SUDBURY BOARD OF SELECTMEN
TUESDAY NOVEMBER 17, 2020
6:00 PM, ZOOM

Item #	Time	Action	Item
	6:00 PM		CALL TO ORDER
			EXECUTIVE SESSION
1.			Open in regular session and immediately vote to enter executive session to discuss strategy with respect to litigation (proposed Eversource transmission line, SJC-12997, Town of Sudbury & another vs. Energy Facilities Siting Board) if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares, pursuant to General Laws Chapter 30A, §21(a)(3).
2.		*VOTE*	Continue 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).
3.		*VOTE*	Vote whether to release LampkeLaw opinion letter dated 9/8/20 related to Lincoln-Sudbury Regional School District Agreement
4.		*VOTE*	Vote to close executive session and resume open session
	7:00 PM		Opening remarks by Chairman
			Reports from Town Manager
			Reports from Selectmen
			Citizen's comments
			MISCELLANEOUS
5.	7:15 PM	*VOTE*	Vote whether to approve petition of NStar Electric Company d/b/a/ Eversource Energy and Verizon for the purpose of obtaining a Grant of Location to relocate one (1) pole #71/119. This work is necessary to accommodate Dutton Road bridge replacement project.
6.	7:30 PM	*VOTE*	Vote whether to support the expenditure of up to $150,000 for the 75% design of the Bruce Freeman Rail Trail as appropriated by vote on Article 42 of the 2016 Annual Town Meeting. Also, vote to potentially release the Town Counsel Opinion regarding the use of Community Preservation Act ("CPA") funds pursuant to G.L. c.44B

These agenda items are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

Item #	Time	Action	Item
			for the design of a portion of the Bruce Freeman Rail Trail in Sudbury.
7.	7:45 PM	*VOTE*	Vote whether to authorize the acquisition of the rail corridor from Mile Post QBS 3.40 to QBS 4.80 from CSX Transportation, Inc. pursuant to the terms of the Purchase and Sale Agreement dated August 24, 2020, as may be amended, and that the Chair be authorized to execute any and all documents as may be necessary or convenient in order to consummate the acquisition.
8.	8:00 PM		Discussion on next steps with Fairbank Community Center. Town Manager Hayes to report.
9.	8:15 PM	*VOTE*	Discussion and vote on mission statement and application process for the Sudbury Diversity, Equity, and Inclusion Commission.
10.	8:30 PM	*VOTE*	Discussion and possible vote on Key Performance Indicators (KPI) as requested by Selectman Schineller.
11.	8:45 PM	*VOTE*	Discussion on Lincoln-Sudbury Regional School District Agreement, and vote whether to ratify the vote taken in Executive Session regarding the release of LampkeLaw opinion in a latter dated 9/8/20.
12.	9:00 PM	*VOTE*	Review draft Fall 2020 Board of Selectmen Newsletter and approve for distribution.
13.	9:10 PM		Town Manager self-evaluation
14.	9:40 PM	*VOTE*	Review open session minutes of 9/30/20 and 10/6/20 and possibly vote to approve minutes.
15.			Citizen's Comments (cont)
16.			Upcoming agenda items
			CONSENT CALENDAR
17.		*VOTE*	Vote to execute the Community Preservation Act Grant Agreement between the Town of Sudbury and the Sudbury Housing Authority (SHA) setting forth the terms and conditions for use of Community Preservation Act funding in the amount of $259,000 toward creation by the SHA of rental housing specific to low income individuals or families which appropriation was approved by the 2020 Annual Town Meeting under Article 46.
18.		*VOTE / SIGN*	Vote to send a thank-you letter to all election workers and Town Clerk staff for their outstanding efforts in preparation for the Nov. 3, 2020 Presidential Election.

These agenda items are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

SUDBURY BOARD OF SELECTMEN
Tuesday, November 17, 2020

EXECUTIVE SESSION

1: Executive Session - Eversource SJC-12997

REQUESTOR SECTION
Date of request:

Requestor: 30 min

Formal Title: Open in regular session and immediately vote to enter executive session to discuss strategy with respect to litigation (proposed Eversource transmission line, SJC-12997, Town of Sudbury & another vs. Energy Facilities Siting Board) if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares, pursuant to General Laws Chapter 30A, §21(a)(3).

Recommendations/Suggested Motion/Vote: Open in regular session and immediately vote to enter executive session to discuss strategy with respect to litigation (proposed Eversource transmission line, SJC-12997, Town of Sudbury & another vs. Energy Facilities Siting Board) if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares, pursuant to General Laws Chapter 30A, §21(a)(3).

Background Information:
Attorney Jeff Bernstein of BCK law to attend.

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending	
Henry L Hayes	Pending	
Jonathan Silverstein	Pending	
Daniel E Carty	Pending	
Board of Selectmen	Pending	11/17/2020 6:00 PM

SUDBURY BOARD OF SELECTMEN
Tuesday, November 17, 2020

EXECUTIVE SESSION

2: Exec Session to review minutes

REQUESTOR SECTION
Date of request:

Requested by: Patty Golden

Formal Title: Continue 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).

Recommendations/Suggested Motion/Vote: Continue 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).

Background Information:
Attached draft executive minutes of 2/28/17 and 6/22/20.

Financial impact expected:

Approximate agenda time requested: 60 minutes

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending	
Henry L Hayes	Pending	
Jonathan Silverstein	Pending	
Daniel E Carty	Pending	
Board of Selectmen	Pending	11/17/2020 6:00 PM

SUDBURY BOARD OF SELECTMEN
Tuesday, November 17, 2020

EXECUTIVE SESSION

3: Release LampkeLaw letter

REQUESTOR SECTION
Date of request:

Requested by: Patty Golden

Formal Title: Vote whether to release LampkeLaw opinion letter dated 9/8/20 related to Lincoln-Sudbury Regional School District Agreement

Recommendations/Suggested Motion/Vote: Vote whether to release LampkeLaw opinion letter dated 9/8/20 related to Lincoln-Sudbury Regional School District Agreement

Background Information:
attached letter

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending	
Henry L Hayes	Pending	
Jonathan Silverstein	Pending	
Daniel E Carty	Pending	
Board of Selectmen	Pending	11/17/2020 6:00 PM

SUDBURY BOARD OF SELECTMEN
Tuesday, November 17, 2020

EXECUTIVE SESSION

4: Close executive session and resume open session

REQUESTOR SECTION
Date of request:

Requested by: Patty Golden

Formal Title: Vote to close executive session and resume open session

Recommendations/Suggested Motion/Vote:

Background Information:

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending	
Henry L Hayes	Pending	
Jonathan Silverstein	Pending	
Daniel E Carty	Pending	
Board of Selectmen	Pending	11/17/2020 6:00 PM

SUDBURY BOARD OF SELECTMEN
Tuesday, November 17, 2020

TIMED ITEM

5: Eversource Utility Hearing - Dutton Road

REQUESTOR SECTION
Date of request:

Requestor: Eversource

Formal Title: Vote whether to approve petition of NStar Electric Company d/b/a/ Eversource Energy and Verizon for the purpose of obtaining a Grant of Location to relocate one (1) pole #71/119. This work is necessary to accommodate Dutton Road bridge replacement project.

Recommendations/Suggested Motion/Vote: Vote whether to approve petition of NStar Electric Company d/b/a/ Eversource Energy and Verizon for the purpose of obtaining a Grant of Location to relocate one (1) pole #71/119. This work is necessary to accommodate Dutton Road bridge replacement project.

Background Information:
attached documents

Financial impact expected:

Approximate agenda time requested: 30 minutes

Representative(s) expected to attend meeting: Bill O'Rourke, Deputy DPW director, Dan Nason, DPW Director

Review:

Patty Golden	Pending	
Henry L Hayes	Pending	
Jonathan Silverstein	Pending	
Daniel E Carty	Pending	
Board of Selectmen	Pending	11/17/2020 6:00 PM

EVERSOURCE ENERGY

157 Cordaville Road
Southborough, MA 01772

September 28, 2020

Board of Selectmen
Sudbury Town Hall
322 Concord Road
Sudbury, MA 01776

RE: Dutton Road
Sudbury, MA
W.O. #2316819

No Hearing Required

Dear Members of the Board:

The enclosed petition and plan is being presented by the NSTAR ELECTRIC COMPANY d/b/a as EVERSOURCE ENERGY and VERIZON for the purpose of obtaining a Grant of Location to relocate one (1) pole #71/119.

This work is necessary to accommodate bridge replacement project.

If you have any further questions, contact Chris Cosby @ (508) 305-6989.
Your prompt attention to this matter would be greatly appreciated.

Very truly yours,

Richard M. Schifone

Richard M Schifone
Rights and Permits, Supervisor

RMS/sky
Attachments

Attachment5.a: Dutton Road Cover OH No Hearing.WO# 2316819 (4234 : Eversource Utility Hearing - Dutton Road)

WO# 2316819

ORDER FOR ALTERATION OF LOCATION
FOR EXISTING POLES

TOWN OF SUDBURY

WHEREAS, **NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY AND VERIZON NEW ENGLAND, INC.** has heretofore been granted a location for, and have erected or constructed, a line consisting of wires, poles and such other fixtures as may be necessary to sustain or protect the wires of the line upon, along and across the public way or ways thereinafter specified, and have petitioned for an alteration in the location of certain of said poles.

It is **DIRECTED** that the location heretofore granted for said poles be altered so that hereafter said poles shall be located, substantially as shown on the plan made by **A. Debenedictis,** dated **August 05, 2020** on file with said petition for alteration in the location, upon, along and across the following public way or ways of said Town:

Dutton Road – Easterly side approximately 850± feet north of Pratts Mill Road

Remove One (1) pole #71/119
Install One (1) pole #71/119

NO HEARING REQUIRED

Also for permission to lay and maintain underground laterlas, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes. Your petitioners agree to reserve space for one crossarm at a suitable point upon each of said poles for the telephone, fire and police signal wires owned by the Town and used for municipal purposes.

All construction work under this Order shall be in accordance with the following conditions:
Poles shall be of sound timber and located as shown on said plan. There may be attached to said poles by said **NSTAR ELECTRIC COMPANY d.b.a EVERSOURCE ENERGY** and by said **VERIZON NEW ENGLAND, INC**. wires and cables necessary for the conduct of its business. All such wires and cables shall be placed at a height of not less than twenty feet from the ground.

_____ Selectmen of

_____

_____ the Town of

_____

_____ **SUDBURY**

CERTIFICATE

I hereby certify that the foregoing is a true copy of the Order of the **Board of Selectmen** of the Town of **SUDBURY,** Massachusetts, duly adopted on the _____-_____ day of _____, 2020 and recorded with the records of location Orders of said Town, Book _____, Page _____.

Attest:_____
Clerk of the Town of **SUDBURY,** Massachusetts

Attachment5.b: Dutton Road Order OH No Hearing WO# 2316819 (5 signatures) (4234 : Eversource Utility Hearing - Dutton Road)

WO# 2316819

PETITION OF NSTAR ELECTRIC COMPANY d.b.a. EVERSOURCE ENERGY AND OTHER COMPANIES FOR ALTERATION OF JOINT OR IDENTICAL LOCATION FOR EXISTING POLES

Town of **SUDBURY**, Massachusetts

Respectfully represent **NSTAR ELECTRIC COMPANY d.b.a EVERSOURCE ENERGY and VERIZON NEW ENGLAND, INC,** companies subject to Chapter 166 of the General Laws (Ter. Ed.), that they have heretofore received a grant of joint or identical location for, and have erected or constructed, a line consisting of wires, poles and such other fixtures as may be necessary to sustain or protect the wires of the line, upon, along and across the public way or ways hereinafter specified, and that it is desirable that the location of certain of said poles be altered.

WHEREFORE, your petitioners pray that the Board of Selectmen may by Order direct an alteration in the location of said existing poles so that hereafter said poles, together with such fixtures as may be necessary to sustain or protect the wires of the line, shall be located substantially as shown on the plan made by **A. Debenedictis,** dated **August 05, 2020** and filed herewith upon, along and across the following public way or ways of said Town:

Dutton Road – Easterly side approximately 850± feet north of Pratts Mill Road

Remove One (1) pole #71/119
Install One (1) pole #71/119

NO HEARING REQUIRED

Also for permission to lay and maintain underground laterals, cables, and wires in the above or Intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitoners may desire for distributing purposes. Your petitioners agree to reserve space for one crossarm at a suitable point upon each of said poles for the telephone, fire and police signal wires owned by the Town and used for muncipal purposes.

Your petitioner agrees to reserve space for one crossarm at a suitable point on each of said poles for the telephone, fire and police signal wires owned by the Town and used for municipal purporse

NSTAR ELECTRIC COMPANY d.b.a EVERSOURCE ENERGY

By *Richard M. Schifone*
Richard M. Schifone
Rights & Permits, Supervisor

VERIZON NEW ENGLAND, INC.

By *Albert E. Bessette*
Verizon Right Of Way, Manager

Dated this _____ day _____ 2020

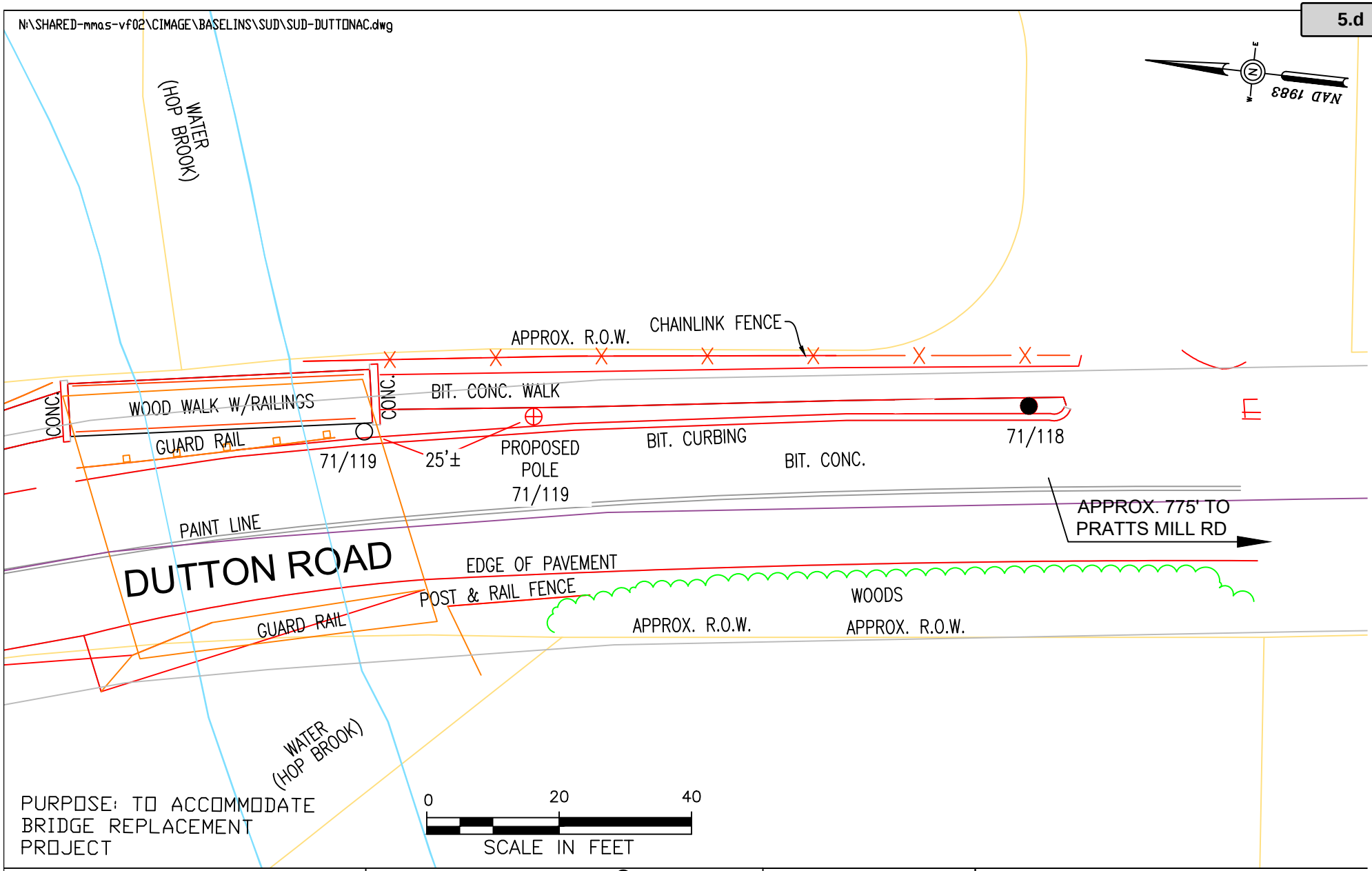
Town of **Sudbury,** Massachusetts.

Received and filed _____

_____
Sudbury Board of Selectmen

Attachment5.c: Dutton Road Signed Petition- 2316819 (4234 : Eversource Utility Hearing - Dutton Road)

N:\SHARED-mmas-vf02\CIMAGE\BASELINS\SUD\SUD-DUTTONAC.dwg



PURPOSE: TO ACCOMMODATE BRIDGE REPLACEMENT PROJECT

BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC COMPANY, NSTAR GAS COMPANY NOR ITS PARENTS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS (COLLECTIVELY THE "NSTAR ENTITIES") SHALL BE LIABLE FOR ANY LOSS OR INJURY CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION OR IN RELIANCE UPON IT. TO THE MAXIMUM EXTENT ALLOWED BY LAW, YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, INDEMNIFY AND HOLD THE NSTAR ENTITIES HARMLESS FROM ANY SUCH LOSS OR INJURY.

THE INFORMATION MAY NOT REPRESENT A SURVEY, MAY NOT BE THE MOST COMPLETE AND IS SUBJECT TO CHANGE WITHOUT NOTICE. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION, EITHER EXPRESSED OR IMPLIED. UNAUTHORIZED ATTEMPTS TO MODIFY THE INFORMATION OR USE THE INFORMATION FOR OTHER THAN ITS INTENDED PURPOSES ARE PROHIBITED

Proposed pole locations shown thus	⊕
Pole locations to be abandoned, shown thus	○
Proposed Anchor Guy shown thus	T
Proposed Hip Guy shown thus	T
Proposed Underground location shown thus	——
Proposed Push Brace shown thus	⊕
Existing Pole location shown thus	●

C#	
Ward #	
Work Order #	2316819
Surveyed by:	BRENNAN
Research by:	BRENNAN
Plotted by:	BRENNAN
Proposed Structures:	TL
Approved:	A DEBENEDICTIS
P#	

NSTAR ELECTRIC d/b/a EVERSOURCE
1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125

Plan of DUTTON ROAD, SUDBURY

Showing PROPOSED POLE LOCATION

Scale 1"=20' Date AUGUST 5, 2020

SHEET 1 of 1

Attachment5.d: Dutton Road-#2316819 Plan (4234 : Eversource Utility Hearing - Dutton Road)

SUDBURY BOARD OF SELECTMEN
Tuesday, November 17, 2020

MISCELLANEOUS (UNTIMED)

6: Use of CPA funds for 75% BFRT

REQUESTOR SECTION
Date of request:

Requested by: Patty Golden

Formal Title: Vote whether to support the expenditure of up to $150,000 for the 75% design of the Bruce Freeman Rail Trail as appropriated by vote on Article 42 of the 2016 Annual Town Meeting. Also, vote to potentially release the Town Counsel Opinion regarding the use of Community Preservation Act ("CPA") funds pursuant to G.L. c.44B for the design of a portion of the Bruce Freeman Rail Trail in Sudbury.

Recommendations/Suggested Motion/Vote: Vote whether to support the expenditure of up to $150,000 for the 75% design of the Bruce Freeman Rail Trail as appropriated by vote on Article 42 of the 2016 Annual Town Meeting. Also, vote to potentially release the Town Counsel Opinion regarding the use of Community Preservation Act (“CPA”) funds pursuant to G.L. c.44B for the design of a portion of the Bruce Freeman Rail Trail in Sudbury.

Background Information:

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending	
Henry L Hayes	Pending	
Jonathan Silverstein	Pending	
Daniel E Carty	Pending	
Board of Selectmen	Pending	11/17/2020 6:00 PM

KP | LAW
The Leader in Public Sector Law

101 Arch Street, Boston, MA 02110
Tel: 617.556.0007 | Fax: 617.654.1735
www.k-plaw.com

November 6, 2020

Lee S. Smith
lsmith@k-plaw.com

Mr. Henry Hayes
Town Manager
Flynn Building
278 Old Sudbury Road
Sudbury, MA 01776

Re: Use of Community Preservation Act Funds for Rail Trail Design

Dear Mr. Hayes:

You have asked for an opinion regarding the use of Community Preservation Act ("CPA") funds pursuant to G.L. c. 44B for the design of a portion of the Bruce Freeman Rail Trail in Sudbury. It is my understanding that the Massachusetts Department of Transportation ("MassDOT") owns the land on which the trail will be designed and ultimately constructed. It is my further understanding that the Town has not entered into a lease with MassDOT for the subject property, nor are CPA funds presently being proposed for acquisition from MassDOT of an interest in the land.

You have provided me with a copy of an opinion from the Department of Revenue dated March 19, 2009 requested by and provided to a private citizen regarding the use of CPA funds for the acquisition of a former railroad right of way. I note that that opinion was requested and provided in the context of the Town's contemplated purchase of a different section of the Bruce Freeman Rail Trail from CSX Transportation, Inc. (The Town and CSX have entered into a Purchase and Sale Agreement dated as of August 24, 2020 for that land.) You have also provided me with a copy of an opinion from Barbara St. Andre of this office dated March 17, 2017 regarding the same question. I concur generally with Attorney St. Andre's opinion, and offer the following as a supplement thereto.

General Laws c. 44B, §5(a)(2), provides in relevant part, "The community preservation committee shall make recommendations to the legislative body… for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use". In my opinion, the proposed trail constitutes land for recreational use within the definition thereof as set forth in G.L. c. 44B, s. 2. Further, the design of the trail is a critical element of the "creation" of the trail as the land is a former railroad right of way and has not previously been dedicated to recreational use. As such, in my opinion, CPA funds may be used for the design of this section of the Bruce Freeman Rail Trail.

I have also reviewed the vote under Article 42 of the 2016 Annual Town Meeting. Provided that the funds appropriated thereunder have not been appropriated by a subsequent Town Meeting to another use, the vote allows the $150,000 appropriated thereunder to be used "for the purpose of beginning the 75% design plan for the Bruce Freeman Rail Trail".

Attachment6.a: KP-#738566-v1-SUDB_Opinion_Letter (LSS) (4248 : Use of CPA funds for 75% BFRT)

KP | LAW

Please let me know if you have any questions or if I can be of further assistance.

Very truly yours,

Lee S. Smith

LSS/caa

Attachment6.a: KP-#738566-v1-SUDB_Opinion_Letter (LSS) (4248 : Use of CPA funds for 75% BFRT)

SUDBURY BOARD OF SELECTMEN
Tuesday, November 17, 2020

MISCELLANEOUS (UNTIMED)

7: Acquisition of CSX Rail Corridor

REQUESTOR SECTION
Date of request:

Requested by: Patty Golden

Formal Title: Vote whether to authorize the acquisition of the rail corridor from Mile Post QBS 3.40 to QBS 4.80 from CSX Transportation, Inc. pursuant to the terms of the Purchase and Sale Agreement dated August 24, 2020, as may be amended, and that the Chair be authorized to execute any and all documents as may be necessary or convenient in order to consummate the acquisition.

Recommendations/Suggested Motion/Vote: Vote whether to authorize the acquisition of the rail corridor from Mile Post QBS 3.40 to QBS 4.80 from CSX Transportation, Inc. pursuant to the terms of the Purchase and Sale Agreement dated August 24, 2020, as may be amended, and that the Chair be authorized to execute any and all documents as may be necessary or convenient in order to consummate the acquisition.

Background Information:

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending	
Henry L Hayes	Pending	
Jonathan Silverstein	Pending	
Daniel E Carty	Pending	
Board of Selectmen	Pending	11/17/2020 6:00 PM

500 Water Street
(S/C J180)
Jacksonville, FL 32202
(904) 279-3924
Sarah_Watson@CSX.com

Sarah A. Watson
Real Estate Closing Specialist

November 12, 2020

VIA ELECTRONIC MAIL/ suedmeyerb@sudbury.ma.us & lsmith@k-plaw.com

Beth Suedmeyer
Town of Sudbury
Flynn Building, 2nd Floor
278 Old Sudbury Rd
Sudbury, MA 01776

Re: Town of Sudbury / CSX Transportation, Inc.
Site ID: MA-017-1015814

To Whom This May Concern:

This has reference to Purchase-Sale Agreement dated August 13, 2020, and accepted August 24, 2020, between Town of Sudbury and CSX Transportation, Inc., covering 11.26 acres of land, more or less, at Sudbury, Middlesex County, Commonwealth of Massachusetts.

Seller and Buyer desire to modify the terms of said Purchase-Sale Agreement to extend closing to on or before Friday, December 4, 2020.

Seller and Buyer desire to modify the terms of said Purchase-Sale Agreement to modify the acreage to 9.825 with an additional premises of 0.093 acres over Boston Post Road.

All other terms and conditions of said Purchase-Sale Agreement shall remain in full force and effect.

Please evidence your concurrence to the foregoing by signing a copy of this letter and returning via fax or email to the contact shown above, which copy shall be considered an original for our records. If desired, you may return an original signed copy to us. We look forward to continuing to work with you toward closing this transaction as soon as possible.

Sincerely,

CSX TRANSPORTATION, INC.

Sarah A. Watson
Real Estate Closing Specialist – Real Estate Management

ACCEPTED this _____day of _____, 2020.

