

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, JULY 9, 2019

Present: Chairman Daniel E. Carty, Vice-Chairman Patricia A. Brown, Selectman Janie Dretler, Selectman Jennifer Roberts, Selectman William Schineller 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 Town Hall – Lower Level. Chairman Carty called the meeting to order.

Opening Remarks by Chairman

Chairman Carty announced that Selectmen Office Hours will be Wednesday, July 17, at 7:00 p.m. at the Police Station, and Selectmen Dretler and Roberts will be present.

He also announced that the summer Town office schedule has begun with some offices closed on Fridays, however the Selectmen/Town Manager's office is open on Fridays. Residents may refer to the Town website regarding Friday closures.

He thanked Mike and Libby Hamill for their help with the 4th of July Parade and he enjoyed being part of it.

Chairman Carty announced that former Selectman Bill Cossart passed away. Mr. Cossart served the Town on numerous boards/committees for many years and will be missed.

Reports from Town Manager

Town Manager Rodrigues shared that Sudbury's Touch-a-Truck Day event will take place tomorrow, July 10 at the Goodnow Library, 10:00 a.m. to 1:00 p.m. She plans to attend with her family. She also announced that she accepted the offer from the Town of North Andover, and submitted her resignation letter to the Town today.

Reports from Selectmen

Vice-Chairman Brown stated that the Open Meeting Law and Ethics Training session was the topic covered at the Board of Selectmen meeting on June 27. She announced the opening of Aubuchon Hardware Store on June 28. Last month's Selectmen Office Hours was well-attended. She added that she would provide a Lincoln-Sudbury Academy update.

Selectman Schineller read the results of the Camp Sewataro survey. He commented that last week's Open Meeting and Ethics Training session was helpful, and he welcomed the Aubuchon Hardware store to town. He attended the 4th of July fireworks in Lincoln and suggested that Sudbury might have their own fireworks display at some time. He stated that he met with the Fairbank working group.

Selectman Roberts shared that she just came back from vacation.

Selectman Dretler stated that a Master Plan Steering Committee information both will be part of the Touch a Truck event tomorrow. She has been attending numerous Fairbank working group meetings and is pleased with the progress made.

Vice-Chairman Brown shared that the Lincoln-Sudbury School Committee met on June 25 and discussed the eminent factors regarding the delayed fall opening of the L-S Academy at the 420 Lincoln Road location under renovation. She detailed that L-S Academy students will go to the First Parish for classes in the fall. She itemized reasons why 420 Lincoln Road would not be opening for the start of the program:

- Final permit from the state necessary for sprinkler system on the second floor and building modifications
- An estimator returned a capital cost for the project of \$850,000 (\$500,000 more than original estimate by the architect)

- Second staircase (external) is necessary but was not figured into the initial cost estimate
- Unexpected demolition delay by the Historical Commission
- Difficulty with hiring contractors for this added work in the summer

Vice-Chairman Brown explained that prospective L-S Academy enrollment will be determined in August and the program will be housed at the First Parish until December 1, 2019, if necessary. The unexpected cost increase of L-S Academy construction could delay the community (football) field surfacing project due to funding.

Chairman Carty inquired about the timeline. Vice-Chairman Brown responded that much is dependent on the Historical Commission's granting of a partial demolition permit of the building, and if they agree there is no historical significance to the building, which was constructed before 1940.

Citizen's comments on items not on agenda

There were no citizen's comments.

Interview Zoning Board of Appeals (ZBA) Associate and Earth Removal Board candidate

Present: Resident David Booth, 16 Darvell Drive

Mr. Booth introduced himself as candidate for associate member of the Zoning Board of Appeals and member of the Earth Removal Board. Chairman Carty asked Mr. Booth what interested him. Mr. Booth moved to Sudbury some six and a half years ago and was looking to expand his involvement in the Town, and has a friend on the Zoning Board of Appeals (Bill Ray). He has attended a few ZBA meetings.

