

IN BOARD OF SUDBURY SELECTMEN

TUESDAY DECEMBER 3, 2019

Present: Chairman Daniel E. Carty, Vice-Chairman Patricia A. Brown, Selectman Janie Dretler, Selectman Jennifer Roberts, Selectman William Schineller, and Finance Director Dennis Keohane (Acting Interim Town Manager in Ms. Bilodeau's absence).

The statutory requirements as to notice having been complied with, the meeting was convened at 7:05 p.m. at the Flynn Building – Silva Room.

Chairman Carty called the meeting to order.

Opening Remarks by Chairman

Chair Carty announced that the tree-lighting ceremony in front of Town Hall will be moved due to safety reasons and the Winter Festival will take place at the Fairbank Community Center on December 7th from 4:30 p.m. to 6:00 p.m. Selectmen's Office Hours will be held on December 7, 10:00 a.m. at Pete's Coffee and Selectmen Brown and Dretler will attend. The Hosmer House Holiday Open House will take place December 7, 8, 14 and 15 from 11:00 a.m. to 4:00 p.m.

Chair Carty stated that the Town will continue Eversource litigation and will appeal to the state Supreme Court. He acknowledged the passing of Yoshitaka Ando, a 30-year member of the Lincoln-Sudbury Regional High School Athletic Department.

Reports from Town Manager

There were no reports.

Reports from Selectmen

Vice-Chair Brown had no reports.

Selectman Schineller was disappointed about the cancellation of the tree lighting at Town Hall. He also acknowledged the Board of Selectmen did not initiate the petition regarding Stone Farm, but he did support the Special Town Meeting article regarding the official change of "Selectmen" title to "Select Board."

Selectman Dretler noted that she was disappointed that the Fairbank Community Center petition would be voted on at Special Town Meeting in January 2020 and encouraged the petitioner to withdraw preferring that the Fairbank Community Center article instead be presented at May Annual Town Meeting.

Selectmen Roberts agreed that the Fairbank Community Center article would have been better scheduled for May Town Meeting to allow additional time for public outreach/information. She participated in the Carding Mill Tour with other Board members on November 22.

Selectman Roberts announced that the League of Women Voters will be sponsoring a public forum regarding vaping on December 4, 7:30 p.m. at Lincoln-Sudbury Regional High School.

Citizen's comments on items not on agenda

No citizen's comments

Joint meeting with the Planning Board

Present: Director of Planning and Community Development Adam Duchesneau. Planning Board members: Chairman Stephen Garvin, John Hincks, Justin Finnicum, and associate member John Sugrue.

Mr. Garvin opening the meeting for the Planning Board.

Mr. Duchesneau commented that the joint meeting was scheduled due to the recent resignation of former Planning Board member Nancy Kilcoyne.

Chair Carty stated that Mr. Sugrue is currently the chair of the Master Plan Steering Committee (MPSC).

Mr. Sugrue introduced himself and detailed that he and his family have lived in Sudbury for five years and is employed as an architect and a city planner. Mr. Hincks confirmed Mr. Sugrue was the best candidate for the full-member seat. Mr. Hincks motioned and Mr. Finnicum seconded the motion.

It was on motion unanimously

VOTED: To appoint Planning Board Associate Member John Sugrue to a Full Member of the Planning Board until the next Annual Town Election on March 30, 2020.

Selectman Roberts asked if an Associate Member would be appointed. Mr. Garvin responded that a candidate is being considered.

Vice-Chair Brown motioned and Selectman Schineller seconded the motion.

It was on motion unanimously

VOTED: To notify the Town Clerk in writing to add the vacant seat (Full Planning Board) to the 2020 Town Election Ballot for a one-year term expiring May 2021.

Discussion of and possible vote to send letter to Sudbury State legislators requesting modifications to Massachusetts House Bill 3507 – Governor Baker’s “Housing Choice Initiative”

Mr. Garvin stated that the Planning Board agreed to include the Sudbury inclusionary housing aspect to strengthen the message and intent of the letter for submittal to Sudbury State Legislators.