TOWN OF SUDBURY

By: _____
Print Name:

Attachment7.a: Sudbury PSA Amend1 (4249 : Acquisition of CSX Rail Corridor)

SUDBURY BOARD OF SELECTMEN
Tuesday, November 17, 2020

MISCELLANEOUS (UNTIMED)

8: Fairbank Community Center

REQUESTOR SECTION
Date of request:

Requested by: Patty Golden

Formal Title: Discussion on next steps with Fairbank Community Center. Town Manager Hayes to report.

Recommendations/Suggested Motion/Vote: Discussion on next steps with Fairbank Community Center. Town Manager Hayes to report.

Background Information:

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending	
Henry L Hayes	Pending	
Jonathan Silverstein	Pending	
Daniel E Carty	Pending	
Board of Selectmen	Pending	11/17/2020 6:00 PM

SUDBURY BOARD OF SELECTMEN
Tuesday, November 17, 2020

MISCELLANEOUS (UNTIMED)

9: Discussion on Diversity, Equity and Inclusion Commission

REQUESTOR SECTION
Date of request:

Requestor: Selectman Dretler

Formal Title: Discussion and vote on mission statement and application process for the Sudbury Diversity, Equity, and Inclusion Commission.

Recommendations/Suggested Motion/Vote: Discussion and vote on mission statement and application process for the Sudbury Diversity, Equity, and Inclusion Commission.

Background Information:
attached updated draft as of 9/30/20

Financial impact expected:

Approximate agenda time requested: 15 minutes

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending	
Henry L Hayes	Pending	
Jonathan Silverstein	Pending	
Daniel E Carty	Pending	
Board of Selectmen	Pending	11/17/2020 6:00 PM

Sudbury Board of Selectmen Statement on Racial Justice

We, the Sudbury Select Board, mourn the killing of George Floyd and numerous others who fell victim to excessive force and brutality, after centuries of ongoing injustice. We staunchly uphold the American values of life, liberty, and the pursuit of happiness for all our citizens. We share the anger and sadness of those who are standing up to say enough is enough and agree that the time has come for meaningful change.

As elected leaders we recognize our responsibility to understand racial inequality in Sudbury and help foster any needed change. It is our desire for Sudbury to be a place where all individuals can live happily, free of fear, and with equal access to opportunities, regardless of race. Better understanding and action in our own community can contribute to greater systemic change at a regional, state, and national level. In upcoming days and weeks, we will engage in conversation with leaders and citizens to comprehend the current state of racial equality in Sudbury. Then importantly, we will seek to identify concrete actions that can be taken to address any areas of concern and opportunity. We look forward to the conversation and ensuing steps to advance racial equality and justice in Sudbury. We also request that our Governor and Legislators pursue a similar path to understanding and change. *Voted June 9, 2020 by Sudbury Board of Selectmen*

https://s3-us-west-2.amazonaws.com/cdn.sudbury.ma.us/wp-content/uploads/sites/260/2020/06/BOS-Racial-Justice-6.9.20.pdf?version=600422ef3b82119aafda9f40999408dd

DRAFT

Attachment9.a: Draft_Sudbury DEI Commission_093020 v3 (4245 : Discussion on Diversity, Equity and Inclusion Commission)

Sudbury Diversity, Equity, and Inclusion Commission

Mission:

The Board of Selectmen is creating the Sudbury Diversity, Equity, and Inclusion Commission (Commission) to support diversity, achieve equity, and foster inclusion for every member of this community, respecting all aspects of identities. The Commission shall also critically consider intersections among these groups to facilitate learning, understanding, and unity.

The Commission will post, conduct, and record its meetings in compliance with the Massachusetts Open Meeting Law.

The Commission shall consist of up to thirteen members and a Select Board liaison. The Commission shall make recommendations on a quarterly (minimum) basis to the Sudbury Select Board on policies and programs to identify and eliminate conscious or unconscious biases and prejudices, to reject discrimination, and to measure, promote, and increase diversity, equity, and inclusion of Sudbury's historically disenfranchised populations. Within the first year, the commission will present an action plan to move the town toward the following goals.

Goals:

1. The Commission will meet at least monthly to hear testimony from towns people, deliberate on those discussions and submit a report within the first year, including an action plan, to the Select Board which will then oversee the implementation of the recommended actions. To accomplish this goal, the commission will:
    a. Provide training for the members to self-examine and recognize their own experience with historically disenfranchised populations and unconscious bias.
    ~~a.~~b. Gather first-hand experiences in Sudbury from historically disenfranchised populations.
    ~~b.~~c. Solicit feedback from town departments, boards, and committees.
    ~~c.~~d. Collaborate with groups operating in town that are focused on related issues.
    ~~d.~~e. Facilitate discussions and education forums for town residents about issues of diversity, equity, and inclusion.
2. The Commission will identify ways to promote awareness, engagement, and community building around diverse experiences and to create a more inclusive community, including:
    a. Brainstorm possible actions that can be taken to address any problems/issues found.
    b. Leverage final report as presented to the Select Board documenting the state of diversity, equity, and inclusion in town and in the schools, to make appropriate recommendations and address any problems found.

~~c.~~3. Board of Selectmen to present findings of Commission to town.

Membership:

The ***Sudbury Diversity, Equity, and Inclusion Commission*** shall be appointed by the Sudbury Board of Selectmen according to the following list. All appointments shall expire on June 30, 2022 but may be extended by the Board of Selectmen. Members will be reflective of the diversity of the Sudbury community. The membership will be established through an open request to all residents of the town. The Board of Selectmen will send notice of the application process to all faith communities, local civic organizations, town boards and committees, local media (including print and digital and social media) and any other outlet that will help to reach the broadest range of residents.

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Attachment9.a: Draft_Sudbury DEI Commission_093020 v3 (4245 : Discussion on Diversity, Equity and Inclusion Commission)

The Commission shall elect a Chair and Vice-Chair or Co-Chairs, and a Clerk from among its members. The Chair will run the meetings, be the designated communications link with the Board of Selectmen, and schedule meetings.

Membership will include:

- Sudbury resident(s) At-Large.....(up to 7 members)
- Currently enrolled student at Lincoln-Sudbury Regional High School ..... (1)
- Parent/Caregiver of METCO student..... (1)
- Two members nominated by SPS and LSRHS Committees (one each) ..... (2)
- One member nominated by Sudbury Housing Trust/Sudbury Housing Authority ..... (1)
- One member nominated by the Sudbury Clergy Association ..... (1)

Total membership.....(up to 13)

- Sudbury Police Chief or delegate from Sudbury Police Department (Advisory Member)..... (1)
- Town of Sudbury Town Manager (Advisory Member)..... (1)
- Board of Selectmen liaison..... (1)

Areas of expertise for members may include but not limited to:

- Business representatives
- Human Resources
- Immigration law
- Medical and healthcare skills and experience
- Minority affairs
- Real estate/Affordable Housing
- Social Work

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Meetings will be open to the public, recorded, and will include community wide surveys and discussion groups.

Compliance with State and Local Laws and Town Policies

The members of the Diversity, Equity, and Inclusion Commission are responsible for conducting their activities in a manner which is in compliance with all relevant state and local laws and regulations including but not limited to the Open Meeting Law, Public Records Law, and Conflict of Interest Law, as well as all Town policies which affect commission membership. In particular, all appointments are subject to the following:

The Code of Conduct for Selectmen Appointed Committee

The Town's Email Communication for Committee Members Policy

- Anyone appointed to serve on a Town committee by the Board of Selectmen agrees that he/she will use email communication in strict compliance with the Town of Sudbury's email policy, and further understands that any use of email communication outside of this policy can be considered grounds for removal from the committee by the Selectmen.

Use of the Town's Web site

Attachment9.a: Draft_Sudbury DEI Commission_093020 v3 (4245 : Discussion on Diversity, Equity and Inclusion Commission)

- The Committee will keep minutes of all meetings and post them on the Town's web site. The Committee will post notice of meetings on the Town's website as well as at the Town Clerk's Office.

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Attachment9.a: Draft_Sudbury DEI Commission_093020 v3 (4245 : Discussion on Diversity, Equity and Inclusion Commission)

Diversity/Equity/Inclusion/Human Rights Committee Comparisons from other Towns in Massachusetts

October 29, 2020

Community	# of DEI Committee Members	All Members appointed by BoS?
1. Acton	11 (currently 10+3 associate)	Y
2. Belmont	9	Y?, Founded 2004
3. Chelmsford	13	Y
4. Lexington	9-15 (currently 9)	N – Town Mger and School Supt., 2017
5. Marblehead	9	Y, founded 1989
6. Natick	11	N – Select Board & School Com
7. Sharon	9	Y
8. Shrewsbury	"No more than 30" – 30 listed	N – some committees nominate
9. Wayland	8	N – Town Administrator
10. Westford	9 (24 listed)	N – Select Board & School Com

- Lincoln: Several BoS led forums, no committee
- Concord: did not see one
- Wayland: in the process of forming a Town Administrator's 8-member Advisory Committee on Racial Justice, which is anticipated to lead into a Human Rights Committee

Attachment9.b: DEI Committee Comparisons2_10.29.2020 (4245 : Discussion on Diversity, Equity and Inclusion Commission)

Acton

https://www.acton-ma.gov/719/Diversity-Equity-Inclusion-Commission

See the Commission Charge below.

Members

View the Diversity, Equity, & Inclusion Commission Membership List

Charge

View the Diversity, Equity, & Inclusion Commission is charge here.

Sharing Your Experiences

The DEIC is trying to understand the experiences of people with a variety of backgrounds, coming-to and living-in Acton. We hope that you will share your experiences at one of our meetings [https://www.acton-ma.gov/calendar.aspx?CID=123] during occasional Community Conversations, or during the public comment periods at every meeting.

If you would prefer not to relate your experience publicly, please reach out one-on-one to any member of the DEIC that you feel comfortable with. Any member can make your experience part of the DEIC record, without exposing your personal information. To contact any DEIC member, send an email to DEIC@ActonMA.gov with the name of the DEIC member that you would like to contact you.

DEIC Vision

The Acton Diversity, Equity, and Inclusion Commission envisions an equitable and anti-racist community where all residents and employees can thrive, free of racism, homophobia, xenophobia, ableism, and all other systems of oppression. Everyone will have equitable access to opportunities and resources, regardless of race, ethnicity, age, disability, veteran status, socioeconomic status, sexual orientation, national origin, gender identity, religious affiliation, or the intersection of these identities.

DEIC Mission

The Town of Acton has established and charged the Diversity, Equity, and Inclusion Commission with assessing the state of diversity and inclusion in Acton. Our aim is to dismantle structural and cultural barriers, and offer recommendations to improve equity and empower underrepresented groups, especially racial, ethnic, and religious groups.

Attachment9.b: DEI Committee Comparisons2_10.29.2020 (4245 : Discussion on Diversity, Equity and Inclusion Commission)

Definitions

Diversity: Reflecting a range of backgrounds, including but not limited to, ethnicity, sexuality, gender, socio-economic status, race, nationality, ability/disability, and other ideologies

Inclusion (Action-Oriented): Not only accepting but actively inviting people to a group or collective, explicit to background and making sure individuals feel accepted and supported

Equity: Creating systems proportional to citizens' needs in order to lift up all members of the town to an equal level. Rests on the basis of being fair and impartial to all groups.

Attachment9.b: DEI Committee Comparisons2_10.29.2020 (4245 : Discussion on Diversity, Equity and Inclusion Commission)

Diversity, Equity, & Inclusion Commission

Charge - August 13, 2020

Approved by the Board of Selectmen

The Diversity, Equity, & Inclusion Commission is charged with assessing diversity, equity, and inclusion in Acton, and suggesting ways to improve any problems found. The DEIC shall consist of between nine and eleven members, plus up to two associate members.

- At least 70% of members must be Black or immigrant residents.
- One or more members should be a current student at ABRHS at the time that they become a member.
- The Commission will be chaired by a member of the Board of Selectmen with a vice-chair elected by the Commission.

The Commission's tasks are targeted at increasing communication with under-represented racial, ethnic, and religious groups.

- Facilitate discussion among town residents about issues of diversity and equity.
- Gather first-hand experiences in Acton from under-represented racial, ethnic, and religious groups.
- Hear from groups operating in town that are targeted at related issues.
- Hear from town departments that work directly with the public.
- Brainstorm possible actions that can be taken to address any problems found.
- Produce a report for the Board of Selectmen documenting the state of diversity, equity, and inclusion in town, and make appropriate recommendations to address any problems found.

The Diversity, Equity, & Inclusion Commission shall file its report with the Board of Selectmen within a year of its first meeting. The Diversity, Equity, & Inclusion Commission shall sunset one meeting after the Board of Selectmen accepts the report.

Attachment9.b: DEI Committee Comparisons2_10.29.2020 (4245 : Discussion on Diversity, Equity and Inclusion Commission)

Belmont

https://www.belmont-ma.gov/human-rights-commission

The charge to the Commission from the Select Board is to:

- Address the full range of discrimination in the areas of commerce, education, public accommodation, housing, employment, and access to municipal services.
- Serve as a resource to the citizenry, the business community, and public agencies on issues regarding diversity and discrimination.
- Give visibility to and increase awareness of issues related to diversity and discrimination through educational activities.
- Assist the citizenry and town agencies in informally resolving disputes on issues relating to discrimination.
- Receive allegations of violations of human rights laws and related legislation, and refer matters to relevant Town, State, and Federal authorities for disposition of matters within their respective jurisdictions.
- Report annually on its activities to the Select Board.

E-mail the Human Rights Commission: belmont.hrc@gmail.com

Board Members

Member Name	
Carl Brauer	Expiring 2021
Ye Pogue	Expiring 2022
Fran Yuan	Expiring 2022
Kathleen Kayta Gajdos	Expiring 2023
Kimberly Haley-Jackson - Vice Chair	Expiring 2022
Jess Hicks	Expiring 2021
Bryan Nadeau - Chair	Expiring 2022
Gaye Ozpinar	Expiring 2023
Rodmina Abellard	Expiring 2023
Justin Dong	Belmont High School Liaison
Kathryn Bonfiglio	Belmont Against Racism Liaison
Dana Bickelman	Belmont Council on Aging Liaison
Chief James MacIsaac	Belmont Police Department Liaison

Attachment9.b: DEI Committee Comparisons2_10.29.2020 (4245 : Discussion on Diversity, Equity and Inclusion Commission)

Chelmsford

Chelmsford Select Board on Sept. 14 appointed all 13 applicants to its Diversity, Equity, and Inclusion Committee.

https://www.lowellsun.com/2020/09/17/chelmsford-forms-diversity-equity-and-inclusion-committee/

Attachment9.b: DEI Committee Comparisons2_10.29.2020 (4245 : Discussion on Diversity, Equity and Inclusion Commission)

DIVERSITY, RACIAL EQUITY, AND INCLUSION COMMITTEE APPLICATION

The Board of Selectmen invites all interested parties to apply for a position on the new Diversity, Racial Equity, and Inclusion Committee. In the remarks section of the application, please include information that describes your personal background, which segment(s) of the community you represent, and any other information you would like the Board to know regarding your perspective.

The application can be found on the Town's website at www.chelmsfordma.gov. Additional pages may be included if needed.

Please submit applications by Wednesday, September 9th to the Town Manger's Office at 50 Billerica Road, Room 201, or by email at kbruce@chelmsfordma.gov.

Attachment9.b: DEI Committee Comparisons2_10.29.2020 (4245 : Discussion on Diversity, Equity and Inclusion Commission)

Lexington

https://www.lexingtonma.gov/diversitytaskforce

Diversity Advisory Task Force

The Diversity Advisory Task Force is a working group appointed by the Town Manager and the Superintendent of Schools.

Purpose

To be a body of experts that will advise the Town Manager and Superintendent of Schools on potential municipal and school actions and activities to:

- Promote a culture that embraces the richness of Lexington's ethnic diversity as an important element of a healthy and vibrant community
- Foster civic engagement of all residents and mutual respect for the contributions that every individual or group makes toward community goals
- Ensure equitable access to resources and opportunities for all
- Suggest programs or activities that will promote a culture of respect for all persons regardless of age, ethnicity, race, sexual orientation, gender identity, religious beliefs and mental or physical ability

Attachment9.b: DEI Committee Comparisons2_10.29.2020 (4245 : Discussion on Diversity, Equity and Inclusion Commission)

Diversity Advisory Task Force

August 28, 2017

Attachment9.b: DEI Committee Comparisons2_10.29.2020 (4245 : Discussion on Diversity, Equity and Inclusion Commission)

Background: For the past five years the 20/20 Vision Committee and its subcommittees have been examining the demographic changes that have been occurring in Lexington and making recommendations to the Board of Selectmen, School Committee and Planning Board on how these demographic changes may impact civic involvement, Town and School programs and community life in Lexington.

Given that a primary role of the Town Manager and Superintendent of Schools is to advise the Board of Selectmen and School Committee on those community issues that may intersect with our Town government, it is recommended that a Diversity Advisory Task Force be created by the Town Manager and Superintendent of Schools to consider the findings and recommendations of the 20/20 Vision Committee and, more specifically, the Subcommittee on Asian Communities.

Purpose of Diversity Advisory Task Force: To become a body of experts that will advise the Town Manager and Superintendent of Schools on potential municipal and school actions and activities to:

- Promote a culture that embraces the richness of Lexington's ethnic diversity as an important element of a healthy and vibrant community;
- Foster civic engagement of all residents and mutual respect for the contributions that every individual or group makes toward community goals;
- Ensure equitable access to resources and opportunities for all; and
- Suggest programs or activities that will promote a culture of respect for all persons regardless of age, ethnicity, race, sexual orientation, gender identity, religious beliefs and mental or physical ability.

Membership: Sufficient number of members (9-15 range) to meet the purpose of the Task Force and the work plan for the coming year. Membership will be largely from the community and include Town and School staff. The regular addition of new members is encouraged to meet the purpose and work plan of the Task Force. The Chair of the Task Force will be selected by the Town Manager and Superintendent of Schools. The Task Force may include members of the Lexington Human Right Committee (HRC). The Task Force will seek the advice of the HRC. It is anticipated that the Task Force will work with a trained facilitator who will assist at meetings, prepare materials as necessary, and act as a liaison between the Task Force and Town Manager and Superintendent.

Work Plan-Years 1-3:

1. Undertake the activities necessary to become Lexington's body of experts on diversity and inclusion and create a plan for increasing Town leaders' expertise in and commitment to these issues.

2. Advise the Town Manager and Superintendent of School regarding the recommendations of the Subcommittee on Asian Communities report, Lessons on Integration of Residents of Asian Ancestry Offered by California and New Jersey Communities (December 16, 2016) and identify 1-2 priority actions for the coming year.
3. Recommend a three-year plan of Town and School programs that will foster diversity and inclusion in the community.
4. Provide mid-year status reports at a joint meeting of the Board of Selectmen, School Committee and Human Rights Committee.

Meeting Schedule: The Task Force will preferably meet monthly, at a mutually agreed time determined by the members, but may meet more frequently during the initial stages.

Attachment9.b: DEI Committee Comparisons2_10.29.2020 (4245 : Discussion on Diversity, Equity and Inclusion Commission)

Marblehead

https://www.marblehead.org/task-force-against-discrimination

What We Do:

The Task Force Against Discrimination was formed to address the issue of prejudice and bigotry following an anti-Semitic incident in 1989.

The Commission, consisting of nine members, includes a member of the clergy, a law enforcement officer, an attorney or educator, and concerned citizens appointed yearly by the Board of Selectmen. The commission's goal is to maintain a community where all individuals are welcome regardless of race, religion, sexual orientation or ethnic background. The Task Force meets throughout the year in open sessions to discuss concerns raised by the residents of the Town and to create ongoing programs that will celebrate diversity within the Town.

The Task Force Against Discrimination was instrumental in making the Town of Marblehead a No Place for Hate community, a project sponsored by the Anti-Defamation League, Massachusetts Municipal Association and Blue Cross-Blue Shield. Marblehead has been awarded membership in No Place for Hate for the past three years.

When We Meet:

The Task Force Against Discrimination meets on an as-needed basis and is available to citizens at any time. Meetings are posted.

To reach the Commission, contact the Selectmen's Office.

Members

Name	Title
Helaine R. Hazlett	Co-Chair
Anne Marie Hunter	Co-Chair
Deacon John E. Whipple	Member
Loren Weston	Member
Christopher Bruell	Member
Stephen Hamelburg	Member
Scott Marcus	Member
Esther Darling Mulroy	Member
Robert O. Picariello	Ex-Officio Member
Mable Sliney	Student Representive
Alexis Earp	Student Representitive
Christopher Thompson	Student Representitive

Attachment9.b: DEI Committee Comparisons2_10.29.2020 (4245 : Discussion on Diversity, Equity and Inclusion Commission)

Natick

https://patch.com/massachusetts/natick/natick-may-create-new-committee-focused-diversity-equity

BY NEAL MCNAMARA, PATCH STAFF **JUL 14, 2020 8:58 AM ET**

NATICK, MA — The Natick Board of Selectmen on Wednesday will discuss moving toward creating a town committee that would handle issues related to diversity, equity and inclusion.

Select Board members Karen Adelman-Foster and Sue Salamoff have proposed setting up a task force to study creating a Diversity, Equity, and Inclusion Committee. The task force would report back with a recommendation on how to create the new committee within four months.

The task force would be comprised of one Select Board member, two people picked by the School Committee, and six town members who either work in Natick government, have professional or life experience related to racial justice, or have experience in community engagement.

If created, the Diversity, Equity, and Inclusion Committee would be available to hear about incidents of racial discrimination in Natick.

The idea of a racial justice committee comes as cities and towns across the U.S. grapple with protests related to police violence, and the disproportionate impact of coronavirus on people of color. In Framingham, Mayor Yvonne Spicer and the Board of Health released a joint statement declaring racism a public health crisis. Boston made a similar declaration.

In moving toward the creation of a Diversity, Equity, and Inclusion Committee, Adelman-Foster and Salamoff referenced a 2016 Board of Selectmen vote opposing discrimination — that fall following the election of President Donald Trump, a Natick man received racist letters demanding he stop bringing Black people into a local neighborhood.

The Board of Selectmen could vote on creating the task force idea as soon as the July 15 meeting.

Attachment9.b: DEI Committee Comparisons2_10.29.2020 (4245 : Discussion on Diversity, Equity and Inclusion Commission)

Memo

Date: 7/29/2020
To: Natick Select Board
From: Karen Adelman-Foster and Susan Salamoff
Subject: Create a Task Force to Develop a Plan to Advance Diversity, Equity, and Inclusion in Natick

The Natick Select Board believes in the inherent dignity of everyone who lives or spends time in Natick. In order to affirm and advance that dignity, we call for the creation of a Task Force to develop a framework to advance equity in Natick (in the course of our inquiry, we have been advised that equity encompasses the concept of diversity and inclusion. We use the word "equity" in that sense).

We call for the Task Force to recommend to the board the structure, composition, and mission of a town entity to advance equity in the town government and community, and to recommend a set of responsibilities for any professional staff needed to help the town pursue this aim. We urge that the Task Force be charged with seeking extensive input from the Natick community and town government, and that the Task Force provide an update to the Select Board within 60 days of its establishment and every 60 days thereafter. We recommend charging the Task Force with providing preliminary recommendations within 150 days of its establishment, providing final recommendations within twelve months of its establishment, and dissolving, unless it requests an extension, after it provides its final report.

Motion I

Move that the Natick Select Board appoint an eleven-member Task Force for the purpose of recommending to the Select Board the mission, scope, charge, composition, term of service, and authority of a town entity to advance equity in the Natick community and town government, and to recommend a set of responsibilities for any professional staff needed to help the town pursue this aim. The Task Force shall, if possible, work with a professional consultant the town engages for the purpose.

The Task Force appointed by the Select Board shall include the Town Administrator or designee, two Select Board members, the Human Resources Director, the Superintendent of Schools or designee, a member of the School Committee or designee, and five members at large with any or all the following qualifications:

1. Professional or life experience related to equity.
2. Experience in community engagement.
3. Experience in municipal government.

Attachment9.b: DEI Committee Comparisons2_10.29.2020 (4245 : Discussion on Diversity, Equity and Inclusion Commission)

4. The Select Board shall strongly endeavor to ensure that the at-large appointees are members of historically marginalized communities.

The Task Force shall research the experience of other municipalities' equity-related government entities, as well as what the town and community are doing in the equity sphere.

The Task Force shall recommend a set of responsibilities for any professional staff needed to help the town advance equity.

The Task Force shall provide an update to the Select Board within 60 days of its establishment as an appointed Task Force and every 60 days thereafter. The Task Force shall provide preliminary recommendations within 150 days and final recommendations within twelve months. The task force shall, unless it requests an extension, dissolve after it provides its final report.

The Task Force shall seek the advice of Town Counsel through the Task Force Chair.

The text of this motion shall serve as the charge of the Task Force.

Motion II

The Town Administrator shall, in collaboration with the Task Force, engage or arrange for appropriate professional consulting support to aid the work of the Equity Task Force.

Attachment9.b: DEI Committee Comparisons2_10.29.2020 (4245 : Discussion on Diversity, Equity and Inclusion Commission)

Goals of the proposed voting method:

- Appointment of a productive combination of five highly-qualified at-large ETF members
- Transparency of individual SB votes
- Independence of SB votes from colleagues' influence
- Ability of SB to balance composition of ETF over several voting rounds
- Fewest possible rounds

Process:

- No debate on candidates except in the event of several rounds of ties, as described below, so the SB members should have read and digested the application materials. SB members may make general comments concerning objectives/intent/goals and general qualities of desired candidates.
- Voting progresses in rounds.
- Voting must take place by roll call vote, consistent with the Open Meeting Law. The Chair will devise a rotating vote, so for each round, a different SBM leads off.
- For each round of voting, the Chair will call the Roll Call vote and each member will list their top 5 candidates. The selections will be noted by the Executive Secretary and the Chair, who will tally the votes and confer on the final totals. Any candidate who receives at least three votes is seated.
- First round: each SBM votes for a slate of five. Top vote getter/s (who get at least 3 votes) are seated.
- Subsequent round/s: each SBM votes for a slate of the number of remaining open seats. Top vote getter/s (receiving at least 3 votes) are seated. In the subsequent rounds, Board members may vote for any of the remaining candidates – that is, they are not compelled to vote for a candidate for whom they have previously voted.

