

SUDBURY BOARD OF SELECTMEN

TUESDAY OCTOBER 6, 2020

(Meeting can be viewed at [www.sudburytv.org](http://www.sudburytv.org))

Present: Chairman Janie Dretler, Vice-Chairman Jennifer Roberts, Selectman Daniel E. Carty, Selectman William Schineller, Selectman Charles Russo, Town Manager Henry L. Hayes, Jr., Assistant Town Manager/HR Director 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.

**CALL TO ORDER/ROLL CALL**

Chair Dretler conducted roll call and made announcement regarding the recording of the meeting and other procedural aspects included in the meeting.

Roll Call: Roberts-aye, Schineller-aye, Carty-aye, Russo-aye, Dretler-aye

**As the Licensing Authority for the Town of Sudbury, vote whether to approve the application for the transfer of a Restaurant License for the Sale of All Alcoholic Beverages, under M.G.L. Ch. 138, s.12, from Dick J. Bosse, Jr., Manager, Bosse Sports & Health LLC, d/b/a Bosse Sports & Health Club, at 141 Boston Post Rd., Sudbury, to TFD II LLC, Chandra Gouldrup, Manager, and for a Change of Location, Change of Hours and Pledge of License for TFD II LLC. Also vote to approve a new Common Victualler License and Entertainment License for TFD II LLC, DBA Farmer's Daughter, 534 Boston Post Road**

Chair Dretler opened the Public Hearing at 7:01 p.m.

Present: Chandra Gouldrup, Farmer's Daughter – Manager; Patrick Kennedy, Director of Operations - TFD II LLC; Brian Riley, Attorney for Farmer's Daughter/TFD II LLC

Ms. Gouldrup provided summary about the farm-to-table style restaurant, set-up, hours of operation, and proposed licensing.

Selectman Russo inquired about any police reporting of alcohol violations and planned TIPS (Training for Intervention Procedures for Servers of Alcohol). Ms. Gouldrup responded there were no Police violation reports at the existing Farmer's Daughter restaurant in Easton, and TIPS training was scheduled.

Selectman Schineller asked Mr. Riley to provide a summary regarding possible transference of the All Alcoholic Beverages license. Mr. Riley responded that the license transferred from Bosse Sports & Health LLC, could be transferred anywhere, with the exception of Whole Foods at Meadow Walk. Selectman Carty maintained that any alcohol license would be under the discretion of the Sudbury Board of Selectmen and ABC (Alcoholic Beverage Control).

Vice-Chair Roberts expressed concern regarding alcohol safety at the new restaurant location. Mr. Riley noted that given the limited daytime hours, alcohol safety would in all probability be maintained.

Vice-Chair Roberts inquired about the timeline. Mr. Kennedy replied that construction was almost complete, and kitchen equipment would be arriving shortly.

Vice-Chair Roberts asked if local produce would be served at the restaurant. Ms. Gouldrup stated that she was making connections with local/town farms and agricultural centers.

Chair Dretler confirmed that Town departments including the Board of Health, the Fire Department, and the Police Department; had no outstanding issues regarding the opening of the restaurant.

Resident Ralph Tyler, One Deacon Lane, inquired about payment in relation to the transfer of license. Mr. Riley responded an annual fee for inspections, renewals, etc., was likely, but no other value was associated with the transfer.

Chair Dretler motioned and Selectman Schineller seconded the motion.

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

VOTED: To approve the application for the transfer of a Restaurant License for the Sale of All Alcoholic Beverages, under M.G.L. Ch. 138, s.12, from Dick J. Bosse, Jr., Manager, Bosse Sports & Health LLC, d/b/a Bosse Sports & Health Club, at 141 Boston Post Rd., Sudbury, to TFD II LLC, Chandra Gouldrup, Manager, and for a Change of Location, Change of Hours and Pledge of License for TFD II LLC. The proposed new premises are described as follows: 4,084 square feet of floor area of restaurant space on the first floor of the building numbered 534 Boston Post Road, Sudbury, MA.

Chair Dretler motioned and Selectman Russo seconded the motion.

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

VOTED: To approve a new Common Victualler License and Entertainment License for TFD II LLC, DBA Farmer's Daughter, 534 Boston Post Road, as requested in an application dated September 18, 2020, subject to conditions put forth by the Fire Department and Building Department.

