

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, DECEMBER 5, 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 reminded residents of the Hosmer House Holiday Open Houses on December 9, and 10, 2017 from 11:00 a.m. to 4:00 p.m. He also reminded residents of the Special Town Election on December 11, 2017. Chairman Haarde announced the Planning Board and the Land Acquisition Review Committee are both seeking new members and information is available on the Town website.

Reports from the Town Manager

Town Manager Rodrigues announced she will conduct Town Manager Office Hours on December 7, 2017 at the Flynn Building's Silva Conference Room from 11:00 a.m. to 12 noon.

Reports from the Board of Selectmen

Vice-Chairman Simon stated the Board will hold its Office Hours on December 20, 2017 from 9:00 a.m. to 10:00 a.m. at the Flynn Building, with Chairman Haarde and Selectman Carty.

Selectman Iuliano thanked Town staff members Patty Golden, Leila Frank and Carol Hobin for the great job they did coordinating this morning's holiday party. Selectman Brown also offered staff her thanks.

Citizen's Comments

Chairman Haarde announced no citizens have requested comment time tonight.

Sudbury, Assabet and Concord Wild and Scenic River Stewardship Council (RSC) – Presentation

Present: RSC Chair Anne Slugg

Chairman Haarde welcomed Sudbury, Assabet and Concord Wild and Scenic River Stewardship Council (RSC) Chair Anne Slugg to the Meeting to provide a presentation to the Board. The Board was previously in receipt of copies of slides for tonight's presentation and a handout entitled, "Sudbury, Assabet and Concord Wild and Scenic River Conservation Plan Update Process Summary."

RSC Chair Anne Slugg, 66 Fox Run, stated the goals for tonight's discussion is to review the history of the Group, review the Conservation Plan process and solicit feedback on important Town- related issues. Ms. Slugg stated she has had a similar meeting with the Conservation Commission. She provided a brief history regarding the RSC, stating the Wild and Scenic Act was passed in 1968 to protect water quality and remarkable values of selected rivers. Ms. Slugg explained there had been concerns regarding possible diversions of water to serve Boston, and a study bill was passed in 1980. She stated a River Conservation Plan was completed by local groups in 1996, and 29 miles along the Sudbury, Assabet and Concord Rivers were designated as having outstandingly remarkable values (ORVs) in 1999. She displayed a map of the "Watershed and the Wild and Scenic Segment." She stated the River Conservation Plan recommended actions to protect scenery, ecology, recreation, history and literary values of rivers, and it was approved by eight surrounding communities at town meetings. Ms. Slugg described the composition of the RSC, which is

authorized to work with the National Park Service (NPS) to promote long-term protection of rivers and implement a river conservation plan. She provided examples of the areas ORVs, including literacy connections to rivers, ecological resources, history, archeology and scenery. Ms. Slugg stated the RSC receives federal funds each year and it has used them for the annual RiverFest celebration, to fund small projects with a community grants program, provide expertise and education and to fund bridge and other structural restoration work. For Sudbury, Ms. Slugg highlighted the RSC helps to protect Hop Brook water quality, identify unprotected land parcels along the river, and it works with the Conservation Commission on land protection efforts. Ms. Slugg stated the River Conservation Plan is 20 years old, and it needs to be updated to include climate change and increases in invasive species. She stated the RSC has discussed issues and strategies and it is also soliciting public input.

Selectman Brown asked what the timeline is for receiving feedback, completing the Plan and to where the updated Plan will be submitted. Ms. Slugg stated the RSC is meeting with Town officials from the eight member towns before the end of 2017, and it hopes to write the new Conservation Plan next year. She stated the draft Plan would be circulated to the Boards of Selectmen and Conservation Commissions in the eight communities. It was noted the updated Plan would be a regional update.

Vice-Chairman Simon asked if the RSC has noticed the rivers improving or degrading. Ms. Slugg stated the RSC depends on OARS, Inc. to monitor water quality. However, she further stated the quality is changing due to the increase in invasive vegetation.

Vice-Chairman Simon asked if development or recreation activities impact the rivers. Ms. Slugg stated it depends on the uses involved, and some development along the rivers can have an impact.

