

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, DECEMBER 20, 2016

Present: Chairman Susan N. Iuliano, Vice-Chairman Charles C. Woodard, Selectman Robert C. Haarde (arrived 7:46 p.m.), 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 7:30 p.m. in the Lower Town Hall.

Opening Remarks

At 7:30 p.m., Chairman Iuliano opened the meeting.

Reports from the Town Manager

Town Manager Rodrigues announced Board of Selectmen's Office Hours will be held on January 24, 2017 from 9:00 a.m. to 10:00 a.m. at the Flynn Building, with Selectmen Brown and Simon in attendance. She also congratulated Department of Public Works' Foreman Chris Felt, who was recognized as Sudbury's Employee of the Year. Town Manager Rodrigues also announced Town Offices will be closed December 26, 2016 for the Christmas Holiday, and offices will re-open on the morning of December 27, 2016.

Reports from the Board of Selectmen

No reports were offered by the Selectmen.

Citizen's Comments

At 7:30 p.m., Chairman Iuliano announced no citizens have requested comment time tonight.

Avalon Bay – Chapter 40B Local Initiative Program (LIP) Application – Discussion and Possible Vote

Present: Avalon Bay Vice-President of Development Dave Gillespie and Avalon Vice-President Scott Dale

At 7:30 p.m., Chairman Iuliano opened a discussion regarding the Chapter 40B Local Initiative Program (LIP) Application submitted by Avalon Bay, and she welcomed Avalon Bay Vice-President Dave Gillespie to the Meeting. The Board was previously in receipt of electronic copies of a draft "Regulatory and Use Agreement (Comprehensive Permit Rental) Local Initiative Program" and hardcopies were provided to the Board tonight.

Town Manager Rodrigues stated the Town had agreed to discuss a LIP application with Avalon as part of its Development Agreement negotiations.

Mr. Gillespie stated the Avalon project was approved by the Zoning Board of Appeals (ZBA), and project documents are being worked on. He provided a brief update on the work completed to date at the former Raytheon property. Mr. Gillespie stated Avalon is currently working on permitting issues with the State, and to date, the reception from the State Department of Environmental Protection (DEP) has been favorable.

Mr. Gillespie explained Avalon is requesting a change of its subsidizing agency to the Department of Housing and Community Development (DHCD) to participate in its LIP Program. He described LIP as a friendly Chapter 40B Program. Mr. Gillespie stated Avalon uses its own capital, which is not allowed by other subsidizing agencies. He stated the Program requires endorsement by a Town's Board of Selectmen, that the Town has a role in monitoring the affordable units, and that the Town, State and developer enter into an agreement which defines details. Mr. Gillespie highlighted the LIP Program was contemplated in previous

discussions with the Town regarding the Development Agreement and during the Comprehensive Permit approval process. He emphasized no changes have been made to these previously approved documents. Mr. Gillespie stated two new documents, an affirmative fair market plan and a Regulatory Agreement, have been created as part of the LIP application process. He noted both new documents have been reviewed by Sudbury's Town Counsel and the Regional Housing Services Office Director. Mr. Gillespie also noted the developer has offered to reimburse the Town for any monitoring expenses incurred. He explained the next step is to receive the Board's endorsement tonight and to submit the application to the DHCD, and then the DHCD will likely provide comments within 60 days. Once comments are received and a final Regulatory Agreement has been revised, Mr. Gillespie stated the developer will seek the Board's approval at a later date to execute the final Agreement.

Vice-Chairman Woodard asked why Avalon does not use subsidized financing. Mr. Gillespie and Avalon Bay Vice President Scott Dale explained it is a corporate decision to finance projects using the company's balance sheet.

Selectman Simon asked if the requested change would result in any noticeable changes for residents. Mr. Gillespie stated residents would not notice any changes, but the Town would receive a report once a year from consultants regarding monitoring costs.

Mr. Dale stated the LIP Program provides the Town more control and transparency in the monitoring process.

Chairman Iuliano asked Mr. Gillespie to review the required process steps, which he did. Selectman Simon then summarized the action steps needed by the Board.