Selectman Schineller asked Mr. Booth what the relationship is between zoning and residential property taxes. Mr. Booth responded that if more commercial use is approved in the Town there may be more tax revenue.

Ms. Roberts asked Mr. Booth what background might prepare him to be a member of ZBA. Mr. Booth stated that he was a board member of an HOA in Denver and had worked with ZBA there on many occasions. Over the past 14 years he also managed and negotiated many housing contracts.

Selectman Dretler asked Mr. Booth which issues in Town was he following. Mr. Booth responded that among other issues, he has been following the Quarry North development and educating himself regarding 40B zoning in Town.

Selectman Dretler asked Mr. Booth how he felt about the Quarry North outcome. From his perspective, Mr. Booth commented that it's unfortunate the deal has created somewhat of a rift between North and South Sudbury.

Vice-Chairman Brown thanked Mr. Booth for coming forward to become a ZBA associate member.

Selectman Dretler asked Mr. Booth how he felt about the Rte. 20 commercial corridor. Mr. Booth stated that he would like to see more options for restaurants on Rte. 20 and would like to see the Town sustain what they currently have.

Selectman Roberts asked about the duties and responsibilities for a ZBA associate member. Town Manager Rodrigues detailed that the associate member can vote if other members are not able to vote, or if there is not a quorum.

Vice-Chairman Brown suggested to Mr. Booth that the Citizen's Planner Training Cooperative (CPTC) may be a useful resource for a new committee member.

Selectman Schineller spoke of special permits issued to run camps such as Camp Sewataro. Mr. Booth stated that his children attend Camp Sewataro, and he would like to see the property remain a camp which presents a great opportunity for the Town.

Selectman Schineller motioned to approve the appointment of Mr. Booth. Selectman Roberts seconded the motion.

It was on motion unanimously.

VOTED: To appoint David Booth, 16 Darvell Drive, as associate member of the Zoning Board of Appeals and member of the Earth Removal Board for a term ending 5/31/20.

Chairman Carty invited more Sudbury residents to volunteer and fill Town committee memberships.

Public Hearing

At 6:30 p.m. Vice-Chairman Brown motioned to open the public hearing to determine the need of a fall Town Meeting. Selectman Schineller seconded the motion.

It was on motion unanimously

VOTED: To open public hearing for discussion and vote whether there is a need for a fall Town Meeting in accordance with Town Bylaw Article 1 Section 3.

Chairman Carty stated that he received many e-mails relative to the Fairbank Community Center. The Board would be addressing the Fairbank topic later in this meeting.

Resident Gary Bean, 3 Wilshire Street, indicated that not having a fall Town Meeting would further delay progress for the new Fairbank Center. The Fairbank discussion should come before voting on the need for a fall Town Meeting.

Town Manager Rodrigues stated that the Board did not necessarily have to vote on the fall Town Meeting topic tonight and could wait to vote in August.

Resident Kirsten Roopenian, 45 Harness Lane, stated that there are not many warrant articles to present at a fall Town Meeting and asked if it were possible to close the hearing at this time and reopen it later in this meeting.

Town Manager Rodrigues affirmed that the public hearing could be recessed and continued later. She mentioned that there were no capital warrant articles at this time.

The Board discussed the history of fall Town Meetings.

Selectman Dretler suggested that the Board consider a State of the Town Meeting to keep up and evaluate status of ongoing Town projects.

Selectman Schineller commented that if an emergency were to come up, a special meeting could be called.

Chairman Carty stated that not having a fall Town Meeting might encourage a budgeting process rather than scrambling to put together a Town Meeting that does not warrant it.

Vice-Chairman Brown motioned to recess the public hearing until after Item #6 – the presentation of the Fairbank Community Center building takes place. Selectman Dretler seconded the motion.

It was on motion unanimously

VOTED: To recess the public hearing regarding a fall Town Meeting and resume the public hearing this evening after the discussion on the Fairbank Community Center building project takes place.

