

SUDBURY SELECT BOARD

TUESDAY MARCH 2, 2021

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

Present: Chair Janie Dretler, Vice-Chair Jennifer Roberts, Select Board Member Daniel E. Carty, Select Board Member William Schineller, Select Board Member 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 7:12 p.m., via Zoom telecommunication mode.

Chair Dretler announced the recording of the meeting and other procedural aspects included in the meeting. She acknowledged that the Board had just adjourned in Executive Session.

Call to Order/Roll Call

Select Board Roll Call: Carty-present, Roberts-present, Schineller-present, Dretler-present, Russo-present.

Opening remarks by Chair

- Sudbury-Wayland-Lincoln Domestic Violence Round Table to present “A Call to Families,” to discuss healthy masculinity with young people; March 9, 7:00 p.m.
- March is “Shadow Pandemic Awareness Month;” Town Manager’s Sudbury Municipal Minute focused on this topic.
- Select Board Office Hours tomorrow, March 3 at noon via Zoom; she and Vice-Chair Roberts to host
- COVID-19 Emergency Rental Assistance Program expanded; more information found on Town website
- COA accepting applications for membership
- Select Board Newsletter posted on the Town website

Reports from Town Manager

- Park & Recreation team has worked diligently to sustain Town recreation and pool activities and continue offering programs
- Recommending that the citizens and families of Sudbury continue to participate in Park & Recreation offerings
- “Domestic Violence – The Shadow Pandemic” Town Manager’s Municipal Minute; with input from Social Worker Bethany Hadvab, and Police Chief Scott Nix
- Rivers Edge Development Project public hearing with environmental consultant scheduled for March 18, 2021 at 7:30 p.m.

Reports from Select Board

Select Board Member Russo:

- Planning Board receiving comments to the Master Plan until March 8; all department comments due by March 17; Planning Board will possibly finalize the Master Plan at their March 24th meeting
- Reviewed DPW Director Dan Nason’s presentation to a state wide industry group.

- Attended today's MMA meeting regarding Housing Choice and suggested the Select Board Members speak to the Planning Board regarding this matter
- BFRT Task Force having their second meeting tonight

Select Board Member Carty:

- Agreed that Board should speak with the Planning Board regarding the Housing Choice topic
- Sudbury Lions Club meeting last night with Board Member Russo; the Club celebrated various Sudbury organizations

Select Board Member Schineller:

- SJC (Supreme Judicial Court) Eversource appeal decision expected in 100+ days
- Received citizen feedback about length of Select Board meetings; hardship for attending staff and other participants

Chair Dretler recommended that Board Members keep comments concise as possible, in effort to avoid extensive meeting duration.

Vice-Chair Roberts:

- Reiterated Town Manager Hayes' comments about supporting Park & Recreation programs; signups for summer camps to begin soon
- FinCom meeting weekly and scheduled to meeting with Select Board on March 16

Citizen's comments on items not on agenda

There were no citizen's comments

Discussion and possible vote regarding NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY's responses to the questions posed at the December 15, 2020 Grant of Location Hearing, to determine if there are unaddressed concerns related to the responses provided

Board Member Schineller asked who compiled the answers to questions posed at the Grant of Location hearing held on December 15, 2020. Town Manager Hayes responded that Eversource representatives provided responses.

Board Member Schineller noted that responses did not include the cost associated with possible relocation of the power line.

Chair Dretler suggested that any additional comments/questions be submitted to Town Manager Hayes no later than Monday, March 8.

Citizens Comments

Resident Dan Depompei, 35 Haynes Road, confirmed he had read the Eversource responses as well as the MA General Law concerning Grant of Location. He expressed some confusion about aspects of the Grant of Location and easements.

Resident Ray Phillips, 40 Whispering Pine Road, asked why such grant of location was required and expressed his confusion about the matter.

Interview candidates for reappointment to the Permanent Building Committee (PBC)

Present: PBC candidates Nancy Rubenstein and Michael Melnick

Ms. Rubenstein presented her background in all aspects of structural engineering. She confirmed she had been a ZBA member for 21 years, in addition to her three-year membership on PBC.

Chair Dretler read the motion. Board Member Carty moved in the words of the Chair. Board Member Russo seconded the motion.

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

VOTED: To reappoint Nancy Rubenstein to the Permanent Building Committee for a term expiring 5/31/23.

Mr. Melnick provided detail regarding his 40-year professional background in structural engineering and construction management.

Chair Dretler read the motion. Board Member Carty moved in the words of the Chair. Board Member Russo seconded the motion.

