

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, SEPTEMBER 12, 2017

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

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

Opening Remarks

At 7:35 p.m., Chairman Haarde opened the meeting. He thanked everyone who attended and helped to coordinate the well-attended 9/11 Memorial Ceremony. Chairman Haarde stated the ceremony is held every year and it is very respectfully done. He also announced there are a few Town Committee/Board openings, including the Community Preservation Committee (CPC) and the Design Review Board (DRB), and he encouraged anyone interested to access more information on the Town website.

Reports from the Town Manager

Town Manager Rodrigues announced she will conduct her Office Hours on September 14, 2017 from 11:00 a.m. to 12 noon in the Silva Room at the Flynn Building. She also announced the Town will hold an “Envision Melone” charrette on October 3, 2017 at 7:00 p.m. at the Fairbank Center Gym.

Reports from the Board of Selectmen

Selectman Carty stated he and Vice-Chairman Simon held Board Office Hours recently and offered suggestions to a resident who expressed interest in volunteering his time for the Town. Selectman Carty reported the man is now working with the Sudbury Historical Society and the Council on Aging (COA), and he is working on offering a Repair Café on October 28, 2017 from 9:00 a.m. to 12 noon. He also reported the COA is in need of van drivers. Selectman Carty also mentioned the Board is using iPads for the first time tonight for agenda materials. The Board thanked staff for their assistance with the new technology.

Selectman Brown noted State legislation H.2777, which would enable the Massachusetts Department of Environmental Protection to receive delegation of the National Pollutant Discharge Elimination System (NPDES) permit from the federal Environmental Protection Agency will receive a hearing in October.

Vice-Chairman Simon stated the next Board newsletter would likely be distributed in October. He also stated he is hoping to schedule the next Board Office Hours for either September 27 or September 28, 2017, and he asked for a Board volunteer to be in attendance with him. Vice-Chairman Simon reported he attended the welcome opening at the Chabad Center on September 10th, and it was a lovely event.

Citizen’s Comments

At 7:41 p.m., Chairman Haarde announced no citizens have requested comment time tonight.

Notice on Compliance – Update To Determine if Lisa Burke, 39 Poplar Street has Complied with a Previous Board Order to Restrain a Dangerous Dog

Present: Police Chief Scott Nix and resident Kathleen Rocca Foley

At 7:41 p.m., Chairman Haarde opened a discussion regarding whether Lisa Burke, 39 Poplar Street, has complied with the Board’s June 14, 2017 order to restrain the Dangerous Dog owned and/or kept by Ms. Burke in the Town of Sudbury, and he welcomed Police Chief Scott Nix to the Meeting. The Board was

previously in receipt of copies of a memorandum from Chief Nix dated September 6, 2017, the "Notice of Decision and Order Dangerous Dog" dated June 14, 2017 and sent by certified mail, return receipt requested to Ms. Burke, emails from and to Chief Nix and Animal Control Officer Jennifer Condon dated July 19 through July 21, 2017 and one dated September 6, 2017, the homeowner's insurance declaration certificate, a report from "Home Again," a letter to Jennifer Condon from dog trainer Daniel Titus dated August 3, 2017, the "Notice of Hearing to Review Compliance with Order to Restrain Dangerous Dog" dated August 2, 2017 and sent by certified mail, return receipt requested to Ms. Burke, and a letter sent by certified mail, return receipt requested to the dog owner from the Town Manager dated August 10, 2017. In addition, copies of an email from Sudbury resident John Baranowsky dated September 12, 2017 were distributed tonight. Chief Nix also distributed copies of a relevant information packet, including photographs, and an email from dog trainer Dan Titus dated September 10, 2017 tonight.

Chief Nix stated he met with the dog owners, dog and trainer last Friday. Based on his observations, he believes the dog owner is in compliance with the Order at this time, with the exception of the apology letter, which was later withdrawn from the Order. Chief Nix reviewed the conditions of the June 14th Order, noting a substantial wrought-iron gate has been installed in front with an internal secondary gate, the dog had a muzzle on when outside, and there have been no further incidences. He explained an alternative fence to the recommended stockade fence has been installed which he believes is better and will last longer, and the fencing gate area has been improved. Chief Nix stated he observed no signs of aggression from the dog, and he did not feel fearful in the dog's presence. He also stated the dog trainer has over 20 years of experience training dogs and appeared qualified. Chief Nix stated the dog is expected to have additional training sessions. He noted the dog owner's son has not yet relocated, and it is not certain if the dog will go with him when he does.

