

IN BOARD OF SUDBURY SELECTMEN  
TUESDAY, MARCH 22, 2016

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

Absent: Selectman Robert C. Haarde

The statutory requirements as to notice having been complied with, the meeting was convened at 7:40 p.m. in the Lower Town Hall, 322 Concord Road.

**Opening Remarks**

At 7:40 p.m., Chairman Brown opened the meeting.

**Reports from the Town Manager**

Town Manager Rodrigues announced there will be a public Community Meeting regarding the Melone property environmental review on April 12, 2016 from 6:30 p.m. to 8:00 p.m. at Town Hall. She also reminded residents to vote in the Town Election on March 28, 2016, noting the deadline to apply for an absentee ballot is 5:00 p.m. on March 25, 2016.

**Reports from the Board of Selectmen**

Selectman Simon asked the Hall for a moment of silence to acknowledge the death of State Trooper Thomas Clardy and of the victims in today's terrorist attack in Brussels. He announced the State's Commissioner of the Department of Education approved the amended Minuteman Regional Agreement, which is now in effect. Selectman Simon stated Sudbury will no longer be a member of the Minuteman District as of July 1, 2017. He also stated he and Town Manager Rodrigues will form a committee for residents and students to discuss the Town's future vocational education options. Selectman Simon amended his March 8, 2016 report to note Vice-Chairman Iuliano also attended the Civics Meeting in Weston.

Vice-Chairman Iuliano stated the Town is facing a lot of challenging issues now and in the future. She emphasized that better results can be accomplished if everyone in Town works together. She referenced a letter sent by the Board to the Governor regarding EverSource. She also referenced the EverSource transmission line Open House, noting an inaccurate statement was made by EverSource, stating they did not plan to submit an under-street option because the Town did not want it. Vice-Chairman Iuliano said this statement was not true, but some citizens suggested Town staff were undermining the Town's objectives. Again, Vice-Chairman Iuliano stated Town staff has consistently worked diligently in the best interests of the Town and to relay the Town's desire for an underground line. Selectman Woodard clarified Chairman Brown has recused herself from all EverSource transmission line discussions, Selectman Simon had to leave the meeting early when the letter to the Governor was discussed and voted. Thus, Selectmen Haarde and Woodard and Vice-Chairman Iuliano voted to sign and send the letter to the Governor.

**Citizen's Comments**

At 7:40 p.m., Chairman Brown recognized Sudbury citizen Dan DePompei, 35 Haynes Road.

Mr. DePompei stated he has not had a response to the requests and comments he made at the Board's December 1, 2015 Meeting regarding the November 18, 2015 Community Preservation Committee (CPC) Meeting agenda item for 75% design funds for the Bruce Freeman Rail Trail (BFRT). Mr. DePompei stated the Town Planning Director was asked if the project would comply with Town bylaws for the 25% design, and Ms. Kablack stated it would not. He further stated a Selectman stated there was a Selectmen's vote to not

have the project comply with Town bylaws. Mr. DePompei stated he is confused by what he perceives as the Town's inconsistency regarding compliance. He stated he would like to know if the Selectmen did take such a vote and what positions were voted by whom. Mr. DePompei requested a future time with the Board to discuss the issue further.

Selectman Woodard suggested Town staff could review files to see if a vote was taken. Mr. DePompei stated he has searched and found nothing. Chairman Brown requested Mr. DePompei to submit any relevant documents he has regarding his concern.

Selectman Simon asked if Mr. DePompei had reviewed Town Counsel's opinion to the Conservation Commission, and Mr. DePompei stated he was familiar with it.

Director of Planning and Community Development Jody Kablack clarified that the question asked at the CPC Meeting was regarding whether the construction of the trail would comply with the Town bylaws. Ms. Kablack explained the Town is the applicant for the design phase, and it is complying with all Town bylaws. However, she further explained the State will be the applicant during the construction phase, and Town Counsel has stated that the State typically has sovereign immunity, and it generally only complies with State statutes.

Mr. DePompei stated he does not agree with some of the information provided by Ms. Kablack. Chairman Brown asked for further information to be provided to the Board by Mr. DePompei, and she concluded the comment period.

**National Development – 526 & 528 Boston Post Road (Assessor's Map K07-0011 & K07-0013) – Discussion on Avalon Bay Development's Fiscal Impact Report**

Present: National Development Project Manager Steve Senna, Avalon Bay Representatives David Gillespie, and Scott Dale, and the applicant's Fiscal Impact Consultant Judi Barrett from RKG, Associates Inc.

At 7:45 p.m., Chairman Brown opened a discussion regarding the National Development/Avalon Bay development fiscal impact report and whether the proposed development is ready to proceed at a Special Town Meeting. The Board was previously in receipt of copies of the slides for tonight's presentation by National Development and Avalon Bay Communities entitled, "Meadow Walk Sudbury Avalon Sudbury Fiscal Impact Analysis."

