

IN BOARD OF SUDBURY SELECTMEN  
TUESDAY, APRIL 10, 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 7:00 p.m. in the Lower Town Hall.

At 7:00 p.m., Chairman Haarde opening the meeting and congratulated Janie Dretler on her election as Selectman, and Dan Carty for his re-election as Selectman, and all others who ran in this election.

Chairman Haarde said that he, Vice-Chairman Simon, and Selectman Carty attended the White Ribbon Event for Domestic Violence Prevention today, and found it very interesting. He added that his takeaway was to speak of the White Ribbon message tonight, and to consider how he can further spread the message about this worthwhile cause.

Chairman Haarde announced that Annual Town Meeting voter registration deadline is April 17, and registration hours are 8:30 a.m.–8:00 p.m. at the Town Clerk's office. He added that The Regional Open Meeting Law Training Workshop is rescheduled to Wednesday, May 16, at Town Hall from 5:30 p.m. – 7:30 p.m.

**Town Manager's Report**

Town Manager Rodrigues announced that Town Meeting will begin on Monday, May 7, at 7:30 p.m. at the Lincoln-Sudbury Regional High School, and babysitting will be available the first night. Anyone interested can register on the Town website.

Town Manager Rodrigues recognized that this week is National Dispatchers Week, and she gave special thanks to dispatchers in the Police Department.

The storm debris pick-up update was outlined by Town Manager Rodrigues. She said that contractor bids were due to her by Thursday and that a contract would be signed on Friday for debris pick-up to begin on Monday. Residents can deposit debris caused by the storms at the Melone property starting Monday, April 16 through June 1, from 8:00 a.m.–3:00 p.m., Monday through Saturday. Residents will need a photo ID to enter the Melone property.

**Selectmen Report**

Selectman Carty said that he thought the White Ribbon Event held today was very worthwhile and an eye-opener; he would talk to his kids about the importance of this issue.

Selectman Carty stated that he and Selectman Iuliano attended the SPS School District Administrative Structural Subcommittee Meeting last night, and he attended the Capital Funding Commission Meeting last week.

Selectman Carty announced that the Sudbury Agricultural Commission, in partnership with the Sudbury Historical Society, will sponsor a Barn Tour on May 5, and for more information regarding the Tour contact the Historical Society at [www.sudbury01776.org](http://www.sudbury01776.org).

Selectman Brown attended the MAGIC Legislative Breakfast, which was a tribute to Niki Tsongas. Other topics covered at the Breakfast included the legislative budget and its release on April 11, Zoning Legislation, and the Community Preservation Act Funding.

Vice-Chairman Simon thanked all candidates who ran in the Town Election, including Dan Carty, who was re-elected to the Board of Selectmen, and the new member on the Board, Janie Dretler. All election results are posted on the Town website.

Vice-Chairman Simon was pleased to see many men at the White Ribbon Event today, and suggested a future Board of Selectmen agenda item which might advocate for such a program in Sudbury.

Vice-Chairman Simon announced that the Selectmen's office hours will be held on Wednesday, April 25, 5:00 p.m. at the Flynn Building, and he and Selectman Carty will be in attendance.

Vice-Chairman Simon stated that the Town Form on the Marijuana is re-scheduled to Thursday, April 26 at 7:00 P.M. at Lower Town Hall. The two expert panelists at the event will be Police Chief Scott Nix and Attorney Katherine Laughman of KP Law. Vice-Chairman Simon maintained that the purpose of the Forum is to educate and inform residents about the proposed cultivation and sale of marijuana, and how it affects Sudbury.

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

Resident Ralph Tyler, One Deacon Lane, stated that the Senior Citizen Property Tax Exemption plan is in its fifth year, and must be voted on every three years. He added that this exemption became law in Sudbury, thanks to the efforts of Chairman Bob Haarde and Selectman Susan Iuliano. Mr. Tyler said that the program has been a success for the last five years, and wondered when the Selectmen would take a stand on this exemption for presentation at Town Meeting.

Selectman Iuliano thanked Mr. Tyler on his great contribution to this tax exemption program.

