

SUDBURY BOARD OF SELECTMEN

TUESDAY SEPTEMBER 15, 2020

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

Present: Chairman Daniel E. Carty, Selectman Janie Dretler, Selectman Jennifer Roberts, 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 7:02 p.m., via Zoom telecommunication mode.

Chairman Carty called the meeting to order.

Roll Call and Opening Remarks by Chairman

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

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

Chair Carty:

- Welcomed Charlie Russo to the Board of Selectman
- Announced that 490 residents attended Annual Town Meeting and thanked Town Manager Hayes, Town Moderator Quirk, and Staff for their work with Town Meeting.
- Was happy to see school buses out and about this morning and cautioned all to drive carefully now that school is in session.
- Explained that LSRHS (Lincoln-Sudbury Regional High School) was being delayed in opening due to a student gathering event in access of COVID-19 gathering regulations. He added that the Sudbury Public School (SPS) were now conducting classes with a hybrid learning model.
- Noted that the Transportation Committee piloted the Go Sudbury! Taxi Program on the day of Town Meeting and drive several residents to Town Meeting. There are now 12 to 15 residents reserving rides with Go Sudbury! Taxi Program.

Reports from Town Manager

Town Manager Hayes:

- The Sudbury Flu Clinic appointment slots have been filled, and asked that residents refer to the Town website for additional information
- Recommended that everyone be vigilant with maintaining safe distancing, hand washing and wearing of masks as the temperatures continue to drop
- Camp Sewataro would be making tennis courts and smaller basketball court more accessible and open to the public from 8 a.m. to dusk
- There were four human cases of EEE in MA and recommended that everyone be careful when outdoors
- Holding Town Manager office hours on September 28th from 3:00 p.m. to 4:00 p.m. via ZOOM
- Appeared on Channel 4 news yesterday related to another topic on the agenda

Reports from Selectmen

Selectman Dretler welcomed Selectman Russo to the Board.

Selectman Dretler thanked everyone for a great Annual Town Meeting.

Selectman Dretler stated that she attended the MMA (Mass. Municipal Association) meeting today and the main topics included Mass. DESE (Department of Elementary and Secondary Education) rapid response, and safety officials wearing masks.

Selectman Dretler mentioned that RFPs (Request for Proposals) for the BFRT (Bruce Freeman Rail Trail) project are expected by September 25.

Selectman Roberts welcomed Selectman Russo to the Board, and acknowledged that everything went well at Annual Town Meeting.

Selectman Schineller extended welcoming remarks to Selectman Russo. He also thanked Town staff, Town Moderator and the many attendees at Annual town Meeting. He also gave a shout out to the food trucks who provided service at Town Meeting.

Selectman Schineller mentioned that the Historical Commission received a grant and suggested that staff expedite the process.

Selectman Russo expressed his appreciation to all who were involved in the operation of a successful Town Meeting including the Select Board.

Selectman Russo maintained that Sudbury schools were dependent on how everyone complies with COVID-19 safety measures. He added that he wished to discussion smart phone usage to wait until grade 8.

Selectman Russo commented about new signage at Heritage Park.

Selectman Russo thanked Pat Brown for her years of service as a Selectman.

Citizen's comments on items not on agenda

Resident Chris Densel, 109 Austin Road, expressed her support for review of Eversource transmission lines and signed the related petition, which now has some 94 signatures. Chair Carty confirmed that the Board received the petition with mentioned endorsement.

Resident Ralph Tyler, One Deacon Lane, asked when the Town Transfer Station would be accepting bulk items. He maintained that a payment process should be in place for such items. Town Manager Hayes detailed that the software for the electronic payment process is being worked on and there is a plan.

Mr. Tyler asked about the Senior Tax Work-off program during the current State of Emergency. Town Manager Hayes responded that election work is being offered in connection with the Senior Tax Work-off Program and individual assessments will be made if involved seniors lack work-off hours.

Discussion and vote whether to approve extension of Sudbury Rug storage trailer permit at 15 Union Ave. Permission was granted in March for 6 months, and this permit expires end of September

Present: Ken Salvin, Owner of Sudbury Rug; Building Inspector Andrew Lewis; Assistant Fire Chief Tim Choate

Mr. Lewis affirmed he and Assistant Fire Chief Choate would endorse extension of the permit for an additional twelve months.

