

SUDBURY BOARD OF SELECTMEN

TUESDAY MAY 6, 2014

Present: Chairman John C. Drobinski, Selectman Robert C. Haarde, Selectman Lawrence W. O'Brien, Selectman Leonard A. Simon, Vice-Chairman Charles C. Woodard and Town Manager Maureen G. Valente; also resident Daniel DePompei and Jody Kablack, Planning Director.

The statutory requirements as to notice having been complied with, the meeting was convened at 6:30 p.m. in the Lincoln-Sudbury Regional High School 390 Lincoln Road, Conference Room A. This meeting was held prior to Annual Town Meeting at 7:30 p.m.

At 6:30 p.m., Chairman Drobinski called the meeting to order.

Resident Dan DePompei, 35 Hayes Road, spoke of his three submitted petition articles (45, 46, 47). He did meet with Town Counsel. The first one, Article 45, should have first gone through the Community Preservation Committee (CPC). This was discussed with Conservation Commission. He agreed that it can be Indefinitely Postponed (IP'd) for tonight. Dan will present this to the Hall. This was to refund the conservation fund that we previously used for open space.

Selectman O'Brien suggested there be input from other committees (FinCom, etc.) and maybe a Trust could be established.

Mr. DePompei agreed that it was a good suggestion. He referred to Article #46 – proposed amendment to wetland administrative bylaws. Focus should be having Conservation Commission to get involved up front to prevent any misunderstandings in these projects. Selectman Simon asked if he spoke to CPC, and Mr. DePompei responded not. He did, however, speak to Conservation Commission supported this.

Selectman O'Brien asked is this a duplicate if required by law? Selectman Simon said Paul Kenny (Town Counsel) said it's not a valid amendment. Mr. DePompei replied that Mr. Kenny didn't give him a reason why it's not valid. Mr. Kenny suggested that it be presented at Town Meeting and let the voters decide.

Selectman Woodard asked if this were passed, and it is a valid amendment, does it preclude a MassDOT rail trail? Mr. DePompei answered no, the Town is the applicant and the bylaws apply. Town's bylaws are more restrictive than state bylaws. This is a local project until we give it to the state.

A Board discussion ensued on state vs. Town bylaws.

Selectman Simon said the Dept. of Transportation (DOT) doesn't want to be bound by local bylaws when doing a project.

Chair Drobinski stated that the petitioners report can be confusing to voters; permitted by DOT.

Both Selectmen Drobinski and Simon said this article was not specific enough and more engineering data is needed.

Selectman O'Brien asked, hypothetically, if both articles 32 and 46 pass, because Community Preservation funds are appropriated, would the Town still be the applicant? He said do we need to stick to letter of Town bylaw or is this flexible? Actual motion says projects are funded by CPC. The term "will adhere" in the motion is restrictive to all requirements.

Mr. DePompei asked what is correct legal wording, and Jody Kablack answered that the words "shall apply" could be used instead. Discussion continued on this article.

Town Manager Valente noted the time and reminded the Board they need to move on.

Town Manager Valente shared that regarding Article #27 – Amendments to the District Agreement of the Minuteman Regional Vocational School District. Kevin Mahoney doesn't want to IP the article right away; they want to make the motion and present the article. It's Minuteman's article, not Sudbury's.

Discussion moved on to remaining articles.

Article #38 – Selectman O'Brien made the motion to support, it was seconded, and passed unanimously 5-0.

Article #39 – Selectman O'Brien made the motion to support, it was seconded, and passed unanimously 5-0.

Article #40 - Selectman O'Brien made the motion to support, it was seconded, and passed unanimously 5-0.

Article #41 – Selectman O'Brien made the motion to support, it was voted 4-1 (Haarde opposed).

Article #42 - Lafayette Drive land – the Board already voted not to support; however, petitioner can still present.

Article #43 and #44 are both non-binding resolutions; Board takes no position.

Article #45 – the Board of Selectmen support Indefinite Postponement (IP).

Article #46 – Selectman O'Brien recommended that Mr. DePompei provide a revised copy of amendment. The Board takes no position.

Article #47 – Selectman O'Brien made the motion NOT to support, it was seconded, and was voted 4-1 (Haarde opposed).

The meeting adjourned at 7:20 PM. (ATM begins 7:30 PM in auditorium)