Selectman Schineller inquired if such an inclusionary housing bylaw would be presented as a warrant article at May Annual Town Meeting. Mr. Garvin responded affirmatively, adding that the bylaw would ensure that smaller Sudbury Housing Trust housing projects would advance and safe harbor (SHI) would be maintained.

Selectman Dretler asked if the Planning Board was planning to meet with the Sudbury Housing Trust. Mr. Garvin replied affirmatively. Mr. Duchesneau confirmed that such discussion would be taking place shortly.

Selectman Roberts inquired about SHI monitoring, and Mr. Duchesneau stated that the state oversees that aspect.

Citizen’s Comments

Resident and Zoning Board of Appeals Chair John Riordan commented that Housing Bill 3507 was dead with very little support in the state legislature, and it was wise that the Town not make additional proposals at this time.

Vice-Chair Brown motioned and Selectman Schineller seconded the motion.

It was on motion unanimously

VOTED: To send a letter to Sudbury State Legislators requesting modifications to Massachusetts House Bill 3507 - Governor Baker’s “Housing Choice Initiative.”

Mr. Garvin closed the Planning Board meeting.

Citizen’s Comments

There were no citizen’s comments

Consent Calendar

Approve the regular session minutes of 10/22/19 and 10/29/19

Board members decided to vote to approve these minutes at their next meeting.

Approve the acceptance of Emergency Management Performance Grant (EMPG) funds in the amount of \$4,600 for the purchase of a portable Accountability/Command board system

Chair Carty motioned and Selectman Schineller seconded the motion.

It was on motion unanimously

VOTED: To approve the acceptance of Emergency Management Performance Grant (EMPG) funds in the amount of \$4,600 for the purchase of a portable Accountability/Command board system to be used in times of emergency.

Approve execution by the Interim Town Manager of Amendment No. 1 of the Woodard and Curran June 28, 2019 Agreement for Engineering Consulting Services for slope stabilization of the Marlboro Road Culvert; and further, to approve execution by the Interim Town Manager of the Agreement between the Town and Woodard and Curran for design and permitting services related to the revised Phase 3 Tasks in the amount of \$35,980 and any documents related thereto.

Chair Carty motioned and Selectmen Schineller seconded the motion.

It was on motion unanimously

VOTED: To approve execution by the Interim Town Manager of Amendment No. 1 of the Woodard and Curran June 28, 2019 Agreement for Engineering Consulting Services for slope stabilization of the Marlboro Road Culvert; and further, to approve execution by the Interim Town Manager of the Agreement between the Town and Woodard and Curran for design and permitting services related to the revised Phase 3 Tasks in the amount of \$35,980 and any documents related thereto.

Authorize the Chair to execute the Certificate of Compliance confirming the criteria for the purchase of Unit #28 in the Villages at Old County Road development at 6 Old County Road

Chair Carty motioned and Selectman Schineller seconded the motion.

It was on motion unanimously

VOTED: To authorize the Chair of the Board of Selectmen to execute the Certificate of Compliance confirming the criteria for the purchase of Unit #28 in the Villages at Old County Road development at 6 Old County Road and have all been met under the Chapter 40B program income guidelines and the dwelling unit's Affordable Housing Deed Rider as specified in the Certificate of Compliance.

Joint meeting with the Finance Committee to discuss budget process, future need of the Budget Strategies Task Force, and Interim Town Manager's 3-year financial forecast

Present: Finance Committee (FinCom) Members: Chair Jeffrey Atwater, Susan Berry, Lisa Gutch, Jean Nam, Bryan Simple, Scott Smigler

FinCom Chair Atwater opened the meeting for the FinCom.

Chair Carty explained that the Lincoln-Sudbury Regional High School Committee was unable to attend this meeting, as was the DLS (Division of Local Services).

