

IN BOARD OF SUDBURY SELECTMEN
OPEN AND EXECUTIVE SESSION
THURSDAY, NOVEMBER 10, 2016

Present: Chairman Susan N. Iuliano, Vice-Chairman Charles C. Woodard, Selectman Leonard A. Simon, Selectman Robert C. Haarde, Selectman Patricia A. Brown and Town Manager Melissa Rodrigues

The statutory requirements as to notice having been complied with, the meeting was called to order at 1:05 p.m. in the Flynn Building Silva Room.

OPEN SESSION

Community Compact

Chairman Iuliano opened discussion on the application to enter the state Community Compact program, which has an application deadline of November 15, 2016.

Town Manager Murphy-Rodrigues explained that the program entails making a commitment to complete 3 best practice goals, which coincide with Community Compact categories. The goals must be completed at a rate of one per year over the course of 3 years. The Town receives support in the form of grants and technical assistance from the State to complete the goals.

Town Manager Murphy-Rodrigues further explained that she sat down with PCD Director Meagen Donoghue and Facilities Director Jim Kelly to determine the Town's top goals. The outlined list contained the following:

Top 3 Goals:

1. Complete a Master Plan
2. Implement Stormwater Measurement Measures
3. Implement a Citizen Engagement Communication Plan

2 Potential Backup Goals:

1. Cyber Security
2. Emergency Management Plans

She explained that while the Board of Selectmen do not need to sign the Compact, she would like their input on which Goals to put forward on the application.

Selectman Brown stated that Stormwater seems like a good choice as it would qualify the Town for additional grants through Minuteman Advisory Group of Interlocal Coordination (MAGIC). Town Manager Murphy-Rodrigues stated that, as the Town has several MS4 permit requirements which need to be met, outside funding will be very helpful.

Selectman Woodard stated that Cyber Security seems like it should be a top priority. A security breach can result in Selectmen Simon concurred that it seems like a present danger and should be in the top 3 priorities. He suggested that Citizen Engagement, while also important, is not as time-sensitive as Cyber Security.

Town Manager Murphy-Rodrigues stated that municipalities tend to be embarrassed by cybersecurity failures and at times prefer not to make information about an occurrence public, thus it likely happens more often than is reported. She stated that she heard about a recent occurrence that transpired when a vendor came in to update software, and the firewall had to be taken down.

Selectman Haarde concurred on the importance of Cyber Security.

Selectman Brown inquired about timing requirements of the Community Compact goals and Town Manager Murphy-Rodrigues responded that the Town commits to completing one of the goals in the first year. She stated that Cyber Security could be this achievable item.

Selectman Woodard requested more information regarding a telephone town hall as listed under Community Engagement. Town Manager Murphy-Rodrigues explained this was offered in Everett and was successful. It is a call regarding an update on a Town project or initiative. The Town Manager discusses the chosen topic with a staff member and anyone can call in to listen and ask questions. The call is also recorded and available for those who wish to listen later. Residents can leave voice mails afterwards if they weren't able to participate during the call; they also have the option to listen live and not speak, if they choose. Murphy-Rodrigues concluded that it is one way to engage those who don't usually participate in municipal matters.

Selectman Simon asked if Remote Participation had been studied, and Town Manager Murphy-Rodrigues responded that it was estimated that implementation would cost approximately \$15,000.

Town Manager Murphy-Rodrigues stated that the Community Compact application would include Cyber Security and remove Community Engagement and that the application would go out that day.

There were no objections and, as no vote was required, there was no vote on the matter.

EXECUTIVE SESSION

Chairman Iuliano moved to:

Vote to enter into Executive Session to discuss strategy with respect to potential litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares (Village at Sudbury Station), pursuant to General Laws chapter 30A, §21(a)(3).

To comply with, or act under the authority of, General Laws, chapter 30A, section 22 to review, approve and potentially vote to release the minutes of Executive Sessions, pursuant to General Laws, Chapter 30A, section 21(a)(7)

Vote to end Executive Session and not return to Open Session.

Selectman Simon seconded the motion.

It was on Roll Call Unanimously.

VOTED: To enter into Executive Session to discuss strategy with respect to potential litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the Chair so declared (Village at Sudbury Station), pursuant to General Laws chapter 30A, §21(a)(3). To comply with, or act under the authority of, General Laws, chapter 30A, section 22 to review, approve and potentially vote to release the minutes of Executive Sessions, pursuant to General Laws, Chapter 30A, section 21(a)(7). And to vote to end Executive Session and not return to Open Session.