Vice-Chairman Simon asked if the RSC has identified any new challenges. Ms. Slugg stated climate change and the effect of drought conditions on certain species have been noted.

Selectman Carty asked if mercury is still a primary concern. Ms. Slugg stated she is not sure, but, she thinks the mercury situation has improved.

Vice-Chairman Simon asked if fish from the rivers are edible. Ms. Slugg stated the RSC has not taken a formal position. However, she further stated she would not advise eating fish from the rivers.

Selectman Iuliano asked if the RSC makes recommendations for the towns and/or Conservation Commissions to consider for implementation. Ms. Slugg stated the RSC can inform towns, but, it cannot tell a town it must do anything unless it relates to a federal project. She also stated the RSC focuses on what to do with its funds and where to direct its efforts. Ms. Slugg further stated the RSC does also occasionally vote on whether to support policy letters.

Chairman Haarde stated he sees the overtaxed septic systems along the Route 20 business corridor and their impact on the water table and rivers as a threat. He also stated he thinks having a water treatment system, which could improve water quality, would be an opportunity to pursue. Chairman Haarde also stated he would like to see a vision for a river walk on either side of Hop Brook from Mill Village to Whole Foods become a reality.

Selectman Brown stated she might share thoughts at a later time regarding her questions about whether the Sudbury Water District (SWD) has enough water to support Sudbury's new development, given that the SWD is limited at the State level for how much water it can draw. She asked how the public can also provide feedback to the RSC. Ms. Slugg stated the RSC is interested in feedback from the community, and she

provided an email address. The Board and Town Manager also stated options would be made available through the Town's website and Facebook page to provide public input.

Chairman Haarde suggested the Board could provide a letter of comments to the RSC, and Ms. Slugg stated this would be appreciated.

Vice-Chairman Simon asked if there are other groups with which the RSC interacts. Ms. Slugg stated the RSC works with OARS, the Cooperative Invasive Species Management Areas (CISMA), Massachusetts Audubon Society, the Sudbury Valley Trustees and Mass. Rivers. Vice-Chairman Simon suggested for the RSC to partner with the Sudbury Middle School and the High School to develop education programs for students.

Town Budget Process – Discussion

Present: Finance Committee Chair Bryan Semple

Chairman Haarde opened a discussion regarding the FY18 Town Budget process and he welcomed Finance Committee Chairman Bryan Semple to the Meeting. The Board was previously in receipt of copies of a budget guidance letter from the Finance Committee dated November 20, 2017 and accompanying exhibits sent to the three cost centers.

Mr. Semple stated he wanted to explain this year's changes to the budget process, primarily as it relates to the budget guidance letter. He further stated the budget guidance letter frames the upcoming budget discussions. Mr. Semple stated the Finance Committee has made changes this year to improve the process. He stated that, in the past, there was a no override budget guidance, which resulted in close to a 2 ½% increase in the tax levy with some allowance for new growth. This year, the Committee decided it would first try to understand the required budget of each cost center to deliver the same level of services from year to year, and then after this information is reviewed, the Committee would look at requests for additional services from the cost centers. Mr. Semple stated a key goal for the Committee is to be able to explain budget drivers to residents at Town Meeting so citizens can make informed decisions about what it costs to operate the Town and what additional programs are being requested. He further stated the Committee hopes to obtain a clear indication of new net programming and to understand what their three-year cost on the budget will be.

Mr. Semple stated he believes the Committee's first priority is to tell Town Meeting what the baseline costs are for the Town, what extra programs are being requested, and, possibly, whether an override might be needed in the future. He noted the Town will have a favorable factor this year of new development to consider. However, Mr. Semple also noted the Other Post-Employment Benefits (OPEB) liability will be a challenge. He stated new information indicates a significant jump up to approximately \$1.5 million each year for OPEB funding may be needed. Mr. Semple stated the Finance Committee is still reviewing this information and discussing over how many years to cover this obligation. He also mentioned the Committee would likely further discuss the following topics: the High School's Excess and Deficiency Account spending, the regional funding formula for schools, children of military retirees of Hanscom Air Force Base attending the High School, and field user fees to help pay for turf maintenance and replacement. Mr. Semple also stated the Committee is looking forward to seeing a proposed bylaw change regarding the use of Free Cash to augment the Town Manager's capital budget above the approximate \$400,000 current budget. He explained the Committee did not vote on this as a practice, but, the consensus of the Committee seemed to be that the concept makes sense. Mr. Semple also stated the Committee also discussed the need for a Town-wide facility needs' assessment regarding office space.

