

IN BOARD OF SUDBURY SELECTMEN  
TUESDAY, MARCH 20, 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 7:30 p.m. in Lower Town Hall.

**Opening Remarks**

At 7:30 p.m., Chairman Haarde opened the meeting announcing the Annual Town Election will be held on Monday, March 26. He added that Selectman Office Hours will be held on Wednesday, March 28, at the Senior Center from 8:30 a.m. – 9:30 a.m., and that he and Selectman Brown would be in attendance. Chairman Haarde mentioned that political signs are allowed on private property with the owner's permission, but not allowed on Town Property. If any such signs are reported or seen on Town property, they will be removed.

Chairman Haarde stated that DPW is still working on clearing the roads due to all the debris from the storms. He mentioned that residents are asked to pull any debris for pickup resulting from the storm to a place on their property four to ten feet away from the pavement by March 30.

**Reports from Town Manager**

Town Manager Rodrigues commended DPW, Board of Health, Police and Fire Departments, Emergency Response personnel and all volunteers for their help during the recent severe storm.

**Reports from the Board of Selectmen**

Vice-Chairman Simon said that he received favorable complements from residents regarding clean-up after the recent storms. He welcomed Cub Scouts from Pack 62, Den 3 from the Noyes School. The Scouts offered their help this evening, and their leader, Dave Warner, was present.

Vice-Chairman Simon added that he attended a marijuana forum in Belmont, and that it was very interesting.

Selectman Iuliano stated that the meeting of the School District Administrative and Structural Options Subcommittee was cancelled due to weather, and has not yet been rescheduled. The Subcommittee will be meeting with SPS on April 9.

Selectman Brown attended the MMA Legislative Breakfast on March 9. Most of the focus was on marijuana regulations, school funding, and affordable housing.

Selectman Carty said that the Senior Center and Fairbank were used as shelters during the storm, and commended Town Manager Rodrigues for her efforts and continued presence during the storm.

Selectman Carty suggested that the first Joint Selectmen Office Hours could be scheduled for late April, before Town Meeting in May.

Chairman Haarde thanked Town Staff, the Community Emergency Team, DPW, and the many volunteers who helped during this storm. He thanked Town Manager Rodrigues for working around the clock during the storm.

**Citizen's comments on items not on agenda**

Resident Dan De Pompei, 35 Haynes Road, spoke of a May 2016 bylaw suspension vote regarding the design phase of the Rail Trails project. After some discussion, Mr. De Pompei said that he would like this issue to be reviewed. Chairman Haarde said the Board must honor bylaws. Chairman Iuliano said that the Board would not suspend any bylaw. Chairman Haarde added that this topic will be reviewed.

**Joint meeting with Finance Committee to discuss FY19 Budget**

Present: Bryan Semple, Chairman of the Finance Committee - presenting remotely; Jeff Barker, Vice-Chairman of the Finance Committee, and Eric Poch, Member of the Finance Committee (FinCom).

Chairman Semple said that the Finance Committee voted 7-0 on the proposed \$98,516,637 budget. He stated that this year the Finance Committee had not issued spending guidance, but that the budget from the cost centers, as expected, came in at the maximum non-override amount. He commented that the Employee Union Contract Settlements needed greater review especially regarding the effect of COLA increases and requested raises. He added that FinCom would review these areas. A discussion ensued regarding the Budget.

Vice-Chairman Simon said that regulations indicate that contract levels and associated matters have been the responsibility of the Town Manager, Administration, and the School Committees. He added that this proposed review would be a place that FinCom has not gone before. Chairman Semple's response indicated that this would be a review of the effects of the settlement on the budget, and not a review of the contract process.