Ties:

Ties for most votes result in all top vote-getters who get three or more votes being seated, unless there are more top vote-getters than seats. In that eventuality, there will be a run-off round amongst only the top vote-getters with each SBM allowed as many votes as there are seats. If a tie persists, a run-off is held with each SBM allowed a single vote. If a tie still persists, debate may be held before a subsequent run-off vote.

Examples:

- Example 1: In the first round, each SBM votes for five. A, B, and C each get four votes, and all are seated. In the second round, each SBM votes for two. D gets five votes, others get fewer than 3 votes. D is seated. In the next round, each SBM votes for one candidate. E and F are tied with two votes each. E and F have a run off, and whichever wins the run-off is seated.
- Example 2: In the first round, each SBM votes for five. No one gets three votes, but A, B, C, each get two votes. No one is seated. There is a second round vote amongst candidates A, B, and C only, and each SBM votes for one. Whoever gets at least 3 votes

Attachment9.b: DEI Committee Comparisons2_10.29.2020 (4245 : Discussion on Diversity, Equity and Inclusion Commission)

is seated. The third round reverts to the original pattern, and each SBM votes for four. Further run-offs are held as needed.

Attachment9.b: DEI Committee Comparisons2_10.29.2020 (4245 : Discussion on Diversity, Equity and Inclusion Commission)

Sharon

https://www.townofsharon.net/diversity-equity-inclusion-committee-0

Diversity, Equity & Inclusion Committee

MISSION STATEMENT

The mission of the Sharon Diversity, Equity & Inclusion Committee is to foster a welcoming and inclusive community by encouraging cooperation and respect among all persons by advocating for the human and civil rights of all residents through understanding and eradicating barriers to equity and inclusion and promoting community awareness and understanding of cultural difference. While diversity is a demographic condition of our town, we mean to not only teach tolerance and respect for one another, but also to celebrate and embrace the traditions and values of the groups within our community. Inclusion is a core community value; we aspire to be a community characterized by the value of equality.

The Diversity, Equity, and Inclusion Committee can be reached by email at DEIC@townofsharon.org.

Attachment9.b: DEI Committee Comparisons2_10.29.2020 (4245 : Discussion on Diversity, Equity and Inclusion Commission)

Diversity, Equity & Inclusion Committee

MISSION STATEMENT

The mission of the Sharon Diversity, Equity & Inclusion Committee is to foster a welcoming and inclusive community by encouraging cooperation and respect among all persons by advocating for the human and civil rights of all residents through understanding and eradicating barriers to equity and inclusion and promoting community awareness and understanding of cultural difference. While diversity is a demographic condition of our town, we mean to not only teach tolerance and respect for one another, but also to celebrate and embrace the traditions and values of the groups within our community. Inclusion is a core community value; we aspire to be a community characterized by the value of equality.

COMMITTEE CHARGE

The Select Board, at its meeting on June 23, 2020, voted to establish the Diversity, Equity & Inclusion Committee to advise the Select Board and other town boards on matters related to inclusion in programs and policies and to be instrumental in achieving both broad and specific goals reflective of a welcoming and inclusive community. In voting to establish this advisory committee, the Select Board condemns racism and discrimination in all its forms and commits to eradicating bias in the administration of policies and programs and in the recruitment and employment of staff.

The charge to and duties of the Sharon Diversity, Equity & Inclusion Committee include, but are not limited to, the following tasks:

- Embrace, support and promote the cultural richness of Sharon's diversity as a critical element that characterizes a healthy and vibrant community.
- Provide a welcoming environment by encouraging cooperation among all residents and groups through community awareness, education, and outreach.
- Promote training for all elected and appointed officials and all Town and School employees that recognizes and works to eliminate unconscious or implicit bias in the implementation of programs and policies and in the actions of officials and employees.
- Foster civic engagement of all citizens with the goal of increasing participation of underrepresented groups in the governance of the Town as members of boards and committees and at town meeting.
- Ensure equitable access to resources, programs and opportunities for all residents.
- Suggest programs or activities that will promote a culture of mutual respect and equal treatment for all persons regardless of age, ethnicity, color, race, ancestry national origin, religious beliefs, mental or physical ability, gender, sexual orientation, or gender expression or identity.
- Be instrumental in the elimination of discriminatory barriers to employment, education, housing and other opportunities within the Town of Sharon and to suggest meaningful steps that will increase the diversity of the Town's workforce to better reflect the demographic composition of the residents for whom employees serve.

The committee shall make reports to the Select Board of its activities at least three (3) times each fiscal year.

Attachment9.b: DEI Committee Comparisons2_10.29.2020 (4245 : Discussion on Diversity, Equity and Inclusion Commission)

COMMITTEE COMPOSITION

The committee shall be comprised of nine (9) voting members appointed by and serving at the pleasure of the Select Board who represent a cross-section of community organizations and individuals engaged in efforts to advance, promote and advocate for the human and civil rights of all persons through awareness and education. Committee members will be initially appointed to serve until June 30, 2021 such that:

- One (1) member shall be from among the members of the Sharon Pluralism Network;
- One (1) member shall be from among the members of the Sharon Interfaith Clergy Council;
- One (1) member shall be from among the members of the Sharon Racial Equity Alliance;
- One (1) member shall be an employee of the Sharon Police Department;
- Four (4) residents of the Town, one (1) of whom shall be a student between the ages of 16 and 19 years of age at the time of appointment and one (1) of whom shall be someone who is a member of the Sharon school community, such school community representative to be designated by the School Committee for appointment by the Select Board; and,
- One (1) member of the Select Board.

The Select Board shall determine by May 31, 2021 whether to modify the mission statement, committee charge, or committee composition, and act to establish duration of term effective July 1, 2021.

Attachment9.b: DEI Committee Comparisons2_10.29.2020 (4245 : Discussion on Diversity, Equity and Inclusion Commission)

Shrewsbury

https://shrewsburyma.gov/956/Diversity-Equity-and-Inclusion-Task-Forc

Shrewsbury Diversity, Equity and Inclusion Task Force

On August 11, 2020, The Board of Selectmen established a Diversity, Equity and Inclusion Task Force comprised of an intentionally diverse cohort of Shrewsbury residents representing a cross section of the population and numbering no more than 30 individuals. Each board or committee listed below is invited to appoint one designee to serve as part of the membership of this newly formed task force:

- Board of Selectmen
- School Committee
- Board of Health
- Council on Aging
- Commission on Disabilities

The remaining members will be appointed by the Board of Selectmen and responsible for organizing themselves in a way that allows for the completion of the following charge:

- Examine and evaluate existing policies and procedures currently in place within the Town of Shrewsbury related to diversity, equity and inclusion
- Complete this work by offering many opportunities for extensive community engagement employing a variety of means including but not limited to interviews, public listening sessions, surveys, programs and social media
- Identify potential areas for improvement based on relevant local, state and national research determining best practices
- Provide quarterly written updates to the Board of Selectmen highlighting work done and progress made
- Submit a written report detailing the findings and recommendations of the committee to the Board of Selectmen within 12 months from the creation of the committee

The Diversity, Equity and Inclusion Task Force will be supported by a staff member from the Town Manager's Office. Requests for information from town staff or departments shall be made through the support staff rather than directly by task force members.

At any point during their work, the Diversity, Equity and Inclusion Task Force may seek support of Town Staff or other bodies the committee deems appropriate, including but not limited to those listed below:

- Library
- Police
- Fire
- Town Manager or Assistant Town Manager
- Shrewsbury Youth and Family Services
- Shrewsbury Housing Authority
- Shrewsbury Ecumenical Council
- India Society of Worcester

Attachment9.b: DEI Committee Comparisons2_10.29.2020 (4245 : Discussion on Diversity, Equity and Inclusion Commission)

Membership of the Shrewsbury Diversity, Equity & Inclusion Task Force				
Beth Casavant-Board of Selectmen	Lynsey Heffernan-School Committee	Jennie Fishman-Board of Health	Zoya Mehta-Council on Aging	Deb DelDotto-Commission on Disabilities
Kelly Joseph	Adeola Mbaneme	Donna Jarrell	Elizabeth Hylton	Gene Buddenhagen
Helene Winn	Janine Sands	Leonora Ryan	Louise Garone	Richard Petrucci
Roop Jyot Kaur	Allen Jarrell	Juan Acosta	Marion Buricatu	Maura Egan
Mia Alvarez Lombardi	Milind Kanitkar	Navjeet Singh	Noor Ali	Paula Collins
Priya Rathnam	Rajesh Velagapudi	Ruth Febo	Shima Khan	

Attachment9.b: DEI Committee Comparisons2_10.29.2020 (4245 : Discussion on Diversity, Equity and Inclusion Commission)

Office of the
BOARD OF SELECTMEN

TELEPHONE: (508) 841-8508
FAX: (508) 842-0587
Selectmen@shrewsburyma.gov

TOWN OF SHREWSBURY

Richard D. Carney Municipal Office Building
100 Maple Avenue
Shrewsbury, Massachusetts 01545-5338

Diversity, Equity and Inclusion Task Force- Charge

On August 11, 2020, The Board of Selectmen established a Diversity, Equity and Inclusion Task Force comprised of an intentionally diverse cohort of Shrewsbury residents representing a cross section of the population and numbering no more than 30 individuals. Each board or committee listed below is invited to appoint one designee to serve as part of the membership of this newly formed committee:

- Board of Selectmen
- School Committee
- Board of Health
- Council on Aging
- Commission on Disabilities

The remaining members will be appointed by the Board of Selectmen and responsible for organizing themselves in a way that allows for the completion of the following charge:

- Examine and evaluate existing policies and procedures currently in place within the Town of Shrewsbury related to diversity, equity and inclusion
- Complete this work by offering many opportunities for extensive community engagement employing a variety of means including but not limited to interviews, public listening sessions, surveys, programs and social media
- Identify potential areas for improvement based on relevant local, state and national research determining best practices
- Provide quarterly written updates to the Board of Selectmen highlighting work done and progress made
- Submit a written report detailing the findings and recommendations of the committee to the Board of Selectmen within 12 months from the creation of the committee

The Diversity, Equity and Inclusion Task Force will be supported by a staff member from the Town Manager's Office. Requests for information from town staff or departments shall be made through the support staff rather than directly by task force members.

At any point during their work, the Diversity, Equity and Inclusion Task Force may seek support of Town Staff or other bodies the task force deems appropriate, including but not limited to those listed below:

- Library
- Police
- Fire
- Town Manager or Assistant Town Manager
- Shrewsbury Youth and Family Services
- Shrewsbury Housing Authority
- Shrewsbury Ecumenical Council
- India Society of Worcester

Attachment9.b: DEI Committee Comparisons2_10.29.2020 (4245 : Discussion on Diversity, Equity and Inclusion Commission)

Wayland

Charge for Town Administrator's Advisory Group on Race

Subsequent to the killing of George Floyd in May 2020, as well as too many other Black lives unnecessarily extinguished over the years, ongoing demonstrations in Wayland have been organized to protest racial injustice and inequity through out our country. Our community is not immune from issues involving racism as recent heartbreaking posts on social me dia have brought examples of such injustice closer to home. In an effort to provide a Town-wide forum for the Wayland community to convene and engage in education and dialogue around issues involving race, equiy, and racial justice, the Town Administrator will assemble an advisory group comprised of up to eight Wayland resi dents who will assemble for the purpose of discharging the following tasks.

Community Conversations on Race

- Gather information from surrounding communities to determine different models for convening Town-wide forums focused on issues around race, equity, and racial justice;
- Draft a set of recommendations to the Board of Selectmen indicating which two or three models would most approrpiately meet the needs of the Wayland community;
- Present the set of recommendations to the Board of Selectmen at a public meeting; and
- Subsequent to approval of a particular model by the Board of Selectmen, serve as the lead body in organizing the initial community event.
- Explore the Concept of a Human Rights Committee
- Gather information from surrounding communities to determine different models for standing up a Human Rights Committee; and
- Draft a set of recommendations to the Board of Selectmen indicating
    i. if a Human Rights Committee would serve a necessary and beneficial role in Wayland, and if so,
    ii. what appropriate model for a Human Rights Committee would best serve Wayland's needs.

https://patch.com/massachusetts/wayland/wayland-seeks-members-racial-justice-committee

WAYLAND, MA — Wayland has created a new advisory group that will explore issues related to race and justice, and the town is seeking eight local volunteers to serve on the committee.
The Racial Justice Advisory Committee will have a variety of tasks, including organizing town-wide forums on race. The specific duties of the committee are as follows, according to a town bulletin:
Gather information from surrounding communities to determine different models for convening Town-wide forums focused on issues around race, equity, and racial justice
Draft a set of recommendations indicating which two or three models would most appropriately meet the needs of the Wayland community
Assist the Town Administrator with the presentation of the set of recommendations to the Board of Selectmen at a public meeting
After approval of a particular model, work with the Town Administrator as the lead body in organizing the initial community event
Gather information from surrounding communities to determine different models for setting up a Human Rights Committee
Work with the Town Administrator to draft a set of recommendations indicating i) if a Human Rights Committee would serve a necessary and beneficial role in Wayland, and if so, ii) what appropriate model for a Human Rights Committee would best serve Wayland's needs
To apply, email Town Administrator Louise Miller (lmiller@wayland.ma.us) with a brief statement about why you want to serve.

Attachment9.b: DEI Committee Comparisons2_10.29.2020 (4245 : Discussion on Diversity, Equity and Inclusion Commission)

WESTFORD

https://westfordma.gov/1338/Diversity-Equity-and-Inclusion-Committee

Diversity, Equity, and Inclusion Committee

At the Select Board Meeting on 8/25/2020, the Board voted to approve the following charge:

Select Board's Charge to the Committee

The Diversity, Equity and Inclusion (DEI) Committee will serve as an advisory committee to the Town of Westford and whose duties shall be to provide advice and recommendations to the Select Board and School Committee.

The Committee will identify needs around fostering acceptance and valuing diversity; and discourage prejudice and discrimination against any person, group, or any other status protected by law on account of race, creed, color, income, religion, national origin, ancestry, gender, sexual orientation, veteran status, age, or disability.

The Committee will review Town and school policies and procedures and make recommendations to ensure that they advance equity and diversity where the committee has identified deficiencies.

The Committee will first report to the Select Board and School Committee on the progress of its work by the end of 2020.

At their meeting on 7/14/20, the Select Board invited members of our community to express their interest in being appointed to a new working group, the Diversity, Equity, and Inclusion Working Group. Interested residents may fill out a Citizen's Activity Form at: https://data.westfordma.gov/bc/newcaf.php

Committee Member Selection Criteria:

Extensive exposure and/or experience with at least one of the following: is a member of a community where issues of diversity, equity and inclusion exist, has been trained in the dynamics of diversity and how organizations have brought effective and positive change, and/or is professionally involved with human resources. These are not meant to be all inclusive but represent the kinds of exposures being sought.

Skills beneficial to performing the work of the Committee would include demographic analysis, finance/accounting, law, project management, social services/sciences, survey design and analysis.

Attachment9.b: DEI Committee Comparisons2_10.29.2020 (4245 : Discussion on Diversity, Equity and Inclusion Commission)

Possible Methods of Appointing New Committee Members

October 2020

Methods adapted from Robert's Rules of Order

1. **One name, One vote (ballot election)**

Select Board members list one name for each open spot on the committee (e.g., Committee has seven open spots, each Select Board member list seven names). Each time a person is named, it counts as one point (e.g., someone listed by all five Select Board members receives five votes. Someone listed by four Select Board member receives four votes, etc.). The highest point winners are appointed.

Pro: Simple

Con: potential for ties. Timing: appointees may not know until the next Select Board meeting if they are appointed, unless BoS members vote in advance and/or someone counts the votes during a recess.

2. **One name, weighted vote (weighted ballot election)**

As above, except each appointer lists their preferred candidates in rank order, with a weighting (e.g., on a committee with seven openings, the top choice would receive 7 points, the second choice 6 points, etc.). The highest point winners are appointed.

Pro: Simple

Con: More complicated. Timing: appointees may not know until the next Select Board meeting if they are appointed, unless Select Board members vote in advance and/or someone counts the votes during a recess.

3. **Round robin nominations (open floor nominations)**

Select Board members nominate appointees. Then the standard process of seconding and voting applies for each committee opening.

Pro: simple, immediate results

Con: Could take time for discussion. Could leave off qualified members.

Other options explained in Robert's Rules that do not seem applicable:

- Chair appoints all committee members
- Chair nominates full committee subject to Select Board confirmation vote
- Sub-committee forms to nominate individuals

Attachment9.b: DEI Committee Comparisons2_10.29.2020 (4245 : Discussion on Diversity, Equity and Inclusion Commission)

SUDBURY BOARD OF SELECTMEN
Tuesday, November 17, 2020

MISCELLANEOUS (UNTIMED)

10: Discussion on Key Performance Indicators

REQUESTOR SECTION
Date of request:

Requestor: Selectman Schineller

Formal Title: Discussion and possible vote on Key Performance Indicators (KPI) as requested by Selectman Schineller.

Recommendations/Suggested Motion/Vote: Discussion and possible vote on Key Performance Indicators (KPI) as requested by Selectman Schineller.

Background Information:

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending	
Henry L Hayes	Pending	
Jonathan Silverstein	Pending	
Daniel E Carty	Pending	
Board of Selectmen	Pending	11/17/2020 6:00 PM

Select Board Project Tracking Policy

(DRAFTED by Bill Schineller 2020-07-28)

Proposed language

Select Board Project Tracking Policy

On a quarterly basis, the Select Board shall revisit a current list of ongoing, significant Projects with the Town Manager.

The current list of significant Projects shall be determined by vote of the Select Board. In general, designation as a significant Project shall be a function of factors such as:

- Financial impact (including direct and indirect expense and revenue impact)
- Impact on town services (including public safety, education, recreation, housing)
- Impact on town character and natural resources (including historic, open space, water)

Triggers for consideration of adding a project to the list of ongoing, significant Projects shall include but are not limited to:

- Appropriations voted at Town Meeting exceeding a dollar threshold (e.g. the dollar threshold above which Select Board approval is required to approve contracts)
- Litigation whose outcome could have significant impact on the town
- Large items in the 5 year capital forecast

The goals, status, and timeline of each ongoing, significant Project shall be concisely summarized and made easily available for public inspection (such as posted in a prominent location on the town website). Non-public details which may have a detrimental effect on the negotiating position of the public body (as determined by the Board in Executive Session) may be omitted or redacted.

The most recent, concise summary per project shall be posted near the top of the Project “page” to include:

- Date project was first voted “Significant” by the Board
- Goal statement of the project
- Target completion date (original target, current target)
- Sequenced list of project milestones / dates
    - Original estimates
    - Current estimates
- Estimated costs to complete
    - Original estimates
    - Current estimates

Attachment10.a: DRAFT SelectBoard Project Tracking Policy (4246 : Discussion on Key Performance Indicators)

- Sequenced list of funding sources
    - Current summary of expenditures against those funds
- Risk statement (what could cause project to not be successfully completed on time, on budget)
- Risk mitigation statement (what is being done to minimize the likelihood of each risk)

The project page for each significant Project shall also include organized links and attachments to relevant public documents and materials created or received by the Town.

Attachment10.a: DRAFT SelectBoard Project Tracking Policy (4246 : Discussion on Key Performance Indicators)

Attachment10.b: Project Status and KPIs (4246 : Discussion

KPIs and Project Status

2020 Select Board Goal

BOS 2020 Goal #4

Goal: Develop Project Management Review, Control, and Reporting Process

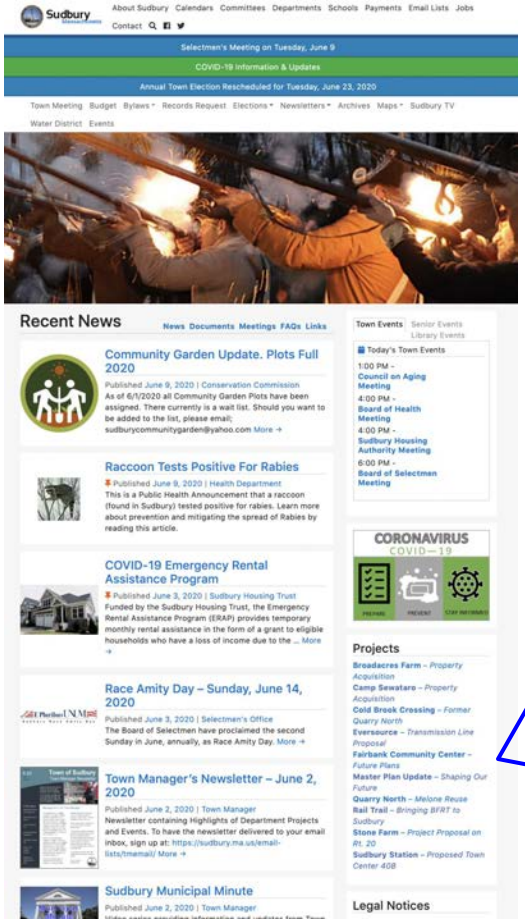
Deliverable: Development of BOS policy. Project Key Performance Indicators and identification of metrics & milestones.

BOS GOALS 2020

Goal	Primary Category	Total Score	Priority Level	Board Liason	Staff Liason	2020 deliverable
Town Manager Search Completion	Effiective Governance and Communication	15	High	Dan Carty	Maryanne Bilodeau	New Town Manager hired.
Fairbank Community Center	Town Services and Infrastructure	14	High	Jen Roberts	Town Manager/Bill Barletta/Deb Galloway/P&R Dliector/Dennis Keohane	New Fairbank Center - Warrant Article at May 2020 Tow Meeting and Special Election.
Regional High School Agreement/Budgeting	Effective Governance and Communication	8	High	Pat Brown	Town Manager/Dennis Keohane	Secure Counsel to review agreement; Meeting between Sudbury BOS and Lincoln BOS. Dialogue with Legislators regarding regional budgeting.
Develop Project Management Review, Control, and Reporting Process	Effective Governance and Communication	7	High	Bill Schineller	Town Manager	Development of BOS policy. Project Key Performance Indicators and identification of metrics & milestones.
Upgrade Fire Station 2 (Advanced Life Support Ambulance, Living Quarters)	Town Services and Infrastructure	6	High	Pat Brown	John Whalen/Bill Barletta	Warrant Article at May 2020 Town Meeting and Special Election.
Bruce Freeman Rail Trail	Open Space, Recreation, and Historic Assets	5	High	Janie Dretler	Beth Suedmeyer/Town Manager	Complete 25% Design; hire consultant for 75/100% Desi
CSX Rail Acquisition	Open Space, Recreation, and Historic Assets	4		Jen Roberts	Beth Suedmeyer/Town Manager	CSX Rail Acquisition - Warrant Article at May 2020 Town Meeting.
School Administration Space Needs (Fairbank)	Town Services and Infrastructure	4		Bill Schineller	Town Manager/Bill Barletta/Deb Galloway/P&R Director	Contingency plan for SPS Adm. needs (if the Fairbank Community Center Warrant Article doesn't pass).

component of the Tax Levy, economic development, user fees, etc.)	Financial Management & Economic Resilience	1		Jen Roberts	Town Manager/Adam Duchesneau/Dennis Keohane	Assess if we are maximizing opportunities to diversify town revenue streams.
Membership in Vocational Education	Town Services and Infrastructure	1		Dan Carty	Town Manager/Dennis Keohane	Define who is responsible for Voc Ed and choose membership school.
Improve Communciation Effectiveness	Effective Governance and Communication	1		Janie Dretler	Town Manager	Conduct communications survey; continue to expand upon communication channels so as to reach maximum amount of citizens. Push out agendas to subscribers of various committees. Periodically review communication metrics and results. Timely updating of department webpages. Survey effectiveness of new newsletter delivery. Strive to post public agendas on Fridays.

Are These Projects On Track?



Projects

Broadacres Farm – *Property Acquisition*
Camp Sewataro – *Property Acquisition*
Cold Brook Crossing – *Former Quarry North*
Eversource – *Transmission Line Proposal*
Fairbank Community Center – *Future Plans*
Master Plan Update – *Shaping Our Future*
Quarry North – *Melone Reuse*
Rail Trail – *Bringing BFRT to Sudbury*
Stone Farm – *Project Proposal on Rt. 20*
Sudbury Station – *Proposed Town Center 40B*

Example: Bruce Freeman Rail Trail

Bruce Freeman Rail Trail (BFRT) Design Project (BFRT, Phase 2D, MassDOT ID 608164)

Budget Summary

To date, the Town has appropriated (through Town Meetings) $1,182,492.15 towards the BFRT design. Once the current contracts with VHB and Jacobs are completed, the estimated remainder of 2016 TM and 2018 STM funding will remain to complete the final design phase.

BFRT Project Design Account Balances and Contracts

Active BFRT Accounts		
Funding Source	**Appropriation**	**Note**
2014 Town Meeting (for 25%)	$202,492.15	25% Design
Donation Friends of BFRT (for 25%)	$58,700.00	25% Design
2016 Town Meeting (for advancing design)	$330,000.00	Jacobs Contract of $146,700, which leaves $183,300 for 75/100% Design
2018 Special Town Meeting (for advancing design)	$650,000.00	75/100% Design
TOTAL	$1,241,192.15	
Contracts	Amount	
25% VHB Original	$261,000.00	
25% VHB Amendments	$30,550.00	
25% Structural - Jacobs	$146,700.00	
25% Jacobs Amendment	$36,675.00	
Anticipated 75/100% Contract	$833,300.00	
Funding source for amendments were Planning, DPW, and Town Manager Budgets.		