Selectman Brown stated the jump in OPEB costs up to \$1.5 million is a big jump, and she asked how this would be handled. Mr. Semple stated the Committee is still discussing this and that the adjustment would

likely be made over a series of years and not all at once. He believes the Town should trust the actuarial reports provided.

Town Manager Rodrigues explained there are many factors which are considered and reviewed each year. She further explained it was recently discovered that the Town had been using an incorrect discount rate when calculating OPEB figures, and correcting this error results in the significant increase needed to fund the normal costs correctly.

Selectman Brown emphasized the OPEB funding increase was an unexpected cost increase.

Vice-Chairman Simon noted that, due to this error, the Town has probably also fallen more behind on the older OPEB liability balance. He asked if the Committee believes the older OPEB balance should also be somewhat reduced sooner rather than later. Mr. Semple stated the Committee is discussing this and the question of how much of a financial burden can be put on the taxpayers. Vice-Chairman Simon asked if Free Cash could be used to help defray the older OPEB balance. Mr. Semple stated it could possibly be used, but, the guidance has usually been for Free Cash not to be used for operating expenses. He also stated the Committee would need a separate discussion regarding this. Vice-Chairman Simon stated it could be argued that catching up on the past deficit is not part of operating costs. Town Manager Rodrigues stated ideas are being discussed regarding starting to fund the older OPEB balance going forward from other funding sources. She highlighted the Town will soon finish paying its pension liabilities and possibly a million or two million could then be directed towards OPEB. Town Manager Rodrigues emphasized the Town has made more progress than other communities regarding OPEB obligations, but, these issues will likely need to be revisited.

If Free Cash were available, Selectman Carty asked how it would be decided whether to use it for capital needs or the OPEB liability. Town Manager Rodrigues stated she has been advocating for the Town to have a policy specifying how much could be allocated to each of these needs.

Selectman Iuliano stated she commends the Committee for looking at the budget process a bit differently. However, she cautioned that, during the transition, it will be important to avoid possible miscommunications with the cost centers so budget presentations are clear for the taxpayers. Mr. Semple stated the Committee wants to know what the costs are year to year for the same services, and he does not anticipate any miscommunication. Selectman Iuliano highlighted the cost centers will be working on real budgets, and several budget options might be presented. Chairman Haarde stated the Committee seems to be asking for a maintenance budget and an ask budget that has new programs included from each cost center. Selectman Iuliano emphasized there needs to be a real budget/no override budget also proposed.

Selectman Carty stated he likes the new direction that the budget process changes are taking. He also commended the Committee on trying something new noting it might be more work for the cost centers, but the process could be helpful to provide a point of reference.

Selectman Iuliano stated there would likely be a variety of budgets presented going forward in the process. Mr. Semple opined this might not be helpful to the process because the Committee needs to see how the costs for last year's services are increasing. Selectman Iuliano stated she understands the Committee needs to understand specific information about new programs. She highlighted there may need to be another budget presented which is lower than a level-service or maintenance budget. Mr. Semple stated this might be the case for the Town, but he is not sure if this will be necessary for the Schools. However, he also stated that, at the end of the day, a non-override budget needs to be presented, and then additions and subtractions to it will need to be explained.

Vice-Chairman Simon asked if the cost centers have “bought in” to providing the proposed budget information. Mr. Semple stated he believes the information is similar to what was requested last year, except for the no override guidance. Town Manager Rodrigues emphasized the three cost centers are working collaboratively throughout the budget process.

