

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, APRIL 26, 2016

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

The statutory requirements as to notice having been complied with, the meeting was convened at 7:37 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:37 p.m., Chairman Brown opened the meeting. She announced the Town has retained outside Counsel from Kopelman and Paige, P.C. to assist with The Village at Sudbury Station Comprehensive Permit process, and Attorney Jonathan Silverstein attended last night's Zoning Board of Appeals (ZBA) Meeting.

Reports from the Town Manager

Town Manager Rodrigues announced Board of Selectmen Office Hours will be at 9:00 a.m. on April 27, 2016 in the Silva Conference Room at the Flynn Building, with Vice-Chairman Iuliano and Selectman Haarde in attendance. She reminded residents that the Annual Town Meeting begins May 2, 2016 at 7:30 p.m., and there will be a Special Town Meeting on May 3, 2016 at 7:30 p.m., prior to the continuation of the Annual Town Meeting. Town Manager Rodrigues also reminded residents that real estate taxes and personal property taxes are due May 2, 2016.

Reports from the Board of Selectmen

Selectman Simon asked that a letter of congratulations be sent, on behalf of the Board and Town, to those Boy Scouts attaining Eagle Scout status in the month of May.

Citizen's Comments

At 7:35 p.m., Chairman Brown announced no citizens have requested comment time tonight.

Public Hearing: Utility Petition #16-01 – Bishop Lane

Present: EverSource representative Jaqueline Duffy

At 8:03 p.m., Chairman Brown took this agenda item out of order, and she opened the Public Hearing regarding consideration of Utility Petition #16-01 to approve a Grant of Location to install approximately 110 feet +/- of conduit in Bishop Lane, she read aloud the Public Hearing Notice, and she welcomed EverSource representative Jaqueline Duffy to the Meeting. The Board was previously in receipt of copies of the Public Hearing Notice, a letter from Department of Public Works Director I. William Place dated April 12, 2016, a letter from EverSource Supervisor of Rights and Permits William D. Lemos dated March 28, 2016 and accompanying petition.

Chairman Brown asked if this request is due to new construction and if all the utilities would be installed underground. Ms. Duffy responded affirmatively to both questions.

Selectman Woodard noted the Department of Public Works had no objections to the request.

Selectman Simon stated installing the utilities underground is better for safety and aesthetics, and he thanked Ms. Duffy for EverSource's decision to do so in this instance.

Chairman Brown asked for public comments, none were offered, and she closed the Public Hearing.

It was on motion unanimously

VOTED: To approve a Grant of Location for Utility Petition #16-01 to install approximately 110 feet +/- of conduit in Bishop Lane, which is necessary to provide new electric service to 15 Bishop Lane.

Public Hearing: Package Store License for the Sale of All Alcoholic Beverages - Bapgi Corporation, d/b/a New Kippy's

Present: Dinesh Patel, Director and President and the applicant's attorney Andrew Upton

At 8:20 p.m., Chairman Brown took this agenda item out of order, and she opened the Public Hearing regarding the application of Bapgi Corporation, d/b/a New Kippy's (Dinesh Patel, Director), 474 Boston Post Road, Sudbury, for a Package Store License for the Sale of All Alcoholic Beverages, under M.G.L. Ch. 138, s. 15, Dinesh Patel, President. The Board was previously in receipt of copies of the Public Hearing Notice, a letter from attorney Joseph Devlin dated April 1, 2016 and accompanying "Application for Retail Alcoholic Beverage License" and materials and exhibits regarding the application for license transfer, and feedback from Sudbury Department Heads regarding the request.

The applicant's attorney Andrew Upton briefly described the request as a result of a sale of the business. He emphasized President and Director Dinesh Patel is an experienced liquor license operator with over six years of experience at another establishment where there have been no violations. Mr. Upton stated customers should perceive no substantial changes other than the name change. He noted Mr. Patel plans to purchase a scanner to assist with checking licenses of patrons and he also plans to retain all of the current full-time employees.

Town Manager Rodrigues reported the application is in order and there have been no objections to the request expressed by Town staff.

Selectman Simon asked if Mr. Patel plans to be on site during all operating hours. Mr. Patel stated he would split his time between this location and his other store. Selectman Simon asked if he would have back-up personnel managing in his absence, who have similar experience. Mr. Patel stated a family member, who is experienced and TIPS-trained, would be on-site when he is not there.

Chairman Brown asked for public comments, none were offered, and she closed the Public Hearing.

It was on motion unanimously

VOTED: As the Local Licensing Authority to approve the transfer of a Package Store License for the Sale of All Alcoholic Beverages, under M.G.L. Ch. 138, s. 15, from David Fields, Manager, YBF, Inc., d/b/a Kappy's Distributors, at 474 Boston Post Road., Sudbury to Bapgi Corporation, d/b/a New Kippy's, Dinesh Patel, President.

