

IN BOARD OF SUDBURY SELECTMEN  
MONDAY, OCTOBER 15, 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 6:00 p.m. at Lincoln-Sudbury Regional High School, Conference Room "A".

**Opening Remarks by Chairman**

Chairman Haarde opened the meeting stating he had no comments.

**Reports from Town Manager**

Town Manager Rodrigues had no reports to add.

**Reports from Selectmen**

Selectman Dretler attended the Wild and Scenic Rivers event last Sunday at the National Park at the Old Manse in Concord to reaffirm support of the Sudbury-Assabet-Concord River Watershed and River Stewardship Council. There were eight towns represented, and she signed on behalf of the Sudbury Board of Selectmen.

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

Resident Ralph Tyler, One Deacon Lane, asked if it would be possible to move the presentation of Article 7 after presenting the Fairbank Center Article, because he and others had difficulty staying up that late. Many residents may attend to ensure the Rail Trail article goes forward.

Chairman Haarde stated that the suggestion was well-taken, but the order of the warrant is very important.

Selectman Simon suggested that the Moderator could be asked to change the order of presentation, and ask Town Meeting members vote on that motion. Mr. Tyler said that suggesting this to the Moderator could be a possibility. If the Board would not endorse the motion at Town Meeting, he would.

**Vote to authorize Purchase and Sale Agreement for Broadacres Farm at 82 Morse Road**

Town Manager Rodrigues stated that after the Broadacres Farm appraisal was made public, there was a CPC meeting. To assure compliance, CPC requested that Parcel 1 be aligned with the appraised amount in addition to adding the \$20,000 clause for the closing. The seller was fine with the changes for Parcel 2 and 3, and everything else remains the same.

It was on motion unanimously

VOTED: To authorize Purchase and Sale Agreement for Broadacres Farm at 82 Morse Road, as amended.

Vice-Chairman Carty commented that the Purchase and Sale reflected the proper amount.

Selectman Dretler asked for more detail regarding the amount. Town Manager Rodrigues stated that before the signing of the P&S, the stated amount was \$1,958,000 from CPC funding, and now it is \$1,816,000, plus \$20,000 in closing costs. Parcel 2 is now \$1,100,000, and Parcel 3 is \$2,639,000, which is increased by a small amount.

Vice-Chairman Carty asked if the overall amount changed, and Town Manager Rodrigues replied that it did not. Chairman Haarde commented that the agreement was now a bit less front funded.

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

Town Manager Rodrigues stated that the Board has not taken position on Article 3 – Fairbank; Article 7 – Bruce Freeman Rail Trail; and Article 8 – Petition on Tax Rates for above-ground poles and wires.

Vice-Chairman Carty suggested that Town Manager review what Articles were voted upon by the Board, especially since Selectman Brown was not present at the last meeting. Town Manager Rodrigues stated that the Board voted as follows: Article 1 – voted unanimously to IP (indefinitely postpone) the Disposition of the Melone Property.

Article 2 – Voted unanimously in favor of the Acquisition of Broadacres Farm.

Article 3 – Fairbank Community Center Design Funds was not voted upon.

Article 4 – Voted unanimously in favor of the Dissolution of Committee for Preservation and Management of Town Documents.

Article 5 – Voted unanimously to IP (Indefinite Postponement) of 420 Lincoln Road Funding.

Article 6 – Voted unanimously to accept General Law Regulating Speed Limits.

Article 7 – Petition to appropriate funds for continuing the design of the Bruce Freeman Rail Trail to Mass DOT Standards was not voted upon.

Article 8 – Petition on Tax Rates for above-ground poles and wires was not voted on as yet.

Town Manager Rodrigues stated that the Finance Committee voted in support of the Fairbank Center, as did the Council on Aging and Park and Recreation. Town Manager Rodrigues commented that it appeared that the biggest problem with Fairbank was the cost issue, and the Finance Committee would be giving a presentation at Town Meeting this evening.

Selectman Dretler stated that she watched the last Park and Recreation meeting, and there was discussion on how to improve the pool. There has also been discussion about possibly privatizing the pool. Town Manager Rodrigues would not be inclined to mention privatization of the pool until a vote was taken at Town Meeting this evening.

Selectman Brown stated that one way or another there has to be a pool. If the Town Meeting vote was no on Article 3, then the Town needs to do something else regarding the pool.

Selectman Dretler would like to see more discussion and more openness regarding the Sudbury Public School administrative offices, and she would support exploring options for SPS administration to remain in the Fairbank building. Selectman Brown responded that the problem with continued housing of SPS was that funding was not included in the budget, and it would be the Board's task to inform SPS about their financial contribution in order to stay at the Fairbank Center.

