

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, SEPTEMBER 26, 2017

Present: Chairman Robert C. Haarde, Vice-Chairman Leonard A. Simon, Selectman Susan N. Iuliano
Selectman Patricia A. Brown, Selectman Daniel E. Carty 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 Haarde opened the meeting. He announced there will be a Flu Clinic at the Fairbank Center on October 12, 2017 from 11:00 am. - 2:00 p.m. and 5:00 p.m. - 7:00 p.m. He also announced the Community Preservation Committee will hold a Public Hearing for the Special Town Meeting article regarding Sudbury Public Schools' playgrounds on October 12, 2017 at 7:30 p.m. at Town Hall. Chairman Haarde reminded residents the Special Town Meeting will be held on Monday, October 16, 2017 at 7:30 p.m. at the High School. He also stated a charrette will be held regarding the Melone property on October 3, 2017 at the Fairbank Center Gym at 7:00 p.m. Chairman Haarde stated the Board's Office Hours will be held on September 28, 2017 at the Goodnow Library, with Vice-Chairman Simon and Selectman Iuliano in attendance. Protect Sudbury will also provide a legal update regarding the Eversource Reliability project on October 4, 2017 from 3:00 p.m. - 4:00 p.m. at the Goodnow Library.

Reports from the Town Manager

Town Manager Rodrigues stated there are many interesting articles being presented at the October 26, 2017 Special Town Meeting, and she encouraged residents to attend.

Reports from the Board of Selectmen

Selectman Iuliano noted the Sudbury Clergy Association has extended an invitation to the community to attend a Candlelight Vigil for Peace on October 1, 2017 at 6:30 p.m. on the Sudbury Common. She also highlighted a proclamation will be approved later tonight to welcome home 1LT Jeffrey Newton, after spending eight months in Iraq.

Selectman Brown stated progress has been made regarding the Fairbank Center Study Task Force previously issued Request for Proposal (RFP). She noted two responses were received and they were reviewed by an evaluation team, and a selection was made.

Vice-Chairman Simon stated there are a lot of projects underway and under consideration in Town, and he encouraged residents to share their thoughts by attending the Board's Office Hours.

Citizen's Comments

At 7:35 p.m., Chairman Haarde recognized Sudbury Public Schools' (SPS) Committee Chair Christine Hogan, 49 Blueberry Hill Lane.

Ms. Hogan informed the Board the SPS School Committee has begun its search for a new Superintendent, and it is considering an option of sharing a Superintendent with the High School. She stated there are several unknowns at this time regarding the future for SPS and it is uncertain what recommendations will be made by new leadership regarding the needs for SPS Administration.

Notice on Compliance – Update to Determine if Lisa Burke, 39 Poplar Street has Complied with a Previous Board Order to Restrain a Dangerous Dog

At 7:41p.m., Chairman Haarde opened a discussion regarding whether Lisa Burke, 39 Poplar Street, has complied with the Board's June 14, 2017 order to restrain the Dangerous Dog owned and/or kept by Ms. Burke in the Town of Sudbury, and he welcomed Police Chief Scott Nix to the Meeting. The Board was previously in receipt of copies of a memorandum from Chief Nix dated September 6, 2017, the "Notice of Decision and Order Dangerous Dog" dated June 14, 2017 and sent by certified mail, return receipt requested to Ms. Burke, emails from and to Chief Nix and Animal Control Officer Jennifer Condon dated July 19 through July 21, 2017 and one dated September 6, 2017, the homeowner's insurance declaration certificate, a report from "Home Again," a letter to Jennifer Condon from dog trainer Daniel Titus dated August 3, 2017, the "Notice of Hearing to Review Compliance with Order to Restrain Dangerous Dog" dated August 2, 2017 and sent by certified mail, return receipt requested to Ms. Burke, and a letter sent by certified mail, return receipt requested to the dog owner from the Town Manager dated August 10, 2017.

Chairman Haarde stated this Public Hearing has been postponed for tonight, due to a death in the dog owner's family, and he extended sympathies to them.

West Metro HOME Consortium – Coolidge Request for HOME Funds – Discussion and Vote

Present: Regional Housing Services Office Specialist Elizabeth Rust and Holly Grace from B'nai B'rith Housing

At 7:40 p.m., Chairman Haarde opened a discussion regarding whether to support the Coolidge request for HOME funds offered through the WestMetro HOME Consortium, and he welcomed Regional Housing Services Office Specialist Elizabeth Rust and B'nai B'rith Housing representative Holly Grace to the Meeting. The Board was previously in receipt of copies of a memorandum from Ms. Rust dated September 13, 2017 and a letter from B'nai B'rith Housing to the Sudbury Housing Trust (SHT) dated July 12, 2017.

Ms. Rust provided a brief background regarding the HOME Investment Partnerships federal program administered by Housing and Urban Development (HUD), which funds a wide range of affordable housing-related projects. She also provided background regarding the WestMetro Consortium, which administers the program locally for 13 communities. Ms. Rust stated Sudbury joined the Consortium in 2006, there is a Mutual Cooperation Agreement (MCA) signed by all members, and the current Agreement term is through June 30, 2020. She noted Sudbury's FY18 allocation is approximately \$4,469, of which \$500 is used to offset the Regional Housing Services Office fee. Ms. Rust stated Sudbury has done two HOME projects, using \$101,000 of accumulated and borrowed HOME funds to subsidize one additional affordable unit at the Villages at Old County Road, and in FY2013, the Town committed \$96,666 of accumulated and borrowed HOME funds to provide gap funding for the Coolidge Phase I Project.

Ms. Rust explained the Coolidge would like to apply to the HOME's Competitive Pool of funds for its Phase 2. She stated the Sudbury Housing Trust (SHT) voted to provide \$100,000 for the Phase 2 application proposal of \$250,000. Ms. Rust summarized the HOME Program requirements, including annual updates in the form of an Annual Action Plan, and a Consolidated Annual Performance and Evaluation Report (CAPER) at the end of the fiscal year. She also stated each member town has to prepare a Consolidated Plan every five years. Ms. Rust explained the application also requires a local contribution. She emphasized the Coolidge development has been beneficial for the Town in many ways, and its units allow the Town to remain above its 10% affordable housing quota through 2020.

