

IN BOARD OF SUDBURY SELECTMEN  
TUESDAY, SEPTEMBER 6, 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 7:31 p.m. in the Police Station Conference Room.

**Opening Remarks**

At 7:31 p.m., Chairman Iuliano opened the meeting.

**Reports from the Town Manager**

Town Manager Rodrigues reminded residents of the State Primary election on September 8, 2016, noting the polls would be open from 8:00 a.m. to 8:00 p.m. She announced the Massachusetts Dept. of Health has reported a case of West Nile Virus in Sudbury, noting additional information is available on the Town website. Town Manager Rodrigues announced the September 11<sup>th</sup> Memorial Garden Oversight Committee invites the community to visit the Memorial in Heritage Park to pay respects anytime and to attend their special service on September 11, 2016 at 8:46 a.m.

**Selectmen's Announcements**

Selectman Simon reminded residents of the September 20, 2016 District Election regarding funding for a new Minuteman Regional Vocational High School. He highlighted the Election will be held from 12 noon to 8:00 p.m. at only one polling location, Town Hall. Selectman Simon stated residents can vote, if they wish to, since Sudbury is currently part of the District. However, he further noted that, since Sudbury has chosen to withdraw from the District next year, the results of the Election will have no future impact on the Town. Selectman Simon stated the parents of students at the Curtis Middle School and Lincoln-Sudbury Regional High School are in the process of being updated on options and the work of the Vocational Education Guidance Committee, which met last week.

Vice-Chairman Woodard announced Board of Selectmen's Office Hours are scheduled for September 27, 2016 from 9:00 a.m. to 10:00 a.m. at the Flynn Building, and he and Selectman Simon will be in attendance. He also highlighted the Town Manager's recent newsletter, which lists 12 board/committee openings for members. Vice-Chairman Woodard emphasized much of Sudbury's success has been attributable to the abundance of talent and time given by countless volunteers serving on boards and committees. He encouraged anyone who is interested to apply and become involved with Town governance.

**Citizen's Comments**

No citizens requested comment time tonight.

**Public Hearing: Utility Petition #16-02 – Maynard Road**

Present: Eversource Energy representative Christine Crosby

At 7:40 p.m., Chairman Iuliano opened the Public Hearing regarding consideration of Utility Petition #16-02 to approve a Grant of Location to install approximately 72 feet +/- of conduit in Maynard Road, and she welcomed Eversource representative Christine Crosby to the Meeting. The Board was previously in receipt of copies of a letter from Eversource Supervisor William D. Lemos dated July 25, 2016 and accompanying petition and plan, a letter from Acting Department of Public Works (DPW) Director Scott Nix dated August 8, 2016, and the Public Hearing Notice.

Chairman Iuliano and Ms. Crosby described the request as being due to service needed for two newly constructed homes.

Selectman Simon asked if the installation includes any overhead lines. Ms. Crosby stated all utilities would be installed underground, as per the Town's bylaw.

Chairman Iuliano opened the Hearing to public comments.

Sudbury resident Rina Mayman, 5 Marlboro Road, asked how long the underground installation would take to complete, how big the transformer is and from where the lines would run. Ms. Crosby showed Ms. Mayman on a map the location for the lines, and she summarized the process. Ms. Crosby stated the installation would take approximately a half-day, and the transformer is approximately four feet by four feet, and it would be located near the property line between the two new homes.

It was on motion unanimously

VOTED: To approve a Grant of Location for Utility Petition #16-02 to install approximately 72 feet +/- of conduit in Maynard Road. This work is necessary to provide new electric service to two new homes (#278 and #280 Maynard Road).

Chairman Iuliano closed the Public Hearing.

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

Present: Building Inspector Mark Herweck

At 7:45 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 a memorandum from Town Manager Rodrigues dated September 1, 2016, the relevant section of the current Article XV Building Code Permit Fees, and a spreadsheet of an analysis of building permit fees in surrounding communities. In addition, Town Manager Rodrigues distributed copies tonight to the Board of a proposed draft Warrant Article regarding amending the Bylaws.

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

Town Manager Rodrigues stated she and Building Inspector Mark Herweck compiled some historical building permit fee information. She summarized from August 1, 2013- August 1, 2016, the Town issued 3007 permits, and it collected a total of \$1,393,502.98. She noted over \$133,222,000 in construction work was completed in Town. Town Manager Rodrigues also stated that, in the same time period, 15 permits were issued to the occupancy type "House of Worship." The total fees collected were \$36,040, and eight different entities were issued these permits, with fees ranging from \$40 to \$27,000. She further stated 135 permits, amounting in fees of \$85,560, were issued to commercial properties and 2814 permits, amounting in fees of \$1,149,294.98 were issued to residential properties. Town Manager Rodrigues emphasized that, before making any recommendations on how the permit fees should be changed, she and Mr. Herweck would want to further evaluate and compare Sudbury's fees to those of surrounding communities. Items that immediately stick out include Sudbury's lack of a re-inspection fee. She explained a recommendation would be prepared prior to Special Town Meeting for the Board's review, if the Board decides to go forward with a proposed bylaw change to allow the Board of Selectmen to set the fees annually. Until that time, Town Manager Rodrigues emphasized fees would remain as they are currently.

Chairman Iuliano stated the Warrant closes on Monday September 12, 2016 for the October 17, 2016 Special Town Meeting (STM). Thus, the Board needs to determine its preference tonight.