Selectman Dretler inquired about long-term plans. Mr. Salvin replied he would hope to renew the permit after twelve months. Mr. Lewis noted that special permitting for such usage had not been finalized by the ZBA (Zoning Board of Appeals).

Selectmen Roberts and Dretler requested additional information about the possible Special Permit being issued.

Selectman Russo commented that the site appeared to be in order now and noted that he might have additional questions if the State of Emergency was not in effect.

Selectman Schineller motioned and Selectman Roberts seconded the motion.

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

VOTED: To approve extension of Sudbury Rug storage trailer permit at 15 Union Ave for an additional twelve months.

Discussion with Health Department and Police Department regarding an unauthorized gathering on Sept. 11 in violation of the Massachusetts Revised Gatherings COVID-19 Order #46 of August 7, 2020.

Present: Chief Scott Nix, Susan Sama, Board of Health Member

Town Manager Hayes confirmed there was a gathering of 50 to 60 LSRHS students gathering at a private home and the majority of attendees fled when Sudbury Police arrived. He stated that some of the few who remained at the site did not provide proper names.

Town Manager Hayes supported the postponement of in-class session and reliance on the remote learning at LSRHS, in consideration of the gathering.

Chief Nix stated that the violation of Emergency Status gathering presented a difficult situation in light of underage drinking, marijuana use and threats to police at the site. He added that the department connected as many students as possible with their parents.

Ms. Sama concurred with the decision made by LSRHS, Town Manager, Board of Health (BOH).

Selectman Schineller inquired about protocol for those students who provided false identity. Chief Nix explained that the students either provided false identity, or refused to identify themselves, and Police could not conduct further search for technical reasons. He noted that those who did provide identity are working with the BOH.

Selectman Roberts asked if the involved students were wearing masks. Chief Nix responded that he did not see masks being worn. Selectman Roberts confirmed the gathering limit was well-over the State emergency status mandate.

Selectman Roberts opined about Sudbury considering additional enforcement regarding masks not being worn. Chief Nix indicated that those in attendance violated the emergency order in several areas, including illegal consumption, underage driving consumption violations, and threats to the Police.

Chief Nix stated that the involved homeowners made poor decisions, as did the attendees.

Ms. Sama acknowledged that students make mistakes and mask mandates are in place along with social distancing. She indicated that mandates in private homes is another matter. Selectman Roberts commented that enforced fines for such activities might deter similar incidence.

Selectman Dretler commented that penalty should be presented to the homeowner, and indicated that such event presents an opportunity to educate all residents. She suggested increased prevention signage in town might help reinforce the Personal Protective Equipment (PPE) message and remind all of their responsibility to others.

Selectman Russo supported the related decision made by BOH and LSRHS, and hoped that people realize the severity of the incident, and the associated consequences. Selectman Russo asked about the administration of the \$500 penalty fine. Town Manager Hayes responded the Police Department and the Health Department administered the penalty.

Chair Carty commented that the right decision was made regarding the delayed opening of LSRHS.

Ms. Sama detailed that a LSRHS student attends BOH meetings and is circulating the prevention message to LSRHS students. She suggested reaching out to LSRHS School Superintendent Bella Wong, for additional outreach. Chair Carty suggested that the BOS liaison for LSRHS might recommend this additional outreach recommendation.

Chief Nix acknowledged that the Police Department had received communication regarding police not wearing masks, including such complaint about himself. He affirmed that all patrol staff have been instructed regarding the wearing of masks if a six foot distance cannot be maintained. He explained that more serious vehicle-related police intervention might not be easily enforced with masks, such substance influences and other emergent situations.

Selectman Dretler recognized the importance of police procedure/protocol, and mentioned providing the Board with a better understanding of such protocol.

Ms. Sama confirmed that the safety of police and others cannot be underestimated.

Selectman Dretler mentioned that Officer Hutchinson was effective as an COVID-19 prevention educator. She stated she did not want to interfere with public safety personnel doing their job, and also understood the concerns of the population who felt uncomfortable about unmasked police.

Selectman Roberts suggested Police wear masks around the neck for convenience, and provide example of good safety practices. Chief Nix noted the younger kids sometime seem to understand the safety aspect better than the older kids.

Selectman Roberts recommended that the Police Department provide a statement in response to resident concerns. Chief Nix responded that such statement has been discussed with Town Manager Hayes.

