

## IN BOARD OF SUDBURY SELECTMEN

TUESDAY, APRIL 24, 2018

Present: Chairman 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.

### **Opening remarks by Chairman**

At 7:00 p.m., Chairman Haarde opened the meeting and announced that Sudbury has joined the AARP Livable Communities Network, and while researching for his Newsletter article, he found that the Livable Communities concept is about the livability of a community for all ages. He added that some of the factors involved in that livability determination have to do with education, social interaction, physical aspects, transportation and many other areas. Chairman Haarde thought that this Network membership is most timely, considering the Fairbank Center project.

Chairman Haarde stated that real estate and personal property taxes are due on May 1. He said that the Eversource helicopter has begun aerial inspection of the regional grid. He also said that spraying for mosquitos began yesterday.

Chairman Haarde stated that the Selectmen Office Hours will be on Wednesday, April 25 in the Flynn Building Silva Room from 5:00 p.m. to 6:00 p.m., and Selectman Carty and Vice-Chairman Simon will be in attendance. He added that the Annual Town Meeting commences Monday, May 7 at 7:30 p.m. at the LSRHS Auditorium.

### **Reports from Town Manager**

Town Manager Rodrigues announced that the Sudbury Annual Roadside Clean-up will take place on Saturday, May 19. More information on the Clean-up is available on the Town website.

Town Manager Rodrigues announced that there are several Town Committee openings; one opening with the Design Review Board, and the Finance Committee is also seeking applicants. Town Manager Rodrigues stated that there are two employment positions open for light equipment operators at the DPW, and the application process can be done online.

Town Manager Rodrigues mentioned the Rain Barrel Program. Rain barrels can be ordered online, and picked up on May 21 at the DPW building. Town Manager Rodrigues thanked the DPW and Mayer Tree Service for the great job being done with the storm debris clean-up; and she has received much positive feedback from residents. Every Friday the clean-up plan and the schedule map are updated on the Town website.

### **Reports from Selectmen**

Vice-Chairman Simon announced that the Marijuana Town Forum will be open to the public and is scheduled for Thursday, April 26<sup>th</sup> at 7:00 p.m. at Lower Town Hall. Police Chief Scott Nix and Town Counsel will be presenting the status of the current marijuana law and its impact. He added that the Forum is intended to inform residents about what is happening with state legislation, and what could happen depending on the outcome of the vote at Town Meeting.

Vice-Chairman Simon encouraged residents interested in Town matters to apply in response to the openings on the Design Review Board and the Finance Committee. Those interested can get applications from the Selectmen's Office or on the website.

Selectman Brown stated that the Route 20 shuttle had started running, and thanked BayPath Elder Services for the grant, and the MetroWest Regional Transit Authority and COA Director, Deb Galloway, for making this much needed additional transportation possible.

Selectman Brown said that she attended the Race Amity Day presentation and reception at the Police Station and it was a positive event. She thanked Dr. Smith and his group for all their efforts.

Selectman Brown thanked DPW for all their hard work involved in the storm cleanup.

Chairman Haarde said that the Route 20 shuttle will run every Tuesday and Thursday evening; he provided the transportation hours and summarized the route schedule. This additional transportation is a great amenity for Sudbury.

Selectman Iuliano said that the Council on Aging has been working on this shuttle program for a long time, and they are continuing their work on the shuttle program. Selectman Brown added that the shuttle schedule can be picked up at the Council on Aging office or online.

Selectman Carty announced that the Sudbury Farm and Barn Tour will take place on May 5, and is sponsored by the Agricultural Commission and the Sudbury Historical Society. More information regarding the Tour can be found online at [Sudbury01776.org](http://Sudbury01776.org).

Selectman Carty extended special thanks to DPW for their hard work with the storm cleanup. He added that the weekly cleanup status report and mapping is a good idea and most helpful.

**Vote to proclaim the second Sunday in June to be Race Amity Day in the Town of Sudbury**

Chairman Haarde shared that there was an impressive turnout for viewing the televised documentary and the reception following. He added that there are plans for production of future episodes.

It was on motion unanimously

VOTED: To proclaim the second Sunday in June to be Race Amity Day in the Town of Sudbury.

