

IN BOARD OF SUDBURY SELECTMEN
MARCH 17, 2016
EXECUTIVE SESSION
SILVA CONFERENCE ROOM, FLYNN BUILDING
(4:35 PM – 7:47 PM)

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

The Board met to discuss consideration of the purchase, exchange, lease or value of real property of the Wayside Inn. They also discussed litigation issues regarding the Eversource transmission line project.

Wayside Inn Property Discussion

The Town Manager has had many conversations with the Wayside Inn, Avery Associates & LandVest, Inc. about this property. The title is needed, a survey is needed, and more time is needed.

A draft CR (Conservation Restriction) was given to the Town Manager with comments about the Active Use of the Area, the Agricultural Use, and the Open Space Area for public recreational use.

There are concerns by the town. Would the town be able to build housing on the lot, or build any new buildings, and what is the energy required? Could the Inn decide where the public would be allowed on the property and when the public would be allowed on the property?

Selectman Woodard met with John Avery of Avery Associates and the Wayside Inn. Mr. Woodard said he could not rely on the appraisal that was prepared by Avery Associates. There is the assumption there are 12-14 house lots, but the appraisal cannot confirm this number. Mr. Woodard wondered how accurate the appraisal report was. The town doesn't have money to pay for another appraisal. He asked if the Board should look at holding a Special Town Meeting in September to go over this. Mr. Woodard received a call from Mark Kablack, a member of the Wayside Inn Board. Mr. Kablack is upset about the delay and is pushing to get LandVest and Avery Associates together for a solution. John Avery is willing to meet with everyone. The Board wants to stay on track with the May Town meeting. The Town Manager is not sure if this is possible. Approximately \$10,000 would need to be pulled from the town budget for another appraisal. Selectman Haarde feels residents should be allowed to vote on whether another appraisal is needed.

The big issue is what to do with the proceeds. The money needs to be used within the Wayside Inn campus. The town is responsible for property the town keeps. Selectman Haarde suggested that a sub-committee be formed with a Board member in charge who oversees the property maintenance and the proceeds managed. The Board thought this was an interesting idea about the formation of a sub-committee.

The Board asked if there should be historical conservation restrictions on the property. The Board would like restrictions on the whole campus. The Town Manager is waiting on feedback from the state and the Registrar of Historic Districts.

The Wayside Inn discussion ended at 6:04 pm.

Selectman Pat Brown recused herself from the next discussion regarding the Eversource project.

Present: Chair Susan N. Iuliano, Vice-Chair Charles C. Woodard, Selectman Robert C. Haarde, Selectman Leonard A. Simon, Town Counsel Barbara St. Andre and Town Manager Melissa Murphy-Rodrigues

(Selectman Pat Brown recused herself from this portion of the meeting.)

Eversource Litigation and Communication with Eversource Discussion

The session resumed with the discussion of the Eversource transmission line project. Town Counsel said that to prevent Eversource from proceeding with its plan for transmission lines in Sudbury, the town needs to show threat of immediate irreparable harm to the town. ISO has an obligation to maintain payment grids. ISO is doing its job for the New England area (ISO has 40 projects & Sudbury is 1 of the 40 projects). ISO determines what needs to be done and Eversource carries it out.

What can Sudbury do?

ISO has a separate set of hearings. The ability for the town to intervene comes at the siting level. The Town is not under deadline to file anything right away, more time is needed to work with the Sudbury community. The Town hasn't done anything with Eversource as far as discussing how Eversource was planning to go ahead with the project design. The Town Manager said she was willing to contact Joanne O'Leary of Eversource, to start the communication process between the Town and Eversource.

Selectman Iuliano said she would like the town to talk with Eversource and ask them to extend the timeframe of the project and also discuss alternative routes of design, i.e., which streets would be affected by Eversource's proposed design.

Selectman Simon suggested to stay on the same page as the Town of Hudson and to see where Hudson is going with Eversource's proposed project.

