

IN BOARD OF SUDBURY SELECTMEN

TUESDAY, OCTOBER 22, 2019

TOWN HALL – LOWER LEVEL

Present: Chairman Daniel E. Carty, Vice-Chairman Patricia Brown, Selectman Janie Dretler, Selectman Jennifer Roberts, Selectman William Schineller (remotely), and Finance Director Dennis Keohane (Acting Interim Town Manager in Ms. Bilodeau's absence).

The statutory requirements as to notice having been complied with, the meeting was convened at 7:00 P.M. at the Town Hall – Lower Level.

Chairman Carty called the meeting to order.

Opening Remarks by Chairman

Chairman Carty announced that Real Estate taxes are due on or before November 4, 2019. Information on the Teal Pumpkin Project for Halloween is available on the Town website provided by the Commission on Disability. The Board of Health recommended that trick or treat festivities end at dusk in consideration of EEE. Chairman Carty also shared that the new Featherland Courts are set to open on October 30. He and Selectman Schineller will be at Selectmen's Office Hours at Peet's Coffee Saturday, October 26th from 11:00 a.m. to 12:00 p.m.

Reports from Town Manager

Mr. Keohane had no comments.

Reports from Selectmen

Vice-Chairman Brown stated that CPC (Community Preservation Committee) met last week to review proposed projects for funding and CPC hearings will take place late November and early December.

Selectman Roberts attended the Board of Health meeting on October 15th and confirmed that the Board of Health recommends Halloween trick or treat hours end at dusk. Selectman Roberts also stated that the first Flu vaccine clinic took place and was well-attended. She noted that cases of the flu are showing up in the area.

Selectman Dretler announced great resident participation with the Flash Vote survey for Complete Streets. She noted that results are on the Town website.

Selectman Dretler stated the Landham Road intersection project preparation and utility work will begin in the fall and winter. Major work will happen in the spring of 2020 with anticipated completion expected in mid-September 2020. She thanked the town staff and public safety officials for their work during the recent storm. She also announced October is Domestic Violence Awareness month and there will be a Candlelight Vigil sponsored by the Sudbury Wayland Lincoln Domestic Violence Roundtable held at Lexington High School on October 24th.

Selectman Schineller spoke of recent power outages due to winds and residents asking for preparedness and wire repair.

Citizen's Comments on items not on agenda

Resident and Sustainable Sudbury member Bruce Porter, 42 Surrey Lane, encouraged increased bike use and the installation of bicycle safety signage on Town streets. He maintained that the Town has an obligation to put up such signage. He proposed a related warrant article to be presented at the next Town Meeting.

Resident Eric Lind, 31 Ward Road, stated that he is a biker and bike safety measures are needed.

Resident Ralph Tyler, One Deacon Lane, asked about Eversource litigation with the Town and felt that such litigation should end, suggesting that he thought the town had “won” with the proposal for underground lines, instead of town’s litigation was concerning overhead lines and widespread spraying on the right of way. Based on the town’s brief, as he understood it, in Sudbury’s statement of facts it seems as though Eversource is proposing re-graveling of the area in consideration of the bike path and installing lines underground. Tyler asked what is the Town’s process going forward.

Mr. Tyler emphasized that the Town has voted for money for rail trails numerous times and that Eversource wants to put the lines underground. He was concerned that Selectmen are not acknowledging the fact that Sudbury has won and the lines are going underground. He proposed the Eversource proposal including a possible Special Town Meeting for a bike trail. He inquired what the Town’s “game plan” was moving forward and underground lines.

Update on status of Quarry North

Present: Chris Claussen, Quarry North Developer

Mr. Claussen provided an update regarding the Quarry North permitting status. He reported that the Sudbury Water District had approved a price at which to offer the Water District property at Melone to the Board of Selectmen. This offer has not yet been made formally due to timing issues. Mr. Clausen noted that they (the developers) submitted a hydro-geo permit application to MassDEP (Massachusetts Department of Environmental Protection). Analysis of this data indicates the level of treatment required in the wastewater treatment facility. MassDEP has issued the hydro-geo permit. They (the developers) have installed a number of monitoring wells to test groundwater quality. The next step is the design of wastewater treatment facility and leaching field, that will be part of a groundwater discharge permit application they expect to submit in January. The developers have submitted an ENF (Environmental Notification Form) to MEPA and Mr. Clausen noted that he would very much appreciate an ENF support letter from BOS.

