

## SUDBURY BOARD OF SELECTMEN

TUESDAY AUGUST 18, 2020

(Meeting can be viewed at [www.sudburytv.org](http://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., Maryanne Bilodeau, Assistant Town Manager/HR Director

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.

### **Roll Call and Opening Remarks by Chairman**

Chair Carty performed a roll call and made an announcement about the meeting being recorded.

Roll Call: Brown-aye, Dretler-aye, Schineller-aye, Roberts-aye, Carty-aye, Hayes-aye

Chair Carty announced:

- Selectmen's Office Hours to be hosted by himself and Selectmen Schineller on August 24, 12:00 p.m. to 1:00 p.m.
- Town Manager Office Hours to be held August 27, 8:30 a.m. to 9:30 a.m.
- Sudbury Community Electricity Aggregation Program Renewed
- Old Sudbury Road (Rte. 27) bridge closure due to road work
- Community Preservation Committee (CPC) seeking proposals for FY22 projects – deadline is October 9 at 12:30 p.m.
- Planning Board meeting to discuss Cold Brook Crossing permitting
- Sudbury Public School and LSRHS are both opening with hybrid in-person and remote models
- Reinforced the importance of continued mask wearing, social distancing, and hand washing

### **Reports from Town Manager**

Town Manager Hayes announced:

- Town Manager Municipal Minute session with Planning Director Adam Duchesneau
- Truck Mounted Aerosol Mosquito control spraying this evening between sunset and 11:30 p.m.
- Concord Road now open and he drove on it today
- Registering to record Town Meeting presentations for Town Meeting on September 12
- New initiatives to Stop the Spread of COVID-19, reducing gathering limits and postponement of Phase 3 – Step 2 reopening schedule
- Tips to Protect Children during COVID-19 per CDC list of precautions and suggestions to be found at [www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/children/protect-children.html](http://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/children/protect-children.html)

### **Reports from Selectmen**

Vice-Chair Brown had nothing to report.

Selectman Dretler reminded everyone to continue to wear masks, social distance and wash hands.

Selectman Schineller announced that the Permanent Building Committee (PBC) will be interviewing candidates for an open seat on the Committee. He noted that the Historical Commission send a letter to the US Army Corps of Engineers.

Selectman Schineller stated that he attended the Conservation Commission (ConCom) meeting and announced that due to COVID-19, the Memorial Garden Committee is not planning a September 11<sup>th</sup> memorial this year.

Selectman Roberts echoed that everyone should remain diligent and exercise COVID-19 precautions. She reminded everyone of the Fairbank Community Center Forum on Wednesday, August 26<sup>th</sup> at 7:00 p.m. via ZOOM.

Selectman Roberts stated that she and Selectmen Dretler attended the Park & Recreation Commission meeting earlier today and stated that she was extremely impressed by the efforts of the Commission including mini summer camps.

#### **Citizen's comments on items not on agenda**

There were not citizen's comments at this time.

#### **Discussion on CSX acquisition**

Selectman Roberts spoke of the meeting with Framingham officials, which included the Mayor and Finance Committee Chair of Framingham. She noted that Ms. Suedmeyer gave the CSX corridor presentation at that meeting. Selectman Roberts confirmed that Framingham officials agreed to continued conversations and offered to provide a letter of support regarding Sudbury's CSX acquisition which made for a beneficial meeting.

Chair Carty agreed that the meeting with Framingham officials was a good one and noted Mayor Spicer's use of the words "re-engage" and "re-activate," indicated that Framingham was not likely to immediately move forward with the Framingham portion of CSX.

Town Manager Hayes summarized that Framingham officials did not express urgency regarding moving forward with the Framingham portion of CSX at this time. He was pleased that Framingham officials offered support of the Sudbury acquisition of the CSX portion.

Resident Len Simon, 40 Meadowbrook Circle, asked if the Board would be sharing additional CSX information at the next Selectmen's meeting. Chair Carty responded that such an update would be provided as soon as possible, in consideration that the Board is still conducting CSX negotiations.