Vice-Chairman Simon stated the fence installed does not appear to him to be six feet tall as called for in the Order, and he is not able to determine if it extends two feet underground. Chief Nix stated the fence is very secure. Vice-Chairman Simon stated he is concerned that the dog could dig under the fence, and he would like confirmation that the fence was installed in compliance with the conditions stated in the Order. He noted the Board did not vote to amend the fencing requirements. Vice-Chairman Simon also noted the Order requires that the Town Clerk and the Animal Control Officer are to be notified if the dog is taken out of Sudbury, and he asked if this notification has been received. Vice-Chairman Simon stated he questions whether the dog owner is in full compliance with the Order. Chief Nix stated the Order does not require that the dog be relocated, but it was intended to protect the Town and its residents while the dog is in Sudbury.

Vice-Chairman Simon referenced agenda materials which indicate the dog had bitten another dog around December 20, 2015. He expressed his concern that the dog owners changed the type of fencing and had it installed without permission from the Board. Chief Nix reiterated he believes the fence installed is more secure and a better configuration than what was required in the Order. He also noted that if a six-foot fence is buried two feet underground, then the fence would only be four feet high.

Selectman Brown asked if the Animal Control Officer believes the dog does not present a danger to the Town at this time, and Chief Nix stated she does.

Selectman Iuliano asked if a Public Hearing would be needed, if the Board decided to amend the order or to issue a notice of non-compliance. Town Manager Rodrigues stated she believes a Public Hearing would be needed in these circumstances.

Selectman Carty asked if there are large stones in front of the fence to prevent digging by the dog. Chief Nix stated large pavers were added to the base of the fence.

In response to a question from Vice-Chairman Simon, Chief Nix stated he could request a certification from the installer regarding whether there was wire mesh installed under the fence and how far underground the fence was installed.

Sudbury resident Kathleen Rocca Foley stated her son was upset that the requirement for a letter of apology, which was originally offered by the Board, was withdrawn. She believes the apology would help her son move forward from this incident. Ms. Rocca clarified there is no litigation pending at this time, that she has discussed things with a lawyer, and she asked the Board to reconsider reinstating the condition for a letter of apology.

Chairman Haarde explained Town Counsel has advised the Board not to require an apology letter from the dog owner. He stated society can be quite litigious these days, and it would be beyond the Board's bounds to require an apology letter. Chairman Haarde stated Ms. Rocca's son deserves an apology, which might be given verbally, but the Board should not have included it as a condition, and they did so in error. As an attorney, Vice-Chairman Simon, stated it would be difficult to require an apology as a condition of the Order. However, he suggested Ms. Rocca's attorney could possibly agree to not make a written apology admissible in any legal process.

Ms. Rocca stated she was upset to learn the apology letter had been withdrawn by the Board, and that this was not done in a Public Hearing. Town Manager Rodrigues stated the action was taken within a Public Hearing.

Chairman Haarde stated all relevant parties should be notified that the proper Town officials need to be notified of plans for the dog to leave Sudbury. He further stated he agrees with Chief Nix that the current fence is a more appropriate option than the stockade fence required in the Order. However, Chairman Haarde also stated he believes the height of the fence and whether it is installed two feet underground as required in the Order are important to confirm. Selectman Brown concurred, noting it is important to clarify whether the six-foot fence does or does not include the two feet it should extend underground. Selectmen Iuliano and Carty also agreed the fence specifications are critical to accurately clarify. Chief Nix stated he would request verification of these items from the installer.

Chairman Haarde suggested asking for a legal opinion as to whether a Public Hearing is needed to amend the Order from a stockade fence to the current fencing. He opined it might be fair to all parties to have a Public Hearing.

Town Finance – Town Parcels No Longer Needed - Update

At 8:17 p.m., Chairman Haarde opened a discussion regarding notification that certain Town-owned parcels are no longer needed for any purpose. The Board was previously in receipt of copies of a memorandum from Finance Director Dennis Keohane dated September 7, 2017.

Town Manager Rodrigues stated an article has been submitted for the October 2017 Special Town Meeting (STM) regarding the following two parcels which the U.S. Fish and Wildlife Service is interested in purchasing: G12-0015 for 12 acres, with an assessed value of \$6,100, and G12-0013 for five acres, with an assessed value of \$2,500. She explained both parcels were acquired through tax-takings by the Town. She also stated neither parcel can be developed. Town Manager Rodrigues stated no action is needed by the Board, but this notification from the Finance Department is required before the article is presented at the STM.

