

IN BOARD OF SUDBURY SELECTMEN  
TUESDAY, NOVEMBER 15, 2016

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

Absent: Town Manager Melissa Rodrigues

The statutory requirements as to notice having been complied with, the meeting was convened at 7:30 p.m. in the Police Station Conference Room.

**Opening Remarks**

At 7:30 p.m., Chairman Iuliano opened the meeting, and she welcomed Assistant Town Manager Maryanne Bilodeau to the Meeting to cover duties for Town Manager Rodrigues.

**Reports from the Assistant Town Manager**

Assistant Town Manager Bilodeau announced the Bruce Freeman Rail Trail (BFRT) Design Meeting has been rescheduled to November 29, 2016 at 7:00 p.m. at Town Hall.

**Reports from the Board of Selectmen**

There were no reports offered by the Selectmen.

**Citizen's Comments**

At 7:31 p.m., Chairman Iuliano announced no citizens have requested comment time tonight.

**Public Hearing: Tax Classification**

Present: Sudbury Director of Assessing Cynthia Gerry, Regional Assessor/Consultant Harald Scheid, Chairman of the Board of Assessors Joshua Fox and Board of Assessors' members Trevor A. Haydon and Liam J. Vesely

At 7:46 p.m., Chairman Iuliano opened the Public Hearing to determine what percentage of the local tax levy will be borne by each class of real and personal property relative to setting the FY 2017 tax rate. The Board was previously in receipt of copies of the informational package entitled, "Town of Sudbury Fiscal 2017 Classification Hearing dated November 15, 2016," prepared by the Board of Assessors, and a handout entitled "Addendum Sudbury's Means Tested Senior Tax Exemption" and the Public Hearing Notice.

Regional Assessor/Consultant Harald Scheid stated tonight's Hearing is primarily to set a tax classification factor and to set a tax rate, and to vote on a few exemption options. He referenced the "Town of Sudbury Fiscal 2017 Classification Hearing dated November 15, 2016," packet prepared by the Board of Assessors throughout his presentation. Mr. Scheid referred to the steps needed to set the tax rates, noting Sudbury has received Department of Revenue (DOR) certification of assessed values, which is required in order to conduct tonight's Hearing.

Mr. Scheid summarized how the FY17 Levy Limit and the amount to be raised by the Town were calculated. He referenced Page 2 of the packet, noting the FY17 maximum allowable levy is \$80,027,698, but only \$79,890,241 needs to be raised by the Town to cover the budget. Mr. Scheid stated this represents

an approximate 3.75% increase over last year. He highlighted new growth revenues of \$1,248,532 were largely due to improvements made by Eversource to the current substation.

Mr. Scheid also summarized the valuations by major property class before setting a tax shift (Page 3 of the packet). He explained assessors revalue properties every year. Mr. Scheid stated most assessed values will reflect an increase of approximately 4%. He emphasized that increases in assessed valuations do not necessarily result in increases in property taxes.

Mr. Scheid stated the option to shift the tax burden from the residential sector to the CIP (commercial, industrial, personal property) class is a decision for the Selectmen to make, and that the Board of Assessors has made no recommendation. He referenced several shift options provided on Page 3 of the packet. Mr. Scheid noted that, last year a shift factor of 1.38 was voted. Without a shift factor, he noted Sudbury's single tax rate would be \$18.12/\$1000, and with a shift of 1.38 the tax rate would become \$17.65/\$1000. Mr. Scheid highlighted on page 4 of the packet the projected tax rates for the major property classes based on a 1.38 shift.

Vice-Chairman Woodard summarized the valuations increased at a higher rate than the Town budget, and thus the tax rate has decreased.

Mr. Scheid referenced Page 5 of the packet, stating the average property tax bill is projected to increase by \$376 in FY17 to \$12,457 from \$12,081 in FY16.

Selectman Simon asked if the Assessors foresee continued growth in valuations. Mr. Scheid explained the assessed values are established based in the previous (2015) calendar year. He stated rapid growth is not anticipated, but they see a modest, slow-growth market.

Chairman Iuliano stated the Selectmen have aimed in the past to keep the residential rate increases fairly consistent.

