

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, JANUARY 24, 2017

Present: Chairman Susan N. Iuliano, Vice-Chairman Charles C. Woodard (participated remotely from 7:50 p.m. – 8:29 p.m.), 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 the Lower Town Hall.

Opening Remarks

At 7:30 p.m., Chairman Iuliano opened the meeting. She announced Vice-Chairman Woodard would be participating remotely for a portion of tonight's Meeting. Chairman Iuliano acknowledged several emails the Board has received from residents concerned about the Sudbury Public Schools (SPS) budget, noting voters will ultimately decide on the budget. She also referenced a recent change to the agenda format which now lists all agenda items as having the possible action of a vote

Reports from the Town Manager

Town Manager Rodrigues announced real estate and personal property tax bills are due February 1, 2017. She stated there is information on the Town website regarding the gas main construction work in Town and the roads effected. Town Manager Rodrigues also stated the Warrant period for the May 2017 Town Meeting is currently open until it closes at 5:00 p.m. on January 31, 2017.

Reports from the Board of Selectmen

Selectman Simon stated he and Selectman Brown set aside time for Board Office Hours today, but no residents attended. He stated this has happened before, and he suggested discussing this as a future agenda item so Board members can use their time wisely.

Citizen's Comments

At 7:33 p.m., Chairman Iuliano announced no citizens have requested comment time tonight.

Bruce Freeman Rail Trail – Discussion Regarding Schematic Design and Upcoming Filings Update

Present: Environmental Planner Beth Suedmeyer

At 7:33 p.m., Chairman Iuliano opened a discussion regarding the schematic design and upcoming filings with the Metropolitan Planning Organization (MPO) for the Bruce Freeman Rail Trail (BFRT), and she welcomed Environmental Planner Beth Suedmeyer to the Meeting. The Board was previously in receipt of copies of a memorandum from Ms. Suedmeyer and Ms. Donoghue dated January 24, 2017 and a draft outline of the plan for compiling information on the BFRT for submission to the MPO.

Ms. Suedmeyer stated the Town anticipates filing its 25% design when it is ready, but there is now an opportunity to supplement the project's MPO application. She explained the Boston MPO announced its schedule for planning the annual Transportation Improvement Program (TIP) funding over the next five fiscal years (FY18-FY22). She further stated Sudbury's project has not yet been programmed or funded for construction. Ms. Suedmeyer stated the MPO has accelerated its review schedule from March 2017 to the end of January/beginning of February. She stated she has communicated with the TIP Coordinator, who has stated they would be willing to accept additional information regarding the Town approaching its 25% design completion, in lieu of the 25% design. Ms. Suedmeyer briefly summarized the progress made on the project in the past six months. She further stated the MPO staff will evaluate project submissions over the coming

month. Ms. Suedmeyer referenced the outline distributed in tonight's agenda packet. She explained Town staff will be compiling this information to submit to the MPO in approximately the next two weeks. Ms. Suedmeyer also briefly reviewed the MPO evaluation and scoring process for projects, noting they are reviewed every year. She stated it would be in the Town's best interest to try to get on the State's construction schedule as soon as possible.

Chairman Iuliano emphasized the Board is not approving a design tonight, but rather it is deciding whether to submit additional information. Ms. Suedmeyer confirmed this to be accurate, stating it will be noted that the Town is reviewing alternative designs.

Selectman Brown stated she believes that to evaluate the project the State should have the functional design report (FDR), and she asked if the MPO will make its own assumptions. Ms. Suedmeyer stated the information to be submitted will be in lieu of the FDR.

Selectman Brown stated a construction estimate of \$6 million was given at the 2015 Town Meeting, and she asked if that is still the case. Ms. Suedmeyer stated the construction estimate now is approximately \$8 million, but this figure will be fine-tuned as part of the process.

Selectman Brown stated the evaluation form for TIP projects was different last year, and she asked if it will continue to keep changing. Ms. Suedmeyer stated each regional MPO has its own project evaluation system and the State's Department of Transportation (DOT) has its own. She further stated she is not sure if there will be efforts in the future to consolidate the processes into one system.

