

SUDBURY BOARD OF SELECTMEN

TUESDAY MAY 12, 2020

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

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

Absent: Selectman Jennifer Roberts

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

Chair Carty announced:

- DPW (Department of Public Works) continues resurfacing town roads
- Real estate and personal property taxes due June 1
- FinCom (Finance Committee) seeking new members – information on Town website
- Small Grant Program (up to \$5,000) for residents who seek alterations to their homes for health and safety reasons. Information is on Town website.
- 4th of July Parade cancelled due to COVID-19
- Town Manager Hayes' Municipal Minute videos on SudburyTV.
- LSRHS (Lincoln-Sudbury Regional High School) Speech and Debate Team featured in the Sudbury Town Crier for helping the homeless effected by the COVID-19 outbreak
- BOS received a letter from Brownie Scout Troop #82452 – Agnes Bauer, Avery Eliason, Natasha Katz and Lydia Nelson who suggested the creation of a dog park in Sudbury. Chair Carty wrote back to the Troop and encouraged continued dialogue regarding the proposed dog park.
- Attendance at the MA Municipal Association webinar which provided the opportunity to hear the concerns and issues of other municipalities.

Reports from Selectmen

Vice-Chair Brown attended the Sudbury Housing Trust meeting where it was announced that some CPA funds would be offered to residents with rental payment needs.

Selectman Schineller was encouraged to see the highway team working on the roadways once again.

Selectman Dretler announced that she attended the MAGIC (Minuteman Advisory Group on Interlocal Coordination) meeting on May 7, and the MA Municipal COVID-19 Update meeting on Friday. She attended the Domestic Violence Roundtable meeting today, adding that donations are needed. Ms. Dretler also attended the COA (Council on Aging) and BOH (Board of Health) meetings today.

Reports from Town Manager

Town Manager Hayes stated that real estate and personal property taxes are due June 1. He expressed his appreciation to staff for their efforts in keeping the community safe.

Town Manager Hayes detailed that he, Assistant Town Manager Bilodeau, and Fire Chief Whalen have initiated the Sudbury Working Group to plan and prepare for the phased re-entry of Town staff and local business.

Town Manager Hayes asked that all residents answer any COVID-19 tracing phone calls they might receive from health officials. He shared the caller id: MA Covid Team.

Town Manager Hayes noted that implementation of electronic signatures was approved by the Board at their last meeting. He suggested that other interested Boards/Committee contact the Town Clerk's office.

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

Present: Bill Murphy, Health Director; and Phyllis Schilp, BOH Nurse

Ms. Schilp announced 160 confirmed COVID-19 cases (108 in senior facilities) and 52 community-spread cases in Sudbury. She requested that residents answer any related COVID-19 contact tracing phone calls.

Ms. Schilp provided detail regarding recent changes with antibody testing and stressed that MA DPH (Department of Public Health) is requiring that all contacts be tested.

Ms. Schilp noted that the BOH workload would likely increase and relayed her concerns about more routine BOH duties being put on hold (flu clinics, Town health inspections, camp medical exams, etc.). Vice-Chair Brown inquired about the increased workload. Ms. Schilp mentioned that COVID-19 guidelines change, and as businesses open, there would likely be a virus surge.

Selectman Schineller asked if additional temporary staffing might help at this time to address the more routine aspects of the department. Town Manager Hayes affirmed that such staffing considerations were being evaluated.

Mr. Murphy explained that he met with Town Clerk Beth Klein and agreed to evaluate the COVID-19 situation two weeks before the scheduled Town Election, and if the situation was not improved, the Election would be cancelled.

Citizen's comments on items not on agenda

There were no comments

Discussion and vote whether to modify Annual Town Election polling hours, and possibly sign Annual Town Election Warrant

Present: Town Clerk Beth Klein and Attorney Lauren Goldberg, KP Law

Ms. Klein summarized that all Town Ballot information appears on the Town website and recommended the Annual Town Election polls operate between the hours of 12:00 p.m. to 8:00 p.m. Chair Carty confirmed that voting statute dictates opening of voting polls. Selectman Dretler questioned the operating hours proposed. Ms. Klein responded that such hours of operation must be contiguous per state mandate.

Ms. Klein affirmed that her department will mail an informational postcard to all Town households, detailing early voting and voting by mail. She stressed that the postcard would be reviewed and approved by Town Manager Hayes before being mailed to residents.

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

It was on motion unanimously

VOTED: To modify Annual Town Election polling hours to 12:00 p.m. to 8:00 p.m. on June 23, 2020.