Vice-Chairman Woodard stated he would recommend making no changes to the shift factor.

Selectman Brown stated that, philosophically, she does not believe it is a good idea to discourage businesses with higher taxes. However, since a tax override may need to be considered this year, she stated this may not be a good time to make any changes.

Selectman Simon stated he sees no reason to increase taxes more for homeowners, and he does not believe the commercial tax rate is so high that it deters businesses from coming to Sudbury. He further stated he is inclined to keep the rates as they are.

Selectman Brown referred to the Avalon and Meadow Walk development, stating she also does not believe it is good policy to encourage the building of housing in the business district.

It was also on motion unanimously

VOTED: In accordance with M.G.L. Ch. 40, Sec.56, as amended, the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the Fiscal Year 2017 tax rates and sets the Residential Factor at 0.974145 with a corresponding CIP shift of 1.38, pending certification of the Town's annual tax recap by the Massachusetts Department of Revenue.

Chairman of the Board of Assessors Joshua Fox explained the Board of Selectmen also needs to decide its position on whether or not to allow a residential property exemption and a small commercial exemption. He

summarized the Residential Exemption as presented on Page 5 of the packet, stating it is very commonly used in urban areas to shift the tax burden from owner-occupied properties to non-owner-occupied properties. He also stated the tax exemption would shift a higher tax burden from one group of the residential sector to another group within the residential sector. Mr. Fox stated this might be difficult to implement because Sudbury already has a Means-Tested Senior Tax Exemption which implements a shift within the residential class. He also noted that, historically, the Board has voted that the residential exemption is not appropriate for Sudbury.

It was on motion unanimously

VOTED: To not adopt a **Residential Exemption for Fiscal Year 2017**.

Mr. Fox next summarized the small commercial exemption on Page 6 of the packet as an option to grant up to 10% of the property valuation to commercial (not industrial) property, which qualifies as having no more than ten employees during the previous calendar year and is housed in a building with a valuation of less than \$1,000,000. Mr. Fox emphasized the tax shift would be within the same class, but only commercial properties are eligible, and not industrial. He further stated some small businesses in Sudbury might be burdened by this option, and, in the past, the Board has not adopted this option.

Selectman Simon stated the Town wants to remain small-business friendly.

It was also on motion unanimously

VOTED: To not adopt the **Small Commercial Exemption for Fiscal Year 2017**.

Mr. Fox stated the Open Space Exemption noted on Page 7 of the packet is not applicable to Sudbury. He explained no properties in Sudbury have been so defined because the Town already provides Chapter 61, Chapter 61A and Chapter 61B open space discounts. Thus, Mr. Fox stated no vote was needed by the Board, and he recommended discussion of this exemption should be omitted in the future.

Mr. Fox provided a brief summary for FY17 of the Town's Means-Tested Senior Tax Exemption program. He stated there were 113 applications received, and 112 of them were deemed to be qualified, subject to final rate setting approval by the Department of Revenue (DOR). Mr. Fox stated this represents approximately \$325,000 - \$330,000 in aggregate exemptions of tax relief to senior citizens who need the help. He stated the program was intended to help senior citizens stay in Sudbury, and the program appears to be providing the intended financial relief.

Selectman Simon asked if the average tax relief is approximately \$3,000 for the 112 qualified applicants. Mr. Fox explained the exemptions range from negligible amounts under \$100 up to approximately \$6,000.

It was further on motion unanimously

VOTED: In accordance with Chapter 169 of the Acts of 2012, the total FY17 cap on the exemptions granted by the **Means Tested Senior Tax Exemption** shall be 0.5% of the residential property tax levy.

Chairman Iuliano stated another "housekeeping" vote is needed, which she read aloud. Selectman Brown clarified the following vote would allow for the rates set tonight to be registered electronically with the DOR.

It was also on motion unanimously

VOTED: By the Sudbury Board of Selectmen to grant authority to Sudbury Director of Assessing Cynthia Gerry, their designee, to electronically sign the LA-5 Options and Certification Form in the Division of Local Services Gateway System, as needed for on behalf of the Board of Selectmen, specifically in accordance with the votes taken at this Tax Classification Hearing (FY 2017) held on November 15, 2016.