National Development Project Manager Steve Senna stated their fiscal impact consultant was stuck in traffic and would not arrive for about 20 minutes. Chairman Brown suggested, and all parties agreed, that the discussion could be delayed until 8:15 p.m. while the Board attended to other agenda items.

At 8:37 p.m. Chairman Brown resumed this agenda item.

Through a Power Point presentation, Mr. Senna provided a brief project update on the current Master Plan and its four components of retail, Avalon apartments, memory care units, and age-restricted housing. He stated there have been numerous Planning Board, Design Review Board (DRB) and Zoning Board of Appeals (ZBA) meetings regarding the anchor retail tenant Whole Foods. Mr. Senna stated time was spent developing a central green area and access options.

At 8:47 p.m. Avalon representative David Gillespie stated their goal was to build housing which blended in with the other mixed-uses on the property. Mr. Gillespie showed a rendering of what would be the largest apartment building housing 16 units, noting each unit has its own front door and garage.

Selectman Simon asked if the plantings would be similar to those depicted in the renderings. Mr. Gillespie stated they would be and that street trees are proposed.

Mr. Senna provided a brief update on permitting, noting the ZBA Special Permit was unanimously approved, the Planning Board Site Plan and the Conservation Commission hearings are underway, as is the ZBA Comprehensive Permit process. He also stated work is being done to finalize a draft zoning overlay district bylaw and a Development Agreement for Town Meeting.

Selectman Woodard asked what the applicant's expectations for timing was. Mr. Senna stated they are working to be ready for a Special Town Meeting within the Annual Town Meeting.

Town Manager Rodrigues stated the Board will discuss later tonight whether to call a Special Town Meeting, noting there are concerns that the project will not be ready for May 3, 2016. She also highlighted the zoning changes needed are still underway. Town Manager Rodrigues stated there has been some discussion regarding whether it would be more prudent to present at a June Town Meeting. She noted the applicant has stated they are unable to delay the project request until September.

Selectman Woodard stated he questions whether the project would be fully vetted by May 3, 2016.

Mr. Senna stated it would be important for the applicant to know the Town's vote by June. However, he also emphasized the applicant does not want to give the impression that the project has been rushed because that would benefit no one. He stated some parts of the process have moved slower than they had anticipated.

Director of Planning and Community Development Jody Kablack stated the Planning Board will hold two more meetings to discuss the draft zoning overlay bylaw, but it may not have all issues addressed in time for the May Town Meeting.

Vice-Chairman Iuliano stated a finalized Development Agreement would also be needed before Town Meeting.

Planning Board Member Christopher Morely stated that, at the end of the last Planning Board Meeting, some Board members expressed concerns about being ready in time for a Special Town Meeting within the Annual Town Meeting, with Mr. Morely being the only one who thought it might still be possible with a lot of concentrated work. Mr. Morely and Selectman Woodard noted that sometimes Special Town Meetings are not the ideal forums for project approvals.

At 9:00 p.m. Mr. Senna introduced RKG Associates Inc.'s Fiscal Impact Consultant Judi Barrett, stating she has previously worked on projects for several municipalities.

Ms. Barrett stated studies have shown that concentrating development can have positive benefits on revenue and cost implications. She explained how the four components (commercial, assisted-living, age-restricted housing and mixed-income apartments) in a mixed-use development spread out the associated costs, with the result of excess revenue. Ms. Barrett stated the analysis defined fiscal impact as whether the proposed development would pay for itself in the long-term, how much it would cost to service the project and whether the total revenues exceed or fall short of the project's costs. She summarized the conclusions reached for the project at buildout as follows: total recurring local revenues \$1,712,900, total cost of services \$1,031,500, net revenue \$681,400, cost-revenue ratio 0.60 (within the average Boston metro area range). Ms. Barrett stated the conclusion reached was that for every \$1 of revenue generated by the project on an annual basis, the Town would spend approximately 60 cents on services for residents and businesses in the

development. She explained several factors and issues were considered, including the size and composition of the commercial tax base, the Town's existing spending policies and priorities, the site and its context.

Ms. Barrett explained incremental new costs of services were considered and reviewed. She also stated efficiency factors were reviewed for marginal cost adjustment factors by the following service categories: general government, public safety, public works, health and human services, culture and recreation, benefits, and other. Ms. Barrett stated a proportional value model was used to estimate service costs for non-residential land uses. She explained the first step in any fiscal analysis is to address assumptions, including that municipal costs increase with the intensity of land use, that there is a change in real property values and that a land use's share of total assessed value is an indicator of its share of municipal services costs. Ms. Barrett stated demographic assumptions and multipliers were identified for the number of school-aged students which would result from the 250 residential units/uses. She also provided a summary for projected annual total revenue, annual costs of services, annual net revenue and the revenue ratios by the following project components: commercial, assisted-living, age-restricted, condominiums, and apartments.