Chairman Semple shared that there has been a 2.27% increase in Town Budget, with minor changes to Parks and Grounds, IT, Board of Health, Veteran's Affairs and Town Clerk. He added that the Sudbury Public Schools budget increased by 3.67%, and that the changed scheduling of school buses required additional funding. Circuit breaker spending was overly aggressive, and he wanted to further understand these areas. Chairman Semple said that the LSRHS budget increased by 4.53%. Factors contributing to that increase included changes in STEM, and a 10% increase in benefits, which were also areas that FinCom wanted to review.

Vice-Chairman Simon asked if FinCom had discussed capital needs funding for the next several years. Chairman Semple responded that FinCom did vote to increase the Town Manager's spending approval capability level. He added that FinCom members did not necessarily agree about underspending with Town capital funding. A group discussion took place.

Chairman Haarde brought up the possibility of having a FinCom liaison involved in contracts. Selectman Iuliano stated that such a liaison relationship was explored in the past, and would require an Executive Session meeting. Vice-Chairman Simon thought such a liaison could be a bit awkward with the School Committee and FinCom. Chairman Haarde reminded the group that FinCom's inclusion would be about strategy, and not negotiating contracts.

Vice-Chairman Barker said that the goal would be for FinCom to see how much money is being spent, and that FinCom could help work with the cost centers to avoid repeated overrides, but would not participate in contract negotiations.

Selectman Carty stated that FinCom would see the long-term planning aspect as well as revenue forecasting. Selectman Iuliano suggested that this type of interaction could present some complicated legal questions regarding negotiations. Mr. Poch said that if this participation could be done ethically and legally, then it might help the process as a whole.

**Vote to close joint meeting with Finance Committee**

It was on motion unanimously

VOTED: To close joint meeting with the Finance Committee.

**Discussion and potential vote on state funding request for ice storm debris cleanup**

Town Manager Rodrigues stated that the Town received \$20,000 from MEMA for assistance with the storm aftermath, and a draft letter was included in the Selectmen's packet requesting additional assistance. The clean-up process is moving along, but is complicated, and could take several weeks to complete.

Chairman Haarde suggested that the Board take a vote tonight regarding the State of Emergency status in Sudbury during the course of the storm. Town Manager Rodrigues stated that the Town would have been in a much worse state if assistance had not been provided by MEMA. There are no remaining funds in the Ice and Snow Budget and some Town Meeting articles could be eliminated, if necessary.

Vice-Chairman Simon offered to compose an additional request letter specifically from the Board of Selectmen in addition to the letter from Town Manager Rodrigues. Selectman Brown asked what the requested dollar amount might be. Town Manager Rodrigues replied that the request indicates a request for additional service, without a set dollar amount, but is requesting reimbursement. Selectman Iuliano agreed that it is important to address the fact that Sudbury was in a disaster state. Town Manager Rodrigues stated that many times all related damage is not assessed until a time somewhat after the storm. She added that part of the MEMA assistance application process includes the shelter expense. Chairman Haarde affirmed that hundreds of people did use the shelter during the storm, and many slept there.

It was on motion unanimously

VOTED: To have the Board prepare and sign a letter to MEMA requesting additional state funding due to the fact that Sudbury was a disaster area, and needs reimbursement for associated expense during the storm, as well as clean-up expense after the storm.

**Citizen's comments on items not on agenda**

Resident Matt Carlin, 10 Spruce Lane, said he runs a staffing and equipment firm that assists Rusty's Tree Service, and Rusty's would be happy to help with the Town debris removal.

Vice-Chairman Simon asked if the company worked in Sudbury and the surrounding communities during the more recent storms. Resident Walter Bent, 539 Hudson Road, owner of Rusty's Tree Service, said that he has done extensive tree work in the area for the last 45 years, and did in fact work locally during the last several storms.

**Discussion on gun safety**

Present: Police Chief Scott Nix

At 8:05 p.m., Vice-Chairman Simon spoke of the gun-related disaster at the high school in Parkland, FL, several weeks ago. He stated that last week students from across the country marched to stop gun violence. Vice-Chairman Simon stated that now it is time to put the interests of the NRA aside, and put the lives of children first. He requested that the Board of Selectmen participate in one of the many marches scheduled for this Saturday, and he will be attending the Boston march to advocate for common sense gun laws. He suggested that the Board send letters to state legislators, Congress, the House of Representatives, United States Senate, and to the President asking that common sense gun laws be

implemented. Vice-Chairman Simon will provide draft letters for endorsement and comment at the next Board meeting.

