

IN BOARD OF SUDBURY SELECTMEN  
TUESDAY, AUGUST 16, 2016

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

The statutory requirements as to notice having been complied with, the meeting was convened at 7:30 p.m. in Town Hall.

**Opening Remarks**

At 7:30 p.m., Chairman Iuliano opened the meeting.

**Reports from the Town Manager**

Town Manager Rodrigues announced a new Planning Director, Meaghan Donoghue, has been hired, and she will start next week. She also announced a new Environmental Planner, Beth Suedmeyer, has been hired, and she has already begun work. Town Manager Rodrigues announced she will hold Town Manager Office Hours at the Flynn Building on Tuesday, August 23, 2016 from 5:00 p.m. to 6:00 p.m. She also announced there will be a Bruce Freeman Rail Trail Charrette held on August 25, 2016 from 6:00 p.m. to 8:00 p.m. at Town Hall. She also reminded residents absentee ballots are currently available for the State Primary Election to be held September 8, 2016 (deadline to apply is September 7, 2016 at 12 noon).

**Reports from the Board of Selectmen**

Selectman Simon stated parents of students at the Curtis Middle School and Lincoln-Sudbury Regional High School will be receiving a letter from their respective superintendent updating them on the work of the Vocational Education Guidance Committee.

**Citizen's Comments**

At 7:32 p.m., Chairman Iuliano recognized Sudbury resident John Baranowsky, 103 Belcher Drive.

Mr. Baranowsky distributed a handout to the Board of a letter from Finance Committee Chair Susan Berry to the State's Assistant Attorney General dated August 16, 2016, in response to an Open Meeting Law (OML) Complaint filed by Mr. Baranowsky. He stated he believes there should be consistency in Town for hearing public comments at meetings. Mr. Baranowsky stated he filed an OML complaint in July because he does not feel he has the opportunity to speak at Finance Committee meetings in the same manner he can elsewhere, such as at the Selectmen's meetings. He has recently learned that the Finance Committee will schedule a time at a September meeting for him to speak. Mr. Baranowsky recommended that the Finance Committee should have a public comment period which is posted on the Selectmen's website. He believes there are financial challenges in the year ahead, and it makes no sense to him to limit public input. He believes citizens should have the same opportunity to comment to all boards, and he hopes citizens will attend the September 14, 2016 Finance Committee Meeting and participate.

Chairman Iuliano clarified this is a Finance Committee issue. Vice-Chairman Woodard concurred, noting the Finance Committee could post it on its page of the Town website. Town Manager Rodrigues stated the Committee would list it on its agenda, which will be posted online.

At 7:39 p.m., Chairman Iuliano recognized Sudbury resident Brian Mills, 471 North Road.

Mr. Mills announced Sperry's Fine Wine and Brew will soon pursue obtaining a full liquor license, and it may submit information for the October Special Town Meeting. He stated they are currently working to obtain the required signatures.

**El Basha Sudbury Inc., d/b/a El Basha Grill and Bar, 423 Boston Post Road – Application for Common Victualler License**

At 7:40 p.m., Chairman Iuliano opened a discussion regarding the application dated August 8, 2016, submitted by El Basha Sudbury Inc., d/b/a El Basha Grill and Bar, for a New Common Victualler License, and she noted they were unable to attend tonight's Meeting. The Board was previously in receipt of the Town of Sudbury Application for Common Victualler & Entertainment License and accompanying documentation, and comments from Sudbury Department Heads.

Chairman Iuliano explained tonight's request is the last item needing to be approved prior to the opening of the restaurant.

Town Manager Rodrigues stated the application is in order, and Town Department Heads have no objections to the request.

Vice-Chairman Woodard noted the Board had previously interviewed the applicant.

It was on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, to approve a new Common Victualler License for El Basha Grill & Bar, 423 Boston Post Road, as requested in an application dated August 8, 2016, subject to conditions put forth by the Fire Department and Building Department.

**Fairbank Community Center Study Task Force – Interview Candidate for Appointment**

Present: Candidate Sam Merra

At 7:50 p.m., Chairman Iuliano took this agenda item out of order, and she opened the interview discussion with Sudbury resident Sam Merra, 111 Woodside Road, for appointment consideration to the Fairbank Community Center Study Task Force. The Board was previously in receipt of copies of the Town of Sudbury Application for Appointment submitted by Mr. Merra.

Mr. Merra stated he has lived in Town for almost 50 years, and he summarized his past experiences on boards and committees serving the Town. He stated he was not previously involved in the work of the Task Force, so he would approach the position with no preconceived notions. Mr. Merra stated he believes he has a broad understanding of the needs of the entire Town related to this mission. He further stated he would especially want to be sure the needs of Sudbury's senior citizens are heard and taken into consideration.

Vice-Chairman Woodard stated he has heard nothing but positive feedback from others regarding Mr. Merra's previous Town contributions.

Selectman Simon noted Mr. Merra has expertise in engineering as well as an understanding of the potential users, and he thanked him for applying.

Selectman Haarde stated he has worked with Mr. Merra previously on Town projects, and he thinks he would be great as a Task Force member.

Selectman Brown stated there are two members from the Council on Aging also designated for the Task Force, and she asked how he would advocate as an at-large member. Mr. Merra stated he would approach the position as needing to have a good view of all of the Town needs and that all user needs should be represented.

It was on motion unanimously

VOTED: To appoint Sam Merra, 111 Woodside Road, to the Fairbank Community Center Study Task Force for a term ending May 31, 2017.

It was noted Mr. Merra will need to be sworn in, and that the next Task Force Meeting is August 18, 2016 at 6:00 p.m.