Selectman Carty stated Conservation Commission member Charles Russo suggested the Town might consider placing a Conservation Restriction (CR) on the parcels.

Selectman Iuliano asked if the appraisal planned by U.S. Fish and Wildlife would consider the parcels with CRs. Town Manager Rodrigues stated she does not believe a CR would significantly impact the appraisal.

National Development Mitigation Funds – Vote to Appropriate Funds and Sign Contract for Purchase of New Ladder Truck and to Add Water & Gas Lines to the Fire Station 2 Lot

Present: Fire Chief Bill Miles

At 8:24 p.m., Chairman Haarde opened a discussion regarding appropriating \$325,000 for the purchase of a new Ladder Truck and to appropriate approximately \$25,000 to add water and natural gas lines to the lot at Fire Station 2, and he welcomed Fire Chief Bill Miles to the Meeting. The Board was previously in receipt of copies of the “Development Agreement” between the Town of Sudbury and BPR Sudbury Development LLC.

Chief Miles stated the Board needs to vote to appropriate \$325,000 from the National Development mitigation funds for the purchase of a new ladder truck and to allow the Town Manager to sign the contract for the new apparatus. He also stated new water and gas lines are needed on the lot at Fire Station 2 to support the proposed new Station. Chief Miles stated a proactive request for \$25,000 is being made to bring the required lines onto the property now, while Route 20 is excavated for other purposes.

Selectman Carty asked if the \$25,000 would also be from the National Development Agreement mitigation funds, and Chief Miles responded affirmatively. Selectman Carty stated the mitigation funds totaled approximately \$850,000 for public safety, and he asked if this was split evenly between the Police and Fire Departments. Town Manager Rodrigues explained it is not necessarily an even split, but both Departments agree with the proposed allocation of funds.

Vice-Chairman Simon stated the request is consistent with the terms of the Development Agreement regarding mitigation funds.

It was on motion unanimously

VOTED: To appropriate \$325,000 from the National Development mitigation funds for the purchase of a new ladder truck and to allow the Town Manager to sign the contract for the new Fire Department apparatus, and to appropriate approximately \$25,000 to add water and natural gas lines to the lot at Fire Station 2.

National Development Mitigation Funds – Vote to Approve Funds for Purchase of Communication Enhancements

Present: Police Chief Scott Nix

At 8:30 p.m., Chairman Haarde opened a discussion regarding approving funds for the purchase of communication enhancements and to allow the Town Manager to sign the contract for new radio equipment, and he welcomed Police Chief Scott Nix for the discussion. The Board was previously in receipt of copies of a memorandum from Chief Nix to the Town Manager dated September 4, 2017 and accompanying equipment information and quotes.

Police Chief Nix stated communication is a vital part of public safety personnel being able to perform their jobs well. He stated this request would benefit the Police and Fire Departments, the Department of

Public Works and the Schools, noting they currently use different radio frequency bands, and Police do not have the ability to communicate with School personnel. Chief Nix provided cases in the field where the lack of communication presented safety challenges. He explained tonight's request is for portable radios which would upgrade the communications equipment to improve efficiency and effectiveness.

Vice-Chairman Simon stated this request and the previous one from the Fire Department total approximately \$750,000. He asked if there are projects/needs earmarked for the remaining \$100,000 of public safety mitigation funds. Chief Nix stated he and Chief Miles have chosen to save the remaining funds at this time.

In response to a question from Selectman Brown, Chief Nix stated this request was not previously submitted as a capital project.

Selectman Iuliano highlighted the need for communication equipment upgrades has been discussed for years.

In response to a few questions from the Board, Chief Nix provided some technical background regarding how the equipment operates.

Chairman Haarde stated \$396,000 is a lot of money to spend on portable radios. Chief Nix stated Motorola is the preferred vendor and their product provides tri-band capability. Fire Chief Miles stated the Town has some previously purchased Motorola portables that have performed very well and they last a long time.

In response to a few questions from Chairman Haarde, Chief Nix stated the radios purchased two years ago would continue to be used by secondary officers. He also stated 18 radios are proposed to be purchased, and the largest part of the costs is for the two consoles.

Selectman Carty asked if there are any licensing or maintenance fees anticipated. Chief Nix stated the Town has an existing maintenance contract.

Vice-Chairman Simon asked whether this would be considered as a capital purchase if there were not mitigation funds available, and Chief Nix responded affirmatively.

It was on motion unanimously

VOTED: To approve \$396,635 from the National Development mitigation funds for the purchase of communication enhancements, and vote to allow the Town Manager to sign the contract for new radio equipment.

