

IN BOARD OF SUDBURY SELECTMEN  
TUESDAY, DECEMBER 15, 2015

Present: Chairman Patricia A. Brown, Vice-Chairman Susan N. Iuliano, Selectman Charles C. Woodard, Selectman Robert C. Haarde, Selectman Leonard A. Simon, and Town Manager Melissa Rodrigues

The statutory requirements as to notice having been complied with, the meeting was convened at 7:35 p.m. in the Lower Town Hall, 322 Concord Road.

**Opening Remarks**

At 7:35 p.m., Chairman Brown opened the meeting. She announced she was informed Sudbury's Senior Tax Relief Special Act has been passed on Beacon Hill by the House, and it is expected to be passed by the Senate and then signed by the Governor. Chairman Brown also announced the Transfer Station's holiday hours, noting it will close at 12 noon on December 24, 2015 and on December 31, 2015. She also announced the Design Review Board is in need of a member. Chairman Brown reported the Project Eligibility Application for Sudbury Station LLC was approved by MassHousing. She announced the Police Department has officially moved into its new building at 75 Hudson Road. Chairman Brown stated there were several hearings/discussions during the past month regarding the National Development and Avalon proposals for the Raytheon property, and there will be future meetings. She noted additional information can be accessed on the Town website.

**Reports from the Town Manager**

Town Manager Rodrigues stated it has been very busy the past few weeks with budget-related meetings. She noted copies of feedback regarding what should be done with the former Police Station site on Route 20 have been distributed to the Board tonight.

**Reports from the Board of Selectmen**

Selectman Woodard stated he attended the Community Preservation Committee (CPC) Public Hearing regarding the Davis Field and Wayside Inn project requests. He also attended the Landham Brook Marsh Conservation Area (formerly Johnson Farm) Trail Walk on Sunday, December 6, 2015, and he was pleased approximately 40 residents also attended. Selectman Woodard attended the Selectmen's Holiday Party, and he thanked Petro's Pizza for donating the food. He also attended a Council on Aging Meeting on December 10, 2015 and a Capital Funding Committee meeting last night. Selectman Woodard referenced a recent article written by Conservation Coordinator Debbie Dineen cautioning people to be aware of toxic driveway coal and tar sealers, which can disintegrate into fine dust and be carried into homes and possibly compromise groundwater.

Selectman Simon stated he and Vice-Chairman Iuliano held Selectmen's Office Hours on December 2, 2015, and several residents attended to share concerns regarding the Avalon Bay proposed project. He attended one of the Hosmer House Goes Hollywood events, which was very enjoyable. Selectman Simon stated the Sudbury Public Schools School Committee announced at a December 9, 2015 meeting that a contract with the teacher's union had been ratified. On December 11, 2015, Selectman Simon stated he met with the Town Manager and Town Planning Director regarding the Bruce Freeman Rail Trail (BFRT) 25% design. He stated he was disappointed to learn that there has been little progress made by the engineering firm, since it received the contract. Selectman Simon stated the lack of 25% design work completed may make it difficult to list the project on the State's Transportation Improvement Program (TIP) list. He also stated he would report a lot of news regarding Minuteman Regional Vocational High School's plans later tonight.

Selectman Haarde stated he attended a Fairbanks Community Center Study Task Force Meeting, where it was voted to proceed with Design Option #3 which was presented previously in a 177-page report. He stated Design #3 is for a 60,000 square-foot building, with an estimated cost of \$22 million.

Vice-Chairman Iuliano congratulated Facilities Director Jim Kelly and the Permanent Building Committee for all their work to make the new Police Station a reality. She stated she also attended the Landham Brook Marsh Conservation Area Trail Walk, which was a productive outing. Vice-Chairman Iuliano recognized the work done by Leila Frank and Town staff to help make the Selectmen's Holiday Party a success. She attended the CPC Public Hearings regarding project funding requests, and she stated Selectmen's Office Hours for January will be announced at a future time.

### **Citizen's Comments**

At 7:47 p.m., Chairman Brown recognized Sudbury citizen Robert Stein, 7 Thompson Drive.

Mr. Stein stated he has concerns regarding three items on tonight's Consent Calendar agenda. He mentioned agenda item #13, regarding a \$13,100 gift from Lincoln-Sudbury Youth Baseball for Upper Featherland Field. Mr. Stein explained trees were cut prior to receiving approval from the Selectmen to do so, and he asked who authorized this to be done and why. He further stated this happened before at Haskell Field and residents were upset about it then and now.

Mr. Stein stated he also has concerns regarding agenda items #14 and #15, which relate to accepting donations from the Friends of Park and Recreation. He stated the Friends is a non-profit entity, which has not filed a State tax return since 2012. Thus, it is not considered to be in compliance and is unable to dispose of any funds. Mr. Stein stated he contacted the State's Attorney General's Office today regarding his questions.

Lastly, Mr. Stein stated the Town has had conflict of interest issues in the past, and given that there are two major projects being proposed for Sudbury (Sudbury Station LLC and National Development/Avalon Bay), he believes it would be prudent for members of the Board and the Town Manager to state, tonight, whether they have any financial or personal conflict of interests with either development and/or whether they are personal friends of any of the applicants or relevant parties. Each Board member and Town Manager Rodrigues stated they had no conflict of interests.

Selectman Haarde stated Town Manager Rodrigues has outlined in a thorough memorandum to the Board what transpired regarding agenda item #13. Regarding agenda items #14 and #15, he stated he too would like to see more information regarding funding details of the Friends of Park and Recreation before accepting any donations.

Mr. Stein reiterated his question as to whether any Board members had a conflict of interest with any aspect or party related to the two proposed Chapter 40B projects, and, in particular, if anyone was friends with Robert Abrams. He stated he recalled several past social gatherings at the Wayside Inn, where a current Board member participated in friendly Town-related and political discussions with Mr. Abrams and others.