Ms. Grace stated B'nai B'rith has been appreciative of the Town's previous support of the Coolidge development. She stated the development received its Comprehensive Permit from the Zoning Board of Appeals and it went before the Conservation Commission for its Order of Conditions. Ms. Grace explained receiving HOME funds is very competitive and it could take several rounds of applications before being awarded funds.

Selectman Brown stated the Consortium documents suggest Lincoln is no longer a member, and she asked why, when and how this happened without the Board being notified. Ms. Rust stated Lincoln decided the administration involved was not worth the amount of funding it received, and she assumed the town notified the Consortium of its intention to withdraw. Selectman Brown stated this scenario seems similar to Sudbury's position, and she believes the Town could withdraw from the Consortium without jeopardizing the other members which need to be geographically contiguous. Ms. Rust stated Sudbury could consider withdrawing during the next renewal cycle in 2020, but the decision could impact Framingham, Natick and Wayland. Selectman Brown stated the documents also suggest the Town entity is the Sudbury Housing Trust versus a Town Department. Ms. Rust stated she would correct this, noting the Director of Planning and Community Development is the Town's HOME representative. Ms. Rust explained the Phase 2 request would not include borrowing as was done previously with Natick. Selectman Brown asked if Community Preservation Act (CPA) funds could be considered as the local contribution. Ms. Rust stated the Pool funds are available and they are not additional funds from taxpayers. She also highlighted the SHT's \$100,000 is from previously appropriated CPA funds.

Selectman Simon stated the HOME funds are not funds from Sudbury taxpayers and it would seem foolish not to apply.

Selectman Carty asked if there is a down side to applying for the funds. Ms. Rust stated the Town is obligated to ongoing monitoring of the projects, and there is a cost for the RHSO support, which has been estimated at 17 hours per year. Selectman Carty also asked what happens if funding is not received. Ms. Rust stated the Coolidge might pursue if additional funds would be available from CPA funds or the SHT.

Vice-Chairman Simon stated the project has approval from the ZBA and the Conservation Commission and it helps the Town remain over its 10% affordable housing quota.

Chairman Haarde noted the Town can apply for these funds because it is a Consortium member, and Ms. Rust confirmed this to be accurate.

Selectman Carty asked how likely Sudbury is to get the funding, given it receives such a small allocation each year, and he asked about timing. Ms. Rust stated the award criteria includes consideration for creation of new units, which this application would satisfy. She also provided a brief explanation of the State's funding cycle, which would be based on when the Building Permit is pulled.

In response to a question from Selectman Brown, Ms. Rust stated there could be options for paying back what Sudbury owes out of other HOME funds, if Sudbury were to decide to withdraw from the Consortium in the future.

It was on motion unanimously

VOTED: To support the Coolidge request for HOME funds offered through the WestMetro HOME Consortium RFP.

FY18 Senior Tax Deferral Interest Rate – Discussion and Vote

Present: Town Finance Director Dennis Keohane

At 9:30 p.m., Chairman Haarde opened a discussion regarding the FY18 Senior Tax Deferral Interest Rate, and he welcomed Finance Director Dennis Keohane to the Meeting. The Board was previously in receipt of copies of a memorandum from Mr. Keohane dated September 6, 2017 and an accompanying handout entitled, “Frequently Asked Questions (FAQ’s) About Sudbury’s Deferral Program,” as of June 30, 2017.

Mr. Keohane stated the Selectmen vote each year to set the senior tax deferral interest rate, in accordance with State law. He noted State law allows the rate to be set between 0% and 8%. Mr. Keohane stated the rate in the past three years was 2.0%. He stated the recommendation this year is to remain at 2%.

Vice-Chairman Simon asked how 2% compares with the rates in other towns and whether Mr. Keohane sees any reason to change the rate. Mr. Keohane stated he did not have information at this time regarding other towns, and he does not see a reason to alter the rate.

It was on motion unanimously

VOTED: To approve a senior tax deferral interest rate for fiscal year 2018 of 2%.

Special Town Meeting Warrant Articles – Discussion and Vote Positions and Assign Presentations

At 8:10 p.m., Chairman Haarde opened a discussion regarding voting positions and assigning presentations for the October 2017 Special Town Meeting (STM) Warrant articles. The Board was previously in receipt of copies of the “Town of Sudbury Official Warrant Special Town Meeting Monday October 16, 2017” and a spreadsheet entitled “STM 2017 Articles.” In addition, copies of the “Town of Sudbury Capital Improvement Budget Request FY2018 Form A” forms submitted for Articles 8, 12, 15 and 16, a memorandum from the Capital Improvement Advisory Committee (CIAC) to the Finance Committee and Selectmen dated September 19, 2017, and copies of PowerPoint slides for tonight’s presentations on Articles 8 and 12 were distributed tonight.

Town Manager Rodrigues stated article sponsors and petitioners have been invited to tonight’s Meeting, and she suggested considering each article one at a time.

ARTICLE 1 –FY18 BUDGET ADJUSTMENTS – Town Manager Rodrigues stated a transfer of \$92,500 will be needed from the salary reserve account to salary line items.

It was on motion unanimously

VOTED: To support Article 1 for the October 16, 2017 Special Town Meeting.

It was also determined Vice-Chairman Simon would present the article and the Town Manager would report.

ARTICLE 2 –CONSERVATION REVOLVING FUND – Town Manager Rodrigues stated the article proposes creating a new revolving fund related to the sale of timber to help fund costs of land stewardships.

Vice-Chairman Simon stated Revolving Funds usually have user fees associated with them, but this does not. He also expressed concern that timber is a capital asset. Town Manager Rodrigues stated a Revolving Fund is a revenue-based system, which does not have to have user fees associated with it.

The consensus of the Board was that the Conservation Commission could be invited to further discuss this with the Board prior to the STM, and, if the Board took a position, it could be reported at the STM.

ARTICLE 3 –TRANSFER CARE & CUSTODY OF TOWN-OWNED LANDHAM ROAD PARCEL TO CONSERVATION COMMISSION – Town Manager Rodrigues stated that, under the current deed, the Board has control of this land, which was purchased in 2015 for conservation purposes. She stated it seems appropriate to have this control transferred to the Conservation Commission, as is the case with other parcels.