Selectman Brown stated she is hesitant to amend the current bylaw to a policy statement because she believes there is not a good precedent for updating and reviewing policies on a consistent basis. She stated she sees benefits to keeping the permit fees in the bylaws. However, Selectman Brown also stated she would prefer more time to think through her position.

Vice-Chairman Woodard stated he believes it seems rushed to bring an article forward for the October STM, and he asked why a change is needed. Chairman Iuliano stated the Board is discussing this as a result of the Sudbury United Methodist Church's recent request for a permit fee reduction/waiver, which highlighted that the current bylaw does not really provide any flexibility to accommodate the needs of different types of users.

In response to a question from the Board, Building Inspector Mark Herweck stated some towns handle permit fees as part of the bylaw and others review and establish the policy for fees annually. Mr. Herweck noted that, under the current bylaw, he is unable to accommodate hardship cases.

Town Manager Rodrigues stated that, if the bylaw were amended to a policy statement, the Town would have more leverage to perform an annual review. She noted the Town does not currently charge a re-inspection fee. Mr. Herweck noted there is also not a Certificate of Occupancy permit fee.

Chairman Iuliano stated she thinks it would be important to inform the public of the Board's intentions and rationale before residents are asked to vote.

Selectman Simon stated he is concerned that, if the Board is given the discretion to approve waivers, its favorable actions might be perceived as favoritism. He asked Mr. Herweck, if he has been approached to consider hardship cases. Mr. Herweck stated he has not had them in Sudbury, but he is aware of these situations in other towns. Selectman Simon stated he believes the perception of the Board's actions would be consistently better leaving the fees as part of the bylaws. He read aloud the current residential and commercial fee rates, noting it might be possible to adjust for non-profits and houses of worship.

Selectman Haarde stated he believes addressing the needs of the Town's non-profits should be done, whether it is at the October STM or the May 2017 Annual Town Meeting (ATM).

Vice-Chairman Woodard stated he believes the Board needs more time to think through the issues.

Chairman Iuliano stated the consensus of the Board was to take additional time to review the issues and to delay presentation of a Warrant article until the May 2017 ATM.

**Special Town Meeting – Discuss Potential Capital Items**

Present: Combined Facilities Director Jim Kelly, Police Chief/Acting Department of Public Works Director Scott Nix, Lincoln Sudbury Regional High School (L-SRHS) Superintendent Bella Wong and several L-SRHS School Committee members

At 8:01 p.m., Chairman Iuliano opened a discussion regarding potential capital items to be presented at the October Special Town Meeting, and she welcomed Combined Facilities Director Jim Kelly and Police Chief Nix to the Meeting.

Town Manager Rodrigues stated she has been discussing the Town's needs for capital items with Town staff and whether any requests could be presented at the October STM rather than waiting until May 2017.

Mr. Kelly stated last year's Annual Town Meeting approved several capital items, but they failed at the ballot. He stated the security upgrades presented last year for the Schools and Town buildings are still a priority. Mr. Kelly believes it is the Town's responsibility to present again the capital items which were approved by the ATM last year, and to better determine how they should be funded.

Town Manager Rodrigues stated the Town anticipates having some certified Free Cash available for the October 2016 STM. In response to a question from the Board, she also explained it is too late to piggyback articles onto the Presidential Election.

Mr. Kelly reiterated his belief that the safety upgrades and the fire ladder truck are still very necessary, and it is still not understood why these items failed at the ballot box.

Town Manager Rodrigues stated the capital needs have been prioritized by Mr. Kelly and Chief Nix, and the top two needs are the security upgrades at the Schools and Town buildings and two DPW vehicles. She further stated the Fire ladder truck would likely need to wait for consideration at the May 2017 ATM.

Chairman Iuliano summarized a few items could be proposed for presentation at the October 2016 STM, which are considered to be the highest priorities and they could be funded by Free Cash and not require a Ballot Election.

Vice-Chairman Woodard asked how much the prioritized items would cost. Mr. Kelly stated the school safety upgrades are anticipated to cost approximately \$240,000.

Mr. Kelly stated he believes it would be helpful to have a sense of the Board's vision.

Vice-Chairman Woodard stated he supports the idea of presenting some items in October rather than waiting, if they can be funded, but he needs further clarification regarding which items would be presented and the costs. He also stated a good rationale is needed for bringing the articles forward now rather than waiting until next May. Vice-Chairman Woodard highlighted any Free Cash approved to be spent in October will not be available for use at the May 2017 Town Meeting.

Chief Nix emphasized delaying items to May 2017 continues to push out the Town's capital replacement schedule and risks failures occurring in the meantime. He expressed his concern regarding the need for replacing the DPW vehicles, especially if the 2017 winter is harsh. Chief Nix stated adding a sander to the DPW equipment would enhance Town safety for his Department and residents.

Chairman Iuliano stated the Board had previously discussed wanting to review the capital needs in a more comprehensive way. Vice-Chairman Woodard concurred, stating it would be ideal for the Board to take time to consider the results of last year's Ballot questions and to deliberate the capital funding process and communication process with the public and to review the items in a more global manner.

Selectman Simon stated both items mentioned relate to security/safety, and they were supported by the Board and the Capital Improvement Advisory Committee (CIAC) last year and approved at Town Meeting. He believes it is bad planning and more expensive to wait until capital items fail and the Town should have a pro-active plan for replacement. Selectman Simon believes the Board should revisit how capital items are prioritized and funded.

Selectman Haarde stated he supports putting forth some capital items, especially if they are safety-related, for the October STM.

