

## IN BOARD OF SUDBURY SELECTMEN

TUESDAY, SEPTEMBER 25, 2018

Present: Chairman Robert C. Haarde, Vice-Chairman Daniel E. Carty, Selectman Leonard A. Simon, Selectman Patricia A. Brown, Selectman Janie Dretler, 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 Lower Town Hall.

### **Opening Remarks by Chairman**

At 7:00 p.m., Chairman Haarde opened the meeting announcing that the MBTA is allowing Eversource to perform soil borings on the railroad tracks. Chairman Haarde detailed that the Town has filed comments in response to the Eversource FEIR (Final Environmental Impact Report), and the Town is requesting supplemental information to address numerous issues and requirements that were not addressed in the initial Eversource report. The challenges with Eversource continue.

Chairman Haarde stated that the Special Town Meeting will be Monday, October 15 at the LSRHS auditorium at 7:30 p.m., and the State Election will be Tuesday, November 6. He encouraged those who have not registered to vote to do so before the State Election.

Chairman Haarde detailed that the West Nile Virus was detected in Sudbury, and recommends that everyone take precautions. More information is available on the Town website or by contacting the Board of Health office. Flu vaccines will be administered October 11 and 17 at the Board of Health office.

### **Reports from Town Manager**

Town Manager Rodrigues stated that most residents will be receiving the Special Town Meeting Warrant in the mail this week.

### **Reports from Selectmen**

Vice-Chairman Carty announced that on Sunday, September 30<sup>th</sup> Sudbury will be recognizing “Good-bye Little Dude Day” at the Brush & Easel, Inc., in Sudbury. More information is available at the Historical Society’s website.

Selectman Simon mentioned that he and Selectman Dretler participated in a very productive Selectmen’s Office Hours last week. There was interesting conversation, and he thanked all who attended. The Selectmen’s Office Hours offers a good opportunity to speak in an informal setting.

Selectman Brown announced that the Community Preservation Committee (CPC) is currently accepting applications for Annual Town Meeting topics. The deadline for submitting CPC applications is October 4, 2018. If timing is an issue, prospective applicants can contact Ms. Meagen Donoghue, Director of Planning and Community Development.

Selectman Dretler mentioned that the improved Town website and mobile app are much easier to use, and Town Manager Rodrigues agreed.

### **Citizen’s comments on items not on agenda**

Resident and Chairman of the Sudbury Finance Committee, Bryan Semple, 55 Revere Street, would appreciate feedback from other Town Committees regarding the Melone property, Fairbank Community Center, and the Bruce Freeman Rail Trail in preparation for Special Town Meeting. The Finance Committee will be performing a sensitivity analysis for the Melone property, as they needed further comfort with the projected numbers. Mr.

Semple said that he looks forward to a history and presentation regarding the Bruce Freeman Rail Trail. If the Board of Selectmen voted to fund the Rail Trail project from Free Cash, the Finance Committee would be anticipating some type of trade-off. The Town's recent Fairbank Operational Cost Analysis was very beneficial, and he needed more information about the size of the proposed Fairbank building.

**Discussion and vote positions on Special Town Meeting articles**

Town Manager Rodrigues stated that she anticipated a Melone Development Agreement to be signed before the Special Town Meeting, and the Melone traffic report and school study should be completed this week. She did not expect the Board to take a position on this proposed Article until they reviewed the signed Development Agreement.

Town Manager Rodrigues is willing to present the Melone article at Town Meeting. Selectman Simon said that Town Manager Rodrigues knew the Melone property best, and might be the best presenter for the Article. Town Manager Rodrigues said that she would draft the proposed presentation.

Selectman Brown asked when the Melone traffic counts were performed. Town Manager Rodrigues responded that this was done last Thursday.

Town Manager Rodrigues stated that Broadacres Farm is currently in confidential negotiations with the owner, and is very close to an agreement with the Town. She expected that the Board would be discussing that agreement and taking a position at the October 9<sup>th</sup> meeting. Selectman Simon is willing to work on the Broadacres Article with Town Manager Rodrigues.

Vice-Chairman Carty mentioned that Selectman Brown was working on the Fairbank article, but he would be happy to assist with the article. Selectman Brown added that the Finance Committee wanted more input regarding the Fairbank article. Finance Committee chair Bryan Semple added that he could wait until after the Board's next meeting to get that information.