Chairman Brown announced agenda items #14 and #15 have been removed from tonight's agenda, as per the advice of Town Counsel. She suggested agenda item #13 be taken out of order and discussed first, given the questions posed. Mr. Stein asked if he would have an opportunity to ask additional questions during the discussion of agenda item #13, and Chairman Brown stated she would allow questions.

At 7:49 p.m., Chairman Brown recognized Sudbury citizen Dan DePompei, 35 Haynes Road.

Mr. DePompei stated he came before the Board at the December 1, 2015 meeting to share concerns he had regarding the discussion at the Community Preservation Committee (CPC) meeting of November 18, 2015 regarding the Bruce Freeman Rail Trail (BFRT) 75% design request of the Board for \$150,000. He stated the video of the CPC Meeting is posted on SudburyTV, which he viewed, and he relayed parts of the discussion again tonight related to compliance with local bylaws. Mr. DePompei stated Selectman Simon stated the motion adopted by the Selectmen for the BFRT did not include adherence to the bylaws. He further stated he is unable to find any motions accepted and approved by the Selectmen that state Sudbury's bylaws are not applicable to any project. Mr. DePompei stated he has difficulty understanding why a rail trail cannot be built in compliance with the local bylaws, when it is done all the time for roads, walkways and other projects. Thus, Mr. DePompei stated he believes the CPC request to fund a 75% design is presumptive of the bylaws, and thereby, it should be withdrawn. He made himself available for further discussion.

### **Annual Renewal of Licenses**

At 8:30 p.m., Chairman Brown opened a discussion regarding the annual renewal of licenses. The Board was previously in receipt of copies of a memorandum from Leila Frank dated December 9, 2015 and accompanying "2016 Licensing Renewal Applications" listing and a handout entitled "Outstanding Tax Amounts as of 11/3/15." In addition, copies of an email from Patty Golden to Town Manager Rodrigues dated December 15, 2015 were distributed tonight.

Chairman Brown stated that, as of today, the Town has not received payment for taxes owed by Sierra's/Erica's Restaurant at 470 North Road. She further stated their license could be renewed, if full payment is received by December 31, 2015.

Selectman Simon stated the outstanding taxes and interest owed to the Town by Sierra's/Erica's Restaurant is over \$50,000.00. He recommended the Board votes to renew all the licenses presented, with the exception of Sierra's/Erica's Restaurant at 470 North Road.

Selectman Haarde asked for confirmation that, if the outstanding taxes are paid at some point, Erica's Restaurant could apply at any time for a new license. Town Manager Rodrigues stated she believes this is accurate. Selectman Haarde also asked if the Police Department had any issues with the licensees. Town Manager Rodrigues stated no objections have been expressed.

Selectman Simon referenced agenda packet materials regarding personal property taxes owed by Auto Diagnostics. Town Manager Rodrigues explained these monies are owed by a prior owner, but the Town needs approval by the State to abate them.

It was on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, to renew the Alcoholic Beverages, Common Victualler, and Entertainment and Sunday Entertainment licenses to expire December 31, 2016, and Motor Vehicle – Classes 1, 2, and 3 licenses to expire January 1, 2017, as shown on the "2016 License Renewal Applications," attached and incorporated herein; and to forward the appropriate renewal forms to the Alcoholic Beverages Control Commission where applicable; said licenses to be held subject to payment of the required license fees, compliance with the Selectmen's Alcohol Training Policy, correction of any/all outstanding health, safety or zoning violations, receipt of verification of Workers' Compensation Insurance for the licensing period, and the payment of all outstanding personal property taxes, real estate taxes and State taxes; said licenses shall also be subject to all previous restrictions, applying to all establishments except Erica's Restaurant at 470 North Road.

**American Legion Post 191, Inc., d/b/a American Legion Post 191 –676 Boston Post Road – Change of Manager Application**

At 8:35 p.m., Chairman Brown opened a discussion regarding the application of American Legion Post 191, Inc., d/b/a American Legion Post 191, 676 Boston Post Rd., Sudbury, for a Change of Manager, under M.G.L. Chapter 138, section 12. The Board was previously in receipt of copies of the Commonwealth of Massachusetts Alcoholic Beverages Control Commission Petition For Change of License and Manager Application and accompanying documents, and feedback from Town departments noting no objections.

It was noted the former manager died, and thus the application for a new manager has been filed.

It was on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, to approve the application of American Legion Post 191, Inc., d/b/a American Legion Post 191, 676 Boston Post Rd., Sudbury, for a Change of Manager, under M.G.L. Chapter 138, section 12, Philip McKenzie, Manager.

**Public Hearing: Villa TBR Corp, d/b/a Craft Beer Cellar Sudbury, 365 Boston Post Road – Application for Package Store License**

Present: Villa TBR Corp d/b/a Craft Beer Cellar Sudbury Managers Gustavo and Jessica Villatoro and Craft Beer Cellar representatives Suzanne Schalow, Marla Yarid-De La Cruz, and Kate Baker

At 8:38 p.m., Chairman Brown opened a Public Hearing regarding the application submitted by Villa TBR Corp d/b/a Craft Beer Cellar Sudbury, 365 Boston Post Road, Sudbury, for a Package Store License for the Sale of Wines & Malt Beverages, under M.G.L. Ch. 138, section 15. The Board was previously in receipt of copies of the Commonwealth of Massachusetts Alcoholic Beverages Control Commission Retail Alcoholic Beverages License Application, Manager Applications and accompanying documents and exhibits. In addition, copies of handouts entitled, “Sudbury Alcohol License Quota & Availability” and “Craft Beer Cellar Sudbury- Wine & Malt Package Store” were distributed to the Board tonight, and Villa TBR Corp d/b/a Craft Beer Cellar Sudbury Manager Gustavo Villatoro circulated copies of a packet of additional information about the Craft Beer Cellar company.

Mr. Villatoro stated he is a people-person who loves good beer, and he would like to share his passion with Sudbury. He provided a brief summary of the company’s history. Mr. Villatoro emphasized he and his wife believe having a liquor license is a privilege, which must be handled correctly. He stated they have both become TIPS-certified. Mr. Villatoro also stated the store would not sell any tobacco or lottery products.

