

SUDBURY BOARD OF SELECTMEN
TUESDAY, MARCH 31, 2020

(Recording available at www.sudburytv.org)

Present: Chairman Daniel E. Carty, Vice-Chairman Patricia A. Brown, Selectman Janie Dretler, Selectman Jennifer Roberts, Selectman William Schineller, Interim Town Manager Maryanne Bilodeau, Henry L. Hayes, Jr., Contracted Town Manager, Health Director William Murphy, Director of Planning & Community Development Adam Duchesneau, Environmental Planner Beth Suedmeyer.

The statutory requirements as to notice having been complied with, the meeting was convened at 7:35 p.m., via Zoom teleconferencing mode. Chairman Carty called the meeting to order.

Opening Remarks by Chairman

Chair Carty recognized and thanked Town Boards and Committees for their efforts with conducting virtual meetings. He thanked Interim Town Manager Bilodeau for her continuous assistance over the past several months. Chair Carty stated that tomorrow Henry Hayes will officially assume his role as Sudbury Town Manager.

Reports from Selectmen

Vice-Chair Brown spoke of how to get bags at the Transfer Station and directed residents to the Town website.

Selectman Roberts stated that she and Selectman Dretler met virtually with the Board of Health (BOH) today, and thanked BOH for their tireless efforts at this time of crisis.

Selectman Dretler announced the Council on Aging (COA) Director Deb Galloway is launching several remote activities for seniors including a phone buddy program. She encouraged older residents to call, text or go on-line to find out more about COA activities.

Selectman Dretler stated that she and Selectman Roberts attended the recent MPO (Metropolitan Area Planning Council) meeting and worked to ensure the BFRT project remain on the MassDOT project plan for 2022.

The Board thanked Interim Town Manager Bilodeau for her help and guidance over the past seven months and welcomed Henry Hayes.

Reports from Town Manager

Interim Town Manager Bilodeau explained that Governor Baker extended the “stay at home” order and business closures to May 4. She detailed that over the weekend, complaints about groups gathering around Town were received. She noted that Park & Recreation was meeting this evening to address the situation.

Interim Town Manager Bilodeau stated that the Goodnow Library provided online instructional video for making masks at home, which can be viewed on the Town website. The Sudbury Historical Society changed its Loring Parsonage move-in date to April 8 or 9.

COVID-19 Update

Present: Health Department Director William Murphy

Mr. Murphy thanked all who have worked on COVID-19 prevention and testing, and extended special thanks to Interim Town Manager Bilodeau during this health crisis.

Mr. Murphy stated the Governor discouraged daily COVID-19 Town updates. He affirmed he would provide online updates and associated statistics on Wednesdays. As of Monday, March 30th 16 cases have been confirmed and some 50 people have been quarantined. Mr. Murphy stressed that all age groups have been effected.

Mr. Murphy confirmed that state funding of \$15,000 has been provided to the BOH which will assist with nursing. He was concerned about group gatherings and anticipated further restrictions on Town courts and fields, including signage and locks.

Mr. Murphy commented that all COVID-19 restrictions would stay in force until at least May 4.

Vice-Chair Brown queried about the BOH updates on the Town website. Mr. Murphy stated that the Town website will be continually updated, and encouraged anyone with questions to email the Board of Health.

Selectman Schineller asked if people should wear masks in grocery stores. Mr. Murphy responded that new guidelines were being released. Selectman Roberts emphasized the importance of social distancing and other precautions.

Selectman Roberts inquired about criminal charges associated with businesses not in compliance with closure mandates. Mr. Murphy responded that he would provide a warning and if non-compliance continued, Sudbury Police would likely enforce criminal charges.

Selectman Dretler commented that younger people are becoming ill and everyone must take the regulations very seriously and stay home.

Public Comment – Items on agenda

Resident Len Simon, 40 Meadowbrook Circle, welcomed Henry Hayes as the new Town Manager. Mr. Simon mentioned he attended last week's virtual MPO meeting adding that Selectmen Dretler and Roberts contributed to the discussion in support of keeping BFRT on track. He affirmed that the BFRT project was still in red letters on the project list.

Mr. Simon stressed that Town Manager Hayes, staff and residents must actively support the project at this critical time.

Resident Charles Russo, 30 Juniper Road, acknowledged he received communication from the Board regarding the BFRT Task Force Committee.

