

IN BOARD OF SUDBURY SELECTMEN

TUESDAY, SEPTEMBER 17, 2019

POLICE STATION CONFERENCE ROOM

Present: Chairman Daniel E. Carty, Vice-Chairman Patricia Brown, Selectman Janie Dretler, Selectman Jennifer Roberts, Selectman William Schineller and Interim Town Manager Maryanne Bilodeau.

The statutory requirements as to notice having been complied with, the meeting was convened at 7:00 p.m. at the Police Station conference room, 75 Hudson Road.

Chairman Carty called the meeting to order.

**Opening Remarks by Chairman**

Chairman Carty announced that EEE questions should be directed to the Town website which is always being updated. He stated that CPC is seeking proposals for FY21 projects.

Chairman Carty noted that Horse Pond Road water main work will begin on September 23, and the date on the Town website reflected a typographical error. Requests for Self-Evaluation questions - ADA Transition Plan are being submitted to the Facilities Director Bill Barletta and are due by September 23, 2019 with price proposals to be submitted by September 26, 2019. There will be a pre-submittal meeting on September 18<sup>th</sup> at 2:00 p.m. in Director Barletta's office, with additional information to be found on the Town website.

**Reports from Town Manager**

Interim Town Manager Bilodeau mentioned that several ADA Transition Plan requests have been submitted to the Facilities Director. She stated that the Town had been designated as a Municipal Vulnerability Preparedness (MVP) Community and thanked Environmental Planner Beth Suedmeyer, Planning Director Adam Duchesneau, Fire Chief John Whalen, Facilities Director Bill Barletta, Health Director Bill Murphy, DPW Director Dan Nason and other Town staff who assisted with the Town's MVP designation. Interim Town Manager Bilodeau detailed that the MVP designation opens the door to obtaining future grants.

Ms. Bilodeau announced that a \$78,000 FEMA grant had been awarded to the Fire Department to replace an air compressor.

**Reports from Selectmen**

Vice-Chairman Brown attended the Finance Committee (FinCom) meeting last night which focused on capital planning, adding that a joint meeting with FinCom and the Board of Selectmen is scheduled for October 22, 2019. She stated that the Finance Committee is interested in seeing the Budget Strategies Task Force reconvened.

Vice-Chairman Brown commented that the Frost Farm House demolition transfer was discussed at the FinCom meeting. The demolition of the house will cost \$82,000, which includes asbestos removal/abatement. She added that FinCom voted 5-3 in favor of the transfer and noted that FinCom requested explanation regarding the 2007 Frost Farm legal agreement and queried about efforts to recover costs. Vice-Chairman Brown suggested that FinCom members present their specific questions. Interim Town Manager Bilodeau offered to present additional information regarding the matter.

Vice-Chairman Brown recommended that the Board review and release executive session minutes at a future meeting.

Selectman Roberts questioned whether the Frost Farm House had been documented with photos in consideration of its historical significance. Interim Town Manager Bilodeau stated that she was confident that the house should

be demolished now and much documentation including pictures were taken, and demolition was agreed upon by department heads. She would ask Mr. Barletta to provide additional updated pictures.

Selectman Roberts explained that she, Selectman Dretler and Health Director Bill Murphy attended an EEE Meeting/Update session at MetroWest Medical Center. Participants included the Lt. Governor, Commissioner of Public Health, Senate President and other state officials. She noted that spraying in Sudbury had been completed and updates including future treatments were discussed at the meeting.

Selectman Roberts posed several EEE related questions:

- Future EEE preparedness strategies, with emphasis on the Sudbury region
- Exploration of effective EEE vaccines and proposed treatment

Selectman Dretler confirmed that she had also attended the EEE meeting and noted that spraying was tentatively completed for this season according to officials at the meeting. She stressed that officials at the EEE meeting, strongly encouraged affected communities be involved with future EEE prevention measures and sought communications from those communities.

Selectman Dretler affirmed that the Health Department is the point of contact for the Town. She opined that research regarding birds as EEE carriers should be further investigated.