Selectman Brown added that currently there is no support from the Council on Aging (COA) or the Park and Recreation Commission for the proposed Fairbank plan. Town Manager Rodrigues offered to write a related communication to each committee. Selectman Simon mentioned that there was no clear decision from COA in this regard. Vice-Chairman Carty detailed that the chair of COA spoke, but perhaps did not speak for all members of that committee, which is scheduled to meet October 9<sup>th</sup>. He plans to attend that meeting on October 9.

Town Manager Rodrigues stated that she and Finance Director Dennis Keohane prepared a Fairbank Operational Cost Analysis and considered three scenarios: Current Facility, Enhanced Services, and Pros Consulting Analysis.

Town Manager Rodrigues stated that currently Fairbank is operating at 60% cost recovery, which was not unexpected. She and Mr. Keohane looked at the enhanced services and eliminated some services that Pros Consulting added such as the fitness element, the store, and the concessions (café), and with these changes, maintained a 65% cost recovery. An override may be necessary to address those additional costs. She and Mr. Keohane had concerns about revenue projections and more analysis would be performed. When examining the Pros Consulting Analysis, Town Manager Rodrigues said that she and Mr. Keohane agreed that the Pros scenario would be difficult to maintain, and would reflect a 90% cost recovery picture.

Selectman Brown questioned if the proposed Fairbank building could undergo reconfiguration. Town Manager Rodrigues stated the building could be a bit smaller, and that projected numbers could change with the commencement of the schematic design phase of the project. The gym and the track took the most space.

Selectman Dretler asked about the impact on the SPS office space at Fairbank. Town Manager Rodrigues responded that none of the presented analysis affected SPS, and it was assumed that SPS space was not part of the building, but that could change.

Selectman Dretler said that she has heard that some residents would not sponsor the new building if SPS did not have space there. She outlined the current user groups at the Fairbank Center. Town Manager Rodrigues added that the Center is currently clearly undersized.

Selectman Brown detailed that last spring Park and Recreation and COA agreed regarding the proposed option for Fairbank, and she would appreciate communication from these groups.

Selectman Brown questioned Warrant Article 7 – Bruce Freeman Rail Trail Funding, and asked about a written estimate from Jacobs Engineering. Chairman Haarde asked if anything has been put in writing in this regard. Selectman Simon, the petitioner of Article 7, did not know and suggested asking the Town Planner.

Selectman Brown asked about the status of the 25% design. Town Manager Rodrigues replied that she had received a draft document from Jacobs Engineering which was being reviewed. Selectman Brown stated that when this document has been reviewed, then Mass DOT will provide a date and then hold the 25% design hearing. Selectman Simon detailed that part of the \$330,000 which was appropriated by Town Meeting last year is being applied to this design phase to complete the 25% by Jacobs with \$180,000 remaining of the design funds. He added that these 25% and 75% figures are rather confusing because they do not pertain to a pro rata share of the cost of doing each design, and rather refer to certain tasks required by Mass DOT.

Selectman Brown questioned the 25% design expense, and was concerned because she heard at the Finance Committee meeting last night that the article was proposed by the Selectmen in this manner because there was not enough time to get it on the Warrant. Selectman Simon responded that certain statements were incorrect. He explained that when the bid originally went out for the 25% design there were two bids. VHB was slow to perform and was not abiding to the terms of the agreement, reflective of parking studies which had add-ons, and costly overruns. The problem focuses on the shift of consultants partway through the design aspect. He stressed that because so much time has passed, the Town has incurred additional expense with the project and was forced to pay more.

Vice-Chairman Carty stated that he appreciated Selectman Simon's enthusiasm for the project, but this is a citizen petition coming before the Town, and there was a Town employee acting as the project manager for this project at the time. The citizen proposal will be heard, and it would be useful to hear the project history and put the current project on a timeline. Chairman Haarde suggested that the Town project manager might be able to present this history and status at the next meeting October 9<sup>th</sup>.

Selectman Brown mentioned that alternative routes as well as the bridge sketch plans have been identified as elements in the 25% design, per state guidelines. She wanted to see something more formal in the project management system, and not a verbal estimate. Chairman Haarde added that Selectman Brown is unable to attend the next Board meeting on the 9<sup>th</sup>, and stressed that the Board does not control citizen's petitions, and this matter is a citizen's petition. Selectman Dretler said that she was looking forward to hearing the presentation regarding the history of the Trail, as well as being informed about the present status of the project at the next Board meeting. Citizens have been waiting for the completion of the project for a long time.

Selectman Simon stressed that the Town has asked for the Rail Trail for ten years and that Town funding has been granted for the last three years, and everyone wants to move forward. Selectman Brown stated that the project has progressed, but that all aspects involved did not move forward. Her concern was financial. Selectman Brown

asked why the article had to be on this particular Warrant, instead of being on the spring Annual Town Meeting Warrant.