As you know, the Project is on the Boston MPO Transportation Improvement Program (TIP) for construction funding in federal fiscal year 2022. In May of 2019, the revised construction funding amount approved by the MPO was $9,334,137. The current estimated advertising date, our target final design date, is in December 2021. The project design must be "shovel ready" by October 2022 to take advantage of the state and federal funds for construction.

25% Design

Jacobs Engineering was contracted in August 2018 to prepare the 25% structural design and Bridge Sketch Plans. They have developed the geotechnical data collection plan (approved by MassDOT and the Conservation Commission), contracted with the boring sub-consultant, submitted the draft type selection worksheet for the boardwalk to MassDOT for comment, and are developing the sketch plans for Hop Brook. Additionally, a hydrological survey was conducted at Pantry Brook to inform the flood analysis and structural design. The boring work will begin and be completed in August resulting in the Geotechnical Report and Sketch Plans being submitted to MassDOT in September. A brief estimated schedule is outlined below.

Jacobs Structural Design Schedule

GEOTECHNICAL TASKS	**Approximate Schedule**
Preconstruction Meeting	Week of July 29
Geotechnical Borings Start	Week of August 5
Geotechnical Borings End	Week of August 19
Soil Samples Analyzed and Tested and Final Environmental Monitoring Report submitted	Week of September 14
Geotechnical Report Submitted	Week of September 23
STRUCTURAL TASKS	
Sketch Plans Prepared	Week of September 14
Sketch Plans Submitted to MassDOT	Week of September 23
MassDOT REVIEW (could take 3 – 6 months)	End of 2019
MassDOT DESIGN PUBLIC HEARING	Early 2020

Final Design

The remaining phases of the design, as designated for a MassDOT project, are the 75% design and the 100% phases. The 75% design activities include development of the special provision and itemized cost

Next Topic: Key Performance Indicators (KPIs)

Problem to be Solved: What Services is Sudbury delivering for our tax dollars?

GENERAL FUND BUDGET SUMMARY

EXPENDITURES	FY19 Actual	FY20 Budgeted	FY21 Recommended	Percentage Increase
Education - Sudbury Public Schools (SPS)	38,309,355	38,535,653	39,608,834	2.78%
Education - LS Regional High School (LS)	24,762,716	25,808,881	26,712,280	3.50%
Education - Vocational	461,426	615,000	550,000	-10.57%
General Government	3,085,214	3,143,637	3,175,064	1.00%
Public Safety	8,472,123	8,924,924	9,199,461	3.08%
Public Works	5,146,416	5,460,288	5,607,520	2.70%
Human Services	746,973	871,110	906,383	4.05%
Culture & Recreation	1,327,814	1,422,707	1,462,889	2.82%
Town-Wide Operating and Transfers	212,237	483,845	486,352	0.52%
Total Town Departments	82,524,274	85,266,045	87,708,783	2.86%
Town Debt Service	3,100,625	3,110,425	3,613,379	16.17%
Employee Benefits (Town and SPS)	11,718,431	12,716,315	13,672,255	7.52%
OPEB Trust Contribution (Town and SPS)	540,249	610,249	680,249	11.47%
Total Operating Budget	97,883,579	101,703,034	105,674,666	3.91%
Capital Budget (Tax Levy)	403,224	800,000	947,076	18.38%
TOTAL EXPENDITURES:	98,286,802	102,503,034	106,621,742	4.02%

Performance Measures:

Description	2017	2018	2019
Number of Students	1,667	1,633	1,588
Number of Faculty	165	165	
Percentage of Class of 2017 Attending a 2 or 4 year College	94%	98%	
Percentage of Students participating in co-curricular activities.	85%	85%	

Consolidated Financial Information:

	FY19 Actual	FY20 Appropriated	FY21 Recommended
LS Regional High School			
Sudbury Operating Assessment	23,864,710	24,923,953	25,846,224
Sudbury Debt Assessment	564,892	549,861	529,571
Sudbury OPEB Normal Cost Assessment	333,114	335,067	336,485
Total LS Regional High School	**24,762,716**	**25,808,881**	**26,712,280**

Date of this Update

Project URL on town website

Project Name

Staff Lead

- Goal statement of the project

- Target completion d
  (original target, current target)

- Estimated costs to compl
  - Original estimates
  - Current estimates

- Risk statement (what could cause project to not be successfully completed on time, on budget)
  - Risk mitigation statement (what is being done to minimize the likelihood of each risk)

Milestone	Original Date	Current Target Date	Notes

- Sequenced list of project milestones / dates
  - Original estimates
  - Current estimates

Funding Source	Original Amount	Remaining

- Sequenced list of funding sources
  - Current summary of expenditures against those funds

- Date project was first voted “Significant” by the Board

Attachment10.c: Project Status Template (4246 : Discussion

SUDBURY BOARD OF SELECTMEN
Tuesday, November 17, 2020

MISCELLANEOUS (UNTIMED)

11: LS agreement

REQUESTOR SECTION
Date of request:

Requested by: Patty Golden

Formal Title: Discussion on Lincoln-Sudbury Regional School District Agreement, and vote whether to ratify the vote taken in Executive Session regarding the release of LampkeLaw opinion in a latter dated 9/8/20.

Recommendations/Suggested Motion/Vote: Discussion on Lincoln-Sudbury Regional School District Agreement, and vote whether to ratify the vote taken in Executive Session regarding the release of LampkeLaw opinion in a latter dated 9/8/20.

Background Information:

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending	
Henry L Hayes	Pending	
Jonathan Silverstein	Pending	
Daniel E Carty	Pending	
Board of Selectmen	Pending	11/17/2020 6:00 PM

LAMPKELAW LLC
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September 8, 2020

INTER/INTRA DEPARTMENTAL MEMO
REGARDING POLICY FORMULATION
NOT A PUBLIC RECORD SUBJECT TO MANDATORY DISCLOSURE
PROPER SUBJECT FOR PARTIAL EXECUTIVE SESSION
ATTORNEY-CLIENT/ATTORNEY WORK PRODUCT PRIVILEGED MATERIAL

To: Sudbury Select Board
Town Manager
Fr: James B. Lampke, Esq. and Daniel I/ Lampke, Esq.
Re: Legal Issues Concerning Regional School District Agreement

LampkeLaw Response Memo to Questions/Concerns with LS Regional Agreement - Town of Sudbury

Select Board member Pat Brown prepared a very helpful and thoughtful memo on questions and issues she had with the present Agreement. We have tried to provide responses based on our understanding of the memo and the current state of the law and facts. For ease of review, our comments follow the issues Select Board member Brown set forth. This memo is a works in progress and not a complete or final memo, under Exemption (d) of the public records law, not a public record and is subject to further revision.

Introduction-

Municipalities may form a regional school district jointly delegating all or part of their school committees' responsibilities to the regional school district. G.L. c. 71, §§ 14B, 16. A regional school district is typically granted the powers and duties of a school committee, and even certain powers of a municipality, to accomplish its purpose of municipalities providing cooperative action to administer a school system which would otherwise be unduly burdensome on their own. See G.L. c. 71, § 16. A RSD may lease land and building for educational purposes for periods not exceeding five years. G.L. c. 71, § 16Q. The prospective agreement of a regional school district ("RSD") must be submitted to the Department of Education, and subject to its approval, to the towns composing the regional school district for their acceptance. See G.L. c. 71, § 14B. A school committee is the entity that determines expenditures within the district's education appropriation, see G.L. c. 71, § 37, sets broad education policy, establishes performance standards for teachers, see G.L. c. 71, § 38, and negotiates and enters into collective bargaining agreements with teachers and other

Attachment11.a: 20200908 Response Memo to Questions_Concerns with LS Regional Agreement - Town of Sudbury (4244 : LS agreement)

school personnel, see G.L. c. 150E, § 1. School committees are composed of three or more members elected for terms of not more than three years, unless law or charter provides otherwise. G.L. c. 41, § 1.

As a preliminary matter, if the Town of Sudbury now feels that the Agreement puts an unfair burden on it, it can either propose amendments to the LSRSD school committee, withdraw from the LSRSD or threaten to if proposed amendments are rejected, seek assistance from DESE or seek help from the Massachusetts Legislature. See Burton v. Whittier Reg'l Vocational Tech. Sch. Dist., 587 F.2d 66, 69 (1st Cir. 1978) ("If the City of Haverhill now feels that the district agreement puts an unfair burden on it, it can either withdraw or seek help from the Massachusetts Legislature.)

Questions/concerns with the LS Regional Agreement

Voting Representation
Provisions for Vocational Education
Apportionment of Capital Expenditures
Budget Timeline
Leaving the Regional District
Pathway Forward

1) **Voting Representation**: Amendment 2 (applied to Section #1 describing the School Committee), adopted in 1970, implements a "16n" (district wide) election, rather than electing members of the school committee from each of the member towns. This method of choosing representatives does not guarantee either town representation in proportion to the voting populations of the towns—one person/one vote. As it happens, there are two representatives from the Town of Lincoln and four from the Town of Sudbury—reflective of the 9,000-ish residents of Lincoln and 18,000-ish in Sudbury. There are those who think representation should be based upon the financial contributions of the member towns. I sympathize, but I find no basis upon which to propose that. I would like to have guaranteed representation from each of the member towns, as is customary in many regional districts: town-wide elections for four school committee representatives in Sudbury, and two in Lincoln. This has many practical advantages which aren't really relevant here, but I can share if you'd like. **Can this deficiency be used to re-open the agreement?**

LampkeLaw response:

One person one vote is a shorthand phrase referring to the federal constitutional mandate of electoral equality under the equal protection clause, requiring "that as a general rule, whenever a state or local government decides to

Attachment11.a: 20200908 Response Memo to Questions_Concerns with LS Regional Agreement - Town of Sudbury (4244 : LS agreement)

select persons by popular election to perform governmental functions . . . each qualified voter must be given an equal opportunity to participate in that election, and when members of an elected body are chosen from separate districts, each district must be established on a basis that will insure, as far as is practicable, that equal numbers of voters can vote for proportionally equal numbers of officials." Kelleher v. Se. Reg'l Vocational Tech. High Sch. Dist., 806 F.2d 9, 10 (1st Cir. 1986) (quoting Hadley v. Jr. Coll. Dist. of Metro. Kansas City, Mo., 397 U.S. 50, 56 (1970) (60 percent of the district's total school enumeration electing 50 percent of the district's trustees violates one person-one vote principle)); Black Political Task Force v. Connolly, 679 F. Supp. 109, 111 (D. Mass. 1988). This principle applies to elections for school board positions, and thus applies to a RSD's school committee when possessing sufficient governmental powers to bring it within the principle. Kelleher v. Se. Reg'l Vocational Tech. High Sch. Dist., 806 F.2d 9, 10–11 (1st Cir. 1986).

In Burton v. Whittier Reg'l Vocational Tech. Sch. Dist. the court held that while Haverhill's representation on its RSD's school committee is diluted because Haverhill's population is 41% of the RSD's population but only 15% representation on the RSD's committee, it was not an unconstitutional violation of the *one person one vote* principle since the members were *not chosen by election* but rather were *appointed* by *the local school committees of its constituent municipalities* and thus the *one person one vote* principle is irrelevant and the residents' voting rights were not taken away, and also noted that Haverhill knew its representation would not be in proportion to its population when it ratified the RSD's agreement. Burton v. Whittier Reg'l Vocational Tech. Sch. Dist., 587 F.2d 66, 69–70 (1st Cir. 1978) (citing Sailors v. Board of Education, 387 U.S. 105, 111 (1967); Hadley v. Junior College District, 397 U.S. 50, 54–56 (1970)). Note that because the RSD's members were appointed by local officials, option 5 below was the mechanism used to comprise that school committee.

On the other hand, in Kelleher v. Se. Reg'l Vocational Tech. High Sch. Dist. the court first held that a majority of voters cannot waive the constitutional right of a minority to an undiluted voting system and therefore the one person-one vote principle applies to an apportionment scheme approved by a majority of the voters whose votes are diluted under that scheme, and then accordingly held that the RSD's apportionment scheme where Brockton was accorded two RSD committee members while the other towns were accorded one member each and thus Brockton's citizens elected only 20% of the RSD's committee members even though Brockton represented 46% of the RSD's population while a West Bridgewater citizen's vote equates to eight times more effective in the committee than a Brockton citizen's vote, producing a great disparity between the weight of the Brockton citizen's vote compared to the weight of citizen's votes in the other member towns, violated the "*one person-one vote* principle because, by not dividing the district's elected Committee members on a population basis as nearly as practicable, it deprives voters of the constitutional right to cast an equally weighted vote." Kelleher v. Se. Reg'l Vocational Tech. High Sch. Dist., 806 F.2d 9, 10–13 n.8 (1st Cir. 1986) ("The population deviations from average

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under the instant apportionment scheme range from 131.9 percent above average for Brockton to 70 percent below average for West Bridgewater."); see also Mahan v. Howell, 410 U.S. 315, 329 (1973) (16.4 percent maximum deviation "may well approach tolerable limits")).

Under present Massachusetts law, in comprising the members of the RSD's school committee, the RSD has five options:

> (1): electing committee members by voters in member communities with each community's *representation apportioned according to population*;
> (2): electing members in *district-wide elections* to be held at the *biennial* state elections;
> (3): electing members with *residency requirements* in *district-wide elections* to be held at the *biennial* state elections;
> (4): *weighing* the votes of committee members *according to the population they represent* and
> (5): appointing committee members *by locally elected officials* such as school board members.
> See G.L. c. 71, § 14E (emphasis added).

Here, Section 1 of the Agreement requires that each member of the school committee be a *resident* of the District and is elected in an *annual district wide* election. Thus, while the Agreement's current mechanism for comprising the LSRSD members is most similar to option 3 above, it could be impermissible in that the elections are *annual*, instead of *biennial* as required by options 2 and 3 above in § 14E. Nonetheless, aside from the potential defect in frequency of elections, that the LSRSD does not guarantee either town *representation in proportion* to the voting populations of the towns is not a violation of *one person-one vote* because the votes of the LSRSD's citizens are still equally weighted since they vote *district wide* as opposed to each town's citizens only being able to elect a specified number of representatives from each district as was the flaw with Brockton's citizens limited to only electing two representatives. Furthermore, the Kelleher Court has already described the LSRSD's apportionment mechanism approvingly in requiring that RSD to submit a plan of reapportionment in accordance with the *one person-one vote* principle. See Kelleher v. Se. Reg'l Vocational Tech. High Sch. Dist., 806 F.2d 9, 13 n.16 (1st Cir. 1986) ("A number of options consistent with the one person-one vote principle are available to the District. These include: electing Committee members by voters in member communities with each community's representation apportioned according to population; electing members in *District-wide, at-large elections*; electing members in *District-wide, at-large elections with residence requirements*; weighting the votes of Committee members according to the population they represent; and appointing Committee members by locally elected officials such as school board members." (emphasis added)). Sudbury's dissatisfaction with the current

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apportionment scheme can still be raised as an issue with the Agreement motivating its desire to amend the Agreement or withdraw though.

2) **Provisions for Vocational Education**: Section #3, describing the type of school, indicates that LS can establish a Chapter 74 (vocational education) program. However, Section 9 (Budget Process) states that Vocational Education, including tuition to state aided vocational schools will be described as part of the LS budget. What is the responsibility of the LS Regional School to provide access to an accredited Chapter 74 vocational program for Sudbury students under the regional agreement? Specifically, is LS responsible for paying the tuition and/or transportation costs of Sudbury students enrolled in vocational programs outside the LS district?

Background:

The LS Regional School District was created by Lincoln and Sudbury in 1956. The Towns of Lincoln and Sudbury joined the Minuteman Regional

Vocational School District in 1971 (Article 48 (joining) and Article 49 (funding) the regional district.) when the Minuteman District was created.

As members of the Minuteman Vocational District, the towns of Sudbury and Lincoln were assessed annually by Minuteman to cover the costs of student tuition and transportation. This appeared as a line item in the town's annual budget.

In 2016, the towns of Lincoln and Sudbury withdrew from the Minuteman Regional Vocational School District, effective July 1, 2017.

Since that time, Sudbury (and Lincoln) vocational students attend several different area vocational schools (Assabet Valley, Minuteman Regional, Nashoba) as out-of-district students. I believe that as of Sudbury's withdrawal from the Minuteman Regional district, vocational students should have become the responsibility of the LS Regional District, but that was not pursued vigorously at the time.

Currently,

The Sudbury Public Schools counsel students to apply to the vocational school(s) of their choice as graduating eighth graders from the SPS system.

Parents have to apply to vocational schools for their students; this doesn't happen automatically.

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The Town of Sudbury (not SPS and not LS) is responsible for transporting (and paying to transport) the Sudbury students to their vocational program. Arranging transportation falls to the Town Manager, who is not otherwise involved in contracting for student transportation.

The Town of Sudbury pays the tuition of vocational students.

The LS Regional District maintains that students who do not enroll in LS, such as out of district vocational students, are not their responsibility. They do, however, assume responsibility for students enrolled in out of district Special Education programs. I do not understand the legal distinction here.

Amorphous complaints have circulated about vocational students not receiving counseling or other services from the LS high school or the vocational school. Whose responsibility is it?

LampkeLaw response:

It would be helpful in dealing with this and other issues to review any reports or the like that were prepared at the time of the formation of the LSRSD, or since then, which may reference vocational education.

An argument could be made, as discussed more fully, that the intent of the Agreement was for LSRSD to be responsible for the tuition and transportation of students in its charge who want to attend a vocational school. However, not surprising with an Agreement crafted first in 1954, there are some logistical issues with the Agreement.

Section 9 of the Agreement provides in part that the "tentative budget shall in reasonable detail, including the amount payable under the following classifications of expenses and such other classifications as may be necessary:" and goes on to include as a classification "Vocational Education, including tuition to State aided Vocational Schools." Thus, the concept of the LSRSD providing vocational educational opportunities is part of the Agreement between the parties and this something the Regional District School Committee should consider and do if there is a demand for same.

Section 4 of the Agreement deals with Student Membership and Transfer Date. Membership is defined as all students in Sudbury and Lincoln in Grades 9 through 12. Select Person Brown's memo refers to students in Grade 8 addressing possibly wanting to attend a vocational school. Students in Grade 8 are technically not yet under the responsibility of the LSRSD. Once they are in Grade 9, they are under the jurisdiction and the responsibility of the LSRSD. If the student is in Grade 9 to 12 and wants to pursue a vocational educational education, then the LSRSD has the jurisdiction and responsibility to address that.

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Grade 8 students, who are not yet under the LSRSD, may likely consider vocational education when they are in Grade 8 and such vocational education would start as early as Grade 9 (which is under the jurisdiction of the LSRSD). It makes sense that the LSRSD should be involved in those decisions and assume responsibility for those students in Grade 8 who would otherwise be transitioning to the LSRSD but for their wanting to attend a vocational school. The "sending" school district really would be the LSRSD. Note that there are application and notice time periods in the law that could affect the logistics of this issue, but those could be addressed in the future.

This view is further supported by Section 4, last paragraph on page 3, which provides in part for situations where a student who would enter Grade 11 or 12 is attending an out of district school, that student "may finish their high school education at such High Schools outside of their Town at the Regional School District's expense." If the LSRSD is going to pay the expenses for that student, it would seem logical that they would pay the expenses for LSRSD students who wanted to attend vocational school.

Essentially, LSRSD has "exclusive jurisdiction over and responsibility for, the educational needs of the membership", which includes all students in Grades 9 through 12. Vocational education is an educational need. Sec. 4, 3rd par.

On this issue, depending on the development of further facts and the law, it may be that an argument or claim could be made that the LSRSD owes Sudbury (and perhaps Lincoln) for vocational costs that were incurred that should have been the responsibility of the LSRSD. This would be something that would be raised if litigation were to be pursued. The better course of action would be to try to negotiate a resolution on this issue if in fact it turns out that the LSRSD owes this money.

We should point out that the practice in some communities in similar situations is that the community pays the vocational educational and transportation expenses out of the Town or its School Department budget and not the regional school.

3) **Apportionment of capital expenditures**

Section #9 describes the current budget process, including the responsibility for **"Debt Service". The agreement does not speak to how this is assessed.** Current practice is that any year's debt payment is paid by the member towns as apportioned by regional agreement in the current year. The effect is that capital costs that were assumed when a member town was responsible for a specific fraction of the LS budget can shift as the relative number of students changes, leaving the town with a growing student population (or a less-rapidly -

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decreasing student population) responsible for an ever-increasing per centage of the capital debt, both interest and principal.

The regional agreement should specify how debt service for capital expenditures is assessed: specifically, that the proportion of the debt to be paid by each member town is assessed at the time the debt is assumed and paid in that amount by the member towns regardless of future changes in enrollment.

LampkeLaw response:

It is suggested that "debt service" is not adequately addressed in the Agreement.

Debt service is a cost the LSRSD must address in its budget. This is provided for under Section 9. The Agreement further provides that "the Committee shall adopt a budget for the ensuing fiscal period and apportion the amount thereof between the member towns according to their respective apportionment ratios as set forth in Section 5(a)."

Debt service is thus a cost shared by the two member communities according to the apportionment ratios set forth in the Agreement.

It is being questioned that the apportionment should be different, suggesting that each community's cost is established when the debt is incurred and remains constant. It is questionable that the member Towns would find that appropriate. It could result in Town A, which when the debt was incurred years ago perhaps had a greater proportion of students but now a much lesser proportion of students, having to pay as if they had a larger proposition than they actually do. Similarly, if Town B at the time the debt was incurred had a small proportion of students but now has a much larger proposition, under the suggested scenario it would be paying a much smaller proportion of the cost yet have more students.

Perhaps the member Towns would agree to that. However, given the possible disparities it in our opinion appears doubtful.

4) **Budget Timeline:** From the non-recurring expenditures starting at the end of section #9:

   a. Not later than thirty days prior to the date on which the final budget is to be adopted, copies of the tentative budget shall be presented and explained to the Finance Committee in each member town.

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b. Within fifteen days thereafter the Regional School Committee shall hold a public hearing in each member town (three days' notice).

c. Promptly the committee shall meet to adopt a final budget.
d. Not later than forty-five days prior to the earliest date of Town Meeting in the earlier town, the committee shall adopt a final budget and apportion the amount according to their respective ratios as set forth in Section 5(a)—but not before February 1 nor later than March 31.

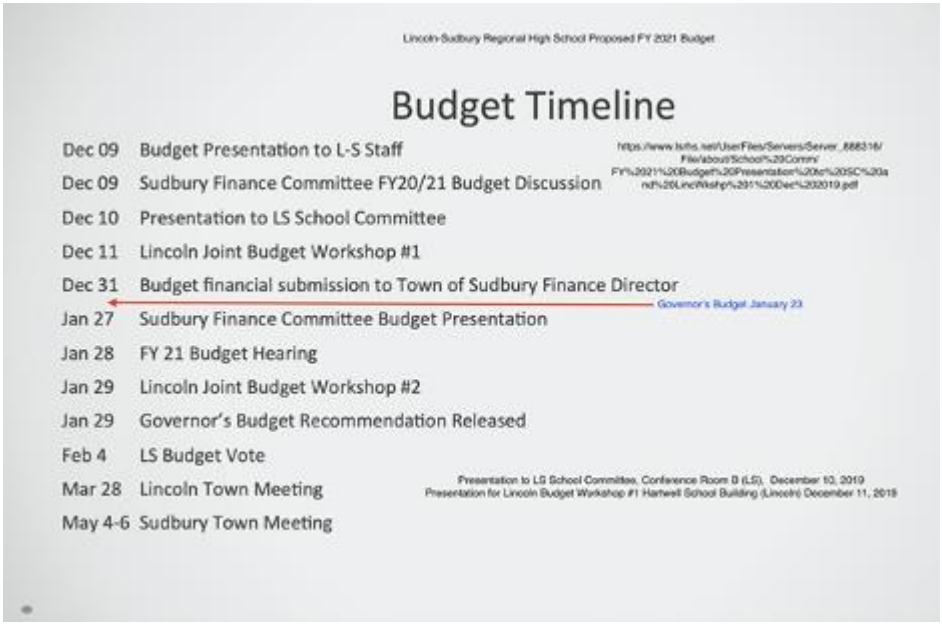
First, I recognize the "get out of jail free" provision "*Failure to give notice or hold hearing as herein prescribed shall not invalidate the proceedings for adopting a budget"* in the document. However, the budget timeline does not work.

Lincoln Town Meeting is held the Saturday prior to the last Monday in March. I've attached a slide from the LS Budget Presentation last year (December 10, 2019) showing the timeline.

Outside budget factors

Chapter 70 (State Aid to Schools) – Governor's Budget (January 23)
Regional School Transportation Reimbursement – Governor's Budget (January 23)

Foundation Budget Local Contributions – Governor's Budget (January 23)
Health Insurance rate increases—numbers available from provider (February 4)



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Working from the Regional Agreement Requirement,

i) The budget should be presented no fewer than 30 days prior to adoption, that is: prior to January 5. **That happened**. The budget was presented on December 9 to the Sudbury Finance Committee.

ii) Within fifteen days there should be a public hearing (posted three days prior) of the budget in each town. **That did NOT happen**. It would have required a public hearing prior to December 25 in Sudbury. Given the uncertainties due to insurance rates and payments estimated from the Governor's budget, there was no new information and substantial uncertainties would have remained.

iii) Rather, **the public hearings occurred well after the fifteen-day interval**, with the Sudbury hearing occurring on January 28. That hearing
occurred at the LS High School in the Town of Sudbury; as far as I can tell, the hearing in the Town of Lincoln was not held. Link to January, 28, 2020 LS minutes
https://drive.google.com/file/d/1nyDk_WoGCWMwZaglUyNN62tt0T1BL6V_/view?usp=sharing

iv) The finance committees in both towns got updates prior to adopting the final budget, since the underlying information had changed with the Governor's budget and the insurance rates update. Not specified under the agreement, but clearly permitted and just as clearly necessary. The public did not.

v) **The School Committee shall promptly adopt a final budget.** This was done on February 4, using information that was obtained on February 4 (insurance costs).