Selectman Dretler announced that the Community Information Fair is scheduled at the Goodnow Library on Saturday, September 21, from 11:00 a.m. to 2:00 p.m. She commented that the Sudbury School Superintendent decided to resume elementary school outdoor recess beginning Friday, September 20.

Selectman Dretler mentioned that Selectmen Office Hours is scheduled for Saturday, September 21, 10:00 a.m. at Pete's Coffee, and she would be in attendance.

Selectman Schineller stated that he received several comments regarding EEE spraying in Town and several condo residents communicated that spraying was not performed in their communities. He attended the Ponds and Waterways Committee meeting and presented the MS4 wastewater information to that committee conveying that there is an issue with the cleaning of catch basins and the inappropriate disposal of dog "poop bags."

Selectman Schineller commented that he received resident e-mail endorsing the Rte. 20 bus shuttle. He stressed that the shuttle should have more advertising. Chairman Carty agreed that additional advertising methods could be utilized and would be discussed at the next Transportation Committee meeting. Selectman Schineller mentioned that there were no bus signs on Rte. 20.

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

There were no citizen's comments.

#### **Discussion/vote to select Town Manager Search Firm**

Interim Town Manager Bilodeau presented Board results of the Summary Evaluation of Town Manager Search Firms. She announced that Community Paradigm Associates was the selected search firm. It was rated most highly advantageous firm as well as the least costly.

Selectman Schineller indicated that he agreed with the vote and stated that Paradigm Associates is an "up and coming" firm and the most prepared firm during the interview at the last Board meeting.

Selectman Dretler echoed comments made by Selectman Schineller and was impressed by attendance of Paradigm staff during the interview and stated that the firm was very organized. She noted that references for the firm were very good.

Selectman Roberts stated that Paradigm Associates aptly addressed the RFP, had professional rapport and each team member contributed something unique.

Vice-Chairman Brown stated that she reviewed the interview recording and remembered that Mr. Gould of Municipal Resources, Inc. handled previous placement/s for the Town well. She commented that related experience is difficult to score and recommended that in the future, a rating for quality criteria should be included.

Chairman Carty noted that the selection process was interesting, adding that members never saw the price proposals when voting. He noted that there were no criteria to vote on previous experience with Sudbury itself, as we have worked with both Municipal Resources, Inc. and Collins Center – UMass Boston in the past.

Selectman Dretler moved to select Paradigm Associates to perform the Town Manager Search. Selectman Schineller seconded the motion.

It was on motion unanimously

VOTED: To select Paradigm Associates to perform the Town Manager Search.

**Vote to authorize Interim Town Manager to sign contract for Town Manager Executive Search Firm with approval of the BOS Chairman**

Town Manager Bilodeau commented that she had begun work on the Town Manager Executive Search Firm Contract for Town Counsel to approve.

Selectman Schineller motioned to authorize Interim Town Manager to sign contract for Town Manager Executive Search Firm, with approval of the BOS Chairman. Vice-Chairman Brown seconded the motion.

It was on motion unanimously

VOTED: To authorize Interim Town Manager to sign contract for Town Manager Executive Search Firm, with approval of the BOS Chairman.

**Discussion on Fairbank Community Center building project**

Selectman Dretler announced there will be a Fairbank Community Center meeting on Friday, September 20.

Selectman Schineller asked if the Town reviewed the Plympton Road site option. Interim Town Manager Bilodeau replied affirmatively. Chairman Carty commented that if the Board wished, the topic could be included on a future meeting agenda.

Chairman Carty queried if the Fairbank project was still on track for architectural plan completion in late October. Selectman Dretler responded positively and stated that Facilities Director Bill Barletta was on jury duty, which delayed the process a bit.

**Citizen's comments (cont.)**

Resident Len Simon, 40 Meadowbrook Circle, requested an update regarding the Fairbank Community Center.

Selectman Dretler provided an update and stated that the Fairbank working group recently met with the architect who supplied a block diagram of space for each user group.