**October 2017 Special Town Meeting - Pending Petition Article –Welcoming Community Petition–
Presentation**

Present: Police Chief Scott Nix and Petitioners Fred Taylor and Cindy Ku

At 8:45 p.m., Chairman Haarde welcomed Police Chief Scott Nix and Petitioners Fred Taylor, 38 Cider Mill Road, and Cindy Ku, 406 Old Lancaster Road, to the Meeting to provide a presentation regarding the pending Welcoming Community Petition Article for the October 2017 Special Town Meeting (STM). The Board was previously in receipt of copies of the proposed petition article for the October 16, 2017 Special Town Meeting. In addition copies of two handouts entitled, "Some Facts About Undocumented Immigrants" and "Laws and Recent Rulings Related to the Rights of Undocumented Immigrants (and All Individuals)

Living in the United States” were distributed tonight. Tonight, Mr. Taylor distributed copies of his remarks for this evening to the Board.

Mr. Taylor described the article as a set of policies that, if approved, would ensure the rights of undocumented immigrants, and publicly state that they will receive fair and just treatment from the Town’s employees and police in Sudbury. He stated four chief issues have been raised, including that the proposal could make the Town less safe, that the policies might mandate something the police do not agree with, possible loss of federal funding, and it has been asked what would be accomplished by adopting the policies. Mr. Taylor provided brief responses to these objections, noting he had met with Police Chief Nix to review the draft petition, and Chief Nix stated he found the proposed policies to be consistent with those of the Police Department. Mr. Taylor stated he believes approving the petition is the one thing the Town can do to protest what is perceived as neither right nor just.

Selectman Iuliano thanked the petitioners who worked to bring this information forward and for contacting each Board member and working with Chief Nix. However, she highlighted her concern regarding the potential loss of federal funding, and she referenced an addition to the language suggested by Town Counsel to minimize the risk of losing funds. Selectman Iuliano stated she believes the Board needs more information from legal counsels to assess the risks of losing practical funding which is pending for public safety. She stated she does not know at this time, if it is possible for the Town to support the petition.

Selectman Carty stated he had a long telephone discussion, which was educational, with Mr. Taylor this week. He referenced information indicating the Town received approximately \$1.1 million in federal grants, noting \$600,000 was received for special education programs and \$200,000 for school lunches. Selectman Carty emphasized his main focus for this agenda item is not his typical primary financial concerns. He referenced the recent State Lunn Supreme Court case, and he asked how it fits with tonight’s proposal and/or if it is redundant.

Mr. Taylor stated he believes the only funding which could potentially be lost would be Department of Justice funds. Town Manager Rodrigues referenced information from Town Counsel which suggests education federal funding could possibly be at risk, and she emphasized the information is ever-changing. She also noted she has reached out to the State’s Attorney General’s office for input.

Selectman Carty referenced the Lunn case again. Selectman Iuliano highlighted the Lunn case is primarily about detention-related issues, and she believes tonight’s petition is broader than detention.

Vice-Chairman Simon stated he sees one side of this issue as fear by the Town administration regarding possibly losing public safety funds. As Americans, he believes people should feel safe. Vice-Chairman Simon stated he sees another side of the issue as fear for undocumented immigrants being deported. He believes these immigrants need our support, and that putting them and others at risk goes against American core values. Vice-Chairman Simon urged people to not be influenced by what he considers as “federal financial blackmail” when voting on this petition.

Selectman Brown stated she does not observe the Sudbury Police acting in the manner described in the policies, and she does not believe it is how the Town operates. She further stated she is uncertain as to what she can do about people feeling afraid, and she noted there are many examples of the federal government mandating how towns will be run. Selectman Brown stated that she would want to be notified if there is evidence of anyone being treated in this manner or if there is anyone living in fear in Sudbury, so she could try to help address the problem at its source. She stated she has concerns regarding whether this type of issue can be legislated.

Selectman Carty stated this is an emotionally-charged issue, and he is not sure the proposed petition is the appropriate action. He stated the proposal language is closely tied to ACLU guidelines, and it is much more so than in other communities. Selectman Carty stated all people feeling safe should be a non-partisan value. He gave examples of similar efforts in other towns going back and forth with policies being accepted and repealed, and he feels the same could happen here.

Sudbury resident Cindy Wu stated she is an immigrant who was bullied growing up in a town similar in demographics to Sudbury. She stated silence is no longer an option in today's world.