Citizen's Comments

Resident Ann Rettman, 65 Colonial Road, stated she was concerned about the event with her father being pulled over by an unmasked patrolman who was not maintaining a six foot distance. She indicated that a statement of protocol must be drafted. Chief Nix responded that Ms. Rettman's concern was duly noted, and he had a related conversation with the officer involved. Chair Carty suggested that Chief Nix and Ms. Rettman continue dialogue off-line.

Resident Len Simon, 40 Meadowbrook Circle, read the statement about what happened on the mentioned gathering. He confirmed the seriousness of the incident, and stated that the actions of a few had adversely affected hundreds of students who would have to postpone school entry. He stressed that this action was more than a rowdy gathering, and did not feel it was reflective of a lack of awareness. Mr. Simon mentioned the "no

tolerance posture” of Northeastern University, and felt that the LSRHS violators must face the consequences of their actions.

Vote to elect the Chairman and Vice-chairman of the Board of Selectmen. Also discussion and vote on 2020-21 liaison assignments

The Board agreed to appoint a chair and vice-chair and perhaps to appoint 2020-21 liaison assignments later in the meeting.

Selectman Roberts motioned to nominate Janie Dretler as Chair of the Board of Selectmen. Selectman Schineller seconded the motion. Selectman Dretler accepted the nomination.

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

VOTED: To appoint Selectman Janie Dretler as Chairman of the Board of Selectmen.

Selectman Russo stated that Chair Carty did a good job as Chairman during the critical COVID-19 emergency period.

Selectman Dretler motioned to nominate Selectman Jennifer Roberts as Vice-Chair of the Board of Selectmen. Selectman Russo seconded the motion. Selectman Roberts accepted the nomination.

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

VOTED: To appoint Selectman Jennifer Roberts as Vice-Chair of the Board of Selectmen.

Selectman Dretler noted that Selectman Roberts had a productive year on the Board, and led the charge in many areas. Selectman Roberts commented that rotation within the Board is beneficial.

Discussion and vote on Historical Commission request for support regarding expert reviews and peer reviews related to NSTAR Electric Company d/b/a Eversource Energy (“Eversource”) Sudbury-Hudson Transmission Reliability Project (115-kV underground transmission line). The Commission is seeking support to fund three professionals (historic preservation, structural engineer and civil engineer consultant) to support the Historical Commission's review of the Section 106 permit with the Army Corps of Engineers. Also ratify a vote taken at the 9/8/2020 meeting where the Select Board took a Motion, that was seconded, "To authorize the Town Manager to negotiate and execute a contract not to exceed \$3,000 for a Historic Preservationist to support the Historic Commission's review of the Section 106 permit with the Army Corps of Engineers." The Board approved with three in favor and two abstaining.

Present: Diana Warren, Vice-Chair – Sudbury Historical Commission

Selectman Carty stated he would recuse himself from any Eversource conversation,.

Selectman Schineller read a disclosure statement and stated that he had no personal/conflicting interest in this matter. He affirmed that any appraisal would not have any effect to the worth of his property.

Selectman Russo opined if the Rule of Necessity has been invoked earlier, the Board must be extremely cautious about legal consistency. Selectman Roberts asked if Town Counsel had been consulted. Selectman Schineller responded affirmatively, adding that the statement was filed with the Town Clerk’s Office. Selectman Russo

reiterated that the Board must proceed cautiously, in regard to this aspect. Selectman Dretler and Selectman Roberts agreed with proceeding with caution.

Town Manager Hayes affirmed that official documents were filed on September 19 by Selectman Schineller. Selectman Dretler asked if the Ethics Commission supported the property appraisal. Selectman Roberts indicated that the concern was timing. Related discussion took place.

Selectman Dretler mentioned the Historical Commission request had been previously approved by the Board.

Town Manager Hayes affirmed the vote was taken at the 9/8/20 BOS meeting, and KP Law recommended ratification of the vote due to venue (open session/executive session) when the vote was taken. He added that the vote had reflected two abstains and one member recused. Selectman Dretler noted that one of the voting members is no longer on the Board.

Selectman Dretler motioned and Selectman Roberts seconded the motion.

It was on motion 4-0; Roberts-aye, Russo-aye, Schineller-aye, Dretler-aye

VOTED: To rescind the vote taken on September 8, 2020, to "authorize the Town Manager to negotiate and execute a contract not to exceed \$3,000 for a Historic Preservationist to support the Historic Commission's review of the Section 106 permit with the Army Corps of Engineers."

