

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, JANUARY 9, 2018

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 7:34 p.m. in the Lower Town Hall.

Opening Remarks

At 7:34 p.m. Chairman Haarde wished everyone a Happy New Year, and stated that current Permanent Building Committee is seeking candidates. He also shared that the Town did well with last week's snowstorm and with managing outages, and that everyone should do their best to prepare for storms. Chairman Haarde stated that there are 17 positions available for the Annual Town Election and the deadline for filing is Friday, Feb. 2 at 5:00 p.m., and those interested must go to Town Hall to get the necessary forms. The Adopt-a-Hydrant program is now underway and he asked for assistance by everyone to make sure neighborhood hydrants are cleaned when storms come. Chairman Haarde suggested establishing neighborhood plans for hydrant clearing when storms arise. The Board of Selectmen Office Hours will be January 26, 2018, 5:00–6:00 p.m. at the Library.

Chairman Haarde also added that the 2018 Annual Town Meeting Warrant is still open for the May 7th meeting and the deadline for submission is Wednesday, January 31, 5:00 p.m. at the Selectmen's Office.

Reports from the Town Manager

Town Manager Melissa Rodrigues announced joint hours with herself and Sudbury Police Chief on January 17, 2018 from 1:00–2:00 p.m. at the Police Station. The Town Manager announced and welcomed Debbie, the new Recording Secretary for the Board of Selectmen.

Reports from the Board of Selectmen

Vice-Chairman Simon requested that agenda items #1 – Discussion regarding GeoInsight Report on environmental conditions; agenda item #6 – School Structure and item #7 – Capital Planning Discussion; be taken off this evening's agenda to allow some time to review the related materials that were distributed this evening.

Chairman Haarde stated that GeoInsight wants the Board to review the related documents so that they can continue their report and address questions that the Board might have for them. Chairman Haarde stressed that this is a draft report only. Chairman Haarde also reminded the Board that a commitment to discuss budget comparisons was made at the last BOS meeting and there is now information to begin that discussion. He stated that agenda items 1 and 6 will be discussed this evening, with likely continuation of these items. Chairman Haarde suggested that the School Structure item instead be called Budget Comparison going forward, to make the topic clearer for discussion.

Selectman Iuliano stated that she was somewhat confused about the school structure topic and that she added some tables from her research to the packet, for the purpose of background information. She thanked Chief Nix for all his work on the Police Practices project and thanked others who worked on the project as well.

Vice-Chairman Simon expressed his appreciation for Chief Nix's contribution to the Welcoming Town project and said that it was very effective. He also thanked Selectman Iuliano for her contribution.

Selectman Brown thanked the Department of Public Works for all their hard work during the snowstorm.

Selectman Carty wished all a happy New Year and thanked members for their help in his preparation for presenting the Landham Road Project at the MPO in Boston recently.

Citizen's Comments

There were no citizen's comments

Discussion regarding GeoInsight Report on environmental conditions

At 7:53 p.m. Chairman Haarde opened a discussion regarding the GeoInsight Report.

Chairman Haarde stated that there are no big surprises here; we did expect some arsenic on the property and that this a draft report. Chairman Haarde further stated that six samples were performed by GeoInsight with borings and ground water samples. Chairman Haarde said that he thought it best for the Board of Selectmen not sit on the report until the next meeting in two weeks, but wanted to gather questions for presentation to GeoInsight so they could complete the final report and address any questions that the Board might have.

Town Manager Rodrigues emphasized the importance of reviewing GeoInsight's draft report so that any errors can be corrected. She also added that all questions should be gathered by next Tuesday.

Resident Janie Dretler, 286 Goodman's Hill Road, asked if the public could view the draft report at this time. Town Manager Rodrigues replied that this is not protocol and Selectman Iuliano maintained that when the Board reviews the draft for questions, she understood the public typically would not have access to it. Vice Chairman Simon agreed and supported protocol. Ms. Dretler agreed with members regarding the protocol described to her for when the public would review the draft.

Receive update on Maynard Road project from the Sudbury Housing Trust

At 7:59 p.m. Chairman Haarde presented Susan Iuliano and Lydia Pastuszek, members of the Sudbury Housing Trust to provide an update on the Maynard Road project.

Member of Sudbury Housing Trust, Susan Iuliano, narrated the history of the property stating that the Maynard Road project started in 2008 with the Housing Trust purchasing the property with CPA funds. This 40B project initially proposed the construction of 8 homeownership units, then 6 units and ultimately 3 units were constructed and approved. NOAH (Neighborhood of Affordable Housing), started this project - and terminated the contract with Sudbury Housing Trust when the approved number of units fell to three units. On 6/25/15, the Trust choose Transformations Inc. to continue the development of the project. Transformations, Inc. went bankrupt after completing 70%+ of the construction. Enterprise Bank then took over the property, and sold the property at foreclosure auction in December 2016 to Property Acquisition, LCC. Ms. Iuliano and Ms. Pastuszek expressed their gratitude to Enterprise Bank and particularly to Property Acquisition, LLC, stating that the Bank was good to deal with and Acquisition, LLC has done a good job and now the three units have owners who passed ownership documentation and closed on the properties in December 2017. Final payment to Property Acquisition, LLC will be made when remaining outdoor/landscaping work is done and the condo agreement is finalized.