Selectman Woodard asked if he was correct in assuming that Mr. and Mrs. Villatoro had purchased a franchise of the company, and this was confirmed to be the case.

Craft Beer Cellar representative Suzanne Schalow stated the company believes in contributing to the communities in which they are located, and the business has a strong educational component.

Selectman Woodard asked if Mr. and Mrs. Villatoro had ever run a business like this before. Mr. Villatoro stated he had not, but his partners have helped guide them.

Chairman Brown asked where the other locations were in Massachusetts. Ms. Schalow stated there are locations in Belmont, Newton, Winchester, Westford, Framingham, Plymouth, Braintree, and Amesbury.

Selectman Simon asked if there are any concerns about being able to prohibit sales to minors.

Mr. Villatoro stated he has trained in some of the other company locations in a variety of capacities to learn the business, and he is aware of how important this issue is. Selectman Simon asked if they were familiar with the Town's guidelines, and Mr. Villatoro stated they had read them.

Ms. Schalow stated their stores have a somewhat higher price point than the typical package store, and the typical customer is not very young. She further stated their stores are destination points, and that specialty pre-packaged food items and merchandise would also be available.

In response to a question from Selectman Woodard, it was noted the store would face Route 20 at its Mill Village location.

Chairman Brown opened the Hearing to public comments.

Sudbury resident Robert Stein, 7 Thompson Drive, stated he thought the Town had previously hit its limit for approved liquor licenses, based on its population. Chairman Brown referenced a handout in tonight's agenda packet which provides details on how many alcohol-related licenses are available, which includes two Wine & Malt licenses available. Town Manager Rodrigues stated the Town has current availability for new licenses.

Given there were no more questions from the public, Chairman Brown closed the Public Hearing for public comments.

It was on motion unanimously

VOTED: As the Local Licensing Authority for the Town of Sudbury, to approve the application of Villa TBR Corp d/b/a Craft Beer Cellar Sudbury, 365 Boston Post Road, Sudbury, for a Package Store License for the Sale of Wines & Malt Beverages, under M.G.L. Ch. 138, section 15, Gustavo Villatoro, Manager.

#### **Wayside Inn – Conservation Restriction Offer - Discussion**

Present: Director of Planning and Community Development Jody Kablack

At 8:51 p.m., Chairman Brown opened a discussion regarding the Conservation Restriction Offer received from the Wayside Inn Board of Trustees, and she welcomed Director of Planning and Community Development Jody Kablack to the Meeting. The Board was previously in receipt of a letter from Wayside Inn Board of Trustees' President Lily Gordon dated November 22, 2015.

Ms. Kablack stated the Town has received more information since the Inn's Board of Trustees' President and Vice-President made their previous presentation to the Board. She stated the Inn's Trustees provided the Community Preservation Committee (CPC) with its appraisal, completed by LandVest, Inc. Ms. Kablack stated the Trustees have requested the report remain confidential, but she could email it to the Board if they wish. She further stated the Trustees have submitted a letter to the Board offering a Conservation Restriction to the Town for the 105-110 acres owned by the Inn for \$6.325 million. Ms. Kablack stated Town staff members have begun to work on tasks to assess the proposal, based on the Board's initial support for the concept. She explained she would review the Inn's appraisal with the Land Review Committee and the CPC. Ms. Kablack stated she also asked the CPC to approve some Administrative Funds for the Town's independent review appraisal, and some funding was voted. The Town is moving forward to contract with Avery and Associates, a firm which is familiar with conservation land deals.

Ms. Kablack stated the Landvest appraisal was based on the highest and best use of the land as five-acre, single family lots. She explained the subdivision plan would need to be confirmed as buildable regarding

soils and wetlands. She stated the Town would likely move forward with a Phase 1 review appraisal for approximately \$3,500, which would not provide an independent opinion of value, but it would review the methodology used by LandVest to ensure it meets current standards. If a Phase 2 appraisal is needed for approximately another \$3,500, then an opinion of value would be provided, based on independent comparables. Ms. Kablack stated a full appraisal is not legally required. She noted LandVest is a highly regarded company, and thus a review appraisal seems the most economical way to proceed.

Selectman Simon asked what the next steps for the Board are. Ms. Kablack stated Avery and Associates would be contracted and complete its report, which would be shared with the Board. At this point, she suggested the Board would probably begin to meet in Executive Sessions to negotiate a price. Ms. Kablack stated the Inn Trustees would be working with the Sudbury Valley Trustees to establish and define the CR provisions. Selectman Simon asked if these reports would be ready in about a month. Ms. Kablack stated the review appraisal could be available about a month after the appraiser is contracted.

Vice-Chairman Iuliano stated she has concerns regarding whether all the work that needs to be done can be fit in for the 2016 Town Meeting, noting it can be a complicated process.

Chairman Brown stated she has concerns regarding process and what the time constraints would be. Ms. Kablack stated the Warrant is due at the end of January, and the amount does not have to be printed in it. She suggested the Board needs to communicate its position to the CPC by mid-January. Ms. Kablack stated there would then be several months until Town Meeting to negotiate the price and to provide the public with the general information regarding the CR provisions and what the source(s) of funding would be. She noted the Warrant article could include all possible funding options. Town Manager Rodrigues stated she would check with Bond Counsel regarding what would be possible.

Selectman Woodard stated he believes the attempt should be made for the article to be brought forward at the 2016 Town Meeting, so as not to miss out on the opportunity, if it can be achieved. He also thinks each Board member should review the LandVest Appraisal before its next discussion on this proposal. Ms. Kablack stated she would email it to the Board, and she reminded them that, until further notice, its content should remain confidential.

Ms. Kablack stated she expects the Town Manager to be able to sign a contract with Avery and Associates prior to Christmas, and then their report would be expected approximately 30 days later. She suggested Executive Sessions could be scheduled in the meantime, if the Board wanted to discuss the LandVest appraisal. Selectman Woodard stated he foresees at least two Executive Session meetings needing to be scheduled in January.