**Application of SRG Restaurant d/b/a Oak Barrel Tavern of Sudbury to sell alcoholic beverages on the premises, and to change the interior floor layout and add an enclosed outdoor patio**

Present: Jeffrey Charloff, Owner; and Peter Barbieri, Attorney.

At 7:15 p.m., Chairman Haarde motioned to vote to open the public hearing.

It was on motion unanimously

VOTED: To open the public hearing.

Mr. Barbieri stated that the landlord agreed to the proposed outside seating with handicapped accessibility for 48 seats. He added that the internal seating was reduced to 18 seats, and the new 48 seats would be on the outdoor patio.

Vice-Chairman Simon asked when the opening date would be, and Mr. Barbieri replied mid-June.

Selectman Carty inquired if the outdoor patio area would be screened. Mr. Barbieri said that it would not, and that there would be a fence around the patio.

Chairman Haarde asked about the height of the fence, and Mr. Barbieri replied that it would be three feet high.

Selectman Iuliano inquired if everything was going along smoothly. Mr. Barbieri affirmed that everything was going along well.

It was on motion unanimously

VOTED: As the Local Licensing Authority, approve the application of SRG Restaurant of Sudbury, LLC, d/b/a Oak Barrel Tavern, 528 Boston Post Rd., Sudbury, for an amendment to its license to sell alcoholic beverages on the premises, under G. L. Ch. 138, s.12, Richard Lanza, Manager. The premises are described as follows: one story, 5,500 square foot restaurant. Approve the application for an Alteration of Premises to change the interior floor layout and add an enclosed outdoor patio area adjacent to the restaurant.

**Discussion and vote on Special Town Election ballot questions and submit ballot questions to the Town Clerk**

Town Manager Rodrigues said that timing would not work to have the election on May 21, as there is not enough time to follow policy and include a pros and cons discussion. She suggested having the election in September on the same day as the primary, or having the election in mid-June. Having the election in mid-June could allow the dam project to begin sooner. Town Manager Rodrigues recommended that the Board ratify one of the dates at the next meeting on April 24.

Vice-Chairman Simon stated that having that election in September might increase voter turnout, and save the Town the expense of two meetings. He also recognized that having the meeting in mid-June might help address the safety issue associated with the dam, so work could begin earlier than September.

Town Manager Rodrigues said this item would be put on the next meeting agenda.

**Military Appreciation Month**

It was on motion unanimously

VOTED: To acknowledge that the month of May is Military Appreciation Month and vote to sign proclamation in this regard.

**Minutes of February 6, 2018**

It was on motion unanimously

VOTED: To approve regular session minutes of February 6, 2018.

**Special Permit to SMILE Mass, to Hold the “Run Into Summer” on Wednesday, June 13, 2018**

It was on motion unanimously

VOTED: To Grant a Special Permit to SMILE Mass, to Hold the “Run Into Summer” on Wednesday, June 13, 2018, from 7:00 P.M. through approximately 8:30 P.M., subject to Police Department safety requirements, Proof of Insurance Coverage and the assurance that any litter will be removed at the race’s conclusion.

**One-day Wine & Malt license for a Knights of Columbus fundraiser on Saturday, April 28, 2018**

It was on motion unanimously

VOTED: Vote to grant a 1-day Wine & Malt license to William E. Kneeland, Jr, to accommodate a Knights of Columbus fundraiser on Saturday, April 28, 2018 from 6:00 PM to 10:30 PM at Our Lady of Fatima Parish Hall, 160 Concord Road, subject to the use of a TIPS-trained bartender and a receipt of a Certificate of Liability.

**One-day All Alcohol license to Goodnow Library Foundation, Inc.**

It was on motion four aye and one abstain. Haarde-aye, Carty-aye, Iuliano-aye, Brown-aye, Simon-abstain.

VOTED: To grant a 1-day All Alcohol license to Goodnow Library Foundation, Inc., to accommodate a 10th Anniversary Fundraiser on Saturday, April 28, 2018 from 7:00 PM to 10:00 PM at Goodnow Library, 21 Concord Rd, subject to the use of a TIPS-trained bartender and a receipt of a Certificate of Liability.

