

IN BOARD OF SUDBURY SELECTMEN

TUESDAY, MAY 1, 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.

Opening Remarks by Chairman

At 7:00 p.m., Chairman Haarde opened the meeting. He announced that the 2018 Open Burning Season ended today. He also announced that Annual Town Meeting starts Monday, May 7, at 7:30 p.m., at the LSRHS Auditorium, and will last at least two nights. Babysitting will be offered at the high school by Park and Recreation for the first night at a cost of \$10.00. He reminded that those planning to present at Town Meeting must complete the Town Meeting Presentation Form, which is on the Town website.

Reports from Town Manager

Town Manager Rodrigues also shared that Annual Town Meeting begins May 7. Storm debris cleanup continues, and the scheduling map will be updated every Friday and available online. Debris pick-up is also scheduled for Saturdays.

Chairman Haarde said that each town street will only be allotted one pick-up as the cost is very expensive. Town Manager Rodrigues added that residents can bring their debris to the Melone gravel pit from Monday - Saturday from 8:00 a.m. to 3:00 p.m., and residents must present their IDs.

Reports from Selectmen

Vice-Chairman Simon reported that the Annual Town Forum concerning Article 11, the Marijuana amendment, was very informative. The Forum presentation is available for viewing on Sudbury TV with additional information regarding Article 11 on the Town website.

Vice-Chairman Simon stated that he and Selectman Carty met to negotiate the new Town Manager contract, and will be following-up in the next few weeks.

Selectman Iuliano stated that residents have expressed thanks regarding the storm debris clean-up program in Town.

Selectman Brown said that the gala at the Goodnow Library last Saturday went very well, and she enjoyed it. She asked that residents complete the Livable Sudbury Survey, which was recently sent out.

Selectman Carty stated that the Livable Sudbury focus group met at the Police Station today, and had a great discussion. He thanked Vice-Chairman Simon for organizing a great Town Forum.

Selectman Carty added that the Sudbury Farm and Barn Tour will be held this Saturday, sponsored by the Agricultural Commission and the Sudbury Historical Society. For more information on this event, go to Sudbury01776.org. Chairman Haarde expressed his interest in attending the Farm and Barn Tour.

Citizen's Comments on items not on agenda

Resident Daniel De Pompei, 35 Haynes Road, stated that he wanted to make a change to a recent Selectmen's article regarding the Bruce Freeman Rail Trail. The original purpose of the CSX Article in 2008 was not to establish a rail trail, but to protect well fields and re-align Union Avenue, and to improve the traffic situation on Route 20. He agreed that the Rail Trail Article was approved at that time, but not executed, and a time limit has lapsed. Mr. De Pompei explained that after review, it was determined that the property is part of an "estate at

will,” and can be reverted without notice, and reversion of properties is not acceptable. He stated that legislators would probably be unable to change this situation though he wished they could.

Resident Jack Ryan, 155 Ford Road, and member of the Fairbank Task Force, stated that he and Jim Marotta had requested that the Board act on the Fairbank Task Force recommendation for the new building option as soon as possible. The Fairbank Task Force, Park and Recreation, and the Council on Aging would present the Fairbank funding article at fall Town Meeting, and emphasized there’s not much time to get a public awareness program established. Mr. Ryan hoped that the Board could make a decision now, and he requested that the Fairbank project be on the Selectmen’s agenda the week after Town Meeting.

Vice-Chairman Simon recognized Mr. Ryan’s comment, and shared that the next Selectmen’s meeting will be May 15 at 7:00 p.m.

Public Hearing: Consideration of utility petition to approve a plan presented by Nstar Electric Company d/b/a/ Eversource Energy and Verizon to remove and install one pole #66/18 and to install one sidewalk anchor guy on 66/18

Present: Dan Nason, DPW Director, and Christine Cosby of Eversource.

Chairman Haarde made motion to open the public hearing.

It was on motion unanimously

VOTED: To open a public hearing in Consideration of utility petition to approve a plan presented by Nstar Electric Company d/b/a/ Eversource Energy and Verizon to remove and install one pole #66/18 and to install one sidewalk anchor guy on 66/18. This work is necessary to remove the pole from the island at the Department of Public Works building entrance located at 275 Old Lancaster Road.