Vice-Chairman Simon referenced the first sentence of the guidance letter provided for tonight’s Meeting, which states it is the duty of the Finance Committee to explain key budget drivers at Town Meeting. He asked if this is the Committee’s or cost centers’ duty. Mr. Semple stated he believes the Finance Committee has the duty to recommend a budget at Town Meeting. Vice-Chairman Simon asked some questions about how much cost centers and Department Heads will need to justify line item changes to their budgets and whether there is value to getting this level of detail. Mr. Semple stated he believes the Committee should ask specific and detailed questions in order to recommend the best budget possible and to evaluate multi-year planning.

Vice-Simon Simon stated the Town has approximately \$100 million of capital asset, which will need to be maintained and replaced at some point. He suggested the Town should determine how much it needs for capital assets over possibly a twenty-year period, and then put aside an average amount each year in a separate capital budget to spend as needed, noting these funds would not be used for the operating budget. He asked if the Finance Committee would look favorably on such a plan and if Mr. Semple could take the idea to the Committee for discussion. Mr. Semple stated he would discuss it with the Committee. He also noted the Committee has been discussing a five-year capital plan.

Selectman Carty stated a project like a new Fairbank Center, estimated at a cost of \$20 million, can throw-off five-year figures.

Chairman Haarde stated in order to be able to set aside \$2-\$3 million in a capital budget each year, either \$2-\$3 million would need to be eliminated from the budget each year, which would be difficult to accomplish, or there would need to be an increase through an override to fund the rolling average needed for the capital budget. Selectman Iuliano stated this idea was one mentioned last year from the Strategic Financial Planning Committee for Capital Funding.

Selectman Carty stated he is open to the concept but the reality is there is no money to set aside in a separate capital budget.

Selectman Iuliano referred to the topic of children of Hanscom military retirees attending the High School and a brief discussion ensued. She stated she spoke with people from Lincoln and she learned that Lincoln is not getting any federal money for these students, but they do count in the allocations for both Sudbury and Lincoln. Chairman Haarde stated this may be an issue for Lincoln, but he does not see an issue for Sudbury regarding this topic.

Annual Renewal of Licenses

Chairman Haarde opened a discussion regarding the annual renewal of licenses. The Board was previously in receipt of copies of a memorandum from Leila Frank dated December 1, 2017 and accompanying “2018 License Renewal Applications” listing.

Town Manager Rodrigues stated the applications are all in order and there have been no infractions in the past year. In response to a question from the Board, she stated applicants will not receive their licenses until amounts owed are paid.

It was on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, to renew the Alcoholic Beverages, Common Victualler, and Entertainment licenses to expire December 31, 2018; and Motor Vehicle – Classes 1, 2, and 3 licenses to expire January 1, 2019, as shown on the “2018 License Renewal Application,” attached and incorporated herein; and to forward the appropriate renewal forms to the Alcoholic Beverages Control Commission where applicable; said licenses to be held subject to payment of the required license fees, compliance with the Selectmen's Alcohol Training Policy, correction of any/all outstanding health, safety or zoning violations, receipt of verification of Workers' Compensation Insurance for the licensing period, and the payment of all outstanding personal property taxes, real estate taxes and State taxes; said licenses shall also be subject to all previous restrictions.

Fall 2017 Town Meeting – Review and Discuss Bylaw Section 1 Change Regarding Date

Chairman Haarde opened a discussion regarding the Fall 2017 Town Meeting. The Board was previously in receipt of copies of “Article 1 Town Meetings” section of the Town Bylaws.

Selectman Brown stated there has been discussion regarding whether Section 3 (not Section 1) of the bylaw should be changed. Currently, the bylaw states the Fall Town Meeting shall be held on the third Monday in October. Selectman Brown stated this date was initially established to not overlap with the 2016 Presidential Election. However, she further explained the date is very early and makes planning for it difficult, especially during the preceding summer months.

Selectman Carty stated it would be helpful for citizens if the process were streamlined. He asked if some of this process could be coordinated with ballot activities in November. Town Manager Rodrigues stated she would check with the Town Clerk. She also stated she would prepare a draft bylaw revision to allow for more flexibility regarding the date of the Fall Town Meeting.