Vice-Chair Brown motioned to sign the Annual Town Election Warrant, as edited. Selectman Schineller seconded the motion.

It was on motion unanimously

VOTED: To sign the Annual Town Election Warrant, as edited.

Interview candidate Carmine Gentile for Council on Aging

Present: Carmine Gentile

Mr. Gentile presented his experience on Town Boards and committees, and his membership on the COA. Vice-Chair Brown noted that she had worked with Mr. Gentile for many years.

Chair Carty motioned, and Selectman Dretler seconded the motion.

It was on motion unanimously

VOTED: To appoint Carmine Gentile, 33 Surrey Lane, to the Council on Aging for a term ending 5/31/23.

Interview candidate Peg Espinola for Council on Aging

Present: Peg Espinola

Ms. Espinola summarized her volunteer activities in Town, especially with COA.

Selectman Dretler motioned, and Selectman Schineller seconded the motion.

It was on motion unanimously

VOTED: To appoint Peg Espinola, 224 Goodman's Hill Road, to the Council on Aging for a term ending 5/31/22.

Discussion regarding the Park and Recreation Commission financial picture and future plans

Present: Dennis Mannone, Director of Parks, Recreation and Aquatics; Dennis Keohane, Director of Finance; Members of Park and Recreation Commission - Bobby Beagan, and Ben Carmel

Mr. Beagan presented the economic challenges that the Park and Recreation Commission was currently experiencing, especially in consideration of summer recreation programs. Mr. Carmel asked about possible economic funding.

Mr. Keohane commented that operation funding was not known at this time. Town Manager Hayes confirmed that the situation could not be fully addressed at this time, but preparatory discussions were taking place. Chair Carty mentioned the financial uncertainties at this time, and the effect of a delayed Town Meeting. He suggested that the 1/12th budgeting might help for several months.

Mr. Mannone stated that the Parks, Recreation and Aquatics Department tentatively hired high school and college students to work at the camps. He noted that Governor Baker might grant awards during Phase 3 of the opening plan.

Discussion and vote regarding Camp Sewataro Intellectual Property License Agreement

Present: Attorney Lee Smith, KP Law; Camp Manager Scott Brody, Camp Sewataro, LLC

Mr. Smith detailed that Mr. Brody was requesting a new camp logo and approval to replace the prior license agreement. He stressed that the Board had previously approved the branding.

Mr. Brody presented the design of the new logo. Selectman Schineller stated that he would like more information before voting on the logo aspect.

Selectman Dretler moved, and Vice-Chair Brown seconded the motion.

It was on motion, 3-1; three in favor and one abstain. Carty-aye, Brown-aye, Dretler-aye and Schineller-abstain

VOTED: To approve the branding image for Camp Sewataro as proposed by Scott Brody, Manager of Camp Sewataro, LLC; such image to be trademarked and included with the intellectual property associated with Camp Sewataro owned by the Town.

Selectman Dretler moved, and Vice-Chair Brown seconded the motion.

It was on motion unanimously

VOTED: That the Board approve and authorize the Chair to execute the License Agreement for intellectual property associated with Camp Sewataro in the form presented, as amended for a typographical error in Section A.

Not to exercise the Town's first refusal option to purchase certain property described below, classified under Massachusetts General Laws Chapter 61A, pursuant to Notice of Intent to Sell dated March 9, 2020 and received at the Office of the Board of Selectmen on the same date

Present: Beth Suedmeyer, Environmental Planner; Cynthia Gerry, Director of Assessing

Ms. Suedmeyer stated that the owner of the Chapter 61A property was selling the property. She affirmed that Town Counsel had reviewed the related documentation.

Selectman Dretler inquired about Town monitoring of Chapter 61A – agricultural properties. Ms. Gerry responded that the owners of Chapter 61A properties must complete an annual agreement. Selectman Schineller recommended that the Town be proactive with Chapter 61A properties.

Chair Carty expressed concern about the validity of Chapter 61A properties because there was no evidence of farming at the property being discussed.

Ms. Suedmeyer suggested that the Town might want to establish procedure in consideration of such situations. Vice-Chair Brown agreed with the implementation of an updated policy. Ms. Suedmeyer mentioned that the property was not on the Town listing of preferred properties.

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

It was on motion unanimously, 4-0; Carty-opposed, Brown-opposed, Dretler-opposed and Schineller-opposed.