**Accept a \$5,000 donation from Our Lady of Fatima Parish**

It was on motion unanimously

VOTED: To accept a \$5,000 donation from Our Lady of Fatima Parish to be used for assisting single mothers in town with furthering their education. Said funds to be used at the discretion of the Town Social Worker.

**Accept two grant checks from the Sudbury Foundation, totaling \$22,732**

It was on motion four aye and one abstain. Haarde-aye, Carty-aye, Brown-aye, Simon-aye, Iuliano-abstain.

VOTED: To accept two grant checks from the Sudbury Foundation, totaling \$22,732, to support the part-time Senior Volunteer Coordinator position at the Fairbank Senior Center. Said funds to be used at the discretion of the Senior Center Director.

**Approve a contract for disaster generated debris removal**

Chairman Haarde asked if this item is for a future contract. Town Manager Rodrigues said that because the Board is getting bids for the contract on Thursday, with the approval of contract on Friday; the Board must approve this now, or the clean-up plan would be delayed until after April 24. Chairman Haarde recommended that the item be reworded so that Town Manager could approve the contract this Friday.

Vice-Chairman Simon asked if the Board would go through an emergency procurement process. Town Manager Rodrigues responded that it would be treated as an emergency procurement process, which waives the timing of the process.

Vice-Chairman Simon stated that he had the Sudbury State of Emergency draft letter for members to review, with minor modification.

**Authorize Town Manager to sign a contract for disaster generated debris removal**

It was voted on motion unanimously

VOTED: To authorize Town Manager to sign a contract for disaster generated debris removal.

**Approve transfer of \$50,000 of mitigation funds from Town and School Technology to the Goodnow Library for the Maker Space**

Chairman Haarde inquired about the Maker Space, and Town Manager Rodrigues responded that the Maker Space is the newly constructed teen area of the library.

Vice-Chairman Simon added that the Maker Space will open by April 28.

It was on motion unanimously

VOTED: TO approve transfer of \$50,000 of mitigation funds from Town and School Technology to the Goodnow Library for the Maker Space.

**Approve the execution of an Agreement for Technical Services for continuing stormwater management consulting services by Woodard & Curran, Inc.**

It was on motion unanimously

VOTED: To approve the execution of an Agreement for Technical Services for continuing stormwater management consulting services by Woodard & Curran, Inc. set forth as Appendix A to the contract dated March 1, 2018, and related to compliance with the DPW Phase 2 MS4 Permit and other stormwater-related tasks.

**Approve revised Transportation Committee Mission Statement**

It was on motion unanimously

VOTED: To approve the revised Transportation Committee Mission Statement as requested by Selectman Brown.

**Approve execution by the Town Manager of contracts related to the restoration and rehabilitation of the Town Hall pursuant to ATM 2018 article 31, as requested by the Permanent Building Committee**

It was on motion unanimously

VOTED: To approve execution by the Town Manager of contracts related to the restoration and rehabilitation of the Town Hall pursuant to ATM 2018 article 31, as requested by the Permanent Building Committee.

**Discussion and presentation on Race Amity Day film documentary by resident William H. Smith**

At 7:35 p.m., Chairman Haarde introduced Dr. William Smith, Ed.D.

Resident Dr. William Smith, 35 Ruddock Road, stated that as member of the National Center for Race Amity, whose mission is to bridge the racial divide, he produced the film documentary, "An American Story: Race Amity and the Other Tradition Day." He asked the Board to support Race Amity Day. A law, which was signed by Governor Baker, states that June 10, 2018 (or the second Sunday in June) will be proclaimed Race Amity Day. Dr. Smith invited the Selectmen to attend a reception with Chief Nix at the Police Station before the documentary is televised on April 12, at 9:00 p.m. on WGBH. Dr. Smith asked for support of this special day so that it can be recognized in perpetuity. He also asked that the Board designate a member to work with the Race Amity Day Task Force, and to support a small event on or around June 10 to recognize the day.

Chairman Haarde said that the topic will be put on the agenda for further discussion at the next meeting on April 24.

Selectman Iuliano asked if the National Clergy Foundation has been involved in this special designation.