Discussion on Fairbank Community Center building project

Present: Members of the Fairbank working group – Silvia Nerseghian, Vice-Chair, Sudbury Public Schools Committee; William Barletta, Facilities Director; Mara Huston, Park & Recreation Commission; and Jeff Levine, Council on Aging.

Selectman Dretler stated that she has been working with the Fairbank Working Group for some time now and it has been a pleasure to work with such a dedicated group.

Town Manager Rodrigues shared that this working group is united and has accomplished more than she could have imagined. She commented that financials have not yet been determined.

The working group presented a timeline:

July – Oct. 2019

- Conceptual Site Plan and Floor Plan
- Conceptual massing model with material indications (computer model)
- Architectural narrative for cost estimator and space program spread sheet.
- Conceptual Cost Estimate includes demolition, construction, renovation, transition space and all soft costs).

Oct. 2019 – Jan. 2020

- Vetting and approval process with Town Committees.
- Partner with Board of Selectmen, Town staff and architect firm to educate the community on the project.

Feb. 2020 – April 2020

- Continue to provide opportunities for community engagement and education on the project.

May 2020

- May Town Meeting – Town Ballot Vote

Mr. Barletta spoke of the current physical condition of the Fairbank Center and maintained that the building has a 1950's setup, is very limited, and is at the stage where maintenance is very difficult. He stressed that a new and renovated building would address energy efficiency and health concerns. Mr. Barletta suggested the utilization of construction staging.

Mr. Levine outlined Senior Center needs:

- Centralized, climate controlled/accessible space on one level
- Provision for Senior programs which run 12 months a year:
 - Wellness Programs (Tai Chi, Yoga, Tap Dancing, etc.)

- Life-Long Learning Programs
- General Discussion Groups (book clubs, current events, etc.)
- Table Games (card games, pool, ping pong, etc.)
- Importance of mental, physical and social engagement

Mr. Levine added that some private office spaces are needed as well. Chairman Carty pointed out that those private office spaces are needed for financial and health consultations. Mr. Levine also presented the need for a type of Wellness Space where the nurse and podiatrists could consult with seniors.

Selectman Dretler added that transportation vehicle space is needed.

Mr. Levine noted that Sudbury is the only Senior Center in the area that does not have a pool table and there are pool leagues for adults only. He suggested that with adequate space, all populations in Town could participate.

Ms. Huston outlined Park & Recreation needs:

- Need for building to be open 7 days a week, 52 weeks a year
- Accommodation for four-season and three school vacation weeks' programming
- Preschool daily programs which run throughout the school year
- School year programs:
 - After School, evening and weekend programs for Town population
 - Daytime programs for adults
 - Wild Wednesdays (half day after school program on early release days)
 - Vacation and summer programs running full day and requiring all available space at Fairbank, which displaces the seniors from regularly scheduled physical programs.

Ms. Nersessian presented the SPS Administration needs:

- Private offices for senior administration
- Shared office space for general administration
- Conference and meeting space
- Active and long-term storage space
- Technology space, which also supports some Town technology needs

Town Manager Rodrigues stated that additional building uses must include provision for a Town Shelter, a Teen Center and Elections. Selectman Roberts inquired about the present shelter needs at the Center. Town Manager Rodrigues responded that current shelter provision is not adequate for an emergency-type situation which also requires substantial storage for cots, medical supplies and related equipment.

Chairman Carty asked how many people had been served at the shelter during the last major storm. Town Manager Rodrigues responded that hundreds had been served. However, there was not enough space for storage of dry foods.

Chairman Carty hoped this working group would stay intact for continuity purposes. Selectman Dretler commented that each representative of the working group is reporting to committees and staff. Vice-Chairman Brown was most impressed by the efforts of the group. Chairman Carty recommended frequent updates by the working group.

Selectman Roberts commented that this is a very important project and currently the facility is not adequate for the whole community. She asked if the Sewataro purchase has any influence on the Fairbank Community Center. Mr. Levine stated that the four buildings on the Sewataro property are not suitable for COA.