Board of Assessors member Liam J. Vesely thanked Ms. Gerry and Mr. Scheid for their work and assistance to help coordinate the required information for this process.

At 8:20 p.m., the Board thanked the Board of Assessors for their thoughtful work, and the Hearing was concluded.

**Bruce Freeman Rail Trail Task Force – Candidate Interview for Appointment**

Present: Candidate Robert Schless

At 8:45 p.m., Chairman Iuliano took this agenda item out of order, and she welcomed Sudbury resident Robert Schless, 43 Mary Catherine Lane, to the Meeting to discuss with the Board his interest in serving on the Bruce Freeman Rail Trail (BFRT) Task Force. The Board was previously in receipt of copies of the “Town of Sudbury Application for Appointment” submitted by Mr. Schless.

Mr. Schless stated he is an avid cyclist who is very interested in getting the trail construction going in Sudbury. He also stated he is retired and has the time to devote to the Task Force. Mr. Schless stated he has ridden on many trails in the State and he believes having a rail trail in Sudbury is a great idea to get cyclists safely off the roads.

Chairman Iuliano summarized the intent of the Task Force as a way to involve the public with the design issues and options which will satisfy the preferences and needs of the most residents.

Selectman Brown asked how familiar Mr. Schless is with Open Meeting Law (OML) issues. Mr. Schless stated he understands there are political issues related to the rail trail. He stated he is not that familiar with OML issues, but he is open to exploring all sides of an issue in order to achieve the goal of getting a trail for Sudbury which works. If appointed, Selectman Brown stated the Town Clerk’s Office would provide Mr. Schless with OML information.

Selectman Haarde stated Mr. Schless has a good background for the Task Force, and he thanked him for his interest in serving.

Selectman Simon asked if Mr. Schless has ridden on the Assabet River Valley and Nashua River Trails and if they are similar to what he has in mind for Sudbury. He also asked if Mr. Schless if he has ever had any close calls riding his bike on Sudbury roads. Mr. Schless stated he has ridden on both trails and others in the State. He stated his preference for an asphalt trail, which he believes will allow for more access. He also stated he has had a few close calls in Town, and that he only rides during the daytime.

Vice-Chairman Woodard thanked Mr. Schless for his enthusiasm for the work of the Task Force.

It was on motion unanimously

VOTED: To appoint Robert Schless, 43 Mary Catherine Lane, to the Bruce Freeman Rail Trail Task Force for a term ending May 31, 2017.

**Zoning Board of Appeals - Candidate Interview for Appointment and Acceptance of a Resignation**

Present: Candidate John D. Riordan

At 7:40 p.m., Chairman Iuliano took this agenda item out of order, and she welcomed Sudbury resident John D. Riordan, 12 Pendleton Road, to the Meeting to discuss with the Board his interest in serving as a full member of the Zoning Board of Appeals (ZBA). She stated Mr. Riordan currently serves as the ZBA Associate Member, and he has been unanimously recommended for full membership by the ZBA. The Board was previously in receipt of copies of a memorandum from the ZBA dated October 25, 2016, a letter of resignation from ZBA member Nicholas B. Palmer dated October 31, 2016, and a letter to the ZBA from Mr. Riordan dated October 24, 2016.

Mr. Riordan stated he is a 30-year resident of Sudbury, and he has served as a ZBA Associate Member since 2014. During his time on the ZBA, Mr. Riordan stated he has missed only one meeting. He emphasized he has had the opportunity to learn and participate a lot in the past few years, given the many important projects which have come before the ZBA. Mr. Riordan also stated he is a lawyer, and he has worked in government positions before.

Vice-Chairman Woodard stated he believes Mr. Riordan's experience as an Associate Member makes him a perfect candidate for this position.

Selectman Simon stated he has attended several ZBA Meetings, and he was impressed with Mr. Riordan's participation, and he thanked him for his interest in serving.

Selectman Haarde stated he views Mr. Riordan as a "slam dunk" for the position.

Chairman Iuliano noted the position for a full ZBA member is available due to the resignation of Nicholas Palmer.