Selectman Dretler asked if the \$3,000 funding was available. Town Manager Hayes responded that any funding dollar amount would have to be presented to the Finance Committee (FinCom). Selectman Dretler maintained that best practices protocol must be utilized when seeking bids, and indicated that the funding process should be followed through the Town Manager. Related discussion took place.

Selectman Roberts stated that she would support the funding of historic preservation consultant as requested by the Historical Commission. Town Manager Hayes reiterated that such funding process was critical, and stated that the FY '22 budget preparations begin next week. The Board mentioned related Conservation Commission funding.

Selectman Schineller asked about the possible use of litigation funding. Selectman Dretler asked the Board members if they were comfortable with going thru FinCom. Selectman Russo indicated that he had some concerns. Selectman Dretler stated that she was not comfortable, and stated it would be helpful to have a joint meeting with the Historical Commission. She also stated she would appreciate having Attorney Pucci speak with the Board of Selectmen, in attempt to better understand the situation.

Selectman Roberts stated she would be supportive of approving the \$3,000 request at this meeting, and indicated additional conversation in joint session could help with the remaining requests. Selectman Russo agreed.

Ms. Warren commented that the vote had been taken and pointed out that under the jurisdiction of Section 40, the Historical Commission could enter into contracts, but did not have the required budget.

Ms. Warren explained that the US Army Corps of Engineers would determine the fate of the matter; the Historical Commission was the consulting body, and the interests of the Historical Commission overlapped with those of ConCom and the Planning Board.

Ms. Warren emphasized that this situation had never been handed to the Historical Commission before, and expert guidance was very much needed. She reiterated that going forward is not about stopping the project, but about maintaining the historical character of the Town.

Selectman Dretler motioned to authorize Town Manager Hayes to execute a contract not to exceed \$3,000 for the historical preservationist consultation, only. Selectman Roberts seconded the motion.

Selectman Russo asked if the goal was to obtain related peer review. Ms. Warren confirmed that the Historical Commission was seeking such a peer review.

It was on motion 4-0; Roberts-aye, Schineller-aye, Russo-aye, Dretler-aye

VOTED: To authorize Town Manager Hayes to execute a contract not to exceed \$3,000 for the historical preservationist consultation, only

Selectman Dretler confirmed the scheduling of a joint meeting between BOS and the Historical Commission in October.

Selectman Schineller asked about the use of litigation funds. Town Manager Hayes responded not, and stated he was only aware of possible FinCom transference of funds.

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 spoke of pro and con arguments and reaching out to the public on September 18th, in time for citizens to write their arguments. He explained the 45-day process, which include final wording to be send to Town Counsel and submission to the printer.

Selectman Dretler stated that the 45-day process was based on normal times, and asked if this schedule really would be efficient and give voters enough time to get informed on the ballot question. Selectman Roberts stated that the process could be expedited to allow voters enough time in consideration that many voters would be voting by mail. Board members agreed with accelerating the schedule.

Resident Len Simon commented that the argument determination could be made on September 29th. Town Manager Hayes mentioned that such notice would likely have to go through the Town Clerk's Office.

The Board proceeded to make the appropriate changes to the pro/con schedule.

Selectman Dretler asked Town Manager Hayes to review the proposed schedule with Town Clerk.

Citizen's Comments

There were no citizen's comments.

Discussion and vote on 2020-21 liaison assignments

Selectman Dretler motioned to vote on the 2020-21 Board of Selectmen liaison assignments and with Jennifer Roberts as liaison and member of CPC (Community Preservation Commission) as indicated on the drafted spreadsheet. Selectman Roberts seconded the motion.

Selectman Schineller commented that as senior member of the Board, Selectman Carty should be appointed CPC liaison and member. Selectman Russo affirmed that Selectman Carty had a lot on his plate.

It was on motion 3-2; Roberts-aye, Carty-no, Russo-aye, Schineller-no, Dretler-aye

VOTED: To approve the 2020-21 Board of Selectmen liaison assignments and appoint Jennifer Roberts as liaison and member of CPC (Community Preservation Commission) as indicated on the drafted spreadsheet.