Mr. Keohane stated that the Town was in good financial condition and the Town held a AAA bond rating as confirmed on 9/30/19 when the Camp Sewataro bond process was implemented. He presented several aspects regarding the Condition of Town – Financial Report for 2019 including details regarding:

- OPEB
- Stabilization Fund
- Capital Fund
- Free Cash
- Budget Forecast
- Revenue Forecast
- Intergovernmental Aid
- Local Receipts
- Other Available Funds
- Revenue Projections for FY19, FY20, FY21, FY22 and FY23

Discussion took place regarding new growth, exclusions/overrides and Proposition 2 ½. Mr. Semple suggested that a more rigorous financial approach might be considered in order to avoid automatic yearly tax increases. Vice-Chair Brown mentioned that FinCom might consider an alternate budgeting approach.

Selectman Dretler queried about revenue projections. Mr. Keohane confirmed that extra monies were allocated to free cash. Selectman Dretler mentioned the likely increase in ambulance costs.

Selectman Roberts questioned the possibility of additional grants. Mr. Keohane responded that he did not know about specific grants.

Mr. Keohane explained that the determinants of budgetary increases are fixed costs, personnel costs and contracts.

Mr. Atwater asked what fraction of the total budget the personnel-related costs were. Mr. Keohane responded 75%.

Selectman Dretler asked about amending the Sewataro bond schedule. Mr. Keohane suggested that the tax-exempt bond could be examined.

Selectman Schineller spoke of the revenue stream associated with Camp Sewataro. Mr. Keohane mentioned that the such revenue might lower the debt rate.

Mr. Keohane reviewed the Interim Town Manager's three-year financial forecast and detailed that the Town Manager would present the final budget at Annual Town Meeting in May.

Chair Carty lead the capital discussion. Mr. Semple stated that such capital discussion should be scheduled with the DLS presentation. Chair Carty acknowledged that DLS has postponed several times and the Selectmen wanted to meet with them as well.

Vice-Chair Brown noted that LSRHS financial documentation was included in the packet. She explained that LSRHS School Committee voted to leave Minuteman Nashoba Health Group as the official health provider, but LS staff did not approve, and the deadline to withdraw this year has passed. She detailed that LS Academy building project would likely not happen in Fall 2020 due to cost estimates of approximately \$1.4 million. Vice-Chair Brown stated that Plan B – the phased plan - would be used. She discussed the LSRHS timeline regarding voting on a budget and presenting it to FinCom in early January.

Resident Robert Liberman, 32 Old Framingham Road, stated that he expected to see signs of working on a budget at this time, and affirmed the accountability was required with budget formatting and a dialogue regarding trends, assessed values and actual expenses.

Resident Ralph Tyler, One Deacon Lane, indicated that the Town was doing a good job with controlling the budget when compared to past years. He stressed that teaching could not be automated.

Resident Len Simon, 40 Meadowbrook Circle, asked if DLS had submitted a report to the Town. Chair Carty confirmed that a preliminary report was submitted. Mr. Simon asked why the preliminary report was not included in the agenda. Chair Carty responded that DLS requested that the preliminary report not be published. Mr. Keohane indicated that the report could be submitted in mid-December. Mr. Simon requested that the report be put on the Town website as soon as possible. Chair Carty confirmed that the report would be included on the website once it becomes available from DLS.

Budget Strategies Task Force – BSTF

Ms. Berry maintained that it was important that each of the three cost centers coordinate the financial/budgeting goals. She suggested that representatives come to the FinCom meeting on December 9. Selectman Schineller asked for further explanation. Ms. Berry stated that it is best for the three user groups (with the inclusion of two superintendents) to have the budgeting goal discussion in early Fall.

Selectman Dretler agreed that such collaboration is important and asked if change had been effective in the past. Ms. Berry responded that discussing the time change at the Curtis Middle School and the impact on busing between SPS and LS was effective.

Mr. Atwater commented that getting user groups together is a problem.