Selectman Brown asked if the ZBA has seen the proposed Regulatory Agreement. Town Manager Rodrigues explained the Agreement is within the Selectmen's purview for a vote. She noted the Agreement was shared with the Sudbury Housing Trust for its feedback.

It was on motion unanimously

VOTED: To endorse the Chapter 40B Local Initiative Program (LIP) Application submitted by Avalon Bay, as presented and reviewed tonight, and to authorize the Board of Selectmen Chair to execute all documents related thereto.

Former Police Station – Discussion and Possible Vote on Award of Contract for Sale

Present: Combined Facilities Director Jim Kelly

At 7:44 p.m., Chairman Iuliano opened a discussion regarding an award of contract for sale of the Town-owned property of the former Police station located at 415 Boston Post Road. The Board was previously in receipt of copies of a proposal package from CGI Management, Inc. dated November 4, 2016 and accompanying documents, a proposal package from Parsons Commercial Group and accompanying documents, and a proposal from Sudbury Row LLC and accompanying documents. In addition, copies of a memorandum from Director of Assessing Cynthia Gerry dated December 20, 2016 were distributed tonight.

Mr. Kelly reviewed that no responses were received to the Town's first Request for Proposal (RFP), and three bids were received to the Town's second RFP for the amounts of \$300,000, \$400,000 and \$450,000. He stated the proposals were reviewed according to how they might benefit the Town and how they would fit into the neighborhood. Mr. Kelly emphasized the purchase prices offered were weighed more heavily when reviewed than qualitative parts of the proposals. He stated the first RFP had included a minimum offer price

of \$750,000, which has since been determined to be too high, since no offers were received. He noted the site is limited by zoning, septic and parking factors.

Town Manager Rodrigues referenced Ms. Gerry's memo, noting it is highly unlikely the building would be re-used. She reviewed the assessment information she had requested from Ms. Gerry, noting that, if the building is removed from the Town's valuation of the property, the land was assessed in FY2016 for \$427,900 and in FY2017 for \$447,400. She also noted the cost to demolish the existing building by a new owner should be considered.

Selectman Haarde asked if the Town did an appraisal. Town Manager Rodrigues stated an appraisal for fair market value was done September 29, 2015, which Ms. Gerry has opined to still be reasonable. As a prospective new buyer, Selectman Haarde stated he would view the existing building as a negative.

Selectman Simon stated the bid from the Parsons Commercial Group is the highest at \$450,000, and he noted the company is considering moving its current office in Framingham to this Sudbury location. He believes having the property owner as the tenant is a preferred option because it assumes the property will be properly maintained.

For the record, Town Manager Rodrigues reported she received a call from Sudbury resident Chris Morely, who recommended the Town not sell the property now and that it should market it more aggressively. A brief discussion ensued as to how this could be done, given that a municipality must put the property out as part of a sealed-bid process. The consensus of the Board was it would not want to risk losing current bids in the search for a better offer.

Vice-Chairman Woodard stated the Parsons' offer is for more money than the land is worth. Given several factors, including the appraisal, assessment, and the condition of the current building, he believes \$450,000 is a good offer.

Selectman Haarde stated he believes the Town could lose some credibility if it were to go out to bid a third time. He believes the Town will be able to guide the design and appearance of a new building on the property through the usual permitting and approval processes.

Mr. Kelly stated the current building was viewed as a liability by all prospects who visited it.

Selectman Simon highlighted there is a cost to the Town to maintain the building and to ensure it does not become a nuisance until it is sold, and this should also be considered. He believes it is not attractive for this portion of Route 20 to have this building remain unoccupied for a long time. Mr. Kelly stated the decision was made to turn off heat in the current building, since it will inevitably be a tear-down situation.

It was on motion unanimously

VOTED: To accept the proposal received for purchase of the parcel of Town land and building thereon (former Police Station) located at 415 Boston Post Road, from John Parsons, Jr., Parsons Commercial Group, Inc. with the address of 1881 Worcester Road, Framingham, MA 01701 for the sum of \$450,000 as set forth in the proposal dated November 11, 2016, subject to the negotiation of a Purchase and Sale Agreement; and to authorize the Chair to execute all documents related thereto, pursuant to Art. 2 of the February 9, 2016 Special Town Meeting.