Ms. Cosby stated that this is a request to remove and install one pole, as further safety assurance, requested by the Town of Sudbury.

Selectman Carty asked where the replacement pole was going. Ms. Cosby responded that it was going to be installed behind the sidewalk. Mr. Nason stated that the purpose of this change is to help make the entrance to DPW safer.

Selectman Brown asked where the new pole was to be placed in regards to the brook. Mr. Nason affirmed that the new pole was not too close to the brook.

Vice-Chairman Simon asked when the change would be made, and Ms. Cosby replied it would be done as soon as possible.

Vice-Chairman Simon inquired if there was any downside to making this change, and Ms. Cosby and Mr. Nason maintained that there was no downside in doing this.

Chairman Haarde asked if there were any questions from the public, and there were none.

It was on motion unanimously

VOTED: To close the public hearing

It was on motion unanimously

VOTED: To approve the petition to approve a plan presented by Nstar Electric Company d/b/a/ Eversource Energy and Verizon to remove and install one pole #66/18 and to install one sidewalk anchor guy on 66/18. This work is necessary to remove the pole from the island at the Department of Public Works building entrance located at 275 Old Lancaster Road.

Accept donation of labor and materials from Lynch Tree Service and Cavicchio's

It was on motion unanimously

VOTED: To accept donation of labor and materials from Lynch Tree Service and Cavicchio's for Town Center and Grinnell Park improvements, as requested by Dan Nason, DPW Director.

Accept donations to support Park and Recreation Summer Concert Series

It was on motion unanimously

VOTED: To accept, on behalf of the Town, donations totaling \$866 from Multistate Tax Services, Bennos, Roche Brothers, and Tot Family Daycare to the Program Contributions and Donations Account (191448/483100) to support the Park and Recreation Summer Concert Series, as requested by Julie Harrington, Assistant Director of Parks, Recreation & Aquatics, in a memo dated 4/10/18.

Approve the award of contracts by the Town Manager for project management and design services in connection with the Town Hall restoration/rehabilitation project

It was on motion unanimously

VOTED: To approve the award of contracts by the Town Manager for project management and design services and such incidental services as may be necessary in connection with the Town Hall restoration/rehabilitation project (ATM 17 CPC Art. 31), upon the recommendation of the Permanent Building Committee acting as the Town's Designer Selection Committee.

Ponds and Waterways Committee mission statement

Present: Mary Addonizio, Diane Muffit, and Frank Lyons, Members of the Ponds and Waterways Committee.

Town Manager Rodrigues welcomed the members of the Ponds and Waterways Committee. She and Diane Muffit had discussed the mission statement for the Committee, and wanted to discuss it with the Board.

Ms. Muffit stated that because the committee does not have a quorum (currently, three members serve on a committee composed of seven), they cannot meet and vote on various topics. Aside from membership, the main issue is that the committee has not had direction in the last couple of years, and had been working on smaller things such as the water chestnut pull and public education. She detailed that the committee has put out a brochure regarding the waterways in Sudbury, and has also assisted the Audubon Society.

Mr. Lyons said that the committee has been harvesting water chestnuts and distributing them to farms.

Ms. Muffit explained that the committee needs the Selectmen to determine if it should continue, and if so, direction from the Selectmen regarding committee formation and revision of the mission statement from 2005. At this time, the committee needs help with fundraising and currently they have little funding.

Selectman Iuliano asked committee members if they had any recommendations and queried if the members would like to continue. Ms. Muffit responded that members wished to continue serving on the committee, but need direction and assistance. Ms. Muffit stated that public education about waterways is key. The committee had been working cooperatively with the Conservation Department, but when the committee's chairman stepped down unexpectedly, they no longer had a quorum.

Vice-Chairman Simon suggested that if membership was reduced, then there would be a quorum. Ms. Muffit agreed. Vice-Chairman Simon recommended that the membership be reduced from seven members to five members, and the reformulated committee should come back to the Board with recommendation for a revised mission statement.