Police Chief Scott Nix distributed copies of a relevant information packet including a *State House News Service* article dated July 24, 2016 entitled "High Court Rules Detentions for ICE not Supported by Law" an email from the Office of Community Policing Services regarding the COPS Office Grant Applications, information from the usimmigrationsupport.org website and the relevant Section 16B from the U.S. Department of Justice website. He briefly summarized the current policies of his Department, stating immigrants would only be stopped for participation in a criminal activity. Chief Nix emphasized, that an undocumented immigrant would be subject to the same process by his department as other citizens are. He suggested the Department's policies should be advertised instead of proceeding with this petition. Chief Nix stated it would not be good if the proposed petition policies resulted in restricting his Department's ability to act for safety purposes.

A brief discussion ensued with questions directed to Chief Nix regarding when ICE is given information by police or when ICE requests information from police.

Selectman Carty stated Belmont crafted policy language working with the Police Department, and the language is much different than what is being proposed for Sudbury.

Vice-Chairman Simon asked if adopting the proposed petition would conflict with the Police Department's current policies. Chief Nix stated it is possible it might restrict the Department's ability to respond in certain situations.

Chairman Haarde stated he agrees the Board should not make a decision based on fear of losing federal funds. He believes there are policies already in place in Sudbury, and he is not sure if adopting a new policy is necessary. Chairman Haarde explained the Board has a current policy to not become involved with political issues which are not relevant to Sudbury. He hopes everyone wants to be welcoming to all people, but this should not include being politically antagonistic. Chairman Haarde stated he is not sure if the proposed petition is the right approach to take. He recommended that everyone can impact others by how they treats others. Chairman Haarde stated the Board is not voting its position on the petition article tonight, but it would likely discuss it and possibly vote a position at the Board's September 26, 2017 Meeting, and he concluded the discussion.

Future Relocation of Sudbury Public School's Administration

At 9:50 p.m., Chairman Haarde opened a discussion regarding potential relocation of administrative offices for the Sudbury Public School's Administration (SPS).

Vice-Chairman Simon stated the Fairbank Community Center Task Force was initially charged with including SPS in its recommendations, but the Board later decided SPS should address its space needs. He stated he made a recommendation at a previous meeting to form a separate committee comprised of Town staff and members from the Permanent Building Committee (PBC) to review relocation options. Vice-Chairman Simon stated there is a Warrant article submitted for the October 2017 Special Town Meeting

(STM) requesting \$150,000 to study the SPS administration's space use and needs. He stated he now suggests waiting to form this separate committee until after the STM to see if the article passes. Vice-Chairman Simon stated the SPS School Committee's mission should be focused on educating the Town's children and not assessing space needs and options. He believes this should be the function of the Town.

Sudbury resident Robert Stein, 7 Thompson Drive, stated he has attended two recent SPS meetings. Initially, he stated Jim Kelly proposed a 9,000 square-foot addition to the Nixon School for \$5.5 million to house 30 administrators. Mr. Stein stated information suggests that only 3,800 square feet is needed, there are currently only 19 administrators and the cost could be reduced to less than \$2 million. He recommended that the relocation process be slowed down to better evaluate costs and space needs. He also suggested a space utilization committee should be formed. Mr. Stein highlighted the SPS population has decreased by 500 students in the past ten years. He believes that, if redistricting were to be implemented, it is possible that one elementary school could become available for use by the SPS administration. Mr. Stein suggested SPS should form a redistricting committee to evaluate this option. He noted redistricting is not a popular concept, but in challenging financial times, it should be considered. Mr. Stein also highlighted SPS Superintendent Wilson has resigned, and a new superintendent might have a different assessment of what is needed. He further stated that, at a recent meeting, SPS announced it would have a \$550,000 deficit for next year, which does not include new contracts, which he believes could increase the deficit to approximately \$1.1 million. Mr. Stein believes voters will have difficulty funding all of these requests. He suggested using the proposed \$150,000 appropriation request instead to fix the Fairbank roof and buy the Town some time.

Selectman Iuliano stated she believes the request for \$150,000 will assess what is needed and what is the most cost-efficient way to achieve it. She does not believe fixing the Fairbank roof solves the issue of where SPS should be housed. She believes the proposed analysis for \$150,000 needs to be done first to help address other concerns. Mr. Stein stated the \$150,000 analysis will not assess the current space in all of the elementary schools.

Vice-Chairman Simon stated the SPS Administrative Space is a Town capital need, and it should be evaluated in relation to other capital needs.

Mr. Stein proceeded to list several large pending capital projects which are estimated to cost several millions. With a new superintendent to be hired, he believes it would be prudent to wait on moving forward with relocation for SPS at this time.