VOTED: Not to exercise the Town's first refusal option to purchase certain property described below, classified under Massachusetts General Laws Chapter 61A, pursuant to Notice of Intent to Sell dated March 9, 2020 and received at the Office of the Board of Selectmen on the same date. Said property was conveyed to Seller, Lawrence S. Gray, et ux, by deed dated May 14, 2004 and recorded with Middlesex South District Registry of Deeds in Book 42903, Page 516 and further transferred to the Lawrence S. Gray Revocable Trust on July 11, 2016 in Book 67784, Page 406, according to said Notice.

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

Present: Dan Nason, DPW Director; Lori Capone, Conservation Coordinator

Article 22 – Dutton Road Bridge Project – Easements

Mr. Nason explained that in order to start the Dutton Road Bridge Project, three easements had to be in place. Selectman Schineller asked if the town would pay the landowners for the easements. Mr. Nason responded not, as the easements reflect a taking process. Mr. Nason stated that he had spoken to the residents involved and they expressed no concern.

Chair Carty suggested that Article 22 be added to the Annual Town Meeting Consent Calendar.

Article 34 – Authorize BOS to petition for an additional alcohol pouring license for Meadow Walk development

Board members were in favor of putting Article 34 on the Annual Town Meeting Consent Calendar and emphasized that all aspects of the Article were carefully reviewed by the Board.

Assistant Town Manager Bilodeau commented that if Board members were in favor of articles being included on the Annual Town Meeting Consent Calendar, voting on the articles was preferable.

Article 39 – Exchange of Real Property – Brimstone Lane parcels

Selectman Dretler stated that she met Ms. Capone at the Brimstone Lane site. Ms. Capone referred to the site map and stated that the owner/s are intending to subdivide the site and build a second home, which would require public hearings in consideration of proximity to wetlands and necessary stormwater permitting.

Selectman Dretler acknowledged that the town might be able to negotiate for more land. Ms. Capone confirmed that such negotiation would have to take place before Annual Town Meeting in September.

Chair Carty stated the Board would not take a position on the Article at this time.

Resident and ConCom Commissioner Charlie Russo, 30 Juniper Road, indicated if additional development was proposed by the owners, there would be opportunity for negotiating additional land for the town.

Discussion and possible vote on updated consent calendar items for Town Meeting warrant articles

Article 22 – Dutton Road Bridge Project – Easements

Chair Carty motioned and Selectman Schineller seconded the motion.

It was on motion unanimously

VOTED: To support Article 22 – Dutton Road Bridge Project – Easements.

Article 34 – Authorize BOS to petition for an additional alcohol pouring license for Meadow Walk development

Chair Carty motioned and Selectman Schineller seconded the motion.

It was on motion unanimously

VOTED: To support Article 34 - Authorize BOS to petition for an additional alcohol pouring license for Meadow Walk development

Chair Carty motioned and Selectman Schineller seconded the motion.

It was on motion unanimously

VOTED: To put Article 12 – Goodnow Library Services Revolving Fund, Article 22 – Dutton Road Bridge Project – Easements, Article 33 – Sudbury Public Schools Non-resident Tuition Fund, Article 34 – Authorize BOS to petition for an additional alcohol pouring license for Meadow Walk development and Article 35 – Acceptance of Provisions of the Massachusetts Veteran’s Brave Act M.G.L. Chapter 59, Sect. 5, clause twenty-second H; onto the Annual Town Meeting Consent Calendar.

Discuss next steps regarding DLS presentation

Selectman Schineller volunteered to help implement the formation of a small BOS group to address financial policies especially in consideration of new growth and separation of LSRHS financial policy. Chair Carty recognized that addressing policy suggestions made by DLS (Division of Local Services) was a great idea, but indicated that such a Board subcommittee might violate the Open Meeting Law.

Vice-Chair Brown stated that financial policy committees had been formed in the past, and now the Board must establish comprehensive financial policies.

Selectman Dretler stated that the recent DLS presentation was informative. She explained that she had begun comparing the financial policy documentation of other peer communities, and discovered that the Sudbury financial policy documentation lacked detail. Selectman Dretler suggested that DLS might help the Board with this effort. Chair Carty opined that DLS might be able to provide an outline to help guide the new financial policy documentation.

Vice-Chair Brown suggested that the Board schedule a separate meeting to address financial policies, similar to the BOS goal-setting session.

Vote to approve advertising openings for the Town board/committee positions becoming available in 2020.