Selectman Woodard stated the data indicates the proposed development would generate local revenues potentially three times more than what was received from Raytheon, which would need to be evaluated on a net basis accounting for Town services used.

Regarding revenue ratios, Selectman Simon noted Sudbury is on the lower end of the Boston metro area range, which is favorable to the Town, and Ms. Barrett concurred. He asked if Ms. Barrett reviewed Sudbury's commercial tax rate, and if it was determined to be an obstacle for businesses. Ms. Barrett stated she had reviewed the rate. Mr. Senna stated the commercial tax rate was not a deterrent for the applicant who has chosen to do business in Sudbury.

Given the data presented tonight, Selectman Woodard stated he would project that the 250 units of housing might produce 65 more children in the school systems. Ms. Kablack noted this information would be peer-reviewed. Selectman Woodard highlighted that the Sudbury Public Schools (SPS) K-8 grades have experienced a decline of 300 students in the past five years. Thus, he does not anticipate any overpopulation in the School buildings.

Avalon representative Scott Dale stated their research indicates that Sudbury's student population has decreased by 11% in recent years, and it is projected to continue to decline through 2020.

Chairman Brown stated 17% of Sudbury's student population is categorized as SPED students and this would likely also be the case with 65 additional students from the proposed development. Ms. Barrett stated the PKH analysis did not delineate SPED students and/or costs, but it was based on Sudbury's entire School budget.

Ms. Barrett reiterated that a mix of uses in a development defrays the cost of the project.

A brief discussion ensued regarding how much revenue the proposed project could generate. Mr. Senna highlighted it is important to note Raytheon generated approximately \$600,000 in property taxes, but it was based on a \$23 million assessment. It was noted the property was acquired by the applicant for \$9 million. It was further noted that vacant commercial uses have a cost, and that it is not in the Town's best interests for this property to remain vacant for any length of time.

Mr. Dale further highlighted that everything on this property, including utilities and roads, will be privately maintained and owned.

Mr. Senna stated a mix of uses reduces the Town's future risk that a single user would vacate the 50-acre site.

Ms. Barrett stated she spent time with Ms. Kablack, Town Manager Rodrigues and Town Department Heads, who were instrumental in her preparation and research, and she thanked them for sharing their knowledge.

Chairman Brown requested the Fiscal Impact Analysis be posted on the Town website.

Selectman Simon stated this is the first such analysis he has seen as Selectman, and he found the information enlightening. He believes the data provides comfort and is encouraging that the development would have positive cash flow and that the mixed uses increase the Town's opportunities long-term for success on the site.

Chairman Brown asked about next steps. Town Manager Rodrigues stated a fiscal impact peer review will be commissioned.

At 9:40 p.m., the discussion was concluded.

**Annual Town Election Ballot Questions – Discussion Regarding Rationale for Support**

Present: Police Chief Scott Nix and Sudbury resident Ralph Tyler

At 7:48 p.m., Chairman Brown took this agenda item out of order, and she welcomed Police Chief Scott Nix and Sudbury resident Ralph Tyler to the Meeting to discuss the Ballot Questions for the Annual Town Election. The Board was previously in receipt of copies of the two Ballot Questions for the Annual Town Election.

Sudbury resident Ralph Tyler, 1 Deacon Lane, stated the current senior tax exemption program has been in place for three years, and it meets the needs of low-income seniors. He explained support of the question will extend the mean-tested tax exemption for three years and will allow future extensions by a Town Meeting vote. Mr. Tyler stated the program has been accomplished by a tax burden shift of less than ½% (a \$50 increase for a \$10,000 property tax bill) per year. He believes helping seniors stay in Town helps reduce future tax increases for everyone. He urged for the community's support of Ballot Question #1.

As a former Finance Committee member, Selectman Woodard stated one of the Town's biggest financial challenges is the high proportion of households with school-aged children, which utilize Town services. The Town has been cognizant in recent decades of trying to increase the number of households without children, which is good for the Town from a budget perspective.

Vice-Chairman Iuliano encouraged residents to vote in favor of Question #1, noting she has followed these issues since 2003. She believes the program is balanced and it is aimed at the seniors in the greatest need. Vice-Chairman Iuliano stated having the ability to extend the program is key, and she noted the Selectmen and the Board of Assessors support the program.

Selectman Simon stated he supports the program, and he believes it "services both the heart and the head of Sudbury" and its fiscal needs.

Chairman Brown stated she received a question from a resident as to why the arguments in opposition to articles are so short as opposed to those in favor. She stated the proponents in support of articles are

committed and passionately present their case. She stated she supports Question #1, noting the cap on the tax shift distribution is an important factor.