Chairman Haarde stated the Fairbank roof has had money spent on it, and it will continue to leak, unless the pitch is improved for an estimated cost of \$1 million. He noted the \$150,000 appropriation request is an October STM Warrant article. Chairman Haarde asked for confirmation that SPS wants to support proceeding with the article. He also noted it is a fair point to perhaps wait for the new Superintendent to be on board.

Mr. Stein reiterated he believes spending \$150,000 for the proposed Warrant article purpose is not prudent at this time.

Special Town Meeting October 16, 2017 – Vote to Sign Warrant

At 10:07 p.m., Chairman Haarde opened a discussion regarding voting to sign the Special Town Meeting Warrant for Monday, October 16, 2017, which must be posted and delivered to residents by Monday, October 2, 2017. The Board was previously in receipt of copies of a draft "Town of Sudbury Official Warrant Special Town Meeting Monday, October 16, 2017 7:30 p.m." In addition, copies of a revised draft

“Town of Sudbury Official Warrant Special Town Meeting Monday, October 16, 2017 7:30 p.m.” were distributed tonight.

Town Manager Rodrigues stated one article was withdrawn by Park and Recreation. She also stated the Board would report its positions on articles at the STM.

Chairman Haarde read aloud the 17 Warrant article titles.

Selectman Brown asked for clarification regarding Town-owned personal property, which Town Manager Rodrigues provided.

It was on motion unanimously

VOTED: To sign the Special Town Meeting Warrant for Monday, October 16, 2017, which must be posted and delivered to residents by Monday, October 2, 2017.

Quitclaim Deed for Lot 6 for the Fire Station – 540 Boston Post Road - Review and Execution of Acceptance

At 10:30 p.m., Chairman Haarde opened a discussion to review and execute acceptance of a Quitclaim Deed for Lot 6, which is being conveyed to the Town as additional property for the Fire Station located at 540 Boston Post Road. The Board was previously in receipt of copies of the relevant draft Quitclaim Deed and Exhibit A.

Town Manager Rodrigues stated the Town has performed its due diligence and everything is in order to proceed with this step, which was part of the Development Agreement with National Development.

It was on motion unanimously

VOTED: To execute acceptance of a Quitclaim Deed for Lot 6, which is being conveyed to the Town as additional property for the Fire Station located at 540 Boston Post Road.

Mass. DOT Land Damage Agreement for Meadow Walk Route 20 Improvements – 540 Boston Post Road - Vote to Consent to and Execute

At 10:30 p.m., Chairman Haarde opened a discussion to consent to and execute the Mass. DOT Land Damage Agreement for the Meadow Walk project development Route 20 improvements affecting the 540 Boston Post Road (Fire Station) property owned by the Town of Sudbury. The Board was previously in receipt of copies of the relevant Massachusetts Department of Transportation Agreement for Sudbury Layout No. 8618 and Order of Taking.

Town Manager Rodrigues provided a brief background for this item and she stated the Agreement has been reviewed by Town Counsel.

It was on motion unanimously

VOTED: To consent to and execute the Mass. DOT Land Damage Agreement for the Meadow Walk project development Route 20 improvements affecting the 540 Boston Post Road (Fire Station) property owned by the Town of Sudbury.

Future Town Forum – Discussion

At 10:20 p.m., Chairman Haarde opened a discussion regarding a future Town Forum.

Vice-Chairman Simon suggested the agenda item for the Forum could be the recreational marijuana law, noting it may be one of the most significant laws passed in recent decades. Vice-Chairman Simon stated this legislation will effect many aspects of the community, and he believes the Forum could be a way to help educate residents and receive their input. He emphasized the issue is multi-faceted and could be the primary topic for a Town Forum, and he envisions inviting four or five panelists to participate. Vice-Chairman Simon suggested holding the Forum on a Saturday morning for two and one-half hours to facilitate young adults possibly attending. He also suggested holding the Forum in late January or February and then placing a related question on the March 2018 ballot.

In response to a few questions from the Board, Town Manager Rodrigues stated the Attorney General's Office is reviewing the logistics regarding marijuana-related laws which will need to be followed by communities.

It was noted that possibly a separate budget-oriented Forum could be considered for later in 2018.

Vice-Chairman Simon stated he hopes to pin down a date for the Forum to share at the next Board Meeting, and he welcomed any suggestions for the Forum from the Board.

Citizen's Comments

At 10:31 p.m., Chairman Haarde recognized Robert Stein, 7 Thompson Drive.