**Fairbank Community Center Study Task Force – Discuss and Possible Vote to Amend Mission Statement**

At 7:55 p.m., Chairman Iuliano took this agenda item out of order, and she opened a discussion regarding whether to amend the Mission Statement of the Fairbank Community Center Study Task Force to provide for a plan in conformance with operational and capital parameters determined by the Board of Selectmen. The Board was previously in receipt of copies of a red-lined draft Fairbank Community Center Study Task Force's Mission Statement last amended June 28, 2016.

Selectman Simon stated the Task Force needs more guidance regarding these issues, and he supports the revisions.

Vice-Chairman Woodard stated the revised language is broad enough to reflect the Board's discussion at its last Meeting.

Selectman Brown stated she prefers the revisions because she thinks it will help taxpayers know how items will relate to them financially. She also stated the members need to be identified in order to determine if a quorum can be met for a meeting. Town Manager Rodrigues stated she will ask Town staff for this information.

Selectman Haarde stated the revisions were acceptable to him.

It was on motion unanimously

VOTED: To amend the Fairbank Community Center Study Task Force Mission Statement to provide for a plan in conformance with operational and capital parameters determined by the Board of Selectmen, as presented and reviewed in tonight's agenda packet.

**Fairbank Community Center Study Task Force – Vote to Appoint Finance Committee Representatives**

At 7:45 p.m., Chairman Iuliano took this agenda item out of order, and she opened a discussion regarding the appointment of Finance Committee representatives to the Fairbank Community Center Study Task Force. She stated that, last night, the Finance Committee designated Bryan Semple as its representative.

Selectman Brown noted the Task Force's Mission Statement allows for up to two Finance Committee representatives, but there is not another interested member at this time. However, if this were to change in the future, another representative could be presented to the Board for appointment.

Selectman Simon stated he was a member of the Task Force for approximately 18 months, and he attended most of the meetings during that time. He stated there was a lot of dissention at the meetings, and it was difficult to move issues forward. Selectman Simon stated Mr. Semple's participation made proceedings difficult at times. He believes it would be best for the Town to have a clean slate of members for the Task Force to work better.

It was on motion

VOTED: To appoint Bryan Semple as the Finance Committee representative to the Fairbank Community Center Study Task Force, for a term to expire May 31, 2017, as designated by the Finance Committee on August 15, 2016.

Selectman Simon opposed the vote.

**Bruce Freeman Rail Trail Design – Process for VHB Community Input – Discussion**

Present: Ciccolo Group, LLC CEO Michelle Ciccolo

At 8:00 p.m., Chairman Iuliano opened a discussion regarding the VHB community input process for the design of the Bruce Freeman Rail Trail (BFRT), and she welcomed Ciccolo Group, LLC CEO Michelle Ciccolo to the Meeting. The Board was previously in receipt of copies of a handout of the flyer announcing the BFRT Design Charrette scheduled for August 25, 2016 at Town Hall from 6:00-8:00 p.m.

Ms. Ciccolo highlighted the VHB contract requires eight public meetings to be held during the 25% design plan. She stated a meeting was held six weeks ago. Ms. Ciccolo also stated the Abbreviated Notice of Resource Area Delineation (ANRAD) has been filed, and the Conservation Commission will request peer-review funding. She further stated VHB will meet with the Conservation Commission on September 26, 2016. Ms. Ciccolo explained the Charrette meeting has been scheduled for August 25, 2016 as an informal forum to elicit ideas from the public related to how the trail will be aligned. VHB hopes to capture the best ideas offered to include in its design process. Ms. Ciccolo stated there will likely be a meeting scheduled each month by VHB going forward, and she is working to coordinate a schedule for the next several months.

Selectman Brown stated she had experience attending a charrette in 2006. She emphasized her concern that this Charrette appeared on the Board's webpage without prior knowledge by the Selectmen. Ms. Ciccolo apologized, stating the intent was to get the information out to the public as soon as possible.

Selectman Haarde stated the Charrette is scheduled during one of the busiest vacation weeks of the year, prior to students going back to school, which may not be good for attendance. He questioned whether a later date should be considered.

Selectman Brown stated it is difficult in charrette to offer specific ideas without first knowing how the trail will be aligned. She believes that, without this knowledge, the session can result in a rather generic discussion.

Vice-Chairman Woodard stated there is no perfect time to schedule a meeting to ensure good attendance. He believes it is important to start the meeting process.

Town Manager Rodrigues apologized for pushing Ms. Ciccolo to get the meeting schedule started, which has resulted in this August 25<sup>th</sup> date.

Selectman Haarde stated he thinks it will work out in the long run, since other meetings will be scheduled, and he suggested a future meeting be another charrette, for those who miss attending the one on August 25<sup>th</sup>. Ms. Ciccolo stated the public will have many opportunities to participate in the process, noting there will also be meetings with the Conservation Commission.

Selectman Simon stated he reviewed the VHB Request for Proposal (RFP), and he noted there will also be meetings scheduled with abutters and with Town staff. He also noted VHB is required to look at parking options, including the Davis Field area. Selectman Simon believes the Charrette Meeting is a step in the right direction. He asked if Ms. Ciccolo will attend the Charrette, and she stated she would be in attendance.

Selectman Simon asked Ms. Ciccolo if a delay is anticipated for conclusion of the 25% design, and he questioned why this was not accounted for previously by VHB. Ms. Ciccolo explained the process has been delayed a few weeks awaiting for the ANRAD peer review to be completed. She noted it is hard to predict this sort of thing because not all towns conduct an ANRAD peer review. Selectman Simon asked if the Conservation Commission could be asked to conduct the peer review process as expeditiously as possible. Ms. Ciccolo stated the Conservation Commission would set its own process guidelines.