Chairman Brown reminded the Board its next meeting is January 5, 2016, and the CPC's next two meetings are January 6, 2016 and January 20, 2016, and she concluded the discussion.

### **Remote Participation Policy – Discussion**

At 9:10 p.m., Chairman Brown opened a discussion regarding the Town's Remote Participation policy, which was continued from October 20, 2015. The Board was previously in receipt of copies of an email from Elena Kleifges dated November 22, 2015, an email from Bill Braun dated November 20, 2015, an email from Susan Berry dated November 20, 2015, an email from Bob Morrison dated November 19, 2015, an email from Ellen Gitelman dated November 19, 2015, an email from Lyn MacLean dated November 18, 2015, an email from Chris Morely dated October 30, 2015, an email from Laura Abrams dated October 30, 2015, a draft "Remote Participation Policy Town of Sudbury, MA," and the relevant section of the Attorney General's Regulations. In addition, copies of an email from Phyllis Bially dated December 14, 2015 were

distributed to the Board tonight and Vice-Chairman Iuliano distributed copies of the draft "Remote Participation Policy Town of Sudbury, MA," which was in the agenda packet, and which now includes four proposed revisions she made dated December 15, 2015.

Vice-Chairman Iuliano reviewed her suggested four revisions, which she believes makes the policy more consistent in its suggested requirements.

Selectman Woodard stated he would be concerned if the majority of members were to participate remotely. Chairman Brown stated a physical quorum must be present at the meeting location. Selectman Woodard asked if the words "(due to personal employment or business on behalf of the Town, and excluding leisure travel)" were to be deleted from the last sentence of the second paragraph on Page 2. Selectman Simon stated he too thought the Board had agreed to delete this part of the sentence. Following a brief discussion, it was decided the parenthetical part of the sentence noted above should be deleted.

It was on motion unanimously

VOTED: To adopt the Remote Participation Policy Town of Sudbury, MA," with the proposed revisions dated December 15, 2015 and presented by Vice-Chairman Iuliano tonight.

#### **Budget Strategies Task Force – Revise Mission Statement – Discussion and Possible Vote**

At 9:20 p.m., Chairman Brown opened a discussion regarding revising the Mission Statement for the Budget Strategies Task Force. The Board was previously in receipt of copies of a draft red-lined revised Budget Strategies Task Force Mission Statement.

Selectman Woodard summarized the proposed revision to include that the Task Force shall meet with the Finance Committee at the direction of the Chairman, to discuss the amount of any proposed budget increases and the allocation of those increases among the three cost centers, and to develop recommendations to be considered by the Selectmen and both School Committees.

Chairman Brown thanked Finance Committee Chair Susan Berry for accommodating the Board's schedule in February 2016.

Vice-Chairman Iuliano and Selectman Haarde both expressed uncertainty about the revision being necessary. Selectman Woodard stated the Task Force believes the revision gives a good message about the process which should be followed.

Chairman Brown stated she spoke with representatives of the Lincoln-Sudbury Regional High School and Sudbury Public School Committees, and both groups have discussed and approved the proposed revision.

It was on motion unanimously

VOTED: To approve the revised Budget Strategy Task Force Mission Statement, as reviewed tonight.

#### **Minuteman Regional Vocational Technical High School –Update on Regional Agreement & Discussion and Possible Vote on Calling a Special Town Meeting**

At 9:25 p.m., Chairman Brown opened a discussion regarding the Minuteman Regional Vocational High School's Regional Agreement. The Board was previously in receipt of copies of an email from Dan Matthews to Selectman Simon dated December 4, 2015 and accompanying draft proposed 2016 revised

Minuteman Regional Agreement, and a series of related emails from interested parties regarding Minuteman. In addition, copies of an email from Elizabeth Rozan dated December 14, 2015 and accompanying proposed amended Regional Agreement dated December 10, 2015 and emails from Minuteman and the Massachusetts School Building Authority (MSBA) dated December 10, 2015, December 11, 2015, December 8, 2015 and December 15, 2015, the agenda for a Minuteman School Committee Meeting tonight at 7:00 p.m., and other relevant emails and communications were distributed tonight. In addition, Selectman Simon distributed tonight copies to the Board of additional related communications numbered at the bottom as pages 16-37.

Selectman Simon stated great strides have been taken in the past few months to reach mutual consensus for a new Regional Agreement, which would include an assured way to secure funding for a new facility and allow current Minuteman members a path to withdraw from the District. He referenced the proposed amended Regional Agreement on pages 23-33 of tonight's handout, noting towns which may want to withdraw from the District are listed on pages 31 and 32. Selectman Simon further stated the amended Agreement includes how costs would be apportioned to towns in the new Agreement. He stated a meeting of Selectmen from member towns is scheduled this Thursday in Weston to finalize details which have not already been included in the amended draft. Selectman Simon stated a Minuteman School Committee Meeting was held tonight to approve the amended Agreement, and he asked Sudbury resident David Manjarrez, 47 Firecut Lane, who attended the Meeting, to update the Board.

Mr. Manjarrez stated the School Committee tabled its vote tonight regarding the amended Agreement until its next meeting on December 21, 2015, so as to have feedback from the meeting in Weston this week.

Selectman Simon suggested the Board should vote tonight to notify Minuteman that Sudbury wishes to withdraw from the District, subject to a vote at a Town Meeting, and that Sudbury wishes to be added as a community which may wish to withdraw to the amended Regional Agreement dated December 10, 2015.

Chairman Brown stated February 9, 2016 has been identified as the best possible date for a Special Town Meeting, if one needs to be called, with February 11, 2016 as a back-up date. She also stated she discussed with Arlington Selectman Dan Dunn what happens if a Town Meeting vote does not support withdrawing from the District. Chairman Brown urged for consideration of the voting options, noting it cannot be assumed how Town Meeting will vote.