There is the Special Circumstance which occurs in years in which a new governor/administration is elected. In that circumstance, the Governor's Budget can be delayed into February, and all items depending on that budget delayed accordingly.

Once the legal landscape underlying the regional agreement changed to require the Governor's budget, it was not possible to adhere to the schedule laid out in the agreement. I have attached (i) an article from the Sudbury Patch (submitted by Nancy Marshal, a member of the LS School Committee in 2013 but who is now a member of the Lincoln Finance Committee) which refers to the SJC decision which requires data from the Governor's budget, and (ii) a description by then-LS School Committee Chair Radha Gargeya on how the towns should set aside money because they cannot know how the apportionment between the two towns will work when the budget is approved.

The list of suggested items in a regional agreement provided by the Department

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of Elementary and Secondary Education (DESE) are here: **https://cb924651-2e15-4b96-90bc-e14c72bf46fe.filesusr.com/ugd/42a9dd_0ef9664195564ba08b9e61dd15ba128d.pdf**
Note that some of these items are optional; some are required by regulation. However, it's best practice to re-examine the agreement periodically to adapt to just such legal changes as the SJC decision.

LampkeLaw Response:

The landmark case Town of Dartmouth v. Greater New Bedford Regional Vocational Technical High School Dist. held that the funding obligations imposed by Education Reform Act (St. 1993, c. 71) overroadthe regional school district agreement funding provisions between municipalities by implication. Town of Dartmouth v. Greater New Bedford Regional Vocational Technical High School Dist., 461 Mass. 366, 961 N.E.2d 83, 276 Ed. Law Rep. 411 (2012).

As pointed out in the memo, the schedule for budgeting in the Agreement does not work and is not being followed. This in and of itself supports the two Towns working to update the Agreement. Not having a proper and accurate timeline to follow is not good management or operations. It can also lead to challenges to the process, notwithstanding the "get out of jail card".

All parties should see at least the wisdom of updating the timeline to the realities of local government.

5) **Leaving the Regional District**

Section 7 describes the financial obligations of a member town leaving the district . However, if one town leaves the district then there remains a regional district of a single town? Or this dissolves the district? What happens in this event? In particular, if Sudbury chooses to leave the district under the terms of Section 7 who owns the campus and what rights remain to Lincoln? While this is not the option of choice, I want to understand the legal ramifications of this choice.

LampkeLaw Response:

It is recognized by the Sudbury team that this is not a preferred or desired (or likely) option. However, in considering concerns the Board members have, it is something that must be recognized and commented on.

The process for a member leaving is spelled out in Section 7 of the Agreement. Aside from the language in the Agreement, a community leaving a regional school district has been compared to a divorce. Typically a "transition agreement" is drafted between the District and the leaving community and often

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the member communities, spelling out what are the obligations going forward for the District, its remaining members and the member leaving. This usually spells out any continuing financial obligations, as well as credits that may be applied to the leaving community. The credits can be financial and/or physical.

The present Agreement already provides for some continuing financial obligations from the Town leaving.

DESE would provide assistance usually in negotiating the transition agreement and perhaps more importantly try to facilitate resolution of any issues to avoid a breakup of the LSRSD. DESE is a proponent of regionalization.

In this instance, since at present there are only 2 members, if 1 member leaves it essentially makes it not a regional school district. One of the communities would make a claim to the building, which is a bit awkward as it is located in Sudbury. That does not mean that Lincoln could not enter into an Agreement where they continue to use the campus in Sudbury. There may be a need for special legislation to address this. Also, remember that bond counsel would become involved as the bonds are an obligation of the District back up typically by the members.

These transition agreements have to be carefully drafted as they set forth the rules going forward. Also, there could be significant health insurance and retirement obligations involved. Not all members of a school district are part of the state teacher's retirement system.

Often, an actuary is hired by the involved parties to deal with many of the financial issues.

6) **Questions on Apportionment**

Is the way the LS Regional Agreement apportions operating costs between the member towns (by proportion of enrolled students) consistent with what other districts do? Specifically, could apportionment be based upon equalized valuation of property values across the two towns, relative populations of the two towns, or other factors? What are the legal implications of any of these apportionment measures?

LampkeLaw Response:

Subject to the application of applicable state law, the Agreement provides for apportionment to be based on students, so long as the amounts needed for the operation of the District are properly determined under the Educational Reform Act and subsequent laws. This is a fairly typical method of apportionment.

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As long as the parties agree, DESE approves and any change is consistent with the law (particularly with funding obligations), the parties can agree to other apportionment methods. It would require, at a minimum, an amendment to the Agreement.

7) **Pathway Forward**

The Sudbury Select Board has reached out to the Lincoln Select Board to ask about discussing the LS Regional Agreement. The response was that the Lincoln Select Board would defer to the LS School Committee. What are the options of the Sudbury Select Board to re-open the agreement?

LampkeLaw Response:

The fact that Sudbury has initiated its own review of the Agreement and relationship with Lincoln and the LSRSD is a positive first step.

We understand that you have reached out to Lincoln and they indicated they would defer to the LSRSD Committee.

In any resolution of the concerns Sudbury has, and that Lincoln and the District Committee may have, it will require all 3 parties to come together, to at least discuss the process to move forward and then move forward.

You all know the players better than we do and the lay of the land.

I might suggest the following possible plan (which of course can be easily changed)-

1. Sudbury should request the Town Manager to form a Town Manager Committee to continue addressing this. A representative of the Board of Selectmen can also be on this Committee. Other appropriate staff, consultants and legal counsel can be on the Committee. Having it as a Town Manager created Committee removes it from the limitations of the Open Meeting Law. Of course, whenever the Board is discussing the matter, the Open Meeting Law would apply, including any exemptions for Executive Session. Such a Town Manager Committee would be able to function easier.

2. Sudbury, through this Town Manager Committee, should continue to identify areas of concern both in the Agreement and in its relationship with the District and Lincoln.

3. A list of final areas should be developed.

4. An invitation should be sent to the District and Lincoln to begin a series of meetings to discuss these concerns and any additional concerns

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they may have. Since they essentially "rebuffed" you before, I would suggest that you set a specific date, time and place for the meeting. Hopefully they will attend.

5. Although this is just a superficial listing, it would be a start to address an Agreement that is 64 years old. Better operating protocols that benefit everyone, including the students, are available.

We trust that this communication is helpful to you. Please contact us with any questions or other issues. We appreciate the opportunity to be of service and work with you on this important matter.

Very truly yours,
James B. Lampke
James B. Lampke
Daniel I. Lampke
Daniel I. Lampke

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SUDBURY BOARD OF SELECTMEN
Tuesday, November 17, 2020

MISCELLANEOUS (UNTIMED)

12: Fall 2020 Selectmen Newsletter Approval

REQUESTOR SECTION
Date of request:

Requested by: Leila S. Frank

Formal Title: Review draft Fall 2020 Board of Selectmen Newsletter and approve for distribution.

Recommendations/Suggested Motion/Vote:

Background Information:
Draft newsletter attached

Financial impact expected:N/A

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending	
Maryanne Bilodeau	Pending	
Jonathan Silverstein	Pending	
Daniel E Carty	Pending	
Board of Selectmen	Pending	11/17/2020 6:00 PM

BOARD OF SELECTMEN NEWSLETTER

TOWN OF SUDBURY

Attachment12.a: BOS Newsletter 11.17.20_v3 (3683 : Fall 2020 Selectmen Newsletter Approval)

SUDBURY'S MASTER PLAN NEARS COMPLETION

By Charlie Russo, Member

What will life be like in Sudbury in 2035? What might change, what might remain the same?

Addressing these questions is the goal of Sudbury's Master Plan, now entering its final stages of development. Soon, residents will have a last chance to provide feedback on the document that will be used to guide Town decisions over the coming decades.

The Mission

The Master Plan serves as a kind of roadmap for the Town to follow to achieve its vision of the future. It is used to help guide decisions about investments in town infrastructure and services, understand current town conditions as well as future trends and needs, and qualify for various funding opportunities. The Master Plan is a tool used by Town staff as well as local boards and committees to make decisions that will impact our quality of life, such as:

- What new development looks like and where it happens.
- What investments in community services, facilities, and infrastructure are priorities.
- How the Town protects environmentally sensitive areas.
- How the Town preserves important historic buildings and landmarks.
- How the Town supports economic development.

A Process Shaped by the Community

Thinking back to 2001, when the existing Master Plan was

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DLS Capital Improvement Program Review 5
Transportation Update 7

adopted, Sudbury – and the world in general – was a very different place. So Town officials embarked, in January 2019, on the creation of a new Master Plan. Since then, the process has included more than 20 Steering Committee meetings, five Community Conversations focused on important themes in town, and numerous other public forums and feedback methods, all aimed at understanding the Town's vision for the future.

The Master Plan Steering Committee is comprised of 15 members representing various town boards and committees, plus several at-large community members. The Steering Committee is guided and led by consulting firm Horsley Witten, under the direction of the Planning Board and the Office of Planning and Community Development.

The final result of all this input will be a Master Plan made up of three volumes: Baseline Report, Master Plan, and Action Plan. The Baseline Report is a snapshot of existing conditions in the community. The Master Plan identifies the significant trends and issues that will shape decisions and policies going forward. The Action Plan is a table of individual action items that detail how the Master Plan will be implemented, including the responsible parties and timeframes.

"Hopefully it will guide decisions and thought processes moving forward," said John Sugrue, a Planning Board member and Chairman of the Master Plan Steering Committee, "whether by the Planning Board, Conservation Commission, Select Board, or even town-wide land purchase decisions."

Next Steps

One key feature is the Action Plan, which is intended to ensure the Master Plan does not simply collect dust in a binder on a shelf. The Action Plan includes 140+ action items across 10 major themes. These themes are the Route 20 Corridor, Economic Development, Housing, Transportation & Connectivity, Historic and Cultural Identity, Natural Environment, Conservation and Recreation Land, Town Facilities/Services/ Infrastructure, Housing, Resilience, and Public Health and Social Wellbeing. Action items have been identified for many Town boards and committees.

"We want to make sure there are actions we can move forward with and implement," Sugrue said, "so the Master Plan is not simply aspirational. We want it to be based on actionable, implementable goals."

One of the final steps in the Master Plan process – public comment on a draft – began November 10. The public comment period provides residents the chance to provide their feedback on the plan, and vision for the future of the town. A Master Plan Virtual Open House is available online now through Wednesday, December 2, 2020 as a way for residents to review and comment on Master Plan materials.

"The goal of the virtual open house is to get feedback," Sugrue says, "so that everyone agrees that we captured the key issues that are important to the town, and if anyone sees anything important that wasn't captured, that it gets identified and included."

A final version of the Master Plan is expected to be adopted in early 2021.

In the meantime, residents should visit the Virtual Open House at www.plansudbury.com to respond to surveys and share their views on the future of Sudbury.

Attachment12.a: BOS Newsletter 11.17.20_v3 (3683 : Fall 2020 Selectmen Newsletter Approval)

PUBLIC SAFETY DURING THE COVID-19 PANDEMIC

An interview with Fire Chief John Whalen

By Janie Dretler, Chair

During the COVID-19 pandemic, essential services such as fire and medical response have been significantly challenged with increased calls, expanded roles, and higher personal risk. Fire Chief John Whalen responded to questions about how the Sudbury Fire Department is managing public safety during the pandemic.

What has changed about the way the fire department responds to calls during a pandemic? One of the major changes is that we limit the number of personnel that have contact with the resident during emergency calls. We typically would send two or three people in to investigate a fire or medical emergency, but now we limit the number of personnel in a home or business.

The wearing of face masks and personal protective equipment (PPE) is a large change in our operations on medical calls. It takes additional time to properly place PPE on our personnel and this takes a team effort. When possible, we have asked to have the patient to come outside and walk to the ambulance to limit the exposure to our employees and the residents.

Have community members been reluctant to contact 911 for help due to the pandemic? At the beginning of the pandemic, I would say yes. Both the State and local levels saw a decrease in EMS related calls in the first two weeks of the lock down. Residents were only calling when they were very-very sick. No one wanted to go into a hospital due to the high rate of COVID-19 infections in hospitals.

Many public service announcements (PSAs) were done to combat this issue and call volume returned to normal levels very quickly.

Looking back, what has helped your department address needs? I am happy to say that we had a large supply of PPE on hand before the pandemic hit the region hard and many EMS and Fire departments were scrambling to get PPE. Early in the process, we identified alternate a supply chains for PPE early in the process and those vendors supported us through the times when no PPE was available.

What additional measures still need to be implemented? The purchase of Power Air Purifying Respirators (PAPR's) for our ambulances will be the next level of protective devices that the Department will pursue to protect our personnel. These devices will provide additional protection when providing Advanced Life Support.

Has training changed because of the pandemic? Yes, the

Sudbury Fire Chief John Whalen.

Attachment12.a: BOS Newsletter 11.17.20_v3 (3683 : Fall 2020 Selectmen Newsletter Approval)

Department stopped all in-person training for both Fire and EMS related topics. Training did not resume until September of 2020. All personnel were sequestered in March to their assigned fire stations and no movement was allowed between stations.

Have there been changes to procedures? 911 call procedures have changed. Dispatchers ask callers a number of COVID-19 questions to determine if COVID-19 is at the location.

During the height of the first wave of the pandemic our staff was wearing full Tyvek suits, covered head to toe, face shield, and mask when dealing with patients. This provided our employees with the best protection that was available at the time.

Has the Fire Department received donations of Personal Protective Equipment (PPE)? The residents and businesses in Town were very generous and provided many of the extra supplies we needed to get through the first wave of the pandemic. Many of the medical offices that closed in Town donated gloves, masks, and face shields. Individuals and businesses also donated hand sanitizer and cleaning wipes.

A group of teens made protective face shields using a 3D printer and we received three donated intubation boxes from two different organizations. The Department is very grateful for the support we have received from the public.

Has CARES Act funding helped? The Fire Department has not received any CARES funding up to this point. We have placed a request on behalf of several Town Departments to FEMA to cover emergency protective measures related to COVID-19 costs from January to June of 2020. The FEMA process is very time consuming and complicated. I do not have high hopes of receiving this funding in this fiscal year. We have forwarded a list of our FY21 additional costs to the Finance Director as well as an estimate of expected expenses (July to December).

Can you identify improvements that were made during COVID? I think the biggest improvement in operations is the higher level of disinfection that is taking place on a daily basis. This has made our work environment much cleaner and has been key to keeping our personnel healthy.

What lessons have been learned during the pandemic? Ensuring that you have a great working relationship with all the people that support your organization, from vendors to your fellow Town employees.

Communication is a key element to combatting this virus. The Chief and the Board of Health Nurse have been in constant communication to ensure that all data and information that our emergency responders need is up to date. This critical information changes sometimes hourly and is updated in real-time.

Keeping employees well informed on the development of the pandemic not only in Sudbury but the world. Working hard to understand how the pandemic is progressing and following the trends allows the department to be one step ahead of the pandemic.

In March 2020, there were temporary deferrals for 26F inspections. Has this been reinstated in Sudbury? Yes, 26F inspections were resumed in July of 2020. By the first week of September, the backlog of the deferred inspections were completed along with the normal 26F inspection workload.
Open burning permits were received by via US Mail or by drop off. Resident's information was input, a permit was generated and then emailed to the applicant. This was a very labor-intensive process and required many hours from the administrative staff each and every day. During the burning season, 674 permits were issued. A request for this process to be placed in an online format has

Attachment12.a: BOS Newsletter 11.17.20_v3 (3683 : Fall 2020 Selectmen Newsletter Approval)

been sent to the Town's IT Director for next year's burning season.

Is the public allowed inside the firehouse(s)? No, all firehouses are closed to the public, including outside fire service personnel. I do not see any change in this policy until a country wide vaccination program is implemented.

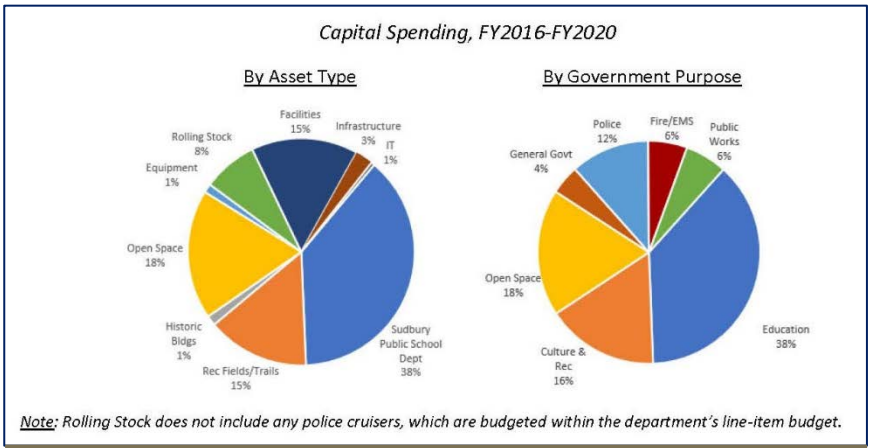
Open Comment: The Fire Department would like to ensure that the Board understands our staff worked diligently to obtain grants and participated in programs to acquire PPE free of charge to protect our public safety personnel during the first wave of this pandemic. Without these grants and donation programs, the operations of the Department would have been severally impacted. The support that we received from MEMA Region 1 was unprecedented and allowed for the timely re-supply of PPE for public safety personnel. The quality and level of communications from MEMA Region 1 is part of our success story.

A heartfelt thank you to Chief Whalen and all our dedicated emergency responders. We appreciate your courage and bravery during this very difficult and extraordinary time.

DIVISION OF LOCAL SERVICES (DLS) CAPITAL IMPROVEMENT PROGRAM REVIEW

By Jennifer Roberts, Vice-Chair

Successful capital planning and well-designed funding strategies are components of strong municipal management. In recent years, both of these topics have generated discussion about optimal strategies for Sudbury. In this article, "capital" refers to long-term community assets such as land, buildings, equipment, and rolling stock. Maintaining and adequately funding capital in a cost-effective way permits Sudbury to sustain desired service levels and prevents premature failure of existing assets. In 2019, the Board of Selectmen enlisted the help of the MA Division of Local Services to review Sudbury's Capital Improvement Program (CIP) and recommend a roadmap for the future. DLS is part of the MA Department of Revenue. In its role, it "promotes sound municipal financial management practices and supports local officials by providing guidance, training, and oversight."[1] Its recommendations were given to the Board of Selectmen in April 2020. It is expected that the Town will consider these recommendations as it enters the upcoming Town budget cycle and continues updates of financial policies. In this article, I will describe highlights of the DLS review.



Capital Spending information as presented in the DLS *Town of Sudbury: Review of Capital Improvement Program* report.

[1] Mass.gov/ DLS webpage

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In the report, DLS recognizes recent efforts by Sudbury to enhance capital planning (through a dedicated capital funding task force and creation of a capital stabilization fund), however it notes that there is still much to be done. In particular, it states that the Town has not pursued "a financing strategy that strikes a sound, predictable, and sustainable balance between debt and cash funding options." It highlights that this results in repetitive, temporary additions to the tax levy.

The report divides the components of the CIP into four sections including: Financial Policies, Capital Planning Procedures, Funding Strategies, and Capital Forecast. I will list some key points from each section.

Financial Policies

Financial policies are described as creating the capital management procedural roadmap for town officials. DLS recommends that the Board of Selectmen improve its polices, which conveniently aligns with Board goals; the Board started review of its financial policies in 2019. DLS recommends that the Board policies address key areas, such as utilization of reserve funds, free cash usage, and in-levy vs. out of levy debt exclusions. In particular, it recommends increased usage of capital reserve funds and greater incorporation of debt into the tax levy.

Capital Planning Strategies

DLS recognizes that Sudbury's capital planning process is carried out during the Town's well-coordinated annual budget process. It did offer a variety of recommendations including increasing capital maintenance funds in the operating budget and improving the capital submission sheets submitted by department heads to the Town Manager.

Funding Strategies

A key takeaway from DLS's funding strategies assessment is an overreliance on debt exclusions to fund projects. Debt exclusions require both Town Meeting and election approval, often resulting in denial of critical capital projects. Additionally, debt exclusions contribute to tax fluctuations for citizens over time. Instead, DLS recommends that capacity be built within the tax levy – in the form of a capital stabilization fund – so that important projects can have a reliable funding source. It states that this policy reserves the use of debt for the largest projects, both in terms of cost and longevity. DLS also recommends creating more in-levy debt-capacity, further offering more consistent sources of funds.

Capital Forecast

DLS describes the capital forecast as being an extension of a Town's multi-year financial forecast. It advises that a successful CIP requires Sudbury to "develop its annual budgets with the intent of ensuring due allocation of funds toward capital investment." Specifically, it suggests dedicating 6% of the prior year's general fund revenue toward capital. According to their analysis, in FY 2020, Sudbury put forward 4.32% of the prior year's revenue amounts for capital, falling short of their recommendation.

This recap provides just a sampling of the insights and guidance provided by the DLS Capital Improvement Program review. To view the full document, please visit https://sudbury.ma.us/boardofselectmen/sudbury_capital_report_dls/. In the upcoming year(s), the Board of Selectmen and Town Manager will further review and consider implementation of the various strategies and policies recommended in the report.

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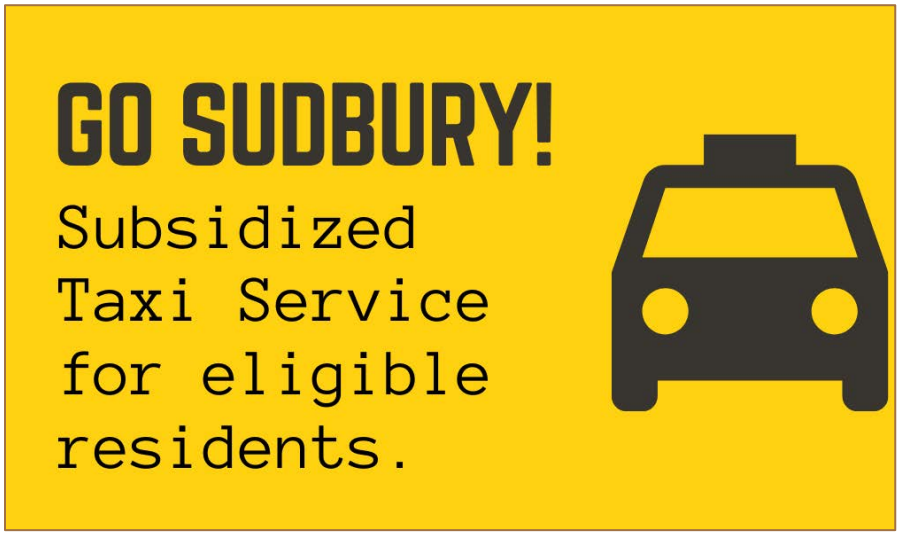
INCREASING TRANSPORTATION OPTIONS IN SUDBURY

By Dan Carty, Member

In our Spring newsletter, I wrote about the Transportation Committee and the various initiatives in which we were involved. In this issue, I felt it worthwhile to provide update on the progress we have made. Sadly, the MetroWest Regional Transit Authority (MWRTA) Route 20 shuttle connecting Sudbury to the Riverside T station is still shelved due to the COVID-19 pandemic, but that I am happy to report that the Go Sudbury! Taxi Program is up and running. I had reported that the Metropolitan Area Planning Council (MAPC) announced a grant opportunity providing emergency funding for state and municipal agencies to help meet the transportation and delivery needs of vulnerable populations during the COVID-19 emergency. This grant was funded through a portion of the MassDevelopment Transportation Infrastructure Enhancement Fund (TIEF) collected from calendar years 2017, 2018, and 2019 with the purpose of focusing on emergency funding to assist vulnerable populations with transportation services that will help them to physically distance, remain in their homes, access housing or shelter if they need to do so, obtain critical



supplies such as food or medicine, or access jobs for essential workers. Our committee partnered with Tommy's Taxi of Framingham and JFK Transportation of Natick, firms compliant with Center for Disease Control guidance, to provide sedan and wheelchair accessible vehicle rides to older residents, veterans, those financially vulnerable, and persons with disabilities. We applied for a grant of $23,260 and received it late in the summer. Additional funding came from a BayPath grant as well as mitigation funds Sudbury received from the Meadow Walk development. We quickly operationalized our program and piloted it with our first rider the day of Town Meeting (September 12, 2020).

To date, we have signed up approximately 60 riders, and the data thus far has been very compelling. Understanding that riders can fall into multiple categories, thus far 88% are aged 50+, 55% have some type of disability, 45% are financially vulnerable, and 4% identify as essential workers. We have not yet had any veterans apply, but we will coordinate with the Town's Veterans Agent to get the word out. Through October, we have provided approximately 200 rides, including nearly 30 for individuals in wheelchairs. Reasons for rides roughly breaks down as 39% medically related, 22% shopping for groceries or prescriptions, 21% going to work, and 18% fall into other various categories. More information and as well as instructions on how to

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participate can be found here https://sudbury.ma.us/transportation/?p=583. The Transportation Committee is excited for the results of the program thus far, and we are looking to partner with neighboring towns like Stow and Hudson to apply for a new grant MAPC is offering with awards of up to $250,000. This should allow us to increase wheelchair accessible vehicle ridership, encourage racial equity and diversity across the taxi and livery industry, continue to provide service in transit-isolated areas of Sudbury, improve first/last mile connections to public transportation, improve non-emergency medical transportation services, and meet other transportation needs for citizens of Sudbury.