**In recognition of National Public Works Week, May 20-26, 2018, vote to extend sincere thanks to the entire Sudbury DPW staff**

It was on motion unanimously

VOTED: To extend sincere thanks to the entire Sudbury DPW staff for their outstanding efforts during the recent snowstorms, in recognition of National Public Works Week, May 20-26, 2018.

**Approve FY19 rates for transfer station stickers**

It was on motion unanimously

VOTED: To approve the FY19 rates for transfer station stickers as recommended by DPW Director Dan Nason, who is advising leaving them at the FY18 amounts.

**Approve the regular session minutes of 2/27/18**

It was on motion unanimously

VOTED: To approve the regular session minutes of 2/27/18.

**Citizen's comments**

At 7:13 p.m., Chairman Haarde recognized resident Dick Williamson, 21 Pendleton Road.

Mr. Williamson announced that May 11 is ribbon-cutting day for the completion of The Bruce Freeman Rail Trail in the towns of Westford, Carlisle, and Acton and that next year there will be a ribbon-cutting event for Concord. Mr. Williamson said he was very surprised at the last meeting when the Board did not vote to sign a contract with Jacobs Engineering to work on the next phase of the Bruce Freeman Rail Trail in Sudbury. He suggested that the Town Manager could overturn that decision.

**Meet with legislator Senator James Eldridge**

Present: Senator James Eldridge

At 7:15 p.m., Chairman Haarde welcomed Senator Eldridge to the meeting.

Senator Eldridge said that Representative Gentile and Senator Barrett are hoping to come to the next Board meeting. He stated that there have been House Budget debates and that revenues are stable, supporting proposed spending increases in several areas, and he is continuing to focus on closing corporate loop-holes. He is also working on Bill 3662 to increase the state match for towns participating in the Community Preservation Act. He added that he chairs the Financial Services Committee, and described the Airbnb bill which would establish a short-term rental taxation program for Massachusetts towns.

Senator Eldridge stressed that another priority of his has been local aid, including Ch. 70 – the Regional School Transportation bill and Ch. 90 funding which will help Sudbury with its necessary highway and road work. He described the funding of the state Regional Transportation Authorities (RTAs) so that shuttle services, such as the newly implemented shuttle in Sudbury, can be expanded. He is also advocating for more MBTA parking for Sudbury residents who use the commuter rail. He mentioned that he has also been working with vital social safety net programs, including increased funding for Council on Aging, and aiding low income and disabled populations. He has also been advocating fully funding the recommendations of the Foundation Budget Review Commission to provide more money for local schools.

Senator Eldridge informed the Board that he and Representative Gentile have requested a meeting with the Governor's Chief of Staff to discuss the Eversource transmission line proposal. He maintained that he and Representative Gentile would advocate for lines to be put underground on the existing road, and for new transmission lines not to be put on the abandoned MBTA line. He described the State Senate Omnibus bill requiring a higher standard regarding the approval of transmission lines, which includes a strong environmental and human safety component.

Selectman Iuliano thanked Senator Eldridge for supporting various issues important to Sudbury, especially the Eversource project. She also spoke of the Foundation Budget Review Commission. Senator Eldridge detailed that in the fall there will be a "millionaire's tax," with proposed added revenue going to education. Selectman Iuliano and Senator Eldridge continued discussing the educational funding topic.

Selectman Carty inquired about the modernization of Regional School Structure, and the funding formula. Senator Eldridge said that he would look into specific recommendations on this topic.

Selectman Brown asked about public safety in the context of the recent death of Officer Sean Gannon of Yarmouth, MA. She inquired about the Cape and Islands delegation, requesting public safety hearings at this time. She asked Senator Eldridge if he would be involved in these proposed hearings. Senator Eldridge said that he plans to participate in these described public hearings, and that the Criminal Justice Reform Bill recently signed by Governor Baker makes assault and battery on a police officer a felony.

Vice-Chairman Simon thanked Senator Eldridge for all he has done for Sudbury, and his recent letter in support of the CSX Rail Trail grant, and the expansion of the Bruce Freeman Rail Trail.

Chairman Haarde brought up the Eversource issue and stated that New Hampshire and New Jersey are fighting Eversource, and rejecting the proposals for utility right of ways for new transmission lines, and are insisting that Eversource work with existing lines, as the Town of Sudbury is also doing. Chairman Haarde stressed that new transmission lines are an unusually huge cost to the public as well as to the environment. Senator Eldridge applauded the Town for its continued effort in this regard. He further commended the Protect Sudbury group for all their work.