Sudbury Housing Trust – Maynard Road - Update

Present: Sudbury Housing Trust Chair Lydia Pastuszek and Regional Housing Services Office Director Elizabeth Rust

At 7:57 p.m., Chairman Iuliano welcomed Sudbury Housing Trust (SHT) Chair Lydia Pastuszek and Regional Housing Services Office (RHSO) Director Elizabeth Rust to the Meeting to provide the Board with an update on the Maynard Road project. The Board was previously in receipt of copies of a memorandum from Ms. Pastuszek dated December 15, 2016. In addition, Ms. Pastuszek distributed a handout of photographs to the Board tonight.

Ms. Pastuszek referenced the photographs, noting they reflect the before and after appearance of the property. She explained the SHT vision for the property is to complete three units to be sold as affordable housing for families. Ms. Pastuszek stated construction is currently approximately 76% completed. She stated the SHT held several Executive Session discussions regarding Maynard Road in the past few months, since it was not certain if litigation would need to be pursued. Ms. Pastuszek provided a summary of the SHT's involvement with the property, noting it was purchased in 2008 and it received a Comprehensive Permit in November 2010, which was later amended, for the construction of three homeownership units. She explained two Request For Proposal (RFP) processes were completed, and a Development Services Agreement was signed with Transformations, Inc. in November 2014. Ms. Pastuszek stated the Selectman approved conveyance of the property to the developer in June 2015, and building permits were issued.

Ms. Pastuszek stated project completion was extended to May 2016, but work became stalled. At this time, she reported the SHT took action and requested financial information and project details. Working with Town Counsel, she stated the SHT sent the developer a letter, and many communications were held with the developer and their lender, with the goal to find a way to successfully complete the project. Ms. Pastuszek stated the developer eventually indicated they could not complete the project, and they defaulted in November 2016. Transformations Inc. filed bankruptcy through Chapter 7 on December 9, 2016, and an auction was held on the foreclosed property last week. She stated the SHT has a budget of \$870,000 for the project (\$290,000 for each unit), and she provided a breakdown, noting \$325,000 was spent on property acquisition, \$234,000 was spent on permitting, and \$293,000 was earmarked for the Development Services Agreement (DSA) (\$190,000 paid and a balance of \$103,000). Ms. Pastuszek stated it is believed the project can be completed without the need for additional funds. She also stated \$16,000 was approved (\$6,000 paid) as upcharges for changes. Ms. Pastuszek reported the work remaining to be done is interior finish work and site work. She further reported the SHT considered buying the property, but it voted against taking ownership of the property because it does not believe this is necessary for the project to be completed. It was noted the new buyer has reached out to Ms. Rust for a meeting. It was also noted there are some outstanding bills to be paid.

Vice-Chairman Woodard stated all bills are typically written off in a bankruptcy filing.

Ms. Pastuszek stated the Comprehensive Permit restrictions run with the land and remain in force, and the documents will be assigned to the new owner, who will need to be approved by MassHousing, and also reviewed by the Zoning Board of Appeals (ZBA). She also stated there is a contracted Purchase and Sale Agreement on the property for one unit. Vice-Chairman Woodard asked the price of this Agreement. Ms. Rust stated it is \$181,000 for the three-bedroom unit.

Ms. Pastuszek stated the SHT will begin to work with the new owner to assist with a smooth transition and to locate eligible buyers through its lottery work. She noted it is assumed the Town will be the monitoring agent after the sale period is completed. Ms. Pastuszek thanked everyone for their patience and

understanding while discussions were underway in Executive Sessions. She stated the SHT is optimistic that the project can be completed by next summer.

Chairman Iuliano stated the charge of the SHT is to focus on home ownership opportunities for affordable housing. She noted the project had originally been pursued for six units, but was eventually reduced to three units and the land was transferred to the developer. Chairman Iuliano highlighted the SHT only made payments as work on the project was completed.

Ms. Rust explained there were other payments which were to be made upon project completion, which have not been made. She further explained the SHT did not advance any funds, and it worked with all parties to facilitate the foreclosure. Ms. Rust also noted the SHT has worked closely with MassHousing to ensure the project can be completed with no foreseeable issues. In response to a question from Vice-Chairman Woodard, Ms. Rust stated the regulatory agreements survive bankruptcy. She also stated the new buyer is aware of Chapter 40B regulations and the documents filed to date.