**PUBLIC HEARING: Comcast of Massachusetts III, Inc. In accordance with the regulations of the Department of Telecommunications & Energy 207 CMR 3.02(2) and 207 CMR 2.02, question of approving the renewal application for a cable television license in the Town of Sudbury and the extension of current license from November 6, 2020, through November 5, 2030**

Present: Jeff Winston

At 7:34 p.m., Chair Dretler motioned to open the Public Hearing and Selectman Carty seconded the motion.

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

VOTED: To open the Public Hearing: Comcast of Massachusetts III, Inc. In accordance with the regulations of the Department of Telecommunications & Energy 207 CMR 3.02(2) and 207 CMR 2.02, question of approving the renewal application for a cable television license in the Town of Sudbury and the extension of current license from November 6, 2020, through November 5, 2030.

Mr. Winston stated that the attorneys were still in negotiations, and the Comcast cable renewal hearing would have to be postponed.

Selectman Schineller inquired about license renewals. Mr. Winston provided additional detail regarding renewals, and confirmed that the Verizon license with the Town would be up for renewal in 2022.

Selectman Russo asked about INET servicing. Mr. Winston explained that IT Director Mark Thompson was continuing work on a new network, which could replace INET.

Vice-Chair Roberts inquired about funding of SudburyTV. Mr. Winston responded such funding reflected fixed capital plus a percentage of revenue.

Mr. Winston asserted that Attorney Bill Solomon was a legal cable negotiation expert, and was representing the Town. Mr. Winston detailed that in 2019, 89% of homes in Sudbury subscribed to cable. He noted that streaming services may impact the status of cable in the near future.

Mr. Tyler commented that Comcast did not provide underground cable wiring on his street as promised. Mr. Winston responded the pedestal conduction system services the road Mr. Tyler resides at, and represents acceptable underground cable service.

At 8:00 p.m., Chair Dretler motioned to close the Comcast Public Hearing. Selectman Schineller seconded the motion.

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

VOTED: To close the Comcast Public Hearing

### **Opening remarks by Chairman**

Chair Dretler commented regarding:

- Return home of 1<sup>st</sup> LT Dylan DeFlorio from deployment in Afghanistan, graduate of LSRHS and the University of Alabama; son of Hillary Wells and step-son of Henry Phelan of Sudbury
- Sudbury Council on Aging (COA) seeking a new member
- Community Preservation Committee (CPC) seeking proposals for FY22 projects, and submission deadline for application proposals is 12:30 p.m., Friday, October 9, 2020
- Political signs not permitted on Town property
- Sudbury Park & Recreation sponsoring the Great Pumpkin Carving and Drive-Thru event on Friday, October 30 from 12:00 p.m. to 5:00 p.m. (for the carving aspect and pumpkin drop-off at Fairbank Community Center, and the drive-thru event, from 6:00 p.m. to 8:00 p.m.
- HOPEsudbury will conduct its 19<sup>th</sup> annual Telethon on November 7 from 3:00 p.m. to 9:00 p.m.

### **Reports from Town Manager**

Town Manager Hayes commented regarding:

- Election-related messaging will be sent via RAVE or the Town's Emergency Communications Network, and encouraged all residents to sign-up for the emergency notice network.
- During Election Day on November 3, Town Polling centers (Town Hall and the Fairbank Community Center) are open from 7:00 a.m. to 8:00 p.m. Vote by mail option, and ballots must be postmarked on or before the 3<sup>rd</sup> of November; ballots received at the Town Clerk's office by November 6<sup>th</sup> would be counted.
- Ballot boxes are available at the Goodnow Library and the Town Clerk's office, questions can be directed to the Town Clerk's office
- A link for tracking ballots in real time will be provided
- CARES Act – Phase II (the remainder of CARES Act funding) will be applied for, and associated funding must be utilized by December 30, 2020. Related meetings scheduled with staff and school superintendents.
- Great Pumpkin Carving Drive-Thru Halloween event sponsored by Park & Recreation Commission
- Camp Sewataro Halloween event scheduled for October 22
- Conducted Town Manager Office Hours October 1, and five people attended. Provided invitation for everyone to join the Town Manager Office Hours and Board of Selectmen Office Hours

- Recorded two Municipal Minutes over the past several weeks
- Thanked 1<sup>st</sup> LT Dylan DeFlorio for his service/sacrifice, and reminded 1<sup>st</sup> LT DeFlorio and his friends/family to “go slow,” during the return home period.
- Vehicle at Town Hall is being watched, and KP Law has been contacted

Chair Dretler reminded everyone that October 24<sup>th</sup> is the last day to register to vote for the November 3<sup>rd</sup> Election.