Mr. Stein asked to be provided with an update on the \$200,000 Featherland tennis court project appropriation approved at a prior Town Meeting.

Mr. Stein asked about trucks from a private, for-profit company, which seem to be parked on Town-owned land. He asked if the company is paying rent to the Town, and, if so, who negotiated the contract. Mr. Stein stated the location seems inappropriate for having the trucks parked there, since it is so close to the Civil War Cemetery. He also believes the location presents a safety issue for vehicles approaching the Noyes School. Mr. Stein stated the trucks are for Stanley Tree Service and he has seen the trucks in Town for years.

Chairman Haarde stated the company may be hired by the utility companies to cut back branches from transmission lines in Town.

Town Manager Rodrigues stated she would research the issue.

Future Board of Selectmen Agenda Items - Discussion

At 10:35 p.m., Chairman Haarde opened a discussion regarding future agenda items. The following topics were mentioned: Landham Road Update, Voting Board Positions for the October 2017 STM articles, Sudbury Access Corporation, HOME Funds for Coolidge.

Selectman Brown stated the Board should set its goals prior to setting the Town Manager's goals. She further stated the Board needs to decide who is doing what at the October 2017 STM and it should catch-up on approving meeting minutes prior to the STM.

Capital Environmental, LLC – Award Engineering Services Contract

It was on motion unanimously

VOTED: To approve award of contract by the Town Manager to Capital Environmental, LLC for environmental engineering services to be performed relative to the classification and off-site management of stockpiled material at the Department of Public Works, as outlined in the proposal dated August 30, 2017, with a not-to-exceed amount of \$100,000.

Parks and Recreation’s Summer Concert Series - Donations

It was on motion unanimously

VOTED: To accept, on behalf of the Town, various donations totaling \$1,700 to support Park & Recreation’s Summer Concert Series, to be deposited in the Program Contributions and Donations Account (191448/483100), as requested by Kayla McNamara, Director of Parks, Recreation & Aquatics, in a memo dated July 31, 2017.

The Sudbury Foundation – Budget Buddies – Grant

Selectman Iuliano recused herself from this agenda item and vote.

It was on motion unanimously

VOTED: To accept, a grant in the amount of \$1,650 from The Sudbury Foundation to enable the Health Department to pilot the Budget Buddies financial literacy training for Sudbury residents in subsidized housing.

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 30, 2017, subject to conditions and permits required by the Fire and Police Departments and the Board of Health.

Minutes

It was on motion

VOTED: To approve the Regular Session Meeting Minutes of May 3, 2016.

Selectman Carty abstained from this vote.

It was also on motion

VOTED: To approve the Regular Session Meeting Minutes of August 8, 2017.

Selectman Iuliano abstained from this vote.

Executive Session

At 10:40 p.m., Chairman Haarde announced the Board would now enter into Executive Session and that the Regular Session meeting would not resume at the conclusion of the Executive Session.

It was on motion and on roll call unanimously

VOTED: To enter into Executive Session to comply with, or act under the authority of, any general or special law, specifically attorney-client privilege, in relation to Lincoln Lane and not to enter back into public session, Vice-Chairman Leonard Simon, aye, Selectman Patricia A. Brown, aye, Selectman Susan Iuliano, aye, Selectman Dan Carty, aye, and Chairman Robert C. Haarde, aye.

There being no further business, the meeting adjourned at 10:41 p.m.

Attest: _____
Melissa Murphy-Rodrigues
Town Manager-Clerk

Documents & Exhibits

1. Open in regular session at the Grange Hall, and vote to immediately enter into Executive Session to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares (Lieberman v. ZBA), Pursuant to General Laws chapter 30A, §21(a)(3).

Attachments:

1.a KP-#588379-v1-SUDB_varsiy_Amendment_No_1_to_Lease_final

2. Vote to close Executive Session at Grange Hall and resume Executive Session at Lower Town Hall after close of open session.

3. Update on compliance with June 14, 2017 Notice of Decision and Order, which was updated by vote of the Board of Selectmen on August 8, 2017. Police Chief Scott Nix to attend.

Attachments:

3.a Dangerous Dog Supplement for 9-12-17

3.b Aug 2 Cert Hearing Notice Letter

3.c Aug_10_dog_ltr

4. The Town Finance Director/Treasurer gives notification to the Board of Selectmen that he determines that the below parcels are no longer needed for any specific purpose: G12-0015. 12 acres. Assessed value is \$6,100. G12-0013. 5 acres. Assessed value is \$2,500.