Selectman Carty asked if the Board was pleased with the content of the Fall Town Meeting. He opined that it appeared as if some committees such as the Capital Improvement Advisory Committee (CIAC) and the Community Preservation Committee (CPC) were not set up to accommodate some article requests.

Town Manager Rodrigues stated a Fall Town Meeting is very helpful for school-related articles so bids can be received in the winter and work can proceed in the summer months.

Selectman Iuliano stated she believes some of this year’s challenges were due to the date of the Meeting being too early. Selectman Carty stated, moving the date later might help.

Selectman Brown emphasized that, while the Town has two Town Meetings each year, it only has one budget. She explained this presents a challenge for the CIAC and the CPC. She stated the timing of a Fall Meeting is one issue, but, other factors include how much money is available for a Fall Town Meeting, and how much money should be reserved for the Spring Town Meeting.

Selectman Carty asked if both Town Meetings are interchangeable. He noted the Spring Town Meeting is often referred to as the business Town Meeting, and people had thought the Fall Town meeting would be more zoning-related. If a bylaw change is going to be done regarding the Fall Meeting date, he would like to be sure any other issues needing to be addressed are included in the revisions, if needed.

Selectman Iuliano stated there has been a transition period from having one Town Meeting to having two each year. She believes it is clear that the Spring Town Meeting is the business meeting. Selectman Iuliano stated she would like to see a longer timeframe as an option for scheduling the Fall Town Meeting.

Selectman Carty asked if the CPC is only going to look at applications for the Spring Town Meeting. Selectman Brown stated the CPC is currently discussing policy options. It is considering allowing for some flexibility to consider an application for the Fall Town Meeting, if it is time-sensitive, such as a Chapter 61A situation, while primarily reviewing applications for the Spring Town Meeting when requests can be prioritized in comparison to each other and more budget information is available.

Vice-Chairman Simon asked if the Fall Town Meeting could be presented in a revised bylaw as optional. Chairman Haarde stated that, perhaps the Town does not need to hold a Fall Town Meeting, if it is not needed. Selectman Brown stated she could understand this type of scenario, noting she had thought the Fall Town Meeting would be more zoning-related.

Vice-Chairman Simon stated the Fall Town Meeting results in significant costs and it asks citizens to participate twice instead of once a year. If projects could wait until the Spring, perhaps a Fall Town Meeting is not always needed. Town Manager Rodrigues stated a Special Town Meeting costs approximately \$13-\$14,000, and a Special Town Election costs approximately \$10,000.

Selectman Iuliano stated she would have concerns regarding not requiring a Fall Town Meeting, because she believes this might present planning issues and it could undermine what has been done in the past two years.

Town Manager Rodrigues suggested revising the bylaw to reflect that the Fall Town Meeting shall be held within a certain timeframe, unless the Board of Selectmen determine, after a Public Hearing is held, that a Fall Town meeting is not needed. She stated this would allow the public a chance to bring projects forward. Town Manager Rodrigues stated she would prepare a draft bylaw revision for review.

If it were not too complicated, Chairman Haarde noted he would be in favor of opening a warrant for a Fall Town Meeting to see if citizens had anything to present.

Sudbury Public Schools - Facility Needs' Assessment – Discussion

Chairman Haarde opened a discussion regarding a facility needs' assessment for Sudbury Public Schools (SPS). He stated this was discussed in the Board's meeting earlier this week regarding goals. Chairman Haarde also noted this issue is tied to discussions regarding the Fairbank Center.

Selectman Carty stated the topic ranked high as a Board goal. Chairman Haarde stated it was ranked as one of the top six goals, and the Board is interested to hear from the Fairbank Task Force soon after the Task Force hears from its consultant.

Vice-Chairman Simon asked if new information from the Sudbury Public Schools (SPS) were available. Town Manager Rodrigues stated she has not received anything new, noting SPS discussions seem to be in a bit of a holding pattern at this time. Selectman Carty stated the discussion seemed up in the air still at a recent School Committee Meeting. Town Manager Rodrigues stated she would contact the School Committee Chair for an update.

