the Assignee. At last night's ZBA Meeting, Ms. Kablack stated some abutters were concerned about the visual impact of the tower and some had health-related concerns. However, she further stated the ZBA noted the Telecommunications Act does not allow for denial of a cell tower request due to health-related concerns. The applicant will appear before the ZBA again on November 2, 2015 with additional information. Ms. Kablack also highlighted the lease is subject to issuance of a Special Permit by the ZBA.

Vice-Chairman Iuliano stated tonight's request for the Board has no impact on the subsequent ZBA process.

Interim Town Manager Bilodeau referenced the Consent To Assignment distributed tonight, and she explained the revision made to item #4.

Selectman Woodard asked for more information regarding the background of Varsity Wireless Investors, LLC.

Varsity Wireless LLC's attorney Francis Parisi stated the company is a privately held real estate development company, which has been in business for two years, building, operating and leasing cell towers.

Selectman Woodard asked what the capital base is for Varsity Wireless LLC, noting he questions approving the assignment without any understanding of the company's financial base. Attorney Parisi stated he was not able to disclose this confidential information tonight, but information could be provided at a later time. Interim Town Manager Bilodeau stated she would ask for Town Counsel's input.

Selectman Simon stated the Consent to Assignment before the Board tonight is a legal document which does not effect the future ZBA decision. He suggested he would be willing to wait to vote until financial information regarding the proposed Assignee is provided.

Sudbury citizen Ralph Tyler, 1 Deacon Lane, suggested New Cingular Wireless flipped its lease to Varsity Wireless LLC possibly because it was lucrative to do so. If the lease is so valuable, Mr. Tyler suggested the Town should consider re-bidding the award for the cell tower construction.

Ms. Kablack stated the only other bidder was another tower construction company which presented a proposal less profitable to the Town than the one submitted by AT&T.

The consensus of the Board was that a vote should be postponed until additional financial information on Varsity Wireless Investors, LLC can be obtained and reviewed.

**Proposed Amendment to the Petition Regarding Section 1 of Chapter 169 of the Acts of 2012- Vote**

Present: State Representative Carmine Gentile

At 10:00 p.m., Vice-Chairman Iuliano opened a discussion regarding amending the petition submitted by the Board regarding Section 1 of Chapter 169 of the Acts of 2012, and she provided a brief summary of the Town's Petition with the State regarding the senior means-tested tax relief program. The Board was previously in receipt of copies of a letter from the Commonwealth of Massachusetts House of Representatives dated October 1, 2015, a memorandum from the State's House of Representatives' Chief Legal Counsel James Kennedy to James Blatchford dated September 30, 2015, House of Representatives House Docket # 3898 filed on June 1, 2015, and the Acts of 2012 Chapter 169 entitled "An Act Authorizing the Town of Sudbury to Establish A Means Tested Senior Citizen Property Tax Exemption," a letter to Representative Gentile from Interim Town Manager Bilodeau dated May 26, 2015 and accompanying vote from the May 5, 2015 Town Meeting

State Representative Carmine explained he met with State officials today and the proposed expiration date for the Act needs to be changed from December 31, 2018 to June 30, 2019. He also explained the Massachusetts House and Senate Joint Committee on Revenue requires the amendment of Chapter 169 of the Acts of 2012 submitted by Sudbury's Selectmen pursuant to Article 35 of the May 5, 2015 Annual Town Meeting contain a sunset provision to allow the Town Meeting to determine whether or not to extend the senior needs-based tax relief program for additional three-year periods. Thus, the Amendment language was revised by the Chief Legal Counsel of the House of Representatives. Once these revisions are voted and submitted, Representative Gentile expects the Act will be voted on and passed in the House of Representatives within a few weeks.

Selectman Woodard read aloud the proposed revised language.

Selectman Haarde asked if the revised language was on advice of Counsel. Representative Gentile stated it was a policy decision.

It was on motion unanimously

VOTED: To amend the petition submitted by Patricia A. Brown, Robert C. Haarde, Susan N. Iuliano, Leonard A. Simon, and Charles C. Woodard so that the text beginning at SECTION I would read as follows: "SECTION 1. Chapter 169 of the Acts of 2012 is hereby amended by striking out section 8 and inserting in place thereof the following: Section 8. This Act shall expire on June 30, 2019. SECTION 2. Notwithstanding any general or special law to the contrary, acceptance of this act by the Town of Sudbury shall be by an affirmative vote of a majority of the voters at any regular or special election at which the question of acceptance is placed on the ballot. This act shall take effect upon an affirmative vote of the town. SECTION 3. This act shall take effect immediately."

Vice-Chairman Iuliano thanked Representative Gentile for his work on behalf of Sudbury. She also thanked Town Clerk Rosemary Harvell for being on hand to certify this vote and to help expedite the process.

**Minuteman Regional Technical High School –Update**

At 10:05 p.m., Vice-Chairman Iuliano asked Selectman Simon to update the Board on Minuteman Regional Technical High School-related activities.

Selectman Simon summarized the background for the discussion. He stated there have been concerns expressed for a long time regarding operating and capital expense issues. Selectman Simon summarized how assessments are allocated between member and non-member towns, noting member towns pick up approximately \$3,000 per year, per student, for each out-of-District student. He further stated the out-of-District students pay less for capital improvements. Selectman Simon stated he has recently learned that there were “side deals” done in the past for tuition discounts to non-member towns.

Selectman Simon stated Carlisle recently sent a letter to the Massachusetts School Building Authority (MSBA), noting the proposed new school plan exceeds the student needs of the District. Carlisle and Boxborough have already informed Minuteman of their desire to withdraw from the Minuteman District. He noted Sudbury had a similar article on last year’s Town Meeting Warrant. Selectman Simon stated Minuteman’s enrollment has decreased by 4% this year. He also noted the rate for out-of-District tuition is set by the State, and this figure has been decreasing, and it will probably be picked up by member towns. He stated there have never been more than 450 students at the School from member towns.