Regional Housing Services Office Manager Elizabeth Rust, 177 Haynes Road, stated that, from a fair housing perspective, it is important to note that families are a protected class, and that it is not the Town's intention to discriminate. Selectman Woodard stated there is no such sentiment from the Town to participate in any discrimination practices.

At 7:58 p.m., Police Chief Nix addressed the Board regarding Ballot Question #2. He stated removing the Police Department from the civil service process, will give the Town a better opportunity for hiring candidates from a broader pool. Chief Nix explained the Civil Service system is antiquated and does not necessarily meets the needs of Sudbury today. He provided examples of how it restricts current hiring practices for more qualified candidates with Police Academy training. Chief Nix also stated many surrounding communities have become non-civil service Towns. Chief Nix urged the community's support, noting he and the Department unanimously support passage of the Ballot Question.

Chairman Brown stated she has discussed this proposal with Chief Nix and has learned the advantages of being removed from civil service. She stated this has been expressed as a desire from many communities across the State.

Selectman Woodard stated he has high confidence in the Police Chief to handle hiring without civil service regulations, and thus he supports their recommendation.

In response to a question from Vice-Chairman Iuliano, Police Chief Nix explained that, if under civil service rules he must hire a candidate who is not already Academy trained, the candidate will be paid by the Town, but they will not be available for service for approximately 22-24 weeks while they are being trained and the Town will pay approximately \$3,000 for the training. He believes removal from the civil service system is in the best interest of the Town and its residents.

Selectman Simon stated hiring practices are different today than when the current system was introduced. He believes Question #2 reflects these changes for Sudbury, and he hopes residents will support it in order to maintain high employment standards for the community.

Police Chief Nix encouraged anyone with questions to contact him for further information.

#### **Annual Town Meeting –Take Position on Articles and, if necessary, Withdraw Articles**

At 10:29 p.m., Chairman Brown took this agenda item out of order, and she opened a discussion regarding the Selectmen taking positions on articles. It was also noted tonight is the last night to withdraw an article from the Warrant. Copies of an updated list of the "ATM 2016 Articles" dated March 22, 2016, and two memoranda from Town Manager Rodrigues, both dated March 22, 2016, one regarding the tax impact for capital articles and the other regarding articles to be withdrawn, and an email from Finance Committee Chair Susan Berry to Town Manager Rodrigues dated March 22, 2016 were distributed tonight.

Selectman Woodard asked if there is information regarding Article 3 - Stabilization Fund. Town Manager Rodrigues stated the Town goal is to maintain an amount equal to 5% of the total projected general fund operating revenues for the next fiscal year. She reported that, as of February 18, 2016, the Stabilization Fund Balance was \$4,300,404.78. Town Manager Rodrigues stated the recommended minimum target for FY17 should be \$4,580,594. Thus, the Town would need to put in \$280,190 to reach 5%.

Chairman Brown asked how much is left in Free Cash. Town Manager Rodrigues stated the amount is not certain yet. Selectman Woodard estimated it could be approximately \$150,000.

**The consensus of the Board was that it would Report at Town Meeting (RTM) its positions on Articles #3, 5, 6, 7, 8, 11, 25, 33, 44 and 45.**

Town Manager Rodrigues referenced her memo handed out tonight regarding the potential tax impact for the proposed capital Articles # 14A, 14B, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25. She stated that, if all the capital articles were approved, the tax impact to the average residence assessed at \$634,000 would be an additional \$353.73. She also provided a brief update of what positions the Finance Committee has voted to date on the proposed capital articles. She noted Facilities Director Jim Kelly plans to reduce the requested amount for Article 17 – Town and Schools Parking Lots and Sidewalks Improvements from \$200,000 to \$84,000, and the request for Article #18 – Nixon School Crosswalk Traffic Signal has been reduced from \$35,000 to \$25,000.

Selectman Woodard and Chairman Brown expressed their opinions regarding Article #23 – DPW Underground Fuel Storage Replacement, that it is important to attend to it sooner rather than later. Chairman Brown stated the Town should not take the risk that there would be an underground fuel leak, which would be expensive and complicated to clean up.

Chairman Brown noted she has questions about the tracking of \$30,000 for the Regional Housing Services Office as part of the Community Preservation Act FY17 CPC Budget for Administrative Funds. She believes it is not being correctly described and tracked. Selectman Woodard suggested Chairman Brown should discuss her concern with the Community Preservation Committee (CPC) next year. Vice-Chairman Iuliano stated she believes it has been discussed with the CPC in the past, and she believes the expense is explained each year.