Selectman Carty asked about remote voting for disabled citizens. Senator Eldridge said remote voting was still in Committee with much effort being made to get it passed.

#### **Presentation of Fairbank Task Force's recommendation to the Board**

Present: Jack Ryan and Jim Marotta of the Fairbank Task Force.

At 7:45 p.m., Chairman Haarde welcomed members of the Fairbank Task Force.

Mr. Marotta said that he is also a member of the Park and Recreation Commission. He stated that the purpose of the Task Force was to provide an assessment of the Fairbank Center and its current state, and advise how to best renovate the building for the primary users: the Council on Aging, and Park and Recreation. He added that the Task Force did vote in favor of the new facility option at \$30 million dollars, and now recommends an outreach program to involve and educate residents before going to Town Meeting in the fall.

Mr. Ryan, who agreed with Mr. Marotta, said that he is also a member of the Council on Aging. He went on to say that at the conclusion of two different Fairbank feasibility studies by two different firms, both results came out favoring a new center. Both studies recommend that the Atkinson Pool stay where it is, and the building is solid, but the pool needs renovation. Mr. Ryan said that both Park and Recreation and the Council on Aging voted to support the new construction option. He stated that SPS is aware that they are not part of this plan moving forward.

Selectman Brown maintained that as a member of the Task Force, it is now time for the Board of Selectmen to support Fairbank, start with an education outreach program, and indefinitely postpone the Fairbank Community Center Design Funds Article at Town Meeting this spring.

Mr. Ryan stated that the Task Force is willing to continue working and move things along, but they need help with the elements involved in an outreach program, such as technological assistance, publicity, and social media.

Selectman Iuliano asked where the Park and Recreation Commission stood on this project. Mr. Marotta said that the Commission voted unanimously in favor of it, and felt this was the best solution, and now it's time for the Town to make the final determination.

Vice-Chairman Simon thanked Mr. Ryan and Mr. Marotta for all their help on the project, but thinks that the Town is ready to make this decision now, and further skill sets could be offered to move the project along. He firmly believes that an improved Fairbank Center is essential.

Selectman Iuliano stated that the Fairbank Task Force has done what it was asked to do, and now, if the Board agrees with the recommendation, the next phase is to move forward and educate the public.

Chairman Haarde agreed that the Task Force did what they were asked to do.

Selectman Brown stated that CIAC and the Finance Committee asked the Task Force what the cost would be to keep the Center and renovate it.

It was on motion four yes, and one no. Haarde-aye, Carty-aye, Brown-aye, Iuliano-aye, Simon-no.

VOTED: To acknowledge the report and the presentation of the Fairbank Task Force, and express Board of Selectmen's appreciation for the work done over the years.

Mr. Ryan reiterated that he and Mr. Marotta would be more than happy to continue the work on this project going forward, but they may not have all the skill sets necessary to educate the public effectively.

#### **Discussion on DPW Town Meeting Articles**

Present: Dan Nason, DPW Director

At 8:25 p.m., Town Manager Rodrigues introduced DPW Director, Dan Nason and stated that the Board was to discuss the proposed underground fuel storage tank aspect of the article.

Mr. Nason gave a summary of the current underground fuel tank, and the necessity for a new fuel tank and related system. He highlighted the fact that that the current system is 25+ years old, has many system failures, and parts are no longer available for repair. He stressed the safety hazard aspect as well as security and tracking factors involved.

Town Manager Rodrigues stated that a new system would serve as a fuel fraud deterrent.

Mr. Nason agreed and compared the 1.5 million dollar project proposal to similar systems and estimates that were recently bid in the towns of Needham and Billerica. The Town has had to go out and purchase fuel from other vendors at double the fuel cost to provide fuel for all Town emergency vehicles and for most all of the other Town department vehicles.

Selectman Iuliano questioned the financing and bonding aspect associated with the proposed project. Mr. Nason affirmed that this project would go through a public bid process.

Selectman Carty inquired about the bonding period. Town Manager Rodrigues responded that the bonding period would be about 20 years.

Vice-Chairman Simon shared projected cost estimates for buying fuel from vendors, and strongly supported the proposal for a new system. This would save the Town funds in staff travel to other locations for fuel as well as paying more for fuel if purchased elsewhere.