Selectman Simon thanked Ms. Suedmeyer and Town Manager Rodrigues for their work to help advance the project. He stated he sees the submission of this information as a positive step for Sudbury's project. Selectman Simon stated the 25% design is anticipated to be complete by the end of March, and then it will be submitted to the DOT. He asked if there is a deadline for submitting the additional information to the MPO. Ms. Suedmeyer stated by the end of January would be best for submission, but the information could be considered if submitted in February, but there may not be a lot of time for additional review by the MPO.

At 7:50 p.m., Vice-Chairman Woodard remotely joined the Meeting.

Town Manager Rodrigues stated her preference is for the Town to submit the information as soon as possible, and she offered to review the submission packet, on behalf of the Board, with Ms. Suedmeyer.

Selectman Simon stated he sees no reason to delay the process, noting he is comfortable with Town Manager Rodrigues and Ms. Suedmeyer coordinating the documentation to be submitted. Selectman Haarde concurred. Selectman Brown stated it is important for the MPO to have as much time as possible for review of the information.

Selectman Brown asked a few questions regarding alternative routes, and Ms. Suedmeyer explained what is required in the VHB contract and that other alternatives would likely be considered as a result of the wetlands delineation. She also stated the BFRT Design Task Force is working on some of these issues. Chairman Iuliano stated it is possible the Town might bring up other alternative routes at a later time in the process.

Vice-Chairman Woodard stated he supports the idea of Town Manager Rodrigues and Ms. Suedmeyer working to facilitate the information submission.

It was on motion unanimously

VOTED: To defer to Town Staff the submission of an intermittent report regarding Sudbury's Bruce Freeman Rail Trail Phase 2D construction to be submitted to the Boston Metropolitan Planning Organization for consideration in its annual Transportation Improvement Program planning process, as reviewed and discussed tonight, Selectman Brown, aye, Selectman Haarde, aye, Selectman Simon, aye, Vice-Chairman Woodard, aye, and Chairman Iuliano aye.

FY18 Budget - Discussion Including Potential Override Budget

At 8:05 p.m., Chairman Iuliano opened a discussion regarding the FY18 budget. Copies of a Department of Revenue (DOR) handout regarding multiple override questions on one ballot were distributed tonight.

Chairman Iuliano stated the Board inadvertently forgot to vote at its January 10, 2017 Meeting to support the Town Manager's FY18 balanced budget proposal.

It was on motion unanimously

VOTED: To support the Town Manager's FY18 balanced budget proposal, Selectman Brown, aye, Selectman Haarde, aye, Selectman Simon, aye, Vice-Chairman Woodard, aye, and Chairman Iuliano aye.

Chairman Iuliano stated the Finance Committee has been working with the Budget Strategies Task Force to compile information, but it has not reached its decisions regarding budget overrides. However, she further stated the question has been posed as to whether the Board of Selectmen would consider a menu override option, which she briefly described. Chairman Iuliano stated more research is needed as to how a menu override would be handled at Town Meeting.

Vice-Chairman Woodard stated a menu override option was used in Town until approximately 15 years ago, and he recalls it was somewhat problematic. He believes a menu override focuses too much on what is needed at the moment and not what is best for the Town as a whole. Vice-Chairman Woodard stated he believes it is best to support one override which covers all three cost centers. He stated he would be inclined to vote against a menu override.

Selectman Brown stated she could foresee where certain voters would have preferences for certain cost centers. In the end, she stated residents get one tax bill. Selectman Brown questioned who would decide what percentage of the override goes to each cost center. She also stated she has concerns about putting the cost centers in competition with each other on the ballot.

Selectman Haarde stated a menu override could have benefits, and competition between cost centers could be a good thing. He questioned whether one override tends to lead to a higher budget. Selectman Haarde emphasized that, ultimately, the voters will decide what they prefer.

Selectman Simon stated he is inclined to agree with Vice-Chairman Woodard that a single override is best. He believes all residents need to move the Town forward together to maintain excellent schools and services. Selectman Simon stated one override gives the message that the Town is behind it and that the Town has made its decision based on doing the best it can with the money available.