**In separate votes for each article listed below, it was on motion unanimously, with the exception of Article 42 which was voted 3-1, with Chairman Brown voting in opposition,**

**VOTED: To support Articles #13, 14A, 14B, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 31, 36, 37, 38, 39, 40, 41, 42, and 43.**

**It was also on motion unanimously**

**VOTED: To withdraw Articles # 28, 29, 30, 32, 34 and 35.**

**Sudbury Housing Trust and Planning and Community Development – Update to the Housing Production Plan for Submittal to DHCD – Discussion and Possible Vote**

Present: Director of Planning and Community Development Jody Kablack and Regional Housing Services Office Manager Elizabeth Rust, Sudbury Housing Trust Member Jay Zachariah

At 8:10 p.m., Chairman Brown took this agenda item out of order, and she opened a discussion regarding an update to the Housing Production Plan (HPP) for submittal to the Department of Housing and Community Development (DHCD), and she welcomed Director of Planning and Community Development Jody Kablack, Regional Housing Services Office (RHSD) Manager Elizabeth Rust, and Sudbury Housing Trust (SHT) member Jay Zachariah to the Meeting. The Board was previously in receipt of copies of a draft “Town of Sudbury Housing Production Plan,” sponsored by the (SHT).

Ms. Kablack stated she and Ms. Rust addressed the Board in February to explain the SHT wished to sponsor and plan for the renewal of the HPP prior to its expiration in July 2016. In February, the SHT received the endorsements of the Planning Board and Selectmen to proceed to update the Plan, since both Boards are required to adopt the HPP. She noted benefits were noted previously for renewing the plan, including it is required to maintain the approved plan status, is a guide for the Town in reaching its 10% affordable housing goal and it will allow the Town to avail itself of the HPP provisions and safe harbor protections. Ms. Kablack stated the HPP process is governed by State regulations, with prescribed criteria and components. She noted the draft HPP was approved by the SHT on March 18, 2016, it is posted online, and the Planning Board will review it for approval tomorrow evening.

Ms. Kablack summarized the three required Plan elements as a needs assessment, goals and strategies to reach the 10% goal. She stated the SHT posted an online housing survey to which there were 97 responders, and a community workshop, led by a consultant, was held on February 29, 2016 with 31 attendees, comprised of SHT and Town board and committee members and residents. Ms. Kablack stated the revised draft HPP goals were based on feedback and input received and the 2011 HPP. She summarized some of the information included in the draft HPP, noting the increased population of senior citizens in Town. Ms. Kablack read aloud the eight goals on Pages 47-49 of the HPP, noting substantive differences from the 2011 HPP goals, and that the 2016 HPP includes more measurable goals. She also summarized the implementation strategies noted on Page 50 of the HPP, where there is also a chart which matches the strategies to relevant goals. Ms. Kablack highlighted the HPP mentions the two Chapter 40B currently proposed for Sudbury, but it takes no position on them. She stated approval is being requested tonight to meet the timelines prior to the expiration date so the HPP does not lapse.

Selectman Simon stated he attended the SHT workshop which was productive. He endorsed the draft HPP, stating he thought it had modified the Town's previous goals appropriately, and it was comprehensive.

Selectman Woodard stated he found the draft HPP to be highly professional and well done, and he would vote to approve it. He asked for clarification in Goal #5 regarding how affordable units could be lost, which Ms. Rust explained.

Vice-Chairman Iuliano commended all who worked on the draft HPP, noting a great work product was produced in a short time. She stated she attended the SHT workshop, noting time was also given in discussion to confirming the goals.

Chairman Brown asked if the goals are listed in priority order, and it was stated they are not. She stated she is concerned the current HPP does not lapse and that the Town meets the required renewal timelines.

It was on motion unanimously

VOTED: To approve the draft the 2016 Town of Sudbury Housing Production Plan, as reviewed tonight.

Ms. Kablack thanked Ms. Rust, the RHSO staff and the consultant for their work on the revised Plan.

**National Development Meadow Walk Sudbury Application – Contract for Stormwater Peer Review Services**

At 9:40 p.m., Chairman Brown took this agenda item out of order, and she opened a discussion regarding whether to authorize the Town Manager to execute the contract for Stormwater peer review services for the Meadow Walk Sudbury application (National Development/Raytheon redevelopment) from Horsley Witten



Group dated March 9, 2016, in the amount of \$14,000 (estimated). The Board was previously in receipt of copies of a proposal letter from Horsley Witten Group dated March 9, 2016.

Director of Planning and Community Development Jody Kablack stated each use component will have its own stormwater Master Plan and peer reviewer (to be paid for by the applicant). She also stated a traffic impact peer reviewer is needed, which is estimated to cost less than \$10,000. Ms. Kablack stated the applicant and the Town's traffic peer reviewer have been corresponding and these documents are on the Town website and the traffic-related information will be made available to the Board.

In response to a question from the Board, Ms. Kablack clarified the Planning Board will hold the Stormwater Management Permit Public Hearing for Whole Foods on March 30, 2016.