Ms. Huston stated that another large pool would destroy Camp Sewataro, and 100 people use the Atkinson Pool daily. Third party vendors cannot be spread all over town.

Selectman Roberts agreed that all groups are best served at the Fairbank Center.

Ms. Huston stated that the Park & Rec. Commission met last night and are not ready for a fall Town Meeting.

Mr. Levine stated that COA met today and agreed they were not ready for a fall Town Meeting.

Ms. Nerssessian stated that the SPS Committee would be meeting on Monday and will discuss ways to create office space in the most efficient and cost-effective way, and would likely not be ready to present at a fall Town Meeting.

Selectman Schineller commented that there was some frustration about residents wanting to see and understand the group needs more, and suggested that such input should be included on the Fairbank Center website.

Chairman Carty added that BOS should also be part of that input. Selectman Dretler agreed and stated that other committee input would also be included.

Selectman Schineller motioned to reconvene the public hearing. Selectman Dretler seconded the motion.

It was on motion unanimously

VOTED: To resume the public hearing for discussion and vote whether there is a need for a fall Town Meeting in accordance with Town Bylaw Article 1 Section 3.

Resident Richard Williamson, 21 Pendleton Road, was encouraged by all the progress made and provided a brief narrative regarding the history of the Fairbank Center repairs over the last 11 years.

Resident Jack Ryan, 155 Ford Road, served on the first and second Fairbank iteration Task Force and noted that this working group is amazing.

Resident John Sherman, 42 Raynor Road, suggested that everyone consider the changing demographics and he wants everyone to realize that the Fairbank Community Center is more than a senior center.

Resident Kirsten Roopenian, 45 Harness Lane, was part of the first Fairbank iteration and is extremely impressed with this working group and their ability to work collaboratively.

Chairman Carty stated that the groups are not ready, so there is no pressing reason to conduct a fall Town Meeting.

As suggested at the training session, motions should be worded as positive statements. Selectman Schineller motioned to conduct a fall Town Meeting. Vice-Chairman Brown seconded the motion.

It was on motion unanimously, all members opposed having a Fall Town Meeting (0 in favor, 5 opposed).

VOTED: That there was no need for a fall Town Meeting in accordance with Town Bylaw Article 1 Section 3.

Update on Bruce Freeman Rail Trail CSX Corridor acquisition

Present: Environmental Planner Beth Suedmeyer

Ms. Suedmeyer presented the BFRT (Bruce Freeman Rail Trail) Design Project update and stated that 25% project design of the Rail Trail from the Concord Town line to the intersection of Union Avenue and Station Road is nearly completed pending additional structural design development and review by MassDOT. She reiterated that the project design must be “shovel ready” by October 2022 to take advantage of the state and federal funds for construction. She outlined aspects of the timeline schedule:

- Week of August 5 - Geotechnical Borings start
- Week of August 19 – Geotechnical Borings end
- Week of Sept. 14 – Soil Samples analyzed and tested. Final Environmental Monitoring Report submitted.
- Week of Sept. 23 – Geotechnical report submitted to MassDOT
- End of 2019 – MassDOT review (could take 3 to 6 months)
- Early 2020 – MassDot Design Public Hearing

Selectman Roberts inquired about boring testing. Ms. Suedmeyer explained that the boring testing below the soil takes place to determine adequate footings for larger structures.

Selectman Schineller suggested that related updates be posted on the Town website and further asked about Jacobs Engineering involvement. He observed that the 25% cost overrun for the Jacobs contract had been covered by the Town Manager’s budget and asked for clarification on the schedule.

Ms. Suedmeyer confirmed that scheduling had slipped due to delays in scheduling the borings.

Selectman Roberts asked about a master timeline in consideration of delays. Ms. Suedmeyer responded that we must allow for the unexpected, but the project is close to the 75% design-RFP point. MassDOT does not fully prioritize until the last year of construction.

Selectman Schineller asked about MA Trails funding not being granted to the Town this year. Ms. Suedmeyer had conversations with the coordinator of MA Trails grants and was assured there will be other opportunities coming up.