It was on motion unanimously

VOTED: To appoint John D. Riordan, 12 Pendleton Road, as a full member of the Zoning Board of Appeals, for a term ending May 31, 2019, as occasioned by the resignation of Nicholas B. Palmer.

It was also on motion unanimously

VOTED: To accept the resignation of Nicholas B. Palmer, 132 Pratts Mill Road, from the Zoning Board of Appeals, and to send him a letter of thanks for his service to the Town.

### **Conservation Commission – Town Manager Appointment**

Present: Candidate Kathleen (Kasey) Rogers

At 7:32 p.m., Chairman Iuliano took this agenda item out of order, and she welcomed Sudbury resident Kathleen (Kasey) Rogers, 3 Stonebrook Road, to the Meeting to discuss with the Board her interest in serving on the Conservation Commission. She noted this is an appointment in the purview of the Town Manager, but the appointment needs to be approved by the Board. The Board was previously in receipt of copies of the "Town of Sudbury Application for Appointment" submitted by Ms. Rogers.

Ms. Rogers stated she moved to Sudbury three years ago, and she has an environmental background. She stated she has worked on policy-related matters in the past and she thinks Sudbury's bylaws are strong.

Vice-Chairman Woodard asked if Ms. Rogers is an abutter to the proposed Bruce Freeman Rail Trail, Sudbury Station or Eversource Transmission Line projects. Ms. Rogers stated she is an abutter to the

Eversource proposed project. Chairman Iuliano stated Ms. Rogers has previously discussed this with Town Manager Rodrigues.

Selectman Brown asked if Ms. Rogers has worked with the Conservation Commission. Ms. Rogers stated she has not in Sudbury, but she did have prior experience with the Beverly Conservation Commission. She noted she attended a Commission Meeting in Sudbury when she was interviewed for this opening.

Selectman Haarde asked if she has other Town experience as a volunteer, and Ms. Rogers stated she does not, but she looks forward to learning about Town processes. Selectman Haarde thanked her for her interest in the position.

Selectman Simon asked what Ms. Rogers' observations have been about the Commission from the Meeting she attended, and if she had any suggestions for improvements. Ms. Rogers stated the Commission seemed functional, and she has not had enough experience with it yet to offer suggestions for changes.

Vice-Chairman Woodard stated he understands there were multiple candidates for this position, noting it would have been interesting for the Board to learn about them too. Assistant Town Manager Bilodeau stated there were four or five candidates interested, and Town Manager Rodrigues recommended Ms. Rogers because she is new to Town and she has an environmental background.

It was on motion unanimously

VOTED: To approve the Town Manager appointment of Kathleen (Kasey) Rogers, 3 Stonebrook Road, to the Conservation Commission for a term ending May 31, 2019.

#### **Budget Discussion - Discussion and Vote Regarding Placing an Override Budget on a Ballot**

At 8:52 p.m., Chairman Iuliano took this agenda item out of order, and she opened a discussion regarding whether an override budget, if brought to the May 2017 Annual Town Meeting, would be placed as a ballot question on the March Town Election Warrant or whether a Special Town Election would be scheduled after the May Town Meeting. The Board was previously in receipt of copies of a "Draft Preliminary Budget Hearings Calendar" and the "Town of Sudbury Board of Selectmen Meeting Schedule for 2017." In addition, the Board had previously received an email update from Chairman Iuliano dated November 13, 2016 and copies of a revised handout entitled, "Draft Preliminary Budget Hearings Pre ATM Calendar" were distributed tonight. Chairman Iuliano stated the Budget Strategies Task Force met on November 10, 2016 to discuss this issue, and the consensus of the group was that the schedule to place a ballot question on the March Town Election is too tight.

As Vice-Chairman of the Budget Strategies Task Force, Vice-Chairman Woodard stated the group believes more accurate information would be available in May 2017 rather than in March 2017. He noted this was a reason why the Town made the change a few years ago to move the Annual Town Meeting from April to May, and that it seems like the Town would be moving in the wrong direction to force the budget schedule for a ballot question to be published for a March Election.

