

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, DECEMBER 6, 2016

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

The statutory requirements as to notice having been complied with, the meeting was convened at 6:30 p.m. in Lower Town Hall.

Opening Remarks

Chairman Iuliano opened the meeting, and she stated tonight's meeting is starting one hour earlier due to a full agenda.

Reports from the Town Manager

Town Manager Rodrigues announced the Board of Selectmen will hold Office Hours on December 14, 2016 from 9:00 a.m. to 10:00 a.m. at the Senior Center, with Vice-Chairman Woodard and Selectman Haarde in attendance. She encouraged the community to visit the Hosmer House Open Houses on December 10, or 11th from 10:30 a.m. to 4:00 p.m. Town Manager Rodrigues also announced the Town's Community Compact Grant was approved by the State, and the Lt. Governor is expected to visit Sudbury to formally sign the agreement.

Reports from the Board of Selectmen

Selectman Simon stated he and Vice-Chairman Woodard visited the Hosmer House last week. He commended everyone who contributed to the House's decorations and the efforts made to continue this festive holiday tradition for the Town.

Citizen's Comments

Chairman Iuliano announced no citizens have requested comment time tonight.

Fire Station #2 – Discussion

Present: Fire Chief Bill Miles and Combined Facilities' Director Jim Kelly

Chairman Iuliano welcomed Fire Chief Bill Miles and Combined Facilities' Director Jim Kelly to the Meeting to discuss the future of Fire Station #2. The Board was previously in receipt of copies of the slides for Chief Miles' PowerPoint presentation tonight.

Chief Miles stated he broached the topic of expanding Fire Station 2 with Mr. Kelly as soon as he learned about the possible National Development proposal for the former Raytheon site. Through the use of a PowerPoint presentation, Chief Miles displayed slides as he explained that the Fire Department needs more personnel, additional vehicles and more space to house people and equipment to handle more calls as the Town grows. He displayed charts reflecting the number of calls responded to in FY14, FY15 and FY16. Chief Miles emphasized the Town is depending more on surrounding towns for municipal aid than in the past for back-up, noting this service is primarily intended for emergency situations and not to supplement weekly ambulance service operations. He also displayed a chart indicating the number of incidents the Department responds to at assisted living/Chapter 40B/condos/grocery stores and restaurants each year, noting the pending National Development project will add approximately 360 extra calls per year.

Vice-Chairman Woodard stated the estimated projected increase is approximately 15%, which Chief Miles confirmed to be what could be expected based on current data.

Chief Miles stated the pending new developments will further augment the current staffing and equipment deficits and the need to rely on surrounding communities for coverage. He stated that, currently, 56% of the Department's calls are medical-related, and 74% of those calls require ambulance transports. Chief Miles has estimated the National Development project could increase the number of transports per year by 232 trips. He noted the Town currently owns two ambulances, and one of them is staffed 24/7. Chief Miles further noted that, in 2015, the first ambulance was tied up 10% of the time for long transports. He recommended that, in order to run and staff two ambulances, the Town needs to own three ambulances, or residents may find they have longer response times for emergency services. In response to a question from Chairman Iuliano, Chief Miles briefly explained how response time is measured.

Chief Miles stated Fire Station 2 was built as a two-person station in the 1960s, and he showed slides of the limited accommodations. He highlighted the size of the facility does not accommodate modern fire trucks which are longer, wider and taller than their 1962 counterparts. Chief Miles stated a feasibility study was done by an architect and it was given to National Development. He showed a slide of a simple floor plan of a preliminary design, which he briefly described as providing more equipment storage space, more bunkrooms and more bathrooms. He also displayed information of a conceptual opinion for an estimated cost of approximately \$6 million. Chief Miles also reviewed additional estimated ambulance revenues and estimated personnel and overtime expenses.

Mr. Kelly stated this project request would be for services which benefit all residents. He emphasized that, until someone has an actual need for 911 services, it is sometimes difficult to fully appreciate the critical need for such services. Mr. Kelly stated he and Chief Miles met recently with the Permanent Building Committee regarding how best to move forward. He stated the consensus from this discussion was to start to look for designers, since there may be funds available from the National Development Agreement with the Town. Pursuing a design plan will allow the Town to get more accurate plans and a more accurate cost estimate. Mr. Kelly stated he and Chief Miles will also continue to meet with other Town groups/committees to gather input. He also stated they have reached out to other communities which have recently built similar facilities to review Requests for Proposals which were issued.

Vice-Chairman Woodard asked when the estimated extra workload for the Department is expected to become a reality. Chief Miles stated National Development has been a great company to work with on all issues. He stated the developer expects to open the assisted living facility by May 2018, and the other two buildings should be open by the fall of 2018. It is also anticipated that the Avalon development construction will be well underway by the fall of 2018.

In response to a few questions from the Board, Mr. Kelly and Chief Miles stated they would hope to be able to present a project proposal to the October 2017 Town Meeting.

Selectman Simon thanked Mr. Kelly and Chief Miles for bringing this information and need to the attention of the Board. He stated the Town should not be behind the curve on these services for an aging population, which will need ambulance transport services. Selectman Simon stated Fire Station 2 is in an ideal location for the enhancement of these services which can make the difference in a life being saved. He believes these services are very important and the Town needs to be prepared. Chief Miles concurred that the location is excellent.

Chairman Iuliano stated the Board understands the need for this recommended project. She thanked Mr. Kelly and Chief Miles for the helpful information provided tonight, and she concluded the discussion.

Town Hall Blue Ribbon Committee – Final Report and Recommendations

Present: Town Hall Blue Ribbon Committee Chairman Howard Gold, Committee Members Chris Morely and Frank Riepe and Combined Facilities Director Jim Kelly

At approximately 7:00 p.m., Chairman Iuliano welcomed Town Hall Blue Ribbon Committee Chairman Howard Gold, and Committee Members Chris Morely and Frank Riepe to the Meeting to update the Board on the Town Hall Blue Ribbon Committee's recommendations. Copies of the "Sudbury Town Hall Project: Bringing Together Community Spaces in Historic Town Center Report of the Town Hall Blue Ribbon Committee December 6, 2016" and a handout entitled, "Bullet Point Perspectives on Sudbury Town Hall" dated December 6, 2016 were distributed tonight.