Selectman Simon stated he believes the Board must look closely at Sudbury’s ability to continue as a member of the Minuteman District. He does not believe the data supports that it is financially sustainable for Sudbury to do so. Selectman Simon stated the Board needs to look at whether it should withdraw from the District.

Vice-Chairman Iuliano thanked Selectmen Simon for the numerous hours he has devoted to the Minuteman issues.

Selectman Woodard asked when the Board would hear from the Vocational Education Options Committee (VEOC) about whether Sudbury should stay or withdraw from the District.

Vice-Chairman Iuliano stated Chairman Brown could be asked for an update upon her return. However, she mentioned the VEOC has lost a few members, and getting a quorum for meetings has been a challenge.

Selectman Haarde stated towns are staring to “jump ship.” He stated that, if Sudbury does not move to withdraw soon, it may get stuck later and not be able to do so.

Selectman Simon stated there needs to be a review of the Regional Agreement which allows for a one-time clear path for members to exit the District.

Selectman Haarde stated he does not believe the VEOC wants to tell the Board what the decision should be about Minuteman. The VEOC report clearly indicates Assabet Valley is a viable alternative choice. He noted the VEOC members are not elected officials, and they should not be charged with a decision which he believes should be made by the Selectmen.

Vice-Chairman Iuliano suggested, and the Board concurred, that the VEOC questions would be revisited by the Board upon Chairman Brown’s return. She reminded the Board of a Minuteman-related meeting for Selectmen from member towns on October 28, 2015, noting Sudbury should try to have two Selectmen attend.

**Sudbury Supervisory Association – Memorandum of Understanding – Discussion and Vote**

At 10:20 p.m., Vice-Chairman Iuliano opened a discussion regarding whether to approve the draft Memorandum of Understanding (MOA) between the Town of Sudbury and the Sudbury Supervisory Association, and to ratify the vote taken in Executive Session between the Town of Sudbury and the Supervisory Union, and to authorize the Town Manager to sign said agreement. The Board was previously in receipt of copies of the draft “Memorandum of Understanding Between the Town of Sudbury and the Sudbury Supervisory Association dated September 15, 2015.”

Interim Town Manager Bilodeau summarized the fiscal impact and implementation dates of the Agreement. She also noted the clothing allowance was increased by \$100 for a couple of members. In response to a question from Selectman Haarde, Ms. Bilodeau confirmed that changes made regarding sick leave applies only to this group.

It was on motion unanimously

VOTED: To approve the Memorandum of Understanding (MOA) between the Town of Sudbury and the Sudbury Supervisory Association, and to ratify the vote taken in Executive Session, as well as to authorize the Interim Town Manager to sign said agreement.

**Wayland Septage Facility – Intermunicipal Agreement between the Towns of Wayland and Sudbury for Septage Disposal Facility Disposition – Discussion and Vote**

At 10:23 p.m. Vice-Chairman Iuliano opened a discussion regarding approval of the draft Intermunicipal Agreement Between the Towns of Wayland and Sudbury for Septage Disposal Facility Disposition. The Board was previously in receipt of copies of a draft “Intermunicipal Agreement Between the Towns of Wayland and Sudbury for Septage Disposal Facility Disposition.”

Selectman Woodard summarized the current Intermunicipal Agreement expires August 2017 and Wayland is trying to sell this property to a developer. Thus, Wayland would like Sudbury to agree to an earlier termination of the Agreement, wherein we are currently liable for 50% of demolition of the structure on the site costs. This proposed new Agreement allows for neither Sudbury nor Wayland to be liable for any of the demolition costs because they would be passed on to the developer.

Interim Town Manager Bilodeau stated Wayland’s Selectmen approved the new Agreement last night by a vote of four in favor and one abstention.

It was on motion unanimously

VOTED: To approve the “Intermunicipal Agreement Between the Towns of Wayland and Sudbury for Septage Disposal Facility Disposition,” and to authorize the Interim Town Manager to sign said Agreement.

**Future Board of Selectmen Agenda Items - Discussion**

Vice-Chairman Iuliano asked if anyone had requests for future Board agenda items. She noted an update regarding VEOC recommendations was already mentioned tonight as a future agenda item.

Selectman Woodard asked when the gun safety presentation will be on the agenda. It was noted there are many pending items and it will be reviewed.

Selectman Simon asked for the Board to discuss Sudbury TV coverage of other Town boards and committees.

**Minutes**

Selectman Woodard submitted a revision to the September 8, 2015 Regular Session Meeting Minutes and a revision to the September 17, 2015 Regular Session Meeting Minutes, and copies were distributed to the Board. In addition, Vice Chairman Iuliano asked that the word "Annual" be deleted from the next to last paragraph on Page 9 of the September 17, 2015 Meeting Minutes, and that the following word be revised to be "Reports."

It was on motion unanimously

VOTED: To approve the Regular Session Meeting Minutes of September 8, 2015, as amended tonight, and of September 17, 2015, as amended tonight.

**Sudbury Cultural Council – Re-Appointments**

It was on motion unanimously

VOTED: To approve the Sudbury Cultural Council re-appointments of Anne Riesenfeld, 25 Concord Road, and Cynthia Nelissen-Nihart, 47 Raynor Road, for terms to expire October 30, 2018.

There being no further business, the meeting adjourned at 10:30 p.m.

Attest: \_\_\_\_\_  
Maryanne Bilodeau  
Interim Town Manager-Clerk