

SUDBURY BOARD OF SELECTMEN

TUESDAY JUNE 9, 2020

(Meeting can be viewed at www.sudburytv.org)

Present: Chairman Daniel E. Carty, Vice-Chairman Patricia A. Brown, Selectman Janie Dretler, Selectman Jennifer Roberts, Selectman William Schineller, Town Manager Henry L. Hayes, Jr., Assistant Town Manager Maryanne Bilodeau

The statutory requirements as to notice having been complied with, the meeting was convened at 7:00 p.m., via Zoom telecommunication mode.

Chairman Carty called the meeting to order after being in executive session and resuming in open session.

Opening Remarks By Chairman

Opening remarks included:

- Congratulatory message to Sudbury high school graduates
- Reminder that the Wayland DPW is closing Sherman Bridge Road for yearly maintenance tomorrow and Thursday between 8 a.m. and 4:00 p.m.
- COVID-19 Sudbury Trust emergency rental assistance program. Applications being accepted from June 1 to June 15. More details are on the Town website.
- Annual Town Election to be held on June 23, with polls to be opened for voting. He encouraged voting by mail and confirmed the last day to register to vote is June 12.
- Many board and committee vacancies. Further information is on the Town website
- Reminded Board members to submit Selectmen Newsletter articles ASAP.
- Health Department notice of rabid raccoon in Town. Details on the Town website
- Sudbury Food Pantry no-contact food drive on June 14th in recognition of Race Amity Day, in lieu of group activities
- Peaceful and impressive showing at gathering in remembrance of George Floyd's death, he commended Sudbury organizers and protesters

Reports from Town Manager

Town Manager Hayes stated that:

- Town offices remain closed and the date for phased re-opening will be scheduled in concert with state guidelines.
- A new banner recognizing Sudbury high school graduates is displayed at Town Hall. He thanked all residents involved in the creation of the banner.
- Town demonstrations and protests on June 2 and June 5 (White Coats for Black Lives) took place peacefully with some 400 to 500 participants at the two events. He commented the events were a great example of youth leadership.
- Some disappointments with complaints regarding compliance and business practices in consideration of COVID-19 guidelines not being adhered to. Town is researching those complaints.
- A defacing incident at Tippling Rock, which will be remedied.
- COVID-19 signage guidelines were removed repeatedly from Town trails. He asked that dog owners continue leashing their dogs while walking the trails.

- Annual Town Election will remain in compliance with Town Bylaw and elected officials will take their appointments after the Annual Town Meeting.
- Town Meeting Warrant information was distributed to Board members.
- Staff and department heads have been working very diligently, notably the Police Department, Health Department, and the Assessor's Office, who have been maintaining an incredible pace.

Reports from Selectmen

Vice-Chair Brown congratulated recent Town graduates. She participated in the recent MMA (MA Municipal Association) webinar regarding Town meetings and elections. Vice-Chair Brown indicated that the webinar provided great information on municipal meetings in light of COVID-19 preparedness.

Vice-Chair Brown attended the MAGIC (Minuteman Advisory Group on Interlocal Coordination) meeting last week, which was primarily dedicated to the topic of COVID-19 recovery and racial disparities.

Vice-Chair Brown expressed her appreciation and admiration for the demonstrators and those who organized the demonstrations in a peaceful and respectful manner.

Selectman Dretler detailed that the next Sudbury Planning Board meeting will address the final plan approval and stormwater permits for the Cold Brook Crossing project.

Selectman Dretler stated that she participated in the Black Lives Matter demonstration and noted the White Coats for Black Lives demonstration, and commended the younger residents of Sudbury for their leadership and participation in this especially important issue. She added that she attended the MAGIC meeting.

Selectman Dretler read a section of the Race Amity Day Proclamation aloud and said she would be attending the Amity Day Food Drive.

Selectman Roberts congratulated the recent graduates of the class of 2020. She stated that she also attended the MMA webinar regarding Town Meetings and Elections. She noted the webinar especially documented how other municipalities are running elections during the COVID-19 pandemic. Selectman Roberts recommended viewing the webinar via the link on the MMA website.