Resident Daniel Depompei, 35 Haynes Road, presented inquiry via online Q&A asking if the intent was to rail bank the CSX acquisition through the conservancy program. Ms. Suedmeyer responded that the opportunity to negotiate with CSX is something the Town is entitled to because of the arrangement that the Town is currently in with the provisions of the Service Transportation Board. Notice of Interim Trail use was the term that Ms. Suedmeyer interpreted. Stated is also used as "rail banking," which means the same thing regarding the ability to negotiate the acquisition of the CSX corridor for the potential use of a rail trail.

#### **Citizen's comments on items not on agenda**

Resident Ralph Tyler, One Deacon Lane, expressed his gratitude to the Sudbury Fire Chief and Public Works for their immediate attention to damage caused by a nearby Pine tree. He mentioned the warrant article regarding funding of \$150,000 for Eversource litigation. Mr. Tyler indicated that there was no need for the Board to take a stand on this article and stressed it was inappropriate for the Selectmen to exercise the "rule of necessity." He further maintained that the "rule of necessity" applied to the Eversource mitigation piece that appeared in the Selectmen's Newsletter.

**Vote to approve FY21 1/12 Budget**

Town Manager Hayes reviewed the budget and hoped that this would be the last month of the 1/12<sup>th</sup> budgeting process.

Selectman Dretler commented that she would appreciate the chance to review such financial reports a day or two before the Board meeting. Town Manager Hayes responded this was an exception due to Mr. Keohane just returning from vacation.

Chair Carty motioned and Selectman Dretler seconded the motion.

It was on motion 5-0; Brown-aye, Dretler-aye, Schineller-aye, Roberts-aye, Carty-aye

VOTED: To approve FY21 1/12 Budget.

**BFRT update**

Present: Beth Suedmeyer, Environmental Planner  
Beth Suedmeyer: Director Planning and Community Development  
Adam Duchesneau

Ms. Suedmeyer stated that the BFRT Design Public Hearing took place and related comments were submitted, and now a response from MassDOT is anticipated. She added that the 75% RFP would likely be completed by next week. She added that Town Manager Hayes and Town Counsel have decided to release a hybrid RFP that allows direct consult responses.

Vice-Chair Brown asked if Concord was involved with the design proposed and asked if MassDOT had additional materials to present. Ms. Suedmeyer responded the hearing narrative would be part of the transcript and proceedings. She stated that she would make sure that all available slides were posted to the Town website. Ms. Suedmeyer explained a small section of the BFRT design would include Concord in consideration of the terminus location and affirmed that per the contract, Concord would be covering that expense.

After some discussion regarding the frequency of BFRT updates, Ms. Suedmeyer indicated that monthly updating was doable and encouraged the Board to ask questions as needed. She noted that if something should arise before the scheduled update time, she would present such happenings. Ms. Suedmeyer mentioned that the BFRT consultant would also present updates for the Board.

Selectman Roberts asked about the RFP hiring process timeline. Ms. Suedmeyer stated that RFP candidates would be responding by September 11<sup>th</sup> and a week would be allowed for review of submissions, and by the last week in September, interviews and the final negotiating process would be completed.

Selectman Roberts asked about the re-engagement of the BFRT Task Force. Ms. Suedmeyer responded that she could prepare the mission statement and membership related documentation for the Committee. Vice-Chair Brown commented that drafting of the mission statement should be addressed first.

Chair Carty agreed that the mission statement would direct the prospective members. He stated that he enjoyed his time serving on that Committee, and requested the membership be limited to Sudbury residents or Sudbury based organizations.

Chair Carty asked if the Board would see the RFP before its release. Town Manager Hayes stated that the RFP draft is currently being reviewed by Town Counsel and the Board would then be able to review the RFP.

Selectman Schineller asked if the boardwalk aspect was still a part of BFRT planning. Ms. Suedmeyer responded that the boardwalk was part of the scope of work now, but that might change. Beth noted that the RFP would likely go public with that uncertainty mentioned.

Mr. Simon asked for the names of the consulting firms that were consulted. Ms. Suedmeyer responded: GPI, Stantec, and Nitsch Engineering. Mr. Simon stressed that project timing was his major concern.

Mr. Duchesneau stated that his office would coordinate scheduled BFRT updates with Town Manager Hayes.