Selectman Brown stated that, during the time of the previous feasibility study, there was no involvement required with the Conservation Commission, and it is important to establish this interaction as part of the process.

Selectman Simon stated VHB agreed to work with the Conservation Commission in its RFP. Ms. Ciccolo stated she believes this dialogue has begun, and it is ongoing.

At 8:24 p.m., Chairman Iuliano stated it appears as if efforts are being made to remedy previous process deficiencies, and she concluded the discussion.

**Bruce Freeman Rail Trail Design Implementation Task Force – Discussion and Possible Vote Regarding Mission Statement**

Present: CEO of the Ciccolo Group, LLC Michelle Ciccolo

At 8:24 p.m., Chairman Iuliano opened a discussion regarding the draft Mission Statement for the proposed Bruce Freeman Rail Trail (BFRT) Design Implementation Task Force, and she welcomed CEO of the Ciccolo Group, LLC Michelle Ciccolo to stay for this agenda item. The Board was previously in receipt of copies of a memorandum from Chairman Iuliano to the Board dated August 16, 2016, a revised draft “Town of Sudbury Bruce Freeman Rail Trail Design Task Force” Mission Statement and the BFRT Schedule as of January 5, 2016. Chairman Iuliano stated she tried to incorporate the suggestions made to reflect a balance of the concerns raised. She suggested the Board should first have a discussion regarding Sudbury bylaws to clarify questions previously posed by Sudbury resident Dan DePompei and to help frame references to wetland protection in the Mission Statement.

Chairman Iuliano stated she views Mr. DePompei’s concerns as having two levels for discussion. She believes there is a legal distinction to be made for the BFRT because it is a State construction process, and thus, it is not required to follow local laws. She further stated that the Board’s recent discussion of bylaws as they related to building permit fees revolved around a process which would be completely local, and thereby subject to local bylaws. In addition, Chairman Iuliano stated she also sees a policy question to be discussed regarding whether the Town should follow its own bylaws. She believes there is always the intent by the Town to balance what is in the best interest of the Town, but there are times when exceptions are part of the process, such as with waivers and variances. Regarding the BFRT, she emphasized it was only voted to not require full compliance with local bylaws, but it was not intended to mean that bylaws would be ignored.

Selectman Simon stated the Board has addressed this issue a number of times, and he began to summarize the history of votes taken. Chairman Iuliano stated tonight's agenda did not allow sufficient time to review this issue's history, and she reiterated that it has been voted to not require compliance when the issue has been presented.

Selectman Simon referenced a memo dated April 18, 2016 from Ms. Ciccolo, noting the State does take local bylaws into account, and it attempts to comply as much as possible. He stated the State does try to work with local Conservation Commissions to the extent possible. Selectman Simon stated he believes the project is "in good hands." He also stated Sudbury's local bylaws are quite restrictive, and efforts will be made to do what can reasonably be accomplished for the project.

Selectman Brown stated that it is not possible to know if the trail can be constructed without having a wetlands' delineation completed. Ms. Ciccolo concurred, noting the Conservation Commission has the discretion for these rulings. She also noted local authorities can make special design requests, with the understanding that, it is possible the work associated with the requests may not be paid for by the Department of Transportation. Selectman Brown stated that, in this case, it could go back to the community to decide what it wanted based on what it would cost.

Ms. Ciccolo noted rail trails intrinsically have wetland issues, and the goal is to develop the best possible engineering to create a great local resource.

Vice-Chairman Woodard asked who would make decisions for any design variations. Ms. Ciccolo stated the Town is the lead project applicant, and the Conservation Commission would need to authorize required permits.

Sudbury resident Dan DePompei stated he believes the Board took its first vote on May 3, 2016 to not comply with local bylaws. He believes it is inappropriate to suspend compliance with local bylaws. Instead, Mr. DePompei believes the local bylaws should be required as applicable in the vendor contract. He does not believe the bylaws should be sacrificed before the design process is completed.

Selectman Haarde stated he believes there is a problem if the Board uses its bylaws to deny the Methodist Church's building permit reduction request, but in other instances, there seems to be flexibility for non-compliance. He believes decisions need to be made with consistency.

Chairman Iuliano highlighted again that there is a legal distinction to consider, which she views as separate from the policy distinction. She reiterated the Town has not voted to ignore the wetland bylaws, and she believes there is a real goal to comply with the local bylaws.

Vice-Chairman Woodard noted this issue has been broached and discussed several times. He believes that, at some point, the Board needs to stop having the same conversation over and over. Vice-Chairman Woodard emphasized that, until a design is proposed, it is not known if conflicts exist.

Selectman Haarde stated that, if the Church had to explicitly comply with the bylaws, every other project should too. He stated many homeowners have been inconvenienced by having to comply with wetland bylaws, and he is not comfortable with not having the Town follow the same rules. Every request should be decided with consistent standards. Selectman Haarde stated that, if it appears the bylaws are not working, then the Town should take the appropriate action to change them.

Mr. DePompei stated he has met with Ms. Ciccolo regarding the 25% design, and he believes there are possibly alternative trail alignments which could be possible.

Selectman Simon noted Town Counsel offered an opinion on the request of the Methodist Church, and the Town was advised that the Board did not have the authority to act on the request. He also stated it is possible to have some type of discussion regarding bylaw changes at the October Special Town Meeting.

