

IN BOARD OF SUDBURY SELECTMEN

TUESDAY, NOVEMBER 5, 2019

TOWN HALL – LOWER LEVEL

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 Town Hall – Lower Level.

Chairman Carty called the meeting to order.

**Opening Remarks by Chairman**

Chair Carty provided a summary of the Master Plan Steering Committee (MPSC) Community Conversation held during the month of October and online resident surveys. Hazardous Waste Day collection will be on November 9<sup>th</sup> and residents can register by phone, e-mail or by appointment. The Broadacres Town Forum will be November 21<sup>st</sup>. CPC funding hearings will be on November 22 and December 4<sup>th</sup> at Town Hall.

The Veteran's Appreciation Luncheon will be November 6, at 12:00 Noon at the Fairbank Community Center. The Camp Sewataro open house is scheduled for November 16<sup>th</sup> from 1:00 p.m. to 3:00 p.m.

**Reports from Town Manager**

Interim Town Manager Bilodeau announced that three Sudbury Firefighters will receive Fireman of the Year awards for their heroic ice rescue.

**Reports from Selectmen**

Vice-Chairman Brown announced the Dementia Friendly Sudbury Kickoff at the Senior Center on November 12, 2019. She reviewed a recent Finance Committee (FinCom) discussion regarding the Lincoln Finance Committee proposed changes regarding making estimates of the apportionment between the two towns for the Lincoln-Sudbury Regional High School (LS) budgeting process. The Vice-Chair stated that FinCom member Susan Berry had been selected as member of the Town Manager Search Committee.

Selectman Schineller stated that the Selectmen's Office Hours was well-attended last week, and that the HOPEsudbury Telethon will take place this weekend.

Selectman Roberts provided an update regarding Sudbury Master Plan Community Conversations sessions and encouraged residents to submit online surveys.

Selectman Dretler announced that SPS, Park & Recreation and COA will meet November 7<sup>th</sup> at 6:30 p.m. at Town Hall to discuss the Fairbank Community Center proposal. She added that the architect for the proposed Fairbank project will be present at the meeting.

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

Resident and Lions Charter Representative Paula Magnanti, 365 Boston Post Road, announced the kick-off meeting of the Sudbury Lions Charter on November 20.

Resident and Disabilities Commission Chair Patricia Guthy, 24 Pinewood Avenue, recently met with Town departments to assist with grant funding. She added that Representative Gentile would be providing a letter of support and mentioned handicapped accessibility planning for the Town's new acquisitions - Camp Sewataro and Broadacres Farm.

Resident and State Representative Carmine Gentile, 33 Surrey Lane, presented a summary of House Bill #3507, the Governor's Housing Choice initiative. This is a zoning amendment in response to the housing shortage, which he supports.

Resident and Park & Recreation Commission member Mara Huston, 578 Peakham Road, stated that Styrofoam collection would be included at the Hazardous Waste Day event.

**Discussion regarding Fall Town Forum (Broadacres Charrette)**

Vice-Chair Brown announced that the Broadacres Town Forum will be November 21 at the Town Hall from 6:30 p.m. to 9:00 p.m. and landscape architects would be present. The focus will be on the four-acre parcel near the Broadacres Farm house. She advocated for resident participation.

Selectman Dretler inquired about the use of Parcel #2 which includes the four acres and what was identified as use for the parcel at Town Meeting. Vice-Chair Brown responded that the four-acre parcel was acquired for "general municipal use".

Selectman Roberts asked when the specific use of Parcel 1, acquired for recreation, would be determined. Interim Town Manager Bilodeau commented that there was no date specified at this time.

Selectman Schineller inquired about e-mailing related comments in advance of the Forum. Vice-Chair Brown stated that the Forum results would be made available as part of a summary report. Selectman Roberts asked if the history of the site could be included at the Forum, and Vice-Chair Brown agreed.

**Open joint meeting with Park & Recreation Commission to interview candidate for appointment**

Present: Park & Recreation Commission members: Mara Huston, Jim Marotta, Chair Robert Beagan and candidate Benjamin Carmel, 24 Thornberry Lane.

Chair Carty motioned and Selectman Schineller seconded the motion.

It was on motion unanimously

VOTED: To open joint meeting with Park & Recreation Commission

Chair Carty explained that this appointment was to fill a vacancy in the Park & Recreation Commission left by the resignation of a current member prior to the expiration of his term in May.

Mr. Beagan provided a narrative regarding Mr. Carmel's background. Mr. Carmel explained that he and his family settled in Sudbury approximately 18 months ago and wants to get involved with the community. He noted that his family was involved in the distribution of recreation-related products, including products for the Special Olympics. He runs a global team and indicated he could help the Town at this critical time in consideration of recent Town recreational acquisitions.