Dr. Smith responded that an official request for support was going out to Clergy and to the School Committee this week.

Chairman Haarde stated that this proclamation is a great thing. Selectman Brown agreed, and said that she was looking forward to seeing the documentary.

Dr. Smith stated that it took him and the National Center for Race Amity 5 years to get to this point.

Selectman Carty said that there is much to be learned, and thanked Dr. Smith for all his efforts.

Dr. Smith added that the long-term goal is to have Congress proclaim national Race Amity Day.

**Meet with petitioners Christopher Murray (Deed Restriction), John Keklak (Political Donations), and Fred Taylor (Welcoming Town) to discuss their Town Meeting articles**

Petition: Release of Deed Restriction

At 7:40 p.m., a deed restriction discussion took place.

Present: Owner, Charles Guthy, 24 Pinewood Avenue, and his representative, Christopher Murray.

Mr. Murray said that Mr. Guthy is petitioning to obtain a deed release to allow him to build on the lot he owns, between 25 Pinewood Avenue and 35 Pinewood Avenue. This would then allow Mr. Guthy to apply for a special use permit to build a house on the property. Mr. Murray detailed that Mr. Guthy bought the lot from the Town in 2011, and now wants to construct a home similar in size and style to other homes in the neighborhood.

Mr. Guthy said that he wants to build a house to be near his elderly parents and to be able to raise a family in Sudbury where he has lived all his life.

Selectman Iuliano asked why the deed restriction was put on the land as a non-buildable lot. Mr. Murray responded and said that the lot did not conform to the Town bylaws.

Selectman Brown provided a narrative regarding the history of the lot. In 2009 there were two articles presented at Annual Town Meeting to provide affordable housing on this and another lot, and that decision was postponed. In 2011, the articles were presented to the Town again, and the neighborhood did not want building on those lots, including this lot. She added that the lot in question was sold to Mr. Guthy as “non-buildable.”

Mr. Guthy stated that he has been in contact with abutters, and added that whatever the neighbors want, he would accommodate while building a home on the lot.

Selectman Carty stated the lot was specifically sold as a non-buildable lot. Chairman Haarde maintained that this is not a decision for the Board, but a formative step towards Town Meeting.

Town Manager Rodrigues read the minutes reflecting the time when the lot was sold in 2011. Chairman Haarde confirmed that feedback from abutters and neighbors is key, and this must pass at Town Meeting on a majority vote, and then the petitioner could apply to the Zoning Board of Appeals. Additionally, the Town would need to record and negotiate a new deed. Vice-Chairman Simon reiterated the mandatory process.

**Petition: Resolution Supporting State and Federal Legislation to Provide Greater Transparency in Political Donations and Limit the Influence of Money in Politics**

Present: Resident John Keklak, 12 West Street

Mr. Keklak said that he has lived in Sudbury since 1996, and is representing the Represent Us movement for legislative reform to reduce monetary corruption in politics, and is advocating for the passing of the “American Anti-Corruption Act” legislation. Mr. Keklak outlined the primary areas of focus regarding this proposed bill.

Selectman Carty asked Mr. Keklak what the residents of Sudbury and its elected officials are saying about the proposed bill. Mr. Keklak stated that he could not answer that question, as he is not one of the primary “Represent Us” spokesmen, but did know that S. Dakota officially passed this bill.

Selectman Brown said that the towns of Acton and Concord approved similar regulations. Mr. Keklak said that he would further research and report back to the Board.

Vice-Chairman Simon maintained that support at Town Meeting would be an important step. Mr. Keklak responded that a positive vote at Town Meeting would encourage representatives at higher levels to enact such a law, especially at the national level.

Selectman Iuliano questioned if there were any similar bills before Massachusetts legislators at this time. Mr. Keklak reiterated that he would research this area and follow-up, but expect that some legislators on Beacon Hill have been approached.

Vice-Chairman Simon thanked Mr. Keklak and the Represent Us movement for bringing this proposal to the people at Town Meeting, and added that getting monies out of politics would be a great thing.