Chairman Iuliano suggested the Board should next discuss revisions to the draft Mission Statement for the proposed Bruce Freeman Rail Trail (BFRT) Design Implementation Task Force. She noted her revisions removed the word "Implementation" from the title.

Selectman Simon distributed copies to the Board of his red-lined revisions to the draft and copies with his revisions accepted. He believes the word "Implementation" is key to the mission of implementing what has been voted by residents, and that it should remain in the title of the Task Force.

Chairman Iuliano also noted Selectman Brown has suggested revisions. She concluded that there were too many proposed revisions to "wordsmith" tonight. She suggested possibly a Board subcommittee could be formed to work on incorporating the suggested revisions into a new draft for review. Chairman Iuliano asked if the Board had comments regarding membership composition.

Selectman Simon suggested adding the Town Manager as a member on Page 3, since she or her designee is noted as chairing the Task Force until a Chair is elected. He also believes it would be inappropriate for the Conservation Commission to have a member on the Task Force, given it is the permitting authority for the project. Town Manager Rodrigues stated she has researched this issue, and although it would not be illegal to have a Commission member, Town Counsel has advised it would not be best practice to do so. If the Town Manager were involved, she stated she would likely appoint a designee to attend, given her current schedule.

Selectman Simon asked if Ms. Ciccolo could be a member. Vice-Chairman Woodard and Selectman Brown stated it would also probably not be best practice, since Ms. Ciccolo is managing the project.

Town Manager Rodrigues stated there would be Town staff available to assist the Task Force.

Chairman Iuliano stated it has been the preference for Town staff to not be voting members. Following a brief discussion, Chairman Iuliano further stated it was the consensus of the Board to not include the Town Manager as a member.

Regarding inclusion of a Conservation Commission member, Selectman Brown stated creating an interaction between VHB and the Commission was an impetus for creating the Task Force. If it is accepted to not be best practice to include a Commission member, she would expect that it be required to keep the Commission apprised of the Task Force's activity.

Selectman Simon asked if the Conservation Commission could designate someone to attend, and he asked for Ms. Ciccolo's opinion. Ms. Ciccolo stated she believes a member from the Conservation Commission could add value to the Task Force. Selectman Simon suggested a non-voting liaison member from the Commission could be designated. Vice-Chairman Woodard stated he is inclined to believe the Conservation Commission's involvement should be separate from the work of the Task Force, given the inherent conflict as the permitting authority. Selectman Haarde stated he thinks a Conservation Commission member could provide good insight. Selectman Brown stated she believes the Conservation Commission perspective should be included. Selectman Simon stated he believes a member from the Conservation Commission presents an inherent conflict of interests.

It was on motion

VOTED: To include a member of the Conservation Commission on the proposed Bruce Freeman Rail Trail Design Implementation Task Force Mission Statement.

Selectman Simon and Vice-Chairman Woodard opposed the vote.

Selectman Haarde stated he is uncomfortable with including a member from the Friends of the Bruce Freeman Rail Trail (BFRT), which he views as an external lobby.

Selectman Brown stated a legal opinion has been given that abutters to the project cannot be members. She believes that, if abutters cannot be members, then, there should also not be members from the Friends of the BFRT.

Selectman Simon stated the Friends of BFRT have made a financial contribution to the project, and it has many members who are Sudbury residents. It does not seem logical to him to exclude members from a group which has an interest in the project and favors it, and could help advise the Task Force on how best to implement the project.

Ms. Ciccolo stated having a member from the Friends of BFRT could be beneficial, and she suggested asking the Friends to recommend three names for consideration.

Selectman Brown stated that, if members are needed who have a familiarity with the design process, former members of the Rail Trail Conversion Advisory Committee (RTCAC) should be included as part of the membership composition.

Selectman Haarde questioned if there could be a future potential legal problem by excluding abutters. Town Manager Rodrigues stated the legal opinion to exclude them is due to the financial conflict of interests they have as property owners.

Vice-Chairman Woodard stated it seems logical to him for the Friends to be represented with a member, and he likes the idea of asking for three recommendations from which to make one appointment.

It was also on motion

VOTED: To revise the language of the proposed Bruce Freeman Rail Trail Design Implementation Task Force Mission Statement to clearly reflect that one member of the Friends of the Bruce Freeman Rail Trail, who is a Sudbury resident, will be drawn from three recommendations provided by the Friends of the Bruce Freeman Rail Trail to be approved by the Board of Selectmen to serve on the Task Force.

Selectman Simon opposed the vote, and Selectman Brown abstained from the vote.

A brief discussion ensued regarding whether to delete the asterisked sentence at the end of the "Membership and Officers" section on Page 3 of the draft Bruce Freeman Rail Trail Design Implementation Task Force Mission Statement in tonight's agenda packet (agenda packet page # 32). Selectman Haarde stated he finds it refreshing to have new members on committees who have not served the Town before because they bring different expectations to the discussion.

It was further on motion unanimously

VOTED: To delete the asterisked sentence at the end of the “Membership and Officers” section on Page 3 of the draft Bruce Freeman Rail Trail Design Implementation Task Force Mission Statement in tonight’s agenda packet (agenda packet page #32).

Chairman Iuliano asked the Board to submit suggested revisions to the Mission Statement to Town Manager Rodrigues in the next week to be incorporated into a new WORD draft document, which will be circulated to the Board for review prior to the Board’s September 6, 2016 Meeting.