**Discuss upcoming agenda items**

The Board reviewed the September 24th Executive Session agenda to include:

- Municipal Health Care Reform
- Litigation regarding Hollyer vs. Sudbury Conservation Commission

It was noted that Frost Farm would require discussion at an Executive Session as would Opioid litigation sometime in October.

The Board agreed that the agenda for the September 24<sup>th</sup> open meeting should include:

- Update on Bruce Freeman Rail Trail
- Update on Master Plan
- LS Academy Update (tentative)
- Complete Streets Presentation
- Goal Setting discussion
- Topics to be assigned for the Fall 2019 Board of Selectmen Newsletter

The Board agreed that the October 1<sup>st</sup> meeting agenda should include:

- Goal Setting Discussion (or be included in the September 24th meeting)
- The Goal Setting Discussion to take place on October 1, 2019

The Board agreed that the October 22<sup>nd</sup> meeting agenda should include:

- Financial topics/policies and joint meeting with the Finance Committee. (Finance Director Dennis Keohane will fill in for Interim Town Manager Bilodeau.)
- Division of Local Services (DLS) presentation
- Possible discussion Sudbury Access Corporation

Future agenda topics include:

- Board submission and approval of proposed EEE letter
- Board membership updates
- Approval of Executive Session minutes
- Sudbury tax rate discussion, involving the Chamber of Commerce
- Town Forum/Broadacres Farm to take place November 14 or November 21
- Traffic improvement discussion

Selectman Roberts suggested that the Board compose an EEE impact letter under the guidance of Health Director Bill Murphy. She noted that officials present at the recent EEE update meeting suggested that communities submit such communications to National agencies to advocate for additional assistance and resources for further solutions to the EEE crisis. Ms. Roberts stated that she would compose the draft for Board approve.

Selectman Dretler concurred and reiterated that state officials want to hear from communities affected by the EEE virus.

**Discussion on appraisal of CSX corridor and possible next steps in partnering with the Trust for Public Lands and Framingham to negotiate CSX acquisition**

Present: Environmental Planner Beth Suedmeyer and Kelly Boling of the Trust for Public Lands (via conference call)

Chairman Carty announced the CSX aspect of the proposed rail trail would be the only matter discussed at this meeting.

Ms. Suedmeyer provided an update and presented the CSX corridor “Securing Sudbury’s CSX Corridor for Public Use” slides and noted that the Board had received a CSX update in June.

Arlington, MA resident and president of the Friends of the Bruce Freeman Rail Trail, Tom Michelman, provided an update regarding Phase 2 construction of the Rail Trail.

Selectman Schineller asked if neighborhoods in south Sudbury would be able to access a potential trail extension. Ms. Suedmeyer responded that she would have to examine the area further and suggested that an upland path could be provided.

Ms. Suedmeyer emphasized the objectives: First, to update the appraisal completed in 2016, and secondly, to discuss the prospect of partnering with Framingham and the Trust for Public Lands to advance negotiations with CSX in order to pursue acquisition of the CSX corridor.

Mr. Boling explained that the Trust for Public Lands is a nonprofit organization which has created some 5,000 parks and recreation areas (including trails) and works on CPA projects. He affirmed the Trust has interest in this corridor in consideration of linking open spaces and encouraging low carbon methods of transportation options/connections and the Trust would like to help Sudbury and Framingham with that goal.

Vice-Chairman Brown asked if the Sudbury Water District, an entity distinct from the Town of Sudbury, had been consulted. They have a significant interest in the area in and around the CSX corridor, including wellheads and a level two aquifer. Ms. Suedmeyer affirmed that she had reached out to the director of the Water District earlier; she said she would engage again. Ms. Brown also mentioned possible mitigation resulting from the 1999 CSX derailment in Sudbury and subsequent actions by CSX. There was further discussion of a state drinking water grant and a \$25,000 contribution by the Water District to Sudbury’s attempt to acquire the CSX corridor in 2008.

A discussion regarding railroad corridor abandonment took place. If such corridors are abandoned, associated easement interests are typically extinguished.