Selectman Brown highlighted a Special Town Election date has been proposed for May 9, 2017 so that results of the ballot question would be known prior to the May 15, 2017 deadline for the Schools to notify staff of any personnel changes. She also noted that she does not see on the new calendar distributed tonight the dates for when the ballot language needs to be posted online and the timeframe required to do so prior to opening the warrant. Chairman Iuliano stated this wording will need to be incorporated accordingly.

Chairman Iuliano stated no vote is needed by the Board, but its consensus to concur with the Budget Strategies Task Force recommendation to tentatively plan for a May ballot question will be communicated.

Vice-Chairman Woodard stated any vote on this now would be hypothetical, since the need for a tax override is not certain at this time.

**Frost Farm House – Renewal Agreement – Discussion and Vote**

At 8:59 p.m., Chairman Iuliano opened a discussion regarding whether to extend the Town's Frost Farm House agreement. The Board was previously in receipt of copies of the current "Frost Farm Agreement" dated October 25, 2007 and Amendments dated December 11, 2007, December 16, 2009 and October 5, 2012.

Chairman Iuliano stated the Town owns the Frost Farm House, and it previously entered into a 10-year Agreement to rehabilitate the house with its current occupant. She explained the Agreement terminates in the fall of 2017, and notice must be given six months prior to the termination date if the Town does not choose to exercise its option to extend the Agreement. Chairman Iuliano stated Town Counsel and the Town Manager have identified some concerns regarding the current Agreement and it has been proposed for the Board to determine that the Town will not extend the Agreement, but it will continue to work with staff and Town Counsel to pursue other options for the Town to continue to care for the property.

Selectman Brown read aloud item #10 from Page 19 of tonight's agenda packet, noting the Town should meet with the occupant, Bill Braun, prior to six months before the Agreement termination date, and she asked if the Town needs to schedule this meeting. Chairman Iuliano stated the Town has fulfilled this obligation and Town representatives have met with Mr. Braun.

Selectman Simon asked if Mr. Braun has been advised of what the Town's thoughts are regarding other options. Chairman Iuliano stated the Town has not yet decided upon a final alternative option. She further stated Mr. Braun and his counsel are aware of the range of options the Town will be exploring.

Selectman Simon opined that Mr. Braun may be in a state of limbo, not knowing if anything will replace the current Agreement. Since the Town still has time before a vote is needed on this issue, and in fairness to Mr. Braun, he asked whether the Town should first decide what it will do so Mr. Braun and the Board will know what the options are before it votes. Chairman Iuliano stated she believes Mr. Braun is aware of some of the long-term approaches the Town is considering regarding the property.

Selectman Brown stated her understanding is that the Town does not have an option of renewing or extending the current Agreement. Chairman Iuliano stated it has been recommended that the Board votes a determination on this tonight so that the next steps can be taken by the Town. Vice-Chairman Woodard stated that, if this is the case, then the Town owes it to Mr. Braun to make this clear to him sooner rather than later.

Selectman Haarde stated the determination not to exercise the option to extend the current Agreement is not at all a reflection on the current occupant and the work that has been done to the house. He explained the legality of the current Agreement has been called into question, and the Board has been advised by legal counsel to have this discussion in public session. Selectman Haarde stated by voting on this tonight, the Board is giving Mr. Braun more than the required six-month notice.

Selectman Simon expressed his concern that the discussion tonight may have veered into Executive Session material. He believes that, if the Town cannot extend the current Agreement because it may not be legal, then there should be nothing to vote on, and the Town should notify Mr. Braun of what cannot be done

and why. Selectman Simon stated having a vote seems moot, if the Agreement cannot be extended, and he suggested there is time to discuss the Town's position at a future Board meeting

It was on motion

VOTED: Not to exercise the option to extend the Agreement dated October 25, 2007, for rehabilitation of the Frost Farm House between William G. Braun and the Town of Sudbury.

Selectman Simon opposed the vote, stating that, if the current Agreement is not viable, then the Board should not vote on it, and he believes the Town should take other steps to inform Mr. Braun of the Town's intent for the property.

**Goodnow Library – Responsibility for Management – Release of Town Counsel Opinion Vote**

At 9:15 p.m., Chairman Iuliano recused herself from this discussion and vote, and she asked Vice-Chairman Woodard to cover the discussion.