Energy Committee – Town Electrical Aggregation – Discussion

Present: Energy and Sustainability Green Committee Chair Bill Braun and Energy Committee member Rami Alwan

At 8:27 p.m., Chairman Brown welcomed Energy and Sustainability Green Committee Chair Bill Braun, and Energy Committee member Rami Alwan to the Meeting to provide an update on electrical aggregation for the Town. The Board was previously in receipt of copies of the relevant section of the State's Executive Office of Energy and Environmental Affairs website.

Mr. Braun stated Shared Facilities Director Jim Kelly was unable to be here tonight because he is attending another Town committee meeting. He stated the proposed aggregation plan is on the Town website, which allows the Town to buy electricity in bulk on behalf of its residents and businesses. Mr. Braun stated aggregation programs provide more local control and responsiveness to local preferences, are typically cheaper and “greener.” He explained residents are automatically opted into the program, and 77 other towns in the State have approved programs. Following last year’s Town Meeting vote to pursue the program, Mr. Braun stated an aggregator was secured as a consultant to develop the plan which is now posted on the Town website to receive public input for the next two weeks. He further explained the next step is for the Town Manager to be approved to sign a contract with the aggregator. After the two-week comment period, Mr. Braun would anticipate coming back to the Board for a vote to move forward with the program.

Mr. Alwan stated the Massachusetts Area Planning Council has facilitated the process. He also stated approval of the Plan from the State’s Department of Public Utilities could take approximately 12-16 weeks. In response to a question regarding the opting-in aspect from Selectman Woodard, Mr. Alwan explained that, if residents have already opted out from EverSource and they have their own aggregation company, they would not be opted-into the program.

Selectman Woodard asked how the aggregator is compensated. Mr. Braun stated a tenth of a cent per kilowatt hour goes to the consultant. Selectman Woodard asked if someone will be periodically monitoring whether the Town is receiving a competitive price. Mr. Alwan stated the price will wax and wane, but the Town buildings and Lincoln-Sudbury Regional High School have already benefitted with consistent savings in their aggregation programs. Mr. Alwan also stated the initial contract would likely be for one year as results are reviewed for rebidding or renewal. Mr. Braun stated the Energy Committee routinely would check on the costs.

Selectman Woodard asked who would approve the contract renewal, and it was noted it would be the Board of Selectmen.

Selectman Simon asked if the Request for Proposal for the aggregator was done for other towns too. Mr. Alwan stated it included Sudbury, Arlington and Somerville, and other towns have since showed interest in joining. Selectman Simon stated more towns and participants involved should drive a better price structure, which Mr. Braun confirmed to be the case.

A brief discussion ensued regarding choosing greener options for an additional cost. Selectman Simon asked if the program would impact the solar project at the former landfill site. Mr. Braun stated there would be no changes to the solar project, which has exceeded revenue projections, with a net benefit to the Town of approximately \$150,000 last year.

In response to a question from Selectman Haarde regarding compliance for the procurement of the aggregator, Mr. Braun explained this falls under 25A regulations. Town Manager Rodrigues stated the process complied with the procurement regulations.

Selectman Haarde asked when the Board would have a contract to sign for the program. Mr. Alwan stated in approximately two weeks, after which it could take three to four months for other approvals before it rolls out to residents. He also stated it is hoped to add the Town buildings and L-SRHS programs to this plan’s cycle to reap better cost benefits for all parties.

Chairman Brown asked if there is anything the Board could do to help publicize the two-week comment period about the Plan posted online. It was noted an article is planned for the local paper to highlight program and plan information for the public. Chairman Brown suggested a handout could be prepared for

distribution at the Annual Town Meeting. Mr. Alwan stated the consultant is also required to help provide education about the program to the Town.

Sudbury resident Dan DePompei, 35 Haynes Road, stated he has been an individual aggregator for years. He asked whether someone who has already been opted out of the program could opt-in at a later time, and he asked how those with solar contracts would be impacted. Mr. Alwan stated someone can choose to opt into the program at any time. Regarding those with solar contracts, he stated those net metering credits are usually through solar third-party contractors. However, it was noted solar customers might be able to opt-in to the program during off-cycle times (winter).

At 9:00 p.m., Chairman Brown thanked Mr. Braun and Mr. Alwan for the update, and the discussion was concluded.

Sudbury Housing Trust – Approve Member Appointment

Present: Candidates Cynthia Howe and Bo Wang

At 9:00 p.m., Chairman Brown welcomed Sudbury residents Cynthia Howe and Bo Wang to the Meeting to discuss their interest in serving on the Sudbury Housing Trust (SHT), noting both candidates come highly recommended. She thanked both women for volunteering to serve. The Board was previously in receipt of copies of their “Town of Sudbury Applications for Appointment.”

Vice-Chairman Iuliano stated she has had the opportunity to meet both women at a SHT meeting.