Chairman Haarde stated that the Board of Selectmen met with LS and SPS School Committees and Chief Nix in Executive Session earlier to discuss the specific deployment of security personnel or devices necessary for safety. Chairman Haarde added that the session focused entirely on the safety issue in Sudbury, and its jurisdiction.

Chief Nix thanked the Board for hosting the Executive Session. It was very pertinent and necessary to engage in these discussions about how the Town can continually reassess how to improve school safety. Chief Nix stressed that the mental health aspect, the gun aspect, and the awareness/action (“see something, say something”) aspect are all components in the school safety issue.

#### **Discuss topics to be assigned for the Spring 2018 Board of Selectmen Newsletter**

After some discussion, it was decided that Selectman Iuliano would cover the topic of larger capital items, Selectman Brown would cover Fairbank, Selectman Carty would write about Meadow Walk, Vice-Chairman Simon would cover the Rail Trails, and Chairman Haarde would cover the Livability Study, as proposed by UMass.

Vice-Chairman Simon stated that the articles are due by April 16, with approval date of April 24, and publication by the end of April.

#### **Review of Town Meeting Articles**

Town Manager Rodrigues told the Board that at their next meeting, members will vote on the warrant, and she suggested that the Board vote and take positions regarding the ATM 2018 Articles at this time.

Town Manager Rodrigues presented the Finance/Budget Articles for Selectmen vote:

#### **Article #3 - FY19 Budget**

It was on motion unanimously

VOTED: To support Article #3 - FY19 Budget.

#### **Article #4 - FY19 Capital Budget - Town Manager**

It was on motion unanimously

VOTED: To support Article #4 - FY19 Capital Budget - Town Manager.

#### **Article #5 - FY19 Transfer Station Enterprise Fund Budget**

It was on motion unanimously

VOTED: To support Article #5 - FY19 Transfer Station Enterprise Fund Budget.

#### **Article #6 - FY19 Pool Enterprise Fund Budget**

The Town Manager recommended that the Board wait until Park and Recreation voted on this article.

#### **Article #7 - Enterprise Fund Budget.**

It was on motion unanimously

VOTED: To support Article #7 - Enterprise Fund Budget.

Article #8 - FY18 Snow & Ice Transfer

The Board agreed to wait on this article.

Article #9 - Unpaid Bills

The Board agreed to wait on this article.

Article #10 - Chapter 90 Highway Funding

It was on motion unanimously

VOTED: To support Article #10 - Chapter 90 Highway Funding.

Article #11 - FY19 Revolving Funds Spending Limits

It was on motion unanimously

VOTED: To support Article #11 - FY19 Revolving Funds Spending Limits.

Article #12 - Fund Litigation Costs - Eversource

The Board agreed to wait on this article.

Article #13 - Fund Litigation Costs - Sudbury Station Project

The Board agreed to wait on this article.

Article #14 -Vote to withdraw Article #14 - Stabilization Fund (general)

It was on motion unanimously

VOTED: To withdraw Article #14 - Stabilization Fund (general).

Article #15 - Means Tested Senior Tax Exemption Extension

The Board agreed to wait on this article.

Article #16 - Amend Article XXV - Capital Planning

It was on motion unanimously

VOTED: To support amending Article XXV – Capital Planning.

Article #17 - Amend Bylaws Article 1 - Town Meetings, s. 3

It was on motion unanimously

VOTED: To support Amending Bylaws Article 1 - Town Meetings, s. 3.

Article #18 - Repeal Article V Smoking Prohibition

It was on motion unanimously

VOTED: To support the repeal of Article V Smoking Prohibition.