Chair Carty asked the Board members if they wanted the BSTF to continue. Selectman Schineller responded that he did. Selectman Roberts asked Mr. Keohane if the BSTF was helpful to him in his role. Mr. Keohane stated that from a process standpoint, it was easier to work with the three groups and not also have to work through a committee.

Vice-Chair Brown indicated that the BSTF should continue for at least another year in consideration of the Town Manager transition. Selectman Roberts agreed.

Mr. Brumback noted that a more collaborative approach is reflected by BSTF involvement, which helps to provide additional options. Ms. Nam noted that a collaborative process was more effective and BSTF represents the voters.

Selectman Schineller motioned to continue the BSTF for another year. Chair Carty seconded the motion.

It was on motion unanimously

VOTED: To continue BSTF for another year.

Chair Carty motioned to appoint BSTF members at the next Board meeting on December 10. Selectman Schineller seconded the motion.

It was on motion unanimously

VOTED: To appoint BSTF members at the next Board meeting on December 10.

FinCom voted to adjourn their meeting.

Discussion regarding a citizen's petition to adopt legislation allowing the Town to grant one (1) additional alcoholic beverages serving license to be submitted for the Annual Town Meeting warrant

Present: Jack O'Neil, Managing Partner, National Development; Steve Senna, Vice President, National Development.

Mr. O'Neil referred to the Meadow Walk plan and detailed where the new restaurant would be proposed. He explained that a similar alcohol license and legislation was adopted by National Development in the Town of Burlington, MA.

Mr. O'Neil requested that the related warrant article be presented at May Town Meeting. He added that he was seeking preliminary assessment of the Board and detailed that National Development had a serious prospective tenant and will release the identity of the restaurant when the lease is signed.

Selectman Schineller asked if the proposed restaurant was part of a chain business. Mr. O'Neil responded that the restaurant had one other location. The Sudbury location includes 4,000 square feet and has seating for 110. Selectman Schineller asked if there would be enough parking. Mr. O'Neil assured the Board that there would be enough parking.

Selectman Dretler asked if Whole Foods would have any relationship to the proposed license. Mr. O'Neil confirmed that Whole Foods would have nothing to do with this liquor license.

Selectman Roberts wanted to support the petition, but was concerned that the proposed lease might fall through at which time the license might be assigned to another part of the Meadow Walk development. Mr. O'Neil asserted that the license could possibly be assigned to businesses at unleased parts of the development except for Whole Foods. He added that Town Counsel is currently reviewing the proposed draft article.

Selectman Roberts asked if revisions to the proposed article might be possible. Mr. O'Neil responded in the affirmative.

Vice-Chair Brown stated that she liked the concept and wanted to see the related details.

Mr. Senna indicated that the preferred way to draft the proposed article is to refer to the 50 acres of the Raytheon property.

Selectman Schineller acknowledged that the addition of another Meadow Walk restaurant would be great. Selectman Roberts stated that she would be in support of an additional full-service restaurant. Mr. O'Neil stated that he anticipated that the restaurant lease would be signed by the end of the month. Chair Carty asked if the lease was contingent on the liquor license. Mr. O'Neil responded in the affirmative adding that National Development would be working with Town Counsel on the particulars and the language of the article.

Chair Carty recommended that Board members send any related comments to Interim Town Manager Bilodeau. Selectman Dretler reiterated that if the license were approved, such license would forever stay at the location within the overlay district.

Permanent Building Committee discussion and candidate interview - Jennifer K. Pincus

Chair Carty outlined the request from the Permanent Building Committee (PBC) to fill a vacancy and consider two other expired seats. He stated that necessary housekeeping should be performed before additional assignments could take place.

In addition to the vacancy, there is a member to be nominated by the SPS School Committee whose term has expired, and another member who has moved out of town whose term expired in 2018.

Selectman Schineller opined that unless a PBC seat has been appropriately reappointed, that member should not have voting privilege. Chair Carty agreed and stated that the PBC co-chairs were not able to be present at this evening's meeting. He further explained that if a member has missed five or more consecutive meetings they are withdrawn from the Committee in accordance with Town bylaw.