Ms. Wang stated she has lived in Town for over a year, and now that her children are in school, she would like to become involved in the community.

Ms. Howe stated she has lived in Town over 30 years and she has worked on property management for approximately 18 years. She stated she would like to utilize some of her professional skills for the benefit of Sudbury.

Selectman Simon noted both women have excellent backgrounds and credentials.

It was on motion unanimously

VOTED: To approve the appointments of Cynthia Howe, 38 Birchwood Avenue, to the Sudbury Housing Trust for a term expiring April 30, 2018, and Bo Wang, 5 Tavern Circle, to the Sudbury Housing Trust for a term expiring April 30, 2017, as recommended by the Chairman of the Sudbury Housing Trust.

Local Emergency Planning Committee – Interview Candidate for Appointment

Present: Candidate Craig Gruber

At 9:02 p.m., Chairman Brown welcomed Sudbury resident Craig Gruber to the Meeting to discuss his interest in serving on the Local Emergency Planning Committee, noting he has previously interviewed with Fire Chief Miles. The Board was previously in receipt of copies of Mr. Gruber’s “Town of Sudbury Application for Appointment.”

Mr. Gruber stated he has lived in Town for 12 years and he is the Director of Northeastern’s Master of Arts in Homeland Security and Criminal Justice Leadership Program. He further stated he would like to share his passion and experience with emergency management with Sudbury, and he now has the time to volunteer.

Board members expressed the Committee is a great fit for Mr. Gruber's skills and experience, and they thanked him for volunteering to serve.

It was on motion unanimously

VOTED: To approve the appointment of Craig Gruber, 187 Goodman's Hill Road, to the Local Emergency Planning Committee for an indefinite term.

Special Municipal Employee Designations - Discussion and Possible Vote on a Park and Recreation Commission Related Request

At 9:06 p.m., Chairman Brown opened a discussion regarding whether to designate the Park and Recreation Commission as Special Municipal Employees for the purposes of the State Conflict of Interest Law (M.G.L. 268A, Section 20), which was previously discussed at the Board's April 5, 2016 Meeting. The Board was previously in receipt of copies of a relevant section of the State Ethics Commission website, and a September 24 2014 Revised Sudbury listing of "Conflict of Interest Designations." In addition, copies of a memorandum and draft Commission Meeting Minutes of April 25, 2016 from Park, Recreation & Aquatic Director Kayla McNamara dated April 26, 2016 and twelve emails from Sudbury residents, all dated April 26, 2016 (eight in favor of the request by Mara Huston and four opposed to the request) were distributed tonight.

Chairman Brown provided a brief explanation of Special Municipal Employees status and criteria at the Board's April 5, 2016 meeting. She explained the designation is given to a position/entity and not to an individual. On March 15, 2016, Chairman Brown stated she had a request from Sudbury resident Mara Huston to have the Park and Recreation Commission designated as Special Municipal Employees so Ms. Huston could avoid a potential conflict of interest (she rents pool lane space for her private business), if she were elected to the Commission. She further explained that, if the board were to appoint the Commission as Special Municipal Employees tonight, Ms. Huston would be able to continue her business relationship with the Town, but she would need to recuse herself from all pool-related issues. Chairman Brown stated she believes this type of designation needs to be a policy decision by the Board and not a personal decision. However, she noted this request is complicated because the Commission has elected members, Ms. Huston was voted by the public to serve, and there are personal implications. Chairman Brown stated she has reached out to the State Ethics Commission, and it has advised that the candidate is the only one who has an issue.

Vice-Chairman Iuliano summarized the process which would be needed to vote the Park and Recreation Commission as Special Municipal Employees as Ms. Huston would need to complete a disclosure form and then the Selectmen would need to grant an exemption for this situation. Vice-Chairman Iuliano stated she would like to know specifically how Ms. Huston's role would be defined on the Commission, if participation were approved. Selectman Haarde stated he would want to know how Ms. Huston's role on the Commission would be defined before he is asked to vote on designating the entire Commission as Special Municipal Employees.

Vice-Chairman Iuliano stated she views that there is a first question of policy for the Board to address, and she referenced the many other Town boards and committees which have been so designated. Selectman Haarde stated it is not known by whom the other Town entities were designated and why, and just because they are designated does not necessarily make it correct. He would want to better understand the rationale for these other designations. Selectman Haarde further stated he does not believe the designation or an exemption by the Board addresses how Ms. Huston would recuse herself from, and participate in, Commission issues.

Town Manager Rodrigues summarized the three-step process needed to designate the Commission, have Ms. Huston file a disclosure form and for the board to vote an exemption for Ms. Huston to have a contract with the Town and require her to recuse herself from all pool-related topics.