Article #19 - Amend Article V, s.3 Nuisance or Dangerous Dogs

It was on motion unanimously

VOTED: To support amending Article V, s.3 Nuisance or Dangerous Dogs.

Article #20 - Amend Zoning Bylaw, Article 700 - Marijuana

The Board agreed to wait until the Planning Board made their presentation on April 10.

Article #21 - DPW Rolling Stock Replacement

It was on motion unanimously

VOTED: To support DPW Rolling Stock Replacement.

Article #22 - DPW Equipment

It was on motion unanimously

VOTED: To support DPW Equipment.

Article #23- DPW Underground Fuel Storage, etc.

The Board agreed to wait on this article.

Article #24 - Stearns Mill Pond Dam/Dutton Rd. Bridge

It was on motion unanimously

VOTED: To support Stearns Mill Pond Dam/Dutton Rd. Bridge.

Article #25 - Sudbury Public Schools Playground Improvement Funding.

The Board agreed to wait on this article pending clarification of funding cost.

Article #26 - SPS Playground Modernization.

The Board agreed to wait on this article pending clarification of funding cost.

Article #27 - Noyes School Fire Alarm System Replacement

The Board agreed to wait on this article regarding free cash.

Article #28 - LSRHS Phone System Replacement

The Board agreed to wait for FinCom recommendations.

Article #29 - Cutting Field

The Board agreed to wait on this article.

Article #30 - Construction of new Fire Station #2

The Board agreed to allow the Fire Chief to withdraw this article.

Article #31 - Fairbank Community Center Design Funds

The Board agreed to wait until further reports are presented.

Article #32 - Acquisition of Broadacre Farm

It was on motion unanimously

VOTED: To support amending Article #32 with language presented by Town Manager.

Article #33 - Melone Property Disposition

The Board agreed to wait on this article.

Article #34 - Lease Loring Parsonage

It was on motion unanimously

VOTED: To withdraw the article on lease of Loring Parsonage.

Article #35 - Pond Invasive Weed Removal

It was on motion unanimously

VOTED: To support Pond Invasive Weed Removal.

Article #36 - Wayside Inn Invasive Plant Species Removal

It was on motion unanimously

VOTED: To support Wayside Inn Invasive Plant Species Removal.

Article #37 - Acquisition of Broadacres Farm

The Board agreed to wait on this article.

Article #38 - Regional Housing Services Office Allocation

It was on motion unanimously

VOTED: To support Regional Housing Services Office Allocation.

Article #39 - Sudbury Housing Trust Allocation

It was on motion unanimously

VOTED: To support Sudbury Housing Trust Allocation.

Article #40 - CSX Alternative Acquisition Funding Reversion FY19

Vice-Chairman Simon presented a progress summary. A Board discussion took place during which the Board requested that the Town Manager ask for a clarification of the 2009 legal opinion from the Department of Revenue concerning the use of CPA funds for this acquisition. Selectman Iuliano raised a question whether the wording in the original 2008 warrant article to purchase the CSX corridor in fee simple might require reversion of these funds.

It was on motion unanimously

VOTED: To withdraw a motion to support CSX Alternative Acquisition Funding Reversion FY19, and to report at Town Meeting.

Article #41 - Reversion of Funds FY19

It was on motion unanimously

VOTED: To support Reversion of Funds FY19.

Article #42 - FY19 Community Preservation Fund - General Budget and Appropriations

It was on motion unanimously

VOTED: To support FY19 Community Preservation Fund - General Budget and Appropriations.

Article #43 - Petition - Release of Deed Restriction

The Board agreed to wait on this article for presentation at the 4/10/18 meeting.

Article #44 - Welcoming Town

The Board agreed to wait on this article for presentation at the 4/10/18 meeting.

Article #45 - Resolution - Transparency in Political Donations

The Board agreed to wait on this article for presentation at the 4/10/18 meeting.