It was on motion unanimously

VOTED: To support Article 3 for the October 16, 2017 Special Town Meeting.

It was also determined Vice-Chairman Simon would present the article and the Town Manager would report.

ARTICLE 4 –LAND CONVEYANCE TO FISH AND WILDLIFE SERVICE – Town Manager Rodrigues stated there are two lots which were taken for failure to pay taxes and they are considered to be undevelopable. She noted the total assessed value is \$8,600 and they are surrounded by land already owned by the Fish and Wildlife Service. She stated the Fish and Wildlife Service will do an appraisal and pay the Town fair market value. Town Manager Rodrigues also noted this will require a two-thirds vote at the STM.

Chairman Haarde asked if there should also be language included regarding a future deed restriction. Town Manager Rodrigues stated she would check with the Town Moderator. Selectman Iuliano stated she believes the inclusion of such language would limit the Town's flexibility. The consensus of the Board was that a restriction could be negotiated later at the time of sale.

It was on motion unanimously

VOTED: To support Article 4 for the October 16, 2017 Special Town Meeting.

It was also determined Selectman Brown would present the article and the Town Manager would report.

ARTICLE 5 –AMEND BYLAW – TOWN PROPERTY - Town Manager Rodrigues stated this article proposes to change the threshold for disposition of goods from \$5,000 to \$10,000 to match the threshold number in Massachusetts General Law and to make sure proper methods for disposal are being followed.

It was on motion unanimously

VOTED: To support Article 5 for the October 16, 2017 Special Town Meeting.

It was also determined Selectman Iuliano would present the article and the Town Manager would report.

ARTICLE 6 –AMEND LEGAL AFFAIRS BYLAW – TOWN COUNSEL - Town Manager Rodrigues stated this article proposes to eliminate the requirement to go out to bid for Town Counsel services every 36 months and, instead allows the Board to discuss legal performance in open session every 36 months.

It was on motion unanimously

VOTED: To support Article 6 for the October 16, 2017 Special Town Meeting.

It was also determined Selectman Brown would present and report on the article.

ARTICLE 7 –STABILIZATION FUND - Town Manager Rodrigues stated the Fund's balance is \$4,407,108.59, and a transfer is needed of \$167,354 to adhere to Town policy of maintaining an amount equal to 5% of the total projected General Fund operating revenues for the last fiscal year in the Fund.

It was on motion unanimously

VOTED: To support Article 7 for the October 16, 2017 Special Town Meeting.

It was also determined Selectman Carty would present the article and the Town Manager would report on the article.

ARTICLE 8 - CONSTRUCTION OF NEW FIRE STATION #2

Copies of PowerPoint slides for a presentation entitled, "New Sudbury Fire Station 2" were distributed tonight. Fire Chief Bill Miles explained the initial project estimate of \$6 million was based on a 2016 feasibility study. He stated the schematic design option proposed is estimated at \$7.03 million, which includes \$215,000 for a temporary station and \$75,000 to replace an old air compressor at the Fire Department's Headquarters. Chief Miles displayed renderings for the new building, noting many roof designs were reviewed with the Design Review Board (DRB) and a hip-roof style was selected, and he displayed a 3-D rendering of all sides of the proposed building. He stated the façade would be primarily brick, which requires little maintenance. Chief Miles displayed slides of the proposed floorplan, noting the building could house six pieces of apparatus and the decontamination area is separated from the public/administrative area. He also showed a picture of the latest site plan, noting parking spaces have been revised. Chief Miles noted the current Station 2 is losing 20 feet of front apron area due to the Route 20 improvements underway, but, the new design includes an easement granted by National Development.

Vice-Chairman Simon asked if solar panels have been considered. Chief Miles stated they would increase costs by approximately \$350,000. He further stated the Permanent Building Committee (PBC) is still reviewing options, noting solar panels attach more easily to asphalt shingles. He also stated Combined Facilities' Director Jim Kelly has stated it might be cheaper to install such panels after the building is constructed.

Chairman Haarde asked if the design team discussed the façade with the National Development team to coordinate aesthetics. Chief Miles stated the Planning Board and DRB also mentioned this. He noted the assisted-living development at Meadow Walk includes a hip-roof design. Chief Miles stated this municipal building should have its own distinct look and there was not an intention to copy abutting designs.

Fire Chief Miles noted the National Development Meadow Walk project will handle the new Station's sewage and storm water.

Selectman Iuliano noted the CIAC recommended approval of the article at a recent meeting.

Selectman Carty stated the building is 50 years old, and it is time for a new Station. He noted Fire Station #3 is similarly old, has many similar issues to the current Station #2, and the Town will need to consider options at some point. Chief Miles stated Station #3 is in a more residential area on Route 117, and thus, renovations would likely not be on the same scale as those proposed for Station #2.

Vice-Chairman Simon stated a new Station #2 is needed, and the location is good to help maintain public safety. He emphasized planning for large projects like this one would be easier if the Town had a reliable capital budget.

Chief Miles recognized the substantial work of Jim Kelly, who has assisted him with this project proposal.

Chairman Haarde asked if the Board should postpone its position vote until a final cost is available. Chief Miles stated he believes the \$7.03 million is a realistic number which is close to the eventual figure, and that this figure is not likely to change dramatically.

The consensus of the Board was it supports the need for a new Station #2 and to maintain public safety, but it would report its position at Town Meeting, once a final cost estimate is provided.

It was also determined Chairman Haarde would present the article and the Fire Chief would report on the article.

ARTICLE 9 –FUND EVERSOURCE LITIGATION – Selectmen Brown and Carty recused themselves from this discussion.

Town Manager Rodrigues stated this article will be asked to be amended to \$300,000, due to new circumstances. She stated that, since the May Town Meeting \$163,076.08 has been spent, and \$36,923.92 remains. She also stated the additional request is based on estimates from Counsel to cover the case, but not any appeals.

It was on motion

VOTED: To support Article 9 for the October 16, 2017 Special Town Meeting.