Sudbury Housing Trust chair, Lydia Pastuszek, stated that outside work will be completed in the spring due to weather conditions at this time and she also thanked Enterprise Bank for their consideration and assistance during the difficult time before completion of the project. She also maintained that a Housing Trust member will remain on the board for a couple of more years to help with the property and she thanked all involved for their help throughout the project.

Vice-Chairman Simon expressed his gratitude to Susan and Lydia and he said that he went to the grand opening of the three properties five days before Christmas and was very impressed by the construction

work and understands why the remaining outside work must be performed in the spring – considering ground conditions in the winter months. Vice-Chairman Simon also thanked all involved with the project to make it happen and he welcomed those three new owners to their new homes in town.

Selectman Brown expressed her gratitude to all involved and asked whether titles are now held by individual owners of the three units. Ms. Pastuszek confirmed and stated that there is a permanent deed restriction on the three properties, and when current owners might elect to sell their unit, the prevailing price for an affordable housing unit would prevail.

Selectman Carty said that he was happy to see that new owners were able to get into their homes before the holidays and asked about the 40B Certificates that need to be finalized. Ms. Pastuszek responded with the statement that funds for the finalized 40B Certificates and outside work are being held back until Property Acquisition, LLC demonstrates completion.

Chairman Haarde said that the Maynard Road project looks almost exactly like the original property did and is a great outcome for the Town, neighborhood and new owners. He then thanked the Housing Trust members for their great effort with the project.

Housing Trust Chairman Pastuszek thanked the Board of Selectmen and all those involved.

Transfer \$40K from mitigation to fund temporary local building inspector position

At 8:13 p.m. Town Manager Melissa Rodrigues stated that with some 250 apartment inspections as well as added retail inspections, the need is very strong for a temporary local building inspector position. Ms. Rodrigues further stated that \$40,000 from the National Development mitigation funds for Public Safety for the salary for temporary building inspector for years 2018 and 2019 is being requested.

Chairman Haarde asked if mitigation funds will cover the new position expense. Town Manager Rodrigues answered affirmatively and stated that if we didn't use these mitigation funds, the expense would fall on others; and this way it is a temporary expense that will more than be recovered with incoming associated funds.

Vice-Chairman Simon asked if the temporary inspector position would be viewed as an independent contractor. Town Manager Rodrigues responded in the negative, further stating that this is a part-time position, with less than 20 hours per week. She added that the ideal candidate would be a retired inspector from another local community and the 20 week per hour allowed will be monitored carefully to not exceed the 20 hour per week limit.

It was on motion unanimously

VOTED: To transfer \$40,000 from mitigation to fund temporary local building inspector position.

Town Manager appointment to the Conservation Commission

At 8:19 p.m. Town Manager Melissa Rodrigues said that Town Counsel determined that Richard Morse need not be recused from applications concerning the MBTA right of way as a Conservation Commissioner and that there was no conflict with this item.

Vice-Chairman Simon stated it is very important that any Conservation Commissioner as a Town official use their power and determinations wisely. He read aloud the attached letter into the record, and added that it is the residents who are the Town, and that Mr. Morse would abide by the associated State Ethics requirements. At this point Vice-Chairman Simon cited the Sudbury Wetlands Bylaw. Town Manager Melissa Rodrigues added that for the record, Sudbury Valley Trustees got a Notice of Violation – but no

fee was imposed in that instance. Vice-Chairman Simon thanked the Town Manager for her added information.

It was on motion unanimously

VOTED: To authorize the Town Manager appointment of Richard A. Morse to the Conservation Commission for a term ending 5/31/20.

Appointments to the Land Acquisition Review Committee (LARC)

At 8:27 p.m. Town Manager Rodrigues presented Christopher Morely and Nancy Kilcoyne as candidates for at-large members of the LARC. This fills all vacancies on the committee.

It was on motion unanimously

VOTED: To appoint Christopher Morely, 321 Old Lancaster Road, and Nancy Kilcoyne, 35 Hickory Road, to the Land Acquisition Review Committee as Members At-Large, for terms to expire 5/31/2019.

Discuss school structure options

At 8:27 p.m., Chairman Haarde stated he feels it would be wise to change the title “School Structure Options” to “Budget Comparison Analysis.” He added that at this time we can have a discussion on where we are headed.