Town Manager Goals - Discussion and Vote

Chairman Haarde opened a discussion regarding the Town Manager's Goals. The Board was previously in receipt of copies of goals Town Manager Rodrigues drafted for herself, which the Board had also previously discussed.

Town Manager Rodrigues also stated she would help the Board with its goals.

Chairman Haarde read the Town Manager goals aloud.

Selectman Brown asked about personnel policies and a handbook. Town Manager Rodrigues stated she has been working on updating these documents and the current versions are on the Town website.

It was on motion unanimously

VOTED: To approve the Town Manager's goals, as outlined tonight by the Board of Selectmen's Chairman.

Melone Property - Landscape Study - Discussion

Present: Director of Public Works Director Dan Nason

Chairman Haarde opened a discussion regarding the Landscape Study for the Melone property, and he welcomed Director of the Department of Public Works (DPW) Dan Nason to the Meeting. The Board was previously in receipt of copies of an email from the Town Manager dated December 5, 2017, a letter from Warner Larson Landscape Architects dated December 5, 2017 regarding findings of its Melone property athletic field study and several map options titled "Melone Feasibility Study" dated December 5, 2017.

Town Manager Rodrigues stated she and Mr. Nason commissioned a feasibility study for the Melone property in order to help direct the discussion regarding the use of this parcel for athletic fields. She referenced the maps provided for tonight's meeting, stating they would also be posted on the Town website.

Mr. Nason stated the information provided presents many potential scenarios for the property. He highlighted some options are limited by the current zoning as a research district, with an eight-acre minimum lot, and he noted zoning could be changed.

Town Manager Rodrigues opined the new study indicates to her that the access to Route 117 is possible and acceptable. She stated the consultant believes seven lots could be developed on the developable land, given that there will also have to be road access and area for the septage systems. Later in the Meeting, Chairman Haarde stated he believes the current sight lines from Route 117 should be adequate. Mr. Nason stated he anticipates sight lines could be problematic in this area, especially depending on the use of the property.

Mr. Nason stated two sets of drawings have been submitted depending on whether the Town wishes to sell the property or use the property.

Selectman Iuliano referenced a previous study done for this site regarding fields and another study regarding potential financial gains, if the property were rezoned. She also mentioned an engineering study from 2010, which looked at both housing and recreation on the property.

Mr. Nason stated it can be difficult to determine how much area is available to work with at Melone. He stated tonight's study notes there are 26 useable acres (which includes land in Concord). Mr. Nason stated he is a realist, and he emphasized there is a huge long-term cost for maintenance of fields and the equipment

and staffing which will be needed. He further stated additional fields will be a huge burden on his Department.

Selectman Iuliano stated 26 developable acres seems high to her compared to previous estimates given to the Board.

Town Manager Rodrigues stated this study provides the Town with a lot of new information. She also stated she hopes the Town can put together a master plan for the property and determine a vision for the land.

Vice-Chairman Simon asked Mr. Nason if there is an estimate available for what the annual maintenance costs would be for fields. Mr. Nason stated costs would include adding two more full-time staff members to his Department. Town Manager Rodrigues stated funding will need to be reviewed. She explained these types of costs are typically funded for half of the costs from the tax levy, and the remaining half of the costs from the field and recreation Revolving Fund.

Vice-Chairman Simon asked if tonight's study looked at any other uses other than fields, and Mr. Nason stated it did not. Vice-Chairman Simon referenced the letter received from Warner Larson Landscape Architects dated December 5, 2017, noting there are assumptions made in the letter, which have not been discussed by the Board.

Town Manager Rodrigues stated this study is being shared tonight only to throw out some ideas which could be explored, and she noted there are multiple possible uses for the site.

Vice-Chairman Simon asked if the Town needs to obtain Concord's permission to put fields on the property. He noted the L-100 option map reflects field locations which appear to be located almost 50% on Concord land. Town Manager Rodrigues stated this is a question for Town Counsel, and she noted Concord's zoning allows for more uses than Sudbury's does.