Selectman Roberts asked about certain checkpoints needed in order to receive additional grant funding. Ms. Suedmeyer answered that once a contractor is hired via the RFP process, the process will be clearer.

Vice-Chairman Brown asked if the 75% design of the project should be advertised before the 25% design is done. Ms. Suedmeyer responded that having the next contractor in place would likely be most helpful in the process.

Vice-Chairman Brown would like to see associated RFP detail and would like to see all contracts presented. Town Manager Rodrigues recommended that a contract be signed by the end of this year.

Chairman Carty would appreciate finding additional award funding, and wanted to be sure the Town has enough funding in reserve. Ms. Suedmeyer affirmed the fact.

Selectman Dretler thanked Ms. Suedmeyer for her help in answering related questions and asked when the next update might be presented.

Chairman Carty suggested that quarterly BFRT and CSX updates be provided to the Board. Selectman Dretler suggested that an updated presentation be scheduled for September when the borings are completed. The Board agreed with such scheduling.

Chairman Carty inquired about the CSX corridor south of Station Road. Town Manager Rodrigues stated that Framingham is very interested in this part of the trail which could suggest leverage for Sudbury. Ms. Suedmeyer stated the Town has exclusive rights to purchase it right now and CSX owns the track.

Chairman Carty stated that CSX would not move forward unless both Framingham and Sudbury advance forward. Ms. Suedmeyer commented that \$700,000 is estimated as the value for the Sudbury section. Town Manager Rodrigues asked if the Board would recommend additional conversations with Framingham.

Selectman Roberts would like to see the trail extended to Rte. 20 and businesses. Selectmen Schineller commented the BFRT portion did not extend to Rte. 20. Selectman Roberts said that the Town might want to consider that extension for a future purchase. Chairman Carty was in favor of initiating related conversations.

Selectman Schineller inquired about the cost of such an appraisal. Town Manager Rodrigues responded it would cost \$4,000 for Sudbury, CSX and Framingham.

Resident and Conservation Commission member Charles Russo, 30 Juniper Road, suggested the 25% completion aspect not be a deterrent in going forward.

Resident Len Simon, 40 Meadowbrook Circle, stated the CSX corridor has been a BOS goal and should connect with Framingham. He added that CSX is willing to sell the area in segments and supported Chairman Carty's recommendation for an appraisal and conducting conversations with Framingham. Mr. Simon had concerns that Concord has completed the rail trail project and Sudbury is in jeopardy of slipping, and at this pace groundbreaking would not take place until 2022. He wanted assurance from the Town to move forward now. Chairman Carty emphatically stressed to Mr. Simon that action was being taken.

Resident Daniel De Pompei, 35 Haynes Road, asked if the title was free and clear with regard to a CSX purchase. Town Manager Rodrigues responded that a right of reversion would still exist and there is a chance that CSX would abandon the rail and revert the property to homeowners.

Selectman Dretler indicated that the Board had a productive discussion regarding BFRT and CSX Corridor this evening and looked forward to hearing what Framingham might say.

Accept deed to the 4+/- acre general municipal use parcel and approve the acceptance of deed by the Conservation Commission

Town Manager Rodrigues stated the Town is ready to purchase Broadacres Farm with walk-through completed, site secured and insurance placement. A Reuse Committee should be established shortly and she recommended this be included on a future agenda.

Selectman Roberts reiterated there were no occupants or horses on the site and agreed that a Reuse Committee should be in place soon. Selectman Dretler commented that Broadacres provides great access to other open Town lands.

Vice-Chairman Brown made a motion and was seconded by Chairman Carty.

It was on motion unanimously

VOTED: To accept the deed to the 4+/- acre general municipal use parcel and further vote to approve the acceptance of the deed by the Conservation Commission for the 20+/- acre conservation use parcel. Further vote to authorize the Town Manager or Chairman of the Board of Selectmen to sign all closing documents associated with Phase 2 of the Broadacres Farm Acquisition.