Additional actions before other entities:

- Conservation Commission RDA (Request for Determination) for buffer zones next month.
- Planning Board approval of engineering of site plan and ANR (Approval Not Required) for submission in January.

If all proceeds as Mr. Clausen hopes, the developers will have all permits in hand and they could close with the Town around May 1.

Selectman Dretler asked if the proposed town homes could be reconfigured in consideration of leaching field. Mr. Claussen responded it was possible. She also inquired about the transportation shuttle. Mr. Claussen replied that all transportation management plans will be submitted to the Planning Board.

Selectman Schineller mentioned that MEPA is requesting an ENF addressing traffic. Mr. Claussen stated that several thresholds had to be met and a copy of the ENF must be provided to the Town. Selectman Schineller felt that it’s up to the Town how to spend associated mitigation monies. Mr. Claussen confirmed that three different traffic studies had been required to inform traffic mitigation.

Chairman Carty confirmed that the Selectmen would follow-up regarding the ENF letter.

Discuss tax classification process

Present: Director of Assessing Cynthia Gerry

Chairman Carty stated that the joint meeting with the Finance Committee (FinCom) and Division of Local Services (DLS) had to be cancelled due to DLS not being available at this time.

Ms. Gerry explained that every year the Assessors and BOS have a meeting prior to the formal Tax Classification hearing to determine the annual Town tax rate. She reviewed the tax classification process:

- Determination of tax levy
- Determination of assessed property values
- Values stratified by class (the general property use)
 - Residential
 - Commercial
 - Industrial – Manufacturing
 - Business Items not permanently affixed (Personal Property)
 - Open Space (not applicable in Sudbury)

Ms. Gerry outlined that the senior means-tested tax exemption is built into the residential tax rate. There are two separate tax rates, one for residential property and one for commercial. The current residential tax rate is \$17.91 per thousand, which includes the impact of the senior means-tested tax exemption, and the commercial tax rate is \$24.30 per thousand.

Ms. Gerry described the small commercial exemption, adding that to qualify, a property must be assessed for under \$1 million with no more than ten employees. Preliminary review shows no indication that there would be additional qualifying properties.

Chairman Carty asked if home-based businesses have been taxed as residential or small business properties; would they be eligible for the small commercial exemption? Ms. Gerry replied that they are taxed as residential properties, and would not.

Selectman Roberts asked what the goal of the small commercial exemption was. Ms. Gerry responded that the Board would make such a decision in order to assist with the survival of small businesses in Town. It would not benefit a large number of small business, but would benefit some. Chairman Carty asked if the small commercial exemption discussed was a possibility and if the assessors would recommend it. Ms. Gerry responded that it was possible, but the assessors did not make recommendations. They would explain the options.

Ms. Gerry also described the residential exemption, which shifted taxes within the residential class to the benefit of owner-occupied properties.

Selectman Dretler queried about when Sudbury might become a high rental community, and Ms. Gerry responded it could be in the next couple of years, but currently Sudbury is primarily owner-occupied.

Selectman Dretler asked for an exact calculation of the senior exemption. Ms. Gerry responded this does add nine cents to the residential tax rate. Ms. Dretler mentioned she would like to obtain the percentage of commercial abatements.

Selectman Schineller inquired about the tax shift, requested the Eversource related personal property itemized list, and asked about providing tax relief for seniors. Ms. Gerry reported about the personal tax list and commented about more tax incentives for seniors in Town. She maintained that Sudbury has been a leader with tax relief for seniors and has adopted the maximum limits for such statutory tax exemptions.

The Board continued with the senior exemption topic. Chairman Carty commented that the residential and business rates did not change last year.

Sudbury Access Corp (SAC) FY20 Annual Financial and Operating Reports

Present: Lynn Puorro, SudburyTV Executive Director, and SudburyTV Board of Directors: Jeff Winston, Terry Lockhart, Marty Greenstein, Nancy Brumback, and Donna Fayad.

Mr. Winston thanked Mr. Keohane for arranging for SAC to receive direct deposit from their contributors. He stressed that SAC makes every effort to cover all Town meetings/events, adding that the Sudbury Telethon next Saturday will be covered as well. He added the broadcasts can be viewed around the world with extensive archived broadcasts. Mr. Winston stated that SAC currently covers over a dozen Town board/committee meetings regularly.

Selectman Dretler commented the service is most helpful to the public. Selectman Dretler asked about new initiatives, and Mr. Winston commented that SAC is trying to improve quality.