Mr. Beagan affirmed that Mr. Carmel would be a great fit and after May 31, 2020, Mr. Carmel could possibly serve for a longer term.

Selectman Roberts stated that a candidate with a young family would be a great asset and emphasized that a marketing background was valuable. Mr. Carmel responded that he is currently involved in marketing and social media is utilized.

Selectman Dretler commented that distribution of information to residents is a challenge. Mr. Carmel agreed and stated that he was following both the Fairbank and Broadacre projects.

Chair Carty motioned and Vice-Chair Brown seconded the motion.

It was on motion unanimously.

VOTED: To appoint Benjamin Carmel, 24 Thornberry Lane, to the Park & Recreation Commission for a term to expire 5/31/20.

Mr. Beagan motioned to appoint Mr. Benjamin Carmel, 24 Thornberry Lane, to the Park & Recreation Commission for a term to expire 5/31/20. Mr. Marotta seconded the motion.

It was on motion unanimously

VOTED: To appoint Benjamin Carmel, 24 Thornberry Lane, to the Park & Recreation Commission for a term to expire 5/31/20.

Mr. Beagan motioned to close the Park & Recreation joint meeting with the Board of Selectmen. Mr. Marotta seconded the motion.

It was on motion unanimously

VOTED: To close the joint session with the Board of Selectmen.

Chair Carty motioned and Vice-Chair Brown seconded the motion.

It was on motion unanimously

VOTED: To close the joint session with the Park & Recreation Commission.

**Interview candidate to the Council on Aging (COA)**

Present: Robert Lieberman, 32 Old Framingham Road

Mr. Lieberman introduced himself to the Board and stated that he was a former CPA and CFO of an energy company and moved to Sudbury three years ago. He has been attending COA meetings and was impressed by the activities offered at COA.

Chair Carty mentioned that the Board received a letter of unanimous support from the Council on Aging.

Selectman Schineller asked if Mr. Lieberman was retired, and Mr. Lieberman responded that he consults out of his home.

Selectman Roberts stated that she was pleased with Mr. Lieberman's attendance at COA and Master Plan Steering Committee (MPSC) meetings. Mr. Lieberman commented that his number one consideration at this time was the Community Center and housing needs, especially in consideration of seniors. He also would like to get involved with other Town committees such as the Transportation Committee.

Selectman Dretler thanked Mr. Lieberman for his presence at MPSC meetings and asked about his renewable energy experience, especially in consideration of the Fairbank Senior Center. Mr. Lieberman stated that he would be happy to help with this aspect.

Chair Carty motioned and Selectman Dretler seconded the motion.

It was on motion unanimously

VOTED: To appoint Robert Lieberman, 32 Old Framingham Road, Unit #41, to the Council on Aging for a term to expire 5/31/22.

**Discussion and update on Fairbank Community Center**

Selectman Schineller asked if the Fairbank deliverables of plan and cost estimates would be presented at the meeting on Thursday, November 7. Selectman Dretler responded in the affirmative. Interim Town Manager Bilodeau also affirmed that the Selectmen will be holding a joint meeting with the three user groups -- Council on Aging, Park and Recreation Commission, and the SPS School Committee on November 19.

**Review updated Fall 2019 Board of Selectmen Newsletter and approve for distribution**

Selectman Dretler spoke about the Camp Sewataro article and clarified the scholarship aspect, noting that the higher the enrollment, the higher the scholarship number. There would be 10 scholarships for 600 campers if a special permit is approved. If the camp is permitted up to 650 campers, then Sewataro would offer up to 50 scholarships.

Selectman Roberts commented that capital improvements if deemed necessary by the Town or over \$20,000 could impact net revenue at Camp Sewataro emphasizing that there may be costs to the Town since it is responsible for capital improvements over \$20K. Chair Carty responded that Town Counsel had reviewed the net revenue of the Camp.

Selectman Dretler inquired if the Town would incur any costs to prepare the property for public access. Selectman Dretler inquired about the installation of a gate at Camp Sewataro and asked if the Town is installing one. Interim Town Manager Bilodeau responded that a gate may be installed at the rear of the property so that Mark Taylor, the former property owner, could access his property.

Selectman Roberts inquired about the installation of fencing around the publicly accessible areas on the property. Interim Town Manager stated the property manager was reviewing it. Selectman Roberts inquired who would be paying for those costs. Interim Town Manager Bilodeau said there wasn't anything budgeted for those costs.

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

It was on motion unanimously

VOTED: To approve the Fall 2019 Board of Selectmen Newsletter as amended.