Vice-Chairman Woodard asked whether the amount of money needed to finish the project has been confirmed. Ms. Rust stated it has been estimated that about \$160,000 is needed. However, she noted this figure could be reduced because the new owner also owns a landscaping company and site work could be less than what had been estimated. Ms. Rust stated a lot will depend on the plan presented by the new owner. However, she noted the SHT has additional landscaping plans it would want to implement based on ideas already shared with neighbors.

In response to a question from the Board, it was noted the Development Services Agreement with Transformations Inc. was terminated.

Vice-Chairman Woodard suggested that, before any more money is paid on the project, the SHT should obtain confirmation of how much money will be needed to complete the project. Ms. Pastuszek stated the SHT hopes to do this in the next two weeks. Vice-Chairman Woodard also asked if the Transformations Inc.'s lender had managed its loan as a construction loan, and Ms. Rust stated it had.

Selectman Haarde thanked Ms. Pastuszek and Ms. Rust for the update. He asked for clarification regarding funds already spent and whether the severance payment spent to terminate the NOAH agreement was included. Ms. Rust stated the \$234,000 noted in Ms. Pastuszek's memo represents the total payments made for permitting, and it includes the NOAH payment. Selectman Haarde asked how the Town lost control of the property, and what controls the Town has now. Ms. Rust explained there was an RFP process and Transformations Inc. won the bid, and the land was conveyed to the company. Chairman Iuliano stated there was never a plan for SHT to own the property. Ms. Rust stated the property itself did not go to bankruptcy. She further stated the new owner is bound by the approved Comprehensive Permit, and they will need to build what was permitted. It was also noted the deed restriction is recorded. Ms. Rust stated the new owner's lawyer reached out to her yesterday.

Chairman Iuliano stated it is not absolutely necessary that the SHT has to enter into a new agreement with the new owner.

Selectman Haarde recommended that the SHT should reach out to abutters and the neighborhood to provide them with an update and to solicit their input as the project moves forward. Ms. Pastuszek stated it was not possible for the SHT to inform residents while they were in Executive Session discussions, as advised by Town Counsel.

Selectman Brown asked with whom the one Purchase and Sale Agreement is with. Ms. Rust stated it was with Transformations, Inc., but it is assignable, and the new owner will need to decide if it will be honored. Selectman Brown referenced the SHT's \$196,000 lien on the property noted in Ms. Pastuszek's memo, and she asked if it will be recovered. Ms. Rust stated Town Counsel advised the SHT could receive notice that a claim could be filed in court if there are excess proceeds after the closing, which is scheduled in mid-January. However she also said this seems doubtful.

It was asked if the SHT could be liable for any mechanics' liens. Ms. Rust stated the SHT is not at all liable because it does not own the land, and thus the Town and SHT have no such responsibility.

At 8:26 p.m., Chairman Iuliano thanked Ms. Pastuszek and Ms. Rust for the update, and she concluded the discussion.

January 2017 Town Forum – Planning and Discussion

At 8:27 p.m., Chairman Iuliano opened a discussion regarding planning for the January 2017 Town Forum.

Vice-Chairman Woodard reviewed that, at the Board's last Meeting, it was suggested that the planned Town budget/financial discussion be scheduled for 75 minutes and that there be a 45-minute open-ended discussion for any other questions. He suggested the Board should settle on any other issues to be prepared to address at its January 10, 2017 Meeting.

In response to a question from the Board, Town Manager Rodrigues stated no topic suggestions have been received from the public to date. She stated Town Department Heads have been informed to be prepared to address relevant topics associated with their departments. Town Manager Rodrigues also stated SudburyTV has been informed of the date, and an email address has been created to receive public input. She also stated a flyer will be prepared, which will note potential topics.

Vice-Chairman Woodard reviewed topics as follows for which speakers were designated to be prepared to address at the Forum: 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. It was also determined Chairman Iuliano would address Eversource questions, if legally able to do so, and Selectman Haarde would address Sudbury Station-related questions.