It was also determined Chairman Haarde would present the article and the Town Manager would report.

ARTICLE 10 –FUND SUDBURY STATION LITIGATION – Selectmen Brown and Carty returned to the Meeting.

Town Manager Rodrigues stated this article request is for \$55,000 to help cover costs for three concurrent litigations, two of which are active and they have expensive discovery phases. She stated that, since February 2017, \$93,405.82 has been spent and there is \$56,594.18 remaining. She also stated Town Counsel and Special Town Counsel have suggested the requested amount would be appropriate at this time.

It was on motion unanimously

VOTED: To support Article 10 for the October 16, 2017 Special Town Meeting.

It was also determined Selectman Iuliano would present the article and the Town Manager would report.

ARTICLE 11 –SUDBURY PUBLIC SCHOOLS’ ADMINISTRATIVE OFFICES – Selectman Iuliano stated she has concerns because a proposal may need more time, but she does not want to put progress on this issue off for another year. She also stated she understands this is a difficult process for the SPS School Committee. Selectman Iuliano highlighted the proposed article, if passed, would allow the Town to spend the requested funds, but it does not require the Town to spend them.

SPS School Committee Chair Christine Hogan stated she hopes this issue could be resolved by the May 2018 Town Meeting, when hopefully a new Superintendent would be known. Ms. Hogan stated she believes the SPS landscape will be changing and it will be different for the long-term. She also stated she believes new leadership may have new input on this issue. She highlighted this Warrant article was submitted before the current Superintendent resigned, and she does not believe it would be wise to spend \$150,000 now, when the perspective might be different six months from now.

Selectman Carty stated a lot has been learned related to this article in recent weeks. He noted \$150,000 seems like a lot of money to relocate approximately 20 people. Selectman Carty stated he has heard from residents that a Town-wide space needs assessment is needed.

Selectman Iuliano stated she thought Combined Facilities’ Director Jim Kelly had stated the requested \$150,000 could be used in phases.

Vice-Chairman Simon stated this issue seems to have a lot of moving parts, including, what are the needs, and how soon new space is needed. He stated SPS administration should be moved out of its “temporary” location at Fairbank, but he is not sure setting aside money is the right thing to do at this time. Vice-Chairman Simon stated he believes a space planner or Town staff should review the options.

SPS School Committee member Lucie St. George stated the request for \$150,000 would be used to look at all options. She believes the Town needs to get started with what will be a staged process.

Selectman Carty stated he would not want the Town to waste \$150,000, and he asked if there is a mechanism to return the funds, if they are not used. Town Manager Rodrigues stated unused appropriated funds can be returned.

Vice-Chairman Simon stated he would like more feedback about the article from SPS.

The consensus of the Board was that it would report its position for Article 11 at the Special Town Meeting.

ARTICLE 12 - SUDBURY PUBLIC SCHOOLS PLAYGROUND MODERNIZATION - The Board was previously in receipt of the Project Submission Form” submitted by Combined Facilities Director Jim Kelly for the Playground Modernization for Sudbury Public Schools project and accompanying slide presentation and appendices, requesting \$275,000 in FY2018.

Sudbury resident Jennifer Roberts, 14 Griffin Lane, read aloud a letter from a Sudbury resident unable to attend tonight’s Meeting, Alicia Gray, 85 Ford Road. In her letter, Ms. Gray stated she is a mother of two children with special needs, who cannot use the playgrounds in the same ways other children do. She stated the playground equipment is old and not ADA-compliant. Ms. Gray believes playgrounds should be a place of inclusion for everyone, and she asked for the Board’s support of Article 12, because she believes it is the right thing to do.

Sudbury Public Schools Early Childhood Administrator Stephanie Juriansz, and Sudbury resident Jean Nam thanked the Board for the time tonight to discuss this article. Ms. Juriansz recognized the substantial work and assistance they have received from Combined Facilities' Director Jim Kelly over the past two years. She stated she believes this request warrants a partnership between the Town and Schools to address the need to modernize the playgrounds in the short and long-terms. Ms. Juriansz stated Sudbury's playground equipment is older than the typical life span of 15 years. She stated they would like the Board's support of this thorough plan to modernize and make accessible the playgrounds for all ages and children to enjoy.

Vice-Chairman Simon asked if the CIAC has voted its position. Selectman Iuliano stated they supported the request whether it is to be funded from Free Cash or from Community Preservation Act (CPA) funds.

Vice-Chairman Simon stated having safe and compliant playgrounds is important, and he noted it has been a long time since any capital improvements to the playgrounds have been done.

In response to a question from the Board, Town Manager Rodrigues clarified the FY18 request is for \$275,000 from available funds. Vice-Chairman Simon asked if this is to be funded by CPA funds. Selectman Brown stated the Community Preservation Committee is conducting a Public Hearing on October 12, 2017.

Ms. Nam stated an article was considered for the May 2017 Town Meeting, but it did not go forward because the designs were not ready.

Selectman Iuliano stated this project is a good example of how the Fall Town Meeting was intended to be helpful.

Vice-Chairman Simon noted the request for FY18 is for \$275,000, for work at the Haynes School in the summer of 2018, and then the project is estimated for \$1 million in FY19. Ms. Nam referenced a PowerPoint presentation slide regarding "Cost," stating the proposal is meant to request approximately \$665,000 in FY19, and she briefly noted fundraising and grants would also be pursued. She further stated the initial proposal was for \$1.7 million, but a plan for the Curtis School was eliminated. Ms. Nam emphasized the main objective of the article is to make the playgrounds ADA-compliant. Vice-Chairman Simon noted the substantially higher estimated cost for 2019. Ms. Nam stated they had received feedback to present a plan for just one playground in the first year, and three playgrounds are proposed for the second year.

Through the use of a PowerPoint slide presentation, Ms. Nam stated she is a Sudbury parent who has worked to create a volunteer group, "Play Sudbury," which is dedicated to helping to design and advocate for upgrades to Sudbury Public Schools' playgrounds. She stated the playground structures are reaching their end-of life, after having been installed in 2001, and they are not ADA-compliant. She stated nearly 50% of Sudbury households with children will benefit from playground upgrades and new elements will be introduced to serve the wider community, including a growing senior population. Ms. Nam briefly summarized some examples of universal design and surfacing options, noting wood chips are expensive to maintain, and they do not meet Massachusetts Architectural Access Board (MAAB) requirements for an accessible surface. Ms. Nam stated "Poured-in-Place" surfacing has been proposed to replace the wood chips.