Selectman Schineller asked the name of the member who does not live in Town and requires reappointment or dismissal. Chair Carty identified the expired PBC member as William Braun, who wanted to remain on the Board.

Selectman Schineller affirmed that he did not want to reappoint if the person was not a resident of Sudbury. Selectman Dretler noted that there are Sudbury residents who are seeking such membership, which was her preference.

Selectman Roberts affirmed that PBC makes decision on very significant projects in Town and residents would maintain the necessary involvement/familiarity with such topics.

Selectman Dretler acknowledged the contributions that such former members have made over the years. Selectman Brown shared the sentiment of Selectman Dretler.

Vice-Chair Brown motioned and Selectman Schineller seconded the motion.

It was on motion unanimously

VOTED: To thank Mr. Braun for his service and vote to send him the customary letter of thanks and not to reappoint him to the Permanent Building Committee.

Chair Carty introduced candidate Jennifer K. Pincus.

Ms. Pincus mentioned that she served on the Rail Trail Advisory Committee for ten years and is an associate member of the Zoning Board of Appeals and member of the Earth Removal Board. She has been an architect for some twenty years, and also has been involved with the design of other town halls.

Selectman Schineller acknowledged that Ms. Pincus would make for a good fit on PBC. Selectman Roberts indicated that Ms. Pincus would be of great assistance with the Town Hall and Fairbank Community Center projects.

It was on motion unanimously

VOTED: To appoint Jennifer K. Pincus, 25 Blueberry Hill Lane, as a member of the Permanent Building Committee for a term ending 5/31/22.

Discussion and possible vote next steps on the Fairbank Community Center

Selectman Schineller suggested moving forward with Town Meeting article in May and include two options (one less expensive option). He mentioned the idea of building another structure next to the existing building, which might reflect \$10 million to cover a new structure and \$6 million to renovate the existing building.

Vice-Chair Brown stated that this decision will be taken to the voters and indicated her concern at the possibility of having to present a Fairbank proposal for the fourth time if this fails.

Selectman Schineller commented that presenting the Fairbanks project at the May Annual Town Meeting would provide citizens with a chance to submit questions as done with previous Town Meeting articles.

Chair Carty commented that the citizen petition at Special Town Meeting in January would not allow for enough preparation time. Selectman Roberts agreed this would not be the preferred approach. Selectman Schineller queried if it were preferable for the petitioner to withdraw the petition. Selectman Dretler stated that withdrawal of the petition would be much preferred. Chair Carty suggested presenting the article at the May Annual Town Meeting, or perhaps indefinitely postpone it in January. He stressed that the citizen is responsible for educating citizens on his petition; this is not the Selectmen's article.

Selectman Roberts commented that all related parties have done due diligence after last week's presentation with user groups, affirming that the presented proposal was a good one.

Chair Carty commented that, should the petition article pass at January Town Meeting, voters would have to approve the debt at an election. He would have to determine the time constraints on when such an election must

be held. Selectman Dretler maintained that additional evaluation would have to take place if the proposal was not approved at Town Meetings.

Selectman Roberts hoped that Board members could get behind the article as it stands, and if it did not pass at Annual Town Meeting, options would have to be considered. Selectman Dretler asserted the Board can accomplish much for the community if members work together.

Resident and FinCom member Scott Smigler, 125 Plympton Road, applauded Selectman Dretler for her efforts and stressed that a \$30 million project must be vetted, and the Board should take a vote. He suggested that a discussion be scheduled with the petitioner.

Resident and FinCom member Lisa Gutch, 64 Silverhill Road, thanked the user groups and wanted all to take a unified stand and emphasized that Sudbury Public Schools Administration must be included in the proposal.