### **Reports from Selectmen**

Selectman Russo also welcomed 1<sup>st</sup> LT DeFlorio home. Selectman Russo noted at the last ZBA (Zoning Board of Appeals) meeting, it was mentioned that ZBA and the Planning Board are working on a bylaw regarding storage trailers.

Selectman Russo stated that MA DEP (Department of Environmental Protection) released new drinking water standards, and queried about what the Sudbury Water District might plan to do.

Selectman Carty confirmed that he would follow-up with the Sudbury Water District regarding the updated drinking water standard. He had attended the SPS (Sudbury Public School) School Committee meeting and noted Superintendent Crozier was reviewing progress related to remote and hybrid learning at SPS. He noted a related survey had been distributed, and 500 people had responded to date. Selectman Carty announced Virtual Back to School Night will take place on October 8.

Selectman Carty stated that SPS has started to discuss budget timelines, with the first budget draft to go before the SPS School Committee on December 7, and final vote on December 21.

Selectman Carty noted that subsequent to the Board’s vote approving BayPath funding for the Go Sudbury! Taxi Rides Program, 24 people registered for taxi service, resulting in some 26 trips provided in one week (six were wheelchair rides). Chair Dretler commented about the new bus stop at Meadow Walk.

Vice-Chair Roberts welcomed 1<sup>st</sup> LT Dylan DeFlorio home to Sudbury, and thanked him for his service.

Vice-Chair Roberts stated that she had attended the Park & Recreation Commission meeting last evening, and the Commission was submitting several proposed projects to CPC. She also attended the Finance Committee (FinCom) meeting, where the topic of vocational school membership was discussed.

Vice-Chair Roberts stated that she provided several edits to the Warrant when performing the final review. She hoped that residents would be receiving ballots by the agreed upon date, and asked if there might be any other methods when considering the distribution of ballot information – such as via e-mail or the Town website.

Chair Dretler confirmed Vice-Chair Roberts had made some corrections to the Warrant before being sent to the printer.

Selectman Schineller mentioned the decrease in food pantry donations due to recent school pantry drives being cancelled due to COVID. Selectman Schineller detailed that residents could make food pantry donations at the supermarkets, and could also contribute with cash donations.

Selectman Schineller spoke of the HOPEsudbury Telethon, which he was looking forward to.

Selectman Schineller provided detail regarding the Camp Sewataro “Scarecrow Spectacular” Halloween drive through event, to take place on Thursday evening October 22. He noted that Park & Recreation was hosting a pumpkin carving and drive-thru event on Friday, October 30.

### **Citizen Comments**

There were no citizen’s comments.

**Interview candidates John Porter and John Kraemer for appointment to the Permanent Building Committee. Following interview, vote to appoint for a term to expire May 31, 2021.**

Present: John Porter, 2 Woodland Road; John Kraemer, 44 Maynard Farm Road

Mr. Porter provided his related background, confirming his position as an engineer, and his participation as a Permanent Building Committee (PBC) member for several years.

Mr. Kraemer provided his related background, and affirmed that he was employed as a commercial construction manager.

Vice-Chair Roberts asked Mr. Porter about the Town Hall project. Mr. Porter responded the Town Hall project process went fairly smoothly, and indicated that gathering feedback earlier in the design process would have been beneficial.

Selectman Schineller asked Mr. Kraemer his thoughts about the Fairbank Community Center, and the Town Hall projects. Mr. Kraemer emphasized his experience in all areas of construction, and stated that completeness of design was especially important, as was effective communication.

Selectman Russo asked the candidates about working with multiple stakeholders. Mr. Kraemer responded that effective communications in combination with an understanding what the users are asking for, is critical. Mr. Porter agreed with the communication aspect, and stressed the importance of gathering group users together early in the process.

Selectman Russo asked if the Town Hall entrance project should go forward, in consideration of accessibility vs. historical preservation. Mr. Porter responded that user groups should determine the need for a variance, and not PBC. Mr. Kraemer stated he would need to review of the project before providing a response.

Vice-Chair Roberts stressed PBC has involvement with many complex projects. Mr. Porter noted he is often brought in as the prime consultant when working through the design aspect, and performs cost estimating on public and private projects. He acknowledged his ability to see the process from both sides. Mr. Kraemer detailed his involvement with major projects from beginning to completion, and affirmed he performed his own cost estimating much of the time.

Chair Dretler asked the candidates if they currently had any proposals before the Town. Mr. Porter responded he had involvement with one of the bridges associated with Eversource, and would pass that assignment along to another engineer if he was appointed member of the PBC.