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

VOTED: To reappoint Michael Melnick to the Permanent Building Committee for a term expiring 5/31/23.

Interview candidate for Historic Districts Commission (HDC)

Present: Taryn Trexler

Ms. Trexler confirmed she had been involved in historic preservation work for some ten years and owns a historical home in Sudbury. She confirmed that she would plan to retain her membership with the Historical Commission.

Chair Dretler read the motion. Vice-Chair Roberts moved in the words of the Chair. Board Member Carty seconded the motion.

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

VOTED: To appoint Taryn Trexler, 253 Concord Road, to the Historic Districts Commission for a term expiring 1/1/26.

Dennis Mannone, Park & Rec Director, to present CPC Town Meeting articles

Present: Park & Recreation Director Dennis Mannone, Planning and Community Development Director Adam Duchesneau, Community Preservation Committee Chair Sherril Cline

Mr. Mannone presented the CPC articles:

Article 30 – Community Preservation Fund - Frank Feeley Field Improvements - \$386,000

Mr. Mannone presented the improvements proposed for the Feeley Fields, which included drainage and safety improvements.

Article 29 – Community Preservation Fund – Dr. Bill Adelson Playground Improvements \$285,000

Mr. Mannone provided detail regarding the proposed playground improvements. He noted that SMILE might be contributing to the project as well.

Open a joint meeting with the Commission on Disability (COD) regarding ADA assessment; discussion with representatives from IHDC

Present: Commission on Disability Members: Chair Pat Guthy, Vice-Chair Kay Bell, Lisa Kouchakdjian, Caroline Santangelo, Doug Frey

IHCD (Institution for Human Centered Design) Representatives: David West and Meghan Dufresne; Town of Sudbury Facilities Director Bill Barletta

Chair Dretler read the motion. Board Member Schineller moved in the words of the Chair. Board Member Russo seconded the motion.

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

VOTED: To open a joint meeting with the Commission on Disability (COD) regarding ADA assessment discussion with representatives from IHDC

Ms. Guthy read to open a joint meeting with the Select Board. Ms. Bell moved in the words of the Chair. Ms. Kouchakdjian seconded the motion.

It was on motion 5-0; Bell-aye, Frey-aye, Kouchakdjian-aye, Santangelo-aye, Guthy-aye.

VOTED: To open a joint meeting with the Select Board and representatives from IHCD.

Chair Dretler stated Town Manager Hayes, Assistant Town Manager/HR Director Maryanne Bilodeau and Facilities Director Bill Barletta had been instrumental in the ADA process.

Town Manager Hayes encouraged all to review the Sudbury ADA Self-Assessment, posted on the Town website. He detailed that IHCD would summarize the draft ADA property surveys, and a follow-up presentation regarding prioritization and review of comments was scheduled for later in March.

Mr. West explained the ADA process and noted that many Town buildings/properties were reviewed and hoped that all sites could be ADA compliant within three to five years.

Ms. Dufresne confirmed that the documents were online in draft form; adding that she was looking forward to receiving public comments within the next two weeks.

Mr. West recognized that ADA baseline ADA regulatory standards were being recommended; and confirmed that the Town and COD could work together to go beyond that standard.

Vice-Chair Roberts asked if IHCD would be involved in the transition plan. Ms. Dufresne responded that at the next meeting, IHCD would submit the transition plan to the Town with priority recommendations.

Mr. West stated that building entries and exists were of initial importance and IHCD would help in the process and would address any questions.

Ms. Roberts noted that additional review time was needed and inquired if other Town departments/groups could provide feedback as well. Mr. West responded affirmatively.

Board Member Russo suggested that teachers, school nurses, COA members and other interested parties; review the assessments for possible input.

Board Member Schineller asked for example of completed ADA assessments performed in other local communities. Mr. West responded he would provide some examples.

Board Member Carty stated that a two-week review period did not provide enough review time and commented that the LSRHS building was a separate entity.

Ms. Bell maintained that many suggested ADA compliance implementations were cost free and could be addressed first.

Ms. Santangelo stressed that prioritization would be especially important and agreed that sufficient review would require more than two weeks.

Ms. Kouchakdjian asked about the purpose of ADA compliance. Mr. West responded that ADA compliance was part of Civil Rights legislation.

Ms. Dufresne emphasized that ADA implementation measures would ensure that the disabled have equal opportunity to participate in activities.

Ms. Kouchakdjian inquired about related costs. Mr. West stated that a cost data base was used, which did not include design expense.