Discussion of three Annual Town Meeting petition articles submitted by LS Environmental group (polystyrene reduction, checkout bag charge, disposable plastic straws and stirrers)

Present: LSRHS student Maya Gollerkeri, LSRHS student Ava Guleserian, Sustainable Sudbury volunteer and Resident Alex Vai, 5 Wardsworth Road, and Kelly Deveney, 88 Ford Road, member of Sustainable Sudbury.

Presented petitioners' reports:

- Maya Gollerkeri – Disposable Plastic Pollution Reduction Bylaw

This article would prohibit food establishments in Sudbury from provided disposable plastic straws, stirrers, or splash stick to a customer.

- Ava Guleserian – Polystyrene Reduction Bylaw

This article would prohibit food and retail establishments in Sudbury from using or distributing disposable food service ware – including raw meat/fish trays and egg cartons – made from foam or solid polystyrene.

- Alex Vai – Checkout Bag Charge

This article would implement a minimum charge of \$0.10 for all new checkout bags distributed in the Town of Sudbury.

Ms. Gollerkeri, 27 Hadley Road, detailed that Starbucks in Sudbury has agreed to take stirrers and splash sticks off the service bar areas, excepting availability for patrons with medical necessity. Ms. Gollerkeri proposed a six-month waiver.

Ms. Guleserian, 88 Ford Road, affirmed that Styrofoam products are recognized as carcinogens. She stressed that higher temperatures create increased leeching from the polystyrene material.

Ms. Gulserian affirmed that additional recycling was not the solution and there are alternatives to cups and packing materials.

Mr. Vai summarized the checkout bag charge of ten cents per bag was economical when considering that the bag could be used many times. Mr. Vai outlined the benefits of the checkout bag charge:

- Incentivize consumers to reuse checkout bags, the most environmentally and economical option.
- Allowing consumers the choice of not paying for unwanted checkout bags.
- Allowing such collected money to be retained by retailers to help offset the cost of sustainable bag production.
- Reducing the production of waste and the associated costs of disposal and recycling that must be borne by the Town and the residents.

Interim Town Manager Bilodeau stated that the Board of Health voted in favor of the three proposed articles.

Selectman Dretler thanked the petitioners and affirmed that she was in support of the articles and noted the Lincoln Board of Health also voted in support of the three articles.

Selectman Schineller commented that the alternative to the plastic stirrer was wood stirrers.

Selectman Roberts stressed the importance of the articles in consideration of the environment.

Selectman Dretler asked the proponents work with business owners for workable alternatives to paper straws.

Chair Carty noted the UPS store in Sudbury is not using the polystyrene (peanut) packaging. Ms. Deveney stated that Whole Foods does not use polystyrene when packaging.

Vice-Chair Brown asked if the presentation documents could be forwarded to the Board. Petitioners agreed to do so.

Discussion on ATM petition article – Bicycle Safety

Present: Resident and Town Meeting article petitioner Bruce Porter, 42 Surrey Lane

Mr. Porter presented the Bicycle Safety Petition Article which proposes to install four road signs on Hudson Road warning motorists of bicycle traffic in the roadway. Mr. Porter stated that the cost of the four signs was \$336.40.

Interim Town Manager Bilodeau confirmed that before the Board takes a vote on this, she will check with other Town departments including DPW and the Police Department.

Interview candidate for Energy Committee

Present: Ken Nathanson, 5 Whispering Pine Road

Mr. Nathanson summarized his background and his 30-year career in sustainability, environmental planning, and energy conservation.

Selectman Dretler asked if Mr. Nathanson if he had a particular project interest. Mr. Nathanson responded that he attended his first Committee meeting last week and had interest in green projects.

Selectman Roberts noted that the Fairbank Working Group would be presenting to the Energy and Sustainability Committee in the near future. Mr. Nathanson stated he was looking forward to that conversation, in effort to produce a more energy efficient community center.

Selectman Schineller mentioned microgrids. Mr. Nathanson commented that microgrids are difficult to justify economically at this time, and electric fleets are being further researched.

Board members thanked Mr. Nathanson for his participation and interest.

Chair Carty motioned to appoint Ken Nathanson to the Energy and Sustainability Committee for a term ending 5/31/21. Selectman Schineller seconded the motion.

It was on motion unanimously

VOTED: To appoint Ken Nathanson to the Energy and Sustainability Committee for a term ending 5/31/21.

Interview candidate for Sudbury Housing Trust

Present: John Riordan, 12 Pendleton Road

Chair Carty asked Mr. Riordan why he wanted to become a member of the Sudbury Housing Trust. Mr. Riordan stated that he developed increased interest in affordable housing when he ran for the selectman post last year.