Vice-Chairman Woodard announced this agenda item, to discuss whether to release the June 2015 Town Counsel opinion regarding responsibility for management of the Goodnow Library would be postponed to a future Board meeting due to the absence tonight of the Town Manager. The Board was previously in receipt of copies of a draft "Agreement between the Town Manager and the Library Board of Trustees" dated June 8, 2016 and a confidential memorandum from Town Counsel Barbara Saint Andre to Assistant Town Manager Maryanne Bilodeau dated June 17, 2015.

**Minuteman Regional Vocation Technical School District – Town of Belmont's Request to Withdraw – Discussion and Vote Regarding Calling a Special Town Meeting**

At 9:16 p.m., Chairman Iuliano resumed her duties, and she opened a discussion regarding whether to call a Special Town Meeting to consider the Town of Belmont's request to withdraw from the Minuteman Regional Vocational Technical School District. The Board was previously in receipt of copies of a letter to Sudbury's Town Clerk from the Secretary of the Minuteman Regional School Committee dated October 28, 2016, and a letter from the Town of Belmont's Town Clerk to the Minuteman Regional Vocational Technical School Committee dated October 24, 2016.

Chairman Iuliano referenced the letter received by Sudbury's Town Clerk, noting the current Minuteman Regional Agreement asks for member towns to call a Special Town Meeting if they wish to deny a member's request to withdraw from the Minuteman District. She further stated she assumes the Town does not wish to call a Special Town Meeting regarding Belmont's request to withdraw.

Selectman Simon explained Sudbury is currently still a member of the District, but it will no longer be as of July 1, 2017, since it previously voted to withdraw from the District. He further explained Belmont voted on October 19, 2016 to seek withdrawal from the District, but a majority (8) of the remaining 15 District members need to vote to deny Belmont's withdrawal request within 60 days of October 26, 2016. By not voting at all, a member town is deemed as approving Belmont's withdrawal. Selectman Simon stated he believes Sudbury would not want to stand in the way of another member's withdrawal by scheduling a Special Town Meeting by the end of this year to vote to block Belmont's request.

Selectman Haarde stated he believes Sudbury should do nothing, and thereby, allow Belmont to withdraw. However, he suggested this approach should be confirmed with Town Counsel to ensure the Town is acting properly.

Selectman Simon stated he believes the notice and information received by the Town regarding this matter is correct.

It was on motion unanimously

VOTED: To not have the Sudbury Board of Selectmen vote to call a Special Town Meeting to consider the Town of Belmont's request to withdraw from the Minuteman Regional Vocational Technical School District.

### **Citizens' Comments – Continuation**

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

### **Future Board of Selectmen Agenda Items - Discussion**

At 9:24 p.m., Chairman Iuliano opened a discussion regarding future agenda items.

Vice-Chairman Woodard asked for the Town Forum Planning to be added as a future agenda item.

### **Dog/Animal Officer – Award of Contract**

Present: Police Chief Scott Nix

At 8:20 p.m., Chairman Iuliano took this agenda item out of order, and she opened a discussion regarding the award of contract for a Dog/Animal Officer, and she welcomed Police Chief Scott Nix to the Meeting. She explained the item had been intended as a Consent Calendar agenda item tonight, but a request was made to remove it from the Consent Calendar and discuss the topic as a Miscellaneous agenda item.

Chief Nix explained the Town has handled animal services with a variety of resources in the past. He stated a proposal to combine animal-control services was put out to bid and only one response was received.

Chairman Iuliano noted contracting for these services is done by many other towns, and some other towns handle it in-house.

Chief Nix provided statistics of how many related calls have been handled in 2014 (430) to 2016 (374 to date). He noted conducting the services involves responsiveness of personnel and having appropriate equipment and shelter options to handle the animals.

Chairman Iuliano stated the Board is being asked tonight to approve the award of contract by the Town Manager and to approve the appointment of Jennifer Condon (Sudbury's current Dog Officer) as the contractor.

Chief Nix referenced a previous contentious Dog Hearing, wherein Ms. Condon did not present herself as professionally as she would have liked. He stated Ms. Condon has apologized for her performance at the Dog Hearing, noting the proceedings had caught her by surprise.