### **Discussion on future of Camp Sewataro**

Present: Facilities Director Bill Barletta and Park & Recreation Director Dennis Mannone

Selectman Schineller stated the Town was in good hands with the Sewataro Camp operator, Scott Brody. He indicated he was interested to know how the Camp could be utilized during non-camp months.

Vice-Chair Brown asked why this discussion was taking place at this time and asked who requested the agenda item, in consideration of the tremendous challenges faced by summer camps this year. She stated that she was impressed by the management of the Camp this summer and hoped that it would be better next year.

Selectman Roberts agreed that due to COVID-19, this has been an unusual summer and confirmed that she was impressed that the camp operator had navigated it and provided a camp experience. She acknowledged the importance of the camp revenue and was curious to see what that aspect would look like in the off-season, and hoped that a balance could be reached whereby the town felt it had enough access. Selectman Roberts suggested a task force to advance options going forward.

Selectman Dretler stated that the management agreement would renew as early as June 2022, and that the town had approximately 18 months to determine what the best use of the property would be after the initial term. Selectman Dretler asked when the ADA report might be available. Town Manager Hayes responded that the report might be available in October. He noted that COVID-19 contributed to the delay with the report.

Chair Carty acknowledged that this item had been suggested as an agenda for some time. He noted that he was fine with a survey or committee and had been impressed by the camp operator this past summer. He recommended extending the Camp contract one year because of the COVID-19 difficulties this year.

Chair Carty asked if there had been communication between Town staff and Camp Operator Scott Brody. Town Manager Hayes responded that there had been communication and the operated under two-thirds capacity this summer.

Mr. Barletta noted that the Camp was well-maintained with a very professional staff. He indicated that Mr. Brody made a good business partner.

Selectman Dretler asked if the ADA report could be presented to the Board at a future meeting. Mr. Barletta confirmed that the report would be presented to the Board.

Mr. Brody confirmed that it had been a challenging camp year and the camp did operate at a reduced enrollment rate due to COVID-19 and efforts to comply with COVID-19 mandates. He stressed that things have been going well, and there was no evidence of COVID-19 cases at the camp.

Mr. Brody stated that there were 204 Sudbury campers from 139 Sudbury families, including 11 campers who received scholarships. He mentioned that all financial obligations and operating expenses continued to be met. Mr. Brody confirmed that Sudbury residents have been using the camp during non-camp hours and he has been working with HOPEsudbury, SPS, LSPS, Sudbury Extended Day, and a group of Sudbury child care providers to help support families during the school year with hybrid or distance learning models.

Selectman Dretler thanked Mr. Brody for his efforts this summer and recognized that Camp Sewataro presented a good opportunity for the kids with practiced health guidance.

Chair Carty recommended that the extended early education camp offerings be included as a future agenda item.

Vice-Chair Brown indicated her interest about an extended day care concept at the Camp.

#### **Discussion on Annual Town Meeting Warrant vote from 8/11 meeting**

Town Manager Hayes spoke of the adjusted language change. He confirmed that after speaking with Town Counsel and the Finance Committee, he went forward with the Town Warrant.

#### **Discussion on Town Manager 90-day check-in, goals and 6-month evaluation**

Town Manager Hayes stated that he was open to receiving Board comments. Assuming his role as Town Manager during the COVID-19 global crisis was very pressure some, but staff helped tremendously. He added that recently he received his second degree and had enrolled in several programs recommended by the Board, such as the Massachusetts Municipal Association (MMA). Town Manager Hayes indicated that he had been received well by staff, the Board, and the community.

Selectman Dretler commended Town Manager Hayes for meeting the challenge and was grateful to staff as well. She indicated her appreciation regarding the responsiveness of Town Manager Hayes and for providing informative weekly updates. Selectman Dretler thanked Town Manager Hayes for work well done.

Selectman Schineller acknowledged the difficulty of assuming the Town Manager position in such emergency times, and noted that Town Manager Hayes performed well in the crisis situation.

Selectman Roberts stated that Town Manager Hayes was a steady leader in this COVID crisis, is very responsive and has come up to speed regarding many Town processes. She recommended that Town Manager Hayes continue to keep abreast of Board goals.