Selectman Roberts asked if viewership is increasing. Mr. Winston indicated that it was. He noted that when SudburyTV invited students to form the Curtis Middle School TV Club, fifteen enthusiastic students attended. Selectman Dretler commented on the addition of the middle school camp. Ms. Puorro stated that the club has approximately seven participants and instruction regarding equipment and editing is provided.

Selectman Roberts inquired about Sudbury TV links on the Town Homepage and whether or not they had a Facebook page. to help with community involvement/awareness. Ms. Puorro affirmed. Selectman Roberts suggested that other forms of social media could be used to push out content.

Selectman Schineller commented that "SudburyTV rocks!" Chairman Carty affirmed that this represents a great service to the Town.

Vice-Chairman Brown motioned and Selectman Dretler seconded the motion.

It was on motion unanimously

VOTED: To accept Sudbury Access Corp (SAC) FY20 Financial and Operating Reports as required by their contract.

Approve award of contract to David G. Roach & Sons, Inc. for emergency repair work to Wayside Inn Road Bridge

Mr. Keohane summarized the \$80,450 cost associated with the emergency repair work required for the Wayside Inn Road Bridge, which was damaged in an auto accident on July 4. He added that MassDOT mandates that the repairs be addressed immediately and David G. Roach & Sons, Inc. provided the most favorable bid.

Mr. Keohane stressed that it was important to keep the site safe until a more permanent repair could be performed. He stated that this "temporary" repair was substantial and would last a long time.

Selectman Dretler asked about related Town Meeting action. Vice-Chairman Brown responded that associated work in a historic district must go before May 2020 Town Meeting for design funds and come to Town Meeting in 2021 for construction funding approval.

Selectman Dretler inquired if an insurance claim was involved with damage done with this auto accident. Chairman Carty responded the Town should pursue reimbursement. Mr. Keohane stated that in all likelihood, the more permanent repair would not be reimbursed by the driver's insurance and reiterated that this "temporary" fix could last for many years if needed.

Selectman Schineller asked if any pictures of the site were available. Mr. Keohane responded not.

Selectman Schineller inquired about repairs on Horse Pond Road and Bent Road. Mr. Keohane stated that he would research those areas. Vice-Chairman Brown noted that Horse Pond Road and Bent Road are not in the historic district.

Selectman Dretler motioned and Vice-Chairman Brown seconded the motion.

It was on motion unanimously

VOTED: At the request of the DPW Director to approve award of contract by the Acting Interim Town Manager to David G. Roach & Sons, Inc., in the amount of \$80,450 for the emergency repair work required for the Wayside Inn Road Bridge; and further to approve execution of any amendments/documents relative thereto.

Discussion on LS (Lincoln-Sudbury Regional High School) agreement and budget process

Vice-Chairman Brown provided background regarding the LS Agreement and LS budget and stated that she attended the LS School Committee meeting on October 15 where she expressed the issues she is bringing forward tonight. She added that FinCom and BOS should review that binding agreement together to require that all comply with it. Vice-Chairman Brown stated that under the Regional Agreement (1) the Finance Committee should hear a presentation of the LS budget (2) Sudbury citizens should be able to weigh in on the LS budget agreement before voting takes place and (3) provide an arrangement more user-friendly than having the LS budget materials available only in the office during office hours. Under the Regional Agreement, the hearing notice is posted three days prior to the hearing, and the budget materials are available in the LS offices.

Chairman Carty indicated that he was concerned about what will happen with the budget. Mr. Keohane commented that the agreement process last year was off-track but with improved communication and new personnel he did not anticipate the same issues with this year's budget. Selectman Dretler commented that last year's budget agreement was an exception. Selectman Roberts stressed the importance of having Town Counsel review the agreement.

Chairman Carty mentioned that because our attorney also represented Lincoln the Town is seeking another attorney to view the agreement and will keep everyone informed about that aspect. Sudbury's legal firm also represents Lincoln, so separate legal counsel must be retained. Vice-Chairman Brown stated that she was not clear about who from the Town of Sudbury offers budget guidance to LS. Mr. Keohane responded that it was the responsibility of Town Manager. Vice-Chairman Brown asked when the Board would expect to receive such guidance. Mr. Keohane stated that the three-year forecast would be available from the town by November 5 and a guidance letter would be sent out to LS.

Selectman Schineller asserted that this year's hearing will be much improved and asked for increased transparency. Chairman Carty commented that it was disappointing that DLS changed the meeting schedule and so was not present tonight as planned. Mr. Keohane stated that the next milestone would be finalization of the three-year forecast.