Selectman Carty expressed his surprise that the Schools' budgets currently spend approximately \$23,000 a year on woodchips.

Ms. Nam briefly described the big structures needing to be replaced, and she summarized the timeline and cost breakdowns.

Selectman Iuliano stated having playground compliance is a need the Town has to have. She also noted phasing the project for the four School playgrounds is a good proposal.

Selectman Carty noted the eventual project cost is approximately \$1.3 million, which taxpayers have to be prepared to pay.

Vice-Chairman Simon stated he views this project as a “must-have” for the Town. He reiterated he believes the Town needs a capital budget which plans for these types of projects, instead of only the \$400,000 a year which is currently allocated, and which is not sufficient to sustain and maintain the Town’s capital assets.

Selectman Carty made a distinction that the playgrounds are currently safe, but they are not ADA-compliant. Ms. Nam noted they are not safe for the disabled.

The consensus of the Board was this project should be a high priority. Selectman Brown expressed some concern regarding whether three playgrounds could be completed in the second year.

It was on motion unanimously

VOTED: To support Article 12 for the October 16, 2017 Special Town Meeting.

It was also determined Selectman Iuliano would present the article and the petitioners would report on the article.

ARTICLE 13 - WITHDRAWN

ARTICLE 14 - UPDATE MASTER PLAN – At 9:38 p.m., Planning Board Chairman Steve Garvin stated the article requests funds not to exceed \$75,000 to update the Master Plan. Mr. Garvin stated the Town has been approved for a \$20,000 Community Compact Grant. He further stated the Planning Board will vote its position on the article tomorrow night.

Town Manager Rodrigues noted the Town only has 18 months to spend the \$20,000 grant.

Selectman Brown asked if there are additional Community Compact grants available. Town Manager Rodrigues stated she believes the Town would need to complete three active Community Compact grants before applying for another one.

Mr. Garvin stated the Town has completed other studies, such as the Route 20 study, which will be incorporated into the Master Plan update as appropriate for efficiency.

Vice-Chairman Simon asked how long this process is expected to take. Mr. Garvin estimated 12-18 months.

Selectman Carty stated the Town needs to update its Master Plan, and he asked what the proposed funding is for the article. Town Manager Rodrigues stated it is to be funded from available funds.

It was on motion unanimously

VOTED: To support Article 14 for the October 16, 2017 Special Town Meeting.

It was also determined Selectman Brown would present and report on the article.

ARTICLE 15 - REPLACE GYM 4 FLOOR – LINCOLN-SUDBURY REGIONAL HIGH SCHOOL
ARTICLE 16 - COOLING TOWER RECONSTRUCTION SERVICE - LINCOLN-SUDBURY
REGIONAL HIGH SCHOOL - At 9:44 p.m., Lincoln-Sudbury Regional High School (L-SRHS)

Superintendent Bella Wong and Director of Finance and Operations Sherry Kersey joined the Meeting to discuss their PowerPoint presentation entitled, "FY18 Special Town Meeting Capital Request."

Superintendent Wong stated the L-SRHS water cooling tower is at the end of its 15-year life span, and she briefly explained the major repair needed for this closed system. She explained the proposal is to replace the steel walls of the holding tanks and to replace the PVC honeycomb. Superintendent Wong displayed slides of photographs of the current unit which is rusting. She stated the project cost is for \$110,000, of which Sudbury's portion would be \$94,567 and Lincoln's portion would be \$15,433. She also noted this type of unit needs to be repaired in the winter. It was noted the CIAC approved this project, subject to assurance of support from Lincoln. It was further noted Lincoln's Finance Committee voted to approve the project.

Vice-Chairman Simon stated the L-SRHS systems are failing. He used this information as another opportunity to state the Town needs a viable capital budget, which is appropriate to maintain its buildings and systems.

Regarding the Gym 4 Floor, Superintendent Wong stated the floor is the original one installed in 2004, and it has an expected life span of 15 years. However, she explained the original installation was done improperly, and the floor is wavy and slippery, and programming activities have been modified for safety purposes. She displayed a slide of a photograph of the existing floor, stating the recommended remedy is to pull up the floor and to reinstall it. She stated the projected cost is \$50,000, of which Sudbury's portion would be \$42,895 and Lincoln's portion would be \$7,015. Superintendent Wong stated she would like for the bidding process to occur in the winter, given there is a limited time during the summer recess to complete capital projects. It was noted the CIAC approved the project, and Lincoln's Finance Committee approved the request, contingent on review by Lincoln's Capital Committee.

Vice-Chairman Simon suggested there may be a cause of action to be pursued against the original installer, and he recommended reviewing the original contracts and notes regarding when the School first noticed problems. Superintendent Wong stated she would research this.

Selectman Brown asked if there are other gyms with similar problems and if there are Excess & Deficiency Funds available to cover the costs. Superintendent Wong stated Gym 4 has a rubber surface and the other floors are wooden. She also stated the Excess & Deficiency Fund is not intended for this type of project, and L-SRHS was following the funding process as they understood it to be for capital projects.

Selectman Carty asked how the article is to be funded. Town Manager Rodrigues stated it would be from available funds/Free Cash.

It was on motion unanimously

VOTED: To support Article 15 for the October 16, 2017 Special Town Meeting.

It was also determined Selectman Carty would present the article and the petitioners would report on the article.

It was further on motion unanimously

VOTED: To support Article 16 for the October 16, 2017 Special Town Meeting.

It was also determined Selectman Iuliano would present the article and the petitioners would report on the article.

ARTICLE 17 – BOTTLE BAN REPEAL – Town Manager Rodrigues stated the petitioner was unable to attend tonight’s Meeting.

The consensus of the Board was it would report its position regarding Article 17 at the Special Town Meeting.