Vice-Chair Brown affirmed that she was impressed that Town Manager Hayes could complete the Town budget and Town Meeting implementations under such unusual emergency restrictions. She appreciated Town Manager's Municipal Minute presentations, as well as his ability to direct and connect with staff.

Chair Carty said Town Manager Hayes possessed good communication skills, especially with Board members. He stressed the many challenges involved with walking into such a difficult situation and being able to adjust effectively.

Chair Carty noted that Town Manager Hayes received positive feedback from department heads. He recognized the leadership quality that Town Manager Hayes displays at all times.

The Board agreed that Ms. Bilodeau and Selectman Dretler would work on the 360 evaluation, which was a component of the 6-month evaluation for Town Manager Hayes.

Town Manager Hayes stated that he did not want to know the identity of the 360 responders.

**Discussion and possible vote on the Fairbank Community Center Town Forum, including presentation content**

Selectman Roberts stated that Fairbank Forum notifications were submitted to the newspaper and to Town boards and committees. She opined if there might be additional e-mail opportunities available. Town Manager Hayes noted that e-mail programs should not be used as such notification could be construed as advertising.

Selectman Roberts inquired about providing signage at each Town fire station and quired about utilization of illuminated signage. Town Manager Hayes agreed to investigate the signage aspect.

Selectman Roberts stated that all Forum questions must be submitted by Monday at 5:00 p.m.

Chair Carty asked that the Forum presentation be shared with the Board in advance of the Town Forum. Selectman Roberts stated that she would be happy to do so.

**Discussion on task force on race/safety (community conversation)**

Selectman Schineller presented his “2020 Sudbury Equality and Inclusivity Commission” draft and read his proposal that: “7 members appointed by the Sudbury commission selecting board, at least three of whom self-identify as members of Sudbury’s minority or marginalized demographics.”

Selectman Dretler stated that Selectman Schineller’s draft was excellent and presented some related options with her “Sudbury Diversity, Equality and inclusivity Commission” draft. Her draft outlined a membership of nine to eleven members, with up some two associate members. In her draft, Selectman Dretler indicated that the commission would meet monthly for one year.

Vice-Chair Brown indicated that she appreciated the specificity of Selectman Schineller’s draft and opined that more than seven committee members would be excessive.

Selectman Schineller commented that he advocated that the commission continue to meet after the one year mark and Selectman Dretler indicated that the Commission would dismantle in a year. He also recognized that Selectman Dretler itemized commission tasks and goals. Selectman Schineller emphasized that elimination of bias was his focus.

Chair Carty stated his preference for less committee members and supported the inclusion of specific goals and tasks as outlined in Selectman Dretler’s draft. He suggested that the word “marginalized” be defined.

Town Manager Hayes recommended that the word “marginalized” be omitted from committee description and felt that the Concord definition of black and immigrant populations to be very limiting in scope.

Selectman Roberts suggested that the proposed committee include a couple of individuals who were familiar with Town government.

Chair Carty recommended informing other Town committees/boards of the proposed race-equity commission formation.

Resident Susan Berry, 4 Dawson Drive, stated she was in favor of the Board implementing such a commission and suggested that the Board review the commission proposed in Wayland. She acknowledged that Goodnow Library trustees had provided an official race equity statement and had also implemented a racial safety education series. Ms. Berry suggested the Board bring forth an anti-racism statement.

Resident Susan Abrams, 24 Hudson Road, was encouraged that the Board took action regarding this important issue and stressed that a Board statement would be appreciated.

Chair Carty suggested that Selectmen Dretler and Schineller continue to work on this topic together and report back to the Board.

#### **Discussion on Board's Town Meeting articles that can be prerecorded**

Chair Carty agreed to present Article 13 – FY 21 Revolving Fund Limits and Article 34 – Authorize BOS to petition for an additional alcohol pouring license for Meadow Walk development.

Vice-Chair Brown agreed to present Article 11 – Stabilization Fund.

Town Manager Hayes recognized that the benefit associated with prerecording articles was that they could be reviewed before Town Meeting.