#### **Bruce Freeman Rail Trail – Vote for Town Manager to Sign a Wetlands Specialist Contract**

At 9:23 p.m., Chairman Iuliano opened a discussion regarding whether to allow the Town Manager to sign a contract with a Wetlands Specialist, David W. Burke, for a Bruce Freeman Rail Trail (BFRT) Abbreviated Notice of Resource Area Delineation (ANRAD) Peer Review. The Board was previously in receipt of copies of a memorandum from Michelle Ciccolo to the Town Manager dated August 1, 2016, the Sudbury Conservation Commission Notice of Public Hearing held on August 8, 2016 and the draft “Agreement Between Town of Sudbury and David W. Burke.”

Town Manager Rodrigues stated the ANRAD has been filed and the Conservation Commission would like to hire a peer reviewer. She explained additional time was given to the Commission to act on the ANRAD to allow for input from the completion of the peer review process.

Selectman Simon asked if there are different standards used by State law and the local wetland bylaws regarding the ANRAD. Ms. Ciccolo stated she was not sure.

Conservation Commission Chairman Tom Friedlander was in attendance, and he provided a brief explanation, stating the major difference is with the identification of vernal pools. Mr. Friedlander stated the contract required the ANRAD to be filed under both local and State wetland laws.

Selectman Simon asked if the peer reviewer would have additional input in the permitting process. Town Manager Rodrigues stated the contract anticipated further involvement and review.

Selectman Simon asked if it is expected that the peer reviewer’s process would be completed this year.

Mr. Friedlander stated he has worked previously with David Burke. He expects Mr. Burke will focus his attention on sensitive areas, and that there will be a collegial process working with VHB to resolve issues.

It was on motion unanimously

VOTED: To allow the Town Manager to sign a contract with a Wetlands Specialist, David W. Burke, for a Bruce Freeman Rail Trail (BFRT) Abbreviated Notice of Resource Area Delineation (ANRAD) Peer Review.

#### **Town Manager Contract Approval – Discussion and Review of Policy and Proposed Changes**

At 9:33 p.m., Chairman Iuliano opened a discussion regarding suggested policy changes related to contract approval by the Town Manager. The Board was previously in receipt of copies of relevant sections of the Selectmen’s Policies and Procedures, the Commonwealth of Massachusetts Chapter 131 establishing Sudbury’s Town Manager form of government in 1994, and applicable Mass. General Law guidelines regarding Procurement of Supplies and Services and Building Construction Contracts. In addition, Town Manager Rodrigues distributed copies tonight of her memo to the Board as of August 16, 2016.

Town Manager Rodrigues explained the Town Manager Act of 1994 requires the Board to approve contracts awarded by the Town Manager. Currently, the Board approves contracts for \$10,000 or over, and contracts under \$10,000 are provided in a listing to the Board annually. She stated the State rules have changed in recent years to allow procurement for most c.30B contracting up to \$24,999. Thus, tonight's request is for a policy change to update the requirements resulting in better staff and contracting efficiencies. Town Manager Rodrigues believes the proposed changes will allow the Town to respond and operate in a more timely and efficient manner.

Vice-Chairman Woodard stated he supports the request.

Selectman Brown asked approximately how many contracts per year fall into this category. Town Manager Rodrigues stated the Town had more requests than usual in the past year. She estimated more than ten contracts per year are under \$10,000.

Selectman Simon noted the Town Manager would also have the flexibility, if she deemed it appropriate, to bring contracts to the Board's attention which were under the proposed \$24,999.

In response to a question from the Board, Town Manager Rodrigues stated she discussed her suggested draft vote with Town Counsel.

It was on motion unanimously

VOTED: To authorize the Town Manager to enter into purchasing contracts under \$25,000, without the approval of the Board of Selectmen, on purchases defined in Section 10 (d) of the Town Charter, and to authorize the Town Manager to approve, without specific vote of the Board, those contracts of \$25,000 and above which are renewals of contracts, with current vendors, previously approved by the Board. The Town Manager shall provide a list of such awards to the Board of Selectmen on an annual basis in January.

#### **National Development Corporation – Process to Determine Disbursement of Funds – Discussion**

At 9:40 p.m., Chairman Iuliano opened a discussion regarding the process to determine disbursement of National Development funds. The Board was previously in receipt of copies of a letter from BPR Sudbury Development LLC c/o National Development dated August 8, 2016. In addition, Town Manager Rodrigues distributed copies tonight of her memo to the Board as of August 16, 2016.

Town Manager Rodrigues explained there are obligations for mitigation funds to be given to the Town as per the Development Agreement with the developer. National Development has submitted checks as follows: \$100,000 for the Senior Center, \$80,000 for design of a future Fire Station on Boston Post Road, \$15,000 for a section of sidewalk on Boston Post Road and \$20,000 for outside consultants to be hired by the Town to review future stormwater management filings. She and Town staff have started to brainstorm how to develop a plan to disburse these funds and utilize them in a way which best alleviates the Town's financial burdens. Town Manager Rodrigues believes it would be helpful to have a liaison from the Board work with her and Town staff to develop a plan to be presented to the Board at a future time for discussion and approval. She suggested Vice-Chairman Woodard as the liaison, since he has been very involved with the capital funding process.

In response to a question from Selectman Brown, Vice-Chairman Woodard stated he would be willing to serve in this capacity.

It was on motion unanimously

VOTED: To have Vice-Chairman Woodard work with the Town Manager and Town staff as the Board's liaison to develop a beneficial process and plan for disbursement of funds from National Development, as discussed tonight.

**Call Special Town Meeting on October 17, 2016 and Set Open and Close of Warrant Dates**

At 9:41 p.m., Chairman Iuliano opened a discussion regarding whether to call a Special Town Meeting to be held on Monday, October 17, 2016, at 7:30 p.m., in the Lincoln-Sudbury Regional High School Auditorium, and to open the Warrant commencing August 17, 2016, and to close the Warrant for said Special Town Meeting on Monday, September 12, 2016 at 5:00 p.m. The Board was previously in receipt of copies of a draft "2016 STM Warrant Schedule" dated August 10, 2016.

