

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, MARCH 7, 2017

Present: Chairman Susan N. Iuliano, Vice-Chairman Charles C. Woodard (participated remotely), 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 7:29 p.m. in the Lower Town Hall.

Opening Remarks

At 7:29 p.m., Chairman Iuliano opened the meeting. She announced Vice-Chairman Woodard would be participating remotely for tonight's Meeting.

Reports from the Town Manager

Town Manager Rodrigues reminded residents of the Town Election on March 27, 2017. She announced today is the last day to register with the Town Clerk's Office to vote in the Election, and the Town Clerk Offices are open until 8:00 p.m. She also announced a Special Town Election has been called for May 9, 2017. Town Manager Rodrigues stated Board of Selectmen's Office Hours will be held on March 14, 2017 from 9:00 a.m. to 10:00 a.m. at the Goodnow Library, with Selectman Brown and Chairman Iuliano in attendance. She further stated there will be a Public Information Meeting on March 9, 2017 regarding the Bruce Freeman Rail Trail design, and comments can be emailed in advance if one is unable to attend.

Reports from the Board of Selectmen

Selectman Simon asked if there is early voting available for the March 27, 2017 Election and if one can request an absentee ballot. Town Manager Rodrigues stated there is no option for early voting, but absentee ballots are available now at the Town Clerk's Office. She stated she would post additional information on the Town website.

Citizen's Comments

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

Proposed Legislative Bills Related to Utility Regulation – Discussion and Potential Vote

At 7:31 p.m., Chairman Iuliano asked Town Manager Rodrigues to update the Board on three proposed legislative bills related to utility regulation. The Board was previously in receipt of copies of the proposed Bills. In addition, copies of a summary of the Bills prepared by Town Manager Rodrigues were distributed tonight.

Town Manager Rodrigues summarized the "H 1736: An Act Relative to the Energy Siting Board," proposed legislation, sponsored by State Senator Eldridge and State Representative Gentile. She described the purpose of the bill is to remove language from the current law that the Energy Siting Board shall implement provisions in order to provide a reliable energy supply for the Commonwealth with a minimum impact on the environment at the lowest possible cost, and to require the Siting Board to consider a minimum impact on the environment and public health, and a minimum impact on the overall well-being of residents abutting the project at the lowest possible cost after these impacts are considered. Town Manager Rodrigues noted the Bill was referred to the Committee on Telecommunications, Utilities and Energy on January 23, 2017 and a hearing date has not been set. She further noted State Senator Barrett is the Chair of this Committee.

Town Manager Rodrigues summarized the “H.1737: An Act Relative to Reasonable Municipal Expenses,” proposed legislation, sponsored by State Senator Eldridge and State Representative Gentile. She described the purpose of this bill is to allow the Siting Board to assess fees on utility companies to reimburse municipalities for expenses related to the Siting Board application. Town Manager Rodrigues noted the Bill was referred to the Committee on Telecommunications, Utilities and Energy on January 23, 2017 and a hearing date has not been set.

Town Manager summarized the “HD2672: An Act relative to the placement of overhead transmission lines,” proposed legislation, presented by State Senator Eldridge and State Representative Gentile. She described the purpose of this bill is to ban transmission lines from areas where residential properties are within the fall zone. Town Manager Rodrigues noted the bill has a docket number, but it has not been referred to Committee.

Chairman Iuliano stated she discussed these bills today with State Representative Gentile and he offered to answer any questions anyone might have.

Town Manager Rodrigues asked if the Board would like her to prepare testimony in support of all the bills for review.

Selectman Simon stated he believes it would be good to submit written testimony asking that consideration be given to all potential impacts, including environmental and visual pollution impacts. He offered to work with Town Manager Rodrigues to prepare the testimony.

Non-Override and Override Budgets – Discussion and Potential Vote

At 7:37 p.m., Chairman Iuliano opened a discussion regarding the Finance Committee’s recommendations on non-override and override budgets, including the use of Free Cash. The Board was previously in receipt of copies of the recommended Finance Committee FY18 Non-Override and Town and School Override Budgets. In addition, copies of an updated Warrant article Budget chart provided by Finance Director Dennis Keohane were distributed tonight.

Chairman Iuliano summarized the non-override budget supported by the Finance Committee, which reflects a 3.58% increase for the Town and Sudbury Public School (SPS) budgets and a 3.36% increase to the Lincoln-Sudbury Regional High School (L-SRHS) budget (and a 3.58% increase to the L-SRHS assessment).