Resident Len Simon, 40 Meadowbrook Circle, commented rather than worrying about article passage, the Board should recognize the worth of the proposal and one that has the support of the three working groups involved. He advocated for gathering comments from Town committees and stressed that the Board must stand unified.

Selectman Roberts stressed the timely need for an improved emergency center.

Mara Huston of Park & Recreation Commission recommended endorsement of indefinite postponement and withdrawal of the petition in efforts to complete education and vetting processes before Annual Town Meeting in May. She asked for any additional questions that the Board might have. Mr. Keohane recommended that the Board delay taking a position until the petition signatures have been verified.

Resident and FinCom member, Jean Nam, indicated that there is no question that seniors need more space, SPS Administration needs to have a home, and noted that Park & Recreation has not demonstrated such extensive need in consideration of the fact that the current space is not always used to full capacity, and extended scrutiny of such planning needs to take place. Selectman Roberts noted that it was fair to ask additional questions of Park & Recreation. Selectman Schineller commented the Park & Recreation scheduling was variant. Chair Carty noted that all concerns including such program scheduling should be formalized and presented to Interim Town Manager Bilodeau for her submission to the user groups.

Chair Carty stated that he was in favor of conducting a Fairbank Center Forum scheduled sometime before Annual/Spring Town Meeting and would discuss this idea with Interim Town Manager Bilodeau.

Vice-Chair Brown noted that former Town Manager Rodrigues composed many Town Meeting articles and, in consideration of the Town Manager search period, the Board would have to draft such Town Meeting articles for 2020 Annual Town Meeting.

Sign letter of support to The Sudbury Foundation regarding the Sudbury Housing Authority's undertaking of preliminary assessments of Town-owned parcels for potential future development of affordable rental housing

Present: Steve Swanger of the Sudbury Housing Authority

Selectman Schineller stated that he wanted to see amendment to the proposed letter of support to include exclusion of Broadacres development, further definition and clarity of language within the proposed letter. Chair Carty agreed.

Selectman Roberts stated that she saw the assessment as a way to gather information to help plan SHA properties. She expressed that she did not yet know if she supported any housing at Broadacres but that more information from the assessment could help a decision to be made. She stated that she had concerns inclusionary zoning may not produce enough affordable housing over time and that getting one house at a time such as through SHA is

important. Vice-Chair Brown noted that she did not want to endorse such a letter if the Board was not in 100% agreement.

Chair Carty affirmed that the Town must plan for the future but would not endorse a letter that included housing for Broadacres. If the results of the Broadacres charrette indicate interest in housing, then the Board must consider it.

Mr. Swanger commented that he could not answer for the Sudbury Housing Authority tonight but would hate to give up on Broadacres housing. He was willing to wait for the Broadacres charrette results.

Renew Alcoholic Beverages, Common Victualler and Entertainment licenses until December 31, 2020; and the Motor Vehicle Classes 1, 2, and 3 licenses until January 1, 2021

Selectman Schineller motioned and Selectman Dretler seconded the motion.

It was on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, to renew the Alcoholic Beverages, Common Victualler and Entertainment licenses until December 31, 2020; and the Motor Vehicle Classes 1, 2, and 3 licenses until January 1, 2021, as shown on the attached lists.

Citizen's Comments

There were no citizen's comments

Discuss upcoming agenda items

The Board discussed the December 17th opening of the Annual Town Meeting warrant, as well as, the proposed scheduling of other items:

Dec. 10

- Special Town Warrant positions and signing
- Historic District Appointments
- Budget Strategies Task Force appointments

Dec. 17:

- Sewataro topics to include bonding
- May Annual Town Meeting
- Results from Broadacres Forum/Charrette
- CSX appraisal
- Quarterly BFRT update
- "Select Board" name change
- Disbanding of Town Hall Blue Ribbon Committee
- Tree Lighting Ceremony relocation topic
- Vocational Education

There being no further business, the meeting adjourned at 11:48 p.m.

Attest: _____

Dennis Keohane, Finance Director
Acting as Interim Town Manager-Clerk