Mr. Riordan stated that he is a corporate tax and investment attorney and held an economic development position in the City of Marlborough and currently is a member of the Sudbury Board of Appeals. He emphasized the need for affordable housing in the Town and affirmed that he wanted to help to increase such housing inventory.

Selectman Dretler stated Mr. Riordan would make a valuable addition to the Housing Trust.

Vice-Chair Brown queried about limited success of the Housing Trust in adding to the affordable housing inventory. Mr. Riordan replied the Trust needs to be more aggressive with pursuing housing opportunities and grants. Selectman Dretler noted the Trust had not applied for CPA funds recently due to considerable involvement with the Coolidge housing project.

Selectman Roberts thanked Mr. Riordan for wanting to join the Trust and recognized he would be a great asset to that group.

Selectman Schineller asked about conflict of interest as it applied to other Boards/Committees that Mr. Riordan had membership. Mr. Riordan said that if such conflict did arise on a particular issue, he would recuse himself. He explained that in the last seven years as member of ZBA he recused himself only once.

Chair Carty thanked Mr. Riordan for his participation.

Chair Carty motioned and Vice-Chair Brown seconded the motion.

It was on motion unanimously

VOTED: To appoint John Riordan, 12 Pendleton Road, to serve as Trustee for the Sudbury Housing Trust for a term expiring 4/30/22.

Discussion on 2020 Annual Town Meeting date and timeline, and discussion on Annual Town Election date

Interim Town Manager Bilodeau recommended scheduling the Annual Town Meeting for June 15th at LSRHS Auditorium. She noted that Beth Quirk, the Town Moderator, is available on June 15.

Selectman Schineller asked if more time were needed, could the Town Meeting be held later in June. Interim Town Manager Bilodeau responded that such a meeting could be scheduled for later in the month, but residents might want to take vacation earlier this year due to the current situation. She noted that by April 28 the situation could be clearer.

Chair Carty asked about various Town board/committee members whose terms have or will expire. Interim Town Manager Bilodeau responded that term expirations would not go into effect until Town Election took place. Chair Carty affirmed that conducting the Town Election sometime after Town Meeting would be preferable.

Chair Carty suggested confirming the proposed Town Meeting date with the Town Clerk.

Review Town Meeting articles, possibly take positions on articles, and assign motions and presentations

Finance/Budget Articles

Article 10 – Chapter 90 Highway Funding

It was on motion unanimously

VOTED: To support Article 10 – Chapter 90 Highway Funding

Article 12 – Goodnow Library Services Revolving Fund (new)

It was on motion unanimously

VOTED: To support Goodnow Library Services Revolving Fund (new)

Article 33 – Sudbury Public Schools Non-resident Tuition Fund

It was on motion unanimously

VOTED: To support Sudbury Public Schools Non-resident Tuition Fund

Article 35 – Acceptance of Provisions of the Massachusetts Veterans’ Brave Act M.G.L. Chapter 59, Sect. 5, clause twenty-second H

It was on motion unanimously

VOTED: To support Acceptance of Provisions of the Massachusetts Veterans’ Brave Act M.G.L. Chapter 59, Sect. 5, clause twenty-second H

Petition Articles

Article 55 – Polystyrene Reduction

It was on motion, one no and four in favor (4-1); Brown-aye, Dretler-aye, Roberts-aye, Schineller-aye, and Carty-no.

VOTED: To support Article 55 - Polystyrene Reduction Article

Article 56 – Checkout Bag Charge

It was on motion, one no and four in favor (4-1); Brown-aye, Dretler-aye, Roberts-aye, Schineller-aye, and Carty-no.

VOTED: To support Article 56 – Checkout Bag Charge

Article 57 – Disposable plastic pollution reduction bylaw (straws & stirrers)

It was on motion, one no and four in favor (4-1); Brown-aye, Dretler-aye, Roberts-aye, Schineller-aye, and Carty-no.

VOTED: To support Article 57 – Disposable plastic pollution reduction bylaw (straws & stirrers)

Vote to accept the following grants for CSX Corridor Acquisition: Recreational Trails Grant - \$100,000; MassTrails Grant for Due Diligence - \$60,000

Beth Suedmeyer, Environmental Planner, affirmed that at the time of granting, CSX indicated they would be willing to separate the segments of the trail and now state they will not. She emphasized that the grants would not be offered if anything less than the 1.4 mile section were purchased.

Selectman Schineller suggested applying pressure on Framingham to participate in that purchase.

Vice-Chair Brown asked if related deadlines could be extended, and Ms. Suedmeyer responded that she would inquire.

Selectman Dretler motioned and Chair Carty seconded the motion.