Mr. Gold stated the Committee provided the Board with a preliminary report about a year ago, and it continued to work as a group and with Combined Facilities Director Jim Kelly to finalize its recommendations. He believes the process was productive because the Committee approached its work with open minds. Like most residents, Mr. Gold stated he does not have reason to visit Town Hall unless he is attending a specific meeting or voting. He stated the building is underutilized, and the Committee's recommendations provide an opportunity to increase the building's usefulness for the community.

Mr. Riepe stated the Committee is proposing to renovate Town Hall and to expand the functionality of the Town Clerk's Offices. He stated the Committee researched and reviewed the practical and symbolic value of the building, which was intended to serve the community. When the original Town Hall had a fire in the 1930s, Mr. Riepe explained the current building was modeled on its predecessor. He stated the Committee believes a Town Hall should be a place which embodies democratic principles as a meeting place, and that it is time now for a major restoration to modernize the building. Mr. Riepe highlighted moving forward with a major restoration of the building would be less costly than other alternatives the Committee researched.

Mr. Morely highlighted the photograph on the front of the report, noting it was chosen to reflect how this project could have greater impact on enhancing the Town Center area. He stated Mr. Kelly believes it would be a good time to move forward with requesting Community Preservation Act (CPA) funds for the architectural design plans, and a CPA funding request was submitted for \$600,000. Mr. Morely also stated the restoration/rehabilitation of Town Halls in Massachusetts is the most popular, single expenditure under the Community Preservation Act in the eligible category of historic preservation.

Vice-Chairman Woodard asked what the expectation is for timing of the project. Mr. Morely stated moving Sudbury Public Schools' Administration to a new addition possibly at the Nixon School could happen first, with the rest of the project to follow. Mr. Riepe stated the hope is to work towards an article presentation at the May 2017 Town Meeting for complete design services, and then to later present a construction financing plan by the October 2017 Town Meeting. Mr. Kelly stated it is important for the Selectmen to have a sense of the timing because the Committee believes having the Selectmen's endorsement throughout the process is key.

Chairman Iuliano stated that, based on other Town needs, the Town could decide when it could proceed with construction later in the process. Vice-Chairman Woodard stated the Board needs to review a list of pending significant Town projects and rank-order them. He recommended each project be considered regarding the tax impact it will have on the average homeowner.

Mr. Kelly stated plans for Town Hall have been under discussion for at least the past 15 years. He noted there had been thought given to moving Town offices from the Flynn Building into Town Hall and moving the SPS Administration to the Flynn Building.

Mr. Morely stated he is a member of the Town Hall and the Fairbank Committees, and he noted both groups were asked by the Selectmen to consider where SPS Administration should be located, given the space issues at Fairbank, which are insufficient for Park and Recreation and the Senior Center.

Mr. Gold emphasized the Committee is not recommending Town Hall be torn down, but it is recommending the building be restored to its original purpose as a meeting space and to renovate the Town Clerk's Offices.

Selectman Brown stated the fastest timeline for the project would seem to be to request design funds at the May 2017 Town Meeting and construction funds at the October 2017 Town Meeting, and the Board is being asked tonight to get behind the request for design funds.

Selectman Simon referenced the Committee's Report, stating it is one of the best reports he has ever read. He encouraged residents to review the report, noting it captures the history of the building, the need for the project, the benefits to the Town and the essence of the community. Selectman Simon emphasized that, if the Town continues to put off its capital needs they will just accumulate. He stated capital projects need to be addressed in a timely manner. Selectman Simon thanked the Committee for its thoughtful work.

Chairman Iuliano stated the Committee's Report will be posted on the Town website. She stated the Board would discuss the CPA funding proposal for the project at another time.

Selectman Haarde stated he enjoyed the history included in the Report. Mr. Morely highlighted the Town was able to rebuild the building after the fire in the 1930s in two years. Mr. Riepe stated rebuilding the Town Hall after the fire was a huge community effort, which was an indication of how important the building was to the Town.

Mr. Morely stated the Community Preservation Committee Public Hearing for this project is scheduled for January 4, 2017.

Joint Meeting: Fairbank Community Center Study Task Force – Discuss the Location for the Sudbury Public Schools' Administration and the Project's Scope

Present: Fairbank Task Force Chair Pat Brown and Task Force members John Ryan, John Beeler, Mike Ensley, Jose Garcia-Meitin, Lisa Kouchakdjian, Jim Marotta, Sam Merra, Chris Morely, and Richard Tinsley, and ex-officio Task Force members Combined Facilities Director Jim Kelly, Debra Galloway, and Kayla McNamara

At 7:30 p.m., Chairman Iuliano and Fairbank Community Center Study Task Force Chair Pat Brown each opened a Joint Meeting between the Task Force and the Selectmen. The Board was previously in receipt of copies of the Fairbank Community Center Study Task Force Mission Statement. In addition, copies of the slides for tonight's PowerPoint presentation and a red-lined copy of the Mission Statement noting proposed revisions were distributed tonight.

Chairman Iuliano provided a brief summary, noting the Mission Statement had been updated to include consideration of the Sudbury Public Schools' Administration in a new building because it had been thought to be a cheaper option. However, since then, the Board has determined that it does not want to hinder the work of the Task Force by not broadening its options. Chairman Iuliano noted the SPS School Committee will be discussing this topic at its December 19, 2016 meeting.