Mr. Boling would like to see a full title report establishing who owns the entire corridor. He mentioned that Federal law permits railbanking instead of abandonment of rail corridors. Railbanking enables “interim” trail use while allowing the possibility of future rail line reactivation. If the corridor were abandoned, CSX could sell the real estate to abutters under the National Trails System Act.

Vice-Chairman Brown queried about the rail banking statute and questioned the possibility that the corridor could go back to rail use. Mr. Boling affirmed the possibility of reactivation.

Selectman Roberts asked if the corridor reverted back to rail usage, does funding go back to the Town(s) involved? Mr. Boling responded that acquisition monies are usually returned. Mr. Boling commented that if a proposed appraisal were to be performed by the original appraiser, there would be less cost involved since much of the documentation would remain the same.

Selectman Roberts asked why the Framingham piece is worth more than the Sudbury portion. Mr. Boling responded that the Sudbury portion is more difficult to access and density is a factor. He added that the next step would involve updating the appraisal and negotiating with CSX.

Ms. Suedmeyer recommended contacting Colliers, the appraisal company, and request an appraisal utilizing the federal standard.

Selectman Dretler queried about the four parties involved in such negotiations. Ms. Suedmeyer responded that the Trust for Public Lands, Framingham, Sudbury and CSX would be the negotiating parties.

Ms. Suedmeyer mentioned that related recreation trail grants could total \$100,000 and provided further detail regarding the Mass. Trails Grant, which stipulates that the trail must be purchased by 2020. She stated that DCR had removed the requirement to create a stone-dust path and would permit the money to be used solely for land acquisition. She stated that CSX would agree to participate in phased purchase. Vice-Chairman Brown commented that fragmentation of permitting is not preferable. Ms. Suedmeyer stated that permitting would not be required by 2020 to receive the grant; acquisition only would be enough.

Selectman Schineller questioned the inconsistency of the slides which indicated that CSX would not consider a phasing purchase option. Ms. Suedmeyer replied that aspect applied to Framingham only—that CSX did not want to have Framingham acquire their corridor, leaving an isolated segment owned by CSX in Sudbury. Sudbury did not secure the Mass. Trails Grant last year, but will be able to reapply in February. Vice-Chairman Brown asserted that the Board must be kept abreast of any grant funding status. Chairman Carty questioned the necessity of discussing grants that the Town did not receive.

The discussion turned to due diligence.

Mr. Boling stated that there would almost certainly be a phase 2 environmental assessment, which would involve fairly extensive soil testing, and also an extensive deed survey with literally hundreds of abutting parcels.

Selectman Schineller asked if this soil testing was similar to that which had been performed on the Bruce Freeman Rail Trail section 2D over the summer. Ms. Suedmeyer detailed that those borings, geotechnical borings to inform the structural design, were recently completed, but they are different from borings to determine what contaminants might be present. Mr. Boling pointed out that it is typical for rail corridors to have some contamination. The Massachusetts Department of Environmental Protection (DEP) has a standard process for handling and testing rail trail soils due to contaminants from rail use. The Town would want to have a better understanding of this contamination. During a discussion of funding options, Ms. Suedmeyer stated that Representative Carmine Gentile is trying to amend legislation to allow CPA funding for the project. Selectman Roberts stated that the Town cannot depend on CPA funding.

Vice-Chairman Brown mentioned that Framingham had received \$1,000,000 for the acquisition of the CSX corridor in the state's Environmental Bond Bill, Chapter 209 of the Acts of 2018, but that Sudbury had received nothing for this acquisition in the Bond Bill. She also mentioned that, for the original acquisition funding proposal in 2008, there had been a proposal to continue Nobscot Road north of Route 20 and connect it with Union Avenue. Ms. Suedmeyer opined that this would still be possible using the current acquisition of the corridor as long as there was a multi-use path as well. That would be a factor to consider in the layout when the trail is in design.

Ms. Suedmeyer informed the Board that she and Interim Town Manager Bilodeau met with the Mayor of Framingham and Framingham Community and Economic Development officials in mid-August to ensure that CSX information was being shared. Mr. Boling remotely participated in that meeting. Ms. Suedmeyer emphasized that both Sudbury and Framingham must document their intentions before further CSX planning can take place.