We aren't stopping there; we are moving forward with our "Making the Connections" Uber program I first reported on last year. That program will allow qualified individuals to call for a subsidized Uber ride within and outside of Sudbury to fill the gap left when on-demand paratransit, public vans, and shuttles are not running, don't connect to other lines, or don't go where riders need to go. And I continue to be impressed with the Transportation Committee's dedication to Sudbury. Our members are a mix of Town staff and various committee members, including Sandy Lasky from the Council on Aging, Alice Sapienza our Livable Sudbury Ambassador, Planning Director Adam Duchesneau, DPW Director Dan Nason, Senior Center Director Deb Galloway, and Doug Frey from the Commission on Disability. We also have an advisory group that includes Police Chief Scott Nix, Charlie Dunn from the Chamber of Commerce, Town Social Worker Bethany Hadvab, Beth Suedmeyer from our Planning Department, Ellen Joachim from the LS School Committee, Lisa Kouchakdjian from the SPS School committee, State Representative Carmine Gentile, and our "unofficial members" Kay Bell and Linda Faust. Thank you all!

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SUDBURY BOARD OF SELECTMEN
Tuesday, November 17, 2020

MISCELLANEOUS (UNTIMED)

13: TM self evaluation

REQUESTOR SECTION
Date of request:

Requested by: Patty Golden

Formal Title: Town Manager self-evaluation

Recommendations/Suggested Motion/Vote: Town Manager self-evaluation

Background Information:
Attached document

Financial impact expected:n/a

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending	
Henry L Hayes	Pending	
Jonathan Silverstein	Pending	
Daniel E Carty	Pending	
Board of Selectmen	Pending	11/17/2020 6:00 PM

TOWN MANGER GOALS, EVALUATIONS, AND PROFESSIONAL DEVELOPMENT

for HENRY HAYES JR. as of November 2020

Goals and Evaluation Timeline

1. Within First thirty (30) days of the Town Manager's employment
   Select Board and Town Manager will create entry plan goals and objectives including:
   a. Complete on-boarding processing as a Town employee
   b. Meet with and establish professional relationships with the Department Heads and senior Town employees with regard to positions held
   c. Become familiar with and review overarching operations of the Town by major functional areas
   d. Become familiar with Town policy needs
   e. Become familiar with various Boards, Commissions, Committees, Working Groups and the like across the Town
   f. Become familiar with sources to access Town data, including but not limited to: network drives, Town websites
   g. Gain access to municipal management systems and be listed on applicable registries
   h. Conduct initial training requirements as a municipal employee
   i. Apply for MMA-Suffolk Certificate in Local Leadership & Management program
   j. Establish a professional working relationship with the Select Board/Board of Selectmen (Board) members
   k. Provide quality feedback and information to the Board regarding Town impacting matters relevant to the function of community leadership

2. After Ninety (90) days of the Town Manager's employment
   Select Board and Town Manager will review the onboarding process and experience and discuss priorities and any resources needed to facilitate full immersion into the position of Town Manager.
   This will include:
   a. Review of the onboarding process and status
   b. Discuss priorities and any resources needed to facilitate full immersion into the position of Town Manager
   c. Provide feedback regarding performance as the Chief Executive of the Town
      i. Leadership of Town employees and provision of service to the Town
         1. Vision casting for Town employees
         2. Handling personnel and benefits
         3. Financial management and budgetary oversight feedback
         4. Administration
         5. Hiring and firing of personnel

Attachment13.a: Goals and evals - 30 90 6months - Hayes - 2020 Nov (4239 : TM self evaluation)

6. Employee performance reviews
7. Collective bargaining
8. Purchase of supplies, materials, and equipment
9. Inventory of all Town property, to include maintenance and use of all Town facilities
10. Coordinating the activities of all town agencies serving under the office of the Town Manager and the office of the Board

ii. Feedback regarding support to the Board
iii. Civic engagement feedback

d. Continue to enhance professional development activities

3. <u>After six (6) months of the Town Manager's employment</u>
Select Board to conduct evaluation of Town Manager performance
a. 360-degree assessment with solicited input from others
b. Subjective feedback from one of the Town's School Superintendents and
c. Subjective feedback from at least four direct reports of the Town Manager chosen randomly in a process conducted by the Town Manager and Board

4. <u>Annually throughout the duration of the Town Manager's employment</u>
Select Board will conduct review and evaluation of Town Manager's accomplishment of:
i. Established goals and objectives
ii. Credentials and professional development status and progress

b. The Board and the Town Manager shall
i. Review and define goals and performance objectives for proper operation of the Town
ii. Review and establish strategy or anticipatory actions to further the Board's policy objectives
iii. Establish a relative priority among the various goals and objectives

Town Manager Multi-Year Goals

1. <u>Fairbank Community Center</u>: Work with Town Staff and other interested parties to sustain and operate the Fairbank Community Center and execute any future / new facility plans
2. <u>Cleargov</u>: Continue to work with Cleargov to evaluate new features and implement those new features when they become available
3. <u>Town Center</u>: Continue to work toward protecting the land in town center, including working with Developer on permitting and working with the Board to finalize future plans and protections for the property
4. <u>Regional and Technical High School</u>: Work to establish clearer relationships, processes, budgeting, bussing and predictions as best as able
5. <u>Cemetery</u>: Work with DPW on plan to create future cemetery space, including increased number of plots and access

Attachment13.a: Goals and evals - 30 90 6months - Hayes - 2020 Nov (4239 : TM self evaluation)

6. Continue to work on funding sources for routine capital, as well as finding capacity for larger projects
7. Complete Streets: Conduct Implementation
8. Municipal Vulnerability Preparedness Hazard Mitigation Plans: Strive toward Implementation
9. Ongoing Work with Various Committees/Commissions: regarding master plans, including, town-wide, fields and senior needs
10. Staff enhancement
    a. Update Employee Handbook
    b. Discover and implement additional training and development opportunities
11. Space Utilization Planning
12. Establish and sustain emergency management exercises to ensure

Ongoing Professional Development:

1. Conference attendance and participation
   The Town shall pay the Town Manager's registration fee(s) and related expenses for:
   a. International City and County Management Association's (ICMA) Annual Conference
   b. Massachusetts Municipal Association Annual Conference (MMA)
   c. Massachusetts Municipal Management Association Annual Spring and Fall conferences (MMMA).
2. Memberships: The Town agrees to budget and pay for the professional dues and subscriptions for the Town Manager necessary for membership in the:
   a. International City/County and Management Association (ICMA)
   b. American Society for Public Administration (ASPA)
   c. Massachusetts Municipal Management Association (MMMA)
   d. 495/MetroWest Partnership
   e. Any other professional organizations deemed necessary and desirable for his continued professional participation, growth, and advancement for the good of the Town
   f. The Town Manager shall throughout the term of this agreement be a member in good standing
   g. Regularly attend meetings of organizations and any regional municipal management organizations and report to the Board on information relevant to the Town
3. Certifications
   The Town Manager shall during the term of this agreement work toward certification as and attendance of:
   a. ICMA Credentialed Manager
   b. Massachusetts Certified Public Purchasing Official through the Office of the Massachusetts Office of the Inspector General
   c. MMA Bootcamp
   d. MMA-Suffolk Municipal Finance Management Seminar

Attachment13.a: Goals and evals - 30 90 6months - Hayes - 2020 Nov (4239 : TM self evaluation)

e. MMA-Suffolk Certificate in Local Leadership & Management Program (ongoing)

2020 Board Goals:

BOS GOALS 2020						
Goal	Primary Category	Total Score	Priority Level	Board Liason	Staff Liason	2020 deliverable
Town Manager Search Completion	Effiective Governance and Communication	15	High	Dan Carty	Maryanne Bilodeau	New Town Manager hired.
Fairbank Community Center	Town Services and Infrastructure	14	High	Jen Roberts	Town Manager/Bill Barletta/Deb Galloway/P&R Dliector/Dennis Keohane	New Fairbank Center - Warrant Article at May 2020 Town Meeting and Special Election.
Regional High School Agreement/Budgeting	Effective Governance and Communication	8	High	Pat Brown	Town Manager/Dennis Keohane	Secure Counsel to review agreement; Meeting between Sudbury BOS and Lincoln BOS. Dialogue with Legislators regarding regional budgeting.
Develop Project Management Review, Control, and Reporting Process	Effective Governance and Communication	7	High	Bill Schineller	Town Manager	Development of BOS policy. Project Key Performance Indicators and identification of metrics & milestones.
Upgrade Fire Station 2 (Advanced Life Support Ambulance, Living Quarters)	Town Services and Infrastructure	6	High	Pat Brown	John Whalen/Bill Barletta	Fire Station 2 Upgrade to accommodate 3rd ambulance - Warrant Article at May 2020 Town Meeting and Special Election.
Bruce Freeman Rail Trail	Open Space, Recreation, and Historic Assets	5	High	Janie Dretler	Beth Suedmeyer/Town Manager	Complete 25% Design; hire consultant for 75/100% Design.
CSX Rail Acquisition	Open Space, Recreation, and Historic Assets	4		Jen Roberts	Beth Suedmeyer/Town Manager	CSX Rail Acquisition - Warrant Article at May 2020 Town Meeting.
School Administration Space Needs (Fairbank)	Town Services and Infrastructure	4		Bill Schineller	Town Manager/Bill Barletta/Deb Galloway/P&R Director	Contingency plan for SPS Adm. needs (if the Fairbank Community Center Warrant Article doesn't pass).
Capital Funding Capacity	Financial Management & Economic Resilience	3		Bill Schineller	Town Manager/Dennis Keohane	FY21 capital funding within tax levy, exceeds $800,000; approve BOS Financial Policy that addresses sound capital funding strategies.
Council on Aging Space Needs (Fairbank)	Town Services and Infrastructure	3		Bill Schineller	Town Manager/Bill Barletta/Deb Galloway/P&R Director	Contingency plan for Senior Center needs (if the Fairbank Community Center Warrant Article doesn't pass)
Transportation and Traffic (plans to reduce travel times across Town)	Transportation, Mobility, and Housing	2		Dan Carty	Dan Nason/Scott Nix/Adam Duchesneau	Reduce traffic congestion throughout Sudbury.
Housekeeping (Approval of Minutes, etc.)	Effiective Governance and Communication	1		Pat Brown	Town Manager	Approve Ex. Session minutes and review for release quartertly; review/disband defunct committees.
Revenue Diversification (Commercial Base as a component of the Tax Levy, economic development, user fees, etc.)	Financial Management & Economic Resilience	1		Jen Roberts	Town Manager/Adam Duchesneau/Dennis Keohane	Assess if we are maximixing opportunities to diversify town revenue streams.
Membership in Vocational Education	Town Services and Infrastructure	1		Dan Carty	Town Manager/Dennis Keohane	Define who is responsible for Voc Ed and choose membership school.
Improve Communciation Effectiveness	Effective Governance and Communication	1		Janie Dretler	Town Manager	Conduct communications survey; continue to expand upon communication channels so as to reach maximum amount of citizens. Push out agendas to subscribers of various committees. Periodically review communication metrics and results. Timely updating of department webpages. Survey effectiveness of new newsletter delivery. Strive to post public agendas on Fridays.
Sidewalks & Prioritization Thereof	Town Services and Infrastructure	0		N/A	N/A	N/A
Comprehensive Stormwater Managerment Plan	Town Services and Infrastructure	0		N/A	N/A	N/A
Complete Streets Project	Tranpsportaion, Mobility, and Housing	0		N/A	N/A	N/A
Implementation of Municipal Vulnerability Plan	Environmental, Health, and Wellness	0		N/A	N/A	N/A

Attachment13.a: Goals and evals - 30 90 6months - Hayes - 2020 Nov (4239 : TM self evaluation)

BOS GOALS 2020						
Goal	Primary Category	Total Score	Priority Level	Board Liason	Staff Liason	2020 deliverable
Implementaion of Recreation and Open Space Plan	Open Space, Recreation, and Historic Assets	0		N/A	N/A	BOS Support
Master Plan	Effiective Governance and Communication	0		N/A	N/A	BOS Support
Inclusionary Zoning	Effiective Governance and Communication	0		N/A	Planning Board Goal	N/A
Solar By-Law	Effiective Governance and Communication	0		N/A	Planning Board Goal	N/A
Upgrade Fire Stations 3 (Additional Sleeping Quarters)	Town Services and Infrastructure	0		N/A	N/A	N/A
Parks & Recreation Indoor Programming Space (Fairbank)	Town Services and Infrastructure	0		N/A	N/A	N/A
Community Shelter (Fairbank)	Town Services and Infrastructure	0		N/A	N/A	N/A
Committee Management (review committees and disband unused or unneeded committees)	Effiective Governance and Communication	0		N/A	N/A	N/A
3 Year Calendar Development (document Governmental "Life Cycle" - everything required of BOS over a 3 year period; i.e. Senior Tax Exemption Required to TM Approval every 3 years)	Effiective Governance and Communication	0		N/A	N/A	N/A
Update/Review Policies and Procedures	Effiective Governance and Communication	0		N/A	N/A	N/A
Transparency In Government (audit reports, training, etc.)	Effiective Governance and Communication	0		N/A	N/A	N/A
Key Performance Indicators Dashboard ("what do we get for what we spend").	Effiective Governance and Communication	0		N/A	N/A	N/A
Discuss poetential development of Blight or Nuisance Bylaw (Nobscot and Route 20 Intersection - abandoned property)	Financial Management & Economic Resilience	0		N/A	N/A	N/A
Nobscot and Route 20 Intersection - abandoned property)	Environmental, Health, and Wellness	0		N/A	N/A	N/A
Town Hall Renovation/Execute Deiign	Town Services and Infrastructure	0		N/A	N/A	N/A
Eversource Litigation	Environmental, Health, and Wellness	0		N/A	N/A	N/A
Historic Preservation Plan	Open Space, Recreation, and Historic Assets	0		N/A	N/A	BOS Support
Route 20 Beautification and redevelopment (walkability, vitality, traffic, sewer, etc.)	Financial Management & Economic Resilience	0		N/A	N/A	N/A
ADA Transition Plan	Town Services and Infrastructure	0		N/A	N/A	N/A
Landham Road/Rt 20 Intersection	Transportation, Mobility, and Housing	0		N/A	N/A	N/A
Complete Transaction of Quarry North and Sudbury Station Transfer	Transportation, Mobility, and Housing	0		N/A	N/A	N/A
Change name of BOS to Select Board	Effective Governance and Communication	0		N/A	N/A	N/A
Complete Playgrounds	Open Space, Recreation, and Historic Assets	0		N/A	N/A	N/A

Attachment13.a: Goals and evals - 30 90 6months - Hayes - 2020 Nov (4239 : TM self evaluation)

TOWN OF SUDBURY
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Henry L. Hayes, Jr.
Town Manager

Sudbury Board of Selectmen / Select Board

November 16, 2020

Dear Select Board Members:

I first want to express my thanks to you and those who provided input towards the 360 and Board feedback. I believe in effective communication on performance and recognize that we all have areas for improvement, I also believe that it is not necessary to make wholesale changes based on every word that one may receive in these types of settings. I have and will mark the points provided and revisit as appropriate throughout my time going forward. Below is my self-assessment on some areas, it is not all inclusive, as that would take more time and space than we all are ready to give.

I include a few major headers and will be open to discuss any area that you request.

Challenges:

- Staff Meetings: Although it has been expressed about meetings and my inquiries of Department Heads, I currently have the intention to continue efforts to solidify unity and deeper teamwork within the Town. I am sensitive to the time of others, truthfully, long meetings prevent me from focusing on other things, but I currently hold one predictable Town Manager Staff meeting per month, where ideas and cross-functional collaboration occurs. Part of this is a carry-over from my previous profession, however, the alternative is to actually share less with certain Department Heads and the potential of the haves and have nots could become an emotional exercise that is less productive overall. Again, I am sensitive to the comments and will keep an eye on the situation and impacts. I perceive that the Department Heads and others know that I am very available whenever any of them want to discuss a matter of concern.
- Atkinson Pool revenue: The Director and team has done a great job of maintaining forward movement regarding the pool. In the beginning of the pandemic, extreme concerns surfaced as it relates to the performance of this function. We are not risk free, as with previous years, however, I have confidence in the professionals we have seeking remedies and their collaboration with the associated Commission.
- Diminishing discord in various areas is a challenge that I may not own in every case, however, I will strive to do my part in situations that I become aware of, if it is appropriate to do. In public service, relationship is just as important as performance.
- I recognize that the global pandemic has shifted things for literally every person we interact with, it is a strong perception that part of the staff has been pulled deeper than normal into events and activities, at hours that they are not accustomed to being engaged. We will balance our time better and maintain healthy rhythms for the workforce, in order to inspire better work-life balance, morale and effectiveness. Being steeped in servant leadership does not equate to intrusion on home and leisure on a constant basis. In the beginning of COVID-19 and leading up to major events, surging the workforce and operations may be appropriate, however, it is not sustainable and if the attempt is made to make that a new normal, health, morale, and sustainment of the team is likely to be negatively impacted.
- Vocational Education: Need long term proper alignment and ownership of related responsibilities.

Attachment13.b: Self Evaluation - Hayes - 2020 Nov (4239 : TM self evaluation)

Successes:

- The transition into municipal leadership has been a continuous flow, I initially perceived that I would have a steep learning curve regarding fiscal responsibilities. The charge to adjust the budget that had been developed from November 2019-March 2020, in relatively short order enabled me to gain a quick understanding and realize the strength of our team and revenue streams. The adjustment was accomplished for the Fiscal Year 2021, and we are able to sustain services in similar fashion to what our residents have enjoyed for years.
- I have authorized the creation of a Health Inspector position for the Town, as opposed to contracting the work in seasons and points of need. This addition will bolster the overall capabilities of the Health Department and bring more predictability to the department.
- Several state and municipal relationships I had prior to coming into this role have been strengthened even more, new interactions and mentorship opportunities have presented themselves and I have great exchanges with various Town and City leaders locally and in other parts of the United States.
- I am on the ICMA Veteran Advisory Board.
- I have been invited to be on a panel to interview Military Service Academy candidates, from the state level authority that oversees this process.

Opportunities

- Set more predictable interactions with School Superintendents.
- Make more opportunities to interact with more of the professionals on the staff.
- Ensure the functional priorities are not delayed as a result of perceptions that the Select Board is requesting variances to direction of guidance given internally.
- Examine the Town Hall plans, as they likely need updating prior to moving towards construction.
- Deliver a new Fire Station, Town Hall, Fairbank Center, BFRT and post-CXS acquisition activities.
- Encourage and demonstrate what future leaders coming up in Sudbury need and desire to see by way of proper examples, exchanges and excellence. We will always have opportunities to improve interactions, and I believe all facets of leading this Town can become the model for others (internal and external) to emulate in the near future. We need future employees and citizen groups, let's give them the best example to follow!

Vision/future thoughts: I understand the Select Board to be the legislative and chief executive body for the Town and my role as the Chief Administrative Executive. That said, there is a balance in responsibilities and I recognize my obligation to contribute to support the Board regarding the community and execute service delivery. My overarching vision for the Town is for us to sustain a safe, secure, serviced and strong Sudbury. This has layers to it and will be incorporated into the Employee Handbook.

- Since I arrived, I have made it clear that we must think about the future and how to successfully transition to different postures related to the pandemic, I am not in a rush to try to return to what normal was or will be, yet we cannot fail to examine the steps towards the next normal. We have taken advantage of incorporating innovative ways to serve the community within the limitations associated with the virus.
- Implement exercises for emergency management and responding to incidents within Town, to include resource protection; space utilization with focus on functional alignment, future growth potential and needs that may develop.
- Secure financial support for future stabilization for long-term, community and infrastructure needs.
- Future Agenda Items: As time goes, I have compiled some Bylaw considerations for the Board, most of them are listed on the document loaded in most meeting packets.
- Sudbury has an abundance of protected spaces and recreation/quality of life resources. It is time to ensure the workplaces are seen with a similar lens. Long term capital strategy is needed and deferred maintenance should cease as it directly relates to employee satisfaction in many cases. I aim to be successful in providing spaces for our team to be comfortable and confident in over the next two decades. This is not a quick work, as the funds are Town Meeting items that must be properly planned, presented

Attachment13.b: Self Evaluation - Hayes - 2020 Nov (4239 : TM self evaluation)

TOWN OF SUDBURY
Office of the Town Manager
www.sudbury.ma.us

278 Old Sudbury Road
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Henry L. Hayes, Jr.
Town Manager

and subsequently approved by the citizens. Our crew is dedicated far beyond simple observation and I intend to enhance the workplaces and staffing numbers over time, where appropriate.

- Camp Sewataro: I recognize there is a contract for current operations, how long it continues is under the watchful eye of the Select Board and my team. I speak with both the leaders on the staff as well as the camp operator about potentials and future activities. Example: at some point, we should devise a way to incorporate retreats, and leadership off-site and training opportunities on the premises. This can be for business, youth and clergy-related activities. Once the globe is turned back on and food can be served in settings like this, longer term thoughts lean towards overnight retreats and year-round potentials for utilization/revenue generation.
- When I met with the Sudbury Chamber of Commerce, I encouraged that set of leaders to consider how they can grow and inspire Sudbury residents regarding entrepreneurship. There is a huge socio-economic span within the borders of Sudbury, increasing financial literacy, and bolstering the business mindset within our population will be beneficial throughout in the long run.
- Citizen engagement: Sudbury has a large portion of the residents that could take a more active role in the Town, I imagine that at some point there could and should be more direct outreach to invite more participation. This is not a primary responsibility for me or the staff, however, the outcome would be a better representation of the citizens' thoughts and experiences.
- Employee Handbook and development intent: Work is being done to enhance these areas. Big meetings will often include a teachable moment.

Development and associations:

- ICMA member (Veterans Advisory board member)
- Enrolled in MMA-Suffolk University Certificate & Management Program
- MMMA member (awaiting confirmation, but I get the shared data)
- Receive MetroWest communications
- Various continuous education opportunities in an a la carte type approach
- Encourage employees to be active and lead beyond the borders of Sudbury

The daily and weekly tasks associated with being a Town Manager is relentless when one considers the demands of leading the Town's employees and all functional activities, responding to Select Board and other committees and commissions, engaging the residents and on occasions, the businesses, visitors and media. Without the outstanding team we have, the most experienced Town Manager would struggle. I will continue to concentrate on taking care of the crew we have, anticipate and sort through the things that require attention and plan for our future as a model Town, not just within the Commonwealth of Massachusetts, but the United States and world.

Sincerely,

Henry L. Hayes, Jr.
Town Manager

Attachment13.b: Self Evaluation - Hayes - 2020 Nov (4239 : TM self evaluation)

SUDBURY BOARD OF SELECTMEN
Tuesday, November 17, 2020

MISCELLANEOUS (UNTIMED)

14: Minutes review/approval

REQUESTOR SECTION
Date of request:

Requested by: Patty Golden

Formal Title: Review open session minutes of 9/30/20 and 10/6/20 and possibly vote to approve minutes.

Recommendations/Suggested Motion/Vote: Review open session minutes of 9/30/20 and 10/6/20 and possibly vote to approve minutes.

Background Information:
attached draft minutes

Financial impact expected:

Approximate agenda time requested: 20 minutes

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending	
Henry L Hayes	Pending	
Jonathan Silverstein	Pending	
Daniel E Carty	Pending	
Board of Selectmen	Pending	11/17/2020 6:00 PM

SUDBURY BOARD OF SELECTMEN

WEDNESDAY SEPTEMBER 30, 2020

(Meeting can be viewed at 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

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

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, Russo-aye, Dretler-aye

Opening remarks by Chairman

Chair Dretler commented:

- CPC (Community Preservation Committee) seeking proposals for FY20 projects; applications due by October 9, 12:30 p.m. Applications can also be submitted to the Planning and Community Development Department
- Town Manager Office hours scheduled for Thursday, October 1 from 3:00 p.m. to 4:00 p.m. via ZOOM
- Members needed for the Capital Improvement Advisory Committee (CIAC) and the Energy and Sustainability Committee – links found on the Town webpage
- Additional Drive Through Flu Clinic appointments possible, to be announced by October 23

Reports from Town Manager

Town Manager Hayes commented:

- Go Sudbury! Taxi Ride Program is up and running. Connect with COA for scheduling.
- Last week attended the virtual ICMA (International City/County Management Association) Conference with Ms. Bilodeau
- MA Remote Learning Enrichment Program has been established and one application is in process
- Scam awareness – phone/computer – using COVID as bait
- Town professionals met with the Wayland Town Administrator and the developers at the Rivers Edge site near the Transfer Station regarding required easements
- Five Bruce Freeman Rail Trail RFPs are being reviewed by the Selection Committee for interviews to take place next week
- Conservation Commission approved the RDA – Vegetation clearing for the CSX project; related soil sampling scheduled for mid-October
- Sudbury Health Department notes increased positive COVID tests among college-age students who are returning to Sudbury to isolate or quarantine; most college students are not reflected in the COVID data published by MDPH (Mass Department of Public Health)

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Attachment14.a: BOS_draft1_9.30.20_min_for_review (4241 : Minutes review/approval)

- Sudbury Health Department has vaccinated over 150 Town and school employees in the first of several Drive Through Flu Clinics, next clinic scheduled for October 7.
- A few remaining flu shot clinic openings for Seniors
- CDC and MDPH recommending avoiding Halloween activities this year. He and the Health Department will be assessing all seasonal activities and offer activities of reduced risk. Recommended referral to the Mass.gov site and search "Halloween," for additional information and links

Reports from Selectmen

Vice-Chair Roberts noted that she and Selectman Schineller attended the Finance Committee (FinCom) meeting with the new FinCom members. FinCom did approve the $3,000 transfer from the Reserve Fund for the Historical Commission request for a historic preservation consultant for the Section 106 review. She commented that FinCom also discussed the status of the Budget Strategies Task Force and liaison appointment to that Task Force. Vice-Chair Roberts recommended that the Selectmen address that status in the near future in consideration that membership terms had expired in June.