Chair Dretler commented that the PBC associate position was also available.

Chair Dretler asked the candidates what might excite them regarding participation with the Fairbank Community Center project. Mr. Kraemer noted he would be excited to be able to contribute his construction-related skills, and help the Town. He indicated that the excitement increases as the project progresses. Mr. Porter responded that great excitement and pride is fostered as a project nears completion.

Selectman Schineller indicated that he favored the appointment of John Porter.

Selectman Russo indicated that he favored the appointment of John Kraemer.

Selectman Carty indicated that he favored the appointment of John Kraemer.

Vice-Chair Roberts indicated that she favored the appointment of John Porter.

Chair Dretler indicated that she favored the appointment of John Kraemer.

Resident and PBC Member Craig Blake, 300 Old Lancaster Road, recommended that Mr. Porter be appointed member to PBC, and Mr. Kraemer be appointed associate member. He stressed that Mr. Porter had the expert engineering experience that PBC needed.

Chair Dretler motioned to vote to appoint John Kraemer to the Permanent Building Committee, for a term to expire May 31, 2021. Selectman Carty seconded the motion.

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

VOTED: To appoint John Kraemer to the Permanent Building Committee for a term to expire May 31, 2021.

**Discussion of statutory right of first refusal for railroad rights of way under G.L. c. 161C. Also possible vote to release the opinion of Town Counsel dated October 2, 2020 regarding statutory right of first refusal for railroad rights of way under G.L. c. 161C.**

Present: Lee Smith, Town Counsel; Director of Planning and Community Development Adam Duchesneau; Environmental Planner Beth Suedmeyer

Chair Dretler stated that this item was included on the agenda because a resident had a question regarding the right of first refusal, specific to CSX.

Selectman Russo motioned to release the opinion of Town Counsel dated October 2, 2020 regarding statutory right of first refusal for railroad rights of way under G.L. c. 161C. Vice-Chair Roberts seconded the motion.

Vice-Chair Roberts commented that it made sense to release Town Counsel opinion.

Selectman Schineller stated he was in favor of releasing Counsel's opinion, and suggested that Town Counsel review the related law before presenting his opinion.

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

VOTED: To release the opinion of Town Counsel dated October 2, 2020 regarding statutory right of first refusal for railroad rights of way under G.L. c. 161C.

Vice-Chair Roberts asked for a brief description of the law by Mr. Smith, after which, Mr. Smith could address applicability to the CSX acquisition. Chair Dretler concurred.

Mr. Smith stated that G.L. c. 161C dealt with the State of MA right of first refusal to purchase property owned by a railroad, in the event that such railroad seeks to discontinue or sell its right of way. He noted that Section 1 stated clearly that the Section applies to active rail, freight and transportation; and if an area were underserved or need was determined by the State to provide active railway, then the State could elect to purchase that railway right of way, and presumably activate it pursuant to State authority. He added that it might be possible for the State to acquire the property for recreational rail trail purposing, but based on Section 1 legislative state of intent, he believed there was no justification for enactment of the Statute.

Mr. Smith maintained the Town of Sudbury was operating under Federal jurisdiction within the Service Transportation Board (STB). Mr. Smith stated such process had been going on for some twenty years, and the current granted extension period was to expire at the end of November, 2020; and now there is an executed Purchase and Sale Agreement in place demonstrating that the Town is advancing the acquisition process.

Mr. Smith opined that because the standing is within Federal jurisdiction, the State First Refusal option does not apply because Federal Law takes precedence over State law. If the Town did not ultimately acquire the right of way, and CSX proceeded to formally abandon its right of way, that would take the right of way out of Federal

jurisdiction at which point Mr. Smith felt, that G.L. c. 161C would then apply. He considered that if CSX wanted to sell the property to a third party, they would have to offer it to the State first.

Vice-Chair Roberts acknowledged that Mr. Smith thoroughly researched the right of way aspect, and interacted with the STB, MassDOT (Department of Transportation), and CSX to help formulate his final opinion. Mr. Smith noted that legal counsel for MassDOT was in the process of providing a written opinion.

Vice-Chair Roberts reiterated that Mr. Smith was told by a MassDOT representative that MassDOT was not interested in purchasing a rail road right of way at this time, and the public would be able to view the MassDOT opinion soon.