SPS Task Force representative Richard Tinsley stated SPS' needs are simple in that it needs a safe and secure space for its offices. He stated he was aware of only one plan to include SPS on the second floor of a

renovated Town Hall, but the cost estimate seemed to be the same as relocating the SPS Administration to another location. Given the many large Town pending capital projects, Mr. Tinsley believes it will be difficult to garner support for a \$25 million new Fairbank Center, and the likelihood is low that there would be a new facility in the next three years. He believes SPS would not be best served being included in this scenario.

SPS Task Force representative Lisa Kouchakdjian stated SPS had a previous concern about being part of an addition at the Nixon School without knowing what the SPS future needs would be. Mr. Tinsley stated he believes an addition at Nixon could accommodate additional offices and classroom space.

Mr. Kelly emphasized Fairbank is a complicated building because it has multiple user-groups. He commended the Task Force on its work, noting that finding the best space for SPS Administration has been a struggle for many years. Mr. Kelly stated the option of a Nixon addition should be reviewed carefully because the reality is that Park & Recreation and the Senior Center need additional space in Fairbank to service the community.

Task Force Chair Pat Brown stated the group needs guidance from the Board as to whether SPS must be accommodated in a Fairbank plan and whether SPS will need to be temporarily or permanently removed from Fairbank.

Vice-Chairman Woodard stated he thought the Nixon option had been dismissed as the most expensive option. He is inclined to now believe that leasing a commercial property with an option to purchase should be pursued as a way to remove SPS from Fairbank, provide an option to buy at a lower price than constructing a new building would cost, and to provide flexibility for future SPS space needs. Vice-Chairman Woodard believes SPS does not have to be included in a Fairbank plan. Chairman Iuliano stated this seems to be the consensus of the Board.

Vice-Chairman Woodard stated that, by removing SPS from a Fairbank plan, the design needs for the building will be reduced, and the estimated project cost will also be reduced.

Task Force member Chris Morely stated that all the options for relocating SPS Administration have pros and cons. He noted that some options will not vary greatly regarding cost when compared over a 20-year period.

Selectman Haarde stated he does not believe SPS Administration has to be included in a plan for Fairbank, but it could be an option. He asked if it is possible to convert some Lincoln-Sudbury Regional High School space for the SPS Administration. Task Force member Jack Ryan stated he does not believe the High School was designed to handle this. Mr. Tinsley stated that would not be a preferred option for SPS.

Selectman Simon stated it is possible that, by keeping SPS in Fairbank, it might work against a new building being approved for Park & Recreation and the Senior Center. He is inclined to believe funding for a new Fairbank building could be difficult to achieve, and thus he thinks other spaces should be considered for SPS Administration.

Ms. Brown stated the Task Force would like guidance from the Board regarding the amount of capital and operating budgets the Board would be willing to endorse.

Chairman Iuliano stated there is always a challenge to meet the needs of a project while balancing the willingness of the taxpayer to fund the project. She further stated she does not believe the Board can provide specific numbers, but it could offer an opinion on striking an appropriate balance.

Mr. Morely stated the Task Force recently had a lengthy discussion with the finance and architectural consultants for the first plan for Fairbank. He reported the consultants stated that most clients in other towns provide them with a budget figure. Mr. Morely also stated the information which seems most important for a Town Meeting presentation is the tax impact a project will have for homeowners.

Vice-Chairman Woodard stated a budget figure and the tax impact figures for a project are both needed. He asked how other towns establish their project budgets. Mr. Ryan stated the Fairbank first plan grew bigger because the consultants stated it needed to be bigger to be a revenue cost-neutral plan.

Task Force member Jim Marotta stated there is a cost per household which residents would be willing to pay, but he asked how that figure is best determined. He noted Park & Recreation provides 90% of the revenue for Fairbank, and he believes the market will dictate the operations of the facility. Mr. Marotta stated it is important to Park & Recreation that it has a better understanding before the project commences of the figures needed to break even.

Selectman Haarde stated maybe a budget number for the project, which the Town is willing to support, should be determined and then work backwards to establish the operating and capital costs.

Selectman Simon stated he served on the former Task Force and he posed a few questions, including whether the pool at Fairbank needs to be replaced, and what is the willingness of residents to pay for the project. He stated form follows function for Park & Recreation and the Senior Center. Selectman Simon stated Task Force 1 defined the needs of the user groups and he urged the Task Force to review the previous project information available to then give to an architect to obtain a ballpark figure for the basic needs described.

Town Manager Rodrigues stated she has had discussions with Ms. Brown, and now that the SPS Administration is not required to be part of a Fairbank plan, she believes it will be easier to research what other towns similar to Sudbury have spent recently to construct such facilities and operate them.

Chairman Iuliano stated the Board can help provide parameters, but after working with Town staff to better determine needs and costs.

Ms. Brown advised the Board it is possible a request from Park & Recreation for a Request for Proposal for a feasibility study, with an estimated cost greater than \$25,000, will be brought before the Board in the future.

Ms. Brown referenced the current Task Force Mission Statement, noting the Committee would like to delete the language within which calls for fundraising. Chairman Iuliano stated she would revise the Mission Statement accordingly for review by the Board at a future time.

Mr. Beeler referenced similar facilities built in Marlborough and Natick, but neither one includes Park & Recreation. He stated Sudbury's facility is unique given its users. Mr. Beeler believes the burden needs to be removed from Park & Recreation to run a revenue-neutral building, and the objective should be to run programs as efficiently as possible.

Mr. Marotta suggested that references to the Fairbank roof should also be deleted from the Mission Statement.

At 8:10 p.m., Chairman Iuliano stated she would revise the Mission Statement to reflect tonight's suggestions and present a new version at a later date for review, and she and Task Force Chair Pat Brown adjourned the Joint Meeting.