#### **Review draft Summer 2020 Board of Selectmen Newsletter and approve for distribution**

Selectman Dretler stated that her edits were included in her finalized article. Selectman Roberts stated that she would submit her article edits to include two human cases of EEE and increased positive mosquito samples (not in Sudbury).

Selectman Dretler wanted assurance that Selectman Schineller's Eversource litigation article was not depicting the Rule of Necessity, as mentioned by a citizen. Selectman Schineller responded that his article was simply a reporting of related litigation.

Selectman Schineller motioned to approve the 2020 Board of Selectmen Newsletter with edits from Selectman Roberts. Chair Carty seconded the motion.

It was on motion 5-0, Brown-aye, Dretler-aye, Schineller-aye, Roberts-aye, Carty-aye

VOTED: To approve the 2020 Board of Selectmen Newsletter with edits from Selectman Roberts.

#### **Citizen's Comments**

There were no citizen's comments.

#### **Review regular session minutes of 7/14/20 and 7/21/20, and possibly vote to approve minutes.**

Selectman Schineller motioned to approve the 7/14/20 minutes, as amended. Vice-Chair Brown seconded the motion.

It was on motion 5-0; Brown-aye, Schineller-aye, Roberts-aye, Dretler-aye, Carty-aye

VOTED: To approve the 7/14/20 minutes, as amended.

Selectman Dretler acknowledged that she provided a number of edits in a Word document for the 7/21/20 minutes.

Vice-Chair Brown requested that the 7/21/20 minutes be tabled until the next BOS meeting, so she could review changes made by Selectman Dretler. The Board was in agreement.

**Upcoming Agenda Items**

- Social Media Policy
- CSX Executive Session and Possible open session inclusion
- Town Meeting Presentations
- Brad Crozier SPS Town Meeting Articles
- Buildings at Broadacre
- Cold Brook Crossing update as it relates to Town Center land exchange.

**Vote to adjourn meeting**

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

It was on motion 5-0; Dretler-aye, Schineller-aye, Brown-aye, Roberts-aye, Carty-aye.

VOTED: To adjourn the meeting



## **8/18/20 - 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 Sudbury portion of the CSX rail corridor.

**Attachments:**

- 1.a KP-#729114-v1-SUDB-\_CSX\_P&S\_FINAL
- 1.b 2020-08-13 18-25
- 1.c CSX Appraisal ES Memo 2020 May 12
- 1.d 2020 CSX Acquisition Timeline Revised BOS May 2020
- 1.e 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 8-26-19\_for\_review
- 2.b BOS\_ES\_20.03.03\_Draft1\_for\_review

**5.** Vote to approve FY21 1/12 Budget. Participating will be Dennis Keohane, Finance Director.

**Attachments:**

- 5.a FY21 1-12th Budget (September) Detail Estimate Combined\_8-18-2020

**9.** Discussion on Town Manager 90-day check-in, goals and 6-month evaluation

**Attachments:**

- 9.a TM Eval Checklist
- 9.b TM Eval Process
- 9.c Goals and evals - 30 90 6months - Hayes v1 JR edits

**10.** Discussion and possible vote on the Fairbank Community Center Town Forum, including presentation content

**Attachments:**

- 10.a Fairbank docs combined
- 10.b Fairbank Flyer\_Aug2020\_v2

**11.** Discussion on task force on race/safety (community conversation). Selectman Schilneller to lead discussion.

**Attachments:**

- 11.a 2020 Sudbury Equality and Inclusivity Commission

**12.** Discussion on Board's Town Meeting articles that can be pre-recorded

**Attachments:**

- 12.a Articles list ATM 2020\_08.11.20

**13.** Review draft Summer 2020 Board of Selectmen Newsletter and approve for distribution.

**Attachments:**

- 13.a BOS Newsletter 8.19.20\_Park Rec Edits

**15.** Review regular session minutes of 7/14/20 and 7/21/20, and possibly vote to approve minutes.

**Attachments:**

15.a BOS\_draft1\_7.14.20\_min\_for\_review

15.b BOS\_draft1\_7.21.20\_min\_for\_review

**16.** Upcoming Agenda Items

**Attachments:**

16.a POTENTIAL UPCOMING AGENDA ITEMS\_8\_18\_20