Mr. Frey commented that something as simple as installation of a curb cut, could be extremely helpful for someone in a wheelchair. He emphasized that independence and inclusivity represented civil rights.

Ms. Kouchakdjian asked if the Town should look at an accessibility plan when a new project is being considered. Mr. West stated that IHCD can help with that aspect at the initial planning stage. Ms. Dufresne agreed that an accessibility consultant should be involved at the onset of any Town project.

Ms. Guthy asked if queries could be presented to IHCD. Mr. West responded that IHCD is consulting with the Town and questions must be submitted to Town administration.

Ms. Bell asked about screen readers and accessibility of reports. Mr. West responded said he was not familiar with screen reader information and would reach out to a colleague for more information.

Ms. Guthy agreed that the review and comment period should be extended.

Town Manager Hayes confirmed that IHCD was the ADA authority in the region and the Town was committed to advancing ADA improvements.

Vote to close joint meeting with Commission on Disability (COD) and resume Select Board meeting

Ms. Guthy motioned to close the joint meeting. Ms. Kouchakdjian seconded the motion.

It was on motion 5-0; Bell-aye, Frey-aye, Kouchakdjian-aye, Santangelo-aye, Guthy-aye.

VOTED: To close the joint meeting.

Chair Dretler read the motion. Board Member Carty moved in the words of the Chair. Vice-Chair Roberts seconded the motion.

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

VOTED: To close the joint meeting and resume the Select Board meeting

Chair Dretler asked if anyone wanted to take anything off the consent calendar. Board Member Carty requested Item 21 Annual report and Item 22 Go Sudbury! Pilot.

Chair Dretler motioned that the Board take a five-minute recess. Board Member Russo seconded the motion.

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

VOTED: To take a five-minute recess.

Discuss recent OML violation decision

Chair Dretler referred to the letter from the Office of the Attorney General, dated February 25, 2021; documenting a Select Board violation of the Open Meeting Law due to omission of member roll call at the June 22, 2020 meeting.

Chair Dretler commented that a Board Member was muted at this meeting and that it was a Board policy issue and not an Open Meeting Law issue.

Chair Dretler asked Town Manager Hayes to ensure that other Town Boards were following Open Meeting Law procedure and including official roll call at each meeting.

Discussion and vote on the Annual Town Meeting start time on Saturday, May 22, 2021 at LSRHS field

After Board discussion, Board Member Russo motioned to rescind the previous vote to establish Monday, May 3, 2021 as the Annual Sudbury Town Meeting, with a backup date of May 22 and May 23, 2021; alternative backup dates of June 12 and June 13, 2021. Vice-Chair Roberts seconded the motion.

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

VOTED: To rescind the previous vote to establish Monday, May 3, 2021 as the Annual Sudbury Town Meeting, with a backup date of May 22 and May 23, 2021; alternative backup dates of June 12 and June 13, 2021.

Board Member Schineller motioned to start the Annual Town Meeting at 11:00 a.m. on May 22 and May 23, 2021. Vice-Chair Roberts seconded the motion.

It was on motion 5-0; Carty-no, Russo-no, Roberts-no, Schineller-no, Dretler-no

VOTED: Not to start the Annual Town Meeting at 11:00 a.m. on May 22 and May 23, 2021.

Chair Dretler motioned to have Annual Town Meeting on May 22, and May 23, 2021 at 12:30 p.m. with backup dates of June 12 and June 13, 2021 at 12:30 p.m. Board Member Carty seconded the motion.

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

VOTED: To have Annual Town Meeting on May 22, and May 23, 2021 at 12:30 p.m. with backup dates of June 12 and June 13, 2021 at 12:30 p.m.

Discussion on LSRHS Agreement

The Board discussed the upcoming joint meeting with the Lincoln Board of Selectmen and topics to be covered. The Board indicated that a good result would include agreement to continue LSRHS Agreement aspects.

Vice-Chair Roberts suggested that additional topics including communication, Sudbury and Lincoln Town Meeting schedules and housing be discussed. Town Manager Hayes suggested that the topic of Diversity, Equity and Inclusion also be included. Board Members agreed.

BFRT update provided by Town Manager Hayes

Town Manager Hayes provided BFRT status update. Town staff and Town contractor, Fuss & O'Neill, met with the MassDOT project manager Eamon Kernan earlier today and discussed project readiness and related TIP programming. Chapter 91 permitting was discussed at today's meeting, as this aspect appeared to be of concern to MassDOT (re: consideration of Hop Brook); and Fuss & O'Neill are submitting request for determination of applicability to MassDEP regarding Chapter 91 permitting.