Selectman Brown stated she believes the items mentioned tonight should be presented in October. She noted that some feedback from last year's Town Meeting was heard regarding why the capital items are not part of the Town budget. Selectman Haarde stated that, by recommending using the Free Cash available now for a few capital items, the Board is responding to the feedback to handle them as part of the budget.

Chairman Iuliano stated the consensus is that the Board is receptive to putting the articles mentioned tonight forward for the October 2016 STM, and she welcomed Superintendent Bella Wong to the Meeting.

Superintendent Wong stated she has had discussions with Mr. Kelly and Chief Nix regarding the High School's need for additional security cameras and presenting an article again for the October STM. She stated that, if the equipment could be funded in October, it allows for a more thoughtful bidding process. Mr. Kelly concurred, noting the timeline is constrained when funding occurs at the May Town Meeting in order to be ready to complete work in the summer months. Superintendent Wong also stated repairing the High School's field is a high priority, and a committee will likely be formed to review making the School's Excess & Deficiency (E&D) funds available for this capital project. She reported the School Committee voted tonight to present an article to fund identified capital needs and to consider funding from available resources. Superintendent Wong emphasized the School wants to work cooperatively to balance Town needs.

Vice-Chairman Woodard clarified E&D funds are L-SRHS's Free Cash, of which 85% is Sudbury's. He stated more discussion is needed regarding what the process is for funding capital needs with the limited resources available. He believes the capital needs should be prioritized and the rationales should be provided to the taxpayers. Vice-Chairman Woodard stated he would want to further assess where the turf-field repair need fits into the larger list of Town capital needs. He suggested High School representatives should discuss their needs with the CIAC.

Mr. Kelly stated a CIAC Meeting is scheduled tomorrow night. He also stated he has inspected the condition of the turf field.

Selectman Haarde asked if the High School is also requesting an article regarding the fields in Lincoln. Superintendent Wong stated they plan to do so, and it is believed that Lincoln is also planning a Fall Town Meeting.

At 8:34 p.m., Chairman Iuliano thanked everyone for their input tonight, and she concluded the discussion.

#### **Former Police Station – Discussion and Possible Vote on Re-Issuing a Request for Proposal**

Present: Combined Facilities Director Jim Kelly

At 8:34 p.m., Chairman Iuliano opened a discussion regarding whether to re-issue the Request for Proposal (RFP) for the Former Police Station property, and she welcomed Combined Facilities Director Jim Kelly to join the discussion. The Board was previously in receipt of copies of a draft "Town of Sudbury Request for Proposals for the Disposition of Real Property (Former Police Station) at 415 Boston Post Road Parcel ID: K08-0006 Sudbury, MA 01776."

Town Manager Rodrigues stated there was interest in the former Police Station building, but no offers were made. She explained some feedback suggested the timing (August) was not ideal, and potential bidders were put off by the minimum price requirement in the RFP, given what would need to also be spent for demolition. Thus, tonight, the recommendation is being made to delete the minimum acceptable price language (page 26 of tonight's agenda packet) and to issue a revised RFP.

Mr. Kelly stated the RFP requires a Buyer to purchase the property without permits in hand. He suggested revising the language to allow a Buyer to finalize a deal and giving them the time to work through the permitting process and possible zoning relief. Mr. Kelly believes this revision might be more attractive to Buyers because they would have less risk.

Vice-Chairman Woodard asked what safeguards should be considered to ensure a Buyer actively pursues the permitting process, while the property is held off the market. Mr. Kelly stated a deposit is required in the RFP, and some milestone thresholds could also be included.

Town Manager Rodrigues highlighted it should be taken into consideration that a permitted property typically is more valuable.

Selectman Haarde asked if legally the Town would have a conflict, since it would also be in the position of granting permits. Town Manager Rodrigues stated she would follow-up on this question.

Vice-Chairman Woodard stated the Town should pursue legal advice regarding how to incorporate this idea to make the property more attractive, while lowering the risk for a potential Buyer. He also believes it is a good idea to eliminate the minimum acceptable price language.

Town Manager Rodrigues stated a revised RFP will be drafted for the Board's review at its September 20, 2016 Meeting, and the discussion was concluded.

**Fairbank Community Center Study Task Force – Appointments of a School Committee Member and an At-Large Member**

Present: At-Large Member candidate Chris Morely

At 8:40 p.m., Chairman Iuliano opened a discussion regarding appointing a School Committee member and an at-large member to the Fairbank Community Center Study Task Force. Copies of the "Town of Sudbury Application for Appointment" application submitted by Chris Morley were distributed tonight, and Mr. Morely was welcomed to the Meeting.

Mr. Morely stated he attended a recent Task Force Meeting and he thought he could be helpful as a member. Through his many years of service to the Town in a variety of capacities, he noted he has experience working with many, if not all, of the interested stakeholders.

All Board members thanked Mr. Morely for his interest, noting he would be a great addition to the group.

It was on motion unanimously

VOTED: To appoint Richard Tinsley, School Committee member, and Chris Morely, member-at-large, to the Fairbank Community Center Study Task Force for terms to expire May 31, 2017.

**Remote Voting at Town Meeting – Discussion and Possible Vote to Submit Legislation for Implementation**

At 9:06 p.m., Chairman Iuliano took this agenda item out of order, and she opened a discussion regarding remote voting at Town Meeting. The Board was previously in receipt of copies of a draft for a proposed submission to the State legislature of an act to implement Remote Voting at Town Meeting.