Resident and FinCom member Susan Berry, 4 Dawson Drive, indicated that SPS and LS would be discussing budgets on December 8.

Resident and LS School Committee member Ellen Joachim, 6 Craig Lane, stated that the Lincoln Finance Committee came up with a proposal for estimating the apportionment between the towns and will be coming to Sudbury FinCom on November 4. She added that the LS Agreement timeframe makes it impossible for a timely Lincoln vote.

Selectman Dretler asked when the last time Sudbury and Lincoln Finance Committees met. Ms. Joachim was not sure. Chairman Carty commented that Lincoln Town Meeting is not in sync with the agreement. Ms. Joachim stated that the later the LS budget hearing, the better the chance of receiving the Governor's budget and the budget documents are available on the website. Vice-Chairman Brown noted she could not access the LS budget documents today. Ms. Joachim added that the links on the LS website are outdated, and explained that Sudbury FinCom had met with Lincoln FinCom regularly with exception of the last couple of years.

Selectmen's Financial Policies

Selectman Roberts asked who had been working on the financial policies. Selectman Dretler responded that Town Manager Rodrigues and Mr. Keohane worked on the policies.

Vice-Chairman Brown noted that updates to Selectmen's Financial Policies were made in 2010 and 2015, and she acknowledged that Mr. Keohane and Ms. Rodrigues created these draft policies in August.

Mr. Keohane informed the Board that original policies were streamlined with the addition of the new "free cash" section. Chairman Carty commented that he liked the revised policies and detailed various related aspects.

Selectman Roberts asked when the stabilization funding would be used. Mr. Keohane replied that it would be determined on an annual basis. Selectman Roberts asked if the cash is invested. Mr. Keohane responded positively and stated that the investment is conservative. Selectman Dretler recommended supplying numeric examples. Selectman Schineller requested examples as well and indicated that he would not be able to vote tonight unless more detail was provided.

Selectman Dretler suggested minor edits to the Financial Policies documentation. Selectman Roberts was interested in diversification of revenue in grant form as an official goal. Vice-Chairman Brown explained where the grant language was incorporated in the proposed policy. Mr. Keohane stated that the Town was limited in its opportunities for revenue diversification at this time, but commercial sources would be acceptable.

Chairman Carty spoke of the possibility of having a grant writer. Selectman Roberts stated such suggestion might be a consideration for the future. Selectman Dretler recommended that such topic might be part of a future BOS Newsletter article and could focus on what the Town has done thus far.

Selectman Schineller proposed several additions to the operating revenue section:

- Lease revenue
- Payments within service agreement (Camp Sewataro)
- Annual LS funding estimates
- Frost Farm

Mr. Keohane reminded the Board that he did not have control of the LS budget. Vice-Chairman Brown added that while SPS is part of the Town, LS is its own independent governmental agency with an entirely separate budget, which the BOS does not have control of.

Selectman Schineller responded that the goal would be to find out what LS is asking of Sudbury taxpayers for next year's operating budget as soon as possible. Mr. Keohane recommended that Interim Town Manager Bilodeau will seek such information from LS.

Chairman Carty acknowledged that the Board would not be voting on these policies tonight and will review information with Interim Town Manager Bilodeau.

Discussion on Fall Town Forum

Vice-Chairman Brown stated that a consultant appointed by the Planning Board will be leading the Broadacres Farm Town Forum on November 21st at Town Hall.

Chairman Carty asked when the Forum could be advertised. Vice-Chairman Brown stressed that advertising for the Forum could begin now and Leila Frank in the Selectmen's office is working on such advertising.

Fall 2019 Board of Selectmen Newsletter

Chairman Carty stated there would be a meeting with Scott Brody on Thursday to discuss programming at Camp Sewataro.

Selectman Dretler provided two edits regarding her article on Complete Streets. Selectman Roberts said that she had some concerns about the Sewataro article (that it stated there would be no costs to the Town) and that she had one edit submitted to her article. Selectman Schineller agreed to vote on the Newsletter at the next Board meeting.

Discussion and update on Fairbank Community Center

Selectman Dretler stated she was not able to attend the last user group meeting. Interim Town Manager Bilodeau did attend as well as town department heads, and she noted the next step according to Bill Barletta, Facilities Director, is to get a cost estimate.