Selectman Brown stated that the Board could vote to amend committee membership from seven to five members, and that there was no requirement for members from specific committees.

It was on motion unanimously

VOTED: To decrease the Ponds and Waterways Committee membership from seven to five members, and to remove the requirement for members from the Planning Board, the Conservation Commission, and Parks and Recreation.

Meet with legislators Representative Carmine Gentile and Senator Mike Barrett

At 7:30 p.m., Chairman Haarde introduced Representative Carmine Gentile and Senator Mike Barrett.

Representative Gentile stated that the House approved a budget, and the Senate will take it up on May 23, adding that Sudbury would receive an increase in appropriation. He added that only regional school systems would receive an increase in funding. CPA funding looked to be in better shape concerning matching state funding.

Representative Gentile said the Sudbury Public Schools sought a grant for \$98,500, which was defeated, but he went on to state that \$75,000 has been earmarked, and if that amount can be kept in the Senate, it would be a good situation.

Senator Barrett stated this year is a year of funding recovery, as in the past, folks were holding on to stocks, but he is seeing improvement, and is 5% over the benchmark, exceeding what was expected. He recognized that Sudbury is very interested in local aid because of our high education costs per capita. He added there is a short list of communities attracting new families with excellent schools, including Sudbury, in MetroWest. He recognizes the budgeting challenges posed by this situation. North and south communities in the state are not as popular.

Chairman Haarde stated that he and Representative Gentile talked about the continued digging of roads by utility companies as being a tremendous burden to the community, and the community shares the expense. Chairman Haarde suggested considering installing the underground utilities once, and this would involve coordination. Representative Gentile recommended the creation of a department or commission to coordinate such utility work, perhaps one county at a time. Chairman Haarde asked if the first such county could be Middlesex, and hoped that the utilities could be forced to the table with this plan.

Representative Gentile said that legislation for sewer design funding for Route 20 has not been successful, which has been a concern for the last twenty years. A sewer system on Route 20 would help expansion and would bring more money into the Town. Chairman Haarde agreed that the Route 20 sewer would be a great investment in infrastructure and jobs.

Senator Barrett stated that the Energy Bill is another expansive bill, and that he is on the Senate Energy Commission, which focuses on solar, meter caps. Currently, he is working on a proposal that energy audits be a requirement before a house can be sold. He added that part of the Omnibus Bill mandates these energy audits. Chairman Haarde said that this would be similar to the septic requirement, Title 5, and could perhaps make people more conscious of energy use.

Selectman Iuliano thanked both Senator Barrett and Representative Gentile for their continued support, and asked about education funding and regionalization.

Selectman Carty thanked both legislators for their efforts with the Modernization Budget, and inquired about the future of the Regional School Structure. Representative Gentile stated that there is much work going on to make regionalized schools more equitable.

Selectman Iuliano asked about Chapter 70. Senator Barrett stated that few towns have Sudbury's problem with regionalization, and cannot get support due to the population. Selectman Iuliano recommended a different

program. Senator Barrett said that the passing of the Millionaires Tax will help, but if the state's sale tax is reduced, that would be problematic. Representative Gentile stated that the circuit breaker for Special Education is a very tough issue, and difficult for smaller towns.

Selectman Iuliano thanked Representative Gentile for his support of the CSX purchase, and asked about the monies held. Representative Gentile said that he is following this matter on two tracks. He added that he has spoken to the Housing officials, and said that it might be included in an economic bill under the Governor's purview. He detailed that the bill could allow those held funds to be transferred for the purpose of suggested purchase. He maintained that he felt this to be the more effective option.

Senator Barrett stated that a second option would be inclusion in the environmental bond bill, and that legislation should try to renew that bond. After some discussion, both legislators agreed to try and renew that environmental bond bill as a means of retrieval of those held funds.

Vice-Chairman Simon stated that it is good to hear there are different options to help achieve success with CSX. Senator Barrett stated that he and Representative Gentile would commit to this goal.