Town Manager Rodrigues suggested that the Collins Center could be retained to do an analytical assessment of budgeting or operations, and that this can be helpful when there is so much data available. Selectman Iuliano said that the next step is to work with the Town of Lincoln Selectmen and the School Committees for further analysis; and Chairman Haarde added that the bigger question for him is to find out why there are such budgetary discrepancies when comparing to the other towns.

Chairman Haarde acknowledged that help is needed with this task and the Collins Center does these type of comparisons, or a private auditing company could help with this. Selectman Iuliano added that she is not so sure that there is such a discrepancy in the school budget, and asked whether the committee is considering just the school budget or total town budgets.

Vice-Chairman Simon added that he was not sure about what the committee should be talking about tonight in regards to this topic, and asked if Selectman Iuliano could come up with a reasonable topic for the committee to discuss at a future meeting. Selectman Carty said that he would like to participate in future item discussions and that a good place to start that budget discussion is with the School Committee and examine whether the Board of Selectman have a say in this area. Vice-Chairman Simon then asked Selectmen Brown and Iuliano to come up with some pertinent questions. Selectman Brown said she hears people in town say that the goal is to make a streamlined, integrated K-12 school experience. She’s not sure who makes that happen or what the next steps are. She feels it is very difficult to understand the budget when the Board does not have insight into the 75% of spending that goes to the schools. she wants to understand what is being done with such a large part of the budget, and understand how the Board can work to change the outcome and how to get there.

Selectman Carty stated that he didn’t want this important topic to drag on and that he would like to meet with the chairs of the two school committees as a subcommittee and then with Board of Selectmen as well. Vice-Chairman Simon agreed and said that he’d like these organized groups to have minutes so that they can be viewed.

Chairman Haarde said that the analysis aspect is somewhat outside of town government. He continued by saying that the need is for someone who is objective (a third party) and does analysis all the time, and it is about looking at all Town functions. He further asserted that if there are ways to do things better and increase productivity, then he is in favor of it.

Selectman Carty said that he was inspired by Town Manager Rodrigues' letter yesterday which outlined double and even triplicate positions, and that there may be possible efficiencies in this area to be explored. The Town does not have money for annual capital use, and we could apply the savings for this purpose. Chairman Haarde agreed and stated that it would be preferable if other sources of money for capital use could be found rather than asking for debt exclusions.

Selectman Iuliano said that to make progress the Board must work with the Town of Lincoln. Vice-Chairman Simon added that he'd like to see minutes from these subcommittee meetings that Selectmen Iuliano and Carty are attending. Selectman Carty said that February 27th would be a good date for a Subcommittee update to the Board

Selectman Brown asked if it would be possible to put these subcommittee minutes on line for availability to all. Selectman Iuliano agreed and said she wants everyone to have access to this information.

Sudbury resident, Sarah Liberman, 17 Hopedill Brown Road, stated that the budget analysis should be done first, and that outside help is needed to examine the structure of the two school districts of Sudbury and Lincoln. She also said that outside help with this analysis is needed and could be citizen-driven, with cost savings being the objective.

Resident Mark Howrey, 55 Old Coach Road, added that this is a complicated issue and suggested being very cautious about having citizens involved with this analysis.

Selectman Iuliano agreed that outside help is needed, but the question is when and how, again stressing the need for interaction with Lincoln before seeking assistance. Town Manager Rodrigues spoke of the necessity of all three Town cost centers to be in complete cooperation. Selectman Carty said that first is the need to meet with the mentioned chairmen. The Town Manager suggested that a Town Meeting article could be included as there is no current funding for this, and we must figure out where we're going, how we're going to get there, and how we're going to fund it. Chairman Haarde added that he would strongly hope for regionalization funds. Resident Sarah Liberman, 17 Hopedill Brown Road, stated that the Board of Selectmen has a very strong leadership position in the Town.

Capital Planning Discussion

At 9:05 p.m., Town Manager Rodrigues said that at the last meeting it was promised that this item would be discussed. She also said that in a few days she will be distributing the Town Manager's Budget to the Committee.

Chairman Haarde suggested the concept of having one capital committee but that this idea could not be voted on this evening. With this suggestion, Vice-Chairman Simon suggested a focus on capital committees presenting reports and adhering to specified deadlines. Selectman Carty replied that the next day's meeting focuses on long-term planning and that those minutes will be posted.

Town Manager Rodrigues said that consolidation of committees is one of the desired goals regarding capital and funding; and that a bylaw increasing the project amount the Town manager can approve to \$100,000 would make capital funding less complicated. Vice-Chairman Simon added that consolidating the two capital committees (the planning and the funding committee) would be a good idea, and Chairman Haarde agreed.