Selectman Woodard stated he views the conflict as the individual having a contract with the entity for which they are a member. He does not believe this is a good practice to allow. Selectman Woodard suggested starting from scratch to review the list of current designees for applicability and eligibility, but as they relate to tonight's request he believes the other designations are irrelevant.

Selectman Haarde stated this designation has not been discussed in a long time, and he recalls one other situation when the Board did designate a Town employee for a position which was completely unrelated to their contract with the Town. He stated the prior rationales for designations are unknown, and the Commission does not want to be designated. Thus, he does not believe the Board has a good reason to designate the Commission as Special Municipal Employees. Selectman Haarde further stated the situation is unfortunate because he knows how dedicated Ms. Huston is to Town recreational activities.

Chairman Brown read aloud the last paragraph of the draft Park & Recreation Commission April 25, 2016 Meeting Minutes, noting a vote was taken to designate the Commission as Special Municipal Employees and the motion was rejected with a vote of 1-4.

Park and Recreation Commission Chair Jim Marotta and Commission member Bobby Beagan stated last night's discussion is reflected in the draft Meeting Minutes. Mr. Beagan stated it was a difficult issue because Ms. Huston was elected. However, he researched the definition of the designation and he believes it was created to lessen restrictions when a particular expertise is needed and unavailable. Mr. Beagan stated the Commission has no need for special expertise, and thus he could not justify the designation being applicable.

Park and Recreation Commission member Dick Williamson, 21 Pendleton Road, stated he was the one vote who supported the request. Mr. Williamson stated it is an unfortunate situation, and he believed there was enough ambiguity regarding the other current designations for Town entities that he was willing to make an allowance for this request.

Selectman Haarde stated he believes the Selectmen have the responsibility to now review and identify if there is a need for the other current designations. He stated he has known Ms. Huston for a long time and he knows she would be an asset as a member of any group.

Sudbury resident Mara Huston, 578 Peakham Road, stated she has discussed her situation with the State Ethics Commission's attorney, and she believes that, if the Commission is designated, she just needs to complete the disclosure form, which she is prepared to submit tonight, and then the Board could vote an exemption for her. She realizes she would only be able to speak on pool-related matters as a public citizen. Ms. Huston emphasized the Commission handles much more than just pool issues and she was voted for the position by 935 Sudbury residents. She believes she also brings expertise to the Commission regarding many recreational and field issues. Ms. Huston stated that, if her request is denied, then she questions whether anyone who swims at the pool and pays fees would not also have a conflict of interest. Selectman Haarde and Chairman Brown stated they are not certain this assumption for those who pay to use the pool is accurate, noting this is different than Ms. Huston running a business at the pool.

Chairman Brown stated it is possible to have a contract with the Town and not have a conflict of interest. She stated it is the pool-related business which is the issue. She also stated the Board needs to look at Special Municipal Employee designations as a policy issue at a later time, and the Board should consider adding a sunset date to the designations. Vice-Chairman Iuliano stated she has researched some information on what other towns have adopted. Chairman Brown emphasized it is Ms. Huston's choice as to whether she wishes

to continue her contract with the Town. She stated the Board will review all the current designations as a future agenda item, and she asked if there was a motion for a vote to designate the Park and Recreation Commission as Special Municipal Employees tonight, and no motion was offered.

Vice-Chairman Iuliano summarized the Board has decided to not vote on this matter tonight, and thus nothing has changed regarding the Park and Recreation Commission, and Chairman Brown concluded the discussion.

Minuteman Regional Vocational Technical High School District Withdrawal –Discussion and Possible Vote Regarding Forming a Vocational Education Guidance Committee and Approving a Mission Statement

At 8:08 p.m., Chairman Brown took this agenda item out of order, and she opened a discussion regarding forming a committee and mission statement with the purpose of facilitating placement of vocational Sudbury students following withdrawal from the Minuteman Regional Vocational High School District. The Board was previously in receipt of copies of a memorandum of a revised draft Mission Statement and a list of Proposed Vocational Education Guidance Committee Membership from Selectman Simon dated April 26, 2016.

Selectman Simon thanked Board members for their comments, which he incorporated into the revised drafts. He encouraged anyone interested in participating on the Committee to contact the Town Manager's Office. Selectman Simon provided some background for this item, noting Sudbury and five other towns voted to withdraw as members from the Minuteman School District as of the fall of 2017. Thus, a committee will be formed to evaluate several vocational-related issues and options, including transportation choices.

Selectman Haarde asked if the names noted as members have been voted. Selectman Simon stated they have not been voted, but they have expressed interest in serving.

Chairman Brown asked what the anticipated size of the Committee would be, noting the draft lists eight members.

Selectman Woodard suggested voting on the Mission Statement and composition tonight to get the process started.

Selectman Haarde suggested, and the Board concurred, that David Manjarrez's membership should be titled as the Town's representative to Minuteman and not merely as a parent. It was further suggested the committee's membership be increased to nine, with two at-large positions for parents.