It was on motion unanimously

VOTED: To accept the following grants for CSX Corridor Acquisition: Recreational Trails Grant - \$100,000; MassTrails Grant for Due Diligence - \$60,000.

Discussion on the Fairbank Community Center/Town Forum

Chair Carty mentioned the Fairbank Community Center Town Forum should take place around Town Meeting. He asked if the Board was ready to decide whether or not to put forward the Fairbank Community Center article at spring Town Meeting.

Selectman Roberts mentioned she would like to see how the Town economy is affected by COVID-19 before deciding to vote on the article for a spring Town Meeting. Chair Carty acknowledged.

Selectman Roberts inquired about the Town revenue outlook timeline. Interim Town Manager Bilodeau commented that she, Town Manager Henry Hayes, and Dennis Keohane would hopefully complete discussions regarding Town finances by April 14.

Discussion on the Bruce Freeman Rail Trail Design Task Force

Selectman Roberts stated that due to the aggressive timeline for the BFRT project, the Board should consider endorsing the hiring of staff to address the BFRT project specifically, or reinvoke the assistance of the BFRT Task Force.

Interim Town Manager Bilodeau commented that she met with Mr. Duchesneau and Ms. Suedmeyer, who indicated it would be best if the BFRT Task Force were enacted sometime after a BFRT consultant was hired.

Selectman Schineller asked if the consultant would be hired to address the 75% design aspect. Ms. Suedmeyer responded affirmatively. She stated that the BFRT Task Force was valuable in 2017 when working on the 25% design of the Trail. Ms. Suedmeyer noted that Chair Carty was the Planning Board liaison for the BFRT Task Force at the time.

Ms. Suedmeyer affirmed that the Task Force would likely be helpful again once a BFRT consultant was in place. Ms. Suedmeyer said we should revisit once the consultant was hired. Selectman Schineller also asked where the Task Force went and Ms. Suedmeyer noted that has been available as needed but they hadn't been activated for any particular advice or tasks. Selectmen Schineller stated that as they are an active group it was weird that they

would have to be activated from outside the group. Chair Carty noted that nothing has stopped them from getting together but they hadn't in about 3 years.

Chair Carty reiterated that the role of the BFRT Task Force was not to act as substitute for Town staff, but to carry out very prescriptive tasks. He opined if the Board wanted the Task Force to take the place of hired staff/consultant the purpose of the Task Force would have to be rewritten.

Selectman Dretler commented that a letter from the Chair of the Task Force was just received, which detailed that the Task Force was available and would do whatever was needed at this time. Chair Carty responded that the letter was a response to having this item included on the agenda.

Selectman Dretler reiterated that Board members and the Town had to fight to keep the BFRT on the MassDOT project list for 2022. She suggested that MassDOT be asked to participate in a virtual public design hearing. Selectman Schineller was in support of the idea. Carty stated that it never was the role of the Task Force to communicate with MassDOT.

Vice-Chair Brown mentioned that before we asked anyone to serve on a committee we should revisit the mission statement first.

As liaison to the BFRT project, Selectman Dretler noted she would continue conversations with Ms. Suedmeyer. Selectman Dretler reiterated that timing was critical. Chair Carty noted that Selectman Dretler was the liaison and perhaps a way to proceed is for her to draft any suggested changes and use them as a starting point for discussion.

Board members discussed resuming related discussion by the end of April. Selectman Schineller stated that earlier in the conversation Ms. Suedmeyer noted that the Task Force would not increase the speed in which the design hearing happened and when the RFP for the 75/100% design was written.

Process for committee reappointments and advertising vacancies

Vice-Chair Brown proposed that staff inform the public and the particular board/committee member when their term is about to expire. She indicated this would be a more inclusive approach and give all residents a chance for membership. She stated that she did not endorse life-long appointments, necessarily. Selectman Roberts was in support of the proposal.

Vice-Chair Brown asserted the proposed process would advance efficiency and consistency with meetings and members. She recommended that staggering of term appointments would be helpful to ensure that multiple members would not end their term at the same time.

Chair Carty stressed the need for consistency in this area and was in support of the proposal.

Interim Town Manager Bilodeau confirmed that such policy change could be advertised a month before Town Meeting.

Discussion of BOS meeting flow including public comment

Chair Carty stated that in an effort to improve the flow and timing/length of Board meetings, he changed the citizen's comment item. He stressed that the change was not an attempt to curb citizen comment. He noted that other committees in Town have consciously removed public comment but he did not want to do that. He also noted that in a recent meeting we had one individual speak during public comment for over 20 minutes which is more time than is often spent on agenda items themselves.