Town Manager Rodrigues explained this was voted at the 2016 Town Meeting and State Representative Carmine Gentile has prepared a draft Act for submission to the State Legislature which has been approved by the State's House Counsel. She further explained the last step needed is approval by the Board of this submission to the State. Town Manager Rodrigues stated she would continue to update the Board on the proposed Act's status.

It was on motion unanimously

VOTED: To approve the submission of proposed legislation to the State, as reviewed tonight, to implement Remote Voting at Town Meeting.

**Special Town Meeting - Discussion Regarding Articles for Inclusion in the Warrant**

At 9:10 p.m., Chairman Iuliano opened a discussion regarding articles to be included in the Special Town Meeting (STM) Warrant. Copies of a draft article regarding Street Acceptance for Trevor Way and a memorandum from Town Manager Rodrigues regarding potential STM articles to be presented by the Board or Town staff were distributed to the Board tonight.

Town Manager Rodrigues reviewed her memo with the Board, noting articles regarding building permit fees, the fire truck debt exclusion and a Water District article regarding private wells will be delayed until the May 2017 Annual Town Meeting.

The consensus of the Board was that the draft article regarding Street Acceptance for Trevor Way should be submitted for the October 2016 STM Warrant.

Town Manager Rodrigues stated she is working with Town Counsel to possibly streamline an article related to the Dog Officer/Animal Control Officer. She also mentioned three possible citizen's petitions have been mentioned regarding a liquor license for Sperry's, a Route 20 sewer installation study and a study to prohibit new installation or construction of poles and overhead wires. However, Town Manager Rodrigues noted no petitions have been received to date.

Selectman Simon asked if it is too late to work with National Development regarding a possible future tie-in/retrofit with a Rt. 20 sewer system.

Sudbury resident Bill Schineller, 37 Jarman Road, stated he emailed the Town Manager asking if the Route 20 Sewer Study could be resurrected, given that there are so many new pending developments in Town which could provide opportunities to partner with developers. Mr. Schineller stated he also suggested the petition article for eliminating new overhead poles or wires to help beautify the Town.

**Kopelman and Paige – Discussion and Possible Vote on Requested Fee Increase**

At 9:19 p.m., Chairman Iuliano opened a discussion regarding the request for a fee increase from Kopelman and Paige. The Board was previously in receipt of copies of a letter from Town Counsel Barbara Saint Andre of Kopelman and Paige, P.C. dated June 3, 2016. In addition, copies of the current "Agreement for Legal Services dated January 1, 2015 were distributed tonight. Chairman Iuliano noted the current Agreement was executed with Petrini & Associates, and when Ms. Saint Andre changed her employment to work for Kopelman and Paige, the new firm honored the terms of the former Agreement.

Town Manager Rodrigues stated the transition from having had in-house counsel has been challenging, given the many unusual projects Sudbury has been faced with in the past year. She stated the Town has far exceeded its \$5000 per month estimate for Town Counsel services. Since June 11, 2015, Town Manager Rodrigues stated the Town has spent approximately \$154,261.75 for legal services.

Chairman Iuliano explained a fee increase of \$5 for hourly rates has been requested as of January 1, 2017 and an increase in the retainer to \$65,000 effective July 1, 2016 rather than on January 1, 2017. She believes the Town has benefitted from the broad expertise of Kopelman and Paige's staff.

Vice-Chairman Woodard noted the hourly rate had already been agreed to in the current Agreement.

Selectman Simon stated the Board had voted three to two to hire Ms. Saint Andre when she was with Petrini & Associates, with the two dissenting votes preferring Kopelman and Paige. Now that Ms. Saint Andre is working for Kopelman and Paige, he believes the Town has gotten the best of all worlds. Selectman Simon believes the benefits of Kopelman and Paige's expertise has been worthwhile for Sudbury, and he believes the requests are reasonable, given the services the Town uses.

Sudbury resident Janie Dretler, 286 Goodman's Hill Road, asked how many legal hours have been devoted to the Sudbury Station proposed project and by whom.

Chairman Iuliano stated this information is confidential at this time, but it could be released at a later time. She explained Kopelman and Paige and other Special Counsels have been used for Sudbury Station.

Selectman Simon noted the Board has asked for legal opinions which are then evaluated. He explained the Board sometimes chooses to go above and beyond this by seeking additional legal advice to ensure the Town is receiving the best strategies and advice. Selectman Simon emphasized the Town is keenly aware of the public sentiment regarding the Sudbury Station proposed project.

It was also on motion unanimously

VOTED: To approve the fee increases as outlined and requested by Kopelman and Paige, P.C. on its June 3, 2016 letter, noting the retainer increase is to be effective as of July 1, 2016.

#### **Board of Selectmen Meeting Calendar – Discussion and Possible Vote**

At 7:35 p.m., Chairman Iuliano took this agenda item out of order, and she opened a discussion regarding the Board's 2017 Meeting Schedule. The Board was previously in receipt of copies of a draft Board of Selectmen 2017 Meeting Schedule for review.

Vice-Chairman Woodard stated he would be away on June 6, 2017.

Selectman Simon stated he would be away on November 21, 2017, prior to the Thanksgiving Holiday.

Selectman Brown stated she would be away on July 11, 2017.

Chairman Iuliano stated possible revisions to the calendar will be reviewed and discussed again at a future Board meeting.