Selectman Roberts recognized the formidable passing of George Floyd and thanked all event participants who acted productively and peacefully in effort to promote racial justice.

Selectman Schineller welcomed demonstration participants to the Board meeting. He also welcomed Chief Nix, who maintains the distinction of being a progressive and compassionate police chief.

Selectman Schineller commended Town staff who have been able to carry on with Town business throughout the current pandemic.

Citizen's comments on items not on agenda

Resident Ralph Tyler, One Deacon Lane, maintained his opposition regarding utilizing the Rule of Necessity in regard to Selectmen conflict of interest. He especially mentioned the Eversource litigation issue, and Board members who live near the proposed Eversource site.

Sean Lauziere, of Eversource, stated that he had a conversation with Mr. Tyler about the Town's double utility pole inventory. He offered to address any questions the Board might have. Chair Carty stated that Eversource was not on tonight's agenda, and encouraged Mr. Lauziere to be part of a future meeting.

Vice-Chair Brown responded to Mr. Tyler's comments, affirming that the Rule of Necessity did not demand that any member vote, and recusal is still required on any matter where a member felt they could not set aside their personal benefit and vote in the interest of the town. She took issue with the term "corruption."

Resident Kirsten Roopenian, 45 Harness Lane, commented about the demonstration she attended last week on Fairbank Road and noted that all ages were represented. She extended her appreciation to organizers of the demonstration, all attendees, and the community.

Discussion and vote on Fee Agreement for Legal Services of Lampke Law LLC re: LSRHS Regional Agreement

Present: Attorney James Lampke of Lampke Law, LLC; and Attorney Daniel Lampke, of Lampke Law, LLC.

Chair Carty stated that the Town was seeking additional legal services in consideration of the fact that KP Law currently represented the Town of Lincoln.

Vice-Chair Brown stated that this service reflects as a first step in the analysis of the LSRHS agreement document. She emphasized that the scheduling of the school budget has always been problematic, and should be re-examined.

Selectman Dretler queried about the related experience of Lampke Law, especially in consideration of regional school agreements. Attorney James Lampke provided detail and listing of such experience.

Selectman Dretler asked if the Board should first discuss related goals before seeking legal services.

Selectman Roberts asked how many law firms were contacted.

Assistant Town Manager Bilodeau Maryanne acknowledged that Lampke Law was recommended by former Town Manager Melissa Rodrigues.

Selectman Schineller commented that he valued legal referrals from Ms. Rodrigues. He asked if open session was the time to retain such counsel. Chair Carty affirmed that this aspect was publicly identified as one of the Board's high-priority goals, and open meeting inclusion was appropriate.

Resident and Conservation Commission member, Charles Russo, 30 Juniper Road, indicated that seeking counsel at this time was strange, and creation of an outlined vision might be preferred before contracting with such counsel.

Selectman Dretler suggested scheduling a joint meeting between Sudbury BOS and Lincoln BOS.

Resident Len Simon, 40 Meadowbrook Circle, indicated that retaining such counsel would send a conflicting message to Lincoln, and exploring areas of conflict would be preferred before retaining such counsel. Chair Carty responded it was time to review the agreement. Mr. Simon asked if there was appropriate funding for this service. Assistant Town Manager Bilodeau responded affirmatively.

Selectman Schineller commented that the retaining of counsel for this purpose reflected a neutral process.

Vice-Chair Brown reiterated that review of the current agreement was overdue, and this goal had been identified as a high-priority goal. Chair Carty confirmed that the Board has acted on most of the other high priority goals as voted by the Board.

Vice-Chair Brown detailed that an updated LSRHS Agreement would allow for periodic review of the LSRHS Agreement which had not been reviewed in 30 years.

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

It was on motion unanimously

VOTED: to authorize execution by the Town Manager of the Fee Agreement for Legal Services of Lampke Law LLC for services inclusive of negotiation in connection with the Regional Agreement between the Town of Lincoln and the Town of Sudbury relating to the Lincoln-Sudbury Regional High School District.