Selectman Simon asked if there would be a Moderator for the Forum, which is scheduled for January 21, 2017 at 10:00 a.m. at Town Hall. Vice-Chairman Woodard stated he would serve as the Moderator.

At 8:35 p.m., Chairman Iuliano stated the Board will discuss the Forum again at its January 10, 2017 Meeting and there will be a flyer and a written outline for the Forum to review, and she closed the discussion.

Fairbank Community Center Study Task Force Mission Statement – Discussion and Possible Vote

At 8:35 p.m., Chairman Iuliano opened a discussion regarding the Fairbank Community Center Study Task Force Mission Statement. The Board was previously in receipt of copies of a red-lined "Draft for 12.20.2016 Discussion Fairbank Community Center Study Task Force Town of Sudbury Mission Statement."

Chairman Iuliano explained the suggested revisions reflect comments made at the Board's last Meeting, and she highlighted a few of the proposed revisions. It was noted membership for the Sudbury Public School Committee has been revised to be for "up to" two members.

Selectman Brown stated Sudbury Public School (SPS) Committee members could resign if they choose not to attend the Task Force meetings.

Chairman Iuliano stated the Sudbury Public School Committee established a sub-committee to work with Combined Facilities Director Jim Kelly on administrative space options at its meeting last night, recognizing that it is highly unlikely SPS administration will remain in Fairbank.

Selectman Brown provided a summary of where the Task Force is in its process, and she noted she was speaking as herself, and not for the Committee. She stated the need for SPS administration to make temporary and/or permanent arrangements to be located somewhere other than Fairbank is important for the Task Force to have more information about. Chairman Iuliano stated she believes SPS will do its own independent analysis on this, working with Mr. Kelly. Selectman Brown stated the Task Force is working to find consensus on issues, but she foresees that not all groups will be happy with the results. She noted the proposal will likely be for a scaled-down building, and she described that there are currently two different perspectives on a preferred proposal being discussed on the Task Force, which she described as the Compromise Plan and the Park and Recreation Plan.

Town Manager Rodrigues stated she has had previous discussions with Selectman Brown regarding some of the Task Force issues, and she hopes to become more involved with the Task Force's work. Selectman Brown noted the Task Force's next meeting is January 5, 2017.

Selectman Simon stated the discussion seems to have veered away from tonight's agenda item, and he suggested returning to the discussion regarding the Mission Statement proposed revisions. Selectman Haarde stated he agreed with Selectman Simon in theory, but he believes the discussion helps the Board make related decisions.

Town Manager Rodrigues stated she hopes to have a report of her findings regarding the Fairbank project for the Board by the end of February.

It was on motion unanimously

VOTED: To approve the revisions to the Fairbank Community Center Study Task Force Mission Statement as reviewed in tonight's agenda packet.

Annual 2017 Town Meeting – Potential Article- Discussion on a Potential Moratorium on Marijuana

At 8:50 p.m., Chairman Iuliano opened a discussion regarding a potential article for the Annual May 2017 Town Meeting regarding a moratorium on marijuana. Copies of a memorandum from Town Manager Rodrigues were distributed to the Board tonight.

Town Manager Rodrigues summarized the information in her memo, noting that, as of December 15, 2016, personal recreational growing and use of marijuana became legal for a person at least 21 years old, and, starting in October 2017, licenses will become available for recreational marijuana establishments. She reviewed certain types of local control which are allowable under the statute as follows:

- Ordinances and Bylaws regulating time, place and manner of operations of marijuana establishments. She stated this would be similar to the medical marijuana bylaw, and it would establish reasonable zoning laws. The bylaw would need to be adopted at Town Meeting.

- The act authorizes imposition by bylaw by a vote of the voters in the Town of additional limitations on recreational marijuana establishments. She clarified this means at a Town Election, and the following topics could be regulated at Town Election: 1) Prohibiting the operation of one or more types of marijuana establishments within the municipality. Town Manager Rodrigues stated that, currently this is being interpreted as a total ban, however, final regulations released by the State may further clarify. 2) Limiting the number of marijuana retailers to fewer than 20 percent of the number of licenses issued within the municipality for retail sale of alcoholic beverages. (Sudbury has seven). 3) Limiting the number of any type of marijuana establishment to fewer than the number of medical marijuana treatments centers registered to engage in the same type of activity in the town.