Chairman Iuliano stated she supports one override for the Town, and she believes the budget process works better when the three cost centers work together collaboratively. She stated the Board wants to be able to give voters choices, but previous public feedback suggests that the voters prefer being presented with a coordinated plan.

Selectman Brown stated she has been tracking the budget process this year and she appreciates when there is hard analysis to refer to when evaluating choices. She further stated that if other options are chosen other than a single override, there will need to be a lot of education given to the public.

Selectman Haarde stated he believes more information and details are needed before he could state his preference. He noted the Board has received approximately 40 emails from people concerned about the SPS budget. Selectman Haarde stated it can be hard sometimes to convince voters that consensus needs to be built in order to be successful. He believes it will be important to answer all questions posed.

Selectman Simon showcased his budget book and he encouraged residents to access the information on the Town website if they are interested in digging into the details. He also asked Chairman Iuliano to post on the Town website upcoming SPS meeting dates.

Finance Committee Chair Susan Berry stated the Finance Committee will meet on January 30, 2017 at 7:30 p.m. at Town Hall to discuss the options. She noted the Committee is still gathering information.

At 8:29 p.m., Chairman Iuliano closed the discussion and Vice-Chairman Woodard concluded his remote participation in the Meeting.

Inactive Boards and Committees – Discussion and Review

At 8:29 p.m., Chairman Iuliano opened a discussion regarding inactive boards and committees, and she thanked Selectman Brown for her work preparing for this agenda item. The Board was previously in receipt of a listing of Town Boards and Committees from the Town website. In addition copies of a handout entitled “Conflict of Interest Designations” and an email from Selectman Brown dated January 16, 2017 were distributed tonight.

Selectman Brown explained her color-coding system used to mark-up potential revisions to the listings. She stated she has discussed these lists with Assistant Town Manager Maryanne Bilodeau, who is also working on updating the information. Selectman Brown stated there are clearly some entities still listed which were officially disbanded and there are a few questions as to whether groups ever did officially exist. She recommended waiting to receive more information from Ms. Bilodeau which could be reviewed at a later date. Selectman Brown referenced the Special Municipal Employees listing, which notes it was revised on September 24, 2014, but she cannot recall the Selectmen adopting revisions at that time.

The consensus of the Board was that this discussion would be scheduled again on a future agenda to allow time to receive additional information from Assistant Town Manager Maryanne Bilodeau and to proceed with a more comprehensive review.

Selectman Simon suggested that, when this is discussed again, the Special Municipal Employees review should be a separate agenda item. Chairman Iuliano stated this is her intention.

Commission on Disability – Status Discussion

At 8:35 p.m., Chairman Iuliano opened a discussion regarding the status of the Commission on Disability. The Board was previously in receipt of copies of the relevant Section 8J from the malegislature.gov/Laws website, and information from the Massachusetts Office on Disability website.

Chairman Iuliano referred to a few provisions of the law. She stated Sudbury has not had enough people to populate the Commission in recent years. She noted the Commission can have nine members, and presently there are only two. Chairman Iuliano highlighted the Senior Center and the Schools have also been involved regarding addressing certain disability-related issues. She recommended reaching out to the current Commission members, the Senior Center, Schools and the community to get feedback and to network with the hope of revitalizing interest in serving on the Commission.

Selectman Haarde stated he believes the Commission has served an important role in the past regarding feedback for Town construction projects and other issues which go beyond ADA-compliance.

Selectman Simon stated he believes the Commission's view on accessibility issues is important to know. He also believes it is significant to note that Sudbury voted at a previous Town Meeting to accept the State statute and to establish this Commission. Selectman Simon stated he is not included to favor disbanding the Commission without a vote from Town Meeting to do so.

Selectman Brown stated she believes this was adopted at the 1993 Town Meeting. She noted the statute states annual reports are to be submitted and there are to be a certain number of meetings per year. However, Selectman Brown further stated the Commission cannot achieve a quorum to meet. She stated her first choice is to work to make the Commission functional. However, if this is not possible, Selectman Brown stated she does not believe the Town should purport to have a Commission which is not functioning.

Chairman Iuliano stated she and Town Manager Rodrigues will reach out within the community in an effort to revitalize the Commission.