Vice-Chairman Simon asked if there is any idea what would be located on this site, if eight-acre lots were to be sold. He noted that, in this scenario, there would likely be no area left for housing on the site. Town Manager Rodrigues stated she believes the Town should control the site and it is up to the Town to control the master plan for the property and to decide what is possible. She noted tonight's study discussion was to provide a tool to help the Town decide what uses are possible at Melone.

Vice-Chairman Simon expressed his concern that there have been no previous consultations, prior to this study being done that he is aware of, with the Planning Board, the Conservation Commission, the Town of Concord, the Park and Recreation Commission, the Zoning Board of Appeals, the Sudbury Water District or with the Sudbury Housing Trust and Sudbury Housing Authority. He emphasized this is the last large parcel of land available in Town, and he believes the input from all of these groups is important regarding the long-term use of the property and developing a concept plan.

Selectman Brown stated she views tonight's discussion as part of the brainstorming phase regarding Melone.

Vice-Chairman Simon stated he believes the Town needs to first decide what the property is, and will be, needed for, and whether the land is needed now or whether the Town can wait to use it in the future when a definitive use is really pinned down and identified.

Selectman Brown stated she views this property as a non-performing public asset, and although she does not believe there is a reason to leap forward with the first idea presented, she does believe the property should be used for the public good.

Vice-Chairman Simon urged the Board to consider that a more pressing need for this land could present itself to the Town in five years or some other time in the future.

Regarding a previous idea for the property noted for a temporary solar farm, Selectman Brown stated she has concerns regarding how temporary a solar farm would really be.

Selectman Iuliano clarified current zoning only allows for eight-acre minimum lots to be sold. However, she noted that, if the current zoning were to be changed, then there would not necessarily be the eight-acre restriction. Selectman Brown noted any zoning change would effect the entire research district, and not just the Melone property.

Chairman Haarde referred to the study maps provided, noting there is a possibility for putting two or three fields up on the Concord section of the property. He asked if the Sudbury Conservation Commission land is developable and why it is noted as restricted. Mr. Nason stated he believes there is a vernal pool in this location.

Chairman Haarde asked if the Town could possibly work with the Sudbury Water District (SWD) on a joint venture, which could possibly use some of the SWD land noted on the maps. He stated tonight's study is not a proposal for the land, and it is intended to generate ideas about what is possible at the location.

Town Manager Rodrigues stated she has heard there are requests to use Town fields which cannot be currently satisfied and Park and Recreation has noted fields are overworked and cannot be properly maintained.

Vice-Chairman Simon stated there is no need for Melone which has been specifically identified and agreed to by Town boards.

Sudbury resident Janie Dretler, 286 Goodman's Hill Road, asked if the Town is talking with real estate agents to determine a need. Town Manager Rodrigues stated there are regional discussions which occur.

Sudbury resident and member of the Sudbury Housing Authority (SHA) Steve Swanger, 14 Bent Brook Road, referenced the maps provided tonight, noting the L-100 option reflects significant topographical changes, and he asked if they are realistic. Mr. Nason stated the changes are feasible, noting some plans would include severe grading changes in some areas.

Vice-Chairman Simon noted the Wagner property is on top of a hill, with a narrow buffer. He asked if the Wagner property would be stable, if a lane were to be created. Mr. Nason stated a lane could be accomplished.

Marijuana Bylaw and Vaping Bylaw - Discussion

Chairman Haarde opened a discussion regarding a proposed Marijuana Bylaw and a Vaping Bylaw. The Board was previously in receipt of copies of a memorandum from Town Manager Rodrigues dated December 4, 2017 and the relevant "Chapter II Regulation of the Town of Sudbury Board of Health Restricting the Sale of Tobacco Products."

Town Manager Rodrigues stated the State put forth some regulations in 2015 regarding including electronic smoking devices to the existing tobacco regulations. She also stated Sudbury's Board of Health adopted regulations in May 2017 to amend the definition of tobacco products to include electronic cigarettes, and she read aloud some of the relevant regulations. In response to a question from the Board, Town Manager

Rodrigues stated e-cigarettes are considered to be vaping. She stated she was pleased to learn the Town was on top of this issue with the Board of Health's good definitions and regulations.