Petition: Sudbury Welcoming Town Resolution

Present: Resident, Fred Taylor, 38 Cider Mill Road

Mr. Taylor recognized that this proposed resolution would communicate and affirm existing policies, and ensure that all immigrants are able to participate in the civic and economic life in Sudbury, as well as being protected by public safety policy without fear of status vetting. Mr. Taylor stated that the primary objective is to provide education for the public before going into Town Meeting, and to continue working with Chief Nix. He thanked Selectman Iuliano for her assistance in this matter. Mr. Taylor provided the SudburyWelcomingTown.org website, and stated that on April 26 there will be a meeting at the Goodnow Library to go over the resolution and have a discussion.

Selectman Iuliano thanked Mr. Taylor and Chief Nix for their efforts with continued informative discussion, and goals being addressed.

Vice-Chairman Simon asked if Chief Nix supports the resolution. Mr. Taylor responded that he believed that the resolution had the support of Chief Nix. However, Selectman Iuliano stated that Chief Nix could not take such a stand publicly.

A group discussion ensued regarding present policies, and the suggestion was made to invite Chief Nix to speak before the Board at the April 24 meeting.

**Review Town Meeting articles, take positions on articles, and assign presentations**

Town Manager Rodrigues said that the Board could vote on the articles, and would not have to wait to hear the Assessor’s presentation at the April 24 meeting before voting on the Senior Tax Exemption.

There was a motion to support Article 12 and Article 13– Eversource at \$115,000, and Sudbury Station at \$125,000.

Article 12 - Fund Litigation Costs - Eversource

It was on motion three aye and two recuse; Haarde-aye, Simon-aye, Iuliano-aye, Brown-recuse, Carty-recuse.

VOTED: To support Fund Litigation Costs – Eversource.

Article 13 - Fund Litigation Costs – Sudbury Station Project

It was on motion unanimously

VOTED: To support Fund Litigation Costs – Sudbury Station Project

Article 15 - Means Tested Senior Tax Exemption Extension

It was on motion unanimously

VOTED: To support Means Tested Senior Tax Exemption Extension

Article 25 - Sudbury Public Schools Playground Improvement Funding

It was on motion unanimously

VOTED: To support Sudbury Public Schools Playground Improvement Funding.

Article 27 - LSRHS Phone System Replacement

Town Manager Rodrigues stated that the Finance Committee supports the new phone system replacement article at \$80,000.

It was on motion unanimously

VOTED: To support LSRHS Phone System Replacement

Article 30 - Fairbank Community Center Design Funds

Selectman Brown recommended that it would be best not to go forward with this article at this time, and rather spend the summer working with the outreach/information plan. Town Manager Rodrigues stated she and Selectman Brown worked on a six-month outreach strategy plan.

The Board decided to make a decision on this article at a later time.

Article 34 - CPC – Playground Modernization for Sudbury Public Schools

It was on motion unanimously

VOTED: To support Playground Modernization for Sudbury Public Schools.

**Vote to sign Annual Town Meeting Warrant which must be delivered to residents by 4/30/18**

Vice-Chairman Simon moved that the Board sign the Warrant with the modifications made this evening.

Resident Susan Berry, 4 Dawson Drive, asked if the Finance Committee vote was needed. Town Manager said not.

It was on motion unanimously

VOTED: To sign Annual Town Meeting Warrant with modification, which must be delivered to residents by 4/30/18.

**Discussion on Town Manager evaluation**

Selectman Brown stressed that Town Manager Rodrigues is “a rock star,” and all members agreed on that. She outlined that the evaluation procedure could be improved. Selectman Iuliano agreed and added that Board members could refer to the suggested Town Manager Evaluation procedure modifications on pg. 150 in the Board of Selectmen packet.

The Board members all agreed that Town Manager Rodrigues is doing an excellent job, and agreed that the process needs some revision. Chairman Haarde suggested a fiscal year evaluation timeline. Selectman Iuliano stated that the calendar year evaluation is preferable.

**Appoint a subcommittee to negotiate a potential successor contract with Town Manager**

Chairman Haarde asked if a subcommittee was needed or if one member could handle the contract with Town Manager. Selectman Iuliano responded that legal advice would probably be preferred regarding a new ruling if using a subcommittee. A group discussion followed.