Discussion on current events related to George Floyd death and subsequent activities in Sudbury

Present: Police Chief Scott Nix; Leila Frank, Selectmen's Office Supervisor/Information Officer

Chair Carty thanked both Chief Nix and Town Manager Hayes for their heartfelt letters regarding the racial situation and the handling of George Floyd's death.

Board members agreed that the death of George Floyd was appalling and despicable.

Town Manager Hayes announced the formation of a Town-wide community conversation regarding race. He noted that Ms. Frank serves as Chief of Communications for the racial conversation.

Vice-Chair Brown was hopeful that the Town conversation would promote understanding and guidance.

Selectman Roberts hoped that the Town efforts would promote change. She referred to the related statement she drafted and asked for comment regarding the statement.

Selectman Dretler maintained there is more work that the community can undertake, with initiation from the Board.

Selectman Schineller affirmed that the topic extends beyond the George Floyd incident, and dates back to slavery times. He stated that his employer conducts such racial awareness conversations.

Resident Hannah Quirk, 20 Scotts Wood Drive, advocated for honest discussions with Sudbury's Police Department regarding violation of citizen's rights. She was in favor of a community-wide conversation.

Resident Alysea Immonen, 7 Uplook Drive, agreed that community-wide discussion was necessary, and mentioned the Citizens Police Academy.

Resident and MA State Representative candidate Ingrid Centurion, 16 Carding Mill Road, stated that the safety aspect was important.

Chief Nix affirmed that the behavior of Minneapolis Police was appalling and did not represent the Sudbury Police Department in any way. He commended the young ladies that organized the Sudbury demonstrations last week, adding that there is always room for improvement and the department has had numerous conversations with residents.

Discussion and editing of the BOS racial statement took place.

Resident Yana Bloomstein, 84 Carriage Way, commented about the racial justice statement. Resident Charlie Russo suggested the addition of action phrases to the statement. Involved residents Alysea Immonen, and Hanna Quirk made several other recommendations to the BOS racial statement.

Chief Nix recommended that the statement expand the language to include all races and religions.

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

It was on motion unanimously

VOTED: To approve the letter as amended, to send to Governor Baker, Senator Eldridge, Senator Barrett, Representative Gentile and to the people of Sudbury.

Selectman Dretler suggested sending the BOS statement to the Town Crier. Vice-Chair Brown suggested submission to the BOS Newsletter.

Ms. Frank recommended that resident conversation comments/questions be presented to a selected panel and moderator. The panel would consist of Town officials, business owners, religious leaders, racial rights advocates and others. The Board agreed with Ms. Frank's proposal.

Selectman Dretler suggested that residents (including high school students) be added to the panel list. Chair Carty suggested that METCO (Metropolitan Council for Educational Opportunity) directors also be added to the panel list.

Town Manager Hayes asked if the Board wanted to lead the conversation or if they preferred that staff direct the event. The Board agreed to further consider the answer to such question.

Discussion on outdoor restaurant seating

Town Manager Hayes stated that all restaurants seeking temporary outdoor seating permit are required to complete an application to be approved by the Board. He added that Ms. Frank would review each application, and would coordinate the permitting process.

Town Manager Hayes stated there were some 23 restaurants that are permitted to serve outdoors. He noted that six restaurants have already contacted Ms. Frank regarding this process, and she would document the restaurants that already have that approval.

Health Director Bill Murphy noted that Phase 2 would allow restaurants with existing outdoor seating to continue with such seating, pending review of the restaurants' COVID-19 plan (assessment of table distancing, waiting areas, disinfecting, review and approval of COVID-19 precaution guidelines) as a part of this process.

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

It was on motion unanimously

VOTED: To accept and approve the Temporary Outdoor Seating Application.

Selectman Roberts confirmed that restaurants that currently have a liquor license could serve such drinks outdoors. Town Manager Hayes responded in the affirmative.