**Vote on Application of Paani Indian Cuisine for a Pledge of License to its License to Sell Alcoholic Beverages**

Present: Vimlesh Verma, Manager of Paani Indian Cuisine, LLC

Chair Carty explained that the applicant is using the license as collateral for a loan. He asked if the liquor license was in default, and the applicant said not.

Interim Town Manager affirmed that any changes must go through the Board as the local licensing authority.

Selectman Dretler questioned how long such a license may be tied up if the applicant defaulted on the loan. Interim Town Manager Bilodeau stated that the license must be renewed every year. Vice-Chair Brown commented that the bank does not transfer a license.

Selectman Dretler asked how many liquor licenses are currently available. Interim Town Manager Bilodeau responded there are two remaining licenses - both for wine and malt package stores.

Selectman Dretler asked about the purpose of the loan. Ms. Verma responded that the loan was for construction. Selectman Dretler stated that she would have liked to have seen additional information on what happens to the license if there is a default on the loan.

Selectman Roberts mentioned that such a loan would not be permitted in all states, but is legal in Massachusetts.

Interim Town Manager Bilodeau stated that if the Board required more information, she would be happy to provide such research.

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

It was on motion unanimously

VOTED: To approve the application of Paani Indian Cuisine, LCC d/b/a Paani-Pure Cuisine, Meadow Walk, Sudbury, Building #5, Sudbury, for a Pledge of License to its License to Sell Alcoholic Beverages on the premises, under G.L.Ch. 138, s. 12, Vimlesh Verma, Manager.

**Meet with representatives from the Permanent Building Committee (PBC) to discuss Town Hall renovation**

Present: PBC member Craig Blake and Co-Chairman Michael Melnick

Vice-Chair Brown explained that Town Hall Blue Ribbon Committee worked to create a concept for the Town Hall renovation. Town Meeting approved \$600,000 in Community Preservation Act funds for design in 2017.

The Permanent Building Committee has used those funds to create the design. She requested a status of the project. Mr. Melnick stated the PBC goes through an RFP process to engage an architect and stated the PBC hired an Owner's Project Manager (OPM firm for \$71,500 and an architectural firm, BH+A, for \$322,000.) Mr. Blake has been the manager on the PBC steering this project. The initial intention was to have the plans completed present a Town Hall design for the 2019 May Town Meeting.

Selectman Dretler stated the Board wasn't going to bring the Town Hall project to the 2019 construction funding at Town Meeting. Mr. Melnick agreed.

Mr. Blake stated that initially the intent was to use CPC funds for the Town Hall construction. CPC since voted not to fund the Town Hall project; sufficient CPC funds for construction would not be available for four years. The estimate for construction is about \$7 million. Mr. Blake stated that the design process is a concept of building consensus among the various committees and commissions, namely the Historical Commission, Historic Districts Commission and Commission on Disability, that have with jurisdiction over the rehabilitation and restoration of the Town Hall and to produce construction documents leading to a warrant article that can be approved by Town Meeting. Mr. Blake stated that there are multiple levels in the building and schematic design was based on the Blue Ribbon Committee design as a starting point. He stated the architectural firm then interviewed the Town Clerk as the main user of the building and received input about what the Town Clerk needed for operation space and voting space. He stated one of the concerns with the Town Hall was the various levels of the building, there isn't one elevation for each floor which creates an accessibility issue for the users of the Town. He stated that part of the schematic design was to determine the best way of addressing those elevation changes for each floor. After the first meeting with the Historic Districts Commission, it became obvious to the PBC that they needed to get resolution to the accessibility of the front entrance of Town Hall as just a piece of the final design. Mr. Blake said there were comments and issues with all of the design. The Historic Districts Commission must grant a Certificate of Appropriateness to modify the exterior of a building in a Historic District; the Commission on Disability must approve the accessibility provisions.

Mr. Melnick stated the building code requires that every entrance in a public building needs to be handicap accessible. He stated that the Town could get a waiver or create a usable entrance.

Selectman Dretler stated that there are other buildings in the Town Center that do not have access through the front door. Selectman Dretler further stated that the front doors are used as egresses for emergency purposes.

Selectman Dretler clarified that the ramp, as proposed, for the front would bring individuals by the back entrance, to the front entrance, then to a lift to access the main floor. She stated that an individual would then need to cross through the main floor to access the elevator at the back of the building to get to the other floors.

Chair Carty questioned why a joint meeting with the Permanent Building Committee and the three mentioned commissions had not taken place yet.

Selectman Dretler asked how the project got to construction plans without consensus of the other commissions and committees. Mr. Blake stated that the PBC is at preliminary design heading toward construction plans. Mr. Melnick stated that close to \$400,000 has been spent to date.