Selectman Brown thanked the legislators for all their efforts, and asked if the legislators could follow the public hearings regarding the Criminal Justice Bill. Representative Gentile said that a number of legislators are former police officers, so there might be more support at the hearings and with the state incarceration process. Currently there is a statute for incarcerated sex offenders, and periodic hearings are held before final decisions are made. He believed the same process could be followed for violent offenders.

Senator Barrett agreed that this is a difficult issue, and that fundamentally, the state over incarcerates, and legislators have decided that the incarceration system is currently overworked. He explained that legislators have decided not to revisit the Massachusetts prisons topic for at least a couple of years, but rather place these decisions back on the judicial system.

Resident Scott Smigler, 125 Plympton Road, started a discussion about Sudbury Station and told the legislators that this project is a bad fit for Sudbury, and puts the Town at a disadvantage. He asked the legislators for their support in fighting this development. Senator Barrett replied that changing "snob zoning" is not a fix, and he does not know where younger people are able to live today, with increasing housing costs. Chairman Haarde confirmed that Sudbury Station is currently in appeals. Representative Gentile said that this proposed development, does have safety issues that are real, and in litigation now. Chairman Haarde stated that the developers for Sudbury Station applied for the this 40B housing project before the Town reached its 10% affordable housing standard, and now the Town meets that 10%, without inclusion of Sudbury Station.

Resident William Schmelter, 47 Babe Ruth Drive, and member of Protect Sudbury thanked Representative Gentile for his participation in the effort to stop Eversource from creating the massive transmission line project. He asked Senator Barrett why he has not joined this fight. Senator Barrett responded that he is drafting the energy Omnibus Bill, and proposes to add the language "public health" into the bill. He detailed that as the Chairman of the Energy Commission, he realizes that designated underground transmission lines would be the way to go, and Massachusetts must eliminate its dependence on fossil fuels, and embrace the alternative – electricity, and must modernize the grid. Mr. Schmelter stated that energy demand is decreasing.

Chairman Haarde said that the Town supports the Eversource line, but not where they are proposing to put it, and the Town endorses utilization of the route where the line is already in existence. Senator Barrett said that he examined the data and has remained neutral on this topic. Representative Gentile affirmed that Senator Barrett has been doing much work on this issue, and the Town already has one of these lines. Senator Barrett said that the rail line is different, and the MBTA does not want to give it up as they feel that the train is needed here. Senator Barrett maintained that he agreed with that need.

Resident John Riordan, 12 Pendleton Road, thanked the legislators for considering the Safe Communities Act. As a member of the Sudbury Welcoming Town Committee, he wanted the legislators to embrace Article 44.

Chairman Haarde thanked both Senator Barrett and Representative Gentile for their participation and contribution to the discussion.

Discuss Article 20 (Marijuana Zoning Bylaw)

Present: Meagen Donoghue, Director of Planning and Community Development.

At 9:00 p.m., Ms. Donoghue opened the discussion, and stated that this presentation is an abbreviated form of the Marijuana Town Forum held recently. She added that the Town Forum was a great presentation, and aided her in re-evaluating the presentation. She began her summary of Article 20, and stated that at a previous election, the marijuana law passed to legalize recreational marijuana and its sale. She detailed that in May 2017 at Town Meeting, Sudbury voted on a temporary moratorium regarding recreational marijuana establishments, and how the Town would plan and address possible zoning need. This moratorium ends July 2018. Ms. Donoghue stated that with the proposed zoning bylaw amendment of section 7000 (definitions) and section 2230, Appendix A (Table of principal use regulations), the Town would prohibit recreational marijuana establishments including cultivation, testing laboratories, marijuana product manufacturing, and retailers of any marijuana product or any other type of licensed marijuana-related business, in any zoning district in Town. Ms. Donoghue said that the exception to this law is the state mandate permitting 12 or less marijuana plants per household for individual use.

Ms. Donoghue described the economic impact to the Town, if Article 20 did not pass, namely, the Town could set licensing fees for marijuana establishments, and could impose several local tax plans. She added that if the Zoning Amendment did not pass at Town Meeting, the Town could see recreational marijuana establishments in any business district.