Selectman Dretler commented that the temporary outdoor serving permit would be in force until November 1 or at such time deemed by the Governor.

Selectman Schineller maintained that he wanted the process to be as expedient as possible, in light of the economic effects on eating establishments and small businesses.

Chair Carty motioned to accept and approve the Temporary Outdoor Seating Application. Vice-Chair Brown seconded the motion.

It was on motion unanimously

VOTED: To accept and approve the Temporary Outdoor Seating Application.

Citizen's Comments on items on agenda

There were not citizen's comments.

Health Director Bill Murphy to provide an update on COVID-19

Mr. Murphy confirmed 191 COVID-19 cases, 78 active cases. Mr. Murphy stressed that 140 cases were found in nursing homes. Mr. Murphy detailed that phasing preparations have taken place in the past three weeks, including Town industries/businesses and camps. The Health Department has been extremely busy.

Board members expressed their gratitude to the Health Department in these difficult times. Town Manager Hayes stated that he was enormously proud of everyone in the Health Department.

Discussion on Camp Sewataro guidance and applicability to Sudbury Park & Rec programs

Present: Scott Brody, Operator of Camp Sewataro; and Dennis Mannone, Sudbury Park & Recreation Director

Mr. Mannone stated that Sudbury Summer camp program enrollment monies had to be refunded due to State COVID-19 modifications. He explained that the Town is offering a mini-Sudbury summer camp program from 9:00 a.m. to 12:00 p.m. for a period of six weeks.

Selectman Roberts noted the challenges involved with a camp without field trips and many other restrictions.

Vice-Chair Brown inquired about sessions. Mr. Mannone responded that the half-day camp sessions would be one-week sessions.

Selectman Dretler thanked Mr. Mannone for presenting a camp schedule with such short notice.

Selectman Schineller asked if the tent is being utilized for camp. Mr. Mannone responded affirmatively, and stated that the plan is to stay outside 99% of the time. Selectman Schineller asked what happens on a rainy day. Mr. Mannone responded that social distancing in the tent would be strictly enforced.

Chair Carty inquired about camp numbers. Mr. Mannone stated the camp program typically enrolls about 250 campers per session, and now the estimate is 40 campers.

Resident Charles Russo asked the age of the youngest campers. Mr. Mannone responded seven years old.

Mr. Brody stated that Camp Sewataro is hoping to operate at 2/3rds its normal enrollment, if lucky. He noted that the Camp had fulfilled all financial obligations with the Town.

Town Manager Hayes spoke of public access and encouraged both camps to initiate enrollments.

Mr. Brody explained that the permanent fencing project would be postponed and temporary fencing was being installed.

Vice-Chair Brown had no issue with the temporary fencing. She requested that the Board be presented with periodic updates regarding fencing.

Selectman Dretler queried about the camp schedule. Mr. Brody detailed that there would be four different sessions, and 400 campers would be allowed. Selectman Dretler asked if provided public space at the Camp

would change because of COVID-19. Mr. Brody responded that the only change included the closure of the public bathroom.

Selectman Dretler commented that Mr. Brody's recently submitted letter regarding the temporary fencing did not include a date. Mr. Brody agreed to resubmit the letter with date provided. Selectman Dretler asked when the permanent fencing might be installed. Mr. Brody responded that he did not know.

Selectman Roberts asked about temporary fencing materials. Mr. Brody stated that stakes with fabric would be used.

Discussion on Camp Sewataro Bond

Present: Scott Brody and Dennis Keohane, Finance Director

Mr. Keohane provided summary of the Camp Sewataro bond calculations and related schedule.

Town Manager discussion on 1/12 budget

Town Manager Hayes stated that the 1/12th budgeting would commence on July 1, and he is working with Mr. Keohane on the monthly budget.

Town Manager suggested that monthly approval could be included as an item on the consent calendar going forward.

Chair Carty asked about OPEB. Mr. Keohane noted that OPEB does not mandate a particular payment date.

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

The vote was on motion unanimously

VOTED: To approve the 1/12 budget, as presented by Town Manager.