It was on motion unanimously

VOTED: To authorize the Town Manager to execute the contract for Stormwater peer review services for the Meadow Walk Sudbury application (National Development/Raytheon redevelopment) from Horsley Witten Group dated March 9, 2016, in the amount of \$14,000 (estimated).

**Archaeological Sensitivity Assessment – Discuss and Vote on Scope of Services - Public Archaeology Laboratory**

At 9:50 p.m., Chairman Brown opened a discussion regarding whether to proceed with an archaeological sensitivity assessment as described in the Public Archaeology Laboratory Scope of Services dated February 25, 2016. The Board was previously in receipt of copies of the Public Archaeology Laboratory "Scope of Services Village at Sudbury Station, Sudbury, Massachusetts Archaeological Sensitivity Assessment February 25, 2016."

Town Manager Rodrigues asked that the Board not vote this agenda item tonight, as per the advice of Town Counsel. She stated Town Counsel has stated permission to go onto the property has not been granted, and thus the study cannot be performed. She also stated other options are being researched.

Director of Planning and Community Development Jody Kablack noted that, as a result of permitting which will be required, the Massachusetts Historical Commission will review the application and site. In response to a question from Selectman Simon, Ms. Kablack stated the Commission would likely issue its recommendations and work on mitigation with the applicant.

**Call a Special Town Meeting within the Annual Town Meeting – Vote and Open the Warrant Period**

At 11:20 p.m., Chairman Brown took this agenda item out of order, and she opened a discussion regarding whether to call a Special Town Meeting within the Annual Town Meeting for Tuesday, May 3, 2016, at 7:30 p.m. in the Lincoln-Sudbury Regional High School Auditorium, and to open the Warrant commencing March 23, 2016, and to close the Warrant for the Special Town Meeting at 5:00 p.m., Friday, April 1, 2016.

Selectman Woodard stated it is possible articles would be submitted regarding funding for EverSource transmission line efforts, the National Development/Avalon Bay zoning, the Wayside Inn due diligence, and if needed, approval of the Lincoln-Sudbury Regional High School proposed amendment to the FY16 Budget.

It was on motion unanimously

VOTED: To call a Special Town Meeting within the Annual Town Meeting for Tuesday, May 3, 2016, at 7:30 p.m. in the Lincoln-Sudbury Regional High School Auditorium, and to open the Warrant commencing March 23, 2016, and to close the Warrant for the Special Town Meeting at 5:00 p.m., Friday, April 1, 2016, and to authorize the Town Manager to place articles in the Warrant for the Board of Selectmen.

**Lincoln-Sudbury Regional High School – Proposed Amendment to the FY16 Budget**

Present: Lincoln-Sudbury Regional High School (L-SRHS) Superintendent Bella Wong and a few L-SRHS District School Committee members

At 10:02 p.m., Chairman Brown took this agenda item out of order, and she opened a discussion regarding a proposed amendment to the Lincoln-Sudbury Regional High School's (L-SRHS) FY16 Budget, and she welcomed L-SRHS Superintendent Bella Wong and a few L-SRHS District School Committee members to the Meeting. Superintendent Wong distributed copies tonight of a handout reflecting L-SRHS Fund Balances for FY13 through mid-year FY16.

Superintendent Wong read aloud a relevant section of the rules for regional schools. She reviewed the balances in the Excess & Deficiency and Stabilization Funds when she arrived in FY14. Superintendent Wong stated the School Committee has long been concerned about fund balances not being 5% of the budget, and not having funds for the three School fields, which will need to be replaced in FY18. She explained that, in the FY14, FY15 and FY16 budgets, she level-funded insurance, and in FY17 she also decreased the utilities budget. She emphasized these were one-time adjustments, which will not continue. Superintendent Wong stated the School Committee has voted a recommendation to transfer \$600,000 from the Excess & Deficiency Fund to the Stabilization Fund and to put the transfer as an amendment to the budget. She stated it is unclear if any future action is needed by the Town or Selectmen, and she will work to seek clarification of this.

Selectman Woodard asked if it is being suggested that the Town does not have to approve the transfer. Superintendent Wong stated that appears to be correct because a vote would not change the Town's assessment.

Selectman Woodard stated he has a problem with funds essentially being taken out of a Free Cash-type account and put into an account for capital spending, and thus those funds are no longer available to reduce Sudbury's assessment next year. He believes this does not seem right and he would like to have the Finance Committee have a discussion about using Free Cash in this manner instead of reducing the Town's assessment. Selectman Woodard further stated that it seems as if the School Committee has stopped the practice in recent years of returning money to the Town, and the School Committee alone is deciding to use these funds for capital spending. He believes this is short-circuiting the proper process of having the residents vote at Town Meeting on how the capital dollars should be allocated by the three cost centers. Selectman Woodard stated he finds it inconsistent with the Town's objectives to have this decision made only by the L-SRHS School Committee.