Vice-Chairman Woodard noted all three cost centers worked together for a long time to present the recommended non-override budget, and he is inclined to support their collective wisdom.

Selectman Brown asked if the \$94 million + figure includes the Town Manager’s capital budget. Town Manager Rodrigues stated it does not because the capital budget is appropriated separately. Selectman Brown asked if there are any other items excluded from the non-override budget figure, and Town Manager Rodrigues stated there are no other items excluded.

Selectman Haarde stated he has heard talk about potential budget cuts, and people have asked if teachers will be cut. He emphasized even the non-override budget is increasing by approximately 50% more than the cost of inflation. Selectman Haarde stated there may be program cuts within cost centers as a result of the budget increases, but these are decisions each cost center makes for itself. He stated all of the recommended budgets reflect significant increases. Selectman Haarde stated the Finance Committee only opines on how much the budget will grow and the cost centers then make the decisions as to how to spend their money.

Chairman Iuliano stated the proposed non-override budget represents a 2.78% increase which will result in a projected 2% increase for the average taxpayer, for an estimated cost of \$254 more per year.

Selectman Simon noted the Town does not provide goods but rather services, and the Town has a responsibility to maintain safety and education related services. He believes the proposed budgets are reasonable for the services provided and they do not represent overspending. Selectman Simon stated that, a lower budget increase would be unrealistic.

Selectman Haarde stated he referenced the cost of inflation as a standard economic measure. He noted the Town and Schools made progress in recent years decreasing their cost for healthcare.

Vice-Chairman Woodard highlighted approximately 75% of the Town's budget is related to labor, with approximately 55% for salaries and approximately 15% for healthcare. He noted labor contracts drive the budget, and the Town did well to avoid override requests in recent years.

Selectman Haarde asked for clarification regarding what the Board is voting on tonight. Chairman Iuliano stated the Board should vote its position on the recommended overrides proposed by the Finance Committee. Selectman Haarde also asked what happens if the non-override budget does not pass at Town Meeting. Town Manager Rodrigues stated the article would need to be amended for less until it passed. Vice-Chairman Woodard stated it would be irresponsible to leave Town Meeting without an approved non-override budget.

It was on motion and on roll call unanimously

VOTED: To support the non-override budgets as recommended by the Finance Committee for presentation at the May 2017 Town Meeting, Selectman Patricia A. Brown, aye, Selectman Robert C. Haarde, aye, Selectman Leonard Simon, aye, Vice-Chairman Charles C. Woodard, aye, and Chairman Susan Iuliano, aye.

Chairman Iuliano stated override budgets were recommended for two cost centers. She stated the Finance Committee recommended a \$494,833 override for the Town.

Selectman Brown asked if this is primarily to cover the cost of four more firemen and an additional police officer, and she asked why this need is critical now. Town Manager Rodrigues stated the Town's population has grown significantly since 2008, and it is expected to continue to do so. In response to a question from Selectman Brown, she explained the Police Chief and Fire Chief have proposed staffing be brought to full strength.

Selectman Simon stated the four firefighters are needed to man a second ambulance, which will provide a prompt response time for residents.

Chairman Iuliano stated the SPS proposed override is for \$675,078, and it was supported by the Finance Committee. She stated it would increase the SPS net budget by 5.2%, and it would result in a potential net reduction of 17 FTEs, in addition to the reduction of 8.3 FTEs based on declining enrollment.

Selectman Brown stated she has also heard comments that people are concerned about what the Board is going to do to retain certain programs and teachers in the Schools. She emphasized the Schools decide how to spend their money and the Selectmen and Finance Committee have no say in it.

Selectmen Haarde and Simon both commented that money spent on public safety and education is always money well spent, and it is a good investment for today and the future. Selectmen Haarde stated the Schools need to be trusted to know how to spend their money well.

Vice-Chairman Woodard noted the Town Manager does not have the same flexibility and ability to shift funds as the Schools do without approval from Town Meeting. Town Manager Rodrigues confirmed this to be the case.

Selectman Haarde noted L-SRHS did not ask for an override this year, and he also noted the good work the High School did negotiating its last contract to be more cost-efficient.

It was also on motion and on roll call unanimously

VOTED: To support the combined override budget of \$96,748,140, as allocated in the recommendation of the Finance Committee for presentation at the May 2017 Town Meeting, Selectman Patricia A. Brown, aye, Selectman Robert C. Haarde, aye, Selectman Leonard Simon, aye, Vice-Chairman Charles C. Woodard, aye, and Chairman Susan Iuliano, aye.