ARTICLE 18 – ADOPT SUDBURY WELCOMING TOWN POLICIES – Town Manager Rodrigues stated the petitioners met with the Board at its last Meeting.

Selectman Iuliano stated that, since the Board’s last Meeting, the petitioners met with Police Chief Nix a few days ago to review the article language, and she believes amendments to the language are being finalized.

Sudbury resident Susan Rushfirth, 48 Harvard Drive, stated she previously sent a letter to the Board urging the Board to support Article 18. Ms. Rushfirth stated immigrants fear deportation if they report assaults and domestic violence. She believes unreported crimes make people unsafe.

Vice-Chairman Simon stated that, if certain residents are in fear, this should be worthy of the Board’s support.

Chairman Haarde stated the consensus of the Board is to wait to review the amended article language and to report its position regarding Article 18 at the Special Town Meeting.

Board of Selectmen’s Quarterly Newsletter – Discussion of Topics

At 10:08 p.m., Chairman Haarde opened a discussion of topics for the Board’s next Quarterly Newsletter. The Board was previously in receipt of copies of a handout entitled, “Quarterly BOS Newsletter.”

Vice-Chairman Simon asked Board members to submit article topics they are interested in writing on to the Town Manager.

Selectman Brown stated she has already drafted an article on the Community Preservation Act FY18 Finances. Selectman Iuliano stated she would prepare an article on the Eversource Reliability Project. Selectman Carty stated he is communicating with the Council on Aging to do a related article.

Chairman Haarde stated he is not sure of his topic yet, and he asked when the articles need to be written by. Vice-Chairman Simon suggested the articles should be submitted by October 9, 2017. He also stated he would prepare an article regarding the new marijuana laws.

VWI Towers, LLC – Proposed Amendment No. 1 to Lease Agreement – Vote to Approve

At 10:12 p.m., Chairman Haarde recused himself from this agenda item and vote.

Vice-Chairman Simon opened a discussion regarding approving the proposed Amendment No. 1 to Lease Agreement (Land) by and between the Town (Landlord) and VWI Towers, LLC (Tenant).

Town Manager Rodrigues stated the Town put out a Request for Proposal (RFP) in 2016 for a cell phone tower on the Department of Public Works' property. She further stated the Board has discussed this issue in Executive Session Meetings because of an appeal made by abutters. She stated the requested amendment is based on terms to help settle the litigation, and she highlighted a few key terms included.

It was on motion unanimously

VOTED: To approve the proposed Amendment No. 1 to Lease Agreement (Land) by and between the Town of Sudbury (Landlord) and VWI Towers, LLC (Tenant), the assignee of Varsity Wireless Investors, LLC, as part of the settlement in the case of Lieberman et al v. Zoning Board of Appeals of Sudbury and Varsity Wireless Investors, LLC, Middlesex Superior Court CA No. 1581CV06532, with said Amendment effective only upon final dismissal with prejudice of the appeal, and to further authorize the Town Manager to execute the Amendment.

Future Town Forum – Discussion

At 10:15 p.m., Chairman Haarde returned to the Meeting, and he opened a discussion regarding the next Town Forum.

Vice-Chairman Simon proposed a single-topic Forum related to the new recreational marijuana law, noting it may be one of the most significant laws passed in recent decades. He also suggested the Forum be held in February or March, on a Saturday at the High School, from 10:30 a.m. - 1:00 p.m., hoping students might also attend. He further stated he hopes Town Counsel, Police Chief Nix and others with medical expertise will be able to attend.

Selectman Carty suggested adding a social worker to the panel.

Vice-Chairman Simon asked if the Board wants to place a related question on the Town Ballot in March.

After a brief discussion, Chairman Haarde stated the consensus of the Board is for Vice-Chairman Simon to proceed with coordinating the details for a single-topic Town Forum regarding the new marijuana laws.

The dates of March 3, March 10, March 17 and March 24, 2018 were suggested as options.

Landham Road Intersection – Update Discussion

At 10:25 p.m., Chairman Haarde opened a discussion regarding the Landham Road intersection. The Board was previously in receipt of copies of an email to Deputy Director of Public Works Bill O'Rourke from Joseph Johnson dated July 31, 2017, an email from Director of Public Works Dan Nason to the Town Manager dated August 1, 2017, an email from Mr. O'Rourke to Ronald Headrick dated July 25, 2017, an email from Mr. Headrick to former Sudbury Tree Warden Scott Taylor dated July 25, 2017, a letter from the Mass. Department of Transportation Acting Highway Administrator to the Town Manager dated September 6, 2017, a letter from the Town Manager to the Mass. DOT Secretary of Transportation dated August 1, 2017, a letter of support for this project from Fire Chief Bill Miles dated July 31, 2017, and a letter of support for the project from Police Chief Scott Nix dated August 17, 2017.

Town Manager Rodrigues referenced the correspondence in tonight's agenda packet received from, and sent to, relevant officials and offices. She stated the Town has received word from the Massachusetts Department of Transportation (DOT) to move forward with the 75% design for this project.

Selectman Brown stated she attended a regional meeting today and spoke with a relevant official who suggested the Board should continue to keep the pressure on by writing and sending letters of support for the project. Town Manager Rodrigues stated this is what the Town has been doing, and it will continue to advocate for the project in writing and by speaking up at regional Metropolitan Planning Organization meetings.

Special Town Election – Discussion

Chairman Haarde opened a discussion regarding scheduling for a Special Town Election. The Board was previously in receipt of copies of a handout entitled, "Schedule for Special Town Election if called on Monday, December 11, 2017," provided by Town Manager Rodrigues.

Town Manager Rodrigues stated a Special Town Election would need to be called for the Fire Station #2 project for December 11, 2017. She further stated the Board must give notice of proposed ballot questions as soon as October 24, 2017, and she reviewed the timeline presented in the handout.

Selectman Brown asked if the Board should consider adding a marijuana-related question. Vice-Chairman Simon recommended, and the Board concurred, that the Town Forum be held first regarding the marijuana laws to help educate the public.