Town Counsel said it was important to put in writing to ask Eversource to meet with the Town and to ask for a delay in the project. The Board decided to take a vote on drafting a letter to Eversource.

It was on motion unanimously

Voted: To approve drafting a formal letter to Eversource requesting them to meet with the Board of Selectmen and to request Eversource discuss geographically alternate routes for their project design.

This letter would tell the Sudbury community that the Board is working with Eversource and there is no litigation at this point. The Town Manager mentioned her staff was working on a website to keep the Sudbury residents informed on the Eversource project.

Town Counsel asked what are the next steps?

1. Do we want to intervene?
2. Are there other design routes to contest?

Town Counsel said the Board has the option of contesting everything to the siting board. Expert witnesses and consultants would be needed to do this, and it would be costly. If the goal is for underground lines you need to get the cost of this vs. the cost of transmission lines above ground. For above ground lines, experts will need to be hired to look at the damage to the environment, wildlife and abutters' properties. The Town Manager said she would ask the Finance Committee to transfer money to get started on the process of legal counsel intervention and if necessary ask at Town Meeting for additional money.

The Board members in attendance voted on a second motion.

It was on motion unanimously

Voted: To authorize Legal Counsel to prepare for intervention and to hire any consultants and experts needed for an intervention.

It was brought up by Town Counsel that it was important for the Towns of Sudbury and Hudson to work together on this since Hudson will probably also prepare an intervention.

The Board members in attendance voted on a third motion.

It was on motion unanimously

Voted: To authorize Town Counsel to work with other municipalities, firms and Protect Sudbury against the Eversource transmission line project.

(The Town Manager and Town Counsel left the meeting after the vote at 7:15 pm).

Remaining in attendance: Chair Susan Iuliano, Vice-Chair Charles Woodard, Selectman Robert Haarde and Selectman Leonard Simon.

The next discussion focused on the letter drafted by Ms. Iuliano to Governor Baker about the Eversource project and the Press Release response to the public. Ms. Iuliano asked if the letter she drafted should be sent from the Board since it was similar to the letter the Town Manager sent earlier to Governor Baker.

(Selectman Simon left the meeting at 7:21 pm)

The remaining Board members, Chair Susan Iuliano, Vice-Chair Charles Woodard and Selectman Robert Haarde, discussed possible changes to the letter format.

The Board members in attendance voted on a motion.

It was on motion unanimously

Voted: To approve the letter to Governor Baker and to sign the letter.

The letter was signed by Selectmen Iuliano, Woodard and Haarde. There was discussion about the Press Release letter.

The Board members in attendance voted on a second motion.

It was on motion unanimously

Voted: To approve the Press Release.

It was decided the letter would be posted on the town's website and Facebook page. The members felt they had no standing to seek an injunction at the present time. If the town lost at the Siting Board meeting, the next step would be to go to court. There was some discussion about hiring a Lobbying firm. The fee for the firm was \$10,000 for one year of service. The Protect Sudbury group could not afford this firm. Ms. Iuliano said she would have a meeting with the Town Manager to discuss a possible meeting with Protect Sudbury during the week.

The Board made a motion for Ms. Iuliano to meet with Protect Sudbury to keep the group informed.

It was on motion unanimously

Voted: To allow Selectman Iuliano to meet with the Protect Sudbury group.

The next discussion was about the Sewer Design article. The members discussed if this article should be added on a future Special Town Meeting since it is a \$2 million project. There would be a need to come up with the fees for the design. Mr. Haarde asked if the Board wanted to propose combining the Eversource project and the sewer project. The members asked Mr. Haarde if he was going to come up with a proposal on the sewer project and add it to a future agenda meeting. A decision was not made about this at this time.

There was a motion to adjourn the meeting. All in attendance voted in favor to adjourn the meeting.

There being no further business, the meeting adjourned at 7:47 p.m.

Attest: _____
Melissa Murphy- Rodrigues
Town Manager - Clerk