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

At 9:29 p.m., Chairman Iuliano opened a discussion regarding the draft Mission Statement for the proposed Bruce Freeman Rail Trail (BFRT) Design Implementation Task Force. The Board was previously in receipt of copies of a draft "Town of Sudbury Bruce Freeman Rail Trail Design Task Force" Mission Statement. Copies of three maps (Bay Circuit Overview and Maps 7 and 8) and a map of Sudbury's portion of the trail and a redline version of the draft Mission Statement as revised by Selectman Simon were distributed to the Board tonight.



Chairman Iuliano stated the Board had previously discussed and voted regarding composition of the Task Force. She suggested tonight's discussion should focus on revisions to the Mission Statement on a conceptual level, noting it is sometimes difficult to agree to language which everyone will like when Board members have opposing viewpoints.

Selectman Brown referred to the second sentence of the "Background MassDOT owned rail line:" section of Page 42 in tonight's agenda packet, and she stated she believes it should be deleted. She also referenced the maps distributed tonight, stating they reflect why the sentence should be deleted. Selectman Brown stated the route goes east-to-west in Sudbury, and the BFRT does not provide a link within the Bay Circuit Trail in Sudbury, but it does in Acton.

Vice-Chairman Woodard stated deleting this sentence does not really have an impact on the Mission Statement. Chairman Iuliano concurred.

It was on motion unanimously

VOTED: To delete the second sentence of the "Background MassDOT owned rail line:" section of the draft Bruce Freeman Rail Trail Design Task Force (Page 42 in tonight's agenda packet) as reviewed tonight, and to use the map of Sudbury's portion of the trail distributed tonight as Exhibit A in the draft Mission Statement.

Selectman Simon referred to item number (2) listed in the third sentence of the first paragraph in the "Mission Statement" section of the draft Mission Statement (Page 42 in tonight's agenda packet), and he proposed a revision as noted in his red-lined draft distributed tonight. He believes it is important to add that it is important to balance the environmental needs with the community's recreational and transportation needs.

Selectman Brown stated she did not see the need to include the balance-related suggested language.

Selectman Haarde stated he has concerns regarding balancing anything with the Town's environmental needs, since it has been presented as being critically important for other projects. He believes to take a different position for this project would be hypocritical. Selectman Haarde stated he believes the Board's positions need to be consistent.

Chairman Iuliano stated she believes the entire document presents a balance of many key factors.

Selectman Simon suggested a generic statement could be included to reflect that all needs should be balanced with the community's recreational and transportation needs.

It was also on motion

VOTED: To keep as is the language of item number (2) listed in the third sentence of the first paragraph in the "Mission Statement" section, as presented in the draft Town of Sudbury Bruce Freeman Rail Trail Design Task Force Mission Statement (Page 42 in tonight's agenda packet).

Vice-Chairman Woodard and Selectman Simon voted to oppose the motion.

Selectman Brown expressed concern regarding the entire "Funding" section on the first page of the draft Town of Sudbury Bruce Freeman Rail Trail Design Task Force Mission Statement (Page 42 in tonight's agenda packet). She believes the Mission Statement needs to be clear in what it asks members to do, and she does not believe this paragraph helps members to achieve their mission.

Chairman Iuliano referenced the first sentence of the “Responsibilities and Functions” section of the draft Town of Sudbury Bruce Freeman Rail Trail Design Task Force Mission Statement (Page 43 in tonight’s agenda packet), stating she believes this sentence clearly defines what is expected of the Task Force.

Selectman Simon stated the “Funding” section provides background for which there has been feedback received, noting it is important for the public to know how the Town has previously voted. He believes this paragraph should remain as is because it provides a better understanding and it does not alter the mission. Chairman Iuliano stated she believes the paragraph provides background about where the Town is in this process.

It was further on motion

VOTED: To keep as is the language of the entire “Funding” section on the first page of the draft Town of Sudbury Bruce Freeman Rail Trail Design Task Force Mission Statement (Page 42 in tonight’s agenda packet).

Selectman Brown voted to oppose the motion.

Selectman Simon suggested adding a new second paragraph to the first page of the draft Town of Sudbury Bruce Freeman Rail Trail Design Task Force Mission Statement (Page 42 in tonight’s agenda packet), which he read aloud from his red-lined draft distributed tonight. He believes it is important to include that the Task Force should not impede the work or timeline for completion of tasks of the Design Engineer, VHB.

Chairman Iuliano referenced the last sentence of the first paragraph under the “Responsibilities and Functions” section of the draft Town of Sudbury Bruce Freeman Rail Trail Design Task Force Mission Statement (Page 43 in tonight’s agenda packet), stating she believes this sentence already addresses Selectman Simon’s revision. Selectman Simon stated he believes his proposed revision goes beyond the original language to clearly state that the Task Force should not impede the timeline.

Selectman Simon made a motion to include as a new second paragraph to the first page of the draft Town of Sudbury Bruce Freeman Rail Trail Design Task Force Mission Statement (Page 42 in tonight’s agenda packet), the sentence, “The work of the Task Force should not impede the work or timeline for completion of tasks of the Design Engineer, VHB.”

The motion was not seconded, and Chairman Iuliano announced the motion had failed.

Vice-Chairman Woodard made a motion to add language regarding the timeline to the last sentence of the first paragraph under the “Responsibilities and Functions” section of the draft Town of Sudbury Bruce Freeman Rail Trail Design Task Force Mission Statement (Page 43 in tonight’s agenda packet), to read as, “The work of the Task Force shall not unduly delay the work of the Design Engineer or the timeline of the project.”

Selectman Simon seconded the motion.