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

It was on motion unanimously

VOTED: To approve advertising openings for the Town board/committee positions becoming available in 2020.

Review and approve regular session minutes of 4/4/20

Selectman Dretler moved to approve the 4/4/20 minutes, as amended. Vice-Chair Brown seconded the motion.

It was on motion unanimously

VOTED: To approve the 4/4/20 minutes, as amended.

Citizen's Comments

There were no citizen's comments

Upcoming Agenda Items

Requests for future agenda items not included in the Upcoming Agenda Items list:

May 26, 2020 Meeting:

- Topics for BOS Newsletter (tabled from this meeting)
- Board Policies (tabled from this meeting)

Consent Calendar

Vote to sign a proclamation to recognize June 7, 2020 as Class of 2020 Day

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

It was on motion unanimously

VOTED: To sign a proclamation to recognize June 7, 2020 as Class of 2020 Day.

Selectman Dretler stressed the benefit of the "all inclusive" proclamation, which recognizes all 2020 graduates from all schools and programs.

Vice-Chair Brown motioned to adjourn the meeting. Chair Carty seconded the motion.

It was on motion unanimously

VOTED: To adjourn meeting

There being no further business, the open meeting adjourned at 10:20 p.m.

Attest: _____

Henry L. Hayes, Jr.

Town Manager-Clerk

05/12/20 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
- 1.d CSX Roberts 2020 May 12

1. 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:

- 1.1.a BOS_draft1_9.25.18_exec_min_for_review
- 1.1.b BOS Executive Session 10-30-18_min_for_review

4. Interview candidate for Council on Aging. Following interview, vote whether to appoint Carmine Gentile, 33 Surrey Lane, to the Council on Aging for a term ending 5/31/23.

Attachments:

- 4.a Carmine Gentile_redact

5. Interview candidate for Council on Aging. Following interview, vote whether to appoint Peg Espinola, 224 Goodman's Hill Road, to the Council on Aging for a term ending 5/31/22.

Attachments:

- 5.a Peg Espinola_redact
- 5.b selectmen letter re board appointees to fill vacancy 2020

6. Discussion and vote whether to modify Annual Town Election polling hours, and possibly sign Annual Town Election Warrant.

Attachments:

- 6.a 2020 ATE Warrant draft

7. Discussion regarding the Park and Recreation Commission financial picture and future plans.

Attachments:

- 7.a Memo from Park and Rec

8. Discussion and vote regarding Camp Sewataro Intellectual Property License Agreement

Attachments:

- 8.a License Agreement (1095937.1)

9. VOTE: Not to exercise the Town's first refusal option to purchase certain property described below, classified under Massachusetts General Laws Chapter 61A, pursuant to Notice of Intent to Sell dated March 9, 2020 and received at the Office of the Board of Selectmen on the same date. Said property was conveyed to Seller, Lawrence S. Gray, et ux, by deed dated May 14, 2004 and recorded with Middlesex

South District Registry of Deeds in Book 42903, Page 516 and further transferred to the Lawrence S. Gray Revocable Trust on July 11, 2016 in Book 67784, Page 406, according to said Notice.

Attachments:

- 9.a PCD memo to BOS 2020 May 12 3 French Road
- 9.b 3 French Road - Right of First Refusal 200309

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

Attachments:

- 10.a Articles list ATM 2020 05-12-20 Version
- 10.b Nason_email_dutton easement
- 10.c S5013-002-C-DSGN-ROW Plan3_Solid Hatch
- 10.d warrant_article_re__Meadow_Walk_-_alc__license_special_act__
- 10.e Conservation Commission Meeting Report 050520
- 10.f Fw_ Sudbury Liquor License

11. Discussion and possible vote on updated consent calendar items for Town Meeting warrant articles

Attachments:

- 11.a Consent_Calendar_list_EJones

14. Vote to approve advertising openings for the town board/committee positions becoming available in 2020.

15. Discuss topics to be assigned for the Spring 2020 Board of Selectmen Newsletter.

Attachments:

- 15.a BOS Newsletter Previous Topics_05.04.20

16. Review regular session minutes of 4/14/20, and possibly vote to approve minutes.

Attachments:

- 16.a BOS_draft1_4.14.20_min_for_review

19. Upcoming Agenda Items

Attachments:

- 19.a POTENTIAL UPCOMING AGENDA ITEMS_5_12_20

20. Vote to sign a proclamation to recognize June 7, 2020 as Class of 2020 Day.

Attachments:

- 20.a Class of 2020 Day_v2