Selectman Haarde suggested there should be outreach to have a member(s) who works in the trades on the Committee. Selectman Simon stated that, if there is sufficient interest shown from tradesmen, the committee composition could always be reviewed for adjustment by the Selectmen.

Chairman Brown stated, and the Board concurred, that there seemed to be consensus by the board for a nine-member committee, as discussed tonight.

Selectman Woodard asked if the Mission Statement should include a timetable to produce and submit a report. He suggested contacting the potential other vocational schools to see when they would need to know about entering Sudbury students and working backwards to establish a timeline. Chairman Brown agreed, stating she would like to see a list of milestones soon as part of a timetable submitted by the Committee.

Selectman Simon stated he hoped to get approval for the composition and Mission Statement and then meet with the new members to ask how quickly they could accomplish their mission.

It was on motion unanimously

VOTED: To form a Vocational Education Guidance Committee, with the composition as amended tonight, and to approve the draft mission statement as reviewed tonight, with the purpose of facilitating placement of Sudbury vocational students following Sudbury's withdrawal from the Minuteman Regional Vocational High School District.

Special Town Election Warrant – Vote and Sign

At 7:45 p.m., Chairman Brown took this agenda item out of order, and she opened a discussion regarding the Special Town Election Warrant. The Board was previously in receipt of copies of the Special Town Election Warrant for Tuesday, May 17, 2016.

Selectman Simon suggested it might be helpful to explain why another Election is needed. Town Manager Rodrigues explained the ballot relates to the capital exclusion/debt exclusion-related articles which will be presented at the Annual Town Meeting. Selectman Woodard stated having this Election following the Town Meeting allows residents time to be better educated regarding the votes taken at Town Meeting on these articles. Chairman Brown noted that at the time of the March Town Election the Finance Committee is still finalizing the Town budget and more information is available by holding another Election soon after Town Meeting while the issues are fresh in people's minds. Selectman Simon stated it is better to give residents the opportunity to hear the Town Meeting debate of the articles and read the Town Meeting Warrant.

It was on motion unanimously

VOTED: To sign the Special Town Election Warrant to be held Tuesday, May 17, 2016, which must be delivered to residents by Tuesday, May 3, 2016.

2016 Annual Town Meeting Articles – Discuss and Vote Who Will Report the Board's Position

At 9:50 p.m., Chairman Brown took this article out of order, and she opened a discussion regarding the Annual Town Meeting articles. The Board was previously in receipt of copies of an updated list dated April 21, 2016 of the Annual Town Meeting articles.

It was on motion unanimously

VOTED: To have Chairman Brown present the Board's position at Town Meeting for Articles # 1, 11, 26, 31, 37, 39, 40, 41, 42, and 43, Vice-Chairman Iuliano will present the Board's positions for Articles #6, 27, 38, and 45, Selectman Woodard will present positions for Articles #2, 3, 4, 12, 13, 14A, 14B, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25, Selectman Haarde will present the Board's position on Articles # 7, 36, and 44, and Selectman Simon will present positions for Articles # 5, and 33.

2016 Special Town Meeting Articles – Discussion and Vote Positions

At 7:53 p.m., Chairman Brown took this agenda item out of order, and she opened a discussion regarding the Special Town Meeting articles for May 3, 2016. The Board was previously in receipt of copies of the Town of Sudbury Official Warrant 2016 for the Special Town Meeting May 3, 2016 at 7:30 p.m. and a spreadsheet listing of the articles dated April 21, 2016.

It was on motion unanimously

VOTED: To have Selectman Woodard report the Board's position on Article 1, Vice-Chairman Iuliano to report the Board's position on Article 2, Selectman Haarde to report the Board's position on Article 3, Selectman Simon to report the Board's position on Article 4 and Chairman Brown will present the Board's position on Article 5 for the May 3, 2016 Special Town meeting.

2016 Special Town Meeting Regarding National Development Proposal – Vote to Call

At 7: 50 p.m., Chairman Brown took this agenda item out of order, and she opened a discussion regarding whether to call a Special Town Meeting in June regarding the National Development proposal.

Town Manager Rodrigues stated she and Selectman Haarde have been on the team working to draft a Development Agreement which would need to be voted on along with the proposed zoning changes. She stated a June 13, 2017 Special Town Meeting date has been suggested in order to schedule it before schools close and residents get busy with summer plans.

Chairman Brown stated that, if the Board votes to call this Meeting tonight, the plan would be to open the Warrant period tomorrow and close it at 5:00 p.m. on Monday, May 9, 2016.

It was on motion unanimously

VOTED: To call a Special Town Meeting on June 13, 2016 for the National Development proposal-related articles, and to open the Warrant period tomorrow and close it on Monday, May 9, 2016.