Vice-Chairman Carty acknowledged that the Board's newly approved project review system would greatly assist with periodic project monitoring for projects such as the Bruce Freeman Rail Trail. Selectman Brown asked if the Board could take a position on the Article right before Town Meeting in October when she could be present, and Chairman Haarde agreed.

**Agreement for the Purchase of Land between the Town of Sudbury and the U.S. Fish and Wildlife Service for the market value of \$42,750**

Town Manager Rodrigues stated that the Board had already voted on the disposition of the property, and that the vote tonight would be the final step of the agreement. Town Counsel reviewed the language of the agreement, and found it to be appropriate.

Selectman Simon moved in the words of the Chairman to approve the Transfer.

It was on motion unanimously

VOTED: To execute the Agreement for the Purchase of Lands between the Town of Sudbury, as Vendor, and the United States of America, acting by and through the Secretary of the Interior by the Chief, Division of Realty, U.S. Fish and Wildlife Service in order to convey the fee simple interest in the Water Row parcels of land shown on Assessors maps as Parcels G12-0013 and G12-0015 for the market value of \$42,750 pursuant to the Statement of Just Compensation issued by the government.

**Special Town Meeting Article on 420 Lincoln Road Funding**

Present: L-SRHS Superintendent/Principal Bella Wong, and Radha Gargeya, L-SRHS School Committee chairman.

At 8:00 p.m., Ms. Wong stated that 420 Lincoln Road was last used eight years ago as a preschool, and the school committee voted to close the school because of building code guidelines, and lack of necessary funding to bring the building up to code. Last year the school committee used maintenance funds to improve the structure and prevent further deterioration including asbestos removal, oil tank removed, roof repair, structural beam work, rotted wood replacement, and old finishes completely gutted. The HVAC has been upgraded. Ms. Wong stated that the project request proposes to use up to \$350,000 from the L-S E&D (Excess & Deficiency) fund to restore the building and prepare it for educational use. The building would serve to house a separate program for students with social and emotional disabilities whose needs are currently met outside of the school district in day programs.

Ms. Wong detailed that three-year data supports the new program, and represented the costs for operating the out-of-district program vs. the proposed program at Lincoln Road. Meetings with Lincoln Finance Committee, Capital Committee and Selectmen also showed support. She presented this article to Sudbury Finance Committee last night, and to CIAC last week, and both groups were in favor of the article. The Lincoln-Sudbury School Committee will vote tomorrow on the use of the E&D funds.

Town Manager Rodrigues stated that she preemptively put the article on Warrant for the October Special Town Meeting. Ms. Wong detailed that the Lincoln Town Meeting in March could approve the program, but if Sudbury waited to vote at spring Town Meeting in May, there would not be enough time to start the program in September 2019.

Vice-Chairman Carty stated that he liked the idea, and asked further about the user base. Ms. Wong responded that this population was trending upward, and that 50% of the Special Education students were social needs pupils. Vice-Chairman Carty asked about the likelihood of enrolling eight students in the fall. Ms. Wong responded that the sooner the program could be prepared for the more likely, but she would better know the enrollment numbers by spring 2019.

Vice-Chairman Carty commented that it would be interesting to determine what this in-house program might include in the next five to seven years. Ms. Wong responded that the enrollment number would probably reflect a steady trend in that time period.

Vice-Chairman Carty asked if the \$350,000 allocation would be enough. Ms. Wong replied that the numbers are heavily based on architecture considerations, and those numbers were expected this week.

Selectman Brown asked about the terms of the contract of the clinical counselor. Ms. Wong answered that with the last Beacon program the terms were applicable for three years. Selectman Brown asked if detailed records were kept for this program. Ms. Wong responded that there is substantial bookkeeping and necessary tracking.

Selectman Dretler asked what is currently in E&D. Ms. Wong stated that amount is \$965,000 to \$986,000 – just shy of a million dollars (one-third of E&D). Selectman Dretler commented that one-third would be from E&D funding. Ms. Wong replied that she hoped that E&D funding would be restored within a year.

Selectman Dretler asked about any major upcoming expenses. Ms. Wong responded that a new roof for the High School was probably a few years away, since currently there are no issues with the roof. The football stadium projected at \$650,000 was in the 5-year capital plan.

Selectman Simon asked about student capacity. Ms. Wong answered that the maximum would be twenty-four students. Selectman Simon mentioned that this year there would have been seventeen eligible students. Ms. Wong explained that the first year of the program would reflect a smaller number of students due to students graduating, and the focus would be on current 8<sup>th</sup> and 9<sup>th</sup> graders.