National Development Mitigation Funds – Vote to Appropriate Funds for the Park and Recreation Commission

At 10:30 p.m., Chairman Haarde opened a discussion regarding appropriating \$250,000 from the National Development mitigation funds for the Park and Recreation Commission. The Board was previously in receipt of copies of the "Development Agreement Exhibit C" between the Town of Sudbury and BPR Sudbury Development LLC.

Town Manager Rodrigues stated \$250,000 of the Mitigation Funds were guaranteed to be used for recreational purposes.

It was on motion unanimously

VOTED: To appropriate \$250,000 from the National Development mitigation funds for the Park and Recreation Commission.

Board of Selectmen FY18 Goals – Discussion and Possible Vote

At 8:08 p.m., Chairman Haarde opened a discussion regarding the Board's FY18 goals. The Board was previously in receipt of copies of a spreadsheet listing of the "Board of Selectmen FY17 Goals." He stated he has concerns regarding how many goals the Board has set in the past, and he questioned how many get accomplished. Chairman Haarde quickly reviewed the Board's FY17 Goals, noting which ones were completed, which ones were not completed and those which are currently underway. He believes the Board sets too many goals, and he suggested focusing on five goals and having each Selectman focus on accomplishing one of them.

Vice-Chairman Simon stated some items are multi-year goals.

Selectman Iuliano suggested possibly re-categorizing the goals.

Chairman Haarde reiterated his preference to have a shorter list of goals this year.

Selectman Carty suggested categorizing the goals by the length of time needed to accomplish them. He also suggested the Board needs to discuss capital planning prior to the May Town Meeting and it needs to determine long-term goals.

Selectman Brown stated the Board needs to set goals for the Town Manager and she thinks this should be done by November.

Selectman Iuliano asked if anyone recalls whether the process last year included a subcommittee first working with the Town Manager.

Chairman Haarde stated he views the Town Manager's goals as operational, and the Board's goals as being strategic for the Town.

Selectman Brown suggested reviewing the process adopted last year.

Chairman Haarde stated the Board's goals and the Town Manager's goals should be on the next Meeting's agenda.

Board of Selectmen's Policy Regarding Chairman and Vice-Chairman Roles – Discussion

At 10:45 p.m., Chairman Haarde opened a discussion regarding the Board's policy regarding the Chairman and Vice-Chairman roles. The Board was previously in receipt of copies of draft responsibilities for the Chair and Vice-Chair dated June 23, 2015.

Chairman Haarde referred to a related opinion from Town Counsel, which he stated should be distributed to the Board to be discussed at the next Meeting. When he first served on the Board, he stated future agenda items were not talked about at every meeting, and he thinks it is good that items are discussed in public meetings. Chairman Haarde also stated he does not have separate meetings with the Town Manager to discuss the agenda.

Vice-Chairman Simon cautioned the discussion was veering in the direction of the legal opinion, and he believes that, if something is going to be discussed for modification, it should be listed as an agenda item.

Selectman Iuliano stated she has served as Chairman and Vice-Chairman and she has many opinions and ideas about the roles, but she is reluctant to offer them tonight because she does not know about the legal opinion being referenced.

At 10:50 p.m., Chairman Haarde stated this topic would be a future agenda item.

Free Cash – Discussion

At 10:50 p.m., Chairman Haarde opened a discussion regarding the use of Free Cash. The Board was previously in receipt of copies of a spreadsheet entitled, "FY18 Free Cash."

Selectman Iuliano stated she had requested the spreadsheet information to better understand the impact the Special Town Meeting article requests will have on the FY18 Free Cash balance.

Selectman Carty asked how this year's requests for \$1.5 million of Free Cash compares with previous years, and if the Town is at risk of running out of Free Cash. Town Manager Rodrigues stated there is no risk of depleting these funds.

Citizen's Comments

Chairman Haarde announced no citizens have requested comment time tonight.

Future Board of Selectmen Agenda Items - Discussion

At 10:54 p.m., Chairman Haarde opened a discussion regarding future agenda items.

Town Manager Rodrigues stated it is possible the Special Town Meeting could take two nights to complete. She asked if the Board wished to cancel its October 17, 2017 Meeting. It was noted the Board would be meeting prior to the STM on October 16, 2017 and on October 24, 2017 regarding forecasting and the capital budget. The Board decided to cancel its October 17, 2017 Meeting.

Selectman Carty suggested the Board should have a post-mortem critique of the October Special Town Meeting. He also suggested there be a Town-wide facility needs assessment done regarding space. He asked if closed-captioning will be available at the Special Town Meeting, and Town Manager Rodrigues stated it has been already ordered.

Selectman Brown stated the Board should discuss the Fall Town Meeting process.

If there is to be a Special Town Election on December 11, 2017, Vice-Chairman Simon asked if the vote for Town Moderator could be moved from the March 2018 Election to the December 2017 Election. Town Manager Rodrigues stated she would check on this.

Minutes

It was on motion unanimously

VOTED: To approve the Regular Session Meeting Minutes of September 12, 2017.

Proclamation – 1LT Jeffrey Newton

It was on motion unanimously

VOTED: To sign a proclamation for 1LT Jeffrey Newton, acknowledging his safe return home after spending eight months in Iraq, and proclaiming Wednesday, October 4, 2017, as Jeffrey Newton Day in Sudbury.

Community Preservation Committee – Resignation

It was on motion unanimously

VOTED: To accept the resignation of Elizabeth Quirk, 20 Scotts Wood Drive, as a member of the Community Preservation Committee, and to send a letter of thanks for her service to the Town.

Election Officer - Appointment

It was on motion unanimously

VOTED: To appoint Sudbury registered voter, Beverly O'Connor, Democrat, of 10 Landham Road, as an Election Officer for a term to expire on August 14, 2018, as recommended by the Town Clerk.

SMILEMass.org – Donation

It was on motion unanimously

VOTED: To accept the donation of crowd control steel barricades with storage cart valued at approximately \$2,546 from SMILEMass.org Sudbury residents Lotte Diomede, President/Co-Founder and Susan Brown Vice President/Co-Founder for use at various events as determined by the Public Works and Public Safety Departments with the express stipulation that the barricades are to be deployed for the Sudbury SMILEMass road races or other such event sponsored by SMILEMass.