Easement request for 24 Hudson Road

Present: Resident Susan Abrams, 24 Hudson Road

Ms. Abrams stated that with the Town acquiring the proposed Sudbury Station property, an easement granting the Town access over her property to that lot is not needed and she requested the removal of the existing easement. Chairman Carty stated the Board could not eliminate the easement until the Town officially owns the property.

Town Manager Rodrigues suggested the associated paperwork could be drafted for approval and ready for signature when the property passes. Vice-Chairman Brown agreed that completing the draft would make sense.

Board members agreed the easement was no longer needed and a draft could be started.

Camp Sewataro Draft RFP (Request for Proposals)

Town Manager Rodrigues explained the revisions and amendments made to the Camp Sewataro RFP.

Selectman Schineller asked about the interview process. Town Manager Rodrigues responded such interviews would be private.

Selectman Schineller commented about the RFP requirement stating an RFP applicant must be a MA company doing business in the state for at least five years. Town Manager Rodrigues responded the mentioned clause could be changed to extend to companies doing business outside of MA.

A group discussion and examination of the draft RFP took place.

Selectman Roberts requested that language regarding property access be located at the beginning of the RFP document. Town Manager Rodrigues responded that such placement would be confusing. Chairman Carty agreed such an approach would be confusing and could deter some potential applicants.

Selectman Roberts asked if the RFP extension clause could be more flexible. Chairman Carty responded three years might be perceived as a very short-term lease and might deter people from coming forward.

Town Manager Rodrigues stated the finalized RFP would be available tomorrow.

Resident Kristen Drummey, 66 Mossman Road, inquired about the definition of "net revenue" as included in the RFP. Town Manager Rodrigues replied that net revenue reflects an amount after all expenses and offered to change it, if warranted. Ms. Drummey asked if a prospective operator could be a president of a corporation. Town Manager Rodrigues responded affirmatively.

Resident and owner of Camp Sewataro Mark Taylor, Five Liberty Ledge, mentioned there are risks associated with special permits and asked if such permits were actually mandatory. Town Manager Rodrigues would research that aspect.

Vice-Chairman Brown motioned to approve the Camp Sewataro draft RFP as amended tonight. Selectman Dretler seconded the motion.

It was on motion unanimously

VOTED: To approve Camp Sewataro draft RFP.

State Revolving Fund Loan for CWMP update

Town Manager Rodrigues explained the Town consultant is recommending that the Board authorize the Town Manager's office to file applications and execute agreements for the CWMP (Comprehensive Wastewater Management Plan) only.

Vice-Chairman Brown made the motion, and seconded by Selectman Dretler.

It was on motion unanimously

VOTED: To authorize that the Office of the Town Manager to file applications and execute agreements for grants and loan assistance in regards to the State Revolving Fund Loan for the CWMP update.

Citizen's comments (cont.)

There were no citizen's comments.

Discuss upcoming agenda items

The Board agreed to schedule an Executive Session on Monday, July 15 at 11:00 a.m. with location to be determined. Items to be discussed at that meeting include:

- New Town Manager preparations
- Acceptance of Town Manager Rodrigues' resignation
- Camp Sewataro P&S and update

The Board agreed that Stone Farm would be discussed when Town Counsel Jonathan Silverstein returns from vacation in two weeks.

Due to late hour, Chairman Carty requested Board members email him regarding any items to be covered at the July 24th meeting.

Vice-Chairman Brown asked about the proposed demolition of Frost Farm House. Town Manager replied that progress is being made and the final pre-demolition walk is scheduled for tomorrow.

Consent Calendar

Vote to approve the regular session minutes of June 11, 2019

Due to the late hour, Chairman Carty recommended approval of regular session minutes of June 11, 2019 be tabled to the next meeting.

There being no further business, the meeting adjourned at 10:37 p.m.

Attest: _____

Melissa Murphy-Rodrigues
Town Manager-Clerk