Annual Town Meeting Articles

At 8:45 p.m., Chairman Iuliano opened a discussion regarding the Annual Town Meeting articles submitted on behalf of the Selectmen. Town Manager Rodrigues distributed copies tonight to the Board of a spreadsheet listing nine articles and the accompanying draft Warrant articles.

Town Manager Rodrigues noted two new articles have been added regarding unpaid taxes and fees and a department revolving fund bylaw in order to bring the Town's bylaws in compliance with State laws. She also stated she will be working with Town Counsel to fill in exact amounts needed in the articles.

Selectman Haarde asked what will happen if more litigation funds are needed for either Sudbury Station or Eversource. Town Manager Rodrigues stated additional funds could possibly be requested at the October 2017 Town Meeting.

Special Town Election Warrant – Discussion and Possible Vote Regarding Ballot Question Policy

At 8:47 p.m., Chairman Iuliano opened a discussion regarding a Special Town Election Warrant, and the ballot question policies and schedule. The Board was previously in receipt of copies of the relevant Chapter 180 of the Acts of 1996 and a Draft "Board of Selectmen Ballot Question Policy and accompanying Schedule for discussion on January 24, 2017." In addition, copies of a more recently revised Draft "Board of Selectmen Ballot Question Policy and accompanying Schedule for discussion on January 24, 2017 revised," and a confidential email from Chairman Iuliano to Town Counsel dated January 18, 2017 and Town Counsel's responses were distributed tonight.

Chairman Iuliano made a motion to make public Town Counsel's confidential related legal opinion.

Selectman Simon questioned whether the Board can vote to make the opinion public if it was not posted on tonight's agenda. As a matter of protocol, he suggested posting this as an agenda item for the Board's next meeting.

Chairman Iuliano stated she believes the Board discussed at its last meeting that legal review would be requested. She turned the discussion to the draft revisions made to the policy. Chairman Iuliano stated she deleted most of the narrative related to the schedule timeframes and has included just the chart.

Selectman Simon referenced the fifth "Action" listed on the chart on page 27 of tonight's agenda packet. He stated the Board does not approve the content of the Warrant but the Selectman sign off on its format. He suggested changing the wording to reflect that the Board signs the Warrant.

Chairman Iuliano referenced the third bullet on the bottom section of page 1 of the newly revised draft Policy distributed tonight, noting the sentence she added to clarify that neither the Board or Town Counsel will review the written arguments for substance, opinion or accuracy. She stated she will ask Town Counsel if this sentence could also be added to the Ballot.

Selectman Simon stated he has concerns about approving policy language before Town Counsel's opinion is made public.

Selectman Brown suggested approving the policy language tonight and then asking Town Counsel if it is acceptable.

Selectman Simon noted there is no need to rush to implement changes and he reiterated his preference to delay formulating decisions until the next Board Meeting when the confidential legal opinion could be made public. He stated he had a memorandum of comments to distribute to the Board, and he distributed copies to everyone. Selectman Simon also asked for his handout to be added, for the record, to tonight's agenda packet materials. He also stated he would send it electronically to Town Manager Rodrigues.

Chairman Iuliano next discussed whether the authors of arguments should be identified and listed.

Selectman Brown stated the Board has the responsibility of choosing who writes the arguments, and thus she believes they should be identified.

Selectman Simon stated that, historically, those who have prepared the arguments have not been identified and he believes nothing is gained, and no light is shed on the ballot questions, by doing so. He stated the pro and con arguments speak for themselves. Selectman Simon further stated he believes changes to policy, particularly one which is related to ballot voting, should be considered by the Board when all Selectmen are present.

Chairman Iuliano stated she is inclined to not identify the argument authors on the ballot.

Selectman Brown stated she believes there should be some public record of who the Board selects as authors of arguments.

Selectman Haarde stated he would be okay with identification of the authors being optional, but he supports the idea of having the information captured somewhere in writing for the record.

Chairman Iuliano made a motion to approve the revised draft policy with the addition of the sentence in blue within the third bullet point in the bottom section of Page 1 and to delete the two bullets in the bottom section highlighted in yellow, subject to approval by Town Counsel and review at the next Board Meeting.