Selectman Russo mentioned that he attended two Planning Board meetings and two Conservation Commission meetings. He noted that the Master Plan and potential bylaws for the Spring Town Meeting were discussed by the Planning Board. Mr. Russo stressed that the focus of the Planning Board is implementation with a practical prospective. He mentioned the RDA was covered by ConCom, as well has trail work implemented by the local hunting program under the direction of Lori Capone, Conservation Coordinator.

Selectman Russo stated that there was a segment on rail trails highlighted in the Chronicle TV show last evening, and is available online. Selectman Russo mentioned that LSRHS started today.

Selectman Carty stated that he attended SPS and LSRHS meetings. He noted that SPS announced that breakfast and lunch will be free to all students, including remote students; with funding provided by Federal and State Governments.

SPS announced that classes will be fully remote on snow days this year, and due to increase in school IT services, the Town will hire another IT employee (Assistant Director of Technology). He added that the funding source for the position has not been determined to date.

Selectman Carty announced the Go Sudbury! Taxi Ride Program currently has 25-30 individuals signed up. More information can be found on the Town website, or contact the Senior Center at (978)443-8355.

Selectman Carty mentioned the $3,000 grant to be voted upon tonight from BayPath Elder Services, which helped fund the Go Sudbury! Taxi Ride Program.

Selectman Schineller mentioned that he attended FinCom meetings with Vice-Chair Roberts. He noted that the LSRHS was mentioned at one of the FinCom meetings which he attended.

Selectman Schineller stated that Eversource permitting is ongoing until the end of October with a requested extension to end of the year. He acknowledged that land court litigation ended and the other Eversource litigation to appeal the Citing Board decision continues with Town responses extended to November 20.

Selectman Schineller noted there was a staff meeting with Eversource and DCR (Department of Conservation and Recreation), he asked if Town Manager Hayes could update the Board regarding this meeting.

Selectman Schineller mentioned a Pumpkin Drive-through contest event to be sponsored by Camp Sewataro.

Selectman Schineller again asked if Town Manager Hayes could comment on the meeting with DCR, Eversource and staff. Chair Dretler responded that such information could not be discussed at this time because it was not included on tonight's agenda, but could be addressed at a future time.

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Citizen Comments

Resident Robert Stein, 7 Thompson Drive, commented that Selectman Schineller revealed the truth about the Protect Sudbury group and the fight against Eversource regarding underground utility lines. Mr. Stein acknowledged discovery by Selectman Schineller confirming that property values would not be diminished if located near the power lines. He affirmed his involvement with implementing a citizen's petition to reverse related funding voted on at Town Meeting in the amount of $150,000. Mr. Stein recommended that the funds be returned to the Sudbury citizenry. He further recommended that the Board discuss this aspect in Executive Session immediately to discuss settlement with Eversource. He also spoke about the non-proven effects on the Sudbury water supply.

Resident and Historical Commission member Diana Warren, 32 Old Framingham Road, requested that Town Manager Hayes share results of the meeting with Eversource, DCR and staff regarding mitigation issues.

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.

Chair Dretler stated the interviews were postponed to the next Board meeting on October 6, 2020.

Chair Dretler asked for member roll call for concensus to discuss the Consent Calendar at this time.

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

Consent Calendar

Vote to accept a donation from the Sudbury Garden Club of a Heritage Park sign. Total cost of sign is $6,120.

Selectman Carty motioned to accept a donation from the Sudbury Garden Club of a Heritage Park sign. Total cost of sign is $6,120. Selectman Russo seconded the motion.

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

VOTED: To accept a donation from the Sudbury Garden Club of a Heritage Park sign. Total cost of sign is $6,120.

Vote to approve the extension of previously approved applications for Temporary Outdoor Seating Permits

Selectman Carty motioned and Selectman Russo seconded the motion.

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

VOTED: To approve the extension of previously approved applications for Temporary Outdoor Seating Permits. Currently, permits are effective through November 1, 2020, or until COVID-19 Order No. 35 is rescinded, whichever is sooner. The extension would allow the temporary permits to stay in effect for any period up to and until sixty (60) days after the end of the state of emergency, reverting to their original licensed premises on that date.

Approve award of contract by the Town Manager for irrigation installation at Grinnell Park

Selectman Carty motioned and Selectman Russo seconded the motion.

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

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VOTED: To approve award of contract by the Town Manager for irrigation installation at Grinnell Park, located at 15 Hudson Rd. and 311 Concord Rd., upon recommendation of the Department of Public Works Director; and further to execute any documents relative to said contract.

Pursuant to the 2020 Annual Town Meeting passage of Article 22, vote to accept easements relative to the Dutton Road Bridge Project

Selectman Carty motioned and Selectman Russo seconded the motion.

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

VOTED: Pursuant to the 2020 Annual Town Meeting passage of Article 22, accept the following easements relative to the Dutton Road Bridge Project: Permanent and Temporary Bridge Construction Easements, and Permanent Walkway Easement granted by property owners Laura M. Flynn and John R. Flynn, 510 Dutton Road, Sudbury, MA; Permanent and Temporary Bridge Construction Easements granted by property owner the Stearns Mill Pond Condominium Trust, 557 Dutton Road, Sudbury, MA.

Vote to accept a $10,000 donation from B'nai B'rith Housing to the Council on Aging

Selectman Russo asked if the $10,000 amount would cover the full amount of the comprehensive permit for Coolidge at Sudbury Phase II. Mr. Duchesneau responded in the affirmative.

Selectman Russo motioned and Vice-Chair Roberts seconded the motion.

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

VOTED: To accept, on behalf of the Town, a $10,000 donation from B'nai B'rith Housing to the Council on Aging, as part of Condition IX.2 of B'nai B'rith's Comprehensive Permit for the Coolidge at Sudbury Phase II residential development. The donation is to be utilized at the discretion of the Council on Aging in a manner consistent with its mission.

Vote to accept a $3,000 donation from BayPath Elder Services CARES Act grant to the Sudbury Senior Center

Selectman Carty motioned and Selectman Russo seconded the motion.

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

VOTED: To accept, on behalf of the Town, a $3,000 donation from BayPath Elder Services CARES Act grant to the Sudbury Senior Center. Funds to be utilized toward the Go Sudbury! Taxi Rides Transportation program.

Vote to approve execution by the Town Manager of a Charter Transportation Agreement between the Town and First Student, Inc.

Selectman Carty inquired about the funding associated with the contract. Town Manager Hayes responded that such amount would likely be in line with last years contract and the attorneys are in discussion. Selectman Carty recommended that LSRHS Agreement discussion take place at a future Board meeting.

Selectman Schineller asked if the transportation agreement would include Lincoln students. Town Manager Hayes responded that the transportation contract would not include Lincoln students.

Selectman Carty motioned and Selectman Russo seconded the motion.

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

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VOTED: To approve execution by the Town Manager of a Charter Transportation Agreement between the Town and First Student, Inc. for Sudbury student transportation services to and from the Assabet Valley Regional Technical School for a period of one year with extensions as may be agreed by the parties, said contract subject to approval by Town Counsel.

Vote to approve award of contract by the Town Manager for the site evaluation of the CSX Rail Corridor property to Capital Environmental, LLC

Selectman Carty asked if the proposed contract would include all testing/environmental aspects as detailed within due diligence. Town Manager Hayes confirmed. Selectman Carty if Capital Environmental, LLC would be flexible regarding added testing materials, if needed. Town Manager Hayes detailed that PCBs and other metals can be tested on nearby Sudbury-owned lands. Selectman expresses some concern about moving forward with this aspect.

Selectman Russo noted that related information was discussed at the Conservation Commission (ConCom) meeting on September 21.

Vice-Chair Roberts motioned to approve award of contract by the Town Manager for the site evaluation of the CSX Rail Corridor property to Capital Environmental, LLC; and further, to execute any documents relative thereto. Selectman Russo seconded the motion.

Selectman Russo stated that he was in support of the contract as specified, with the understanding that maximum testing could be conducted in the future. Selectman Carty reiterated that the Board had to be careful with what testing will take place, and to cover such results in Executive Session. Ms. Suedmeyer confirmed that the proposed scope of work does allow that elements within the CSX corridor can be tested right up to the property line; and if anything of substance is discovered, the Town can engage CSX in additional samplings, and/or additional negotiations. Selectman Carty commented that the proposed arrangement would allow the project to move forward, while interested parties can continue discussion. Ms. Suedmeyer affirmed.

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

VOTED: To approve award of contract by the Town Manager for the site evaluation of the CSX Rail Corridor property to Capital Environmental, LLC; and further, to execute any documents relative thereto.

Discussion and update on Cold Brook Crossing

Present: Director of Planning and Community Development Adam Duchesneau, Building Inspector Andrew Lewis

Mr. Duchesneau provided a chronology of the Cold Brook Crossing project and confirmed that the final stormwater plans were approved on August 12, and a building permit was filed in mid-August. He detailed the Cold Brook Crossing transaction is tied to the 40+ acres in Town Center.

Chair Dretler commented that certain aspects regarding the Town Center land could not be discussed at this time.

Selectman Russo commented about the screening and setbacks in the vicinity of the Northwood Development. Mr. Duchesneau noted that there have been related conversations between Northwoods residents and the applicants, including related conversations at the 2018 Town Forum and the 2018 Town Meeting.

Mr. Duchesneau provided detail regarding the replanting/vegetation plan and other options which interested parties might pursue. Selectman Carty opined about mitigation funds being used to address the screening issue. Mr. Duchesneau responded such mitigation funding could not be realized until the transaction was finalized, including the Town Center agreement. Mr. Duchesneau mentioned that ultimately the Board would vote on the disposition of mitigation funds.

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Selectman Carty questioned the involvement of the Sudbury Water District Commission. Mr. Duchesneau stated that the Water District Commission had their peer reviewer examine the wastewater aspect, and they were satisfied.

Selectman Schineller acknowledged the change in elevations affected the Northwoods boundary screening. Mr. Duchesneau confirmed the land grade was the determining factor. Selectman Schineller mentioned the Melone Stabilization Fund.

Selectman Carty asked about the timeline. Mr. Duchesneau responded that the developer was seeking to complete the transaction by the end of this year.

Chair Dretler suggested the utilization of a drone to capture development at Cold Brook Crossing.

Discussion on Broadacres property and structures (Adam Duchesneau, Bill Barletta, and Lori Capone)

Present: Director of Planning and Community Development Adam Duchesneau, Facilities Director Bill Barletta

Town Manager Hayes noted that Lori Capone, Conservation Coordiator, would not be in attendance for tonight's meeting. Town Manager Hayes stated the two structures on parcel 3 were under the purview of ConCom, and the two structures would likely be demolished.

Mr. Barletta confirmed that all utilities had been discontinued and he and DPW have continued to monitor the property. He detailed that the riding ring was being used for off-season storage by DPW, and new locks have been installed on each lock on the property. Mr. Barletta stated that several roofing panels in the riding ring had been repaired, as well as the installation of parking signage.

Selectman Schineller inquired about the cutting of grass on the site. Town Manager Hayes confirmed the grass would be cut twice during the season and there was no provision to manicure the property or alter the condition of the trails at this time. Selectman Schineller asked if citizens could help maintain the property. Town Manager Hayes suggested that Selectman Schineller direct his related questions to ConCom.

Selectman Carty inquired about the holes in the fields of the property and wondered if anyone fell would there be insurance coverage. Assistant Town Manager Bilodeau confirmed insurance coverage was in place, and the holes had been filled in and there have been no other issues.

Mr. Barletta stated that holes were made by kids creating a bike ramp.

Vice-Chair Roberts commented that the design consultant had presented great options for the property and wondered if some short-term improvements could be made, such as trails are more visible parking. Town Manager Hayes mentioned that such short-term improvement could be considered in FY21 budget, and demolition of structures would require contracts.

Vice-Chair Roberts asked how long the property could stay as it is. Mr. Barletta responded that in the interest of public safety, the two structures should be demolished, and further deterioration would occur. He indicated that the stable might deteriorate sooner, and the riding ring was built in 1993, and could stay in place for a while.

Mr. Duchesneau stressed that timing was the issue, and type of improvements would require considerable capital and would have to be a collaborative process. Mr. Duchesneau added the BFRT design planning might encourage some forward movement at Broadacres.

Chair Dretler mentioned the safety risks associated with the structures, and asked if the Board would consider demolishing the three structures. Town Manager Hayes stated that direction from the Board was not needed at this

Attachment14.a: BOS_draft1_9.30.20_min_for_review (4241 : Minutes review/approval)

time, but capital considerations would involve the Board. He affirmed that an official RFP was not in place, but had been discussed.

Selectman Russo noted that his property abuts the parcel 3 area of Broadacres Farm, and he recused himself from further discussion.

Citizen's Comments for Items on the Agenda

Resident and Chair of the Historical Commission Chris Hagger, 233 Nobscot Road, stated that the Historical Commission had the Broadacres area structurally inventoried, noted that the house and barn were candidates for adaptive use. He added that the stone foundation included many historical elements which the Historic Commission wanted preserved. He noted that the structures on Broadacres Farm were classified within the demolition delay process.

Resident and Commissioner of the Sudbury Housing Authority Steve Swanger, 14 Bent Brook Road, affirmed that the Housing Authority remains interested in mixed-use housing at Broadacres Farm, and would hope the Town considers creative purposing.

Vote to adopt and sign the updated 2020 Hazard Mitigation Plan Resolution for submission to MEMA/FEMA

Present: Fire Chief John Whalen

Chief Whalen stated in 2010 the Town participated in the first Hazard Mitigation Plan. He spoke of possible flooding issues, tree emergencies, snow storms, fires; and noted that the adoption of the updated Plan would allow the Town to apply for FEMA (Federal Emergency Management Agency) and MEMA (Mass Emergency Management Agency) funding if a need should arise.

Vice-Chair Roberts asked if the Plan could be viewed by the public. Chief Whalen referred to the 2020 Hazard Mitigation website for viewing of the Plan.

Selectman Russo stated that he was concerned about the current drought situation.

Chair Dretler noted that the Plan endorsement documentation referred to the Board of Selectmen as Select Board. She noted that the Select Board title had not officially been enacted.

Selectman Carty motioned and Selectman Schineller seconded the motion.

> It was on motion 5-0; Roberts-aye, Carty-aye, Russo-aye, Schineller-aye, Dretler-aye
>
> VOTED: To adopt and sign the updated 2020 Hazard Mitigation Plan Resolution for submission to MEMA/FEMA, and change the "Select Board" language to "Board of Selectmen."

Discussion and vote whether to authorize the Town Manager to sign Inter-Municipal Agreement (IMA) for Regional Housing Service Office

Present: Liz Rust, RHSO

Ms. Rust confirmed that the IMA was renewed yearly, and due to COVID-19 had been delayed. She affirmed that the IMA would begin tomorrow, October 1. Ms. Rust explained that the RHSO workplan including rental management and work with the Sudbury Housing Trust.

Vice-Chair Roberts asked if demand for housing had increased due to COVID-19.

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Ms. Rust stated that RHSO had rolled out a new rental program in six communities, and resales were increasing as many buyers are taking advantage of lower interest rates.

Selectman Schineller asked about RHSO interaction with landlords and upkeep of units. Ms. Rust confirmed that RHSO serves as a resource for landlords and tenants, but does not handle mediation aspects.

Selectman Carty mentioned that Maynard was joining the RHSO group and asked how that might benefit Sudbury. Ms. Rust responded that Maynard's participation might help lower some expenses. Selectman Carty asked if the housing at Coolidge – Phase 2, was included in the status report. She confirmed the status report did include Coolidge - Phase 2.

Selectman Russo asked about the 2020 census data. Ms. Rust responded the 2020 census data would be included sometime next year, and stressed that the Cold Brook Crossing numbers will be reflected.

Selectman Schineller motioned and Selectman Russo seconded the motion.

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

VOTED: To authorize the Town Manager to sign Inter-Municipal Agreement (IMA) for Regional Housing Service Office.

Discussion on use of face coverings in public buildings and outside by Town employees

Present: Police Chief Scott Nix

Town Manager Hayes recognized recent discussions regarding face coverings protocol for staff and the Public Safety employees. He affirmed the Town's compliance with face covering practice per CDC (Center for Disease Control) and State guidance.

Town Manager Hayes referred to the "COVID Face Covering Protocols" document submitted by Chief Nix, dated September 29, 2020.

Chief Nix reviewed the main aspects detailed within the "COVID Face Coverings Protocols:"

- Added shift roll calls to ensure appropriate police use of masks
- Continued collaboration with Sudbury Health Department
- Emergency and non-emergency encounters
- "In situations where the use of a face covering impedes the conducting of police actions, the officer has the discretion to engage as most appropriate while weighing the risk and mitigation measures. This is to be evaluated on a case by case basis."

Vice-Chair Roberts stated that she was satisfied by the "COVID Face Covering Protocol" presented and suggested that officers wear the masks as much as possible.

Selectman Carty indicated his appreciation regarding the written protocol. He mentioned when returning home from the western part of MA, he did not see any masked police officers pulling cars over.

Selectman Schineller stated that wearing a mask in a non-stress situation might be beneficial.

Selectman Russo thanked Chief Nix for implementing the "COVID Face Covering Protocol" statement and explaining the statement to ensure that public comments are being addressed. Chief Nix stated that the Police Department was open to revisiting the Protocol statement if necessary.

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Chair Dretler thanked Chief Nix for addressing the Protocol statement, and explaining various aspects so residents could anticipate the actions taken. She asked Chief Nix if an officer would wear a mask, if approaching a resident. Chief Nix responded that the officer would don the mask if inside, but if more than six feet apart when outside, the officer would not wear the mask.

Chair Dretler inquired about the mask situation at the Sudbury Transfer Station. Town Manager responded that staff wears masks at the Transfer Station, as well as DPW, especially when staff is working together. Town Manager Hayes stressed that objective involves providing services and keeping the team safe.

Resident Ann Rettman, 65 Colonial Road, thanked Chief Nix for the official Protocol statement and stressed the importance of maintaining a six-foot distance or wearing masks in consideration that Framingham, Marlboro and Holliston are currently high-risk COVID areas. She stated that COVID-19 the primary cause of police deaths this year.

Chair Dretler emphasized that as Selectman liaison to the Health Department, she would continue to be involved with this important issue.

Chair Dretler asked Town Manager Hayes if CARES Act COVID funding could be used for related signage in Sudbury, in consideration that resident education is important. Chair Dretler suggested that a related discussion regarding signage take place. Vice-Chair Roberts commented that the educational signage might help the younger folks comply with mask wearing.

Discuss Board of Selectmen notice seeking parties to write arguments supporting or opposing ballot questions on CSX Rail Corridor and Fairbank Community Center

Town Manager Hayes confirmed that two pro and two con arguments had been submitted, and the printer would be able to accommodate the accelerated timeline as requested by the Board.

Chair Dretler recommended that Town Counsel review the arguments before Selectmen approval. Town Manager Hayes commented that the ballot questions regarding CSX Rail Corridor and Fairbank Community Center could be finalized under his authority and the authority of Chair Dretler.

Resident Len Simon, 40 Meadowbrook Circle, suggested that the ballot numbering be corrected and the Board approve the warrant in final form.

Selectman Russo motioned and Selectmen Schineller seconded the motion.

> It was on motion 5-0; Roberts-aye, Carty-aye, Schineller-aye, Russo-aye, Dretler-aye
>
> VOTED: To approve the Warrant, including the supporting and opposing ballot questions, as included in the packet; though the pro argument on the CSX Rail Corridor was updated in an e-mail submitted to the Board today, subject to final Town Counsel review and subject to final review by Vice-Chair Roberts for substantive comments to present to the Board at the Board meeting on October 6, 2020; and all other formatting aspects to be accurate and precise.

Discussion and vote to approve formation of Sudbury Diversity, Equity and Inclusion Commission

Board members engaged in a substantial discussion regarding the Selectman mission statement edits regarding racial justice, the number and makeup of the Diversity, Equity and Inclusion Commission (DEIC).

Chair Dretler acknowledged that Commission members might cover different topics and form working groups within the Commission. Town Manager Hayes mentioned such sub-groups could be subject to the Open Meeting Laws.

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Selectman Carty noted that the Sudbury Public Schools might have its own diversity group and indicated that it would be preferred that the groups work together. He offered to check with L-SRHS and SPS committees tomorrow and share the Selectmen's proposed outline.

Citizen's Comments

Resident and member of the Commission on Disability Kay Bell, 348 Old Lancaster Road, spoke of the disability diversity aspects and the commonalities shared with the proposed diversity commission.

Resident Sue Abrams, 24 Hudson Road, acknowledged the amount of work going into the document indicated that she was looking forward to the progress that the proposed commission could make.

Resident and member of the Sudbury Race Amity Task Force Debbie Howell, 123 Victory Road, thanked the Board for their efforts and suggested that the Sudbury Race Amity Task Force could assist with the mission for the Sudbury Diversity, Equity and Inclusion Commission. Chair Dretler requested that Ms. Howell send related information to the Board.

Review regular session minutes of 8/4/20 and 8/11/20

Selectman Carty motioned and Selectman Schineller seconded the motion.

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

VOTED: To approve the 8/4/20 minutes as amended.

Selectman Carty motioned and Vice-Chair Roberts seconded the motion.

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

Citizen's Comments (continued)

Resident Pat Brown, 34 Whispering Road, requested information from the Board on September 23rd regarding MGL Ch. 161 – Section 7; the State's Right of Refusal on railroad corridors. She stressed that she wanted assurance that this aspect would not affect the timeline for the CSX purchase.

Upcoming Agenda Items

- L-SRHS Agreement
- Approval of Executive Session Minutes to be held in Executive Session
- MBTA liaison Appointment
- PBC Interviews
- Eversource Meeting with staff
- Diversity Commission Discussion/Plans
- KPI Presentation
- Financial Policies
- Halloween Policy per Board of Health
- Vice-Chair Roberts - Selectmen Office Hours Schedule
- Holiday tree lighting
- Goal setting meeting
- Eversource topic in Executive Session for late October
- CSX topic to be covered in future Executive Session

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Vote to adjourn meeting

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

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

VOTED: To adjourn the meeting

There being no further business, the meeting was adjourned at 11:46 p.m.

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SUDBURY BOARD OF SELECTMEN

TUESDAY OCTOBER 6, 2020

(Meeting can be viewed at 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.

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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.

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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 1st 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 19th 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 3rd of November; ballots received at the Town Clerk's office by November 6th 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

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- Recorded two Municipal Minutes over the past several weeks
- Thanked 1st LT Dylan DeFlorio for his service/sacrifice, and reminded 1st 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 24th is the last day to register to vote for the November 3rd Election.

Reports from Selectmen

Selectman Russo also welcomed 1st 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 1st 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.

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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.

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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

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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 would be a long time before Framingham would likely purchase 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

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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 her 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.

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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 20th.

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.

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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)

DRAFT

Attachment14.b: BOS_draft1_10.06.20_min_for_review (4241 : Minutes review/approval)

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.

DRAFT

Attachment14.b: BOS_draft1_10.06.20_min_for_review (4241 : Minutes review/approval)

VOTED: To adjourn the meeting

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

DRAFT

Attachment14.b: BOS_draft1_10.06.20_min_for_review (4241 : Minutes review/approval)

SUDBURY BOARD OF SELECTMEN
Tuesday, November 17, 2020

MISCELLANEOUS (UNTIMED)

15: Citizen's Comments (cont)

REQUESTOR SECTION
Date of request:

Requested by: Patty Golden

Formal Title: Citizen's Comments (cont)

Recommendations/Suggested Motion/Vote:

Background Information:

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending	
Henry L Hayes	Pending	
Jonathan Silverstein	Pending	
Daniel E Carty	Pending	
Board of Selectmen	Pending	11/17/2020 6:00 PM

SUDBURY BOARD OF SELECTMEN
Tuesday, November 17, 2020

MISCELLANEOUS (UNTIMED)

16: Upcoming agenda items

REQUESTOR SECTION
Date of request:

Requested by: Patty Golden

Formal Title: Upcoming agenda items

Recommendations/Suggested Motion/Vote:

Background Information:

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending	
Henry L Hayes	Pending	
Jonathan Silverstein	Pending	
Daniel E Carty	Pending	
Board of Selectmen	Pending	11/17/2020 6:00 PM

POTENTIAL UPCOMING AGENDA ITEMS/MEETINGS

MEETING	DESCRIPTION
Mon, Nov. 30 **4-6 PM, 6-8 PM**	DEP CH91 Hearings re: Eversource Bridges
Dec. 1	Open 2021 Annual Town Meeting Warrant and announce that all articles are due by Friday, January 29, 11:00 AM.
	Annual Tax Classification Hearing 7:30 PM
	Annual update with state legislators (Gentile, Eldridge, Barrett)
Dec. 15	Public utility hearing (8:00 PM) re: Eversource Grant of Location related to Sudbury Transmission Project
	Annual alcohol and common victualler license renewals
Date to be Determined	Interview applicants for BFRT advisory task force
	Budget Strategies Task Force
	Sewataro Financial Statement review
	Interview CIAC applicants
	Work Session: Select Board/Town Manager Code of Conduct and other procedural training
	Invite Commission on Disability Chair to discuss Minuteman High School
	Update from BOS Policy Subcommittee
	Town meeting recap – year in review
	Route 20 empty corner lot – former gas station
	Update on traffic policy (Chief Nix)
	Update on crosswalks (Chief Nix/Dan Nason)
	Citizen Leadership Forum
	Town-wide traffic assessment and improve traffic flow
	Future planning of Sewataro
	By-law items to examine - Special Events & Demonstration Permits; Common Victualler License Holders (Related to Farm Act exemptions, citizen request); Nuisance / Blight Bylaw; Removal Authority of members from appointments
	Fairbank Community Center update (ongoing)
	Bruce Freeman Rail Trail (BFRT) update (quarterly: March, June, September and December)
	CSX Quarterly Update (January, April, July, October)
	Approved Executive Session Minutes review for possible release (February, May, August and November). Consider separate meeting solely for this purpose.
	Health/COVID-19 update (as of 3/18/20)
Standing Items for All Meetings	BOS requests for future agenda items at end of meeting
	Citizens Comments, continued (if necessary)

Attachment16.a: POTENTIAL UPCOMING AGENDA ITEMS_11_17_20 (4243 : Upcoming agenda items)

SUDBURY BOARD OF SELECTMEN
Tuesday, November 17, 2020

CONSENT CALENDAR ITEM

17: Execute CPA grant $259K SHA

REQUESTOR SECTION
Date of request:

Requestor: Sherril Cline, CPC chair

Formal Title: Vote to execute the Community Preservation Act Grant Agreement between the Town of Sudbury and the Sudbury Housing Authority (SHA) setting forth the terms and conditions for use of Community Preservation Act funding in the amount of $259,000 toward creation by the SHA of rental housing specific to low income individuals or families which appropriation was approved by the 2020 Annual Town Meeting under Article 46.