Vice-Chairman Woodard asked if there are any other providers in the regional area who could also provide these services. Chief Nix reiterated that only one bid response was received. He also stated he has discussed Ms. Condon's performance with the Town Manager. Chief Nix emphasized that, other than at that Dog Hearing, Ms. Condon's company's performance has exceeded that of any other provider used by the Town during his time with the Police Department.

Vice-Chairman Woodard stated he can understand someone not coming across well at one meeting. However, he stated his issue with Ms. Condon at the Dog Hearing was that she did not seem able and/or willing to acknowledge that the dog in question was a dangerous dog according to clearly presented State standards, and he questioned whether she has a bias against doing so. Chief Nix stated he does not believe Ms. Condon has a bias while performing her duties. He noted his Department and Ms. Condon were trying to work on parameters with the Dog Owner at the time and he had met with Spring Pond representatives. Chief Nix stated there was some information presented at the Dog Hearing of which he and Ms. Condon had not been previously aware. Following the Dog Hearing, he stated he has remained involved monitoring the situation.

Selectman Simon stated he believes combining the animal-control services is probably appropriate and it could provide benefits for the Town. However, he emphasized safety for the Town's residents should be one of the Board's highest priorities. Selectman Simon stated the Dog Hearing focused on an animal which had a history of aggressive behavior, the dog eventually injured a person, and yet the appropriate measures were not taken by Ms. Condon to avoid these outcomes. Selectman Simon stated he has significant concern regarding how Ms. Condon performed her duties, and he cannot recommend that she would be re-hired. He suggested Sudbury should research who provides services for some of the surrounding communities and pursue whether a joint arrangement for services with Sudbury could be negotiated.

Chief Nix stated he believes Ms. Condon provides services to Hudson and Wayland, and Framingham and Marlboro handle these services in-house. He recommended awarding a probationary contract to Ms. Condon, and he repeated that her company's performance overall has been acceptable.

Selectman Haarde thanked Chief Nix for being involved with this issue. Since his involvement, Chief Nix stated there have been no further incidents with the Dog Hearing animal.

Selectman Simon asked Chief Nix if he had asked Spring Pond Condominium representatives how they would feel about awarding this contract to Ms. Condon, and Chief Nix stated he had not.

Selectman Brown referenced a dangerous dog hearing recently held in Chelmsford where the dog was ordered to be euthanized. She asked if the dog in question at Sudbury's Dog Hearing is being sufficiently monitored. Chief Nix stated the monitoring is ongoing by Ms. Condon and his Department. Selectman Brown stated she does not think it is a good idea for Sudbury to not have a Dog Officer in place.

Chairman Iuliano stated the Town would not want to have a gap in coverage for these services.

Vice-Chairman Woodard asked for how long the contract would be. Chief Nix stated the contract would provide for services to be covered, subject to a probation period. Vice-Chairman Woodard stated he could accept this proposal of a contract with a probation period, and additional follow-up monitoring.

Selectman Simon asked how the Town would handle these services if this contract were not awarded. Chief Nix stated the Town would have to probably scramble to pull upon other resources from his Department and from the Department of Public Works. He also noted other arrangements would also need to be quickly made, such as for kennel services. Assistant Town Manager Bilodeau noted training costs would also need to be considered.

Selectman Simon asked what the annual cost of the contract is, because he believes safety should trump cost from the Town's perspective. Chairman Iuliano read aloud the three-year proposed salaries for the requested services.

It was on motion

VOTED: To approve a contract to be awarded by the Town Manager for Dog/Animal Control Services as an independent contractor upon evaluation of proposals submitted; said contract to be awarded to Boardmans Animal Control, Inc., Jennifer A. Condon, Owner, and further, to appoint said contractor as Dog/Animal Control Officer for the Town of Sudbury, and that all is subject to structuring a contract which includes some probationary period.

Selectman Simon opposed the vote.

**Group Insurance Commission – Authorization to Request Data**

It was on motion unanimously

VOTED: To authorize the Chairman to execute a letter requesting data from the Group Insurance Commission to use in processing employees' W-2 forms, as requested by Christine Nihan, Town Accountant.