Town Meeting Article Override Vote and Override Ballot Question(s) – Discussion and Potential Vote on Format

At 8:10 p.m., Chairman Iuliano opened a discussion regarding the Town Meeting article override vote and the override ballot question(s). The Board was previously in receipt of copies of a draft “Proposed Ballot Language for May 9, 2017 Ballot.” In addition, copies of a handout entitled “Sudbury Override Ballot Questions” were distributed tonight showing previous ballot questions posed in 2006, 2007, 2008 and 2010.

Chairman Iuliano stated the Finance Committee recommended using a menu ballot option to separate the overrides. She referenced the draft “Proposed Ballot Language for May 9, 2017 Ballot,” noting Town Counsel had provided some language samples.

Selectman Simon stated his preference is to present one ballot question.

Vice-Chairman Woodard stated he supports one ballot question and not multiple ones. He believes Sudbury is one Town, with one budget which is for all residents. He is concerned people might only vote what is most wanted today if given the choice of separate overrides. Vice-Chairman Woodard stated he believes voters should be asked to support an increase for the whole Town.

As a taxpayer, Selectman Brown stated she can understand some people may want to only vote for what they can afford, while others may believe everyone is in this situation together.

Chairman Iuliano stated she believes everyone benefits when people come together through a collaborative process to build a budget as opposed to pitting cost centers against each other.

Selectman Haarde stated he sees merit in both perspectives. He noted some voters might want the flexibility to vote on separate overrides. However, he questions whether it is in the Town’s best interest to have people voting as interest groups and whether that type of atmosphere should be created. Selectman Haarde stated all of the cost centers worked hard to reach consensus on the proposed budgets and he thinks it makes sense to keep it as one article.

Selectman Simon stated that having frequent override requests is not in the Town's best interests, and he thinks it is best to not pit the cost centers against each other.

Chairman Iuliano stated the one override ballot question would likely be worded with an "up to the amount" language.

It was on motion and on roll call unanimously

VOTED: To submit a single ballot question for the combined total of the Town and Sudbury Public Schools overrides," Selectman Patricia A. Brown, aye, Selectman Robert C. Haarde, aye, Selectman Leonard Simon, aye, Vice-Chairman Charles C. Woodard, aye, and Chairman Susan Iuliano, aye.

Chairman Iuliano read aloud the sample first vote on Page 14 of tonight's agenda packet. She suggested, and the Board concurred, that the word "supplementing" should be replaced with the word "funding."

Selectman Simon thanked Town Manager Rodrigues for providing the handout of the simplified budget information. Town Manager Rodrigues gave kudos to Finance Director Dennis Keohane for providing this information.

Use of Free Cash - Discussion and Potential Vote

At 8:30 p.m., Chairman Iuliano opened a discussion regarding the use of Free Cash. The Board was previously in receipt of copies of a spreadsheet noting the Free Cash Starting Balance as certified on July 1, 2016 and where the balance will be if Free Cash for every request is approved at the May 2017 Town Meeting. Chairman Iuliano drew the Board's attention to the last two items listed on the handout, noting they were recommended by the Finance Committee for guidance purposes.

Town Manager Rodrigues stated she believes a few requests on the list have changed as follows: parking lots has been reduced from \$275,000 to \$250,000, the DPW truck has been reduced from \$182,000 to \$135,000 and the stabilization fund has been reduced from \$136,043 to \$128,000.

Chairman Iuliano stated the Finance Committee recommended \$375,000 be funded with Free Cash to be put in a reserve account for Sudbury Public Schools' (SPS) unemployment costs due to expected layoffs. Town Manager Rodrigues highlighted the Town is self-insured for unemployment. Vice-Chairman Woodard stated he thinks this is an excellent idea to cover this one-time item.

Chairman Iuliano stated the Finance Committee also recommended \$145,963 of the Town's override request be funded with Free Cash, due to the Meadow Walk development. Selectman Brown asked if this is to cover the overtime needed for the additional firemen and police officer. Chairman Iuliano stated she believes there has not been evidence provided to tie the requested amount to revenues and costs for Meadow Walk. She further stated that she believes the need for additional staffing existed before Meadow Walk came to Sudbury. Vice-Chairman Woodard stated this would result in approving an increase of Free Cash for a recurring expense, which would mean recurring revenue would also need to be increased. He expressed his strong feeling that this is complicating the budget process unnecessarily in a way which will be difficult for voters to follow. Vice-Chairman Woodard believes this component is not needed as part of a \$95 million + budget. The consensus of the Board was to not fund the \$145,963 portion of the Town's override with Free Cash.