Selectman Schineller stated that the timeline for the Town to close on the acquisition of the CSX parcel would not be disrupted by State law. Selectman Schineller acknowledged should the Town not purchase the right of way, the parcel would not revert directly to a potential buyer, and the State would consider such offer first. Selectman Schineller opined that the State would not buy the parcel at this time because Sudbury would buy it, despite the fact that the State funded the trails in Lowell, Chelmsford, Dunster, Carlisle, Acton and Concord.

Selectman Schineller opined if after November 3 Sudbury residents did not vote to purchase the parcel, it would be offered to the State; and the State would likely not want to see the last section of the BFRT get sold to an outside party. He expressed sentiment that Framingham would likely allow the extension deadline to expire.

Selectman Carty queried about the Trail Act, and asked if a formal request had been presented in consideration of the rail bank area. Mr. Smith indicated that such action took place twenty years ago when CSX initially began the abandonment process, and expressed interest in negotiating with Sudbury. Selectman Carty suggested that Mr. Smith might examine this aspect further. Mr. Smith answered that with the new STB ruling in February 2020, the roll-over process had been eliminated. Selectman Carty indicated it could be a long time before Framingham purchase their portion of the corresponding CSX section.

Selectman Russo concurred that Town Counsel had explored this aspect thoroughly, and asked Mr. Smith to include as much information in writing as possible. He suggested that Mr. Smith advise MassDOT to draft a broad statement to help assure that no other agency could intervene.

Vice-Chair Roberts asked about the possibility of the CSX parcel proceeding to abandonment status, and if the parcel were offered to the State, there could be integrity and continuity issues. Mr. Smith responded CSX would have to secure a willing buyer for some or all of the property in question, and would have to first present that same purchase offer to the State.. He mentioned that if the property should attain abandonment status, there would definitely be cause for concern.

Vice-Chair Roberts highlighted the benefits obtained if the Town acquired the CSX parcel in question, adding that the Town would be receiving one-third of the purchase price in reimbursable grants.

Resident Pat Brown, 34 Whispering Pine Road, stated that currently the CSX corridor in question was under the auspices of the STB because of the non-abandonment status, and related negotiations regarding rail banking in the two communities (Sudbury and Framingham) will end on December 1, 2020. Ms. Brown indicated that at such time, if Sudbury proceeds to purchase the corridor, the corridor would be rail banked in Sudbury and if at that time, Framingham has not entered into agreement, the corridor could proceed to abandonment status and provision 161C could then be activated. It then would be up to the State/Mass DOT to determine if they wish to purchase the Framingham section of the corridor.

Mr. Smith commented that the current deadline for extension of agreement is November 30, and Framingham could seek additional extension and possibly obtain such extension.

Ms. Brown asked if there was reason to believe that Sudbury would have less ability to negotiate an extension when compared to Framingham. Mr. Smith opined that Sudbury would likely have a stronger argument in support

of an extension request because of the signed Purchase and Sale Agreement, proceeding towards a closing in good faith.

Resident Len Simon, 40 Meadowbrook Circle, asked if the Town Manager's office could provide a copy of that opinion to residents on request. Chair Dretler responded that effort would be made to include that opinion online as quickly as possible.

Mr. Simon asked if MassDOT had no interest in acquiring any additional rights of way at this time. Mr. Smith confirmed that was what he was told by a member of MassDOT staff.

Mr. Smith left the meeting at this time.

**Discussion on Halloween and end-of-year holidays to include tree lighting safety strategies**

Present: Health Director Bill Murphy

Town Manager Hayes inquired about Halloween, and end-of-year holiday events in regard to increased COVID cases.

Mr. Murphy said that he had received calls regarding Halloween events and traditional tree lighting ceremonies. He affirmed that the Board of Health (BOH) had not released a formal statement, but endorsed the CDC (Center for Disease Control) statement, which recommended avoiding high risk Halloween activities, such as door-to-door trick or treating, and group gatherings. Mr. Murphy affirmed that he would post the CDC recommendations for all to see.

Vice-Chair Roberts hoped the Town and schools could initiate additional "safe" Halloween activities, and asked if the Town could plan a virtual event on October 31.

Selectman Schineller added that the State had posted recommendations for a safe and healthy Halloween.

Selectman Carty noted BOH would be the originator of an official Halloween statement for the Town. Mr. Murphy maintained the statement should reflect a collective decision, with input from Town Departments. Selectman Carty stated that he would support whatever BOH choose to do.

Chair Dretler stated that she wanted to ensure the safety of all residents, as well as kids, at this time. She acknowledged that Governor Baker had put the decision to individual communities/towns.

Town Manager Hayes mentioned the possibility of a virtual tree-lighting ceremony.