Selectman Roberts suggested time limits on public comment, rather than limiting the number of public comment opportunities.

Selectman Dretler agreed with the idea of limiting the time allotted for public comment. She suggested that more popular agenda items could be put at the beginning of the meeting. Chair Carty noted that meetings held in person seemed easier to gauge when compared to remote meetings.

Vice-Chair Brown said the objective was to balance transparency and efficiency. She noted that she had been sitting for five hours at this meeting and many viewers had likely closed SudburyTV due to the late hour. She maintained that at Town Meeting all comments are timed and limited.

Selectman Schineller opined that meeting efficiency is important and timers could be utilized. He suggested trying to estimate the length of time needed for each agenda item.

Selectman Dretler commented that discussion of topics helps advance her understanding of a particular subject.

Interim Town Manager Bilodeau recommended asking meeting participants and presenters how much time they need.

Selectman Dretler agreed with the idea of asking participants how much time they might need and stressed that she was not ready to limit related topic discussions. Selectman Roberts summarized that the Board would recognize a three-minute time limit for public comment.

Citizen's comments (cont.)

Mr. Russo stated that reasonable compromise solutions were presented by the Board tonight. He noted that the Conservation Commission limits meeting presenters to ten minutes and indicated that timed citizen comment can be especially useful.

Mr. Simon commented that having all meeting documents provided before the meeting, is necessary. Mr. Simon indicated that meeting efficiency will improve when we return to in-person meetings.

Upcoming Agenda items

Agenda items for April 14, 2020 (not included in the meeting packet): Review of Town Meeting Articles, Review Town Meeting and Town Election aspects, Board of Selectmen minutes review procedure, COVID-19 Update, BFRT Update, Town Finances/Budget related to Town Meeting Articles, Board of Selectmen Policies.

Review and approval of 3/3/20 meeting minutes

Selectman Dretler requested postponing the review of the 3/3/20 meeting minutes. She requested the proposed minutes review procedure be discussed at the next Board meeting.

Chair Carty noted that the Board must keep current with approving and posting minutes.

Selectman Roberts asked if draft minutes would continue to be distributed to the Board before the Board meeting. Chair Carty affirmed they would be.

There being no further business, the meeting adjourned at 11:22 p.m.

Attest: _____

Maryanne Bilodeau

Interim Town Manager-Clerk

Documents & Exhibits 3/31/20

4. Discussion of three Annual Town Meeting petition articles submitted by LS Environmental group (polystyrene reduction, checkout bag charge, disposable plastic straws and stirrers)

Attachments:

4.a HS Students_Polystyrene Reduction. checkout bag charge. disposable plastic pollution reduction

5. Discussion on ATM petition article - Bicycle Safety

Attachments:

5.a Bruce Porter_Bicycle traffic signs requests for Hudson Road

6. Interview candidate for Energy Committee. Following interview, vote whether to appoint Ken Nathanson to the Energy and Sustainability Committee for a term ending 5/31/21.

Attachments:

6.a Nathanson_appl_redacted
6.b Energy_Committee_email_Nathanson

7. Interview candidate for Sudbury Housing Trust. Following interview, vote whether to appoint John Riordan, 12 Pendleton Road, to serve as Trustee for a term expiring 4/30/22.

Attachments:

7.a Trustee Appointment Recommendation - Riordan 200305
7.b Trustee Acceptance - Riordan 200305

8. Discussion on 2020 Annual Town Meeting date and timeline. Also discussion on Annual Town election date, and impact to committee members and elected officials.

Attachments:

8.a DRAFT WARRANT SCHEDULE JUNE 2020 ATM

9. Review Town Meeting articles, possibly take positions on articles, and assign motions and presentations.

Attachments:

9.a Articles list ATM 2020 3-19-20 FINAL Version

10. Vote to accept the following grants for CSX Corridor Acquisition: Recreational Trails Grant - \$100,000; MassTrails Grant for Due Diligence - \$60,000.

Attachments:

10.a Grant Acceptance Requests CSX

12. Discussion on the Bruce Freeman Rail Trail Task Force

Attachments:

12.a BFRT-Task-Force-Mission-Statement
12.b Members » Bruce Freeman Rail Trail Design Task Force_2

16. Upcoming Agenda Items

Attachments:

16.a POTENTIAL UPCOMING AGENDA ITEMS_3_31_20

17. Review and approval of 3/3/20 meeting minutes

Attachments:

17.a BOS_draft_3.03.20_min_for_review