

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, FEBRUARY 6, 2018

Present: Chairman Robert C. Haarde, Vice-Chairman Leonard A. Simon, Selectman Susan N. Iuliano, Selectman Patricia A. Brown, Selectman Daniel E. Carty, Town Manager Melissa Rodrigues and Maryanne Bilodeau, Assistant Town Manager

The statutory requirements as to notice having been complied with, the meeting was convened at 7:00 p.m. in the Lower Town Hall.

Opening Remarks

At 7:00 p.m., Chairman Haarde opened the meeting, announcing that there are 17 positions available for the Sudbury Town Election, which is coming up on March 26. He added that the deadline to register to vote is March 6, and further detailed that flu shots are available, and are being given by the Board of Health at the DPW Building.

Chairman Haarde also announced that the Avalon Affordable Housing Lottery deadline is February 15 at 5:00 pm. Ms. Bilodeau announced that applications for this lottery are available online, or can be attained by calling the town Social Worker, the Planning Office, or the Board of Selectmen/Town Manager's Office. Chairman Haarde announced that the Board of Selectmen will hold Office Hours on February 27, 2018 from 4:00 p.m. to 5:00 p.m. at the Flynn Building, with Vice-Chairman Simon and Selectman Carty in attendance.

Reports from the Town Manager

Ms. Bilodeau said that she was covering for the Town Manager while Town Manager Rodrigues was attending a meeting. Ms. Bilodeau went on to announce that the Atkinson Pool was closed today and tomorrow for emergency repairs, and that the problem has been identified, and will be worked on tomorrow morning, and updates will be on the Town website. Ms. Bilodeau announced that DPW Parks and Grounds Department, is looking for full-time, seasonal help from May through August, 2018, and information is available on the Town website. Ms. Bilodeau stated that the Town Clerk has a posting regarding dog licensing and Town Census, adding that dog licensing takes place January 1 - April 2, 2018. Normally the dog licensing deadline is March 31, however, because that date falls on a weekend, the deadline is extended to Monday, April 2. She recommended for those residents who haven't yet received a Census Form in the mail, please contact the Town Clerk's office to receive another Form.

Ms. Bilodeau shared that former Fire Chief Bill Miles retired last Wednesday, January 31, and the new Fire Chief is John Whalen, the former Deputy Chief. Chairman Haarde added that there was a nice retirement party for Chief Miles, and everyone welcomed Chief Whalen to his new position.

Reports from the Board of Selectmen

Selectman Brown said that there was a meeting of MAGIC (the Minuteman Advisory Group), which she attended on January 31. Selectman Brown distributed copies of MAGIC material to each Board Member, and asked that members just review the material.

Selectman Iuliano stated that she and Selectman Brown attended the Finance Committee meeting last evening. She informed the Board of two updates from that meeting: one being that the Committee will not likely propose a possible alternative Finance Committee Budget for Town Meeting. The second update was notice of a scheduled joint meeting with the Board of Selectmen, and whether or not there will be capital budget presentations at that meeting. Chairman Haarde stated that he did not know if there were any capital decisions made yet, but the joint

meeting would be worthwhile. Ms. Bilodeau said that members would be available to come and present on the 27th, and she was waiting to hear back from SPS.

Finance Committee Chairman Bryan Semple told the Board that Town Manager Rodrigues had contacted him, and FinCom would go forward with a joint meeting to hear about the articles.

Vice-Chairman Simon announced that the meeting of the Fairbank Task Force was well attended, and was most informative. He added that the Board would hear more about that meeting from Selectman Brown. He then thanked Selectman Brown for making the presentation, and also thanked her for all her efforts with the Fairbank Center. Vice-Chairman Simon spoke about the Town Forum to be held on Saturday, March 3 at 10:00 a.m. at the High School, and that the Forum will address the new marijuana law. He added that the Forum will have experts in the field, law enforcement, addictive medicine, and legislators, who will give presentations and take questions. Selectman Simon said that on March 4, the Civic Bee will take place at the Wayland High School, and is sponsored by the League of Women Voters. He went on to say that this spirited competition covers areas of voting, local government, federal government, local representatives, and, of course, the U.S. Constitution.

Selectman Carty said that the 4th of July Parade Committee is looking for volunteers, and is starting the planning process for the celebration. He said that information can be found online at Sudburyparade.org.