Bruce Freeman Rail Trail Design Task Force – Discuss Potential Revision to the Mission Statement's Membership Composition and Candidate Interviews for Appointment

Present: Candidates Leroy Sievers and Lana Bernas Szwarc

At 8:16 p.m., Chairman Iuliano took this agenda item out of order, and she opened a discussion regarding the potential revision to the membership composition of the Bruce Freeman Rail Trail (BFRT) Design Task Force, and she welcomed Sudbury residents Leroy Sievers, 27 Revolutionary Road, and Lana Szwarc, 72 Maynard Road, to the Meeting to discuss with the Board their 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 Bruce Freeman Rail Trail Design Task Force" Mission Statement Approved by the Board of Selectmen September 9, 2016 and Attachment A and a red-lined version of the proposed revisions and the "Town of Sudbury Applications for Appointment" submitted by Mr. Sievers, John McQueen, Jr., and John Drobinski. In addition, copies of the "Town of Sudbury Applications for Appointment" submitted by Lana Bernas Szwarc and Glenn Pransky were distributed tonight.

Chairman Iuliano stated the Community Preservation Committee (CPC) offered no volunteers to serve on the Task Force. She further stated the Park and Recreation Commission has suggested Bobby Beagan to serve, but the Commission has not yet voted this recommendation, and the Friends of the BFRT have recommended Leroy Sievers, Lana Bernas Szwarc and Glenn Pransky to serve. At-large membership applications were received from John McQueen and John Drobinski.

Ms. Szwarc stated she has been interested in a trail for a long time, and this would be her first experience volunteering in a Town position.

Mr. Sievers stated he has had a long biking history, and he believes the need for biking safety is important. He stated he would like to help the project move forward.

Chairman Iuliano noted a third applicant, Glenn Pransky was also referred by the Friends of the BRFT, but he was unable to attend the Meeting tonight.

Selectman Simon thanked both candidates for their enthusiasm for serving. He stated both candidates seem capable, and he questioned if the membership could be expanded so both could serve.

Selectman Brown asked each candidate how they would handle community outreach and listen to various opinions. Ms. Szwarc stated her background in human resources involves listening to different points of view and acting as a mediator. Mr. Sievers stated his background as a Mormon bishop, involved a lot of listening and counseling. He believes he gets along well with people, and that he is not confrontational.

Chairman Iuliano referenced the proposed revision noted on Page 33 of tonight's agenda packet.

Selectman Simon stated he believes the Sudbury residents would be better served if the Task Force membership were expanded to allow Ms. Szwarc and Mr. Sievers to both serve.

Selectman Brown stated there could be 11 voting members and three staff members on the Task Force, and she believes the membership composition should not be revised. She stated that some segments of the Town's population feel excluded.

Selectman Haarde stated he is inclined to keep the number of members at seven, but he would like Ms. Szwarc and Mr. Sievers considered for appointment.

Chairman Iuliano reviewed that appointments have already been made from the Conservation Commission, the Planning Board, and for one at-large member, and Bobby Beagan will be recommended by Park and Recreation.

It was on motion unanimously

VOTED: To amend the Bruce Freeman Rail Trail Design Task Force Mission Statement to include the proposed language as noted on Page 33 of tonight's agenda packet.

Vice-Chairman Woodard stated he is inclined to appoint Mr. Drobinski, Mr. Sievers and Ms. Szwarc to the Task Force.

Selectman Haarde stated he was impressed with Mr. McQueen's application, and he would be inclined to vote for Mr. McQueen, Mr. Sievers and Ms. Szwarc.

It was on motion unanimously

VOTED: To appoint Leroy Sievers, 27 Revolutionary Road, to the Bruce Freeman Rail Trail Design Task Force.

It was also on motion unanimously

VOTED: To appoint Lana Szwarc, 72 Maynard Road, to the Bruce Freeman Rail Trail Design Task Force as the representative for the Friends of the Bruce Freeman Rail Trail.

It was further on motion

VOTED: To appoint John Drobinski, 94 Woodside Road, as an at-large member of the Bruce Freeman Rail Trail Design Task Force.

Selectman Haarde opposed the vote and Selectman Brown abstained from the vote.

It was also on motion unanimously

VOTED: To appoint Bobby Beagan to the Bruce Freeman Rail Trail Design Task Force as the Park and Recreation Commission's representative, subject to his recommendation being voted by the Commission.

Conservation Restriction to the Sudbury Valley Trustees – 306 Lincoln Road

Present: Sudbury Valley Trustees Director of Land Protection Christa Collins, donors Fred and Janet Ballou and their attorney Stefan Nagle

At 8:30 p.m., Chairman Iuliano opened a discussion regarding a proposed Conservation Restriction for 306 Lincoln Road, and she welcomed Sudbury Valley Trustees Director of Land Protection Christa Collins, the donors Fred and Janet Ballou and their attorney Stefan Nagle to the Meeting. The Board was previously in receipt of copies of a memorandum from Conservation Coordinator Debbie Dineen dated November 30, 2016 and draft Municipal Certification, Sudbury Conservation Commission Meeting Minutes of

November 7, 2016 and accompanying Site Visit photographs, a memorandum from Sudbury Valley Trustees (SVT) Director of Land Protection Christa Collins dated November 29, 2016 and accompanying proposed Conservation Restriction (CR) to the SVT and accompanying exhibits.

Town Manager Rodrigues explained the CR is between the property owners and the SVT. She noted the Conservation Commission voted not to approve the Municipal Certificate by a vote of 3-3. Town Manager Rodrigues has discussed this with Ms. Collins, and the SVT plans to proceed, and it will be up to the State as to whether it approves the Municipal Certificate. Ms. Collins stated it is not a requirement.

Chairman Iuliano stated the benefits of the proposed CR are outlined well in the agenda packet materials.

Selectman Simon asked if anyone from the Conservation Commission who opposed the Municipal Certificate was in attendance, and it was determined there was not. Town Manager Rodrigues stated the Conservation Commission provided the Board with a memo and the related meeting minutes.

Vice-Chairman Woodard clarified the acres to be covered by the CR, which includes over approximately 1.18 acres of land that is not wetlands, which would not be developed. He believes the CR has value. He highlighted a discrepancy in the Conservation Commission memo regarding the area to be covered by the CR. Vice-Chairman Woodard asked if the CR presents any downside for the Town.