Regarding a moratorium, Town Manager Rodrigues stated towns may adopt a zoning bylaw establishing a moratorium on the locating of recreational marijuana establishments to allow time to study the issue and develop appropriate bylaws. These moratoriums typically are allowed for one year. She emphasized she does not want the Town to miss deadlines for pursuing preferred options. Town Manager Rodrigues stated the State's recreational marijuana ballot question did not pass in Sudbury, so it is possible there would be public interest for a moratorium.

Selectman Simon stated it seems wise to establish a moratorium because the Town is permitted to do so, and there does not seem to be a down side to doing so. He also stated the year moratorium would allow time for residents to have input on the topic.

Town Manager Rodrigues stated it would also allow time for the State regulations to be released and reviewed. She believes the moratorium buys the Town time, and she referenced helpful timelines noted in a guide regarding "The Regulation and Taxation of Marijuana," which was supplied by Kopelman and Paige law firm.

Vice-Chairman Woodard stated it is important enough as an issue for the Town to take the additional time to get it right.

On behalf of the Board, Chairman Iuliano requested for Town staff to draft an article for the May 2017 Town Meeting regarding a recreational marijuana moratorium.

Selectman Brown asked if a proposed article would effect the existing medical marijuana bylaw. Town Manager Rodrigues stated it would be a separate bylaw and it would have no effect on the existing medical marijuana bylaw.

New Common Victualler License - Da Vinci Bistro – 457 Boston Post Road

At 9:00 p.m., Chairman Iuliano opened a discussion regarding the application for a new Common Victualler License submitted by Da Vinci Bistro, 457 Boston Post Road, as requested in an application dated December 5, 2016, subject to conditions put forth by the Fire Department and Building Department. The Board was previously in receipt of copies of the Application for Common Victualler & Entertainment License and accompanying documentation and emails from Town Departments regarding feedback on the application request.

Town Manager Rodrigues summarized feedback received from Town Department Heads, noting there is still work to be completed, but the applicant has been cooperative and has complied with what has been required to date.

Vice-Chairman Woodard asked if the Town has any information regarding the delays in the restaurant opening. Town Manager Rodrigues stated she has heard that construction has taken longer than what had been anticipated by the applicant.

It was on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, to approve a new Common Victualler License for Da Vinci Bistro, 457 Boston Post Road, as requested in an application dated December 5, 2016, subject to conditions put forth by the Fire Department and Building Department.

Bruce Freeman Rail Trail Design Task Force – Discussion and Possible Vote To Amend Membership

At 9:01 p.m., Chairman Iuliano opened a discussion regarding possibly amending the membership of the Bruce Freeman Rail Trail (BFRT) Design Task Force.

Chairman Iuliano stated Selectman Simon requested this agenda item tonight.

Selectman Simon stated there were more candidates interested in serving than there were position openings for this Task Force at the Board's last Meeting. He stated he discussed this with Sudbury's Environmental Planner Beth Suedmeyer, and he is suggesting tonight to revise the Mission Statement to include Associate Members. Selectman Simon stated this would enable the Town to allow more residents to volunteer to serve and provide input in what would be a non-voting capacity. He suggested adding three Associate Member positions for John McQueen, 265 Hudson Road, John Hinks, 83 Belcher Drive, and Glenn Pransky, 102 Barton Drive, all of whom have expressed interest in serving on the Task Force.

Chairman Iuliano stated she agrees volunteerism is important for the Town to promote, but she questions if this would set a precedent for increasing membership for all committees. She noted the Task Force meetings are open, public meetings, and anyone is welcomed to attend and participate.

Vice-Chairman Woodard asked if there would be a limit of possible Associate Members. Selectman Simon stated it could be limited to three.

Selectman Simon stated there is already a precedent for Associate Members on the Zoning Board of Appeals (ZBA) and the Planning Board, and he thinks adding them to this Task Force would give a positive message to interested candidates that the Town is pleased to have them involved.