Selectman Simon asked where the funding would come from to house SPS at Fairbank. Selectman Brown responded that it would come from the same source as it does now – the levy - but that the difference would be that money would be available for the Town Manager to use to maintain the building as opposed to being in the School budget. Selectman Simon added that would be a significant amount, and should be part of the Town's obligation to provide the school administrators with a workspace as employees of the Town.

Chairman Haarde stated that his takeaway from the discussion was that school administration office space should come out of the Town budget and not the School budget. Selectman Dretler said no to that, but would like the offices to stay in the Fairbank building. If there were no better place for school administration offices then Chairman Hardee also would prefer that the school offices stay at Fairbank. He added that it is perhaps an option to keep open. A discussion followed about SPS offices.

Chairman Haarde recommended that this topic be put on the agenda for the next meeting, and Selectman Dretler agreed. Selectman Simon suggested that the Town Manager, the SPS School Committee, and Board of Selectmen come up with an acceptable solution regarding office space for SPS Administration. Vice-Chairman Carty stated that he was the liaison for SPS and would be happy to lead that proposed discussion.

Chairman Haarde stated that forming such a subcommittee tonight would not be possible due to time restraints. Other interested parties might want to be in attendance for the proposed discussion.

Selectman Dretler queried if it would be possible for the Selectmen to be given a tour of the schools. Vice-Chairman Carty stated that he could certainly arrange that. He has had a number of conversations with the new School Superintendent which could be considered as preliminary discussion regarding space. He suggested starting with a tour of LSRHS. Chairman Haarde agreed that this was a good idea.

Selectman Simon stated that if the Fairbank Article passed at Town Meeting tonight, he would like to examine how the SPS administration could be housed at the Fairbank Center. Selectman Dretler would like to see that a good effort would be made to that end, and have the Board drive that conversation and effort.

It was on motion one against, and four in favor. Haarde-aye, Brown-aye, Dretler-aye, Simon-aye, and Carty-no.

VOTED: To Support Article 3 – Fairbank Community Center Design Funds.

Chairman Haarde read Article 7 – Petition to appropriate funds for continuing design of Bruce Freeman Rail Trail to Mass DOT Standards.

Town Manager Rodrigues stated that the Finance Committee did not support this article, but they would support it if the article was amended for a smaller amount of requested funding. Selectman Dretler read the discussion regarding the Finance Committee's decision adding that the final vote reflected 1 for, 5 against, 2 abstained, and one member was absent. She added that she heard the discussion regarding decreasing the requested allocation which reflected 4 for, 2 against, 2 abstain, and one member absent.

Selectman Simon stated that FinCom's position supports amending (as is Vice-Chairman Carty's suggestion), and would be brought up at Town Meeting tonight. Vice-Chairman Carty clarified that the suggestion for amending funds is not he and the FinCom, but he as a citizen, given that Article 7 is a citizen's position.

Selectman Brown asked what was being voted on now. Town Manager Rodrigues replied that the Board is taking a position on what the article now states. Selectman Brown reiterated that would be the petition that is requesting \$650,000 for the funding of this article. The Board agreed with that estimation.

Selectman Simon stated that the motion is to support Article 7 as described.

Vice-Chairman Carty stated that he could not support the article due to the funding cost to be requested from Free Cash. As a citizen, he is helping bring forward an opposition since that amount of money takes away half of the free cash availability which the Town had not planned for. He's not against moving the project forward, however, there are other methods to move the project forward.

Selectman Dretler stated that last year the Town went below the reserve guidelines for funding Cutting Field. Vice-Chairman Carty stated that the issue from last year was something the Board talked about and planned for. Another distinction about last year's funding was that the article was brought forward by the Town, and underwent extensive vetting, as opposed to Article 7 as presented.

Selectman Simon maintained that this petition also went before Park and Recreation, CIAC, and the Board of Selectmen. He maintained that an article's point of origin is less important than the position the Town wants to take.

Selectman Brown asked who actually provided the project estimate in private to Selectman Simon. Chairman Haarde asked Selectman Simon if he got a verbal estimate from someone other than the previous contractor on the project. Selectman Simon replied that it is not so much where the estimate came from, as it was about the Town's support of Article 7.

Chairman Haarde stated that he could not support the Article as it stands, due to the fact that the weather related-expenses from last year's storms were great and not anticipated. He said this was not the right fiscal decision at this point, but stated that he would support a lesser amount to make sure that the Town did not miss out on the recommended timeframe for the Rail Trail.

Selectman Dretler thought it would be fiscally responsible to decide now to prevent further delays which would ultimately cost the Town more money.