**Bruce Freeman Rail Trail update on the 75% design plans, 100% design plans, and preparation of the plans, specifications and estimates (PSE) procurement process.**

Present: Environmental Planner Beth Suedmeyer

Ms. Suedmeyer updated the Board regarding the related RFP process, and noted that three applicants were being interviewed.

Selectman Russo queried about the comments from BFRT abutters regarding residential/commercial liability aspects. Ms. Suedmeyer responded that related topics would be addressed by the consultant.

The Board reviewed the Bruce Freeman Rail Trail Phase 2D template.

Town Manager Hayes mentioned that the document was current, and updates/adjustments would be made to the baseline template.

Vice-Chair Roberts commented the template was helpful. She asked Ms. Suedmeyer if the suggested project timeline could be met. Ms. Suedmeyer confirmed that the RFP candidates understood the prescribed timeline schedule.

Vice-Chair Roberts asked if the re-establishing of the BFRT Task Force would be addressed shortly. Ms. Suedmeyer stated that such discussion could take place at the next BOS meeting.

Selectman Carty stressed the benefit of a one-page KPI-style project summary which included space for the MassDOT public hearing feedback. Ms. Suedmeyer noted that the Department received a compilation of public hearing comments which had been shared with the RFP consultant, but MassDOT had not provided responses yet.

Resident Pat Brown noted that the absence of such important responses reflected MassDOT delay, and the public should be informed that the delay has nothing to do with the town. She confirmed that the responses would be made public as soon as they are submitted.

Resident Len Simon stated the related contracts were advancing slowly, and was concerned the MassDOT advertising deadline would not be met. He stressed that it is the responsibility of Town Manager and the Project Managers to complete this aspect rapidly.

Chair Dretler motioned to recess for five minutes. Selectman Carty seconded the motion.

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

VOTED: To recess for five minutes

At 10:30 p.m. Chair Dretler resumed the meeting.

**Discussion and vote to approve formation of Sudbury Diversity, Equity and Inclusion Commission, and finalize mission statement**

Selectman Russo inquired about the seven-person membership process. Chair Dretler suggested that process/procedure aspects could be presented to the SPS School Committee and the LSRHS School Committee. The Board reviewed questions to be presented to the School Committees.

Selectmen Schineller and Russo agreed to work on member selection documentation.

Chair Dretler recommended that the Board vote on the Sudbury Diversity, Equity and Inclusion Commission mission statement at the next meeting on October 20<sup>th</sup>.

Resident Debbie Howell, 123 Victoria Road, mentioned there were several similar Race Equity and Diversity groups around Town, and suggested that the Board reach out to those groups for recruiting of members, as well as ideas.

**Discussion and possible vote on Key Performance Indicators (KPIs)**

Selectman Schineller presented the Select Board Project Tracking Policy, and suggested that the Board might endorse the Tracking Policy with a vote this evening. He reviewed the generic template as well as the BFRT template that he drafted. He explained the risk mitigation aspect.

Chair Dretler asked Selectman Schineller about the definition of “significant project.” Selectman Schineller responded “significant project” was determined by the Board and would have financial impact, such as a project approved at Town Meeting. He recommended establishing a policy less proscriptive, and fully transparent. Chair Dretler noted that the template would help advance next steps.

Vice-Chair Roberts suggested adding risk/contingencies to the template. Selectman Schineller recommended risk/contingencies be prerequisites for the drafting of a project template.

Chair Dretler indicated she was fine with including targets and milestones on a given template, but was uncomfortable about including the red box.

Selectman Russo detailed his use of KPIs at his job, and questioned the validity of the BFRT template example because the information had already been provided.

Selectman Carty commented that the template would promote related discussion/communication, and a one page template could help direct the progress of a certain project. He indicated that he favored the red box in the middle of the template serving as an alert.

Chair Dretler suggested utilizing Selectmen Goals with protect tracking templates. Selectman Schineller agreed to apply the Select Board Project Tracking policy and to template various projects from the 2020 Selectman Goals. He added that the Goal Meeting session would be scheduled soon.

Selectman Schineller motioned to adopt the Select Board Project Tracking Policy, with amendments discussed. The motion was not seconded.

Selectman Carty suggested templating several projects, and determine how that works. Town Manager Hayes recommended substituting the term “guide,” for “policy,” which would encourage some flexibility.

#### **Review and possibly approve draft 2021 Board Meeting schedule**

The Board suggested several changes to the draft 2021 Board Meeting schedule, which involved changes to meeting dates in January, March and June 2021: January 12 & 26, March 2 and 16, June 1 and 15.