Selectman Leonard A. Simon: aye, Vice-Chairman Charles C. Woodard: aye, Selectman Patricia A. Brown: aye, Selectman Robert C. Haarde: aye, and Chairman Susan N. Iuliano: aye.

Executive Session Minutes Release: November 3, 2010

Town Manager Murphy-Rodrigues explained that the minutes to be reviewed at this meeting were provided to the Board with suggested redactions for matters pertaining to collective bargaining as well as statements made by Town Counsel. Highlighted portions would likely be exempt under section D as explained in the November 9, 2016 email from Town Counsel Barbara Saint Andre. Alternately, the Board may choose to be more conservative and refuse to release the minutes in their entirety.

Chairman Iuliano clarified that this is policy decision and that, even if we are legally able to withhold certain information, we may choose not to. However, what we do now, could have an effect 3 years later. She asked whether the Board should redact sections or opt to not release an entire session.

Selectman Brown stated that she feels it would make more sense to redact the minutes.

Chairman Iuliano made a motion to release the Executive Session Minutes of November 3, 2010, with redaction of Collective Bargaining with Firefighter's Union details as highlighted in minutes provided to the Board.

Selectman Simon asked whether there would be pushback to redacting these details.

Town Manager Murphy-Rodrigues responded that the Section would be deleted and a note would be added, stating that sections of minutes are protected under exemption D as ongoing litigation. She also agreed to include Town Counsel's opinion with the Minutes approved at this meeting so that future boards understand why they are redacted.

Selectman Brown moved to release the Executive Session minutes of November 3, 2010 with redaction of Collective Bargaining with Firefighter's Union details as highlighted in draft minutes provided to the Board, and to insert text indicating that redactions are made in compliance with Open Meeting Law Exemption D.

Selectman Simon seconded the motion.

It was on Roll Call Unanimously.

VOTED: To release the Executive Session minutes of November 3, 2010 with redaction of Collective Bargaining with Firefighter's Union details as highlighted in minutes provided to the Board, and to insert text indicating that redactions are made in compliance with Open Meeting Law Exemption D.

Selectman Leonard A. Simon: aye, Vice-Chairman Charles C. Woodard: aye, Selectman Patricia A. Brown: aye, Selectman Robert C. Haarde: aye, and Chairman Susan N. Iuliano: aye.

Executive Session Minutes Release: January 17, 2012

Selectman Woodard made a motion to release the Executive Session Minutes of January 17, 2012.

Selectman Simon seconded the motion.

It was on Roll Call Unanimously.

VOTED: To release the Executive Session Minutes of January 17, 2012.

Selectman Leonard A. Simon: aye, Vice-Chairman Charles C. Woodard: aye, Selectman Patricia A. Brown: aye, Selectman Robert C. Haarde: aye, and Chairman Susan N. Iuliano: aye.

Executive Session Minutes Release: January 31, 2012

It was suggested that the entire section surrounding the highlighted paragraph regarding Firefighter's Union/ALS be redacted.

Chairman Iuliano made a motion to release the Executive Session minutes of January 31, 2012 with redaction of Collective Bargaining details as highlighted in minutes provided to the Board, and to insert text indicating that redactions are made in compliance with Open Meeting Law Exemption D.

Selectman Brown seconded the motion.

It was on Roll Call Unanimously.

VOTED: To release the Executive Session minutes of January 31, 2012 with redaction of Collective Bargaining details as highlighted in minutes provided to the Board, and to insert text indicating that redactions are made in compliance with Open Meeting Law Exemption D.

Selectman Leonard A. Simon: aye, Vice-Chairman Charles C. Woodard: aye, Selectman Patricia A. Brown: aye, Selectman Robert C. Haarde: aye, and Chairman Susan N. Iuliano: aye.

Executive Session Minutes Release: February 14, 2012

Selectman Woodard made a motion to release the Executive Session Minutes of February 14, 2012.

Selectman Simon seconded the motion.

It was on Roll Call Unanimously.

VOTED: To release the Executive Session Minutes of February 14, 2012.

Selectman Leonard A. Simon: aye, Vice-Chairman Charles C. Woodard: aye, Selectman Patricia A. Brown: aye, Selectman Robert C. Haarde: aye, and Chairman Susan N. Iuliano: aye.

