

IN BOARD OF SUDBURY SELECTMEN
WEDNESDAY, MARCH 30, 2016
EXECUTIVE SESSION

Present: Vice-Chairman Susan N. Iuliano, Selectman Charles C. Woodard, Selectman Robert C. Haarde, Selectman Leonard A. Simon, Town Manager Melissa Murphy-Rodrigues, Town Counsel Barbara Saint Andre, and Attorney George Pucci of Kopelman and Paige.

Absent: Chairman Patricia A. Brown

The statutory requirements as to notice having been complied with, the meeting was convened at 9:00 a.m. in the Silva Conference Room, Flynn Building, 278 Old Sudbury Road.

VOTE: Open in regular session, and vote to immediately enter into Executive Session regarding strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares (proposed Eversource transmission line), pursuant to General Laws chapter 30A, §21(a)(3). At the conclusion of executive session, vote to adjourn and not reconvene in open session.

Opening Remarks

At 9:00 a.m., Vice-Chairman Iuliano opened the meeting, and introduced Attorney George Pucci from Kopelman and Paige.

Ms. Iuliano introduced Attorney George Pucci who has experience in land use permitting, anything involving municipalities, and open space and development. He's handled similar matters, and his expertise is cross-examining the experts.

Mr. Woodard asked where are the litigation pressure points in this process? Town Counsel Saint Andre responded that the Energy Facilities Siting Board (EFSB) has to approve the Eversource transmission line.

There was a lengthy discussion amongst all attendees focused on the Eversource project and next steps. A meeting is scheduled with Eversource on April 5 at 1:00 PM.

Vice-chair Iuliano asked where do things stand, and what decisions do we need to make for a filing?

Town Counsel Saint Andre said they're trying to find expert witnesses/consultants to work with the Town in this matter. Attorney Pucci knows of a reputable expert who would focus on economics, planning, cost benefit analysis. Other experts could be an environmental consulting firm, real estate appraisals, and potential adverse impacts on property value.

Mr. Simon shared that the other component is legislative delegation - Gentile, Barrett, Eldridge – all favor underground lines. Once Eversource does file, we'll need another Executive Session so we can hit the ground running if they've changed position on their objective.

Vice-chair Iuliano said this will be a short window of response and we need to be prepared for April 5.

Mr. Haarde asked can the Siting Board say "no power lines?" Atty Pucci answered yes, but we need to do more research. Could we propose an alternative route rather than fighting it altogether? Atty Pucci said we always want to clarify what we really want. If the be-all-end-all is underground, his recommendation is to go for that position and make that the goal.

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Vice-chair Iuliano asked do we as a Board prefer underground in the right of way or under the streets? Is this information required before filing the petition/intervention? Attorneys Saint Andre and Pucci both responded affirmatively. Vice-chair Iuliano asked of Counsel what do you need today as far as direction/decisions? Town Counsel Saint Andre answered that sometime after April 5 we need to get preliminary authority for engaging the experts.

Town Manager Rodrigues said at Special Town Meeting there will be free cash appropriation, potentially \$330K available; probably use \$125K if not used for the Wayside Inn.

Mr. Simon asked is Eversource required to rank their proposals in terms of desirability in terms of regulations? Town Manager Rodrigues answered that they do have a ranking system and this will be shared at the April 5 meeting.

Vice-chair Iuliano asked what is the impact on litigation strategy? Should we contemplate hiring a PR firm? Is there an issue with this? Atty Pucci responded that it would be a good idea.

Mr. Simon asked can the MBTA tell Eversource where the lines should go? Town Manager Rodrigues answered yes since it's leased. Mr. Simon asked if we announced we're hiring O'Neill and associates, what would we say? Town Manager Rodrigues answered that we're hiring them to help put Sudbury in the best position possible.

Vice-chair Iuliano said we need to talk about meetings with Eversource and Protect Sudbury, and talk about what underground line we prefer. What should we try to get Eversource to do at the meeting? Town Counsel Saint Andre responded that we need to find out what is the route under the streets? They probably won't provide it. But we need information. We can then talk to our experts.

As there were no more questions for Counsel, Atty Saint Andre and Atty Pucci both left the meeting at 10:12 am.

The next item is the O'Neill proposal. An announcement can be made about this.

Town Manager Rodrigues shared that it's \$900 for one month with O'Neill, and would advertise it today, get specs out, maybe a month to month contract; one year not necessary.

*Vice-chair Iuliano made a motion to authorize the Board of Selectmen to enter into a contract with O'Neill and Associates, and issue an RFP for future services regarding governmental relations and public relations regarding the Eversource project. This was seconded; all voted eye.
It was voted unanimously.*

Next, there was discussion regarding Vice-chair Iuliano attending the Eversource meeting with the Town Manager on April 5.

*Selectman Simon made a motion that Vice-chair Iuliano be a representative to meet with Eversource and the Town Manager. Vice-chair Iuliano will report back to the Board in Executive Session. This was seconded; all voted eye.
It was voted unanimously.*

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The discussion shifted to Protect Sudbury. Ms. Iuliano shared that she regularly meets with Town Manager Rodrigues and Ray Philips of Protect Sudbury every two weeks. Protect Sudbury opposes any proposal by Eversource, and felt they were pushed into the public eye.

Mr. Simon motioned that Vice-chair Iuliano not meet with Protect Sudbury due to what happened at the election. The motion was not seconded and thus failed.

The Board discussed the negative publicity posted by Protect Sudbury the day before the Town Election. Some members felt there should be a public apology, as the statement was inflammatory and used to launch a political campaign.

Discussion shifted to a public statement. Vice-chair Iuliano proposes that we talk now about our message. What do we want to get out to the public? What can we say and not say? She shared a draft handout. What's the Board's position on Eversource? After much discussion, all Board members agreed to review the document, and provide any edits to Town Counsel Barbara St. Andre, and due to Town Manager Rodrigues by 5:00 PM today. This will be sent as a press release.

Next meeting tentatively scheduled for an Executive Session April 13 at 4:00 PM, and possibly discuss Wayside Inn. This is tentative; need to check Town Counsel Barbara Saint Andre's schedule.

VOTED:

There being no further business, the meeting adjourned at 10:55 am.

Attest:_____

Melissa Murphy-Rodrigues
Town Manager-Clerk