Vice-Chairman Woodard noted there will not be a shortfall if all the capital article Free Cash requests are not supported. However, Selectman Haarde and Town Manager Rodrigues noted the Town could fall below

its guidance goals. Vice-Chairman Woodard suggested that not making a contribution to the Stabilization Fund this year could possibly be considered.

At 8:40 p.m., Chairman Iuliano summarized the consensus of the Board is to support using \$375,000 of Free Cash for the SPS unemployment reserve account and not to support the use of Free Cash for any portion of the Town's override request, and she closed the discussion.

May 2017 Annual Town Meeting Articles and Actions

At 8:40 p.m., Chairman Iuliano opened a discussion regarding the 2017 May Annual Town Meeting and the ordering of all articles, designating articles for the Consent Calendar and taking positions on articles. The Board was previously in receipt of copies of a draft list of articles submitted for the 2107 May Annual Town Meeting Warrant dated February 2, 2017 and all the Warrant articles submitted.

Town Manager Rodrigues recommended Articles #1, #2, #9, and #10 be considered as Consent Calendar articles.

It was on motion and on roll call unanimously

VOTED: To designate Article #1, #2, #9 and #10 as Consent Calendar articles for the May 2017 Town Meeting, Selectman Patricia A. Brown, aye, Selectman Robert C. Haarde, aye, Selectman Leonard Simon, aye, Vice-Chairman Charles C. Woodard, aye, and Chairman Susan Iuliano, aye.

The Board reviewed the draft list of articles regarding the numbering of the articles for presentation.

Selectman Brown suggested, and the Board concurred, that Article #32 and Article #33 should be reversed so the Regional Housing Services Office Allocation article is presented before the Sudbury Housing Authority Allocation.

Vice-Chairman Woodard suggested, and the Board concurred, that Article 3 for the Stabilization Fund should be moved to after the last Capital Article #27.

Town Manager Rodrigues stated the original Article #15 – Post Employment Health Insurance Trust Funding will be withdrawn and she confirmed the original Article #30 - Community Preservation Act Bruce Freeman Rail Trail article should also be designated as withdrawn.

The Board proceeded to vote to renumber the articles as discussed and to take positions on the articles as originally numbered on the February 2, 2017 list as follows:

It was also on motion and on roll call unanimously

VOTED: To support Articles #1, #4, #5, #6, #7, #9, #10, #11, #12 (Selectman Brown recused herself from the vote on Article 12), #13, #14, #17, #18, #20, #22, #23, #24, #25, #26, #29, #31, #32, #33, and to Report at Town Meeting on Articles #2, #3, and #8, Selectman Patricia A. Brown, aye, Selectman Robert C. Haarde, aye, Selectman Leonard Simon, aye, Vice-Chairman Charles C. Woodard, aye, and Chairman Susan Iuliano, aye.

It was further on motion and on roll call unanimously

VOTED: To postpone voting a position on Articles #19, #21, #27, #28, #34, #35 and #36 to a future meeting, Selectman Patricia A. Brown, aye, Selectman Robert C. Haarde, aye, Selectman Leonard Simon, aye, Vice-Chairman Charles C. Woodard, aye, and Chairman Susan Iuliano, aye.

Chairman Iuliano recused herself from the discussion regarding Article #16 – Goodnow Library Charter Amendment, and she exited the Hall for the duration of the discussion and vote.

Selectman Brown summarized Article #16.

In response to a question from Selectman Simon, Town Manager Rodrigues referenced copies of the Commonwealth's Chapter 131 distributed tonight, and she read aloud the three revisions proposed by the Library Trustees.

Vice-Chairman Woodard stated he has concerns regarding the logic proposed by the Library Trustees also being extended to other Town entities such as the Park and Recreation Commission. He further stated he believes the Town has a strong Town Manager form of government and he would prefer for the Town Manager to oversee employees and for the Library Trustees to focus on Library policy.

Selectman Simon noted the Library has a separately-elected Board and there is a discrepancy between the Town and Library Trustees in the interpretation of authority. He further noted the Library is unique in that no other group is given express duties by the State as is done for libraries. Selectmen Simon believes the article should be decided by the voters.