#### **Discuss Article 20 (Marijuana Zoning Bylaw) with Meagen Donoghue, Director of Planning and Community Development**

Town Manager Rodrigues told the Board that Ms. Donoghue would not be presenting tonight due to illness, but would present at the next meeting on May 1.

Resident, Vykki Mackenzie, 138 Maynard Road, stated that she advocated for medical cannabis cultivation in Sudbury, and owned a barn on her property that would be available for such cultivation.

She introduced her associate, Stephen Krasnow, Chief Growth Officer of Krasnow Ventures, a cannabis cultivation company.

Town Manager Rodrigues stated that Sudbury currently bans the cultivation of marijuana.

Mr. Krasnow said that his medical cannabis company is developing a product for metered dosing of cannabis and is actively seeking cultivating locations. His company wants to help improve the quality of life for those afflicted by disease and pain, and he shared a story of a terminally ill cancer patient that his company helped.

Vice-Chairman Simon asked if cannabis cured cancer. Mr. Krasnow responded that he did not know if cannabis cured cancer, but he knew that marijuana helped many medical conditions and diseases. Ms. Mackenzie added that her brother had Lyme disease, and felt that cannabis helped with his symptoms. She thought that dosing helps those with depression, and treats opioid addicted individuals as well.

Resident Jennifer Roberts, 14 Griffin Lane, asked if cultivation has a financial benefit for the Town.

Mr. Krasnow stated that the Town would get 3-4% of the revenue produced, and that the state of Massachusetts would get an even greater percentage of that taxed revenue.

Vice-Chairman Simon inquired about controls for re-sale of the product for recreational use. Mr. Krasnow responded that lawyers would have to intervene.

#### **Discussion and vote whether to endorse Housing Choice Initiative Designation Application**

Due to illness, Ms. Donoghue was not present.

Town Manager Rodrigues stated that it would be very beneficial for the Town to endorse the Housing Choice Initiative, as it would help secure necessary grants for the Town such as technical funding. She also emphasized that this endorsement would have to be granted at tonight's meeting in order to meet the application deadline of April 30.

Selectman Brown asked about qualifying timelines. Town Manager Rodrigues replied that the Town already qualifies.

Selectman Carty commented that if Sudbury Station materializes, the Town could then be over the 10% affordable housing ratio. Town Manager Rodrigues stressed that potential growth in that ratio would have no consequence as the approval would have already been granted.

Chairman Haarde agreed, stating that he wants to be sure that this designation did not obligate the Town in any way. Town Manager Rodrigues replied that it did not, and that the Town presently met all criteria for obtaining the designation.

It was on motion unanimously

VOTED: To endorse Housing Choice Initiative Designation application, as requested by Meagen Donoghue, Director of Planning and Community Development.

**Discussion on transition from Metropolitan Law Enforcement Council (MetroLEC) to Northeastern Massachusetts Law Enforcement Council (NEMLEC).**

Present: Police Chief Scott Nix

Chief Nix stated that he wanted to explain to the Board why the transition from MetroLEC to NEMLEC was the preferable option for Sudbury. He explained that NEMLEC provides extended services to the Town, such as assistance with missing persons, SWAT team action, detective services, safety programs for the schools, and provides a great training resource for younger officers. Chief Nix stated that Lincoln has been a member of the NEMLEC consortium for many years.

Vice-Chairman Simon stated that he was not familiar with either organization, and trusted the professional recommendations of Chief Nix and Town Manager Rodrigues.

Selectman Carty agreed with Vice-Chairman Simon and asked if the newly formed Lincoln-Sudbury School Safety Committee approved of this switch. Chief Nix confirmed that the Committee did, especially considering the fact that NEMLEC created the School Threat Assessment and Response System (STARS) program, and added that NEMLEC is a very powerful association.

**Discuss Welcoming Community Proposal**

Present: Police Chief Scott Nix

Chief Nix has been working with this proposed topic in regards to what the Police Department does and does not do now with the focus that public safety is not obstructed in any way. His biggest concern might possibly be putting some needed defense funding in jeopardy.

Town Manager Rodrigues stated that this proposal is a non-binding resolution before Town Meeting, and policies are in line now. She added that the question might be concerning grants from the Department of Justice, such as bullet-proof vests for the Police.

Chairman Haarde stated that he did not see the need for “sanctuary city” language in the proposal, and maintained that the Town of Sudbury is already a welcoming community.