Mr. Blake said the construction documents are 80% complete and would be complete with the remainder of the \$600,000.

Selectman Roberts asked if the Historical Commission and the Historic District Commission were happy with the design. Mr. Blake replied not.

Selectman Roberts asked if there was enough funding to address the main concerns of the three Commissions. Mr. Blake responded yes, however, that there would not be enough money if the design must start over.

Chair Carty asked what steps would be next. Mr. Blake replied that once they get through whether the front entrance needs to be accessible or not, the PBC would then work through the other issues raised by the Historic District Commission to obtain a Certificate of Appropriateness required from the Historic Districts Commission. The PBC would then work with the Historical Commission to address their concerns through the Historical Commission's participation in the Historic District Commission hearings. Mr. Blake said the Commission on Disability would also participate in the process.

Selectman Dretler stated that she didn't hear anyone on the Board say they wanted to design the Town Hall. Selectman Dretler asked if the Historic District Commission declined to issue a Certificate of Appropriateness for the current design drawings could the project proceed to construction. Mr. Blake replied not and that the project would be modified as necessary to achieve the Certificate of Appropriateness.

Vice-Chair Brown expressed her concern that the three Commissions would not compromise.

Mr. Blake offered that a meeting could be scheduled with the Commissions and the PBC sometime in December.

Selectman Schineller detailed that the proposed accessible front entrance is technically feasible and could still maintain historical significance.

Ms. Guthy commented that the Commission on Disability was not operative when the Blue Ribbon Committee made their determination.

Resident Anuraj Shah, 257 Concord Road, stated his concern that it was odd in a process to be two-thirds through the design funding without having a consensus of regulatory commissions. Typically, this is something you would want to do early on during schematic design. The architects' current contract is probably 95%-96% complete. Mr. Shah also stated he has attended the discussions by the Historic District Commission and the Historical Commission and believes the differences are far greater than being portrayed and it will cost a lot more to achieve consensus.

**Letter to Legislators requesting modifications to Massachusetts House Bill 3507 - Governor Baker's "Housing Choice Initiative"**

Chair Carty informed the Board the Town of Needham sent a related letter which asked Sudbury to approve House Bill 3507, which allows passage of zoning changes without a 2/3 3vote.

Selectman Dretler requested more information from the Planning Board and noted that the Needham letter was sent to all towns that have reached the 10% safe harbor housing threshold, and the Needham Select Board met with the Needham Planning Board before drafting the letter. Selectmen Dretler stated Sudbury is part of the

Housing Choice Initiative which enables the Town to potentially receive grants. She asked whether Sudbury was therefore obliged to support the bill as written.

Vice-Chair Brown indicated that membership in the state Housing Choice Initiative did not impose such an obligation and, under 40B, Sudbury has increased the housing quota significantly.

Selectman Dretler stated that she would like to have the Planning Board weigh in on House Bill 3507 so that a more robust letter could be drafted and also inform about the impact of the recent increase to the Town's housing stock as it relates to schools, transportation, as well as the economic value of having housing for people who work in the community.

Chair Carty stated that the focus of the Bill should be on the communities that have not reached the 10% ratio. Selectman Dretler added that she had done related research, and many communities have attained the 10% status since 2017. Selectman Dretler requested that the Board schedule a joint meeting with the Planning Board to also discuss inclusionary zoning.

Vice-Chair Brown commented that she would not want to change zoning on the basis of one or two votes and preferred to retain the 2/3 measure as proposed in the letter. Selectman Roberts asked about the grandfathering process.

Selectman Schineller agreed with the concept of the Bill but that such change was most significant.

Selectman Dretler reiterated that she wanted the Board to engage in more thoughtful discussion regarding the Housing Choice Initiative and this proposed letter

Interim Town Manager Bilodeau stated that she would inquire about having the Planning Board Chair and Director of Planning and Community Development come to a future meeting. Selectman Dretler requested to have the Planning Board add their comments to the letter.

Zoning Board of Appeals (ZBA) Chair John Riordan, speaking as a resident, recommended that the Town subscribe to the "State House News" and he did not believe that this proposed Bill would pass in 2019 or in 2020. He questioned the associated data. Chair Carty noted that the data came from the State's website.

Interim Town Manager Bilodeau stated she would look at a subscription to the "State House News." The Board agreed that more information was needed before voting on the proposed letter.

**Send a letter of support to Mass Office for Disability in support of the Town's Planning Grant Application for the ADA Self-Evaluation/Transition Plan**

Selectman Schineller drafted a BOS draft letter of support of the Town's Planning Grant Application for the ADA Self-Evaluation/Transition Plan.