In response to a few questions from Selectman Woodard, Selectman Simon clarified the amended Agreement does not require 100% support from member towns for funding, and the suggested fee to be paid to Lincoln has been removed from the most recently amended Agreement, due to objections from several member towns. It was noted Lincoln and Minuteman may be negotiating a separate Inter-municipal Agreement. Selectman Haarde noted the irony of Lincoln requesting compensation for being the host town for a regional school. Selectman Simon noted Lexington did not receive any compensation for the years it has been the home of Minuteman.

Selectman Simon suggested the Board should first vote to withdraw from the Minuteman district.

Vice-Chairman Iuliano stated the vote to withdraw should be a Town Meeting vote, and she suggested a modification of the proposed vote presented towards the bottom of page 16 of tonight's handout.

It was on motion unanimously

VOTED: To notify the Minuteman Regional School District of Sudbury's intent to seek a vote at a Special Town Meeting, to be held at a date yet to be determined, to consider whether or not to approve any proposed amendments to the Regional Agreement, and whether or not to withdraw from the District.

It was also on motion unanimously

VOTED: To notify the Minuteman Regional School District that the Town of Sudbury is considering withdrawing from the District, and to request that Sudbury be listed in the revised Regional Agreement as a town which may wish to withdraw.

Chairman Brown noted the December 10, 2015 version of the Amended Agreement may change as a result of the Thursday meeting in Weston. Selectman Simon stated this is possible, and if anything were to change, the Board would be provided with an updated draft Agreement. Chairman Brown stated it is likely the Board will need to call a special meeting after the draft Agreement is finalized in order to call a Special Town Meeting. The consensus of the Board was that this meeting should be scheduled for December 22, 2015 at 8:00 a.m. in the Flynn Building. Following that meeting, Chairman Brown stated she would also like to schedule an Executive Session on the morning of December 22 to discuss litigation issues, as per Town Counsel.

Town Manager Rodrigues stated she would send, on behalf of the Board, an email also to Mr. Dunn to update him on tonight's discussion.

#### **Town of Sudbury New Facebook Page – Discussion**

At 9:58 p.m., Chairman Brown opened a discussion regarding the Town's new Facebook page as requested by Selectman Simon.

Selectman Woodard thanked Town Manager Rodrigues for setting up a Town Facebook page.

Selectman Simon asked who the administrator of the Facebook page is and whether the page is accessible by non-Facebook users. Town Manager Rodrigues stated she is the administrator, and the page is accessible to anyone.

Selectman Simon questioned whether the Town should consider establishing a policy for the page's use and the comments which will be allowed. Town Manager Rodrigues stated she does not foresee a need for a policy, and she noted the page is currently being used primarily for informational purposes.

Selectman Simon asked if the page is intended as a non-political site, and Town Manager Rodrigues stated it is. However, Selectman Simon stated that, when he accessed the page today, he was able to link to people's individual Facebook pages, which included political comments. He does not believe the Town should sanction such opinions by allowing access to these links, and he does not think this is a good idea for the Town.

Vice-Chairman Iuliano stated she believes the benefits from the page outweigh any possible detriments. She suggested waiting to see if a problem arises, and then possibly the Board could consider other options.

Selectman Simon asked if personal links could be blocked, and it was noted this was not being pursued at this time.

Chairman Brown thanked Town Manager Rodrigues for setting up a Town Facebook page, and she concluded the discussion.

**Board of Selectmen's Policy on Issuing Proclamations – Discussion**

At 10:10 p.m., Chairman Brown opened a discussion regarding whether the Board should have a policy regarding issuing proclamations, which she requested. The Board was previously in receipt of copies of sample Board of Selectmen and City Policies and Procedures from the Town of Winchendon and relevant information regarding proclamations researched by Chairman Brown.

Chairman Brown stated she would like to address proclamations by a process to be followed, and not by each individual concern. She emphasized she is concerned about the amount of time the Board should spend on issues it cannot effect.

Selectman Haarde stated he would not mind a policy similar to the Winchendon example provided. However, he stated he believes the Board will know which requests for proclamations it should act upon, given the subject matter, especially if they are safety-related. Selectman Woodard stated he also liked the Winchendon example.

Chairman Brown volunteered to prepare a draft policy, based on the Winchendon example provided in tonight's agenda packet, for the Board's review at its January 5, 2016 Meeting.

**Future Board of Selectmen Agenda Items - Discussion**

The following items were listed by the Board as future agenda items: Executive Sessions regarding the Wayside Inn proposal, conflict of interests, Code of Conduct revisions, the Capital Funding Committee report to the Board, a letter regarding Article 44 of the May 2014 Annual Town Meeting, and the Town Manager evaluation process.

Town Manager Rodrigues stated she researched whether the Board had ever sent a letter regarding Article 44 of the May 2014 Annual Town Meeting, and nothing appears to have been done or sent. Selectman Simon volunteered to draft a letter for the Board's review.

**Massachusetts Housing Partnership (MHP) Application for Technical Assistance**

It was on motion unanimously

VOTED: To authorize the Chairman of the Board of Selectmen to sign the Massachusetts Housing Partnership (MHP) Application for Technical Assistance, as requested by Jody Kablack, Director of Planning and Community Development.

**Minutes**

Chairman Brown provided two typographical corrections to be made to the November 17, 2015 minutes and one typographical error to be corrected in the December 1, 2015 minutes.

It was on motion unanimously

VOTED: To approve the Regular Session Meeting Minutes of November 17, 2015 and December 1, 2015, both as amended tonight.

**Lincoln-Sudbury Youth Baseball – Donation**

Present: Department of Public Works Director Bill Place and Park and Recreation Commission Chairman Jim Marotta

At 7:52 p.m., Chairman Brown took this item out of order to discuss a donation made by Lincoln-Sudbury Youth Baseball for the renovation of the Upper Featherland Field, and she welcomed Department of Public Works Director Bill Place to the Meeting. Copies of a memorandum from Town Manager Rodrigues were distributed tonight along with copies of an “Agreement Contractor Services” between Arrow Fence Co. Inc. and the Town of Sudbury.