Selectman Brown suggested the Commission might have thought the proposed area was too small to be of value. Vice-Chairman Woodard stated he believes that would be a wrong conclusion. Chairman Iuliano stated she sees benefit in the CR.

Ms. Collins briefly described the activities which would be allowed in the CR. She also stated she had not seen the Conservation Commission memo.

Mr. Nagle stated that, in the absence of a CR, another home could be built, or the property could be subdivided. He stated the homeowners believe managing the property landscape contributes to the scenic interest of this area.

Selectman Simon stated the Town is neither the grantee nor the grantor for this proposal. He thanked the Ballous for offering the CR to keep the land intact. He stated he sees no downside for the Town from the proposal.

Homeowner Janet Ballou stated they have lived at this location since the 1980s, and they have enjoyed it, and they want to preserve the home and property for the Town.

Chairman Iuliano stated the land is contiguous to other protected areas.

Selectman Simon asked if the home is historic. The Ballous stated it is, and that it dates back to the 1750s.

A motion was made and seconded regarding approving the CR for 3.68+/- acres. Mr. Nagle clarified that the CR is being offered on the entire 5.13 acres, and the motion was amended as follows:

It was on motion unanimously

VOTED: To approve the Conservation Restriction to be granted by Frederick D. Ballou and Janet D. Ballou to the Sudbury Valley Trustees, Inc., a Massachusetts not-for-profit corporation organized under the provisions of M.G.L. c.180, pursuant to M.G.L. c.184, s.32, said Conservation Restriction consisting of a

5.13 +/- a. of land being a portion of the property located at 306 Lincoln Road, and shown on a plan of land entitled "Plan of Land in Sudbury, MA, 306 Lincoln Road, Conservation Restriction", dated February 2, 2016, last revised February 16, 2016, prepared by Everett M. Brooks Co., Inc.

Goodnow Library – Responsibility for Management – Release of Town Counsel Opinion Vote and Next Steps

Present: Goodnow Library Trustees Chairman Robert Iuliano, and Library Trustees Alan Gordon, Susan Johnson, Barbara Pryor and Marie Royea and Goodnow Library Director Esme Green

At 8:54 p.m., Chairman Iuliano recused herself from this discussion and vote, and she asked Vice-Chairman Woodard to cover the discussion.

Vice-Chairman Woodard opened a discussion as to whether to release the June 17, 2015 Town Counsel opinion regarding responsibility for management of the Goodnow Library, to discuss varying opinions for the management responsibilities and to possibly discuss next steps. The Board was previously in receipt of copies of an undated draft prepared by the Town Manager entitled "Agreement between the Town Manager and the Library Board of Trustees," a draft "Agreement between the Town Manager and the Library Board of Trustees" dated June 8, 2016 prepared by the Library Trustees, and a confidential memorandum from Town Counsel Barbara Saint Andre to Assistant Town Manager Maryanne Bilodeau dated June 17, 2015. In addition, copies of an excerpt regarding legal responsibilities from the Massachusetts Public Library Trustees Handbook were distributed tonight.

It was on motion unanimously

VOTED: To release the June 17, 2015 Town Counsel opinion regarding responsibility for management of the Goodnow Library.

Vice-Chairman Woodard summarized past discussions regarding responsibility for management of the Goodnow Library. He referenced the two proposed agreements (Pages 95-97) in tonight's agenda packet, stating the Town and the Library Trustees have very different perspectives. He noted the Trustees had concerns that they had not had the opportunity to provide input to Town Counsel prior to an opinion being offered. The Trustees also questioned whether there was an inherent bias to Town Counsel's opinion given this position is employed by the Town. Vice-Chairman Woodard stated the Trustees believe the Town's bylaws are ambiguous regarding responsibility for the Library Director. He emphasized there is a history of a good working relationship between the Town and the Library, and the hope is that this will continue as these differences are worked through. Vice-Chairman Woodard suggested a few options for resolution would be to seek out another legal opinion, to go to a Town Meeting for a change of the charter or to agree upon a compromise agreement.

Town Manager Rodrigues stated she believes the charter is clear, and she also referenced the new handout distributed tonight from the Massachusetts Public Library Trustees Handbook. She further stated she is concerned that, if the charter were to be changed for this matter, it would set a precedent for other entities to also pursue. Town Manager Rodrigues noted the Library Director position is part of a union, and she questioned if legal personnel issues might arise if the Trustees were to be included. She suggested another option for resolution would be to request that the charter be defined by a judge in a Summary Judgement.

Selectman Brown asked how much a Summary Judgement might cost and how long the process might take. Town Manager Rodrigues stated it could possibly cost \$200-\$300, and she believes an answer could be obtained rather quickly. She also emphasized the Town's working relationship with the Library is good and

she relies upon its staff and Trustees for their expertise. Town Manager Rodrigues stated a Home Rule Petition would be needed to change the charter.

Selectman Simon asked if the Town and Library Trustees are at an impasse and whether future negotiations would not be productive. Town Manager Rodrigues stated she views the parties as being far apart in their positions, but she would be willing to continue discussions.

Vice-Chairman Woodard noted one of the reasons the Town moved to a Town Manager form of government was to have government handle employee-related issues and to let volunteers stick to more policy-type issues.

Library Trustees' Chairman Robert Iuliano stated he believes there is a reason why State law handles libraries similarly to how it handles schools. Mr. Iuliano stated he believes there is a specific desire to not include libraries in the typical political process and to allow it to function more independently. He emphasized the Trustees are elected by the citizens and they take their responsibilities seriously. He stated the Trustees believe the citizens would likely expect the charter to be specific on these matters. Mr. Iuliano stated he has spoken with Town Manager Rodrigues and he expressed that the Trustees do not think being in a lawsuit with the Town and using Town funds in this manner presents a good message to residents. He stated the Trustees would like to find some common ground rather than to be asked to simply ratify Town Counsel's opinion. Mr. Iuliano suggested that, perhaps the issues should be put forth to the voters. He stated the Trustees believe that, whomever has authority for the Library Director essentially controls the Library, and they believe it should be the Trustees.