Selectman Brown stated that medicinal marijuana zoning is totally separate, and stated that at the Town Forum she understood that medical marijuana is “vertically integrated.” If a license is given, then cultivation, manufacturing, and distribution is part of that license, which is a recreational license. Ms. Donoghue affirmed that would be the case if the amendment fails at Town Meeting.

Selectman Carty affirmed the importance of getting all the related distinctions concerning this Article straight and fully understood.

Selectman Iuliano said that Article 20, to be voted on at Town Meeting, has no effect on the medicinal marijuana usage. She asked Ms. Donoghue why the Planning Board endorsed the prohibiting of all marijuana cultivation. Ms. Donoghue responded that the Planning Board worked with Town Counsel to cover all aspects of the topic, and Town Counsel had no questions about it.

Vice-Chairman Simon asked if allowing commercial, medicinal cultivation, but no retailers could provide a tax revenue benefit. Town Manager Rodrigues responded that the full taxation benefit would not be eligible in this case, but would aid with property taxation. A group discussion took place.

Discussion and vote on Safe Community Policy

At 9:17 p.m., Chairman Haarde read the proposed Safe Community Policy.

Selectman Iuliano said that she agreed with the gist of the statement, but one of the goals would be to change the language, if needed. She stated that she thought that this statement was different from Police Chief Nix’s policy, and wanted Chief Nix to review this statement.

Chairman Haarde said that Chief Nix had not gone on record to support the Safe Community Policy. He maintained that this policy/statement has a safety objective, and the Town did not need to get into national political rhetoric.

Vice-Chairman Simon said that the Town should do what it can to make non-documented visitors and residents feel comfortable and safe. He stated that the policy just read was not made public yet for residents to view.

Town Manager Rodrigues stated that the policy statement would be published for the Town on Monday. Vice-Chairman Simon said that he wanted to hear from Chief Nix on this policy before the Board voted on it.

Selectman Brown stated that while the resolution will be decided by vote at Town Meeting, and that this Board is able to decide on policy. She added that the Board wants residents to know the Selectmen's policy, which should be published, in contrast to Police Department policy which she doesn't believe should be. Vice-Chairman Simon stated that he did not know if this policy was consistent with Police Department policy. Chairman Haarde answered that it was consistent with Police policy, but this policy/statement highlights the importance of domestic violence. He further said that he did not think that Article 44 had any relevance here.

Selectman Carty suggested that the Board vote on this policy statement at Monday's Selectman Meeting.

Selectman Iuliano would like to have Chief Nix see this policy as read tonight, because she had worked with him on Police policy. Selectman Brown also supported running this by Chief Nix before addressing it again on Monday night.

Selectman Carty stated that the Board would be incorporating this statement of policy, because the Board wants to protect people of the Town, and this statement sets a tone for that safety and protection.

John Riordan, member of the Welcoming Town Committee, said that he did not think that this statement would make the Town any safer, and said that the policy needed further examination.

Resident Gary Bean, 3 Wilshire Street, stated that the policy presented tonight needed the review of the Police Chief.

Resident Janie Dretler, 286 Goodman's Hill Road, and newly elected Board member, asked if citizens could attend the Selectmen's Meeting on Monday night, and Chairman Haarde answered affirmatively.

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

At 10:30 p.m., Town Manager Rodrigues summarized the Town Meeting articles, which needed the votes of the Board. Article 2 will be voted on at Monday night's meeting, and she asked Selectman Iuliano to read the In Memoriam Resolution. Selectman Iuliano agreed to do so.

Article #6 - FY19 Pool Enterprise Fund Budget

It was on motion unanimously

VOTED: To support Article #6 - FY19 Pool Enterprise Fund Budget

Article #9 - Unpaid Bills

It was on motion unanimously

VOTED: To support Article #9 – Unpaid Bills

Article #20 - Amend Zoning Bylaw, Art. 7000 Marijuana

It was on motion unanimously

VOTED: To support Article #20 – Amend Zoning Bylaw, Art. 7000 Marijuana

Article #26 - Noyes School Fire Alarm System Replacement

It was on motion unanimously

VOTED: To Indefinitely Postpone Article #26 – Noyes School Fire Alarm System Replacement

Article #28 - Cutting Field

Selectman Brown asked when the field would be complete and ready to use. Town Manager Rodrigues said that the proposed completion date is still being worked on, and it might be ready in the fall of 2019. Selectman Brown stated that this timeline could give the Town another year of use, when the expected life of the field would be met. Town Manager Rodrigues said that the Field renovation is a lengthy process with many steps.