Selectman Brown stated Associate Members have a very specific purpose on the ZBA and Planning Board in that they are meant to fill in and vote on an open Public Hearing, if needed, in the absence of a full Member.

Selectman Simon stated the BFRT Design Task Force's objective and tasks are very different than that of the ZBA or Planning Board in that it is intended to only make recommendations to the Selectmen.

Town Manager Rodrigues asked if the Associate Members would impact the number required for a quorum. Selectman Simon stated they would not be included in the quorum count.

Selectman Haarde stated he agrees with Selectman Simon's perspective regarding the importance of volunteerism. However, he stated he has concerns about the Task Force becoming too large and he has concerns about tonight's agenda item and process. Selectman Haarde stated there could be other candidates who might be interested in being Associate Members, and, if the Board were first to decide it wanted to add Associate Members to the Mission Statement, then the openings should be advertised to possibly welcome others. Selectman Simon stated he agreed with the point that the positions should be advertised.

Selectman Haarde reiterated his concern that the Task Force might be getting too large to be effective. Chairman Iuliano stated the Board considered making the Task Force larger in a previous discussion, but it decided not to increase the membership.

Vice-Chairman Woodard stated seven Members and three Associate Members seems like a big group. He noted there are several other Town board/committee openings which are available for people to volunteer to serve. Selectman Simon stated this is the project for which there are a lot of people who are interested in having input and he believes they should be accommodated. Vice-Chairman Woodard stated he is inclined to agree with Selectman Haarde that the process should be for the Board to first decide if it wants to add Associate Members, and, if so, to then decide how many Associate Members there should be, and then the positions should be advertised to decide who should serve.

Chairman Iuliano stated she has concerns because there are time constraints, since a meeting of the group is in the process of being scheduled for January.

Selectman Brown stated she does not understand why this Task Force needs Associate Members and what role they would serve that they could not do by attending the public meetings on their own.

Selectman Simon made a motion to amend the membership of the Bruce Freeman Rail Trail Design Task Force to include up to three associate memberships as non-voting and non-quorum positions, and to appoint John McQueen, 265 Hudson Road, John Hincks, 83 Belcher Drive, and Glenn Pransky, 102 Barton Drive, as Associate Members to the Bruce Freeman Rail Trail Design Task Force, for terms ending May 31, 2017. Vice-Chairman Woodard stated he would second the motion so that a vote could proceed, but he was not necessarily in agreement with the motion.

Selectman Haarde stated it is important for this Task Force to have thoughtful debate and a balance of opinions represented. Selectman Simon stated he believes the Associate Members would bring different views to the group.

Vice-Chairman Woodard stated he is optimistic that the original Mission Statement has a chance of moving this project forward, and he is inclined to not revise it at this time.

Chairman Iuliano stated she appreciates the effort to recognize volunteers and she stated this concept could possibly be considered further in the future.

Selectman Simon stated he believes it gives a negative message to residents to not include more people who have expressed interest in serving.

It was on motion

VOTED: To amend the membership of the Bruce Freeman Rail Trail Design Task Force to include up to three associate memberships as non-voting and non-quorum positions, and to appoint John McQueen, 265 Hudson Road, John Hincks, 83 Belcher Drive, and Glenn Pransky, 102 Barton Drive, as Associate Members

to the Bruce Freeman Rail Trail Design Task Force, for terms ending May 31, 2017, and the motion failed by a vote of 1-4. Selectman Simon voted in favor of the motion, and Chairman Iuliano, Vice-Chairman Woodard, Selectman Haarde and Selectman Brown voted to oppose the motion.

Transfer Station – Budget and Fees – Discussion

At 9:24 p.m., Chairman Iuliano opened a discussion regarding the Transfer Station budget and fees. Copies of a memorandum from Town Manager Rodrigues dated December 20, 2016 were distributed to the Board tonight.