Vice-Chairman Woodard noted that, if the Board is to sign the completed Warrant on September 20, 2016, it will need to discuss at its September 6, 2016 Board Meeting the articles to be included on the Warrant.

It was on motion unanimously

VOTED: To call a Special Town Meeting to be held on Monday, October 17, 2016, at 7:30 p.m., in the Lincoln-Sudbury Regional High School Auditorium, and to open the Warrant commencing August 17, 2016, and to close the Warrant for said Special Town Meeting on Monday, September 12, 2016 at 5:00 p.m.

**Repeal Chapter 180 of the Acts of 1996 – Request to Petition State Legislature – Discussion**

At 9:45 p.m., Chairman Iuliano opened a discussion regarding a request to petition the State Legislature to repeal Chapter 180 of the Acts of 1996, requiring arguments pro and con concerning ballot questions on the election warrant. The Board was previously in receipt of copies of the current relevant State Act.

Selectman Brown explained that, in the past, it has been difficult to find candidates willing to write the opposition positions, and they would be drafted by Town Counsel. She stated citizens have commented to her that the position in opposition of an article is often not as compelling as the position in favor. Selectman Brown asked if Sudbury's Special Act requiring pro and con positions should be repealed and/or revised. She also stated the Finance Committee has expressed the arguments allow it a chance to let the public know its position. Selectman Brown is concerned that the arguments presented should be reliable.

Vice-Chairman Woodard stated he is inclined to try to work on a different approach prior to asking a Town Meeting to consider repeal.

Selectman Simon stated he thinks it is useful for the public to have some information rather than nothing, and it provides some transparency. He stated he would want to understand more about what the thinking was for originally adopting the Special Act before considering eliminating it.

Selectman Haarde stated he agreed with Selectman Simon in spirit that it is good to help inform the public, but, he noted it all depends on the thoroughness of the arguments presented. He believes the presentations of arguments was abused in the past by not making a real effort to find someone to write opposing viewpoints because, in many instances, the Town wants the expenditures approved and the arguments presented in favor were much longer.

Selectman Simon stated the law limits the length of both pro and con arguments to 250 words.

Chairman Iuliano stated she is opposed to proposing repeal at this time because she believes there is great room for improvement to be made in the process. She suggested possibly a Board subcommittee could be formed to establish guidelines.

Selectman Haarde stated he does not support proposing repeal at this time, but he suggested possibly having a Town Meeting discussion about it. Chairman Iuliano suggested it could be a Town Forum discussion.

Selectman Simon stated he is not comfortable presenting a position on this, and that it is something the voters should decide.

At 10:05 p.m., Chairman Iuliano stated it is the consensus of the Board to not seek repeal at this time, but rather to work to improve the process for the future, and she concluded the discussion.

#### **Article XV Building Code – Discussion on Whether to Amend or Repeal**

At 10:05 p.m., Chairman Iuliano opened a discussion regarding whether to repeal or amend Article XV Building Code. The Board was previously in receipt of copies of Article XV. In addition, Town Manager Rodrigues distributed copies of a spreadsheet of an analysis of building permit fees in surrounding communities.

Chairman Iuliano asked if the board wished to keep the bylaw, amend it or change it to a policy statement.

Town Manager Rodrigues provided some examples of how this is handled in other communities, noting some set the building fees annually. Selectman Haarde stated setting the fees annually would be acceptable to him.

Selectman Simon stated he has concerns that the size of a non-profit religious congregation could possibly influence and add pressure to a vote.

Vice-Chairman Woodard and Selectman Brown stated they would be interested in first seeing alternative options.

Town Manager Rodrigues stated she would prepare a study of the Town's building fees for the past three years to provide a sense of the potential revenues which could be lost.

#### **Street Acceptances – Adopt Order of Taking – Tall Pine Drive**

At 7:41 p.m., Chairman Iuliano took this agenda item out of order and she opened a discussion regarding adoption of Orders of Taking for Tall Pine Drive individually, awarding no damages, and authorizing the Board of Selectmen's Chairman to execute all letters, notices or such other correspondence related thereto. The Board was previously in receipt of copies of the Board of Selectmen of the Town of Sudbury Order of Takings for Tall Pine Drive and accompanying map and schedule.

Chairman Iuliano explained the Town voted at the last Town Meeting to layout this street for acceptance as a public way, and now it needs to take action by eminent domain, and it will not award damages.

Town Manager Rodrigues stated this request was delayed due to two outstanding issues regarding a previous tax-taking, and a small strip of land owned by Becky Noyes, who is deceased, and for whom no heirs can be found. She explained how these matters have been resolved to date, noting there is a potential small risk that heirs could come forward at some point regarding the small piece of land.

It was on motion unanimously

VOTED: To adopt the Order of Taking for Tall Pine Drive as presented and as shown on a plan entitled: "Eminent Domain Taking Plan of Land for Tall Pine Drive, Sudbury, Mass." dated January 11, 2016, by Schofield Brothers LLC, as voted by the 2016 Annual Town Meeting under Article 26 and to award no damages therefor; and further, to authorize the Chair to execute all letters and notices or such other correspondence related thereto.