Resident and Chairman of the Finance Committee, Bryan Semple, 15 Revere Street, stated that the Finance Committee voted 0 to 6 on Cutting Field, and added that there was only \$38,000 in the free cash fund, due to snow and ice expense. He added that voting on this Article on Monday night, before Town Meeting, might not be the best time to decide on it, given the uncertainty of the snow and ice budget. A discussion continued. The Town Manager stated that she and the DPW Director had asked Park & Recreation to await a survey and schematics to come up with a solid cost estimate before making presentations on the project.

Article #31 - Acquisition of Broadacres Farm

The Town Manager stated that, while this continues to be a priority for staff, the appraisal is still incomplete, and that she sees no way this could advance to having an agreement before Town Meeting.

It was on motion unanimously

VOTED: To Indefinitely Postpone Acquisition of Broadacres Farm

Article #40 - CSX Alternative Acquisition Funding Reversion FY19

Selectman Iuliano asked if CPC would postpone this article until the October Town Meeting. Selectman Brown said that CPC was reconsidering the article at their May 2 meeting. The Town Manager suggested that the Selectmen reconsider the article next Monday prior to Town Meeting.

Chairman Haarde stated that it might be wise to revote on this article when we are certain about the legalities.

Article #43 - Release of Deed Restriction

The Board agreed not to vote on this Article, and decided to see what is presented at Town Meeting.

Article #45 - Resolution – Transparency in Political Donations

Vice-Chairman Simon stated that he would support this article.

The Board agreed not to vote on this Article, and preferred to see what happens at Town Meeting.

Select authors for Special Town Election ballot questions pro/con arguments

Town Manager Rodrigues stated that Dan Nason, DPW Director, agreed to write the “pro” arguments for the Special Town Election ballot questions. No one applied to write the “con” arguments; therefore, Town Counsel will write those arguments.

It was on motion unanimously

VOTED: To approve that Dan Nason, DPW Director, be the author of the pro arguments for Special Town Election ballot questions, and Town Counsel be the author of the con arguments for the ballot questions.

Discussion and appointment of subcommittee to review Selectmen's Policies

Vice-Chairman Simon made motion to move to wait until after Town Meeting so that the new Board member could be part of the discussion. He felt this discussion would take some time, and prefers this topic be on the May 15 agenda. Chairman Haarde said that the Board could also review the revisions at that time.

Review Town Manager Evaluation Process

Selectman Iuliano said that with revisions made, the Town Manager Evaluation Process is more straightforward, and summarized the revised evaluation process.

Selectman Brown said that the goals and evaluation sections of the process are clearer now.

It was on motion unanimously

VOTED: To adopt the revised Process regarding the Town Manager Evaluation

Discussion and vote on Town Manager evaluation

Vice-Chairman Simon stated that this evaluation, presented for discussion on April 10, is a good composite.

It was on motion unanimously

VOTED: To approve the Town Manager evaluation for 2017.

Citizen's Comments (cont.)

None

Discuss upcoming agenda items

The Board discussed upcoming agenda items, and proposed the Fairbank Community Center and forming a subcommittee to review the Selectmen's policies for the May 15 meeting.

There being no further business, a motion was made at 11:15 p.m. to adjourn regular session and enter into executive session to discuss strategy with respect to litigation if the Chair declares an open discussion may have a detrimental effect on the litigating position of the public body (Varsity Wireless Lease), and not to return to open session. Chairman Haarde recused himself from this matter. Vote to enter into executive session: Haarde – aye, Brown – aye, Iuliano – aye, Simon – aye, Carty – aye.

Attest: _____

Melissa Murphy-Rodrigues, Esq.
Town Manager-Clerk