Selectman Simon stated he was the Board's liaison to the Library last year and he has attended several Library meetings. He summarized the conflicting positions and fundamental disagreements regarding the ambiguity about Library management responsibilities as perceived by the Trustees and the Town. Selectman Simon stated that, if further discussion would not be productive, he sees the options including going to an outside judge or arbitrator, taking the issues to court (which he does not believe is wanted by anyone), and presenting the issue to Town Meeting to change the charter. He asked if there is a common pathway upon which the parties could agree as being the next step.

Town Manager Rodrigues stated it would also be possible to ask the State's Attorney General for an opinion.

Selectman Brown stated she has concerns about how the Town could fund both sides of an issue if it paid for outside legal counsel for the Library Trustees to oppose Town Counsel. She noted that the Park and Recreation Commission is also an elected body which does not have a clearly defined explanation of responsibilities in the charter.

Mr. Iuliano stated he believes there is a reason the body of State law includes provisions for how libraries function. He suggested that, when there is doubt, perhaps the voters should be asked.

Town Manager Rodrigues stated she does not believe the charter is ambiguous.

Mr. Iuliano stated that, if the Town Manager's opinion is only that the Library Trustees must accept the opinion of Town Counsel, the Trustees would not be comfortable with this position. He reiterated this has nothing to do with the Town Manager, and that there is currently a good working relationship with the Town. However, the Trustees believe the Town has been served well by the Library and vice versa, and he emphasized the Trustees have always taken serious ownership of what the Library means to Sudbury.

Vice-Chairman Woodard suggested closing tonight's discussion so that each party can take some time to think about next steps.

Selectman Haarde stated it appears there are dueling opinions, and it is possible a Summary Judgement will not satisfy both sides. He suggested mediation might possibly help to resolve matters, or he believes it appears that a charter change might be needed for clarification.

Selectman Simon highlighted that a mediation result would be non-binding.

Mr. Iuliano stated the Trustees would be open to pursuing mediation. He emphasized the Trustees do not want the situation to become adversarial. Mr. Iuliano thanked the Board for the opportunity to hear from the Trustees.

Selectman Simon suggested it might be a good idea to channel future communications on this matter through Vice-Chairman Woodard.

At 9:30 p.m., Vice-Chairman Woodard stated the Board would discuss this topic again at a future date, and he concluded the discussion.

Overhead Utility Wires – Discuss and Possible Vote regarding Installation from Sudbury United Methodist Church to Old Sudbury Road

At 9:30 p.m., Chairman Iuliano returned to the Meeting, and a five-minute recess was taken.

At 9:35 p.m., Chairman Iuliano resumed the Meeting, and she explained the Board would pass over this agenda item regarding the installation of overhead utility wires from Sudbury United Methodist Church to Old Sudbury Road. The Board was previously in receipt of copies of a handout entitled, "Information in Support of the Approval of a New Electric Power Line Crossing Old Sudbury Road to Sudbury United Methodist Church" and accompanying map and photographs, a letter from Sudbury's Department of Public Works Director Daniel Nason dated November 29, 2016, and a relevant section of Article XX of the bylaws regarding "Prohibition and Regulation of Overhead Utilities." She further explained the new line is needed to accommodate the Church's new heating system and to improve the efficiency of the electrical system. Chairman Iuliano stated that, since the line will be installed in a location with an existing line crossing the public way, Town Counsel has determined the installation is "upgrading" the overhead wires within the Town bylaws, and thus it is allowed without a waiver from the Selectmen, and no action is required tonight.

Community Preservation Committee (CPC) FY18 Proposals – Discussion Regarding Presentations for Board of Selectmen's CPC Requests

At 9:37 p.m., Chairman Iuliano opened a discussion regarding the presentations to the Community Preservation Committee (CPC) for the project requests made by the Selectmen for Town Meeting articles. The Board agreed that Vice-Chairman Woodard would present the Wayside Inn project request, Environmental Planner Beth Suedmeyer would present the Bruce Freeman Rail Trail Design project request, and Combined Facilities Director Jim Kelly should be asked to present the Town Hall project request.

Selectman Brown asked if the CPC Public Hearing Schedule has been made available. Town Manager Rodrigues stated she would check on this tomorrow. It was noted the Wayside Inn and Town Hall projects have been scheduled for the CPC's January 4, 2017 Public Hearing.

Election Warrants – Discussion and Possible Vote on Policy & Procedure for Providing Pro & Con Arguments

At 9:40 p.m., Chairman Iuliano opened a discussion regarding Election Warrants and the policies and procedures for providing pro and con arguments. The Board was previously in receipt of copies of a memorandum from Chairman Iuliano dated December 6, 2016 and the relevant Chapter 180 of the Acts of 1996. Copies of the Board's April 14, 2015 Meeting Minutes, the Town of Sudbury Official Warrant for the Special Town Election for Tuesday May 19, 2015 (4) and the Town of Sudbury Official Warrant for the Special Town Election for Tuesday May 19, 2015 (5) were distributed tonight.

Chairman Iuliano stated it is possible more time needs to be taken into account for the Town to be able to reach out to potential writers of pro and con arguments and to have material reviewed by Town Counsel. She reviewed the required deadlines for Election Warrants as presented in her December 6, 2016 memo.

Selectman Brown referenced suggested timing requirements noted on Page 115 of tonight's agenda packet, and a brief discussion ensued in an attempt to clarify when the deadlines need to be. Selectman Brown stated it needs to also be determined how the person is selected to write the arguments and which argument is selected for publication. She also asked if the Board is allowed to edit the pro and con arguments submitted. Chairman Iuliano thought the Board could make edits, but Selectman Haarde stated he did not recall an occasion when the Board had done so in the past.