**M.G.L. Chapter 61B, s.9 – Right of First Refusal - Lot 32 - Mary Catherine Lane – Assessor's Map B07 Parcel 0204 – Discussion and Vote**

At 10:12 p.m., Chairman Iuliano opened a discussion regarding the sufficiency of the Notice of Intent to Sell Land subject to M.G.L. Chapter 61B, s 8, received from Owner Ledgewood II at Sudbury Development Corp., Richard Campana, President, on July 21, 2016, regarding .918 a. known as Lot 32 Mary Catherine Lane, Assessor's Map B07 Parcel 0204. The Board was previously in receipt of copies of the "Notice of Intent to Sell Land Subject to M.G. L. Chapter 61B, section 9," letter from Mr. Campana dated July 19, 2016, the Purchase and Sale Agreement and accompanying Rider and map.

Chairman Iuliano explained the Town has a Right of First Refusal (ROFR) on the property, and the Board has 30 days from the receipt of the July 21, 2016 notice to notify the owner if there is sufficient notice for the Board to then schedule a hearing within the 120-day deadline to make its decision as to whether it wishes to exercise its ROFR.

Selectman Simon asked if the parcel is on any Town lists as a desirable property. The consensus was that it is not, and that it does not connect to other desirable lots.

Town Manager Rodrigues stated there is an intention to build a 4,000 square-foot, single-family home.

Selectman Simon stated there does not appear to be a compelling argument for the Town to purchase this land-locked lot.

It was on motion unanimously

VOTED: To determine that there is sufficient information contained within the Notice of Intent to Sell Land Subject to M.G. L. Chapter 61B, s.9 received on July 21, 2016 from Owner, Richard Campana, President of Ledgewood II at Sudbury Development Corp., relating to .918 a. known as Lot 32 Mary Catherine Lane, Assessor's Map B07 Parcel 0204, and to schedule a hearing at a future date within the 120-day period allowable by statute to make a determination whether or not to exercise the Town's option.

It was noted that a hearing would only need to be scheduled if the Town were to decide to exercise its ROFR.

**Citizens' Comments – Continuation**

Chairman Iuliano announced no citizens had requested time for comments tonight.

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

At 10:22 p.m., Chairman Iuliano opened a discussion regarding future agenda items.

Vice-Chairman Woodard asked whether the Board should discuss at its September 6, 2016 Meeting if it wishes to include the Wayside Inn Conservation Restriction in the October Special Town Meeting Warrant.

Selectman Brown stated the “clock is ticking” for the Town to provide Frost Farm with notice by April 2017 as to whether its arrangement can continue. She believes this should be discussed sooner rather than later. Selectman Brown also thinks the Kopelman and Paige requested fee increase should be discussed soon.

**Minutes**

Selectman Simon recused himself from the agenda item vote for the July 26, 2016 Meeting, since he was absent.

It was on motion

VOTED: To approve the Regular Session Meeting Minutes of July 26, 2016.

It was also on motion unanimously

VOTED: To approve the Meeting Minutes of September 10, 2015 (Town Manager candidate interviews).

**“Positive Spin for ALS” – Special Permit**

Selectman Simon recused himself from this agenda item vote, as he is a fundraiser for the cause.

It was on motion

VOTED: To grant a Special Permit to Myke Farricker, Committee Co-Chair to hold a “Positive Spin for ALS” bike ride on Sunday, September 25, 2016 from 7:00 a.m. through approximately 4:00 p.m., following the same route as in previous years, subject to Police Department safety requirements, proof of insurance coverage and the assurance that any litter will be removed at the race’s conclusion.

**SuAsCo River Stewardship Council – Reappointments**

It was on motion unanimously

VOTED: To reappoint Anne Slugg, 14 King Philip Road, as a member of the SuAsCo River Stewardship Council, and John Drobinski, 94 Woodside Road, as an alternate member of the SuAsCo River Stewardship Council for three-year terms, ending May 31, 2019.

**Fairbank Community Center Task Force – Appoint *Ex-Officio* Members**

It was on motion unanimously

VOTED: To appoint Kayla McNamara, Director of the Park and Recreation Department, and Debra Galloway, Director of the Council on Aging, as ex-officio members to the Fairbank Community Center Task Force for terms to expire May 31, 2017.

**Bullfinch's Restaurant - Sunday Entertainment License Renewal**

It was on motion unanimously

VOTED: To renew the current Sunday Entertainment License for Bullfinch's Inc., d/b/a Bullfinch's Restaurant, 730 Boston Post Road, for a live jazz trio from 11:00 a.m. to 2:00 p.m., for the period of September 1, 2016 to August 31, 2017.

**Planning Consultant Services – Ciccolo Group LLC – Contract Extension – Vote to Sign Contract**

It was on motion unanimously

VOTED: To allow the Town Manager to sign a contract extension with Ciccolo Group LLC for planning consultant services. The contract would encompass expanded contracted planning services including the interim planner.

There being no further business, the meeting adjourned at 10:28 p.m.

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

**Documents & Exhibits**

1. As the Licensing Authority for the Town of Sudbury, vote to approve a new Common Victualler License for El Basha Grill & Bar, 423 Boston Road, as requested in an application dated August 8, 2016, subject to conditions put forth by the Fire Department and Building Department. Jean Sakhat of El Basha Grill & Bar will attend.

**Attachments:**

- 1.a El Basha Common Victualler\_Ent Lic\_BOS
- 1.b El Basha CV Approvals

2. Interview candidate Sam Merra, 111 Woodside Road, for appointment to the Fairbank Community Center Study Task Force. Following interview, vote whether to appoint Sam Merra for a term ending May 31, 2017.

**Attachments:**

- 2.a Fairbank\_Merra

3. Discussion and possible vote to amend the Fairbank Community Center Task Force mission statement to provide for a plan in conformance with operational and capital parameters determined by the BOS.