Selectman Schineller stated that qualifying for state grants is beneficial for Sudbury. Selectman Dretler thanked Selectman Schineller for drafting this letter.

Interim Town Manager noted that the Town was previously denied such a grant and Sudbury has now reapplied for granting.

Selectman Roberts and Vice-Chair Brown provided minor edits to the letter of support.

Selectman Dretler motioned and Selectman Schineller seconded the motion.

It was on motion unanimously

VOTED: To send a letter of support from the Board of Selectmen to Jeff Dougan/Mass Office for Disability in support of the Town's Planning Grant Application for the ADA Self-Evaluation/Transition Plan, as amended.

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

Resident and FinCom member Jean Nam, 81 New Bridge Road, commented that she hoped that the Board would try to do more for the Town of Sudbury and support various initiatives.

**Discuss Upcoming Agenda Items**

For the upcoming November 19<sup>th</sup> meeting:

- Tax Classification
- Fairbank Discussion
- Approve Energy/Electricity Contract per Interim Town Manager Bilodeau
- November 21<sup>st</sup> – Broadacres Farm Forum

For the December 3<sup>rd</sup> meeting:

- DLS Presentation
- Finance Meeting – Joint meeting with FinCom
- Budget Strategies Task Force
- BOS Policies
- Sudbury Foundation Letter/Sudbury Housing Authority letter
- Liquor License application

For the December 17<sup>th</sup> Meeting:

- Town Meeting Warrant

Future agenda items:

- Broadacres Farm Forum/Charrette results
- Planning for Camp Sewataro
- Meeting with Paradigm Associates re: Town Manager Search
- Camp Sewataro bonding topic, as requested by Selectman Dretler. (Interim Town Manager Bilodeau suggested that Selectman Dretler meet with Finance Director Keohane before scheduling such a meeting/presentation.)
- Stone Farm
- CSX appraisal - Interim Town Manager Bilodeau stated she would contact Beth Suedmeyer
- Quarterly Bruce Freeman Rail Trail update
- Board discussion on Warrant Articles
- "Select Board" name change
- Dissolution of Town Hall Blue Ribbon Committee and Vocational Educational Guidance Committee as requested by Vice-Chair Brown

**Approve a one-hour extension of the licensed closing hour and serving of alcoholic beverages for Lavender, 519A Boston Post Road, (1AM to 2AM) on Wednesday, November 27, 2019 (Thanksgiving eve) and Tuesday, December 31, 2019 (New Year's Eve)**

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

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, (1AM to 2AM) on Wednesday, November 27, 2019 (Thanksgiving eve) and Tuesday, December 31, 2019 (New Year's Eve), on the condition that the kitchen remains open and food is served.

**Eagle Scout recognition of Alex John Kilroy and David John Marchand of Troop 63**

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

It was on motion unanimously

VOTED: To enter into the Town record and congratulate Alex John Kilroy and David John Marchand of Boy Scout Troop 63 for having achieved the high honor of Eagle Scout.

**Correction of Housing Trust Appointment of Carmine Gentile**

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

It was on motion unanimously

VOTED: To approve correction of the appointment of Carmine Gentile to the Sudbury Housing Trust for a two-year term expiring 4/30/21, and to sign the Trustee Certificate.

**Grant a 1-day Wine & Malt license to Sudbury Historical Society**

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

It was on motion unanimously

VOTED: To grant a 1-day Wine & Malt license to Sudbury Historical Society, to accommodate a Holiday Cocktail fundraiser on Sunday, December 8, 2019 from 6:00 PM to 8:00 PM at the Loring Parsonage, 288 Old Sudbury Road, subject to the use of a TIPS-trained bartender and a receipt of a Certificate of Liability.

**Approve installation of a stop sign on Winsor Road at the intersection of Singletary Lane**

Selectman Schineller questioned the signage and related bylaw and inquired about the Sign/Bylaw listing. Interim Town Manager Bilodeau stated she would provide that information to the Board.

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

It was on motion unanimously

VOTED: To approve the installation of a stop sign on Winsor Road, at the intersection of Singletary Lane for southerly traffic, as requested by Police Chief Scott Nix.

**Vote to accept a gift from Mark and Robin Hollyer for conservation purposes**

Chair Carty motioned and Selectman Roberts seconded the motion.

It was on motion unanimously

VOTED: To accept a gift in the amount of \$3,000 from Mark and Robin Hollyer, 271 Peakham Road, Sudbury, for conservation purposes, said amount to be expected for such purposes by the Town of Sudbury Conservation Commission.

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

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