Selectman Brown asked if the Town bylaw should refer to the Board of Health regulations. Town Manager Rodrigues stated she would discuss this with Town Counsel, noting this topic is regulated by the Board of Health.

As the parent of a High Schooler, Selectman Carty stated he received a letter about the High School's "no-vaping" policy, and he wants to be sure the Town is consistent with its policy.

Following a brief discussion, Chairman Haarde asked for the Town bylaw to be reviewed to be sure definitions are broad enough to include all substances.

Selectman Carty suggested consulting with a social worker regarding related activities. Town Manager Rodrigues stated she has also been talking with the School Superintendents.

Town Manager Rodrigues stated the Planning Board will also be discussing a marijuana bylaw, and it would appreciate guidance regarding the Town's preference for a clear ban or something else.

Vice-Chairman Simon noted the Town is safe until June 2018 because it previously voted to approve a moratorium. Town Manager Rodrigues stated the Town will need to take some action at the May 2018 Town Meeting. If the Town pursues a ban, a general bylaw and a zoning bylaw will need to be presented at Town Meeting. She also noted the zoning bylaws could be amended to allow for medical marijuana in certain locations.

Vice-Chairman Simon stated the Town will need to decide if it wants to be a marijuana-free community. He asked if a public meeting would be helpful to solicit community feedback. Chairman Haarde stated the Town Forum will focus on this issue. Selectman Iuliano stated that, if a bylaw change is needed, it would need to be decided in January 2018 to be published in the Warrant. Town Manager Rodrigues stated she would prepare draft bylaw language which could be used as placeholders in the Warrant. She also stated the Planning Board will need to hold Public Hearings for any zoning changes, noting the Planning Board may sponsor an article.

In response to a comment by Selectman Carty, Town Manager Rodrigues clarified the law specifies that a Town Meeting vote is needed to decide the Town's position.

Selectman Brown stated she would be interested to know what the anticipated law enforcement cost will be. Town Manager Rodrigues stated the marijuana facilities will be required to provide their own security. However, she also stated there will be extensive work also required from the Town's Police Department.

Citizen's Comments

Chairman Haarde announced no citizens have requested comment time tonight.

Future Board of Selectmen Agenda Items - Discussion

Chairman Haarde opened a discussion regarding future agenda items.

Town Manager Rodrigues stated the Board's December 19, 2017 Meeting agenda would likely include the following items: to open the Warrant, a report from the Fairbank Community Center Task Force, and finalizing the Board's goals.

Selectman Iuliano stated she would check with the Sudbury Housing Trust to see if a Maynard Road update would be available for December 19, 2017.

Selectman Carty stated the Strategic Financial Planning Committee for Capital Funding may be ready to meet with the Board on December 19, 2017.

Selectman Brown asked if the Board could receive clean copies of its draft goals, and Town Manager Rodrigues stated a revised list would be provided.

Our Lady of Fatima – Donation

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a \$7,500 donation from Our Lady of Fatima Community Outreach Ministry to the Jail Diversion Program. Funds to be used at the discretion of the Police Chief.

Park and Recreation’s Halloween 5K/Fun Run and Fall Fest – Donation

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a \$50 donation to support Park and Recreation’s Halloween 5K/Fun Run and Fall Fest, to be deposited in the Program Contributions and Donations Account (191448/483100) as requested by Kayla McNamara, Director of Parks, Recreation & Aquatics.

Proclamation – 1LT William Beckham

It was on motion unanimously

VOTED: To sign a proclamation for 1LT William Beckham, acknowledging his safe return home after deployment in Kuwait, Egypt, and Iraq, and proclaiming Friday, December 15, 2017 as 1LT William Beckham Day in Sudbury.

Vice-Chairman Simon read aloud the proclamation

BCK Law –Contract

It was on motion

VOTED: To authorize the Town Manager to enter into a contract with BCK Law for an amount not to exceed \$250,000.

Selectmen Brown and Carty abstained from the vote.

There being no further business, the meeting adjourned at 9:40 p.m.

Attest: _____
Melissa Murphy-Rodrigues
Town Manager-Clerk