Selectman Simon asked if students younger than the 9<sup>th</sup> grade level could be considered for the program. Ms. Wong answered not, because this curriculum includes the 9<sup>th</sup> through 12<sup>th</sup> grade student population, and anyone younger might not be considered socially appropriate for the program.

Selectman Simon asked about transportation. Ms. Wong replied that no transportation is offered, and most students would drive or get dropped off by someone.

Selectman Simon also asked if the program was implemented what would be the savings to the Town compared to the current out-of-district costs. Ms. Wong detailed that the savings would be in a range of \$62,000 per student. She mentioned the consideration of paying for staff, and added that with the enrollment of more than 10 students it would reflect a \$300,000 savings.

Vice-Chairman Carty stated that this is not just about saving money. It is about keeping up with growth and adding a much-needed level of service for these students.

Selectman Dretler asked if the program could expand beyond the Sudbury and Lincoln population. Ms. Wong replied that there was an opportunity for non-Sudbury and Lincoln students, but that process would involve a more extensive application process and would include tuition.

Mr. Gargeya stated that the mission of the program would be to provide the best environment for students as well as being fiscally sound.

Selectman Dretler asked about the possibility of not attaining the minimum student enrollment. Ms. Wong replied that there's always that risk. However, LS has successfully initiated three new programs, and would only go forward with the program if there is need, and she perceives a demonstrated need.

Selectman Brown asked what Plan B would involve if \$350,000 was not enough to cover the program. Ms. Wong answered that she would explore other fund lines, but did not expect to ask for more funding from E&D.

Town Manager Rodrigues suggested that a vote not be taken tonight, and would like to see what might happen tomorrow night.

Ms. Wong asked if it would be possible to get the general sentiment of the Board and not a vote. Town Manager Rodrigues mentioned that the Board has 45 days to make a final decision. She and Ms. Wong would need to discuss the overall upcoming budget further, but was supportive of the overall concept.

Chairman Haarde stated that the general sense of the Board was positive, and felt a level of confidence in Ms. Wong's management of the E&D budget.

### **Review Draft BOS Meeting Schedule for 2019**

Selectman Brown stated that she would not be able to attend the proposed July 23<sup>rd</sup> meeting. Town Manager Rodrigues stated that she was unable to make the February 26<sup>th</sup> meeting, as she had a previously scheduled commitment. Vice-Chairman Carty stated that he saw no schedule conflicts at this time.

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

There were no citizen's comments.

### **Discuss upcoming agenda items**

Town Manager Rodrigues itemized the topics to be covered at the next Board meeting October 9<sup>th</sup>, which include: discussion/voting on Town Meeting articles and petitions, Chief Nix presenting his article, history and status of the Bruce Freeman Rail Trail, Fairbank sponsors and presentations, Melone property and negotiation status, Broadacres negotiation status, and the LS Lincoln Road program.

Town Manager Rodrigues also stated that she had a productive conversation with Mark Taylor of Camp Sewataro, which should be discussed at the October 9<sup>th</sup> Board meeting. She added that the Board should give serious consideration to Camp Sewataro.

Town Manager Rodrigues recommended that Town Hall renovation update, the Eversource presentation, BOS goal setting, and Selectmen's Policies be on the agenda after Town Meeting.

### **Appointments to Memorial Day Committee**

It was on motion unanimously

VOTED: To appoint Elizabeth Dow, 52 Horse Pond Road, and Suzanne Steinbach, 83 Maynard Farm Road, to the Memorial Day Committee for terms to expire May 31, 2021, as requested by Jim Wiegel, Chairman.

**Appointment and resignations – Sudbury Cultural Council and Board of Registrars**

It was on motion unanimously

VOTED: To appoint Tatiana Vitvitsky, 55 Hudson Road, to the Sudbury Cultural Council, for a term to expire October 30, 2021, as recommended by Ellen Gitelman, Chairman. Also vote to accept the resignations of Anne Riesenfeld, 25 Concord Road, and Carole Bauer, 35 Blacksmith Drive from the council, and to send letters of thanks for their service to the Town. Also send a letter of appreciation to Tatiana Vitvitsky for her service to the Town as a member of the Board of Registrars.

**Vote to approve the minutes of 8/14/18**

It was on motion unanimously

VOTED: To approve the regular session minutes of 8/14/18.

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

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

Melissa Murphy-Rodrigues  
Town Manager-Clerk