Town Manager Rodrigues read aloud her memo regarding trees which were cut down at Featherland. She explained the Park and Recreation Commission voted to remove several trees, notified her by email, and after conducting related discussions, she authorized Mr. Place to remove the trees. Town Manager Rodrigues stated she subsequently was informed by the Commission that the vote for which trees were to be removed was not followed, and she then visited the park. She further explained Mr. Place joined her onsite to review the trees remaining and their condition, and he stated he believed the plan the Commission relied on was flawed regarding tree placement. Town Manager Rodrigues stated she had staff take pictures of the trees, and when she returned with the pictures, she discovered the fence had been erected. She later met with Mr. Place to discuss that the fence should not have been erected in advance of a vote from the Selectmen to accept and expend the funds, and a contract should have been signed before work was completed. Town Manager Rodrigues has had subsequent discussions with residents and with Park and Recreation Commission Chair Jim Marotta, and she and Mr. Marotta visited the park to discuss replacement plantings. She further stated she took the following measures to prevent a similar occurrence in the future: 1) she will send a letter to all vendors currently used by the Town advising that if work is completed without a contract they will not be paid under M.G.L. Chapter 30b, she began to draft a procurement manual, she contacted the Inspector General’s Office and requested future procurement training for staff, and she plans to put a purchase order system in place that will require signatures of Department Heads, the Town Accountant and the Town Manager. Town Manager Rodrigues apologized to residents for the plan not being executed as expected.

Mr. Place circulated copies of photos of some of the tree conditions to the Board and copies of the plan were also circulated. He also stated the Town does have the right to remove decaying/dying trees without a Public Hearing. Mr. Place stated he does not usually commence work without approval from the Board, but he started this work on the recommendation of the Park and Recreation Commission.

Selectman Haarde applauded Town Manager Rodrigues on the actions she has taken to rectify the situation. He noted Mr. Place does have authority to accept funds for certain field enterprise funds, but other situations require other protocols. Selectman Haarde believes the Town’s donation policies have some “gray” areas which should be reviewed. He stated he understands how the confusion occurred for this case.

Selectman Woodard asked questions about the fence height and neighbors’ reactions. Town Manager Rodrigues stated there had been a lot of meetings and the abutters had reached a compromise regarding the plan.

Selectman Woodard asked why the playing field needed to be extended. Mr. Marotta explained the field would be converted to be used as a 50’ x 70’ diamond for 6<sup>th</sup> and 7<sup>th</sup> graders. Selectman Haarde stated the field would be used primarily by 12 and 13-year olds. Selectman Woodard asked where the youth who are under age 12 would play. Selectman Haarde stated they would be scheduled elsewhere.

Vice-Chairman Iuliano asked for clarification that changing the use of the field would allow for more use. Selectman Haarde explained the field would become convertible and could be used as a 46' x 60' or a 50' x 70' field, and he highlighted the changes would not create a lack of playing time.

In response to a question from Vice-Chairman Iuliano regarding how the final result varied from the agreement the neighbors expected, it was noted that there was agreement ten trees would be cut down, but there is some confusion as to which trees they should have been, and one tree seemed to be in question.

Selectman Simon asked if anyone from the Commission was onsite for the removal of the trees to be sure the correct plan was followed. It was noted the trees had all been flagged.

Selectman Simon asked if there were any members of the Park and Recreation Commission who also have connections with Lincoln-Sudbury Youth Baseball who recused themselves from the vote. Mr. Marotta stated there was one individual who was connected to both groups, but he did not recuse himself. Mr. Marotta stated the Commission's vote was 4-1. Selectman Simon stated he believes further discussion is needed because L-S Youth Baseball asked the Commission to take actions and he would like to know tonight whether anyone has a conflict of interest pertaining to this agenda item.

Selectman Haarde strongly disagreed with Selectman Simon's question and he suggested Selectman Simon should contact the State Ethics Commission and file a complaint, if he has a concern.

Sudbury resident Robert Stein, 7 Thompson Drive, stated he hoped to talk about the expansion of the field because he questions if this is needed. Mr. Stein believes the field is being expanded to cater to a small user group, Bay State Baseball, which holds tournaments in Town. He referenced statistics from a tournament on July 18, 2015 which included 13 games with 26 teams, but only one team was from Sudbury, and on August 1, 2015, there were 20 teams playing, and only one team was from Sudbury. Mr. Stein emphasized the Town is not getting compensated for this use by out-of-towners and they are not contributing to the maintenance and upkeep of the fields. He also mentioned there had been strong opposition voiced by neighbors regarding traffic, parking and safety issues during these tournaments.

Mr. Stein stated Selectman Haarde is on the Board of Directors of Sudbury Baseball, and he asked why Selectman Haarde tries to hide this fact. Selectman Haarde stated he does not hide his involvement, and he has filed the appropriate forms with the Town Clerk's Office. He emphasized his baseball involvement is as a volunteer coach and that he is very passionate about baseball and other sports and he does not consider his volunteer participation as a conflict of interests.

Sudbury resident and Park and Recreation Commission member Dick Williamson, 21 Pendleton Road, noted Sudbury Youth Baseball has helped to improve many of the Towns fields and to fund these improvements on Town-owned land. Mr. Williamson stated the confusion was due to a process issue, and he suggested some process thresholds should be established for the future.

Mr. Marotta stated he met with the Town Manager and Town Counsel and he believes a clear process has now been developed.

Selectman Haarde pointed out that there are several people who have not recused themselves from votes because of their participation in Town sport groups.

Chairman Brown stated the topic of what constitutes a conflict of interest would be a future agenda item.

Selectman Woodard stated he believes that if someone is a Selectman and also a member of a Board or Committee which is asking for a vote from the Selectmen, it is not appropriate for this person to vote on both sides, and it would be best to recuse themselves. Selectman Simon concurred, stating it is clear to him that it would be wrong to vote from both sides, whether the Attorney General's Office agrees or not.