Special Permit - "Wally 'Bells On' 5K"

It was on motion unanimously

VOTED: To grant a Special Permit to the Sudbury Education Association to hold the "Wally 'Bells On' 5K" on Sunday, October 1, 2017 from 10:00 a.m. through approximately 12:00 p.m., subject to Police Department safety requirements, proof of insurance coverage and the assurance that any litter will be removed at the race's conclusion.

There being no further business, the meeting adjourned at 11:08 p.m.

Attest: _____
Melissa Murphy-Rodrigues
Town Manager-Clerk

Documents & Exhibits

1. Open in regular session at the Grange Hall, and vote to immediately enter into Executive Session to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares (Lieberman v. ZBA), Pursuant to General Laws chapter 30A, §21(a)(3).

Attachments:

- 1.a KP-#588379-v1-SUDB_varsiy_Amendment_No_1_to_Lease_final
2. Vote to close Executive Session at Grange Hall and resume Executive Session at Lower Town Hall after close of open session.
3. Update on compliance with June 14, 2017 Notice of Decision and Order, which was updated by vote of the Board of Selectmen on August 8, 2017. Police Chief Scott Nix to attend.

Attachments:

- 3.a Dangerous Dog Supplement for 9-12-17
- 3.b Aug 2 Cert Hearing Notice Letter
- 3.c Aug_10_dog_ltr

4. The Town Finance Director/Treasurer gives notification to the Board of Selectmen that he determines that the below parcels are no longer needed for any specific purpose: G12-0015. 12 acres. Assessed value is \$6,100. G12-0013. 5 acres. Assessed value is \$2,500.

Attachments:

- 4.a Transfer of Land to US Fish and Wildlife

5. Vote to appropriate \$325,000 from National Development mitigation funds for the purchase of new Ladder Truck and vote to allow the Town Manager to sign the contract for the new Fire Department Apparatus. Also vote to appropriate funds (approximately \$25K) to add water and natural gas lines to the lot at Fire Station 2.

Attachments:

- 5.a Natl Development-Agreement-Executed

6. Vote to approve \$396,635 from National Development mitigation funds for the purchase of communication enhancements, and vote to allow the Town Manager to sign the contract for new radio equipment.

Attachments:

- 6.a Mitigation Funds
- 6.b APX_8000_NA_Datasheet
- 6.c mcc_7500_ip_dispatch_console_data_sheet

7. Presentation and discussion of the pending Sudbury Welcoming Town petition article to be presented at October 16, 2017 Special Town Meeting. Attending will be Police Chief Scott Nix, and petitioners Fred Taylor and Cindy Ku.

Attachments:

- 7.a WELCOMING TOWN WARRANT ARTICLE
- 7.b Facts slide
- 7.c Laws

8. Discussion on SPS Office Relocation

9. Vote to sign the Special Town Meeting Warrant for Monday, October 16, 2017, which must be posted and delivered to residents by Monday, October 2, 2017.

Attachments:

- 9.a Warrant draft for Oct STM (002)

10. Review and execution of Acceptance of Quitclaim deed for Lot 6, which is being conveyed to the Town as additional property for the Fire Station located at 540 Boston Post Road.

Attachments:

- 10.a KP-#589040-v1-SUDB_Quitclaim_Deed_(Lot_6_-_Fire_Station)

11. To consent to and execute the Mass DOT Land Damage Agreement for the Meadow Walk project development Rt. 20 improvements, affecting the 540 Boston Post Road (Fire Station) property owned by the Town of Sudbury.

Attachments:

- 11.a KP-#591583-v1-SUDB_Signature_of_BOS_to_Land_Damage_Agreement

- 11.b MassDOT ZLDA 2016 - Town of Sudbury
- 11.c 13125.00 - Instrument
- 11.d 13125.00 - Layout Plans

12. Discussion on the upcoming Town Forum.

13. Citizen's Comments (cont)

14. Discuss future agenda items

Attachments:

- 14.a POTENTIAL UPCOMING AGENDA ITEMS_09_12_17

15. Vote to approve award of contract by the Town Manager to Capital Environmental, LLC for environmental engineering services to be performed relative to the classification and off-site management of stockpiled material at the DPW as outlined in the proposal dated August 30, 2017 with a not-to-exceed amount of \$100,000.

Attachments:

- 15.a FY18 Capital Env Soils Mgmt Proposal 08-30-2017

16. Vote to accept, on behalf of the Town, various donations totaling \$1,700 to support Park and Recreation's Summer Concert Series, to be deposited in the Program Contributions and Donations Account (191448/483100) as requested by Kayla McNamara, Director of Parks, Recreation & Aquatics, in a memo dated 7/31/17.

Attachments:

- 16.a Park Rec Donation 7.31.17
- 16.b Park Rec Donation 8.14.17

17. Vote to accept a grant in the amount of \$1,650 from the Sudbury Foundation to enable the Health Department to pilot the Budget Buddies financial literacy training for Sudbury residents in subsidized housing.

Attachments:

- 17.a Sudbury Foundation_Bd Health_Budget Buddies

18. Vote to approve a special permit to Harold Cutler for the Colonial Fair and Muster of Fyfes and Drums to be held on the Wayside Inn grounds from 10:00 a.m. to 5:00 p.m. on Saturday, September 30, 2017, subject to conditions and permits required by the Fire and Police Departments and the Board of Health.

Attachments:

- 18.a Colonial Fair 2017_BOS
- 18.b Colonial Fair Approvals 2017

19. Vote to approve the regular session minutes of May 3, 2016 and August 8, 2017.

Attachments:

- 19.a BOS - 8-8-17 draft minutes
- 19.b BOS_May3_draft_reg_MMR_LSF edits.docx

20. Release Town Counsel opinion on Lincoln Lane

Attachments:

- 20.a Town Counsel Opinion_CONFIDENTIAL

21. Discussion on Ti Sales Case

22. Update on Septage Facility.

Attachments:

- 22.a septagefinal_memo
- 22.b Septage Confidential

23. Vote to approve the executive session minutes of May 4, 2016.

Attachments:

- 23.a BOS_May4_draft_exec_MMR_LSF edits

24. Vote to close Exec Session and not resume in Open Session.