Discussion on financials/revenue update

Town Manager Hayes presented the financials/revenue update regarding in response to Selectman Dretler's questions. He included yearly comparisons in the calculations provided. He itemized yearly collections from Zoning, Planning and Assessor's offices, and affirmed the Town is secure and residential taxes have sustained.

The Board agreed to share the discussed financial aspects with the Finance Committee.

Citizen's Comments

Resident Len Simon, thanked Selectman Dretler for requesting the financial comparatives and thanked Town Manager Hayes and Finance Director Dennis Keohane for providing the financials.

Consent Calendar

Accept resignation of Kaffee Kang from the Sudbury Housing Trust

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

It was on motion unanimously

VOTED: To accept the resignation of Kaffee Kang from the Sudbury Housing Trust at the expiration of her term on 4/30/20, and send a letter of thanks for her service to the Town.

Vote to extend the Town of Sudbury's participation in CrossTown Connect Intermunicipal Agreement (IMA)

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

It was on motion unanimously

VOTED: to extend the Town of Sudbury's participation in the CrossTown Connect Intermunicipal Agreement (IMA) for three months to September 30, 2020 as requested by Debra Galloway, Senior Center Director.

Vote to accept Grant of Easement

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

It was on motion unanimously

VOTED: Pursuant to the provisions of G.L. c. 83, §1 and 4, Article XII s. 3 of the Sudbury General Bylaws, and any other enabling authority, vote to accept the Grant of Easement set forth in the document entitled "DECLARATION OF RESTRICTIVE COVENANTS AND GRANT OF EASEMENT REGARDING STORMWATER MANAGEMENT SYSTEM" granted by Stephen A. Maimone and Pauline S. Maimone for stormwater system maintenance purposes upon the property shown as Lot C on "Plan of Land in Sudbury, Mass.", dated July 26, 1985, prepared by Schofield Brothers, Inc., that is recorded with the Middlesex South Registry of Deeds as Plan No. 626 of 1986.

Vote to approve execution of a Memorandum of Understanding with the Sudbury Water District

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

It was on motion unanimously

VOTED: To approve execution by the Town Manager on behalf of the Board of Selectmen of a Memorandum of Understanding with the Sudbury Water District which provides for cost sharing of roadway improvements along Horse Pond Road resulting from a water line replacement project and the Department of Public Works' roadway resurfacing project.

Vote to adjourn meeting

Chair Carty motioned to adjourn the meeting. Selectman Dretler seconded the motion.

It was on motion unanimously

VOTED: To adjourn meeting

There being no further business, the open meeting adjourned at 11:05 p.m.

Attest: _____

Henry L. Hayes, Jr.

Town Manager-Clerk

06/09/20 Documents & Exhibits

1. Open in regular session and immediately vote to enter Executive Session to consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body, pursuant to General Laws chapter 30A, §21(a)(exception 6) with respect to the CSX rail corridor.

Attachments:

- 1.a CSX Appraisal ES Memo 2020 May 12
- 1.b 2020 CSX Acquisition Timeline Revised BOS May 2020
- 1.c CSX Sudbury Rail Corridor Colliers Appraisal 20200506

2. Also to review executive session meeting minutes, pursuant to G.L. c. 30A, § 21(a)(7) “[t]o comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements” (“Purpose 7”), citing to the Open Meeting Law, G.L. c. 30A, §§ 22(f), (g).

Attachments:

- 2.a BOS Executive Session minutes_3-12-19_for_review
- 2.b BOS Executive Session minutes_3-21-19_for_review

4. Discussion and vote to authorize execution by the Town Manager of the Fee Agreement for Legal Services of LampkeLaw LLC for services inclusive of negotiation in connection with the Regional Agreement between the Town of Lincoln and the Town of Sudbury relating to the Lincoln-Sudbury Regional High School District.