Chairman Iuliano stated a process needs to be defined. Vice-Chairman Woodard asked if a draft policy could be established for the Board's review at a later date. Chairman Iuliano stated she would work on providing the Board with a draft policy which begins the process earlier and she will review it with Town Counsel.

Selectman Simon stated he does not recall the Board editing other people's Warrant submissions, but he does think they should be reviewed by Town Counsel to ensure they meet legal requirements. Selectman Haarde concurred, stating the Board probably should not edit something it did not write. Selectman Simon asked if more than one person can submit an argument.

Selectman Brown asked if the policy deadlines could be provided to the Board for review in the form of a timeline. The consensus of the Board was that this would be very helpful.

Senior Tax Work-off Amount – Vote to Approve Requested Increase

Present: Council on Aging Director Debra Galloway and Senior Tax Work-off Coordinator Josephine Kane

At 8:11 p.m., Chairman Iuliano took this agenda item out of order, and she opened a discussion regarding a request to approve an increase in the annual Senior Tax Work-off Amount from \$1,000 to \$1,100 per year, as requested by Debra Galloway, Council on Aging Director. The Board was previously in receipt of copies of a memorandum from Sudbury's Council on Aging dated November 21, 2016.

Chairman Iuliano stated the request is required to adjust for the new minimum wage law. Council on Aging Director Debra Galloway confirmed this to be accurate.

Senior Tax Work-off Coordinator Josephine Kane stated the program is working well, noting 53 senior citizens have been placed in the 60 openings available, and two veterans have been placed in the eight openings available, working for a maximum of 100 hours at \$10 per hour, for a maximum tax abatement of \$1,000. She stated 18 Town offices/departments have requested program participants.

Chairman Iuliano stated the Board of Assessors has estimated there is sufficient funding in the Town's Abatement/Exemption Overlay Account to accommodate this request.

It was on motion unanimously

VOTED: To approve an increase in the annual Senior Tax Work-off amount from \$1,000 to \$1,100 per year, as requested by Debra Galloway, Council on Aging Director.

Annual Renewal of Licenses

At 9:50 p.m., Chairman Iuliano opened a discussion regarding the annual renewal of licenses. The Board was previously in receipt of copies of a memorandum from Leila Frank dated December 1, 2016 and accompanying "2017 License Renewal Applications" listing and a handout entitled "Outstanding Tax Amounts as of 11/17/16."

Vice-Chairman Woodard asked for confirmation that Stony Brook Market and El Basha Grill & Bar do not owe a licensing fee, as reflected on the listing provided. Town Manager Rodrigues stated she believes this is accurate and that she would confirm this tomorrow.

Selectman Simon asked for clarification regarding the Motor Vehicle – Classes 1, 2, and 3 licenses, which Town Manager Rodrigues provided.

Town Manager Rodrigues referenced agenda packet material regarding personal property taxes owed. She emphasized these amounts are due from former business owners, and she recommended disregarding the information for the purposes of a vote on the renewal of licenses.

It was on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, to renew the Alcoholic Beverages, Common Victualler, and Entertainment licenses to expire December 31, 2017; and Motor Vehicle – Classes 1, 2, and 3 licenses to expire January 1, 2018, as shown on the "2017 License Renewal Application," attached and incorporated herein; and to forward the appropriate renewal forms to the Alcoholic Beverages Control Commission where applicable; said licenses to be held subject to payment of the required license fees, compliance with the Selectmen's Alcohol Training Policy, correction of any/all outstanding health, safety or zoning violations, receipt of verification of Workers' Compensation Insurance for the licensing period, and the payment of all outstanding personal property taxes, real estate taxes and State taxes; said licenses shall also be subject to all previous restrictions.

January 2017 Town Forum – Planning and Discussion

At 9:55 p.m., Chairman Iuliano opened a discussion regarding planning for the January 2017 Town Forum. The Board was previously in receipt of copies of potential topics for discussion at the Forum scheduled for January 21, 2017 at 10:00 a.m., prepared by Vice-Chairman Woodard.

Vice-Chairman Woodard reviewed the draft outline he provided on Page 125 of tonight's agenda packet. He stated topics should be decided. He has presented an outline for a Town budget and finances topic, but he does not think the entire Forum should be devoted to one topic. The consensus of the Board was that a budget-finance topic could be discussed for approximately 75 minutes, and other topics could also be discussed.

Selectman Haarde stated people will want to discuss the Eversource project and Sudbury Station. Vice-Chairman Woodard stated it may be hard for the Board to address these topics if litigation is pending. He stated that, depending on where matters stood as the Forum approaches, it could be determined if these topics could be added to the agenda.

Selectman Simon stated it is possible Vocational Education could be a topic of interest.

Chairman Iuliano stated she prefers to have a block of time set aside for questions from the public on any topic. Selectman Haarde concurred. It was suggested the open time for questions could be 45 minutes to one hour.

Vice-Chairman Woodard stated his budget outline was drafted to help educate the average taxpayer. He further stated he discussed it with the Budget Strategies Task Force. Vice-Chairman Woodard stated the Task Force suggested that a breakdown of the cost structure be presented for commercial and residential properties. It was also suggested to showcase important Finance Committee Warrant materials in the front of the Warrant instead of in the rear of the booklet. Vice-Chairman Woodard stated he is also going to work on quantifying the number of volunteer hours provided in Town. He asked the Board to submit any comments or recommendations on the draft outline to him.

Selectman Simon asked if the community was asked for input on Forum topics. Selectman Haarde suggested posting it on the Town website that topic ideas are being solicited. Town Manager Rodrigues stated she would do this, and Vice-Chairman Woodard asked her to also include a summary of the proposed outline. Selectman Brown stated it should be shared with the public that it will be a general budget discussion and not specific to the FY18 budget.