Chairman Carty indicated he was concerned that the estimate might be close to the estimate that was rejected at Town Meeting, and asked whether the Board should come up with a cost that it could support. Vice-Chairman Brown commented regarding the process and expressed concern about the expectation that the Board “lead the charge as asked by the Council on Aging” when the Board did not have much knowledge concerning the actual plan. She was concerned that the Board might be presented with a plan for approval prior to its approval by the user groups, and that plan might subsequently change.

Selectman Dretler stated that she expected to see the final iteration in November. Chairman Carty asked whether that left enough time for any modification of the proposal before submitting to the Warrant for Spring Town Meeting.

Selectman Roberts asked if it was likely plans would change by the user groups and if ongoing communication between the working group and user group had been good. She inquired whether the architect was aware of the financial history of the project which had not previously passed.

Selectman Schineller asked what guidance about cost was given to the architect. Selectman Dretler stated that the architect has all prior information and that the user groups are evaluating their needs and bringing that to the architect.

Selectman Roberts asked for a timeline and a sequence of events. Chairman Carty suggested that the user groups come to the Selectmen’s meeting on November 19th and offer something tangible. The Board agreed with Chairman Carty’s suggestion.

Selectman Schineller expressed concern that there would not be time for iteration and wanted a good plan to present and pass at Town Meeting. The Board agreed to meet with BOS, staff and user groups on November 19.

Citizen's comments (cont.)

Susan Berry asked about continuance of Budget Strategies Task Force. Chairman Carty stated that such a discussion would be at the joint meeting with FinCom.

Discuss upcoming agenda items

The Board discussed upcoming agenda items:

November 5th

- “Finance night” meeting
- Rescheduled DLS meeting

- Joint meeting with FinCom and Park & Recreation

November 19

- Fairbank joint meeting
- Tax classification hearing

October 29

Sudbury Housing Authority/Sudbury Foundation letter

Consent Calendar

Approve contract for independent contractor dog/animal control services and to appoint said contractor as Dog/animal Control Officer

Vice-Chairman Brown motioned and Selectman Roberts seconded the motion.

It was on motion unanimously

VOTED: To approve award of contract and execution thereof by the Interim Town Manager for independent contractor dog/animal control services pursuant to the Request for Proposals and evaluation of said proposals received, said contract to be for a period of one year with renewal in each of the following two years at the Town's option, said option to be determined and contracted by the Town Manager; and further, to appoint said contractor as Dog/Animal Control Officer for the Town of Sudbury.

Execute letter requesting data from GIC to use in processing W-2 forms

Vice-Chairman Brown motioned and Selectman Roberts seconded the motion.

It was on motion unanimously

VOTED: To authorize the chairman to execute a letter requesting data from GIC to use in processing employees' W-2 forms, as requested by Christine Nihan, Town Accountant.

Approve award of contract to Woodard & Curran for engineering consulting services relative to the EPA Phase 2 MS4 Permit compliance

Vice-Chair Brown motioned and Selectman Roberts seconded the motion.

It was on motion unanimously

VOTED: To approve award of contract by the Interim Town Manager to Woodard & Curran, 40 Shattuck Rd., Suite 110, Andover, MA 01810, for engineering consulting services relative to the EPA Phase 2 MS4 Permit compliance and other stormwater related tasks, and further, to approve the execution of any documents related thereto by the Interim Town Manager.

Grant a Special Permit to SMILE Mass to hold the "Gobble Wobble for SMILE MASS" on Saturday, November 23, 2019

Vice-Chairman Brown motioned and Selectman Dretler seconded the motion.

It was on motion unanimously

VOTED: To Grant a Special Permit to SMILE Mass, to Hold the "Gobble Wobble for SMILE MASS" on Saturday November 23, 2019, from 10:00 A.M. through approximately 12:00 P.M., subject to Police

Department safety requirements, Proof of Insurance Coverage and the assurance that any litter will be removed at the race's conclusion.

Approve regular session minutes of 8/20/19 and 9/10/19

Vice-Chairman Brown and Selectman Roberts made edits to the 8/20/19 minutes. Chairman Carty provided edits on the 9/10/19 minutes.

Vice-Chair Brown motioned to approve the regular session minutes of 8/20/19 and 9/10/19 as amended. Selectman Dretler seconded the motion.

It was on motion unanimously

VOTED: To approve the regular session minutes of 8/20/19 and 9/10/19

There being no further business, the meeting was adjourned at 11:00 p.m.

Attest: _____
Maryanne Bilodeau
Interim Town Manager-Clerk