#### **Review open session minutes of 8/18/20 and 9/12/20 and possibly vote to approve minutes**

Chair Dretler motioned to approve the open session minutes of 8/18/20, as edited. Selectman Schineller seconded the motion.

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

VOTED: To approve the open session minutes of 8/18/20, as edited. Selectman Schineller seconded the motion.

Chair Dretler motioned to approve the open session minutes of 9/12/20. Selectman Carty seconded the motion.

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

VOTED: To approve the open session minutes of 9/12/20.

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

There were no citizen comments

#### **Upcoming Agenda Items**

- Legislators update
- L-SRHS Agreement
- MAPC member
- MBTA member
- BOS Goal Setting Meeting update
- Financial Policies
- Review of Town Bylaws in relation to May Town Meeting (future meeting)

Consent Calendar

**Vote to accept expenditure limits for Town Trust Funds for Fiscal Year 2021**

Selectman Russo motioned and Selectman Schineller seconded the motion.

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

VOTED: To accept the following expenditure limits for the Town Trust Funds for Fiscal Year 2021: Goodnow Library \$35,000; Rhodes Memorial \$600; Lydia Raymond \$100; Forrest Bradshaw \$100; Cheri-Anne Cavanaugh \$1,000; Raymond Scholarship \$1,000; Discretionary \$4,000; Sept. 11 Memorial \$2,000; Perpetual Care \$70,000, for a total of \$113,800, as requested by Dennis Keohane, Finance Director.

**Vote to sign the state presidential election warrant**

After some discussion, Chair Dretler motioned to sign the state presidential election warrant which must be posted by October 27, 2020. Selectman Carty seconded the motion.

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

VOTED: To sign the state presidential election warrant which must be posted by October 27, 2020.

**Vote to accept a grant from the Center for Tech and Civic Life (a non-profit organization) in the amount of \$6,195, and to authorize the Town Manager to execute the grant agreement on behalf of the Board of Selectmen**

Selectman Russo motioned and Selectman Schineller seconded the motion.

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

VOTED: To accept a grant from the Center for Tech and Civic Life (a non-profit organization) in the amount of \$6,195, and to authorize the Town Manager to execute the grant agreement on behalf of the Board of Selectmen.

**To approve execution by the Town Manager of an Agreement between the Town of Sudbury and RouteSmart Technologies, Inc. for licensing and providing additional software installation in Town vehicles utilized for snowplowing**

Selectman Russo motioned and Selectman Schineller seconded the motion.

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

VOTED: To approve execution by the Town Manager of an Agreement Between the Town of Sudbury and RouteSmart Technologies, Inc. for licensing and providing additional software installation in Town vehicles utilized for snowplowing.

**Vote to adjourn meeting**

Vice-Chair Roberts motioned to adjourn the meeting. Selectman Russo seconded the motion.

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

VOTED: To adjourn the meeting

There being no further business, the meeting was adjourned at 12:16 a.m.

## **10/6/20 Documents & Exhibits**

1. Open in regular session and immediately vote to enter executive session 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.a BOS Executive Session draft 8-04-20\_for\_review
- 1.b BOS Executive Session draft 8-11-20\_for\_review
- 1.c BOS Executive Session draft 9-8-20\_for\_review

2. Vote to close Executive Session and resume Open Session.

3. As the Licensing Authority for the Town of Sudbury, vote whether to approve the application for the transfer of a Restaurant License for the Sale of All Alcoholic Beverages, under M.G.L. Ch. 138, s.12, from Dick J. Bosse, Jr., Manager, Bosse Sports & Health LLC, d/b/a Bosse Sports & Health Club, at 141 Boston Post Rd., Sudbury, to TFD II LLC, Chandra Gouldrup, Manager, and for a Change of Location, Change of Hours and Pledge of License for TFD II LLC. The proposed new premises are described as follows: 4,084 square feet of floor area of restaurant space on the first floor of the building numbered 534 Boston Post Road, Sudbury, MA. Also vote to approve a new Common Victualler License and Entertainment License for TFD II LLC, DBA Farmer's Daughter, 534 Boston Post Road, as requested in an application dated September 18, 2020, subject to conditions put forth by the Fire Department and Building Department.