**Discussion and vote whether to authorize the Town Manager to enter into a contract of up to \$140,000 with Jacobs Engineering to finalize the 25% design of the Bruce Freeman Rail Trail to continue eligibility for TIP funding**

Town Manager Rodrigues recommended waiting to vote on this until Town Counsel completes their review. The Board agreed to wait on this article.

**Citizen's Comments (cont.)**

There were no citizen's comments.

**Discuss upcoming Agenda Items**

Vice-Chairman Simon would like to reschedule the Town Marijuana Forum, which was cancelled due to the storm. He suggested that the Forum be rescheduled to a weeknight before May Annual Town Meeting at Town Hall from 7:00 p.m. – 9:30 p.m.

Selectman Iuliano suggested including the topic of the Town Manager Evaluation at the next meeting.

Selectman Brown spoke of a Senior Needs Evaluation by UMass. She also suggested that the revised Transportation Committee Mission Statement be included in the next Selectmen's agenda.

Selectman Carty suggested that the rescheduled meeting with legislators take place on the last meeting in April and the first meeting in May since both legislators are unable to meet on the same day. He also suggested that he would like to see a new category appear as a monthly agenda item - to review the status of various on-going projects.

**Send letters of appreciation to Whole Foods and Longfellow Club**

Chairman Haarde said that during the last storm, Whole Foods provided a large quantity of food to the shelter and Longfellow Club made showers available to residents.

It was on motion unanimously

VOTED: To send letters of appreciation to Whole Foods and Longfellow Club for providing valuable aid to the Town of Sudbury during the recent March snowstorms.

**Sign grant application from Mass Housing for technical assistance**

It was on motion unanimously

VOTED: To sign the grant applicant from Mass Housing for technical assistance for the Housing Production Program.

**Sudbury Housing Trust reappointments and resignation**

It was on motion unanimously

VOTED: To re-appoint Kelley Cronin, 244 Lincoln Road, and Cynthia Howe, 38 Birchwood Avenue, to the Sudbury Housing Trust, both terms to expire April 30, 2020, and send a letter of appreciation to Robert Morrison, 16 October Road, who has resigned.

**Billiards table license renewal for the American Legion Sudbury Post #191, Inc.**

It was on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, vote to renew a billiards table license for the American Legion Sudbury Post #191, Inc., Phillip M. McKenzie, Manager, 676 Boston Post Road, said license expires on May 1, 2018.

**Special Permit to the Sudbury Companies of Minute and Militia, to hold the annual Parade to Commemorate Patriot's Day on Thursday, April 19, 2018**

It was on motion unanimously

VOTED: TO Grant a Special Permit to the Sudbury Companies of Minute and Militia, to hold the annual Parade to Commemorate Patriot's Day on Thursday, April 19, 2018, from 5:30 A.M. through approximately 12:30 P.M., subject to Police Department safety requirements, Proof of Insurance Coverage and the assurance that any litter will be removed at the parade's conclusion.

**Approve the regular session minutes of January 9 and January 23, 2018**

It was on motion unanimously

VOTED: To approve the regular session minutes of January 9 and January 23, 2018, as amended.

**Conservation Restriction approval for 4 Maynard Road Sudbury, LLC**

It was on motion unanimously

VOTED: To approve and signify such approval of a Conservation Restriction granted under M.G.L., c.40 8C by 4 Maynard Rd Sudbury, LLC, on land located at 4 Maynard Rd., Sudbury, and containing 3.62 a. +/- described as "Proposed Conservation Restriction Area" on a Plan dated March 16, 2017, revised through July 27, 2017, by Connorstone Engineering.

There was a motion made to adjourn the Selectmen's meeting.

It was on motion unanimously

VOTED: To adjourn Selectmen's Meeting.

There being no further business, the meeting adjourned at 10:00 p.m.

Attest: \_\_\_\_\_  
Melissa Murphy-Rodrigues  
Town Manager-Clerk