Citizen's comments on Items not on Agenda

Resident Bryan Semple, 15 Revere Street, commented that at the Board of Selectmen's Meeting on January 9, the discussion regarding the success of the Maynard Road housing project was overstated. He added that the total cost of the project was \$875,000 which reflected a price of \$290,000 per unit. Mr. Semple reminded the Board that there are pitfalls in development when the Town assumes risk, however, the end result of this project is three families are happily living there. Selectman Iuliano detailed that when the Maynard project began over eight years ago, the Housing Trust thought the project would provide for eight units. There were many challenges along the way, and she has a listing of all the costs that NOAH (Neighborhood of Affordable Housing, Inc.) recovered when their development agreement was terminated.

Resident Steve Swanger, 14 Bent Brook Road, said that the Sudbury Housing Authority has much experience with constructing affordable housing, and both the Housing Trust and Housing Authority ran into some very unique issues with the Maynard Road project. Chairman Haarde acknowledged Mr. Swanger's observation, and the comments from Mr. Semple as well.

Discussion with L-S School Committee regarding athletic field fees

At 7:22 p.m., Chairman Haarde introduced L-S School Committee member, Radha Gargeya. Mr. Gargeya addressed the need to amend the athletic field documents: the IMA (Inter-Municipal Agreement L-S Community Field) and the MOU (Memorandum of Understanding), which were created and signed by School Committee members on December 19, 2006. Mr. Gargeya went on to state that the agreements were signed with the intent of describing how the "field/fields" would be maintained, and how usage fees would be implemented.

At this point, Chairman Haarde gave a brief narrative of the "field" history, saying that in 2006 Sudbury needed a field, sometimes referred to as the "football field," which needed to be redone in that 2006 time frame. He added that the Town agreed to support the redo with CPC funds of a million dollars, and there was also a sizable fundraising effort, so the "field" project was not completed with L-S funding. He said that the Town had an agreement to manage that "field," and it is still part of the Park and Recreation domain, which handles the scheduling of that "field," and L-S handles the scheduling for the other "fields." Chairman Haarde went on to say

that this is a type of reciprocal agreement, and that now with the advent of the new turf on the lacrosse fields, paid for by L-S; the School Committee wants to revisit this agreement.

Mr. Gargeya explained that the MOU was expected to be revised or amended each year, or more frequently, if needed; but was not amended since 2006. Mr. Gargeya added that L-S is responsible for maintaining the fields, so it is only fair that user groups contribute to the maintenance and upkeep of the lower L-S fields. Selectman Brown asked exactly what fields are those. Mr. Gargeya replied that it is the lower fields, and that turf 1 and turf 2 of those fields, were recently replaced. Selectman Brown asked if these mentioned fields are covered in the MOU, and Mr. Gargeya responded that there is a question regarding the plurality of “field vs. fields” in the document context.

Selectman Iuliano asked for clarification on whether this covers the lacrosse fields. Mr. Gargeya affirmed, and Chairman Haarde added that it is all the fields. The interesting thing about this agreement is that youth sport teams must pay Park and Recreation to use the football field, however, a sports league that uses one of the other L-S fields does not pay. Mr. Gargeya added that this is good reason to amend the MOU periodically as stated in the document.

Chairman Haarde commented there was an amendment in 2013. Selectman Iuliano said that particular amendment was just for the softball field, and Mr. Gargeya affirmed that. He went on to state that the “agreement” did not get into the overall maintenance of the fields because, at the time, the focus in 2006 was to get the school built with the field. Mr. Gargeya suggested that there should be a revolving fund, so that when replacement/maintenance issues come up, they can be funded. He further stated that this is an important topic for the Town to be looking at now, and suggested the formation of a group of several School Committee members and several Board members.

Selectman Brown stated that she requested that this go on the agenda, and did reach out to the Chair, however, her view was somewhat colored by the sudden and surprising request for field fees from Sudbury youth sports this fall. Selectman Brown didn’t want to see non-users of the fields to have to pay for fields they never use. Selectman Brown suggested that before amending “the agreement,” reports must be presented regarding the amount of funds taken in, and how much is needed for a realistic revolving fund. It would probably take a year or so for the reporting to tell us what we need to know. Mr. Gargeya said that he shares the concern here, and that it would be wise to form a subcommittee to establish a process. Chairman Haarde added that this situation sounds similar to the capital budget discussion, and that the field fund needs a funding source.

Selectman Carty clarified that “field” used in the singular, is the football field. Mr. Gargeya and Chairman Haarde affirmed, and Selectman Carty added that the “fields” in plural, are the two lacrosse fields across the parking lot, and other fields as well.