Selectman Brown stated she does not believe the Task Force members have the authority for the timeline.

Vice-Chairman Woodard stated he views the sentence as helping to encourage a sense of urgency to keep the project moving forward.

Selectman Simon noted the first sentence of the first paragraph under the “Responsibilities and Functions” section of the draft Town of Sudbury Bruce Freeman Rail Trail Design Task Force Mission Statement (Page 43 in tonight’s agenda packet) states the Task Force will work closely with the Town’s Design Engineer and Town staff..., so it would be part of their responsibility.

Selectman Brown stated she does not believe volunteers should be responsible for the project’s timeline.

It was also on motion

VOTED: To include language regarding the timeline to the last sentence of the first paragraph under the “Responsibilities and Functions” section of the draft Town of Sudbury Bruce Freeman Rail Trail Design Task Force Mission Statement (Page 43 in tonight’s agenda packet), to read as, “The work of the Task Force shall not unduly delay the work of the Design Engineer or the timeline of the project.”

Selectman Brown abstained from the vote.

Selectman Simon suggested the first sentence of the first paragraph under the “Responsibilities and Functions” section of the draft Town of Sudbury Bruce Freeman Rail Trail Design Task Force Mission Statement (Page 43 in tonight’s agenda packet) should be clarified. He believes it usurps and contradicts the Design Engineer’s contractual responsibilities, as per the Request for Proposal (RFP).

It was on motion unanimously

VOTED: To delete the words “work closely with the Town’s Design Engineer and Town staff to” from the first sentence of the first paragraph under the “Responsibilities and Functions” section of the draft Town of Sudbury Bruce Freeman Rail Trail Design Task Force Mission Statement (Page 43 in tonight’s agenda packet).

Selectman Simon referenced the third and second bullets from the bottom listed under the “Responsibilities and Functions” section of the draft Town of Sudbury Bruce Freeman Rail Trail Design Task Force Mission Statement (at the bottom of Page 43 in tonight’s agenda packet). He does not believe the Task Force will have the expertise to develop alternate design elements and/or cost estimates. Selectman Simon also believes these tasks would usurp those already contracted to the Design Engineer.

Selectman Brown stated she believes alternative routes and alternative costs need to be discussed in public forums.

Vice-Chairman Woodard stated VHB has been hired by the Town to provide its recommendations. He asked if the Task Force would also make its own recommendations or if it would comment on those of VHB. Chairman Iuliano stated they could do either or both.

It was further on motion

VOTED: To not add language regarding balancing all needs with the Town’s recreational and transportation needs to the draft Town of Sudbury Bruce Freeman Rail Trail Design Task Force Mission Statement.

Vice-Chairman Woodard and Selectman Simon opposed the vote.

It was also on motion

VOTED: To keep as is the language of the third bullet from the bottom listed under the “Responsibilities and Functions” section of the draft Town of Sudbury Bruce Freeman Rail Trail Design Task Force Mission Statement (at the bottom of Page 43 in tonight’s agenda packet).

Selectman Simon opposed the vote.

It was further on motion

VOTED: To keep as is the language of the second bullet from the bottom listed under the “Responsibilities and Functions” section of the draft Town of Sudbury Bruce Freeman Rail Trail Design Task Force Mission Statement (at the bottom of Page 43 in tonight’s agenda packet).

Selectman Simon opposed the vote.

It was also on motion

VOTED: To approve the draft Town of Sudbury Bruce Freeman Rail Trail Design Task Force Mission Statement as reviewed and revised tonight.

Selectman Simon abstained from the vote, stating he cannot support the revised document because he believes it conflicts with and usurps the tasks and responsibilities contracted with the Design Engineer VHB, and that it goes beyond what the Task Force is qualified to do.

**Eversource Reliability Project – Update**

At 8:45 p.m., Chairman Iuliano took this agenda item out of order, and she opened a discussion regarding an update on the Eversource Reliability Project. The Board was previously in receipt of copies of Routing and Design Re-Evaluation Results from Eversource.

Selectman Brown recused herself and vacated the Meeting Room for the duration of this discussion.

Chairman Iuliano stated discussions regarding the proposed Eversource Reliability Project have been ongoing. She stated Eversource had stated it would likely file its Petition with the Energy Facilities Siting Board in early September, after meeting with the Town to provide an update on the routes selected for the Petition. Chairman Iuliano reported Eversource met with the Town in August and it has now indicated that the filing would likely be in late October.

Chairman Iuliano also reported a more extensive meeting was held at Eversource on August 25, 2016 with Sudbury’s Special Town Counsel George Pucci, *Protect Sudbury* representatives, Counsel Richard Kanoff and Eversource executives, consultants and its Legal Counsel. In this meeting, she stated Eversource described their likely proposals for the Preferred Route along the MBTA right-of-way (ROW), with three variations as follows: 1) overhead in the ROW with underground some streets in Hudson (cost estimated at \$37 million), 2) underground along the ROW and underground some streets in Hudson (cost estimated at 85 million) and 3) underground in the ROW in Sudbury with some overhead (ROW) and some underground (streets) in Hudson (cost estimated at \$75 million). Chairman Iuliano further explained Eversource has not decided whether it will designate a Preferred Option in the Petition, but it will specify a Preferred Route. She stated Eversource summarized for the Town its selection process, which considered 24 options along 15 corridors or routes. She also stated the meeting was productive, and *Protect Sudbury* requested a follow-up meeting for further discussion to include a presentation of alternative routes it has researched. Eversource is in the process of considering this request.