Selectman Iuliano mentioned that this proposal is non-binding.

Vice-Chairman Simon asked Chief Nix if he was comfortable with existing policies. Chief Nix replied that he was comfortable with what the Department was currently doing.

Selectman Carty stated that there were several things that bothered him about this proposal; one being the included language, and another, possible denial of Police Department funding. Town Manager Rodrigues responded that the resolution could possibly affect funding.

Chairman Haarde stated that he did not want the Town divided, and felt this was the wrong thing to do.

Selectman Brown queried if the endorsement of the proposal compromised the safety of Sudbury residents. Chief Nix responded that the proposal is consistent with past and current practice.

Town Manager Rodrigues maintained that policies of the Town would not change.

It was on motion two for, two against, and one abstain. Haarde-No, Carty-No, Simon-Aye, Iuliano-aye, Brown-Abstain.

VOTED: Not to support Welcoming Town Proposal.

**Discussion and possible vote on Special Town Election date and ballot questions. Also submit ballot questions to Town Clerk**

Town Manager Rodrigues stated that Town Clerk Rosemary Harvell suggested that the Special Election be held on Tuesday, June 12, or to schedule the Special Town Election in September. Waiting until September could delay the Stearns Mill Pond Dam project, which for both safety and compliance reasons we don't want to do.

Town Manager Rodrigues stated that if the Board puts the ballot questions on the Town website tomorrow, that would be consistent with policy. She added that at the next meeting on May 1, the Board would see who volunteers to write the opposing positions prior to that meeting.

Selectman Brown repeated that the official ballot questions would be listed on the town website tomorrow.

It was on motion unanimously

VOTED: To rescind the prior Board of Selectmen vote to call a Special Town Election for May 21, and to schedule a Special Town Election for June 12.

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

Town Manager Rodrigues stated that several of the articles could be voted on at the next meeting on May 1, with others to be reviewed.

**Article #23 – DPW Underground Fuel Storage, etc.**

It was on motion unanimously

VOTED: To support DPW Underground Fuel Storage.

**Article #30 – Indefinitely Postpone Fairbank Community Center Design Funds**

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

VOTED: To indefinitely postpone decision on Fairbank Community Center Design Funds.

**Article #32 – Indefinitely Postpone Melone Property Disposition**

It was on motion unanimously

VOTED: To indefinitely postpone Melone Property Disposition

**Article #45 – Resolution – Transparency in Political Donations**

Town Manager Rodrigues stated that more information on this topic was forwarded to the Board.

The Board decided to wait on this decision.

Resident Bryan Semple, 15 Revere Street, inquired about Article 40, CSX reversion of funds, and Chairman Haarde answered that the Board did not take a position yet.

**Review draft Spring 2018 Board of Selectmen Newsletter and approve for distribution**

Selectmen Iuliano spoke of some revisions on her Stearns Mill Pond Dam article.

Town Manager Rodrigues stated that this was the first time that advertisements (Town public service announcements) had been added to the Selectmen Newsletter.

Vice-Chairman Simon said that advertisements promote a worthy public service.

It was on motion unanimously

VOTED: To review and approve draft Spring 2018 Board of Selectmen Newsletter copy with revision.

**Citizens Comments (cont.)**

None

**Discuss upcoming agenda items**

Town Manager Rodrigues mentioned that the Ponds and Waterways mission statement and membership needs to be discussed, as well as taking positions on more Town Meeting articles.

Selectmen Iuliano added that the formation of subcommittees for the Board of Selectmen Policy and the revised Town Manager Evaluation process would be on the next agenda. The new process would be included in the updated Selectmen's Policy. Additionally, the Town Manager's review for 2017 should be approved. The presentation by Senator Barrett and Representative Gentile would also be on the next agenda.

Selectman Brown suggested that on the first meeting after Town Meeting the moving of SPS administration from Fairbank as well as LS playing field fees should be discussed. Selectman Brown also mentioned that she wanted to have a discussion regarding the inactive boards and committee list sometime after Town Meeting. She also suggested discussing the HOME Consortium at a later meeting.

Vice-Chairman Simon requested that the dates of remaining 2018 Selectmen meetings be reviewed at a future meeting.

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

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

Melissa Murphy-Rodrigues

Town Manager-Clerk