Resident Janie Dretler, 286 Goodman's Hill Road, asked about reviewing these committee meetings on tape and asked if the public could request particular meetings be taped. Chairman Haarde said that there is a Selectmen's policy favoring such requests.

Citizen's Comments

At 9:18 p.m. Chairman Haarde asked for any other Citizen Comments. There were none.

Discuss Upcoming Agenda Items

At 9:19 p.m., Town Manager Rodrigues informed the Board that the Dog Hearing topic will be on the agenda for the next meeting.

Selectman Brown requested a discussion with LS School Committee regarding athletic field fees that are not being collected on a monthly basis, as originally planned; and said that there should be monies set aside for replacement of fields. That proposed agenda item was agreed to be on February 6, 2018.

Town Manager Rodrigues said that she will have her budget report ready.

Selectman Iuliano said that she will have material to discuss from the subcommittee meeting.

Town Manager Rodrigues shared that she will put together the Town Meeting articles for presentation.

Selectman Brown stated that a discussion and update on Broadacre Farm should be discussed and that this might need to be a separate Town Meeting article. Town Manager Rodrigues added that she would draft something in this regard.

Vice-Chairman Simon requested further analysis and discussion about funding the Fairbank Center on February 1, 2018.

Selectman Brown requested discussion of updating town committees and wants a listing of "dead" or inactive committees that the Board could officially take off the active committee listing. Town Manager Rodrigues said that she would prepare the list.

Vote to authorize Town Manager to submit 2018 Annual Town Meeting articles

Chairman Haarde said we are voting to authorize the Town Manager to submit 2018 Annual Town Meeting articles on behalf of the Board of Selectmen.

It was on motion unanimously

VOTED: To authorize the Town Manager to submit 2018 Annual Town Meeting articles on behalf of the Board of Selectmen.

Eagle Scout Recognitions

Chairman Haarde congratulated these Eagle Scouts and said that the Board was proud to enter these Scouts into the Town Record. Selectman Carty said he has worked with the Scouts and would like to present the Certificate to the Eagle Scouts.

It was on motion unanimously

VOTED: To enter into the Town record the following members of Boy Scout Troop 60 on attaining the rank of Eagle Scout: Stephen Kurtz, 53 Butler Road; Ivan Orup, 98 Newbridge Road; Ryan Barrera, 240 Willis Road; Kenneth Ho, 33 Grindstone Lane.

Accept donation from Sudbury United Methodist Church

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a \$490 donation from the Sudbury United Methodist Church into the Cheri-Anne Cavanaugh Trust Fund, said funds to be expended under the direction of the Town Social Worker to counsel Lincoln-Sudbury Regional High School students, and to send a letter of appreciation to the Methodist Church

There being no further business, the meeting adjourned at 9:25 p.m.

Attest: _____

Melissa Murphy-Rodrigues
Town Manager-Clerk

THE ATTACHED LETTER WAS SUBMITTED BY SELECTMAN LEN SIMON AND READ
ALoud INTO THE RECORD AT THE BOARD OF SELECTMEN MEETING OF 1/9/18
REGARDING CONSERVATION COMMISSION APPOINTMENT.

January 9, 2018

1. Be an independent thinker, and a critical. You are not obliged to follow the recommendation of the Conservation Coordinator. When you are sworn in as a commissioner are the one who has a vote on the commission, and you are the one who has the responsibility to exercise that vote in the interest of the residents. Because it is the residents who are the town, not the Conservation Coordinator.
2. If there is leeway, discretion or accommodation in applying the Wetland Protection Act or the local bylaw – make sure you are aware of it, and act accordingly. Seeking common ground is no sin. Be practical.
- ① 3. As a Conservation Commissioner you will be town official. You will be the heavy hand of town government. It will be up to you to use that power and authority wisely.
4. If you can, work with residents, before issuing a Notice of Violation or a fine that would be the wise course of action.
5. Apply the golden rule. Think of yourself in the shoes of the applicant or the violator hauled before the Conservation commission.
6. Listen carefully to you fellow Commissioners. They may articulate a point you have not yet considered.
7. For residents, relief from a Conservation Commission fine or order needs to be done in the Massachusetts Superior Court. This is cumbersome, time consuming, and expensive. Would you want to have to appeal to superior court to show the Conservation Commission made a mistake?

7.2

The Conservation Commission may offer suggestions and advice for altering plans and proposals to reduce impact on wetlands values and functions toward the goal of modifying the project to make it acceptable. However, the Commission is not obligated to do so and shall not be bound in its decision making by any prior advice or suggestions offered to applicants.

12. Burden of Proof

The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the permit application will not have unacceptable significant or cumulative effect upon the resource area values protected by this bylaw. Failure to provide *adequate* evidence to the Conservation Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

13. Appeals

A decision of the Conservation Commission shall be reviewable in the superior court in accordance with G.L. Ch. 249 §4.