Town Manager Rodrigues stated she has been working on this year's budget process. She further stated she has determined there are indirect costs which should be attributable to the Transfer Station Enterprise Fund rather than in the Operating Budget. She referenced her memo, noting that she has identified approximately \$50,000 of costs to be shifted. However, Town Manager Rodrigues explained that by shifting the entire \$50,000 at one time, sticker rates would dramatically increase for residents, and she is not comfortable with this approach. She shared her recommendation to include in the Enterprise Fund 25% of the Foreman's salary and benefits, which totals \$18,966. Town Manager Rodrigues provided Transfer Station rates from 2006 through 2017 and she presented what the proposed 2018 figures would be with the inclusion of her recommendation (first sticker price would increase from \$155, which it has been since 2011, to \$170). She stated the information provided is a preliminary rate study, and she will provide the Board with further information when the new rates need to be set.

Selectman Haarde asked if the information has been compared to that of other towns. Town Manager Rodrigues stated she could gather this information.

Vice-Chairman Woodard noted the proposed rate increases equate to an approximate 2% increase per year since 2011. The Town Manager and Board stated it would be preferred to adjust the rates on a yearly basis in the future to keep increases for residents to what is actually needed.

Citizens' Comments – Continuation

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

Future Board of Selectmen Agenda Items - Discussion

At 9:28 p.m., Chairman Iuliano opened a discussion regarding future agenda items.

Vice-Chairman Woodard stated he would like to schedule an agenda item for the Board's February 7, 2017 Meeting for the Strategic Financial Planning Committee for Capital Funding to present its recommendations. He also suggested a future agenda item should be scheduled to discuss Sudbury Public School Administration space at Fairbank so it can be considered as part of the FY18 budget discussions.

Selectman Brown asked for a future agenda item to be scheduled to determine if a Town Meeting article should be submitted regarding building permit fees. She also would like to get a status update on the Town's electrical aggregation program, and on how pro and con arguments for ballot questions will be handled. Selectman Brown also suggested a future agenda item should be related to closing the knowledge gap on the Melone property.

Vanasse Hangen Brustlin, Inc. – Asset Management System Study/Plan – Approve Contract

Selectman Haarde asked for this agenda item to be removed from the Consent Calendar. He stated he is inclined to oppose the proposed motion because he believes the Town should work with another engineering firm other than VHB, since VHB also provides services for Eversource.

Town Manager Rodrigues stated she consulted with the Department of Public Works (DPW) Director and he believes VHB is the preferred vendor. She explained there are only three engineering firms in the area which would perform well the services required in the contract. Town Manager Rodrigues offered to postpone this agenda item to a future meeting when the DPW Director could attend. Selectman Haarde stated this would not be necessary for him because he does not believe another discussion is likely to alter his opinion.

It was on motion

VOTED: To approve a contract with Vanasse Hangen Brustlin, Inc. (VHB) based on its proposal dated November 30, 2016, to conduct an asset management system study/plan focusing on existing pavement, sidewalk, and guardrail system, as requested by Dan Nason, Department of Public Works Director.

Selectman Haarde opposed the vote.

Minutes

Copies of two revisions previously made by Selectman Brown to the December 6, 2016 Meeting Minutes were distributed tonight. In addition, Chairman Iuliano made a revision to the fifth paragraph from the bottom of page 6 of the Minutes and Vice-Chairman Woodard made a correction to the acres noted in the fourth full paragraph of Page 9 of the Minutes from 1.8 acres to 1.18 acres.

It was on motion unanimously

VOTED: To approve the Regular Session Meeting Minutes of December 6, 2016, as amended tonight.

Executive Session

At 9:41 p.m., Chairman Iuliano announced the close of the regular meeting and it was on roll call unanimously

VOTED: To go into Executive Session to consider the purchase, exchange, lease or value of real property, if the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body (Wayside Inn property), and to discuss release of a legal opinion in regards to the Protect Sudbury Community Preservation Committee opinion, pursuant to General Laws Chapter 30A, Section 21 (a) (6) Chairman Susan N. Iuliano, aye, Selectman Patricia A. Brown, aye, Vice-Chairman Charles C. Woodard, aye, Selectman Robert C. Haarde, aye, and Selectman Leonard A. Simon aye.

Chairman Iuliano announced regular session would not reconvene following Executive Session.

There being no further business, the meeting adjourned at 9:41 p.m.

Attest: _____
Melissa Murphy-Rodrigues
Town Manager-Clerk