Recommendations/Suggested Motion/Vote: Vote to execute the Community Preservation Act Grant Agreement between the Town of Sudbury and the Sudbury Housing Authority (SHA) setting forth the terms and conditions for use of Community Preservation Act funding in the amount of $259,000 toward creation by the SHA of rental housing specific to low income individuals or families which appropriation was approved by the 2020 Annual Town Meeting under Article 46.

Background Information:
The Sudbury Housing Authority (SHA) **f**unding to be received under Art. 46 provides for the SHA's "acquisition, creation, preservation, and support of affordable rental housing". These funds will be used by the SHA with other CPA funding previously appropriated together with other funding sources to create additional units of rental housing low or very low-income families or individuals as defined by HUD. The Agreement developed by Town Counsel and approved by both the SHA and the CPC requires that the funds will not be disbursed until a suitable housing project has been identified by the SHA. This Grant Agreement between the Town and the SHA sets forth the terms and conditions for the use of the funding.

Financial impact expected:$259,000 from the Community Housing category of Community Preservation Act Funds allocated under Art. 46 of ATM20.

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Henry L Hayes	Pending
Jonathan Silverstein	Pending
Daniel E Carty	Pending

Board of Selectmen	Pending	11/17/2020 6:00 PM

SUDBURY, MASSACHUSETTS

COMMUNITY PRESERVATION ACT
GRANT AGREEMENT

THIS GRANT AGREEMENT (this "Agreement") is entered into on this 10 day of NOVEMBER, 2020, by and between the **Town of Sudbury** (the "Town"), a Massachusetts municipal corporation, acting by and through its Select Board, having a usual place of business at Flynn Building, 278 Old Sudbury Road, Sudbury, MA 01776, and the **Sudbury Housing Authority** ("Grantee"), having a usual place of business at 55 Hudson Road, Sudbury, MA 01776.

WHEREAS, Grantee is a housing authority duly established under G.L. c. 121B; and

WHEREAS, Grantee submitted an application, a copy of which is attached hereto as Exhibit A and incorporated herein (the "Proposal") to the Community Preservation Committee (the "CPC") for funds under G.L. c.44B, the Community Preservation Act (the "CPA"), for the purpose of acquisition, creation, preservation or support of affordable housing to be rented in perpetuity to households earning no more than eighty percent (80%) of the metropolitan statistical area that includes the Town of Sudbury, or such lower income limits as Grantee may choose (the "Project"); and

WHEREAS, the CPC reviewed and approved the Proposal and recommended that Town Meeting appropriate the funds therein requested for the purpose of undertaking the Project; and

WHEREAS, Town Meeting thereafter appropriated $259,000.00 by vote under Article 46 of the September 12, 2020 Annual/Special Town Meeting to fund the Project, a copy of which vote is attached hereto as Exhibit B; and

WHEREAS, the purpose of the within Grant Agreement is to ensure that the Funds are used for the acquisition, creation, preservation and support of community housing as defined by the Community Preservation Act, G.L. c 44B.

NOW THEREFORE, the Town and Grantee wish to set forth in this Grant Agreement the terms and conditions of the Grant, and hereby agree as follows:

Agreement

1. Recitals. The recitals above are true and accurate and are incorporated herein by reference.

2. Funding. As recommended by the CPC under Article 46 of the September 12, 2020 Annual/Special Town Meeting, and as appropriated by said Town Meeting, the Town has granted funds to Grantee in an amount of $259,000.00 (the

Attachment17.a: CPA grant (4240 : Execute CPA grant $259K SHA)

"Funds") on the condition that Grantee shall use the Funds only for the purposes of undertaking the Project, including pre-construction costs, such as a feasibility study and/or design costs, that are associated with the Project, in accordance with the terms of this Agreement.

3. Conditions. The award and release of the Grant Funds to Grantee is conditioned upon the following conditions:

a) Grantee agrees that any dwelling units acquired, preserved, supported, or created with the use of the Funds (the "Affordable Unit"), whether in part or in full, shall be managed by the Sudbury Housing Authority and used for affordable housing purposes in perpetuity. With respect to any real property purchased using the Funds or housing created or preserved using the Funds, the Grantee shall execute or obtain a perpetual affordable housing restriction meeting the statutory requirements of G. L. c. 184 and G.L. c44B Section12, and running to the benefit of and acceptable to the Town of Sudbury. The deed restrictions executed for each unit of housing created or preserved pursuant to this Grant shall be acceptable to the Town and the Town shall be a holder thereof.

b) Notwithstanding Grantee's bylaws, all funds expended pursuant to this Agreement shall be limited to the allowable spending purposes as defined in the CPA.

c) The Funds shall not be used for expenses related to the administration and operation of the Grantee or for ordinary maintenance.

d) Consistent with the provisions of Section 5(b)(2) of the CPA, under no circumstances shall the Funds be used to rehabilitate any housing, or if rehabilitation is permitted by the Town, shall not be used to rehabilitate existing community housing units unless said housing was acquired or created with CPA funds.

e) Consistent with the provisions of Section 5(b)(2) of the CPA, when creating community housing Grantee shall, wherever possible, reuse existing buildings or construct new buildings on previously developed sites.

f) Consistent with the provisions of Section 6 of the CPA, the Funds shall not replace existing Town operating funds nor reimburse the Town for services provided to Grantee.

g) Until all the Funds have been expended, Grantee shall prepare brief written reports of project activity for the CPC annually as the CPC may determine, outlining progress and any problems encountered. Grantee must submit these reports in writing and may be requested to make verbal presentations at CPC meetings.

Attachment17.a: CPA grant (4240 : Execute CPA grant $259K SHA)

4. Record-Keeping. Grantee agrees to keep, for a period of six (6) years after the Project is completed, such records with respect to the utilization of the Funds as are kept in the normal course of business and such additional records as may be required by the Town. The Town shall have full and free access to such records and may examine and copy such records.

5. Termination. This Grant Agreement shall terminate upon the final disbursement of all Project Funds and the delivery of copies of any restrictions recorded pursuant to Section 3 hereof. In the event that the Grantee fails to fulfill its obligations under the terms of this Grant Agreement as determined by the Town of Sudbury, the Town shall have the right to terminate this Agreement upon written notice to the Grantee. The Grantee shall have 60 days to cure any deficiency noted by the Town.

6. Payments. The Town shall disburse the Funds to Grantee only upon the presentment of detailed invoices from Grantee listing in detail the work performed and the cost thereof. The Town shall have the right to ask for supplementary information and, prior to any payment, the Town shall have the right to inspect the work, if applicable. No payment shall be made until the Town reasonably determines that the Funds are being used for purposes set forth herein. If the cost of any work exceeds the Funds, such sums shall be paid by Grantee.

7. Return of Funds. In the event that the cost of the Project is less than the Funds approved at Town Meeting, any excess funds shall be returned to the CPA community housing reserves.

8. Liability of the Town. The Town's sole obligation hereunder shall be to make the payment specified in Section 2 of this Agreement, provided that Grantee complies with the terms hereof, including the conditions set forth in Section 3, and the Town shall be under no further obligation or liability.

9. Independent Status. Grantee acknowledges and agrees that it is acting in a capacity independent of the Town, and shall not be considered an employee or agent of the Town for any purpose.

10. Successors and Assigns. This Agreement is binding upon the parties hereto and their successors and permitted assignees. Grantee shall not assign, subcontract or otherwise transfer this Agreement or its rights hereunder, in whole or in part, without the prior written consent of the Town.

11. Notice. Any and all notices, or other communications required or permitted under this Agreement, shall be in writing and delivered by hand or mailed postage prepaid, return receipt requested, by registered or certified mail or by other reputable delivery service, to the parties at the addresses set forth on Page 1 or furnished from time to time in writing hereafter by one party to the other party. Any such notice or correspondence shall be deemed given when so delivered by

Attachment17.a: CPA grant (4240 : Execute CPA grant $259K SHA)

hand, or if mailed, when postmarked by the U.S. Postal Service or, if sent by private overnight or other delivery service, when deposited with such delivery service.

12. Severability. If any term or condition of this Agreement shall be held invalid, illegal or unenforceable by a court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of this Agreement shall not be deemed affected thereby unless one or both parties would be substantially or materially prejudiced.

13. Governing Law. This Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts and Grantee submits to the jurisdiction of any of its appropriate courts for the adjudication of disputes arising out of this Agreement.

IN WITNESS THEREOF, the Parties hereto have executed this Grant Agreement effective on the day written above:

GRANTEE:

By: Sheila M. Cusolito

Name: Sheila Cusolito
Title: Executive Director of the Sudbury Housing Authority

TOWN:

TOWN OF SUDBURY,
By its Select Board

_____

_____

_____

_____

_____

Attachment17.a: CPA grant (4240 : Execute CPA grant $259K SHA)

Exhibits:
Exhibit A: Proposal
Exhibit B: Town Meeting Vote

715058.2/SUBD/0120

Attachment17.a: CPA grant (4240 : Execute CPA grant $259K SHA)

EXHIBIT A

Town of Sudbury

Community Preservation Committee

http://www.sudbury.ma.us
email: cpc@sudbury.ma.us

PROJECT SUBMISSION FORM

Submitter: Sheila M. Cusolito

Submission Date: 10/10/2019

Group or Committee Affiliation (if any): Sudbury Housing Authority

Submitter's address :

55 Hudson Road
Sudbury, MA 01776

Submitter's email & phone number:

director@sudburyha.org
978-443-5112

Purpose (please select all that apply):

___ Open Space
X Community Housing
___ Historic
___ Recreation

Project Manager's email & phone number: director@sudburyha.org; 978-443-5112

Project Name: Acquisition, Creation, Preservation, Support of Affordable Rental Housing

Project Description: Attached

Costs:

Fiscal Year	Total Project Cost	CPC Funds Requested	Other Funding Sources (amount and source)
2021		10% of budget for housing	$212.6K CPA FY18; $180K CPA FY07; $90K National Development;
2022			$50K Sudbury Foundation (resubmission); $10K SHA
2023			
2024			
2025			
Total			

How does this project meet the General Criteria and Category Specific Criteria for CPC projects (see attached)?

Attached

Does this project fall within the jurisdiction or interest of other Town Boards, Committees or Departments? If so, please list the boards, committees or departments, whether applications and/or presentations have been made, and what input or recommendations have been given.

Attached

For Community Preservation Committee Use:

Form received on: _____ Project presented to CPC on: _____

Reviewed by: _____ Determination: _____

Attachment17.a: CPA grant (4240 : Execute CPA grant $259K SHA)

Project Description

Consistent with the Sudbury Housing Authority's (SHA) 2016 proposal, the SHA requests a minimum of 10% of the CPC budget allocated to housing, to be utilized in combination with funding from other sources to create additional units of rental housing for families or individuals, particularly focused on those in the HUD-defined extremely low- or very low- income range. Much of the affordable rental housing recently developed or currently in the pipeline has focused on housing for the elderly and for empty nesters, or those at the higher end of the Area Median Income bracket, the same population that might qualify for affordable homeownership opportunities. The SHA primarily houses families and individuals who do not and will not qualify for affordable homeownership or the types of housing created by the various 40B developments in town. The Sudbury Housing Authority is singular in its exclusive commitment to the Town, combined with its interest in both expanding and managing rental opportunities for those with incomes at the lowest extreme of the income limit. The SHA prides itself in covering all of its operations costs through the rents it collects; as housing and development costs continue to rise, significant financial resources are required to maximize the SHA's flexibility to respond to those most in need of affordable housing.

The SHA, which is subject to all public procurement laws and administers its programs under the purview of the Department of Housing and Community Development, routinely explores sales opportunities to acquire existing homes, but is equally invested in exploring a more extensive development effort. At present, several initiatives are underway.

The Board of Selectmen recently voted to exercise and transfer its Right of First Refusal to purchase one of the affordable ownership units at The Villages at Old County Road. This transfer allows the SHA the opportunity to purchase the unit for use as an affordable rental. Following the subsequent, careful legal review of the existing development documents, the SHA voted against purchasing the unit. Simultaneously, the SHA is reviewing three responses to a recently advertised Request for Proposals for land or land and building(s), none of which includes habitable buildings, but each of which might have development potential. The SHA is mindful that the costs for land acquisition only add to the costs of an overall development effort. Moreover, the SHA currently must consider such opportunities within the context of applicable zoning restrictions.

In part for these reasons, the SHA plans to embark on a feasibility study of both its existing properties and one Town-owned parcel the Board of Selectmen authorized for such study. The SHA has also expressed interest in portions of parcels currently under broader review by the Town and hopes to work in partnership with the Town as it continues to consider the disposition of each: Broadacres Farm, the site of the original Frost Farm structure, and Camp Sewataro.

Simultaneous with our review of potential sites for renovation and/or new construction, we are continuing to assemble a development fund to support our efforts. The SHA has a history of CPA fund awards, including one voted at ATM 2006 for the purpose of affordable unit buy-down. A total of $360,000 was awarded at that time, with both the timelines for use and the allowable per-unit expenditures modified at subsequent town meetings. The SHA purchased a single-family home in 2014 utilizing $180,000 of these funds, creating not only a new Local Initiative Program (LIP), but adding to the Town's Subsidized Housing Inventory. The SHA

Attachment17.a: CPA grant (4240 : Execute CPA grant $259K SHA)

intended to use the balance of these funds toward the acquisition of The Villages at Old County Road unit, in keeping with the original intent of the award. In 2016, the SHA was awarded $90,000 earmarked within the National Development and Town of Sudbury development agreement. In 2017, the SHA received the minimum of 10% of FY18 CPA funds earmarked for affordable housing, totaling $212,600, and plans to resubmit an application to the Sudbury Foundation for $50,000 in funds to support development feasibility studies. The SHA continues to be willing and able to commit a portion of its own reserves to this effort. And, finally, the SHA continues to explore development partnerships and state funding sources, should we be able to leverage matching funds and assistance necessary to garner both state support and, if necessary, a mortgage commitment.

In summary, the SHA would like to utilize CPA funds to acquire, create, preserve, or support affordable rental opportunities for those most in need. It is toward that end that the SHA seeks a commitment of at least the 10% annual CPA revenue appropriated for FY21.

Relevance of Proposed Project to CPC Criteria

The project meets the following *General Criteria* for eligibility:

- it is eligible for CPA funding;
- it is consistent with the 2016 Housing Production Plan in terms of identified needs, goals, and strategies; it provides housing options that address some of the challenges identified in summary reports of the Master Plan Steering Committee and previously identified in the WestMetro HOME Consortium Regional Fair Housing Plan, which includes Sudbury;
- the SHA has engaged in discussions of several opportunities with the Board of Selectmen and the Planning Department. Each has been supportive of the SHA's interests. The Planning Department is in active communication with the SHA about ongoing discussions of parcels under the Town's purview; the Board of Selectmen has shown a willingness to consider and approve proposals the SHA brings to its attention. The SHA has also engaged the SHT as appropriate and has enjoyed its support for creating additional affordable rental opportunities;
- as with all prior SHA development projects, creating housing which preserves the essential quality of the town and is harmonious architecturally with the surrounding neighborhood is a cornerstone consideration;
- as noted, this project will serve to expand opportunities for the population of extremely low- and very low-income families and individuals– those underserved by current resources, current development projects, or by any other entity that has Sudbury at the heart of its efforts;
- the SHA has expressed its interest in working in partnership with the Town as the latter considers the overall uses of newly acquired parcels such as Camp Sewataro and Broadacres Farm. Each of these parcels presents an opportunity to fulfill the breadth of opportunities covered by the CPA. While the opportunities for combining open space, recreation or other CPA priorities with the SHA's exploration of smaller parcels are constrained by the size of the development and the likelihood of purchase of an existing property, we are open to such combinations and will consider them as we review potential sites;

Attachment17.a: CPA grant (4240 : Execute CPA grant $259K SHA)

- the urgency of this project may be measured in the number of days, months and, most often, years that families on the SHA waiting list must languish;
- because the SHA is seeking funding that might be utilized as a match for a project that will involve multiple funding sources, the CPC's requirement that alternative funding mechanisms be explored will be fully met and that additional public and/or private funds will be leveraged; and
- should the Town agree to release one or more Town-owned properties or portions thereof for this effort, the project will most certainly "preserve or utilize currently owned Town assets."

The project also addresses every one of the *Specific Criteria* for Community Housing:

- it will contribute to goal of maintaining 10% affordability by mechanisms that will preserve the units as affordable in perpetuity;
- it will conform to the town's Housing Production Plan;
- it will promote socioeconomic diversity;
- it will integrate affordable units into the fabric of existing market-rate neighborhoods;
- it will ensure long-term affordability through deed restriction and regulatory agreement to an even greater extent than affordable homeownership program opportunities because income eligibility is recertified throughout tenancy; and
- through either renovation of existing stock or new construction, the project will promote the use of existing buildings or construction on previously developed or Town-owned sites;
- to the extent that the project entails renovation of existing stock, it will convert market-rate to affordable units; and
- the project will give priority to local residents, Town employees, and families participating in METCO.

Identified or Potential Stakeholders

The SHA has worked successfully with Town Boards, Committees and Departments on previous projects to increase and/or stabilize rental housing and/or tenancies in Sudbury, including:

- Town Manager
- Board of Selectmen
- Sudbury Housing Trust
- Planning and Community Development & related committees
- Community Preservation Committee
- Conservation Commission
- Department of Public Works
- Facilities Department
- Building Department
- Board of Health
- Town Social Worker
- Police and Fire Departments
- Senior Center
- SPS, LSRHS, particularly social workers

Attachment17.a: CPA grant (4240 : Execute CPA grant $259K SHA)

Other prospective or stakeholders/collaborators include the following:

- Park and Recreation
- Council on Aging
- Disability Commission
- Veteran's Affairs
- Representatives of other developments that include an affordable component

Attachment17.a: CPA grant (4240 : Execute CPA grant $259K SHA)

From: Risotti, Shawna
To: Risotti, Shawna
Subject: FW: SHA CPC Application - Additional Materials
Date: Monday, November 4, 2019 10:35:49 AM

From: Sheila M Cusolito <Director@SudburyHA.org>
Sent: Friday, November 1, 2019 2:22 PM
To: Duchesneau, Adam <DuchesneauA@sudbury.ma.us>
Subject: RE: SHA CPC Application

Hi Adam,
The SHA has previously expended CPA funds for a demolition/redevelopment project on its own properties; acquisition of a privately owned home it converted to an affordable rental, acquired through the c. 30B-required public procurement process; and physical preservation of its housing for the elderly and disabled. Two eligible uses that the SHA has yet to explore are adaptive re-use of an existing structure and rental assistance or another type of operating subsidy.

Current focus
The SHA's current focus is on either acquiring or developing new units—which could include the costs of acquiring vacant land or development on publicly-owned land—to be added to the Town's Subsidized Housing Inventory and, at least as important to the SHA, to provide housing opportunities for those in need of affordable rental housing.

Because SHA is subject to public procurement laws and affordable housing regulatory requirements for its programs, property acquisition and development of the associated rental program are drawn out over a broader timeline than is experienced in the private sector. This makes it nearly impossible to identify the acquisition or development parcel for the purposes of the application.

That said, the Town, though not specifically the CPC *is* involved with properties added to the SHI by local initiative mechanisms. These properties must be deed-restricted and have other regulatory requirements/restrictions as well. With our previously acquired unit, the Town was involved at the time of application to the state for the unit to be added to the SHI and is the monitoring agent for the unit (assigned to RHSO) as well.

Development projects go through the public process, including direct abutter outreach in the earliest of phases.

CPA funds have been used in other communities for preliminary environmental, feasibility, and site planning activities. Prior to your query from the CPC, the SHA reached out to the Community Preservation Coalition to confirm feasibility and design as allowable endeavors, additionally asking if mortgage payments can be made utilizing the funds. The Coalition recommended the SHA seek input from Town Counsel on these matters and we are awaiting a response. The question on the mortgage arose because, during development of the CPC application, the SHA was considering two acquisition opportunities (now down to one), but did not have quite enough cash to purchase both parcels.

Although there is a constant and compelling need to preserve the current portfolio (and such

Attachment17.a: CPA grant (4240 : Execute CPA grant $259K SHA)

projects are relatively much easier to define for the purposes of funding requests, if the timing of funding cycles allows), at this time, the intention is to acquire/develop, including allowable ancillary activities. I do envision a future (timeline not defined by any means) request for preservation; in fact, there is funding through the state for comprehensive preservation projects. The program requires a local funding commitment that will be matched up to 2.5X for each dollar of leveraged funds. CPA funds are eligible to be leveraged in this way.

I hope this suffices for the Committee's near-term purpose. I'll provide an update when I hear from Town Counsel.
Sheila

*****Please note our new email address*****

Sheila M Cusolito, MPHA; MCPPO
Executive Director
Sudbury Housing Authority
55 Husdon Road
Sudbury, MA 01776
Ph: 978-443-5112
Cell: 978-460-7303
Fax: 978-443-5113

From: Duchesneau, Adam <DuchesneauA@sudbury.ma.us>
Sent: Wednesday, October 16, 2019 11:59 PM
To: Sheila M Cusolito <Director@SudburyHA.org>
Subject: SHA CPC Application

Hello Sheila,

At October 16th's Community Preservation Committee (CPC) meeting, the CPC conducted a preliminary review of the Sudbury Housing Authority's funding application.

The CPC asked for further information on the following items:

- Members of the CPC were seeking a bit more of a detailed explanation about what or how the money would be used by the SHA.

This additional information/explanation should be submitted to the CPC (through the Planning Office) by **Friday, November 1st** in advance of the upcoming public hearing on the application.

The public hearing before the CPC for this application was scheduled for **Wednesday, December 4, 2019 at 7:00 PM in the Lower Town Hall, 322 Concord Road**. Please come prepared to discuss your application with the CPC that evening.

Please let me know if you have any questions. Thank you.

Attachment17.a: CPA grant (4240 : Execute CPA grant $259K SHA)

EXHIBIT B

At a legal meeting of the qualified voters of the Town of Sudbury,

held September 12, 2020 the following business was transacted under

ARTICLE 46: COMMUNITY PRESERVATION FUND – SUDBURY HOUSING AUTHORITY ACQUISITION, CREATION, PRESERVATION, AND SUPPORT OF AFFORDABLE RENTAL HOUSING

MODERATOR DECLARED VOTED BY WELL MORE THAN TWO THIRDS:

Voted that the Town will appropriate a sum of money not to exceed $259,000 from the Community Housing category of Community Preservation Act Funds for the purpose of funding the Sudbury Housing Authority's acquisition, creation, preservation, and support of affordable rental housing, or act on anything relative thereto.

A true copy, Attest:

Beth R. Klein

Beth R. Klein
Town Clerk

Attachment17.a: CPA grant (4240 : Execute CPA grant $259K SHA)

SUDBURY BOARD OF SELECTMEN
Tuesday, November 17, 2020

CONSENT CALENDAR ITEM

18: Election thank you letter

REQUESTOR SECTION
Date of request:

Requested by: Patty Golden

Formal Title: Vote to send a thank-you letter to all election workers and Town Clerk staff for their outstanding efforts in preparation for the Nov. 3, 2020 Presidential Election.

Recommendations/Suggested Motion/Vote: Vote to send a thank-you letter to all election workers and Town Clerk staff for their outstanding efforts in preparation for the Nov. 3, 2020 Presidential Election.

Background Information:
attached letter

Financial impact expected:n/a

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending	
Henry L Hayes	Pending	
Jonathan Silverstein	Pending	
Daniel E Carty	Pending	
Board of Selectmen	Pending	11/17/2020 6:00 PM

Town of Sudbury

Office of Selectmen
www.sudbury.ma.us

Flynn Building
278 Old Sudbury Rd
Sudbury, MA 01776-1843
978-639-3381
Fax: 978-443-0756
Email: selectmen@sudbury.ma.us

November 17, 2020

Dear Sudbury Election officials and Town Clerk office staff,

On behalf of the Board of Selectmen, please accept our sincere thanks for your hard work and dedication in keeping elections running smoothly, especially during these challenging times. It was a marathon election year, with three of the four elections held in 2020 taking place in the midst of a pandemic. We are proud of the level of access, efficiency and professional you have provided to Sudbury voters.

Congratulations on helping to assure that each of the 12,487 Sudbury votes cast at the November 3, 2020 Presidential Election, whether by mail, early vote or on election day, was processed and counted. Thanks to your efforts, Sudbury voters were assured a smooth voting process and accurate outcome. We are truly grateful for all your hard work.

Sincerely,
SELECTMEN OF SUDBURY

Janie Dretler

Jennifer Roberts

Daniel Carty

Charlie Russo

Bill Schineller

Attachment18.a: thank you 2020 election workers from bos (4251 : Election thank you letter)