Superintendent Wong stated she respects Selectman Woodard's opinion, but the School faces large capital needs in the next five years that it cannot afford.

Selectman Woodard stated Sudbury provides 85% of the School's funding, and thus the Town should have a say as to how capital funds are spent. He reiterated that, otherwise, it is not fair to the Town's process and it is inconsistent with the Town's perspective. Selectman Woodard would like it clarified that the School Committee can do this without asking for a Town vote.

Vice-Chairman Iuliano asked if Excess & Deficiency funds can be spent on capital projects. Superintendent Wong stated they could. Vice-Chairman Iuliano stated that, if that is the case, she does not understand the need for the transfer, since she believes it would limit the School's options. Superintendent Wong stated they believe the transfer provides a specific use for the funds and this is a way to plan for the expense.

Chairman Brown noted there is a Five-year Capital Plan for L-SRHS and the Town also has one, which includes L-SRHS.

Selectman Woodard stated it should be clarified as to who decides the use of L-SRHS Free Cash. Superintendent Wong stated that, as a Regional School, they have their own obligations.

Vice-Chairman Iuliano asked for the clarification on actions required to be shared with the Board. Selectman Woodard suggested this might need to be a on the Special Town Meeting Warrant.

### **Loring Parsonage – Declare Available for Disposition**

At 9:54 p.m., Chairman Brown took this agenda item out of order, and she opened a discussion regarding declaring the Loring Parsonage is available for disposition. The Board was previously in receipt of copies of the "Town of Sudbury Request for Proposals Lease of the Loring Parsonage."

Town Manager Rodrigues explained the Request for Proposals (RFP) will allow the Town to dispose of the property through a 30-year lease and it will allow the Town to go out to bid and to appoint someone to negotiate the lease with the winning bidder. She also explained the process would need two weeks to be advertised.

Selectman Woodard stated he found the RFP language consistent with the Board's prior discussions.

Selectman Simon reviewed the reasons the Town needs to dispose of the property.

It was on motion unanimously

VOTED: To declare the Loring Parsonage, 288 Old Sudbury Road, Sudbury, MA, available for disposition by means of a 30-year lease restricted to a qualified Massachusetts non-profit, 501 © (3) entity for use and operation of the building as a Sudbury history center and museum, said lease being for the express purpose of providing a museum to display artifacts, materials and programs appropriate to the study of American history, and in particular the history of New England and Sudbury, including Native American history; further, the lessee is required to undertake the funding of the design, structural stabilization and renovation of the building, said renovation to include any change in footprint approved by the Town; and further that the Town may provide at its discretion, funding toward such work; and further, to approve the terms of the lease as set forth in the draft Request for Proposal.

### **Citizens' Comments – Continuation**

Chairman Brown announced no other citizens had requested time for comments tonight.

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

At 11:25 p.m., Chairman Brown opened a discussion regarding future agenda items. She asked Board members to check their calendars regarding attending the Clergy Association Meeting on April 4, 2016 at

12 noon. She stated the proposed Minuteman Committee's Mission Statement and composition will be discussed at the Board's April 5, 2016 Meeting. Chairman Brown stated Finance Committee Chair Susan Berry informed her the Fairbank Community Center Study Group will present its report to the Finance Committee on April 11, 2016 at 7:30 p.m., and it is hoped to have a joint meeting with the Selectmen and the Capital Improvement Advisory Committee (CIAC) to consolidate numerous presentations. She asked Board members to notify her if this date is possible for them. Chairman Brown stated she has received one resume for the Sudbury Housing Trust opening, and an interview will be scheduled on a future agenda. She also stated she will schedule as an agenda item a request to designate the Park and Recreation Commission as Special Municipal Employees (she will circulate additional information at a later date). Chairman Brown also noted a future agenda item will be set for Mr. DePompei's request during Citizen's Comments tonight and for a request from a resident to request from the State Legislature that the law requiring arguments in favor and opposition be listed on Election Ballots be repealed.

Selectman Woodard stated that, after Town Meeting, there should be an agenda item to continue the work of the Budget Strategies Task Force for one more year.

Vice-Chairman Iuliano stated her previous request to discuss the Board's Opening Remarks at Meetings can be removed from the list of future agenda items.

### **Minutes**

At 11:33 p.m., Chairman Brown noted a revision needed on the top of Page 2 of the minutes to read as "TCE" instead of "TCP."

Selectman Simon requested, and the Board concurred, that the following language be added to the 5<sup>th</sup> paragraph from the bottom of Page 7 of the Minutes: "Chairman Brown asked Selectman Simon if this was a motion. Selectman Simon said "yes." Chairman Brown asked if there was a second to the motion. There was no second."