BOARD OF SELECTMEN LIAISON AND COMMITTEE ASSIGNMENTS 2020-2021:

Selectman Dretler: Board of Health, Capital Improvement Advisory Committee (CIAC), Lincoln Board of Selectmen, Memorial Day Parade Committee, Town Historian, Town Manager/Town Departments, Town Moderator, Traffic Safety Committee.

Membership: Sudbury Housing Trust, member of the Master Plan Steering Committee (MPSC), M.A.G.I.C (Minuteman Advisory Group on Interlocal Coordination).

Selectman Roberts: Board of Health, Chamber of Commerce, Commission on Disability, Council on Aging, Cultural Council, Finance Committee, Park & Rec Commission, Sudbury Housing Authority.

Membership: CPC (Community Preservation Committee).

Selectman Carty: Board of Assessors, Goodnow Library Trustees, L-S Regional High School, Park & Rec Commission, Sudbury Public Schools, Sudbury Water District.

Membership: Master Plan Steering Committee (MPSC), Transportation Committee, MBTA, Budget Strategies Task Force.

Selectman Russo: Agricultural Commission, Conservation Committee, Design Review Board, Earth Removal Board, Land Acquisition Review Committee, Medical Review Corp, Planning Board, Zoning Board (ZBA).

Membership: 9/11 Memorial Garden Committee, Community Emergency Response Team.

Selectman Schineller: Design Review Board, Energy Committee, Finance Committee, Historical Commission, Historical Districts Commission, Permanent Building Committee, Planning Board, Ponds and Waterways.

Membership: Budget Strategies Task Force, Military Support Network.

Upcoming Agenda Items:

- Diversity Committee
- Heritage Park Sign Donation
- Broadacres upkeep and status of buildings
- Update on Cold Brook Crossing and Town Center land
- BFRT – RFP responses update
- PBC Candidate interviews

- Pro and Con statements for ballot questions
- KPIs
- Goal Setting
- LS Agreement

Consent Calendar

Accept donation in the amount of \$292 from the Sudbury United Methodist Church to the Town Social Worker

Selectman Dretler motioned and Selectman Carty seconded the motion.

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

VOTED: To accept donation in the amount of \$292 from the Sudbury United Methodist Church to the Town Social Worker to be used to counsel Lincoln-Sudbury Regional High School students.

Vote to adjourn meeting

Selectman Russo motioned to adjourn the meeting. Selectman Roberts seconded the motion.

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

VOTED: To adjourn the meeting

There being no further business, the meeting was adjourned at 10:41 p.m.

9-15-20 Documents & Exhibits

2. Discussion with Health Department and Police Department regarding an unauthorized gathering on Sept. 11 in violation of the Massachusetts Revised Gatherings COVID-19 Order #46 of August 7, 2020.

Attachments:

2.a SUDBURY-PRESS-RELEASE-9-13-2020

3. Discussion and vote on Historical Commission request for support regarding expert reviews and peer reviews related to NSTAR Electric Company d/b/a Eversource Energy ("Eversource") Sudbury-Hudson Transmission Reliability Project (115-kV underground transmission line). The Commission is seeking support to fund three professionals (historic preservation, structural engineer and civil engineer consultant) to support the Historical Commission's review of the Section 106 permit with the Army Corps of Engineers. Also ratify a vote taken at the 9/8/2020 meeting where the Select Board took a Motion, that was seconded, "To authorize the Town Manager to negotiate and execute a contract not to exceed \$3,000 for a Historic Preservationist to support the Historic Commission's review of the Section 106 permit with the Army Corps of Engineers." The Board approved with three in favor and two abstaining.

Attachments:

3.a SHC_combined_docs
3.b SHC_combined_docs_2
3.c BO20-0002555-JMP

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

Attachments:

4.a Ballot Question Policy
4.b Levine_email_ballot_question
4.c Simon_email_ballot_question

6. Vote to elect the Chairman and Vice-chairman of the Board of Selectmen. Also discussion and vote on 2020-21 liaison assignments.

Attachments:

6.a LIAISON LIST 2019-20

7. Upcoming Agenda Items

Attachments:

7.a POTENTIAL UPCOMING AGENDA ITEMS_9_15_20

8. Accept donation in the amount of \$292 from the Sudbury United Methodist Church to the Town Social Worker to be used to counsel Lincoln-Sudbury Regional High School students.

Attachments:

8.a SUMC donation

9. Vote to adjourn meeting