### **Attachments:**

- 3.a Legal Notice\_Farmers Daughter\_Bosse
- 3.b Department Approvals\_Farmers Daughter\_Bosse Transfer
- 3.c Liquor License Transfer\_Farmers Daughter\_Bosse\_BOS
- 3.d Alcohol License Quotas
- 3.e Department Approvals\_Farmers Daughter\_CV\_Ent
- 3.f Common Vic and Entertainment Application\_Farmers Daughter\_BOS

4. PUBLIC HEARING: Comcast of Massachusetts III, Inc. In accordance with the regulations of the Department of Telecommunications & Energy 207 CMR 3.02(2) and 207 CMR 2.02, question of approving the renewal application for a cable television license in the Town of Sudbury and the extension of current license from November 6, 2020, through November 5, 2030.

### **Attachments:**

- 4.a COMCAST\_Public\_Hearing\_Info\_10022020
- 4.b Sudbury Legal Notice for Comcast Public Hearing\_10.06
- 4.c COMCAST\_Sudbury\_2009\_Final\_Renewal\_License\_Signed

5. Interview candidates John Porter and John Kraemer for appointment to the Permanent Building Committee. Following interview, vote to appoint \_\_\_\_\_ for a term to expire May 31, 2021.

### **Attachments:**

- 5.a PBC Letter
- 5.b PBC Application\_JMPorter redact
- 5.c John Porter's resume redact
- 5.d PBC Application\_J Kraemer redact
- 5.e John Kraemer Resume 2019 Redact

6. Discussion of statutory right of first refusal for railroad rights of way under G.L. c. 161C. Also possible vote to release the opinion of Town Counsel dated October 2, 2020 regarding statutory right of first refusal for railroad rights of way under G.L. c. 161C.

**Attachments:**

- 6.a KP-#734686-v1-CSX\_-\_State\_Right\_of\_First\_Refusal\_Opinion
- 6.b General Law - Part I, Title XXII, Chapter 161C, Section 7
- 6.c THE EXECUTIVE OFFICE OF TRANSPORTATION

8. Bruce Freeman Rail Trail update on the 75% design plans, 100% design plans, and preparation of the plans, specifications and estimates (PSE) procurement process. Beth Suedmeyer, Environmental Planner, to provide update.

**Attachments:**

- 8.a BFRT SB Project Status Update 10-6-20

9. Discussion and vote to approve formation of Sudbury Diversity, Equity and Inclusion Commission, and finalize mission statement.

**Attachments:**

- 9.a Draft\_Sudbury DEI Commission\_093020 v3

10. Discussion and possible vote on Key Performance Indicators (KPI) as requested by Selectman Schineller, as the preferred project tracking and status updates.

**Attachments:**

- 10.a DRAFT SelectBoard Project Tracking Policy
- 10.b Project Status and KPIs

11. Review and possibly approve draft 2021 Board Meeting schedule.

**Attachments:**

- 11.a Draft1 2021 Selectmen meeting schedule

12. Review open session minutes of 8/18/20 and 9/12/20 and possibly vote to approve minutes.

**Attachments:**

- 12.a BOS\_draft\_09.12.20\_preATM\_pg\_for\_review
- 12.b BOS\_draft1\_8.18.20\_min\_for\_review

14. Upcoming Agenda Items

**Attachments:**

- 14.a POTENTIAL UPCOMING AGENDA ITEMS\_10\_06\_20

15. Vote whether to accept the following expenditure limits for the Town Trust Funds for Fiscal Year 2021: Goodnow Library \$35,000; Rhodes Memorial \$600; Lydia Raymond \$100; Forrest Bradshaw \$100; Cheri-Anne Cavanaugh \$1,000; Raymond Scholarship \$1,000; Discretionary \$4,000; Sept. 11 Memorial \$2,000; Perpetual Care \$70,000, for a total of \$113,800, as requested by Dennis Keohane, Finance Director.

**Attachments:**

- 15.a FY20 Trust Fund Spending Limits
- 15.b In Sudbury We Trust FY20
- 15.c FY20 Trust Fund Financial Summary

**16.** Vote to sign the state presidential election warrant which must be posted by October 27, 2020.

**Attachments:**

16.a Warrant 11.3 2020

**17.** Vote to accept a grant from the Center for Tech and Civic Life (a non-profit organization) in the amount of \$6,195, and to authorize the Town Manager to execute the grant agreement on behalf of the Board of Selectmen.

**Attachments:**

17.a CTCL grant\_backup

**18.** To approve execution by the Town Manager of an Agreement Between the Town of Sudbury and RouteSmart Technologies, Inc. for licensing and providing additional software installation in Town vehicles utilized for snowplowing.

**Attachments:**

18.a snowplow backup