**Attachments:**

- 3.a FairbankCommunityCenterStudyTaskForceMissionStatement 08.16.16

4. Vote to appoint Finance Committee representatives to the Fairbank Community Center Task Force, for terms to expire May 31, 2017, as designated by the Finance Committee on August 15, 2016.

5. Discussion of VHB community input process for design of the Bruce Freeman Rail Trail.

**Attachments:**

5.a BFRTFlyer\_08-2016

6. Discussion and possible vote to adopt Bruce Freeman Rail Trail Design Implementation Task Force mission statement. Michelle Ciccolo, CEO of the Ciccolo Group, LLC to attend.

**Attachments:**

6.a BOS memo 8.16.16\_BFRT

6.b BFRT Task Force Mission Statement draft for 8.16.16

6.c BFRT SCHEDULE 1-15-2016

7. Vote to approve the signing by the Town Manager of a contract with Wetlands Specialist, David W. Burke, for a Bruce Freeman Rail Trail ANRAD (Abbreviated Notice of Resource Area Delineation) Peer Review.

**Attachments:**

7.a Peer Review Funding\_ANRAD

7.b NRAD BFRT\_Hrg\_notice

7.c BRFT wetland delineation DBurke signed

8. Review of policy and suggested policy changes related to contract approval by the Town Manager

**Attachments:**

8.a Policies & Proc\_Contracts

8.b TownManagerAct\_1993

8.c Procurement\_docs

8.d Purchase Contract Limit Policy Memo

9. Discuss process to determine disbursement of National Development funds

**Attachments:**

9.a BPR\_Mitigation\_Paymts\_memo

9.b National Fund Disbursement Memo

10. Vote to call a Special Town Meeting to be held on Monday, October 17, 2016, at 7:30 p.m. in the Lincoln-Sudbury Regional High School Auditorium, and to open the Warrant commencing August 17, 2016, and to close the Warrant for said Special Town Meeting on Monday, Sept. 12, 2016 at 5:00 p.m.

**Attachments:**

10.a Draft Warrant schedule Oct\_2016 STM

11. Vote to request to petition the Legislature to repeal Chapter 180 of the Acts of 1996, requiring arguments pro and con concerning ballot questions on the election warrant.

**Attachments:**

11.a Special Act CH180 1996

12. Discussion of whether to repeal or amend Article XV Building Code

**Attachments:**

- 12.a ArtXV\_Building\_Code
- 12.b Building Permit Fees Comparison

13. Consider and vote on adoption of Order of Taking for Tall Pine Drive, awarding no damages, and authorizing BOS Chair to execute all letters, notices, or such other correspondence related thereto.

**Attachments:**

- 13.a KP-#559386-v1-SUDB\_-\_Order\_of\_Taking\_and\_Schedule\_A\_(Tall\_Pine\_Drive)
- 13.b Maps\_Street\_Acceptances\_Tall\_Pine\_Only

14. Discussion and vote as to the sufficiency of the Notice of Intent to Sell Land Subject to M.G.L. Chapter 61B, s.9, received from Owner Ledgewood II at Sudbury Development Corp., Richard Campana, President, on July 21, 2016, regarding .918 a. known as Lot 32 Mary Catherine Lane, Assessors Map B07 Parcel 0204.

**Attachments:**

- 14.a 61BParcel\_B07\_0204
- 14.b Map\_B07\_0204

15. Citizen's Comments (Cont)

16. Vote to approve the regular session minutes of 7/26/16, and the minutes of 9/10/15 (Town Manager candidate interviews).

**Attachments:**

- 16.a BOS 7-26-16\_draft
- 16.b DRAFT\_BOS\_Minutes\_15.09.10

17. Vote to grant a special permit to Myke Farricker, Committee Co-Chair, to hold a "Positive Spin for ALS" bike ride on Sunday, September 25, 2016, from 7:00 a.m. through approximately 4:00 p.m., following the same route as in previous years, subject to Police Dept. safety requirements, proof of insurance coverage and the assurance that any litter will be removed at the race's conclusion.

**Attachments:**

- 17.a Positive Spin ALS 2016\_BOS
- 17.b Pos Spin 2016 Approvals

18. Vote to reappoint Anne Slugg, 14 King Philip Road as member of the SuAsCo River Stewardship Council; and John Drobinski, 94 Woodside Road as alternate member of the SuAsCo River Stewardship Council for three-year terms, ending 5/31/19.

**Attachments:**

- 18.a RSCBylaws Approved 4.26.16 Final

19. Vote to appoint Kayla McNamara, Director of the Park & Recreation Department, and Debra Galloway, Director of the Council on Aging, as Ex-Officio Members to the Fairbank Community Center Task Force for terms to expire May 31, 2017.

**Attachments:**

- 19.a FairbankCommunityCenterStudyTaskForceMissionStatement\_07.26.16

20. Vote to renew the current Sunday Entertainment License for Bullfinch's, Inc., d/b/a Bullfinch's Restaurant, 730 Boston Post Road, for a live jazz trio from 11:00 a.m. to 2:00 p.m. for the period of September 1, 2016 to August 31, 2017.

**Attachments:**

20.a Bullfinchs Sunday Application Materials 2016\_BOS

20.b Bullfinchs Sunday Ent 2016 Approvals

**21.** Vote to allow the Town Manager to sign a contract extension with Ciccolo Group LLC for planning consultant services. The contract would encompass expanded contracted planning services including the interim planner.

**Attachments:**

21.a TCG\_ContractAdjustment\_08-02-16