Vice-Chairman Carty commented that the quote is already two years old, and by the time that it is ready to execute, it will be more than two years old and felt that it was mathematically impossible to maintain that figure.

Town Manager Rodrigues stated that there is confidence associated with this estimate, because it comes from a workbook which has not changed since 2013 and, therefore, the estimate would not change.

Chairman Haarde stated that he had confidence in the assessments provided by Town Environmental Planner Beth Suedmeyer, and Town Manager Melissa Rodrigues, and he would support funding of \$90,000 at this time but not \$650,000.

Town Manager Rodrigues stated that she was somewhat uncomfortable with including the petition as a Selectmen's article because there was no meeting of the Board between the Selectman Simon's request to put the Article on the Warrant and the date of Warrant close, which did not allow for Board discussion.

Vice-Chairman Carty stated that the Board should have been given the opportunity to prioritize the ranking of free cash funding projects before the petition was put on the warrant, and could not believe that this project would take precedence over the fire alarm system at Noyes School. He did understand the passion for the project, but the issue is the funding source, the amount, and timing. Discussion of prioritizing took place.

Chairman Haarde maintained that the Board did not stall in regard to this project, but rather sought for transparency when seeking another bid which was also fiscally prudent, and going out to bid was the right thing to do.

A Board discussion ensued.

It was on motion three opposed, and two in favor. Simon-aye, Dretler-aye, Haarde-no, Carty-no, and Brown-no.

VOTED: Not to support Article 7.

Vice-Chairman Carty distributed his proposal documentation regarding the amending funding option for the Bruce Freeman Rail Trail. He mentioned that he and FinCom member Susan Berry worked on this proposal as citizens and not representatives of their committees which actually increased the requested funding from the Capital Fund at \$100,000.

Selectman Dretler mentioned that if the proposed funds were not used, they go back to the general fund. Vice-Chairman Carty confirmed her statement. Both Selectman Simon and Selectman Dretler stated that they were not in favor of the general fund option presented by Vice-Chairman Carty.

Selectman Brown motioned to support the amendment for the Bruce Freeman Rail Trail Funding.

It was on motion two opposed, and three in favor. Haarde-aye, Brown-aye, Carty-aye, Simon-no, and Dretler-no.

VOTED: To support the amendment for the Bruce Freeman Rail Trail Funding.

Selectman Simon said that this would be presented at Town Meeting when called by the Moderator. Chairman Haarde confirmed the statement.

Vice-Chairman Carty said that Ms. Berry would be introducing the amendment and he would be doing the slide presentation.

Chairman Haarde asked if anyone on the Board was able to gather any additional information regarding Article 8 – The petition for Tax Rates for above-ground poles and wires.

Selectman Dretler shared that the petitioner stated that this would be the first time that a Town in Massachusetts had such a vote. Selectman Brown maintained that the article includes petitioning the Massachusetts Department of Revenue.

Chairman Haarde liked the idea of creating an incentive for an above-ground pole system, which reflected a good effort from a business standpoint as well. He had not researched the recommendation enough to understand if there might be any unintended consequences.

Selectman Simon felt that the petition advocated a tax on business, and could ultimately promote an increase to be absorbed by the rate payers in the form of increased electricity bills.

Vice-Chairman Carty sees this as an interesting concept and could initiate a meaningful discussion, and is non-binding.

Selectman Dretler would like to see more work done on this petition before presentation to Town Meeting, especially to address some potential unintended consequences.

Selectman Brown mentioned that the other piece of the petition would be petitioning DOR to see if a Town can separately classify which might involve DOR dictating a process that the Town has no previous knowledge about. She suggested that the petition might be examined again at Spring Town Meeting, with additional information.

It was on motion three in favor, one opposed, and one abstention.

Haarde-aye, Brown-aye, Carty-aye, Simon-no, and Dretler-abstain.

VOTED: To support the petition on Tax Rates for above-ground poles and wires.

### **Consent Calendar**

### **Vote to approve a one-hour extension of the licensed closing hour and serving of alcoholic beverages for licensees who make application in advance to the Town Manager's Office**

It was on motion unanimously

VOTED: To approve a one-hour extension of the licensed closing hour and serving of alcoholic beverages for licensees who make application in advance to the Town Manager's Office: Lavender, 519A Boston Post Road, (1 AM to 2 AM) and Victory Cigar Bar, 615 Boston Post Road, Store A, 102, during Red Sox playoff games in 2018, on the condition that the kitchen remains open and food is served.

It was on motion unanimously

VOTED: To adjourn the meeting.

There being no further business, the meeting adjourned at 7:05 p.m.

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

Melissa Murphy-Rodrigues  
Town Manager-Clerk