2016 Annual Town Meeting – Article 42 – Bruce Freeman Rail Trail Partial 75% Design – Assign Presentation and Vote Whether to Require 75% Design to Comply with Town Bylaws

At 9:55 p.m., Chairman Brown took this article out of order, and she opened a discussion regarding assigning the presentation of Article 42 - Bruce Freeman Rail Trail Partial 75% Design for the Annual Town Meeting and whether to require 75% design to comply with Sudbury's bylaws. The Board was previously in receipt of copies of personal notes provided to the Board by Sudbury resident Dan DePompei, 35 Haynes Road. In addition, copies were distributed tonight of three PowerPoint slides prepared by Mr. DePompei.

Selectman Simon requested, and the Board agreed, to discuss the two agenda items separately. He stated he has previously discussed his desire to make the presentation at Town Meeting for Article 42 with Director of Planning and Community Development Jody Kablack, Community Preservation Committee Chairman Chris Morely and Chairman Brown, who added the request to tonight's agenda.

Vice-Chairman Iuliano stated Selectman Simon's request makes sense. However, she noted the article was submitted by the Board, and thus she believes the Board should be able to review the presentation prior to Town Meeting. Selectman Simon stated he would submit his presentation to Town Manager Rodrigues for circulation at the Board's May 2, 2016 Meeting.

It was on motion unanimously

VOTED: To have Selectman Simon present Article 42 regarding the Bruce Freeman Rail Trail Partial 75% Design at the Annual 2016 Town Meeting.

Chairman Brown stated there has been a lot of discussion through the years regarding whether the design needs to comply with Town bylaws. Selectman Woodard asked for clarification as to whether she was

referring to the process of design or the finished project. Chairman Brown stated that money is being asked to be appropriated and she would like to know if the contract will require the design to comply with Town bylaws.

Vice-Chairman Iuliano noted the language of the Warrant article references Mass. Department of Transportation standards, and the article has been approved by the Community Preservation Committee (CPC), and the CPC would need to approve any changes.

Selectman Woodard stated he believes the article supports that, in order to build the rail trail, the Town needs funding, and the way to get funding is with a Mass. DOT standard design to obtain State funds. He is concerned that, if a vote is taken to comply with Town bylaws, that could jeopardize State funding and potentially result in a vote for no rail trail.

Selectman Haarde stated he swore to comply with the Town's laws and he is not sure doing otherwise just for money is the right thing.

By asking for State funds, Selectman Woodard stated he does not believe it equates to not complying with Town bylaws, and he does not believe the Board would be voting to not comply. He views the article as presented in the Warrant as voting to do a Mass DOT standard trail because there is a responsibility to the Town to support a rail trail, which the residents want, and thereby to pursue the funding needed for it.

Selectman Simon referenced an October 29, 2013 discussion when the Board discussed design funds and decided to ask the CPC for funding for a project according to Mass. DOT standards.

Selectman Haarde stated he supports the rail trail, but he will not vote to not comply with Town bylaws.

Chairman Brown stated Director of Planning and Community Development Jody Kablack stated it does comply with the Town's standards. She also referred to the map on page 2 of tonight's handout, stating she believes it is important to ask the State to build the trail according to the Town's bylaws or it will not happen. She believes the State has been willing to work with other towns on such matters.

Selectman Simon stated there will be opportunities for this type of discussion with VHB at the forums which will occur. He believes it is important to maintain consistency with the standards which were voted for the 25% design in May 2014. Selectman Simon also stated he would not want to put at risk the \$58,000 contribution from the Friends of the Bruce Freeman Rail Trail, and all the work which has been to date. Chairman Brown stated she does not believe there were any conditions to the Friends' contribution which would be jeopardized. She stated the contribution was made only for the 25% design, and the Friends stated it would be fine if the Town decided not to do more. Thus, she believes the Town has complied with its obligation for the Friends' contribution.

Selectman Woodard stated he believes a vote to make the 75% design comply with Town bylaws has the potential for diminishing support for the rail trail. He further stated he could not vote on this agenda item without knowing more about the potential negative consequences of doing so.

Town Manager Rodrigues stated she would reach out to the Town's rail trail consultant Michelle Ciccolo.

At 10:19 p.m., the discussion was concluded.

Citizens' Comments – Continuation

Chairman Brown announced no citizens had requested time for comments tonight.

Future Board of Selectmen Agenda Items - Discussion

At 7:55 p.m., Chairman Brown took this agenda item out of order, and she opened a discussion regarding future agenda items. She stated the request for a dog hearing can occur during a regularly scheduled meeting, and she suggested adding it to the May 31, 2016 agenda. Chairman Brown noted she will be absent from the May 31, 2016 Board Meeting. Selectman Woodard stated he will also be absent, and Selectman Haarde stated it is possible he will not be able to attend. Chairman Brown stated she would pursue another date convenient for all parties.