Chairman Iuliano reported Eversource has stated it plans to present its proposal to the Board, in a public meeting yet to be scheduled, prior to filing its Petition. She stated the Town has continued its outreach to State legislators and stakeholders to express its position and concerns. Chairman Iuliano also noted the Town is working in Executive Sessions with its Counsel to prepare its legal strategy, consultants and expert witnesses to best enhance Sudbury's position in the Siting Board process. She further noted the description of the three option variations can be accessed on the Town website.

Selectman Simon encouraged those interested in more information to access the information available online, including the maps of routes. He noted the project is still in flux, and the efforts *Protect Sudbury* and the Town Manager have made have gotten the attention of Eversource. The Town will continue to work for its best interests and Selectman Simon believes Sudbury has come far in the process from where it started.

Chairman Iuliano highlighted tonight's information is preliminary, but the Board wanted to provide an update on the project. She opened the discussion to the public for comments.

Sudbury resident Dorothy Bisson, 290 Dutton Road, asked if the Board is making clear its opposition to using the ROW, and is it advocating for street options. Chairman Iuliano stated the Town has been stressing its environmental concerns.

Sudbury resident Jill Falvey, 409 Dutton Road, stated the most important priority for the Town should be the protection of its water from the possible toxins which could be part of this project. She believes the Town must do all in its power to fight to save its water.

Sudbury resident Janie Dretler, 286 Goodman's Hill Road, asked when the environmental report will be received, and, if VHB has been used by the Town. Chairman Iuliano stated this will depend on the legal approaches taken. Selectman Haarde stated the Town is not speaking with VHB regarding any aspect related to this project. Town Manager Rodrigues stated the Town is using another engineering firm. Selectman Simon emphasized much of the information remains confidential at this point.

Sudbury resident Stage Caseria, 524 Concord Road, asked if a preferred option is not presented to the Siting Board, then how will the Siting Board choose one of the variations submitted, and whether it would come down to cost. Chairman Iuliano stated the Siting Board would likely assess the options regarding reliability, costs and social/environmental impacts. She noted the Town is working now on how to best respond to all of these issues, and she concluded the discussion.

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

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

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

At 10:15 p.m., Chairman Iuliano opened a discussion regarding future agenda items.

It was noted the September 20, 2016 meeting will include a presentation by Eversource regarding Stock Farm Road and an agenda item regarding building permit fees.

Selectman Simon asked if the Board could discuss whether a new design engineer should be considered for the Bruce Freeman Rail Trail 75% design. He also would like to schedule a future agenda item for an update regarding the Zoning Board of Appeals decision regarding the Sudbury Station proposed project.

Selectman Brown stated she would like to have future agenda items regarding improving the process of drafting and including pro and con arguments for Ballot questions, reviewing the Town's active boards and committees, the agreement with Frost Farm, and reviewing Special Municipal Employee status.

**Consent Calendar**

Chairman Iuliano made a motion to dispense with the reading of tonight's Consent Calendar agenda items.

Selectman Simon stated he believes it is worthwhile to spend a minute to read the Consent Calendar items so viewers at home hear what is being voted.

Vice-Chairman Woodard noted the agenda is posted on line.

Selectman Haarde stated that, although he agrees with much of Selectman Simon's position, he believes the agenda items get more exposure online than being read aloud at a late hour in the Selectmen's meetings.

Selectman Simon stated input from the Selectmen for the public has been gutted from the meetings. He believes information is less transparent than in the past because the Selectmen no longer report on their activity and their liaison assignments. Selectman Simon stated he believes this is a disservice to the residents, as is not taking an extra minute or so to read aloud the Consent Calendar agenda items.

Selectman Haarde stated the Board decided to eliminate the redundancy from the Selectmen's Reports, but Selectmen can still share information which is agenda-worthy.

It was on motion

VOTED: To dispense with the reading of tonight's Consent Calendar agenda items.

Selectman Simon opposed the vote.

**Colonial Fair and Muster of Fifes and Drums – Special Permit**

It was on motion unanimously

VOTED: To approve a Special Permit to Harold Cutler for the Colonial Fair and Muster of Fifes and Drums to be held on the Wayside Inn grounds from 10:00 a.m. to 5:00 p.m. on Saturday, September 24, 2016, subject to conditions and permits required by the Fire and Police Departments and the Board of Health.

**Bapgi Corporation d/b/a New Kippy's – Application Request for a Change of d/b/a**

It was on motion unanimously

VOTED: As the Local Licensing Authority, to approve the application of Bapgi Corporation, d/b/a New Kippy's, 474 Boston Post Road, for a Change of D/B/A to Danny's Wine and Spirits, under M.G.L. Ch. 138, s.15, Dinesh Patel, Manager.

**One-Day Wine & Malt License – Parmenter Foundation**

It was on motion

VOTED: To grant a one-day Wine and Malt license to the Parmenter Foundation, to accommodate the Parmenter Hoedown on Saturday, September 17, 2016, from 7:00 p.m. to 11:00 p.m., at 18 Wolbach Road, subject to the use of a TIPS-trained bartender and a receipt of a Certificate of Liability.

Selectman Simon abstained from the vote.

**Minutes**

It was on motion unanimously

VOTED: To approve the Meeting Minutes of December 17, 2015 (Jon Wortmann session) and the Regular Session Meeting Minutes of August 16, 2016.