Executive Session Minutes Release: March 29, 2012

Selectman Woodard moved to release the Executive Session minutes of March 29, 2012, with redaction of Pantry Brook Farm section as highlighted in minutes provided to the Board, and to insert text indicating that redactions are made in compliance with Open Meeting Law Exemption D.

Selectman Brown seconded the motion.

It was on Roll Call Unanimously.

VOTED: To release the Executive Session minutes of March 29, 2012, with redaction of Pantry Brook Farm section as highlighted in minutes provided to the Board, and to insert text indicating that redactions are made in compliance with Open Meeting Law Exemption D.

Selectman Leonard A. Simon: aye, Vice-Chairman Charles C. Woodard: aye, Selectman Patricia A. Brown: aye, Selectman Robert C. Haarde: aye, and Chairman Susan N. Iuliano: aye.

Executive Session Minutes Release: April 3, 2012

Selectman Simon moved to release the Executive Session minutes of April 3, 2012 with redaction of the entire "Collective Bargaining – Updates" section as well as the third to last paragraph, as highlighted in minutes provided to the Board, and to insert text indicating that redactions are made in compliance with Open Meeting Law Exemption D.

Selectman Woodard seconded the motion.

It was on Roll Call Unanimously.

VOTED: To release the Executive Session minutes of April 3, 2012 with redaction of the entire "Collective Bargaining – Updates" section as well as the third to last paragraph, as highlighted in minutes provided to the Board, and to insert text indicating that redactions are made in compliance with Open Meeting Law Exemption D.

Selectman Leonard A. Simon: aye, Vice-Chairman Charles C. Woodard: aye, Selectman Patricia A. Brown: aye, Selectman Robert C. Haarde: aye, and Chairman Susan N. Iuliano: aye.

Executive Session Minutes Release: April 24, 2012

Selectman Brown moved to release the Executive Session minutes of April 24, 2012 with redaction of the last paragraph of “Collective Bargaining – Updates” as highlighted in minutes provided to the Board, and to insert text indicating that redactions are made in compliance with Open Meeting Law Exemption D.

Selectman Woodard seconded the motion.

It was on Roll Call Unanimously.

VOTED: To release the Executive Session minutes of April 24, 2012 with redaction of the last paragraph of “Collective Bargaining – Updates” as highlighted in minutes provided to the Board, and to insert text indicating that redactions are made in compliance with Open Meeting Law Exemption D.

Selectman Leonard A. Simon: aye, Vice-Chairman Charles C. Woodard: aye, Selectman Patricia A. Brown: aye, Selectman Robert C. Haarde: aye, and Chairman Susan N. Iuliano: aye.

Executive Session Minutes Release: June 26, 2012

Selectman Brown made a motion to release the Executive Session Minutes of June 26, 2012.

Selectman Haarde seconded the motion.

It was on Roll Call Unanimously.

VOTED: To release the Executive Session Minutes of June 26, 2012.

Selectman Leonard A. Simon: aye, Vice-Chairman Charles C. Woodard: aye, Selectman Patricia A. Brown: aye, Selectman Robert C. Haarde: aye, and Chairman Susan N. Iuliano: aye.

Executive Session Minutes Release: July 31, 2012

Selectman Simon made a motion to release the Executive Session Minutes of July 31, 2012.

Selectman Haarde seconded the motion.

It was on Roll Call Unanimously.

VOTED: To release the Executive Session Minutes of July 31, 2012.

Selectman Leonard A. Simon: aye, Vice-Chairman Charles C. Woodard: aye, Selectman Patricia A. Brown: aye, Selectman Robert C. Haarde: aye, and Chairman Susan N. Iuliano: aye.

Executive Session Minutes Release: August 29, 2012

Selectman Brown made a motion to release the Executive Session Minutes of August 29, 2012.

Selectman Haarde seconded the motion.

It was on Roll Call Unanimously.

VOTED: To release the Executive Session Minutes of August 29, 2012.

Selectman Leonard A. Simon: aye, Vice-Chairman Charles C. Woodard: aye, Selectman Patricia A. Brown: aye, Selectman Robert C. Haarde: aye, and Chairman Susan N. Iuliano: aye.

Executive Session Minutes Release: September 18, 2012

Selectman Haarde made a motion to release the Executive Session Minutes of September 18, 2012.

Selectman Brown seconded the motion.

It was on Roll Call Unanimously.

VOTED: To release the Executive Session Minutes of September 18, 2012.