Chairman Brown stated the Board's May 17, 2016 Meeting will be held at the Police Station's meeting room. She stated an agenda needs to be published by this Thursday, if the Board is to meet prior to Town Meeting on May 2, 2016. She also reminded presenters to submit their slides to Mark Thompson by the end of this week.

Selectman Woodard requested a discussion regarding the location for the Sudbury Public School (SPS) Administration be scheduled for the May 17, 2016 agenda. He believes the Board needs to become more involved in investigating the options available and moving towards a decision. Selectman Simon suggested also inviting SPS to the Meeting. Selectman Woodard stated he plans to write a Letter to the Editor of the newspaper to be published May 12, 2016 (prior to the Special Town Election) to explain the Town's capital funding plan. He further stated he would provide the Board with a draft of the letter at the Board's May 2, 2016 Meeting.

Special Permit – American Cancer Society – “Bicycles Battling Cancer Ride”

Chairman Brown took the following Consent Calendar items out of order at 7:40 p.m.

It was on motion unanimously

VOTED: To grant a Special Permit to the American Cancer Society to hold the “Bicycles Battling Cancer Ride” on Sunday, June 12, 2016, from 7:30 a.m. through approximately 4:30 p.m., subject to Police Department safety requirements, proof of insurance coverage and the assurance that any litter will be removed at the race's conclusion.

Minutes

Vice-Chairman Iuliano distributed copies of an edit she requested be made to the next to the last sentence of the fourth paragraph on Page 125 of tonight's agenda packet to read as follows: Vice-Chairman Iuliano stated she thought the Board needs to work out how members would represent themselves on behalf of the Board and personally, and develop expectations for how things would be handled.”

Selectman Simon requested a revision be made to the first full sentence on Page 124 of tonight's packet to replace the period at the end of the sentence with a comma and to add the words “and Selectman Simon agreed to that suggestion.”

Chairman Brown requested a revision be made to the last sentence on Page 118 of tonight's packet to reflect the April 13, 2016 discussion was within an Executive Session Meeting. She also asked that the third sentence of the sixth paragraph on Page 119 of tonight's packet be revised to add the words “on land” between the words “not” and “owned.” Chairman Brown also asked that the next to last sentence of the second paragraph under the heading for the Park and Recreation Commission agenda item on Page 121 of tonight's packet be revised to add the words “even with Special Municipal Employee status” after the word “Meeting.”

It was on motion unanimously

VOTED: To approve the Regular Session Meeting Minutes of April 5, 2016, as amended tonight.

Fairfield Inn – One-Day All Alcohol License

It was on motion unanimously

VOTED: To grant a one-day All Alcohol license to Fairfield Inn, to accommodate the Marlborough Chamber of Commerce Taste of the Town on Thursday May 12, 2016 from 5:30 p.m. to 7:30 p.m. at Fairfield Inn, Sudbury, 738 Boston Post Road, subject to the use of a TIPS-trained bartender and receipt of a Certificate of Liability.

Military Appreciation Month

It was on motion unanimously

VOTED: To acknowledge that the month of May is Military Appreciation Month and to sign a proclamation in this regard.

Sudbury Housing Trust – Re-appointments

It was on motion unanimously

VOTED: To re-appoint Kelly Cronin, 244 Lincoln Road; Robert Morrison, 16 October Road; and Jay Zachariah, 140 Stock Farm Road; as members of the Sudbury Housing Trust for a two-year term ending April 30, 2018.

There being no further business, the meeting adjourned at 10:20 p.m.

Attest: _____
Melissa Murphy-Rodrigues
Town Manager-Clerk

Documents & Exhibits

1. Open in regular session, and vote to immediately enter into Executive Session at the Sudbury Grange Hall to consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body (Wayside Inn property), pursuant to General Laws chapter 30A, §21(a)(6).
2. Vote to end Executive Session and, if necessary, reconvene after conclusion of Open Session at Lower Town Hall.
3. Public Hearing: Consideration of Utility Petition #16-01 to approve a Grant of Location to install approximately 110 ft. +/- of conduit in Bishop Lane. This work is necessary to provide new electric service to 15 Bishop Lane. Jaqueline Duffy from Eversource to attend.

Attachments:

- 3.a Public Hearing Notice_BishopLane

- 3.b DPW Memo Bishop Lane
- 3.c Bishop_lane_eversource_memo
- 3.d Bishop_lane_map

4. As the Local Licensing Authority, vote on whether to approve the transfer of a Package Store License for the Sale of All Alcoholic Beverages, under M.G.L. Ch. 138, s.15, from David Fields, Manager, YBF, Inc, d/b/a Kappy's Distributors, at 474 Boston Post Rd., Sudbury, to Bapgi Corporation, d/b/a New Kippy's, Dinesh Patel, President. Other than cosmetic changes to the premises, no alterations are planned. The described premises are as follows: First Floor: salesroom, receiving area with coolers, office, bottle area, five exits; customer entrance/exit. Emergency exits on north and east sides. Second Floor: storage room, mechanical room, lobby, one exit on west side, service entrance on south side.