Town Manager Rodrigues stated she will speak at Town Meeting to oppose the article because she does not believe the Town's charter is ambiguous regarding authority. She further stated she has concerns about a Library Director, who is a union member, being able to negotiate contracts.

Selectman Haarde stated he does not believe the Town's charter is ambiguous regarding authority. He also believes having independent entities makes it harder for the Town Manager form of government to operate.

It was also on motion and on roll call

VOTED: To support the proposed modifications to the Town Charter as proposed in Article #16, Selectman Patricia A. Brown, nay, Selectman Robert C. Haarde, nay, Selectman Leonard Simon, aye, and Vice-Chairman Charles C. Woodard, nay.

Chairman Iuliano returned to the Meeting.

It was further on motion and on roll call unanimously

VOTED: To designate Article #15 and Article 30 as Withdrawn, and to renumber Article #32 as Article #33, to renumber Article #33 as Article #32, and to move Article #3 to follow Article #27, and then to renumber the order of all articles accordingly, Selectman Patricia A. Brown, aye, Selectman Robert C. Haarde, aye, Selectman Leonard Simon, aye, Vice-Chairman Charles C. Woodard, aye, and Chairman Susan Iuliano, aye.

Selectmen's Notice Seeking Parties to Write Supporting and Opposing Arguments for an Override Ballot Question – Discussion

At 9:20 p.m., Chairman Iuliano opened a discussion regarding the Selectmen's notice seeking parties to write supporting and opposing arguments for an override ballot question. The Board was previously in receipt of copies of the new "Board of Selectmen Ballot Question Policy" and accompanying schedule.

Town Manager Rodrigues asked if two people could be selected to write pro and con arguments for the override ballot question. Selectman Brown noted the law requires a 250-word limit.

Once the notice is issued, Selectman Brown stated she believes it will be difficult for people to write arguments without being able to reference the exact language of the ballot question. Town Manager Rodrigues stated the final language is anticipated to be in place by the time the writers are selected.

It was on motion and on roll call unanimously

VOTED: To approve the issuance of a notice seeking parties to write supporting and opposing arguments for an override ballot question as reviewed tonight, Selectman Patricia A. Brown, aye, Selectman Robert C. Haarde, aye, Selectman Leonard Simon, aye, Vice-Chairman Charles C. Woodard, aye, and Chairman Susan Iuliano, aye.

Citizens' Comments – Continuation

At 9:25 p.m., Chairman Iuliano announced no citizens had requested time for comments tonight.

Future Board of Selectmen Agenda Items - Discussion

At 9:25 p.m., Chairman Iuliano opened a discussion regarding future agenda items.

Town Manager Rodrigues stated she will present her capital items at a future meeting. She also stated the Board should discuss who will make which presentations at the May 2017 Town Meeting.

Selectman Brown stated the Board should decide at the March 21, 2017 Board Meeting whether an author has been selected to write the pro and con arguments for the ballot question or whether Town Counsel should be advised to do so.

Special Permit - Joyce Endee Productions

It was on motion and roll call unanimously

VOTED: To grant a Special Permit to Joyce Endee Productions to hold an Autumn Arts and Crafts Festival on September 9-10, 2017, from 10:00 a.m. to 4:00 p.m. at the Wayside Inn, subject to conditions and permits required by the Fire, Police, Health and Building Departments, Selectman Patricia A. Brown, aye, Selectman Robert C. Haarde, aye, Selectman Leonard Simon, aye, Vice-Chairman Charles C. Woodard, aye, and Chairman Susan Iuliano, aye.

The Sudbury Foundation – Grant

Chairman Iuliano recused herself from this agenda item and vote, and Selectman Haarde read aloud the agenda item.

It was on motion and roll call

VOTED: To accept a grant in the amount of \$31,250 from The Sudbury Foundation to the Goodnow Library to enable the Library to purchase equipment and supplies for a second floor renovation, Selectman Patricia A. Brown, aye, Selectman Robert C. Haarde, aye, Selectman Leonard Simon, aye, and Vice-Chairman Charles C. Woodard, aye.

Executive Session

At 9:28 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 discuss strategy with respect to potential litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the Chair so declares (Frost Farm) pursuant to General Laws Chapter 30A, Section 21 (a) (3), Selectman Patricia A. Brown, aye, Selectman Robert C. Haarde, aye, Selectman Leonard Simon, aye, Vice-Chairman Charles C. Woodard, aye, and Chairman Susan Iuliano, aye.

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

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

Attest: _____
Melissa Murphy-Rodrigues
Town Manager-Clerk