It was on motion unanimously

VOTED: To approve the Regular Session Meeting Minutes of March 8, 2016, as amended tonight.

### **American Legion Sudbury Post - Billiards Table License Renewal**

It was on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, to renew a billiards table license for the American Legion Sudbury Post #191, Inc., Phillip M. McKenzie, Manager, 676 Boston Post Road, said license to expire on May 1, 2017.

### **Boy Scout Troop 60 – Eagle Scout Recognition**

It was on motion unanimously

VOTED: To enter into the Town record and congratulate Nicholas Weston St. George, 752 Concord Road of Troop 60, to be recognized at a Court of Honor on Sunday, April 3, 2016, 5:00 p.m., at Congregation Beth El, 105 Hudson Road, for having achieved the high honor of Eagle Scout.

There being no further business, the meeting adjourned at 11:35 p.m.

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

**Documents & Exhibits**

1. Presentation by National Development on the Avalon Bay development's fiscal impact to Sudbury

**Attachments:**

1.a RKG\_Meadow Walk Sudbury\_Avalon Sudbury FIA Short Version\_Rev3

2. Discussion of the rationale behind the two Annual Town Election ballot questions. Police Chief Scott Nix and resident Ralph Tyler invited.

**Attachments:**

2.a ATE Warrant\_ballot\_questions

3. Consider and possibly take positions on articles before 2016 Annual Town Meeting. Withdraw articles from the warrant, if necessary.

4. Discussion and vote whether to approve 2016 Housing Production Plan. Attending will be Jody Kablack, Director of Planning and Community Development, and Housing Trust representatives.

**Attachments:**

4.a DRAFT Sudbury HPP 2016 3.16.16

5. Discussion and possibly vote whether to authorize the Town Manager to execute the contract for Stormwater peer review services for the Meadow Walk Sudbury application (National Development/Raytheon redevelopment) from Horsley Witten Group dated March 9, 2016 in the amount of \$14,000 (estimated).

**Attachments:**

5.a 2016 Horsley Witten Group-Meadow Walk

6. Vote to proceed with an Archaeological Sensitivity Assessment as generally described in the attached Scope of Services from Public Archaeology Laboratory dated Feb. 25, 2016, conditioned on the consent of the developer or property owner to conduct a site visit/walkover survey as described in Task 3 of the proposal, or else elimination of said Task 3, and to authorize the Town Manager to negotiate the final contract, pending the identification of a funding source.

**Attachments:**

6.a Arch Sensitivity Assessment Scope of Services Cost Proposal

7. Vote to call a Special Town Meeting within Annual Town Meeting for Tuesday, May 3, 2016, at 7:30 p.m. in the Lincoln-Sudbury Regional High School Auditorium, and to open the Warrant commencing March 23, 2016, and to close the Warrant for Special Town Meeting at 5:00 p.m., Friday, April 1, 2016.

8. Discussion and possible vote on a proposed amendment to the FY16 budget for Lincoln-Sudbury Regional High School. Bella Wong to attend.

**Attachments:**

8.a Lincoln-Sudbury Regional School District

9. Move to declare the Loring Parsonage, 288 Old Sudbury Road, Sudbury, MA, available for disposition by means of a 30-yr. lease restricted to a qualified Massachusetts non-profit, 501(c)(3) entity for use and operation of the building as a Sudbury history center and museum, said lease being for the express purpose of providing a museum to display artifacts, materials and programs appropriate to the study of American history, and in particular the history of New England and Sudbury, including Native American history; further, the lessee is required to undertake the funding of the design, structural stabilization and renovation of the building, said renovation to include any change in footprint approved by the Town; and further that the Town may provide at its discretion, funding toward such work; and further, to approve the terms of the lease as set forth in the draft Request for Proposal.

**Attachments:**

9.a KP-#550094-v1-SUDB\_Loring\_parsonage\_lease\_RFP

10. Citizens' Comments continuation (if needed)

11. Discuss upcoming agenda items

12. Vote to approve the regular session minutes of March 8, 2016.

**Attachments:**

12.a BOS 3-8-16\_draft\_min

13. As the Licensing Authority for the Town of Sudbury, vote to renew a billiards table license for the American Legion Sudbury Post #191, Inc., Phillip M. McKenzie, Manager, 676 Boston Post Road, said license to expire on May 1, 2017.

**Attachments:**

13.a Pool Table License 2016

13.b American Legion Billiards Approval 2016

14. Vote to enter into the Town record and congratulate Nicholas Weston St. George of Troop 60, to be recognized at a Court of Honor on Sunday, April 3, 2016, 5:00 p.m., at Congregation Beth El, 105 Hudson Road, for having achieved the high honor of Eagle Scout.

**Attachments:**

14.a Eagle Scout\_Nicholas Weston St. George