Town Manager Hayes stated that filing could be accelerated if needed. Mr. John Bechard of MassDOT confirmed he would recommend that the project remain on FY 2022 TIP programming

Select Board Goal update from Board goal liaisons

Board Member Carty confirmed that the Transportation Committee would be providing update at the March 16th meeting.

Board Members Russo and Schineller provided update regarding Camp Sewataro, noting that overnight camp restrictions will likely be lifted this summer, and resident swimming at the Camp might be possible on weekends.

Board Member Russo confirmed that he discussed the formation of a kind of agreement with Sewataro representative Kristen Drummey. He noted that such agreement would address camp reservations and use.

Chair Dretler recommended that revenue share opportunities with the Town should be further explored.

Board Member Carty affirmed that all Town enterprises should be viewed in the manner as Camp Sewataro. Chair Dretler agreed with Board Member Carty.

Vice-Chair Roberts stated that further discussion with Camp Sewataro representatives would be beneficial.

Review open session minutes of 2/9/21 and possibly vote to approve minutes

Chair Dretler read the motion. Board Member Carty moved in the words of the Chair. Member Schineller seconded the motion.

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

VOTED: To approve open session minutes of 2/9/21, as edited

Citizen's Comments (cont.)

There were no citizen's comments

Upcoming agenda items

Agenda item topics include:

- Housing choice discussion with Planning Board
- Update on Financial Policies/Procedures - March 16th.
- Diversity, Equity and Inclusion Commission Interviews - March 9th
- ATM Article actions on all upcoming agendas before Town Meeting in May
- Fire Station #2 Article – March 9th
- Joint meeting with FinCom – March 23rd or 30th

Consent Calendar

Vote to send a letter of thanks to Frank Riepe for his many years of service on the Historic Districts Commission

Chair Dretler read the motion. Board Member Schineller moved in the words of the Chair. Board Member Russo seconded the motion.

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

VOTED: To send a letter of thanks to Frank Riepe for his many years of service on the Historic Districts Commission

Vote whether to approve the Town Manager/Select Board submission to the 2020 Annual Town Report

Board Member Carty indicated he did not favor edits made to the Camp Sewataro section of the 2020 Annual Town Report. Board Member Schiller agreed with Board Member Carty. Board Member Russo reiterated that Camp Sewataro should be given additional coverage, in light of the Camp's first year of operation and challenging COVID-19 restrictions.

Vice-Chair Roberts opined that Camp Sewataro might consider producing its own report for next year.

Board members approved final editing of the 2020 Annual Town Report and deleted associated Camp Sewataro language stating: "a privately run camp on Town-owned property," and also including language: "Camp Sewataro also made substantial changes to carry out its 2020 summer season. With enrollment limited to less than 2/3 of the historic enrollment to comply with COVID-19 guidance, the Camp had 202 Sudbury campers from 139 Sudbury families attend, including campers receiving scholarship support. In addition, the Camp employed 56 Sudbury residents." The word "valiant" was substituted with the word "significant."

Chair Dretler read the motion. Vice-Chair Roberts moved in the words of the Chair. Board Member Carty seconded the motion.

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

VOTED: To approve the Town Manager/Select Board submission to the 2020 Annual Town Report, as edited

Vote to allocate \$20,000 of the mitigation funds listed in item 4.2.c. of the Meadow Walk Development Agreement to the Go Sudbury! Microtransit Pilot Program

Board Member Carty confirmed that the \$20,000 amount to be substituted with \$5,000 due to timing of various Boards conducting their meetings. Board member Russo commented that town Manager Hayes provided extensive explanation on this aspect.

Chair Dretler provided additional background regarding the change in funding. Board Member Carty detailed various aspects related to the micro-transit program and the community compact considerations.

Chair Dretler recognized the great need for this transportation service and the Transportation Committee has been discussing future funding.

Board Member Carty moved to allocate \$5,000 of the Meadow Walk Development mitigation funds in item 4.2.c. to the Go Sudbury! Microtransit Pilot Program. Board Member Russo seconded the motion.

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

VOTED: To allocate \$5,000 of the Meadow Walk Development mitigation funds in item 4.2.c. to the Go Sudbury! Microtransit Pilot Program.

Vote to adjourn meeting

Chair Dretler read the motion. Vice-Chair Roberts moved in the words of the Chair. Board Member Carty seconded the motion.

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

VOTED: To adjourn the meeting

There being no further business, the meeting was adjourned at 11:43 p.m.