Chairman Brown requested a roll call vote, and

It was on motion

VOTED: To accept the donation of \$13,100 from Lincoln-Sudbury Youth Baseball for the renovation of the Upper Featherland Field and vote to approve award of a contract by the Town Manager to install a new fence at Featherland Field for \$13,100, Selectman Charles C. Woodard, aye, Selectman Leonard A. Simon, abstained, Selectman Robert C. Haarde, aye, Vice-Chairman Susan B. Iuliano, aye, and Chairman Patricia A. Brown, aye.

Selectman Simon abstained from the vote.

**Friends of the Park and Recreation – Donation**

Chairman Brown announced this item has been pulled from the tonight's agenda.

**Friends of the Park and Recreation – Donation**

Chairman Brown announced this item has been pulled from the tonight's agenda.

**Energy Management Services – Award of Contract**

It was on motion unanimously

VOTED: To approve the award of contract by the Town Manager to Tanko Street Lighting, Inc. for energy management services, specifically, the replacement of the Town's streetlights to LED lamps.

**Town Rubbish and Recyclables Removal and Disposal Services – Award of Contract**

It was on motion unanimously

VOTED: To approve the award of contract by the Town Manager for Town rubbish and recyclables removal and disposal services to the lowest eligible and responsible bidder as determined by Town Counsel for Calendar 2016 and any successive periods at the option of the Town Manager.

**Conservation Restriction – 369 Dutton Road**

It was on motion unanimously

VOTED: To approve and sign acceptance of a Conservation Restriction granted under M.G.L. Chapter 40, Section 8C by Gary Warzynski and Mary D. Warzynski, on a 0.79+- a. Portion of a 1.6 a. Parcel (Lot 5) known as 369 Dutton Road, said Conservation Restriction being shown as "Conservation Restriction Easement" on a plan entitled "Easement Plan of Land in Sudbury, MA" prepared by Sullivan, Connors and Associates, dated January 28, 2003, revised December 5, 2013.

**Sudbury Historical Society - Donation**

It was on motion unanimously

VOTED: To accept the donation of \$145,000 from the Sudbury Historical Society for use by the Town of Sudbury in connection with the proposed repurposing of the Loring Parsonage for a Sudbury History Center and Museum under the direction of the Permanent Building Committee, said funds to be accepted under guidelines set forth by the Massachusetts Office of Tourism, including return of unspent funding to the State by June 30, 2015.

**Loring Parsonage – Phased Design Contract – Award of Contract**

It was on motion unanimously

VOTED: To approve the award of a phased design contract by the Town Manager to Spencer & Vogt Group in connection with the repurposing of the Loring Parsonage as a Sudbury History Center and Museum on the recommendation of the Permanent Building Committee/Designer Selection Committee; said project to be managed by the Permanent Building Committee.

**Daybreak Crossfit – Halloween 4K and Fun Run – Donation**

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a \$250 donation from Daybreak Crossfit, for the Halloween 4K and Fun Run, to the Recreation Program Contributions and Donations Account, (as requested by the Park & Recreation Department, in a memo dated October 30, 2015), said funds to be expended under the direction of the Park and Recreation Department.

**MEMA - FY16 Emergency Management Performance Grant Program – Grant**

It was on motion unanimously

VOTED: To accept a grant of \$4,460 toward the FY16 Emergency Management Performance Grant Program through MEMA for a two-way radio receiver. Said funds to be expended under the direction of the Fire Chief.

**Election Officers – Appointments**

It was on motion unanimously

VOTED: To appoint Sudbury registered voters Ellen M. Fraize, Unenrolled, 150 North Road, Unit 37; Carol H. DeBold, Democrat, 25 Raynor Road; Dorothy A. Cabral, Democrat, 9 Russet Lane; Dorothy A. Oldroyd, Democrat, 15 Blacksmith Drive and Elaine J. Burkley, Unenrolled, 35 Maple Avenue, Unit 202 as Election Officers with terms to expire on August 14, 2016, as recommended by the Town Clerk, Rosemary B. Harvell.

**Cell Tower Communication Donation Account – Verizon Wireless Contribution**

It was on motion

VOTED: To accept a \$2,500 check from the Attorney for Verizon Wireless to be placed in the Cell Tower Communication Donation Account to be used toward purchase and/or operation of Town public safety equipment, and expended under the direction of the Town Manager, as requested by Jody Kablack, Director of Planning & Community Development.

Selectman Haarde abstained from the vote.

There being no further business, the meeting adjourned at 10:26 p.m.

Attest: \_\_\_\_\_  
Melissa Rodrigues  
Town Manager-Clerk

**Documents & Exhibits**

1. Vote, as the Licensing Authority for the Town of Sudbury, to renew the Alcoholic Beverages, Common Victualler, Entertainment and Sunday Entertainment licenses to expire December 31, 2016; and Motor Vehicle Classes 1, 2, and 3 licenses to expire January 1, 2017, as shown on the attached lists.

**Attachments:**

- 1.a Memo to Board re Alcohol licensees 2016
- 1.b 2016 License Renewal Applications
- 1.c Licensee Tax Report 2015

2. Vote on whether to approve the application of American Legion Post 191, Inc., d/b/a American Legion Post 191, 676 Boston Post Rd., Sudbury, for a Change of Manager, under G. L. Ch. 138, s.12, Phillip McKenzie, Manager.

**Attachments:**

- 2.a AA\_Change of Manager 2015\_BOS
- 2.b Dept Approvals\_AA Change of Manager

3. As the Local Licensing Authority, vote on whether to approve the application of Villa TBR Corp, d/b/a Craft Beer Cellar Sudbury, 365 Boston Post Rd., Sudbury, for a Package Store License for the Sale of Wines & Malt Beverages, under G. L. Ch. 138, s.15, Gustavo Villatoro, Manager.