Attachments:

4.a Transfer of Land to US Fish and Wildlife

5. Vote to appropriate \$325,000 from National Development mitigation funds for the purchase of new Ladder Truck and vote to allow the Town Manager to sign the contract for the new Fire Department Apparatus. Also vote to appropriate funds (approximately \$25K) to add water and natural gas lines to the lot at Fire Station 2.

Attachments:

5.a Natl Development-Agreement-Executed

6. Vote to approve \$396,635 from National Development mitigation funds for the purchase of communication enhancements, and vote to allow the Town Manager to sign the contract for new radio equipment.

Attachments:

- 6.a Mitigation Funds
- 6.b APX_8000_NA_Datasheet
- 6.c mcc_7500_ip_dispatch_console_data_sheet

7. Presentation and discussion of the pending Sudbury Welcoming Town petition article to be presented at October 16, 2017 Special Town Meeting. Attending will be Police Chief Scott Nix, and petitioners Fred Taylor and Cindy Ku.

Attachments:

- 7.a WELCOMING TOWN WARRANT ARTICLE
- 7.b Facts slide
- 7.c Laws

8. Discussion on SPS Office Relocation

9. Vote to sign the Special Town Meeting Warrant for Monday, October 16, 2017, which must be posted and delivered to residents by Monday, October 2, 2017.

Attachments:

- 9.a Warrant draft for Oct STM (002)

10. Review and execution of Acceptance of Quitclaim deed for Lot 6, which is being conveyed to the Town as additional property for the Fire Station located at 540 Boston Post Road.

Attachments:

- 10.a KP-#589040-v1-SUDB_Quitclaim_Deed_(Lot_6_-_Fire_Station)

11. To consent to and execute the Mass DOT Land Damage Agreement for the Meadow Walk project development Rt. 20 improvements, affecting the 540 Boston Post Road (Fire Station) property owned by the Town of Sudbury.

Attachments:

- 11.a KP-#591583-v1-SUDB_Signature_of_BOS_to_Land_Damage_Agreement
- 11.b MassDOT ZLDA 2016 - Town of Sudbury
- 11.c 13125.00 - Instrument
- 11.d 13125.00 - Layout Plans

12. Discussion on the upcoming Town Forum.

13. Citizen's Comments (cont)

14. Discuss future agenda items

Attachments:

- 14.a POTENTIAL UPCOMING AGENDA ITEMS_09_12_17

15. Vote to approve award of contract by the Town Manager to Capital Environmental, LLC for environmental engineering services to be performed relative to the classification and off-site management of

stockpiled material at the DPW as outlined in the proposal dated August 30, 2017 with a not-to-exceed amount of \$100,000.

Attachments:

15.a FY18 Capital Env Soils Mgmt Proposal 08-30-2017

16. Vote to accept, on behalf of the Town, various donations totaling \$1,700 to support Park and Recreation's Summer Concert Series, to be deposited in the Program Contributions and Donations Account (191448/483100) as requested by Kayla McNamara, Director of Parks, Recreation & Aquatics, in a memo dated 7/31/17.

Attachments:

16.a Park Rec Donation 7.31.17

16.b Park Rec Donation 8.14.17

17. Vote to accept a grant in the amount of \$1,650 from the Sudbury Foundation to enable the Health Department to pilot the Budget Buddies financial literacy training for Sudbury residents in subsidized housing.

Attachments:

17.a Sudbury Foundation_Bd Health_Budget Buddies

18. Vote to approve a special permit to Harold Cutler for the Colonial Fair and Muster of Fyfes and Drums to be held on the Wayside Inn grounds from 10:00 a.m. to 5:00 p.m. on Saturday, September 30, 2017, subject to conditions and permits required by the Fire and Police Departments and the Board of Health.

Attachments:

18.a Colonial Fair 2017_BOS

18.b Colonial Fair Approvals 2017

19. Vote to approve the regular session minutes of May 3, 2016 and August 8, 2017.

Attachments:

19.a BOS - 8-8-17 draft minutes

19.b BOS_May3_draft_reg_MMR_LSF edits.docx

20. Release Town Counsel opinion on Lincoln Lane

Attachments:

20.a Town Counsel Opinion_CONFIDENTIAL

21. Discussion on Ti Sales Case

22. Update on Septage Facility.

Attachments:

22.a septagefinal_memo

22.b Septage Confidential

23. Vote to approve the executive session minutes of May 4, 2016.

Attachments:

23.a BOS_May4_draft_exec_MMR_LSF edits

24. Vote to close Exec Session and not resume in Open Session.