**Sudbury Historical Commission – Appointment and Resignation**

It was on motion unanimously

VOTED: To approve the Town Manager appointment of Jan Costa, 91 Willard Grant Road, to the Sudbury Historical Commission, for a term to expire May 31, 2017, filling the vacancy occasioned by the resignation of Diana P. Cebra, 20 Metacomet Way.

It was also on motion unanimously

VOTED: To accept the resignation of Diana P. Cebra, 20 Metacomet Way from the Sudbury Historical Commission, effective November 1, 2016, and to send a letter of thanks for her service to the Town.

**Bruce Freeman Rail Trail Task Force - Appointments**

It was on motion unanimously

VOTED: To appoint Charles Russo, 30 Juniper Road, Conservation Commission Member, and Daniel E. Carty, 15 Stonebrook Road, Planning Board Member to the Bruce Freeman Rail Task Force, both for terms to expire May 31, 2017.

**Wadsworth Cemetery – Gravestone Services of New England, LLC – Award of Bid**

It was on motion unanimously

VOTED: To approve award of bid by the Town Manager for the restoration and conservation of a selection of gravestones/monuments at the Wadsworth Cemetery to Gravestone Services of new England, LLC, Kai Nalenz, President, in the amount of \$56,000, upon the recommendation of the Sudbury Historical Commission.

**Conservation Restriction – 36 Willis Road**

It was on motion unanimously

VOTED: To approve and signify such approval of a Conservation Restriction granted under M.G.L. c.40 §8C by James V. Rao and Doreen S. Rao, on a 36,708.59 s.f. portion of a 1.391 a. parcel (Lot 2) known as

36 Willis Road, shown as “Conservation Restriction” on a plan entitled “Plan of Land Showing Conservation Restriction in Sudbury, MA” prepared by Thomas Dipersio, Jr. & Associates, Inc., dated November 18, 2015.

**Trevor Way – Adopt Order of Taking**

It was on motion unanimously

VOTED: To adopt the Order of Taking for Trevor Way as presented and as shown on a plan entitled: “Roadway Acceptance Plan of Trevor Way in Sudbury, MA”, dated March 14, 2016, by Sullivan, Connors and Associates Land Surveying and Civil Engineering, as voted by the October 17, 2016 Special Town Meeting under Article 1, and to award no damages therefor; and further, to authorize the Chair to execute all letters and notices or such other correspondence related thereto.

**BPR Development LLC – Easement Acceptance**

It was on motion unanimously

VOTED: Pursuant to the provisions of M.G.L. c. 83, §4, Article XII s. 3 of the Sudbury General Bylaws, and any other enabling authority, vote to accept the Grant of Easement set forth in the document entitled “DECLARATION OF RESTRICTIVE COVENANTS AND GRANT OF EASEMENT REGARDING STORM WATER MANAGEMENT SYSTEM” granted by BPR DEVELOPMENT LLC, a Delaware limited liability company with a usual place of business c/o National Development, 2310 Washington Street, Newton Lower Falls, Massachusetts 02462, for stormwater system maintenance purposes upon the property shown as Lot 1 on a plan of land entitled “Subdivision Plan of Land in Sudbury, Massachusetts,” prepared by VHB, Inc., dated May 6, 2016, and recorded in the Middlesex South District Registry of Deeds (the “Registry”) as Plan No. 1005 of 2016.

**Minutes**

Vice-Chairman Woodard had previously submitted a revision to add the following sentence to the end of the fifth full paragraph on Page 4 of the draft November 1, 2016 Meeting Minutes, “She estimated that one year was lost due to the lawsuit, which challenged an order of conditions written and issued by the Conservation Commission.” Copies of his requested edit and a revised draft of the November 1, 2016 Meeting Minutes incorporating this edit were distributed tonight.

It was on motion unanimously

VOTED: To approve the Regular Session Meeting Minutes of November 1, 2016, as amended by Vice-Chairman Woodard.

There being no further business, the meeting adjourned at 9:28 p.m.

Attest: \_\_\_\_\_  
Maryanne Bilodeau  
Assistant Town Manager-Clerk