Selectman Simon asked if there is a written primer for residents to help them learn about municipal budgets. Town Manager Rodrigues stated there is not much available directed to the lay person. Vice-Chairman Woodard stated his hope is that he will develop a slide presentation for the Forum which could be used as a primer and posted on the Town website in the future.

Vice-Chairman Woodard stated the Board should be prepared to address certain topics if they are raised during the open question agenda block. The Board decided Selectman Simon would prepare to address vocational education questions, Selectman Brown would prepare to address Fairbank Center questions, Vice-Chairman Woodard would prepare to address Wayside Inn questions, Fire Chief Miles would be asked to prepare to address Fire Station 2 questions, and Jim Kelly would be asked to prepare to address Town Hall, Parsonage and capital project-related questions.

Board of Selectmen's Newsletter - Discussion

At 10:12 p.m., Chairman Iuliano opened a discussion regarding a Board of Selectmen's Newsletter. The Board was previously in receipt of copies of a draft of ideas for the proposed Newsletter prepared by Vice-Chairman Woodard.

Vice-Chairman Woodard stated the Board decided to distribute a Newsletter to improve communications with the public. He reviewed some suggested parameters for four to seven articles (each up to 500 words) per newsletter to be mailed to the current mailing list for the Town Manager Newsletter. He noted each Board member would be expected to compose at least one article per issue, and he reviewed a list of sample topics.

Selectman Brown asked if the Board would review the articles. Vice-Chairman Woodard stated they would be submitted and he could circulate them for review. Selectman Simon stated Vice-Chairman Woodard had offered to edit the submissions.

Vice-Chairman Woodard stated he welcomes comments or suggestions.

Selectman Brown suggested, and the Board concurred, that the articles would be attributable, since they are being distributed.

In response to a question regarding timing, Vice-Chairman Woodard stated he would like to have the first issue approved in January 2017 to then be distributed in the first quarter of 2017.

Selectman Simon stated he would prepare an article on the Bruce Freeman Rail Trail for the first Newsletter. Selectman Brown stated she would prepare an article on the Fairbank Community Center Task Force. Chairman Iuliano stated she could prepare an article on either Eversource or Sudbury Station. Selectman Haarde stated he would prepare an article on the Town Hall proposed project.

Vice-Chairman Woodard asked for draft articles to be submitted to him by January 13, 2017 to be reviewed at the January 24, 2017 Board Meeting.

Citizens' Comments – Continuation

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

Future Board of Selectmen Agenda Items - Discussion

At 10:20 p.m., Chairman Iuliano opened a discussion regarding future agenda items.

Town Manager Rodrigues stated she would like to discuss a possible marijuana moratorium article at a future meeting.

Selectman Brown asked when the Town's Comprehensive Annual Financial Report (CAFR) will be ready. Town Manager Rodrigues stated she would check on this.

Vice-Chairman Woodard stated he would like future agenda topics to include a public discussion regarding mitigation funds, a continued discussion with the Goodnow Library Trustees, the Wayside Inn proposal, the Fairbank/Sudbury Public School Administration plans, and a discussion regarding the capital budgets for potential capital-related overrides (he requested that financial information be made available for each project regarding the tax impact on the average household).

Selectman Simon asked if the last suggested agenda item by Vice-Chairman Woodard should be discussed in a joint meeting with the Capital Improvement Advisory Committee. Selectman Brown stated she believes the "buck" stops with the Selectmen and the Board should have its own discussion. Vice-Chairman Woodard concurred.

September 11 Memorial Garden Oversight Committee – Resignation and Appointment

It was on motion unanimously

VOTED: To accept the resignation of Barbara Clifton from the September 11 Memorial Garden Oversight Committee, and to send her a letter of thanks for her service to the Town.

It was also on motion unanimously

VOTED: To appoint Connie Marotta, 231 Goodman’s Hill Road, to the September 11 Memorial Garden Oversight Committee, for a term ending May 31, 2019, as recommended by Beth Farrell, Committee Chair.

Traffic Safety Coordinating Committee – Appointments

It was on motion unanimously

VOTED: To appoint Meagen Donoghue, Director of Planning and Community Development (replacing retired Jody Kablack) and Dan Nason, Director of Public Works (replacing retired Bill Place) to the Traffic Safety Coordinating Committee for a term ending May 31, 2018.

Surplus Material – Sand

It was on motion unanimously

VOTED: To declare approximately 1,000 c.y. of sand to be surplus material and authorize the removal and disposal of the material by sale through auction or bidding in accordance with Massachusetts procurement laws; and further to authorize the execution of any documentation required therefor.

Conservation Restriction – 34 Musket Lane

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 Michael J. Soja and Marsha R. Soja on a 2.6 a. portion of a 4.38 +/- a. parcel located at 34 Musket Lane, and shown as “Proposed Conservation Restriction Area = 113740 +/- S.F. (2.6 +/- Acres)” on a plan entitled “Plan of Land of Musket Lane in Sudbury”, prepared by Sullivan Connors and Associates, dated June 20, 2014.

Department of Public Works – Approve Exemptions for Snowplowing

It was on motion unanimously

VOTED: Pursuant to M.G.L. c.268A, to approve exemptions under s.20(b) from Firefighters Kevin Cutler and Dana J. Foster, in order to provide personal services (snowplowing) for the Department of Public Works as submitted in Disclosures dated November 14, 2016 respectively.

Minutes

Selectman Brown had previously submitted a spelling correction to the last word of the second line of the third paragraph under the “Frost Farm House – Renewal Agreement – Discussion and Vote” heading on Page 7 of the Board’s November 15, 2016 Meeting Minutes to correctly read as “asked.”

It was on motion unanimously

VOTED: To approve the Regular Session Meeting Minutes of November 15, 2016, as amended.

There being no further business, the meeting adjourned at 10:28 p.m.

Attest: _____
Melissa Murphy-Rodrigues
Town Manager-Clerk