As a final comment, Mr. Gargeya stated that Lincoln was not included in the original agreement; therefore, the Board might examine what a contribution from Lincoln might be. Chairman Haarde agreed that a contribution from Lincoln should be considered. He suggested taking this information to the Town Manager, and then perhaps suggest forming a Town committee, and/or consider a cross-charging arrangement between Lincoln and Sudbury.

Chairman Brown said that she liked the idea of Superintendent Wong and Town Manager Rodrigues getting together and setting up a reporting outline. Chairman Haarde recommended that the Board get educated on the topic, because within a year, the Board may have to sign a revised agreement to include Park and Recreation as well.

Presentation of Environmental Report by GeoInsight

At 7:54 p.m., Chairman Haarde introduced Michael J. Webster, Principal of GeoInsight, to present an environmental report regarding the Melone Property.

Mr. Webster narrated a summary report regarding the Melone Property. Mr. Webster said that the Melone property is surrounded on three sides by former Unisys, a disposal site, and said that amounts of contaminants were on other properties primarily, and not on Melone. He continued describing the plumes, and that GeoInsight set out to determine if plume containments made their way to the Melone property. Mr. Webster continued his description about obtaining water samples, and borings, and added that the southern part of the property along Route 117 has some contaminants. The western part of the property was an orchard in the early 1900s, and GeoInsight did not detect any VOCs (volatile organic compounds) in the water samples. The well on the Melone property is on the Sudbury District Water supply property. Mr. Webster continued stating that arsenic appeared in all eight of the samples, and studies showed that it was from the natural soil, and not from the property being used as an orchard. He concluded saying that these are good results, and any contaminated water levels were actually just below drinking water level. Selectman Simon then asked Mr. Webster if there was some potential that the plume could go towards Melone. Mr. Webster answered no, unless there was a change in the hydraulics.

Resident and abutter to the Melone site, Mr. William Wagner, Jr., 36 North Road, asked if well #5 is operative. Mr. Webster said well #5 is an active, permitted well, but that water is not pumped from the well, and that the Town samples the well yearly in accordance with the permit. Mr. Wagner asked if future usage would depend on the quantity of water that would be pumped from the wells. Mr. Wagner also asked about the quantity of water. Mr. Webster said that well #5 was installed in 1964, is 65 feet deep, and was operated seasonally, at about 340-360 gallons a minute; with a total withdrawal of 50 million gallons of water. He added that is not super for a municipal water well, but is still a good amount of water. The well was shut down in 2009 because of iron and manganese issues, and if a decision is made to operate the well again, treatment of the iron and manganese levels would require intensive treatment.

Resident Kirsten Roopenian, 45 Harness Lane, stated that this was a helpful presentation, and asked Mr. Webster if any of these defined containments could preclude any specific use for the property, and if it would be safe to say, that there is no real threat to the public? Mr. Webster answered that the data collected does not appear to create a risk as the contaminants are at very low levels, with the one exception of installing an irrigation well. Mr. Webster added that the final report will be revised based upon the questions and discussion that took place this evening.

Discussion Regarding Next Steps on Melone Property

Selectman Iuliano asked Chairman Haarde what he discussed with the Planning Board recently regarding the Melone property. Chairman Haarde replied that he did go to the Planning Board meeting and had a general discussion about the Melone property. At the Planning Board meeting, the discussion included a possible overlay approach, similar to what we did with Raytheon, and how zoning could come into play. Selectman Iuliano then asked if the Planning Board had any comments for us. Chairman Haarde replied not, and added that he had an open-ended discussion at the Planning Board meeting.

Selectman Carty stated that there are decisions to be made whether or not to take action with Melone right now. He didn't envision 40 acres as playing fields, nor could he imagine 40 acres of housing, considering that the Town has Meadow Walk, Coolidge, and perhaps Sudbury Station. He was in favor of doing an RFP to see what people say. Selectman Brown said the Town doesn't have to do anything, but she would not want a repeat of the Police Station RFP, with its many restrictions. We shouldn't make promises as to where the Melone project is going to

end up, considering the Fairbank project. Selectman Iuliano stated that she agreed with what has been said, but cautioned that the Town is in a financially restrained environment.