**Attachments:**

- 3.a CBCS\_Application\_BOS
- 3.b Alcohol License Quotas
- 3.c Dept Approvals\_Craft Beer Cellar Sudbury
- 3.d Craft Beer Cellar Presentation

4. Discuss Conservation Restriction Offer from Wayside Inn. Jody Kablack, Director of Planning & Community Development, to attend.

**Attachments:**

- 4.a Wayside Inn Board of Trustees\_CR\_Offer

5. Continue Remote Participation policy discussion, and possible vote on whether or not to adopt this policy.

**Attachments:**

- 5.a Remote Participation Policy\_Feedback from Committees\_Dec.2015

- 5.b 2015 10 14 Remote Participation Policy (1914-00) 10-15-15
- 5.c Remote Participation AGs Regulations

6. Discussion and possible vote to revise Budget Strategy Task Force mission statement

**Attachments:**

- 6.a DRAFT BSTF mission statement edited

7. Update on developments concerning the Minuteman Vocational High School regional agreement. Discussion and potential vote on calling a Special Town Meeting to approve an amended agreement.

**Attachments:**

- 7.a Minuteman\_regional\_agreement\_discussion
- 7.b Minuteman\_regional\_agreement\_discussion\_cont
- 7.c Minuteman\_regional\_agreement\_discussion\_part3

8. Discussion regarding Town's new Facebook page

9. Discussion concerning the Selectmen's policy on issuing proclamations.

**Attachments:**

- 9.a Passionate issues\_docs

10. Discuss upcoming agenda items

11. Vote to authorize the Chairman of the Board of Selectmen to sign the Massachusetts Housing Partnership (MHP) Application for Technical Assistance, as requested by Jody Kablack, Director of Planning & Community Development.

**Attachments:**

- 11.a MHP Tech Asst Application Memo
- 11.b MHP 40B Consultants 2016 (002)

12. Vote to approve the regular session minutes of 11/17/15, and 12/1/15.

**Attachments:**

- 12.a BOS 11-17-15\_draft\_min
- 12.b BOS 12-1-15 JAK\_draft\_min

13. Vote to accept the donation of \$13,100 from Lincoln-Sudbury Youth Baseball for the renovation of the Upper Featherland Field and vote to approve award of a contract by the Town Manager to install a new fence at Featherland Field for \$13,100.

14. Vote to accept a donation of \$2600 from the Friends of the Park and Recreation in order to add to the approved scope of work on the Melone project and to allow the Town Manager to issue an addendum to the contract with Geoinsight in order to look at any possible contamination at Davis Field per the request of the Park and Recreation Commission.

15. Vote to accept \$5000 for the Davis Field Traffic Study from the Friends of Park and Recreation.

16. Vote to approve award of contract by the Town Manager to Tanko Street Lighting, Inc. for Energy Management Services, specifically, the replacement of the Town's streetlights to LED Lamps. (Jim Kelly, Combined Facilities Director, to attend.)

17. Vote to approve award of contract by the Town Manager for Town rubbish and recyclables removal and disposal services to the lowest eligible and responsible bidder as determined by Town Counsel for Calendar 2016 and any successive periods at the option of the Town Manager.

**Attachments:**

- 17.a Rubbish\_BidNotice

**18.** Vote to approve and sign acceptance of a Conservation Restriction granted under M.G.L. c.40 §8C by Gary Warzynski and Mary D. Warzynski, on a 0.79+- a. Portion of a 1.6 a. Parcel (Lot 5) known as 369 Dutton Road, said Conservation Restriction being shown as “Conservation Restriction Easement” on a plan entitled “Easement Plan of Land in Sudbury, MA” prepared by Sullivan, Connors and Associates, dated January 28, 2003, revised December 5, 2013.

**Attachments:**

18.a Conservation\_restriction

**19.** Vote to accept the donation of \$145,000 from the Sudbury Historical Society for use by the Town of Sudbury in connection with the proposed repurposing of the Loring Parsonage for a Sudbury History Center and Museum under the direction of the Permanent Building Committee, said funds to be accepted under guidelines set forth by the Massachusetts Office of Tourism, including return of unspent funding to the State by June 30, 2015.

**20.** Vote to approve award of a phased design contract by the Town Manager to Spencer & Vogt Group in connection with the repurposing of the Loring Parsonage as a Sudbury History Center and Museum on the recommendation of the Permanent Building Committee/Designer Selection Committee; said project to be managed by the Permanent Building Committee.

**Attachments:**

20.a Loring\_Parsonage\_repurposing

**21.** Vote to accept, on behalf of the Town, a \$250 donation from Daybreak Crossfit, for the Halloween 4K and Fun Run, to the Recreation Program Contributions and Donations Account, (as requested by the Park & Recreation Department, in a memo dated October 30, 2015), said funds to be expended under the direction of the Park and Recreation Department.

**Attachments:**

21.a ParkRecDonation\_crossfit

**22.** Vote to accept grant of \$4,460 toward the FY16 Emergency Management Performance Grant Program through MEMA for a two-way radio receiver. Said funds to be expended under the direction of the Fire Chief.

**Attachments:**

22.a Fire\_Dept\_MEMA\_Grant

**23.** Vote to appoint Sudbury registered voters Ellen M. Fraize, Unenrolled, 150 North Road, Unit 37; Carol H. DeBold, Democrat, 25 Raynor Road; Dorothy A. Cabral, Democrat, 9 Russet Lane Democrat; Dorothy A. Oldroyd, Democrat, 15 Blacksmith Drive and Elaine J. Burkley, Unenrolled, 35 Maple Avenue, Unit 202 as Election Officers with terms to expire on August 14, 2016, as recommended by the Town Clerk, Rosemary B. Harvell.

**24.** Vote to accept a \$2500 check from the Attorney for Verizon Wireless to be placed in the Cell Tower Communication Donation Account to be used toward purchase and/or operation of Town public safety equipment, and expended under the direction of the Town Manager, as requested by Jody Kablack, Director of Planning & Community Development.

**Attachments:**

24.a Verizon\_wireless\_donation