3/2/21 - Documents & Exhibits

1. Vote to immediately enter Executive Session pursuant to Exemption 3 (G.L. c. 30A, §21(a)(3)) – To discuss strategy with respect to litigation (Eversource) Sudbury v EFSB, SJC No. 12997; Sudbury v Secretary EOEEA, Suffolk Superior Court No. 2084CV00151.

Attachments:

1.a Overview of Surface Transportation Board Litigation Strategy Revised 2_25_2021

2. Continue executive session to review, approve and possibly release executive session meeting minutes, pursuant to G.L. c. 30A, § 21(a)(7) “[t]o comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements” (“Purpose 7”), citing to the Open Meeting Law, G.L. c. 30A, §§ 22(f), (g).

Attachments:

2.a BOS Executive Session 1-26-2021_for_review

2.b BOS Executive Session 2-09-2021_for_review

4. Discussion and possible vote regarding NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY’s responses to the questions posed at the December 15, 2020 Grant of Location Hearing, to determine if there are unaddressed concerns related to the responses provided.

Attachments:

4.a GOL responses 1-13-21

4.b Keegan & Werlin Attorneys_ Eversource Energy Request for Prompt Hearing and Issuance of Grants of Location

5. Interview candidates for reappointment to the Permanent Building Committee (PBC). Following interview, vote whether to reappoint Nancy Rubenstein, 57 Winsor Road, and Michael Melnick, 97 Lincoln Road, to the Permanent Building Committee, both for a term expiring 5/31/23.

Attachments:

5.a PBC reappointment recommendation_EJ

5.b Melnick credentials_redact

5.c Nancy Rubenstein Application_redact

5.d Rubenstein resume Jan 2021_redact

6. Interview candidate for Historic Districts Commission (HDC). Following interview, vote whether to appoint Taryn Trexler, 253 Concord Road, to the HDC for a term expiring 1/1/26.

Attachments:

6.a Appointment Letter -Taryn Trexler 210205

6.b Taryn Trexler Application 210203_redact

7. Dennis Mannone, Park & Rec Director, to present CPC Town Meeting articles. Also attending is Adam Duchesneau, Director of Planning & Community Development, and Sherril Cline, CPC chair.

Attachments:

7.a SMILE Playground Surface Improvements_Selectboard_mtg

7.b Frank Feeley Field Park Improvements - Selectboard_Mtg

10. Discuss recent OML violation decision

Attachments:

10.a OML 2021-20 - Sudbury Board of Selectmen

12. Discussion on LSRHS agreement

Attachments:

- 12.a 20200908 Response Memo to Questions_Concerns with LS Regional Agreement - Town of Sudbury
- 12.b LS Agreement May 1988 Searchable Format
- 12.c MARS Regional Agreement Update

14. Select Board Goal update from Board goal liaisons.

Attachments:

- 14.a BOS Goals 2021 for Board Edits

15. Discussion, review, and vote on Appointment Policy and Code of Conduct (continued from 2/9 meeting).

Attachments:

- 15.a DRAFT Select Board Policy Tracking Sheet 022621
- 15.b DRAFT Sudbury Appointment Policy and Code of Conduct
- 15.c PoliciesProc.1999_for_website

16. BFRT update provided by Town Manager Hayes.

Attachments:

- 16.a HHayes to MPO_Sudbury BFRT 608164 20210217

17. Review open session minutes of 2/9/21 and possibly vote to approve minutes.

Attachments:

- 17.a SB_draft1_2.09.21_min_for_review

19. Upcoming Agenda Items

Attachments:

- 19.a POTENTIAL UPCOMING AGENDA ITEMS_3_2_21

20. Vote to send a letter of thanks to Frank Riepe for his many years of service (2001-2021) on the Historic Districts Commission.

Attachments:

- 20.a Riepe resignation

21. Review and vote whether to approve the Town Manager/Select Board submission to the 2020 Annual Town Report.

Attachments:

- 21.a Select Board and Town Manager Report 2020 - Draft9 2-9-21
- 21.b Select Board and Town Manager Report 2020 - Draft10 2-23-21 Roberts Dretler Edits with Mark-Up
- 21.c Select Board and Town Manager Report 2020 - Draft10 2-23-21 Roberts Dretler Edits No Mark-Up

22. Vote to allocate \$20,000 of the mitigation funds listed in item 4.2.c. of the Meadow Walk Development Agreement to the Go Sudbury! Microtransit Pilot Program.

Attachments:

- 22.a SB Agenda Request - Go Sudbury! Allocation 210302