Attachments:

- 4.a 20200515 FEE AGREEMENT FOR LEGAL SERVICES OF LAMPKELAW - Town of Sudbury - 2020 July
- 4.b LS Agreement May 1988 Searchable Format

6. Discussion on outdoor restaurant seating

Attachments:

- 6.a ABCC advisory re LLA and outdoor seating
- 6.b ABCC patio guidelines

8. Discussion on Sewataro camp guidance and applicability to Sudbury Park & Rec programs. Scott Brody and Dennis Mannone to attend.

Attachments:

- 8.a SewataroResidentAccess-EDITED

9. Discussion on Camp Sewataro Bond. Dennis Keohane, Finance Director, to attend.

Attachments:

- 9.a Bond_emails

10. Town Manager discussion on 1/12 budget

Attachments:

- 10.a FY21 1-12th GF Budget (July) Estimate 6-5-2020
- 10.b FY21 CPA 1-12th Budget (July) 6-5-2020

11. Discussion on financials/revenue update as requested by Selectman Dretler

Attachments:

- 11.a Responses_budget_questions
- 11.b spreadsheet.doc
- 11.c Budget forms for TM
- 11.d Pool Enterprise Fund Multi Year Comparison as of 6-1-20

12. Discussion on Board policies

Attachments:

- 12.a Selectmen Policiesfinal_May26
- 12.b Policy - Wikipedia

13. Discussion on submission of Ballot questions for the Nov. 3 state election, and potentially provide ballot questions at the June 22 meeting.

Attachments:

- 13.a Klein_memo
- 13.b 2018_Ballot_Questions_Nov_6_state_election
- 13.c Town of Sudbury Information to Voters_Ballot Questions

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

Attachments:

- 17.a Copy of Articles list ATM 2020 05-26-20
- 17.b Warrant Articles for 5-26 BOS meeting
- 17.c Girish_Pathak_email
- 17.d Buried_utility_cables_Pathak_update

18. Update Transportation Committee membership and mission statement.

Attachments:

- 18.a SUDBURY TRANSPORTATION COMMITTEE_update_Oct2019
- 18.b Transportation_comm_members

19. Review regular session minutes of 5/5/20 and 5/12/20, and possibly vote to approve minutes.

Attachments:

- 19.a BOS_draft1_5.05.20_for_review
- 19.b BOS_draft1_5.12.20_for_review

21. Upcoming Agenda Items

Attachments:

- 21.a POTENTIAL UPCOMING AGENDA ITEMS_6_9_20

22. Accept resignation of Kaffee Kang from the Sudbury Housing Trust at the expiration of her term on 4/30/20, and send a letter of thanks for her service to the Town.

Attachments:

- 22.a Kang_resignation

23. Vote to extend the Town of Sudbury's participation in the CrossTown Connect Intermunicipal Agreement (IMA) for three months to September 30, 2020 as requested by Debra Galloway, Senior Center Director.

Attachments:

23.a memo to BOS re CrossTown connect extension

24. VOTE: Pursuant to the provisions of G.L. c. 83, §1 and 4, Article XII s. 3 of the Sudbury General Bylaws, and any other enabling authority, vote to accept the Grant of Easement set forth in the document entitled “DECLARATION OF RESTRICTIVE COVENANTS AND GRANT OF EASEMENT REGARDING STORMWATER MANAGEMENT SYSTEM” granted by Stephen A. Maimone and Pauline S. Maimone for stormwater system maintenance purposes upon the property shown as Lot C on “Plan of Land in Sudbury, Mass.”, dated July 26, 1985, prepared by Schofield Brothers, Inc., that is recorded with the Middlesex South Registry of Deeds as Plan No. 626 of 1986

Attachments:

24.a 52GoodmansHillRd-CovenantEasement

25. Vote to approve execution by the Town Manager on behalf of the Board of Selectmen of a Memorandum of Understanding with the Sudbury Water District which provides for cost sharing of roadway improvements along Horse Pond Road resulting from a water line replacement project and the Department of Public Works’ roadway resurfacing project.

Attachments:

25.a Copy of Exhibit A_Horse Pond Road Estimate-SWD