Selectman Simon appreciated comments from other Board members, but is still concerned because he hasn't heard any related comments from other Town committees. He would like to see the Board review a Melone report that was prepared four years ago, and suggested looking further into one resident's suggestion that a solar farm be considered. Melone is one of the last large pieces of property that Sudbury has, and is a resource the Town may call upon. Chairman Haarde said the Town needs to know the level of market interest in order to fully understand the property value.

Resident Janie Dretler, 286 Goodman's Hill Road, said that she agrees about getting feedback from other Town Committees, and wants to read more from the Planning Board, who has experience in these areas. She then read the Melone discussion aloud, from the December 13, 2017 Planning Board meeting minutes. Ms. Roopenian stated that it would be a great idea to first see what impact the Planning Board's Master Plan might suggest for Melone. She added that if a prospective developer was faced with addressing all the zoning issues; the town would be at a market disadvantage. Ms. Roopenian said that she strongly supports the formation of a focus group to further explore the Melone property, and she offered her help.

Mr. Swanger agreed with what's been said tonight. He has spoken to the Wagners, and they are interested in selling their adjoining property which could increase the value of the Melone property. He went on to say that including the Wagner property would make the Route 117 access much safer. Chairman Haarde responded saying that the Planning Board may consider overlay districts, but "spot" zoning is illegal, which means that the Planning Board cannot focus on a particular property, or come up with specific zoning for a specific purpose.

Ms. Roopenian said that the Melone RFP is not very developer-friendly in terms of zoning, traffic issues and other things; especially since everything must first go through Town Meeting. She stated that the extra time and money, may not be worth it for a prospective developer/buyer. Ms. Roopenian stated that she would like the RFP amended before it goes to Town Meeting.

Mr. Swanger suggested that the Town would not necessarily have to purchase the property from the Wagners. It might be that the developer makes two purchases - one from the Wagners and one from the Town. Chairman Haarde agreed that to be the more likely scenario.

At this time, Selectman Carty said that he would like to go forward with an RFP. Chairman Haarde said that he would like to go forward also, as did Selectman Brown. Selectman Iuliano said that the Board needed to work on this more, before signing the RFP, and she had many questions about the RFP. Chairman Haarde suggested that Selectman Iuliano submit comments in this regard, tonight. A group discussion continued.

Selectman Brown added that, if the article is approved at Town Meeting, that approval would give the Board the right to sell the property with the terms that the Board chooses. Town Manager Rodrigues summarized that the decision to sell falls on Town Meeting, and the terms of sale lies with the Board. Selectman Iuliano suggested a meeting with the Planning Board.

Resident Janie Dretler said that the Town has major ongoing litigation with another property, and that Committees must really think this project through. Chairman Haarde said that he couldn't agree more.

Vice-Chairman Simon asked if a professional appraiser could be utilized before going forward with the RFP. Chairman Haarde agreed that a consultant could be contracted to do the market analysis, but that funding for it at this time would be difficult. He believes that a consultant won't produce anything more informative than the RFP responses would. Vice-Chairman Simon said that the analysis would provide a wider range of possible responses,

and that it's not just the dollar amount, but also the amenity for the Town. Selectman Iuliano asked Town Manager Rodrigues if she had market study experience. Town Manager Rodrigues answered that she had. This involved an old high school which went out to bid three times, and she suggested that an RFP not go out to bid multiple times.

Chairman Haarde said that Selectman Brown has done a great job with the Fairbank Community Center, and she has much experience in this area, and she realizes the benefit to testing the market at the beginning.

Ms. Roopenian thanked Selectman Brown for the great job she has done with the Fairbank Center. The Melone Property has only had four weeks of conversations, and shared her willingness to assist with the process. On behalf of the Board, Chairman Haarde thanked Ms. Roopenian for her comments.

Mr. Swanger said that the Wagners' property is very valuable, and the Board should try to find a way to include it. He suggested consulting with Town Counsel to find a way to inform developers of the Wagner parcel in the RFP. Chairman Haarde answered that this is something that Town Counsel could not promote, due to legal implications.

A discussion regarding particular RFP amendments took place.

Selectman Carty made the motion to approve the RFP as amended and instruct that Town Manager move forward with the RFP process. Selectman Brown seconded the motion.

It was on motion three aye and two no. Haarde – aye, Brown – aye, Carty – aye, Iuliano – no, Simon – no.

VOTED: To Approve the RFP as amended and instruct the Town Manager to move forward with the RFP process for the Melone property.

Capital Planning Discussion

Vice-Chairman Simon stated that he has a number of items to discuss. Chairman Haarde suggested that the Capital Planning discussion be continued to the next meeting.