Attachments:

- 4.a Dept Feedback_New Kippys
- 4.b Kappy's Transfer Application_BOS
- 4.c Alcohol License Quotas

5. Discussion with Energy Committee to introduce Electrical Aggregation to the Town. Jim Kelly, Bill Braun, Rami Alwan and other Energy Committee members to attend.

Attachments:

- 5.a Aggregation_mass.gov

6. Interview two candidates for appointment to the Sudbury Housing Trust. Following interview, vote to approve the appointments of Cynthia Howe, 38 Birchwood Avenue, to the Sudbury Housing Trust for a term expiring 4/30/18, and Bo Wang, 5 Tavern Circle, to the Sudbury Housing Trust for a term expiring 4/30/17, as recommended by the chairman of the Sudbury Housing Trust.

Attachments:

- 6.a Housing_Trust_appl_Howe
- 6.b Housing_Trust_appl_Wang

7. Interview candidate for vacancy on the Local Emergency Planning Committee. Following interview, vote whether to approve the appointment of Craig Gruber, 187 Goodmans Hill Road, to the Local Emergency Planning Committee for an indefinite term.

Attachments:

- 7.a Applicationforappointment_v4_Gruber

8. Discuss the designation of boards, committees, and other town positions as special municipal employees. Potentially vote on a request that Park and Recreation Commission members be designated as special municipal employees.

Attachments:

- 8.a StateEthicsCommissionMunicipal_Employees
- 8.b SPECIAL MUNICIPAL EMPLOYEES 2014

9. Discussion and potentially vote to form a committee and mission statement with the purpose of facilitating placement of Sudbury vocational students following our withdrawal from the Minuteman Vocational School District.

Attachments:

- 9.a VOCATIONAL EDUCATION GUIDANCE COMMITTEE MISSION STATEMENT DRAFT

9.b Vocational Education guidance Committee composition

10. Vote to sign the Special Town Election Warrant to be held Tuesday, May 17, 2016, and must be delivered to residents by Tuesday, May 3, 2016.

Attachments:

10.a STE Warrant 05 17_draft REV4-22_pg

11. Discuss and possibly vote which Board member will report position on Annual Town Meeting articles

Attachments:

11.a 2016 ATM Article List_v5

12. Discussion and possibly vote which Board member will report position on May 3 Special Town Meeting articles

Attachments:

12.a STM16_Warrant

12.b 2016 STM Article List_wFinCom_for 4.26 BOS

13. Discussion and possibly vote to call a Special Town Meeting (potentially June 13) re: National Development

14. Discussion and vote to assign presentation of article 42 (Bruce Freeman Rail Trail Partial 75% Design) at 2016 Annual Town Meeting. Also vote on whether to require 75% design to comply with Sudbury's bylaws.

Attachments:

14.a 2015-12-01 BoS Comment Rail Trail

14.b 2015-12-15 BoS Comment re BFRT

14.c Rev1 Rail Trail Design Funding

15. Citizens' Comments continuation (if needed)

16. Discuss upcoming agenda items

17. At the conclusion of Open session at Lower Town Hall, if necessary, vote to enter into Executive Session and not reconvene in Open Session.

18. Vote to grant a Special Permit to the American Cancer Society, to Hold the "Bicycles Battling Cancer Ride" on Sunday June 12, 2016, from 7:30 A.M. through approximately 4:30 P.M., subject to Police Department safety requirements, Proof of Insurance Coverage and the assurance that any litter will be removed at the race's conclusion.

Attachments:

18.a Bicycles Battling Cancer 2016_BOS

18.b 2016 Bicycles Battling Cancer Approvals

19. Vote to approve the regular session minutes of April 5, 2016.

Attachments:

19.a BOS 4-5-16_draft_min

20. Vote to grant a 1-day All Alcohol license to Fairfield Inn, to accommodate the Marlborough Chamber of Commerce Taste of the Town on Thursday May 12, 2016 from 5:30 PM to 7:30 PM at Fairfield Inn Sudbury, 738 Boston Post Road, subject to the use of a TIPS-trained bartender and a receipt of a Certificate of Liability.

Attachments:

- 20.a Fairfield Inn_Taste of Town_BOS
- 20.b Fairfield Inn Approvals

21. Vote to acknowledge that the month of May is Military Appreciation Month and to sign a proclamation in this regard.

Attachments:

- 21.a Military Month Proclamation_2016

22. Vote to reappoint Kelly Cronin, 244 Lincoln Road; Robert Morrison, 16 October Road; and Jay Zachariah, 140 Stock Farm Road; as members of the Sudbury Housing Trust for a two-year term ending 4/30/18.

Attachments:

- 22.a SHTrust_website