Selectman Brown suggested amending the above motion to include revising the first sentence of the second bullet in the bottom section of Page 1 by adding at the end of the sentence the words, "in an open meeting." This motion was seconded.

It was on motion

VOTED: To approve the revised draft policy distributed tonight to include the addition of the sentence in blue within the third bullet point in the bottom section of Page 1 and to delete the two bullets in the bottom section highlighted in yellow, and to include revising the first sentence of the second bullet in the bottom section of Page 1 by adding at the end of the sentence the words "in an open meeting," subject to approval by Town Counsel and review at the next Board Meeting.

Selectman Simon opposed the vote stating he believes Town Counsel's confidential opinion should have been made public before adopting revisions to the policy and that all Selectmen should have been present for the vote.

2016 Board of Selectmen and Town Manager Annual Town Report – Vote to Approve

At 9:50 p.m., Chairman Iuliano opened a discussion regarding the Selectmen's and Town Manager's Annual Town Report which is due by January 27, 2017. Copies of a redlined version and a version with edits accepted of a draft "Board of Selectmen and Town Manager" Town Report were distributed tonight.

Regarding the third paragraph from the bottom of Page 1, Selectman Haarde stated the Town knew about the Eversource project long before February 2016. It was suggested the wording be changed to read as follows: "In February, Eversource proposed overhead transmission lines on the MBTA right of way in Sudbury as part of its Reliability Project."

It was on motion unanimously

VOTED: To approve the Board of Selectmen and Town Manager Annual Town Report, which is due January 27, 2017, as revised tonight.

Future Board Agenda Items - Discussion

At 9:20 p.m., Chairman Iuliano stated she would like to review the bylaw which established the Fall Town Meeting at a future meeting. She also would like to discuss the agenda format and the Board's Office Hours as suggested by Selectmen Simon tonight. In addition, the Board will discuss the Ballot Question arguments again at a future meeting.

Selectman Simon stated he received a resident communication regarding the Atkinson Pool clock mechanism not working. Town Manager Rodrigues stated an alternative solution has been pursued to buy the needed parts from the Pool Enterprise Fund.

Selectman Brown asked if the Board will receive materials for the Town Manager Evaluation process due on March 15, 2017. Chairman Iuliano stated a form will be circulated soon.

Citizens' Comments – Continuation

At 9:25 p.m., Chairman Iuliano announced no citizens had requested time for comments tonight.

Grant of Easement – BPR Development LLC for Stormwater System Maintenance – 100 Horse Pond Road

The Board determined this agenda item was posted incorrectly, as it should have been regarding an easement for the Chabad Center, and it was removed from tonight's agenda.

The Sudbury Foundation – Vote to Accept a Grant

Chairman Iuliano recused herself from this agenda items' vote, and Selectman Simon read aloud the proposed vote.

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a grant of \$18,000 from the Sudbury Foundation, as requested by Marilyn Martino, Executive Director, in a memo dated December 31, 2016, to enable the Council on Aging to continue to fund the Senior Volunteer Coordinator position, said funds to be expended under the direction of the Town Manager, and to send a note of gratitude to Ms. Martino for the grant.

National Grid – Vote to Accept Rebate Check

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a \$8,168 rebate check from National Grid, on behalf of Boston Gas Company, to be deposited into the Excelon/Select Utility Gift/Donation Account, (as requested by James Kelly, Combined Facilities Director, in a memo dated January 4, 2017), said funds to be accepted toward future energy initiatives in Town buildings under the direction of the Combined Facilities Director.

Minutes

Copies of two small edits made by Vice-Chairman Woodard on Page 4 of the January 10, 2017 Meeting Minutes and one correction made by Chairman Iuliano of a typographical error on page 3 of the Minutes were distributed tonight.

It was on motion unanimously

VOTED: To approve the Regular Session Meeting Minutes of January 10, 2017, as amended tonight.

There being no further business, the meeting adjourned at 9:27 p.m.

Attest: _____
Melissa Murphy-Rodrigues
Town Manager-Clerk