Share Report from Fairbank Task Force

Selectmen Brown thanked Board members for coming to the Fairbank Task Force presentation. She stated that the Fairbank Task Force will meet on February 15, and is awaiting the proforma from the consultant. Chairman Haarde thanked Selectman Brown for all her efforts, and added that 33 million dollars is a great deal of money; and perhaps a phased approach could be explored. Selectman Brown agreed. Vice-Chairman Simon added that the need for the Fairbank Center is not going away, and the percentage of seniors is growing ever greater; and this center will be used by the whole Town.

Resident Jean Nam, 81 New Bridge Road, asked the Board if the gym could be removed from the plan in an effort to save money. Selectman Brown responded that the consultant said the pool must stay. Chairman Haarde said that Ms. Nam brought up a good point, and anything is on the table at this point; and maybe the gym could potentially be part of a future phase.

Vote to accept ATM articles submitted by 1/31/18

Town Manager Rodrigues said the vote is just to accept the articles tonight and approve the order of the articles, and agree that articles 2, 9, 10, 11, 15 and 20 go on the Consent Calendar.

Ms. Nam asked if the two parts of the playgrounds project could be presented together.

The amendment was made by the Board with agreed order change of articles.

It was on motion unanimously

VOTED: To accept ATM articles 2, 9, 10, 11, 15 and 20 submitted by 1/31/18, vote on order of articles, take positions on articles, and designate articles for the consent calendar. Also vote to refer any Zoning Bylaw amendments and street acceptance articles to the Planning Board.

Discussion of report of the School District Administrative and Structural Options Subcommittee

Selectman Iuliano stated that there were two areas to approve: requesting permission to go before the Lincoln Board of Selectmen, and agreeing on the language of the message statement. Chairman Haarde approved the Lincoln Board of Selectmen presentation. Selectman Brown said she was fine with all aspects requested. Selectman Carty stated that the message statement is very important.

It was on motion unanimously

VOTED: To adopt the communication outlined and grant permission to present to the Lincoln Board of Selectmen as well as to all three of the relevant School Committees.

Vote to reappoint Lydia Pastuszek and Andrew Kaye to the Sudbury Housing Trust

It was on motion unanimously

VOTED: To Reappoint Lydia Pastuszek and Andrew Kaye to the Sudbury Housing Trust effective 5/1/17 for a term to expire 4/30/19.

Discuss Topics to be assigned for the Winter 2018 Board of Selectmen Newsletter

Selectman Simon suggested that the Board assign topics tonight, and have them submitted by the next meeting. Members agreed with this suggestion and assigned topics. Town Manager Rodrigues stated that everything must be submitted to Leila by the 19th and that the Newsletter will go out on February 28. Topics assigned were: Selectman Brown: OPEB and Update on Fairbank. Selectman Iuliano: School District Administrative and Structural Options Subcommittee. Selectman Carty: School District Administrative and Structural Options Subcommittee, and Landham Road. Vice-Chairman Simon: Marijuana Forum. Chairman Haarde: Town Meeting Articles.

Citizen's Comments (cont.)

None

Discuss Upcoming Agenda Items

Selectman Brown referred to the stormwater compliance documents from the recent MAGIC meeting, and asked that the Board review the compliance information to be put on the consent calendar for the 27th. She suggested that if the Board had any questions, they should call her or Beth Suedmeyer in the Planning office. Selectman Brown stated that the second document to be reviewed by the Board concerned AARP “Age Friendly Communities,” and how that terminology has been amended to “livable communities.” Town Manager Rodrigues said that she applied for an AARP grant several months ago. Selectman Brown stressed that the Board must get started with this process.

Selectman Carty mentioned that there was some talk about the possibility of joint office hours with other Town Committees. Vice-Chairman Simon had not heard any complaints in the way office hours are currently held. Chairman Haarde agreed to keep the office hours as they are.

Approve regular session minutes of 1/9/18

Selectman Iuliano moved to postpone the minutes from the January 9, 2018 meeting as she had several changes.

Vote to Approve the Selectmen’s submission to the 2017 Annual Town Report

Chairman Haarde said that the Board agreed that Town Manager Rodrigues did a fine job with the report.

It was on motion unanimously

VOTED: To approve the Selectmen’s submission to the 2017 Annual Town Report.

There being no further business, the meeting adjourned at 11:45 p.m.

Attest: _____

Melissa Murphy-Rodrigues
Town Manager-Clerk