Mr. Boling affirmed that the Trust is willing to partner if Sudbury and Framingham can participate with the necessary requirements. Mr. Boling explained that the Trust acts as a moderator between the two towns and CSX

and has their own legal counsel to guide the negotiations. Ms. Suedmeyer confirmed that the Trust handles most of the legal/regulatory aspects. Ms. Suedmeyer requested the Board's support of the appraisal even without Framingham. Framingham may not willing to engage at this time because of concerns that they might not be able to proceed before the appraisal expired. Selectman Schineller asked how long an appraisal is good for, and Ms. Suedmeyer and Mr. Boling both indicated a year is typical.

Selectman Dretler asked if there was a possibility of extension of the grant. Ms. Suedmeyer replied that such extension is frowned upon and stressed that permitting and construction could be considered much later. Selectman Schineller asked if this project is a state priority.

Selectman Roberts stated that this proposed project is very important to the community and the Town should definitely apply for associated grants.

Vice-Chairman Brown considered the value of owning the land to be control over the property, but stated that going forward with any construction without knowing the implications of the whole project including the environmental aspects could be problematic. She stressed that environmental permitting should be done for the entire corridor to avoid "fragmenting"—constructing a series of small segments none of which individually merit thorough environmental review, but which collectively added up to a major project with extensive environmental effects.

Chairman Carty likened the environmental impact of the phasing process to paving a parking lot one space at a time, which may not require permits, then ending up with a parking lot that would have required a permit and so avoiding environmental review. He added that he had an issue with the disproportional amount of the appraisal assessed to Sudbury and confirmed that the CSX topic would be included in the goal-setting meeting. He stressed that the Town should revert the CPA funds that have gone unspent since allocated, currently appropriated for acquisition of the CSX corridor in 2008, since they cannot be spent under the current CPA law.

Selectman Roberts commented that she would consider having the quarter mile appraisal performed. Selectman Dretler stated she would prefer to have the whole Sudbury stretch appraised at one time. Selectman Dretler also suggested that Representative Gentile might provide a related update for the Board on the status of his legislation.

Mr. Boling stated he would want to know if Sudbury and Framingham would want to advance with proposals and then the Trust would provide model agreements.

Chairman Carty recommended a vote at this time. Selectman Schineller stated he did not want to provide a motion to vote on the appraisal in consideration of the fact that Town Manager is empowered to make such decision as directed by the Board.

Interim Town Manager Bilodeau stated that a general Board consensus was being requested.

Chairman Carty commented that the proposed appraisal included the entire Sudbury section of the CSX corridor and not just the quarter mile section mentioned. Selectman Dretler confirmed.

Selectman Roberts added that the Board consensus includes Framingham undertaking the appraisal for the Framingham section also. The Board was in agreement about the appraisal as discussed.

Vice-Chairman Brown stated that many related areas were presented tonight that she had no knowledge of and she was looking forward to receiving additional information. Interim Town Manager Bilodeau affirmed that such information would be provided. Selectman Schineller suggested related e-mails be forwarded to the Board. Interim Town Manager Bilodeau noted that such a process would continue.

Chairman Carty recommended that the Board receive an update at the next meeting. Selectman Roberts stressed the importance of such communications and she did not want the Board to be the body to cause any further delay in the process.

**Consent Calendar**

**Approve a Common Victualler License for Logus Corp, DBA Franco's Trattoria, 365 Boston Post Road**

Chairman Carty confirmed that the alcohol license was not being voted upon now, and this vote reflected the license approval only. Interim Town Manager Bilodeau confirmed the statement.

Selectman Schineller motioned to approve a Common Victualler License, and Selectman Roberts seconded the motion.

It was on motion unanimously

VOTED: To approve a Common Victualler License for Logus Corp, DBA Franco's Trattoria, 365 Boston Post Road, as requested in an application dated September 6, 2019, subject to conditions put forth by the Fire Department and Building Department.

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

Attest: \_\_\_\_\_  
Maryanne Bilodeau  
Interim Town Manager-Clerk