**Election Officer - Appointment**

It was on motion unanimously

VOTED: To appoint Sudbury registered voter, Debra D. Ehrmann, Democrat, of 37 Wright Road, as an Election Officer for a term to expire on August 14, 2017, as recommended by the Town Clerk.

**Mouras Cleaning Services, Inc. - Settlement and Execute Release**

It was on motion unanimously

VOTED: To accept the settlement of \$30,979.63, of which \$13,234.16 is to be paid directly to Service Master by Gilmore, and to agree to a full and final release prepared by Travelers Insurance on behalf of Mouras Cleaning Services, Inc., as may be amended, in settlement of any claims arising out of the water leak at 275 Old Lancaster Road; and further to authorize the Town Manager to execute said full and final release upon approval by Town Counsel.

There being no further business, the meeting adjourned at 10:24 p.m.

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

**Documents & Exhibits**

1. Public Hearing: Consideration of Utility Petition #16-02 to approve a Grant of Location to install approximately 72 ft. +/- of conduit in Maynard Road. This work is necessary to provide new electric service to two new homes (#278 and #280). Christine Cosby from Eversource Energy will attend

**Attachments:**

- 1.a Eversource Grant of Location 278 Maynard Rd
- 1.b DPW Memo
- 1.c PublicHearingNotice

2. Discussion of whether to repeal or amend Article XV Building Code. Mark Herweck, Building Inspector, to attend.

**Attachments:**

- 2.a Building\_fees\_MMR\_memo

- 2.b ArtXV\_Building\_Code
- 2.c Building Permit Fees Comparison
- 2.d Permit Fee Bylaw Change Article Draft

3. Discuss potential capital items for Special Town Meeting. Jim Kelly, Combined Facilities Director, to attend.

4. Discussion and possible vote on re-issuing RFP for old Police Station.

**Attachments:**

- 4.a KP-555808-v1-SUDB\_police\_station\_RFP\_final\_no att

5. Vote to appoint Richard Tinsley, School Committee member, and Chris Morely, member-at-large, to the Fairbank Community Center Study Task Force, for a term to expire May 31, 2017.

**Attachments:**

- 5.a Morley\_Fairbank Study TF

6. Discussion and possible vote on submission of proposed legislation to implement Remote Voting at Town Meeting.

**Attachments:**

- 6.a Gentile\_Sudbury Remote Voting

7. Discuss articles to be included in the Special Town Meeting Warrant.

**Attachments:**

- 7.a STM Oct 2016 Staff BOS Articles
- 7.b Trevor Way Street Acceptance Article

8. Review KP Law requested fee increase, and vote whether to approve this increase.

**Attachments:**

- 8.a Kopelman and Paige\_June 3 letter

9. Review draft BOS meeting schedule for 2017, and possibly vote to approve schedule.

**Attachments:**

- 9.a 2017 Selectmen meeting schedule\_draft

10. Vote to approve the Bruce Freeman Rail Trail Design Implementation Task Force mission statement.

**Attachments:**

- 10.a BFRT Task Force Mission Statement draft for 9.6.16 v.2
- 10.b BOS\_16.09.06\_10\_Brown
- 10.c EOT3 Model %281%29

11. Update on Eversource Reliability Project

**Attachments:**

- 11.a Eversource\_Routing\_Design

12. Citizen's Comments (Cont)

13. Discuss future agenda items



**14.** Vote to approve a special permit to Harold Cutler for the Colonial Fair and Muster of Fifes and Drums to be held on the Wayside Inn grounds from 10:00 a.m. to 5:00 p.m. on Saturday, September 24, 2016, subject to conditions and permits required by the Fire and Police Departments and the Board of Health.

**Attachments:**

- 14.a Colonial Fair 2016\_BOS
- 14.b Colonial Fair Approvals 2016

**15.** As the Local Licensing Authority, vote on whether to approve the application of Bapgi Corporation, d/b/a New Kippy's, 474 Boston Post Rd, for a Change of d/b/a to Danny's Wine and Spirits, under G. L. Ch. 138, s.15, Dinesh Patel, Manager.

**Attachments:**

- 15.a New Kippy's DBA Change\_BOS
- 15.b Dept Feedback\_New Kippys to Dannys\_DBA Change

**16.** Vote to grant a 1-day Wine & Malt license to the Parmenter Foundation, to accommodate the Parmenter Hoedown on Saturday, September 17, 2016 from 7:00 PM to 11:00 PM at 18 Wolbach Road, subject to the use of a TIPS-trained bartender and a receipt of a Certificate of Liability.

**Attachments:**

- 16.a Parmenter Hoedown 2016\_BOS
- 16.b Hoedown Approvals 2016

**17.** Vote to approve the minutes of 12/17/15 (Jon Wortmann session) and the regular session minutes 8/16/16.

**Attachments:**

- 17.a BOS Wortmann\_12-17-15\_minutes\_draft
- 17.b BOS 08-16-16\_minutes\_draft

**18.** Vote to appoint Sudbury registered voter, Debra D. Ehrmann, Democrat, of 37 Wright Road, as an Election Officer for a term to expire on August 14, 2017, as recommended by the Town Clerk.

**19.** Vote to accept the settlement of \$30,979.63, of which \$13,234.16 is to be paid directly to Service Master by Gilmore, and to agree to a Full and Final Release prepared by Travelers Insurance on behalf of Mouras Cleaning Services, Inc., as may be amended, in settlement of any claims arising out of the water leak at 275 Old Lancaster Road; and further to authorize the Town Manager to execute said Full and Final Release upon approval by Town Counsel.