Selectman Leonard A. Simon: aye, Vice-Chairman Charles C. Woodard: aye, Selectman Patricia A. Brown: aye, Selectman Robert C. Haarde: aye, and Chairman Susan N. Iuliano: aye.

Executive Session Minutes Release: October 2, 2012

Chairman Iuliano made a motion to release the Executive Session Minutes of October 2, 2012.

Selectman Haarde seconded the motion.

It was on Roll Call Unanimously.

VOTED: To release the Executive Session Minutes of October 2, 2012.

Selectman Leonard A. Simon: aye, Vice-Chairman Charles C. Woodard: aye, Selectman Patricia A. Brown: aye, Selectman Robert C. Haarde: aye, and Chairman Susan N. Iuliano: aye.

Executive Session Minutes Release: October 16, 2012

Chairman Iuliano made a motion to release the Executive Session Minutes of October 16, 2012.

Selectman Woodard seconded the motion.

It was on Roll Call Unanimously.

VOTED: To release the Executive Session Minutes of October 16, 2012.

Selectman Leonard A. Simon: aye, Vice-Chairman Charles C. Woodard: aye, Selectman Patricia A. Brown: aye, Selectman Robert C. Haarde: aye, and Chairman Susan N. Iuliano: aye.

Executive Session Minutes Release: November 7, 2012

Chairman Iuliano made a motion to release the Executive Session Minutes of November 7, 2012.

Selectman Brown seconded the motion.

It was on Roll Call Unanimously.

VOTED: To release the Executive Session Minutes of November 7, 2012.

Selectman Leonard A. Simon: aye, Vice-Chairman Charles C. Woodard: aye, Selectman Patricia A. Brown: aye, Selectman Robert C. Haarde: aye, and Chairman Susan N. Iuliano: aye.

Executive Session Minutes Release: December 6, 2012

Chairman Iuliano made a motion to release the Executive Session Minutes of December 6, 2012.

Selectman Brown seconded the motion.

It was on Roll Call Unanimously.

VOTED: To release the Executive Session Minutes of December 6, 2012.

Selectman Leonard A. Simon: aye, Vice-Chairman Charles C. Woodard: aye, Selectman Patricia A. Brown: aye, Selectman Robert C. Haarde: aye, and Chairman Susan N. Iuliano: aye.

Sudbury Station

Chairman Iuliano provided an update on the status of Sudbury Station housing development applications, stating that Town Counsel Saint Andre and Special Counsel Silverstein are currently reviewing the proposed Planning Board motion regarding Sudbury Station, at the request of Planning. If any mortgage is present at the property at issue, Planning could not rescind their approval, since the mortgage would have been based on the approval. The Planning Board would need to consult on this matter in open session.

The Select Board will need to decide whether to move forward with a previously discussed complaint and whether there is indeed no mortgage interest present.

Town Counsel Saint Andre requested to attend the next Select Board meeting to discuss the recent Zoning Board of Appeal meeting and what to communicate with Planning Board regarding the proposed motion.

Selectman Woodard stated that it seems like the Planning Board rescinding their decision was the “icing on the cake,” not a factor for whether or not the Select Board should litigate.

Town Manager Murphy-Rodrigues explained that Town Counsel Saint Andre wants to discuss the big picture and general strategy with the Board as well as to provide updates on developments with other interested parties. She stated that Town Counsel Saint Andre was at the walk-through last week.

Selectman Haarde stated that he also attended the walk-through. He opined that the sight lines are bad in places and not as bad on Peter’s Way. Ultimately, the final project would be visible from the cemetery.

Chairman Iuliano stated that a new traffic consultant will be brought on and Town Manager Murphy-Rodrigues stated that a Planning Consultant will also be retained.

Selectman Brown indicated that Park & Recreation has abutter interest in the project due to the nearby location of Parkinson’s Field.

Chairman Iuliano stated that the matter will be taken up at next week’s meeting.

Selectman Woodard made a motion to adjourn.

Selectman Simon seconded the motion.

It was on Roll Call Unanimously.

VOTED: To adjourn.

Selectman Leonard A. Simon: aye, Vice-Chairman Charles C. Woodard: aye, Selectman Patricia A. Brown: aye, Selectman Robert C. Haarde: aye, and Chairman Susan

There being no further business, the meeting adjourned at 2:10 p.m.

Attest: _____

Melissa Murphy-Rodrigues
Town Manager-Clerk