It was on motion unanimously

VOTED: To appoint Vice-Chairman Simon and Selectman Carty as subcommittee to negotiate a potential successor contract with Town Manager.

**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**

Present: Beth Suedmeyer, Environmental Planner with the Planning Board

At 9:22 p.m., Town Manager Rodrigues stated that MassDOT is requiring bridge structural plans regarding the Bruce Freeman Rail Trail (BFRT) project, and this would reflect the finalization of the 25% design plan. She recommended that the 25% completion work be done by Jacobs Engineering, and that the remaining 75% of the project go out to bid.

Selectman Brown asked if the Town has any experience with Jacobs Engineering. Town Manager Rodrigues responded that Jacobs has extensive bridge experience and the principal engineer on this project has specific rail trail experience.

Vice-Chairman Simon added that the principal at Jacobs completed the trail in Concord, and is a very good choice.

Ms. Suedmeyer stated that Jacobs Engineering proposes to prepare preliminary structural plans and finish the 25% design of the BFRT. The previous Engineering firm, VHB, did not complete the bridge structural plans. MassDOT now demands these plans in order for the project to move forward. Sudbury's scope of work for the 25% design contract with VHB did not include the bridge plans.

Resident Richard Williamson, 21 Pendleton Road, said the quality of work, design and bridge construction at the newly completed bridge in Acton on the Bruce Freeman Rail Trail is excellent. He added that the principal engineer for this project at Jabs Engineering was responsible for that work, and stressed that the Board should move forward with Jacobs Engineering.

Resident Dan De Pompei, 35 Haynes Road, said that he is very interested in this contract, has contract experience, and knows the state and federal requirements. He would like to know what the legal contract states, and that the Board should not violate their own bylaws.

Selectman Brown said that she was not pleased with VHB and how they left the project in this dilemma.

Chairman Haarde added that perhaps the Town would not be in this position, if VHB had acted appropriately. Vice-Chairman Simon agreed and added that the 25% design aspect must be completed.

Selectman Carty stressed the importance of establishing a plan to review ongoing projects on a scheduled basis, to avoid situations like this.

Chairman Haarde said that he would feel most comfortable putting this part of the project out to bid.

It was on motion two in favor, two not in favor, and one abstain. Simon-aye, Iuliano-aye, Carty-no, Haarde-no, Brown-abstain.

VOTED: Not 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.

It was on motion four in favor, Selectman Simon abstain.

VOTED: To authorize the Town Manager to initiate the bid process for the bridge design work for the Bruce Freeman Rail Trail.

**Citizens Comments (cont.)**

Resident Dan De Pompei, 35 Haynes Road, reiterated that Sudbury's bylaws do not conflict with MassDOT's standards. He believes the Town is responsible for enforcing its bylaws and this requirement should always be in the contracts.

**Upcoming agenda items**

Town Manager Rodrigues mentioned DPW Appreciation Day, with information on the process of ordering Rain Barrels. She also stated that Chief Nix will be present to address the Welcoming Town topic.

Selectman Iuliano shared that another item for the next meeting could include the finalization of the Newsletter, Approval of the Town Manager Summary Evaluation, and revision of the evaluation procedures.

Vice-Chairman Simon said that Mr. Keklak will return to the next meeting with additional information regarding the resolution for political donations.

Town Manager Rodrigues added that the Planning Board would attend to discuss the marijuana zoning. She added that the DPW fuel island article would be covered as well. The Board would not require the Assessors Office to present the Senior Tax Exemption unless they wanted to. Town Manager Rodrigues said that Senator Eldridge is also scheduled to present at this meeting, and the Amity Day Proclamation was also on the agenda.

Selectman Brown stated that the Fairbank Task Force asked to present at the next meeting.

Town Manager Rodrigues reminded the Board that a decision would have to be made at the April 24<sup>th</sup> meeting on selecting a date for the Special Town Election.

There being no further business, the meeting adjourned at 10:40 p.m.

Attest: \_\_\_\_\_

Melissa Murphy-Rodrigues  
Town Manager-Clerk